



The Sudanese Group for Democracy and Elections (SuGDE) and the Sudanese Network for Democratic Elections (SuNDE)

ELECTIONS STATEMENT

APRIL 24TH 2010

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SuNDE and SuGDE conducted the only coordinated Sudan-wide non-partisan election monitoring effort for the April 2010 elections. Together, SuGDE in the north and SuNDE in the south, received more than 13500 reports from over 4300 trained and accredited election observers who were deployed to over 2000 polling stations across all of Sudan's 25 states. The two coalitions used a common reporting form for observing key elements of the elections. Observers remained in their polling stations throughout the day and reported through their respective county and state coordinators to data collection and analysis centers for SuNDE in Juba and SuGDE in Khartoum, where the reports were verified for quality and analyzed impartially according to standards for non-partisan election observation. SuGDE and SuNDE shared their observations and findings and developed this fact-based statement, released simultaneously at press conferences in Khartoum and Juba, respectively.

SuGDE and SuNDE express their most sincere thanks and appreciation to all of their volunteers who dedicated their time to improving the transparency of the electoral process. SuGDE and SuNDE would also like to extend their thanks to the elections officials in the National Election Commission (NEC), the High Elections Committee of Southern Sudan (SSHEC) and the State High Elections Committees (SHCs) for their cooperation and accreditation of SuNDE and SuGDE Observers.

EXECUTIVE SUMMARY

The April 2010 elections were a requirement for moving forward with implementing the Comprehensive Peace Agreement (CPA). However, the elections did not fulfill the Interim Constitution's and CPA's aspirations for democratic transition and did not adequately meet the requirements of the National Elections Commission rules and regulations. Sudanese citizens demonstrated their desire for democracy without a doubt through their registering, voting and participating in lively political debate in these elections. Extraordinary efforts are required to achieve democratic governance, and SuNDE and SuGDE will seek to contribute constructively to securing peace and democratic progress. The hopes of citizens should not be allowed to slip away.

- SuNDE and SuGDE observed that the National Elections Commission (NEC) failed to adequately plan and prepare for the elections. The polling stations observed often lacked essential election materials to open on time or ran out of essential materials during the polling process. The inefficiency of the NEC to develop or publicize the polling station list and final voters' lists in a timely

manner also caused substantial confusion and potentially the disenfranchisement of a significant number of voters.

- SuGDE and SuNDE observed that while the administration of the elections was deficient throughout Sudan, in Southern Sudan the administration of the elections was observed to be more problematic.
- SuGDE and SuNDE observed several positive aspects to the elections. Voters turned out in large numbers and conducted themselves in a largely peaceful manner. Polling officials showed a strong commitment to fulfilling their responsibilities, particularly given the difficult circumstances. Thousands of citizens volunteered with civic organizations to observe the election and stayed through all 7 days of the polling and the counting process.
- SuNDE and SuGDE recognize that this was the first election in Sudan since the signing of the Comprehensive Peace Agreement and understand that the complexity of the electoral process and difficult logistical environment of Sudan made running this election challenging.
- However, SuGDE and SuNDE recorded significant flaws in the election process at the polling stations observed.
- SuNDE recognized that in South Sudan the political parties actively participated in the election however, SuNDE observers noted a need for parties, candidates, and their supporters or agents to better understand their roles in the electoral process, particularly regarding interfering with the polling process.
- SuGDE notes that in the North of Sudan leading political parties boycotted the elections which deprived citizens of choice and made the elections confusing and less competitive.
- SuNDE was concerned by the troubling number of incidents of intimidation and harassment reported by its observers in South Sudan, particularly by party and candidate agents and supporters, and unknown and unauthorized security personnel.
- SuGDE was concerned by incidents of violence, intimidation and harassment in Southern Kordofan, Western Darfur, Northern Darfur and Sinnar.
- SuGDE and SuNDE are deeply concerned that the electoral process did not meet citizen's expectations and failed to fully embrace democratic principles at the polling stations observed.
- SuNDE and SuGDE urge all election stakeholders to learn from these elections and apply those lessons to improve the transparency and credibility of future elections, including the 2011 Referendum.

INTRODUCTION TO SuGDE AND SuNDE

The Sudanese Group for Democracy and Elections (SuGDE) is a joint effort of eight independent, non-partisan organisations working together to encourage free, fair and non-violent elections. It includes the AZZA Women Association, the Babikr Badri Scientific Association for Women Studies, the Group for Economic, Social and Cultural Rights Studies (GESCRS), HELA HELP organization, Human Security Initiative (MAMAAN), the Institute for Development of Civil Society (IDCS), the Social and Human Development Consultative Group (SAHDCG) and Sudanese Environmental Conservation Society (SECS).

SuGDE worked in partnership with the Sudanese Network for Democratic Elections (SuNDE). It also coordinated 10 with civil society organization in the 15 states of North Sudan, including the Southern Kordofan Civic Education Form, the Blue Nile Forum for Civic Education and Elections and the Abyei Voter

Education Forum to implement a nationwide voter education and non-partisan domestic observation program.

The Sudanese Network for Democratic Elections (SuNDE), is a non-partisan coalition of over 75 Sudanese civil society organizations and faith-based groups committed to promoting the ability of the Sudanese public to participate freely, equitably, and effectively in transparent and accountable democratic processes. SuNDE State Steering Committees, composed of local civil society organizations, implement voter education and observation activities.

SuNDE and SuGDE are not affiliated with any government, political party, or candidate.

SuGDE and SuNDE Methodology

Principles

We are committed to upholding the highest ethical standards of impartiality and accuracy as non-partisan domestic observation groups. Our methodology is informed by globally accepted principles for non-partisan domestic election observation, including impartiality, objectivity and accuracy. The objective of observation is to promote free fair and peaceful elections, and the goal is to contribute to developing and maintaining a democratic society. Our observers are Sudanese citizens, who are committed to promoting, electoral integrity and pledge not to favor any political party or candidate and to report accurately about their observations.

While financial and other constraints did not allow us to observe all aspects of the election process, reaching back to the 2008 census and continuing throughout the election cycle, we recognize that an accurate and complete assessment of any election must take into account the entirety of the process. In addition, we recognize that no election can be viewed in isolation from the political and historical context in which it takes place. We have conscientiously examined the processes surrounding Sudan's April 2010 elections and drew upon credible sources as well as our general knowledge and experience in the lead-up to the elections. No election is perfect, but the relative integrity of each of these processes contributes to the degree of credibility and the confidence citizens should have in elections.

Non-partisan domestic observation of the Sudanese electoral process helps to promote confidence in the electoral process as well as to deter the efforts of those who seek to subvert the will of voters. During the conduct of these elections, observers watched the voting and counting processes at designated polling stations throughout the country, recorded key information on standardized forms and reported their findings to a central data collection center, either in Juba or in Khartoum. SuNDE and SuGDE used this information to evaluate the overall quality of election-day processes.

Domestic Observation Forms

Standardized forms facilitated processing of the thousands of witness accounts made by trained domestic observers, with the primary goal being to have a detailed picture of the electoral process on Election Day 1 through Day 5, and two days of counting process. There were 2 types of forms used for the observation process:

Critical Incidents Forms: The purpose of these forms was to capture any serious events that may have had a disruptive effect on the voting process. Incidents included matters such as polling station processes being suspended and occurrences of intimidation or harassment, and they were communicated immediately through hotlines to the SuGDE data collection centre.

Polling and Counting Forms: These forms consisted of a set of 18 questions addressing Sudanese concerns on administration and participation issues, including, for example, the security of ballot

boxes, campaigning within the polling station, obstruction of observer presence, and lack of appropriate materials.

Data Collection and Analysis

A communications system was designed to ensure the timely and accurate transmission of incident, polling and counting forms between individual observers, team leaders/constituency supervisors/State coordinators and data entry personnel at the data collection centers. Critical incidents were directly relayed from observers to the centers' trained phone operators. Polling and counting forms were delivered from observers to their team leaders or constituency supervisors and state coordinators, who provided a quality control step before the information was passed to the data collection centers for entry. The database and data entry system were designed to facilitate verification of the quality of reports and accurate data entry as well.

Database software allowed staff to quantify the data findings concerning the voting and counting processes. Important findings could be drawn by identifying systematic trends versus isolated incidents, through the breakdown of information by state, and analysis of questions across multiple days of polling.

Once data was entered, it was analyzed by SuNDE and SuGDE to identify significant observations and findings of positive developments, as well as potential problems in the voting and counting processes. The leadership of both coalitions shared findings and characterizations and agreed upon the final text of this statement.

The data collected is not based upon a statistically representative sample.

Network of Observers

By partnering with state-based civil society organisations and networks throughout the North, SuGDE recruited, trained and mobilized a network of 2318 volunteers to observe the election process in Al Shamalyia, Nile State, Red Sea State, Kassala, Gedaref, Khartoum, El Gezira, Sennar, Blue Nile, White Nile, Southern Kordofan, Northern Kordofan, Darfur, West Darfur, North Darfur and the Area of Abyei. Each of the fifteen states covered by SuGDE had two coordinators and a number of team leaders to provide additional layers of organizational management and capacity. SuGDE had 30 state coordinators and 93 team leaders, each of whom managed a maximum of 26 observers.

SuNDE engaged its State Steering Committees to recruit, train and accredit over 2000 observers in the ten states of Southern Sudan. SuNDE had two coordinators and information officers in each state. Constituency Supervisors (CSs) managed teams of 10-15 observers. Resident county coordinators each managed two to three CSs.

Training

SuGDE and SuNDE attached importance to the training of its organizers and observers in order to equip them with the information, skills and training necessary to observe the electoral processes according to Sudanese law and recognized international best practices. With SuGDE, all the state coordinators and team leaders were trained in Khartoum on the democratic elections basics, volunteer recruitment, observation methodology, observer code of conduct, observation forms, and the reporting and communication system. The team leaders, in turn, conducted 93 training sessions in which 2195 observers were trained to observe the voting and counting process and report their findings. Within SuNDE, state coordinators, resident county coordinators and constituency supervisors were trained on volunteer recruitment, observer code of conduct, observation methodology, checklists and critical incident protocols, and the reporting and communication system. SuNDE then traveled to 50 of Southern Sudan's 78 counties and conducted a series of 68 trainings which directly trained over 2000 observers to observe and report on the voting and counting processes.

Deployment

SuGDE deployed observers in teams of two stationary observers in 1110 polling stations in all 15 states and the area of Abyei. The observers were deployed in urban and rural areas of every state. Each team filed one report per voting day and one for the counting process.

SuNDE deployed observers in teams of two stationary observers in over 950 polling stations and over 130 constituencies covering 50 of 78 counties in the 10 states of Southern Sudan, and each team filed one report per voting day and one for the counting process. SuNDE observers were also deployed in both urban and rural areas.

THE ELECTION CONTEXT – SuGDE ANALYSIS

Sudan has had 13 elections and three referendums since its independence in 1956. The April 2010 elections are the country's first significantly competitive elections in 24 years. The Comprehensive Peace Agreement signed in 2005 requires executive and legislative elections before the 2011 referendum in which the South will be given the chance to vote on unity or secession. The April 2010 elections have are widely seen as crucial step in a process of democratic transformation.

Legal Framework

The legal framework creates the possibility for genuine elections in Sudan. The CPA calls for a “democratic system of governance.”¹ The Interim Constitution states that “the authority and powers of government emanate from the sovereign will of the people exercised by them through referenda and in free, direct and periodic elections conducted through universal adult suffrage, using secret ballot.”² The 2008 National Elections Act provides for an independent National Elections Commission (NEC), freedom of expression, a prohibition on the misuse of state funds for campaigning purposes and legislates for the presence of non-partisan domestic observers for the first time in Sudanese history³.

