

THE
CARTER CENTER



OBSERVING SUDAN'S 2010
NATIONAL ELECTIONS

APRIL 11–18, 2010

FINAL REPORT

Waging Peace. Fighting Disease. Building Hope.



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FOREWORD

By Dr. John B. Hardman

President and CEO, The Carter Center

The Carter Center has worked in Sudan for more than 20 years. During that time, we have built a lasting connection with its people.

The Carter Center has invested deeply in the country and worked on both health and peace projects to improve living conditions and prevent conflict in a country that has known terrible war since its independence in 1956. The world rightly congratulated Sudan upon the signing of the Comprehensive Peace Agreement (CPA) in Naivasha, Kenya, in 2005, and the international community committed to helping implement all stages of the accord. At the core of the CPA was a requirement to hold a national vote for political offices at six different levels before the end of the agreement's interim period in 2011. The intent of

these provisions was to ensure that a democratically elected government would be in place for the CPA's culmination—a referendum on self-determination for Southern Sudan that would decide the fate of the country as one unified state or two separate entities.

Unfortunately, given delays in administration, logistical difficulties, a lack of sufficient safeguards and transparency during the voting process, insecurity, and in many cases direct intimidation and violence by security forces against citizens, poll workers, and candidates, Sudan's April 2010 elections did not meet international standards for genuine democratic elections. While the conduct of the elections was an

important step in the implementation of the CPA, the electoral process did little to build a more democratic, inclusive Sudan.

Without question, organizing the national elections was a monumental task. Including races for president of Sudan, president of Southern Sudan, governorships, National Assembly, state assemblies, and the Southern Sudan Legislative Assembly, the National Elections Commission (NEC) was tasked with administering an election with more than 16

million voters in the largest country in Africa, with roughly 16,000 candidates running for office. An election of this scale and complexity would have been challenging in any country. Due partly to these issues, Sudan's national elections were postponed twice, originally anticipated to be held by July 2009 but rescheduled to April 2010.

Despite persistent challenges, Carter

Center observers noted an important democratic opening across the country during the candidate nomination phase, campaigning, and in the lead-up to the elections, particularly in Southern Sudan. Independent candidates gained large followings in many races, and it seemed there would be real competition for executive and parliamentary offices. In Northern Sudan, a legacy of repression and one-party rule was more difficult to overcome, and political parties seemed slow to respond to the initial democratic opening and take the opportunity to contest the ruling National Congress Party (NCP). Disparate resources among parties, existing security laws, and



In Sudan for the April 2010 elections, Dr. John Hardman, president and CEO of The Carter Center, takes notes at a Khartoum polling station.



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the inconsistent application of bureaucratic restrictions prevented an open and competitive campaign.

The April elections were announced as the first multiparty, democratic vote since 1986. Carter Center observers were impressed by and appreciative of the enormous effort put into the administration of the elections by staff across the country, many of whom worked long hours and extra days without assurances they would be properly compensated and in some cases under harsh and insecure conditions. Despite these efforts, planning by the NEC and the state-level high election commissions (HECs) was inadequate, voter education was notably absent, and irregularities during the polling, counting, and tabulation phases were widespread, undermining the credibility of the vote. We were disappointed by the withdrawal of several candidates from the presidential and parliamentary races in the North, which reduced the competitive nature of the elections and the eventual diversity of the country's population and political forces in the parliament.

Two major problems impeded the participation of a significant number of voters and should be avoided in future polls: the inaccuracy of the voter lists and the poor provision and allocation of polling stations by the NEC and state HECs. Voter lists and the allocation of parliamentary seats were based on a contested census. The registry was obscured by translation from Arabic to English before final printing, and the late dissemination of lists immediately before election day prevented voters from verifying their names on the voter rolls and intended voting site. The number of polling sites was also reduced to roughly 16,500 from 21,200, resulting in a dramatic increase in the average number of registered voters assigned to each polling site. The method used to assign voters from registration centers to polling centers was unclear. It

was difficult for many voters to find their names on voter lists and locate their polling stations. The NEC extended the voting time from three to five days to help alleviate these problems; however, the extension could not overcome initial problems in implementation that disenfranchised many voters. Another critical shortcoming in the elections was tabulation, which was severely disorganized and susceptible to manipulation.

It is critical that the major ruling parties and authorities in the Government of Sudan and Government of Southern Sudan do not repeat the political and technical flaws made during the April 2010 electoral process and ensure proper planning is in place and commitments are honored before the vote is held on the referendum for Southern self-determination. It is widely agreed that the voter registration process for the referendum must be improved to ensure Southern Sudanese are not disenfranchised in this critical vote. Plans should be reviewed and improved so that all eligible voters, including those living within or outside Southern Sudan and those who are part of pastoral populations, take part in the upcoming referendum.

There is no question that there will have to be a renewed commitment to build upon the opening brought about by the elections in order to ensure a successful referendum that reflects genuinely the will of the people of Southern Sudan. The enormous significance of the referendum for the future of the country as well as the wider region is understood worldwide. The international community has taken the preliminary steps needed to support Sudan's referendum, but must also support the development of an inclusive political system in Sudan that ensures both a credible referendum and a lasting, durable peace for all its people.



EXECUTIVE SUMMARY

The April 2010 elections in Sudan were mandated by the 2005 Comprehensive Peace Agreement (CPA). They were intended to be instrumental in setting the stage for the referendum and corresponding negotiations and were envisioned as a critical part of a broader democratic transformation. In the period between the CPA's signing and the holding of the national elections, political rights and freedoms were circumscribed, placing limits on political parties and civil society and fostering distrust between the ruling parties and the opposition in the North and South that was to prove central in undermining the inclusiveness and credibility of the elections.

The 2010 elections provided limited but important opportunities for opposition parties and civil society to engage in the political process and reconnect with their bases. The opposition parties in the North criticized the voter registration process and demanded a series of other reforms, including repeal of restrictive security laws, the end of National Congress Party (NCP) domination of the state media, review of the boundary decisions of the geographical constituencies, and restructure of the National Elections Commission (NEC). The refusal of the Government of National Unity (GNU) and the NEC to meet these demands or to seriously engage with the parties led most of the Northern opposition to launch full or partial boycotts of the election. The failure by the central government to advance democratic conditions sufficiently and guarantee political rights and freedoms at the start of the elections, coupled with the opposition boycott, resulted in an atmosphere of distrust among the major political parties and an election in the North that was not very competitive.

In the South, the opposition remained committed to the process in spite of serious obstacles. Interference and intimidation in the campaigns of opposition candidates by security agencies, particularly the Sudan People's Liberation Army (SPLA), were widespread. Many opposition candidates and party agents were arrested and harassed, and candidates were not adequately protected. In several states, cases of harassment and intimidation observed during and after polling were so serious that the credibility of those races could be considered compromised.

Although the election process was generally peaceful, Carter Center observers found it fell far short of Sudan's domestic and international obligations in many respects.

Although the election process was generally peaceful, Carter Center observers found it fell far short of Sudan's domestic and international obligations in many respects: intimidation and violence in some areas of Sudan undercut inclusiveness, civic education was insufficient, the inaccuracy of the final voter registry pre-

vented full participation in the process, insufficient materials were provided to many polling stations, the environment in Darfur did not support the holding of democratic elections, and vote tabulation throughout the country lacked important safeguards for accuracy and transparency. In addition, the NEC's administration of the elections lacked cohesiveness in that decisions and their implementation were changed continually, and the NEC missed several key deadlines. Moreover, the NEC was insufficiently transparent and lacked full independence from the central government, thereby undermining trust.

While election administration was originally envisaged to be highly centralized within the NEC, the body's lack of direction for its subsidiary bodies led to the often de facto autonomy of states' high election commissions (HECs), but without the timely provi-



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sion of necessary technical and financial resources. Poor coordination between the NEC and state HECs led to significant problems in the administration of key phases of the electoral process, including constituency delimitation, compilation of the voter lists, training of polling and tabulation staff, the disbursement of funds from the NEC to the state bodies, and the tabulation of results.

Participation in voter registration varied across Sudan, and there were major problems related to the accuracy of the voter list. These issues stemmed from a combination of factors, including insufficient civic education on voter registration, the failure to post the preliminary voter lists for public review in many areas, especially in the South, and the completion of the final voter registry only very late in the process, leading to delays in the delivery of the lists prior to polling.

The nomination process was reasonably smooth in most states; however, the NEC's failure to coordinate with the state HECs resulted in long delays in finalizing the candidate lists and producing ballots. This in turn led to the late delivery of voting materials, which negatively affected electoral operations. Incorrect ballots were delivered in some constituencies, requiring elections to be rerun. Voting was suspended in other constituencies until the proper materials could be delivered.

The election was conducted over five days of voting across the country. During this period, the election suffered from a range of operational problems: late delivery of or inadequate materials, inaccurate voter lists, incorrect or insufficient ballots, and procedural inconsistencies. The polling process lacked sufficient safeguards and the transparency necessary to verify key steps and build trust in the system. During polling, observers reported various problems

with indelible ink, ballot box seals, underage voters, and the identification of voters, particularly when certificates were issued as identification documents by Popular Committees (government-established bodies of volunteers who administer the affairs of a village) at the polling stations. In a context of weak civic education and training of staff, coupled with Sudan's high rate of illiteracy, election officials had numerous opportunities to misrepresent voters' desires deliberately while assisting voters. Insufficient efforts were made to ensure that voters were empowered to make informed decisions. The procedure for voters to lodge complaints in the polling stations failed to provide adequate remedies.

The counting and tabulation of results were badly flawed across Sudan and cast serious doubts on their accuracy. Frequently, the electronic system that was developed to tabulate results was only partially used or not used at all. In most states, the built-in electronic safeguards were either not used or ignored. In several data

centers, it was discarded entirely in favor of ad hoc manual tabulation. Procedures for handling forms and recording results were not followed, directly affecting results. The decision by the NEC to not release results disaggregated by polling station further weakened the transparency of the process and likely undermined public confidence in the election. The legal framework for elections failed to provide effective means for contestants seeking redress.

In Darfur, the continuing state of emergency, repression of civil liberties, ongoing conflict, and limited participation of more than 2 million internally displaced persons (IDPs) did not permit an environment conducive to genuine elections. Carter Center observers were unable to access large parts of Darfur due to insecurity and in some cases were restricted from carrying out their duties. Violence continued,

In Darfur, the continuing state of emergency, repression of civil liberties, ongoing conflict, and limited participation of more than 2 million internally displaced persons did not permit an environment conducive to genuine elections.



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Voters cast their ballots at a polling center in Juba.



Two female election workers count ballots.

and several IDP leaders in Darfur were arrested. In addition, the counting and tabulation of results suffered serious irregularities. The elections in Darfur cannot be considered credible.

The limited competitiveness of the presidential elections and the overwhelming election of the dominant political forces to the National Assembly and the Southern Sudan Legislative Assembly, coupled with the tightening of political space and freedoms of the press since the elections, underscore the challenges to democracy in Sudan.

As the country turns toward the referendum and the culmination of the CPA, there are certain important steps not directly related but parallel to the elections that the two peace partners must complete. The

Carter Center encourages the parties to resolve these outstanding CPA implementation matters, including particularly border demarcation between the North and the South and the formal appointment of the delayed referendum commission for Abyei.

It is important for Sudan to draw appropriate lessons to ensure the upcoming referenda and popular consultations do not repeat the political and technical flaws of the April 2010 elections; this report makes a series of recommendations designed to assist Sudanese to make improvements for future elections.

The Carter Center's major recommendations regarding the elections are summarized below:

1. The government should revise the legal framework for elections and human rights to amend laws inconsistent with Sudan's obligations for genuine, democratic elections and civil liberties, as included in the Interim National Constitution, CPA, and regional and international treaties it has ratified.
2. The security services should only operate within their official remit and ensure their actions do not result in intimidation or prevent candidates, parties, or citizens from fully engaging in the electoral process. Appropriate sanctions for violations by security personnel should be firmly applied. Authorities should finalize security plans far in advance of election events so as to be fully prepared for a number of possible scenarios.
3. Electoral authorities should develop operational procedures in a timely manner, communicate them clearly, and ensure they are applied fully and consistently.
4. National electoral authorities must provide subsidiary state bodies the full financial and technical support in a timely manner to carry out their duties.
5. Coordination among the NEC, civil society organizations, and the media should be improved to clarify responsibilities for the implementation of civic and voter education programs, which should be intensified.



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More than 70 observers from 27 countries formed the Carter Center's observation delegation.

6. Accreditation procedures for national and international observers and party agents should be applied consistently and developed well in advance of the elections to ensure there are no obstacles to the observers' and agents' participation.
7. Voters should be issued durable and clearly filled-out registration cards to improve the registration processing system, which should be transparent and consistently applied. Voter lists should be made public for review with sufficient time for challenges and revisions.
8. Voters should register and cast their ballots at the same location, with an increased number of locations to allow for the widest participation of eligible voters possible.
9. Political parties should engage in respectful and lawful campaigning. Party agents and representatives should act within their defined roles and should not interfere with the electoral process, while at the same time be provided with adequate protection from the authorities to carry out their duties.
10. Future electoral commissions should improve logistical arrangements related to polling and ensure sufficient voting materials are provided in advance of voting. Ballot papers and other sensitive materials should be procured from abroad. Elections should be reduced to the shortest number of days possible to reduce the security and logistical burdens that accompany multiday polling.



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11. Procedures for voter identification should be strengthened through the thorough training of polling staff and the issuance of high-quality registration cards to voters to facilitate easy identification on polling days.
12. Cascading training programs should be designed to reach lower level polling officials, include more trainers, have greater standardization, and incorporate additional monitoring and oversight. Polling staff should receive more intensive training on counting procedures for identifying invalid votes, and votes should be counted when the voter intent is not in doubt.
13. The tabulation system must ensure accuracy of results and its implementation rigorously applied. Adequate training should be provided to tabulation staff to preserve the integrity of the process.
14. The release of results should be disaggregated by polling station, a critical benchmark for the transparency of any election.
15. Electoral dispute resolution mechanisms should be strengthened, so that voters and candidates alike are provided adequate redress for their complaints.
16. Future election commissions should operate in a manner that is transparent and independent. The political leadership should respect the role of election management bodies as administrators of the process and protect these institutions from undue influence.
17. Greater efforts should be made to guarantee the inclusion of all Sudanese and ensure that all branches of the government are committed to implementing tangible steps to this effect.
18. There should be a broad-based national reconciliation process, as mandated by the CPA, that includes all of Sudan's people as a means of engaging the broadest representation of society possible in the political process.
19. The government should reach agreement with the Darfuri rebel groups and a broad-based representation of civil society to bring them into the political process and provide for their representation in the country's political institutions. To enable a true democratic expression of the view of Darfurians, elections must be part of any future peace agreement.
20. For genuine democratic development to be sustained in both the North and South, Sudan's governments should ensure that all democratic openings are expanded and deepened and that the country's national and international commitments to preserve fundamental freedoms are respected. Full recognition of human rights, democratic principles, and government transparency will help reduce the mistrust that undermined the 2010 electoral process while providing a sound basis for the anticipated referenda and future elections.

This report also contains recommendations directly relevant to the administration of the referenda for Southern self-determination and the status of Abyei; these recommendations are found in the final section of the report.



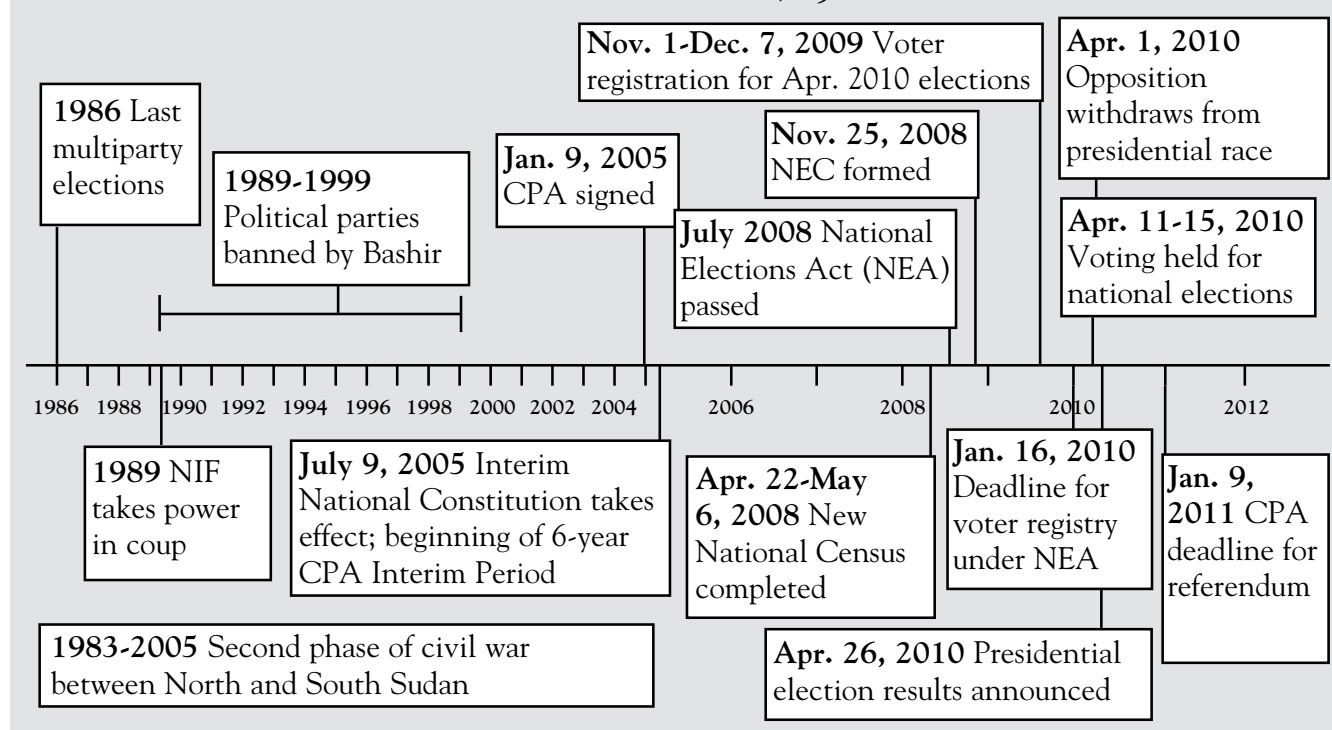
HISTORICAL AND POLITICAL BACKGROUND OF SUDAN

There are generally considered to have been six multiparty elections in Sudan prior to the April 2010 election (1953 before independence, 1958, 1965, 1967, 1968, and 1986). These elections were not monitored by international observer groups, but accounts from journalists and other witnesses suggest that while the processes were sometimes events for popular mobilization, they were not inclusive of the whole of Sudan, suggesting that they fell short of international standards for genuine, credible elections. The last multiparty election of 1986 took place after a long period of authoritarian rule and was held during conditions of war in the South that did not permit voting in significant parts of the territory. However, the 1986 election did gain acceptance of the Sudanese and—unlike the April 2010 general election—was overseen by government

bodies that had the trust of the various political parties in the North. Elections were held in 1996 and 2000 under the National Congress Party (NCP) but were not inclusive of the country's major political forces and failed to gain domestic or international legitimacy.

Opposition to central rule in Khartoum from various peoples of Sudan's peripheries, but particularly from the largely non-Muslim South, began with the end of the colonial era and the transfer of power to an indigenous elite that hailed from the country's riverain core in Northern Sudan. This produced Sudan's first North-South civil war that ended in 1972 with the Addis Ababa Agreement but resumed in 1983 under the leadership of the Sudan People's Liberation Movement/Army (SPLM/A). Unlike the rebels of the first civil war, the SPLM/A under Dr. John Garang

POLITICAL TIMELINE OF SUDAN, 1986 TO PRESENT





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called for a united, reformed, and secular Sudan, and this program found support in the North from a variety of nongovernment actors.

In June 1989 the National Islamic Front (NIF, forerunner of the present-ruling NCP), led by Hassan al-Turabi, overthrew the democratically elected government headed by Prime Minister Sadig Al-Mahdi. The incoming government appointed General Omar al-Bashir as president, banned all political parties and political activities, curtailed civil society, and severely restricted human rights. The civil service, army, and security agencies were purged of those suspected of loyalty to the opposition parties and were replaced with supporters of the regime.

The Popular Defense Force was established to mobilize the population, defend the government, and advance its Islamist policies.

The NIF coup took place on the eve of a National Assembly vote that was expected to endorse a framework for peace with Dr. John Garang. The incoming regime rejected this effort at peacemaking, instead escalating the war. With no prospects of

attaining power through political means, the leading Northern opposition parties formed the National Democratic Alliance (NDA) with the SPLM in the 1990s and created military bases in Eritrea and Ethiopia in order to launch attacks into Sudan.

Domestic and international attempts at peace-making failed to stop the spreading anti-Khartoum insurgency until the United States and its Western allies gave critical support to the efforts of the Inter-Governmental Authority on Development. On Jan. 9, 2005, the NCP and SPLM signed the CPA, ending the 22-year North-South conflict.

The CPA called for a six-year transitional period during which the key provisions of the agreement would be implemented. This included the holding of national elections in Sudan to cement the country's democratic transformation and put in place accountable governments in both Northern and Southern

Sudan to oversee the January 2011 referenda on self-determination for the people of Southern Sudan and Abyei and popular consultations for South Kordofan and Blue Nile states to address any shortcomings of the CPA. It also called for the creation of the Government of National Unity (GNU) under the formula of 52 percent representation for the NCP, 28 percent for the SPLM, and 20 percent for the remaining parties in the Sudan National Assembly. As leader of the NCP, Omar al-Bashir became president of the GNU, Salva Kiir first vice president, and Ali Osman Taha the second vice president. The Government of Southern Sudan (GoSS) was cre-

ated with the SPLM holding 70 percent of the seats, the NCP 15 percent, and the remaining parties 15 percent. In his capacity as chairman of the SPLM, Kiir was appointed president of the GoSS and Dr. Riek Macher Teny was appointed vice president.

The CPA did not end the armed struggles of the other components of the NDA nor the armed groups that launched parallel struggles in Darfur in 2003.

The NDA signed a peace agreement with the NCP in Cairo in 2006 that was followed by the Eastern Sudan Peace Agreement between the GNU and the Eastern Front, an umbrella organization that embraced the Beja Congress and Rashaida Free Lions. The NDA joined the opposition in the National Assembly, and the eastern parties took minor positions in the GNU. In 2006, the Darfur Peace Agreement was signed, which brought in only one faction of the Darfuri armed groups—the Minni Minawi faction of the Sudan People's Liberation Movement/Army (SPLM/A)—into the National Assembly while making Minawi a presidential assistant. The peace agreement did not stem the conflict in Darfur, which has continued to the present day.

These peace agreements provided a window of opportunity of reconciliation among the political parties, but the CPA's promise of democratic trans-

These peace agreements provided a window of opportunity of reconciliation among the political parties, but the CPA's promise of democratic transformation has not been fulfilled.



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formation has not been fulfilled. Freedom of assembly continued to be curtailed, particularly in Khartoum where security forces typically moved quickly to stop even peaceful demonstrations. Freedom of association remained restricted, with civil society organizations controlled by law and infiltrated by the security agencies. The trade unions and professional associations that were once important elements in the political culture of the country were no longer permitted their former freedoms. Although there were small openings for the private media, there were a range of subjects—the International Criminal Court, security issues, and allegations of corruption against senior NCP officials—that often brought journalists before the government-dominated Press Council or the courts. The courts were also restricted in their purview and have not been able to critically review and check government activities. The security and intelligence forces continued to assume an intrusive role in the lives of citizens. In the South, media freedom was also curtailed. Outside urban centers, the SPLA frequently operated with scant respect for human rights and demonstrated little accountability to any government bodies.

Prior to the holding of the Southern Sudan and Abyei referenda, the CPA called for national elections at six different levels of government to ensure that the ballots for the referenda were presided over by democratically elected representatives. Several stages of preparations were necessary before the national elections could be held.

CENSUS

To prepare for the elections, Sudan conducted a census in April 2008; results were released in May 2009. Following objections to the accuracy of the census, an agreement was reached in early March 2010 between the NCP and the SPLM to provide Southern Sudan with 40 additional seats in the National Assembly, Abyei with two seats, and South Kordofan with four seats. In the case of South Kordofan, the parties agreed to re-conduct the census and voter registration in preparation for postponed state assembly and



Women cheer at a rally for President Omar al-Bashir's National Congress Party in the lead-up to the April elections.

gubernatorial elections. This agreement between the SPLM and NCP on National Assembly seats and the South Kordofan State Legislative Assembly was subsequently endorsed by the National Elections Commission (NEC), though with no clear road map as to how these seats should be distributed. Concerns related to the census elsewhere in Sudan, particularly in Darfur and the East, were not addressed.

POLITICAL CONTEXT OF THE APRIL ELECTION

The legal and constitutional context for the April 2010 election was determined by the CPA, the Interim National Constitution, and the unanimous decision of the National Assembly on the establishment and composition of the NEC.

The political context in Sudan, along with international developments, also significantly influenced the developments leading up to and affecting the election. First, the national polls were framed by years of government domination of the political process and the systematic abuse of human rights. Second, the ongoing war in Darfur served to both limit participa-



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tion in the election and create obstacles to the resolution of the region's crisis. Third, the lack of capacity of all the parties in both the North and the South, excepting the NCP and SPLM, had major implications for the election. Fourth, the context of the election was defined by failed attempts of the Northern opposition to remove the NIF/NCP by both political and military means in the previous two decades and their continuing attempt to discredit the ruling party. Thus the Northern opposition did not see the elections as an end in themselves as the parties did not foresee any possibility of the NCP being defeated electorally, or if it was, that it would permit a peaceful transfer of power. Lastly, while the NCP held that its participation in the April elections was based solely on the CPA commitment to hold elections, it also saw the process as an opportunity to improve its standing internationally, and in particular the position of its leader, President Omar al-Bashir, who faces arrest by the International Criminal Court for crimes against humanity and war crimes in Darfur.

Indeed, NCP officials repeatedly assured the public that they would win massively, including President Omar Al-Bashir, who was to win the presidential race. Meanwhile, the Northern opposition viewed the election as an opportunity to reconnect with their bases, gain relevance within the political process, and devote their efforts to challenging the election playing field by launching various appeals to the NEC. By so doing, they hoped to demonstrate before the domestic and international communities that the election environment was unfair, the NEC was a tool of the NCP, and that the latter was not committed to the democratic transformation stipulated in the CPA. Meanwhile, after years of repression, decline, and divisions, the NCP assumed that the main Northern parties—Umma and Democratic Unionist

Party—were substantially weakened to the extent that they could not compete with the ruling party and the resources at its disposal.

The Northern opposition parties together with the Northern sector of the SPLM formed the Juba Alliance in September 2009 as a vehicle to press the NEC and NCP to postpone the election, establish a caretaker government to resolve the conflict in Darfur, and level the electoral playing field. The Juba Alliance¹ held the door open to participation, but only if its key demands were accepted. The NEC and

NCP, however, gave no indication they were prepared to negotiate.

The NCP with its considerable financial and human resources set about organizing its base and preparing for the election. Its response to the Juba Alliance's demands was to accuse them of being ill-prepared for the election. The NCP also took steps to try to divide the Northern opposition parties, bringing factions

into the government or forming partial alliances under which they pledged support for Bashir for president but ran against the NCP in other races.

Although the NCP viewed the Northern sector of the SPLM with concern because of its continuing commitment to a secular Sudan (a direct challenge to its Islamist vision), it assumed that the SPLM's party leadership in the South could control these devotees of Garang's notion of a "New Sudan." Moreover, in the interest of preserving a partnership based on the CPA, the NCP expected that the SPLM would not run a candidate against Bashir for the presidency and would not seriously compete in the North in exchange for the NCP reciprocating in the South. In the end, internal SPLM divisions complicated any

The SPLM in the post-Garang period increasingly became divided between those who continued to espouse the New Sudan ideology of a secular, united Sudan and those dedicated to Southern self-determination who only viewed the elections as secondary to the referendum.

¹ The Juba Alliance consisted of the SPLM-North, the Umma National Party, Sudan Communist Party, Umma Reform and Renewal Party, Popular Congress Party, and a number of smaller parties. The Democratic Unionist Party joined when the alliance changed its name to the National Consensus Forces.



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predictions about its agenda.

The SPLM in the post-Garang period increasingly became divided between those who continued to espouse the New Sudan ideology of a secular, united Sudan and those dedicated to Southern self-determination who only viewed the elections as secondary to the referendum. This divide also took on a North-South form with those in the Southern sector of the SPLM fearful of being drawn into national politics and anxious not to undermine the SPLM-NCP partnership that was held to be crucial to overcoming outstanding CPA issues and delivering the referendum.

Southern opposition parties shared many of the same values and perspectives as the SPLM, including, crucially, the significance of carrying forward the peace process and realizing the objective of holding the referendum on Southern self-determination. The

one partial exception was SPLM-DC, led by Dr. Lam Akol, which was made up of breakaway elements of the mother party and was viewed by the SPLM to be a de facto party of the NCP. The SPLM also accused the SPLM-DC of fomenting conflict between the Dinka and Shilluk in Upper Nile and of doubling as an armed group. In January 2010, the Constitutional Court confirmed that the GoSS must fully accept the right of the SPLM-DC as a legally registered party that could participate in the election. Unlike their Northern counterparts, the Southern opposition parties did not make demands for radical changes to the electoral environment and did not support calls for the election to be postponed. They did, however, demand that, given the enormous difference between them and the SPLM in terms of access to finances, the GoSS provide them with funding.

OVERVIEW OF SUDAN

Population

- Estimated at 41,980,182
- Controversial 2008 census recorded 39.15 million inhabitants:
 - 30.89 million in Northern Sudan with 7.5 million in Darfur
 - 8.26 million in Southern Sudan
- As of January 2010, there were an estimated 4.9 million internally displaced persons in Sudan (Internal Displacement Monitoring Center, Feb. 22, 2010)

Languages

Arabic, English, Nubian, various Nilotic and Semitic languages

Literacy Rate

- 61.1 percent overall
- 24 percent in Southern Sudan (United Nations Population Fund)

Political Rights

- National Elections Act of 2008 provides for universal suffrage of Sudanese over age 18.
- Sudanese women received the vote in 1964.

Legal Rights

- Legal system is based on combination of Islamic Shari'a law and English common law.
- Southern Sudan legal system still evolving since the Comprehensive Peace Agreement; Shari'a law does not apply.
- The Interim National Constitution guarantees men and women equal rights.
- The Emergency and Public Safety Protection Act of 1997 allows for restrictions on freedom of movement, association, and expression throughout Darfur.



OVERVIEW OF THE CARTER CENTER OBSERVATION MISSION

In October 2007, President Carter visited Sudan as part of a delegation from the Elders organization to discuss Darfur and support the pursuit of peace. While there, President Omar al-Bashir and First Vice President Salva Kiir invited former U.S. President Jimmy Carter and The Carter Center to monitor Sudan's general elections. In response to the invitations from Bashir and Kiir, the Center sent an assessment mission to Sudan in November 2007 and was welcomed by all major parties to participate as an international observer in Sudan's electoral process.

The Center established a presence in Khartoum and Juba in February 2008 and began monitoring and reporting on key developments. Carter Center staff were invited to observe National Assembly discussions on the 2008 National Elections Act and were present for the NEC's formation and announcement of an electoral calendar. With the signing of memo-

randa of understanding with the GNU and NEC and with the Government of Southern Sudan in August 2009, the Center was guaranteed freedom of movement and access to observe the entirety of Sudan's electoral process. The Center deployed long-term observers, medium-term observers, and short-term observers to monitor every stage of Sudan's electoral process.

The objectives of the Carter Center's election observation mission in Sudan were to (a) provide an impartial assessment of the overall quality of the electoral process, (b) promote an inclusive electoral process for all Sudanese, and (c) demonstrate international interest in and support for Sudan's electoral process.

These elections were assessed against the 2005 CPA, the Interim National Constitution, the National Elections Act of 2008, the Political Parties

Sudan's International Legal Obligations: Status of Signatures and Ratifications

Treaty/Declaration	Status	Date
International Covenant on Civil and Political Rights (ICCPR)	Acceded	March 18, 1986
International Convention on the Elimination of Racial Discrimination	Acceded	March 21, 1977
Convention on the Rights of Persons with Disabilities	Ratified	April 24, 2009
Convention on the Rights of the Child	Ratified	August 3, 1990
U.N. Convention Against Corruption	Ratified	January 14, 2005
African Charter on Human and Peoples' Rights (ACHPR)	Ratified	February 18, 1986
African Charter on Democracy, Elections and Governance	Signed	June 30, 2008
African Charter Against Corruption	Signed	June 30, 2008
First Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women	Signed	June 30, 2008
Arab Charter on Human Rights	Acceded	May 22, 2004



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Act, and other national laws, as well as Sudan's international treaty obligations, including the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights. Further details on the domestic and international laws to which Sudan has committed are provided on the previous page in the analysis of the legal framework.

The Center's observation mission was conducted in accordance with the Declaration of Principles for International Election Observation and the Code of Conduct adopted at the United Nations in 2005 that has been endorsed by 35 election observation groups. The declaration lays out guiding principles for the conduct of credible and professional election observation. The Carter Center is also a member of the tripartite secretariat responsible for furthering the declaration's ideals.

The backbone of the Center's Sudan observation mission was the teams that observed all phases of the electoral process, including assessments of the pre-election period, election days, and postelection events. Carter Center observers monitored and reported in locations of key political sensitivity, in a deployment designed to ensure Carter Center observers covered both major population centers and remote areas.

The Center's election observation activities in Sudan commenced in February 2008 at the invitation of the GOS and the GoSS. In the early stages, the Center maintained a small presence of core staff in Khartoum and Juba to monitor important electoral and political developments and to liaise with key stakeholders on the national and subnational levels.

The Center deployed 12 long-term observers in mid-2009 to monitor electoral preparations, provide analysis of related political developments, and inform stakeholders at the state level of the Center's role. Long-term observers were supplemented by 20 medium-term observers who arrived in November 2009 to monitor the voter registration process. Both long- and medium-term observers traveled to more

than 650 fixed and mobile registration sites in all 25 of Sudan's states. The medium-term observers remained in Sudan for the additional week of registration, which was announced at the end of the process. Additional long-term teams were deployed to monitor the electoral process through the campaign period in the lead-up to elections, totaling 16 observers. All observers received predeployment training,

including review of the Carter Center's methodology, training on reporting forms, and background on Sudan's national and international legal commitments. Long-term observer teams and core staff visited all 25 states of Sudan and were based in the following field sites: Unity, Western

Bahr al Ghazal, Central Equatoria, South Kordofan, Kassala, and Khartoum states, with teams also covering secondary sites in South Darfur, North Darfur, and Blue Nile for a shorter term. Observer and core team reports were the key source documents for all Carter Center public statements and assessments of Sudan's electoral process.

In April 2010, 48 short-term observers joined the long-term observers and core staff in Sudan to observe balloting, counting, and tabulation during the elections. The election observation mission of more than 70 observers was led by President Carter, former Algerian Foreign Minister Lakhdar Brahimi, former Tanzania Prime Minister Justice Joseph Sinde Warioba, and Carter Center President and CEO Dr. John Hardman. Carter Center observers visited more than 10 percent of the 9,500 polling centers during the national elections. A preliminary election statement on Carter Center findings was released immediately following the elections, while Carter Center staff and long-term observers continued to assess the postelection complaints and appeals process. The Center also observed state legislative assembly elections in Gezira and is observing the preparations for the postponed elections in South Kordofan scheduled for early 2011.

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LEGAL FRAMEWORK OF THE SUDAN ELECTIONS

This review of Sudan's legal framework describes the degree to which Sudan has upheld its commitments while also providing initial recommendations for future electoral processes, further detailed in the report's conclusion.

Just as the political context in Sudan prior to the election was framed by years of repression that had only just begun to shift toward pluralism since the signing of the CPA, the legal framework in Sudan had similarly only begun an imperfect transition from a restrictive, authoritarian framework to a more open democratic system. Specifically, Sudan's legal and electoral framework for the 2010 general elections,

while in some cases offering certain freedoms and protections, was overall contradictory in its design and implementation due to pre-existing repressive legislation, some of which originated well before the CPA.

The 2005 CPA establishes the overarching legal framework for Sudan. Additional domestic legal instruments governing these elections included the Interim Constitution of Southern Sudan, state constitutions, the Political Parties Act, and National Elections Act 2008. In addition, through accession to and ratification of international treaties² and incorporation of internationally recognized obligations into its Constitutional Bill of Rights, the Government of Sudan has committed itself to the protection of a variety of political and human rights essential to the conduct of democratic elections, including freedoms of expression, assembly, and association.³ The U.N. Human Rights Committee has concluded that "freedom of expression, assembly and association are essential conditions for the effective exercise of the

right to vote and must be fully protected."⁴

The National Elections Act establishes a progressive and comprehensive electoral framework for Sudan's elections and lays a foundation for credible elections that is bolstered by the broad protections

for human rights established in the Constitutional Bill of Rights, guaranteeing freedoms of expression, association, and assembly. The enjoyment of these rights presupposes enjoyment of the right to liberty.

However, several key domestic laws that are still in force or that have been enacted since the CPA are overly restrictive and do not comply with Sudan's stated commitments. The National Security

Service Act 2009 and the 1991 Criminal Procedure Code both contain provisions providing for detention without timely judicial recourse. In addition,

The National Elections Act establishes a progressive and comprehensive electoral framework for Sudan's elections and lays a foundation for credible elections that is bolstered by the broad protections for human rights established in the Constitutional Bill of Rights, guaranteeing freedoms of expression, association, and assembly.

2 Sudan has acceded to the International Covenant on Civil and Political Rights (March 18, 1986), the International Convention on the Elimination of Racial Discrimination (March 21, 1977), International Covenant on Economic, Social, and Cultural Rights (March 18, 1986), and ratified the Convention on Rights of Persons with Disabilities (April 24, 2009), the African Charter on Human and Peoples' Rights (Feb. 18, 1986), and the Arab Charter on Human Rights (May 22, 2004). In addition, Sudan is signatory to the U.N. Convention Against Corruption (Jan. 14, 2005), the African Charter on Preventing and Combating Corruption (June 30, 2008), and Protocol 1 of the African Charter on Human and Peoples' Rights on the Rights of Women (June 30, 2008).

3 The International Covenant on Civil and Political Rights (ICCPR), Article 25, requires in part that "Every citizen shall have the right and the opportunity ... (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors." Further, the U.N. Human Rights Committee, General Comment no. 25, para. 12, has established that "Freedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote and must be fully protected."

4 U.N. Human Rights Committee, General Comment no. 25, para. 12.



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state institutions, including the National Intelligence and Security Service and the Humanitarian Affairs Commission, have at times acted in disregard for legal protections in the Constitutional Bill of Rights and the National Elections Act, limiting the success of their application. These restrictive laws and the failure of state authorities, both in the North and South, to comply with their human rights obligations, contrary to the express provisions of the CPA, negatively impacted the electoral environment, in particular the campaign process, freedom of the media, and civil society participation.

Human rights abuses throughout Sudan continued prior to and during the elections. Carter Center observers documented several incidents of intimidation, arbitrary arrests, detention, physical assault, and torture of members of political parties opposed to the ruling Sudan People's Liberation Movement (SPLM) in Southern Sudan. In the North, the Center was concerned that state authorities used the National Security Service Act as a pretext for circumscribing the rights of political party members and civil society actors. Postelection, Popular Congress Party leader Hassan al-Turabi was arrested by security forces under the National Security Service Act on May 15, 2010.

The Organization of Humanitarian and Voluntary Work Act of 2006 provided for unreasonable limitations to freedom of association. According to the act, nongovernmental organizations (NGOs) must obtain approval to operate from the general registrar of organizations, who is appointed by the president. This directly impacted the elections because in order to be accredited as a domestic observer organization, NGOs were required to have previously registered.

The Press and Publications Act 2009 provided for a Press Council with the power to suspend a newspaper for up to three days and prescribe conditions for



Carter Center observers follow a path to a rural polling station outside Juba.

the registration of journalists, distributors, and printers. The law failed to remove the offense of criminal defamation against the state, a provision that had the potential to limit debate during elections.

On April 11, 2010, reporter Alhaj Warrag and Faiz Silaik, deputy editor-in-chief of *Ajras Alhurria*, a newspaper linked to the SPLM, were interrogated by authorities about an article written by Warrag. The National Intelligence and Security Service filed a complaint against the two journalists under Article 66 of the penal code, which prohibits the publication of false news, and Articles 24 and 26 of the Press and Publications Act, which provides for criminal liability for the editor-in-chief and severely restricts the scope of reporting for journalists, and they were charged with these offenses.

The various laws governing Darfur, particularly the Emergency and Public Safety Protection Act 1997, give the state executive authorities widespread power to arrest and detain suspects for prolonged periods without specifying any charge. In addition, these laws allow authorities to severely limit freedom of assembly and freedom of movement, in contradiction to Sudan's Interim National Constitution.⁵

⁵ Republic of the Sudan, Interim National Constitution, Article 40 (1); Article 42 (1).



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ELECTORAL SYSTEM

Sudan's electoral system, as established within the National Elections Act, is highly complex and led to confusion among the public and significant problems in its implementation. The electoral system called for executive elections (president of the Republic of Sudan, president of Southern Sudan, and state governors) and three levels of legislative elections (National Assembly, Southern Sudan Legislative Assembly, and state legislative assemblies). The elections to the presidency of Sudan and Southern Sudan both require a simple majority (50 percent plus one vote) of votes cast. The 25 gubernatorial elections are first-past-the-post contests.

Elections for the 450 seats in the National Assembly, 170 seats in the Southern Sudan Legislative Assembly, and 1,242 in the state assemblies use a combination of first-past-the-post and proportional representation systems. Sixty percent of seats were designated for single-member geographical constituencies, and 40 percent were elected from closed party lists of which 25 percent were reserved for women and 15 percent for political parties. For the seats chosen through lists, the "Alsaigh method" of seat allocation was used, a derivation of the d'Hondt system of proportional representation, which favors bigger parties, with a requirement that parties obtain at least 4 percent of votes cast to be allocated seats. Given that the seats were to be allocated on the basis of statewide constituencies, however, true proportionality was not obtained.

PARTICIPATION OF WOMEN, MINORITIES, AND MARGINALIZED GROUPS

The CPA guaranteed a minimum of 25 percent representation for women in the national, Southern

Sudan, and state assemblies. The Carter Center welcomed the spirit of this decision and the participation of Sudanese women in the electoral process, particularly the landmark event of the first woman to run for president. Besides the specific women's list, however, there were low numbers of women on the geographical and party lists. Moreover, the complexity of the list system was of concern because it biased the system toward larger parties. A direct-vote system with quotas may prove to be a better alternative in future elections.

In general, the parties ran a small number of women in the geographical constituencies. No evidence was reported by observers of candidates being discriminated against because of their gender, though Carter Center observers saw SPLM candidate for governor Taban Deng Gai making derogatory comments about the capacity of an opponent in Unity

state because of her gender.

No evidence was reported by observers of candidates being specifically denied basic rights because of their ethnic origins, religion, or minority status. However, Sudan's many illiterate and partially literate voters encountered difficulties during polling that increased the processing time and made it difficult for them to find in the voter lists the station in which they were assigned to vote. Little effort was directed to ensuring that the country's illiterate population was fully informed about the election.

The Carter Center was pleased that the NEC altered its rules to allow those voters who needed assistance in marking their ballots to appoint their own help. However, there were many concerns that the regulations did not provide sufficient safeguards to restrict helpers from abusing their trust and marking ballots contrary to the wishes of the voters.

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The system of using symbols provided an opportunity for the illiterate population to participate in the electoral process, despite the complex voting system. More could have been done by the electoral management bodies and political parties to communicate the meaning of the symbols for each type of election and disseminate examples of the symbols widely.

ELECTION MANAGEMENT

An independent and impartial electoral authority that functions transparently and professionally is internationally recognized as an effective means of ensuring that citizens are able to participate in a genuine democratic election and that other international obligations related to the electoral process can be met.⁶ Sudan's election management body, the National Elections Commission, was established to administer elections impartially, transparently, and independently, but did not always meet these standards.

The nine commissioners of the NEC were appointed by President Bashir with the consent of First Vice President Salva Kiir, who held veto power over proposed candidates, though without the power to propose alternatives. All nine NEC members required endorsement by two-thirds of the National Assembly. The NCP and SPLM suggested lists of candidates. While they solicited some early input from opposition parties, the appointees reflected the preferences of the two partners. Indeed, the president and first vice president negotiated a slate of commissioners, whose names were considered en masse. On Nov. 17, 2008, the National Assembly approved the composition of the NEC by 298 votes to 12 objections. Abel Alier, a former vice president of Sudan under Jaafar Nimeiri and a lawyer from the dominant Southern Sudan Dinka tribe was appointed by the president to chair the NEC with the consent of the first vice president. Abdallah Ahmed Abdallah, a professor of agriculture

from Khartoum University who was also a regional governor under Nimeiri, was appointed as deputy chair.

The NEC established a number of subsidiary bodies including 25 state high elections committees (HECs) and a Southern Sudan High Election Committee (SSHEC). The SSHEC in particular did not have clearly delineated authorities within the National Elections Act or in other regulations issued by the NEC. The SSHEC was nominally responsible for the

supervision of the election of the president of the Government of Southern Sudan, the election of the Southern Sudan Legislative Assembly, and the coordination between the HECs in Southern Sudan and the NEC. In practice, however, Southern HECs often reported directly to the NEC prior to and during the electoral process, and the SSHEC was largely excluded from decision

making on issues related to the elections in Southern Sudan.

The NEC enjoyed broad-ranging powers, duties, and responsibilities for all aspects of the election process, including the power to take executive measures as needed. Though a degree of flexibility is necessary, this power should not be exercised so broadly as to conflict with the requirement of legal certainty inherent in the rule of law. At the same time, the Ministry of Interior and National Intelligence and Security Service's decision to decrease the number of security personnel made available to guard polling stations directly restricted the NEC's mandate because it resulted in the reduction of polling sites.

By giving precedence to security over transparency, the NEC frequently did not share key information with or give necessary access to the parties or observer groups. This problem was particularly evident in the production of ballot papers when the printing had started without notice given to the par-

By giving precedence to security over transparency, the NEC frequently did not share key information with or give necessary access to the parties or observer groups.

6 U.N.HRC General Comment no. 25, para. 20.



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ties or observers, who were permitted only limited and prescheduled access. Upon the arrival of sensitive materials, the NEC warehouses were only accessible to observers once at a public event, after which they were sealed, thus giving rise to understandable suspicions by the public at large. This lack of transparency risked undermining a crucial element in the election process and had the unfortunate effect of squandering an opportunity to build confidence in the electoral process among the Sudanese. Addressing the shortcomings in transparency evident in the NEC's election administration is a needed improvement for future management authorities.

The Carter Center observed that election administration was carried out inconsistently throughout Sudan. The NEC failed to anticipate and provide for logistical challenges in many parts of the country, particularly in Southern Sudan. Darfur experienced particular problems because the election was held under state of emergency, prevailing insecurity, and with a large number of internally displaced persons (IDPs) living in camps. An additional problem was the varying capacity and resourcing, both financial and technical, of the HECs. Several HECs, particularly in Southern Sudan, reported delayed receipt of funding from the NEC to support electoral activities and training and delayed receipt of essential electoral materials.

In March, the NEC announced that there would be 9,650 polling centers accommodating 16,502 polling stations throughout Sudan. This was a substantial reduction from the originally planned number of approximately 21,000 stations, which the commission had confirmed just the month before. Of even more concern, however, was the deficiency in polling centers when compared with the much larger number of 15,000 registration centers.

The reasons cited by the NEC for the reduction in the number of centers were the limited ability of the state authorities to provide sufficient police personnel

and the unavailability of poll workers. While security concerns certainly needed to be addressed, the result was the disenfranchisement of a large number of would-be voters, because many voters found themselves quite far from their designated centers. Because there were fewer polling centers than registration centers, multiple registration sites were combined into single polling centers, which in some cases were located a far distance from the initial registration location. Insufficient voter education meant that many voters did not know where they were to vote.

The delivery of electoral materials was hampered by inadequate, inconsistent, and late planning on the part of the NEC. Delays and changes in deciding the number of polling centers and stations negatively impacted the procurement, delivery, packing, and distribution of sensitive materials critical to the conduct of the polls. The NEC failed to recognize the challenge of

producing ballot designs for the 1,268 ballots and was late delivering them for printing.

The NEC also decided to increase the number of voters allocated to a station from 900 to 1,200 in the North and from 700 to 1,000 in the South. This required election materials to be repacked inside Sudan, further delaying their delivery to the stations and compelling the international assistance community to provide logistical support.

The National Elections Act mandates a one-day election period. Due to the number of ballots to be cast and voters allocated per station, it was not possible to conduct this election in a single day, and the NEC decreed that polling would be a three-day event. However, even this was considered too brief to accommodate all voters, and on the second day of polling, the NEC added another two days due to the initial delays of the arrival of materials in certain areas. To reduce security and logistical requirements, election commissions should plan for the shortest polling period possible unless there is a substantive

The Carter Center observed that election administration was carried out inconsistently throughout Sudan.



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reason for it to be otherwise.

In one of its boldest decisions, which deserves recognition, the NEC extended the right to vote to prisoners in Sudan for the first time, as recommended by international law.⁷ The Carter Center commends the NEC for taking this important step. In future elections, such a decision should be announced more widely to ensure that the enfranchisement of prisoners occurs evenly across the country. In Omdurman prison, Carter Center observers learned that only those incarcerated in the men's prison had been registered to vote, whereas those in the women's prison had not.

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BOUNDARY DELIMITATION

The boundary delimitation process was one of the most important preparations for Sudan's electoral system because it was intended to provide a foundation for future elections and ensure that citizens are fairly and equally represented by their elected leaders. Upon the announcement of the disputed census results in May 2009, the NEC created the geographical constituencies within 30 days as required by law. This was not sufficient time to carry out such a complex and politically sensitive exercise. The NEC delegated drawing of constituency boundaries to the state HECs. However, clear instructions were not provided as to how the exercise should be undertaken, resulting in wide variation across the 25 states. The boundaries of the constituencies for the general elections were vague, unmapped, and difficult for observers and election officials to comprehend. Some areas, such as in North Darfur, were not included in any constituency, and therefore their inhabitants may not have been appropriately represented in the National Assembly, contrary to Sudan's international commitments.⁸ Concerns regarding boundary delimitations resulted in numerous complaints to the NEC.

Article 38 (b) of the National Elections Act pro-

vides that the total population in each district should not deviate from the national dividend⁹ by "plus or minus" 15 percent.¹⁰ However, in practice many state committees created constituencies that were much smaller or much larger than the national dividend. In Jonglei, for example, the variance among constituencies was as great as 32 percent under the national dividend and 52 percent over it. This violates the principle of equality of the vote required by international standards.¹¹

The Census and Boundary Delimitation

The success of any boundary delimitation process depends heavily on the accuracy and comprehensiveness of the census process. Sudan's Census Bureau of Statistics reported to The Carter Center, however, that the census process was incomplete in several states. In Darfur, the census bureau was unable to conduct the census in a number of vast regions including Ro-Kirro and Jebel Marra localities.¹² In South Darfur, some of the IDP camps, such as Kalma camp, boycotted the census process and

7 Based on provisions in the European Convention of Human Rights, similar to those in Article 25 of the ICCPR, the European Court of Human Rights found that a limitation on voting rights of a prisoner can be imposed only where the prisoner has been convicted of a crime of such a serious nature that forfeiture of the suffrage right is a proportionate punishment. The court found that a general, automatic, and indiscriminate restriction on a vitally important right was a violation of prisoners' European Convention rights.

8 ICCPR, Article 25, U.N.HRC General Comment no. 25, para. 21 requires that "all the drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely."

9 This is defined in the National Elections Act 2008, Article 38 (b) as the result of the division of the total population of Sudan by the number of seats designated to the National Assembly to represent the geographical constituencies.

10 Variance between constituencies should be kept to a minimum to respect the equality of the vote.

11 ICCPR, Article 25, U.N.HRC General Comment no. 25, para. 21.

12 Interview with High Election Committee (HEC) chairman in West Darfur and Yasin El Hag Abdin, chairman of the Census Bureau of Statistics.



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therefore were not counted. Several areas in Abyei and the Nuba Mountains were not covered, either because the enumerators deemed the security situation too dangerous to carry out the census or due to boycotts by citizens. In some places, census takers simply estimated the populations. In others, the population was recorded as zero on the census data forms. The fact that some areas were not properly counted made it difficult to create equally sized constituencies throughout the states.

