



**CARTER CENTER REPORTS WIDESPREAD IRREGULARITIES IN SUDAN'S VOTE  
TABULATION AND STRONGLY URGES STEPS TO INCREASE TRANSPARENCY**

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**FOR IMMEDIATE RELEASE**

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In a statement released today, The Carter Center reported that based on its direct observations, Sudan's vote tabulation process was highly chaotic, non-transparent, and vulnerable to electoral manipulation. As a result, the Center is concerned about the accuracy of the preliminary results announced by the National Elections Commission (NEC), as procedures and safeguards intended to ensure accuracy and transparency have not been systematically applied and in some areas have been routinely bypassed. The Center also noted serious concerns about election-related violence and intimidation in several states, especially Northern Bahr al Ghazal, Unity, and Western Equatoria.

To provide greater transparency and to build public confidence, the Center urges the NEC to publish the results of individual polling stations as quickly and widely as possible and to thoroughly review the results, especially those based on manual tabulation, which lack the safeguards of the electronic tabulation system, or where other deviations from procedure occurred. A swift posting of all polling station results could allow stakeholders to verify the accuracy of the official data, addressing ongoing doubts as to the credibility of the results. The NEC should make individual polling station results available so that all parties have access to the necessary evidence for meaningful complaints, appeals, and challenges to election results. The NEC and the Court should allow complaints and appeals to be submitted as and when individual polling station results are available.

The counting and tabulation period was generally peaceful in most areas; however, serious incidents were reported in several states. In South Darfur, 22 people died in fighting in the East Jebel area, disrupting polling and counting. Post-election-related violence in Unity State resulted in three deaths and a number

of injuries. The Center expressed alarm about this incident and urged the security forces, local authorities, political parties and candidates to demonstrate restraint and respect for peaceful civil protest. Beyond the serious violence in South Darfur and Unity State, there were also instances of unwarranted detention and mistreatment of state High Election Committee (SHC) staff by security forces in Northern Bahr al Ghazal and Western Equatoria. In Central Equatoria, theft of computers and gubernatorial Results Forms from the SHC by unidentified armed security forces is of great concern. It is important that state authorities abide by the rule of law and ensure that citizens, candidates, and election management staff are not harassed or unlawfully detained. Moreover, both the Government of National Unity and Government of Southern Sudan have an important role to play in promoting security of the person.

A number of political parties have rejected, or declared that they will challenge, the election results in court. It is essential that the NEC and the National Supreme Court act in a timely fashion to facilitate this process impartially and in compliance with Sudan's international commitments.

While welcoming the holding of national elections in Sudan, the Center notes that the elections are only one of a broader set of commitments in the Comprehensive Peace Agreement (CPA). In the months ahead, it is important that Sudan ensure that the flaws and irregularities in the 2010 elections are addressed so that future electoral processes are improved and a substantive democratic transformation is enabled. Improving the conduct of anticipated elections in Gezira, South Kordofan, and other areas is critical. In addition, Sudanese leaders need to redouble efforts to address the other democratic commitments outlined in the CPA that remain unfulfilled.

The Carter Center Election Observation Mission has been in Sudan since February 2008 following an invitation from the leaders of the Government of National Unity and the Government of Southern Sudan. In early-April 2010, the Center deployed more than 70 short-term observers to observe the balloting, counting, and tabulation processes for the national elections. The Carter Center observation mission was led by former U.S. President Jimmy Carter, former Algerian Foreign Minister and member of the Elders Lakhdar Brahimi, former prime minister of Tanzania and Justice Joseph Sinde Warioba, and Carter Center President and CEO Dr. John Hardman. Following the conclusion of polling on April 15, Carter Center observers remained in all the states of Sudan to observe the counting and tabulation process at polling stations and centers, state data centers, and the national data center in Khartoum. Carter Center core staff and long-term observers continue to assess the post-election complaints and appeals process and their resolution, and will remain to observe the preparations and implementation of the state legislative assembly elections in Gezira and South Kordofan and other rescheduled elections.

The Carter Center assesses Sudan's electoral process against the country's 2005 Comprehensive Peace Agreement, Interim National Constitution, the National Elections Act, the Political Parties Act, and the international obligations required of Sudan by international treaties. The Center's observation mission was conducted in accordance with the Declaration of Principles for International Election Observation.