In addition, Sudan, as a member of the United Nations, is obligated by Universal Declaration on Human Rights, and is a party to the International Covenant on Civil and Political Rights (ICCPR) and the African Charter of Human and Peoples Rights, all of which guarantee the right of citizens to participate in the governance of their country, directly or through freely chosen representatives in genuine elections.

In the North a number of domestic laws compromise the framework created by the Interim Constitution and the Bill of Rights. The effect of these laws has been to limit freedom of association and expression and provide Security Services with the power to detain without timely judicial recourse. In addition, the state of emergency in Darfur was not lifted for the elections, and while it was not used in an overt manner to curtail the elections its presence hung over the political environment.

It should be noted that the CPA required a national census, which was conducted in 2008. The results of the census were a subject of debate with some opposition political parties disputing its validity. In February

¹ Comprehensive Peace Agreement Part A – Agreed Principles

² The Interim National Constitution of the Republic of Sudan 2005 Part 1

³ The Sudan National Elections Act 2008

Pg 77, Article 104, Section 3, Committees may be formed for observation of the elections and referendum from:

- a) Judges,
- b) Legal counselors at the Ministry of Justice and the Ministry of Legal Affairs and Constitutional Development,
- c) Ex-public service employees or persons of the society known for uprightness, truth and honesty,
- d) Civil society organizations press and the media,
- e) Political parties

2010, there was an agreement that 40 additional National Assembly seats be allocated to the south following the elections, to be appointed by the Presidency. The region of Abyei would receive two additional seats. Southern Kordofan would receive four additional seats. State elections Southern Kordofan were later postponed for 60 days.

The National Elections Act provides for the use of state resources or any public material or human resources on payment of proportionate costs, which should be accessible to all political parties and candidates (article 69). This provision creates an opportunity for the misuse of state property. NEC's 27 March decision on campaign expenditure ceilings was rendered just two weeks before voting.

Voter Registration

Voter registration was conducted by the National Elections Commission (NEC) between November 1 and December 7, 2009. Over 16 million voters were registered, and according to the NEC over 50 percent were women. According to the NEC, 79 percent of eligible voters were registered, 71 percent of the eligible North Sudanese voters were registered, while figures in North, South and West Darfur were only 65, 67 and 69 percent respectively. Apparently, registration omitted large numbers of IDPs, who are estimated at near 5 million. The voter registration was marked by a number of problems for example the delay in publishing the final voter list likely resulted in the disenfranchisement of some voters. SuGDE observers noted that a number of prospective voters who were turned away from the polls during the election. In the absence of an independent audit of the final voters list, the extent, accuracy and inclusiveness cannot be stated.

Media Environment

SuGDE did not systematically monitor the media. The National Electoral Act specifies "to guarantee the rights of all candidates for the elections and political parties participating therein in the use of the public media on the basis of equality and equal opportunities, and to prevent any kind of discrimination between them in the coverage of the electoral campaign news."⁴ However the implementation of these requirements was contested. For example, in early March several opposition parties withdrew from the NEC's mechanism concerning the State media, alleging that they had been excluded from decision making, and some opposition parties submitted a memorandum to the NEC complaining about effects on the electoral process of faults in the census, delimitation of election districts in many states, and voter registration, as well as media access.

Campaign Environment

SuGDE did not conduct systematic observation of the campaign period. However, a number of significant points about the period are evident. The 72 registered political parties nominated a large number of candidates, and independent candidates were registered as well. While generally peaceful, and candidates at all levels were able to campaign, the campaign period witnessed isolated incidents of violence.

In early March code of conduct and declaration of commitments developed under the auspices of the African Union High Level Implementation Panel was signed by 15 southern parties and later by 11 northern parties, which contributed to hopes about the elections.

The eleventh-hour boycott, marked by the withdrawal of SPLM Presidential candidate, the SPLM withdrawal from Darfur elections, the decision by SPLM candidates in other northern states to withdraw and the withdrawal from northern elections of at least six other opposition parties created confusion amongst voters and greatly reduced the competitiveness of the elections. The Sudanese people's choices were thus limited, though the boycotting parties and candidates names remained on the ballots due to the late withdrawal dates. The controversy surrounding the boycott, including speculation concerning the conditions leading to the announcements and about the relative merits and motivations of the decisions, is likely to have affected popular confidence in the electoral process.

⁴ National Elections Act 2008 Section 66 (2)

Voter Education

In a highly complex election system where each voter had to cast 12 and 8 ballots in the south and north respectively voter education was crucial to facilitate informed voting as well as informing people about the voter registration and election-day processes, among other matters. Voters needed to know the about the process, contestants and issues involved in the election. Many in these elections were first time voters, and a significant number or prospective voters could not read, which requires extra outreach measures.

Conducting impartial voter education that effectively reaches the electorate is mainly the responsibility of government, usually conducted through electoral administration bodies. This is a difficult task in addition to other responsibilities for properly organizing elections and voter education is not the exclusive domain of the NEC. Civil society and electoral contestants also should play important roles in voter education. Nonetheless, the voter education conducted for the elections did not meet the magnitude of the task. The ability to inform people of the voting process was severely impaired by delays in voter information.

Eight SuGDE member organizations conducted voter education surrounding the voting and counting processes in all 15 northern states. Starting in mid March 2010 as soon as the voting and counting process information were available to the groups they launched a massive voter education and awareness campaign using a variety of techniques. The SuGDE member organizations conducted public forums targeting community leaders and civil society activists, workshops for community educators, popular theater shows, exhibition of voter education materials such as posters, leaflets, stickers and booklets and lecture series on the election process targeting groups which included, women, youth, university students and police forces. Most participants of these events then went out to conduct further dissemination activities to reach out more voters. The materials used by these groups include posters, flyers, stickers and booklets among others. Collectively, the SuGDE members were able to reach nearly 90,000 voters directly and many more indirectly.

Election Administration

The elections were administered in the midst of enormous administrative and logistical challenges by the National Elections Commission (NEC), which was constituted in November 2008. The nine-member Commission is headed by a Chairperson and Vice Chairperson. The NEC's members were appointed by the President, with consent of the First Vice President, who represents the SPLM, and the endorsement of two-thirds of the National Assembly (which acted by unanimous consent, representing a consensus on the appointments). There are also 25 State High Election Committees (SCHs), which work on the NEC's behalf, and there is a High Elections Committee of Southern Sudan (SSHEC).

The NEC deserves considerable credit for administering the elections given time constraints, logistical challenges and electoral complexities. It conducted much of its work with dedication, yet there have been severe deficiencies in transparency, in communication of decisions and in administrative tasks.

The delay in the formation of the Commission had negative impact on its ability to administer the electoral process in a timely, effective and efficient fashion. Administering an election process involving 12 ballots per voter in the south and 8 ballots per voter in the north, presented a huge challenge, and the electoral system included a combination of absolute majority (two-round) presidential elections for the Republic of Sudan and for Southern Sudan; first-past-the-post gubernatorial and single-member district legislative elections at the national and state levels; as well as two closed lists proportional representation elections (one for a general list and one for the 25 percent of seats reserved for women in the National Assembly). More than 16000 candidates stood for the various elections for which the NEC had to print over 1250 different ballot papers. It also qualified large numbers of candidates, including independents. Another area where the NEC demonstrated commitment to electoral inclusiveness was its accreditation over 20000 domestic election observers.

Serious concerns have been raised about the delimitation of election districts, which the NEC delegated to the SHCs. (Please see the Legal Framework section above.) The law provided only 30 days for the boundary process, which is difficult, time consuming and politically charged. The concerns include: vagueness of boundaries, which makes it difficult for voters to know for whom they should consider as their potential legislative representatives and difficult for candidates to campaign effectively; the legal requirement of populations per electoral district not exceeding 15 percent reportedly was not consistently followed; and political parties raised complaints about the manner in which districts were drawn.

The reduction in the number of polling centers/stations increased the likelihood that the voters had to travel long distances to their polling stations in order to vote. In addition, the locations of the polling stations were announced so late in the process that the voter educators could not inform the voters where their polling station was situated, which caused considerable confusion among voters.

There were serious lapses in administering the elections, some of which can probably be attributed to insufficient training of polling officials. Other areas of concern noted in observer reports covered issues such as misprinting of ballot papers, misdistribution of ballot papers to various polling stations, non-availability of polling materials, including the appropriate final voters list.

SUGDE OBSERVATION FINDINGS

Findings and Analysis

I. Findings from Critical Incidents Reported in Polling Stations Observed

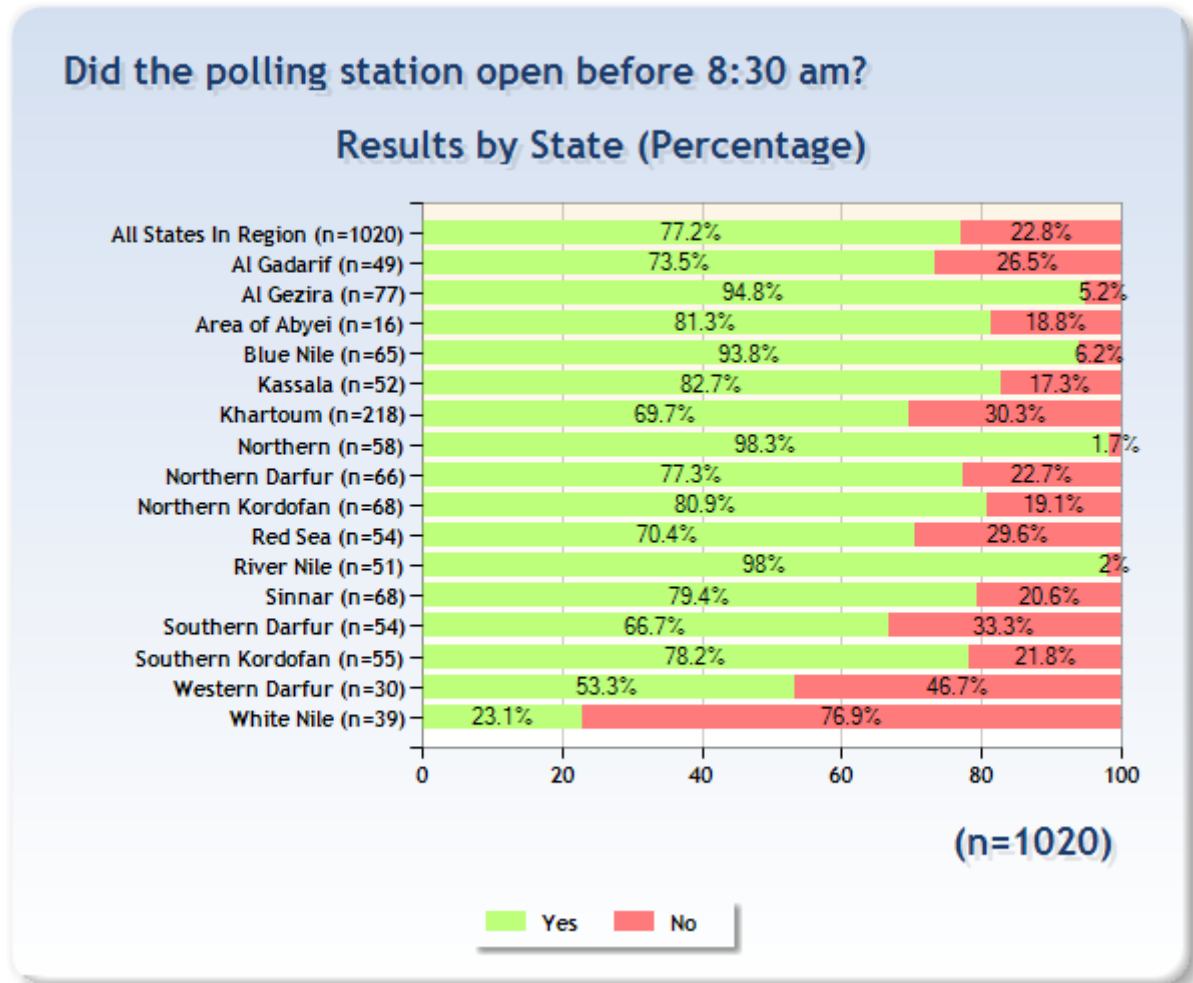
The total number of critical incidents reported by SuGDE observers throughout the 7 days of the election was 761. The most reported incidents were:

- Voting suspended (217 cases reported, throughout the election process)
- Intimidation or Harassment (135 cases reported throughout the election process).
- Polling Stations not opening on time (121 cases reported).