Boundary Reports

The results of delimitation are compiled in boundary reports by the states, though these varied widely from state to state as the state HECs were given little guidance on methodology and were left significant flexibility to alter the size of the constituencies. In Southern states, the reports are generally very brief, with some constituencies described only vaguely. For example, in Warrap state, the description for state assembly constituency 6 reads, "parts of Wunrok Payam."¹³ In Western Bahr al Ghazal, the descriptions are equally vague and include populations that appear to be estimates rather than actual counts.¹⁴ In general, in the Northern states, except Darfur, the descriptions are much lengthier and more descriptive, often detailing residential units, village lists, and descriptions of boundaries. Despite this, several states' lists are not at all comprehensive of villages, leaving it unclear to which constituencies the unlisted villages belonged. In state constituency 32, South Kordofan, a list of 18 villages and their populations are included in the description, while dozens of other villages in this area were not listed.¹⁵

In Darfur, the description of constituencies is extremely vague. For example, in West Darfur, the description for National Assembly constituency 6 states that it "includes the residences of Zalingei and Nertiti,"¹⁶ providing no information as to which vil-

lages are included in the constituency, where one residence ends and one begins, or where the boundaries might be. The boundary reports for North and South Darfur follow the same pattern, including short descriptions of undefined regions.

Overall, the boundary reports for Sudan's 2010 elections reveal serious deficiencies, leaving significant room for manipulation and making it difficult for participants and observers to understand where the boundaries lie. For future elections, the boundary reports should include detailed maps of every constituency and extensive village lists that include all villages and their populations.

Objections and Appeals Process for Constituency Boundaries

The National Elections Act clearly delineated eligibility requirements and a timetable for filing objections to the constituency boundaries.¹⁷ The act gave eligible parties and individuals 30 days to submit objections to the NEC regarding boundaries or seat allocations in their states. A total of 885 objections were submitted to the NEC, which accepted 363 and rejected the rest. A variety of participating parties and affiliated party members filed objections, and the NEC's acceptance or rejection of the objections did not appear to follow any patterns of party favoritism.

The format for filing objections was largely unclear and inconsistent from state to state. Some state HECs

For future elections, the boundary reports should include detailed maps of every constituency and extensive village lists that include all villages and their populations.

13 SHEC Warrap (State High Election Committee Warrap). 2009. *Boundary Constituency Report*. Khartoum: SHEC.

14 SHEC Western Bahr al Ghazal (State High Election Committee Western Bahr al Ghazal). 2009. *Boundary Constituency Report*. Khartoum: SHEC.

15 SHEC Southern Kordofan (State High Election Committee Southern Kordofan). 2009. *Boundary Constituency Report*. Khartoum: SHEC.

16 SHEC West Darfur (State High Election Committee West Darfur). 2009. *Boundary Constituency Report*. Khartoum: SHEC.

17 National Elections Act of 2008, Article 39 (2) and (3).



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made forms available while others accepted informal or formal letters from parties and individuals. Due to the lack of procedural direction, some of the objections were difficult to understand, and the process became a forum for expressing general grievances about the census, the incompetence of the committees, and other issues marginally related to the delimitation process.

The most common objections fell into two categories. Challenges to the census results made up more than one-third of the objections,¹⁸ demonstrating how controversial the process was in many places. The other most common complaint pertained to the absence of villages in the boundary reports.¹⁹ The NEC usually accepted this latter type of complaint.

Approximately 15 percent of the objections related to the names of constituencies, villages, and localities. These objections varied and often related to historical disputes over territory. A limited number of these objections were accepted, presumably because the NEC did not wish to engage in these historical disagreements over names. The remainder of the objections related to state border disputes, constituency sizes, the composition of the HECs, and division of tribal groups as a result of the delimitation process.

Well over half of the remaining objections were rejected by the NEC. There was no pattern of acceptance or rejection from state to state. In some states, there were objections regarding constituency size that were rejected, while in others, similar objections were accepted. For example, in Western Bahr al Ghazal, an objection was filed asserting that state constituency 19 was in violation of the National Elections Act for being too small.²⁰ This objection was rejected with no explanation. In North Darfur, on the other hand, there were many objections raised about the sizes of constituencies 2,²¹ 3,²² and 7.²³ Most of these objections were accepted on the grounds that the constituencies were too small and should include more of the surrounding area.

The reasons some objections were accepted and others were not are often unclear and require local knowledge of each constituency's demography for full understanding. The state HECs were given the authority to make decisions about objections within their states, which could be argued is a conflict of interest because the HECs were judging objections to their own decisions. The state HECs were meant to be impartial; however, in many states, they were not perceived as such.

After the objections were either accepted or rejected by the NEC, the HECs were then responsible for implementing the accepted changes within their states. In some cases, it is impossible to determine if changes were implemented without conducting in-depth

follow-up studies in those regions. A review of the polling station lists for each state indicates that most of the accepted objections precipitated appropriate changes. This was carried out without sufficient transparency, however, resulting in accusations by various

A total of 885 objections were submitted to the NEC, which accepted 363 and rejected the rest.

18 In West Darfur, for example, there were nine objections to the census process. All the objections related to villages in the region of Jebel Marra, where it had been deemed too dangerous for the Census Bureau of Statistics to conduct the census. Additionally, in South Darfur, there were two objections claiming that internally displaced persons were undercounted in the census. Similarly, in Unity, Warrap, and Eastern Equatoria, there were over a dozen objections claiming that the population statistics used for boundary delimitation did not reflect the real population of particular payams or counties.

19 For example, the Democratic Congress of East Sudan filed several objections in the Red Sea state claiming that the villages of Grota, Surbut, Aradaib, Jahalnati, Mariri, and Arhit were not included in any of the constituency descriptions.

20 National Elections Commission Objection for Western Bahr al Ghazal. Submitted by State Legislative Council Members Richard Juju and Mary Bantiebu, 10/22/2009. (No marking number included)

21 National Elections Commission Objection for North Darfur. Submitted by Representative of the Democratic Unionist Party, 10/21/2009. (No marking number included)

22 National Elections Commission Objection for North Darfur. Submitted by the Chairman of the Umma, Federal Party. 10/22/2009. (No marking number included)

23 National Elections Commission Objection for North Darfur. Submitted by a Member of the North Darfur State Assembly. 10/22/2009. (No marking number included)



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parties that implementation of the successful objections had not been carried out.

The appeals process was more standardized and straightforward than the objections process. The National Elections Act provided for a two-week window in which appellants could submit their challenges to the Supreme Court. The appeals cases mostly related to complaints about the composition of constituencies, and requests were made to move territories or villages from one constituency to another. Of all the appeals submitted, the court accepted five. The five cases that were accepted related to the boundaries in Gezira state and River Nile state. Three

of the appeals were submitted by the same appellant, Ali Ahmed Ali, a representative of the NCP. The other two were submitted by a state legislative assembly member, Masoud Abd Al-Khalaq Hassan, and Ahmed Moudua Al-Bashra. After the five appeals were accepted, the requested changes were implemented shortly thereafter.²⁴

Overall, the objections and appeals processes should be standardized. Before a new set of national or state elections can be conducted, however, the census should be reviewed and likely redone to ensure an accurate and inclusive process.

²⁴ A review of the polling station lists published by the NEC and UNMIS demonstrate that the changes were implemented. One objection, however, pertains to the number of seats allocated to the state assembly. The appellant suggested that there should be 84 seats instead of 48. This case was accepted by the Supreme Court and now the state assembly constituency boundaries are being redrawn and the elections have been postponed.



VOTER REGISTRATION AND THE PRE-ELECTION PERIOD

This section covers the lead-up to the 2010 Sudan elections, including voter registration, voter education, and campaigning.

VOTER REGISTRATION

Millions of Sudanese participated in the 2009 voter registration process, which was mostly peaceful. According to the NEC, approximately 79 percent of eligible Sudanese were registered inside the country, or 16.4 million people of the estimated electorate of 20.7 million. Enormous efforts were exerted by officials throughout the exercise to conduct an inclusive process, though citizen participation remained uneven across Sudan's regions.

Voter registration began in most states on Nov. 1, 2009, despite delays in Western Equatoria and Jonglei, and was slated to last until Dec. 1, 2009. An extension of voter registration by one week—requested by a number of political parties and agreed to by the NEC—helped ensure that a greater number of registrants were able to participate. Several states reported low rates of registration on Nov. 30, and many citizens would have been disenfranchised if registration had ended on that date. However, the NEC and many state elections committees did not optimally publicize the extended locations and schedules of voter registration centers, thereby missing an opportunity to reach even more eligible voters.

Twelve of Sudan's 25 states fell short of the NEC's registration target of 80 percent of eligible voters. Participation in some states in Southern Sudan exceeded the total eligible voting population as estimated by the 2008 national census, casting serious doubts on the accuracy of the figures. The registration figure as a percentage of the census figures varied considerably, from 64 percent in Northern state to 190 percent in Unity state. Low registration figures in North, South, and West Darfur of 65, 67, and 69



Candidates in Southern Sudan meet with President Carter.

percent of census figures, respectively, are particularly worrying.

Women's participation in voter registration according to the NEC exceeded 50 percent, a substantive step toward improving the inclusiveness of the electoral process and meeting Sudan's national and international obligations to ensure universal suffrage and protection from discrimination.²⁵

As noted previously, The Carter Center deployed 32 medium- and long-term observers to assess voter registration and the broader political and electoral environment across Sudan. The Carter Center mission observed voter registration activities in more than 650 fixed and mobile registration centers in all 25 states across the country. The voter registration delegation was drawn from 21 countries.²⁶

At times, shortages in registration materials interrupted registration, particularly in the South, includ-

²⁵ The Interim National Constitution of the Republic of Sudan 2005, Article 32 (1), Article 41 (1); ICCPR, Article 3; African Union, Protocol to the African Charter for Human and Peoples' Rights (AfCHPR), Article 2.

²⁶ Observers were from Cameroon, Canada, DR Congo, Egypt, Ethiopia, Germany, India, Ireland, Italy, Kenya, Mozambique, the Netherlands, Norway, Palestine, Serbia, Spain, Uganda, the United Kingdom, the United States, Zambia, and Zimbabwe.



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ing Northern and Western Bahr al Ghazal, Warrap, Upper Nile, Unity, and Eastern Equatoria. While the NEC took action to replenish materials, avoidable operational interruptions complicated the registration process.

Overall, The Carter Center commended electoral officials for successfully registering a relatively high level of eligible voters despite significant logistical and security challenges and serious shortfalls in civic education.²⁷ This level of registration was a positive development in Sudan's electoral process. However, the NEC lost an opportunity to build confidence in the voter registry by failing to complete the full preliminary and final voter lists prior to the general elections. Consequently, there was no time for political parties and national and international observers to conduct a thorough examination and audit, and, more importantly, no opportunity for the Sudanese public to ensure its accuracy by reviewing the lists to ensure their names were present and written correctly in their given constituency. This contravened Sudan's commitment to ensure the right to an effective remedy.²⁸

The sections below provide a review of the main elements of the voter registration process as well as recommendations for improving voter registration in the future.

Policy Decisions, Registration Staff Training, and Conduct of Registration

Many decisions related to voter registration were announced by the NEC only a short time before the beginning of the exercise. Certain operational and policy questions were not resolved before registration started. This burdened electoral authorities and challenged the work of technical assistance providers. Registration officers were trained very late in the process, in many cases only days before registration began. To avoid similar problems in future registra-

tion processes, the NEC should issue regulations in a timely manner and should ensure that registration staff are well trained in procedures in advance of any electoral event and that preparations for cascade trainings of electoral officials, as needed, are in place.

The NEC's decision to deploy mobile voter registration teams was intended to facilitate broad geographic coverage during voter registration. Due to the relatively short period of time spent in each location, however, success depended on timely dissemination of information regarding the registration schedules. In many areas, such information was not readily available. Despite the mobility of registration centers, observers reported that many citizens traveled great

distances and endured significant hardship to participate in the registration process, sometimes to find out the mobile center had already left the area. In the initial days of voter registration, there were some difficulties in providing full sets of materials and ensuring centers were open on schedule. Many registration teams experienced difficulties in securing adequate transport as they moved from place to place. In future elections, static voter registration teams should be deployed and

distributed more widely so as to be as inclusive as possible.

The NEC's decision to issue a receipt with a unique serial number to each registered voter was a positive step designed to help safeguard the registration process. However, registration officials frequently failed to inform registrants about the need to keep the registration receipt secure.

Carter Center observers reported that registration team staff were professional and enthusiastic about their duties in most areas visited. Registration was rel-

Overall, The Carter Center commended electoral officials for successfully registering a relatively high level of eligible voters despite significant logistical and security challenges and serious shortfalls in civic education. This level of registration was a positive development in Sudan's electoral process.

²⁷ Carter Center Statement on Sudan's Voter Registration, Dec. 17, 2009.

²⁸ ICCPR, Article 2 (3).



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actively efficient and time effective. Procedural compliance with some aspects of registration regulations, however, was lax. In particular, registration officials often verified neither registrants' age, nationality, or duration of residence nor whether individuals had registered earlier elsewhere.

Registration officers often failed to inform registrants of their rights and responsibilities, including the right to view and challenge the preliminary voter registry. In accordance with the NEC's registration manual, registration officers in some states informed voters to return to vote in the same location, although the NEC later announced that not all voters would cast their ballots in the same location at which they registered.

There was also widespread noncompliance with registration centers' closing procedures, and many registration teams had difficulty submitting the necessary carbon copies of registration books to constituency elections officers in a timely manner. Electoral officials at the national and state levels should make greater efforts in the future to communicate consistent messages to all registration staff and ensure they receive proper training and follow standardized procedures.

Observers reported that the process was positively inclusive: citizens lacking identity documents could substantiate their identities through the use of wit-



Intern Ryan French packs observer kits with tents, sleeping bags, flashlights, satellite phones, and other supplies.

nesses, traditional authorities, or local administrative structures, allowing a broad proportion of the population to register. In Northern Sudan, delegations of local Popular Committees were often present outside registration centers and provided proof-of-residency certificates and witnesses as needed. Checks on the distribution of proof-of-residency documents appeared weak, however, and given the widespread view of the partisan nature of local Popular Committees, this created the perception of bias in identifying registrants.

In most locations, except Darfur (see Darfur and Other Special Topics section later in this report), security forces played a generally positive role in ensuring the security of registration centers. Center observers reported that most citizens were able to register without being intimidated or harassed.

Funding of Voter Registration and Electoral Operations

The NEC's inability to ensure that sufficient operational funds reached all state elections committees on schedule was a key shortcoming in the registration process. This is a key weakness in election administration and should be corrected in future electoral processes. Despite having been paid only a portion of their fees and allowances during the 2009 registration process, many registration officers showed dedication and commitment to the task at hand.



Voting materials were stored in the NEC warehouse in Khartoum and loaded onto trucks to be delivered to polling centers around the country.



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Political Party Activity

Carter Center observers reported that a fair number of political parties deployed party agents to registration centers, although this practice was limited and less diverse in Southern Sudan. Party agents often demonstrated initiative and enthusiasm in their work, despite limited technical training.

Representatives of the SPLM and NCP directly participated in registration activities, including the practice of collecting the slips of newly registered voters. Although the collection of slips is not technically a violation, the activity continued until the eve of the election and created confusion among voters.

Registration receipts were also traded and sold in some areas.

Registration officials frequently failed to inform registrants about the need to securely keep their registration receipts. Election management bodies should ensure that political parties and candidates do not collect voter slips in future elections, and political parties should ensure that their members do not engage in activity that could undermine public confidence in the integrity of the electoral process. Efforts should also be made to deter the trading of slips by improving the quality of proof of registration, perhaps by including a photograph of the registrant on the registration card.

Domestic and International Observers

The Center welcomed the role of domestic election observers in the voter registration process. However, the NEC's delay in determining procedures for domestic Sudanese observer accreditation was unfortunate and resulted in delayed deployment of Sudanese observers. In addition, at least four different types of accreditation documents were issued to domestic observers between the NEC and the state HECs. The unclear procedures placed an undue burden on domestic observer groups applying for accredita-

tion and on registration officials in allowing observers access. In the future, election authorities should facilitate simple and fast accreditation procedures for domestic observers. The right for domestic observers to participate in Sudan's electoral process is a key component of national laws and international obligations.²⁹

After a short initial delay, the Carter Center's international observers were fully accredited by the NEC, and observation of the registration process proceeded relatively problem free. Carter Center observers were largely able to exercise freedom of movement and access to the electoral process. Due to secu-

rity concerns, however, the Center's observers could not cover large areas in the three states of Darfur. In the future, authorities should ensure that international and domestic observer groups can apply and be vetted for accreditation well in advance and be offered equal opportunities to observe the entirety of the electoral process, once approved.

Overseas Registration

The Center did not formally observe registration activities outside Sudan. Registration was organized by the NEC in 18 countries, but in most countries overseas, registration did not exceed several hundred people. In total, just over 100,000 people were registered outside Sudan, with Saudi Arabia accounting for almost two-thirds of all overseas registrants. Legal restrictions requiring the possession of a valid Sudanese passport as well as residency permit limited registration of Sudanese refugees. Due to the burdensome requirements for identification, large concentrations of Sudanese refugees were excluded from the electoral process. The Carter Center encourages Sudan to strengthen mechanisms

Election management bodies should ensure that political parties and candidates do not collect voter slips in future elections, and political parties should ensure that their members do not engage in activity that could undermine public confidence in the integrity of the electoral process.

²⁹ National Elections Act 2008, Article 105; ICCPR, Article 25, General Comment no. 25.



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for registration and voting of citizens abroad in advance of future elections and referenda.

Ensuring an Accurate and Reliable Registry

While the registration of a relatively high number of eligible voters is a positive development, additional steps were needed to ensure the accuracy of the voter list and to build confidence in the broader process. The NEC should have emphasized the importance of public review of the voter registry after the publication of the provisional voter list, as obliged by Sudan's international commitments, to improve the roll's accuracy.³⁰ Moreover, there were insufficient checks on the data entry of registrant records, raising questions about the overall accuracy and comprehensiveness of the voter register. At the end of the registration period, the NEC failed to build confidence in the voter register by not finalizing the full voter list nationwide or making it widely available to political parties and national and international observers for thorough examination and audit.

The challenges and delays in finalizing the voter list led to widespread problems on voting days that threatened to undermine the integrity of the entire process. Further, it appears that the list that was used for the general elections varies substantially from the list originally circulated to political parties and other actors. In future elections, electoral authorities should ensure that domestic and international observers and other interested groups are able to conduct thorough reviews and audits of the preliminary and final voter lists. These and other such analyses will help ensure that doubts about the registry are addressed.

Exhibition of the Voter List

The Center welcomed the NEC's decision to establish five exhibition centers in each geographic constituency and to extend the viewing period for the hard-

copy lists, although noting with concern the limited staff and funding provided to manage the exhibition. After exhibition of voter lists had been completed, it was clear there was a lack of public information and awareness about the process and insufficient training of electoral staff on exhibition procedures. Observers reported that some officials were not aware that every person had the right to inspect and challenge the list.

The exhibition period is an important opportu-

nity for citizens to exercise their right to view the voter lists and to seek a remedy to be added to the list or have other corrections made as necessary. Widespread acceptance that the voter list is comprehensive and accurate will help to build confidence in the electoral process. In addition, in future elections, electoral management bodies must establish and fully support the necessary complaints committees to address challenges that arise from voter registration. The procedures for the general elections, which

included complaints committees of one judge per state, were not of a sufficient scale.

Participation of the Abyei Area

Registration was the first electoral activity to take place in Abyei for many years. Abyei's special status under the CPA as having geographic representation rights in both South Kordofan and Warrap states required special treatment by the NEC and relevant state committees. There was limited understanding in Abyei as to how the population would be represented in the National Assembly and state legislatures and how registration was linked to Abyei's referendum process. Moving forward, the authorities should work to address and clarify these questions to avoid fuel-

At the end of the registration period, the NEC failed to build confidence in the voter register by not finalizing the full voter list nationwide or making it widely available to political parties and national and international observers for thorough examination and audit.

³⁰ ICCPR, Articles 2 (3) and 25; U.N.HRC General Comment no. 25, para. 11; African Union, Protocol to the African Charter for Human and Peoples' Rights (AfCHPR) on the Rights of Women, Article 25.



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President Carter examines a voter list posted outside a polling center. Late dissemination of voter lists and inconsistent translations from Arabic to English caused confusion during polling.

ling suspicion and mistrust in the area in the lead-up to the referendum. South Kordofan and Warrap state authorities (both state government and election management bodies) should do more to coordinate their efforts and outreach to the Abyei area and also make greater attempts to communicate with the Abyei Area Administration, which was largely left uninformed about the previous registration process.

Participation of Women, Minorities, and Marginalized Groups

The apparently high level of women's participation in the registration process is an important achievement. Registration of women in broad proportion with their share of the population is positive, especially given Sudan's challenges in ensuring gender equity. More will need to be done, however, to ensure that women participate equally in all aspects of the electoral pro-

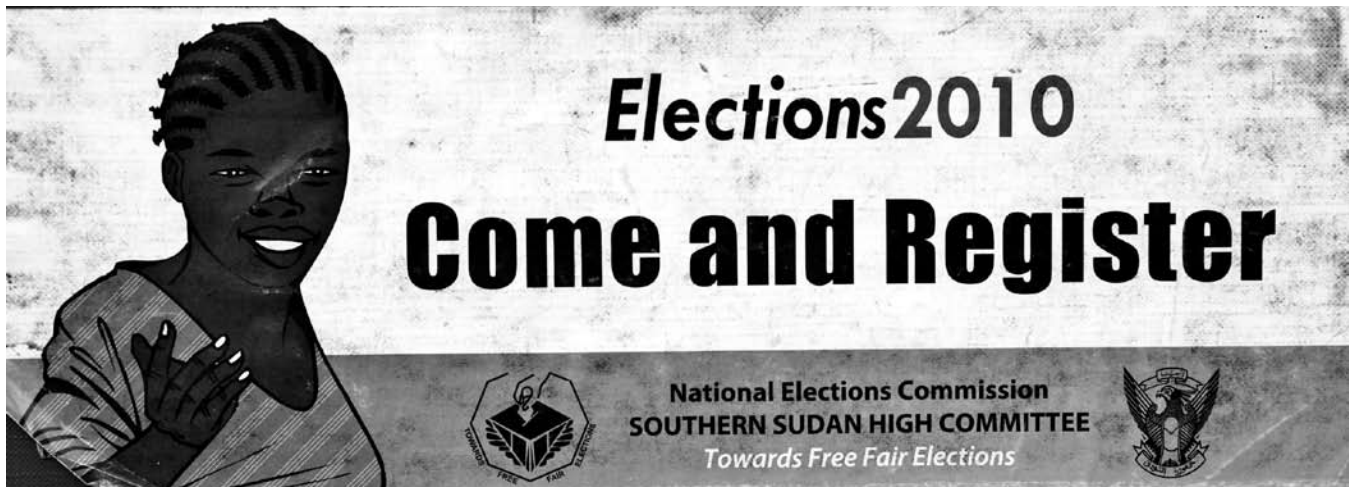
cess, including the inclusion of women as registration and polling officials and in senior positions with election management bodies. It is critical that the NEC, GoSS, and GNU take steps to ensure that women have greater representation at all stages of the electoral process and are equal partners in realizing Sudan's democratic transition.³¹

Nomads and semimigratory groups also participated in the registration process. However, officials should give consideration as to how to fully include nomadic and semimigratory populations in polling, because many may have traveled away from their original place of registration in advance of and during the elections. Determining and raising awareness of appropriate procedures for such populations will be necessary to ensure effective enfranchisement.

³¹ AU, Protocol to the AfCHPR on the Rights of Women, Article 9 (1).



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Materials from the NEC, such as this bumper sticker, encouraged the Sudanese to register to vote.

The NEC did not provide formal guidance to HECs on the participation of internally displaced persons (IDPs). The NEC failed, in this regard, to protect the civil and political rights of the displaced and to ensure they could exercise their right to register to vote, as required by international norms.³² In Khartoum and the surrounding area, registration centers allowed many IDPs to register. In Darfur, however, state elections committees did not and were not able or willing to visit all IDP camps, including Kass and Kalma camps, partially accounting for the relatively low rate of registration in the three states (also see Darfur and Other Special Topics section later in this report). For future elections, electoral management bodies should provide clear and specific guidance, consistent with international norms, to protect the civil and political rights of IDPs³³ and alleviate their concerns that registering in camps might prevent the displaced from returning to the land from which they fled.

VOTER EDUCATION

Voter education is necessary to ensure an informed electorate that is able to effectively exercise the

right to vote.³⁴ Voter education is vital to ensuring an informed electorate fully enjoys its participatory rights and is directly tied to Sudan's obligations to ensure that all citizens have an equal opportunity to vote. Given the complexity of the polling process, the absence of a recent democratic tradition, and the

high level of illiteracy in Sudan, the need for voter education was particularly relevant to this election. However, The Carter Center noted with concern that in practice these efforts were significantly limited, hampered by an electoral commission that failed in its responsibility to provide education and by an environment where strict controls

made organizing voter education events difficult.

Internationally recognized good practice clearly indicates that impartial and consistent voter education is the primary responsibility of state organs,

Registration of women in broad proportion with their share of the population is positive, especially given Sudan's challenges in ensuring gender equity.

32 ICCPR, Article 25; ACHR, Article 23; AfCHPR, Article 13; ArCHR, Article 24 as reflected in Principle 22 1 (d) of the U.N. Guiding Principles on Internal Displacement, developed by Representative of the Secretary-General on Internally Displaced Persons, Mr. Francis M. Deng.

33 U.N. Guiding Principles for Internally Displaced Persons (IDPs), Principle 22; Principle 2.

34 U.N. Human Rights Committee, General Comment no. 25, para. 11.



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chiefly the election management body, and not that of political parties.³⁵ Throughout the period of observation, The Carter Center noted instances in which state authorities, particularly in Darfur, disrupted voter education activities because the NEC failed to communicate in a timely fashion with the relevant authorities and ensure that restrictions on freedom of movement were lifted. One example is the arrest of three youth activists from the Girifna organization on charges of public noisiness while they attempted to raise awareness of the campaign process. Further civic education events were postponed or cancelled in six states in Northern Sudan. Civic education was particularly weak in West Darfur, where few localities received any exposure to such programs. Ultimately, restrictions on the operations of nonstate actors engaged in voter education efforts significantly limited the election information available to Sudanese voters.

While some civil society organizations conducted voter and civic education activities, their lack of experience supporting democratic exercises meant these activities had limited impact. In addition, the institutional weakness of political parties hindered their ability to provide sufficient voter education to many of their party members.

It is widely recognized that voter education materials may employ symbols or photographs in an effort to increase impact and reach illiterate voters.³⁶ The good intent of these measures, however, appears to have been somewhat undercut in Sudan, where the NEC conducted several voter education initiatives using the same slogan as the incumbent president and published education materials featuring a tree, the symbol of the incumbent NCP. Use of this slogan and symbol created a high potential for confusion or conflation between education and campaigning.

Early registration figures suggest that the widespread absence of civic education efforts impacted

participation in the beginning phases of voter registration. The reach of formal media was limited throughout the process, but the mobilization of local community leaders, traditional authorities, and religious figures was influential in making registration more successful. At the same time, many rural areas did not receive adequate civic information on voter registration. In future elections, state elections committees should expand civic education into the most rural areas to ensure that all citizens have an equal opportunity to participate.

Overall, civic awareness remains a serious shortcoming in the electoral process in Sudan. Civic education must go beyond occasional public announce-

ments; sustained efforts to build knowledge and confidence in the electoral process from the community level upward should be pursued. National and international agencies can play key roles in supporting these efforts, which must be expanded to ensure that millions of Sudanese better comprehend their electoral rights and obligations.

CANDIDATES, PARTIES, AND CAMPAIGNS

The right of individuals to participate in public affairs, including the establishment of and free association with political parties and participation in campaign activities, is protected by international principles and fundamental electoral rights.³⁷

³⁵ See, for example, *United Nations Human Rights and Elections*, para. 87, and the Southern African Development Community Parliamentary Forum, *Norms and Standards for Elections in the SADC Region*, para. 3.2. The African Charter on Democracy, Elections, and Governance (Signed June 30, 2008) Article 12(4) also requires signatories to “implement programmes and carry out activities designed to promote democratic principles and practices and consolidate a culture of democracy... integrate civic education in their education curricular and develop appropriate programmes and activities.”

³⁶ U.N. Human Rights Committee, General Comment no. 5, para. 12.

³⁷ ICCPR, Article 25(a); International Convention on the Elimination of Racial Discrimination (ICERD), Article 5(c); CEDAW, Article 7(b); U.N.HRC General Comment no. 25, para. 26.

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The Carter Center's international observation mission delegation was led by (from left) former Algeria Foreign Minister Lakhdar Brahimi, President Carter, Carter Center President and CEO John Hardman, and former Tanzania Prime Minister Justice Joseph Warioba.

Over 70 political parties and over 16,000 candidates contested approximately 1,800 seats in Sudan's 2010 general elections. Only two parties, the NCP and SPLM, had sufficient financial and human resources to compete in the elections across most constituencies.

Nominations

The nominations period began on Jan. 12, 2010, and was set to run for 10 days. On Jan. 20, the NEC extended the nominations period by five days (to Jan. 27) in the interest of inclusiveness. Nominations proceeded at a slow pace, with political parties expressing difficulty meeting the nomination requirements. Requirements varied for each type of election and included substantial deposit fees as well as garnering a large number of signatures from registered voters in a specified number of states. Some candidate agents were harassed or detained by security officials in Southern Sudan and Darfur, which impacted the agents' ability to collect the requisite signatures. Several political parties and individual candidates decided to retract or not to submit a pending application due to harassment.

Two presidential candidates, Fatima Abdel

Mahmood and Sheikh al-Deen, were initially rejected because their paperwork did not meet the requirements established by the NEC. The NEC later welcomed the Constitutional Court's decision to allow the candidates to run, following their appeals.

In spite of some instances of intimidation and detention, the nominations process was generally open, inclusive, and characterized by the emergence of a large number of independent candidates. Many of these independents originated from the SPLM and, to a lesser extent, the NCP. Often these members were chosen by their local party offices but later rejected by senior party committees for various reasons.

In the future, the NEC and state authorities should reexamine the requirements for nomination signatures and candidate deposits. Given the number of offices contested simultaneously, the financial burden of the deposit requirements was an obstacle for smaller political parties. The deposit should be aimed solely at discouraging frivolous candidacies. The NEC should ensure that state election committees have information on nomination requirements and apply them consistently to ensure that no potential candidate is confronted with unfair obstacles.

Campaign Period

The campaign period began on Feb. 13, 2010, and ran for two months until April 9, when a campaign blackout commenced. The campaign period was largely peaceful in the North, but there was an upsurge in fighting in the Jebel Marra and Jebel Moon areas of Darfur. Large-scale intimidation was observed in Kassala state, particularly in Hamishkoreb, where opposition Democratic Unionist Party officials were obstructed. Interference in campaign activities by GoSS security agencies, particularly the SPLA, resulted in allegations from opposition parties of partisanship by the army, contributing to distrust across Southern Sudan. Many opposition party and independent candidates and their agents were the victims



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of violence, arrest, and intimidation; the SPLM-DC campaign was particularly repressed.

While the Center observed a number of campaign activities by a range of parties, the activity was slow to begin and remained relatively subdued throughout the campaign period with only a few large rallies. This was attributed in part to a protracted campaign period, which allowed many parties to be slow with their preparations, and also to the lack of resources. Much of the campaigning was limited to low-profile events, door-to-door canvassing, and fly-postering. Because of this, the removal of and placement of restrictions on displaying candidates' campaign posters were especially concerning, with incidents reported in Khartoum, Juba, Warrap, and Malakal.

On Feb. 22, 2010, the NEC and the Sudan Ministry of the Interior issued a circular on campaigning activities that required at least 72 hours notice before any campaign event could be held. The circular was more restrictive than the directives issued by the Ministry of the Interior in a September 2009 decision regarding the practice of electoral activities. The new circular required parties to submit notification of campaigning events held on their own premises. Several political parties appealed to the NEC to permit the parties to hold election-related activities in public places after notifying the relevant security committees instead of applying for approval and to forgo notification for activities on their own premises. These requests were not accepted by the NEC. Not only were regulations applied inconsistently across the states, and parties often had to report to several security agencies rather than a single authority, the framework governing campaigning was overly restrictive. For instance, both the Criminal Procedure Act of 1991 and National Security Forces Act of 2009 provide for arrest and detention without timely judicial recourse.

To ensure a free campaigning period, opposition parties within the Juba Alliance demanded the reform or freezing of various security laws. The government did not accept these demands but promised not to apply these laws during the campaign. In a March 6, 2010, memorandum, the Northern opposition parties accused the NEC of lacking transparency, impartiality, and independence. The Juba Alliance members withdrew from the NEC-established media council after complaining of its biased nature. The NEC agreed to increase the number of nongovernment members on the media council in the final days of the campaign.

Alliance members further complained about the failure of the NEC to impose limits on campaign expenditures (see the Campaign Finance section), as well as voter registration violations and the use of government property for campaigning purposes by the NCP. They also demanded that the state of emergency in Darfur be lifted and that the government reach a peace

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agreement that permitted armed groups in Darfur to participate in the election as political parties.

On April 1, after its demands were not met, four of the largest Juba Alliance parties—the SPLM-Northern sector, Umma National Party, Sudan Communist Party, and the Umma Reform and Renewal Party—announced that conditions did not favor a free and fair election and that they would boycott it. Although the legal deadline for withdrawal from the elections had passed and candidates remained listed on ballots, the parties withdrew almost all of their candidates from the elections in Northern Sudan, including the presidential race. The Democratic Unionist Party and the Popular Congress Party opted to stay in the election. The boycott seriously undermined the competitive nature of the election and resulted in an uneven representation of the major political forces in the National Assembly.



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African Union Code of Conduct

In March, 16 political parties and several independent candidates in Southern Sudan endorsed a code of conduct facilitated by the African Union High Level Implementation Panel on Sudan, led by former South Africa President Thabo Mbeki. While initially perceived as a promising development, given the generally inclusive and conciliatory way in which the code of conduct was drafted among the parties, the code of conduct was not a major factor in interparty mediation of incidents as talks in Khartoum stagnated. While parties did not agree on a similar code in the North, opposition parties, the Government of Southern Sudan, and the NCP accepted the code of conduct at meetings later held in the South. However, given the subsequent abuses of the SPLM-DC and other parties, which were signatories of the code by state authorities, its implementation was less than universal.

The majority of the code of conduct provisions existed in law. Nonetheless, the code provided an important model for future elections. Examples of valuable

provisions in the code included rejecting the need for permission to hold rallies and events in public areas (as required by the NEC regulations) and providing for a conflict resolution mechanism through the establishment of state political parties councils, in collaboration with the Political Parties Affairs Council, the national political party registrar.

Campaign Finance

The National Elections Act permits the governments to provide state funding for political parties but does not mandate it. The national government did not provide funding to any political party. In early March, however, the Government of Southern Sudan pledged 5 million SDG to 13 political parties in the South that had raised the issue at an African Union summit on the political party code of conduct. Rather than

disbursing the funds themselves, the GoSS mandated two political parties to distribute the funds among the other parties. Of the 5 million SDG, only 3 million was divided among six different parties, resulting in a nontransparent process by which some parties never received public financing and raising questions about the whereabouts of the remaining 2 million SDG.

Although the National Elections Act prohibits the use of state resources by candidates for campaigning purposes,³⁸ Carter Center observers reported multiple instances of the use of state vehicles by incumbents.

The law also provides for the imposition of a campaign spending ceiling by the NEC for all elections.

Although the National Elections Act prohibits the use of state resources by candidates for campaigning purposes, Carter Center observers reported multiple instances of the use of state vehicles by incumbents.

On April 3, the NEC announced that the maximum expenditure for the presidential candidate would be 17 million SDG; the GoSS presidency, 7 million SDG; gubernatorial candidates, 800,000 SDG; individual parliamentary candidates, 700,000 SDG; and party list and women's list candidates, 50,000 SDG. This decision came very late in the campaign and set the limit at a high multiple of the average income per person per year in Sudan. As a

result, the NEC's actions failed to promote equity in the campaign.³⁹

Notwithstanding the clear legal requirement that all candidates and political parties submit final accounts of their electoral campaign income and expenditures to the NEC within 30 days of the official declaration of the final results of the elections,⁴⁰ no such accounts were available when requested by

38 National Elections Act, Section 2, Article 96.

39 ICCPR, Articles 2 (3) and 25, and U.N.HRC General Comment no. 25, para. 19, provide that reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party.

40 Article 70 of the General Elections Act 2008.



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President Carter meets with former South Africa President Thabo Mbeki, head of the African Union's High-Level Implementation Panel on Sudan.

The Carter Center. Moreover, the NEC disclaimed all responsibility for ensuring compliance with this provision, accurately claiming that it did not have the resources to oversee and investigate campaign financing.

THE MEDIA

Equitable access to broadcast and print media is a fundamental democratic right of contesting political parties,⁴¹ but this right was not properly protected in Sudan. Although the NEC established procedures and bodies designed to regulate the media, provide greater freedom to the press, and promote equality of access, many Sudanese viewed the measures taken as biased toward the ruling parties.

Articles 65, 66, and 98 of Sudan's National Elections Act provide for the equal distribution of time among candidates and political parties during the electoral campaign period, in accordance with the rules and regulations of media outlets. The act states

that every candidate or political party shall enjoy unrestricted freedom of expression, presentation of its campaign program, and access to information.⁴² The NEC created a joint media monitoring mechanism to design and monitor a timetable that provided free and equal access to the state-owned radio and television stations for presidential and gubernatorial candidates. However, the mechanism collapsed when all but the NCP members of the committee withdrew from the body, claiming it was biased and overly representative of NCP members.

While attempts were being made to give equitable access to candidates on state radio and television during periods set aside for party broadcasts, disproportionate airtime was given to NCP candidates in senior government positions. The Carter Center called upon

41 U.N.HRC, General Comment no. 25, para. 25; African Union, Declaration on the Principles Governing Democratic Elections in Africa, Article III a.

42 National Elections Act, Section 1, Article 65 (2).



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the NEC to pay close heed to such practices and, when appropriate, issue public warnings to ensure that the media remained truly neutral during the campaign.

The NEC took actions that suggest it did not fully respect freedom of speech, including NEC Decision 68, which stated that parties and candidates must prerecord their campaign programs for approval by an NEC committee before being aired. Umma Party leader Sadiq Al-Mahdi was accused of “inciting hatred” in a speech that was refused broadcast on Radio Omdurman, a decision subsequently endorsed by a subcommittee of the NEC. The Carter Center found no evidence to sustain the NEC’s accusation that Sadiq’s speech would have incited hatred, but rather simply would be unflattering to the government. The committee’s objective, when reviewing prospective broadcasts, should be to allow constitutionally protected freedom of expression, not to censor political speech. Subject to the law, the NEC and its subsidiary committees should have no opinion on the content of any material presented.⁴³

The Center was encouraged that some of Sudan’s state HECs worked closely with local media to create an equal distribution of time for the different parties. The Carter Center did not receive reports that payments were required to air party political programs that would have disadvantaged smaller, less-well-funded candidates and parties.

Although prepress censorship was officially lifted in September 2009, certain subjects could not be discussed freely in the media. Moreover, after a history of censorship, the media were cautious about tackling issues considered sensitive and that might provoke the government. Newspapers and individual journalists continued to face court cases and condemnation by the National Press Council. The council has broad-ranging powers, which extend to the sus-

pension of newspapers for up to three days. Further, the council can refer a case to court, which, under the Journalism and Press Publications Act 2009, can suspend any journalist, editor, printing press, or publisher for an unrestricted period of time. Newspapers had editorial staff summoned by the NPC over comments regarding President Bashir. State agencies should respect that freedom of speech is mandated

in the Comprehensive Peace Agreement (CPA), which allows criticism of the ruling party, its candidates, and actions as acceptable subjects of discussion.

Harassment and interference of security services impeded freedom of speech and media rights in the South. On March 3, two radio stations in Juba—Catholic Radio Bakhita and Liberty Radio FM—were briefly closed by security agents because of ambiguous objections to the

political content of their broadcasts. The arresting officers declared all programs must be recorded and that political campaigns should be limited to parties’ manifestos, adding that political candidates should not insult the government and that further infractions would result in closure.

CIVIL SOCIETY

An international obligation to provide all citizens with the right to participate in the public affairs of the country includes the opportunity to join civil society and domestic observation organizations.

Election monitoring by nonpartisan civil society organizations is an important means for citizens to take part in democratic processes, serves to safeguard the process, and provides important information and recommendations regarding the integrity of the process.

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43 U.N. Report of the Special Rapporteur on Freedom of Expression, 1999, para. 17 (b).



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Northern Sudan had one of the most developed civil societies in Africa and the Middle East, but it has been systematically dismantled in recent years. The Organization of Humanitarian and Voluntary Work Act of 2006 has been particularly detrimental to the development of civil society in Northern Sudan. According to the act, nongovernmental organizations must obtain the approval of the general registrar of organizations, which is appointed by the president. To be accredited as a domestic observer organization, NGOs must have been previously registered. Southern Sudan has a weak civil society largely defined by tribal chiefs and churches. The history of civil society in Southern Sudan is heavily focused on facilitating humanitarian aid.

As a result of its repression in the North and lack of development in the South, civil society had a limited role in the peace process leading to the CPA. In the wake of the CPA, civil society began to move into areas of governance, advocacy and human rights. Apart from groups like Girifna and Sudan Democracy First, which operated undercover because of fear of arrest, the political engagement of civil society in the elections was restricted to observation and the issuing of postelection statements. The absence of a robust opposition in the National Assembly meant that political activity took place largely outside formal institutions. The legal and political environment in the South was slightly more open, but civil society remained weak due to underdevelopment.

The election gave rise to several domestic observation networks in both Northern and Southern Sudan. The most active were the National Civic Forum, al-Khatim Adlan Center for Enlightenment and Human Development, and the Sudanese Group for Democratic Elections in the North; and the Sudan Domestic Election Monitoring and Observation Program and the Sudanese Network for Democratic Elections in the South. Together these organizations

deployed approximately 9,000 observers across Sudan for polling and counting. According to the NEC, 10,286 Sudanese observers received accreditation to observe the elections. The Carter Center's Engaging Sudanese Civil Society in the Electoral Process (a domestic observation training program) supported

the general election observation work of these civil society groups and others in both Northern and Southern Sudan.

Despite the opening created by the CPA, civil society organizations experienced significant challenges in accreditation. During voter registration, the NEC was late to determine procedures for domestic Sudanese

observer accreditation. In addition, as noted above, the requirements for accreditation were unclear and inconsistently applied. At least four different types of accreditation documents were issued to domestic observer groups by the NEC and the state HECs. Accreditation badges were released late to organizations, contributing further to the delayed deployment of Sudanese observers during the voter registration period and placing an undue burden on officials overseeing accreditation.

Furthermore, some national observers encountered obstacles in accessing the polling process, although these obstructions appeared to be localized. On the national level, domestic observers were provided access to polling stations during the voting and counting processes. This was not the case during tabulation when access was restricted for many domestic observers.

ELECTORAL DISPUTE RESOLUTION

Dispute resolution processes in the prepolling phase of the general elections were administered haphazardly with limited information provided as to how to file claims. The NEC's complicated procedures and short timelines often disempowered appellants and disputed parties. However, there were some positive ele-

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People wait in line to vote on the first day of polling in Khartoum.

ments of the dispute resolution process, including the Supreme Court's decision to allow the candidacy of two presidential contenders to stand after they were initially disqualified on technicalities.

As mentioned previously, according to the NEC, 885 complaints were filed regarding constituency delineation, of which 363 were accepted in the published Final Report of Boundaries. The NEA provides for appeals to the Supreme Court against the final constituencies delineated by the NEC. Fifty-eight appeals were lodged, five of which were allowed. Allegations have been made that state HECs did not make efforts to implement changes to the constituencies that were successfully appealed to the NEC. Because no clear details of the constituency delineation were published, there was no way to verify the effectiveness of the remedy afforded by authorities to appellants, making it clear that future constituency delimitation processes should ensure that stakeholders

understand their right to appeal and that the process is conducted in a transparent manner.

Under the National Elections Act, any registered voter in a geographical constituency could correct or challenge the details of the voter list within seven days of its publication. However, lack of awareness of the right to inspect and challenge the list, as well as a lack of adequate display of the list, led to a low number of challenges submitted. Because most of the printed voter lists in Southern Sudan were not finalized until well after the Jan. 16 deadline, the state HECs used the manually written registration books to display the names on the voter register. As a result, 8,933 challenges were made on the basis of the handwritten lists. This could neither be compared to the final electronic lists nor could errors in data entry be identified. The legal framework does not provide a mechanism for complaint about incorrect exclusion



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from the voter register. This a clear breach of the right to an effective remedy.⁴⁴

The Supreme Court also provided for appeals in the case of the NEC refusing to register candidates. Eight such appeals were made regarding candidacy for the presidency, two regarding candidacy for the presidency of Southern Sudan, and 16 regarding candidacy for governors. Regarding the presidential candidates, the Supreme Court reinstated the candidacies of presidential contenders Munir Sheikh al-Deen of the New National Democratic Party and Fatima Abdel-Mahmood of the Socialist Democratic Union on Feb. 8. In the second case, this allowed for the first woman in Sudan's history to run for president.

ELECTION-RELATED VIOLENCE

Although the campaign period was largely peaceful, isolated acts of violence against candidates occurred. In the pre-polling period, at least three candidates were shot and two were killed. This included an SPLM incumbent candidate for a Southern Sudan Legislative Assembly seat in Unity state who was killed in Southern Sudan, an Umma Party candidate for state assembly in South Darfur who was shot while traveling in a convoy with the secretary-general of the Umma Party, and an NCP candidate in Khartoum North who was killed. No evidence was forthcoming to prove that these crimes were politically motivated, although the obvious intentionality of the murders was cause for concern. In public statements, The Carter Center deplored these acts of violence and urged a full investigation by the authorities.⁴⁵ Any conclusions from the investigations were not made public.

During the prepolling phase, The Carter Center also expressed concern regarding ongoing reports of insecurity and violence in several regions of Sudan. This included eastern Sudan and large parts of Darfur,

including Jebel Marra and the far west areas of Darfur.

Deeply alarming reports of human rights abuses were received from across Sudan in the months leading up to the elections. The Carter Center received confirmed reports that two student activists were detained and beaten in Khartoum on Dec. 6, 2009. In Aweil, Northern Bahr al Ghazal, Tong Awal Ayat, head of the newly formed United Democratic Party, reported that state authorities ordered his arrest on Oct. 22, alleging that his party was not properly reg-

istered. Southern police allegedly held him in a safe house in town for two weeks, and then transferred him to a military prison at Wunyiit.

SPLM-DC reported dozens of arrests and detentions of its members across Southern Sudan. NCP members also reported numerous arrests and detentions in towns across Southern Sudan, often on accusations of improperly registering their members. In

Central Equatoria, an NCP representative reported being detained and beaten in early December for registering party members. Another member reported having been arrested with a group of 14 others in Yei town and detained on accusations of paying people to register as NCP, a charge he denied.

Sudanese state authorities should take steps in future elections to guarantee that violent offenses are dealt with in a systematic way that helps prevent their occurrence and discourages repeat offenses. To guarantee the security of the person, as obligated by its international standards,⁴⁶ the NEC should attempt to ensure an electoral process that is inclusive, comprehensive, and secure for all citizens.

Sudanese state authorities should take steps in future elections to guarantee that violent offenses are dealt with in a systematic way that helps prevent their occurrence and discourages repeat offenses.

⁴⁴ ICCPR, Article 2 (3).

⁴⁵ Carter Center Public Statement, March 18, 2010, "Preliminary Statement on the Final Stages of Sudan's Electoral Process," p. 1 (see Appendix E).

⁴⁶ ICCPR, Article 9 (1).



THE ELECTION PERIOD

Sudan's election period, inclusive of the opening, polling, and closing of polling stations across the country, reflected the myriad challenges, logistical and otherwise, that defined the NEC's administration of the process in the preceding 16 months of its operations. The scale of the tasks facing election administrators at the national and state levels in Sudan was immense given the multiple days of polling and numerous elections held simultaneously.

Genuine, periodic elections are the essential means by which democratic states fulfill their obligation to provide for the free expression of the will of the people. They must guarantee certain participatory rights for the voting process to accurately reflect the people's will. Foremost among these are the rights to vote, participate in public affairs, and enjoy personal security.⁴⁷ The state must take all necessary steps to ensure such rights are fully protected for all citizens in an equal and nondiscriminatory manner.⁴⁸

The Carter Center deployed a delegation of over 70 short-term observers from 23 countries to Sudan to observe the April 2010 national elections, building upon the Center's long-term monitoring presence in Sudan that began in February 2008. Carter Center observers were present in all 25 of Sudan's states, as well as the district of Abyei, and monitored the pre-count, balloting, counting, tabulation of votes, and the announcement of results and other postelectoral processes.

By close of polls on the evening of April 15, observers from The Carter Center had visited 10 percent of the approximately 9,500 polling centers open during the national elections across all areas of the country. Approximately 51 percent of the polling

stations monitored by the Center's observers were in rural areas, while 49 percent were located in urban areas.

POLL OPENING

The Sudanese election process was mandated to take place over seven days, with multiple days of polling, and the NEC decreed that stations should be open between 8 a.m. and 6 p.m. for three days,

April 11–13. The election timetable indicated that all materials necessary for polling would be delivered to polling centers by April 9. On April 12, the NEC announced that due to the problems associated with the first day's polling, voting would be extended nationwide to Thursday, April 15, for a total of five days of polling.

Inadequate, inconsistent, and late planning by the NEC resulted in the late delivery of electoral materials, which in turn

caused many of the problems reported by observers that adversely affected polling on the first day. Delays and changes to the decision on the number of polling centers and stations negatively impacted the procurement, delivery, and distribution of sensitive materials critical to polling. Carter Center observers reported that a substantial number of polling centers either opened late or did not open at all due to partial delivery or nondelivery of essential materials, particularly

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47 ICCPR, Article 2, 9, and 25(a).

48 The state must take necessary measures to give effect to rights enshrined in the treaty to which they are party. Such rights include the right for all citizens to be treated in an equal and nondiscriminatory manner. ICCPR, Article 2(2); International Convention on the Elimination of all Forms of Racial Discrimination, Article 1.



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A voter exits a polling station after casting her ballot.

ballot papers.⁴⁹ Such problems could have been avoided if the NEC had delayed the elections by a few days on technical grounds.

The distribution of polling centers and stations is critical to ensuring the right to vote. After a long debate over the number of centers and stations, the NEC determined that polling would take place in 9,650 polling centers containing 16,502 total polling stations.⁵⁰ However, it is not clear how many stations finally opened due to the lack of transparency in the final results and substantial errors observed in the polling center and station lists.

The NEC's delayed processing of nominations data and ballot designs added to the stresses on the intended schedule. In a number of instances, ballot papers were incorrectly printed, with either a candidate's name omitted or the wrong party symbol allocated to a candidate's name. There were also numerous

reports of insufficient ballots received for the number of registered voters.⁵¹ Although many of the ballot issues were resolved by the second day of polling, this problem damaged voter confidence in the electoral management bodies and may have resulted in the disenfranchisement of numerous voters.

The more serious inaccuracies in the ballots resulted in the cancellation of 33 elections, and reruns

49 In White Nile, polling was severely delayed when two sets of paper ballots supposedly reprinted the evening before were delivered late on the first day. In Kauda, South Kordofan, the Center's team observed widespread late delivery of voting materials to polling centers, which resulted in 48 of 51 polling centers opening late. A shortage of vehicles caused late delivery of ballots in the Kauda and Julud regions of South Kordofan. In Lakes state, the HEC reported that the SPLA hijacked vehicles delivering voting materials.

50 NEC final distribution list, March 23, 2010.

51 Polling was suspended during the election due to a shortage of ballots in Eastern Equatoria, South Kordofan (Kauda), and Abyei. Polling was delayed in Eastern Equatoria, Northern Darfur, Kassala, and South Kordofan due to the late delivery of materials.