**The following statement covers the counting and tabulation phase. The Center released a report on April 17 on the polling phase of the election that should be read in conjunction with this statement, which is preliminary. The Carter Center will publish a final report after the end of the electoral process.**

## STATEMENT ON SUDAN'S COUNTING AND TABULATION PHASES

May 10, 2010

The Carter Center commends the efforts of Sudan's polling and data entry staff to work long hours during the counting and tabulations process—on the heels of five full days of voting—and recognizes the collegial spirit shown by most political party agents and members of the security forces in supporting relatively peaceful counting and tabulation. In spite of these efforts, the Center reports that the counting and tabulation phases of Sudan's national elections were highly disorganized, non-transparent, and vulnerable to electoral fraud.

With state assembly elections still to be held in Gezira and Southern Kordofan and re-run races due to be held for dozens of seats throughout Sudan, it is important that measures be taken to correct the identified deficiencies in order to ensure the integrity of future polling.

On April 16, after five days of polling, counting of ballots began at polling stations around the country. Results Forms were then transported to the state High Election Committees (SHCs) for tabulation in the state capitals with results from each state then transmitted to the National Elections Commission (NEC) in Khartoum. There were delays in counting in some areas and logistical problems with the retrieval of ballots and Results Forms.

The NEC's system for the counting and tabulation phases was implemented inconsistently, a problem compounded by insufficiently trained staff, inadequate resources, a lack of transparency and logistical problems in many of Sudan's states. While the NEC designed an electronic tabulation system that contained numerous safeguards for data entry, the process was generally not followed as prescribed. This prevented key verification steps from occurring and compromised the accuracy of the results. In some cases, officials resorted to manual tabulation and ignored the NEC's planned data security measures. The Carter Center urges the NEC to comprehensively verify the results received from SHCs to ensure that the integrity of the election is not further undermined.

The NEC is entitled to declare final results up to 30 days after polling has ended.<sup>1</sup> Since full polling station results are not yet available, candidates' ability to challenge results is substantially limited. Premature declaration of the final results will preclude candidates' recourse to challenging election outcomes. The NEC and the Court should use its authority to ensure that complaints and appeals may be filed on the basis of disaggregated, individual polling station results when they are available.<sup>2</sup>

Carter Center observers remained in all states of Sudan<sup>3</sup> to observe the counting and tabulation process at polling stations and centers, state data centers, and the national data center in Khartoum. The statements in this report are drawn from the direct observations of Carter Center observers and core staff members.

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<sup>1</sup> National Elections Act, Article 82.

<sup>2</sup> The NEC has previously demonstrated its discretion to alter the complaints period when its start was postponed until after the Presidential results were released.

<sup>3</sup> The Center did not observe the full tabulation process in West Darfur because of security concerns and withdrew its observer team prior to completion of tabulation.

## Counting

An accurate and non-discriminatory vote counting process, including the announcement of results, is an essential means of ensuring that the fundamental right to be elected is fulfilled.<sup>4</sup> The Center notes the failure of officials to follow proper administrative procedures and to reconcile the number of ballots received with the number of ballots counted (i.e., valid, invalid, spoiled, and unused). This resulted in a significant number of Result Forms being inaccurately completed. The failure to correctly reconcile votes cast at the polling station created a significant burden for the SHCs and left the results process more vulnerable to manipulation at subsequent stages.

In most areas, counting began on April 16, the day following polling, in accordance with directives issued by the NEC. However, in Blue Nile, Gedaref and Upper Nile counting commenced immediately following the close of polling, demonstrating that a number of areas did not receive adequate instructions, nor did the station workers receive their prescribed rest.

In Abyei, Eastern Equatoria, Jonglei, Lakes, South Kordofan and Upper Nile, the Center witnessed political party agents assisting polling officials in counting ballots, although the Center cannot conclude that this practice was conducted with malicious intent. In West Darfur and Eastern Equatoria, security personnel participated in the counting process in contravention of electoral procedures.<sup>5</sup>

Carter Center observers reported that votes were often determined to be invalid when the marks upon them were not placed exactly within the circle, even when the intent of the voter seemed clear. According to Section 77 of the National Elections Act of 2008 (NEA), the vote should be considered valid as long as the voter's choice can be reasonably ascertained without any doubt. This is also in line with international best practice.

