



Sifting through Shattered Hopes: Assessing the Electoral Process in Sudan May 2010

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INTRODUCTION

From 11 – 15 April, Sudan held its first multiparty elections in 24 years. Elections were an essential benchmark of the Comprehensive Peace Agreement (CPA) which brought the 22-year civil war to a close, and was signed by the National Congress Party (NCP) and the Sudan Peoples' Liberation Movement (SPLM). The CPA provides a framework for legal and constitutional changes to take place over a six year interim period, ending with the 2011 referenda for self determination in the South of Sudan and Abyei, and popular consultations in the Nuba Mountains and Blue Nile. Elections had been included in the CPA as a mechanism for both addressing the key cause of the conflict – namely the exclusion of Sudanese citizens from political participation – and also to lend popular support to the 2011 referenda and to ensure that the process of separation would be overseen by a democratically elected government.

Elections provided a critical opportunity to address both the challenges of the CPA and to advance political openness in Sudan. In some respects, the elections represented a significant step forward. A generation of Sudanese who had never before exercised their right to vote had the opportunity to do so. Political campaigning offered a unique opportunity to engage in political issues critical to the nation.

However, the process was undermined to such an extent that it failed to meet the expectations set out for it. Due to delays in the implementation of the electoral process, the elections ended up being carried out in a context in which few of these objectives could be met. The government put in place by these elections will have little time to “make unity attractive”.

The process succeeded neither in installing a democratically elected nor a politically diverse government. As such, it will do little to ensure popular confidence in the difficult decisions that must be taken in preparation for the referenda and possible separation of South Sudan.

Elections also represented an opportunity to advance democratic transformation, meaningful participation of the Sudanese people in governance and to build confidence in the electoral process. The electoral design was extremely complex in nature and caused a lot of confusion among elections officials, party candidates and voters. The Sudanese people, many of whom were illiterate and/or had never voted before, were asked to complete a complex system of ballots.¹

The elections were the first multiparty elections since the overthrow of the elected government of Sadiq Al-Mahdi, and political activity was banned for a time following the 1989 coup. Elections in 2000 and 1996 failed to meet basic standards and were not open to multiparty contestation. The election represented a number of varying goals. Some saw them as an opportunity to advance democratic transformation; others saw them as an essential step forward towards the referendum for the South. To the NCP, the elections represented an opportunity to legitimate its position and consolidate its power and support in the North.²

¹ Sudan's population is 61% literate. UNICEF, [Sudan Country Info](#).

² Ahmed Elzobier, “[Sudan's Elections: Nothing was Learned from Experience](#),” Sudan Tribune, 21 April 2010.

While the civic education programming provided by the National Elections Council (NEC) was certainly beneficial, it was not far-reaching enough and came too late to have a significant impact in educating Sudanese communities on the electoral process and the significance of their votes. Impartial and consistent voter education is primarily the responsibility of state organs, chiefly the election management body (in Sudan's case, the NEC). Voter education was hampered in Darfur because the NEC failed to communicate with relevant actors and ensure that the restrictions on freedom of movement imposed by the state of emergency were lifted. More troubling is the fact that voter education materials used the NCP's party symbol (a tree) in their materials. Sudanese civil society groups displayed commitment and capacity for educating the broader public through symposia and door-to-door campaigns; unfortunately, many of these efforts were impeded by the Sudanese National Intelligence and Security Services (NISS) which harassed and arrested activists.

At the outset of the electoral process, the population at large displayed high hopes. The CPA has allowed for a widening of political space that hadn't been seen in Sudan following the 1989 coup. Elections themselves -- and their potential -- brought about an increased awareness of rights, responsibilities and civic participation. Civil society and political parties meticulously monitored the electoral process throughout the census, registration, delimitation of geographical constituencies, and finally voting; and broader questions of legal and political openness necessary for free and fair elections. Unfortunately, much of the reform of legislation to be undertaken during the interim period has not been effective, and continues to be employed in a repressive manner.

In the months leading up to the elections, these restrictive policies enabled the Sudanese authorities to systematically suppress fundamental human rights guaranteeing dialogue and civic engagement. Traditionally marginalised groups at Sudan's peripheries, civil society, and the political opposition continued to be excluded, and targeting of these groups occurred in direct relation to the electoral process. Increasingly strong statements and threats were issued by Khartoum in the weeks prior to the elections against those who voiced disappointment over facets of the process, including lack of progress made in remedying lessons learned from the registration process and in legal reform.

During the electoral period and elections themselves, the African Centre produced reporting through internal monitors on violations and irregularities during the election period and rights abuses occurring concurrently throughout Sudan. Patterns began to emerge that document the extent to which the closely-linked NEC and NCP undermined opposing voices, and held fundamentally flawed elections marred by irregularities, intimidation, harassment and arrest. Given the prevailing confusion of implementing complex elections in an environment that had not seen them in many years, some might conclude that these were simple mistakes. The monitoring however shows that many occurred systematically throughout Sudan, undermining the credibility of the result.

THE ROAD TO THE ELECTIONS

The right to vote and effectively participate in free and fair elections is one of the most fundamental principles of good democratic governance. Voting establishes a sense of responsibility, accountability, and a direct relationship between the government and electorate. In that context, elections were envisioned by the CPA as a benchmark to achieving democratic transformation, and formed an important element in its roadmap. Elections, however, are only one piece of the broader programme of democratisation.

As such, the success of the electoral process was dependent on a range of procedural elements, from the census to the passage of elections legislation to voter registration. The success of elections is also dependent on a range of contextual factors which determine the possibility for open campaigning and political activism. The CPA recognised the need for these contextual changes by setting out a map for legislative reform touching on issues such as the role of national security and media freedom.

This section offers an overview of the processes and procedures in the run up to the polling process itself.

The 5th Sudan Population and Housing Census

Sudan's fifth census in its history was conducted throughout the country from 22 April – 6 May 2008. Censuses serve as a crucial step in conducting elections by providing valuable data on the size and distribution of communities; data necessary for the demarcation of electoral districts.

It is unsurprising that the census was politicised given its critical role in determining the future structure of Sudan's governance. Marginalisation of Sudanese at the peripheries had been a catalyst for Sudan's civil wars, and census data was to be used as the foundation for review and redistribution of political power and economic wealth across the country.³

The census was the first held in the north since 1993 and in the south since independence.⁴ Initially to be held in the second year of the interim period, 2007, the census was postponed several times due to funding issues. A census period scheduled for 15-30 April 2008 was delayed after the SPLM withdrew from the census period in the hopes that their withdrawal would facilitate time for Southern IDPs living in the North to return to their home communities in the South and be counted there, thereby postponing the census until the end of the year when this was feasible. After negotiations, the SPLM agreed to begin the census the following week, 22 April – 6 May, as postponement called the timetable for elections into question.⁵ Though the SPLM requested that data be collected on ethnicity and religion, key contributing factors of the North-South conflict, a presidential order omitted this information from the census forms.

By the end of the census, 90% of the country had been covered by the Central Bureau of Statistics in the North and the Southern Sudan Centre for Census, Statistics, and Evaluation.

³ Darfur Relief and Documentation Centre, "[An Incomplete Exercise](#)" February 2010.

⁴ Ibid.

⁵ "[Sudan Census delayed until year end raising doubt on 2009 election](#)", Sudan Tribune, 12 April 2008.

Many people stated that they had never been counted; however, officials stated that no state fell below the covering rate of 80%.⁶ The process was incredibly contentious, with 100 Northern census officials expelled from the South and 13 kidnapped in Darfur.⁷

A lack of access in Darfur due to insecurity and violence hampered coverage, particularly for IDPs and war-affected communities. A survey done by the Darfur Relief and Documentation Centre indicated that in Darfur's largest cities, census coverage in some neighbourhoods reached only 25% of Nyala, 30% in El Fashir, and 19% in Geneina.⁸ Communities living around rebel strongholds and members of tribes opposing the NCP were not counted.

Available estimates postulate that the IDP population is 2.6 million, and vulnerable host communities make up a further 4.8 million. The census counted the population of Darfur as being 7.5 million people, which suggests that roughly 64% of the population is war-affected, with 59% being IDPs. As almost all war-affected civilians refused to be counted until they could return home to their communities voluntarily, it is likely that Darfur's census figures were off by millions.

Many IDPs living in Wadi Salihm, Wadi Azoum, Kabyabiya, and Jebel Marra were concerned that should they be counted, they would lose the legal rights to their land in their home communities as they now resided elsewhere and resisted the census for this reason. Many areas in Darfur where its former occupants have been forced to flee are now occupied illegally by Arab nomads from Darfur, and refugees from Niger and Chad. Indeed, the census saw Darfur's nomad population increase by 324% since 1993.⁹

Though results were to be delivered in September 2008, they were not published until 26 April 2009. They were rejected by the SPLM, the Sudan Liberation Movement – Minawi, the Beja Congress, and other Darfur rebel groups and tribal leaders. The Umma Party and Popular Congress Party also expressed reservations. Sudan's census bureau put the population at 39.15 million, but did not make public the aggregated breakdown of population by region, which was imperative to determine wealth and power-sharing arrangements. The most populous areas of the country were quoted by Sudanese news sources as being 5 million in Khartoum, 7.5 million in Darfur, and 8.2 million in South Sudan, respectively. During an initial disclosure of preliminary census results in early July, the population of the South was placed at 3.8 millions. At the time, the SPLM stated that they would not accept results that placed their population as less than 11-13 million, though they reneged after negotiating for additional seats in the National Assembly with the GoNU.

Many Darfuris rejected the census from the outset as having no credibility. A Darfuri IDP leader, Abu Sherati, stated that six of the largest IDP camps were protesting the census, adding that "we don't have any trust at all in this government so we reject the census completely".¹⁰ Darfuris, however, had little capacity to contest the results.