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Lakhdar Brahimi, co-leader of the Carter Center delegation, and Carter Center staff member Sarah Johnson complete the observer checklist.

were held within 60 days on June 5–6. The reruns for these elections were held as a result of a combination of ballot errors including incorrect candidate lists on some ballots or listing the incorrect constituency numbers on others. In addition, by-elections were required in seven constituencies due to the death of a candidate.

In the South, the United Nations recognized the major logistical problems with distribution and stepped in to provide critical support in the delivery of essential materials. In spite of these efforts, a significant number of polling centers, particularly in Southern Sudan, lacked ballot papers for some races or found the papers had been delivered to the wrong location. Observers stated this was the case in Central Equatoria, Eastern Equatoria, Jonglei, Abyei, Warrap, and Unity, but also in the Northern states of Gezira, Kassala, South Kordofan, and West Darfur. Despite this problem, some polling center chiefs proceeded with polling without appropriate ballot papers, processing large numbers of voters before suspending voting to await delivery of the correct ballots.

POLLING

Polling was marred by a number of problems, including significant issues with the voter lists, identification of voters, intimidation of voters, secrecy of the ballot, and the removal of indelible ink. These issues have

had a major impact on the acceptability of the polling process, eroding many of the standard checks and balances that verify the integrity of an election and dampening voter confidence in the electoral process.

Voter List

Critical problems were identified with the accuracy and inclusiveness of the voter lists, creating serious obstacles for many would-be voters, disenfranchising these registrants, and resulting in some stations abandoning necessary checks on multiple voting, which compromised the integrity of the system.

Numerous observers reported the incomplete and sometimes incorrect compilation and delivery of voter lists. Although problems with the physical production and delivery of voter lists were not uniform across the states of Sudan, the flaws in the voter registry itself were clearly observed to be a nationwide problem and were likely the single greatest means by which voters were disenfranchised.

Observers reported that large numbers of voters were unable to find their names on the voter lists, due to language problems, incorrect or misleadingly alphabetized names, or simply because of general confusion over how voters on the registry were allocated to specific polling stations and centers. In many cases, voters were instructed during registration that they should return to vote at the same location. However, because there were fewer polling centers than registration sites, many voters discovered that the location where they had registered no longer existed. At the



Short-term observer Mikkel Vestergaard talks with polling staff and voters in Juba.



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centers with multiple stations, the voter rolls were split between stations without clear instructions as to how they were distributed.

Carter Center observers witnessed voters bearing registration slips being turned away after failing to locate their names on the voter list; this occurred in every state of Southern Sudan, North Kordofan, South Kordofan, Gezira, Blue Nile, and West Darfur. In most cases the voters who were turned away received no further instruction as to alternative polling centers where they would find their names. At some stations, the problems were so severe that the printed voter lists were abandoned and substituted with the original paper registration lists, or, as in some polling stations in Warrap state, lists were discarded altogether. In a number of polling centers where voters presented their registration slips but could not find their names on the list, names were simply written down and the voters allowed to cast their ballots. This was observed in Central Equatoria, Eastern Equatoria, and Warrap state, while observers in South Kordofan witnessed manual corrections being made to voter lists. While this meant that voters who would otherwise have been excluded were able to participate, it also opened the door to the potential for multiple voting, because it would be possible for voters to use their registration slips at multiple polling stations.

Identification Problems

The integrity of the polling process depends on ensuring that potential voters are who they say they are. However, the rules ensuring identification was verified often were not enforced, and at times partisan local committees and party agents became involved in the process.

NEC regulations allow citizens to vote if their names appear on the voter registry and they can prove their identity. However, observers noted that

many individuals without identification of any kind were able to vote in Jonglei, North Darfur, and Upper Nile without being checked by poll workers.

In other cases, certificates of identity, presumably issued by a local Popular Committee, were frequently used without any other means of verification. In White Nile and North Darfur, party agents were found to double up as identifiers, and at other sites the agents identified voters even if they had slips. This problem was further exacerbated by the observation of Popular Committees issuing identification certificates on a partisan basis, sometimes in party tents outside the polling stations.⁵²

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In Kassala, Red Sea, White Nile, and River Nile states, as well as Darfur, observers noted numerous instances of underage voting. At times it appeared that underage voters were being transported in organized groups. In several cases, observers were able to directly confirm with underage voters that they did not possess a valid identification and registration card. In several other cases, particularly Unity state and Western Bahr al Ghazal, observers reported that presumed

underage voters ran from the polling station in fear of being confronted.

Participation of Illiterate Voters

Sudan's many illiterate and partially literate voters encountered difficulties during polling due to the complexity of the poll, poor voter education, and a general failure to recognize the meaning of symbols. This increased the time required to find the station in which they were designated to vote and made it difficult to cast a ballot.

While the use of symbols for candidates, parties, and positions is an international best practice,

⁵² In North Darfur and some other places, observers noted that certifications given by popular committees were scribbled on torn sheets of paper. In Gedaref, identification was for sale on site for 10 SDG.



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particularly in countries with high rates of illiteracy, many candidates and parties did not understand the meaning of these symbols due to the weak system of voter education. The complexity of the polling, with multiple ballots and long candidate lists, overwhelmed many illiterate voters.

Assisted Voting

Establishing procedures for assisted voting can help the NEC ensure universal suffrage, in line with Sudan's international obligations and best practice.⁵³ At the same time, if procedures are followed improperly, assisted voting could undermine both the secrecy of the ballot and infringe on the voters' choice. Carter Center observers witnessed both issues in polling stations across Sudan.

The Carter Center welcomed the NEC's directive to permit those voters who needed assistance in marking their ballot to choose someone to help them, rather than having a poll worker assist. These steps to offer impartial assistance were in line with international standards.⁵⁴ However, many voters who required assistance were poorly informed as to the correct procedure, and there were many allegations that helpers abused the voters' trust and marked ballots contrary to the voters' wishes.

In South Darfur, Unity, Central Equatoria, and Upper Nile states, the secrecy of the ballot was frequently compromised for voters who required assistance, although observers predominantly felt the loss of secrecy did not seem to result from an intention of fraud. In Lakes state and Northern Bahr al Ghazal, however, observers were present at polling stations where polling staff were attempting to unduly influence voter choice and in some cases, completing the ballots of illiterate voters without consultation.

Indelible Ink

The use of indelible ink is an important safeguard to ensure that multiple voting does not occur and should be made so as to be effective for days or weeks after application. During April's election, there were many reports verified by observers of the indelible ink being easily removed from voters' fingers immediately after



A woman's finger is dipped in indelible ink, designed to prevent people from voting multiple times. In many instances, the ink wore off within days, nullifying its role as a safeguard.

or within one or two days. In some instances, this may have been caused by a failure of the polling staff to shake the bottles to prepare the ink or the inadvertent addition of the packing silicate that caused the ink to dry out. The effectiveness of the ink was weakened, and, where the voter list was discarded, this potentially negated the checks on multiple voting.

Political Party Agents

The presence of active and pervasive party and candidate agents representing different interests in polling stations is critical to the integrity of the polling. The agents' effectiveness, however, is built on their ability to work freely, with a strong comprehension of their role and of polling procedures.

Party agents were seen in the majority of polling stations observed. However, it was noted that many lacked a proper understanding of the electoral process and sometimes overstepped the boundaries of their

⁵³ ICCPR, Article 25 (b).

⁵⁴ U.N.HRC General Comment no. 25, para. 20.



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remit. Where the procedures for assisted voting were widely misunderstood, including in Northern Bahr al Ghazal and Upper Nile, party agents inappropriately assisted voters. Others demanded they be allowed to observe the process of assisted voting, further undermining voters' right to secrecy.

Some party agents did not fully understand the official complaints process, which was recorded on Form 7. They either submitted trivial and irrelevant complaints or were unaware that the system existed at all, as seen in North and South Kordofan. Few attended the tabulation stage of the process, indicating that parties were unaware of the importance of this element of the electoral process.

Observers found that party agents (and domestic observers) had experienced difficulty obtaining accreditation from the HEC in Northern Darfur, while in Gezira and Gedaref unaccredited party agents were present. Further problems with access were observed in Lakes state and Gezira, where party agents were instructed not to come within 100 meters of a polling station, in contravention of their right to observe the process.⁵⁵

Intimidation and Security

The extent of both subtle and forceful intimidation observed was deeply problematic. A heavy security presence was observed in Lakes state, and armed and uniformed people were seen inside polling stations in Kassala and Western Equatoria. Candidates or party agents were intimidated, beaten, or detained in Eastern Equatoria, Central Equatoria, Western Equatoria, Northern Bahr al Ghazal, Gezira, Unity, Port Sudan, and Upper Nile. In Unity state, domestic observers reported being intimidated by SPLM officials. In at least one case, a Carter Center observer and staff member in Lakes state were harassed and threatened with firearms. County commissioners harassed polling staff and voters in Unity and Lakes states; polling staff was arrested in Kassala.

The SPLA had a visible presence at polling sta-

tions in White Nile and Lakes states, and Carter Center observers reported seeing an NCP women's list candidate who was allegedly injured by SPLA soldiers in Eastern Equatoria. In Northern Bahr al Ghazal, observers reported that soldiers marked ballot papers and forcibly replaced police and party agents at polling stations. Polling staff were observed marking ballots on behalf of one party in Northern Bahr al Ghazal and Warrap states. Party agents took an active interest in determining voters' selections in Lakes and Upper Nile states.

Intimidation was carried out by plainclothes and uniformed security agents, soldiers, party agents, party members, and county commissioners. Particularly problematic was the presence of plainclothes men who identified themselves as "public security," "county intelligence," or just "security," and harassed and intimidated voters and political party agents. Most actions seemed to be locally conceived, rather than

centrally controlled, but were nonetheless politically motivated and detrimental to free elections.

Although intimidation during the elections was especially frequent in Southern Sudan, other troubling incidents were reported by Carter Center observers in several cases in Northern Sudan.

For example, in Kassala state,

polling station staff turned away Democratic Unionist Party agents in Hameshkoreb, barring them from monitoring any part of the voting process. Carter Center observers reported seeing restrictions placed on political party agents in Sennar state, where only one agent was allowed inside the polling station at a time, against electoral regulations.⁵⁶

POLL CLOSING

The NEC chose to implement multiple days of polling, citing the need to accommodate more voters in light of the number of ballots cast. While the

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⁵⁵ Sudan, National Elections Act, Article 74 (3).

⁵⁶ Ibid, Article 74 (3).



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While in Sudan, President Carter discusses the elections with the press.

extension was necessary, it introduced serious challenges to the integrity of the system and forced the creation of several adaptive procedures. At the end of each day, polling staff were supposed to close the boxes with serialized seals, the numbers of which were recorded by party agents and domestic observers, as well as polling station staff, before they stored the boxes in the station or another suitable location. The following morning, polling staff were supposed to open the boxes in front of the party agents and observers, who could validate that the seals were the same as those of the previous evening. This process was not always followed.

Serialized seals are standard election materials that prevent the tampering of ballot box contents. The use of seals, however, was inconsistent across Sudan. Carter Center observers noted the absence of seals in a number of locations, particularly the Southern states of Lakes, Western Bahr al Ghazal, and Unity.

Observers in Northern Sudan reported that green, unserialized seals, intended to tie bags, were used to secure the lids of ballot boxes in several states, exposing the boxes to potential tampering. This was observed in South Kordofan, Gedaref, Red Sea,

Gezira, and most widely in Darfur. Polling station staff were in some cases unaware of this mistake. The integrity and perceived credibility of the vote in those areas were undermined by the failure to properly secure the ballot boxes overnight. The NEC previously determined that observers were permitted to reside overnight with the ballot boxes. In practice, however, this was problematic given the harassment of observers and agents, as well as the prohibitive length of the process that lasted at least five nights.

Several trained Sudanese domestic observation networks deployed thousands of observers across Sudan. According to the NEC, a total of 10,286 Sudanese observers received accreditation to observe the elections. Their presence was observed in 82 percent of the centers visited by Carter Center international observers, despite facing significant harassment and intimidation in a number of locations, especially in Southern Sudan. Observers in North Kordofan and Jonglei noted seeing fewer domestic observers outside urban centers, and their absence from the tabulation phase of the process in nearly every state was regrettable.



POSTELECTION DEVELOPMENTS

This section reviews election developments after the polls closed, including counting, tabulation, and dispute resolution.

COUNTING

Counting began on April 16, the day after the polls closed. The two exceptions were Gedaref and Upper Nile states, where counting began on the evening of April 15, suggesting weak communication with the HECs. An accurate and nondiscriminatory vote-counting process, including the announcement of results, is an essential means of ensuring that the fundamental right to be elected is fulfilled.⁵⁷

In almost half of the states, observers noted that the official guidelines on what constitutes a spoiled ballot and how to interpret voter intention were not followed. Individual stations frequently decided on procedures by consensus between staff, party agents, and domestic observers. Carter Center observers reported that votes were often deemed to be invalid when the marks on them were not placed exactly within the circle, even when the intent of the voter seemed clear. According to Section 77 of the National Elections Act of 2008, a vote should be considered valid as long as the voter's choice can be reasonably ascertained without any doubt. This is also in line with international best practice.

In Abyei, Eastern Equatoria, Jonglei, Lakes, South Kordofan, and Upper Nile, the Center witnessed political party agents assisting polling officials in counting ballots, although the Center cannot conclude that this practice was conducted with malicious intent. In West Darfur and Eastern Equatoria, security

personnel participated in the counting process in contravention of electoral procedures.

The Center noted the failure of officials to follow proper administrative procedures and to reconcile the number of ballots received with the number of ballots counted (i.e., valid, invalid, spoiled, and unused). This resulted in a significant number of results forms being inaccurately completed. The failure to correctly reconcile votes cast at the polling station created a significant burden for the HECs and left the results process more vulnerable to manipulation at subsequent stages.

After ballots were counted on site, the results forms were transported to the state HECs for tabulation in the state capitals. Results from each state were then transmitted to the NEC in Khartoum. There were delays in counting in some areas and logistical problems with the retrieval of ballots and results forms.

At the start of counting, three state committees in Southern Sudan still did not have adequately equipped results centers with the proper software installed on their computers. Moreover, nine state committees had not yet recruited or trained results center staff.

The NEC's system for the counting and tabulation phases was implemented inconsistently, a problem compounded by insufficiently trained staff, inadequate resources, a lack of transparency, and logistical problems in many of Sudan's states. While the NEC designed an electronic tabulation system that contained numerous safeguards for data entry, the process was generally not followed as prescribed. This prevented key verification steps from occurring and com-

The Carter Center urges future electoral management bodies to verify the results received from HECs comprehensively to ensure that the integrity of future elections is not undermined.

⁵⁷ ICCPR, Article 2 (2).



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Counting began in most polling stations on April 16, the day after polling ended.

promised the accuracy of the results. In some cases, officials resorted to manual tabulation and ignored the NEC's planned data security measures. The Carter Center urges future electoral management bodies to verify the results received from HECs comprehensively to ensure that the integrity of future elections is not undermined.

The posting of results at the polling station level directly after counting has concluded is a best practice that is important for the transparency of the process. The failure to post results in every location represents a lost opportunity to improve confidence in the integrity of election results at the community level. Forms routinely were not completed properly or displayed outside of polling stations as required to ensure transparency. The release of election results at polling stations varied widely from state to state.

The National Elections Act provision requiring the immediate publication of results at polling stations is welcome. The lack of a requirement to publish final results broken down by polling station, however, is contrary to international best practice.⁵⁸ In future elections, the Center urges the electoral management body to disaggregate and disseminate final results by polling station in order to enhance confidence in the results.

⁵⁸ The best practice of posting detailed election results disaggregated to the polling-station level can be extrapolated from para. 112 of U.N. *Human Rights and Elections*, which requires that "the process for counting votes, verification, and reporting of results and retention of official materials must be secure and fair." ICCPR Articles 2 (3) and 25 and U.N.HRC General Comment no. 25, para. 20 provide that there should be independent scrutiny of the voting and counting process and access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes. Publication of final results broken down by polling station is a prerequisite for this scrutiny.



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TABULATION

The tabulation of results from the polling stations is a task that requires the utmost dedication to accuracy. It is the responsibility of the NEC to ensure that rigid safeguards are in place, including such measures as double-blind entry, quarantine, quality control, and the release of results by polling station.

The NEC published a training manual to explain the complicated tabulation system extremely late in the process, on April 12, leaving very little time to conduct training of data staff or HEC members. Some state HECs did not receive the manual until just days before tabulation started. This resulted in delays to the start of tabulation in some centers and a very limited understanding of the process in others.⁵⁹

The Center deployed observers to data centers in the state capitals to observe the aggregation of the polling center results. Carter Center observers were restricted in seven states, most severely in North Darfur, impeding their ability to assess parts of the process. Unannounced night tabulation sessions in South Darfur and in a private room in Upper Nile, where tabulation was done manually, were particularly alarming. Sudanese observer organizations also faced challenges, as domestic observer accreditation badges issued for some organizations expired before the tabulation was completed, and some HEC officials did not allow Sudanese observers and party agents access to the tabulation centers.

At a conference held with the state HECs, the NEC affirmed that accuracy was key to the tabulation process and announced its intention to implement an electronic tabulation system. The NEC later released a dual-entry results management system, based on an Excel spreadsheet, to be used concurrently with a more sophisticated software results management



Ballots included symbols and photographs to help assist illiterate voters.

system designed with electronic safeguards to prevent fraud and human error.

Used together, the two systems had adequate safeguards in place to isolate questionable results. The results management system included 11 quarantine factors that flagged polling stations with potential anomalies for closer scrutiny. Polling station results that were put into quarantine included those where the number of participating voters was greater than 95 percent of the number of registered voters, the number of ballots issued to voters was higher than the number of registered voters or participating voters, and the total number of votes in the ballot box was higher than the number of registered voters. If any of the 11 quarantine factors were triggered, the entry was flagged and isolated until an appropriate investigation was conducted and corrective measures taken.

Even the devised system, however, had weaknesses. To ensure that the dual-entry approach is secure, the design should prevent collusion among the data entry staff. This could be achieved through randomized allocation of staff within the data center, so that the first and second entry clerks sit apart from each

⁵⁹ In Upper Nile the NEC data entry trainer did not arrive until April 19, four days after polling had finished.



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other. However, the tabulation guidelines stated that the two data entry staff were to sit next to each other, defeating the intended safeguard. Additionally, there was no formal quality control for a significant sample of station results forms, which should have included a review by senior HEC staff members against the database versions of the forms.

In practice, the implementation of the system resulted in a sometimes chaotic and opaque process, raising concerns about the accuracy of the final results and the potential inclusion of fraudulent stations.

Preparations by the NEC were late, and software was completed only after the start of polling. Observers identified nine states where preparations were inadequate, suffering from issues such as insufficient equipment, limited training, or inadequate staffing.

In more than half of the states monitored, Carter Center observers reported that the state data centers employed only one component of the electronic system. This prevented the correct application of the results management safeguards and allowed actions that could compromise the integrity of the process. Frequent problems with the forms, time pressure to release results, and little or no training on how the system was intended to function precipitated this failure to use the safeguards.

Over the course of the tabulation, the quality of the process continued to degrade. The Center was informed by a reliable source that the NEC had instructed all states still tabulating to move to a manual system, with the electronic platforms used only for archiving after the vote totals were calculated. The manual system was highly disorganized, and no procedures or forms were disseminated from the NEC to the data center staff.

Furthermore, the tabulation centers seriously mismanaged the polling station results forms, both manual and electronic. Observers reported that forms were often altered behind closed doors or by data entry

clerks who did not use the prescribed red pens. While this does not necessarily indicate fraud on the part of the officials and was often due to the legitimate need to fix mathematical errors made in the field, transparency was undermined.

The Carter Center issued a statement on May 10 (see Appendix E), noting that widespread irregularities in tabulation cast doubt on the accuracy of the results, and outlined steps that could be taken in the future to ensure greater transparency during tabulation.

In more than half of the states monitored, Carter Center observers reported that the state data centers employed only one component of the electronic system.

ELECTION RESULTS

As discussed above, The Carter Center noted with concern significant problems in vote processing and a lack of transparency in the NEC's release of election results. Therefore, it is not possible to reliably assess the accuracy of the official results.

The Carter Center had additional concerns with the manner in which the party and women's list winners were announced, revealing only the votes for the winning candidate and failing to provide any method for verifying the basic accuracy of the results.

According to the NEC, the incumbent candidate, President Omar al-Bashir of the NCP, won the presidential election with 6,901,694 votes of a total 10,114,310 votes. This was equal to 68.2 percent of the valid votes, surpassing the threshold of 50 percent plus one required for victory. The SPLM candidate, Yasir Arman, who had withdrawn from the presidential race in advance of the polling, won 22 percent of the vote nationwide. In the South, Arman garnered 76 percent of votes compared with Bashir's 14 percent. Among the pool of out-of-country voters, 93 percent gave their support to Bashir.

Incumbent candidate Salva Kiir won the GoSS presidency; he captured 2,616,613 votes of the total 2,813,830 votes cast in the election. This gave him 92.99 percent of the vote to the 7.01 percent of his sole rival, SPLM-DC candidate Lam Akol.



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In the gubernatorial elections, which were similarly dominated by the incumbent parties, 10,442,561 valid votes were cast. In Western Equatoria, the only state of 25 where there was a change in party, official SPLM candidate Jemma Nunu Kumba lost to independent candidate Colonel Joseph Bakosoro. There were many changes in the governorships, with 16 of the 24 seats filled by new candidates, although ruling party candidates won the vast majority of seats. With the conclusion of the April elections, the gubernatorial elections in South Kordofan still had key steps to be carried out, including a new census and voter registration in the state. While the renewed census was carried out in the summer of 2010, the scheduled elections are not expected until early 2011.

The emergent winners for the National Assembly, state assemblies, and the Southern Sudan Legislative Assembly strengthened the dominance of the incumbent parties. The NCP and SPLM overwhelmingly swept assembly seats in Northern and Southern Sudan, respectively. This further reduced the participation of opposition political parties in the elected governments at both national and state levels as Sudan prepares for the final phase of CPA implementation.

ELECTORAL DISPUTE RESOLUTION

During the dispute resolution process, following the announcement of results, Sudan's national Supreme Court generally addressed a huge caseload swiftly and with evenhandedness. Still, the court could not overcome key legislative gaps in Sudan's legal framework, which led to inconsistent rulings on appeals involving electoral offenses.

The National Elections Act offers two tracks to strike down an electoral result. Section 81 of the act designates the national Supreme Court to decide those appeals that challenge results, while Section 83 empowers the NEC to invalidate an election, but only if the winning candidate is personally implicated in an electoral offense. Subsection 83(b), however, vests the NEC with the power to invalidate election results that are in doubt, which conflicts with the court's

competence. Furthermore, the NEA blurs criminal and civil jurisdiction, and bars an effective remedy against third-party fraud.

Electoral Complaints

The National Elections Act assigns the NEC the sole power to cancel results and to take action against electoral offenses.⁶⁰ However, the NEC never used this power during the complaints process, instead delegating the resolution of complaints to state HECs.

The complaint form (Form 7) tasks the head of the polling station with mediating any disputes that arise with party and candidate agents during polling and counting, but does not give voters any recourse to lodge complaints and receive adequate remedies. Failing resolution on site, complaints pass to the returning officer, but the framework does not mandate further action, and there are no consequences for the state HECs if they fail to respond to complaints. Complaints do not cover the tabulation process.

The Center received copies of 104 complaints, 89 of which allege electoral offenses. The NEA gives the "competent courts" the power to enforce its criminal provisions with prison sentences of up to two years, though a list of competent courts was never published.⁶¹ There were no means of ensuring that complaints were received by the state HECs or delivered to the courts. The Ministry of Justice trained 85 prosecutors in electoral law, but then required them to seek state HEC consent to open a case. While this measure protected electoral authorities from political prosecutions, it also stifled legitimate investigations into appeals and complaints.

The NEC failed to take an active role in the electoral dispute resolution process. The election procedures established by the NEC exclude poll workers as witnesses for the prosecution, and the competent courts have yet to report any convictions in Northern Sudan.⁶² The NEC did not use its power to invalidate races on criminal grounds, passing cases to the

60 National Elections Act 2008, Article 10, j (i) 2008.

61 Ibid., Article 111.

62 General Elections Rules 2009, S 59 (g).



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competent court instead.⁶³ In fact, an appeal to the national Supreme Court is possible only if the NEC directly invalidates a race. By abdicating its role as an adjudicator of appeals, the NEC denied losing candidates who claimed fraud a chance to challenge the results (the court itself is only prescribed a role as an adjudicator in those cases where the results are in doubt simply because of administrative error).⁶⁴ The NEC's handling of complaints failed to meet Sudan's constitutional, international, and regional obligations to provide a legal means to overturn illegitimate results.⁶⁵ In future elections, it is important that the electoral management bodies cooperate closely with the national Supreme Court and other competent bodies involved in the electoral dispute resolution process so that candidates who allege fraud are able to exercise their right to effective remedy, in line with Sudan's international legal obligations.⁶⁶

Results Appeals to the National Supreme Court

Rather than randomly drawing judges, the chief justice of Sudan handpicked two electoral panels of three justices each, selecting none of the court's six women. Judges are fully tenured and can only be removed with the consent of the High Council of the Judiciary, which last occurred in 1994. Court fees are nominal.

The NEA confines the court's jurisdiction to appeals against election results.⁶⁷ The tribunal dismissed 42 of 188 appeals outright, because these claims could not plausibly overturn the outcome of the elections.⁶⁸ Twenty appeals failed because they were lodged outside the seven-day filing period. The court allowed a total of five appeals. The panels were given 14 days to rule, in hopes of ensuring a timely decision.⁶⁹ However, the NEA restricted standing to candidates and political parties,⁷⁰ depriving voters and civil society of the right to lodge an appeal.⁷¹

The NEC is vested with legal personality and, as such, can sue and be sued. The court, however, did not regard it as a respondent to the appeals. It treated claims as unilateral petitions against the results, rather than as challenges to the NEC's decisions. In breach of the National Elections Act, the 14-day decision

period was more than doubled so that the NEC could gather documents from the state HECs. In violation of Sudan's civil procedures, appellants were denied access to the NEC's evidence and the opportunity to challenge its admissibility.⁷² While international law does not prescribe open proceedings at the appellate level, the national Supreme Court operated as a court of first instance, thus bearing the burden to grant public hearings in accordance with the binding provisions of Sudan's Interim National Constitution.⁷³

The court held one such public hearing and dismissed 59 appeals for lack of criminal jurisdiction, redirecting appellants to the competent courts or the NEC.⁷⁴ According to the Center's field observations, a number of these cases may have warranted deeper inquiry. The court allowed two appeals on criminal grounds; the NEC admitted to the offenses relevant to the case.⁷⁵ The panel, however, dismissed a similar case, despite conceding that the alleged offenses affected the outcome of the election. In closed deliberation, the court accepted the NEC's statement of facts over that of the appellant.⁷⁶

63 Sudan National Elections Act, Article 83.

64 National Elections Act, 2008, S 84.

65 Arab Charter for Human Rights, Article 9.

66 ICCPR, Article 2 (3).

67 National Elections Act 2008, S 81(1).

68 National Elections Act 2008, S 81(2).

69 AfCHPR, Article 7.

70 National Elections Act 2008, S 81 (1).

71 ICCPR Article 2 (3), as applied to Article 25.

72 U.N.HRC General Comment no. 32, para. 29: Even in cases in which the public is excluded from the trial, the judgment, including the essential findings, evidence and legal reasoning must be made public.

73 ICCPR, Article 14(1); African Charter of Human Rights, Article 8; Power Sharing Protocol, CPA, 2005, Article 1.6.2.5; Interim National Constitution, Article 34(3): In all civil and criminal proceedings, every person shall be entitled to a fair and public hearing by an ordinary competent court of law in accordance with procedures prescribed by law.

74 Appeal no. 183 of Steven Tuong, Unity state.

75 Appeal nos. 54 and 60.

76 Appeal no. 158.



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The court declined to either allow or dismiss five appeals from Southern Sudan and ordered the NEC to decide these cases under its criminal invalidation power, which allows the aggrieved party to appeal once again to the Supreme Court of Southern Sudan.⁷⁷ The NEC referred all five appeals back to the national Supreme Court, effectively delegating its power to act upon electoral crime to the court. Nevertheless, the court dismissed the cases because Section 84 of the National Elections Act restricts the right of appeal against an NEC decision to invalidations, rather than against its present inaction.

The Constitutional Court

The Constitutional Court accepted jurisdiction over nine election-related fundamental rights claims. Contrary to the national Supreme Court, the Constitutional Court regards the NEC as a respondent party. The court decided one case in favor of SPLM-DC party leader Lam Akol against an executive order issued by Southern Sudan President Salva Kiir, which restricted Akol's constitutional right to campaign. Vested with the power to strike down legislation, the court also entertained a constitutional challenge to the National Elections Act's restrictions on overseas voting.⁷⁸ The Constitutional Court's ability to hear rights cases positions it as a check on the judicial and legislative decisions of the NEC.

⁷⁷ National Elections Act 2008, S 84.

⁷⁸ Constitutional Court case, 3/2010.



DARFUR AND OTHER SPECIAL TOPICS

This section examines the April 2010 elections in Darfur, internally displaced persons and pastoralists, political developments since the election, and threats by President Bashir.

DARFUR

For a variety of reasons, the elections in the three states of Darfur cannot be considered credible. The government's imposed state of emergency in Darfur restricted the activity of political parties and free and open campaigning, and was used to obstruct major rallies such as those held by SPLM presidential candidate Yasir Arman. The 2009 census did not include an estimated 300,000 Darfuri

refugees in Chad, and there were credible accusations that a large influx of non-Sudanese Arab nomads entered the territory just prior to the census, changing the demographics of the region. Moreover, it appears that many internally displaced persons (IDPs) were not counted, either because enumerators refused to enter the camps, citing security concerns, or because IDPs refused to be counted out of fear that by so doing inside the camps, they would lose rights to their land in their original places of residence. IDPs were further dissuaded by early efforts of armed groups to undermine the legitimacy of the census, which discouraged them from being counted.

Voter registration was also problematic, especially with regard to the approximately 2.5 million people living in IDP camps. Although a small number of camps produced high levels of registered voters, registration was typically very low in the camps. As with the census, some displaced people feared that by registering, they would lose their land rights in their

place of origin. As was the case elsewhere in Sudan, there were widespread reports of the NCP conducting parallel registrations, which appeared to confuse and sometimes intimidate the population.

Citizens living in areas where armed groups were active were often unable to register and were sometimes discouraged from doing so by the armed groups. During the polling period, polling stations were largely not available in these areas.

The Umma Reform and Renewal Party faced difficulties while seeking nominations for its candidates in Darfur. The Sudan Communist Party deemed an election in conditions of war unsuitable to campaign-

ing and announced an early boycott of the election in Darfur. This decision was followed by nearly all SPLM candidates, including the party's presidential candidate, Yasir Arman. Almost all Umma Party candidates also withdrew from the election. As a result, electoral competition in Darfur was severely limited.

A Sudan Communist Party official in Nyala was arrested at the start of the election for producing leaflets supporting a boycott. Several SPLM officials were arrested and then released without any charges in North Darfur in the run-up to the elections. IDP leaders in several camps were also detained during the campaign period as well as during the elections.

Security conditions in Darfur severely restricted the movement of Carter Center observers and caused the European Union mission to withdraw entirely.

As in other areas of Sudan, there were many problems with voter lists and polling practices. Some names were not at the correct polling stations, and many names did not appear. Observers reported various cases in which polling staff failed to use serialized seals. Complaint Form 7 was frequently not available,

For a variety of reasons, the elections in the three states of Darfur cannot be considered credible.



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and in South Darfur, the HEC reportedly refused to accept some complaints. Some domestic observation groups were not accepted by HECs, while other domestic observation groups affiliated with the NCP did not appear to face such restrictions.

Other serious problems included the provision of the final list of polling station locations, which was changed considerably from an earlier list, only five days before voting. These changes not only caused confusion among voters, but sometimes required them to travel as much as 80 kilometers to a new station in areas where transportation is limited and security sometimes problematic. Late opening of polling stations and lack of necessary voting material were common problems according to Carter Center observers. Records of the number of voters and of spoiled ballots frequently were not kept. Soldiers and prisoners were not required to present identification along with the registration slips, while other voters were compelled to do so, in contradiction of NEC regulations. Carter Center observers witnessed underage voting in North Darfur.

Carter Center observers noted a range of problems in the counting and tabulation of votes. In West Darfur, in several stations, observers reported an implausibly large increase in the number of votes cast between the closing of the polls and their opening the following day. At certain polling stations, observers noted discrepancies between a low number of voters registered at the polling station and a high number of ballots delivered for the president. In South Darfur, Carter Center observers reported tabulations taking place behind closed doors at an unofficial location to which access by observers or agents was restricted, while in North Darfur, observers were refused access to observe the final stages of the tabulation process altogether.

ENFRANCHISING THE DISPLACED

The participation of displaced populations in elections that are a part of a peace process is increasingly recognized as fundamental to the integrity of the process and the goals of peace building. The enfranchisement of the displaced, including both refugees and IDPs, is an important human right that contributes to the legitimacy of an election and its results. In Sudan, establishing systems to facilitate the enfranchisement of refugees and IDPs will be a critical task for future electoral management bodies if they are to ensure that the vote provides for a genuine and credible expression of the will of the people.

The NEC failed to provide clear and specific guidance to protect the civil and political rights of the displaced and ensure they could exercise their right to register to vote, as required by international norms. Furthermore, state elections committees were not always willing or able to visit all IDP camps, which partially accounts for the relatively low rate of registration in the three Darfur states.

In Khartoum and the surrounding area, registration centers allowed many IDPs to register. Of the large numbers of IDPs in Darfur, however, a limited percentage in the camps reportedly registered. Registration levels were low, in part due to concern that registering in the camps would prevent the displaced from returning to the land from which they had fled and in part due to the presence of armed groups that opposed the elections. Several IDP camps were not visited at all by registration teams, including Kass and Kalma camps.

As noted previously, while voter registration was also conducted in a number of countries abroad, NEC regulations prevented large concentrations of Sudanese refugees from participating in the elections because the refugees could not fulfill the burdensome

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requirements for identification. The Carter Center encourages Sudan to strengthen mechanisms for registration and voting of citizens abroad in advance of future elections.

POLITICAL DEVELOPMENTS FOLLOWING THE ELECTION

Most of the Northern opposition parties devoted their energies throughout the campaign to discrediting the NEC and the NCP and continued to take this approach in the postelection period. As a result, with the possible exception of the Democratic Unionist Party, the parties made it clear that, if asked, they would not consider participating in the national government. Meanwhile, the NCP defended the NEC and maintained that the body was credible.

In the South, the opposition parties did not initially challenge the election, but shortly after the election, nine of the opposition parties proclaimed that it was not free and fair and rejected the results. However, unlike the Northern parties and with the exception of the United Democratic Front (UDF), the parties announced their willingness to participate in the GoSS and some subsequently assumed positions in the government.

Although relations between the NCP and SPLM during the election were often tense, particularly between the NCP and the Northern sector of the SPLM led by Yasir Arman, the two partners managed to maintain their CPA-prescribed partnership and form an NCP-led government coalition that also included a number of other small parties and allies of the NCP. Neither the election process nor its culmination served to advance the peace process in Darfur. Conflict between the Sudanese Armed Forces and Justice and Equity Movement (JEM) intensified

and the negotiations with JEM in Doha broke down. At the end of the election, the national government issued a warrant for the arrest of Dr. Khalil Ibrahim, leader of JEM, and made clear that he would not be invited to join the government, further hurting prospects for success in the Darfur peace process.

In the South, there was considerable anger at the outcome of various state elections and individual candidacies. In one case, George Athor, a former senior SPLA officer and the defeated candidate for the governorship of Jonglei, launched a rebellion from his base in Khorflus County that led to an undetermined number of deaths in the state and in neighboring Upper Nile. The last reports of fighting involving

Athor's forces were in August 2010, and although militia leader David Yauyau (allied with Athor) has begun negotiations with the Government of Southern Sudan, at the time of writing Athor had not yet given up his rebellion. Other revolts by leaders aggrieved with the elections took place in Pibor and northern Unity state. The SPLM and SPLA claim that these groups, along with the SPLM-DC, are receiving support, including armaments, from the Sudan Armed Forces, though the NCP denies it.

On May 16, Popular Congress Party (PCP) leader Hassan al-Turabi and three senior members connected to his party's newspaper were arrested. Juba Alliance parties met to condemn Turabi's arrest and to march to the PCP headquarters to show solidarity. This rare display of unity toward the PCP, which refused to boycott the election but subsequently rejected the election results, makes clear the desire of the Juba Alliance to maintain a united opposition to the government. Turabi was released from imprisonment on June 30; no reason was provided for his arrest.

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CENSUS IN SOUTH KORDOFAN AND SOUTHERN SUDAN

After lengthy negotiations in which the SPLM asserted that Southern Sudan and South Kordofan were underrepresented in the National Assembly due to inaccuracies of the census results, the two ruling parties worked to resolve the deadlock over the 10 states in the South, as well as South Kordofan and Abyei.

The SPLM and NCP negotiated for 40 additional National Assembly seats from the South in the National Assembly, four from the Nuba Mountains area of South Kordofan and two from Abyei. The SPLM agreed to participate in the presidential and national parliamentary elections in South Kordofan as planned while the gubernatorial and state assembly elections were suspended to a later date.

The successful negotiation over the additional assembly seats in South Kordofan led to agreement between the parties to redo the census in South Kordofan as well as the other key preparatory steps of constituency delimitation and voter registration. In the lead-up to the referendum and popular consultations, the elections in South Kordofan will be a necessary step in ensuring that the two partners maintain a viable working relationship and that a democratically elected government is in place in the state.

PASTORALISTS AND THE ELECTION

Large areas of Darfur, Southern Sudan, eastern Sudan, and even central Sudan are home to significant numbers of people who raise animals and move throughout the year along specific migratory routes. While there were sometimes concerns that the country's pastoralists and nomads may not have been fully counted in the census (such as in South Kordofan), at other times, in the cases of Darfur and Red Sea state,

the opposition contended that they were overcounted to the advantage of the ruling party. Similar concerns were expressed during registration and voting.

Due to their nomadic nature, pastoralists are difficult to enumerate, register for voting, and accommodate with polling centers that take into account their nonsedentary lifestyle. Some nomads and semi-migratory groups participated in the registration process, but, because they were required to vote where they registered, voting became a challenge for many because they had traveled from their original places of registration in the four months between the close of voter registration and polling. The Carter Center encourages future electoral management bodies to

take into account the special circumstances of nomadic people and put into place specific provisions to account for the inclusion of these people throughout the electoral process.

BASHIR'S THREATS

In the wake of the Carter Center's March 17, 2010, statement, President Bashir was widely quoted in the media threatening international observ-

ers that the government "will cut off their fingers and put them under our shoes." Bashir stated that the reason for these threats was his allegation that the Center had called for a delay to the April 2010 elections. This interpretation of the Center's statement was not intended.⁷⁹ On the eve of the April election, Bashir threatened international election observers once again by saying, "Whoever tries to insult us, we will cut their fingers off, put them under our shoes, and throw them out."

On the eve of the April election, Bashir threatened international election observers once again by saying, "Whoever tries to insult us, we will cut their fingers off, put them under our shoes, and throw them out."

⁷⁹ The Carter Center stated: "If necessary, the NEC has the power to postpone elections and should do so if it is required to meet the responsibility to implement credible, inclusive elections. The Center encourages the NEC to weigh all factors, including the impending rainy season in Southern Sudan and South Darfur. It is critical, however, that any decision by the NEC to delay polling be made as quickly as possible so that the commission and international technical assistance partners have as much notice as possible to begin arrangements for a new election date."



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In the wake of statements by the head of state, The Carter Center considered withdrawing from observation of the elections. Before reaching a decision, senior officials of The Carter Center discussed the issue with GOS and NCP leaders following the second threat from Bashir, and these representatives provided assurances for the welcome and safety of the Center's observers in Sudan. The GOS representa-

tives suggested that Bashir's threatening statements were not meant to be taken literally and were delivered in the heat of an electoral campaign. The Center accepted these assurances and decided to go forward with the deployment of observers, but made clear that President al-Bashir's statements violated the spirit of the CPA and called into question the GOS commitments to ensuring a credible, genuine electoral process.



CONCLUSIONS AND RECOMMENDATIONS

Sudan's 2010 general elections should be recognized as one part of a larger democratic process. The Comprehensive Peace Agreement (CPA) envisioned that the elections would strengthen democratic processes and institutions in Sudan. It was hoped that the participation of Sudanese citizens as voters, election workers, observers, and members of political parties and civil society would build momentum toward further democratic consolidation. The limited competitiveness of the presidential and assembly elections, coupled with the subsequent arrest of a major party leader and a number of journalists, however, indicate that democratic space has not increased.

Sudanese political and civil society leaders from across the political spectrum should reaffirm their commitment to core democratic values. Sudan's government should ensure that the limited democratic opening that was evident during the campaign period is not closed but rather expanded and deepened. Full respect for human rights, democratic principles, and transparency is required to build confidence in democratic governance in Sudan.

The Carter Center urges all Sudanese to work toward broad-based national reconciliation as called for in the CPA. In the wake of the general elections and the political polarization that has occurred across Sudan, as the country moves forward to the Southern Sudan and Abyei referenda, there is an urgent need for national reconciliation and a fuller incorporation of Sudan's

peripheries in the country's political and economic spheres.

The following are recommendations based on the Center's observations and analysis. The first section contains recommendations for future elections in Sudan. It is followed by specific recommendations on the Southern Sudan referendum, which should be read in conjunction with the general election recommendations. The last section contains recommendations for the Abyei referendum, which should be read in conjunction with both the election and the Southern Sudan referendum sections.

GENERAL ELECTION RECOMMENDATIONS

1. Legal Framework

A sound legal framework based on the principles of inclusiveness and transparency is a necessary precondition for democratic elections, enhancing citizen confidence in elections and their outcomes. Sudan's overarching legal and electoral framework contains restrictive provisions counter to fundamental political and civic rights. As a result, the legal framework does not ensure adequate respect for the essential political rights and freedoms prescribed in Sudan's constitution, including freedoms of expression, assembly, and association as well as the right to an effective remedy for violations.

Recommendations: The Center urges the government to review the legal framework and remove

It was hoped that the participation of Sudanese citizens as voters, election workers, observers, and members of political parties and civil society would build momentum toward further democratic consolidation. The limited competitiveness of the presidential and assembly elections, coupled with the subsequent arrest of a major party leader and a number of journalists, however, indicate that democratic space has not increased.



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contradictions and inconsistencies that infringe on the freedoms afforded by the CPA and Interim National Constitution. This should include examination of overly restrictive laws that do not comply with Sudan's stated commitments, including the Criminal Procedure Act (1991), the Organization of Humanitarian and Voluntary Work Act (2006), the National Security Forces Act (2009), the Press and Publications Act (2009), and regulations derived from these laws.

2. Constituency Delimitation

Public international law sources indicate that the drawing of boundaries for electoral districts should protect the right of equal suffrage (the value of each vote being the same) by including roughly the same number of citizens for each elected representative, and that constituency boundaries should not discriminate against minority populations or political affiliation.

Recommendations: Given the complexity and political sensitivity of boundary delimitation, adequate time should be allotted in future electoral calendars. A consistent and uniform methodology should be applied, and adequate training should be provided to those responsible for determining boundaries. Future boundary delimitation processes should strive to protect the right of equal suffrage by avoiding wide deviations in the number of citizens per elected representative. In addition, the boundary reports should include either detailed maps of every constituency or extensive village lists that include all villages and their populations to ensure that voters, political parties, and election management staff are properly consulted and have a thorough understanding of the constituency boundaries. The boundaries should be based on a credible and accepted census.

3. Electoral Dispute Resolution

Adequate systems for the resolution of electoral complaints are a critical component of the legal framework for democratic elections and can be a critical factor in achieving sustainable peace.

Recommendations: The legal framework for elections should provide effective means for contestants to seek redress for violations. Appeals deadlines should be adequate for all parties to seek redress, and the right to file an appeal should be extended beyond political parties and candidates to all stakeholders in the election including citizens and polling officials. Greater education on the appeals process should be conducted to ensure that those eligible are able to use the process, and greater training should be provided to those responsible for administering each stage of the appeals process. The process should be decentralized to enable those residing in remote areas to lodge appeals.

Criminal prosecutions should be separated from results challenges to avoid leaving civil appellants with a criminal burden of proof. In addition, the available options for plaintiffs should be more clearly defined, the publication of appeals decisions mandated, and the criteria for invalidation of results amended to provide greater legal clarity. The restriction on standing should also be lifted, and all four Supreme Court branches should form panels to accept appeals in order to broaden stakeholder access to electoral dispute resolution. Prosecutors and the National Elections Commission (NEC) should be kept apprised of complaints, and the complaint period should be extended through the aggregation and data entry phases. Embedding competent court judges in the state high elections commissions (HECs) could help detect abuse, while whistle-blower protection for poll workers would better ensure the enforcement of electoral laws. Every power vested in the NEC should be matched with a corresponding duty to exercise that power.

4. Response to Human Rights Abuses

The CPA includes provisions for establishment of a human rights commission responsible for following up on human rights abuses and ensuring accountability, in accordance with Sudan's international commitments. No fully empowered national body, however, has been created.



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Recommendations: It is imperative that a human rights commission be established and empowered to monitor and investigate election-related complaints in a timely manner. It should have broad powers to impose binding sanctions for violations. Particular attention should be paid to the actions of the security services, and the oversight committee should be given full access to relevant internal security documents. The body also should be visible and communicate stark warnings against interference with the work of political parties, civil society, and the media.

5. Security

Security services must operate in a way that does not result in intimidation or prevent the full engagement of parties, candidates, and citizens in the political process. To be perceived as credible in managing election-related security, constitutional standards and freedoms must be respected.

Recommendations: In future elections, the Ministry of Interior and Internal Affairs, working with electoral authorities, should clarify procedures for the holding of political rallies and ensure that they are in line with Sudan's national, regional, and international commitments and applied consistently across the states. The Government of Sudan (GOS) and Government of Southern Sudan (GoSS) should take all necessary steps to investigate any claims of torture or human rights violations and take swift action against officials found to have perpetrated or permitted unlawful acts of violence against civilians during the electoral process.

It is crucial for state and electoral officials to finalize a security plan to safeguard voter registration and polling centers well in advance of electoral events, especially given the logistical challenges related to holding national elections in Sudan. Plans should take into consideration the importance of a broad and even distribution of polling stations, so as not to dis-



Carter Center observers Ajay Patel (right) and Charles Luganya Royo compare notes at a polling station in Northern Sudan.

enfranchise voters. Should the Sudan Armed Forces and the Sudan People's Liberation Army (SPLA) be called upon to assist the police or other authorities in providing security, it is important that their respective roles be clear and all relevant information be well communicated to the security forces, the public, and political parties. In future elections, the armed forces should be required to play a role only in exceptional circumstances. The National Intelligence and Security Services (NISS) should be removed from the electoral process.

6. Darfur

The continuing state of emergency, repression of civil liberties, and ongoing conflict in Darfur did not permit an environment conducive to acceptable elections in April 2010. Given the limited participation of internally displaced persons (IDPs) in Darfur in the census and voter registration, much of the population was excluded from the process. Carter Center observers were unable to access wide areas of the region due to insecurity. While the areas they monitored were largely peaceful, observers reported serious technical and procedural violations during the polling.

Recommendations: The Center calls upon the Government of National Unity (GNU) to reach an



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agreement with the various rebel groups and bring them into the political process and Sudan's democratic institutions. Given the serious constraints hindering the elections in Darfur in 2010, a negotiated agreement should provide measures to ensure the full representation of excluded groups in the country's democratic institutions and should include provision for elections to ensure the genuine expression of the will of the Darfurian people. In future elections, security should be enhanced to facilitate adequate participation of voters, political parties, civil society, the media, and other stakeholders.

7. Participation of Internally Displaced Persons, Nomads and Pastoralists, Refugees, and Citizens Abroad

Voter registration rates were low overseas with just over 100,000 Sudanese citizens participating, due partly to prohibitively strict identification requirements.

Recommendations: In future elections, special attention should be given to IDP communities to ensure their inclusion in the electoral process, including constituency delineation and voter registration. Election officials should do their utmost to ensure that IDPs are not made to believe that they must choose between their democratic rights and their right to return to their place of origin.

The Carter Center encourages Sudan to broaden access to registration and voting for citizens abroad, including refugees, in advance of future elections. This can be done by allowing any official government-issued document to prove Sudanese heritage and through careful consideration of the location of registration and polling sites outside the country, including IDP camps. Efforts to enfranchise these groups must be accompanied by targeted voter education.

Future elections should also make special consideration for pastoralists and nomads. There should be increased civic education efforts for these groups, and

a more concerted attempt should be made to ensure that they can participate in voter registration and polling. If possible, planning of polling centers also should take into account migratory routes to accommodate these groups.

8. Civic and Voter Education

Civic and voter education are necessary to ensure an informed electorate is able to exercise effectively its right to vote. Given the complexity of the polling process, the absence of a recent democratic tradition, and the high level of illiteracy in Sudan, the need for voter education was particularly relevant in this election.

Recommendations: Particular attention should be directed toward educating illiterate voters and political parties on the use of political party symbols. In addition, consideration should be given to the development of additional voter education mate-

rials to be provided at polling stations on election days, including posters with information on the polling process and "know your candidate" posters listing all candidates and symbols on a sample ballot image.

Improved coordination among the NEC, civil society organizations, and the media should seek to clarify roles and responsibilities for implementing civic and voter education programs.

State elections authorities should expand civic education into the most rural and distant areas to ensure that all citizens have the opportunity to participate. National electoral authorities should consider providing communication equipment to local officials in particularly remote areas to facilitate coordination.

9. Political Parties

Political parties offer citizens meaningful choices in governance, a way to express their interests and needs, and an opportunity to shape their country's future. However, the NEC failed to sufficiently

Given the complexity of the polling process, the absence of a recent democratic tradition, and the high level of illiteracy in Sudan, the need for voter education was particularly relevant in this election.



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engage the parties in a manner that ensured their confidence in the process.

Recommendations: Future electoral management bodies should establish a neutrally operated internal committee for political party relations, fully resourced and located in the head office and in state-level committees. Committee members should engage continuously with parties and candidates, documenting and addressing their concerns in a transparent, consistent manner to generate trust within the political community.

Political parties should work together to develop a national code of conduct in advance of future voter registration periods and elections to help facilitate an ethical election, and party supporters should be educated about their responsibilities.

10. Campaign Finance

While government support was provided to the ruling political parties, other parties have long been deprived of the resources they need to operate fully. Placing checks on campaign finance to maintain the voters' right to a choice is an emerging international best practice. Disparate funding between candidates from the ruling parties in the North and South and their competitors was an issue of concern during the April 2010 elections. Campaign finance regulations created by the NEC were ineffective.

Recommendations: Reasonable limits should be placed on campaign expenditures, and parties should be required to disclose them. Measures governing expenditures should be established well in advance of the candidate nomination period and the campaign period. The Government of Sudan should provide for state funding of political parties through a centralized body and ensure that in practice, all parties have equitable access to resources.

Firm rules preventing the use of government resources in campaigns should be enforced to ensure

a level playing field among contestants in future elections. Sanctions should be levied against those who break the rules.

11. Political Party and Candidate Agents

The number of political party and candidate agents deployed during the 2010 general elections demonstrated an interest in participation and a commitment to protecting the integrity of the process. The right of political party and candidate agents to be present during polling and counting is an emerging best practice that Sudan should meet.⁸⁰

Recommendations: Enhanced training should be provided to political party agents, including additional technical support regarding cascade training methodologies, to ensure that party and candidate agents better understand their roles and responsibilities.

The harassment of party agents during the electoral process is serious cause for concern. Current electoral regulations do not allow for adequate resolution of complaints by party or candidate agents on a polling-station level. Future election management bodies should put into place strong complaints protocols, including a centralized venue where agents can submit complaints and procedures for further investigation into incidents of harassment of political party agents.

Returned forms from polling centers should bear the signatures of all party or candidate representatives present and should be incorporated into the tabulation data. This would allow election and tabulation officials to easily detect large discrepancies and trends in turnout or the absence of political party agents, helping to facilitate decisions on whether further investigation is required.

The number of political party and candidate agents deployed during the 2010 general elections demonstrated an interest in participation and a commitment to protecting the integrity of the process.

80 AU, Declaration of Principles Governing Democratic Elections in Africa, Article 7.



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12. Domestic Observers

Domestic election observers play a critical role in providing an impartial assessment of the credibility and transparency of elections, a role unique from that of political party and candidate agents. While domestic observer groups gained valuable experience in the 2010 elections, their capacity remains underdeveloped. The late delivery of accreditation badges threatened to undermine the ability of civil society organizations to deploy observers adequately across the country. Greater training and coordination with electoral management bodies will be critical in future elections to maximizing the effectiveness and participation of domestic observers.

Recommendations: In future electoral processes, accreditation procedures for domestic observers should be clarified, applied consistently, and developed well in advance of the elections. Accreditation bodies should be accessible, and the procedures simplified, removing unnecessary requirements that impede civic participation, such as the provision of photo identification (ID).

Additional training should be provided to domestic observation organizations to enhance their understanding of the electoral process and their roles and responsibilities. Training of polling staff and security agents should cover the roles and rights of election observers.

Organizations should consider expanding their observation of the process beyond polling to include the voter registration, campaigning, counting and tabulation, and the postelection period.

13. Media

Sudan's media landscape is dominated by government-owned print, radio, and television outlets, with a legal framework that limits the freedom of speech, including provisions granting the security services broad powers of censorship and the right to review campaign materials. Observers noted significant imbalances in access of political parties to the media. Journalists operated within a climate of intimidation

that hindered their work. While lifted in advance of the elections, prescreening and government censorship of newspapers negatively impacted media freedoms and were reinstated in the postelection period. Although newspaper editors were required to sign a code of conduct, this code was inadequate in its scope and its effectiveness was limited. In addition, broadcast media, which is generally pro-government, is not bound by press laws and thus operated with fewer restrictions.

Recommendations: The government and election management bodies should put mechanisms into place, with the support and agreement of political parties, that allow for freedom of speech and equal access to the media by all parties. A new media code of conduct should be developed that reflects the vision of the CPA and meets Sudan's international legal obligations for media freedom,⁸¹ providing for appropriate sanctions if those freedoms are violated.

To encourage a level playing field across different media types, the current Press Act should be extended to apply to all media, including broadcast media, and the code of conduct should be applied equally to all.

Given that several media companies are owned by or affiliated with the government, laws should be passed establishing restrictions on government interference with content and on the recruitment of party affiliates in senior media roles.

14. Electoral Timetable

Sudan's first electoral calendar was announced on April 2, 2009, roughly five months after the NEC's formation. The initial calendar was soon revised and targets shifted, however, resulting in a highly ambitious timetable.

Recommendations: Future electoral timetables should be developed with sufficient time to allow for appropriate technical preparations, taking into account the logistical complexities and capacity within Sudan. At the same time, electoral management bodies should be flexible and independent of political

⁸¹ ICCPR, Article 19 (2); AfCHPR, Article 9.



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pressure when making decisions related to electoral timetables in order to meet technical standards and administer the elections effectively.

15. Voter Registration and the Voter List

Voter registration is recognized as an essential part of safeguarding universal and equal suffrage.⁸² The shortcomings in the administration of Sudan's registration process were a major setback to the credibility and inclusiveness of the electoral process as a whole. The poorly understood appeals process for registrants excluded from the provisional voter list and the last-minute release of final voter lists immediately before polling undermined citizens' right to an effective remedy. Finally, the NCP's collection of voter registration slips fueled perceptions that the party intended to manipulate the process.

Recommendations: In future elections, voters should be issued credible and reliable registration cards with voter details including name, age, gender, and electoral constituency and, once equipment is available, with photographs.⁸³ Voter education should stress the importance of maintaining possession of these cards as proof of registration.

Tangible steps should be taken to prevent the collection or purchase of voter slips by political parties or others. The collection of these slips eroded confidence in the transparency of the electoral process. Representatives of political parties should not be allowed to interfere with registration activities, except to encourage citizen participation.

To improve the accuracy and comprehensiveness of the voter roll, the registration processing system must be accurate, transparent, and verifiable, with mechanisms for tracking registration forms. The public display of the provisional and final rolls and a transparent appeals process are critical in building accuracy and addressing clerical errors.

If future electoral management bodies decide to use manual data entry, they should ensure that all processing is subject to double-blind entry and sufficient statistical checks to ensure accurate data processing.

It is crucial that both English and Arabic are used during the registration process to involve all appropriate stakeholders, especially poll workers and voters. Appropriate measures should be taken to account for accurate transliteration of names from English to Arabic or the reverse.

Future election commissions should ensure that voter education campaigns emphasize the importance of public review of the voter registry after the publication of the provisional voter list and before the list is finalized. These efforts should explain the appeals process so eligible voters can contest potential exclusions from the registry. Moreover, the electoral management bodies should build confidence in the voter registry by ensuring the final complete voter list is made publicly available nationwide.

An audit of the voter roll, both by the electoral management body and by independent organizations, should be conducted well in advance of polling to identify any critical weaknesses that need to be addressed.

16. Nominations

While seeking signatures, some candidate agents were harassed or detained, which impeded their work. The state committees did not apply all nomination requirements consistently, and several parties complained about high thresholds for candidate deposits and nomination signatures.

Recommendations: For future elections, governmental authorities and electoral management bodies should ensure that requirements for nomination signatures and candidate deposits are reasonable and do not create financial burdens that unreasonably disadvantage smaller political parties, but are still high enough to discourage frivolous candidacies. Moreover, electoral management bodies should ensure that state

⁸² ICCPR, Article 25 (b); U.N.HRC, General Comment no. 25, para. 11.

⁸³ A simple solution involving a credit card-sized tear away from a form, where both parts can be filled in with the voter's details, should be employed. Photographs can be taken with instant film or digital cameras and affixed to the card under adhesive laminates.



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HECs understand nomination requirements and apply procedures consistently. Authorities should address harassment of agents swiftly and appropriately so that political parties are not obstructed in securing nominations.

17. Campaigning

According to a directive issued by the Ministry of Interior on Sept. 17, 2009, notification by a political party of its intention to hold a rally was sufficient for such an event to be held. However, these regulations were tightened before the election to make public and private assemblies more difficult.

Recommendations: For future elections, the ministry should clarify and simplify procedures for authorizing political rallies and events, and should ensure timely approval for appropriate public events. Regulations should be consistent with previous provisions that allowed events to take place in private premises without notification or approval by security services unless the campaigner wishes to request security.

Permission for public rallies should be permitted, and denied only if necessary to prevent overlapping events. The regulations concerning the approval process should be applied consistently across the states. When permission is denied, a constitutionally valid reason should be provided, and there should be an opportunity for appeal. If no decision is communicated to the applicant before a rally or event, the regulations should give de facto permission to the party or candidate to move forward.

18. Election Administration

The administration of Sudan's general elections suffered from a lack of clear procedures, inconsistency in the application of procedures across states, and poor communication. These problems had a negative impact on important stages of the process, including constituency delimitation, voter registration, candidate nomination, accreditation of domestic observers, polling day procedures, and tabulation.

Recommendations: In future elections, procedures should be developed in a timely manner, communicated clearly, and applied consistently to avoid jeopardizing the integrity of the election.

Communication between NEC headquarters and state HECs should be significantly improved. Adequate equipment should be procured in advance to facilitate communication.

The NEC and state HECs should have ongoing dialogue—similar to the conferences held prior to voter registration and polling—to facilitate two-way communication, enhance understanding of regulations and their implementation, and efficiently address outstanding issues.

Independence of Electoral Authorities

Recommendations: In future elections, it is crucial that administrators ensure neutrality and impartiality of electoral management staff and that all efforts are made to ensure that no staff member has an affiliation with any political party. A code of conduct for all electoral management staff should be used and rigorously applied so that staff understand the importance of conducting work to the highest standards of fairness and avoiding bias toward a particular party or candidate.

Staffing, Skills, and Training

Recommendations: Future electoral management bodies (EMBs) should be sufficiently funded and staffed to carry out operations, logistics, information technology, and other related activities. Adequate technical support for registration and polling staff should ensure a transfer of skills in key areas, and a certified training program should be considered.



Signs mark the entrance to a polling station in Khartoum.



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A poll worker prepares to hand voters their ballots.

Future EMB commissioners should be appointed as full-time employees for the duration of the election timetable to minimize any supplementary professional activities that could detract from their work. The secretariat of each EMB should have a permanent staff. In addition, a quota system could be considered to ensure that election administration staff includes balanced numbers of women, including them in positions of decision making. EMB members should have the operational, management, and planning skills necessary to effectively administer elections. For some positions, computer literacy should be a prerequisite.

Centralized Data Entry

Recommendations: Given the enormous difficulties observed during the processing of data at the state level, future commissions should consider the establishment of centralized data centers in both Khartoum and Juba. The additional time spent entering and tabulating the data from all states (split between the two centers) could easily be offset by the increased efficiency in data management. Data could be transmitted to the state HECs for verification where needed. The two data centers in Khartoum and Juba would handle data entry for registration data, the entry of candidates, polling center lists, and the tabulation of results.

Accountability and Security of Ballots

Recommendations: The ballot design and printing process should be improved. Electoral authorities should strengthen and centralize the process, providing adequate software and technical support to avoid inaccuracies that could undermine the process.

Ballot printing should be done overseas in line with international best practice, with delivery scheduled to ensure that voting materials arrive in a timely manner. Only in emergencies should ballots be printed domestically.

Mechanisms should be put in place to ensure the security and accountability of ballots, including granting parties and observers full access to all stages of ballot production, storage, and distribution.

Disbursement of Funds and Payment of Staff

Recommendations: It is essential that electoral management bodies disburse adequate funds to state committees in a timely manner and that registration and polling staff be paid on time. State HECs should be given support when determining their budgets, taking into account local circumstances. Strong systems of financial accountability should be applied to ensure maximum transparency.

Training of Registration and Polling Staff

Recommendations: While cascade training methodology is the most appropriate given the size of Sudan and the number of poll workers needed, training programs should be designed to cascade to a smaller scale, include more trainers, provide greater standardization, and incorporate additional monitoring and oversight. More experienced trainers who conduct the first stages should remain involved in training at lower levels to ensure consistency.

Registration and polling procedures should be finalized earlier in the process and communicated clearly during each stage of training. In particular, training should be strengthened in areas of procedures related to identification of voters, secrecy of the ballot, identification of invalid votes, completion of necessary forms, and counting and tabulation procedures.



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A woman receives her ballot at a polling station in Juba West.

Distribution of Polling Centers

Recommendations: The number and location of polling centers should be set to ensure that citizens have an equal opportunity to cast their ballots. Polling center locations should be publicized well in advance of the election, and, to the greatest extent possible, polling centers should be in the same location as voter registration centers.

19. Polling

On election days, voters and polling staff faced a range of operational and logistical problems: late delivery of or inadequate materials, incomplete or inaccurate voter lists, incorrect or insufficient ballots, ballots with inappropriate languages, and a lack of consistency in procedures. Voter lists were at times not posted or were presented in a way that slowed voting. The commission extended polling by two days to accommodate voters, a positive step to increase inclusiveness. However, Carter Center observers reported numerous cases across Sudan where ballot boxes and other sensitive materials had been secured under questionable conditions overnight that failed to guarantee their integrity.

The electoral process lacked sufficient safeguards and transparency necessary to verify key steps and build confidence in the process. Carter Center observers reported problems with indelible ink, ballot box seals, and the process of identifying voters, including the process of verifying identity based on registration certificates issued by Popular Committees at the polling stations, as well as reports of underage voting. There were large numbers of illiterate voters and some evidence of officials deliberately misrepresenting the desires of these voters. Secrecy of the ballot, an important protection against compulsion or coercion of voter choice, was consistently compromised throughout

Sudan by poll workers and fellow citizens.

Recommendations: In the future, elections should be reduced to occur over the shortest number of days possible. Conducting polling in a single day, where feasible, would avoid some of the weaknesses observed during the general elections related to the overnight storage of ballot boxes.

Procedures for the identification of voters should be strengthened, and greater training should be provided to polling staff in this area. Once a voter has been identified within a polling station, election officials should mark that voter's card. Voter slips issued during the previous electoral process were neither durable nor effective as a method of identification during polling, and in the future voter IDs should be of higher quality.

The secrecy of the ballot should be strengthened through clear procedures for assisted voting, adequate training of polling staff, broad voter education efforts on the rights of voters, and the procurement of high-quality privacy voting screens or booths.

It is critical that voter rolls are displayed at the polling centers; they should be divided in a simple and logical fashion between polling stations. The



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voter rolls should be organized in a way that efficiently facilitates finding a voter's name.

Sufficient numbers of complaints forms should be available at every polling station, and additional information and training should be provided to polling staff, party agents, observers, and citizens on the complaints process. In future elections, complaints forms could be serialized to facilitate better tracking. Reconciliation forms also could record the number of complaint forms submitted at a polling station and transmitted along with results forms. The dispute resolution process should include provisions requiring a review and response to polling station complaints forms by electoral management authorities.

20. Counting and Tabulation

An accurate and nondiscriminatory vote-counting process, including the announcement of election results, is an essential means of ensuring the fundamental right to be elected is fulfilled.⁸⁴ The counting of votes at the polling-station level was affected negatively by a lack of regulations on how to determine the intent of the voter, by participation of nonelectoral staff in the counting, including security personnel, and by harassment.

While the NEC did develop tabulation mechanisms with basic protections against fraud, manipulation, and human errors, these safeguards were gradually discarded, initially due to insufficient training of polling station and tabulation staff, and later by the NEC's decision to disregard important procedures, resulting in a process susceptible to inaccuracies and fraud. Following the conclusion of tabulation, the NEC did not release results by polling station, despite the many irregularities that occurred in the counting and tabulation process in states throughout Sudan.

Counting

Recommendations: Polling staff should receive precise training on procedures to identify invalid votes, and votes should be counted in cases where the intent of the voter is clear. Copies of results and reconciliation forms should be distributed to party agents and

domestic observers.

Officials should consider including adequate light sources in polling kits, enabling stations to begin counting on the final evening the polls close, reducing the potential for interference with materials.

Tabulation

Recommendations: The tabulation system should be designed to ensure the transparency and accuracy of results. Tabulation procedures and software should be developed prior to polling, and adequate training should be provided to tabulation center staff to preserve the integrity of the process.

Political party agents, domestic and international observers, the media, and others should be well trained in tabulation procedures and should be allowed access to the entirety of the process. All components of tabulation must be conducted in full view of observers and party agents.

Returned forms from polling centers should bear the signatures of multiple party or candidate representatives and should be incorporated into tabulation regulations when determining if forms should be quarantined for further investigation.

Electoral management bodies should reassess the procedures for data tabulation. This should include determining a realistic time frame for the release of accurate final results and ensuring that this is clearly communicated to citizens. Consideration should be given to establishing large, centralized tabulation data centers in the regional capitals of Khartoum and Juba.

The tabulation data management platform should incorporate standards for accuracy such as double-blind data entry within a single, rigid electronic platform. This should include increased mechanisms for quality control and safeguards against tabulation staff tampering with the data.

Release of Results

Recommendations: The release of results always should be disaggregated by polling station, a critical benchmark for the transparency of any election. Without

⁸⁴ ICCPR, Article 25(b).



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this important component, it is impossible for voters, candidates, or parties to verify the accuracy of the results, and the legitimacy of elected officials, governing institutions, and the process as a whole can be undermined.

Both provisional and final results should be released in a widely accessible format, printed in local newspapers, and released on the EMB's website to ensure wide dissemination.

21. Intimidation and Violence

Fundamental civic and political rights must be fulfilled before

citizens can enjoy the right to universal and equal suffrage and the right to be elected. Key among these is the right to security of the person,⁸⁵ to which the GOS and GoSS have committed themselves. The elections in Southern Sudan, however, were marked by a high incidence of the threat or use of force. There were numerous instances of the SPLA being stationed too close to, and at times inside, polling stations and intimidating voters. In addition, state interference in the campaigns of opposition candidates was widespread in the South. While less overt intimidation and violence was observed in the North, there were serious concerns stemming from direct threats made by President Bashir to election observers, as well as NISS control over security services during the electoral process. In addition, the arrest of opposition party members, civil society representatives, and journalists in the weeks following the April 2010 elections represented a worrying reversal for the development of democratic freedoms. Finally, although the elections in Darfur were mostly peaceful, the security situation nonetheless remained unstable, limiting access for observers and intimidating voters.

Recommendations: In future elections, the GoSS and GOS should take all necessary steps to ensure that security forces throughout Sudan perform positive roles in protecting the rights of citizens and do not engage in human rights abuses. The GoSS and

GOS should conduct trainings with security forces throughout the country to improve their understanding of their role in the electoral process. The NISS

should not interfere with the mandate of the NEC and should be removed from the electoral process. International and domestic elections observers should be able to conduct their work in a safe, unthreatening environment. Steps should be taken to ensure that the electoral environment in Darfur is safe for both voters and observers. Any human rights violations by security forces

or incidents of malfeasance among civilian or military leaders should be subject to judicial punishment.

SOUTHERN SUDAN REFERENDUM RECOMMENDATIONS

A core principle of the Comprehensive Peace Agreement (CPA) is the acceptance of the right of Southern Sudanese to self-determination and for a referendum to be held to determine whether Southern Sudanese wish to remain within a united Sudan or to secede and establish an independent state. A separate referendum is also stipulated in the CPA to determine whether the disputed district of Abyei will choose to retain its special administrative status in the North or become part of Bahr al Ghazal in the South.

Interim National Constitution and CPA provisions regarding Southern self-determination and the self-determination of the people of Abyei are meant to ensure that the referenda are genuine, credible expressions of the will of the people of Southern Sudan and Abyei. Beyond the commitments of the CPA and the Interim National Constitution, several international treaties and domestic laws guarantee basic freedoms to which the Government of Sudan (GOS) and

Although the elections in Darfur were mostly peaceful, the security situation nonetheless remained unstable, limiting access for observers and intimidating voters.

⁸⁵ ICCPR, Article 9 (1).



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Government of Southern Sudan (GoSS) have obligated themselves to provide to their citizens.⁸⁶

The proposed recommendations are guided by several commitments. All national and international stakeholders and mediators should remain committed to ensuring that the referendum on Southern Sudan takes place and that the right of the Southern people to self-determination is fulfilled. While the CPA sets out the general framework for the referendum, it is important that other conditions for transparency, inclusiveness, nonviolence, and stability are met, so that the process is a success for the country as a whole.

While voting in the referendum is restricted to those defined as Southern Sudanese, the process is vital for all Sudanese. Those overseeing the process should ensure that all voices and opinions are heard to give those eligible to vote the broadest possible perspective on the options. The debate on the referendum and all it entails should not be restricted to the membership of the parliamentary bodies. Civil society, political parties, and other key stakeholders should participate meaningfully in the exercise through roundtable conferences, workshops, and other public events to ensure that a full spectrum of Sudanese voices is heard. The Southern Sudan Referendum Commission (SSRC) should work as transparently as possible and establish a public outreach committee and field points of contact to engage with political parties and citizens from the payam to the national level. The SSRC should work to ensure that parties and citizens understand the referendum process, including its challenges and constraints, and respond to citizens' suggestions and concerns, so that all eligible voters are able to participate fully.

The GOS and GoSS should recommit themselves to holding a referendum that meets Sudan's obligations and international standards, and reflects the genuine will of the Southern Sudanese electorate. To

accomplish this, the design and management of the process should ensure integrity and prevent corruption. There should be a focus on transparency at each stage of the process to build credibility, integrity, and trust on all levels. The SSRC should take all steps needed to ensure a transparent process that enjoys the confidence of all Sudanese citizens, whether they favor unity or secession.

It should be recognized from the outset that referenda and elections are different exercises; while there are considerable lessons to be learned from the April 2010 electoral process, there are new challenges that should be addressed to ensure a genuine, credible process.

Time Frame

Preparing for a referendum with the limited period left in the CPA timeline will be an immense challenge. Attempts to draw parallels between administering this process and other referenda, such as in Timor-Leste in 1999, are of limited value. The Timor-Leste referendum benefited from extensive international assistance and was conducted in a logistically simpler environment. Referendum officials should take into consideration the technical and logistical challenges and plan accordingly to avoid the widespread difficulties experienced during the April 2010 elections.

Following its establishment, the National Elections Commission (NEC) had 17 months to arrange and organize the voter registration and elections processes,

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⁸⁶ Sudan has acceded to the International Covenant on Civil and Political Rights (March 18, 1986), the International Convention on the Elimination of Racial Discrimination (March 21, 1977), International Covenant on Economic, Social and Cultural Rights (March 18, 1986), and ratified the Convention on Rights of Persons with Disabilities (April 24, 2009), the African Charter on Human and Peoples' Rights (Feb. 18, 1986) and the Arab Charter on Human Rights (May 22, 2004). In addition, Sudan is signatory to the United Nations Convention against Corruption (Jan. 14, 2005), the African Charter on Preventing and Combating Corruption (June 30, 2008), and Protocol 1 of the African Charter on Human and Peoples' Rights on the Rights of Women (June 30, 2008).



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while at the time of writing the SSRC had approximately 95 days before the anticipated start of polling in January 2011 to conduct a similar exercise. The newly formed SSRC should take into account the logistical and administrative tasks ahead when deciding on the referendum calendar in order to ensure that the process can meet all the benchmarks for a credible referendum. These tasks include the need to confirm subcommittee members at the county level, open offices, hire staff, establish relations and offices in out-of-country locations, procure equipment, train field staff, organize voter registration, conduct voter information campaigns, and conduct polling.

One of the first tasks facing the SSRC should be to clarify any ambiguities or gaps in the referendum law and outline specific regulations to allow the process to take shape as soon as possible. The commission should address key issues, including clarification on eligibility criteria, the scope of polling in the North and out-of-country locations, the type of registration system to be used, and the manner of releasing results.

The SSRC and government officials should take advantage of the support offered by national and international technical advisers to assist the SSRC in measuring progress in referendum preparations on a periodic basis so that accurate plans can be made and potential problems avoided. An advisory panel following this model could include SSRC members and international technical advisers to monitor progress and assess whether technical preparations are met in order to implement the referendum in a credible manner.

Structure of the Commission

In the April 2010 elections, the Southern Sudan High Elections Committee was largely disconnected from the process, with little decision-making power, budget, or human resources. The NEC in Khartoum assumed responsibility for planning and overseeing operations in the South, while delegating few tasks to the Southern Sudan elections committee. The NEC's attention was heavily focused on the North, while the

international community attempted to alleviate much of the logistical burden in the South.

Given the predominance of activities in the South during the referendum, the SSRC should empower the Southern Sudan Referendum Bureau (SSRB) in Juba, devolving substantial authority to the body, as outlined in the Southern

Sudan Referendum Act, and providing it with the appropriate resources to function effectively.

The SSRC in Khartoum should assume responsibility for setting overarching policy and making legal clarifications. These duties include establishing voter eligibility criteria, determining the scope of polling in the North and abroad, designing the overall budget, and drafting observer regulations. When devising policies, the SSRC should consult frequently with the SSRB to ensure that the regulations set by the commission reflect the realities on the ground. The SSRC also should have authority over executive decisions on issues such as canceling results, altering the referendum timetable, and making changes to policies for out-of-country voting with relevant countries. In addition, the SSRC is the primary liaison for the GOS and GoSS as well as the political, donor, and



A voter deposits her ballot.



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diplomatic communities. The secretariat in the North should focus on finance and administration, and manage the disbursement of monies to subsidiary offices.

The Southern Sudan Referendum Act mandates the SSRB to provide operational and logistical support to the subsidiary state bodies and to manage data entry and tabulation of results, in practice supervising the process in the South. All technical responsibilities related to the referendum process in Southern Sudan should be delegated to the SSRB, including the design of the operational plan, the budget, recruitment of staff and committees, decisions on the number and distribution of referendum centers, coordination with security forces, contracts for services, disbursement of funds to state committees, delivery of materials, and data processing. All executive decisions and approvals directly related to Southern operational activities should be devolved to the SSRB to allow for the most expedient and appropriate solutions to be implemented. To support its work, the SSRB also should be equipped with an extension of the secretariat body, which would allow for administrative and financial responsibilities to be managed locally. The SSRB should manage the bulk of the referendum funds in its bank account.

The SSRC should establish two distinct subcommittees: one to manage operational aspects of polling in the North and another to implement out-of-country polling. SSRC members should nominate and agree on the appointment of the operational heads of these subcommittees. Although executive decision-making power should remain with the SSRC, the subcommittees should have operational powers and the authority to make day-to-day decisions regarding the polling preparations. The out-of-country subcommittee also should have the power to draft memoranda of understanding for negotiation by the SSRC with the relevant countries. As laid out in the Referendum Act, the out-of-country subcommittee should work

closely with the International Organization for Migration in all stages of the process, down to the referendum-center level.

It is also important that information technology departments be established in the offices in both Khartoum and Juba to manage the network administration for the databases and address staff needs. Further, data centers should be established in Khartoum and Juba with expert staff who can design programs for tabulation and manage information, such as the lists of referendum centers, for the SSRC. Given that the bulk of processing will happen in the

South, the primary data center should be located in Juba.

Determination of Eligibility

The Referendum Act broadly allows for individuals who are from indigenous or ethnic communities with roots in Southern Sudan to participate in polling, though these eligible groups should be approved by the SSRC with input from the Council

of Chiefs. Also allowed are permanent residents, individuals who have resided, or whose parents or grandparents have resided, in Southern Sudan since independence on Jan. 1, 1956.

Sudan's international obligations require that the country take all necessary steps to protect equal and universal suffrage for eligible citizens, refrain from discrimination based on race, descent, or ethnic origin, and take no steps that undermine the will of the people.⁸⁷ Therefore, one of the SSRC's critical tasks is to establish how officials will determine the eligibility of Southern Sudanese to vote in the referendum. It is imperative that the wording of the referendum's eligibility requirements is widely understood and easy to disseminate, so that all eligible citizens can fully participate. The SSRC should clarify the eligibility criteria as soon as possible to avoid both actual and

It is imperative that the wording of the referendum's eligibility requirements is widely understood and easy to disseminate, so that all eligible citizens can fully participate.

⁸⁷ ICCPR, Article 25; ICCPR, Article 2(1); ICERD, Article 1.



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perceived disenfranchisement of any particular group. No eligible participants should be excluded unjustifiably, and the SSRC must ensure that there are effective means to remedy any participants who are wrongly disqualified.

Identification of Southerners

Similarly, one of the most critical questions for the SSRC to address pertains to the rules on how Southerners in Northern Sudan can prove their heritage and participate in the referendum. Possession of formal identification documents (ID) is rare, particularly for those individuals fulfilling the criteria contained in the Referendum Act concerning ethnic group and regional status as Southern Sudanese. Extra effort should be made to clarify the regulations governing the distribution of proof of identity certificates through local sultans or chiefs.

Any issuance of formal identification by local authorities to prove Southern citizenship should be done with maximum transparency and scrutiny. Steps should be put in place to ensure that there is a thorough review and verification of a registrant's ID. Documents issued by local government authorities should be formalized and made as consistent as possible. The regulations should clarify the definition of an ID and what can be used as identification during the referendum process. For those not in possession of an ID, the law provides for identifiers who are authorized to vouch for people in their assigned region. Identifiers' roles should be formalized and their names and credentials accredited by the SSRC in conjunction with the relevant chiefs in the South and councils of chiefs in the North. Given the diversity of the Southern Sudanese population, the process of accrediting identifiers should be made as inclusive as possible.

Referendum Centers

The referendum center, the unit that is to serve as both the registration and polling center, is the lowest level of the SSRC structure. These centers take different forms in Northern and Southern Sudan.

In Southern Sudan, state committees have the responsibility to establish referendum centers. Due to scale and geographical complexities in the South, the state committees should increase the total number and distribution of referendum centers from that of the April 2010 elections to allow for the widest participation of voters, including those in remote communities. The SSRB, in consultation with the

state committees, should work with the county subcommittees to assess the needs of each county and deliver adequate resources accordingly.

In the North, the SSRC can establish referendum centers "by virtue of necessity." The law provides for referendum centers to be established only where 20,000 voters are registered, as well as in state capitals. It remains unclear how the distribution of potential voters will be assessed before

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registration takes place and how registration centers will be allocated. While the law gives the SSRC the authority to establish the location of centers in the North, the International Organization for Migration and applicable organizations formed by Southern Sudanese (as stipulated in the Southern Sudan Referendum Act) should assess population distribution through public records and field visits to identify locations where a sufficient number of Southerners reside in respective communities in the North. Centers should be located so as to support as inclusive a process as possible, and consequently, settlements should contribute to the 20,000 total registrants where feasible. This will help limit the disenfranchisement of eligible voters in the North, in line with



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Women wait their turn to vote.

emerging international best practice that requires a distribution of polling stations that is as broad as possible,⁸⁸ as well as meet Sudan's obligations to ensure equal and universal suffrage that guarantees the free expression of the will of the voter.⁸⁹

Contrary to practice during the April 2010 elections, referendum centers should be static, so voters are able to register and vote in the same location, thereby decreasing confusion for voters and simplifying voter education programs. This will require a greater number of centers than existed during the 2009 voter registration process and consequently an increased commitment in staffing and security resources.

Out-of-Country Voting

The Referendum Act calls for out-of-country voting to take place in eight countries abroad. The SSRC should, as described above, establish a subcommittee

to manage this process and begin planning immediately, sending requests to the designated countries asking for permission to work there and begin to constitute memoranda of understanding. The law grants the International Organization on Migration a role in supporting the out-of-country voting process. Given the experience that the organization has obtained in similar projects, it could provide critical expertise to the SSRC in managing the process.

The SSRC should decide the scope of the process in the countries where out-of-country voting will take place, including choosing key locations in which to base referendum centers. Working with the International Organization on Migration, Southern

⁸⁸ EISA and Electoral Commissions Forum of SADC, PEMMO, p. 24; U.N. Human Rights and Elections, para. 104.

⁸⁹ ICCPR, Article 25 (b).



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Sudanese organizations in the host country, and resettlement organizations, the SSRC should be able to identify out-of-country locations where significant numbers of eligible voters could cast their ballots. Due to the potential scale of the process and the need to emphasize the independence of this process from the Sudanese governments, it is advisable that overseas voting be held in buildings free from connections to governmental authorities.

Registration

Voter registration is recognized as a key step in safeguarding universal and equal suffrage,⁹⁰ and as such will be critical to the overall success of the referendum process.

The SSRC should implement strong safeguards to prevent multiple registrations. As compared to the five-week registration period for the April 2010 elections, a two- to three-week registration period would be easier to manage and allow the introduction of indelible ink as a security measure. This would require the training and deployment of additional voter registration teams

to make sure all eligible voters have an equal opportunity to register. Registration should be coupled with extensive voter education to inform potential registrants of the dates and locations of registration centers.

The April 2010 elections were marred by significant problems and delays in finalizing the voter registry, causing problems during the polling process, including the widespread confusion of voters who could not find their allocated polling station. The SSRC must make a concerted effort to prioritize the finalization and exhibition of the voter registry well in advance of polling so that voters, election administrators, and observers can prepare appropriately.

In the short time frame remaining, the use of a digital registry, in which all registration forms are entered into a central database and processed into

preliminary, final, and polling station lists, is increasingly unfeasible. It requires significant time, which is no longer available, to compile. Further, a similar system was attempted in the 2010 elections, and without the opportunity to address its failures, this approach will be equally prone to serious inaccuracies in the voter registry. Despite months of planning and preparations, the registry fell short of international standards. The many steps involved in compiling a voter registry included transport of voter registration books to a central location, data processing, data cleansing, allocating voters to polling stations, printing, and distribution of the rolls, which are likely to add

significant logistical burdens and consume considerable time that cannot be afforded. The SSRC should consult voter registration specialists to assess the feasibility of alternative systems within the time frame constraints that the SSRC faces.

Some experts have suggested an entirely paper-based system without a central registrar. Given the short time frame, it is worth carefully considering implementing this system or other regis-

tration systems that would simplify the challenges faced by a centralized registry. Strict safeguards and procedures, however, are essential to ensure that such a registration process is conducted in a credible and efficient manner. The voters should be issued registration cards with details including name, age, gender, and an address that is as specific as possible. This information should be simultaneously recorded in the registration books. It will be valuable if registration books could have the same capacity as the intended number of voters allocated to a single station, preventing the need for splitting voter registration books to create different stations and easing potential confu-

The voter registration books and ballots should be printed overseas on paper with adequate safeguards, such as microprint and watermarks, and stored securely and transparently in a manner that allows for full accountability.

90 ICCPR, Article 25 (b); ICERD, Article 5 (c); U.N.HRC, General Comment no. 25, para. 11.



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sion. Carbon copies of the lists should be included so that one copy can be displayed and the other returned to the state capital for safe storage.

The SSRC should ensure the timely production of lists with the number of voters in each polling station clearly indicated, so that voters, observers, party agents, and SSRC staff can verify the information on a site-by-site basis. The SSRC should conduct internal audits with the aid of reputable international accountancy firms and engage civil society observer groups and international electoral organizations to conduct independent audits of the final registry prior to polling.

Election Materials and Access

The procurement of needed materials should begin immediately. However, in consultation with the NEC, many items may be appropriated from the 2010 election process.

Given the controversies in the April 2010 election surrounding the printing of ballots inside Sudan, the SSRC should obtain out-of-country bids for the creation of all sensitive materials to increase confidence of the public in the credibility and transparency of the process. The voter registration books and ballots should be printed overseas on paper with adequate safeguards, such as microprint and watermarks, and stored securely and transparently in a manner that allows for full accountability.

All voter and ballot books should be serialized, as should the stub of each individual ballot, and tracked throughout the entire process, from their arrival in Sudan, storage in the warehouses, the stations where they are delivered, and their return with the results. The serial numbers of the ballot papers should be marked in the reconciliation and results sheets completed at the registration centers and included in the tabulation software.

The contents of each polling kit should be checked at the earliest possible opportunity to ensure that the

SSRC has the time to correct any shortfalls. Many items can be procured locally, including batteries for lamps, pens, or calculators.

For security reasons, the amount of time materials are stored in polling centers should be minimized. Storage of materials always should be done securely and transparently, allowing continuous observer access. A delivery timetable should be distributed to observer groups so they can be in the appropriate locations to monitor the process.

Polling

The referendum law requires polling to last up to seven days. To improve oversight and strengthen

safeguards against fraud, however, the SSRC should increase the number of polling centers and reduce the length of the process if possible, potentially to one or two days of polling. A single referendum ballot will be far simpler than those in the April 2010 elections. Multiple days of voting require overnight storage of the ballot boxes and create significant challenges for

the system's security. A shorter polling period would decrease the number of security staff needed in each station, because it requires fewer overnight shifts. These extra resources then can be allocated to staff additional polling centers. Single-day elections are common international practice and, with an adequate distribution of polling centers and broad voter education, participation would not suffer.

Given that insecurity as well as logistical problems could influence the process and might prevent the opening of some polling sites during the referendum, the base number of registrants calculated for the 60 percent turnout threshold should be based on the number of registered voters in these stations that opened and conducted polling. This will help ensure that insecurity or serious logistical difficulties do not derail the outcome of the process.

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Referendum Security

The referendum will likely cause an increase in tension and possibly violence in Southern Sudan and Abyei as different groups vie for power in anticipation of the voting results. The Carter Center noted in its reports numerous concerns with the conduct of the Sudan People's Liberation Army (SPLA) in the South during the 2010 election, as well as the role the national security forces assumed in the North. It is critical that the problems that occurred in the run-up to and during the April elections are not repeated. The GoSS and international actors should work to enhance the institutional strength and professionalism of the military, police, and other security forces in Southern Sudan. Police and soldiers should be educated about their roles and responsibilities to protect citizens' human rights. The presence of irregular security forces around the registration and polling centers, resulting in intimidation of voters, should be prohibited, and no unauthorized security presence should be allowed within the stations whatsoever.

A joint security coordination unit should be based in each regional referendum office to monitor and react to security issues. The units should comprise the police, military, the U.N. security agencies, and the SSRB or SSRB, depending on the location. Within each state capital there should be similar joint units established to coordinate and share information. Such bodies should be established at the start of the distribution of materials and only cease after the results have been announced and the security environment is deemed to be sufficiently secure. This body should liaise closely with domestic and international observer groups as well as parties to exchange information on security within each region and provide updates on serious security problems.

The police should be the first body to respond to any security issue within and around the vicinity of polling sites. Police officers should be in place for the

arrival of materials at a polling location, to ensure overnight security of the materials, and remain until materials are returned to the state high committee.

Limits should be placed on the activities of the armies and other security forces before and during polling. There should be clear arrangements and demarcation between these forces and the police. Security forces should remain at an agreed-upon minimum distance from polling centers unless the coordination unit orders otherwise, such as an emergency where the police require support. After the end of polling, soldiers and security forces should move back to their barracks, except for normal deployments.

Participation of Darfur and Pastoralists

Southern Sudanese in Darfur will be eligible to participate in the referendum. Negotiations in Doha should seek to address the ongoing insecurity that could obstruct the free movement of voters, while easing restrictions on rights and freedoms to create an environment in which all eligible voters have the opportunity to participate in prepolling activities. Authorities should provide adequate security to civil society members, referenda staff, voters,

observers, and other interested parties to allow them to participate fully in voter information campaigns and advocacy. The state of emergency, still applied throughout Darfur, restricts the necessary freedoms to hold an open and fully participatory vote. The GOS should consider lifting the state of emergency in areas secure enough to conduct polling and taking extra steps to ensure the security of stakeholders.

The referendum will create new, uncertain, and precarious conditions for some groups, particularly nomadic pastoralists who have historically traversed lands that lie in the border areas between North and South. Both the GOS and GoSS should continuously engage with these groups to prevent conflict and identify and address any legitimate grievances and

The state of emergency, still applied throughout Darfur, restricts the necessary freedoms to hold an open and fully participatory vote.



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concerns. Given that these populations spend substantial amounts of time in Southern Sudan, special attention should be paid to postreferendum arrangements for nomadic communities in the event the South votes to secede.

The postreferendum discussions are ongoing and include outstanding CPA issues. While these pertain to all citizens, particular attention should be paid to travel documents, citizenship, and grazing rights for the pastoralist communities.

Civic Education

Voter education or voter information describes the process of the referendum to the community. However, widespread civic education throughout the different phases of the process is also essential, explaining the broader issues and choices at hand, and is a key step toward ensuring Sudan's international obligations are met.⁹¹ Given the significant impact of the choices in the referendum and the need to ensure that voters understand the options and implications of the vote before casting their ballots, special efforts should be made to inform voters of postreferendum arrangements, if made, to allow them to make an informed decision.

As neutral bodies, the SSRC and the SSRB should take the lead in these efforts. They should work with nonpartisan actors to ensure that clear and factual information is provided to the public. They should work closely with national and international civil society to design and organize a civic education program.

As in voter education, use of the appropriate local language is critical, and traditional means of information dissemination should be incorporated. In addition, voter information and civic education campaigns should make use of diverse media as well as face-to-face and public addresses. The SSRC should

devolve responsibility for civic education activities to the regional offices to ensure appropriate design of programming for the range of target communities and form partnerships with relevant organizations.

Conclusion

The SSRC, GOS, and GoSS face a series of stark challenges in implementing a credible, genuine referendum within the remaining time frame established by the CPA. The recommendations provided here build from the Carter Center's experience during the previous electoral process and in other contexts, offering key ways in which the SSRC can improve the credibility, inclusiveness, and transparency of the referendum in the near term. Though it may seem self-evident, the SSRC can be both effective and transparent, taking steps early in the process to involve

key stakeholders in Sudanese civil society, political parties, and members of the international community. Additionally, the sooner that the SSRC can clearly delineate responsibilities between itself and the SSRB (as well as subsidiary referendum bodies), and empower them to enact key logistical and procedural duties, the better the SSRC will be able to meet targets in the ambitious timeline.

The stakes of the referendum for the people of Sudan and the wider region are clear. The Carter Center recognizes the authority of the SSRC and governmental officials in implementing the referendum for Southern Sudan. In light of the SSRC's invitation, The Carter Center will strive to play a constructive role observing and offering recommendations throughout the referendum process, in coordination with other members of the international community and domestic and international observer organizations.

The SSRC, GOS, and GoSS face a series of stark challenges in implementing a credible, genuine referendum within the remaining time frame established by the CPA.

⁹¹ ICCPR, Article 2; U.N.HRC, General Comment no. 25, para. 11; U.N. Human Rights and Elections, para. 75.



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ABYEI REFERENDUM RECOMMENDATIONS

The following recommendations are notwithstanding the recommendations for the referendum for Southern Sudan described above.

The NCP and SPLM's failure to appoint the Abyei Area Referendum Commission (AARC) is the key obstruction in the implementation of the process in the district; protests in the region demonstrate that Abyei residents are deeply concerned about these delays. The two parties should immediately renew negotiation efforts, prioritizing on the formation of the AARC and the physical demarcation of the Abyei borders, in order to hold the two referenda simultaneously, as stipulated in the CPA. If deadlines are not being met, contingencies should be put in place, including consideration to bring the international community into the administration process and including the possibility of devolving specific tasks to technical advisers.

Clarification of what constitutes residency will be one of the most critical questions for the AARC and the Council of Chiefs to address, and civic organizations should prepare for this issue to allow the AARC to make the determination swiftly. At the least, residency should require settlement in the region before the establishment of the CPA's Abyei Protocol to mitigate recent alleged displacement motivated by the referendum and reduce a potential motivation for violence.

It is crucially important that the Abyei and Southern Sudan referenda take place at the same time, and all efforts should be made to this end. Given that the technical preparation for the Abyei referendum will be far less challenging than that for the Southern Sudan referendum, there is still a window for the AARC, once established, to make up for lost time through the preparation already done by the SSRC, so that the referenda can be held on the same day. A delay to the Abyei referendum, however,

should not necessarily lead to the postponement of the Southern Sudan referendum. If it is not possible for the Abyei referendum to take place until after the Southern Sudan referendum, it is still critical that it be held as soon as possible and before the end of the CPA period in July 2011.

The Carter Center is gravely concerned about the potential for violence within the Abyei area, especially in light of the more aggressive rhetoric coming from the communities in Abyei and increasing signs of community anxiety over the ambiguity of the referendum process in the area. It is the responsibility of the political, tribal, and nomadic leaders to call for calm and order from their communities. The GOS and GoSS should conduct rapid assessments in and around Abyei to determine which actors are likely to continue to engage in violence, and the authorities should take steps to improve security in the area.

In July 2009 the Permanent Court of Arbitration drew the boundaries of the region, but these still have not been physically demarcated on the ground due to resistance by local communities in northern Abyei area. When demarcation resumes, it should be accompanied by a parallel outreach effort to explain the meaning of demarcation to local communities and to dispel rumors that demarcation is a precursor to a physical barrier. Using the coordinates and mapping as provided by the PCA, however, the AARC will be able to determine the boundaries of Abyei to define residency.

The main nomadic group, the Misseriya, while not specifically named in the Abyei Referendum Act, has a strong connection to the Abyei region. The future of Southern Sudan directly affects the tribe, and it drives insecurity in the area. The tribe's migratory rights to move through the territory, as stipulated in Chapter IV, provision 1.1.3, of the CPA, should be assured in the postreferendum discussions, ensuring Misseriya's continued ability to graze cattle and access Southern watering holes, regardless of the outcome of either referendum.



APPENDIX A

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The Carter Center's long-term observers served as the eyes and ears of the operation in the field, compiling election information for months before the delegation's arrival and after its departure. Each observer team traveled to multiple locations in Sudan, covering all 25 states. Their hard work and insights enabled the Center to gain a degree of understanding of the elections.

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The Center's work in Sudan would not have been



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APPENDIX B

THE CARTER CENTER OBSERVATION DELEGATION AND STAFF

DELEGATION LEADERS

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His Excellency Lakhdar Brahimi, Former Algerian Foreign Minister, Former United Nations Special Representative, Algeria

The Honorable Justice Joseph Warioba, Former Prime Minister of Tanzania, Judge on the East African Court of Justice, Tanzania

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DELEGATION

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OBSERVING SUDAN'S 2010 NATIONAL ELECTIONS

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OBSERVING SUDAN'S 2010 NATIONAL ELECTIONS

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APPENDIX C

TERMS AND ABBREVIATIONS

AARC	Abyei Area Referendum Commission	NEC	National Elections Commission
CPA	Comprehensive Peace Agreement	NIF	National Islamic Front
DUP	Democratic Unionist Party	NISS	National Intelligence and Security Services
EMB	Election management body	PCP	Popular Congress Party
GNU	Government of National Unity	SAF	Sudan Armed Forces
GOS	Government of Sudan	SPLA	Sudan People's Liberation Army
GoSS	Government of Southern Sudan	SPLM	Sudan People's Liberation Movement
HEC	High election commission	SPLM-DC	Sudan People's Liberation Movement–Democratic Change
ID	Identification	SSRB	Southern Sudan Referendum Bureau
IDP	Internally displaced person	SSRC	Southern Sudan Referendum Commission
JEM	Justice and Equity Movement	STO	Short-term observer
LTO	Long-term observer	UDF	United Democratic Front
MTO	Medium-term observer	UDSF	United Democratic Salvation Front
NCP	National Congress Party		
NDA	National Democratic Alliance		



APPENDIX D

THE CARTER CENTER IN SUDAN

The Carter Center has been committed for more than two decades to alleviating suffering in Sudan and helping to bring lasting peace to the country. The Center's work observing Sudan's electoral process is an extension of these longstanding commitments.

The Center's first project in Sudan, the Sasakawa-Global 2000 agricultural project, began in 1986, helping farmers greatly improve crop yields. Led by Nobel Peace Prize-winner Dr. Norman Borlaug, the program was a joint venture with the Sasakawa Africa Association to stimulate self-sufficiency among African farmers. From this first project, the Center has continually expanded efforts to improve health, prevent and resolve conflict, and enhance democracy with five active programs.

GUINEA WORM ERADICATION PROGRAM

Since 1995, The Carter Center has assisted Sudan in reducing cases of Guinea worm disease across Sudan through the Guinea Worm Eradication Program. Harboring nearly 86 percent of the world's remaining cases as of 2009, Sudan has become the last frontier for eradicating this debilitating parasitic disease. Despite the severe conditions in Sudan as a result of the civil war, both Northern and Southern regions have made great progress in reducing the number of cases. Since 2003, no indigenous cases have been reported in Northern Sudan. The incidence of Guinea worm disease has been reduced in Sudan from 118,578 cases in 1996 to 2,733 cases reported in Southern Sudan in 2009, a nearly 98 percent decrease.

In 2001, the Guinea worm program and partners Health & Development International, Hydro Polymers of Norsk Hydro, and Norwegian Church Aid spearheaded the Sudan pipe filter project. More than 9.3 million pipe filters were manufactured for

distribution to every man, woman, and child at risk for Guinea worm disease in Southern Sudan. In conjunction with pipe filter distribution, a health education campaign was launched, including flip charts, community demonstrations, and public service announcements. The Center continues work with local partners to ensure Guinea worm eradication remains a priority in Sudan. By providing education on Guinea worm's biological causes, the program helps people understand how to manage and prevent it, with the benefit of reinforcing sound health practices and building hope that people in endemic communities can greatly improve their own lives. This public health education, built by efforts against Guinea worm disease, has made it possible to extend the Center's fight against disease to other illnesses in Sudan, such as river blindness and trachoma.

RIVER BLINDNESS (ONCHOCERCIASIS) PROGRAM

An estimated 5 million people are at risk of river blindness in Sudan. The highest incidence of blinding onchocerciasis occurs in Southern Sudan. After the 1995 Guinea worm cease-fire paved the way for treatments in Sudan's conflict areas, the Carter Center River Blindness Program in partnership with local Lions Clubs began work with afflicted communities to treat river blindness by distributing the drug Mectizan®, donated by Merck & Co., Inc. The Center works closely with the Government of Sudan (GOS), other NGOs, and the African Program for Onchocerciasis Control. Under the umbrella organization of the National Onchocerciasis Task Force, the partners have established community-based treatment programs, which raise awareness in villages and enable the distribution of Mectizan. The



OBSERVING SUDAN'S 2010 NATIONAL ELECTIONS

Carter Center has helped to provide more than 3 million Mectizan treatments in Sudan since 1996. The Center is assisting the GOS in eliminating river blindness from Abu Hamad in extreme Northern Sudan.

TRACHOMA CONTROL PROGRAM

The Carter Center has supported the trachoma control program in collaboration with Sudan's federal Ministry of Health since 1999. Support from the Conrad N. Hilton Foundation, Lions Clubs International Foundation, and Pfizer Inc. has enabled trachoma prevalence mapping and implementation of SAFE strategy interventions (surgery, antibiotic treatment, face washing and hygiene education, and environmental improvement, such as latrines). Beyond supporting SAFE strategy interventions, surgery, and surgeon training, the Center also facilitates the mass distribution of antibiotics in districts where clinical signs of trachoma exceed 10 percent in children. Zithromax® (azithromycin), donated by Pfizer Inc., and tetracycline eye ointment, purchased by The Carter Center, are provided to adults and children older than 6 months of age. Infants and pregnant women are provided tetracycline eye ointment. The Center continues to promote health education through community health worker training, radio programming, and school-based health activities.

CONFLICT RESOLUTION PROGRAM

The Conflict Resolution Program has supported steps to end Sudan's civil war, working with President Carter to negotiate between the parties and focus attention on solutions to conflict. Among the program's achievements was the negotiation of the 1995 "Guinea worm cease-fire," which gave international health workers—including the Center's Guinea worm program—six months of peace to enter previously inaccessible areas. President Carter also brokered the 1999 Nairobi Agreement between the governments of Sudan and Uganda, in which both sides pledged to stop supporting rebel groups acting in the other's territory and to reestablish diplomatic relations.

During CPA negotiations in Naivasha, Kenya, the Conflict Resolution Program supported the process with pre-negotiation training to the GOS and the SPLM/A while assisting in other ways to support the Intergovernmental Authority on Development-led mediation. Even as peace was being forged between the GOS and the SPLM/A, conflict in Darfur escalated. As part of the first initiative launched by not-for-profit group the Elders, President Carter visited Sudan in 2007 with a delegation that included Graca Machel, Lakhdar Brahimi, and Desmond Tutu to discuss Darfur and support the pursuit of peace. While there, President Bashir and First Vice President Salva Kiir invited The Carter Center to monitor Sudan's national elections, which in turn led to the start of the Democracy Program's work in Sudan in 2008.



APPENDIX E

CARTER CENTER STATEMENTS ON THE SUDAN ELECTIONS

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CARTER CENTER WELCOMES SUDAN'S ELECTORAL CALENDAR BUT URGES ADDITIONAL STEPS TO ENSURE GENUINE AND VIABLE ELECTIONS

May 7, 2009

In a report issued today, The Carter Center welcomes the important steps taken in Sudan toward holding national elections but identifies additional key steps that the Government of National Unity (GONU) and the National Elections Commission (NEC) should take to ensure a genuine and viable electoral process.

The NEC's recent declaration of an official electoral calendar is a significant milestone in Sudan's electoral process. Taken together with the NEC's formation in November 2008 and the beginning of its budgetary and planning work, these steps demonstrate important initial progress. However, significant challenges remain including the need for policy decisions on voter registration and constituency delimitation, and the need for the GONU to release funding for the

NEC's work. In addition, Sudan's leaders should take action to amend legislation incompatible with the Comprehensive Peace Agreement (CPA); ensure effective implementation of such reforms; and promote greater respect for the freedoms of expression, association, and belief, and adequate conditions of physical and humanitarian security for all Sudanese, especially in Darfur and other areas with security challenges.

The Carter Center election observation mission began activities in Sudan in February 2008 in response to a request from the leaders of the GONU and the Government of Southern Sudan (GOSS). The NEC has subsequently confirmed this invitation. The Carter Center established offices in Khartoum and Juba, and Carter Center staff has travelled widely



OBSERVING SUDAN'S 2010 NATIONAL ELECTIONS

in Sudan to monitor electoral preparations, track the progress of related political developments, and inform key stakeholders of the Center's role in observing Sudan's electoral process.

The Center's election mission will assess the electoral process in Sudan based on the CPA, Interim National Constitution, National Elections Act, and obligations for democratic elections contained in regional and international agreements, including the African Charter on Human and People's Rights and the International Covenant on Civil and Political Rights.

The objectives of the Carter Center's election observation mission in Sudan are to: a) provide an impartial assessment of the overall quality of the electoral process, b) promote an inclusive electoral process for all Sudanese, and c) demonstrate international interest in Sudan's electoral process.

In a longer report attached to this statement, The Carter Center expands on the seven key recommendations provided below for improving the administration of Sudan's electoral process. Both this statement and the accompanying report are based on reports from Carter Center observers and ongoing assessments by the Center's field offices in Khartoum and Juba.

