



**Statement on Counting and Tabulation Processes for the Southern Sudan Referendum**

Feb 14, 2011

The counting and tabulation of votes and the announce

current uncertainty for the thousands who will be affected, and ensure that mechanisms exist to protect the many social, economic, and personal ties between North and South. At the same time, South-South reconciliation must be prioritized to ensure that Southern independence begins on an inclusive basis.

In the current post-referendum period, the Center is very concerned about the more recent detentions of demonstrators without charge in Khartoum and clashes in Unity, Jonglei, and Upper Nile states leading to numerous casualties, and urges the authorities in Juba and Khartoum to ensure the full protection of these political rights and freedoms in the months ahead.

### **Counting and Reconciliation**

Carter Center observers monitored counting at 41 RCs inside Sudan and 30 stations in out-of-country voting (OCV) locations. Dozens of follow-up visits were made to sub-committees and state referendum bodies in the North and South following the end of polling to observe the transport of materials and the aggregation of votes. Observers reported that RC staff largely adhered to proper procedures for counting, and that RC level staff counted invalid, blank, separation, or unity votes according to the procedures.

The subsequent reconciliation and packing processes were not conducted as smoothly as the polling and counting processes, particularly in Southern Sudan. As noted in the Center's Jan. 17 preliminary statement, Carter Center observers noted confusion at a small number of RCs where referendum staff did not correctly follow procedures for packing and delivery of sensitive materials to sub-committees and state referendum committees.<sup>3</sup> In northern Sudan, counting and tabulation proceeded quickly and tabulation was completed everywhere except South Kordofan and Darfur by Jan. 17.

Retrieval of materials was completed in an efficient manner, and was a major reason for the timely release of results by the SSRB and SSRC. The SSRC, SSRB, and international technical advisors should be congratulated on executing the efficient return of materials from 2812 RCs across the country as well as the 188 RCs in OCV locations.

### **Tabulation**

Carter Center observers reported that both the Khartoum and Juba data centers functioned generally in a smooth and credible manner. In addition, access for observers to the Juba data center was adequate to conduct their work, as all accredited international and domestic observers were allowed to observe at the data centers after a simple registration procedure. This was an improvement compared to more limited access that was provided during the voter registration tabulation.<sup>4</sup>

### *Quarantine and Audit Triggers*

According to the data processing procedures, only RC results forms that had turnout greater than 105 percent were quarantined and slotted for investigation.<sup>5</sup> Therefore, a number of RCs that reported total votes greater than the number of registered voters based on the tabulation of the final register (i.e. with turnout between 100-105 percent) were not automatically quarantined. This was the case in 267 out of 2,638 RCs in Southern Sudan, and collectively amounted to a total of 3,011 additional votes. Most of

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<sup>3</sup> Observers across Southern Sudan reported challenges with the tamper evident bags (TEBs) at a number of referendum centers. This included failure to place materials in TEBs overnight after counting and completion of the results forms (most continued to seal the materials in boxes), misplacing materials in different bags, and the sub-committees incorrectly opening the TEBs before they had reached the data centers. Observers reported that these errors appeared to be due to lack of training, and did not threaten the integrity of the counting and tabulation processes.

<sup>4</sup> Initially, Carter Center observers were not guaranteed a permanent seat to observe in the Juba data center and were not allowed to bring into the data center observer checklists or pens. After raising



confusion among some RC staff in a few states about which registration number to use: the number from the registration books or the one they were given by the SHRC from the daily tracking figures during voter registration. This resulted in some RCs excluding voters from the registry, potentially turning away legitimately registered voters.<sup>10</sup> In other RCs, additional ballots were cast, beyond the number in the SSRB final voter registry list.

Most of these problems are due to the short window between the creation of the preliminary voter registry and the start of polling.<sup>11</sup> Condensing what should have been a much longer period for reviewing the final voter registry and leaving only one day between the release of the final voter registry and the start of polling meant that there was not sufficient time to ensure that the results forms from voter registration accurately reflected the voter registration books at the local level.

### **Intimidation**

In the weeks after polling, Carter Center observers reported a few isolated yet alarming incidents of intimidation related to the referendum. While rare, political opposition groups were targeted and victims were detained and beaten.<sup>12</sup> The Center emphasizes that violence and intimidation is unacceptable and detrimental to the democratic process, and contravenes Sudan's domestic and international human rights obligations.<sup>13</sup> While these incidents were exception to the overall peaceful context of the referendum, there must be thorough investigations and responsible parties should be subject to criminal punishment in compliance with Sudan's obligations in the Interim National Constitution (INC) and international agreements to guarantee security of the person.<sup>14</sup>

### **Post-Referendum Detentions and Violence**

In the post-referendum context, the Center is concerned about the recent wave of arrests and detentions without charge of peaceful demonstrators in Khartoum, the GOS and GoSS should take steps to ensure the full protection of political rights and freedoms. The recent clashes between the SPLA and armed groups in Unity State, Jonglei, and by southerners within the Sudan Armed Forces Joint Integrated Units in Upper Nile state suggests that there has been little progress since the positive resolutions from the south-south reconciliation process in which it was agreed that the various armed groups opposed to the SPLA would reconcile after an amnesty was extended by Salva Kiir. If these concerns are not adequately addressed, there is a danger that the positive spirit witnessed during the referendum could be challenged.

### **Citizenship and Status of Southerners in the North**

As noted previously, the Center welcomes statements by President Omar al-Bashir and First Vice President Salva Kiir Mayardit guaranteeing the safety of northerners and southerners after the referendum. Unfortunately, these populations still face substantial uncertainty regarding what their status

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<sup>10</sup> In Unity and Northern Bahr al Ghazal, in some cases RCs were incorrectly instructed to adhere to voter registration figures from daily tracking totals or the SSRB's final list, even if these totals did not reflect the figures in the registration books. Observers noted general inconsistency with the final voter registry in Northern Bahr el Ghazal, in particular between a list prepared by the state based on total registrants at the RCs, seemingly accurate, and the SSRB's final voter registry. The Northern Bahr al Ghazal SHRC Chairman stated that the short time allowed for corrections and quality control as the main reason for inconsistencies between the lists. In Unity State, the SHRC operated with the daily tracking form instead of the final voters list from SSRB. In Pariang County, observers noted major variations with the final registration numbers

will be once the independence of Southern Sudan creates two states from one. Continuing uncertainty is likely to create a volatile situation, and hasty returns will strain existing humanitarian capacity.

Moreover, there may well be a significant number of southerners living in Northern Sudan who wish to remain rather than return to the South. While an agreement on citizenship issues remains to be finalized, the NCP and SPLM should take immediate steps to ensure that mechanisms are put in place to ensure their rights are protected and that such measures are widely publicized. These could include guarantees of