Some of the main reasons given which resulted in the suspension of the voting reported were mistakes in the ballot papers or problems with the symbols of the candidates.

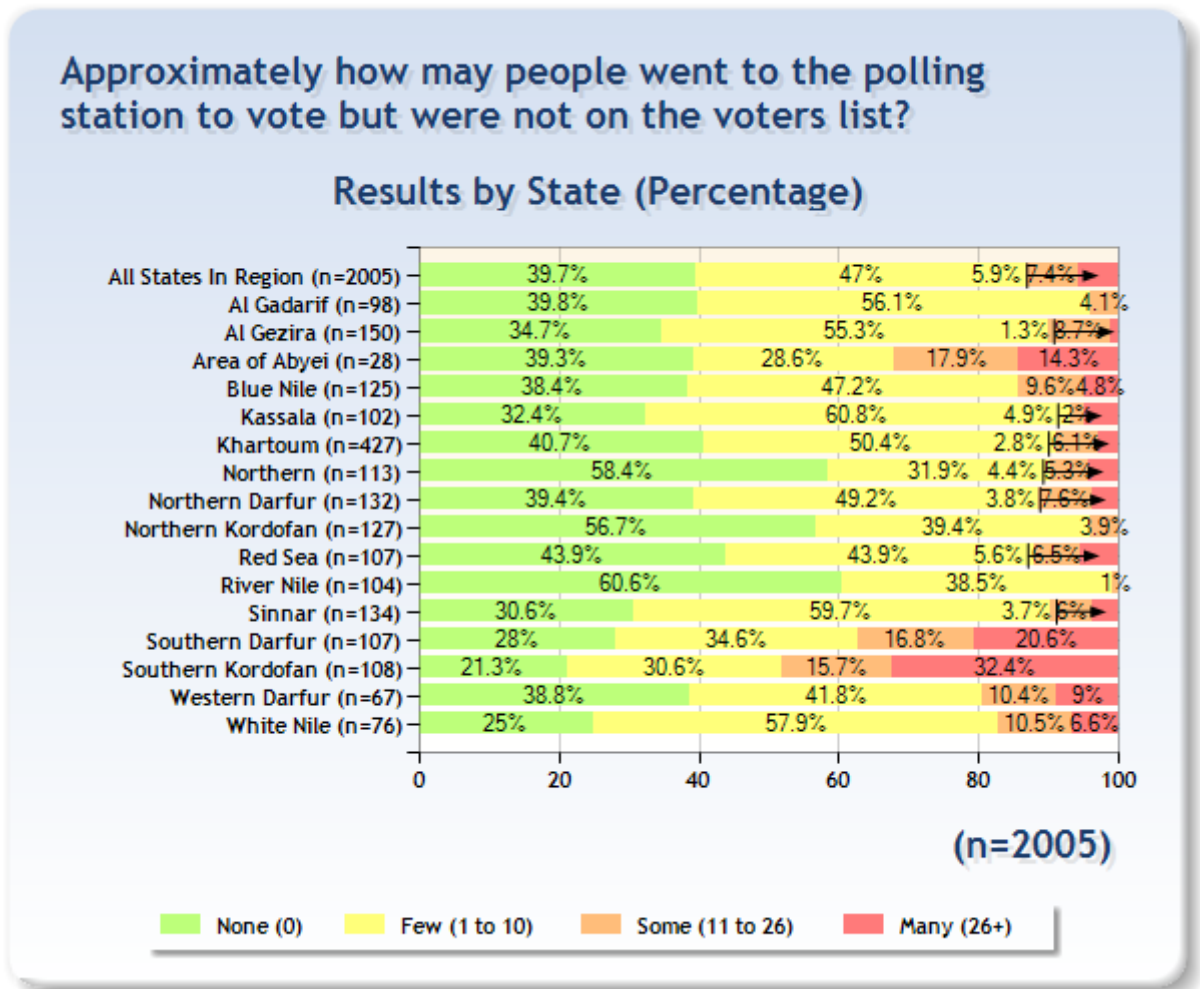
II. Findings from Polling Stations Observed in Days 1 and 2

Polling Stations Not Opening on Time (before 8.30 am):



On the first day of polling, 23% percent of the polling stations SuGDE observed did not open before 8:30am. The late opening of the polling stations on the first day was particularly a problem in White Nile and Western Darfur where 77% and 47% of the polling stations observed, respectively, did not open before 8:30am. The most common reason for late poll openings was polling stations not receiving critical election materials, most notably ballot papers. Polling stations opening on time improved somewhat during the following days. However SuGDE observers still noted late opening as a significant problem throughout all the days of polling, with reports as late as April 15.

People who Came to the Polling Station to Vote but did NOT find their names on the Voters' List:

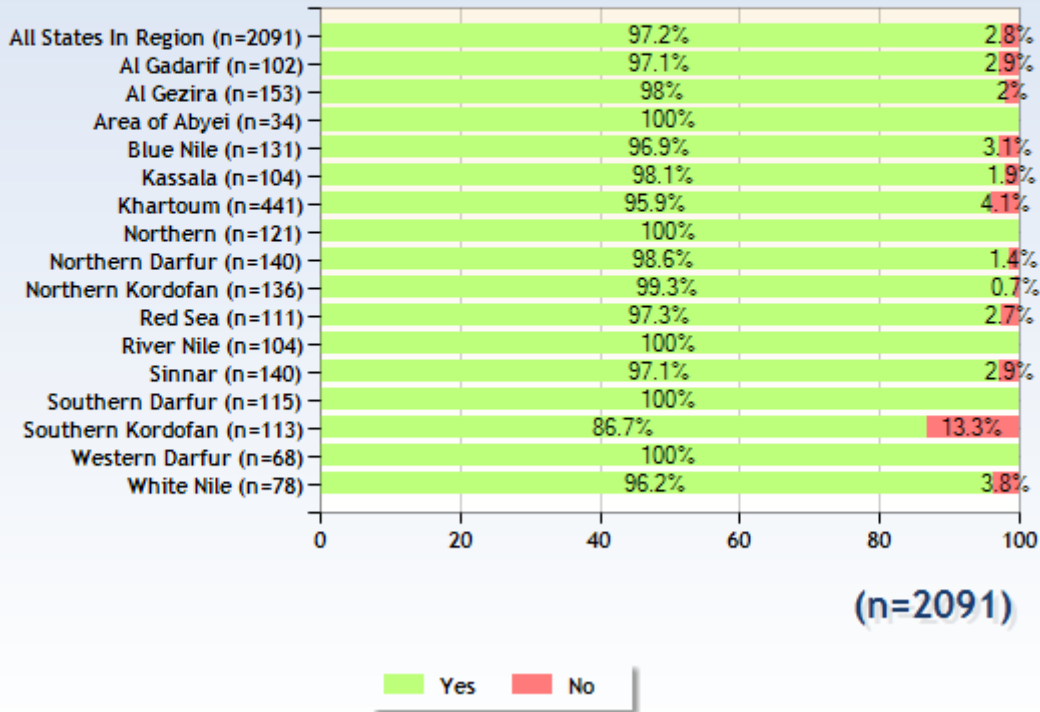


Almost 6% of the stations observed across all states in the region reported that there were many (26+) people who came to the polling stations to vote but did not find their names on the Voters List. In almost half of the polling stations observed in South Kordofan and in over 32% of those observed in Abyei, observers said that some (11 to 26) to many (26+) people come to the polling station to vote but did not find their name on the list. This of course denied a number of voters to exercise their right to participate in the elections.

Presence of Election Officials and Voting Materials at the Opening of the Station:

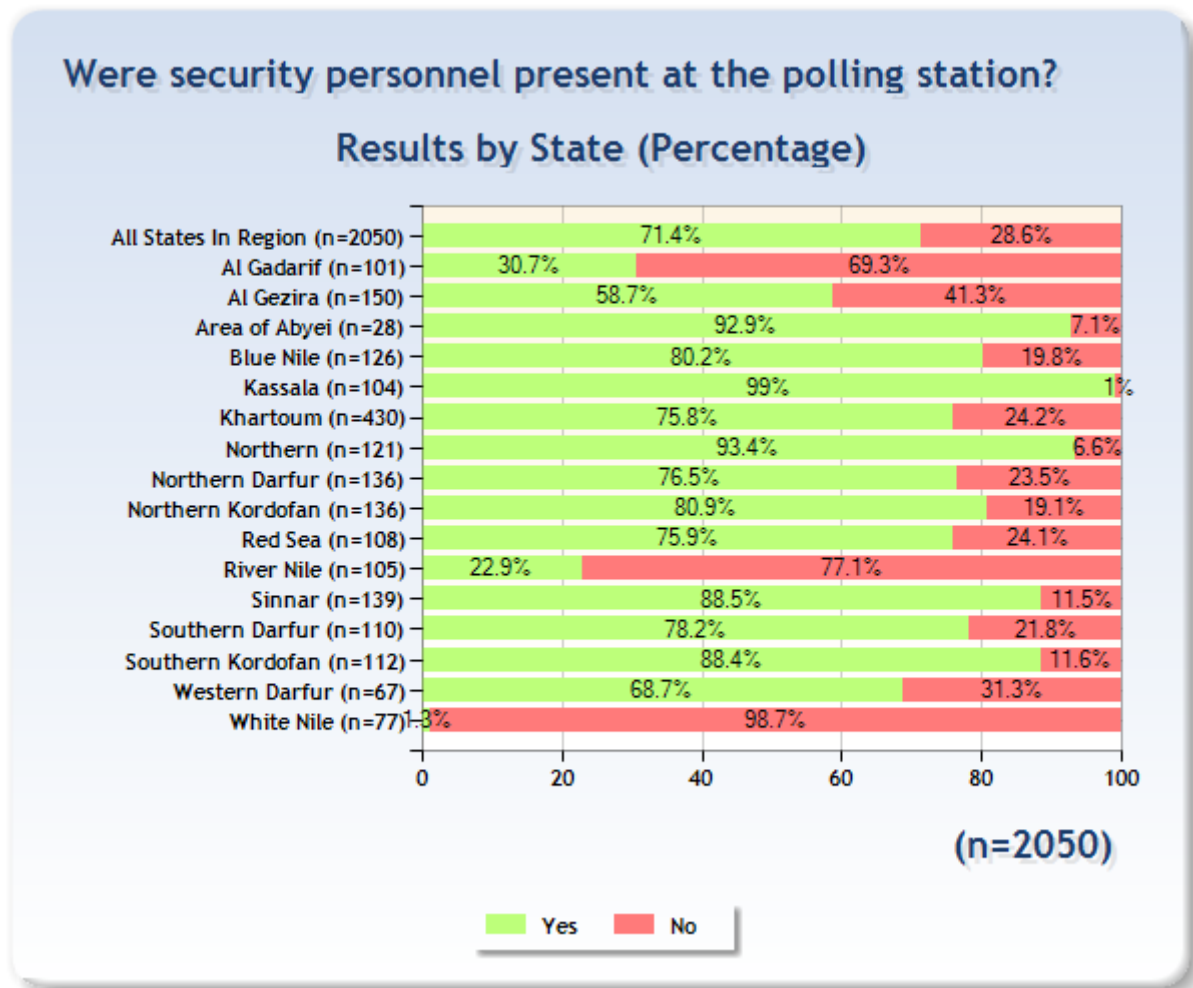
Are all election officials present at the opening of the polling station?

