

ACJPS Denounces Flawed Elections Process and Urges Postponement

(8 April 2010) The African Centre for Justice and Peace Studies today denounced the litany of violations of the electoral process and the systematic human rights violations that have accompanied the elections process in Sudan, calling for elections to be postponed in order to allow time for key reforms to be implemented.

The elections process had been eroded by many factors; including a flawed legislative framework, problematic registration, obstruction of peaceful political activities, and the harassment, arrest and torture of political activists. The withdrawal of important opposition forces from the elections last week underscores the extent to which these violations have destroyed the possibility of credible elections. Further undermining the process, a number of national election observation organisations which had previously been accredited to monitor the elections were summarily informed that they would not be allowed to participate by the National Election Commission (NEC).

The African Centre for Justice and Peace Studies feels strongly that if elections are to take place in this environment they will not only not be free and fair, but will not be credible and will undermine rather than support progress towards democratisation and respect for human rights in Sudan. If elections are to take place in such compromised environment, conflicts about the legitimacy of the results might spark violence. The National Congress Party (NCP) has threatened that postponement of the elections will derail the referendum on independence in the South, but in fact, failure to postpone the election in order to ensure that they are free and fair could equally undermine the referendum. If the election is allowed to go forward despite clear indications that it is not a credible contest, then this will erode confidence in the referendum. If the NCP is allowed to rig the results of the elections, then what is to stop it from rigging the referendum?

A postponement should be called immediately and critical faults in the process should be rectified including:

- **Ensuring the independence of the NEC** – As the Centre has previously noted in its analysis of the National Elections Act (see *Sudan Human Rights Monitor* (August-September 2009)), the current legislative framework facilitates the domination of the NEC by the ruling National Congress Party (NCP) by allowing only the President to put forward the names of candidates. There have been reports that in some constituencies local leaders of the NEC are NCP party officials and that NEC materials encouraging voting have used NCP symbols or slogans, undermining the credibility of the NEC as a neutral arbiter. The NEC as currently constituted should be abolished and should be replaced with a NEC which is appointed by consensus of all political parties.
- **Rectifying problems with registration** – As detailed by the Centre in its February 2010 report, “Building on a Cracked Foundation”, the registration process suffers from a number of serious flaws. Most notably, access to registration was restricted in areas which are perceived to be strongholds of opposition, particularly Darfur. Recognising that a repeat of the entire registration process may not be feasible, postponement of elections would allow for measures

to be taken to remedy inadequate access to registration – including areas currently controlled by armed movements.

- **Ensuring political space** – Elections cannot be credible in a context of political repression. Over the past few months, the Centre has documented numerous instances in which peaceful political gatherings were blocked and the arrest, harassment and torture of political activists occurred. In order to ensure credible elections, urgent steps must be taken to open up political space. Although ensuring openness is a long process, repeal of the National Security Act, which has been instrumental in the repression of political opposition, would be a welcome signal of commitment.

The African Centre for Justice and Peace studies calls on the government of Sudan to postpone the elections, and on the international community to provide support for a dialogue amongst all political parties to create a roadmap for reform.