Summary of key recommendations:

- The electoral calendar decided by the NEC is ambitious and faces numerous financial, logistical, and practical challenges. Therefore, the GONU, with assistance from international donors as needed, should secure the timely release of funds to the NEC and subsidiary committees, as this support will be critical in ensuring the electoral process can proceed as planned.
- The NEC should urgently conclude policy decisions affecting the formation of the subsidiary state and regional elections High Committees. In addition, policy decisions related to constituency delimitation and voter registration need to be made quickly by

the NEC. As the process moves forward, the NEC should ensure there is transparency in its work to help build confidence in the electoral process.

- Conducting voter registration in June, as called for in the NEC calendar, may face difficulties due to the onset of the rains in large areas of Sudan and therefore it might be useful for the NEC to consider contingency plans, possibly including a rolling voter registration process. Without a consolidated peace in Darfur, voter registration will face especially difficult challenges.
- The NEC should enable the work of national and international civil society organizations engaged in voter and civic education and domestic election observation efforts, and establish clear policies and accreditation procedures.
- The GONU should come to agreement regarding the national census and release the results as soon as possible. In addition, the GONU should resolve the North/South border demarcation process. Continued delay in these processes could jeopardize the timeline of the NEC's election calendar.
- Implementation of all aspects of the CPA is an urgent priority. Respect for constitutionally guaranteed freedoms is a necessary precondition for any competitive electoral campaign.
- Given the importance of holding national elections throughout Sudan, efforts should be redoubled to conclude a comprehensive peace in the Darfur region. The GONU and NEC should take clear steps to promote an environment conducive to the holding of comprehensive, participatory, and credible elections.

The Center encourages all actions that will promote and lead to a genuine, inclusive, and viable electoral process that meets international standards. Further, the Center notes the importance of elections in Sudan as a cornerstone of the more wide-ranging democratic transition anticipated in the CPA's Protocol on Power Sharing. The Center fully supports the right of all Sudanese to freely elect their represen-



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tatives in a peaceful and tolerant environment, and reiterates its desire to contribute to building a lasting and just peace throughout Sudan.

The Center conducts election observation missions in accordance with the Declaration of Principles of International Election Observation and Code of Conduct that was adopted at the United Nations in 2005 and has been endorsed by 33 election observation groups.

SUDAN'S 2010 ELECTIONS

Critical Steps for a Genuine and Viable Electoral Process

May 7, 2009

Sudan's historic 2005 Comprehensive Peace Agreement (CPA) establishes a process of national democratic transition. As per the Interim National Constitution and the CPA, general elections are due to be held no later than the fourth year of the CPA Interim Period, i.e. before July 2009, unless otherwise agreed by the parties to the Agreement. As the body charged with organizing and conducting general elections, the National Elections Commission (NEC) has announced that polling will be held in February 2010, and the parties to the agreement have assented to this decision.

In support of CPA implementation, The Carter Center has launched a long-term election observation project in Sudan to support the consolidation of democracy and sustainable peace in the country. President Omar al-Bashir and First Vice President Salva Kiir invited The Carter Center to observe all aspects of the electoral process, and this invitation has subsequently been confirmed by the NEC. The National Elections Act 2008 and the CPA both call for the participation of international observers in Sudan's electoral process.

The Carter Center has maintained offices in Khartoum and Juba since February 2008, and Center

field staff have liaised with representatives of the Government of National Unity (GONU) and the NEC to discuss the status of electoral preparations. In addition, Center staff has travelled throughout Sudan to meet with key stakeholders including government officials, local political party members, civil society organizations, and representatives of the international community, among others.

The National Elections Act, passed in July 2008, establishes the events and mechanisms required for the upcoming Sudanese electoral process. An important first step was the formation of the NEC in November 2008. The NEC is now operational and has published its projected electoral calendar, with demarcation of geographical constituencies due to have begun on April 15, 2009, national voter registration scheduled to occur in June 2009, a campaign period from November 2009 to February 2010, and polling to be held in February 2010. The release of a projected electoral calendar is an important and welcome development. The NEC's calendar calls for a polling date that avoids the worst of the rainy season for much of Sudan. However, the proposed voter registration process will fall during the rainy season and consequently will face additional challenges.

In order to ensure a genuine and viable electoral process, the NEC and GONU need to make significant progress on a wide range of political and technical issues. With nine months to go until the identified polling date, the Center has identified the following key areas for particular attention as the Sudanese electoral process continues to develop:

Practical challenges to the electoral calendar

The ten month calendar of electoral events released in April by the NEC will require substantial resources to be made available by the GONU, the Government of Southern Sudan (GOSS), and the international community. In response to budget requests from the NEC and subsidiary elections committees, it will be important that the GONU and international donors release funds in a timely fashion to ensure that progress is not impeded by a lack of resources.



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Conducting simultaneous elections at multiple levels of government (President of the Republic, President of Southern Sudan, National Assembly, Southern Sudan Legislative Assembly, state assemblies and governors) will present substantial logistical and practical challenges. Delimitation of constituency boundaries will also be a highly complex process, and possibly a source of political conflict. It will be important for the NEC to concentrate resources and expertise on key challenges. Where needed, international technical assistance could support such efforts and bolster national capacity in key areas, perhaps including constituency delimitation, voter/civic education, and the drafting of supporting regulations regarding election administration at the state level. Where appropriate, the GONU should facilitate access and registration for technical assistance organizations to operate in Sudan.

NEC policy decisions and operationalization of subsidiary committees

Substantial responsibility for implementation of the electoral process falls on the 26 subsidiary elections High Committees, one for each state and one for Southern Sudan. The NEC appears to be close to appointing these committees, which will be an important first step. However, with a little less than one month to go until an extensive voter registration process is due to begin, there is a rapidly shrinking window for the High Committees to begin their work and make the necessary preparations for an inclusive registration process. It remains unclear what powers and authorities will be devolved from the NEC to the High Committees. Therefore, a critical priority for action is to clarify the delineation between national, regional, and state election management body responsibilities as the electoral process moves forward.

In addition, to ensure that practical electoral arrangements can begin, the NEC needs to move forward with policy decisions on a wide range of issues, including those concerning voter registration and constituency delimitation. Further, it will take time

to inform and educate the voting population about voter registration procedures. Exclusion of voters from the registration process due to a lack of awareness about the mechanics of the process will undermine the rights of Sudanese citizens to participate in the electoral process.

During its initial months in operation, the NEC has needed to focus on its internal arrangements. As the process moves forward, however, greater transparency in the day-to-day workings and periodic meetings of the NEC will allow citizens to better understand the NEC's electoral preparations, and will build confidence in the legitimacy of the electoral process. Popular understanding of the technical steps involved in the electoral process is critically important to ensuring broad acceptance of electoral results. The NEC should strive for consistent voter outreach throughout Sudan, since the familiarity of most Sudanese citizens with democratic elections processes is limited.

Voter registration

In large areas of Sudan, the rainy season will have already begun by June. In order to ensure effective enfranchisement across the whole country, the NEC should consider mechanisms that provide flexibility in case of weather-related disruption, such as a rolling voter registration. As the first large scale electoral event, the performance of the election management bodies in voter registration procedures will be a crucial benchmark against which the credibility of the electoral process will be measured. Observers from The Carter Center will be present across the country to witness the registration process.

Further, successful national elections will require that maximum efforts are made to register Sudanese citizens in all areas of the country, including Darfur and other areas. The NEC may need to consider special accommodations for registering voters in Darfur and



OBSERVING SUDAN'S 2010 NATIONAL ELECTIONS

any other regions with security concerns, areas hosting significant displaced populations, or other challenges.

Civil society engaged in voter and civic education and domestic observation

The complexity of Sudan's national elections will require substantial participation from civil society organizations, both national and international. Voter and civic education efforts are vital. The NEC should facilitate wherever possible the implementation of such efforts, respecting the substantial value that civil society can offer in this process. Domestic election observation and monitoring requires a framework of clear and consistent policies and accreditation procedures. The NEC should establish policies to enable the effective efforts of domestic observers without delay.

Release of census results and conclusion of North/South border demarcation

In order to meet the NEC electoral calendar, it is important for the GONU, through the institution of the Presidency, to come to agreement and release the census results and for the border demarcation process to be concluded between the CPA partners so as not to delay the electoral process further. While census and border demarcation issues are outside of the scope of the NEC, further delays will have a negative impact on the electoral process.

Implementation of the CPA with respect to the electoral process

Implementation of the CPA continues to proceed in the GONU, but progress is slow. Continued delay in the amendment and implementation of laws incom-

patible with the CPA and the Interim National Constitution threatens to undermine the electoral process. Reform and implementation of these laws is critical to ensuring key democratic rights of Sudanese citizens and civil society.

Similarly, although constitutionally guaranteed, freedoms of expression, association, and belief are not fully protected in Sudan. In order to meet regional and international standards for democratic elections,¹ additional steps are needed to ensure full protection for the freedom of individuals, associations, and political parties to legally campaign and not be unduly restricted. The use of emergency powers should be minimized at all stages of the electoral cycle.

Resolution of the situation in Darfur

Holding elections in Darfur will be a special challenge. Therefore, it is important that all steps are taken to include the region in all phases of the electoral process, including voter registration. Given widespread skepticism in Darfur concerning the operation of national political processes, the NEC and the GONU should make concerted efforts to build confidence in the electoral process among the region's population. In addition, needed resources must be made available to the NEC and to Darfur state election management bodies to address the significant logistical, security, and political challenges involved in administering elections in Darfur.

The Center urges all parties to renew efforts toward a peaceful settlement in Darfur, and to take all measures necessary to guarantee adequate conditions of physical and humanitarian security for all Sudanese such that they can participate freely in the entire electoral process.

¹ Sudan ratified the African Charter on Human and Peoples' Rights (ACHPR) on February 18, 1986. The ACHPR came into force on October 21, 1986 after its adoption in Nairobi (Kenya) in 1981 by the Assembly of Heads of State and Government of the Organization of African Unity (OAU). In addition, Sudan ratified the International Covenant on Civil and Political Rights on March 18, 1986, which entered into force on March 23, 1976.



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CARTER CENTER ANNOUNCES AGREEMENT WITH THE GOVERNMENT OF SUDAN, THE NATIONAL ELECTIONS COMMISSION AND THE GOVERNMENT OF SOUTHERN SUDAN ON ELECTION OBSERVATION

August 20, 2009

The Carter Center is pleased to have finalized memoranda of understanding with the Government of National Unity (GONU) of Sudan and the National Elections Commission (NEC) and the Government of Southern Sudan (GOSS) on its program of election observation in Sudan. The Center welcomes the spirit of cooperation demonstrated by Sudanese authorities in these efforts.

The memoranda of understanding draw from the Comprehensive Peace Agreement, National Elections Act, and the Declaration of Principles of International Election Observation and Code of Conduct adopted at the United Nations in 2005. These memoranda guarantee an unrestricted program of observation, including freedom of access throughout the country and to all stages and actors in the electoral process.

The Center will at all times conduct its activities impartially, objectively, transparently and independently and will inform the NEC of any irregularities, deficiencies, or interference observed, and where appropriate recommend corrective and preventative responses. The Governments of Sudan and Southern Sudan and the NEC have pledged to facilitate the Center's work and provide all possible assistance to the organization and personnel of the Center's election observation mission.

Separate but parallel to its international observation efforts, the Center will also provide technical capacity building and training support to Sudan's domestic election observer groups. This work has been welcomed by the NEC and has also been included under the Center's memoranda of understanding with the GONU and GOSS.



OBSERVING SUDAN'S 2010 NATIONAL ELECTIONS

Jeffrey Mapendere, former assistant director of the Carter Center's Conflict Resolution Program, has been appointed as field office director for the Center's Election Observation Mission in Sudan. Mapendere is a recognized expert on democracy and conflict resolution programming. As field office director, he will oversee the mission's efforts to observe the Sudanese electoral process.

Mapendere most recently served as senior advisor on security arrangements in the U.N. standby team of mediation experts, working to advance peace and reconciliation. As a conflict resolution practitioner and a professional mediator, Mapendere has conducted high-level political analysis and worked on projects in the Democratic Republic of Congo, East Timor, Ethiopia, Guinea-Bissau, Guyana, Jamaica, Kenya, Mozambique, Nepal, Sudan, Uganda, Zambia, and elsewhere.



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CARTER CENTER NOTES PROGRESS IN ELECTORAL PREPARATIONS, BUT EXPRESSES CONCERN OVER ELECTORAL DELAYS AND PEACE AGREEMENT IMPLEMENTATION

August 20, 2009

In a statement released today, The Carter Center noted recent positive steps in Sudan's electoral process, including the release of a revised electoral calendar that should allow voter registration to take place in November, avoiding the rainy season, as well as the formation of 25 state Election High Committees and the Southern Sudan Elections High Committee (SSEHC). At the same time, the Center reported serious concerns about slippage in the overall electoral calendar; delays in key operational, policy, and budgetary decisions; continued restrictions on civil liberties; and the lack of adequate reform legislation needed to fully protect the fundamental freedoms of Sudanese citizens.

The revised electoral calendar published by the National Election Commission (NEC) in late-June presents an achievable but ambitious schedule but will only be viable if the Government of National Unity (GONU) and the NEC take immediate action to ensure that further delays are avoided. Full finan-

cial and technical resources should be made available to the NEC, the SSEHC, and the subsidiary state Elections High Committees without further delay, in order to ensure they become fully operational. The Center's other findings are highlighted in the following report.

The Carter Center election observation mission began activities in Sudan in February 2008 in response to a request from the leaders of the GONU and the Government of Southern Sudan (GOSS). The Center subsequently signed memoranda of understanding with the Government of Sudan, the NEC, and the GOSS formalizing the Center's election observation activities. The Carter Center established offices in Khartoum and Juba, and Carter Center staff has traveled widely in Sudan to monitor electoral preparations, track the progress of related political developments, and inform key stakeholders of the Center's role in observing Sudan's electoral process.



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STATUS OF THE ELECTORAL PROCESS IN SUDAN – CONCERNS REMAIN OVER ELECTORAL DELAYS AND PEACE AGREEMENT IMPLEMENTATION

This statement summarizes the observations of the Carter Center's election observation mission in Sudan during the period from May – August 2009 and follows a public statement released on May 7, 2009. The Carter Center began activities in Sudan in February 2008 in response to a request from the leaders of the GONU and the Government of Southern Sudan (GOSS) and continues to assess the electoral process in Sudan based on the Comprehensive Peace Agreement (CPA), Interim National Constitution, National Elections Act, and obligations for democratic elections contained in regional and international agreements, including the African Charter on Human and People's Rights, and the International Covenant on Civil and Political Rights.¹

The objectives of the Carter Center's election observation mission in Sudan are to: a) provide an impartial assessment of the overall quality of the electoral process, b) promote an inclusive electoral process for all Sudanese, and c) demonstrate international interest in Sudan's electoral process.

Building from the recommendations noted in The Carter Center's statement of May 7, The Carter Center makes in this report the following observations and recommendations, provided in the spirit of support and respect for Sudanese authorities and with the aim of improving the administration of Sudan's electoral process.

Key findings and recommendations:

- **Electoral timetable and preparations**

Given the general delays in electoral preparations and CPA implementation, the Commission's further adjustment of the electoral timetable was not unexpected. To ensure that there are no further delays, the NEC and the Government of National Unity should take all possible steps to ensure that polling is held on schedule in April 2010. The April polling date means that if a second round of elections for the presidency of the Republic and the presidency of Southern Sudan is required in May-June 2010, a significant number of voters could be disenfranchised due to the onset of difficult weather conditions. Further delays could risk compromising the credibility of the electoral process.

The NEC must continue its efforts to be transparent in all of its activities and operations, and to disseminate timely public information to build confidence in the electoral process. Public information and education efforts concerning the NEC's scope, functions, and activities is critical, in a context where free elections have not been held in many years. The more time that elapses before these activities begin, the greater the challenge for the NEC to be seen as trustworthy and effective in the eyes of ordinary voters.



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- **Voter registration**

Voter registration is widely recognized as one means of ensuring that the right to vote is fulfilled.² Targeted to reach approximately 20 million people, national voter registration in Sudan will be a massive effort that, as per electoral regulations, will take several months to conclude. The NEC, SSEHC, and state Elections High Committees must quickly conclude and implement policy decisions and operational processes. Given the burden that falls on subsidiary elections committees to implement the registration process, it is essential that the NEC finalize voter registration policy decisions in order for materials to be procured, printed, and transported in time, electoral personnel to be appropriately trained, and for critical voter education efforts to begin.

While the Center is disappointed with the low number of women appointed as members in the state Elections High Committees, it encourages the NEC and state Elections High Committees to take all necessary steps to ensure greater representation of women in its recruitment of electoral personnel for the voter registration and polling process.

As the first large, broad based electoral activity in many years, the success of the voter registration process will depend on the quality and reach of voter and civic education efforts. While general civic education efforts are underway, a specific understanding of voter registration is necessary if citizens are to trust the process and value their participation in the exercise. However, such voter education efforts cannot begin until voter registration procedures are finalized.³

- **Electoral budget and provision of resources to subsidiary elections committees**

The NEC and the GONU should move expeditiously to agree on an overall budget for the electoral process, and the national government must avoid delays in disbursing funds to the NEC. The failure to agree to a budget has jeopardized timely international donor support. However, international organizations, including the U.N. Development Program (UNDP), must move swiftly and streamline procedures to secure the release of funds and procurement of goods. Although now established, the SSEHC and state committees continue to lack resources, preventing the timely implementation of electoral preparations. The NEC should make available all necessary resources to the state elections committees and SSEHC so that preparations are not further impeded.

- **Passage of reform legislation**

The Carter Center notes with concern the passage by the National Assembly of the Press and Publications Act and the Criminal Procedures Act, both of which contain insufficient guarantees for the protection of fundamental freedoms. In particular, the Criminal Procedures Act empowers the state to routinely limit the freedom of association and assembly, undermining the State's commitment to protect these rights.⁴ The Center urges all political actors and members of the National Assembly to ensure that genuine reform legislation (including the pending National Security Forces Act) is enacted when the Assembly reconvenes in October, to create an environment conducive to a free and competitive election and to ensure compatibility with the CPA.



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- **Role of the Political Parties Affairs Council**

As campaign activities begin, and with political party registration ongoing, the role of the Political Parties Affairs Council (PPAC) will be increasingly important. As the regulator of political party activity, the PPAC should make clear when it receives complaints from political parties, and should publicize its findings with regard to those complaints as well as the steps it intends to take when violations occur.

- **Moving forward from the national census**

The Carter Center notes with concern the continued impasse over the national census results and urges the parties to find an acceptable compromise to allow for national elections to proceed as scheduled. While The Carter Center did not formally observe census enumeration, it has monitored events since its conclusion in May 2008. There are large areas of the country, including South Kordofan, Darfur, and elsewhere, where census activities and enumeration were especially problematic and where resolution of local concerns will be very difficult. Where feasible, the Center encourages Sudanese authorities to consider whether voter registration data could be used to enable adjustment of constituency boundaries and apportionment, where warranted.

- **Civil society participation in the electoral process**

The Carter Center welcomes the NEC's July 28 announcement that it will ensure the freedom of civil society organizations to conduct voter education without restriction or limitation by the security services or state authorities in Darfur, and encourages the NEC to provide similar assurances for civil society throughout the country. At the same time, the Center is aware of a number of individuals and civic organizations interested in promoting awareness of the electoral process that have been prevented from engaging in these critical educational activities. The GONU should ensure steps are taken immediately to cease restrictions on these activities, protect the fundamental freedoms of expression, association and assembly of Sudanese citizens, and promote their free and unencumbered participation in the political process, as called for in the CPA and the Interim National Constitution.⁵

- **Representation of the Abyei Area**

The Center welcomes the decision by the National Congress Party and the Sudan People's Liberation Movement to accept the findings and geographic delimitation of the Abyei Arbitration Tribunal in The Hague. Abyei's special status, and definition under the CPA as having geographic representation rights in both South Kordofan and Warrap states, requires special treatment by the NEC and by the relevant state committees. The NEC should take all steps to ensure the effective geographic political representation of the Abyei Area.

In the National Assembly, Abyei should also be geographically represented for the remainder of the CPA's Interim Period, and, subject to the Abyei Referendum, beyond as required.

While constituency delimitation in Abyei will be complex, it is essential that citizens of Abyei are and feel that they are included in the national democratic process.

- **Darfur**

The Center continues to urge that all relevant parties take steps to end the conflict in Darfur without delay. Noting the modest improvement of the security and humanitarian situation in substantial areas of the three states of Darfur, the Center urges the national government to act



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in the spirit of the democratic transformation envisaged in the CPA to ease the state of emergency and lift the restrictions on civil liberties that persist across the region and to allow for an environment where political parties can freely organize, recruit, and campaign. Genuine and freely contested elections may be a partial answer to addressing the causes of marginalization and conflict in Darfur, but little progress will be made if severe and inhibiting regulations remain in force. Confidence in the electoral process in Darfur remains low, and the NEC and state elections committees must visibly demonstrate that their activities in Darfur are fair, impartial, and organized in the interests of all citizens.

Finally, The Carter Center once again reiterates its support for the right of all Sudanese to register to vote and freely elect their representatives in a peaceful and tolerant environment, and notes its desire to contribute to building a lasting and just peace throughout Sudan through a genuine, inclusive, and viable electoral process that meets international standards.

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The Carter Center conducts its election observation in accordance with the Declaration of Principles of International Election Observation and Code of Conduct that was adopted at the United Nations in 2005, and has been endorsed by 33 election observation groups. The Declaration of Principles can be read in Arabic and English at:
http://cartercenter.org/peace/democracy/des_declaration.html

The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. The Carter Center began working in Sudan in 1986 on the Sasakawa-Global 2000 agricultural project and for more than 20 years its health and peace programs have focused on improving health and preventing and resolving conflicts in Sudan. Please visit www.cartercenter.org to learn more about The Carter Center.

¹ Sudan ratified the African Charter on Human and Peoples' Rights (ACHPR) Feb. 18, 1986. The ACHPR came into force on Oct. 21, 1986. Sudan acceded to the International Covenant on Civil and Political Rights (ICCPR) on March 18, 1986, which entered into force on March 23, 1976.

² United Nations Human Rights Committee (UNHRC), Gen. Comment No. 25 "The Right to Participation in Public Affairs, Voting Rights and the Right to Equal Access in Public Service" UN Doc CCPR/C/21/Rev.1, para. 11, "States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required it should be facilitated and obstacles to such registration should not be imposed."

³ UNHRC Committee Gen. Comment No. 25, para. 11, "Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community."

⁴ ACHPR, art. 11, "Everyone shall have the right to assemble freely with the other"; ACHPR, art. 10 (1) "Every individual shall have the right to free association provided that he abides by the law"; ICCPR, art. 21, "The right to peaceful assembly shall be recognised"; ICCPR, art. 22 (1), "Everyone shall have the right to freedom of association with others."

⁵ Sudan's international commitments also include protection of every citizen's right to participate in the public affairs of their country, free from unreasonable restrictions, (see ICCPR, art. 25).



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CARTER CENTER CONCERNED ABOUT SUDAN'S VOTER REGISTRATION PROCESS AND OBSTACLES TO OBSERVER ACCREDITATION

November 2, 2009

In a statement released today, The Carter Center noted continued progress in Sudan's electoral process, including voter registration, which began Nov. 1, but expressed concerns about the obstacles facing election observers, including delays in finalizing their accreditation procedures and delays in election preparations, as well as continued reports of harassment of political party and civil society activity.

While Sudan's National Election Commission (NEC) has allowed national and international observation of voter registration, it must act immediately to accredit national and international observers as well as political party agents, and lift restrictions on observers' freedom of movement, so that they may effectively observe voter registration. It is also important for the NEC to clarify formally whether it intends to permit observation of the entire electoral process by all interested national and international observers, as the recently revised accreditation regulations do not adequately address this.

The Center is also concerned by the NEC's slow implementation of electoral preparations, including

the delayed release of funding to the state elections high committees; unresolved operational decisions related to voter registration activities which have impeded effective voter education efforts; delays in the finalization of national, regional, and state geographic constituencies; and continued harassment of political party and civil society activity across Sudan.

Following the commencement of long-term election observation activities in Sudan in February 2008 at the invitation of the Government of Sudan and the Government of Southern Sudan, The Carter Center deployed 12 long-term observers based in five of Sudan's regions to assess the electoral process. The long-term observers come from eight countries: Cameroon, Canada, India, the Netherlands, Norway, the United Kingdom, the United States, and Zimbabwe. For the voter registration period, scheduled to last from Nov. 1-30, the long-term observers are being joined by an additional 20 medium-term observers to assess voter registration throughout Sudan, at both static and mobile registration centres. The Carter Center mission will observe physical registration activities; the initial publication of voter reg-



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istry lists; the submission of complaints and objections to the lists; and the final publication of the voter registry. Field offices in Khartoum and Juba will continue to support and manage this observation mission.

The objectives of the Carter Center's election observation mission in Sudan are to: a) provide an impartial assessment of the overall quality of the electoral process, b) promote an inclusive electoral process for all Sudanese, and c) demonstrate international

interest in Sudan's electoral process. The mission is assessing the electoral process in Sudan based on the Comprehensive Peace Agreement, Interim National Constitution, National Elections Act, and obligations for democratic elections contained in regional and international agreements, including the African Charter on Human and People's Rights and the International Covenant on Civil and Political Rights.¹

¹ Sudan ratified the African Charter on Human and Peoples' Rights (ACHPR) on Feb. 18, 1986. The ACHPR came into force on Oct. 21, 1986 after its adoption in Nairobi (Kenya) in 1981 by the Assembly of Heads of State and Government of the Organization of African Unity (OAU). In addition, Sudan ratified the International Covenant on Civil and Political Rights on March 18, 1986, which entered into force on March 23, 1976.



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CARTER CENTER WELCOMES PEACEFUL VOTER REGISTRATION IN SUDAN; URGES FURTHER STEPS TO IMPROVE REGISTRATION PROCESS

November 30, 2009

In a statement released today, The Carter Center commended the largely peaceful implementation of national voter registration in Sudan, which began on Nov. 1, and welcomed the National Election Commission's (NEC) decision to extend voter registration by one week to promote greater inclusion in the process. However, the Center expressed concern that while turnout has been high in certain states, participation has been uneven and many states appear to lag behind in meeting registration targets. In light of these challenges, the Center also urged the NEC and Sudan's state elections committees to make available additional funds for the registration process; redouble efforts to ensure that registration books and materials reach as many eligible Sudanese as possible, especially in areas with difficult logistical and security challenges; and expand civic education on voter registration.

The Center welcomed the Commission's steps to facilitate the work of election observers, including its accreditation of Carter Center observers for voter registration on Nov. 3. However, the NEC and state elections committees should take action to ensure

timely accreditation for both national and international observers so that they can observe the entire electoral process, both during and after voter registration. The NEC should finalize the accreditation regulations currently under review.

Following the commencement of long-term election observation activities in Sudan in February 2008 at the invitation of the Government of Sudan and the Government of Southern Sudan, The Carter Center has deployed 32 medium and long-term observers to assess voter registration and the broader political and electoral environment across Sudan. The observer delegation is drawn from 21 countries: Cameroon, Canada, DR Congo, Egypt, Ethiopia, Germany, India, Ireland, Italy, Kenya, Mozambique, the Netherlands, Norway, Palestine, Serbia, Spain, Uganda, the United Kingdom, the United States, Zambia, and Zimbabwe. Carter Center observers will remain in place for the duration of voter registration, now scheduled to end Dec. 7, and will also observe the exhibition of and challenges to voters' lists in constituencies across the country. To date, The Carter Center mission has



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observed voter registration activities in more than 450 fixed and mobile registration centers in 22 states across the country.

The objectives of the Carter Center's election observation mission in Sudan are to: a) provide an impartial assessment of the overall quality of the electoral process, b) promote an inclusive electoral process for all Sudanese, and c) demonstrate international interest in Sudan's electoral process. The mission is assessing the electoral process in Sudan based on the Comprehensive Peace Agreement, Interim National Constitution, National Elections Act, and

obligations for democratic elections contained in regional and international agreements, including the African Charter on Human and People's Rights and the International Covenant on Civil and Political Rights.¹

The Carter Center conducts election observation missions in accordance with the Declaration of Principles of International Election Observation and Code of Conduct that was adopted at the United Nations in 2005 and has been endorsed by 33 election observation groups.

¹ Sudan ratified the African Charter on Human and Peoples' Rights (ACHPR) on Feb. 18, 1986. The ACHPR came into force on Oct. 21, 1986, after its adoption in Nairobi (Kenya) in 1981 by the Assembly of Heads of State and Government of the Organization of African Unity (OAU). In addition, Sudan ratified the International Covenant on Civil and Political Rights on March 18, 1986, which entered into force on March 23, 1976.



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CARTER CENTER COMMENDS BROAD PARTICIPATION IN SUDAN'S REGISTRATION, URGES ADDITIONAL STEPS TO ENSURE GENUINE ELECTIONS

December 17, 2009

In a statement released today, The Carter Center welcomed the conclusion of national voter registration in Sudan, which ended Dec. 7, and congratulated the people of Sudan for the broad and generally peaceful participation in the registration process. According to the National Elections Commission (NEC), at least 75.8 percent of eligible Sudanese were registered, relatively close to the 80 percent NEC national target, including 15.7 million of the estimated electorate of 20.7 million people.

Overall, the Center reported that voter registration appeared largely successful in reaching citizens in most areas of the country, despite substantial logistical and security challenges, serious shortfalls in civic education, and uneven registration rates across Sudan's states. The Center commended the NEC's efforts to conduct an inclusive exercise, including the one-week extension of the voter registration period; however, the failure of the NEC and political parties to conduct broad civic education during registration hindered the process and was a missed opportunity to increase citizen participation. Despite these limitations, NEC figures indicate that an estimated 71 percent of the eligible population of Northern Sudan and 98 percent of Southern Sudan's eligible population

registered. For many, this has been their first encounter with democratic processes. Women's participation reportedly exceeded 50 percent. Unfortunately, 13 of Sudan's 25 states fell short of the NEC's registration targets, including all three states in the Darfur region.

At the same time, however, the Center also noted that significant challenges remain in the electoral process ahead, and urged action to ensure the full protection of political rights and freedoms, to pass key reform legislation, including the National Security Forces Act and laws pertaining to the referenda, and to address remaining problems in the Darfur peace process and in the transitional areas, including Abyei.

In the months ahead, the NEC should significantly expand efforts to educate Sudanese voters on the electoral process, especially in areas with comparatively low levels of registration, to ensure citizens understand their rights and responsibilities under the electoral system. This is particularly true in Darfur, where the NEC, GONU, and other stakeholders should take steps to implement a broad civic education program and ensure protections of freedom of assembly and association in advance of the elections.



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In addition, in order to build confidence in the inclusiveness and accuracy of the voters' registry, the Center urged the NEC and the state elections committees to finalize the full preliminary voters' lists without delay and provide technical support to the state election committees to compile the data electronically. Moreover, the NEC should make the voters' lists available to political parties and national and international observers for thorough examination and audit. While the exhibition of the list has begun in many areas, the process appears to be understood little by either registrants or registrars. The NEC should increase public information efforts to emphasize the importance of citizen review of the list.

In regard to the broader political context of the electoral process, the Center's statement expressed serious concerns about incidents that undermine political rights and fundamental freedoms in Sudan, including: arrests, detention and harassment of civil society and political party members for constitutional and peaceful activity in Khartoum and other cities by security services, and attacks on the National Congress Party (NCP) premises in Wau and Rumbek. These and other such incidents destabilize and erode confidence between the parties, and swift legal action must be taken against the perpetrators. All agencies of the Government of National Unity of Sudan (GONU) and the Government of Southern Sudan (GOSS), the NCP and the Sudan People's Liberation Movement (SPLM) have the responsibility to ensure faithful implementation of the Comprehensive Peace Agreement (CPA) and to ensure Sudan's constitutional protections of freedoms of assembly, association, and expression.

Finally, the Center also welcomed the announced agreement between the NCP and the SPLM on the referenda laws for Southern Sudan and Abyei, and the popular consultation laws for Blue Nile and South Kordofan. In order to ensure a political environment conducive to genuine democratic elections, the GONU and GOSS need to take additional steps,

especially including the amendment of all national laws incompatible with the CPA.

The Carter Center Observation Mission in Sudan. Following the commencement of long-term election observation activities in Sudan in February 2008 at the invitation of the GONU and the GOSS, The Carter Center deployed 32 medium and long-term observers to assess and report on voter registration and the broader political and electoral environment across Sudan. The Center's observers assessed voter registration activities in more than 650 fixed and mobile registration centers in all 25 states across the country. The observer delegation was drawn from 21 countries: Cameroon, Canada, DR Congo, Egypt, Ethiopia, Germany, India, Ireland, Italy, Kenya, Mozambique, the Netherlands, Norway, Palestine, Serbia, Spain, Uganda, the United Kingdom, the United States, Zambia, and Zimbabwe. A smaller delegation of Carter Center observers remains in place for the exhibition of and challenges to voters' lists in constituencies across the country.

The objectives of the Carter Center's election observation mission in Sudan are to: a) provide an impartial assessment of the overall quality of the electoral process, b) promote an inclusive electoral process for all Sudanese, and c) demonstrate international interest in Sudan's electoral process. The mission is assessing the electoral process in Sudan based on the Comprehensive Peace Agreement, Interim National Constitution, National Elections Act, and obligations for democratic elections contained in regional and international agreements to which Sudan is a signatory, including the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights.

The Carter Center conducts election observation missions in accordance with the Declaration of Principles of International Election Observation and Code of Conduct that was adopted at the United Nations in 2005 and has been endorsed by 35 election observation groups.



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STATEMENT ON SUDAN'S VOTER REGISTRATION, Nov. 1 – Dec. 7, 2009

Dec. 17, 2009

This statement supplements The Carter Center's initial report on the voter registration process, issued Nov. 30. With the finalization of the National Elections Commission's (NEC) voter registration figures, the Center offers these observations in order to provide an impartial assessment of the process and to demonstrate support for Sudan's electoral process.

With the end of registration, the focus now shifts to ensuring the accuracy of the voter rolls; protecting genuine expression of civil and political rights by individuals, associations, and political parties during the pre-electoral period; resolving outstanding technical and administrative issues related to elections implementation; and implementing necessary reform legislation to ensure an enabling political environment. Amidst tension between the political parties, the recent deterioration of respect for civil liberties, and a climate of rhetoric and violence, the Government of National Unity (GONU), Government of Southern Sudan (GOSS), and all political parties must take steps to improve the political environment if genuine elections are to be held.

Voter registration began in most states on November 1, although there were significant delays in Western Equatoria and Jonglei. Millions of Sudanese participated in a voter registration process that was mostly peaceful and orderly. Electoral officials made efforts throughout the exercise to conduct an inclusive registration process. According to the NEC, 75.8 percent of eligible Sudanese were registered (15.7 million of the estimated 20.7 million electorate), close to the 80 percent NEC national target. However, citizen participation and engagement was uneven across Sudan's regions.

The extension of voter registration by one week – requested by a number of political parties and agreed by the NEC – helped ensure that a greater number of registrants were able to participate. Several states reported low rates of registration as of Nov. 30, and many citizens would have been disenfranchised if registration had ended on that date. However, if the NEC and many of the state elections committees had better publicized the extended locations and schedules of voter registration centers, the extension may have reached yet more eligible voters.

With a one-week extension of registration, all states were able to register more than half of the estimated eligible voters. However, 13 states, including North Kordofan, Jonglei and the three states in Darfur, failed to reach the Commission's registration target of 80 percent of the estimated eligible voters. Given Sudan's historical imbalances and regional inequities, the uneven results are unfortunate, and suggest that insufficient voter education and logistical



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preparations undermined the implementation of registration in these states. Khartoum state, an area with great diversity, registered the lowest percentage. At the same time, despite gaps in civic education efforts, election officials reported extremely high rates of registration in Unity, Western and Northern Bahr el Ghazal states in Southern Sudan, and Blue Nile and South Kordofan states in Northern Sudan.

At times, shortages in registration materials interrupted registration activities, particularly in the Southern Sudan states of Northern and Western Bahr el Ghazal, Warrap, Eastern Equatoria, Upper Nile and Unity. While the NEC took action to replenish materials, avoidable operational interruptions complicated the registration process.

Overall, the Center commends electoral officials for successfully registering a relatively high level of eligible voters. This is a positive development in Sudan's electoral process. In order to build confidence in the voters' registry, the Center urges the NEC and the state elections committees to finalize the full preliminary voters' lists without delay, make it available to political parties and national and international observers for thorough examination and audit, and increase public information efforts to emphasize the importance of public review. By ensuring that Sudanese citizens enjoy the right to an effective remedy to problems with their registration, as obliged by Sudan's international commitments,¹ the NEC will be taking an important step to build confidence in the electoral process.

Policy decisions, registration staff training, and conduct of registration

The NEC announced many decisions related to voter registration only a short time before registration began. Certain operational and policy questions were not resolved before registration started. This burdened election management bodies, and challenged the work of technical assistance providers. Registration officers were trained very late in the process, in many cases only days before registration began. To avoid similar problems during balloting, the NEC should take steps to ensure that all polling officers are well-trained in polling procedures well in advance of the April elections, which will involve polling for six levels of government and complex balloting procedures.

The NEC's decision to deploy mobile voter registration teams was intended to facilitate broad geographic coverage of the country during voter registration. However, due to the relatively short period of time spent in each location, success depended on timely dissemination of information regarding the registration schedules. In many areas, however, such information was not readily available. Despite the mobility of registration centers, many citizens travelled great distances and endured significant hardship in order to participate in the registration process. In the initial days of voter registration, there were some difficulties in providing full sets of materials, and in ensuring centers were open on time and on schedule. Many registration teams experienced difficulties in securing adequate transport as they moved from place to place. During polling, the NEC should require state elections committees to publicize a definitive list of polling centers and their dates and hours of operations well in advance of the elections, and ensure the availability of sufficient transport capacity.

The NEC's decision to issue receipts with a unique serial number to registered voters was a positive step designed to help safeguard the registration process. However, registration officials



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frequently failed to inform registrants about the need to keep the registration receipt secure. Some political parties actively collected the slips of newly registered voters. Registration receipts were traded and sold in some areas. Given that many voters may not have receipts on election day, the NEC should take additional steps to ensure that polling officials can verify individual's names on the electoral registry and ensure the integrity of polling.

Carter Center observers reported that registration teams were professional and enthusiastic about their duties in most areas visited. Registration was relatively efficient and time effective. However, procedural compliance with some aspects of registration regulations was lax. In particular, registration officials often did not verify registrants' age, nationality or duration of residence, nor if registrants had registered earlier elsewhere.

Observers reported that the process was positively inclusive – citizens lacking identity documents could substantiate their identity through the use of witnesses, traditional authorities or local administrative structures, allowing a broad proportion of the population to register. In Khartoum and elsewhere in Northern Sudan, delegations of local popular committees were often present immediately outside of registration centers, and provided proof of residency certificates and witnesses, as needed. However, checks on the distribution of proof of residency documents appeared weak, and given the widespread view of the partisan nature of local popular committees, this created some perceptions of bias in the process of identifying registrants.

Registration officers often failed to inform registrants of their rights and responsibilities, including the right to view and challenge the preliminary voters' registry. As per the NEC's registration manual, in some states registration officers informed voters to return to vote in the same location, although the NEC has now announced that not all voters will cast their ballots in the same location. Potential voters must understand these aspects of the process to make access to the electoral process meaningful. Electoral officials at the national and state levels must make greater efforts to communicate consistent messages as the electoral process continues.

Center observers witnessed proxy registration on several occasions. Although proxy registration is not allowed by the electoral regulations, the incidents observed by the Center did not appear to be malicious attempts to compromise the process. Established procedures in previous registration exercises in Sudan and a lack of awareness of the new established regulations appear to be contributing factors in this behavior.

There was widespread non-compliance with registration centers' closing procedures, and many registration teams had difficulty submitting the necessary carbon copies of registration books to constituency elections officers in a timely manner.

Funding of voter registration and electoral operations

The NEC's inability to ensure that sufficient operational funds reached all the state elections committees on schedule represented a key shortcoming in the registration process. As the electoral process continues with the exhibition of voters' lists, the NEC should take steps to ensure that supplementary funds are quickly made available to the implementing state committees. Many registration officers showed dedication and commitment to the task at hand, despite having only been paid a portion of their fees and allowances.



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It is apparent that the state committees continue to face difficulties in receiving funds from the NEC in Khartoum, which will likely hinder the timely finalization of the voters' lists and related preparations. Some state elections committees currently report shortages of funds to allow for data entry staff to be recruited. In addition, given the severe logistical challenges, including communications and transport limitations in Southern Sudan, it is essential to ensure the timely disbursement of financial resources throughout the remainder of the electoral process.

Civic education and inclusion of remote areas

Early registration figures suggest that the widespread absence of civic education efforts impacted participation when registration first began. As registration proceeded, civic education efforts were more successful in some areas, and registration numbers increased. The reach of formal media was limited throughout the process, but the mobilization of local community leaders, traditional authorities and religious figures was influential in making registration more successful. However, many rural areas did not receive adequate civic information on voter registration.

State elections committees should expand civic education into the most rural and distant areas to ensure that all citizens have the opportunity to participate. For particularly remote areas, the NEC should consider providing satellite communications to state elections committees and local elections teams to allow for better communications between the headquarters and field staff.

Overall, civic awareness of the registration and related electoral processes remains a serious shortcoming in the process. Key stakeholders need to take immediate action to significantly expand civic education to overcome this deficit of information and lack of awareness of the electoral process. Civic education must go beyond occasional public announcements; sustained efforts to build knowledge and confidence in the electoral process from the community level upwards should be pursued. National and international agencies can play key roles in supporting these efforts, which must be expanded now to ensure that millions of Sudanese people better comprehend their electoral rights and obligations. Voter education is vital to ensuring an informed electorate may fully enjoy their participatory rights and links directly to Sudan's obligations to ensure all citizens are able to vote on the basis of equality and non-discrimination.ⁱⁱ

Participation of women

The apparently high level of women's participation in the registration process is an important achievement. Registration of women that is broadly proportional with their share of the population is positive, especially given Sudan's challenges in ensuring gender equity. However, more will need to be done to ensure that women participate equally in all aspects of the electoral process, including as registration and polling officials. It is critical that the NEC, the GOSS, and the GONU take steps to ensure that women have greater representation at all levels of the electoral process and are equal partners in realizing Sudan's democratic transition.ⁱⁱⁱ

Participation of nomads and semi-migratory groups

Nomads and semi-migratory groups also participated in the registration process. However, officials should give consideration as to how to fully include nomadic and semi-migratory



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populations in polling, as many may have travelled away from their original place of registration during the elections. Determining and raising awareness of appropriate procedures applicable to such populations will be necessary to ensure effective enfranchisement.

Participation of displaced persons

The NEC did not provide formal guidance to state elections committees on the participation of internally displaced persons (IDPs). In Khartoum and the surrounding area, registration centers allowed many IDPs to register. In Darfur, state elections committees did not and were not able to visit all IDP camps, including Kass and Kalma camps, partially accounting for the relatively low rate of registration in the three states (also see section below, on Darfur). For the electoral process, the NEC should provide clear and specific guidance, consistent with international norms, to protect the civil and political rights of IDPs.^{iv}

Role of the security forces

In most locations, with the exception of Darfur (see section below) security forces played a generally positive role in ensuring the security of registration centers. Center observers reported that most citizens were able to register free of intimidation or harassment.

Voter registration in Darfur

Due to security limitations in Darfur, Carter Center observers were not able to travel as widely as would be necessary to fully assess the quality and inclusiveness of the registration process throughout the region. Problems during the 2008 census hindered the full inclusion of certain areas of the region in the constituency delimitation process. State elections committees in Darfur were not able to access all areas of the region, particularly those not under government control, and the armed movements did not encourage registration activity.

State elections committees did not and were not able to visit all IDP camps, which partially accounts for the relatively low rate of registration in the three states. Registration is a voluntary exercise and some IDPs in Darfur chose not to participate.

In areas visited by the Carter Center mission, observers reported that Sudanese Armed Forces military units, Sudanese police, and agents of the National Intelligence and Security Service (NISS) were present at registration centers. Electoral authorities confirmed the presence of NISS agents at many registration centers. In some instances, NISS agents were actively engaged in the registration process, e.g. by laminating voter registration receipts, a practice which undermined the independence of the electoral management authorities, and which raises questions about the role of NISS in the electoral process. In North Darfur, Center observers reported the presence of vehicles with heavy mounted weapons (*technicals*) outside of registration sites, in a show of force that may have intimidated registrants.

Given the possibility of heightened tensions in the run-up to the elections, the NEC and state elections committees in Darfur should take immediate action to ensure that the presence of security forces is sufficient to ensure public order, but limited to their appropriate role. The security services should not execute tasks that are the specific responsibility of the elections



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committees. By avoiding involvement of the security forces in key administrative tasks, the NEC will be better able to build confidence in the Sudanese electorate that the electoral process is free from any coercion or intimidation and is in line with national laws and international obligations.^v

For elections in Darfur to be meaningful, significant efforts are needed to educate the population about the process, including its link to the resolution of outstanding political questions in Darfur. National and international organizations and entities involved in civic education should be allowed to work unimpeded by bureaucratic or security impediments.

Most importantly, political actors must take immediate steps to build the foundations of a genuine political settlement in Darfur in advance of next year's elections. The state of emergency and extreme limitations on freedom of assembly and association stifle a free and open campaign process. The NEC and GONU must take urgent steps to implement broad civic education programs, lift restrictions on the freedoms of assembly and association, and ensure that civil society organizations can fully participate in the electoral process. These steps are critical to ensuring that the citizens of Darfur can meaningfully participate in Sudan's electoral process, as required by Sudan's national and international obligations.^{vi}

Registration of military and police forces and prisoners

The Center notes the NEC's Oct. 24 circular directing state elections committees to register military and police in registration centers closest to their temporary work location rather than their permanent residence. While this regulation was widely implemented across Sudan, it will be important that voting procedures for military and police personnel are consistent with those for other citizens and are well publicized to avoid confusion or suspicion.

With respect to prisoners, the Center's observers witnessed registration inside prisons in three states. Given the context of their participation, it is important to protect inmates from possible coercion, e.g., being forced to register or to vote. To that end, the Center urges the NEC to establish clear procedures to protect prisoners' civil rights in the electoral process, in line with the international obligations to which Sudan has committed.^{vii}

Political party activity

Carter Center observers reported that many political parties were able to deploy party agents at registration centers, although this was more limited in Southern Sudan. Party agents often demonstrated initiative and enthusiasm in their work, despite limited technical training.

Some parties, principally the NCP, collected voter registration receipts, and/or recorded the registration numbers and corresponding identifying details of registrants. While not in violation of the electoral law, party agents did not appear to explain that this practice was not an official step of the registration process, resulting in confusion for many registrants. Carter Center observers also observed representatives of the SPLM and NCP laminating registration slips and directly participating in registration activities. Such organized political party activity in close proximity to registration centers was problematic. In the future, political parties should ensure



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that their members do not engage in activity that could undermine public confidence in the integrity of the electoral process.

For the polling period, the NEC should consider specifying a minimum distance from which political parties are allowed to operate, and should clearly delineate activities that are not permissible within the vicinity of polling centers (though allowing the activity of accredited political party agents).

Domestic and international observers

The Center welcomes the role of domestic election observers in the voter registration process. However, the NEC's delay in determining procedures for domestic Sudanese observer accreditation was unfortunate, and resulted in delayed deployment of Sudanese observers. In addition, at least four different types of accreditation documents were issued to domestic observer groups between the NEC and the state elections committees. The lack of clarity in procedures placed an undue burden on domestic observer groups in applying for accreditation, as well as on registration officials in allowing observers access to the process. The NEC should take steps to facilitate simple and fast accreditation procedures for domestic observers for the remainder of the electoral process, as the right for domestic observers to participate in Sudan's electoral process is a key component of both national laws and international obligations.^{viii}

After a short initial delay, The Carter Center's international observers were fully accredited by the NEC and observation of the registration process proceeded relatively problem-free. Carter Center observers were largely able to exercise freedom of movement and access to the electoral process. The Center welcomes steps taken by the NEC to process accreditation for its observers. However, while the Center is authorized as an institution to observe the entire electoral process, at present no individual Carter Center observers are accredited for the period beyond voter registration. In order for the Center to continue to conduct its observation mission, the Center reiterates its request to the NEC to provide long-term accreditation for the Center's international observers.

Overseas registration

The Center did not formally observe registration activities outside Sudan. Registration was organized by the NEC in 18 countries, but in most countries overseas registration did not exceed several hundred persons. In total, just over 100,000 persons were registered outside Sudan, with Saudi Arabia accounting for almost two thirds of all overseas registrants. Legal restrictions requiring the possession of a legal Sudanese passport and residency permit limited the registration of Sudanese refugees. Since registration and voting outside of the country is provided for by law, the NEC should ensure that overseas polling procedures are known well in advance, so that registered Sudanese can access the process effectively.

Ensuring an accurate and reliable registry

While the registration of a relatively high level of eligible voters is a positive development in Sudan's electoral process, additional steps are needed to ensure the accuracy of the voter lists



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and to build confidence in the broader process. To this end, the NEC and state committees should facilitate efforts by parties and observers to verify the accuracy of the electronic registry now being compiled to ensure that data entry mistakes are rectified and double or false entries are removed. The NEC should provide guidance on how it intends to correct and safeguard electronic data registry records, and should provide political parties with the complete voter registry in a timely manner. In the four states where registration exceeded 100 percent of the estimated eligible voters, a thorough examination of the registry will be particularly important to confirm accurate registration figures.

The NEC should ensure that domestic and international observers and other interested actors are able to conduct thorough reviews and audits of the preliminary and final voters' lists. These and other such analyses will be important to ensure that any doubts about the registry are addressed.

Data entry and procedures for challenges and exhibition

Electronic data entry has begun throughout Northern Sudan, and has been successfully completed in most states. However, data entry centers are operational in only three states in Southern Sudan. State election committees in the other seven states continue to lack funds, equipment and trained personnel necessary to input the registration data. Officials in Southern Sudan estimate that at least one more month will be required to fully input registration data, which makes finalization of the voters' lists by the NEC's January 11 deadline an ambitious target. As authorities recruit staff to input the data, quality control and verification procedures should be implemented. In addition, the registry's data entry program appeared to lack an input field for the Southern Sudan Legislative Assembly, which caused data entry in one of the three operational Southern states to be temporarily suspended, pending clarification on this issue from NEC data experts. The Center encourages the NEC to provide increased technical support to the state election committees and data centers to help ensure timely and accurate compilation of the voter registry.

The Center welcomes the NEC's decision to establish five exhibition centers in each geographic constituency and to extend the viewing period, although there do not appear to be sufficient staff nor funds yet in place to manage exhibition. While exhibition of voters' lists has begun in certain states, there is a lack of public information and awareness about the process. Training of electoral staff on exhibition procedures is yet to be completed in many states. In states where exhibition has begun, the quality of implementation has been uneven; some exhibition officials are not aware that every person has the right to inspect and challenge the list. Given logistical constraints and registration teams' fatigue, state committees will likely need additional technical support and guidance from the NEC in order to mount an effective exhibition process.

Due to the delay in creating electronic lists in Southern Sudan, challenges will proceed on the basis of the posting of carbon copies of the handwritten lists. This means that there will likely be no legal review process or exhibition of the electronic lists in Southern Sudan during the formal exhibition period. The NEC should consider instituting a supplemental review process of the published electronic lists in affected states.



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The exhibition period is an important opportunity for citizens to exercise their right to view the voters' lists and to seek a remedy to be added to the list, or other corrections as necessary. Widespread acceptance that the voters' list is comprehensive and accurate will help to build confidence in the electoral process.

In addition, the NEC must move forward without delay to establish and fully support the necessary complaints committees. However, the current procedures, which include complaints committees of one judge per state are unlikely to provide for an effective complaints process. The NEC should consider taking steps to expand the number of judges and other actions to assist in resolving complaints on the voters' list.