Results by State (Percentage)



Despite the complexity of these elections and the logistical challenges, in 97% of observed polling stations, election officials were present. In 98% of observed polling stations, the official stamp, ink and the Final Voters List were available. The ballot boxes were sealed across at the opening of most of the stations observed.

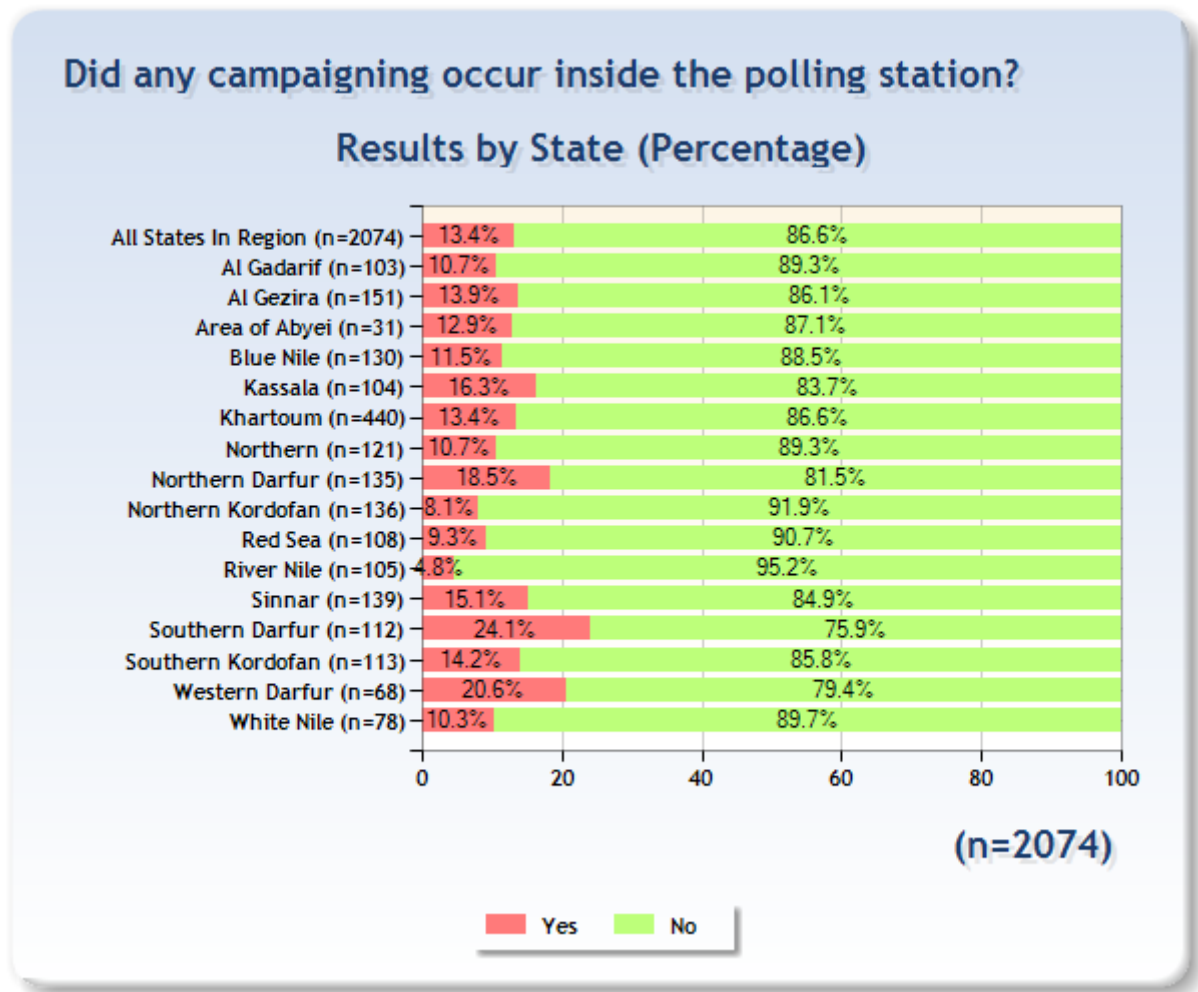
Presence of Police inside the Polling Stations:



SuGDE witnessed the presence of police in 71% of the polling stations observed. The notable exception was in White Nile where SuGDE observers reported the presence of police in only 1% of the polling stations observed. In some instances, SuGDE observers reported police interfering in the election process.

This represents a violation of the Election Law. According to the Safety and Security regulations stipulated in the Polling and Counting Guide for Election Officials Manual, 'there will be Police appointed to individual polling stations until counting of votes has been completed and Polling materials have been retrieved to the state High Elections Committees. The police officers will always be outside the polling stations unless their presence is required by the senior Polling Officials.'

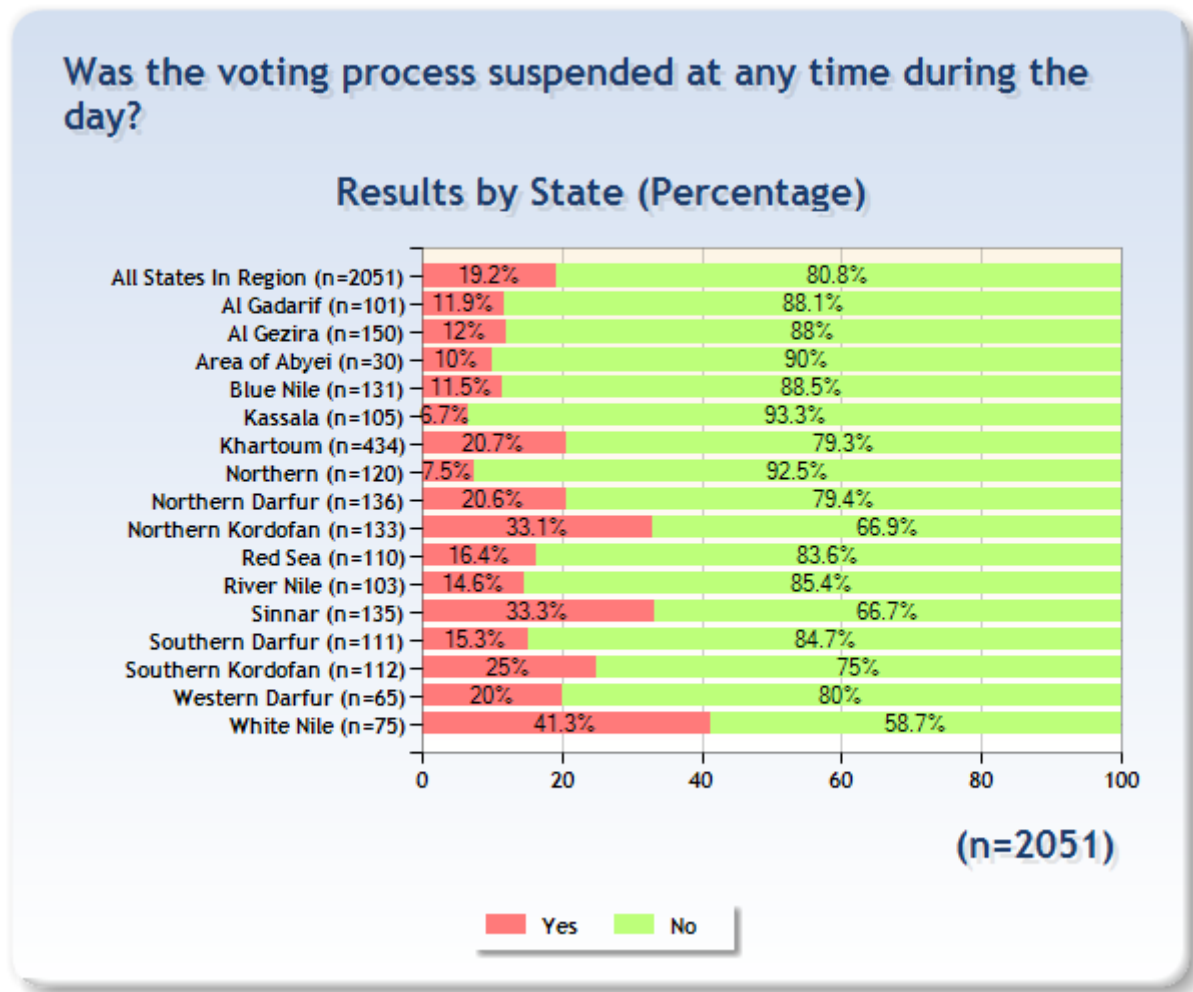
Campaigning inside the Polling Station



SuGDE observed campaigning in the polling stations in 13% of the polling stations observed. Campaigning was reported most commonly by observers in Southern Darfur and Western Darfur states where 24% and 20% reported instances of campaigning in the polling stations SuGDE observed.

This represents a breach of the Elections Act 2008, Article 64 (3) which stipulates that, 'campaign activities shall not be held within the last twenty four hours before polling date, or during polling day or days according to the Rules.'

Suspension of Voting Process At Any Time During the Day:

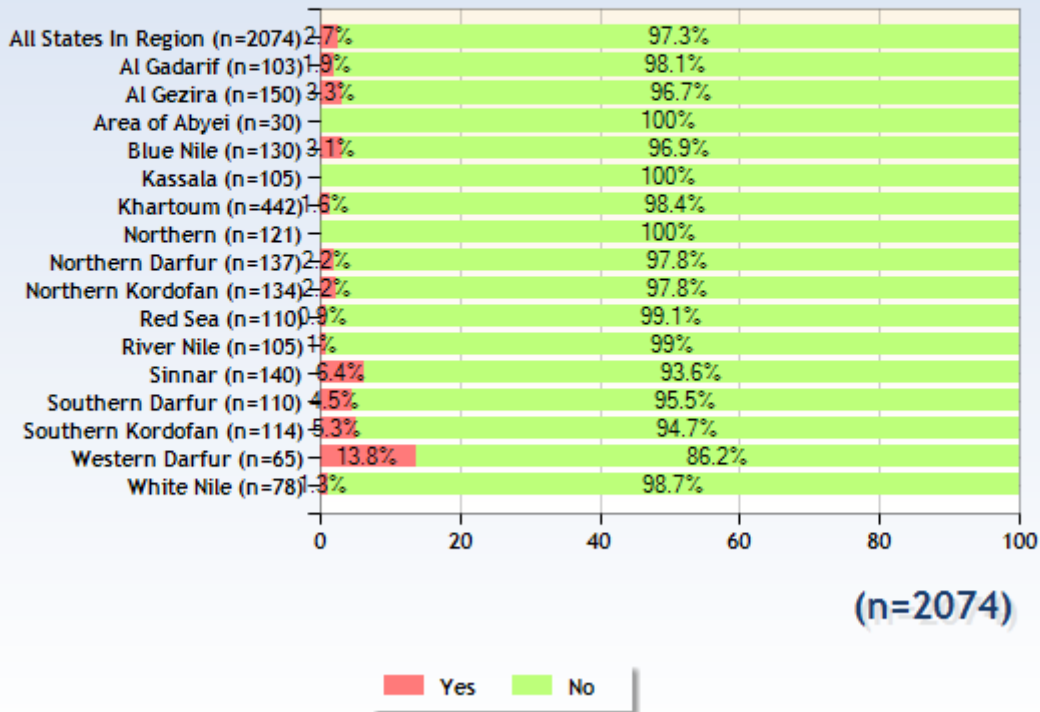


Voting was suspended at 19.2% of the stations observed. Rates were particularly high in the White Nile (41%), Sinnar (33%) and N. Kordofan (33%). Suspension of the voting process most often occurred due to polling stations running out or having the wrong critical materials, especially ballot papers; and disruptions in the polling station.