Forms were routinely not completed properly nor displayed outside of polling stations as required to ensure transparency.<sup>6</sup> There was a lack of consistency in releasing results at the polling stations, with practice varying widely from state to state. The posting of results at the polling station level directly after counting has concluded helps to increase the transparency of the process. The failure to post results in all locations represents a lost opportunity to improve confidence in the integrity of election results at the community level.

## Retrieval of Sensitive Materials

Logistical problems, which delayed the distribution of ballots to constituencies nationwide, also hindered the retrieval of ballot boxes, results forms, official complaints and other sensitive materials at the conclusion of the count. In South Kordofan and throughout Southern Sudan, the removal of materials from rural areas was delayed by several days due to transportation problems. This increased the potential for manipulation and delayed the start of tabulation in some states. The support of the United Nations Mission in Sudan (UNMIS) to the NEC in transporting electoral materials to the state capitals from remote locations was vital.

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<sup>4</sup> International Covenant on Civil and Political Rights, Art 25(b)

<sup>5</sup> NEC Polling and Counting Guide for Election Officials, p 27; At one polling station in El Geneina, security personnel were the only people observed counting the ballots.

<sup>6</sup> The display of polling station level results is recognized as international good practice. See for examples, EISA and Electoral Commissions Forum of SADC, PEMMO, p. 26. Promoting access to information is one of Sudan's commitments, see for example, UN Convention Against Corruption (UNCAC), art. 13(b).

## **Tabulation**

Carter Center observers reported that the tabulation process was chaotic and lacked transparency throughout the country, raising serious questions about the accuracy of election results. The integrity of the process was undermined by a series of problems, including: inadequate training for data entry staff, a failure to use established safeguards against fraudulent or erroneous results, design flaws in the electronic tabulation system, and alterations of results that deviated from standard procedures. While alterations to results were often an attempt to correct mathematical errors, in some cases numbers were arbitrarily changed without clear explanation.

Carter Center observers in state tabulation centers noted wide-ranging problems with the vast majority of Results Forms handled by data entry staff. Common problems included clerical errors, simple mathematical miscalculations or discrepancies in the reconciliation data on the Results Forms. The Center directly observed many forms with serious flaws, including forms returned blank or with critical information missing such as the polling center, station, constituency information or results. This was a problem observed routinely in data centers in 16 states. Observers reported that forms frequently did not bear the stamp or have complete signatures of the polling station head or political party agents, measures intended to demonstrate the acceptance of the reported results by relevant stakeholders.

The NEC should address the allegations of inaccuracy that have been raised in numerous constituencies and states in order to build public confidence in the results.

### *Access to tabulation centers*

Political party agents as well as domestic and international observers had difficulty in accessing and observing the tabulation process. The role of security agencies and SHC staff in preventing or limiting access by party agents and domestic and international observers in the tabulation centers runs counter to provisions of the NEA, Article 80, Sudan's obligations,<sup>7</sup> and also to international and regional best practice.

In seven states, Carter Center observers were completely denied or given only limited access to the tabulation process, contrary to the Center's Memorandum of Understanding with the NEC. In El Fasher, North Darfur, Carter Center observers were repeatedly prevented from observing tabulation, only to find that the SHC was holding night tabulation sessions despite being told by data entry staff that the state's data center had closed at 6pm. In Khartoum and South Darfur, observers found that parallel tabulation operations were taking place in different locations – one being the official data center to which observers had access and the other where manual tabulation occurred and access was limited. In Upper Nile, Center observers reported that all tabulation of forms appeared to be conducted manually in a locked room to which they had limited access and where political party agents and observers were notably absent.

Domestic observer accreditation badges issued for some organizations were only valid from April 11-18, thereby restricting their ability to observe the entirety of the tabulation process. In some cases, SHC officials did not allow Sudanese observers and party agents access to the tabulation centers, while in four

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Access of political party agents and domestic observers is supported by Sudan's international commitments, such as ICCPR, article 25; UN Office of the High Commissioner for Human Rights, General Comment 25, Paragraph 20. The access of international observers is required by regional and international best practice, EISA and Electoral Commissions Forum of SADC, PEMMO, p. 26, International IDEA, *Legal Framework*, p77-78.