Participation of the Abyei Area in the electoral process

Registration was the first electoral activity to take place in Abyei for many years. Abyei's special status, and definition under the CPA as having geographic representation rights in both South Kordofan and Warrap states, requires special treatment by the NEC and by the relevant state committees. There is widespread confusion in Abyei over how the population will be represented in the National Assembly and state legislatures, and how registration is linked to Abyei's referendum process. The authorities should take immediate steps to address and clarify these questions to avoid fuelling suspicion and mistrust in the area. South Kordofan and Warrap state elections committees should do more to coordinate their efforts and outreach to the Abyei Area, and also make greater attempts to consult and communicate with the Abyei Area Administration, which was largely left uninformed about the registration process.

Creating a more conducive political and security environment

The Center is gravely concerned by the recent action of the security forces in Khartoum to restrict legitimate activity related to the exercise of freedom of assembly, association and speech. The Center urges the Government of Sudan to cease arbitrary arrests and to release persons detained while conducting peaceful political activities.

According to a directive issued by the Ministry of Interior on September 17, 2009, notification by a political party of intention to hold a rally is sufficient for such an event to go ahead. The Ministry should urgently clarify procedures for the holding of political rallies and events. In addition, the Ministry and other officials should take immediate steps to ensure the necessary authorizations for such public events.

The Government of Sudan should take all necessary steps to investigate claims of police brutality and take swift action against officials who are found to have perpetrated or permitted unwarranted acts of violence against civilians. If the police are to be perceived as a credible and neutral force in managing elections security, constitutional standards and freedoms must be respected.^{ix}

In Southern Sudan, the Government of Southern Sudan should take action to ensure that political party pluralism is fully protected. This must extend to the activities of all parties, including the NCP in Southern Sudan. The arson of the NCP's office annex in Wau and the looting and attempted arson of the NCP's premises in Rumbek are criminal acts. The Government of



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Southern Sudan should pursue the perpetrators without delay to the full extent of the law. Obligations in public international law lay out the need for investigation by the government and redress in any cases of violations of human rights.^x

Throughout Sudan, the legitimate role of political parties must be respected, and the GONU and the GOSS should direct officials at all levels of state government to end harassment of political parties.^{xi} The African National Congress, NCP (in its Southern sector), Popular Congress Party, SPLM (in Darfur), SPLM-Democratic Change, Umma, and United Democratic Front have all reported the detention or arrest of members of their parties by various state authorities during voter registration. Political parties also have a duty to exercise restraint and demonstrate responsibility in their actions.

For the broader electoral process to succeed, progress on technical preparations must be accompanied by steps to create a genuinely inclusive environment. With only a few months until the April 2010 polling, implementation of the Permanent Court of Arbitration's ruling on Abyei, demarcation of the North-South border, the enactment and implementation of reform legislation including the National Security Forces Act, implementation of the referenda and popular consultation preparatory processes, and progress on the Darfur peace process, all remain in need of attention and action, as noted in previous Carter Center reports.

The parties to the CPA must faithfully apply all provisions of the Comprehensive Peace Agreement, and demonstrate their resolve to allow for a genuine and credible electoral process, in a positive and conducive environment.

The Carter Center Observation Mission

Following the commencement of long-term election observation activities in Sudan in February 2008 at the invitation of the GONU and the GOSS, The Carter Center deployed 32 medium and long-term observers in November and early December to assess voter registration and the broader political and electoral environment across Sudan. The Carter Center mission observed voter registration activities in more than 650 fixed and mobile registration centers in all 25 states across the country. The delegation was drawn from 21 countries: Cameroon, Canada, DR Congo, Egypt, Ethiopia, Germany, India, Ireland, Italy, Kenya, Mozambique, the Netherlands, Norway, Palestine, Serbia, Spain, Uganda, the United Kingdom, the United States, Zambia and Zimbabwe. A smaller delegation of Carter Center observers remains in place for the exhibition of and challenges to voters' lists in constituencies across the country.

The objectives of the Carter Center's election observation mission in Sudan are to: a) provide an impartial assessment of the overall quality of the electoral process, b) promote an inclusive electoral process for all Sudanese, and c) demonstrate international interest in Sudan's electoral process. The mission is assessing the electoral process in Sudan based on the Comprehensive Peace Agreement, Interim National Constitution, National Elections Act, and obligations for democratic elections contained in regional and international agreements, to which Sudan is a signatory, including the African Charter on Human and People's Rights and the International Covenant on Civil and Political Rights.^{xii}



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The Carter Center conducts election observation missions in accordance with the Declaration of Principles of International Election Observation and Code of Conduct that was adopted at the United Nations in 2005 and has been endorsed by 35 election observation groups.

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The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. The Carter Center began working in Sudan in 1986 on the Sasakawa-Global 2000 agricultural project and for more than 20 years its health and peace programs have focused on improving health and preventing and resolving conflicts in Sudan. Please visit www.cartercenter.org to learn more about The Carter Center.

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- i International Covenant on Civil and Political Rights (ICCPR), Article 2 (3); African Union, Protocol to the African Charter for Human and People's Rights (AfCHPR) on the Rights of Women, Article 25.
 - ii ICCPR, Article 25, General Comment 25.
 - iii AU, Protocol to the AfCHPR on the Rights of Women, Article 9 (1).
 - iv UN Guiding Principles for Internally Displaced Persons (IDPs), Principle 22; Principle 29.
 - v Interim National Constitution, Article 40; Article 41; ICCPR, Article 25, General Comment 25;
 - vi Interim National Constitution, Article 40; ICCPR, Article 25 (a); AfCHPR, Article 13 (1).
 - vii ICCPR, Article 25, General Comment 25.
 - viii National Elections Act 2008, Article 105; ICCPR, Article 25, General Comment 25.
 - ix Interim National Constitution 2005, Article 40
 - x UN Human Rights Council, General Comment 28, paragraph 3.
 - xi ICCPR, Article 19, 20, 21.
 - xii Sudan ratified the ACHPR February 18, 1986, which came into force October 21, 1986. In addition, Sudan ratified the ICCPR on March 18, 1986, which entered into force March 23, 1976.



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CARTER CENTER WELCOMES SUDAN'S ELECTIONS CAMPAIGN, URGES STEPS TO ENSURE OPEN AND INCLUSIVE PROCESS

March 18, 2010

In its latest statement on Sudan's electoral process, The Carter Center notes that while much has been achieved in organizing the 2010 elections, the country's first competitive elections since 1986, the process remains at risk on multiple fronts including the ability of candidates to campaign freely and the impact of delayed logistical preparations by the National Elections Commission (NEC).

Sudan's election campaigning has been ongoing across the country since Feb. 13, with some 16,000 candidates contesting 1841 parliamentary and executive seats. Although there have been incidents of violence, the campaign so far has been mostly peaceful. The overall electoral environment continues to suffer though from a legacy of years of repression. Improvement of the freedom of candidates to campaign and disseminate their messages through the state media is necessary. Further, the ability of candidates and supporters to express their views freely is limited by existing laws that contravene Sudan's constitutional protections. Campaigning has been constrained due to an environment of insecurity in many parts of the country, including Darfur and Eastern

Sudan. This insecurity may inhibit the success of the electoral process and the Center urges further efforts to improve security for the elections period and beyond.

The Center strongly recommends that the NEC and other Sudanese authorities to take steps to ensure that the campaign period is both peaceful and fair to all candidates and to quickly address any violations that arise. Failure to do so will erode confidence in the election process and put its success at risk.

All branches of the Government of National Unity and the Government of Southern Sudan should assist in providing necessary resources needed for the election while remaining neutral in the campaign.

Given the short timeline before the elections, the NEC should assess the status of current electoral preparations while accelerating final preparations for polling and, critically, escalating voter education in order to deliver the elections to the standard required by Sudan's Comprehensive Peace Agreement (CPA).



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Logistical preparations are straining the limited capacity of the NEC. With a series of delays and changes in polling procedures, a minor delay in polling for operational purposes may be required. The Center's statement urged the NEC to make a decision as quickly as possible about any delay in the election date so that all stakeholders have time to adjust plans.

In deciding whether to adjust the electoral calendar for operational reasons, the political parties should respect the NEC's authority as the administering body of the election.

BACKGROUND ON THE CARTER CENTER'S MISSION

The Carter Center international election observation mission began activities in Sudan in February 2008 in response to a request from the leaders of the Government of National Unity and the Government of Southern Sudan and concluded a comprehensive memorandum of understanding with the Government of Sudan and the NEC guaranteeing a full and unrestricted program of international electoral observation, including freedom of access throughout the country and to all stages of the electoral process. The Center also supports technical capacity build-

ing efforts with Sudan's domestic election observer groups.

The objectives of the Carter Center's election observation mission in Sudan are to: a) provide an impartial assessment of the overall quality of the electoral process, b) promote an inclusive electoral process for all Sudanese, and c) demonstrate international interest in Sudan's electoral process. The mission is assessing the electoral process in Sudan based on the CPA, Interim National Constitution, National Elections Act, and obligations for democratic elections contained in regional and international agreements, including the African Charter on Human and People's Rights and the International Covenant on Civil and Political Rights.¹

The Carter Center conducts election observation missions in accordance with the Declaration of Principles of International Election Observation and Code of Conduct that was adopted at the United Nations in 2005 and has been endorsed by 35 election observation groups.

Read more about the Carter Center's election observation mission to Sudan at www.cartercenter.org/sudan-eom.

¹ Sudan ratified the African Charter on Human and Peoples' Rights (ACHPR) on Feb. 18, 1986. The ACHPR came into force on Oct. 21, 1986, after its adoption in Nairobi (Kenya) in 1981 by the Assembly of Heads of State and Government of the Organization of African Unity (OAU). In addition, Sudan ratified the International Covenant on Civil and Political Rights on March 18, 1986, which entered into force on March 23, 1976.



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PRELIMINARY STATEMENT ON THE FINAL STAGES OF SUDAN'S ELECTORAL PROCESS

March 17, 2010

Campaign Environment

Campaigning for all levels of government began on Feb. 13, 2010, in a process unprecedented in Sudan's recent history. The efforts of almost all registered Sudanese parties as well as independent candidates to participate in Sudan's election is to be welcomed.

The Carter Center hopes that the campaigning, which will only intensify in the lead up to the April elections, will be peaceful throughout.

Many areas of the country continue to face insecurity, limiting the possibility of a genuinely open, inclusive, and secure campaign environment. In Eastern Sudan, the Center is concerned for the security of political parties in Hamishkoreb, Telkuk, and the Tokar/Eritrean border area. Large parts of Darfur, including Jebel Marra and the far west areas of Darfur, are also of concern given recent reports of violence. At least three candidates have been shot, with one killed. The Center deplores these acts of violence and urges a full investigation by the relevant authorities. Sudanese state authorities need to take steps to ensure that the electoral process is inclusive, comprehensive, and secure for all citizens.

As noted in previous statements, The Carter Center expresses concern regarding restrictions on citizens' freedom of assembly and freedom of speech under certain provisions in the National Security Forces Act, Press and Publications Act, and the criminal justice legislation that are incompatible with Sudan's CPA and the Interim National Constitution (INC). The Center urges Sudanese authorities to uphold the commitment President Al-Bashir made to former U.S. President Jimmy Carter during his February 2010 visit to refrain from enforcing these laws with respect to political parties and candidates during the electoral period.

According to Sudan's obligations for democratic elections, every citizen should have an equal opportunity to stand for and contest public office.¹ The NEC and the state elections committees have a responsibility to protect the rights of independent candidates and should ensure that they benefit from the same rights and privileges as those enjoyed by political parties. In addition to the role of the state and electoral authorities, political parties must also ensure that independent candidates are treated with the same respect they would extend to their own membership.

The NEC and Sudan's Ministry of Interior have issued a circular on campaigning activities that requires at least 72 hours notice to authorize any political campaign events held in public venues.

¹ League of Arab States, Arab Charter on Human Rights, art. 24.3-4



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The circular is more conservative than the directives issued by the Ministry of the Interior in its September 2009 decision regarding the practice of electoral activities, as the new circular requires parties to submit notification of campaigning events held on their own premises, a provision that has led many political parties to voice complaints to The Carter Center. Political parties report that these regulations are applied inconsistently across the states and that, in practice, parties often have to report to several security agencies rather than a single authority.

African Union-backed Code of Conduct. The recent decision by 16 political parties and several independent candidates in Southern Sudan to endorse the African Union-backed Code of Conduct is a promising achievement. The Center applauds the generally inclusive and conciliatory way in which the Code of Conduct was drafted among the parties. The Center expresses its hope that the members of each state Political Parties Council created as a result of the Code of Conduct in Southern Sudan will work cooperatively and in respect of others' rights throughout the elections and thereafter.

The majority of the Code of Conduct provisions already exist in law; however the Code of Conduct provides some valuable additions. It rejects the need for permissions for rallies and events in public areas, which are called for in the NEC campaigning regulations instruction. The AU Code of Conduct also provides for a conflict resolution mechanism through the establishment of state Political Parties Councils, in collaboration with the Political Parties Affairs Council, the national political party registrar. Such councils should be established quickly to benefit from their maximum potential.

It is unfortunate that efforts to reach agreement on a comprehensive Code of Conduct for remaining political parties have not yet succeeded. The Center encourages further dialogue to endorse similar principles and demonstrate restraint and civility before, during, and after polling. The concerns expressed by many of the political parties active in Northern Sudan should be considered.

To facilitate a more open campaign process, the Center urges the NEC and the Ministry of the Interior to revise the campaign regulations so that permits for rallies and events in public areas and on party premises are not required. If campaign regulations are not revised, Sudanese authorities should grant permissions as quickly as possible within the 72-hour window, and make every effort to simplify the approval process by streamlining procedures and designating a dedicated contact point in every state. Delays in processing requests or other bureaucratic impediments will unnecessarily hinder the timely conduct of campaign rallies and undermine confidence in the freedom of the election.

Participation of Women. As per the CPA, women are guaranteed a minimum of 25 percent representation in the national, Southern Sudan, and regional assemblies, and the Center welcomes the enthusiastic participation of Sudanese women in the electoral process. Derogatory comments about the capacity of women to serve as representatives of the people have no place in a tolerant and democratic society and the Center urges candidates to desist from any such characterizations, as recently occurred in the gubernatorial contest for Unity State.

Use of State Resources. The Center has observed that state vehicles are frequently used for party political purposes, which constitutes a violation of the elections law. The Center urges the Governments of Sudan and Southern Sudan and both the National Congress Party (NCP) and



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Sudan People's Liberation Movement (SPLM) to address any abuses immediately and to ensure that all candidates and political parties enjoy a level playing field throughout the whole of the campaign period.

The two ruling parties, the NCP and the SPLM, have a particular responsibility to campaign on the basis of a level playing ground and not use their positions of strength to limit other parties' activities or exploit state resources for campaign purposes. The Center encourages all parties to demonstrate transparency in their campaign expenditures and ensure full compliance with NEC campaign finance regulations

Campaign Resources. Although the Elections Act did not require public funding of political parties, the Government of Southern Sudan (GoSS) agreed to provide five million Sudanese Pounds to 13 political parties in the South after the issue was raised at the recent AU conference. The Carter Center welcomes this contribution to improving the campaign atmosphere and levelling the playing field. It is, however, surprised that two parties, rather than the government, were mandated to distribute the public funds. In light of this decision, the Center urges the Government of National Unity (GNU) to move quickly to match this decision with funding for the Northern parties.

Regardless of this, with the exception of the NCP and the SPLM, most political parties have stressed that they do not have sufficient financial resources to widely advertise their campaigns and candidates. Some say they are limited to using posters and in some cases, such as in Port Sudan, a local by-law precludes political parties from placing posters in the city, further reducing their outreach. This problem is indicative of the inequities in resources that the different parties bring to the campaign.

The Center is also concerned by the malicious removal and restrictions on publicly displaying candidates' campaign posters, with incidents reported in Khartoum, Juba, Warrap, and Malakal. Such actions are contrary to the spirit of a free and open campaign and the State High Committees should address such incidents immediately by reinforcing the need for a fair process, where all parties are afforded equal rights to campaign and to express their political views.²

Overall, the NEC must ensure that any problems faced by registered political parties or independent candidates are addressed swiftly. Where necessary, the NEC should directly intervene with state and local authorities in the interests of ensuring the most competitive and equitable campaign possible is realized.

Media Environment

Equitable access to broadcast and print media is a fundamental democratic right for contesting political parties,³ and currently this is not the case in Sudan. The Center welcomes the NEC's decision to create a media monitoring process. However, the withdrawal of five of the six political party members of the joint media monitoring mechanism, leaving only the NCP, is of grave concern. Confidence and trust in the media monitoring mechanism is crucial in ensuring that the campaign proceeds effectively.

² United Nations Human Rights Committee (UNHRC), General Comment 25, para 25

³ African Union, Declaration on the Principles Governing Democratic Elections in Africa, art. III a



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The Center is encouraged that some of Sudan's state High Election Committees are working closely with local media to create an equal distribution of time allocated to different parties. However, reports in some states that payment will be required to air party political programs could disadvantage smaller, less financially secure candidates.

Two radio stations in Juba – Bakhita Radio and Liberty FM – were briefly closed by security agents because of objections to the content of their broadcasts. Journalists elsewhere in Sudan have been harassed and threatened. This behavior by state agencies is unacceptable, and such practices undermine constitutional protections and the objectives of a genuine electoral process.

The Center is concerned by the provision in NEC decision (68) that parties and candidates must pre-record their campaign programs for approval by a NEC committee before being aired. *Umma* Party leader Sadiq Al-Mahdi was accused of 'inciting hatred' in a speech that was refused to be broadcast on Radio Omdurman, a decision that was subsequently endorsed by a sub-committee of the NEC. The committee's objective, when reviewing prospective broadcasts, should be to allow constitutionally protected freedom of expression, not to censor political speech. Subject to the law, the NEC and its subsidiary committees should have no opinion on the content of any material presented.⁴ Criticisms of the ruling party its candidates and actions are acceptable subjects of discussion and should not be interfered with by state media.

At least two newspapers have had editorial staff summoned by the National Press Council over comments made by the publications on Omar al-Bashir. State agencies should not dictate acceptable subjects for publication. The NEC should ensure that all media can freely comment on issues related to the campaign.

Candidates were given equitable access to state radio and television during periods set aside for party broadcasts, but at other times disproportionate airtime was given to NCP candidates in senior government positions. The Carter Center calls upon the NEC to pay close heed to such practices and – where appropriate – issue public warnings to ensure that the media is truly neutral during the campaign.

Nominations process

The nominations period resulted in formal participation of 72 registered political parties and more than 16,000 candidates competing for 1841 parliamentary and executive seats. The Center welcomes the generally inclusive nomination process and the Supreme Court's decision to consider the appeals of the previously barred presidential candidates.

At the same time, the Center is concerned about a number of incidents during the nominations process, whereby political parties and individual candidates faced harassment that dissuaded some candidates from submitting their application for the elections. Where they occur, such incidents represent threats to the right of security of persons. If they persist in the remaining weeks of the campaign period, they would represent serious infringements on the overall quality of the process.

The Center noted occasional confusion over requirements for contesting the proportional representation elements of the election, and various state elections committees offered conflicting information to prospective candidates and parties, including what administrative

⁴ UN, Report of the Special Rapporteur on Freedom of Expression 1999, para. 17 (b)



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documents were needed for nomination. Additionally, the NEC's decision to bring forward the deadline for withdrawal of nominations midway through the process, while legally valid, affected the planning of political parties.

For future elections, the Center encourages the NEC and the state authorities to re-examine the requirements for nomination signatures and candidate deposits. Given the number of offices to be contested simultaneously, the financial burden of the deposit requirements disadvantaged smaller political parties and deposit requirements should only extend so far as to discourage frivolous candidacies.⁵ The NEC should ensure that state elections committees have consistent information on nomination requirements and apply procedures consistently, to ensure that there are not undue barriers to entry in electoral competition.

Census, South Kordofan, and other CPA Issues

The Center welcomes the recent political dialogue between the two ruling parties to try to resolve the deadlock on South Kordofan, Abyei, and the dispute over the census regarding the representation of the ten states in the South in the National Assembly. Now that the NEC has endorsed a delay of the elections for the South Kordofan state assembly and governor, it is important that the agreed plan to resolve the state's disputed boundaries move forward quickly. New electoral preparations must begin in a timely manner so as to not compromise South Kordofan's popular consultation process.

In addition, The Carter Center encourages the parties to resolve the remaining outstanding CPA implementation matters, including the North/South border demarcation and the formal appointment of the referenda commissions for Southern Sudan and Abyei. Continued delay in appointing the referendum commissions imperils the prospect of timely and effective referendum processes. Regardless of the election's outcome, both parties should renew their commitment to implementing all aspects of the CPA, including the vital referenda on self-determination.

Darfur

The Center welcomes the Declaration of Principles agreed to recently by the Government of Sudan and the Justice and Equality Movement (JEM) in Doha. At the same time, the failure to achieve a comprehensive ceasefire that includes all parties to the conflict, and the continued violence in Darfur, may jeopardize electoral preparations and possibly disenfranchise many communities. The Center is concerned at continuing high levels of violence in parts of Darfur, including Jebel Marra and West Darfur.

The Center urges all parties to declare a truce for the remaining days of the campaign period and immediate pre- and post-electoral period to allow the people of Darfur to participate in the democratic process, should they choose to do so.

The assurances given by the Sudanese authorities that the state of emergency in Darfur will not be used to limit political party activity are welcome, but not sufficient to overcome the continuing limitations on the freedoms of the citizens of Darfur.

⁵ UNHRC, General Comment 25, para 16



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Polling Center/Station Numbers: Concern about limiting full participation

The NEC has recently announced that there will be 10,320 polling centers accommodating 17,914 polling stations throughout Sudan⁶. This represents a dramatic reduction from the originally planned number of approximately 21,000 stations. Per the NEC, the number of polling sites is limited by the ability of the state authorities to provide police personnel and polling workers.

The Center is concerned that the planned number of centers and stations will serve to limit full voter participation, especially in rural areas where there may be substantial distances separating polling centers and many voters would need to travel unreasonably far to cast their ballots. However, given the current state of electoral preparations, it appears that it may now too difficult to increase the number of polling sites substantially.

Each polling station in the North will have to accommodate roughly 1200 voters while polling stations in the South will have approximately 1000 voters per station. It is vital that the NEC's planning anticipates these limits accurately, both because of the inability of polling stations to handle more voters and also because of the corresponding capacity of the pre-packed polling station kits. Even a moderate turnout will be challenging to accommodate during the prescribed three-day balloting period.

As a result of the NEC's planned number of polling stations, state elections committees may have to make choices that exclude more remote or inaccessible communities, undermining Sudan's commitment to the promotion of universal suffrage.⁷ A number of the state elections committees have argued in favor of more sites, stating that it will be challenging to include all voters with the current cap on the number of polling stations. The Center encourages the NEC to empower the state elections committees to ensure that all areas of all states have an appropriate distribution of polling centers and stations, to ensure that voters have equal access to polling sites within each constituency.⁸

Participation of internally displaced persons (IDPs) is critical to ensuring universal suffrage.⁹ Since polling stations will be in fixed locations, the state elections committees must ensure that areas with significant numbers of IDPs host stations sufficient to accommodate all such voters, without causing them undue difficulty to access the process.

Polling simulations conducted with election officials acting as voters in ideal physical settings demonstrated the rate at which a voter can be processed; the idealized estimates showed a flow of voters at around one voter leaving every two and a half minutes, depending the number of ballots issued during the exercise. These simulations suggest that many polling stations, even assuming voters arrive at a reasonably constant rate, will struggle to process all those who wish to vote within the three days allocated for polling. Given such concerns, it is incumbent on the NEC to ensure that training, funds and materials are provided in an expedient fashion and to the highest standard possible to assist polling staff to fulfill their important task successfully.

⁶ NEC Final Distribution List, 16th March 2010;

⁷ UN, International Covenant on Civil and Political Rights (ICCPR), art. 25 (b)

⁸ UN, Human Rights and Elections, para. 104

⁹ UN Guiding Principles on Internal Displacement, principle 4



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Partly due to the mixed directives that state elections committees have received from the NEC on the number of polling stations and polling staff required, The Carter Center is concerned that recruitment of persons to staff the polling stations is proceeding at a slow pace and that this can negatively impact the adequate training and timely deployment of polling staff. The Feb. 14 NEC Cable (#66) states that each polling station in the South will have six polling staff, while seven staff members are mentioned in the official polling manual. Given the number of ballots to be cast in the South (12) and the anticipated number of voters per polling station, the Center urges the NEC and state authorities to carefully consider the number of officials required to adequately staff the polling stations. The Center also encourages the NEC to ensure that women are recruited as polling officials to ensure gender equity, and improve on past levels of women's participation as electoral officials.

Even with extraordinary efforts to plan and prepare by election officials and others, it may be necessary to extend voting beyond a third day, especially considering the complexity of the electoral process and the unfamiliarity of most voters with the procedures. Additional factors that are likely to impact the length of the voting period polling should also be taken into account. For example, in areas lacking electricity it may not be realistic to process voters in line at 6 p.m. on voting days. Weather or logistically-related disruptions should not be underestimated.

In anticipation of these and other such problems, the NEC should instruct state committees to prepare contingency plans. If a decision is not taken or rules are not established before the start of polling, there may not be sufficient time and capacity to communicate critical decisions and instruction about voting to all polling stations, particularly those in remote rural areas, which could result in confusion and potentially serious problems.

Based on extensive experience in other countries, international electoral assistance providers have suggested creating rules in advance to determine the need for a fourth day of polling. This could be based on the number of registered voters who had voted before the end of the third day of polling, which could then be assessed and decided upon at polling station level. The Center urges the NEC to consider adopting such pre-approved procedures to extend voting to a fourth day, where needed.

Election Day: Voters Lists and Balloting Procedures. Polling represents the culmination of the electoral campaign and will be a historic moment for millions of Sudanese. Given that there was limited time to review and correct the published voters' lists due to the delay in processing the electronic lists, the NEC must ensure that no eligible registered voter is turned away, and that the process is as positively inclusive as possible. The NEC must be prepared to respond swiftly to any unanticipated problems, be ready to replenish supplies quickly, and ensure that there are trained polling and personnel held in reserve and available for immediate deployment.

The Carter Center is deeply concerned that the final voters' list is still not ready, with several hundred thousand names still omitted. Reports have surfaced of discrepancies in the handwritten voter registration booklets and the electronic voter registry. In one case, officials in Warrap have identified a difference of 78,000 in the number of registered voters in the registration books and the names inputted from the data center. The NEC should be proactive in efforts to identify other cases, and state level electoral officials should take action to ensure that legally registered voters are not disenfranchised from the voting process.



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Printing of the ballots for the Presidency of Sudan and the Presidency of Southern Sudan, having been produced in country, may weaken the security of the ballots. Protections against election fraud must be rigorous and transparent to account for all ballots produced. The NEC should reinforce ballot security procedures at polling, sorting and verification stages to prevent allegations of excess from being a factor which could undermine the credibility of the election. They must ensure the systematic reconciliation of all ballots issued and reinforce ballot security procedures at polling, sorting, and verification stages, and the ballots should be stamped upon issuance as per procedures. Further to this, the ballots should be signed by the polling station staff upon issuance; a step that was described by the NEC to the State High Committees at a recent conference but is not formalized in the polling handbook.

Operation Preparations and Election Timeline

Almost every significant event in the electoral calendar has suffered slippage and this series of delays has led to mounting pressure on the timetable. At the same time, a number of challenges are adding further strains to the process, including limited NEC and U.N. transportation capacity, the massive volume of materials to be deployed, the re-packaging of materials necessitated by changes in the planned number of polling stations, voters per polling station, and delays in ballots production. It is increasingly unclear if the NEC can deliver a successful election on time.

The multiple changes in NEC's operational plans have caused difficulties in implementing electoral logistics. The NEC needs to do more to accelerate final preparations, move forward with the agreed operational plan, ensure that sufficient capacity exists at the state level, and provide for consistency in the application of procedures. It is imperative that every effort be made to quicken the pace of necessary preparations, while ensuring all areas of the country are appropriately covered, including remote and logistically difficult locations as well as IDP camps.

While the NEC should move forward on electoral preparations as quickly as possible, The Carter Center also believes the NEC should continue to assess the remaining electoral time frame and make required adjustments to hold credible elections. If necessary, the NEC has the power to postpone elections and should do so if it is required to meet the responsibility to implement credible, inclusive elections. The Center encourages the NEC to weigh all factors, including the impending rainy season in Southern Sudan and South Darfur. It is critical, however, that any decision by the NEC to delay polling be made as quickly as possible so that the Commission and international technical assistance partners have as much notice as possible to begin arrangements for a new election date.

Timely Release of Polling Station Results

To ensure transparency after polling, the timely implementation of polling and post-polling activities is crucial. The process for releasing election results has yet to be clarified and the Center urges the NEC to ensure that the release of results is done with transparency and according to a clearly defined plan, consistent with established international good practice.

Given the complex ballots and difficult logistics, it will be challenging to publish results just four days after the first day of counting, especially given likely problems with transportation and procedural difficulties with missing or problematic results forms. Nonetheless, given the intense pressure to provide comprehensive polling results quickly, undue delays in the release of results could cause concerns and tensions.



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The NEC's directive that results should be announced immediately following counting at each polling station, with the results posted at each location is to be commended. However, The Carter Center strongly urges that the NEC and State Election Committees take action on a state level by releasing station-by-station results simultaneously with the summary results. Without this it will be challenging for citizens and candidates to verify that the released summary results are the same as those displayed at the polling stations, potentially undermining the credibility of the election.

This applies to provisional, final and, if they occur, progressive election results. These results should immediately be published on the NEC website, displayed at the state election committees, and printed in the local press as soon as possible.

The Carter Center is concerned that there are no provisions in the polling and counting regulations for political party and candidate agents to receive a copy of the reconciliation and results forms (Form 9) for verification reducing transparency and confidence in the process. The NEC should consider including additional carbon copies of the result forms for distribute to agents, in line with electoral best practice.¹⁰

Civic Education and Participation

During voter registration, The Carter Center commented that the widespread absence of civic and voter education efforts prior to and during registration negatively impacted the level of participation as well as understanding of the process for Sudanese at large. The Center is concerned that if there is not an immediate widespread effort to expand civic and voter education efforts, a similar situation may emerge during the polling process, with possibly more damaging consequences, particularly since voter education is widely recognized as being essential to the exercise of electoral rights by an informed electorate.¹¹

The recent arrest of three youth activists from the Girifna organization for 'public noisiness' while the three were attempting to raise civic awareness of the campaign process in a public place is an abuse of state power and sends a disheartening message to all civil society organizations working in support of elections awareness. The Carter Center is also alarmed by reports that civic education awareness events were postponed or cancelled in six states in Northern Sudan due to a lack of coordination between the NEC and state level authorities. The NEC must ensure that no further opportunity for organized civic education efforts is lost in the weeks before polling.

The Sudanese election has a highly complex balloting process, in a country where the population has little experience participating in elections. Thus far Carter Center observers deployed in the regions and the capitals have only observed marginal efforts on civic education surrounding the polling process, which, unless escalated dramatically and rapidly, will weaken the quality of this election. International good practice states that it is crucial that voters know where they will need to vote, what documents will be required for voting, and when results will be available.¹²

There is an urgent need for the NEC, the state elections committees and their key stakeholders to accept responsibility for civic and voter education and make every possible effort to expand

¹⁰ Commonwealth Secretariat, Good Practice, para. 36

¹¹ UNHRC, General Comment 25, para. 11.

¹² UN, Human Rights and Elections, para. 88



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programs, especially in rural areas, to ensure maximum participation of all Sudanese citizens. Efforts should also include community leaders, traditional authorities and informal media to gain the greatest reach.

Election Funding and Recruitment

State elections committees will face enormous challenges in securing rental vehicles, materials for erecting temporary structures, and other services to carry out the activities prior to and during polling. In order to facilitate efforts to meet these challenges, it is critically urgent for the NEC to disburse funds to all state elections committees in a timely and systematic manner. The delay in disbursement of funds to the state elections committees during the voter registration both at the start and after the announcement of the extension created unnecessary strains in relationships with registration staff and service providers. It is important that higher costs in Southern Sudan are reflected in the NEC's planning and funding transfers.

Domestic Observers and Party Agents

The Carter Center welcomes the work of domestic observers and party agents and the important role they can play in the electoral process. The NEC and state elections committees should provide clear guidelines to domestic observer groups and political party agents on procedures for accreditation as quickly as possible so as to expedite the issuance of accreditation badges. During voter registration, the lack of clarity on these procedures created unnecessary delays and confusion to the domestic observer groups and political party agents, as well as to the state elections committees. The Center urges the NEC to simplify the accreditation procedures, forgoing requirements for observers to provide photo identification and extending the window for accreditation currently set to close on March 20, so as to allow for the broadest participation of Sudanese observers.

Political party agent training should be expanded and intensified, and parties must make every effort to ensure that their agents are appropriately instructed on voting procedures, in the interests of contributing to a genuine process. The Center encourages political parties to communicate to the state elections committees their expected lists of political party agents as early as possible in the time remaining before polling.

The Center welcomes the NEC's issuance of the first phase of accreditation for the Center's international observers and hopes the same expediency will be extended to other observation groups who have expressed interest in observing the electoral process. The Center further urges the NEC and state electoral authorities to educate polling staff on the role and rights of election observers, both international and domestic, and party agents.

Elections Security Planning

While the Center welcomes the efforts being undertaken by GONU and the GOSS to provide security during the campaign period and polling, huge challenges remain to ensure a peaceful conduct of the elections. It is crucial for state and electoral officials to finalize the security plan for safeguarding polling centers immediately, especially given the multiple days of voting requiring the deployment of multiple shifts to ensure a consistent presence at polling stations.

The SAF and the SPLA may on some occasions be called upon to assist the police in providing security. It is important that their respective roles be clear, including specifying the distance from the polling stations at which such forces be stationed, and that all relevant information is



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communicated clearly to both the security forces, as well as to the public and political parties, so as to build confidence in the process and avoid confusion.

The NEC, state elections committees and state authorities in Darfur should take all necessary steps to avoid the unnecessary militarization of polling stations and any similar instances of interference by NISS officials to those witnessed by the Center's observers in Darfur during voter registration. The Center continues to advocate for a lifting of the state of emergency so as to create a conducive environment during the campaign period and polling.

Carter Center Observation Mission

Following the commencement of long-term election observation activities in Sudan in February 2008 at the invitation of the Government of Sudan and the Government of Southern Sudan, The Carter Center deployed 12 long-term observers to assess electoral process and the broader political and electoral environment across Sudan. The observer delegation is drawn from 12 countries: Cameroon, Canada, Egypt, Eritrea, Kenya, Netherlands, Norway, South Africa, Switzerland, United Kingdom, United States, and Zimbabwe.

The objectives of the Carter Center's election observation mission in Sudan are to: a) provide an impartial assessment of the overall quality of the electoral process, b) promote an inclusive electoral process for all Sudanese, and c) demonstrate international interest in Sudan's electoral process. The mission is assessing the electoral process in Sudan based on the Comprehensive Peace Agreement, Interim National Constitution, National Elections Act, and obligations for democratic elections contained in regional and international agreements, including the African Charter on Human and People's Rights and the International Covenant on Civil and Political Rights.¹³

The Carter Center conducts election observation missions in accordance with the Declaration of Principles of International Election Observation and Code of Conduct that was adopted at the United Nations in 2005 and has been endorsed by 35 election observation groups.

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The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. The Carter Center began working in Sudan in 1986 on the Sasakawa-Global 2000 agricultural project and for more than 20 years its health and peace programs have focused on improving health and preventing and resolving conflicts in Sudan. Please visit www.cartercenter.org/sudan-eom to learn more about the Carter Center's election observation mission to Sudan.

¹³ Sudan ratified the African Charter on Human and Peoples' Rights (ACHPR) on February 18, 1986. The ACHPR came into force on October 21, 1986 after its adoption in Nairobi (Kenya) in 1981 by the Assembly of Heads of State and Government of the Organization of African Unity (OAU). In addition, Sudan ratified the International Covenant on Civil and Political Rights on March 18, 1986, which entered into force on March 23, 1976.



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THE CARTER CENTER ELECTION OBSERVATION MISSION IN SUDAN PRESIDENTIAL, GUBERNATORIAL, AND LEGISLATIVE ELECTIONS, APRIL 2010

April 17, 2010

EXECUTIVE SUMMARY

The Carter Center commends the Sudanese people for the generally peaceful polling process to date and urges that the remaining stages of counting, tabulation, and posting of results be carried out transparently and accurately. In addition, the limited political opening around the elections should be expanded to ensure respect for Sudan's constitutional human rights and fundamental freedoms, and leaders from all parties should engage in genuine dialogue to address the key challenges facing Sudan.

While it is too early to offer a final overall assessment, it is apparent that the elections will fall short of meeting international standards and Sudan's obligations for genuine elections in many respects. Nonetheless, the elections are important as a key benchmark in the Comprehensive Peace Agreement (CPA) and because of the increased political and civic participation that has occurred over the last several months. Ultimately, the success of the elections will depend on whether Sudanese leaders take action to promote lasting democratic transformation.

Despite their observed weaknesses, the elections are a CPA benchmark and their conduct allows the remaining provisions of the agreement to be implemented.

At the invitation of Sudanese authorities, The Carter Center began assessing the electoral process in 2008 and deployed 12 long-term observers in late 2009. During the voter registration period in November and December 2009, the Center deployed an additional 20 observers, and for April 2010 polling, the Center organized an observation team with more than 70 observers who monitored the process in all 25 states in Sudan.

The electoral process is ongoing with counting and tabulation likely to last for several more days, followed by the posting of results. The Center's observers will continue to monitor these processes to their conclusion.



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The main findings of the Center's mission to date are as follows:

- The April 2010 elections in Sudan were mandated by the 2005 Comprehensive Peace Agreement (CPA) and were envisioned as a critical part of a broader democratic transformation.
- Unfortunately, many political rights and freedoms were circumscribed for most of this period, fostering distrust among the major political parties.
- In the campaign period and run-up to the 2010 elections, however, there was a limited but important political opening that provided opportunities for opposition parties and civil society to engage in the political process. After a long period of dormancy, Sudanese parties and civic groups across the country began to mobilize.
- Most of the opposition parties joined together to demand the reform of laws and the lifting of restrictions of political freedoms and several major parties ultimately withdrew from the election shortly before election day. Although all candidates remained on the ballots, there was little competition in the race for the presidency and reduced competition in other races.
- The polling process on April 11-15 was largely peaceful and orderly. Despite confusion and significant logistical challenges, polling staff and voters in most areas displayed remarkable commitment, patience, and tolerance. Voters turned out in good numbers to cast their ballots, but with varying levels of participation across the country. The Sudanese people are to be commended for their civic spirit, pride, and hospitality.
- Notwithstanding these generally positive features, Carter Center observers noted important flaws and found that the process fell short of Sudan's obligations and related international standards in a number of respects.
- Sudan's legal framework is contradictory and does not ensure adequate respect for essential political rights and freedoms prescribed in Sudan's constitution, including freedoms of expression, assembly, and association.
- Although the voter registration process resulted in broad but uneven participation across the country, it was undermined by a series of critical shortcomings. Preliminary lists were not consistently posted for adequate public review, especially in the South, and the status of the final voter registry and list of polling stations remained uncertain. The Carter Center has recently received an electronic copy of the complete list and will attempt to ascertain if any of these changes were designed to assist particular political parties.
- On election days, voters faced a range of operational and logistical problems: late delivery of and/or inadequate materials, incomplete or inaccurate voters lists, incorrect or insufficient ballots, ballots with inappropriate languages, and a lack of consistency in procedures. These problems were partially alleviated by the extension of voting time by two days.
- Further, the electoral process lacked sufficient safeguards and transparency necessary to verify key steps and build confidence and trust in the process. Our observers reported problems with ink, ballot box seals, and the process of identifying voters, including the process of verifying voters' identity when registration certificates were issued by popular committees at the polling stations, as well as reports of underage voters casting ballots.
- There were large numbers of illiterate voters, and some evidence of election officials deliberately misrepresenting the desires of some voters.
- The elections in the South experienced a high incidence of intimidation and the threat or use of force. There were numerous instances of the Sudan Peoples' Liberation Army (SPLA) intimidating voters and being stationed too close to polling stations. State interference in the campaigns of opposition candidates was widespread in the South.



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- The continuing state of emergency, repression of civil liberties, and ongoing conflict in Darfur did not permit an environment conducive to acceptable elections. Given the limited participation of internally displaced persons (IDPs) in Darfur in the census and voter registration, much of the population was left out of the process. Carter Center observers were unable to access wide areas of the region due to the security situation. While the areas they monitored were largely peaceful, they reported serious technical and procedural violations during the polling.
- In the months ahead, Sudanese political and civil society leaders from across the political spectrum should reaffirm their commitment to core democratic values. Sudan's government must ensure that the democratic opening is expanded and deepened. Full respect for human rights, democratic principles, and transparency will help to heal the mistrust that has detracted from the electoral process.
- It is important for Sudan to draw lessons from this election to ensure that the upcoming referenda and popular consultations do not have the same flaws, both technically and politically. Our Center and other international observers will have recommendations to assist in reaching this goal.

BACKGROUND

In June 1989, the National Islamic Front (NIF) and forerunner of the present ruling National Congress Party (NCP) overthrew the democratically elected government headed by Prime Minister Sadig Al-Mahdi and for a period banned all political parties and political activities. In the following 16 years, fundamental civil and political freedoms were curtailed and civil society was restricted, while the civil war being fought between North-South hampered both the political and economic development of Southern Sudan. On Jan. 9, 2005, the National Congress Party-led Government of Sudan signed the CPA with the SPLM, thus ending a 22-year conflict. The CPA

stipulated the holding of national elections in Sudan to cement the country's democratic transformation and to put in place accountable governments in northern and Southern Sudan to oversee the January 2011 referendum on self-determination for the people of Southern Sudan. While there have been tentative steps at political liberalization, the CPA's promise of democratic transformation has not been fulfilled. The conflict in Darfur and an ongoing failure to address marginalization in South Kordofan, eastern Sudan, and other regions have also weakened the dividends of peace promised by the CPA.

The Carter Center election observation mission has been in Sudan since February 2008 following an invitation from the leaders of the Government of National Unity and the Government of Southern Sudan. Twelve long-term observers were deployed throughout Sudan in advance of the election to assess election preparations. The Center deployed an additional 20 medium-term observers in November and early December 2009 to assess voter registration. In early April 2010, the Center augmented its long-term observer presence with the deployment of more than 70 short-term observers to observe the balloting, counting, and tabulation processes for April's national elections. The Carter Center observation mission was led by former U.S. President Jimmy Carter; former Algerian Foreign Minister and member of the Elders Lakhdar Brahimi; Justice Joseph Sinde Warioba, former prime minister of Tanzania, former judge for the International Tribunal for the Law of the Sea, and former judge on the East African Court of Justice; and Carter Center President and CEO Dr. John Hardman.

Carter Center observers continue to assess the conclusion of counting and vote tabulation and will remain in Sudan to observe the post-election environment. These elections were assessed against Sudan's Interim National Constitution, the 2005 Comprehensive Peace Agreement, the National Elections Act, the Political Parties Act, as well as Sudan's international treaty obligations. The Center's observation mission



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was conducted in accordance with the Declaration of Principles for International Election Observation and Code of Conduct that was adopted at the United Nations in 2005 and has been endorsed by 35 election observation groups.

This statement is preliminary; further statements may be released after the conclusion of the counting and results reporting period. A final report will be published after the end of the electoral process.



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ELECTION OBSERVATION MISSION SUDAN PRESIDENTIAL, GUBERNATORIAL, AND LEGISLATIVE, APRIL 2010

PRELIMINARY STATEMENT

April 17, 2010

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Executive Summary

The Carter Center commends the Sudanese people for the generally peaceful polling process to date and urges that the remaining stages of counting, tabulation, and posting of results be carried out transparently and accurately. In addition, the limited political opening around the elections should be expanded to ensure respect for Sudan's constitutional human rights and fundamental freedoms, and leaders from all parties should engage in genuine dialogue to address the key challenges facing Sudan.

While it is too early to offer a final overall assessment, it is apparent that the elections will fall short of meeting international standards and Sudan's obligations for genuine elections in many respects. Nonetheless, the elections are important as a key benchmark in the Comprehensive Peace Agreement (CPA) and because of the increased political and civic participation that has occurred over the last several months. Ultimately, the success of the elections will depend on whether Sudanese leaders take action to promote lasting democratic transformation.

Despite their observed weaknesses, the elections are a CPA benchmark and their conduct allows the remaining provisions of the agreement to be implemented.

At the invitation of Sudanese authorities, The Carter Center began assessing the electoral process in 2008 and deployed 12 long-term observers in late 2009. During the voter registration period in November and December 2009, the Center deployed an additional 20 observers, and for April 2010 polling, the Center organized an observation team with more than 70 observers who monitored the process in all 25 states in Sudan.



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The electoral process is ongoing with counting and tabulation likely to last several more days, followed by the posting of results. The Center's observers will continue to monitor these processes to their conclusion.

The main findings of the Center's mission to date are as follows:

- The April 2010 elections in Sudan were mandated by the 2005 Comprehensive Peace Agreement (CPA) and were envisioned as a critical part of a broader democratic transformation.
- Unfortunately, many political rights and freedoms were circumscribed for most of this period, fostering distrust among the major political parties.
- In the campaign period and run-up to the 2010 elections, however, there was a limited but important political opening that provided opportunities for opposition parties and civil society to engage in the political process. After a long period of dormancy, Sudanese parties and civic groups across the country began to mobilize.
- Most of the opposition parties joined together to demand the reform of laws and the lifting of restrictions of political freedoms and several major parties ultimately withdrew from the election shortly before election day. Although all candidates remained on the ballots, there was little competition in the race for the presidency and reduced competition in other races.
- The polling process on April 11-15 was largely peaceful and orderly. Despite confusion and significant logistical challenges, polling staff and voters in most areas displayed remarkable commitment, patience, and tolerance. Voters turned out in good numbers to cast their ballots, but with varying levels of participation across the country. The Sudanese people are to be commended for their civic spirit, pride, and hospitality.
- Notwithstanding these generally positive features, Carter Center observers noted important flaws and found that the process fell short of Sudan's obligations and related international standards in a number of respects.
- Sudan's legal framework is contradictory and does not ensure adequate respect for essential political rights and freedoms prescribed in Sudan's constitution, including freedoms of expression, assembly, and association.
- Although the voter registration process resulted in broad but uneven participation across the country, it was undermined by a series of critical shortcomings. Preliminary lists were not consistently posted for adequate public review, especially in the South, and the status of the final voter registry and list of polling stations remained uncertain. The Carter Center has recently received an electronic copy of the complete list and will attempt to ascertain if any of these changes were designed to assist particular political parties.



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- On election days, voters faced a range of operational and logistical problems: late delivery of and/or inadequate materials, incomplete or inaccurate voters lists, incorrect or insufficient ballots, ballots with inappropriate languages, and a lack of consistency in procedures. These problems were partially alleviated by the extension of voting time by two days.
- Further, the electoral process lacked sufficient safeguards and transparency necessary to verify key steps and build confidence and trust in the process. Our observers reported problems with ink, ballot box seals, and the process of identifying voters, including the process of verifying voters' identity when registration certificates were issued by popular committees at the polling stations, as well as reports of underage voters casting ballots.
- There were large numbers of illiterate voters, and some evidence of election officials deliberately misrepresenting the desires of some voters.
- The elections in the South experienced a high incidence of intimidation and the threat or use of force. There were numerous instances of the Sudan People's Liberation Army (SPLA) intimidating voters and being stationed too close to polling stations. State interference in the campaigns of opposition candidates was widespread in the South.
- The continuing state of emergency, repression of civil liberties, and ongoing conflict in Darfur did not permit an environment conducive to acceptable elections. Given the limited participation of internally displaced persons (IDPs) in Darfur in the census and voter registration, much of the population was left out of the process. Carter Center observers were unable to access wide areas of the region due to the security situation. While the areas they monitored were largely peaceful, they reported serious technical and procedural violations during the polling.
- In the months ahead, Sudanese political and civil society leaders from across the political spectrum should reaffirm their commitment to core democratic values. Sudan's government must ensure that the democratic opening is expanded and deepened. Full respect for human rights, democratic principles, and transparency will help to heal the mistrust that has detracted from the electoral process.
- It is important for Sudan to draw lessons from this election to ensure that the upcoming referenda and popular consultations do not have the same flaws, both technically and politically. Our Center and other international observers will have recommendations to assist in reaching this goal.

Background

In June 1989, the National Islamic Front (NIF) and forerunner of the present ruling National Congress Party (NCP) overthrew the democratically elected government headed by Prime Minister Sadiq al-Mahdi and for a period banned all political parties and political activities. In the following 16 years, fundamental civil and political freedoms were curtailed and civil society was restricted, while the civil war being fought between North-South hampered both the



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political and economic development of Southern Sudan. On Jan. 9, 2005, the National Congress Party-led Government of Sudan signed the CPA with the Sudan People's Liberation Movement (SPLM), thus ending a 22-year conflict. The CPA stipulated the holding of national elections in Sudan to cement the country's democratic transformation and to put in place accountable governments in northern and Southern Sudan to oversee the January 2011 referendum on self-determination for the people of Southern Sudan. While there have been tentative steps at political liberalization, the CPA's promise of democratic transformation has not been fulfilled. The conflict in Darfur and an ongoing failure to address marginalization in South Kordofan, eastern Sudan, and other regions have also weakened the dividends of peace promised by the CPA.

The Carter Center election observation mission has been in Sudan since February 2008 following an invitation from the leaders of the Government of National Unity and the Government of Southern Sudan. Twelve long-term observers were deployed throughout Sudan in advance of the election to assess election preparations. The Center deployed an additional 20 medium-term observers in November and early December 2009 to assess voter registration. In early April 2010, the Center augmented its long-term observer presence with the deployment of more than 70 short-term observers to observe the balloting, counting, and tabulation processes for April's national elections. The Carter Center observation mission was led by former U.S. President Jimmy Carter; former Algerian Foreign Minister and member of the Elders Lakhdar Brahimi; Justice Joseph Sinde Warioba, former prime minister of Tanzania, former judge for the International Tribunal for the Law of the Sea, and former judge on the East African Court of Justice; and Carter Center President and CEO Dr. John Hardman.

Carter Center observers continue to assess the conclusion of counting and vote tabulation and will remain in Sudan to observe the post-election environment. These elections were assessed against the 2005 Comprehensive Peace Agreement, Sudan's Interim National Constitution, the National Elections Act, the Political Parties Act, as well as Sudan's international treaty obligations. The Center's observation mission was conducted in accordance with the Declaration of Principles for International Election Observation and Code of Conduct that was adopted at the United Nations in 2005 and has been endorsed by 35 election observation groups.

This statement is preliminary; further statements may be released after the conclusion of the counting and results reporting period. A final report will be published after the end of the electoral process.



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Statement of Preliminary Findings and Conclusions

POLITICAL BACKGROUND

Sudan held its first competitive multiparty elections 21 years after the National Islamic Front (NIF), the predecessor of the National Congress Party (NCP) overthrew the elected government of Sadiq al-Mahdi and for a period banned all political parties and activity. Elections in 1996 and 2000 failed to meet basic international standards for a genuine electoral process, and several parties boycotted the process. The signing of the January 2005 Comprehensive Peace Agreement (CPA) between the NCP and the Sudan People's Liberation Movement (SPLM) ended the 22-year long North-South civil war. The CPA established a six-year interim period during which the Government of National Unity (GNU) composed of the NCP (holding 52 percent of National Assembly seats), SPLM (28 percent), and other parties (20 percent) governed.¹ The interim period concludes with a referendum on self-determination for Southern Sudan.

The CPA included separate protocols for Abyei, which will hold a referendum simultaneously with Southern Sudan on whether to remain in the north or become part of Warrap State. In addition, the agreement provided for popular consultations in South Kordofan and Blue Nile to be conducted by elected state assemblies. Prior to the holding of referenda in Southern Sudan and Abyei, the CPA also called for national elections at six different levels of government to ensure that the ballots for the referendum were presided over by democratically elected officials.

To prepare for the elections, Sudan conducted a census in April 2008, for which results were released in May 2009. Following objections to the accuracy of the census, an agreement was reached in early March 2010 between the NCP and the SPLM to provide Southern Sudan with 40 additional seats in the National Assembly, Abyei with two, and South Kordofan with four. In the case of South Kordofan, the parties agreed to repeat the census and voter registration in preparation for the state assembly and gubernatorial elections that should be held by June 11, 2010. This deal between the SPLM and NCP on National Assembly seats and the South Kordofan State Legislative Assembly was subsequently endorsed by the National Elections Commission (NEC), but has yet to be considered by the National Assembly. Concerns related to the census elsewhere in Sudan, particularly in Darfur and the east, were not resolved.