Obstruction of Observers at Any Time During the Process

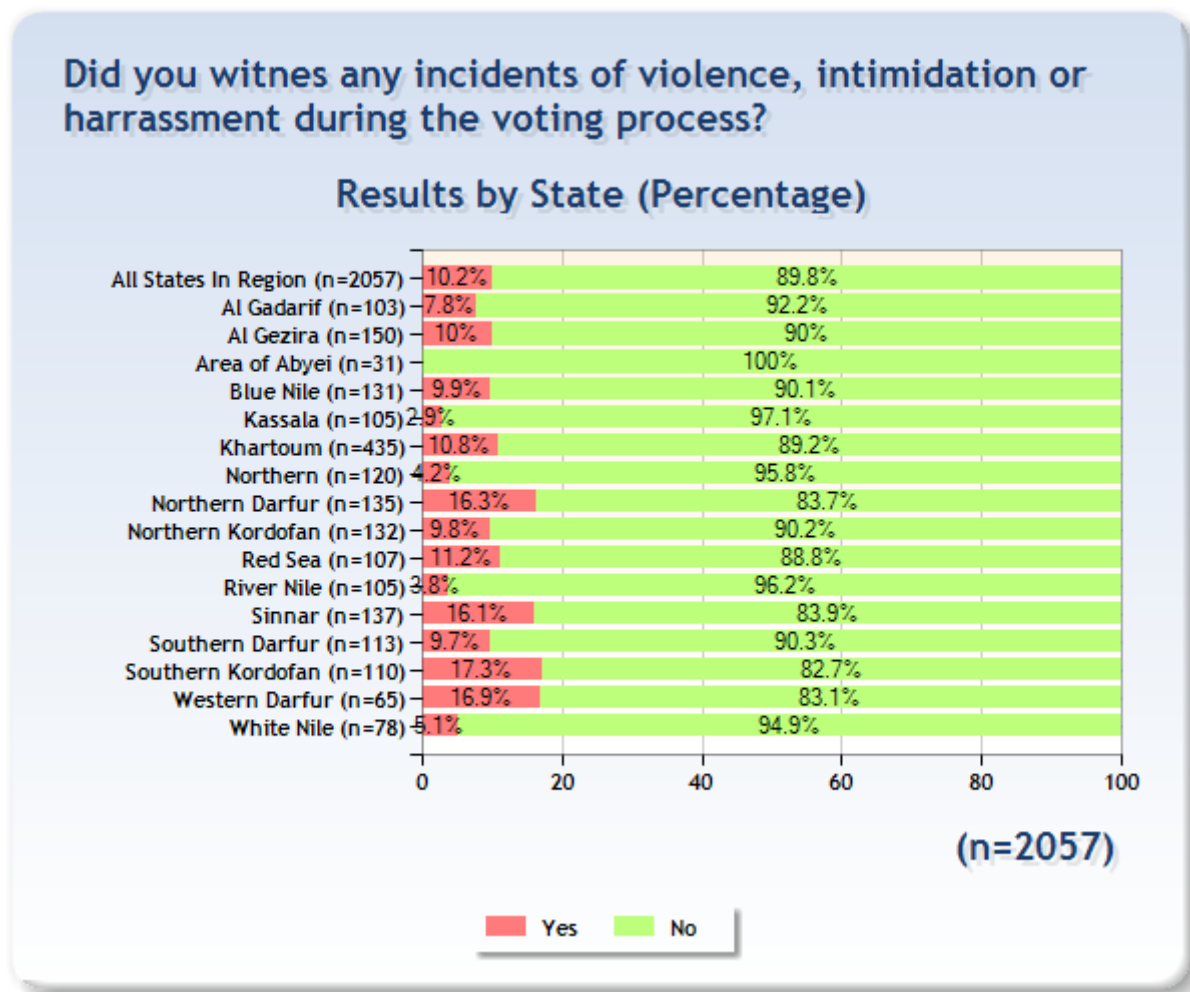
Were you obstructed at any time during the process from performing your duties

Results by State (Percentage)



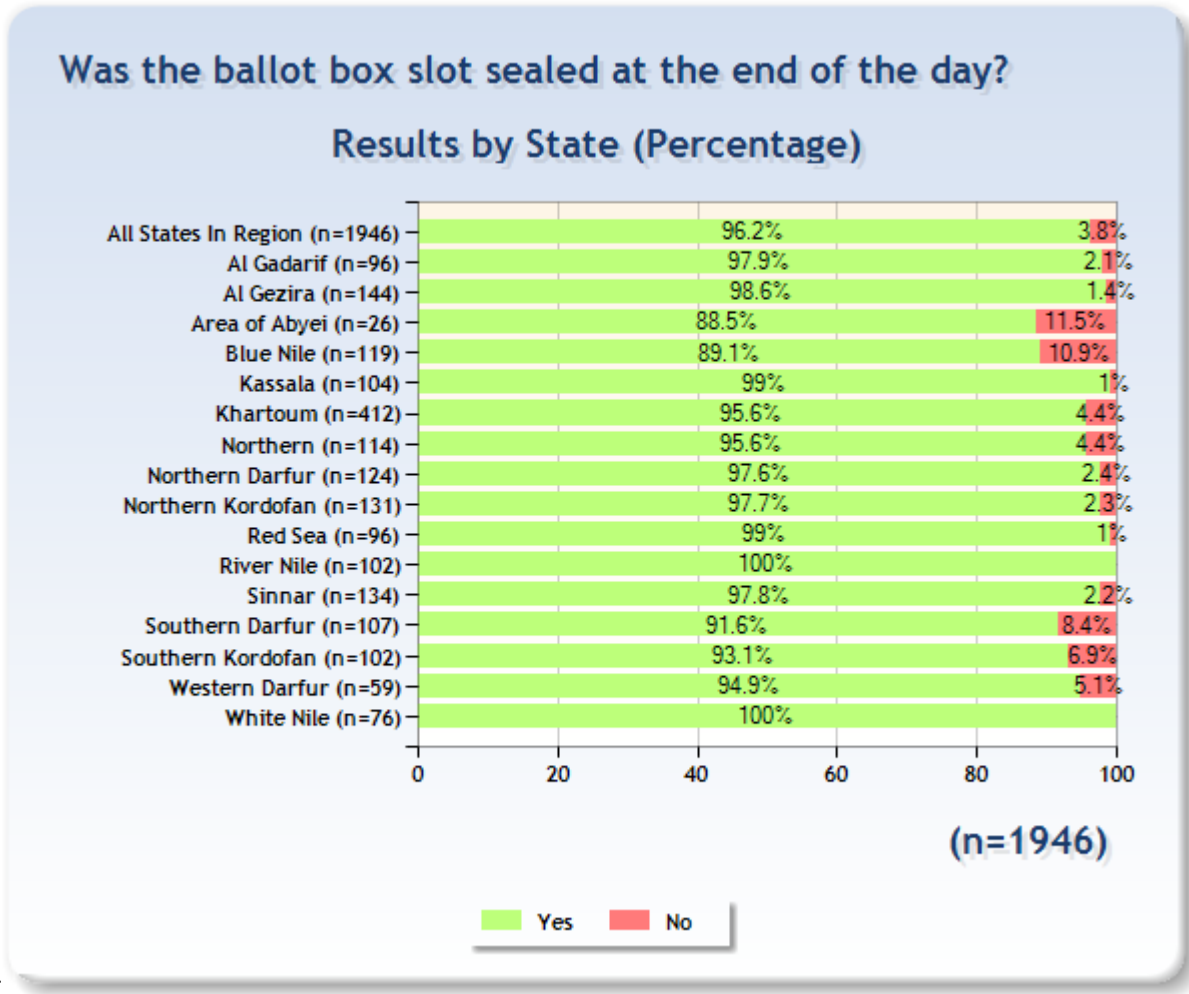
In most of the polling stations observers were not obstructed while performing their duties. However, in Western Darfur, 14% of our observers were obstructed.

Witnessing of Incidents of Intimidation or Harassment During the Voting Process



SuGDE observers witnessed incidents of violence, intimidation and harassment in 10% of polling stations observed across the region, with reports occurring in all 15 states. States who reported occurrences in over 15% of polling stations covered include Southern Kordofan (17%), Western Darfur (17%), Northern Darfur (16%) and Sinnar (16%). Voters should be free to cast their ballots without fear of reprisal from any political or government actor.

Sealing of Ballot Box at the End of the Day:

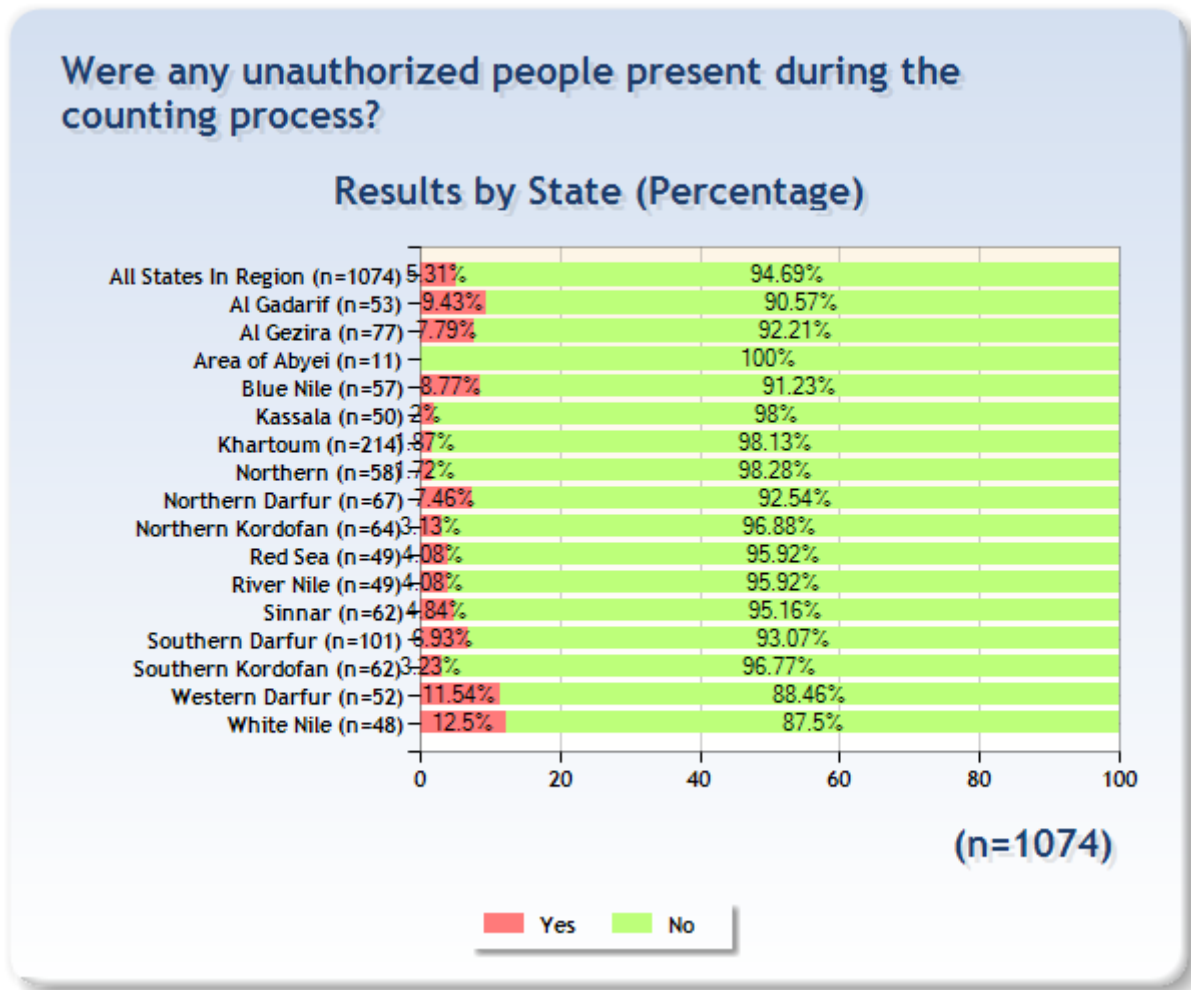


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In most of the stations observed, the ballot boxes were sealed. However, in Blue Nile 11% of the polling stations observed reported that the ballot boxes were not sealed at the end of the day.