SHCs the data center rooms were cramped, restricting the number of observers who could be present at a given time. The lack of awareness by many domestic observers and party agents that access to the data center was permitted also contributed to their limited presence.

#### *Inadequate preparations for tabulation*

In nine states, The Carter Center observed that officials had, in general, not made adequate preparations to conduct tabulation. Of these affected states, observers reported that six SHCs had only just begun to recruit and train necessary staff when counting ended. The operational manual was finalized on April 12 and not received by SHCs until just days before tabulation started, leaving little time for familiarization with the complex system. This led to the late or inadequate training of data entry staff and management.<sup>8</sup> Delays in the payment of staff temporarily halted tabulation in Central Equatoria, Eastern Equatoria, Northern Bahr al Ghazal, Jonglei and Lakes, with a number of confrontations and scuffles occurring in the vicinity of SHC offices.

#### *Compromising tabulation safeguards*

To ensure that genuine arithmetical errors are detected, as well as to identify cases where results are questionable, the NEC developed a dual entry results management system based on an Excel spreadsheet to be used concurrently with a more sophisticated software results management system.<sup>9</sup> Only when used together were the appropriate safeguards in place to isolate results that required further investigation and corrections. The results management system included built-in warnings that flagged for closer scrutiny those polling stations with various potential anomalies, e.g., where the number of participating voters was greater than 95 percent of the number of registered voters, where the number of ballots issued to voters was higher than the number of registered voters or participating voters, and where the total number of votes in the ballot box was higher than the number of registered voters.<sup>10</sup> If any of the 11 quarantine factors were triggered, the entry was flagged and should not have been released until an appropriate investigation was conducted and corrective measures taken.

However, in over half of the states monitored, Carter Center observers reported that the SHC employed only one component of the electronic system. This prevented the results management safeguards from being applied properly and opened the door to actions that could compromise the integrity of the process.

Even in the data centers that used both systems as designed, the automatic safeguards provided by the results management system were observed to be overridden or ignored by data entry staff in a number of states. There was a high-level of quarantined results in most states; informed sources reported 25 to 30 percent of forms triggering the software safeguards, with a particularly high level of data results quarantined in Unity, Central Equatoria, North Kordofan, Red Sea, Warrap and Gedaref.

The failure to consistently apply key safeguards is a critical weakness in the implementation of the results management system. Reliable sources informed the Center that over the course of the tabulation process, NEC advised officials in all states to adopt a primarily manual tallying system, sometimes in parallel with the data processing system and sometimes abandoning computerized tabulation all together. This appears

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<sup>8</sup> In Upper Nile the NEC data entry trainer did not arrive until April 19, four days after polling had finished.

<sup>9</sup> Section 4.2, NEC Operational Manual for Election Results Processing, p. 16.

<sup>10</sup> Initially the ninth NEC quarantine trigger was set to isolate forms with 85 percent of votes cast for one candidate, however, this was changed mid-way through tabulation to a 95 percent threshold to expedite the process.

to have been motivated by a desire to speed the delivery of preliminary results, as well as frustrations with the high frequency of results that were quarantined due to problematic Results Forms. No instructions, official forms or training was provided for manual tabulation, resulting in a lack of standardization in the process. In Khartoum state, the SHC informed observers that the data entry process had been halted due to serious concerns about the quality of many forms, which led the NEC to intervene and establish a secondary manual tabulation center. At this secondary site, the process was highly chaotic, with counting forms not properly organized, secured or safe-guarded. Observers reported officials tabulating results on loose sheets of paper and crudely constructed forms in most states. The unplanned manual tabulation has undermined the accuracy of the results process. Ideally, results management systems should prevent either the SHCs or NEC from arbitrarily bypassing it without first resolving the discrepancy.

In at least a quarter of observed states, data entry staff were frequently observed altering Results Forms, increasing or decreasing both the number of invalid votes and also the number of votes won by candidates so as to reconcile the figures. This raises serious questions about the accuracy of the results and makes it extremely difficult to track how votes were tallied and how discrepancies were resolved at each data center.