LEGAL FRAMEWORK

The Carter Center has based its observations and preliminary findings on Sudan's domestic legislation and political commitments relating to the electoral process, as well as its international human rights obligations. This preliminary statement details the degree to which Sudan has upheld its commitments and provides initial recommendations for future electoral processes.

The Comprehensive Peace Agreement (CPA) of 2005 establishes the overarching legal framework for Sudan. Additional domestic legal instruments governing these elections include the Interim National Constitution, the Interim Constitution of Southern Sudan, state constitutions, all envisaged by the CPA, and the National Elections Act 2008. In addition, through accession to, and ratification of, international treaties² and incorporation of internationally recognized obligations into its Constitutional Bill of Rights,

1 In the newly-established Government of Southern Sudan, the SPLM was allotted 70 percent of the seats in the Southern Sudan Legislative Assembly, the NCP 15 percent and other political parties were allocated 15 percent.

2 Sudan has acceded to the International Covenant on Civil and Political Rights (March 18, 1986), the International Convention on the Elimination of Racial Discrimination (March 21, 1977), International Covenant on Economic, Social and Cultural Rights (18 March 1986), and ratified the Convention on Rights of Persons



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the Government of Sudan has committed itself to the protection of a variety of political and human rights essential to the conduct of democratic elections, including freedom of expression, assembly and association.³

The National Elections Act establishes a progressive and comprehensive electoral framework for Sudan's elections, and lays a foundation for credible elections that is bolstered by the broad protections for human rights established in the Constitutional Bill of Rights. However, several key domestic laws which are still in force, such as the 1991 Criminal Procedure Code,⁴ which have been enacted since the CPA, such as the Organization of Humanitarian and Voluntary Work Act 2006,⁵ the National Security Act 2009⁶ and the Press and Publications Act 2009,⁷ are overly restrictive and do not comply with Sudan's stated commitments.

In addition, state institutions including the National Intelligence and Security Service and the Humanitarian Affairs Commission have at times acted in disregard for these protections and limited the success of their application. These restrictive laws and the failure of State authorities, both in the North and South to comply with their human rights obligations, contrary to the express provisions of the CPA, negatively impacted on the electoral environment, in particular the campaign process, freedom of the media, and civil society participation.

Elections System

The electoral system, as established within the National Elections Act, is highly complex and has led to confusion among the public and significant problems in its implementation. The electoral system calls for executive elections (president of the Republic of Sudan, president of Southern Sudan and governors) and three levels of legislative elections (the National Assembly, the Southern Sudan Legislative Assembly, and the state legislative assemblies). The elections to the presidency of Sudan and Southern Sudan both require an absolute majority (50% + 1 vote) of votes cast. Gubernatorial elections are simple majoritarian contests. Elections to all assemblies use a combination of majoritarian and proportional representation systems. Sixty percent of seats were designated for single member geographical constituencies and 40 percent were elected from closed party lists of which 25 percent were reserved for women and 15 percent for political parties. For the seats chosen by both the women's list and the party list, the d'Hondt system of proportional representation was used with a requirement that parties obtain at

with Disabilities (April 24, 2009), the African Charter on Human and Peoples' Rights (February 18, 1986) and the Arab Charter on Human Rights (May 22, 2004). In addition, Sudan is signatory to the United Nations Convention against Corruption (January 14, 2005), the African Charter on Preventing and Combating Corruption (June 30, 2008), and Protocol 1 of the African charter on Human and Peoples' Rights on the Rights of Women (June 30, 2008).

- 3 The International Covenant on Civil and Political Rights (ICCPR), Article 25, requires in part that "Every citizen shall have the right and the opportunity...(a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors." Further, the United Nations Human Rights Committee, General Comment 25, paragraph 12 has established that, "Freedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote and must be fully protected."
- 4 These laws provides for detention without arrest and without timely judicial recourse. The latter also provides for limitations to freedom of assembly.
- 5 It requires NGOs to register and report on their activities, limiting their freedom of association.
- 6 The National Intelligence and Security Service is provided with broad and imprecise monitoring and surveillance powers and ability to detain individuals without timely judicial recourse.
- 7 The law provides that the Press Council has the power to suspend a newspaper for up to three days and will also license press companies and prescribe conditions for the registration of journalists, distributors and printers.



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least four percent of votes cast in order to be allocated seats. However, given that the seats will be allocated on the basis of state wide constituencies, true proportionality is unlikely to be obtained.

Election Management Body

An independent and impartial electoral authority that functions transparently and professionally is internationally recognized as an effective means of ensuring that citizens are able to participate in a genuine democratic election, and that other international obligations related to the electoral process can be met.⁸

The election management body, the NEC, was established to administer elections impartially, transparently and independently, but it did not always meet these objectives. The commission has nine commissioners who were appointed by the president with the consent of First Vice-President Salva Kiir, who could reject proposed candidates, but could not propose alternatives and with endorsement by two thirds of the National Assembly. A chairperson and deputy were then appointed from the commission by the president, again with the consent of the first vice president.

Although this appointment procedure does not guarantee an independent election management body as required by international best practice,⁹ the NEC was selected by consensus among the political parties. Both government and opposition parties nominated several candidates. The president and first vice president then negotiated a slate of commissioners, whose names were considered en masse and passed by unanimous consent in the National Assembly.

The commission established a number of subsidiary bodies including 25 state high elections committees (SHCs) and a high elections committee for Southern Sudan (SSHEC) whose authority was not well delineated in the founding regulations. The SSHEC was nominally responsible for the supervision of the election of the President of the Government of Southern Sudan, the election of the Southern Sudan Legislative Assembly, and the coordination between the SHCs in Southern Sudan and the NEC. However, Southern SHCs reported directly to the NEC during the electoral process.

The NEC has broad ranging powers, duties and responsibilities for all aspects of the election process, including the power to take executive measures. The Ministry of Interior and National Intelligence and Security Service (NISS) control over security services, however, restricted the NEC's mandate, for example, decreasing the number of security personnel made available to guard polling stations, resulting in the reduction of polling sites.

Boundary Delimitation Process

Upon the announcement of the disputed census results in May 2009, the NEC created all of the geographical constituencies within 30 days as required by law. This was not enough time to carry out such a complex and politically sensitive exercise. The NEC delegated the drawing of the constituencies to the SHCs. However, clear instructions were not provided as to how the exercise should be undertaken, resulting in wide variations across the 25 states. The boundaries of the constituencies are vague, unmapped and difficult for observers and election officials to comprehend. Some areas, such as in North Darfur, were not included in any constituency, and therefore their inhabitants may not be represented in the National Assembly, contrary to international commitments.¹⁰ Concerns regarding the

8 UNHRC, General Comment No. 25 para. 20

9 ICCPR, Article 25, HRC General Comment No. 25, par 20.

10 ICCPR, Article 25, HRC General Comment No. 25, par 21 requires that "all the drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely."



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boundary delimitations resulted in numerous complaints to the NEC.

The law provides that the total population in each district should not deviate from the national dividend¹¹ by “plus or minus” 15 percent.¹² However, in practice this variance was frequently exceeded and in Jonglei the variance was as great as 32 percent under the national dividend and 52 percent over it. This violates the principle of equality of the vote required by international standards.¹³

VOTER REGISTRATION

In advance of the general elections, Sudan conducted a voter registration exercise in November and December 2009. The Carter Center deployed 32 medium and long-term observers to assess voter registration and the broader political and electoral environment across Sudan. The Carter Center mission observed voter registration activities in more than 650 fixed and mobile registration centers in all 25 states across the country. The delegation was drawn from 21 countries.¹⁴

According to the NEC, approximately 79 percent of eligible Sudanese were registered inside the country, or 16.4 million people of the estimated electorate of 20.7 million. Twelve of Sudan's 25 states fell short of the NEC's registration targets. Participation in some states in Southern Sudan exceeded 100 percent of the total eligible voting population as estimated by the 2008 national census, casting doubts on the accuracy of one or other set of figures. Only 71 percent of the eligible population of Northern Sudan registered. The Carter Center found that voter registration successfully reached citizens in most areas of the country, despite significant logistical and security challenges, and serious shortfalls in civic education.¹⁵ Registration officials diligently worked to overcome logistical challenges and administrative shortcomings.

According to the NEC, women's participation in voter registration exceeded 50 percent, a substantive step towards improving the inclusiveness of the electoral process and meeting Sudan's national and international obligations to ensure universal suffrage and protection from discrimination.¹⁶

The registration figure as a percentage of the census figures varied considerably, from 64 percent in Northern State to 190 percent in Unity state. Low registration figures in North, South and West Darfur of 65, 67 and 69 percent of census figures, respectively, are also worrying, particularly as a large number of IDPs were not included in the 2008 census.

In an effort to enfranchise Sudan's diaspora, voter registration was also conducted in a number of countries abroad. Unfortunately, due to the burdensome requirements for identification, large concentrations of Sudanese refugees were excluded from the electoral process. Voter registration rates were low in overseas locations with just over 100,000 Sudanese citizens participating. The Carter Center encourages Sudan to strengthen mechanisms for registration and voting of citizens abroad in advance of future elections.

11 This is defined in the National Elections Act 2008 Article 38 (b) as the result of the division of the total population of Sudan by the number of seats designated to the National Assembly to represent the geographical constituencies.

12 Variance between constituencies should be kept to a minimum to respect the equality of the vote.

13 ICCPR, Article 25, HRC General Comment No. 25, par 21.

14 Observers were from Cameroon, Canada, DR Congo, Egypt, Ethiopia, Germany, India, Ireland, Italy, Kenya, Mozambique, the Netherlands, Norway, Palestine, Serbia, Spain, Uganda, the United Kingdom, the United States, Zambia and Zimbabwe.

15 TCC Statement on Sudan's Voter Registration, December 17, 2009

16 The Interim National Constitution of the Republic of Sudan 2005, Article 32 (1), Article 41 (1); UN ICCPR, Article 3; AU, Protocol to the AfCHPR, Article 2.



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The NEC failed to provide clear and specific guidance to protect the civil and political rights of the displaced and ensure they could exercise their right to register to vote, as required by international norms.¹⁷ Of the large numbers of IDPs in Darfur, a limited percentage reportedly registered. Registration levels in the camps were low in part due to concern that registering in the camps would prevent the displaced from returning to the land from which they had fled and due to the presence of armed groups that oppose the elections. Several IDP camps were not visited at all by registration teams including Kass and Kalma camps.

During the registration process, The Carter Center observed a number of activities that undermined public confidence in the process. For example, representatives of the SPLM and NCP directly participating in registration activities which included NCP members collecting the slips of newly registered voters. Although this collection of slips is technically not a violation, the activity continued until the eve of the election and created confusion among the voters. Registration receipts were also observed to be traded and sold in some areas. Registration officials frequently failed to inform registrants about the need to securely keep their registration receipts. The election management authorities at the national and state levels could have taken steps to prevent political parties from engaging in these practices and provided the voters with access to information about the function of voter registration slips.

The NEC should have emphasized the importance of public review of the voter registry after the publication of the provisional voter list, as obliged by Sudan's international commitments, and to improve the accuracy of the roll.¹⁸ Moreover, there were insufficient checks on the data entry of registrant records, raising questions about the overall accurateness and comprehensiveness of the voter register. At the end of the registration period, the NEC failed to build confidence in the voters' register by not finalizing the full voters' list nation-wide and not making it widely available to political parties and national and international observers for thorough examination and audit.

The challenges and delays in finalizing the voters list led to widespread problems on voting days that threatened to undermine the integrity of the entire process. Further, it appears that the list now in use varies substantially from the list originally circulated to political parties and other actors.

VOTER EDUCATION

Voter education efforts are necessary to ensure an informed electorate able to effectively exercise their right to vote.¹⁹ Given the complexity of the polling process, the absence of a recent democratic tradition and the high level of illiteracy in Sudan the need for voter education was particularly relevant to this election. However, The Carter Center noted with concern that in practice these efforts were significantly limited, hampered by an electoral commission which failed in its responsibility to provide education and an environment where controls are such that they make organizing and holding voter education events difficult.

Internationally recognized good practice clearly indicates that impartial and consistent voter education is the primary responsibility of state organs, chiefly the election management body, and not that of

17 Article 25 ICCPR, Article 23 ACHR, Article 13 AfCHPR, Article 24 ArCHR, as reflected in Principle 22 1 (d) of the Guiding Principles on Internal Displacement, developed by Representative of the Secretary-General on Internally Displaced Persons, Mr. Francis M. Deng.

18 ICCPR, Articles 2 (3) and 25, HRC General Comment No. 25, par 11, African Union, Protocol to the African Charter for Human and Peoples' Rights (AfCHPR) on the Rights of Women, Article 25.

19 United Nations Human Rights Committee, General Comment 25, paragraph 11



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political parties.²⁰ Throughout the period of observation The Carter Center noted instances in which voter education activities were disrupted by state authorities, particularly in Darfur, because the NEC failed to communicate in a timely fashion with the relevant authorities and ensure that restrictions on their freedom of movement were lifted. Such limitations on the function of these bodies impeded voter education efforts by non-state actors and potentially further limited the information available to Sudanese voters concerning the electoral process.

While some civil society organizations conducted voter and civic education activities, their lack of experience in democratic exercises meant these activities had limited impact. In addition, the institutional weakness of political parties hindered their ability to provide sufficient voter education to party members.

It is widely recognized that voter education may employ symbols or photographs in an effort to increase the breadth of its impact and make such educational measures accessible to illiterate voters.²¹ However, the good intent of these measures appear to have been undercut in Sudan, where the NEC conducted voter education initiatives using the same slogan as the incumbent President and published education materials featuring a tree, the symbol of the incumbent NCP. The use of this slogan and symbol created a high potential for confusion or conflation between educational efforts and campaigning.

CANDIDATES, PARTIES AND THE CAMPAIGN ENVIRONMENT

The right of individuals to participate in public affairs, including through the establishment of and free association with political parties and participation in campaign activities, is protected by international principles and fundamental electoral rights.²²

Northern opposition parties, which had been excluded from the government for several years, initially welcomed the national elections because it gave them an opportunity to re-connect with their political bases. Some 72 political parties nominated candidates in the elections, although only two parties, the NCP and SPLM, had sufficient financial and human resources to contest the elections in many constituencies. In spite of some instances of intimidation and detention, the nominations process was generally free and characterized by the emergence of a large number of independent candidates, mostly originating from the SPLM and to a lesser extent, the NCP.

However, there were significant obstacles to running a competitive campaign. Opposition parties in northern Sudan have experienced many years of government repression and are hampered in their ability to compete with the ruling NCP. At the same time, they have failed to develop their bases. In the five years since the signing of the CPA, the Government of National Unity failed to advance democratic conditions inside the country or to guarantee important political freedoms, such as freedom of assembly and freedom of the media.

Opposition parties, some of them acting within the loosely organized Juba Alliance,²³ demanded the

20 See, for example, *United Nations Human Rights and Elections*, paragraph 87, and the Southern African Development Community Parliamentary Forum, *Norms and Standards for Elections in the SADC Region*, para. 3.2. The African Charter on Democracy, Elections, and Governance (Signed June 30, 2008) Article 12(4) also requires signatories to “implement programmes and carry out activities designed to promote democratic principles and practices and consolidate a culture of democracy...integrate civic education in their education curricular and develop appropriate programmes and activities.”

21 United Nations Human Rights Committee, General Comment 25, paragraph 12

22 ICCPR, Art. 25(a); ICERD, Art. 5(c); CEDAW, Art. 7(b), UNHRC General Comment 25, para. 26

23 The Juba Alliance, later referred to as the National Consensus Forces, consisted of the SPLM-North, the Umma National Party, Sudan Communist Party, Umma Reform and Renewal Party, Popular Congress Party and a



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reform or freeze of various security laws. This demand was not accepted by the government, but it did promise to not apply them during the campaign. In addition, the northern opposition parties in a memorandum of March 6, 2010 questioned the lack of transparency, impartiality, and independence of the NEC. The Juba Alliance members withdrew from the NEC-established media council after complaining of bias, although in the final days of the campaign the NEC agreed to increase the number of non-government members. They further complained about the failure of the NEC to place limits on campaign expenditures and thus to remove the vast discrepancies in funds utilized by the NCP compared to the other parties (with the exception of the SPLM). This too was agreed to by the NEC, but with only five days left before voting the gesture was rendered meaningless. The northern opposition parties also complained about voter registration violations, the use of government property for campaigning purposes of the NCP, and demanded that the state of emergency in Darfur be lifted and that the government reach a peace agreement that permitted armed groups in Darfur to participate in the election.

Four of the largest Juba Alliance parties – the SPLM, Umma National Party, Sudan Communist Party (SCP), and the Umma Reform and Renewal Party – announced that conditions did not favor a free and fair election. Although the legal deadline for withdrawal from the elections had passed, parties withdrew their candidacies from the elections in all of northern Sudan, including the presidential race, in the final days of the campaign. Remaining in the race were the Democratic Unionist Party (DUP) and the Popular Congress Party (PCP). This seriously undermined the competitive nature of the election. Names of all candidates remained on the printed ballots.

Although the campaign period was largely peaceful, isolated acts of violence against candidates occurred. A SPLM incumbent candidate for a SSLA seat in Unity state was killed in Southern Sudan, an Umma Party candidate for State Assembly in South Darfur was shot while travelling in a convoy with the Secretary-General of the Umma Party, and a NCP candidate in Khartoum North was killed. No evidence was forthcoming to prove that these crimes were politically motivated.

During the campaign period, in February 2010, the NEC and Sudan's Ministry of Interior issued a circular on campaigning activities that required at least 72 hours notice to authorize any political campaign events held in public venues. The circular was more conservative than the directives issued by the Ministry of the Interior in its September 2009 decision regarding the practice of electoral activities, as the new circular required parties to submit notification of campaigning events held on their own premises. Several political parties appealed to the NEC to permit them to hold election-related activities in public places after notifying the relevant security committees instead of applying for approval and to forego notification for activities on their own premises, but these requests were not accepted. Political parties reported that these regulations were applied inconsistently across the states and that, in practice, parties often had to report to several security agencies rather than a single authority.

The Center observed examples of the Government of Southern Sudan and Sudan People's Liberation Army (SPLA) hindering the campaign of the SPLM-Democratic Change (SPLM-DC), the United Democratic Front (UDF), Southern Sudan Democratic Forum (SSDF) and other opposition parties. In some cases SPLA soldiers were witnessed tearing down the posters of non-SPLM candidates. State authorities in Western Equatoria, Unity State, and Northern Bahr El Ghazal interfered with the holding of rallies by opposition candidates. Security conditions in Darfur and in areas of Eastern Sudan restricted campaigning.

Governors have the power to permit public meetings under the Criminal Procedure Act 1991. Both the Criminal Procedure Act of 1991 and National Security Forces Act of 2009 provide for arrest and

number of smaller parties.



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detention without timely judicial recourse.

Efforts were made by former South African President Thabo Mbeki to gain the political parties' acceptance of a party code of conduct. Although parties did not agree on a similar code in the north, it was accepted by the opposition parties in the south and the Government of Southern Sudan. However, given the subsequent abuses by state authorities of SPLM-DC and other parties, which were signatories of the code, its implementation was less than universal.

Limitations on the freedom of speech were observed. Umma Party leader Sadiq al-Mahdi was accused of inciting hatred in a pre-recorded speech that was refused to be broadcast on state radio, a decision endorsed by a sub-committee of the NEC, although the Center found no evidence to sustain the charge. The NEC required parties and candidates to pre-record their campaign programs for its approval before being aired.

The Elections Act permits the governments to provide state funding for political parties. The national government did not do so. Conversely, in early March, the Government of Southern Sudan provided 5 million SDG to 13 political parties in the South who had raised the issue at an African Union summit on the code of conduct. GoSS mandated the distribution of this funding, to two political parties, however, rather than by government authorities, resulting in some parties never receiving public financing.

The Elections Act prohibits the use of state resources by candidates, without paying for their use. Yet the Center observed multiple instances of the use of State vehicles by incumbents. The law also provides for the imposition of a campaign spending ceiling by the NEC for all elections. On April 3, the NEC announced that the maximum expenditure for a candidate for the presidency would be 17 million Sudanese pounds, the Southern Sudan government presidency, 7 million Sudanese pounds and other offices lower amounts.²⁴ In announcing the spending limit so late in the campaign and setting the limit at such a high multiple of the average income per person per year in Sudan, the NEC failed to give effect to the purpose of a campaign spending ceiling.²⁵

Media Environment

International obligations related to the media and elections include freedom of expression and opinion and the right to seek, receive and impart information through a range of media.²⁶ Although The Carter Center did not conduct comprehensive media monitoring for the 2010 elections in Sudan, the following observations are offered.

Sudan's National Election Act of 2008 Articles 65, 66 and 98 provide for equal distribution of time for candidates and political parties in accordance with the rules and regulations of the media channels and press during the electoral campaign period. The Elections Act states that every candidate or political party shall enjoy unrestricted freedom of expression, presentation of its campaign program and access to information in the exercise of campaigning rights.

Although pre-press censorship has officially ended, certain subjects could not be freely discussed in the

24 The ceiling for gubernatorial races was set for 800,000 Sudanese pounds, individual parliamentary seats, 700,000 Sudanese pounds and party list and women's list expenditure, 50,000 Sudanese pounds.

25 ICCPR, Articles 2 (3) and 25, HRC General Comment No. 25, par 19, provides that reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party.

26 ICCPR, Art. 19



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media and the media did not tackle issues considered sensitive that might provoke the government. Numerous newspapers and individual journalists faced court cases and condemnation by the National Press Council, the state press regulator appointed by the Presidency. Another inhibiting factor is that much of the media is directly or indirectly controlled by the government and the NCP or its allies.

Candidates were given equitable access to state radio and television during periods set aside for party broadcasts, but other programming gave disproportionate coverage of time to NCP candidates who also held senior government positions. Two radio stations in Juba were briefly closed down by security agents because of objections to their political broadcasts.

ELECTION ADMINISTRATION

By giving precedence to security over transparency, the NEC has not always shared relevant information with nor given necessary access to the parties or observer groups. This problem was particularly evident in the production of ballot papers when the printing was started without notice given to the parties or observers who were only permitted limited and pre-scheduled access. Upon the arrival of sensitive materials, the NEC warehouses were only accessible to observers once at a public event, after which they were sealed, thus giving rise to understandable suspicions by the public at large. This lack of transparency risked undermining a crucial element in the election process.

The Carter Center observed that elections administration was carried out inconsistently throughout the country. The NEC failed to anticipate and provide for logistical challenges in many parts of the country, particularly in the south. Darfur experienced particular problems because the election was held under state of emergency laws, prevailing insecurity, and with a large number of internally displaced persons (IDPs) living in camps. An additional problem was the varying capacity and resourcing, both financial and technical, of the SHCs. Several SHCs, particularly in Southern Sudan, reported delayed receipt of funding from the NEC to support electoral activities and training, as well as the delayed receipt of essential electoral materials.

Delivery and Distribution of Materials

The delivery of electoral materials was hampered by inadequate, inconsistent and late planning by the NEC. Delays and changes in the decision of the number of polling centers and stations negatively impacted the procurement, delivery, and distribution of sensitive materials critical to the conduct of the polls. A late start in the more than 1000 ballots also led to challenges in their printing and delivery to polling stations. Faced with major logistical problems, international technical assistance providers assumed a critical role in the delivery of essential materials.

VOTING

The voting process is the essential foundation of the obligation to provide the free expression of the will of the people through genuine, periodic elections. Certain participatory rights must be fulfilled in order for the voting process to accurately reflect the will of the people. Foremost among these are the right to vote, to participate in public affairs, and to enjoy security of the person.²⁷ The state must take all necessary steps to ensure such rights are fully protected for all citizens in an equal and non-discriminatory manner.²⁸

The Carter Center deployed a delegation of over 70 short-term observers from 23 countries to Sudan to

27 International Covenant on Civil and Political Rights, Arts. 2, 25(a) and 9

28 The State must take necessary measures to give effect to rights enshrined in the treaty to which they are party. Such rights include the right for all citizens to be treated in an equal and non-discriminatory manner. ICCPR; Art. 2(2); International Convention on the Elimination of all forms of Racial Discrimination, Art. 1.



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observe the April 2010 national elections, building upon the Center's long-term monitoring presence in the country that began in February 2008.²⁹ Carter Center observers were present in all 25 of Sudan's states, as well as the district of Abyei, and monitored the pre-count, balloting, and counting phases of the electoral process, with plans to remain in Sudan to observe the tabulation of votes, announcement of results, and post-electoral processes.

By the evening of April 15, observers from the Carter Center visited more than 1050 polling stations across all areas of the country or approximately 6 percent of all polling stations (according to the latest NEC figures). Approximately 51 percent of the polling stations monitored by Carter Center observers were in rural areas while 49 percent of the polling stations were located in urban areas.

In many ways, the Sudanese people are to be commended for their widely peaceful participation in Sudan's first national elections since 1986. Moreover, the NEC deserves credit for administering an extremely complex election, requiring the transport of thousands of tons of materials and the participation of approximately 16,000 candidates on multiple ballots for multiple races in Africa's largest country.

Nevertheless, reports from Carter Center observers provided evidence that a series of technical and political problems compromised the integrity of the ballot for many Sudanese voters across the country. An illustrative sample of some of these logistical issues includes the delay in the arrival of key materials, problems with the indelible ink, misprints and errors in ballot papers, and poor communication between the NEC and SHCs, as well as between SHCs and Polling Centers. Moreover, serious problems with the quality of the voter registry, the uneven use of identification across Sudan, and widespread intimidation severely undercut the inclusiveness and credibility of the national polls, and all three areas will need substantial correction in any future electoral exercise.

Technical difficulties have had a major impact on the acceptability of the polling process leading to the erosion of many of the standard checks and balances which secure the integrity of an election. In many locations the safeguards to prevent multiple voting or fraud were not correctly utilized, reducing voter confidence in the electoral process. A list of issues encountered during the Center's observation mission are summarized in greater detail below:

Ballot Papers

The NEC final distribution list of March 23 determined that polling would take place in 9,650 polling centers containing 16,502 total polling stations. Polling stations were required to be open between the hours of 8am to 6pm over three days, April 11-13. The election timetable indicated that all materials necessary for polling would be delivered to polling centers by April 9.

The start of polling was marred by challenges in the production and distribution of the correct ballot papers and accurate voter lists, presenting the NEC with its biggest logistical and operational challenge. On the first day of polling, April 11, Carter Center observers reported that a substantial number of polling centers were either opening late or not opening at all due to partial delivery or non-delivery of essential materials, particularly ballot papers. In White Nile, observers reported that no polling took place before noon since two sets of ballot papers had to be reprinted on the evening of April 10 and were yet to arrive. In Kauda, South Kordofan, the Center's team observed a widespread problem with the late

²⁹ The following countries were represented on the TCC EOM: Algeria, Austria, Canada, Democratic Republic of Congo, Egypt, Germany, Iraq, Italy, Ivory Coast, Jordan, Lebanon, Liberia, Netherlands, Palestine, South Africa, Somaliland, Switzerland, Tanzania, Tunisia, United Arab Emirates, United Kingdom, United States of America, Zimbabwe.



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delivery of voting materials to polling centers, which resulted in 48 out of 51 polling centers not opening on time in the area.

In a significant number of polling centers, particularly in South Sudan, ballot papers for some of the races were either missing or delivered to the wrong location. Observers stated that this was the case in Central Equatoria, Eastern Equatoria, Jonglei, Abyei, Warrap, Unity, Gezira, Kassala, South Kordofan and West Darfur. Despite this problem some polling centers decided to commence polling without these ballot papers, processing large numbers of voters before suspending voting to await delivery of the correct ballots. In a number of instances, ballot papers were incorrectly printed with either candidate having been omitted or the wrong party symbol next to the candidate's name. There were also numerous reports of the delivery of an insufficient number of ballots for the number of registered voters at a given site. Although many of the problems related to ballot papers were resolved by the second day of polling, this problem contributed to a loss in voter confidence in the electoral management bodies and also likely resulted in the disenfranchisement of numerous voters who were unable to cast ballots for all of the levels of government.

Voters List

Observers also reported the election management bodies' incomplete and in some cases incorrect delivery of voter lists. Although problems with the voters lists were not uniform across the states of Sudan, the flaws in the voter registry were clearly observed to be a nationwide problem and were likely the single biggest reason that voters were disenfranchised. Observers reported large numbers of voters who were unable to find their names on the voter lists, due to language problems, incorrect or misleading alphabetized names, or simply because of general confusion about how names on the voter registry were allocated to given polling stations. In many cases, voters who were told that their voter registration center would also be their polling station during the registration process in November were misinformed by election officials.

Carter Center observers witnessed voters being turned away who had registration slips but could not find their name on the voters list in every state of Southern Sudan as well as North Kordofan, South Kordofan, Gezira, Blue Nile, and West Darfur. In most cases when voters were being turned away, there was little evidence of them being advised or instructed as to which polling center was the correct one. At some stations the electronic voter lists were abandoned in exchange for the original paper lists, or simply, as in Warrap, lists were given up on altogether.

In a number of polling centers where voters presented their registration slips and the identifying officer could not find their name on the voter registry, the identifying officer noted their name and number and allowed them to vote. This was observed in Central Equatoria, Eastern Equatoria, and Warrup state. While this likely meant that voters who would otherwise have been excluded from the voting process were able to participate, this also opened the door for multiple voting should the voter abuse the use of their registration slip at several polling stations in a given constituency.

Problems with the voters lists represented the most significant setback to the electoral process and likely led to the disenfranchisement of substantial portions of the eligible electorate and could affect the representativeness of the outcome of the local polls. The NEC's delay in finalizing the electronic voter registry was a major contributing factor to the problems experienced during polling. Further analysis is needed to see the extent of the problems with the voter registry on a state-by-state basis.

Identification Problems

According to the NEC regulations, voters were allowed to cast a ballot as long as their names appeared on the voter registry and they were able to document their identity. However, many observers reported



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instances in which voters provided no identification document and other checks from an identifier were not requested. In other cases, certificates of confirmation of identity, presumed to be issued by a local Popular Committee, were accepted without clear verification. At many sites visited, party agents participated in identifying voters with registration slips or voters whose identity appeared questionable.

The team observed many instances of persons who did not have identification (ID) of any kind attempting to vote. The problem was further exacerbated by the observation of Popular Committees issuing ID certifications on a partisan basis. In some cases, notably North Darfur, observers noted that certifications given by popular committees were scribbled on torn sheets of paper without any other form of ID.

In Kassala, Red Sea, White Nile, Nile State, and Darfur observers noted numerous examples of underage voters who were allowed to vote at times in a seemingly organized fashion. In several cases, observers were able to directly confirm with the underage voter that they did not possess a valid identification and registration card. In several other cases, in particular Unity State and Western Bahr al Ghazal, observers reported that presumed underage voters ran from the polling station before they could be confirmed as being ineligible.

Participation of Illiterate Voters

Sudan's many illiterate and partially literate voters encountered difficulties during polling which increased the processing time and made it difficult for them to find the station in which they were assigned to vote in the voter lists. Little effort was directed to ensuring that the country's illiterate population was fully informed about the election.

While the use of symbols is an international best practice, particularly in countries with high rates of illiteracy, in the case of these elections, they exacerbated the complexity of the balloting due to the system of multiple ballots and long candidate lists. In addition, many candidates and parties did not understand the value of these symbols. Similarly, the weak system of voter education failed to communicate the meaning of the symbols for each type of election.

The Carter Center welcomes the NEC's directive to allow those voters who needed assistance in marking their ballot to select someone to help mark their ballots. These steps to offer impartial assistance are in line with international standards.³⁰ However, there were many allegations that helpers abused their trust and marked ballots contrary to the wishes of the voter.

Assisted voting

Procedures for assisted voting are an important tool for the elections commission to help ensure universal suffrage. At the same time, if procedures are followed improperly, assisted voting can undermine both the secrecy of the ballot and infringe on the voter's choice. Both of these issues have been witnessed by Carter Center observers in polling stations across Sudan.

In South Darfur, Unity, Central Equatoria, and Upper Nile State, the secrecy of the ballot was compromised for voters who required assistance, although observers predominantly felt that the loss of secrecy was not done with any intention of fraud or wrongdoing. In Lakes State and Northern Bahr al Ghazal, however, observers were present at polling stations where polling staff were trying to unduly influence voter choice or even fill out the ballot of illiterate voters without asking them for their choice. Many voters needed help understanding and filling out the ballot which slowed the process considerably.

30 UNHRC General Comment 25 para. 20



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Integrity of Ballots

Serialized seals are standard election materials to prevent the tampering of the contents of a ballot box. However the use of seals has been inconsistent across Sudan with observers noting their absence in a number of locations, particularly in Southern Sudan within the states of Lakes, Western Bahr al Ghazal and Unity. In several cases, observers reported incorrect usage of the non-serialized seals upon ballot boxes, including two cases in Lakes State whereby a ballot box of unused ballots was improperly secured and may have been subject to fraudulent ballot box stuffing.

Observers in Northern Sudan have also taken note that green, un-serialized seals, intended to tie bags, were used to secure the voting hatch of the ballot box in several states, exposing them to potential tampering. This usage was observed in South Kordofan, Gedaref and most widely in Darfur. Polling station staff were in some cases unaware of they were improperly sealing the ballot boxes. By failing to properly secure the tops of ballot boxes while the materials were stored overnight, the polling hurt perceptions of the credibility of the vote in those areas.

Indelible Ink

There have been many verified reports of the indelible ink being easily removed from voters' fingers after a day or two. In some instances, this may have been caused by a failure of the polling staff to shake the bottles to prepare the ink or the inadvertent addition of the packing silicate which caused the ink to dry out. The use of indelible ink is an important safeguard to ensure that multiple voting does not occur, and coupled with problems with the voter registration list, the failure of the ink weakened the checks on multiple voting.

Political Party Agents

Carter Center observers reported numerous irregularities and problems with intimidation, harassment, and a lack of access for political party agents to the voting process. It should be stressed that this occurred with particular frequency in Southern Sudan. In one polling station in Lakes State, political party agents were asked to be 100 meters away from the polling station, although only SPLM agents were subsequently invited back into the polling station to monitor the vote. Polling station staff turned away DUP party agents in Hameshkoreb in Kassala State, barring them from monitoring any part of the voting process. Carter Center observers reported seeing restrictions placed on political party agents in Sennar state whereby only one agent was allowed inside the polling station at a time, in contradiction to the electoral regulations. Observers learned of the arrest of political party agents in the states of Central Equatoria, Unity State and Northern Bahr El Ghazal.

Intimidation

The extent of subtle or forceful intimidation observed was deeply problematic. Highly inflammatory comments made by President Bashir while campaigning in Red Sea and Gezira, in which international observers were threatened were contrary to the Elections Act, as well as the Memorandum of Understanding between the Center and the Government of Sudan, and called into question the commitment contained in the CPA to have international observation.

Intimidation was reported in many states observed and was carried out by security agents in both plain clothes and uniform, army, party agents, party members or county commissioners. Voters, candidates, polling staff, party agents and observers were the targets of such intimidations. Most actions seemed to be locally motivated, rather than centrally controlled, but the overall effect on free elections is worrying.

Particularly problematic was the presence of plain-clothes men who identified themselves as 'public security', 'county intelligence' or just 'security' and took an active part in the voting process. The SPLA showed force in some areas, replacing polling station security or marking ballots. The SPLM made its



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presence felt in some polling stations and in one case, intimidated domestic observers. Polling staff was arrested, threatened or beaten up in a number of states, as were party agents and candidates.

The SPLA had a visible presence at polling stations in White Nile and Lakes State; in Northern Bahr el-Ghazal soldiers marked ballot papers and forcefully replaced police and party agents at polling stations. Polling staff was marking ballots on behalf of one party in Northern Bahr el-Ghazal and Warrap State. Party agents took an active interest in how voters voted in Lakes States and Upper Nile.

In Unity State, domestic observers reported being intimidated by SPLM. In at least one case, a Carter Center observer and staff member were harassed. County commissioners harassed polling staff and voters in Unity and Lakes States; polling staff was arrested in Kassala. Candidates or party agents were arrested, intimidated or beaten in Central Equatoria, Eastern Equatoria, Northern Bahr el-Ghazal, Gezira, Unity and Port Sudan.

Commitment of Electoral Staff and Extension

On April 12, the NEC announced that due to the problems associated with the first day's polling, voting would be extended nationwide by two days to Thursday April 15. This was a positive step made by the NEC that allowed additional voters in Sudan to exercise their right to vote.

Despite the many logistical problems and the real political issues faced by many polling staff, Carter Center observers reported many cases of the staff at polling stations demonstrating exemplary commitment to their work and an impressive fortitude to continue their work during the two-day extension of polling and in many cases under circumstances of delayed compensation and minimal food and drink provided. In addition, Sudanese electoral officials in some cases were subject to intimidation and threats, and their work to continue the process of administering Sudan's national elections should be congratulated.

COUNTING AND TABULATION

The legal provision requiring the immediate publication of results at polling stations is welcome. However, the lack of a requirement to publish final results broken down by polling station is contrary to international best practice.³¹ The Center urges the NEC to publish final results broken down by polling station in order to enhance confidence in the results.

It is hoped that the SHCs and NEC will complete the counting and aggregation of results as speedily as possible and respect the time periods provided in the NEA. Transparency is essential at this stage of the process. Carter Center observers will remain in country throughout the counting and results aggregation, announcement of results and beyond, and will also observe the complaints and appeals process.

Of ongoing concern was the fact that at the start of counting three state committees in Southern Sudan still did not have equipped results centers with the proper software installed on their computers. Moreover, nine state committees had not yet recruited nor trained results' center staff.

31 The best practice of posting detailed election results disaggregated to the polling station level can be extrapolated from paragraph 112 of UN *Human Rights and Elections* which requires that "The process for counting votes, verification, and reporting of results and retention of official materials must be secure and fair." ICCPR, Articles 2 (3) and 25, HRC General Comment No. 25, par 20 provides that there should be independent scrutiny of the voting and counting process and access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes. Publication of final results broken down by polling station is prerequisite for this scrutiny.



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Without these operators, the state elections committees will have no way to speedily provide compiled results, and the burden of work may easily overwhelm already fatigued electoral staff. Election results that are severely delayed are a potential flashpoint for the serious escalation of electoral disputes amid perceived or real cases of electoral fraud.

DARFUR

Given the political context in Sudan, the electoral process cannot be judged solely on technical grounds. This is particularly pertinent to Darfur, where conflict, displacement, and insecurity still dominate the lives of millions who live in the region. Although Darfur's overall security situation has somewhat improved, the reach of the Center's observation in Darfur was restricted due to security considerations. In North Darfur, a number of IDP camp leaders were arrested. However, it is evident that the government's ongoing state of emergency, the continued displacement of an estimated 2.7 million persons from their areas of origin, and intermittent armed conflict in Jebel Marra, were factors that severely compromised the electoral environment. Lingering concerns over the equity of the 2008 census process and the uneven voter registration process that saw low participation across all three states of Darfur also contributed to a weaker process. The boycott of almost all political opposition cannot be ignored. The confidence of many parties and citizens in the legitimacy of a process occurring in a region still in constant turmoil was absent.

Despite these factors, significant technical effort was made to prepare for elections in Darfur, and in South Darfur, the Center's observers have judged that from a technical perspective the election was reasonably successful. However, throughout Darfur, a failure to educate voters was apparent. Irregularities in ballot distribution and problems with the voters' lists were observed, disenfranchising many. With respect to Darfur, the Center cannot endorse elections in the region as meeting national or international standards.

ELECTORAL DISPUTE RESOLUTION

Efficient electoral dispute mechanisms, including, as necessary, the provision of a fair and public hearing before a tribunal, are essential to ensure that effective remedies are available for the redress of violations of fundamental rights related to the electoral process.³² In failing to provide for an effective remedy regarding possible violations in key areas of the electoral process, Sudan's electoral dispute process falls short of international standards.

Under the Elections Act any registered voter in a geographical constituency could correct or challenge the details of the voter list within seven days from the publication of the electoral register. However, lack of awareness on the right to inspect and challenge the lists led to a low number of challenges submitted. Because most of the printed voter lists in Southern Sudan were not finalised until well after the deadline on 16 January, the SHCs used the manually written registration books to display the names on the electoral register. As a result, 8,933 challenges were made on the basis of the handwritten lists but this could not be compared to the final electronic lists. Therefore, there was no way to verify the effectiveness of the remedy. No mechanism for complaint about incorrect exclusion from the voter register is provided in the legal framework. This is a clear breach of the right to an effective remedy.³³

According to the NEC, 885 complaints were filed regarding constituency delineation, of which 400 were accepted in the published Final Report of Boundaries. The 2008 Act provides for appeals to the Supreme Court against final determinations by the NEC regarding constituency delineation. Fifty-eight appeals were lodged of which five were allowed. Allegations have been made that those complaints that were

32 International Covenant on Civil and Political Rights Art. 2(3), UNHRC General Comment No. 32, para. 18

33 ICCPR, Article 2 (3).



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accepted, were not implemented on the ground. As no clear details of the constituency delineation were ever published, there was no way to verify the effectiveness of the remedy.

Appeals to the Supreme Court are also provided for against refusal to register candidates and eight such appeals were made regarding candidacy for the presidency, two of candidacy for the presidency of Southern Sudan and sixteen for candidacy for governors.

On polling days a voter, party or candidate could lodge complaints to the head of polling stations. A special form was provided for this purpose (Form 7). The Head of Polling was required to try to resolve the complaint immediately. Requests for a recount could only be made at the polling centers before the declaration of results. There are no provisions provided for an order of a re-aggregation of results, an important omission and a denial of an effective remedy for potential violations in the aggregation process.

After the declaration of provisional results only a candidate or party can appeal the result to the Supreme Court and must do so within seven days. The Court must decide the appeal within fourteen days.

While interlocutors have expressed concern regarding the independence and transparency of the judiciary, to date it has carried out its functions in a timely manner in accordance with the law. The Carter Center will continue to observe the complaints and appeals process until the declaration of final results.

CIVIL SOCIETY AND DOMESTIC OBSERVATION

An international commitment that every citizen has the right to participate in the public affairs of their country establishes the right of all citizens to freely participate within civil society and domestic observation organizations.³⁴

The Carter Center supported the work of civil society groups in both Northern and Southern Sudan to observe the polls. Election monitoring by non-partisan civil society organizations is an important way for citizens to take part in democratic processes, serves to safeguard the process, and provides important information regarding the integrity of the process as well as recommendations for improving the process.

Northern Sudan had one of the most developed civil societies in Africa and the Middle East. Southern Sudan, meanwhile, was weak and dominated by tribal chiefs and churches. The Organization of Humanitarian and Voluntary Work Act of 2006 has been particularly detrimental to the development of civil society in Northern Sudan. According to the act, non-governmental organizations must obtain the approval of the General Registrar of Organizations, who is appointed by the president. In order to be accredited as a domestic observer organization, NGOs had to have previously registered.

The election gave rise to the creation of several domestic observation networks in both northern and southern Sudan. The most active were TAMAM, al-Khatim Adlan Center for Enlightenment and Human Development, the National Civic Forum, and the Sudanese Group for Democratic Elections (SuGDE) in the North and the Sudan Domestic Election Monitoring and Observation Program (SuDEMOP) and the Sudanese Network for Democratic Elections (SuNDE) in the South. Together these organizations deployed approximately 8,000 observers across Sudan. According to the NEC, 10,286 Sudanese observers received accreditation to observe the elections. The Carter Center welcomes the efforts on the

³⁴ International Covenant on Civil and Political Rights, Art. 25(1)



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part of the electoral authorities to open the process to Sudanese observers, who were present during the polling, in 82 percent of the centers visited by TCC international observers.

Despite this opening, civil society organizations experienced significant challenges in the accreditation process as a result of delays within the NEC, a lack of clarity in the accreditation requirements, inconsistency in the way in which requirements were applied, and the late release of accreditation badges to organizations. Furthermore, some national observers experienced obstacles in access to the polling process, although these obstructions appear to be localized and not systematic.



THE CARTER CENTER

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NEWS

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CARTER CENTER REPORTS WIDESPREAD IRREGULARITIES IN SUDAN'S VOTE TABULATION AND STRONGLY URGES STEPS TO INCREASE TRANSPARENCY

May 10, 2010

In a statement released today, The Carter Center reported that based on its direct observations, Sudan's vote tabulation process was highly chaotic, non-transparent, and vulnerable to electoral manipulation. As a result, the Center is concerned about the accuracy of the preliminary results announced by the National Elections Commission (NEC), as procedures and safeguards intended to ensure accuracy and transparency have not been systematically applied and in some areas have been routinely bypassed. The Center also noted serious concerns about election-related violence and intimidation in several states, especially Northern Bahr al Ghazal, Unity, and Western Equatoria.

To provide greater transparency and to build public confidence, the Center urges the NEC to publish the results of individual polling stations as quickly and widely as possible and to thoroughly review the results, especially those based on manual tabulation, which lack the safeguards of the electronic tabulation system, or where other deviations from procedure occurred. A swift posting of all polling station results could allow stakeholders to verify the accuracy

of the official data, addressing ongoing doubts as to the credibility of the results. The NEC should make individual polling station results available so that all parties have access to the necessary evidence for meaningful complaints, appeals, and challenges to election results. The NEC and the Court should allow complaints and appeals to be submitted as and when individual polling station results are available.

The counting and tabulation period was generally peaceful in most areas; however, serious incidents were reported in several states. In South Darfur, 22 people died in fighting in the East Jebel area, disrupting polling and counting. Post-election-related violence in Unity State resulted in three deaths and a number of injuries. The Center expressed alarm about this incident and urged the security forces, local authorities, political parties and candidates to demonstrate restraint and respect for peaceful civil protest. Beyond the serious violence in South Darfur and Unity State, there were also instances of unwarranted detention and mistreatment of state High Election Committee (SHC) staff by security forces in Northern Bahr al Ghazal and Western Equatoria.



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In Central Equatoria, theft of computers and gubernatorial Results Forms from the SHC by unidentified armed security forces is of great concern. It is important that state authorities abide by the rule of law and ensure that citizens, candidates, and election management staff are not harassed or unlawfully detained. Moreover, both the Government of National Unity and Government of Southern Sudan have an important role to play in promoting security of the person.

A number of political parties have rejected, or declared that they will challenge, the election results in court. It is essential that the NEC and the National Supreme Court act in a timely fashion to facilitate this process impartially and in compliance with Sudan's international commitments.

While welcoming the holding of national elections in Sudan, the Center notes that the elections are only one of a broader set of commitments in the Comprehensive Peace Agreement (CPA). In the months ahead, it is important that Sudan ensure that the flaws and irregularities in the 2010 elections are addressed so that future electoral processes are improved and a substantive democratic transformation is enabled. Improving the conduct of anticipated elections in Gezira, South Kordofan, and other areas is critical. In addition, Sudanese leaders need to redouble efforts to address the other democratic commitments outlined in the CPA that remain unfilled.

The Carter Center Election Observation Mission has been in Sudan since February 2008 following an invitation from the leaders of the Government of National Unity and the Government of Southern Sudan. In early-April 2010, the Center deployed

more than 70 short-term observers to observe the balloting, counting, and tabulation processes for the national elections. The Carter Center observation mission was led by former U.S. President Jimmy Carter, former Algerian Foreign Minister and member of the Elders Lakhdar Brahimi, former prime minister of Tanzania and Justice Joseph Sinde Warioba, and Carter Center President and CEO Dr. John Hardman. Following the conclusion of polling on April 15, Carter Center observers remained in all the states of Sudan to observe the counting and tabulation process at polling stations and centers, state data centers, and the national data center in Khartoum. Carter Center core staff and long-term observers continue to assess the post-election complaints and appeals process and their resolution, and will remain to observe the preparations and implementation of the state legislative assembly elections in Gezira and South Kordofan and other rescheduled elections.

The Carter Center assesses Sudan's electoral process against the country's 2005 Comprehensive Peace Agreement, Interim National Constitution, the National Elections Act, the Political Parties Act, and the international obligations required of Sudan by international treaties. The Center's observation mission was conducted in accordance with the Declaration of Principles for International Election Observation.

The following statement covers the counting and tabulation phase. The Center released a report on April 17 on the polling phase of the election that should be read in conjunction with this statement, which is preliminary. The Carter Center will publish a final report after the end of the electoral process.



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FOR IMMEDIATE RELEASE

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OBSERVING SUDAN'S 2010 NATIONAL ELECTIONS

STATEMENT ON SUDAN'S COUNTING AND TABULATION PHASES

May 10, 2010

The Carter Center commends the efforts of Sudan's polling and data entry staff to work long hours during the counting and tabulations process—on the heels of five full days of voting—and recognizes the collegial spirit shown by most political party agents and members of the security forces in supporting relatively peaceful counting and tabulation. In spite of these efforts, the Center reports that the counting and tabulation phases of Sudan's national elections were highly disorganized, non-transparent, and vulnerable to electoral fraud.

With state assembly elections still to be held in Gezira and Southern Kordofan and re-run races due to be held for dozens of seats throughout Sudan, it is important that measures be taken to correct the identified deficiencies in order to ensure the integrity of future polling.

On April 16, after five days of polling, counting of ballots began at polling stations around the country. Results Forms were then transported to the state High Election Committees (SHCs) for tabulation in the state capitals with results from each state then transmitted to the National Elections Commission (NEC) in Khartoum. There were delays in counting in some areas and logistical problems with the retrieval of ballots and Results Forms.

The NEC's system for the counting and tabulation phases was implemented inconsistently, a problem compounded by insufficiently trained staff, inadequate resources, a lack of transparency and logistical problems in many of Sudan's states. While the NEC designed an electronic tabulation system that contained numerous safeguards for data entry, the process was generally not followed as prescribed. This prevented key verification steps from occurring and compromised the accuracy of the results. In some cases, officials resorted to manual tabulation and ignored the NEC's planned data security measures. The Carter Center urges the NEC to comprehensively verify the results received from SHCs to ensure that the integrity of the election is not further undermined.

The NEC is entitled to declare final results up to 30 days after polling has ended.¹ Since full polling station results are not yet available, candidates' ability to challenge results is substantially limited. Premature declaration of the final results will preclude candidates' recourse to challenging election outcomes. The NEC and the Court should use its authority to ensure that complaints and appeals may be filed on the basis of disaggregated, individual polling station results when they are available.²

Carter Center observers remained in all states of Sudan³ to observe the counting and tabulation process at polling stations and centers, state data centers, and the national data center in Khartoum. The statements in this report are drawn from the direct observations of Carter Center observers and core staff members.

¹ National Elections Act, Article 82.

² The NEC has previously demonstrated its discretion to alter the complaints period when its start was postponed until after the Presidential results were released.

³ The Center did not observe the full tabulation process in West Darfur because of security concerns and withdrew its observer team prior to completion of tabulation.



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Counting

An accurate and non-discriminatory vote counting process, including the announcement of results, is an essential means of ensuring that the fundamental right to be elected is fulfilled.⁴ The Center notes the failure of officials to follow proper administrative procedures and to reconcile the number of ballots received with the number of ballots counted (i.e., valid, invalid, spoiled, and unused). This resulted in a significant number of Result Forms being inaccurately completed. The failure to correctly reconcile votes cast at the polling station created a significant burden for the SHCs and left the results process more vulnerable to manipulation at subsequent stages.

In most areas, counting began on April 16, the day following polling, in accordance with directives issued by the NEC. However, in Blue Nile, Gedaref and Upper Nile counting commenced immediately following the close of polling, demonstrating that a number of areas did not receive adequate instructions, nor did the station workers receive their prescribed rest.

In Abyei, Eastern Equatoria, Jonglei, Lakes, South Kordofan and Upper Nile, the Center witnessed political party agents assisting polling officials in counting ballots, although the Center cannot conclude that this practice was conducted with malicious intent. In West Darfur and Eastern Equatoria, security personnel participated in the counting process in contravention of electoral procedures.⁵

Carter Center observers reported that votes were often determined to be invalid when the marks upon them were not placed exactly within the circle, even when the intent of the voter seemed clear. According to Section 77 of the National Elections Act of 2008 (NEA), the vote should be considered valid as long as the voter's choice can be reasonably ascertained without any doubt. This is also in line with international best practice.

Forms were routinely not completed properly nor displayed outside of polling stations as required to ensure transparency.⁶ There was a lack of consistency in releasing results at the polling stations, with practice varying widely from state to state. The posting of results at the polling station level directly after counting has concluded helps to increase the transparency of the process. The failure to post results in all locations represents a lost opportunity to improve confidence in the integrity of election results at the community level.