III. Counting: Findings from Polling Stations Observed during Two Counting Days:

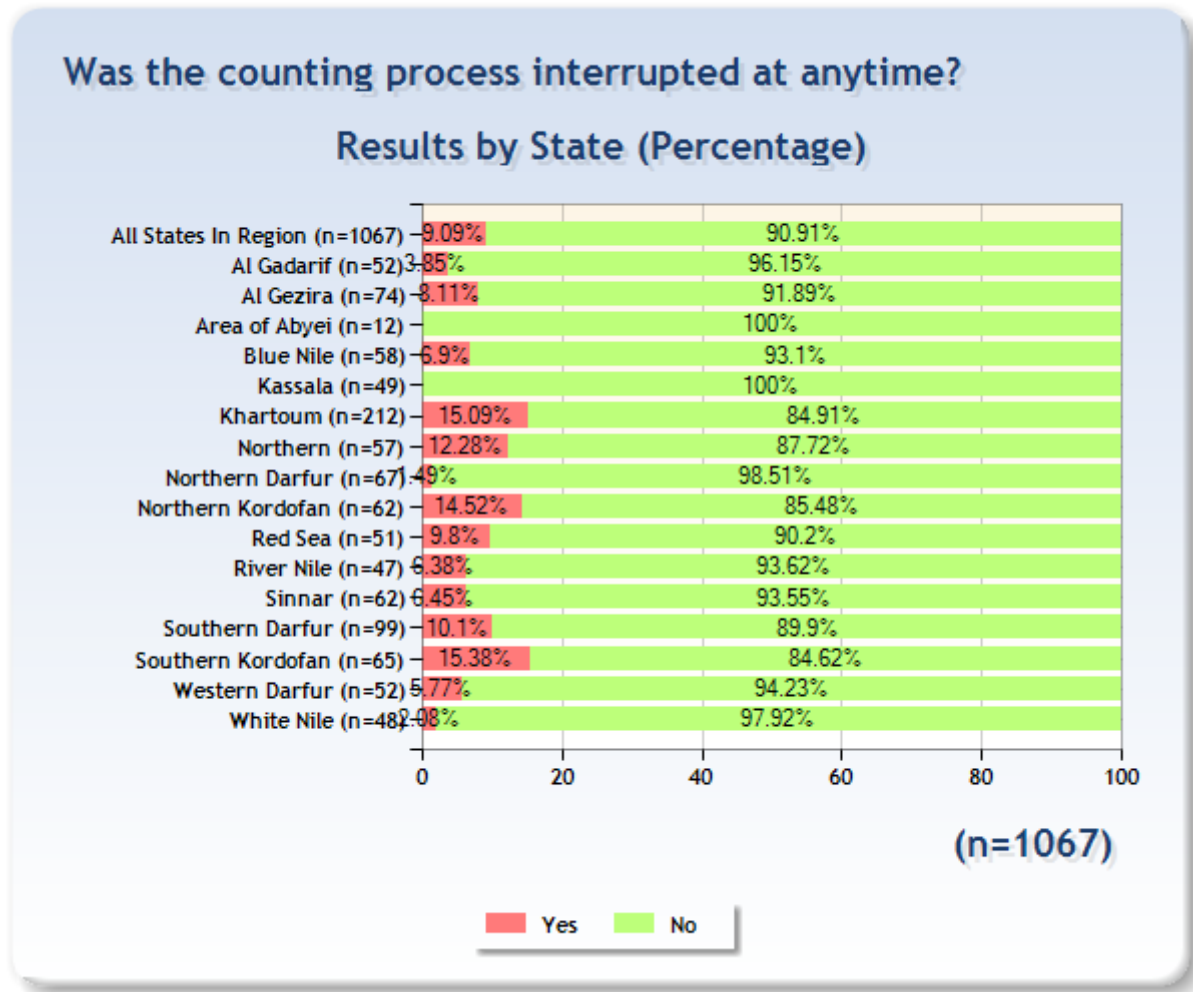
Presence of Unauthorized People During the Counting Process:



Unauthorized people were present inside the polling stations observed across all states in varying degrees. This was observed in the highest percentages (over 10%) in Western Darfur and White Nile.

This represents a violation of the Elections Act, which stipulates in the Polling Procedures 74 - (3) that 'the accredited candidates, agents, observers and representatives of the mass media, shall have the right to enter the polling centre and stay therein at any time during the polling process as shall be specified by the Rules.'

Interruption of Counting Process

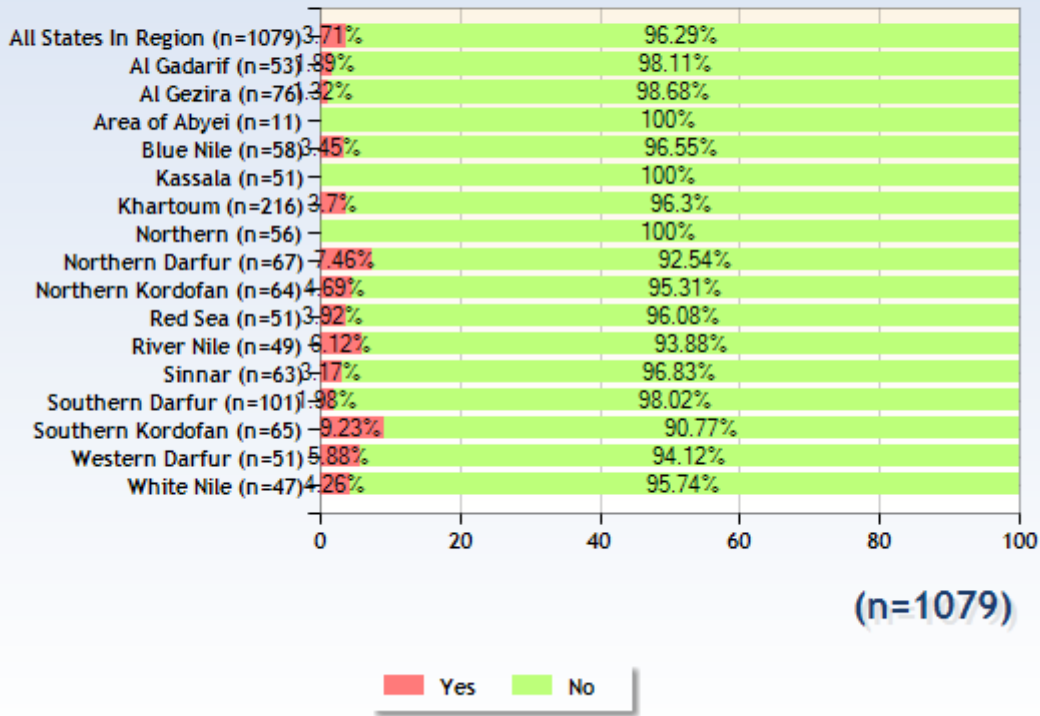


In 9% of the stations observed, the counting process was interrupted, particularly in North Kordofan, (14%) South Kordofan (15%) and Khartoum (15%).

Incidents of Violence, Intimidation and Harassment During the Counting Process

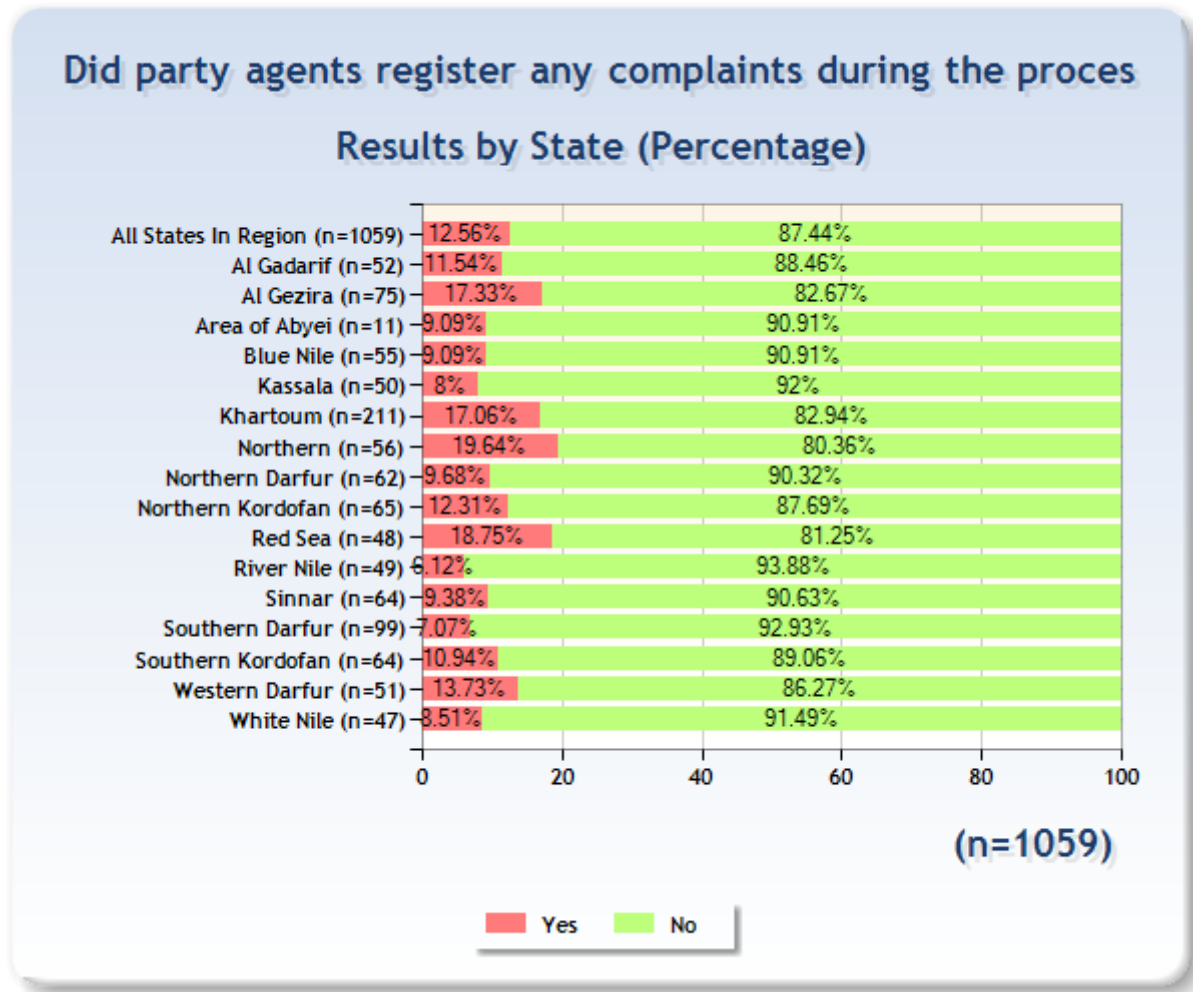
Were there any incidents of violence, intimidation or harassment during the counting process?

