

## HMG should denounce Sudan's April 2015 elections

From 13 to 15 April Sudan will host nationwide elections. Doubts have been expressed by a number of opposition politicians, civil society groups and non-governmental organisations, both domestically and abroad, about whether conditions are suitable for free and fair elections in the country. We understand that Her Majesty's Government has its own reservations about the upcoming ballot, and **we ask that you make public these reservations before the poll takes place, ideally alongside your Troika partners.** Any statement made after the election, no matter how strong, will have less impact; by then the ruling National Congress Party is likely to claim it has once again legitimised its rule.

Below is an analysis of the pre-election environment in Sudan based on the 'Pre-Election Checklist' used by the International Republican Institute (IRI) for its snapshot reports on electoral processes.<sup>1</sup> **We argue that, in the current climate, elections in Sudan could not be considered free and fair. It is for this reason that HMG and/or the Troika should make clear to the ruling party before the elections take place that it will not consider the result legitimate.**

### Electoral laws, guidelines & processes

*The criteria state that electoral laws and guidelines, which are published for public access, should mandate an inclusive, credible electoral process. The election commission should be independent from outside influence; voter registration rolls should be verified; dispute resolution and appeals processes should be established and publicised prior to the campaign period; and violations of campaign regulations should be investigated independently and resolved in a timely manner.*

Sudan does not meet the standards set out in these indicators. Most notably, there are suggestions that the National Election Commission (NEC) is not independent from outside influence as it is subject to government interference. A leaked document detailing the ruling NCP's 'election strategy' surfaced in English in mid-February, shared by the Sudan Democracy First Group.<sup>2</sup> This text closely matches two other documents recently leaked to the US-based Sudan expert Eric Reeves.<sup>3</sup> The 'election strategy' is evidence of the NCP's tactics of infiltrating and controlling the NEC, including by: selecting pro-government committee members to supervise the elections by conducting background checks; restructuring the organisation to NCP advantage by recruiting personnel from the national intelligence and security service (NISS); 'gerrymandering'; supervising local governors; and choosing pro-government foreign election monitors to legitimise the result.

Furthermore, it is evident that the electoral process is not inclusive. In the final list of Presidential candidates the NEC excluded three prospective nominees for unspecified reasons.<sup>4</sup> In addition, there are unverified reports that voters in a number of districts around the country will be denied a vote, for instance in South Kordofan, Darfur and Blue Nile. This potentially removes millions of citizens from the electoral rolls.

The government's lack of concern for due electoral process should also be clear in light of its recent unilateral decision to amend the constitution to allow President Omar al-Bashir to select state governors, further centralising power.<sup>5</sup> This followed Bashir's announcement that he would stand as the NCP candidate, despite having already been in power for more than 25 years, and being subject to an outstanding arrest warrant by the International Criminal Court on charges of war crimes, crimes against humanity and genocide.

### Electoral environment

*In order to be free and fair, IRI stipulates that the media should provide equitable access to all candidates; the campaign period should be free of violence; any messaging should be free from hate speech and religion-based provocation; and that there should be no recorded instances of the intimidation of or discrimination against minority groups.*

Again, Sudan falls short of reaching these standards. The most serious violation regards equitable access to the media. The Sudanese state regularly confiscates print runs of newspapers that publish unwelcome stories, and the country

<sup>1</sup> Found at <http://www.iri.org/sites/default/files/2014%20October%2027%20Election%20Snapshot-Tunisia%27s%202014%20Parliamentary%20Elections%20Criteria.pdf> We do not measure Sudan against IRI's 'Election Day', 'Poll Opening' and 'Poll Closing' checklists as we cannot yet comment on events on the day itself, though lessons can be drawn from the 2010 poll.

<sup>2</sup> Found at <http://www.democracyfirstgroup.org/News/2015%20SUDAN%20NCP%20Elections%20Strategy%20ENGLISH.pdf>

<sup>3</sup> You can access his site for the full English translations of these documents, as well as compendia of commentary on their authenticity at <http://sudanreeves.org/>.

<sup>4</sup> Sudan Tribune, 14 presidential candidates to run against Bashir in Sudan's 2015 elections, 27 January 2015 [<http://sudantribune.com/spip.php?article53787>]

<sup>5</sup> Daily Mail, Sudan amends constitution to let Bashir name governors, 4 January 2015 [<http://www.dailymail.co.uk/wires/afp/article-2896276/Sudan-amends-constitution-let-Bashir-governors.html>]

scored 174<sup>th</sup> out of 180 in the 2015 World Press Freedom Index.<sup>6</sup> In February intelligence officials seized the print runs of fourteen newspaper titles in one day, allegedly for compromising national security.<sup>7</sup> It is clear that the NCP has inequitable access to the media, and uses NISS officers to stop unfavourable coverage and to weaken its critics. This censorship makes public debate - a prerequisite of any credible election campaign - impossible.

Furthermore, the campaign period has not been free of violence. So far this year over 32,000 people have been displaced by government offensives in Darfur alone.<sup>8</sup> Likewise the ongoing conflicts in South Kordofan and Blue Nile make any meaningful ballot politically and logistically impossible. Even the NEC Chairman Mokhtar al-Asam confirmed that there are nine constituencies where elections might be delayed due to continuing insecurity.<sup>9</sup> In addition, cycles of violence have created a considerable number of displaced persons, including 3.1m internally displaced and hundreds of thousands of refugees in neighbouring countries.<sup>10</sup> Given that they are unlikely to be able to vote, this disenfranchises a huge proportion of Sudan's population, once again calling into question the credibility of the country's electoral rolls.

### **Freedom to campaign**

*IRI determines that eligible candidates need to be able to register their candidacy without barriers; conduct campaigns without harassment from government authorities or other parties; and be given adequate time to communicate their message to voters.*

The ability for candidates to campaign freely is severely curtailed in Sudan, not least due to the very real risk to opposition politicians of being detained. For instance, Mariam al-Sadiq al-Mahdi, the deputy chair of the National Umma Party, was detained for a month without charge after his Party signed the Paris Declaration in August 2014. In December 2014, opposition leaders Dr. Amin Mekki Medani, President of Sudan's Confederation of Civil Society Organisations, and Farouq Abu Eissa, chair of the opposition National Consensus Forces, were detained after signing another declaration, the Sudan Call.<sup>11</sup> They are still being held under terrorism charges.

As a result of these unfavourable conditions, as well as the unsuitability of holding the elections before any settlement is made as part of the government's National Dialogue initiative, most opposition groups are calling for the elections to be postponed, and are boycotting the April poll, many under the banner of the 'Leave' campaign.<sup>12</sup>

### **Voter participation**

*Elections are only considered free and fair by IRI provided there were no instances of harassment, intimidation or discrimination against potential voters in the run-up.*

Although instances of harassment, intimidation and discrimination are widespread and regular throughout the country, certain groups have particular reason to be concerned for their safety. Youth groups like *Girifina*, which has largely moved underground following the brutal crackdown on the September 2013 protest over fuel subsidies, in which the security forces were given 'shoot to kill' orders, are one example.<sup>13</sup> The one-year anniversary of these protests brought more heavy-handed security service behaviour; many fear further forceful restrictions on the freedom of association and expression around the election. Anecdotal evidence also suggests that a significant number of voters do not see the point in voting, as they believe the result is a foregone conclusion.

In summary, it is our belief that Sudan has a corrupt election commission, restricted electoral process, inequitable access to the media that advantages the ruling party, curtailment of opposition candidates' right to campaign, and an ongoing government-led campaign of ethnic cleansing, violence and intimidation preventing meaningful voter participation. These conditions are clearly not conducive to free and fair elections. **HMG, ideally in conjunction with its Troika partners, should make public its reservations ahead of the poll and declare its intention to make any result under these conditions illegitimate.**

<sup>6</sup> Reporters Without Borders, 2015 World Press Freedom Index [<http://index.rsf.org/#!/>]

<sup>7</sup> The Guardian, Sudan cracks down on press seizing entire print runs of 14 newspaper titles, 17 February 2015 [<http://www.theguardian.com/world/2015/feb/17/sudan-cracks-down-on-press-seizing-entire-print-run-of-14-newspapers>]

<sup>8</sup> UN OCHA Sudan, Humanitarian Bulletin, Issue 09 – 23 February-1 March 2015 [<http://bit.ly/195oTU2>]

<sup>9</sup> Sudan Tribune, 14 presidential candidates to run against Bashir in Sudan's 2015 elections, 27 January 2015

<sup>10</sup> UN OCHA Humanitarian Snapshot as of 31 January 2015 [<http://bit.ly/183hUtD>]

<sup>11</sup> The Guardian, 'We are the victims of our own corrupt government' – life as an activist in Sudan, 22 January 2015

[<http://www.theguardian.com/world/2015/jan/22/we-are-the-victims-of-our-own-corrupt-government-life-as-an-activist-in-sudan>]

<sup>12</sup> Sudan Tribune, Bashir aide says election boycott campaign will fail, 22 February 2015

[<http://www.sudantribune.com/spip.php?article54081>]

<sup>13</sup> The Guardian, Sudanese protesters attacked during march sparked by fuel subsidies, 27 September 2013

[<http://www.theguardian.com/world/2013/sep/27/sudanese-protesters-attacked-march-fuel-subsidies>]