While some changes to Results Forms were made with red pens and initialed to make the editing clear and attributable, in many cases it is impossible to ascertain where and when these corrections were made or by whom, diminishing accountability.<sup>11</sup>

The problems reported in the tabulation process indicate a number of areas where the process lacked critical safeguards and transparency, opening the door to manipulation. While many instances can be ascribed to error, in at least seven state data centers Carter Center observers reported a significant number of polling stations with unusual or questionable voting patterns or data that should be investigated.<sup>12</sup> For example, observers noted numerous stations with 100 percent voter turnout, including in Hameish Koreib, Kassala, or where 100 percent of votes were cast for one candidate or party, as was observed in Kassala and Red Sea for the NCP and in Eastern Equatoria and Warrap for the SPLM. In Eastern Equatoria, Khartoum, Unity and West Darfur states, observers noted Results Forms on which the number of participating voters exceeded the number of registrants.

Without the safeguards of the quarantine system, it is much more difficult to detect and investigate problematic polling station results. The NEC should consider isolating stations and constituencies where there are serious questions about the accuracy of the results.

It is understood that polling station results could be excluded from the final results tally with the agreement of the NEC and the returning officer in those cases where significant irregularities have been identified. The NEC operational manual does not clearly define the level of irregularities deemed significant, nor what should be done in order to verify that the results are not fit to include in the final tally. The Center urges the NEC to make every reasonable effort to prevent unnecessary disenfranchisement. To achieve this mandate, a thorough physical investigation of the relevant paperwork and ballots, if necessary, should be undertaken before individual polling station results are excluded.

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<sup>11</sup> In Warrap, Carter Center observers noted use of explicitly prohibited white-out rather than the required red-ink pens as required in Section 3.5, NEC Operational Manual for Election Results Processing, p. 14.

<sup>12</sup> Initially, the NEC's results management software was set to quarantine forms with 85 percent of votes for one candidate; this was increased mid-tabulation to 95 percent to expedite the process.

### *NEC review of results before announcement of final results*

Before final results are declared, it is important that the NEC make every effort to ensure that information published is accurate, consistent and comprehensive. Given concerns about tabulation weaknesses across Sudan and unauthorized alterations to candidates' vote tallies on Results Forms, the Center urges the NEC to conduct a thorough internal review of the results reported by the SHCs, especially where results are based on manual tabulation or deviation from standard procedure occurred. This should include steps to: identify and investigate polling stations results that may be incorrect; investigate complaints and allegations of fraud with manual recounts of ballots undertaken where necessary; and investigate any results previously quarantined by the electronic results management system to ensure credibility of and public confidence in the overall results.

### **Polling Station Level Results**

To enable the public and other stakeholders to verify the validity of the results and to increase public confidence, it is important for the NEC to publish the final results for all elections disaggregated by individual polling stations in national media, the state gazette and on the NEC website. Similarly, the NEC should also release detailed results of all the stations that were excluded from the final tally, along with the reasons for their removal. Further to this, the NEC should consider displaying all Result Forms at the SHCs and NEC. Such steps are consistent with international and regional good practice, in order to meet obligations for access to information and the prevention of corruption.<sup>13</sup>

### **Election Challenges and Appeals**

The results for many electoral offices remain outstanding and will be announced on a rolling basis. In addition, those results already announced are provisional pending the conclusion of the NEA mandated period during which disputes may be filed with the Supreme Court. In accordance with the NEA, Article 81, this complaints period is defined to be seven days from the official date of the declaration of a winner in each specific race. The Court then has two weeks to reach a decision on submitted cases. The development of such deadline for the submission and consideration of complaints is in line with commitments to ensure a timely remedy.<sup>14</sup> However, there is a notable lack of information concerning the appeals process. In order to ensure awareness of legal remedies, the NEC should clarify the appeals procedures and ensure that candidates have the ability and resources to submit necessary complaints. In particular, the Center is concerned that appeals can only be lodged in Khartoum, which increases the financial and logistical burden for candidates in areas far from the capital. The NEC should consider allowing appeals to be submitted after the release of individual polling station results and exercise flexibility in application of the deadline for appeals.

The NEC's provision of a mechanism to receive complaints (via NEC Form 7 Complaints Form) from political parties at the polling stations was welcome. However, observers frequently reported that Form 7's were absent from polling stations, depriving aggrieved parties of their right to lodge complaints and establish a legal record of complaints received. Critically, once Complaints Forms reached the SHCs, no further action was prescribed. Without a systematic process to handle complaints, the utility of the form was reduced to potential evidence for results challenges. The Complaints Form procedure limits recourse to political parties and candidates only, depriving voters, poll workers and civil society of a complaints mechanism. Complaints Forms were unavailable at and inapplicable to the tabulation and data entry process, stripping this critical electoral phase of documented objections. While some Complaints Forms

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<sup>13</sup> ICCPR, article 19; UNCAC, Art. 10(a); AU Convention on Preventing and Combating Corruption, Art. 9.

<sup>14</sup> African Charter on Human and People's Rights, Article 7; African Charter on Democracy, Elections and Governance, Article 17(2)



led to on site resolution during counting at the particular polling station, the mechanism falls short of guaranteeing the general right to an effective remedy, especially during results processing.<sup>15</sup>

### **Elections to be Re-scheduled**

The Carter Center urges the NEC to undertake preparations for polling in the 40 constituencies where elections were suspended or re-runs are necessary, as well as in the previously delayed elections for Gezira and South Kordofan states as soon as possible. Given previous tensions in South Kordofan, unnecessary electoral delays may add to existing feelings of exclusion. In all areas, steps should be taken to ensure that the quality of the voters lists for future elections are substantially improved, including an increased period of time for public display and correction. Transparent procedures should also be put in place to manage the counting and tabulation of results.

Looking forward, the NEC could help to ensure improved confidence and accuracy of the election results by ensuring proper training of all data entry staff, adherence to established policies and procedures for tabulation and the timely release and public display of results at the polling station level. Moreover, it is important that the Government of National Unity and Government of Southern Sudan work diligently to guarantee the safety and security of polling station and data center staff throughout the process, as well as ensuring that security forces play a constructive role that does not undermine the will of the people.

### **Major Incidents and Violence**

Beyond the technical and logistical difficulties of the counting and tabulation phases, Carter Center observers noted serious incidents of intimidation, arbitrary detention and violence against election management staff, party agents and citizens.

Government sources estimate that 22 people were killed in fighting between tribal groups in East Jebel constituency in South Darfur,<sup>16</sup> while other credible sources put the figure between 100 and 300. Reports of the number of fatalities and the affiliation of the protagonists are unconfirmed in part because UNAMID human rights investigators did not have access to the conflict area. The Government of Sudan fundamentally has a responsibility to guarantee the security of the person.<sup>17</sup> In addition, restrictions on the freedom of movement also raise questions about the civil and political freedoms enjoyed by Sudan citizens during the elections, particularly in the Darfur region.

Moreover, in Kass constituency, adjacent to East Jebel, additional fighting between the same two groups reportedly stopped polling early. Counting was similarly affected as ballots were counted away from several polling centers due to the security situation.

Carter Center observers also reported a number of instances of violence during counting and tabulation in Western Equatoria. In Constituency 23, Yangiri ballots stored were set ablaze, but the original Results Forms had already been submitted to the SHC, limiting the long term negative impact of this action, in Yeri Constituency 6, however, ballots and Result Forms were burnt prior to transmission and could not be salvaged. The destruction of election materials is a cause for concern and an investigation should be

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<sup>15</sup> ICCPR, article 2(3); Protocol 1 on the Rights of Women, to African Charter on Human and Peoples' Rights, article 25

<sup>16</sup> GOS stated the fighting was between tribes while other sources stated it was between Border Intelligence Guards (a government security force largely drawn from one tribe) and armed civilians from other tribes.

<sup>17</sup> ICCPR, article 9 (1).

undertaken into the circumstances surrounding the fire. The Center welcomes the NEC's announcement to include Yeri Constituency 6 in the scheduled June re-vote.

On April 24, state authorities in Yambio, Western Equatoria state took control of the SHC's premises and the guards, including the personal guards of the SHC Chairman, were replaced by other policemen including soldiers in police uniforms. According to the SHC Chairman, the state committee had neither requested nor been informed about the replacements. The new police force and the SPLA soldiers deployed outside the premises and around the town were not from the local police force. Subsequently, the head of the data center and one of his assistants were arrested by the SPLA and taken to the barracks where they were manhandled. After their release, the two staff members went into hiding. The NEC and Government of Southern Sudan should take steps to ensure that the rule of law is respected and the electoral management staff is not threatened or subject to unlawful detention or arrest.<sup>18</sup>