Results by State (Percentage)



There were not many violence, intimidation or harassment incidents reported during the counting days.

Registering of Complaints by Party Agents



Written complaints were intended to signify complaints registered in Form 7 or in the book of the head of the polling station; 13% of written complaints were reported across the states in the region. Certain states such as the Red Sea and Northern State approached 20% of written complaints.

SuNDE FINDINGS AND ANALYSIS

A. Election Administration

SuNDE observed serious shortcomings in the administration of the elections at the polling stations observed. The inability of the NEC to properly plan for the elections caused polling stations to open very late or not at all, close early and suspend voting. Poor planning and preparation also led to confusion among voters about their polling station assignments.

SuNDE appreciates the efforts of the election officials who tried to address the administrative problems that occurred during the polling days. The NEC did extend the polling process by 2 additional days but ultimately the extension of the polling process did not address the fundamental problems associated with the administration of the elections.

1. NEC Coordination and Communication

A lack of communication and coordination between the NEC and other election bodies often exacerbated these issues, as SuNDE noticed confusion and disparity among State High Election Committees regarding the development of their polling station lists.

This confusion was also demonstrated during the accreditation process, as SuNDE noted many variances in the accreditation procedures among the ten southern State High Election Committees. Organizations were required to submit different documentation depending on the regulations of the State High Election Committees, and many followed differing timelines for submittal. In Jonglei, the State High Election Committee tried to assess a fee of 20 SDG for each accreditation card.

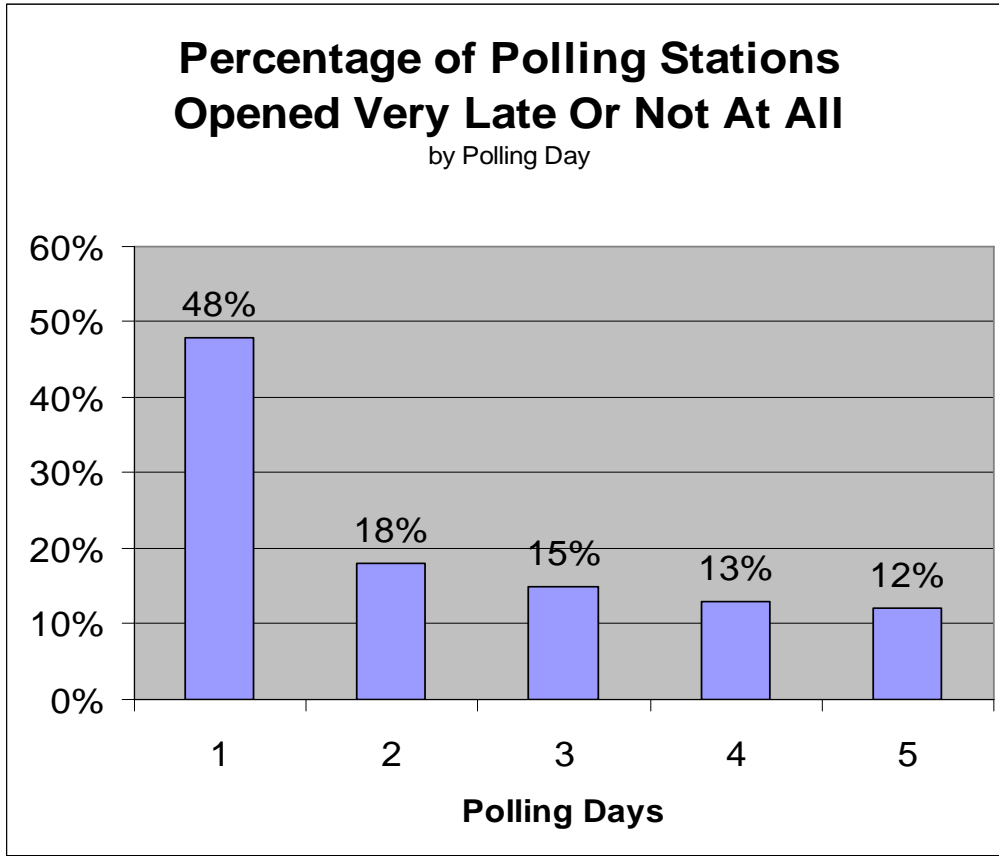
2. Late Opening of Polling Stations and Suspension of the Voting Process

On April 11, the first day of polling, 52% percent of the polling stations SuNDE observed did not open before 8:30am, with many opening very late (after 12:00 pm) or not at all. The late opening of the polling stations on the first day of voting was particularly a problem in Central Equatoria and Northern Bahr el Ghazal where 64% and 67% of the polling stations observed, respectively, did not open before 8:30am. The most common reason for late poll openings was polling stations not receiving critical election materials, most notably ballot papers.

The large number of polling stations not opening or opening very late may have discouraged voters from voting on April 11.

Polling stations opening on time improved somewhat during the following days, however SuNDE observers still noted late opening as a significant problem throughout all the days of polling, even as late as April 15.

Suspension of the voting process occurred in 10% percent of the polling stations SuNDE observed. This was a particular problem in Northern Bahr Ghazal where an average of 16% of all polling stations observed suspended the voting process over the 5 days of polling. Suspension of the voting process most often occurred due to polling stations running out of critical materials, especially ballot papers; rain interrupting the voting process; and disruptions in the polling station.



3. Confusion over Voters Lists and Polling Stations

SuNDE observers reported that in 37% of the polling stations observed at least some voters could not locate their names in the final voters list. In 12% of the polling stations observed, observers reported that many (over 26) voters could not find their name in the voters list over all 5 polling days. This was a serious problem in all ten states of Southern Sudan and led to considerable frustration among voters, and probable disenfranchisement of those who eventually gave up searching for their names in voters list.

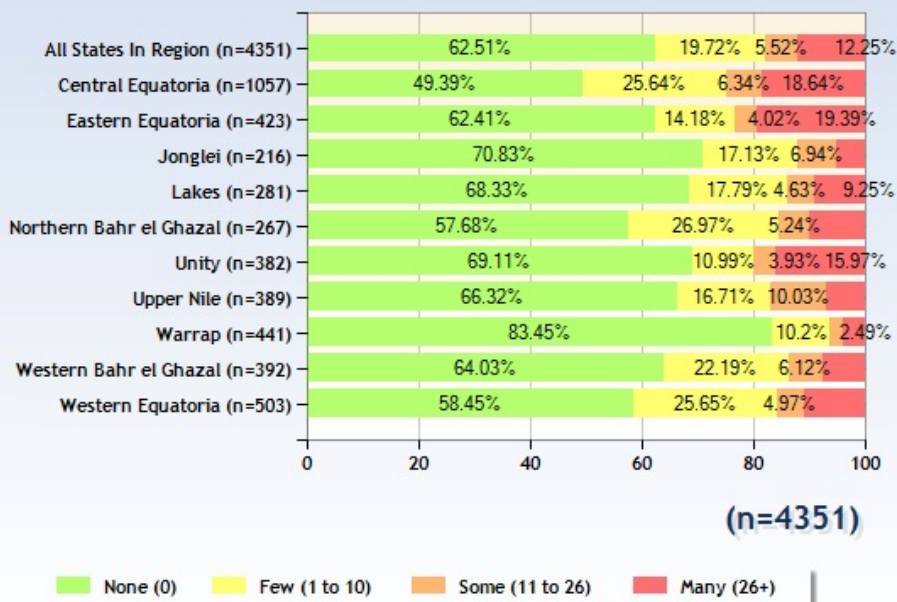
SuNDE observers also reported that in some polling stations observed Final Voters Lists were not delivered, particularly on the first day of voting, or the wrong Final Voters List was delivered to the polling station. This was reported in Western Equatoria, Central Equatoria, Eastern Equatoria, Northern Bahr Ghazal, and Lakes.

The NEC did not publicize the list of polling stations until late March and the list of polling stations was never publicized widely. This meant citizens never had a reasonable opportunity to find out where they should vote prior to the polling days. Publicizing polling station lists earlier would have mitigated some of the confusion at the polling stations SuNDE observed.

In some instances, election officials tried to remedy the problem of the voters list by bringing the original voter registration books to the polling centers or allowing voters to vote with just their registration receipt, but the inability of voters to find their names in the voters list remained an issue for all 5 days of voting.

Approximately how many people went to the polling station to vote but were not on the voters list?

Results by State (Percentage)



4. Ballot Papers

Improper delivery and printing of ballot papers also posed a problem in some polling stations SuNDE observed. States where observers reported ballot papers being delivered to the wrong polling stations included Jonglei, Central Equatoria, Upper Nile, and Northern Bahr Ghazal.

Misprinting of ballot papers was also reported by SuNDE observers in some of polling stations, including contests being printed on ballot papers with wrong headings and incorrect colors or candidate names being left off of ballots. Not having correct ballot papers caused confusion among voters and led to voters being unable to elect the candidates of their choice.

SuNDE observers reported that some polling stations stopped the voting process if they did not have all of the correct ballot papers. Other SuNDE observers reported that polling stations continued with the voting process despite not having all the correct ballots. SuNDE is concerned that continuing the voting process without all of the correct ballot papers deprived some voters from exercising their choice in all elections.

Instances of certain ballot papers missing altogether were reported by observers in Upper Nile, Northern Bahr Ghazal, Central Equatoria, Eastern Equatoria, Lakes, and Unity. The National Assembly Geographic Constituency, South Sudan Legislative Assembly Geographic Constituency, and the National Assembly Party List and Women's List ballot were reported missing most often. This is due to inadequate planning and insufficient logistical arrangements made by the NEC.

The printing of the presidential ballot papers in Arabic only by NEC also may have limited the ability of voters to correctly mark the person of their choice. This is of particular concern to voters in Southern Sudan since many voters do not read Arabic.

5. Polling Officials

SuNDE would like to express its gratitude to the polling station officials who worked long hours under difficult circumstances, often without water or food, to fulfill their responsibilities. At the polling stations SuNDE observed, polling officials generally followed the basic rules and procedures of the voting process, such as preventing voters from voting for people not present, and inking voters' fingers.

SuNDE observed that polling officials often didn't receive clear directives, or received conflicting and inconsistent instructions from NEC officials. This caused the election process to differ from polling station to polling station. For instance, the counting process started at different times in different areas. In Aweil East County the counting of ballots started on April 15, when the poll should have still been opened for voting, and had mostly finished by April 16. Most polling stations SuNDE observed began counting on April 16. Some polling stations observed continued counting throughout the night, while others suspended the counting process on the night of April 16 and then started again on April 17.

B. Intimidation and Observer Obstruction

SuNDE observers reported 194 incidents of intimidation, harassment or violence during the 7 day period in the polling stations observed. Incidents of intimidation were reported in all ten states. Of the total number of incidents reported in each state, those with the highest percentage of incidents of either intimidation or violence included Western Bahr el Ghazal (33%), Warrap (31%), Northern Bahr el Ghazal (26%), and Unity (23%).