Retrieval of Sensitive Materials

Logistical problems, which delayed the distribution of ballots to constituencies nationwide, also hindered the retrieval of ballot boxes, results forms, official complaints and other sensitive materials at the conclusion of the count. In South Kordofan and throughout Southern Sudan, the removal of materials from rural areas was delayed by several days due to transportation problems. This increased the potential for manipulation and delayed the start of tabulation in some states. The support of the United Nations Mission in Sudan (UNMIS) to the NEC in transporting electoral materials to the state capitals from remote locations was vital.

⁴ International Covenant on Civil and Political Rights, Art 25(b)

⁵ NEC Polling and Counting Guide for Election Officials, p 27; At one polling station in El Geneina, security personnel were the only people observed counting the ballots.

⁶ The display of polling station level results is recognized as international good practice. See for examples, EISA and Electoral Commissions Forum of SADC, PEMMO, p. 26. Promoting access to information is one of Sudan's commitments, see for example, UN Convention Against Corruption (UNCAC), art. 13(b).



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Tabulation

Carter Center observers reported that the tabulation process was chaotic and lacked transparency throughout the country, raising serious questions about the accuracy of election results. The integrity of the process was undermined by a series of problems, including: inadequate training for data entry staff, a failure to use established safeguards against fraudulent or erroneous results, design flaws in the electronic tabulation system, and alterations of results that deviated from standard procedures. While alterations to results were often an attempt to correct mathematical errors, in some cases numbers were arbitrarily changed without clear explanation.

Carter Center observers in state tabulation centers noted wide-ranging problems with the vast majority of Results Forms handled by data entry staff. Common problems included clerical errors, simple mathematical miscalculations or discrepancies in the reconciliation data on the Results Forms. The Center directly observed many forms with serious flaws, including forms returned blank or with critical information missing such as the polling center, station, constituency information or results. This was a problem observed routinely in data centers in 16 states. Observers reported that forms frequently did not bear the stamp or have complete signatures of the polling station head or political party agents, measures intended to demonstrate the acceptance of the reported results by relevant stakeholders.

The NEC should address the allegations of inaccuracy that have been raised in numerous constituencies and states in order to build public confidence in the results.

Access to tabulation centers

Political party agents as well as domestic and international observers had difficulty in accessing and observing the tabulation process. The role of security agencies and SHC staff in preventing or limiting access by party agents and domestic and international observers in the tabulation centers runs counter to provisions of the NEA, Article 80, Sudan's obligations,⁷ and also to international and regional best practice.

In seven states, Carter Center observers were completely denied or given only limited access to the tabulation process, contrary to the Center's Memorandum of Understanding with the NEC. In El Fasher, North Darfur, Carter Center observers were repeatedly prevented from observing tabulation, only to find that the SHC was holding night tabulation sessions despite being told by data entry staff that the state's data center had closed at 6pm. In Khartoum and South Darfur, observers found that parallel tabulation operations were taking place in different locations – one being the official data center to which observers had access and the other where manual tabulation occurred and access was limited. In Upper Nile, Center observers reported that all tabulation of forms appeared to be conducted manually in a locked room to which they had limited access and where political party agents and observers were notably absent.

Domestic observer accreditation badges issued for some organizations were only valid from April 11-18, thereby restricting their ability to observe the entirety of the tabulation process. In some cases, SHC officials did not allow Sudanese observers and party agents access to the tabulation centers, while in four

⁷ Access of political party agents and domestic observers is supported by Sudan's international commitments, such as ICCPR, article 25; UN Office of the High Commissioner for Human Rights, General Comment 25, Paragraph 20. The access of international observers is required by regional and international best practice, EISA and Electoral Commissions Forum of SADC, PEMMO, p. 26, International IDEA, *Legal Framework*, p77-78.



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SHCs the data center rooms were cramped, restricting the number of observers who could be present at a given time. The lack of awareness by many domestic observers and party agents that access to the data center was permitted also contributed to their limited presence.

Inadequate preparations for tabulation

In nine states, The Carter Center observed that officials had, in general, not made adequate preparations to conduct tabulation. Of these affected states, observers reported that six SHCs had only just begun to recruit and train necessary staff when counting ended. The operational manual was finalized on April 12 and not received by SHCs until just days before tabulation started, leaving little time for familiarization with the complex system. This led to the late or inadequate training of data entry staff and management.⁸ Delays in the payment of staff temporarily halted tabulation in Central Equatoria, Eastern Equatoria, Northern Bahr al Ghazal, Jonglei and Lakes, with a number of confrontations and scuffles occurring in the vicinity of SHC offices.

Compromising tabulation safeguards

To ensure that genuine arithmetical errors are detected, as well as to identify cases where results are questionable, the NEC developed a dual entry results management system based on an Excel spreadsheet to be used concurrently with a more sophisticated software results management system.⁹ Only when used together were the appropriate safeguards in place to isolate results that required further investigation and corrections. The results management system included built-in warnings that flagged for closer scrutiny those polling stations with various potential anomalies, e.g., where the number of participating voters was greater than 95 percent of the number of registered voters, where the number of ballots issued to voters was higher than the number of registered voters or participating voters, and where the total number of votes in the ballot box was higher than the number of registered voters.¹⁰ If any of the 11 quarantine factors were triggered, the entry was flagged and should not have been released until an appropriate investigation was conducted and corrective measures taken.

However, in over half of the states monitored, Carter Center observers reported that the SHC employed only one component of the electronic system. This prevented the results management safeguards from being applied properly and opened the door to actions that could compromise the integrity of the process.

Even in the data centers that used both systems as designed, the automatic safeguards provided by the results management system were observed to be overridden or ignored by data entry staff in a number of states. There was a high-level of quarantined results in most states; informed sources reported 25 to 30 percent of forms triggering the software safeguards, with a particularly high level of data results quarantined in Unity, Central Equatoria, North Kordofan, Red Sea, Warrap and Gedaref.

The failure to consistently apply key safeguards is a critical weakness in the implementation of the results management system. Reliable sources informed the Center that over the course of the tabulation process, NEC advised officials in all states to adopt a primarily manual tallying system, sometimes in parallel with the data processing system and sometimes abandoning computerized tabulation all together. This appears

⁸ In Upper Nile the NEC data entry trainer did not arrive until April 19, four days after polling had finished.

⁹ Section 4.2, NEC Operational Manual for Election Results Processing, p. 16.

¹⁰ Initially the ninth NEC quarantine trigger was set to isolate forms with 85 percent of votes cast for one candidate, however, this was changed mid-way through tabulation to a 95 percent threshold to expedite the process.



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to have been motivated by a desire to speed the delivery of preliminary results, as well as frustrations with the high frequency of results that were quarantined due to problematic Results Forms. No instructions, official forms or training was provided for manual tabulation, resulting in a lack of standardization in the process. In Khartoum state, the SHC informed observers that the data entry process had been halted due to serious concerns about the quality of many forms, which led the NEC to intervene and establish a secondary manual tabulation center. At this secondary site, the process was highly chaotic, with counting forms not properly organized, secured or safe-guarded. Observers reported officials tabulating results on loose sheets of paper and crudely constructed forms in most states. The unplanned manual tabulation has undermined the accuracy of the results process. Ideally, results management systems should prevent either the SHCs or NEC from arbitrarily bypassing it without first resolving the discrepancy.

In at least a quarter of observed states, data entry staff were frequently observed altering Results Forms, increasing or decreasing both the number of invalid votes and also the number of votes won by candidates so as to reconcile the figures. This raises serious questions about the accuracy of the results and makes it extremely difficult to track how votes were tallied and how discrepancies were resolved at each data center.

While some changes to Results Forms were made with red pens and initialed to make the editing clear and attributable, in many cases it is impossible to ascertain where and when these corrections were made or by whom, diminishing accountability.¹¹

The problems reported in the tabulation process indicate a number of areas where the process lacked critical safeguards and transparency, opening the door to manipulation. While many instances can be ascribed to error, in at least seven state data centers Carter Center observers reported a significant number of polling stations with unusual or questionable voting patterns or data that should be investigated.¹² For example, observers noted numerous stations with 100 percent voter turnout, including in Hameish Koreib, Kassala, or where 100 percent of votes were cast for one candidate or party, as was observed in Kassala and Red Sea for the NCP and in Eastern Equatoria and Warrap for the SPLM. In Eastern Equatoria, Khartoum, Unity and West Darfur states, observers noted Results Forms on which the number of participating voters exceeded the number of registrants.

Without the safeguards of the quarantine system, it is much more difficult to detect and investigate problematic polling station results. The NEC should consider isolating stations and constituencies where there are serious questions about the accuracy of the results.

It is understood that polling station results could be excluded from the final results tally with the agreement of the NEC and the returning officer in those cases where significant irregularities have been identified. The NEC operational manual does not clearly define the level of irregularities deemed significant, nor what should be done in order to verify that the results are not fit to include in the final tally. The Center urges the NEC to make every reasonable effort to prevent unnecessary disenfranchisement. To achieve this mandate, a thorough physical investigation of the relevant paperwork and ballots, if necessary, should be undertaken before individual polling station results are excluded.

¹¹ In Warrap, Carter Center observers noted use of explicitly prohibited white-out rather than the required red-ink pens as required in Section 3.5, NEC Operational Manual for Election Results Processing, p. 14.

¹² Initially, the NEC's results management software was set to quarantine forms with 85 percent of votes for one candidate; this was increased mid-tabulation to 95 percent to expedite the process.



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NEC review of results before announcement of final results

Before final results are declared, it is important that the NEC make every effort to ensure that information published is accurate, consistent and comprehensive. Given concerns about tabulation weaknesses across Sudan and unauthorized alterations to candidates' vote tallies on Results Forms, the Center urges the NEC to conduct a thorough internal review of the results reported by the SHCs, especially where results are based on manual tabulation or deviation from standard procedure occurred. This should include steps to: identify and investigate polling stations results that may be incorrect; investigate complaints and allegations of fraud with manual recounts of ballots undertaken where necessary; and investigate any results previously quarantined by the electronic results management system to ensure credibility of and public confidence in the overall results.

Polling Station Level Results

To enable the public and other stakeholders to verify the validity of the results and to increase public confidence, it is important for the NEC to publish the final results for all elections disaggregated by individual polling stations in national media, the state gazette and on the NEC website. Similarly, the NEC should also release detailed results of all the stations that were excluded from the final tally, along with the reasons for their removal. Further to this, the NEC should consider displaying all Result Forms at the SHCs and NEC. Such steps are consistent with international and regional good practice, in order to meet obligations for access to information and the prevention of corruption.¹³

Election Challenges and Appeals

The results for many electoral offices remain outstanding and will be announced on a rolling basis. In addition, those results already announced are provisional pending the conclusion of the NEA mandated period during which disputes may be filed with the Supreme Court. In accordance with the NEA, Article 81, this complaints period is defined to be seven days from the official date of the declaration of a winner in each specific race. The Court then has two weeks to reach a decision on submitted cases. The development of such deadline for the submission and consideration of complaints is in line with commitments to ensure a timely remedy.¹⁴ However, there is a notable lack of information concerning the appeals process. In order to ensure awareness of legal remedies, the NEC should clarify the appeals procedures and ensure that candidates have the ability and resources to submit necessary complaints. In particular, the Center is concerned that appeals can only be lodged in Khartoum, which increases the financial and logistical burden for candidates in areas far from the capital. The NEC should consider allowing appeals to be submitted after the release of individual polling station results and exercise flexibility in application of the deadline for appeals.

The NEC's provision of a mechanism to receive complaints (via NEC Form 7 Complaints Form) from political parties at the polling stations was welcome. However, observers frequently reported that Form 7's were absent from polling stations, depriving aggrieved parties of their right to lodge complaints and establish a legal record of complaints received. Critically, once Complaints Forms reached the SHCs, no further action was prescribed. Without a systematic process to handle complaints, the utility of the form was reduced to potential evidence for results challenges. The Complaints Form procedure limits recourse to political parties and candidates only, depriving voters, poll workers and civil society of a complaints mechanism. Complaints Forms were unavailable at and inapplicable to the tabulation and data entry process, stripping this critical electoral phase of documented objections. While some Complaints Forms

¹³ ICCPR, article 19; UNCAC, Art. 10(a); AU Convention on Preventing and Combating Corruption, Art. 9.

¹⁴ African Charter on Human and People's Rights, Article 7; African Charter on Democracy, Elections and Governance, Article 17(2)



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led to on site resolution during counting at the particular polling station, the mechanism falls short of guaranteeing the general right to an effective remedy, especially during results processing.¹⁵

Elections to be Re-scheduled

The Carter Center urges the NEC to undertake preparations for polling in the 40 constituencies where elections were suspended or re-runs are necessary, as well as in the previously delayed elections for Gezira and South Kordofan states as soon as possible. Given previous tensions in South Kordofan, unnecessary electoral delays may add to existing feelings of exclusion. In all areas, steps should be taken to ensure that the quality of the voters lists for future elections are substantially improved, including an increased period of time for public display and correction. Transparent procedures should also be put in place to manage the counting and tabulation of results.

Looking forward, the NEC could help to ensure improved confidence and accuracy of the election results by ensuring proper training of all data entry staff, adherence to established policies and procedures for tabulation and the timely release and public display of results at the polling station level. Moreover, it is important that the Government of National Unity and Government of Southern Sudan work diligently to guarantee the safety and security of polling station and data center staff throughout the process, as well as ensuring that security forces play a constructive role that does not undermine the will of the people.

Major Incidents and Violence

Beyond the technical and logistical difficulties of the counting and tabulation phases, Carter Center observers noted serious incidents of intimidation, arbitrary detention and violence against election management staff, party agents and citizens.

Government sources estimate that 22 people were killed in fighting between tribal groups in East Jebel constituency in South Darfur,¹⁶ while other credible sources put the figure between 100 and 300. Reports of the number of fatalities and the affiliation of the protagonists are unconfirmed in part because UNAMID human rights investigators did not have access to the conflict area. The Government of Sudan fundamentally has a responsibility to guarantee the security of the person.¹⁷ In addition, restrictions on the freedom of movement also raise questions about the civil and political freedoms enjoyed by Sudan citizens during the elections, particularly in the Darfur region.

Moreover, in Kass constituency, adjacent to East Jebel, additional fighting between the same two groups reportedly stopped polling early. Counting was similarly affected as ballots were counted away from several polling centers due to the security situation.

Carter Center observers also reported a number of instances of violence during counting and tabulation in Western Equatoria. In Constituency 23, Yangiri ballots stored were set ablaze, but the original Results Forms had already been submitted to the SHC, limiting the long term negative impact of this action, in Yeri Constituency 6, however, ballots and Result Forms were burnt prior to transmission and could not be salvaged. The destruction of election materials is a cause for concern and an investigation should be

¹⁵ ICCPR, article 2(3); Protocol 1 on the Rights of Women, to African Charter on Human and Peoples' Rights, article 25

¹⁶ GOS stated the fighting was between tribes while other sources stated it was between Border Intelligence Guards (a government security force largely drawn from one tribe) and armed civilians from other tribes.

¹⁷ ICCPR, article 9 (1).



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undertaken into the circumstances surrounding the fire. The Center welcomes the NEC's announcement to include Yeri Constituency 6 in the scheduled June re-vote.

On April 24, state authorities in Yambio, Western Equatoria state took control of the SHC's premises and the guards, including the personal guards of the SHC Chairman, were replaced by other policemen including soldiers in police uniforms. According to the SHC Chairman, the state committee had neither requested nor been informed about the replacements. The new police force and the SPLA soldiers deployed outside the premises and around the town were not from the local police force. Subsequently, the head of the data center and one of his assistants were arrested by the SPLA and taken to the barracks where they were manhandled. After their release, the two staff members went into hiding. The NEC and Government of Southern Sudan should take steps to ensure that the rule of law is respected and the electoral management staff is not threatened or subject to unlawful detention or arrest.¹⁸

In Central Equatoria, the Carter Center observed gubernatorial-level Results Forms for polling stations in the four state constituencies of Terekeka County with substantially higher rates (+90 percent) of participation than were indicated by turnout in other areas of the state or for the other executive races (44-48 percent). In Terekeka, votes appear to have been added to the incumbent governor's tallies, increasing his apparent margin of victory. In a worrying demonstration of interference by the security services, an SHC official reported that on April 27, unidentified armed men forced entry to the SHC offices and warehouse in Juba, and removed computers and the results of the gubernatorial race from 14 constituencies without justification. While a police report has been filed, no satisfactory explanation has yet emerged and a thorough investigation has not yet occurred.

According to Carter Center observers, domestic observers, party agents, and candidates, the elections in Unity State suffered from large-scale intimidation, violence, flaws in administration, and indications of manipulation. Leer and Pariang counties were the most problematic, calling into question the accuracy and integrity of the results in these counties and potentially impacting the result at the state level. Candidates of different political parties from Pariang County also lodged numerous complaints about their agents being chased away from polling stations, the stuffing of ballot boxes, destruction of ballot papers for independent candidates, unsigned Results Forms by party agents, and the continuation of polling after the official closing on April 15, all claims which require further investigation by the NEC. At the state data center, Carter Center observers witnessed the delivery from Pariang County of a significant number of blank Results Forms for the governorship, as well as forms that listed more ballots cast than there were registered voters in the polling station. As in the rest of Sudan, it is important that the NEC release results by polling station in Unity State, and additionally that the steps in the ongoing complaints process are followed diligently and reviewed closely by the Supreme Court.

Also in Unity State, SPLA security forces in Bentiu clashed with protesters immediately after the announcement of results, leading to the death of three people and numerous injuries. The state government in Unity as well as the Government of Southern Sudan should work closely with the security forces to ensure an investigation is opened regarding the killings.

In Northern Bahr al Ghazal, serious irregularities were reported during polling and counting, attributed largely to the incumbent governor and county commissioners. Carter Center observers interviewed a polling station head who was detained during polling by the SPLA and showed visible signs of being beaten. This electoral officer reported more than a hundred other detained polling staff and party agents at

¹⁸ International Covenant on Civil and Political Rights, Article 9; AfCHPR, Article 6.



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the barracks where he was detained. After polls closed, continued interference was reported to Carter Center observers by electoral authorities. In two counties, local commissioners using SPLA soldiers or other security agents also tried to interrupt counting and alter results. A senior constituency election officer was detained for 24 hours. Electoral officials reported that, threats were also made to detain other heads of polling stations if they did not falsify results. According to a member of Northern Bahr al Ghazal's SHC, on several occasions stuffed ballot boxes were delivered to polling stations by the governor's staff, and threats were made against the SHC when they did not comply with the governor's directions. This interference is unacceptable and compromised the integrity of the vote in Northern Bahr al Ghazal in contravention of Sudan's international commitments to ensure equal suffrage and fight corruption.¹⁹ The Carter Center urges the GoSS to assure the safety of SHC members and staff. In addition, the GoSS, in coordination with the NEC, should work with all the members of the SHC to locate polling stations that suffered irregularities and to conduct a full investigation.

The Carter Center Election Observation Mission has been in Sudan since February 2008 following an invitation from the leaders of the Government of National Unity and the Government of Southern Sudan. In early-April 2010, the Center deployed more than 70 short-term observers to observe the balloting, counting, and tabulation processes for the national elections. The Carter Center's observation mission was led by former U.S. President Jimmy Carter, former Algerian Foreign Minister and member of the Elders Lakhdar Brahimi, former prime minister of Tanzania and Justice Joseph Sinde Warioba, and Carter Center President and CEO Dr. John Hardman. Following the conclusion of polling on April 15, Carter Center observers remained in all the states of Sudan to observe the counting and tabulation process at polling stations and centers, state data centers, and at the national data center in Khartoum. Carter Center core staff and long-term observers continue to assess the post-election complaints and appeals process and their resolution and will remain to observe the preparations and implementation of the state legislative assembly elections in Gezira and South Kordofan and other rescheduled elections.

The Carter Center assesses Sudan's electoral process against the country's 2005 Comprehensive Peace Agreement, Interim National Constitution, National Elections Act, Political Parties Act, and the international obligations required of Sudan by international treaties. The Center's observation mission was conducted in accordance with the Declaration of Principles for International Election Observation.

The following statement covers the counting and tabulation phase. The Center released a report on April 17 on the polling phase of the election that should be read in conjunction with this statement, which is preliminary. The Carter Center will publish a final report after the end of the electoral process.

¹⁹ UN ICCPR, art. 25 (b); UNCAC art. 18.



APPENDIX F

CARTER CENTER OBSERVER DEPLOYMENT PLAN





THE CARTER CENTER

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APPENDIX G

REGISTRATION AND ELECTION DAY CHECKLISTS

VOTER REGISTRATION CHECKLIST

SUDAN VOTER REGISTRATION CHECKLIST			THE CARTER CENTER	
Observer Team Names:		Team #:	Date:	
Constituency:		State:	Arrival Time: am pm	
Reg. Center Name:		Reg. Center #:	Departure Time: am pm	
Reg. Center Hours of Operation: am pm / am pm		Mobile ☐	Static ☐	
VOTER REGISTRATION STATISTICS				
1. How many people registered at this center today? _____		4. How many people are registered at this center since it started operating: _____		
2. Is the gender of registrants being recorded in the registration book? Y N (if so please answer Qs 3&5)		5. Record the percentage of total registrants that are women: _____ %		
3. How many women registered at this center today? _____		6. If mobile, how many days will this team be in this location? _____		
REGISTRATION CENTER OPERATION				
Instructions: Read the question carefully. Based on your observations, put an 'X' in the appropriate box of the 'Direct Observation' column. Please only put an X in the 'not applicable' box if you cannot answer the question, or it is not relevant. If you answered "No" to any question, or irregularities occurred, you must provide details in the 'Comments' section on the back of the form. When possible, ask domestic observers and/or political party agents for their observation during the period prior to your arrival and record their answers in the 'Comments' section at the bottom of the form. Please note that you should record their answer even if it differs from your direct observations, and always clearly distinguish between your direct observations and reports that you receive from others.				
				Direct Observation
				YES NO N/A
QUESTIONS TO ASK OF VOTER REGISTRATION WORKERS				
7. How many hours/days without a break have registrars been expected to work?				
8. Did voter registration workers receive adequate support from the Constituency Election Officer, State High Committee, or NEC as necessary?				
9. Have the registrars been receiving their correct remuneration without delays or issue from the appropriate election committees?				
10. Prior to opening, did the registrars inspect materials to ensure they had been stored securely?				
11. Did the registration center have adequate amounts of all necessary registration materials? Please see page VR Handbook p. 11.				
12. For each new registration location, did the registrars begin registering citizens in a new, unused registration book?				
13. Did registrars correctly fill out the necessary information on each registration book cover prior to registering citizens?				
14. Do registrars have a clear plan for completing the transfer of completed registration materials to the Constituency Election Officer at the end of the day?				
QUESTIONS TO ASK OF CITIZENS, DOMESTIC OBSERVERS AND PARTY AGENTS				
15. Were citizens informed about the registration process through state run voter education programs? Target citizens, domestic observers, and party agents for their opinions.				
16. On average, how far did citizens have to travel to reach the registration center, based on 5 citizens? _____ km				
OPENING OF REGISTRATION				
17. For mobile registration units, was the registration team on location at the date and time mandated by the electoral authorities?				
18. Were the appropriate registration officials present (head of registration and two registrars)? If not, please note which officials were absent.				
19. Did the registration officials seem well-trained, well-organized and efficient?				
REGISTRATION PROCEDURES				
Prior to registering, were citizens asked to establish their eligibility by answering the following questions? If no, please indicate which questions were not asked. ☐ the registrant's full name ☐ the registrant's nationality ☐ the registrant's place of residence ☐ the registrant's duration of residence ☐ the registrant's age 20. ☐ if registrant is registered in another constituency/place				
21. Was everyone who appeared eligible allowed to register?				
22. If registrars had doubts about the eligibility of a citizen, did they ask for proof of eligibility? (Please see VR Handbook p. 14 for a list of acceptable identification documents)				
23. Did the registration team appear to choose which citizens to ask for additional ID from in an objective and reasonable manner?				
If a citizen could not provide appropriate ID were they given an opportunity to substantiate their eligibility through the use of an identifier or proper witness? (See VR Handbook p. 15) Please indicate who served as the identifier/witness. ☐ Registration staff ☐ Religious leader ☐ Umda, Sheikh, Sultan 24. ☐ Head/member of people's committee				
				Direct Observation

(continues)



VOTER REGISTRATION CHECKLIST (continued)

	YES	NO	N/A
25 If any citizens were deemed ineligible, was this determined on the basis of objective and reasonable criteria?			
26 For all eligible citizens, did the registration team properly complete the necessary information in the registration book, detach and laminate the registration receipt, and give this receipt to the registered citizen?			
27 Were the voter registration forms completed clearly and legibly?			
Did the registration team inform all registered citizens of their rights and responsibilities in accordance with p. 17 of the VR handbook? If not, please indicate what was not explained to citizens. ☐ their right to view and challenge the preliminary voters register during the exhibition period ☐ that they should return to the same location (or the polling center nearest that location) on election day ☐ the importance of keeping their registration receipt as proof of eligibility			
28 Was the registration process free from technical or logistical problems? If not, please indicate the appropriate problem from the list below ☐ Problems with carbon copy books ☐ Problems with lamination ☐ Inadequate/poor materials ☐ Lack of understanding on the part of citizens/registrars ☐ Other _____			
29			
30 Do citizens appear to understand the process?			
31 Did registration centers accommodate registration by persons with disabilities?			
32 Did registration procedures/materials accommodate registration by persons who are illiterate?			
33 Did registration centers accommodate women with children?			
SECURITY ISSUES			
34 Was registration conducted in a peaceful and orderly manner?			
35 Were citizens able to register free from intimidation, harassment, or violence?			
Were security forces/police present outside the registration center (at least 10m away)? Please indicate which security forces were present. ☐ Sudan Police ☐ SAF ☐ SPLA ☐ Natl. Security ☐ Military Intel. ☐ Other _____			
36 If so, did they play a positive role in the registration process, not interfering with registration and not entering the polling station unless asked by the registration head for a specific purpose?			
OBSERVATION			
38 Were domestic observers present at the registration center? Please list which organizations and affiliated NGO networks, if any were represented.			
39 Were observers duly accredited and wearing appropriate ID badges?			
40 Were parties represented by their agents at the registration center? Please list which parties were represented.			
41 Were domestic observers, media personnel, and party agents given reasonable access to monitor registration procedures?			
COMPLAINTS PROCEDURES			
42 Do citizens and party agents appear to understand the procedure for filing a complaint, including the right to appeal to a higher electoral committee if remedy is not granted by the registration head?			
43 Did registration officials follow the formal complaints and objections procedure, including writing all complaints in the registration journal? See p. 23 of the VR handbook			
44 Were complaints, challenges, and objections handled by the registration head in an effective and objective manner?			
CLOSE OF REGISTRATION			
45 Were all citizens who arrived prior to 17:30h allowed to register?			
46 Did officials prevent citizens who arrived after 17:30h from registering?			
47 After the close of registration did the registration head collect all VR materials, store them safely, and complete the daily report? See p. 20 of the VR handbook.			
48 Did the registration team detach two carbon copies of all registration forms, insert these into tamper evident envelopes, and give the envelopes to the Constituency Election Officer?			
49 For mobile registration units, at the close of the final day of registration in a location did the registration head complete a final report on registration in that location?			
COMMENTS			
Instructions: In the box below, please provide details regarding any question to which you responded "No." Please also provide details of any complaints or irregularities that occurred at the registration center that you observed. If additional space is required, please attach additional sheets of paper to the report form or write on the back of the page.			



THE CARTER CENTER

OBSERVING SUDAN'S 2010 NATIONAL ELECTIONS

POLL OPENING CHECKLIST

 THE CARTER CENTER SUDAN GENERAL ELECTIONS, April 2010	Observer Team Number:	Date (month/day):		
	Electoral Constituency:	Arrival Time (24hr): : :		
	Polling Center Number:	Departure Time(24 hrs): : :		
	Polling Station Number:	☐ Urban ☐ Rural		
		YES	NO	N/A
OUTSIDE THE POLLING CENTER				
1	Was the environment around the polling center: ☐ calm ☐ somewhat calm ☐ tense ☐ violent			
2	Was the environment around the polling center: ☐ orderly ☐ somewhat orderly ☐ disorderly ☐ very disorderly			
3	Was the polling center environment free from campaigning activities?			
4	Was the area surrounding the polling center (including roads and paths) free from obstructions or barricades which could preclude its accessibility for voters?			
5	Was the polling center accessible to all voters with disabilities?			
INSIDE THE POLLING STATION				
6	How many polling staff were present? ☐			
7	How many of the polling staff were women? ☐			
8	Did the set up of the polling station facilitate a smooth flow of voters?			
9	How many voters are registered at the polling station?			
10	How many ballots were received at the PS for the presidential election?			
PROCEDURES				
11	IF DAY ONE: Were the ballot boxes presented as empty to all present before sealing?			
12	Were the ballot boxes correctly sealed? If NO , please comment below.			
13	Were domestic observers and agents able to correctly record the seal numbers?			
14	IF A RE-OPENING: Were all ballot boxes properly sealed at the time of re-opening?			
15	Did any domestic observers or party agents note any discrepancy in the ballot box seal numbers?			
16	Did the PS open on time (by at least 8:15am)?			
16A	If NO , please check one of the following: ☐ 08:15 - 09:00 ☐ 09:00 - 10:00 ☐ 10:00 - 11:00 ☐ 11:00 - 12:00 ☐ after 12:00 ☐ did not open today			
16B	If NO , please check one of the following reasons that explains why the polling station opened late: ☐ Polling staff lack of understanding of procedures ☐ Insufficient/missing materials ☐ Insufficient number of polling staff ☐ Insecurity ☐ Other _____			
17	Were adequate election materials available for all registered voters?			
17A	If NO , please check what was missing or insufficient: ☐ official stamp ☐ indelible ink ☐ final voters register ☐ ballot papers ☐ ballot boxes ☐ voting screens ☐ security seals ☐ presidential ballot translation poster (S. Sudan only) ☐ Other			
18	Was the process free from interference (security personnel, party agents, others)? If NO , please comment.			
OTHER PERSONS PRESENT				
19	Were security personnel present at the polling center?			
19A	If YES , did they remain outside the polling station unless invited in by polling station officials?			

(continues)



THE CARTER CENTER

OBSERVING SUDAN'S 2010 NATIONAL ELECTIONS

POLL OPENING CHECKLIST (continued)

20	How many domestic observers were present? ☐ ☐	
20A	How many domestic observers were women? ☐ ☐	
20B	If observers were present, from what organizations? Please check below: ☐ Tamam (NS) ☐ NCF (NS) ☐ SuGDE (NS) ☐ SuDeMop (SS) ☐ SuNDE (SS) ☐ Other	
21	How many political party / candidate agents were present? ☐ ☐	
21A	How many party and candidate agents were women? ☐	
21B	If political party / candidate agents were present, from what parties? Please check below: ☐ NCP ☐ SPLM ☐ Other (please note) _____	
OBSERVATIONS OF DOMESTIC OBSERVERS AND AGENTS		
22	Did any domestic observers or party agents report seeing any problems that you did not witness? If YES , please comment.	
OFFICIAL COMPLAINTS		
23	Were any formal complaints recorded on Form 7? If YES , please explain.	
OVERALL ASSESSMENT		
Instructions for this Section: Put an 'X' next to the statement that best describes your assessment of the election environment and voting process for this polling station. If your response is "poor" or "very poor," it is important that you provide further explanation in the comments section.		
Very Good - No significant incidents or irregularities		
Good - A few incidents or some minor irregularities, but none that had a significant effect on the integrity of the process		
Poor - Incidents or irregularities that significantly affected the integrity of the process		
Very Poor - Incidents of irregularities of such magnitude that the integrity of the process is in doubt		
COMMENTS		
Instructions: In the box below, please provide details of any complaints or irregularities that occurred at the polling station that you observed. You must provide explanation for any observation question to which you answered "NO". If additional space is required, please continue to the back of the form and/or attach additional sheets of paper to the report form.		
Observer Signatures:		Date:



THE CARTER CENTER

OBSERVING SUDAN'S 2010 NATIONAL ELECTIONS

POLLING

 THE CARTER CENTER SUDAN GENERAL ELECTIONS, 2010	Observer Team Number:	Date (mm/dd):
	Electoral Constituency:	Arrival Time (24hr): : :
	Polling Center Number:	Departure Time (24 hrs): : :
	Polling Station Number:	☐ Urban ☐ Rural ☐ YES ☐ NO ☐ N/A
OUTSIDE THE POLLING AREA		
1	Was the environment around the polling center: ☐ calm ☐ somewhat calm ☐ tense ☐ violent	
2	Was the environment around the polling center: ☐ orderly ☐ somewhat orderly ☐ disorderly ☐ very disorderly	
3	Was the polling center environment free from campaigning activities?	
4	Was the area surrounding the polling center (including roads and paths) free from obstructions or barricades which could preclude its accessibility for voters?	
5	Was the polling center accessible to all voters with disabilities?	
INSIDE THE POLLING STATION		
<i>Note: Questions 6-9 will require you to speak directly to polling officials and domestic observers. Please do so only when this will not disrupt the voting process</i>		
6	How many voters are registered at this polling station?	
7	How many ballots were received for the presidential election?	
8	How many voters have voted so far?	
9	Did the PS open on time (by at least 8:15am)?	
9A	If NO , please check one of the following: ☐ 08:15 - 09:00 ☐ 09:00 - 10:00 ☐ 10:00 - 11:00 ☐ 11:00 - 12:00 ☐ after 12:00 ☐ did not open today ☐ has not opened to date	
9B	If NO , please check one of the following reasons that explains why the polling station opened late: ☐ polling staff lack of understanding of procedures ☐ insufficient/missing materials ☐ insufficient number of polling staff ☐ insecurity ☐ other	
10	How many polling staff were present?	
11	How many of the polling staff were women?	
12	Were adequate election materials available for all registered voters?	
12A	If NO , please check what was missing or insufficient: ☐ official stamp ☐ indelible ink ☐ final voters register ☐ ballot papers ☐ ballot boxes ☐ voting screens ☐ security seals ☐ presidential ballot translation poster (S. Sudan only) ☐ Other	
13	Was the voters list properly displayed? If NO , please comment.	
14	Did the set up of the polling station facilitate a smooth flow of voters?	
VOTING PROCESS		
15	Were identification procedures followed properly? If NO , please comment.	
16	Please check all forms of identity verification that you saw used at the polling station while observing: ☐ personal identification document ☐ certificate from the People's Committee (N Sudan) / traditional administrative authority (S Sudan) ☐ two witnesses ☐ none ☐ other (please comment)	
17	Was every voters name crossed out on the voters list after being correctly identified?	
18	Were inking procedures followed properly, including checking for signs of ink before voters were given ballot papers?	
19	Did any people come to vote whose names were not found on the list? If YES , please comment.	
19A	If YES , were they allowed to vote although their name was not on the list?	
20	Were ballot issuing procedures followed properly?	
21	Were the procedures for assisted voting followed?	

(continues)



THE CARTER CENTER

OBSERVING SUDAN'S 2010 NATIONAL ELECTIONS

POLLING (continued)

22	Was the secrecy of the ballot respected? If NO , please comment.			
23	Did the majority of voters appear to understand the process for correctly casting their ballots?			
23A	If NO , did polling station staff providing the necessary information about the process?			
24	Was the voting process free from irregularities?			
24A	If NO , please check all that occurred: ☐ Multiple Voting ☐ Ballot box stuffing ☐ Interruption of voting ☐ Intimidation ☐ Family/Group Voting ☐ proxy voting ☐ Other			
OTHER PERSONS PRESENT				
25	Were security personnel present at the polling center?			
25A	If YES , did they remain outside the polling station unless invited in by polling station officials?			
26	How many domestic observers were present? ☐ ☐			
26A	How many domestic observers were women? ☐ ☐			
26B	If present, from which organizations (please check)? ☐ Tamam (NS) ☐ NCF (NS) ☐ SuGDE (NS) ☐ SuDeMop (SS) ☐ SuNDE (SS) ☐ Other			
27	Were there any restrictions that prevented domestic observers from performing their duties? If YES , please comment.			
28	How many political party / candidate agents were present? ☐ ☐			
28A	How many party and candidate agents were women? ☐ ☐			
28B	If political party / candidate agents were present, from what parties? Please check below: ☐ NCP ☐ SPLM ☐ Other _____			
29	Were there any restrictions that prevented party agents from performing their duties?			
OBSERVATIONS OF DOMESTIC OBSERVERS AND AGENTS				
30	Did any domestic observers or party agents report seeing any problems that you did not witness? If YES , please comment.			
OFFICIAL COMPLAINTS				
31	Were there any formal complaints recorded on Form 7? If YES , please comment.			
OVERALL ASSESSMENT OF VOTING PROCESS				
Instructions for this Section: Put an 'X' next to the statement that best describes your assessment of the election environment and voting process for this polling station. If your response is "poor" or "very poor," it is important that you provide further explanation in the comments section.				
Very Good - No significant incidents or irregularities				
Good - A few incidents or some minor irregularities, but none that had a significant effect on the integrity of the process				
Poor - Incidents or irregularities that significantly affected the integrity of the process				
Very Poor - Incidents of irregularities of such magnitude that the integrity of the process is in doubt.				
COMMENTS				
Instructions: In the box below, please provide details of any complaints or irregularities that occurred at the polling station that you observed. If additional space is required, please continue to the back of the form and/or attach additional sheets of paper to the report form.				
Observer Signatures:		Date:		



THE CARTER CENTER

OBSERVING SUDAN'S 2010 NATIONAL ELECTIONS

POLL CLOSING CHECKLIST

SUDAN GENERAL ELECTIONS, APRIL 2010	Observer Team Number:	Date (mm/dd):					
	Electoral Constituency:	Arrival Time (24hr): :					
	Polling Center Number:	Departure Time(24 hrs): :					
	Polling Station Number:	☐ Urban	☐ Rural				
<table border="1"> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>					Yes	No	N/A
Yes	No	N/A					
OUTSIDE THE POLLING AREA							
1	Was the environment around the polling center ☐ calm ☐ somewhat calm ☐ tense ☐ violent						
2	Was the environment around the polling center ☐ orderly ☐ somewhat orderly ☐ disorderly ☐ very disorderly						
3	Was the polling center environment free from campaigning activities?						
4	Was the area surrounding the polling center (including roads and paths) free from obstructions or barricades which could preclude its accessibility for voters?						
5	Was the polling center accessible to all voters with disabilities?						
INSIDE THE POLLING STATION							
6	How many polling staff were present? ☐						
7	How many polling staff were women? ☐						
8	How many voters are registered at this polling station?						
9	How many ballots were received for the presidential election?						
10	How many voters voted at this polling station?						
FINAL CLOSING PROCESS							
11	Did the head of the polling station announce the close of the polling station at 18:00 (6pm)?						
12	At 18:00h (6pm) approximately how many voters were in line to vote?						
13	Were all voters who were in line at 18:00h (6pm) allowed to vote?						
14	Were all voters who arrived <i>after</i> 18:00h (6pm) turned away without voting?						
15	Did the head of the polling station correctly seal and record the seal numbers (Form 6)? If NO , please comment below.						
16	Did the head of the polling station correctly record the relevant data in the 'Reconciliation and Results' Form? (Form 9)						
17	Were all election materials, including ballot boxes and voting materials, stored securely and according to procedure?						
18	Was the process free from interference (security personnel, party agents, others)? If NO , please comment.						
OBSERVATIONS OF DOMESTIC OBSERVERS AND AGENTS							
19	Did any domestic observers or party agents report seeing any problems that you did not witness? If YES , please comment.						
OFFICIAL COMPLAINTS							
20	Were any formal complaints recorded on Form 7? If YES , please comment.						
OTHER PERSONS PRESENT							
21	Were security personnel present at the polling center?						
21A	If YES , did they remain outside the polling station unless invited in by polling station officials?						
22	How many domestic observers were present?						
22A	How many domestic observers were women?						

(continues)



THE CARTER CENTER

OBSERVING SUDAN'S 2010 NATIONAL ELECTIONS

POLL CLOSING CHECKLIST *(continued)*

23	If observer were present, from what organizations? Please check below: ☐ Tamam (NS) ☐ NCF (NS) ☐ SuGDE (NS) ☐ SuDeMop (SS) ☐ SuNDE (SS) ☐ Other					
24	Were there any restrictions that prevented domestic observers from performing their duties?					
25	How many political party / candidate agents were present? ☐ ☐					
25A	How many party and candidate agents were women? ☐ ☐					
26	If political party / candidate agents were present, from what parties? Please check below: ☐ NCP ☐ SPLM ☐ Other _____					
27	Were there any restrictions that prevented party agents from performing their duties?					
OBSERVATIONS OF DOMESTIC OBSERVERS AND AGENTS						
28	Did any domestic observers or party agents report seeing any problems that you did not witness? If <u>YES</u> , please comment.					
OVERALL ASSESSMENT						
Instructions for this Section: Put an 'X' next to the statement that best describes your overall assessment of the election environment and voting process for this polling station. If your response is "poor" or "very poor," it is important that you provide further explanation in the comments section.						
Very Good - No significant incidents or irregularities						
Good - A few incidents or some minor irregularities, but none that had a significant effect on the integrity of the process						
Poor - Incidents or irregularities that significantly affected the integrity of the process						
Very Poor - Incidents of irregularities of such magnitude that the integrity of the process is in doubt.						
COMMENTS						
Instructions: In the box below, please provide details of any complaints or irregularities that occurred at the polling station that you observed. You must provide explanation for any observation question to which you answered "NO". If additional space is required, please continue to the back of the form and/or attach additional sheets of paper to the report form.						
Observer Signatures: _____ Date: _____						



THE CARTER CENTER

OBSERVING SUDAN'S 2010 NATIONAL ELECTIONS

COUNTING AND RECONCILIATION

 THE CARTER CENTER April Elections 2010	Observer Team Number:	Date (mm/dd):	
	Electoral Constituency:	Arrival Time (24hr): :	
	Polling Center Number:	Departure Time(24 hrs): :	
	Polling Station Number:	Urban ☐	Rural ☐
		YES	NO
N/A			
OUTSIDE THE POLLING AREA			
1	Was the environment around the polling center: ☐ calm ☐ somewhat calm ☐ tense ☐ violent		
2	Was the environment around the polling center: ☐ orderly ☐ somewhat orderly ☐ disorderly ☐ very disorderly		
3	Was the polling center environment free from campaigning activities?		
4	Was the area surrounding the polling center (including roads and paths) free from obstructions or barricades which could preclude its accessibility for voters?		
5	Was the polling center accessible to all voters with disabilities?		
COUNTING PROCESS			
<i>Note: Questions 6 - 10 will require you to speak directly to polling officials and domestic observers. Please do so only when this will not disrupt the process.</i>			
6	How many voters are registered at this polling station?		
7	How many ballots were received for the presidential election?		
8	How many voters voted at this polling station?		
9	Did counting begin immediately after polling? If NO , please comment.		
10	What time did the count begin? :		
11	Was the PS rearranged in a way to allow for a transparent counting process?		
12	Did polling station officials check that ballot box seals were intact?		
13	Were there any discrepancies between the ballot box seal numbers and the numbers recorded on the 'Record of Seals' Form (Form #6)?		
14	Were ballots contained in the boxes sorted according to the procedures?		
15	Did polling staff reconcile between the numbers of ballots issued, the number of ballots in the boxes, and the number of names crossed off the voters list? If NO , please comment.		
16	Was the validity of ballots determined in accordance with procedures? If NO , please comment.		
17	Were all valid ballots accurately counted? If NO , please comment.		
18	Did the head of the PS complete the 'Reconciliation and Results' forms (Forms 9) correctly?		
19	Did any party or candidate agents refuse to sign a 'Reconciliation and Results' form. If YES , please comment.		
20	Were the results announced and posted on the door (form 9) of the polling station? If NO , please comment.		
21	Was the counting process free from interference (security personnel, party agents, others)? If NO , please comment.		
OBSERVATIONS OF DOMESTIC OBSERVERS AND AGENTS			
22	Did any domestic observers or party agents report seeing any problems that you did not witness? If YES , please comment.		
OFFICIAL COMPLAINTS			
23	Were any formal objections recorded on Form 7? YES , please comment		
OTHER PERSONS PRESENT			

(continues)



THE CARTER CENTER

OBSERVING SUDAN'S 2010 NATIONAL ELECTIONS

COUNTING AND RECONCILIATION (continued)

24	Were security personnel present at the polling center?			
24a	If YES, did they remain outside the polling station unless invited in by polling station officials?			
25	How many domestic observers were present? ☐ ☐			
25a	How many domestic observers were women? ☐ ☐			
26	If present, from which organizations (please check)? ☐ Tamam (NS) ☐ NCF (NS) ☐ SuGDE (NS) ☐ SuDeMop (SS) ☐ SuNDE (SS) ☐ Other			
26a	Were there any restrictions that prevented domestic observers from performing their duties? If YES, please comment.			
27	How many political party / candidate agents were present? ☐ ☐			
27A	How many party and candidate agents were women? ☐ ☐			
28	If political party / candidate agents were present, from what parties? Please check below: ☐ NCP ☐ SPLM ☐ Other			
29	Were there any restrictions that prevented party agents from performing their duties?			
OVERALL ASSESSMENT				
Instructions for this Section: Put an 'X' next to the statement that best describes your overall assessment of the election environment and voting process for this polling station. If your response is "poor" or "very poor," it is important that you provide further explanation in the comments section.				
Very Good - No significant incidents or irregularities				
Good - A few incidents or some minor irregularities, but none that had a significant effect on the integrity of the process				
Poor - Incidents or irregularities that significantly affected the integrity of the process				
Very Poor - Incidents of irregularities of such magnitude that the integrity of the process is in doubt.				
COMMENTS				
Instructions: In the box below, please provide details of any complaints or irregularities that occurred at the polling station that you observed. You must provide explanation for any observation question to which you answered "NO". If additional space is required, please continue to the back of the form and/or attach additional sheets of paper to the report form.				
Observer Signatures:		Date:		



OBSERVING SUDAN'S 2010 NATIONAL ELECTIONS

OBSERVATION OF ELECTION RESULTS PROCESSING

THE CARTER CENTER	Observer Team Number:		Arrival Time (24hrs):		
	State:		Departure Time (24hrs):		
	Date (mm/dd):				
	How many PS are in the state, ie. Need to process				
	What is the source of the number of polling stations needed to be processed? Ie. NEC, HEC etc				
	How many PS results have been received:				
	How many PS have been processed:				
	How many elections/races results been finalised? Obtain details if YES and add to comments				
			YES	NO	N/A
1	Were there sufficient staff at the HSC data center?				
2	Did all staff appear to understand their roles and responsibilities?				
3	Have the staff receive training?				
4	How many terminals/data entry computers did the data center have?				
5	Is the data entry done in a paired team with two computers?				
5a	IF 5 is YES, does one computer in the pair have data entry software installed and the other with excel spreadsheets?				
5b	IF 5 is YES, are the data inputters confering over polling station results?				
5c	IF 5 is No, is the system using the data entry software? If not please describe further in the comments.				
6	Are the original results sheets from the polling stations open for inspection? If so please copy results figures to the results spreadsheet.				
7	Was a list of polling stations by constituency developed and distributed within the data center? If NO, please comment.				
8	Were the state and constituency result summary sheets completed accurately? If NO, please comment.				
9	Was adequate security provided at the data center?				
10	Was the process transparent? If NO, please comment.				
Quarantine					
11	Were any polling station results quarantined at the HSC data center?				
11a	If YES to 6, how many?		Number of cases:		
<i>Also please note the polling station, center, and constituency #, details of what and how the data center plans to deal with them in the comment section</i>					
Breakdown of Quarantine:					

(continues)



THE CARTER CENTER

OBSERVING SUDAN'S 2010 NATIONAL ELECTIONS

OBSERVATION OF ELECTION RESULTS PROCESSING (continued)

12a	<i>Quarintined due to flags raised by the software</i>	Number of cases:	
12b	<i>Quarintined due to concerns raised by the datacenter staff</i>	Number of cases:	
12c	<i>Quarintined due to concerns/recount raised at the polling station.</i>	Number of cases:	
OBSERVATIONS OF DOMESTIC OBSERVERS AND AGENTS			
13	Did any domestic observers or party agents report seeing any problems that you did not witness? If YES , please comment.		
OTHER PERSONS PRESENT			
14	Were security personnel present at the data center?		
15	Were any unauthorized persons present inside the data center? If YES, please comment.		
16	How many domestic observers were present? ☐ ☐		
17	How many domestic observers were women? ☐ ☐		
18	If present, from which organizations (please check)? ☐ Tamam (NS) ☐ NCF (NS) ☐ SuGDE (NS) ☐ SuDeMop (SS) ☐ SuNDE (SS) ☐ Other		
19	Were there any restrictions that prevented domestic observers from performing their duties? If YES , please comment.		
20	How many political party / candidate agents were present? ☐ ☐		
21	How many party and candidate agents were women? ☐ ☐		
22	If political party / candidate agents were present, from what parties? Please check below: ☐ NCP ☐ SPLM ☐ Other		
23	Were there any restrictions that prevented party agents from performing their duties?		
Complaints Form (Form 7)			
24	How many times have you observed form 7's in the received bags when opened?		
25	How many form 7's did the datacenter receive?		
OVERALL ASSESSMENT			
Instructions for this Section: Put an 'X' next to the statement that best describes your overall assessment of the election environment and voting process for this polling station. If your response is "poor" or "very poor," it is important that you provide further explanation in the comments section.			
Very Good - No significant incidents or irregularities			
Good - A few incidents or some minor irregularities, but none that had a significant effect on the integrity of the process			
Poor - Incidents or irregularities that significantly affected the integrity of the process			
Very Poor - Incidents of irregularities of such magnitude that the integrity of the process is in doubt.			

(continues)



OBSERVING SUDAN'S 2010 NATIONAL ELECTIONS

OBSERVATION OF ELECTION RESULTS PROCESSING *(continued)*

Instructions: In the box below, please provide details of any complaints or irregularities that occurred at the polling station that you observed. You must provide explanation for any observation question to which you answered "NO". If additional space is required, please continue to the back of the form and/or attach additional sheets of paper to the report form.

Observer Signatures: _____

Date: _____

Quarantine Cases

Const.	Polling Center/ Polling Station	Date Entered into Q	Issue	Actions Planned



THE CARTER CENTER

OBSERVING SUDAN'S 2010 NATIONAL ELECTIONS

APPENDIX H LETTER OF INVITATION



No.: NEC/A/H/A النمرة :
Date: 16/02/2009 التاريخ :

To : Aly Verjee
Deputy (Acting) Director,
The Carter Center,
Democracy Program- Khartoum, Sudan

Subject: Observation of Elections

Reference your letter dated January, 25, 2009 and further to our short meeting at the Commission HQs., I would like to reiterate that the Carter Center is welcome to be one of the international observers for the coming elections.

I am sure that your positive contribution will add to the fairness and transparency of the process.

Thanks and regard,

Prof. Abdalla Ahmed Abdalla
Deputy Chairman, NEC



تلفون : 783019 - 783839



THE CARTER CENTER AT A GLANCE

Overview: The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A nongovernmental organization, the Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production.

Accomplishments: The Center has observed more than 80 elections in 30 countries; helped farmers double or triple grain production in 15 African countries; worked to prevent and resolve civil and international conflicts worldwide; intervened to prevent unnecessary diseases in Latin America and Africa; and strived to diminish the stigma against mental illnesses.

Budget: \$90.5 million 2009–2010 operating budget.

Donations: The Center is a 501(c)(3) charitable organization, financed by private donations from individuals, foundations, corporations, and international development assistance agencies. Contributions by U.S. citizens and companies are tax-deductible as allowed by law.

Facilities: The nondenominational Cecil B. Day Chapel and other facilities are available for weddings, corporate retreats and meetings, and other special events. For information, (404) 420-5112.

Location: In a 35-acre park, about 1.5 miles east of downtown Atlanta. The Jimmy Carter Library and Museum, which adjoins the Center, is owned and operated by the National Archives and Records Administration and is open to the public. (404) 865-7101.

Staff: 160 employees, based primarily in Atlanta.



MARTIN FRANK

THE
CARTER CENTER



THE CARTER CENTER

ONE COPENHILL
453 FREEDOM PARKWAY
ATLANTA, GA 30307
(404) 420-5100 ♦ FAX (404) 420-5145

WWW.CARTERCENTER.ORG