In Central Equatoria, the Carter Center observed gubernatorial-level Results Forms for polling stations in the four state constituencies of Terekeka County with substantially higher rates (+90 percent) of participation than were indicated by turnout in other areas of the state or for the other executive races (44-48 percent). In Terekeka, votes appear to have been added to the incumbent governor's tallies, increasing his apparent margin of victory. In a worrying demonstration of interference by the security services, an SHC official reported that on April 27, unidentified armed men forced entry to the SHC offices and warehouse in Juba, and removed computers and the results of the gubernatorial race from 14 constituencies without justification. While a police report has been filed, no satisfactory explanation has yet emerged and a thorough investigation has not yet occurred.

According to Carter Center observers, domestic observers, party agents, and candidates, the elections in Unity State suffered from large-scale intimidation, violence, flaws in administration, and indications of manipulation. Leer and Pariang counties were the most problematic, calling into question the accuracy and integrity of the results in these counties and potentially impacting the result at the state level. Candidates of different political parties from Pariang County also lodged numerous complaints about their agents being chased away from polling stations, the stuffing of ballot boxes, destruction of ballot papers for independent candidates, unsigned Results Forms by party agents, and the continuation of polling after the official closing on April 15, all claims which require further investigation by the NEC. At the state data center, Carter Center observers witnessed the delivery from Pariang County of a significant number of blank Results Forms for the governorship, as well as forms that listed more ballots cast than there were registered voters in the polling station. As in the rest of Sudan, it is important that the NEC release results by polling station in Unity State, and additionally that the steps in the ongoing complaints process are followed diligently and reviewed closely by the Supreme Court.

Also in Unity State, SPLA security forces in Bentiu clashed with protesters immediately after the announcement of results, leading to the death of three people and numerous injuries. The state government in Unity as well as the Government of Southern Sudan should work closely with the security forces to ensure an investigation is opened regarding the killings.

In Northern Bahr al Ghazal, serious irregularities were reported during polling and counting, attributed largely to the incumbent governor and county commissioners. Carter Center observers interviewed a polling station head who was detained during polling by the SPLA and showed visible signs of being beaten. This electoral officer reported more than a hundred other detained polling staff and party agents at

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<sup>18</sup> International Covenant on Civil and Political Rights, Article 9; AfCHPR, Article 6.

the barracks where he was detained. After polls closed, continued interference was reported to Carter Center observers by electoral authorities. In two counties, local commissioners using SPLA soldiers or other security agents also tried to interrupt counting and alter results. A senior constituency election officer was detained for 24 hours. Electoral officials reported that, threats were also made to detain other heads of polling stations if they did not falsify results. According to a member of Northern Bahr al Ghazal's SHC, on several occasions stuffed ballot boxes were delivered to polling stations by the governor's staff, and threats were made against the SHC when they did not comply with the governor's directions. This interference is unacceptable and compromised the integrity of the vote in Northern Bahr al Ghazal in contravention of Sudan's international commitments to ensure equal suffrage and fight corruption.<sup>19</sup> The Carter Center urges the GoSS to assure the safety of SHC members and staff. In addition, the GoSS, in coordination with the NEC, should work with all the members of the SHC to locate polling stations that suffered irregularities and to conduct a full investigation.

The Carter Center Election Observation Mission has been in Sudan since February 2008 following an invitation from the leaders of the Government of National Unity and the Government of Southern Sudan. In early-April 2010, the Center deployed more than 70 short-term observers to observe the balloting, counting, and tabulation processes for the national elections. The Carter Center's observation mission was led by former U.S. President Jimmy Carter, former Algerian Foreign Minister and member of the Elders Lakhdar Brahimi, former prime minister of Tanzania and Justice Joseph Sinde Warioba, and Carter Center President and CEO Dr. John Hardman. Following the conclusion of polling on April 15, Carter Center observers remained in all the states of Sudan to observe the counting and tabulation process at polling stations and centers, state data centers, and at the national data center in Khartoum. Carter Center core staff and long-term observers continue to assess the post-election complaints and appeals process and their resolution and will remain to observe the preparations and implementation of the state legislative assembly elections in Gezira and South Kordofan and other rescheduled elections.

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<sup>19</sup> UN ICCPR, art. 25 (b); UNCAC art. 18.