Party and candidate agents or their supporters as well as unknown and unauthorized security personnel who were not directed by election officials to be in the polling stations were most often observed to be the sources of intimidation and violence. Voters should be free to cast their ballots without fear of reprisal from any political or government actor.

Twenty-one SuNDE observers were arrested and detained in several states including Central Equatoria, Unity, and Western Equatoria. One SuNDE observer was also kidnapped and beaten in Western Bahr el Ghazal. SuNDE issued two statements condemning these incidents.

SuNDE would like to thank the members of the State High Election Committees and international observation missions who assisted SuNDE to resolve these issues.

Incidents of violence were not just directed at SuNDE observers. In Tonj North County in Warrap State, party supporters brought guns into the polling station in an attempt to steal ballot boxes. These incidents created a hostile and tense environment for observers and party agents in some polling stations.

SuNDE also was concerned about President Bashir's remarks threatening international observers prior to the election days. Observers, regardless of whether they are domestic or international, have the right to report, comment and suggest recommendations to improve the electoral process without being harassed.

1. Observer and Agent Obstruction

SuNDE observers reported 70 incidents of observation obstruction, largely being prevented from entering their assigned polling station, or asked or forced to leave during the process. Incidents of observer obstruction made up 10% of the total incidents reported in Unity State and 7% of the total incidents reported in Central Equatoria and Northern Bahr Ghazal states. SuNDE is concerned about the impact these incidents have on the transparency of the voting process.

In some of the cases polling officials and polling station security personnel simply did not understand the rights of observers to watch the polling process and record their observations. However, in far too many instances, observers and party and candidate agents were deliberately obstructed. SuNDE observers reported on April 13 that in Mayom County in Unity State unknown soldiers chased all voters and election observers from a polling station. Similar instances were reported in Mayendit County in Unity State and Terekeka County in Central Equatoria state.

In Northern Bahr el Ghazal, Aweil East County, SuNDE observers in 4 different polling stations reported that all party and candidate agents as well as observers within the polling stations were forcibly removed.

C. Polling Station Security Personnel, Party and Candidate Agents

1. Presence of Polling Security Personnel

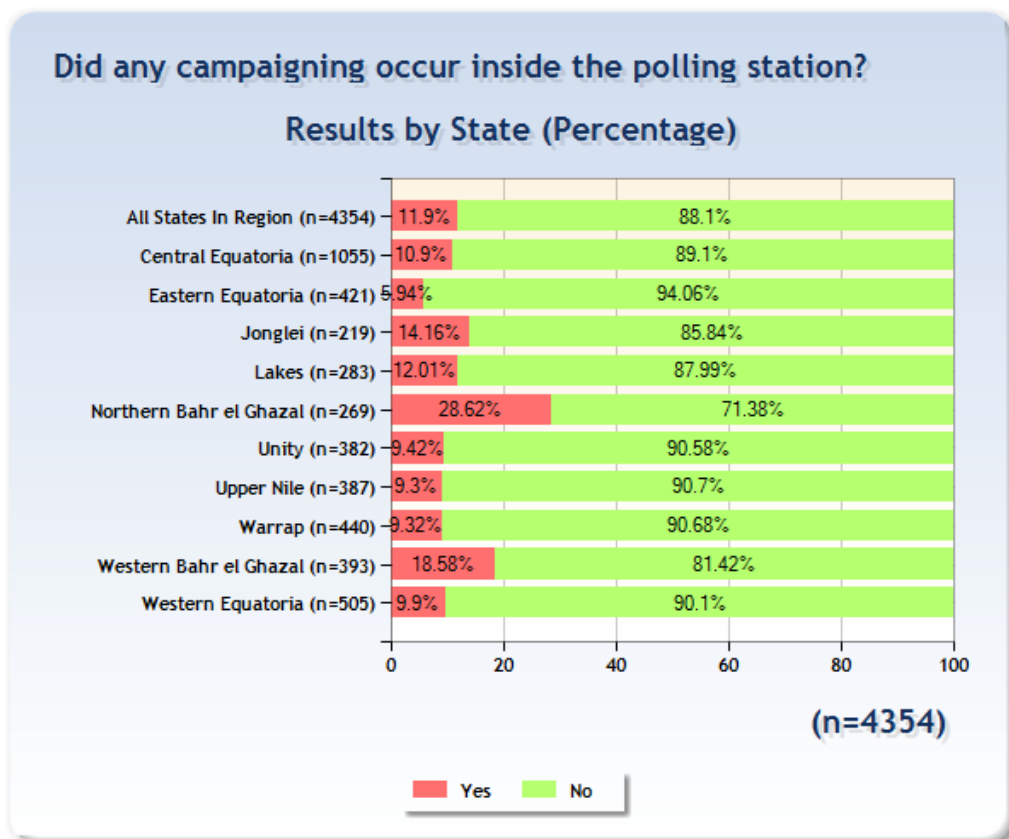
SuNDE observed the presence of polling station security personnel in 92% of the polling stations observed. The notable exception was in Upper Nile where SuNDE observers reported the presence of polling station security personnel in only 55% of the polling stations observed. In some limited instances, SuNDE observers reported polling station security personnel interfering in the election process. Polling station security personnel need further clarification on their appropriate roles. However most problems related to security were reported about non-polling station security personnel.

2. Party and Candidate Agents

Party and candidate agents were present in 97% of the polling stations SuNDE observed. SuNDE notes that this is a marked improvement from SuNDE’s observation of the voter registration process. However, at the polling stations SuNDE observed, many party agents did not understand their roles, responsibilities, or the voting procedures. Party agents seemed particularly confused regarding the NEC rule that polling officials could assist voters who requested help to vote. At some of the polling stations observed, party agents argued with polling officials who tried to assist voters or tried to observe the polling official actually marking the ballot for the voter. This is a violation of the voters’ right to a secret ballot.

Party agents often disrupted the process by arguing with polling officials or other party and candidate agents and actively campaigning in the polling stations. SuNDE observed campaigning in the polling stations in 12% of the polling stations observed. Campaigning in the polling stations was reported most commonly by observers in Northern Bahr Ghazal and Western Bahr Ghazal states where 29% and 19% reported instances of campaigning in the polling stations SuNDE observed.

Party agents were a major cause of the disruptions which led to a suspension of the polling process at the polling stations SuNDE observed.



C. Counting

Despite conflicting instructions from the NEC on when to begin the counting process, SuNDE observers reported that counting was carried out largely free from major incidents of violence or intimidation in 96% percent of the polling stations observed. SuNDE is concerned that in some polling stations observed, observers and party and candidate agents were barred from observing the count. This casts doubt on the integrity of the counting process in those polling stations.

The counting process was suspended in 7% percent of the polling stations SuNDE observed. This happened for three main reasons including rain, polling officials striking because of late payment, and polling officials stopping the process to sleep. The original NEC guidelines stated that the counting process should start immediately after the last day of voting and that it should be a continuous process.

SuNDE observers reported the presence of unauthorized personnel in 16% of the polling stations observed during the counting process. This was a particular problem in Western Equatoria, Lakes, and Warrap. SuNDE observers reported that chiefs, sub-chiefs, and unaccredited party agents or supporters were often allowed to observe the counting process in the polling stations observed. This is a violation of the NEC rules and guidelines.

SuNDE observers also reported substantial inconsistency in how election officials judged valid and invalid ballots.

RECOMMENDATIONS

The following recommendations are offered respectfully, based upon direct observations and analysis of the overall electoral process, and they are made in light of the CPA and Interim Constitution, as well as global standards and practices known to SuGDE and SuNDE. They are intended to contribute to constructive dialogue and progress on improving electoral processes and related democratic development.

Concerning Civil Society Organisations and Domestic Observation

1) The domestic observation experience has been inspiring, educating and capacity building among the organizations involved. Civil society organizations should maintain and promote potentials for democratic transition through the skills and organization gained through the elections.

2) The domestic observation experience benefited a large number of civil society organizations, particularly youth activists. It is highly important that the training for these young people be expanded to include leadership skills. The need for sustainable civic and voter education is vital in order to promote democratic culture and to maintain and expand Sudan's democratic progress.

Concerning Mitigating Potentials for Post-Election Violence

3) All political parties and candidates should act peacefully throughout the announcement of the results and the formation of the new government; any disputes should be resolved peacefully through the a fair and effective legal process appropriate complaint process; at the same time, all security forces should respect civil and political rights and refrain from use of provocative tactics or unwarranted force.

Concerning Election Processes and the CPA

4) Preparations for the 2011 Referendums should proceed diligently, including formation of the South Sudan Referendum Commission and Abyei Referendum Commission, and lessons learned form the these elections should be applied in forming the commissions and in their work.

5) The rules and regulations governing the South Sudan and Abyei referendums should be developed and published as soon as possible, while the voting systems for the referendums should be as simple as possible so all voters can easily participate.

- 6) Early and comprehensive voter education for the referendums should be a priority and be effectively implemented; election authorities and security agencies need to ensure that all viewpoints can be freely expressed and observer rights are respected in the referenda processes.
- 7) Preparations for Popular Consultations in Southern Kordofan and Blue Nile should proceed diligently as well.
- 8) The Supreme Court's decision concerning redrawing constituencies in Gezira State should be implemented in good faith to allow elections to proceed as soon as possible.
- 9) The NEC should make immediately available to the public all electoral results, disaggregated by polling station as well as by total outcomes.
- 10) Election complaints should be carefully processed and effective, appropriate remedies provided.
- 11) The NEC should investigate all allegations of fraud and malpractices and refer matters for administrative sanction or criminal action where abuse is appears to have taken place.
- 12) Election district boundaries should be evaluated, and the NEC should make available maps of electoral district boundaries and demographic information of the population within election districts.

Concerning Electoral Administration

- 13) The NEC should improve internal communications, delineate clearly the division of labor between the various electoral management institutions, and improve coordination among them.
- 14) The NEC should improve planning and preparation: conducting elections during the dry season; publicizing polling station locations well in advance of elections; ensuring delivery of critical election materials in a timely manner.
- 15) The NEC should ensure that the final voters register is prepared and published in a timely manner.
- 16) The NEC should set up polling stations to ensure secrecy of the ballot in order to safeguard one of the that critical condition for elections.
- 17) The NEC should ensure that polling stations are set up to secure sensitive electoral materials, including holding them overnight, and to accommodate all party and candidate agents and nonpartisan observers.
- 18) Polling officers and police staff should receive further training to enhance their knowledge and skills in managing polling stations in the future. Training strategies and plans should be established as early as possible and resources for their implementation must be made available.

Concerning Free Association and Political Expression

- 19) Security forces at differing levels and locals should review instances of harassment, detentions and use of unjustified force by their personnel and hold violators accountable, and all security agencies should receive more and better training on their roles in the electoral process.
- 20) Provisions in the legal framework that inhibit freedom of political expression should be removed to encourage political expression and participation in public affairs.
- 21) Public media should extend access of political parties beyond the election period to encourage political dialogue, debate and allow the public to evaluate the merits of political rivals.

Concerning Women's Public Participation and Leadership

22) Steps to encourage women political participation and leadership should continue after the elections

Concerning Political Party Accountability

23) Political parties in and out of government should develop internal accountability and other structures conducive to democratic transformation.

24) Political parties and candidates should thoroughly train their agents on voter registration, voting procedures and how to conduct themselves during the election days in order to protect electoral integrity and seek effective remedies for problems and violations.

CONCLUSION

SuNDE and SuGDE would like to thank all of the election officials, political party leaders, and members of the international community for their cooperation. Both coalitions look forward to working with all relevant stakeholders to implement the recommendations contained in this report.