In early March 2010, the NCP and SPLM reached an agreement to assign 40 additional seats to South Sudan in the National Assembly, and two seats each designated for Abyei and

⁶ "[Sudan says 90 percent covered on last day of census](#)", Sudan Tribune, 12 April 2008. The issue of coverage is significant, as many representatives of the measuring bodies stated that their initial figures were based on "guesstimates". However, it precludes that it would be difficult to assume a coverage rate when there is no information on the initial population itself.

⁷ Ibid.

⁸ Darfur Relief and Documentation Centre, "[An Incomplete Exercise](#)" February 2010.

⁹ Ibid.

¹⁰ Opheera McDoom, "[Counting begins in disputed Sudan Census](#)", Reuters, 22 April 2008.

South Kordofan (two of Sudan's "three areas", for which the CPA provides special arrangements to choose to be part of the North or South). Chairman of the NEC Abel Alier released additional census data in the North in the weeks before elections due to pressure from political parties, but not the results of the South. He explained that the NEC was not obligated to release results at all, as they had not conducted the census. In the case of South Kordofan, the NCP and SPLM agreed to review the census and registration process ahead of Southern Sudan State Assembly (SSLA) and gubernatorial elections to be held 11 June 2010. This deal between the SPLM and NCP on National Assembly seats and the South Kordofan Legislative Assembly was approved and endorsed by the NEC, but has yet to be reviewed by the National Assembly. Disputes over the process elsewhere were not resolved.

Creation of the NEC and Contradictions in the Legal Framework

Following a two and a half year delay, the National Assembly passed the National Elections Act (NEA) on 7 July 2008. The framework legislation created an institutional body, the NEC, tasked with managing the elections. The NEA gave the NEC wide-ranging powers.

The provisions for the establishment of the NEC were controversial. The appointment of commissioners was to be undertaken by the president, who was also a candidate. The First Vice President was allowed to raise objections, but could not suggest alternatives in accordance with Article 6(1). Although commissioners must receive approval by 2/3 of the National Assembly, the ruling party majority undermines the effectiveness of this provision in ensuring the acceptability of candidates across the political spectrum.

In practice, the NEC was seen by many as controlled by the NCP. In an academic paper entitled *The Problems of Holding Elections*, Dr. Omar el-Garray stated that the stipulated impartiality was already to be violated *before* elections had even commenced, as "in some regions the chair of the election commission is the deputy Governor and the representative of the ruling National Congress Party in the area!"¹¹ In an incident noted by the International Crisis Group, North Darfur's State High Election Committee approached the incumbent governor Osman Mohamed Yusuf Kibir the day prior to the closing date of nominations for gubernatorial candidates and gave him the list of each candidate's nominators. In the following days, over 100 of the nominators were approached by NISS agents and intimidated.¹² NEC posters in Khartoum showed the NCP's party symbol.

In addition, other elements of the legislative framework undermined the electoral process. Under the Political Parties Act, a requirement to run for the Presidency was to gather 15,000 signatures from 18 of Sudan's 25 states. Some prospective candidates, including candidates from the New National Democratic Party, the Socialist Democratic Union, and the Independent Party, were unable to collect signatures from the South, due to inaccessibility, harassment, and detention. In some cases, the National High Court permitted candidates to run after being initially rejected by the NEC. The NEC was accused of partiality in adjudicating claims, admitting candidates who had allegiances with the NCP. Some of those rejected appealed to the Constitutional Court, but did not receive decisions ahead of the elections. While the New National Democratic Party and the Social Democratic Union were later allowed to contest in the Presidential election, a National Reform Party candidate was not.¹³ However, the elections were not postponed to allow for decisions in these cases.

¹¹ See the African Centre for Justice and Peace Studies [Sudan Human Rights Monitor](#), August – September 2009.

¹² International Crisis Group, "Rigged Elections in Darfur and the Consequences of a Probable NCP Victory in Sudan", 30 March 2010.

¹³ "Former aspiring presidential candidate accuses NEC of lying, conspiracy", Sudan Tribune, 26 April 2010.

In addition, a number of other legal standards undermined the possibility of a free campaigning environment. Several key domestic laws still in force, such as the 1991 Criminal Law and Criminal Procedure Act (which provides for detention without timely judicial recourse), the 2006 Organisation of Humanitarian and Voluntary Work Act, the 2009 National Security Act, and the 2009 Press and Publications Act, severely circumscribe the freedom of expression and association, in direct contradiction with the legislative framework that clearly outlines these rights, as seen in the NEA, the Interim National Constitution (INC), and Sudan's international commitments. Though the media section of the NEA protects the freedom of expression, the Press and Publications Act allows for censorship. Censorship occurred throughout the electoral process, in violation of the National Elections Act Article 66. For example, the website Sudan Vote Monitor, a project using the internet to collect and compile monitoring, was hacked and blocked.

The NEA and its implementing guidelines were applied inconsistently throughout the country. Judicially chaired committees designed to look into voter registration, demarcation of constituencies and the nomination of candidates ranged from being completely absent to being used to the point of harassment against political parties and civil society.¹⁴ There was tremendous confusion as to available legal remedies, and if the NEC or courts were the appropriate recourse. The Ministry of Interior and NISS had the power to restrict and delimit the NEC's power, but appear to have used this primarily to restrict the number of polling centres and to increase security presence rather than acting to ensure impartiality.

Overall, the legal framework fell short of international standards in a number of areas, and this was not proactively addressed by the NEC. In a letter dated March 2010 to political opposition representatives, the Chairman of the NEC, Abel Alier, stated that though the NEC is governed by the CPA, the INC, the Political Parties Act, and the NEA, it cannot override existing statutes such as the Criminal Procedures Law.¹⁵

As elections drew nearer, the NEC decision making process took on an increasingly broad tone, taking on a quasi legislative tone. It issued circulars of uncertain legal status on campaign activities and media reporting,¹⁶ saying that the circulars were intended to "prepare the political stage for organised and safe campaigning", and were not binding, and the NEC "has never meant to restrict the activities of political parties, but rather dealt with the realities and the existing law on the statute books".¹⁷

The NEC also held the power to revoke accreditation of international and national observers, and granted the chief officer of the polling centre the same right to expel any individual for any contravention of the NEA.¹⁸ In the weeks before elections, domestic accredited Sudanese observers who had already been accredited were summarily informed that they would not be allowed to participate.

¹⁴ [European Union Election Observation Mission Preliminary Statement](#), 17 April 2010. In Western Equatoria State, there were multiple claims leveled against and by the incumbent governor for re-election.

¹⁵ NEC Letter to Political Parties

¹⁶ NEC Circular 1-A-1, 22 February 2010.

¹⁷ Ibid.

¹⁸ National Elections Act, 2008, Art. 106.

A Complex Elections Procedure

The CPA set forth a complex electoral scheme that was further elucidated in the NEA. The procedure called for executive elections for the President of the Republic of Sudan and South Sudan, governors, and three levels of legislative seats for the National Assembly, the Southern Sudan Legislative Assembly, and State Legislative Assemblies. The Presidency calls for an absolute majority of 50% + 1, while gubernatorial races are based on the majoritarian “winner takes all” principle. Legislative elections use a combination of majoritarian and proportional representation. In the National Assembly, 60% of seats are majoritarian, 25% proportional representation of women candidates put forth by political parties, and 15% from state-level candidates chosen by political parties.¹⁹ While majoritarian systems by and large produce stable majorities, they also tend to represent only the largest parties and disenfranchise minority voters.

The CPA also envisaged a quota system within the National Assembly and Executive Branch of the GoNU based on consociationalism between the NCP, SPLM, and northern and southern opposition parties *prior* to the elections of 2010. Seats are allocated as follows: 52% NCP, 28% SPLM, 14% northern opposition, and 6% southern opposition.²⁰

In a resource-rich country with few mechanisms for checks and balances, commissioners to the NEC were appointed by a system of patronage which has enabled the success of the NEC in towing the NCP line. The African Centre observed NEC posters featuring NCP candidates, and large posters sponsored by the Peace Equity Forum, chaired by the Presidents’ Uncle and candidate for Governor in Khartoum. After the commissioners’ appointment, a network of State High Election Committees (SHECs) was appointed. These groups were traditionally made up of Popular Committee members, who in turn became responsible for constituency delimitation, registration, and administering polling. A portion of the government of South Sudan (GoSS) was delegated to administer elections in the South, but they had no direct relationship with the Southern SHECs. Upon their appointment, training of these commissioners and officials varied widely from state to state.

Delimitation of Constituencies

Delimitation, the creation of boundaries of constituencies for voting, defines the demographics of a community and where they will vote.²¹ As these constituencies determine geographical areas for candidates for National Assembly, State Assembly, and the SSLA, which are bodies entrusted with the power to create legislation and reform existing laws, an equitable and inclusive process is imperative. In every one of Sudan’s elections, constituency delimitation has been extremely controversial. Necessary to determine governance on local levels, Sudan’s delimited constituency borders were left purposefully vague so as to allow for manipulation by SHECs.

¹⁹ International Crisis Group, “Rigged Elections in Darfur and the Consequences of a Probable NCP Victory in Sudan”, 30 March 2010. As proportional party contests are statewide rather than national, smaller parties have more difficulty winning seats. A small number of seats are contested in each state (the determination of how many seats are allocated by state comes from the census), and so a party’s proportionality is diminished by the reduced constituency size. To win seats, a party must have strong, concentrated power in a state.

²⁰ CPA 2.2.5

²¹ Gustafson, Marc. [Electoral Designs: Proportionality, Representation, and Constituency Boundaries in Sudan’s 2010 Elections](#). The Rift Valley Institute, 2010.

In a resource guide on electoral delimitation of constituencies, the International Foundation for Electoral Systems stated that the construction of constituency boundaries “provides the single most important opportunity to manipulate the result of elections, short of straightforward cheating. Within limits, it is possible to do almost anything.”²² Though often overlooked, constituency delimitation provides an apparatus for institutions to misconstrue data collected during the census and facilitate the election of their candidates.

The formula used for delimitation of constituencies delegates 270 seats in the National Assembly through proportional representation. The average size of a constituency is calculated by dividing the total population of Sudan from the 2008 Census by 270, a figure known as the national dividend. In Sudan, this was 148,148. This figure is then divided into each state’s population (a figure determined also by the 2008 census but never publicly released) to generate the number of constituencies in that particular state. The NEC decreed that no constituency should exceed the national dividend by more or less than 15%, giving a 30% margin. Though this allows flexibility regarding geographical and tribal boundaries, it also opened the door to gerrymandering. Electoral systems around the world typically do not allow for a greater margin than 20%.

Constituencies were added in areas of strong NCP support, and removed in areas with little support. In some places, constituencies varied in size by as much as 150%. The final decision was left with the NEC in approving the results of constituency delimitation. In 11 states constituencies varying in size by a proportion greater than the established parameters were approved. Jonglei state had constituencies that went 32% under and 52% over.

In Darfur, a traditional Umma Party stronghold, the NCP has looked to restructure political power in their favour since the 1989 coup. In 1994, it split the Darfur state into three states, dividing the Fur tribe and attaching the northern part of Darfur to Northern State.²³ The delimitation process in Darfur was particularly problematic with large areas excluded from any constituency by the SHECs.

The SHECs often failed to assign villages to constituencies. This was remedied during elections by allowing unassigned villages to vote at the constituency of their choice. When political parties and civil society filed complaints requesting a change in the name or delimitation of a constituency or alleging that the population disparity violated the margin, their appeals were rejected.²⁴ Southern Sudan’s Minister of Agriculture, Samson Kwaje, was shot in the arm by villagers in Wonduruba, Central Equatoria, after he unsuccessfully advocated for the villagers to be moved to a new constituency.²⁵

A portion of the problems in this process can be attributed to the short time period of the delimitation process, as only 30 days were permitted. The process was completed on 9 July.

Election Registration: Building on a Cracked Foundation

The registration period spanned from 1 November - 7 December, following a one week extension requested by stakeholders to facilitate registration of communities in the South

²² Handley, Lisa. [Delimitation Equity Resource Guide](#). International Foundation for Electoral Systems, 2006.

²³ International Crisis Group.

²⁴ Gustafson, Marc. [Electoral Designs: Proportionality, Representation, and Constituency Boundaries in Sudan’s 2010 Elections](#). The Rift Valley Institute, 2010.

²⁵ Human Rights Watch, [“Sudan: Abuses Undermine Impending Elections,”](#) 24 January 2010

that were logistically difficult to reach. Voter registration is an initial first step of the electoral exercise. As individuals cannot vote if they are not registered, access to registration centres is critical.

In many ways, the registration period was a precursor to the elections in the irregularities and violations that occurred. It took place in a contentious environment marked by political obstruction of peaceful political activity and human rights abuses, and an overall tightening of restrictions on civil and political freedoms.²⁶ While there were no major incidents of violence, many logistical issues, technical errors, and incidents of political obstruction impeded the registration period. Public education on the significance of registration would have been greatly beneficial. Although communities came out to register in great numbers (the NEC stated that at least 75.8% of eligible Sudanese were registered, with a 71% and 98% rate of registration of the eligible electorate in the North and South, respectively),²⁷ there is substantial evidence that certain communities were excluded. There was particular pressure in the South to register in order to dispute the census, and as registration was also for the 2011 referendum.²⁸ In the South, registration exceeded 100% in some areas.²⁹ Members of the Sudanese diaspora were allowed to register in some countries, but refugees who had fled to neighbouring African countries and those who lacked identification documents were not permitted to register.³⁰

The African Centre monitored the registration period throughout Sudan, and published a report based on its findings, entitled “Building on a Cracked Foundation: An Analysis of the Election Registration Process in Sudan and its Impact on the Potential for Free and Fair Elections”. The report highlights a number of problems including manipulation of demographics through altering the voting locations of security personnel, changes in structure and functions of registration centres without rationale and the exclusion of many Darfuris.

Security agents, military personnel, and police officers were present at many registration centres and registered in their place of work rather than their area of residence. Registration in one’s place of work is in contravention of the provisions of Article 22 of the NEA.³¹ Against the complaints of political parties and registration monitors, the NEC issued a circular on 24 October allowing for the registration of military personnel in their place of work, including large numbers in Darfur. In a response to a complaint by political parties in March, Chairman Abel Alier said “some personnel of these forces reside in barracks, which are at the same time their place of work; or the place of work is the place of residence”.³² The implications of this circular were troubling, as they allowed for the possibility to inflate demographics in certain areas by deploying security forces.

In many cases, the location and schedule of registration centres were not well publicised, which could have greatly increased the amount of people who registered in the north. Many

²⁶ African Centre for Justice and Peace Studies, [“Building on a Cracked Foundation: An Analysis of the Election Registration Process in Sudan and its Impact on the Potential for Free and Fair Elections”](#), 9 February 2010.

²⁷ “Statement on Sudan’s Voter Registration”, the Carter Center, 17 December 2009.

²⁸ The Assessment and Evaluation Commission Chief (a body to monitor the CPA’s implementation), made an interesting comment about this issue on 4 May, saying that “the voter registration process for the referendum is very important because the right to participate in the referendum is not automatic, there are ethnic criteria. It’s a deeper process”. See [“Sudan says 80% of North-South Border Demarcation Complete”](#), Sudan Tribune, 5 May 2010

²⁹ Statement on Sudan’s Voter Registration.

³⁰ NEA, Article 22.3

³¹ NEA, Article 22.2.

³² Ibid.

people were unsure of just what they registering for; some refused to register as they thought they were being taxed. Discrepancies in the rate of registration shows that the registration process should have been better publicised. Registration slips were collected by NCP members for “safekeeping”, and this process continued until the election period.

In Darfur, entire areas were inaccessible, and the registration centres that were located in IDP camps had high levels of security presence, a presence likely to intimidate IDPs. No registration took place in Kass and Kalma IDP camps, and it was reported that there were concerns amongst IDPs that registration could later be used to undermine their land rights in their original communities, now occupied illegally by nomadic tribes and foreigners that had been given Sudanese citizenship retroactively and counted in the census.³³ Government policies in these areas throughout the census, constituency demarcation, and registration effectively disenfranchised many Darfuris.

There were a number of instances observed by the African Centre where people were blocked from registering, registered inappropriately or illegally, or in incorrect locations. Monitors were harassed, and instances of tampering, manipulation, or intimidation following the registration was observed.

A full audit of the registration process was not conducted until January 2010, and has still not been made publicly available. In some areas, the date set for the audit of the voter’s list was not announced, so many voters did not know that they could go and correct their information. These constitute procedural violations of Articles 23 (c and d), 24 (1), and 25 of the NEA. These same voter’s lists were not posted in many polling centres during voting, and could have contributed in the huge discrepancies between lists in many voting centres. The NEC failed to provide a hard copy of the registration record, and instead disbursed a CD with the registry to most political parties and candidates, which many alleged to be different from the list held by the NEC.

The public audit is a crucial part of the electoral process in building voter trust, and an exercise in responsible and engaged citizenship. The public are the only people capable of asserting the validity of the voter’s list; during elections, the African Centre observed that the voter rolls included persons that had been dead for decades or were underage.

Some 13,000 objections were filed to the NEC after registration, but the outcome of these complaints was never made public, and many were unresolved before elections.

Nominations and the Campaign Period

A successful electoral process requires an electoral environment in which candidate and political parties can freely discuss issues and conduct their campaigns. Unfortunately, the Centre observed numerous cases of harassment during the campaign period.

Despite this, the participation of a large number of political parties was positive. More than 72 political parties nominated candidates. However, political opposition in Sudan is still recovering from the ten year ban on the operation of political parties between 1989 and 1999. The CPA established a quota system for government positions, opening the way for the inclusion of other political parties.³⁴

³³ Darfur Relief and Documentation Centre, “An Incomplete Exercise” February 2010.

³⁴ CPA, Article 2.2.5.

The process offered an opportunity for opposition parties to reengage with their supporters. Opposition parties, acting through the Juba Alliance, demanded that various security laws be reformed to enable campaigning. This was not accepted by the GoNU, although they did agree that restrictive laws would not be applicable during the elections period.³⁵

The official campaign period began in February 2010, with candidates adopting different mechanisms of campaigning. On the first day of his presidential campaign, President Bashir announced in El Fashir that the “war in Darfur was over”, only a day after signing a ceasefire with the Justice and Equality Movement. Candidates from opposition parties adopted public symposia, rallies, and door-to-door campaigns to encourage voters.

In the north, constituencies had much greater control over their candidates, while in the south many candidates were selected by the SPLM. The SPLM designated candidates according to a pre-developed list of criteria; when candidates had close levels of support, candidates were chosen based upon local and tribal dynamics rather than popular support, though some of those not selected ran as independents.

A coalition of opposition political parties, including the Alliance of National Forces, submitted an official complaint to the NEC on 12 August 2009 about restrictions imposed on them by security forces with regard to the election. In September 2009, the Ministry of Interior stated that parties would have to provide notification of campaigning even within their own party headquarters.

During the main campaigning period of February 2010, the NEC and Ministry of Interior introduced restrictive circulars that severely circumscribed political parties’ capacity to campaign. On 10 February, the NEC and Sudan’s Ministry of Interior issued circular requiring candidates organising public campaigning events to give relevant authorities 72 hours notice, in effect making it necessary to apply for approval to hold an event. Several parties requested that the standard be altered to mean inform NEC, rather than apply for approval, but this was not accepted. The requirement was applied inconsistently across the country, and parties often had to report to several security agencies rather than just one authority.

As an example of such restriction, the African Centre documented how police in White Nile State banned a public meeting on 7 November about the elections organised by opposition parties in Kosti City, stating that permission was needed not only from the police, but also the NISS.

The NEC did make efforts to install an equal access programme for political candidates to radio and TV. Although stations such as Sudan TV and Omdurman Radio respected these provisions, some candidates were severely censored.³⁶ The ruling party failed to monitor the application of Article 66 of the NEA, although the formation of the Media Committee was mostly made up of members affiliated to the ruling party.³⁷ On 3 March 2010, Sudanese state radio in Omdurman blocked the leader of the Umma party and candidate for President AlSadiq Almahadi from airing his speech, insisting on omission of 19 points in his 20 minute

³⁵ [Carter Center Election Observation Mission: Sudan Presidential, Gubernatorial, and Executive April 2010 Preliminary Statement](#), 17 April 2010.

³⁶ European Union Election Observation Mission Preliminary Statement. On Omdurman Radio, coverage of the NCP was 47%, the SPLM 12%, and all other parties 41%.

³⁷ NEC Decree 66, 2 February 2010.

speech, including a reference to the ICC case against President Bashir.³⁸ Some stations requested a fee from candidates in exchange for airing their speeches. The GoSS implemented this equal opportunity programme only in the final weeks of the campaign, and limited live political debates.

On 6 March, northern opposition parties submitted a brief to the NEC questioning its impartiality. They also complained about voter registration and the use of government property for campaigning, and demanded that the state of emergency in Darfur be lifted and that an agreement be reached to allow armed groups in Darfur to vote.

Though the NEC pledged to closely monitor campaign financing, unlawful use of resources, and politically motivated violence, widespread violations occurred during the campaign period. The NEC had promised funding for campaigns, but no money was distributed, which was a violation of Article 67(c) of the NEA, which stated that financial support may be provided by the GoNU, the GoSS, or state governments to all political parties and candidates on an equal basis.³⁹ The GoSS did disburse money halfway through the campaign period to opposition groups. A ceiling on campaign expenditures was not set until two weeks before the campaign, and when it was it was set so high as to only be beneficial to the SPLM and NCP. The failure to set such standards limited the competitive nature of the elections.

Though it is positive that the NEC addressed this complaint, most complaints went unacknowledged. It was unclear what remedies were available and what courts were empowered to grant them. This severely limited the conception of the NEC as an honest broker to candidates. Though there were a reported 1,200 complaints during the campaigning period to the NEC, only around 20 were addressed, all of them from Khartoum state.

Harassment of Candidates and Repression of Civil Society

Throughout the electoral process, the African Centre observed incidents of harassment and a lack of impartial behaviour by the NEC towards political party candidates, in addition to incidents of violence and arbitrary arrest committed by security personnel.

- On 6 August 2009, the NISS agents disrupted a public talk about the upcoming elections organised by the Sudanese Congress Party (SCP). Security forces arrived at the symposium and disbursed the crowd, ordering the organisers to cancel the event. The organisers had obtained all the necessary permissions and clearances from the police as prescribed by law.⁴⁰
- On 13 August 2009, the NISS in Port Sudan prevented a public talk about the election organised by a coalition of opposition political parties, the Alliance of National Forces. In Al Daein, South Darfur, the NISS raided the offices of the New Forces Movement “Haq” and confiscated documents and educational materials on the elections.
- On 8 September 2009, the NISS ordered “Journalists for Unity,” a coalition of northern and southern journalists, to cancel a press conference at Tyeba Press. The press

³⁸ African Centre for Justice and Peace Studies, [“Sudanese Authorities and the NEC React to Peaceful Elections Campaigns through Arrest and Circumscribing Civic Rights”](#), 4 March 2010.

³⁹ NEA, Article 67.

⁴⁰ African Centre for Justice and Peace Studies, [“Crackdown on Freedom of Expression and Association Ahead of Elections”](#), 17 September 2009.

conference had intended to address issues related to the upcoming elections and the referendum.

- On 8 September, the NISS also prevented Asma organisation, Maa Society and the Sudan Research and Development Organisation from holding a symposium on elections to be held at Alshariqa hall in Khartoum University.
- On 9 September, NISS prevented *Al Sudani* newspaper from publishing. The security officers who reviewed the newspaper's content every day in keeping with the government's pre-print censorship policy arrived late that evening and removed articles related to the elections. The entire edition had to be cancelled due to the volume of text removed.
- On 10 September, NISS officers arrived late at *Al Midan* weekly newspaper and ordered the removal of many articles related to the elections and critical of the National Congress Party. The entire edition had to be cancelled due to the volume of text removed.⁴¹
- On 18 October, the National Civil Forum in Kasala, East Sudan was prevented from organising training workshops on elections by the NISS, who refused to give permission for the event even though organisers had obtained all required permissions from the NEC and Humanitarian Aid Commission.
- On 21 October, the police forces suspended a public speech supporting presidential candidate Professor Abd Allah Ali Ibrahim, despite the fact that organisers had obtained all the necessary permissions, claiming that the action constituted unlawful assembly. Mr. Abd Allah had planned to launch his election campaign.
- On 2 December in South Darfur, NISS arrested Tifour Al Amin, 29, an accredited observer from the Communist Party, while he monitored the Central Nyala Town registration centre at the Abo Sufian School. Prior to this, he had been arrested and detained for 12 hours on 4 November. He was released on 27 December after being subjected to torture and ill-treatment during his detention.
- On 6 December at 7 PM, two members of *Girifna*, a Sudanese civil society campaign for voter education, named Muhnad Umar and Hazim Khalifa, who had been distributing fliers for free elections were arrested and tortured.
- On 7 December, Sudanese riot police broke up peaceful protests in Omdurman, Greater Khartoum North, and other cities across Sudan. The demonstrations were coordinated by the Juba Declaration Forces. Over 250 people were arrested in Khartoum, including Pagan Amum, the SPLM's Secretary General, Abbas Jumma, the SPLM Minister of the Interior, and Yasir Arman, the SPLM's Deputy Secretary General (and later Presidential candidate). Protests also took place in Port Sudan, Gedaref, Kassala, and El Fasher, as well as in every major city in South Sudan and IDP camps in Darfur.⁴²
- On 11 December, police authorities in Nyala banned an elections education meeting organised by opposition parties. The next day, security forces prevented the group from holding a press conference in the Umma party offices in Nyala. The political parties intended to use the press conference to clarify publicly the reasons for the cancellation of the meeting, but security forces ordered all the reporters to leave.
- On the same day, security forces arrested four political activists from the Umma party and the SPLM and their driver in a Nyala market. The group had been publicising a symposium organized by an opposition political parties' alliance. They were released into the custody of relatives the following day.

⁴¹ African Centre for Justice and Peace Studies. [Crackdown on Freedom of Expression and Association Ahead of Elections](#). 17 September 2009.

⁴² African Centre for Justice and Peace Studies, "[ACJPS Condemns Suppression of Peaceful Demonstrations in Khartoum and Nationwide](#)", 7 December 2009

- On 14 December, Sudanese security forces dispersed a peaceful protest organised by the Juba Declaration Forces, and aimed at presenting a petition to parliament detailing needed legislative changes and demanding the establishment of an enabling environment for free and fair national elections. The crowd was dispersed using tear gas and rubber bullets which led to at least seven people being seriously injured. Representatives of the New Forces Movement, the Umma Party, Communist Party, Justice Party, and the Popular Congress Party were all arrested. Parallel demonstrations in other cities, such as Atbara in North Sudan and Sinja, Blue Nile, were also disrupted and arrests took place.⁴³
- On 20 December, the NISS cancelled a political forum organised by a coalition of eight political parties in El Geneina, West Darfur. They also cancelled a press conference addressing the cancellation to be held in the SPLM's headquarters on 22 December. The coalition included members of the Umma Party, the Federal Umma Party, the SPLM, SLA/Minawi, SLA/Adelmageed Emam, the Popular Congress, the Union Democracy Party, and the Arab Socialist Party.
- On 20 December, the NEC in South Darfur, Nyala town, filed a case against Abdulsalam Abdalla Abdulsalam in the Central Police station under case 5674 – 2009 and under Article 159 of the 1991 Sudanese Criminal Code. He was accused of defamation after he stated to a Korean newspaper that the NEC is not neutral. He was later released.
- On 19 January 2010 in Red Sea State, the incumbent NCP Governor Mohamed Tahir Ella, was permitted a permit to demonstrate (while his independent competitor was not). His campaign exploited state resources to mobilise support by using government vehicles for demonstrations in Port Sudan despite the NEA dictating that campaigns are to be funded by the candidate's party, not the state.⁴⁴
- On 4 March, police and security services in Khartoum broke up a peaceful election campaign at a bus stop in Khartoum held by *Girifna*. Three members of *Girifna* were arrested and were taken to Khartoum Shimal Police Station in Khartoum. They were charged with causing a "public nuisance" under Article 77 of the Criminal Act of 1991.⁴⁵
- On 15 March, Abdallah Mahdi Badawi, an 18 year old accounting student at Ahlei University and member of *Girifna* was detained and tortured in Khartoum.⁴⁶

Individuals are guaranteed the right to participate in public affairs, including in the establishment of political parties and campaign activities, which are protected by international human rights principles.⁴⁷ Freedom of expression and association are also guaranteed under international law, including the International Convention on Civil and Political Rights and by the INC.

Violence

Isolated incidents of violence occurred, although it was not possible to tell whether it was politically motivated.

⁴³ African Centre for Justice and Peace Studies, "[AJCPS Condemns Mass Arrests in Khartoum](#)", 15 December 2009

⁴⁴ See [Police Forces Use Excessive Force to Disperse Peaceful Political Protests](#), the African Centre for Justice and Peace Studies, 24 January 2010.

⁴⁵ African Centre for Justice and Peace Studies, Sudanese Authorities and the NEC React to Peaceful Elections Campaigns through Arrest and Circumscribing Civic Rights, 4 March 2010.

⁴⁶ African Centre for Justice and Peace Studies, "[ACJPS Condemns the Silencing of Political Activists](#)", 19 March 2010.

⁴⁷ ICCPR, Article 25.

- On 11 March, Zechariah Bol Deng Koht, a SPLM member and candidate for the Southern Sudan Legislative Assembly in Abiemnom County, Unity State was killed in Juba. The assailants also tried to kill Mr. Koht's brother after he chased them.⁴⁸
- An NCP candidate was killed in North Khartoum on 7 February.⁴⁹
- On 6 March, an Umma Party candidate for State Assembly in South Darfur was killed while riding in a convoy with the Secretary General of the Umma Party⁵⁰

THE VOTING: 11 – 15 APRIL 2010

10 days before the elections, several political opposition groups withdrew from the presidential elections including the SPLM, Umma Party, and the Sudan Communist Party. The SPLM participated in legislative and local elections in the most of the north, but withdrew from Darfur. These parties, in conjunction with several others, had sent a memo to President Bashir in late March threatening this action should major national security and media legislation not be passed prior to elections.⁵¹ In reply, President Bashir stated that postponement of elections would only serve to make the formation of a broad-based coalition improbable, as opposition groups had already failed to secure popular support in the campaigning period so far.

Following the boycott of much of the opposition, the elections were dominated by the two main political parties, the NCP and the SPLM, with little competition for the presidency. In the South, a less controlled environment enabled intimidation and violence of voters, and confused the electorate on where they could access voting centres. In the North, there was a lesser degree of competition but a much more controlled environment.⁵² Much of this control was based on the presence of security agents at polling centres.

Transparency measures had been established by allowing political party and domestic and international observers to monitor elections, but in many places these observers were denied access to voting centres temporarily. President Bashir addressed international monitors' criticism of the electoral process, saying that "...any foreigner or organisation that demands the delay of elections will be expelled sooner rather than later. We wanted them to see the free and fair elections, but if they interfere in our affairs, we will cut their fingers off, put them under our shoes, and throw them out".⁵³ At the suggestion of foreign observers, some suggested that the election should be postponed. President Bashir stated that the elections would not be postponed for even an hour, which led many opposition parties to question just how exactly President Bashir was empowered to speak on behalf of the NEC if there was no relationship.

Logistically, the difficulty of delivering ballots to the entire country cannot be underestimated and was a tremendous operation for the North and South. 8 and 12 sets of ballots in the North and South, respectively, had to be printed for each individual, shipped to 25 states, and then distributed to constituencies, many with limited infrastructure. Initially, UNDP was to be responsible for delivering and producing the ballots, but ballots were

⁴⁸ ["SPLM Unity Parliamentary Candidate Shot Dead in Juba"](#), Gurtong, 11 March 2010.

⁴⁹ ["Death of a Candidate for the Legislative Elections in Sudan"](#), *Al-Aswat*, 7 February

⁵⁰ ["What is Behind the Assassination Attempt for the Umma Party in Darfur"](#), SudanVotes, 8 March 2010

⁵¹ ["Bashir Issues Expulsion Warning to Foreign Poll Observers"](#), Sudan Tribune, 22 March 2010.

⁵² ["European Union Election Observation Mission Preliminary Statement"](#), 17 April 2010.

⁵³ ["Bashir softens tone on elections delay, SPLM rejects request for army ballot escort"](#), Sudan Tribune, 24 March 2010

printed in an establishment owned by the government in Khartoum owing to lack of time⁵⁴ and delivered with assistance from the UN.

The voting period was marred by irregularities in voter rolls and ballot papers. Some polling stations opened or closed at inappropriate times. In other situations, government officials were observed mishandling ballots. There were cases of intimidation and harassment. Following widespread reports of logistical and technical errors on the first day of voting on 11 April, the NEC extended the elections by two days, though the same irregularities continued throughout elections. A public holiday was declared for the final day of voting, but voter turnout was nonetheless low.

Throughout the polling exercise, voter turnout was higher amongst women than men. Traditionally, political parties have transported their supporters to voting centres in Sudan. On 15 April in Nyala, South Darfur, the NCP used four police buses to transport people from Almamura Area, North Nyala, to the Aribatt Polling Centre of Constituency 4. Polling was halted for an hour when political party representatives objected to participation of these persons without identification. The SHEC in South Darfur issued an urgent regulation, and the group was allowed to vote. Later, Abdelhamid Musha Kasha, a representative of the NCP, was seen distributing cash to voters waiting on the queue.

Lack of Access in Darfur

Nowhere were the patterns used to manipulate the census and voter registration, gerrymandering, and cooption of traditional leaders and bribing of tribal loyalties more rampant than in Darfur.⁵⁵ Darfur has existed in a state of emergency since 2000, severely limiting civil and political rights.

- In Abu Shouk and ZamZam IDP camps in North Darfur, IDPs boycotted elections from the outset. Elections in Al Salaam IDP camp in North Darfur began a day late, on the 12th. In El Geneina a voting centre was attacked, with janjaweed reportedly refusing citizens' access. In the Dumair area of South Darfur, the polling process began on 13 April, two days after the polling had begun elsewhere. In Luri Polling Centre, six kilometres north of Juba, hundreds of registered voters conducted a peaceful protest demanding that ballot boxes be delivered. They were never able to vote.
- In South Darfur, the Centre of Khour Abashi, which was to serve 2,848 people, was not opened as of 14 April. A candidate of Constituency 17 complained to the NEC that access had been denied to these voters.

The disenfranchisement of already marginalised and targeted groups in Darfur may be catastrophic. With so many seats won by politicians who do not legitimately represent their interests and were elected by rigged elections, it is likely that many Darfuris will turn to rebel groups to fight and win back their lost rights and land.⁵⁶ As one Darfuri IDP put it, “the MPs

⁵⁴ NEC Letter to Political Parties. An ICG report, “Rigged Elections in Darfur and the Consequences of a Probable NCP Victory”, indicate that the funds for printing ballots in Slovenia for a cost of \$800,000 were diverted to the government controlled Sudanese Currency Printing Company for \$4 million.

⁵⁵ International Crisis Group, “Rigged Elections in Darfur and the Consequences of a Probable NCP Victory in Sudan”, 30 March 2010.

⁵⁶ Ibid.

who come now will not be our MPs — those who win will not represent me as I did not elect them”.⁵⁷

Notably, the European Union Election Observer Mission withdrew from Darfur on the grounds that it was impossible to fulfil their mandate due to general insecurity and lack of access to rural Darfur. The Carter Center’s capacity to monitor in Darfur was greatly restricted, and stated that the elections in Darfur could not be endorsed as meeting national or international standards.

Irregularities on the Voter Lists

The voter’s lists, which had not been externally audited, were flawed in many cases, with individual voters’ names or significant portions of the roll missing. Voter’s lists were also transferred between different centres on some occasions. During registration, officials had informed voters that they must register at the same place that they would vote; however, voters were in reality able to vote at a number of centres in their area. A great deal of voters were not able to find their names due to illiteracy, inability to speak Arabic, poorly transliterated names, and confusion on to which register belonged to which constituency and if they were in fact in the appropriate place.

- **12 April:** In a voting centre in Constituency 16 of Gezira state, the Osman Abashar Tayba Fatalah Centre, had not been provided its voting list a day after voting started. At the polling centre at Alshaheed Altahir School in Constituency 39, the voter’s list was missing all names beginning with the letter L. In Um-Doum Al-dalang in South Kordofan, the voters list used at the polling centre was completely different than the NEC approved list. In Kadgulu, in the Nuba mountains, an opposition and SPLM stronghold, the number of voters dropped from 38,000 at the end of registration to 29,000 at the opening of the polling centre. In Alrashad Area of South Kordofan, believed to have popular NCP support, the number of voters increased by 63,000. In Kalbos and Seriya Constituencies of West Darfur, 200 names were identified by local observers as individuals who had passed away years before registration had taken place.⁵⁸ A candidate of the fifth Constituency of Habila in West Darfur, withdrew over allegations that 1,000 non-Sudanese individuals had been found in his Constituency’s voter rolls.
- **13 April:** On 13 April, a candidate in Khartoum State announced his withdrawal from the elections after his complaint to NEC over the presence of two separate voter lists in his Constituency went ignored. One of these lists was issued by NEC at the national level, and another by the SHEC. The SHEC’s list included 2,828 names not on the national list.
- **14 April:** In Constituency 2 of Omdurman, a portion of the voter roll was transferred from the Alemam Alboukharry voting centre to the School 17 Centre. A copy of the registration rolls replaced the original voter rolls, suggesting that individuals might have been able to vote twice. A candidate, Alsadig Ali Hassan, attempted to make a complaint to the NEC, but was ignored.

Many of the international monitoring missions noticed this same trend in missing names from the roll. The EU EOM found that approximately 8% of voters were denied ballots

⁵⁷ IDP Action, “[IDPs and the Elections in Sudan](#)” 11 March 2010.

