



INTERNATIONAL REPUBLICAN INSTITUTE

FINAL REPORT

2005 PRESIDENTIAL ELECTION ASSESSMENT IN EGYPT

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International Republican Institute
1225 Eye St., NW, Suite 700, Washington, D.C. 20005
(202) 408-9450 phone • (202) 408-9462 fax • Web site: www.iri.org

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A. Executive Summary

Genuine democratic elections are a requisite condition for democratic governance, as the primary vehicle through which the people of a country freely express their will. Achieving genuine democratic elections is a part of establishing broader processes and institutions necessary for democratic governance. Therefore, while all election practices should reflect universal principles for democratic elections, no election can be separated from the political, cultural and historical context in which it takes place.

On September 7, 2005, Egypt faced an historic opportunity with the first direct, multi-candidate presidential election in its history. For the first time, voters were given the opportunity to choose from among several candidates for the position of president, and open campaigning was permitted for candidates representing opposition political parties. State-owned television stations strove to provide equal airtime coverage for candidates, and some independent newspapers provided critical coverage of the campaigns. Perhaps most important, voting occurred in a safe and non-violent atmosphere, without the overt intimidation on the part of police or security forces that has sometimes marred elections in Egypt in the past.

The government of President Hosni Mubarak should be recognized for taking this initial step to open Egypt's political process. This sets an important precedent for greater political competition in the future. These are, however, preliminary steps in a long process of democratization. In order to capitalize on what has been achieved to date, future developments must increase opportunities for citizen participation and remove restrictions that limit political activity and free expression.

Despite the historic nature of Egypt's first multi-candidate presidential election, the provisions of the amendment to Article 76 of the Constitution placed considerable restrictions on who could become a candidate, thus limiting the opportunity for genuine competition. Beginning with this issue of access to the ballot, it must be noted that the election suffered other significant irregularities and violations of the electoral regulations as stipulated by Laws No. 173 and No. 174.

From August 15 to September 9, the International Republican Institute (IRI) fielded an international delegation to assess the political environment before and during the election. On Election Day, the delegation divided into teams and deployed to Cairo, Giza, Alexandria and Port Said. The delegation included elected officials, civil society leaders and IRI staff members from seven countries; including Bangladesh, Bulgaria, Cambodia, Jordan, Morocco, the Palestinian territories and the United States. The goal of IRI's election assessment mission was to conduct a cross-sector analysis of the election environment and to examine conditions relating to the right to vote and to be elected, including discrimination or other obstacles that hinder participation in electoral processes.

As part of this assessment, the delegation met with government officials, civil society leaders, candidates, political party officials, domestic observation organizations and judicial representatives before, during and after Election Day. The delegation assessed opportunities for fair competition, oversight and observation, access to media and overarching political dynamics that affected campaigning and elections. Throughout

the assessment, delegates maintained an independent and impartial posture and did not take partisan positions. The delegation sought input from all those participating in the election in various capacities.

Since accreditation to international observers and access to polling stations was denied by the Egyptian government, the IRI delegation did not fulfill the function of an official election observation. Instead, IRI delegates were limited to visiting the periphery of polling centers and gathering information by talking with voters, election officials, candidate representatives and domestic monitors when possible. The refusal of the Egyptian government to permit official international observation credentials severely hampers IRI's ability to comment about election procedures since balloting, counting and reporting processes could not be observed.

Despite this limitation, IRI seeks to outline the primary findings from its assessment mission and to put forward suggestions to improve the conduct of elections in the future, with a specific eye toward parliamentary elections scheduled for November 2005.

IRI recommendations include the following:

Parliamentary Election Commission: An independent election commission should be established to oversee the electoral process and set regulations concerning candidate registration, campaign finance, media access and coverage, electioneering, voting and ballot counting.

Access to Information: The list of registered voters and of polling stations should be provided to all political parties and candidates in an equal and timely fashion.

International Observers and Domestic Monitors: Domestic monitors should be given access inside polling stations to ensure that balloting and counting procedures are in accordance with Egyptian law and to encourage confidence in the integrity of the process on the part of citizens. International observers should also be provided similar privileges so that balloting and counting procedures can be ruled in accordance with international standards.

Voter Rolls: Voter lists should be reviewed and vetted by an independent body to ensure that deceased persons are removed from the list and that duplications, omissions and name misspellings are corrected.

Judicial Oversight: Judges, rather than ministry bureaucrats, should directly supervise voting and should have full authority over the balloting station and its periphery without interference from security forces or party agents.

Training: All election officials should receive training on the application of the electoral law and voting procedures to ensure consistency.

Party or Candidate Representatives: The right of parties or candidates to have an agent or representative in the polling station must remain, but a separation must be made and maintained between election officials and the agents.

Polling Stations: Voting stations should not be inside police stations or other locations that might be considered intimidating to potential voters.

Ballot Counting: In order to provide adequate checks on the counting process, candidate representatives, party agents, domestic monitors and international observers should be allowed to observe ballot counting inside polling stations at the close of voting.

Campaign Activities: Active campaigning should cease in advance of balloting according to the law.

B. The Legal and Political Context

Any evaluation of this most recent election must be made within the context of the distinct legal and political environment in Egypt. The call for a direct, multi-candidate presidential election is a significant development, yet the framework created by the continued state of emergency, restrictions on the establishment of political parties and nongovernmental organizations (NGO), as well as the amendment to Article 76 of the Constitution reduced opportunities for free and fair competition.

Continued enforcement of emergency legislation hinders the development of political parties, prohibits parties from holding rallies without prior permission, gives the security services unchecked powers to arrest and detain individuals, disallows strikes and demonstrations and gives the government powers to censor and shut down newspapers. Although the period prior to elections witnessed a lessening of such procedures, the impact of 24 years of emergency law remains pervasive. The culture of alienation that such measures instilled among the general population decreases public interest and participation in political life and elections. This alienation was quickly made evident through the decision by two well-known political parties to boycott the presidential election, a boycott in which they were joined by the mass-based movement Kifaya.

During the campaign period, it must be noted that the government did not exploit the emergency law to suppress public demonstrations and rallies. Election related events were allowed for all opposition candidates and even for mass movements boycotting the election, and opposition newspapers were permitted to publish electoral coverage that was critical of President Mubarak. In fact, as one civil society leader noted, "The campaign period allowed Egyptians – for the first time in decades – to live for 19 days *without* the state of emergency." The fact that opposition campaign events and anti-election rallies occurred with little violence or civil disruption was an important occurrence should serve as encouragement to the government to reconsider its claim that chaos would erupt without the emergency laws in place.

The laws governing the activities and establishment of political parties and NGOs also influenced the electoral environment. Restrictions on the activities and establishment of new political parties have resulted in political parties other than the governing party being weak and underdeveloped. Recent amendments to the Political Parties Law (Law 40/1977) maintain strict procedures for the establishment of new parties, as mandated by the Political Parties Affairs Committee (PPAC), which is affiliated with the Majlis al Shura and dominated by members of the ruling party. The law prohibits political parties based on religious identity and stipulates that new parties can be formed only if they "add something new" to existing parties. The PPAC has only approved three new parties over the past 30 years.

Perhaps most importantly, the amendment to Article 76 of the Constitution, which allows for direct, competitive presidential elections, includes restrictive parameters for who is eligible to be nominated as a presidential candidate. For the September 2005 elections, the amendment states that established political parties could put forth a candidate, but only from within the ranks of party senior leadership. Independents were required to collect 250 signatures from members of parliament, senators, and representatives of local councils in order to get on the ballot. Since the National

Democratic Party (NDP) controls more than 80 percent of all elected positions, this latter requirement effectively meant that no independent candidates could enter the race.

The absence of independent candidates from the presidential elections limited voter choice and prevented movements such as the Muslim Brotherhood from nominating a candidate. The regulations for 2011 elections are even more restrictive by allowing only political parties older than five years to field candidates, and requiring that they must also hold a minimum of five percent of seats in both houses of parliament.

In addition, the shortness of time from the announcement of the referendum results to the setting of an election date and the beginning of the campaign period meant that opposition candidates were at a distinct disadvantage in preparing effective campaigns. The electoral schedule pre-empted careful consideration of new electoral procedures, a review of the voter rolls and the possibility of reopening voter registration in advance of the election.

The continued state of emergency, weakness of opposition political parties, absence of independent candidates, and limited time to prepare for elections all contributed to a situation that did not foster a genuinely competitive environment. With this political and legal context in mind, IRI's assessment team seeks to highlight positive and negative features of the electoral process that may set important precedents or illustrate needed changes that should be implemented in advance of future elections.

C. The Presidential Election Committee (PEC)

The amendment to Article 76 provides for the establishment of a Presidential Election Commission (PEC) charged with the supervision of the presidential election process. The establishment of an independent election commission – separate from the Ministry of Interior – was a positive step; however the membership of the committee itself gave cause for concern. Composed of five judges and five public figures, most members of the commission were former high-ranking members of the NDP. Such partisanship impugns the commission's integrity and calls into question its objectivity in overseeing the presidential election.

Perhaps even more troublesome is the authority granted by the amendment to Article 76 and Law No. 174 stating that PEC decisions are "final and subject to no appeal." This effectively places the PEC above the law and does not provide for any judicial recourse concerning candidate disputes. As one observer noted, the PEC was appointed as "judge, jury and executioner in all matters pertaining to the presidential elections." The creation of the PEC with authority that exempts it from legal recourse was little improvement over previous elections organized by the Ministry of Interior.

The PEC's damaging use of this extra-legal authority emerged in its dealings both with the Judges' Club and the NGO domestic monitoring groups. The PEC held the authority to select which judges would supervise election, and excluded nearly 1,500 judges who advocated for greater judicial independence in regard to elections and other issues. This move was seen as particularly politically motivated, given the shortage of judges to cover all 9,739 polling stations. The PEC also made political decisions

regarding which judges would supervise primary versus auxiliary polling stations by placing junior judges allied with the government in prominent places. None of these decisions could be raised for review in any court. Judges, who had been given the mandate of electoral supervision beginning with the 2000 parliamentary elections, were consistently undercut by the PEC and prevented from fulfilling their role.

Along these lines, the PEC rejected NGO domestic monitoring with the rationale that judges were fully capable of fulfilling the monitoring role and that allowing the NGOs inside polling stations would call into question the judges' credibility. However, the Judges' Club itself supported the presence of domestic monitors and advocated on their behalf with the PEC. These two situations illustrate that the PEC failed to provide a neutral, oversight body that could ensure fair competition.

While election commissions in other countries often hold regular meetings and briefings with candidates, parties, monitoring groups and members of the public in order to answer questions or clarify regulations, the PEC seemed intent to release the minimum amount of information, or even conflicting information, in order to prevent advance planning. The creation of an independent election commission should increase transparency, speed the transfer of information, and promote responsiveness to the electorate, yet in this case, the PEC served to sow confusion about voting and counting procedures.

The PEC emphasized the need to preserve its independence as the reason it refused to meet with international or domestic groups, but this insularity extended beyond a reasonable level and led to massive disinformation. IRI's delegation, in addition to many other groups, was unable to meet with the PEC to have basic questions answered about electoral regulations and procedures. The delegates on IRI's assessment mission, who have collectively observed more than 40 elections in countries across the globe, have never encountered an election commission that was as isolated or restrictive as this one. IRI finds significant weakness with the election process stemming from the extra-legal and opaque nature of the PEC.

D. The Campaign Period

Perhaps most noteworthy in regard to the campaign period was the absence of violence and the ability for opposition candidates to organize rallies and public meetings. In Cairo, Alexandria, Port Said, Beni Suif, and many other cities, candidates were able to hold rallies for supporters numbering in the hundreds and thousands. To the best of IRI's knowledge, instances of overt intimidation of opposition supporters were relatively rare, but other more subtle forms of interference occurred. For example, IRI's delegation heard several accounts in Alexandria and Assuit where opposition parties applied for a permit to hold a candidate rally, and were granted one, but only for a location outside the city center that would be inconvenient and difficult to access by public transportation.

Another prominent characteristic was the abbreviated period to prepare for the election. Government officials, political parties, the judges and the domestic monitors all struggled to cope with the shortened timeframe – only six weeks from the announcement of an election date to the start of the campaign period. When the

delegation made inquiries about the lack of information or clarity about voting procedures, locations of polling stations, and oversight, often the excuse given was that insufficient time did not allow for better preparation. Yet this schedule was not by accident. By design, it benefited the status quo and the incumbent, since only the ruling party had an extensive party structure that could be mobilized for elections. Building an organized base of supporters with local and regional offices would have taken other parties months if not years to develop.

Extensive reports from NGO media monitoring efforts indicated that coverage of candidates on state-run television and radio stations was more balanced than critics had expected. The Ministry of Information issued extensive guidelines to ensure equal coverage, and monitoring reports indicate that such rules were generally followed. State-run television did offer an opportunity for candidates other than the President to present themselves in a positive light, and their activities received coverage from station reporters.

The focus on equal coverage, however, often meant that candidates from the smallest parties received the same amount of airtime as the two primary challengers to the incumbent candidate. In achieving equality by the letter of the law, the state-run stations neglected to provide coverage that was relevant or interesting. Additionally, the television coverage was devoid of any critical analysis and thus provided limited utility for viewers to access the campaign platforms of the various candidates. The prohibition on negative campaigning or advertisements curtailed the ability of candidates to differentiate themselves from one another. Restrictive penal codes also made critical reporting more risky, as the definition of defamation or slander was fairly broad and could be manipulated.

As the media monitoring reports highlight, the performance of the print media was far less balanced: The state-run papers were disproportionately supportive of President Mubarak and the opposition papers were disproportionately critical of the president. Although there was some variation among the government-sponsored papers, for the most part, coverage of opposition candidates was absent or negative. Several independent papers, most notably *Masri al Youm* and *Nahdet Masr*, provided commendable balanced and critical coverage. That these papers were allowed to operate freely during the campaign period is worth recognizing as a positive sign of greater media freedoms from the government.

E. Voter Lists and Voter Registration

Most reports about the election are quick to mention the low turnout: 23 percent according to official government reports and closer to 18 percent according to independent NGO monitoring reports. The low participation in the election may be attributed to a number of factors: general apathy regarding politics among the public, certainty that the outcome was already predetermined, and a conviction that the process was fraudulent. In addition, however, the fact that voter registration was not reopened in advance of presidential elections likely contributed to low turnout. Voter registration is only open for three months each year, and the announcement for a constitutional amendment paving the way for multi-candidate elections came after the rolls had closed in 2005. Keeping the registration closed disenfranchised many voters

who might have been interested in voting for the first time given this historic opportunity.

A careful review of the voter lists also did not occur, which led to accusations of names missing from the election registrar, deceased persons included on the list and other irregularities that have grave implications for the fairness of the election process. A voter list filled with inaccurate names means that legitimate voters are often unable to cast their ballot, and that the opportunity for manipulation or double-voting is widespread. Opposition activists on numerous occasions spoke of their names missing from voter registration lists in the past. The delegation spoke with leaders of the Coptic community who said this problem has plagued previous elections and effectively disenfranchised many Christian voters. The lack of transparency of the voter lists was one of the most serious problems undermining the credibility of the election process.

Given the hurried nature of elections preparation, access to information became a critical issue. The most problematic nature of this kind involved the distribution of voter lists. As flawed as the lists might have been, the parties still needed the information they contained. The election law states that each party fielding a candidate can receive a copy of the voter list from the Ministry of the Interior for a small fee. Meetings with Al Wafd and Al Ghad party representatives indicated that attempts had been made to request the list, but they had been rebuffed and referred to the PEC, which then referred them back to the ministry. Meetings with NDP representatives indicated that they had early access to the lists. Without meeting directly with the PEC it has been impossible to establish whether these incidents are administrative or intentional.

Having access to lists of voters and polling station locations is crucial for political parties in order to contact potential voters and to identify candidate representatives for each of the polling stations. Whereas the NDP could target its campaign efforts by contacting registered voters through mail or phone to solicit their support, the other parties had no such opportunity. Candidate agents had to be selected from the constituency in which he or she would observe; without these lists it was extremely difficult to identify and assign candidate representatives in the appropriate locations.

It is unclear if these occurrences are part of a systematic effort to hamper the ability of the opposition parties to compete, or whether they are the result of bureaucratic and administrative weaknesses. The final outcome, though, was a situation of unequal access to information that directly benefited the ruling party.

F. Judicial Oversight

Perhaps the most encouraging element in the presidential election was the effort of the Judges' Club – the primary association of all judges in Egypt – to ensure a transparent election process and expand its political independence. Judges have long been considered the most respected and politically neutral authority in Egypt, and the actions of the Judges' Club through this process substantiated this view. Despite obstacles from the PEC, the Judges' Club took its role seriously and consistently pushed for total supervision over the process and international standards that would help ensure a fair and credible election.

In a bold display of independence, the Judges' Club announced in early summer that without expanded authority over the electoral process, the judges would refuse to oversee the elections. Taking their stand even further, 3,000 judges who gathered in Cairo on May 14 took a provisional decision to abstain from their task as election supervisors this year if the government failed to guarantee them full oversight of the process. Chief among the judges' complaint was that they are tasked with supervision, but lack control over preparation of voter lists, the security outside the polling station, or the counting process. Furthermore, the estimated 8,000 judges could not realistically monitor the 54,000 ballot boxes. In previous elections, this gap has been filled by state prosecutors or other state employees, which significantly weakened the ability of judges to provide credible oversight.

Over the summer, negotiations ensued between the Judges' Club, the Ministry of Justice, and the PEC about the extent and quality of oversight. This resulted in a plan to combine the 54,000 ballot boxes into 9,737 polling stations that would be under the sole authority of judges. The PEC also agreed that judges could walk outside the polling station and listen to complaints and that voters would be mandated to place a finger in indelible ink before casting their vote. Additionally, the club used their "boycott" threat to advance the independence of the judiciary by requesting a series of legislative amendments that go beyond the September election – most importantly, to secure an independent budget for the judiciary and remove authority for disciplinary review of judges from the Ministry of Justice (which is responsible for salaries, bonuses and promotions).

As the Judges' Club tried to enlarge its sphere of influence in supervising elections, it became clear that the PEC viewed the Judges' Club as a threat, rather than a guarantor of credibility. While the PEC seemed to adopt some of the judges' demands, it reversed its position on others. The PEC's most inflammatory decision, however, was its move to exclude nearly 1,500 judges from the roster of those who would supervise elections. Those removed from the list were the most vocal in their criticism of the electoral process and advocacy for judicial reform. This was a particularly damaging step since there was a shortfall of judges to cover all the polling stations, and the gap was filled by state employees.

On September 2, the Judges' Club General Assembly convened to decide if enough of their conditions had been met. While the PEC acquiesced on some points, major issues remained unresolved. The Judges' Club was not satisfied with the stipulations of the PEC regarding their role, but agreed to supervise the elections in response to public pressure and to reserve their right to document and report violations as they had done for the May referendum. Discussions with the Judges' Club revealed that, in part, the judges engaged in the elections in order to be the public watchdog.

The judges, seeking to balance their commitment to integrity and independence with their responsibility to oversee elections, struck a compromise by agreeing to fulfill their role under certain conditions. These terms were: (1) judges will permit members of civil society groups to enter polling stations and observe the vote, (2) judges will give copies of voting results to candidates' proxies, and (3) those judges who have been excluded from monitoring will form their own fact-finding commissions and monitor the vote by visiting polling stations throughout the day. Taking a firm stand on these

three issues poised the Judges' Club in direct conflict with the stated position of the PEC.

It must be noted, however, that the application of these conditions was fairly weak and inconsistent on Election Day itself, and de facto, the decision was left up to each individual judge to decide if domestic monitors would be allowed inside and if vote reports would be distributed to candidate representatives. With many of the most activist judges barred from overseeing election, and many state employees filling this role instead, only a small percentage of domestic monitors were allowed inside and only a small number of candidate agents received vote counts. IRI delegates heard accounts that some government employees and representatives from the NDP inside polling stations played a role in preventing domestic monitors from entering.

The judges barred from a supervisory role provided a crucial source of domestic monitoring by circulating between polling stations, gathering information and documenting violations that they witnessed. It is expected that the Judges' Club will issue a report by the end of October that will provide a detailed analysis of the weaknesses and discrepancies in the electoral procedures. Given the level of respect and integrity that judges carry in Egyptian society, this report will have particular significance. Although the opposition political parties and NGOs have issued reports outlining irregularities and violations, a report issued from the Judges' Club will have additional credibility and could pressure the government to respond to such criticism.

G. Domestic Election Monitors

In addition to the positive role played by the Judges' Club, the substantial effort of civil society organizations to provide domestic monitoring of the election was particularly encouraging. Thirty-four organizations joined together in three different coalitions and monitored the candidate registration process, media coverage of candidates during the campaign period, and voting on Election Day with more than 2,000 monitors throughout Egypt's governorates. Efforts were made to coordinate between the coalitions and some consistency was gained in training and reporting forms.

Domestic monitoring groups initially believed that they would be allowed in polling stations. The Egyptian government, it seemed, would allow domestic monitoring groups in order to prevent an international presence that was characterized as interference in domestic affairs. During an IRI visit to Egypt in April 2005, government officials specifically indicated that international observation was not necessary, since judges and domestic groups would be more than adequate to monitor the election. However, as preparations for the election began in earnest, statements from the PEC indicated that domestic monitors would not be allowed inside polling stations.

Confusion regarding the role of domestic monitors became the focus for much of the campaign period with conflicting statements and directives from the PEC and the Judges' Club. The National Council for Human Rights, a semi-governmental body established in 2004, had been designated as the focal point for coordination between the various coalitions and the government, yet it seemed to play no role in gaining official approval for the monitors.

Despite statements from the PEC rejecting the idea of domestic monitors, the NGO coalitions proceeded to use every technique to press for their cause. They raised public awareness of the issue through the media and filed a lawsuit before the administrative court against the chairman of the PEC for rejecting their request to monitor elections. This tenacity in the face of countless setbacks was particularly encouraging.

The PEC won an appeal against an initial court ruling in the monitors' favor. However, in a surprising move, the commission relented and issued a statement at 11 a.m. on Election Day permitting domestic monitors to enter polling stations. In nearly all cases, it was too late for instructions to reach judges supervising polls or monitors to acquire written credentials, so most monitors did not gain access to polling stations. The PEC's motives in making this late decision are questionable; presumably the intent was to deter domestic and international criticism without making a meaningful concession.

It is also worth mentioning that during initial conversations with IRI in April 2005, most civil society organizations and political parties rejected the idea of international monitors and agreed with the government position that it posed interference in domestic affairs. Yet, as the election neared and the PEC proved to be a formidable challenge, nearly all these groups expressed their support for an official international presence.

H. Election Day

One of the most notable features of the election was the lack of interference or intimidation by security services outside polling stations, as occurred in previous elections and referendums. IRI did receive reports, though unsubstantiated, that some domestic monitors were beaten or taken into custody. On the whole, however, there was substantially less violence than in years past. In general, opposition voters were allowed to enter polling stations and candidate representatives from a number of parties were allowed inside to observe the voting process. Considering the culture of fear that often discourages public participation in political life, this is a significant development that should be highlighted.

Although the electoral law explicitly prohibits campaigning 48 hours in advance of the election, IRI delegation teams in Port Said, Alexandria, Giza and Cairo witnessed extensive campaigning during this 48-hour period and throughout Election Day itself. Law No. 174 states that the election campaign includes "the activities of the nominee and his supporters, and targets persuading voters of his election, in limited and public meetings, dialogues, and by publishing and distributing election campaign materials and posters as well as by using audio-visual printed and electronic media."

Since the NDP was better-financed and better-organized, it comes as no surprise that the overwhelming majority of campaign materials and activities on Election Day were NDP-oriented; however some activity was also sighted for opposition candidates. This included distribution of leaflets, hanging of posters on and around polling stations, and roving loudspeakers in automobiles broadcasting slogans, among other activities. In

meeting with officials of the NDP, IRI was told such actions were not party-sanctioned, but were the acts undertaken by enthusiastic supporters.

This activity, in addition to being illegal, impinged on the neutrality of the polling station. At times, the campaigning could be considered coercive; for example, IRI delegates observed in one location an NDP supporter blaring campaign messages through a loudspeaker targeting each person who entered the polling station. When approaching a polling station, voters should have the full opportunity to choose their candidate without any interference from party representatives or security forces. In addition, IRI delegates witnessed the use of government-owned vehicles being used to transport voters to polling stations, a clear violation of the electoral law.

Since IRI delegates were not permitted to enter polling stations, it is difficult to comment on the technical aspect of voting procedures and the physical set-up of the station, however anecdotal evidence has been shared by others who were inside. In nearly all cases, wooden ballot boxes were used which do not ensure a high level of transparency and integrity of balloting procedures. Transparent boxes allow voters and observers to verify that the ballot box is empty at the start of the day and to track the contents as voting continues. In addition, IRI delegates heard many accounts that although curtains are mandated by the electoral law in order to provide privacy for voters, they were either non-existent or insufficient. This means that many voters did not have the chance to mark their ballot in secret, a key element of free and fair election management.

IRI delegates heard numerous accounts of voters who were not required to dip their finger in indelible ink or who were able to wash off the ink within minutes. The ink is an added guarantee that is necessary to prevent multiple voting. The electoral law states that ink should be used, and inconsistent application of this calls into question the authenticity of final results. Ink should be tested in advance by judges at each polling station to ensure the consistent quality of such ink.

I. Conclusion

Despite the bold efforts of the Judges' Club to enhance the credibility of the election, there was a lack of consistency in the application of the electoral law, though it is unclear if fault lies with the judges or other elections officials. The election law clearly states that a voter must present a voter card or have his/her name listed on the voter register in a particular constituency in order to vote. Yet, there was widespread irregularity in the application of this rule. In some places, voters whose name did not appear on the list and who did not have the voting card were turned away, and in others, they were permitted to vote without any source of verification. This inconsistency does not seem to be the result of an effort to disenfranchise one candidate's supporters, but rather seems to be the result of a lack of clarity about the process. Sources also reported that instances of voting without proper identification increased as the day wore on, suggesting that a specific effort to increase voter turnout was under way.

Significant questions still remain regarding the actual vote count. Since domestic monitors were disallowed in most places from witnessing the counting, and many

polling stations lacked candidate representatives, there is little data to corroborate official results. Domestic monitoring groups conducted exit questionnaires of voters departing polling stations that indicate a significant discrepancy with the official tally. Without methodologically sound exit polling or independent monitoring of the counting, there is little way to ensure that official results are accurate. IRI strongly recommends that independent monitors are permitted to witness the counting process in order to lend added credibility to the process.

There is little reason to believe that the will of Egyptians who voted was averted. While people may disagree about the overall vote count, there are few who believe any outcome would have been different than a strong majority of support for President Mubarak.

IRI wishes to express gratitude to all those who devoted time to meeting and sharing their insights with IRI's delegation. IRI also commends the ten political party competitors for contesting this historic presidential election and working to bring messages of reform and change to Egypt despite substantial obstacles and challenges. While the rationale of those political actors who boycotted this election was made clear to IRI's assessment team, it is the competing parties, particularly those in the top tier of the Election Day's outcome, who added some degree of credibility to this first ever presidential election.

J. IRI Recommendations for Future Elections in Egypt

- **Parliamentary Election Commission:** An independent election commission should be established to oversee the electoral process and set regulations concerning candidate registration, financing, media, campaigning, voter registration, voting and ballot counting. While such an attempt was made with the PEC, the addition of parliamentary nominees to the commission decreased its independent nature. The commission's lack of transparency and accountability as well as its refusal to communicate its decisions and the rationale behind them further decreased its ability to serve the Egyptian candidates and voters.

A new commission should be established that is composed of respected individuals who can maintain independence from executive branch ministries and any particular political party. Such a commission should be subject to reasonable judicial review if claims against the actions of the commission are raised.

- **Access to Information:** A significant weakness in the presidential election was the delay in providing voter lists and lists of polling stations equally to competing political parties in advance of the election, in clear contradiction to the law. The list of registered voters and of polling stations should be provided to all political parties and candidates in an equal and timely fashion.
- **International and Domestic Monitors:** Domestic monitors should be given access inside polling stations to ensure that balloting and counting procedures are in accordance with Egyptian law and to encourage confidence in the integrity of the process on the part of citizens. An early and decisive official commitment to the inclusion of domestic election monitors, in addition to candidate agents and the judges, is critical to the legitimacy of the parliamentary elections. Given the decision of the PEC and State Court rulings concerning the permissibility of domestic monitors there is a clear precedent and mandate for the unchallenged right of domestic monitors to participate in this election, alongside candidate agents.

Following the commitment to access by domestic monitors, international monitors should also be provided similar privileges so that balloting and counting procedures can be ruled in accordance with international standards, standards which Egyptian international observers have themselves used in the Palestinian elections of 2005, among others.

- **Voter Rolls:** Voter lists should be reviewed and vetted by an independent body to ensure that deceased persons are removed from the list and that duplications, omissions, and name misspellings are corrected. The list should be easily accessible to the public in advance of the election so that citizens can determine if they are included on the rolls and correct any mistakes.
- **Judicial Oversight:** Since 2000, judges have been tasked with oversight of the election process, yet significant limitations on their authority has restricted their ability to effectively guarantee free and fair elections. Judges, rather than state

employees, should directly supervise voting and should have full authority over the balloting station and its periphery without interference from security forces or party agents. Furthermore, judges who have been most vocal in advocating for increased judicial independence should not, except for publicly stated legal reasons, be excluded from the list of judges called upon to oversee balloting.

- **Training:** All election officials should receive training on the application of the electoral law and voting procedures to ensure consistency. Wide variation was observed in the presidential election in terms of documentation that was necessary to vote, with some permitting people to vote without a voter card even when their names did not appear on the registered voter list. A manual could be developed and distributed in advance of the election with clear instructions about regulations and requirements.
- **Party Representatives:** A separation must be made between election officials and party representatives who are present in polling stations. In many cases, NDP representatives usurped the authority of judges. Clear guidelines should be issued regarding the role of election officials, judges, party representatives, police and other members of the security services in advance of Election Day.
- **Polling Stations:** To the greatest extent possible, voting stations should not be inside police stations or other locations that might be considered intimidating to potential voters. Voters should be advised by the election commission or relevant ministry where their polling station will be at least one week in advance of Election Day and polling stations should be clearly marked to facilitate easy access.
- **Election Day Equipment and Materials:** Semi-transparent ballot boxes should be used to replace opaque, wooden boxes that are currently being used to ensure the greatest level of integrity of balloting procedures. Donations of such ballot boxes could be secured through the international donor community. All supplies of indelible ink used to prevent multiple voting should be tested in advance by judges at each polling station to ensure the consistent quality of such ink.
- **Ballot Counting:** In order to provide adequate checks on the counting process, candidate representatives, party agents, and NGO domestic monitors should be allowed to observe ballot counting at the close of voting inside polling stations. To instill greater confidence in the process, judges who oversee counting should provide observers with a copy of the vote tally from each polling site that can be used to corroborate official results.
- **Campaigning:** According to Electoral Law No.174, active campaigning activities should cease 48 hours in advance of voting, defined as "the activities of the nominee and his supporters, and targets persuading voters of his election, in limited and public meetings, dialogues, and by publishing and distributing election campaign materials and posters as well as by using audio-visual printed and electronic media." This law should be strictly enforced to ensure that no coercion of voters takes place on Election Day particularly in or around balloting stations.

**K. International Republican Institute
Presidential Election Assessment Mission to Egypt 2005
Delegate Biographies**

Dr. Mustafa Barghouthi

Dr. Mustafa Barghouthi (MD, MSc.) is the Secretary of the Palestinian National Initiative, or Mubadara, a recently established democratic opposition movement in the realm of Palestinian domestic politics. In January 2005, Dr. Barghouthi captured nearly 20% of the vote in elections for Palestinian Authority president, finishing second behind president Mahmoud Abbas.

Dr. Barghouthi was one of the delegates involved in the Madrid Peace negotiations initiated in 1991, and a member of the Steering Committee of the technical committee that prepared the establishment of various Palestinian ministries. He has been recognized as one of the most active grassroots leader in Palestine and remains a leading figure in Palestinian civil society, working extensively in the field of democratization. He has successfully contributed to the implementation of various laws in the Palestinian Legislative Council.

As a medical doctor with post-graduate training in Jerusalem, and a MSc. in business administration and management from Stanford University, Dr. Barghouthi was a key actor in the introduction of modern concepts and models of health care in Palestine. In 1979 Dr. Barghouthi and a number of like-minded doctors and health professionals established the Union Palestinian Medical Relief Committees (UPMRC) of which he is president. UPMRC today is one of the leading Palestinian non-governmental organizations providing health and community services to more than 1 million people (1/3 of total population) yearly, throughout 435 Palestinian communities.

Aside from this, Dr. Barghouthi is also a founder and director of the Health, Development, Information and Policy Institute (HDIP) in Ramallah. HDIP is a policy think-tank and a leader in the field of health and public policy research. In addition to its other functions, HDIP houses the Palestine Monitor, an information clearinghouse on behalf of the Palestinian NGO Network, a cluster of 93 Palestinian NGOs.

H.E. