

**Sudanese Civil Society Leaders Urge African Union and Special Envoys to
Confront the Failure and Implications of Recent Elections in Sudan**
Call for key reforms ahead of the 2011 referendum

Khartoum, Juba, and Kampala
5 May 2010

Dear members of the African Peace and Security Council and special envoys,

As you come together this week to discuss promoting a global consensus on the challenges facing Sudan, we, members of independent Sudanese civil society, call on you to ensure an open and critical discussion of the electoral process and the implications of that process for the implementation of the Comprehensive Peace Agreement (CPA), the crisis in Darfur, and democratic governance in Sudan.

The elections are both a critical element of the right to participate in the conduct of public affairs as guaranteed by the International Covenant on Civil and Political Rights, to which Sudan is a party and the national process of transformation envisioned by the CPA. The electoral process which ended on 26 April with the declaration of the victory of President Omar Al Bashir, however, was marred by procedural and legal deficiencies, a climate of repression which inhibited free campaigning, and other irregularities. Our assessment, as independent civil society, is that these elections did not allow for free expression of the will of the people, and as international guarantors of the CPA you must boldly confront this failure and its implications for the future of the peace agreement and the country as a whole.

The election process was monitored by a number of Sudanese civil society voices including the African Centre for Justice and Peace Studies; TAMAM, a civil society group made of 120 member organizations; the Civic Forum, an organization that coordinated the work of 56 organizations, Justice Africa, SuNDE and SUDEMOP. These civil society organizations monitored everything from the adoption of the Elections Act to voter registration and finally the actual balloting. This was done to ensure, as much as possible, free and fair elections as outlined in the Interim Constitution, the Elections Act, and the international standards ratified by the Sudanese government.

Among the problems in the electoral process noted by these groups were:

- **Deficiencies in the legislative framework:** Failings in the Elections Act allowed for the creation of a National Elections Commission (NEC) which was dominated by the ruling National Congress Party (NCP). In addition, repressive legislation on the media and national security facilitated the repression of open campaigning.
- **Manipulation of constituencies:** The creation of constituencies and the allocation of parliamentary seats were carried out on the basis of a flawed and controversial census. There were additional allegations of manipulation of

constituencies through the deployment of military personnel who were allowed to vote in their place of work.

- **Lack of appropriate remedies:** The voter register was not published in a timely manner and omitted voters' residential addresses, making it difficult to audit. Complaints made to the NEC did not receive a timely and clear response.
- **Insufficient voter education:** The voting process in Sudan was extremely complex and insufficient resources were devoted to ensure that individuals, many of whom had never voted before, to effectively navigate the procedure and express their will.
- **Irregularities in voters' lists and ballot papers:** 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. Some centres received the wrong register.
- **Possibilities for illegitimate voting:** The ink used by the NEC to mark those who had voted could easily be removed. Confusion of voting registers made it difficult to monitor whether individuals might be able to vote in more than one constituency. The requirements for identification were inconsistently applied, but generally allowed use of resident certificates issued by the Popular Committees, despite the fact that these bodies are controlled by the government.
- **Mishandling of ballot boxes:** 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.
- **Harassment:** On a number of occasions, opposition activists, political party representatives and independent monitors were harassed, threatened or arrested when they tried to engage in the election related activities.

These violations were widespread, and taken cumulatively, prevented the voters of Sudan from freely expressing their will and selecting their representatives.

We urge you, as international guarantors of the process, to confront this failure. As guarantors of the process you must address these deficiencies in the process openly and frankly. Failure to do so will undermine your credibility with the Sudanese people and your ability to effectively play your roles as arbiters in the remaining portion of the interim period.

We call on you to push the National Congress Party and the Sudan Peoples' Liberation Movement to review the elections and implement a broad range of legislative and policy changes aimed at ensuring that future elections are held in improved conditions. In particular, you should emphasise the need for:

- **Reform of the electoral law:** The electoral law should be reformed in order to ensure greater protections of the independence and credibility of the National Elections Commission. The current Commission must be replaced with a body that can maintain the confidence of the Sudanese people.
- **Revision of constituencies and registration:** The current electoral process was based on controversial census and registration processes which effectively excluded or undercounted certain segments of the population. These processes must either be repeated with greater professionalism, or at a minimum, revised in those areas where results were most controversial in order to ensure that processes are truly participatory.
- **Referendum:** The failures of the electoral process show clearly that a process which allows for the free expression of the will of the people requires a long term engagement in the building of fair procedures, registration and monitoring institutions. In order to ensure that the referendum truly expresses the will of Southerners, the international community must comprehensively engage in these preparatory processes – in addition to monitoring of the ballot itself.
- **Legal reform:** The CPA provided for the revision of a number of laws in Sudan in order to ensure respect for international human rights standards. Although much of the legislation has been revised, the revised legislation fails to meet international standards. In particular, the transformation of the security services in the CPA has not been accomplished. If concerted effort is not expended to ensure that legal and policy frameworks respect international standards then the Sudanese people will continue to be marginalised and excluded from effective political participation – whether in one state or two.
- **Peace in Darfur:** The democratic transformation and respect for human rights promised by the CPA continues to be subverted by the lack of security and human misery in Darfur. Concerted efforts must be exerted to ensure that this conflict is addressed.

The international community, and in particular the APSC, have a critical role to play in promoting peace and democratic governance in Sudan. Doing so will, however, require bold and sustained engagement. As Sudanese civil society we are calling on you to make a commitment to such engagement at this session.

Signed:

TAMAM, a civil society group made of 120 member organizations

Sudan Domestic Election Monitoring and Observation Programme (SuDEMOP)

African Centre for Justice and Peace Studies