⁵⁸ African Centre for Justice and Peace Studies, “[ACJPS Records Continuing Violations in the Second Day of Voting](#),” 13 April 2010.

because their names were not found on the list.⁵⁹ The Carter Center reported flaws in the voter registry nationwide as one of the single most reasons why voters were disenfranchised. NEC officials' methods of dealing with this issue varied: in most cases (including those where voters did have registration slips), voters were turned away without being advised on which polling centre was the correct one for them, or their names were recorded in order to allow them to vote for the time being. At some centres the electronic voter lists were given up on in favour of the original list, and in other locations, such as Warrap, given up on altogether.⁶⁰

Inconsistent Voting Requirements

Inconsistent voting requirements were observed, including with regard to age requirements and identification certificates. Use of residential certificates as a form of identification was controversial. Many observers objected to the use of these documents because they are issued by local popular committees not bound by the provisions of the NEA and dominated by the ruling party.

- **12 April:** In Constituency 2 in Central Omdurman, the director of the voting centre refused to allow individuals to use their residency certificates as proof of identity, although the NEC had approved their use.
- **13 April:** In Omdurman, West Rural Area, a child who appeared to be about 11 years old (pictured) was observed voting for the National Congress Party. He was assisted by the NEC official at the voting station. When the observers inquired as to his age, they were told by the man escorting him that he was 20 years old.



Election standards must be consistently applied throughout Sudan to achieve universal suffrage. Although it is clear that there must be flexibility in, for example, the acceptance of different types of identity documents, regulations decided on by the NEC must be consistently applied in order to be seen as legitimate.

Irregularities in the Location and Hours of Polling Stations

Throughout the voting period, voting centres opened and closed late or early, which hampered voters' ability to access polls. In many cases these incidents went unreported, and there were reports of secret voting centres. Among the violations observed by the Centre were:

- **11 April:** The NEC closed the voting centre of Constituency number 8 at Albogaah Sabeel Street in Omdurman area, as the name of the NCP candidate Mohamed Abd Allah Jah Alnaby appeared in constituencies 5,7, and 8, though he was only a candidate in Constituency 8. In White Nile State, the NEC closed all voting centres

⁵⁹ [European Union Election Observation Mission Preliminary Statement](#), 17 April 2010.

⁶⁰ Carter Center

because polling cards printed in Sudan included repeated symbols of candidates. After the errors in the initial polling cards were corrected and delivered to Kosti by plane at 4 PM, there were only two hours remaining for polling to continue. In Khartoum at voting centre 5 in Constituency 27 at Kanab Ibn Zouhair School, polling began at 1 PM. A voting centre at Um Alhassan was transferred to Aldabba without notice. In Alhaj Yousif in Helat Koko, in Constituency 32, six voting centres (Alsamier, Alshakha, Um Almoamenien, Allehedin, Alfalah, and Old Haljah Yousif School) were closed as the incorrect voting materials had been delivered.

- **12 April:** A polling centre in Aldaim Area was opened at 12 PM rather than 8 AM as stipulated.

The observer mission of IGAD and the Carter Center similar scheduling and location problems, but suggested that in many places polling centres could not open at the appointed time, as officials were still in the process of preparing the centre for the day's voting and going through standards.

Irregularities in Ballots

There were a number of errors in materials which impeded the process, including the omission of the names of voters from the voter rolls, failure to deliver materials in a timely fashion, confusion or omission of names and symbols of some parties.

- **11 April:** In half of North State, the secret numbers verifying the individuality of ballots were ripped from each separate ballot. In Barbar, the symbols of the two candidates Ahmed Suliman and Abobakr, whose symbols are a bicycle and an ear of corn, respectively, were exchanged. A candidate of the Islamic Solidarity Party in Sinar Constituency 2 found that his name and symbol, a teapot, were missing from the ballot papers. In White Nile State, in Jalabeen Constituency, a Sudanese National Congress Party legislative candidate, Najim Aldein Alharith, could not find his name and symbol on the ballot papers. In the Ausar area of east Sudan, five centres didn't receive voting materials.
- **12 April:** The independent candidate in Constituency 2, South East El Fashir Centre 19, Altaahiel Altarbawi area, Dawod Ahmed Eltahir, reported that he could not find his name or symbol on the ballot paper and the NEC suspended the voting. In Soba and Albgogaa Alula constituencies, where the SPLM and Justice Party of Maki Ali Balayil believe that they have strong support, the symbols of candidates were incorrect. Political party representatives were not permitted to watch ballot boxes at the voting centre, as permitted by the electoral procedure. At centre 16 of Alobied, the list of political parties was not received at all. In Constituency 34 of Umbada of Omdurman, the symbol of independent candidates did not appear. In Wasat, Constituency 3 in Nyala, the symbol of the Popular Congress Party was missing from the ballot papers.
- **13 April:** In Rubak, West White Nile State, at Oum Almoamenien School of Constituency 8, Voting Centre 23, the Director of the Voting Centre, Alhadi Gasem Aseed, used the ballot cards of the political parties' candidates for national assembly rather than state legislature after the latter reportedly ran out. He rewrote the political parties and candidates on the ballots by hand. When an independent candidate for the legislature complained, Mr. Gasem Aseed reportedly asked her "do you want to teach us how to do our duty"? Voting with these cards continued through closing on Monday. Voters in state Constituency 38, voting centre of Amar Ibn Yasir Algoaz area used the ballot cards for Constituency 39. In the first zone of El

Fashir, North Darfur, the symbol of an independent candidate was changed from a lock to a drum. In Arabic, the same word – *tabla* – is used for both objects, but the substitution could cause considerable confusion – not least for non-Arabic speaking communities. The NCP candidate for Governor of South Darfur was not able to find his symbol in a large number of polling centres. In Port Sudan, electoral zone 11, independent candidate Hashim Awhaj’s symbol was switched from a bell to a bicycle on the ballot. A complaint was filed with the NEC, but without any response. Four individuals in Jimai’abi Centre, Diam al Noor, square 2 of Constituency 8 of North State complained that when they arrived to vote, they found that their names had already been used.

- **14 April:** In voting centre 23 at Ashari District School for Girls in Constituency 23 of Kosti City, 500 ballots were cancelled after the NEC discovered that the ballot cards used for the National Assembly repeated symbols of political parties. Voters were informed via microphone in the voting centre, and told to re-vote. In Aldabah Nahr Elniel State, Constituency 18, a NEC officer distributed ballots for the Legislative Council with portions missing. The ballots for Legislative Council are made up of three cards, consisting of candidates for the Constituency, women, and political parties, respectively. The NEC officer only distributed three cards from the women’s list, but did not inform the voters or NEC. At least 28 voters cast the wrong ballots. When a voter discovered that the wrong ballots had been used, a request to close the ballot box was made to the political parties representative, a member of the National Alliance. A NEC official was contacted and arrived accompanied by police and security services, which surrounded the Centre and engaged in clashes with voters. Voting continued without cancelling the initial misused ballots, though the incident was reported.

These irregularities limited the access of voters to vote for their candidates with full confidence, and in some places to even be able to vote at all. This undermines the principle of universal suffrage, and particularly excludes illiterate individuals and opposition political parties.

Irregularities and Mishandling of Ballots

The NEC and its High Committees failed to ensure that party agents were able to guard the ballot boxes. In addition, there were incidents of improper transportation of and tampering with the boxes, or boxes not being secured with the serialised ties issued by NEC. In many areas, the transfer of ballots was not secure. Private taxis and drivers have been used without being accompanied by election officials.

- **12 April:** Polling boxes were not delivered to polling centres in Kawda and Buram in South Kordofan. In Jabra’s Constituency 8 of South Khartoum, boxes were observed being handed over the wall of the centre by army officers who were not charged with election duties. The Democrat Unionist Party candidate, Wagie Alla Mohamed Alhaj, withdrew from the elections because of this incident, complaining that it was a clear attempt to rig the vote. The NEC acknowledged the incident, but stated that the door was closed, which is why the box was passed over the fence. In El Geneina, a car with missing license plated carried away ten boxes of ballots without being accompanied by election observers or officials. The NEC claimed that this was a mistake. When the election committee in Oleib was appointed, political parties objected the selection to the NEC on the basis that they were NCP members. The declared number of voting centres in Oleib Constituency is 14, though at the closing

and counting of the vote there were 30 centres. No candidates were informed of this change. Mustafa Altahir Osman, a representative of the Democratic Unionist Party's candidate Mustafa Osman Alhaj, witnessed ballot boxes being stuffed by NEC officials from the first day of voting on at Moseit Voting Centre in Oleib Constituency in Red Sea State. On the second day of polling, he arrived late at the polling centre and managed to videorecord the process from his mobile. He informed the NEC agents, named Abds Alsalam Mohamed Ali (the cousin of an NCP candidate in the Constituency), Hassan Ohaj, and Mustafa Issa that they had been videotaped.⁶¹ They responded that they were working for the government and will only listen to government instruction. Mustafa handed over the SIM of his mobile, and was only approached again after the video went public. At first, they attempted to bribe him for the tape, and then began to threaten him.

- **13 April:** in El Fashir, North Khartoum, at Altaahiel Alterbawi, the ballot box had been ripped open by a sharp object. When political party representatives complained, a police officer implicitly blamed election observers, noting that an observer accompanied by two others had arrived the previous night, stating that they forgot something inside. A report was filed, and all ballots of the first day cancelled. In Zone 2 of El Fashir in Um Shajara, an individual was observed carrying a number of ballots that had been in the possession of the voter's registrar. The NEC authorised only the police to spend the night in voting centres, and not representatives of candidates as had been previously indicated and as is important for ensuring confidence in the integrity of the vote.
- **14 April:** In Halfa of North State, in Constituency 12, a book of 100 ballots and 10 empty ballot boxes was found at the home of a NEC officer. The ballots and boxes were removed, and the incident was reported to the local Police Department. In Aldain town, South Darfur, the election box was moved from the main room to another, where no political party observers were present. In Port Sudan, eastern Sudan, Mr. Mohamed Ahmed Mukhtar from Beja Congress reported to NEC damage to the polling box in Constituency 9, Centre 2.

The Integrity of the Ballot

The IGAD mission stated that the essence of a secret ballot was lost in some locations that were too small and overcrowded as to guarantee security, and as there were individuals openly directing others on how to vote.

- **11 April:** In the Alklakla Alguoba voting centre in Abo Kasawi in geographical Constituency number 43, voters were encouraged to vote for a certain candidate and not allowed to vote privately. They were monitored by election officials as they cast their ballots, and those who did not have residency certificates were issued ones as proof of their identities. The head of the voting centre at Almahas in Alburgieg violated voter's right to privacy by entering the polling room with voters.
- **14 April:** In Selailab, the ink from a voter's finger disappeared minutes after he voted when he washed his hands, raising concerns that certain voters may have the opportunity to vote more than once. It remains unclear if certain individuals were voting with a separate type of ink to enable multiple voting, and this particular man received the incorrect ink incorrectly. In Alosarah Centre 3 of Constituency 37, an

⁶¹ http://www.youtube.com/watch?v=K-QQne7xXhs&feature=player_embedded

elderly partially blind woman requested that the director of the centre assist her in casting her vote for the Democratic Unionist Party. Assistance in voting is allowed by NEC guidelines for the blind. However, observers alerted the woman that her vote had been cast for the NCP. When she realised what had happened, she struck the director. The police intervened and beat her, and the Centre was closed briefly and reopened only after the woman had been removed.

Free and fair elections depend on the secrecy of the ballot, and indeed, this was one of the main lessons taught in the voter education that was conducted by the NEC. In addition, use of removable ink rendered ineffective a critical safeguard against multiple voting.

People who needed assistance, such as the blind or the illiterate, were permitted to receive help from a designated person, which is in line with international standards. However, the incident above in which the voter's request was not heeded raise concerns about that process.

Harassment of Monitors and Arbitrary Arrest

Just as civil society and political parties were harassed and arrested throughout the electoral process, they were as well in the elections themselves.

- **11 April:** in Atbara Naher, Elniel State, observers were prevented from entering the voting centre and asked to present a letter from the SHEC. In Haya area, East Sudan, 12 representatives of Beja Conference candidates reported that they had been kidnapped by a police officer, and that elections at the state level had not yet begun. They filed a complaint with Port Sudan police. Representatives of political parties were arrested on 11 April in Constituency 27 of Touti Island in Central Khartoum, including Mohamed Isam of the Popular Conference Party.
- **12 April:** in Constituency 32 of Suba Alazhary Alsalamah Area, Badr Aldein Abd Allah Alemam, a nationally accredited observer in Khartoum State was prevented by national security officers from entering the polling centre and beaten. The NEC intervened and he was later allowed to enter. Two female candidates of the Popular Congress Party in Gezira State, Amira Elsir Hassan Ahmed and Alniamah Awad Shararah in Constituency 5 of Alhasahisa Central in the Wad Behai area were arrested to prevent them from observing the electoral process, despite the fact that they had previously been allowed to do so. Two political activists were arrested in West Darfur, Mohamed Bahar Aldin and Mohamed Abd Alfaraj. Bahar Aldin had allegedly participated in an interview with the BBC days earlier, in which he made critical statements about the NEC and elections.
- **13 April:** In Constituency 27 of Touti Island in Central Khartoum (the same centre as noted above), an electoral official dismissed representatives of the independent candidate for the National Assembly, Suliman Alameen. The two representatives, Nahla Suliman Alameen and Mohamed Salih Rafai, had objected to violations in voting, including permitting mentally incompetent persons to vote and the granting of residency certificates without provision of ID or registration numbers at the voting centre. Their camera was broken. In Constituency 7 of Alamir Oumbada area on 13 April, Ahmed Khider Yagoub, and his colleagues of the Democratic Unionist Party were taken away by the security of a NCP candidate and beaten. They filed a complaint with the police. A candidate named Abd Allah Abo Fatima in Port Sudan was similarly threatened and beaten by the NCP along with his representatives. A director of a voting centre in central Halfa Aljadeeda was tortured and beaten by

NISS agents after he refused to hand over the centre to another NCP member. A communist party candidate, Isam Salih Alobied, was arrested by NISS agents in Almanagil area for distributing a statement encouraging constituents to boycott elections in accordance with his party's position. Journalists from the Al-Arabia network were beaten, hindering their coverage. Correspondents of Radio Miraya reported that in Malakal, security agents arrested a member of SPLM-DC on the charges that he was coercing voters to cast their ballots for his party. An electoral observer in El Fashir, North Darfur, directed voters to cast their ballots for President Bashir, causing a clash outside the voting centre. In Alradom Constituency of South Darfur, security services arrested NCP members Gerbil Yousef, Gafar Hager, and Khalil Rageb. In Ibrahim Batal Centre in Constituency 5 of Port Sudan, three pickup trucks delivered 30 members of a student-led group affiliated with the NCP and Islamic Union. They took over the centre, and voting was suspended for over an hour without intervention by the police designated to the centre, who did not intervene citing a lack of the general complaints procedural form called "Ornaik 7". The NEC closed the Centre.

- **14 April:** In Constituency 14 of North State in Alghaba, the police arrested six supporters of the independent candidate Abas Sultan Kejab, and filed a criminal case against them as a public nuisance. They were tried on the spot and sentenced to 15 lashes per person. In Abu Shouk IDP camp in North Darfur, members of the NCP threatened IDP women to vote for the NCP and Omar al Bashir for President in the voting centre. In southern Sudan, in Kaka City, three observers from the Sanad Charity were arrested. In Al Salaam IDP camp in North Darfur, border guards threatened the IDPs in close proximity to Centre 4 inside the camp. Najlaa Sieed Ahmed, a coordinator of elections observers and a well-known activist for the freedom of expression, was monitoring voting centres in Oumorman Oumbada area. She observed a fight wherein NCP members were threatening voters and people near the voting centre, and an order was given for the security forces to beat the voters. A National Security Officer holding an NCP card by the name of Najm Elein Khojali got into Ms. Ahmed's vehicle, and beat her and Bakri Alagami, who was accompanying her. He ordered Ms. Ahmed and Mr. Alagami, both *Girifna* members, to take him to Oumbada Alsabeel Alhara police station in Constituency 18, where he accused them of being journalists and kidnapping him. Lawyers from the African Centre are following the case closely.

Issues of arrest and intimidation to political party members and civil society severely hampered their ability to monitor benchmarks for free and fair elections, and contributed to an overall climate of fear.

Politically-Motivated Violence

Although widespread violence was not observed in connection with the election, there were isolated incidents.

- **10 April:** in Aldoaim of White Nile State, Izz Aldein Altegani, an independent candidate, was setting up a tent near a voting centre (such tents are typically used as mobile offices) when a NCP candidate, Aljaily Ali Alodied, requested that Mr. Altegani move his tent so that he could be closer to the voting centre. When he refused to do so, he was struck in the face by Mr. Alobied. Around 8:00 PM in the evening, Mr. Altegani was stabbed by ten men near his home. Witnesses to the attack filed a complaint.

- **13 April:** a voter in Raja, Southern Sudan, stabbed a police officer. In a suburb of Raja, Altomsah, in Bahr el Ghazal, nine members of the NCP were murdered, including Hamadoun Jamaon, the locality's NCP chairman.
- **14 April:** at the Fodasy Voting Centre of Constituency 11 in Central West Wad Medani, Mohamed Alamei Hamdan, a representative of the Democratic Unionist Party, was assaulted and beaten by anonymous attackers. Three polling centres were attacked in South Kordofan State and a group called the Sudan Liberation Army Front has claimed responsibility. In a press statement to Radio Miraya, the commander of the group, Abu Bakr Mohammed Kadu, said that the attacks targeted the areas of Danffara, Heigleig, and Al Demulowiya in Al Deab municipality.
- **15 April:** In Constituency 18 of Al Gezira state, Sheikh Abd El Baky School Centre, a member of the NCP was spotted entering the election room repeatedly during the first three days of voting, and was expelled by the head of the Centre. On the 4th day of voting, he came back to the Centre accompanied by six members of the National Intelligence and Security Service (NISS). Two members threatened the head of the voting centre at gunpoint to allow the NCP member access. The voting centre was closed for two hours. In eastern Sudan in Haya Constituency, the candidate of the Beja Congress complained that their supporters were receiving threats from NCP members.

THE AFTERMATH

Results and Reactions

On 18 April, the National Congress Party reviewed the outcome of the general elections. Though the results had not yet been announced by the NEC, preliminary figures were showing Bashir winning by 68% of the national vote and a landslide in the north. Bashir stated that his mandate as President of the Republic is conferred upon him by the people through the vote, and as such the government will not include or negotiate with political parties that had boycotted the elections.

On 26 April, the NEC announced that incumbent Presidents Omar al-Bashir and Salva Kiir Mayardit, Presidents of the GoNU and GoSS, respectively, had been re-elected. President al-Bashir won the polls by a 68.24 majority, while Salva Kiir was elected by a 92.99 majority.⁶²

The aggregated breakdown of votes in the North saw Bashir having the most support in Red Sea State, with 95.41%, and the least in Blue Nile State, with 56.62%. The following chart represents the percentages by which President Bashir was elected in the North of Sudan and in the Sudanese diaspora. While state by State figures are not available in the South, incumbent President Yasir Arman won by a 93% margin of victory.

	Percentage
Blue Nile	56.62
Red Sea	95.41
Khartoum	91.52
Aljazeera	94.52
Sinnar	89.51
White Nile	92
Gedarif	88.2

⁶² Khartoum Monitor, Al-Qwat, Al-Mslha, et al

Kasala	93.98
North Kordofan	89.31
South Kordofan	69.3
North Darfur	71.71
South Darfur	67.5
West Darfur	73.64
Northern State	92.26
Nile State	91.9
Diaspora	93.19

The newly elected Governor of Khartoum State and NCP member, Abdelrahman Al-Khidir, stated that the NCP stood ready to “lead a bloodbath” if the results of the elections were “challenged in any way”.⁶³ In his acceptance speech in Khartoum, Bashir stated to NCP members that “our next battle will be the unity of Sudan”.

Despite this, NCP representatives themselves alleged irregularities, alleging that the results had been rigged in the South. Southern President Salva Kiir responded that this was a ridiculous assertion, pointing out that the same body, the NEC, was responsible for implementing the elections in both the north and the south.

NEC also recognised serious errors in 33 constituencies. At the conclusion of voting, the NEC issued Decision 79 to re-conduct polling in these constituencies, affecting some 3 million voters. The re-polling will decide contested national legislative and gubernatorial seats, and voting will occur in the next 60 days. Votes for the Presidency will not be re-pollled. Although re-polling is intended to address irregularities, the NEC did not list specific reasons in Decision 79 for the constituencies chosen. However, Radio Omdurman News announced late 15 April that Constituency 28 of Khartoum East will have re-voting, as the ballots from Constituencies 28 and 29 were mixed.

The SPLM also questioned the results. In a press conference, former SPLM Presidential Candidate Yasir Arman stated that “the poll results announcing Al-Bashir as a winner were fabricated and were announced prematurely” as the NEC had not allowed sufficient time for computer-generated results to accurately develop.⁶⁴

A number of opposition parties also contested the results. The DUP Presidential Candidate, Hatim al-Sir, stated that “The result does not reflect real participation.” Popular Congress Party Leader Al-Turabi stated that if complaints to the courts went ignored, they “may have to use other alternatives than the ballot boxes”.⁶⁵

In addition, the Carter Centre released a statement expressing concern about accuracy of the results. The preliminary statement revealed numerous errors with the tabulation and aggregation mechanisms, characterising them as “highly chaotic, non-transparent, and vulnerable to electoral manipulation.” Safeguards on the tabulation process were “not systematically applied, and in some areas have been systematically bypassed.”⁶⁶

⁶³ Al-Sudani

⁶⁴ Al Ahdath

⁶⁵ Ibid.

⁶⁶ Carter Center, “Carter Center Reports Widespread Irregularities in Sudan’s Vote and Strongly Urges Steps to Increase Transparency,” 10 May 2010.

Election Standards: Assessing Sudan's Elections

The right to participate in public affairs and to vote and be elected in regular elections are fundamental human rights enshrined at the international level. The Universal Declaration of Human Rights stipulates that "(1) everyone has the right to take part in the government of his country, directly or through freely chosen representatives ... and (3) the will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures".⁶⁷ These provisions are echoed in the International Covenant on Civil and Political Rights, which states that "every citizen shall have the right and opportunity... without unreasonable restrictions to a) 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 universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors."⁶⁸

At the African level, these standards are given slightly more concrete substance through the operation of the OAU/UN Declaration on the Principles Governing Democratic Elections in Africa which:

- Reaffirms the rights to free association and assembly;
- Provides for the right of citizens to establish or to be a member of a political party;
- Affirms the particular importance of freedom of movement and expression for political parties "with full access to the media and information within the limits of the laws of the land."
- Provides for right to appeal and obtain timely hearing where electoral malpractices have occurred.
- Guarantees candidates or political parties the right to be represented at polling and counting stations.

Competitive elections can be a catalyst for profound democratic transformation within a society. To be truly free and fair, elections require much more than universal and equal suffrage and a secret ballot – they need a conducive environment to facilitate an election where choices for leadership, and access to making those decisions, is implemented equitably. In 1996, the UN Commission on Human Rights recognised a right to vote in "a fair and free process ", and is "related to, but distinct from the right of peoples to self-determination".⁶⁹

In addition, fair elections should have honest balloting and counting, be administered without fraud or manipulation by impartial electoral authorities.⁷⁰ Indeed, the African Charter on Democracy, Elections and Good Governance requires that states:

Establish and strengthen independent and impartial national electoral bodies responsible for the management of the election.⁷¹

⁶⁷ [Universal Declaration of Human Rights](#), Article 21.

⁶⁸ [International Covenant on Civil and Political Rights](#), Article 25.

⁶⁹ [General Comment No.25: The Right to Participate in Public Affairs, Voting Rights, and the Right of Equal Access to Public Service](#)

⁷⁰ Ibid

⁷¹ Article 17 (1).

In addition, parties must have an equitable chance to communicate with the population:

Ensure fair and equitable access by contesting parties and candidates to state controlled media.⁷²

Some international organisations have begun to assess other aspects, such as equality (that citizens votes are equivalent to one another), transparency (the extent to which elections have predictable procedures and published results), and accountability. Accountability entails that those elected be installed in a timely manner to office, and their accountability be recognised by the electorate. Election observers must certainly monitor all phases of the election process, including the pre-election period, campaigning, the balloting and counting, and the post-election phase, including the aggregation and tabulation of votes, process of complaints, and the formation of a new government.⁷³

Elections can be transformative elements for democracy, and are the single most important moment in establishing a relationship between the citizen and state. The international community has prioritised elections in post-conflict countries around the world as a way of establishing a democratic transition. While this emphasis is positive, elections alone are not enough to remake politics and can increase the need for international support.⁷⁴ In addition, it is important that such transitional elections be judged on the full range of international standards, lest a perception be cultivated that people in post conflict societies are entitled to fewer political rights than others.

However, despite the fact that the elections in Sudan clearly failed to meet most of these criteria, many international observers offered relatively muted criticism, apparently having lowered expectations. For example, the Intergovernmental Authority on Development (IGAD), a regional body with membership of Djibouti, Ethiopia, Eritrea, Kenya, Uganda, Somalia and Sudan, aptly summed this up, concluding that “taking into account that the Sudan is undertaking a massive exercise for the first time in 24 years, the vast size of the country and the challenges of infrastructure, our preliminary assessment is that the election process was credible. This is in view of promoting a peaceful and democratic transformation of the country”.⁷⁵

Renewed focus needs to be turned to building on the gains made in the elections period for democratic transformation, an opening of political space, and respect for human rights in Sudan.

Recommendations

The elections in Sudan offered a unique opportunity to build democracy and to advance the program of democratic transformation identified in the CPA. However, the process was, in practice marred by serious and widespread violations of both national law and policy and international standards.

Renewed efforts must now be made to address structural defects in the legal and policy framework of elections in Sudan in order to ensure that subsequent elections processes uphold the rights of all Sudanese to vote and to participate freely in political life.

⁷² Article 17 (3).

⁷³ Democracy International

⁷⁴ Collier, Paul. Wars, Guns, and Votes: Democracy in Dangerous Places. 2008.

⁷⁵ IGAD

Therefore, the African Centre for Justice and Peace Studies makes the following recommendations:

- **Ensure full implementation of the CPA's legal reform programme:** Elections are not merely a technical exercise. No matter how open the registration process or how accurate the counting, elections cannot be free and fair unless a range of related human rights are respected. The CPA envisioned reform of a range of laws in Sudan in order to ensure conformity with international standards including the legislation governing the media and national security. Although legislation was revised in the interim period, much of it still fails to meet the standards set out in the interim constitution and international law. This legislation must be revised in order to comply with international standards.
- **Respect for human rights standards:** In addition to legal reform, steps must be taken to ensure that human rights necessary for successful elections, including the freedom of expression and association and freedom of movement for political parties and candidates are respected in practice.
- **Revising the electoral process:** In addition to ensuring the respect for human rights which is a necessary prerequisite for free and fair elections, the electoral process in Sudan must be revised in order to prevent the widespread manipulation seen in this election from occurring again. These measures should include:
 - The Electoral Law must be reformed in order to establish greater protections for the independence, impartiality, and credibility of the NEC.
 - Measures must be taken to reinforce the professional capacity of the NEC in order to ensure that they are equal to the unique logistical challenges of carrying out viable elections in a vast country with limited infrastructure.
 - Elections in Sudan were based on a controversial census which was accused of excluding particular segments of the population. Urgent measures must be taken to address shortcomings in the process, particularly in Darfur and South Kordofan, in order to ensure that populations there are not disenfranchised.
 - The delimitation of constituencies should be reassessed bearing in mind that this process must be carried out in a way that does not undermine the rights of all candidates to contest equitably.
 - Similarly, documentation of the registration procedures revealed that a number of practices and procedures functioned to exclude individuals from the process. Urgent measures must be taken to ensure that the right to vote is not undermined.

There is an urgent need to address these issues immediately. An even more critical vote for the future of the country, the referendum on self determination in the South, is quickly approaching. If the referendum's electoral process is not seen as impartial and credible, the likelihood for conflict between the north and the south will be greatly increased. National and international actors must redouble their efforts to ensure that referendum processes are fair and include sufficient safeguards to avoid both the reality and the possible perception of manipulation.

Finally, equally sustained attention must be placed on the processes envisioned by the CPA to promote human rights and democratisation in Sudan. If these provisions are not addressed as one of the key root causes of war in Sudan, the exclusion and marginalisation of large portions of the population will continue in Sudan – whether it is one state or two.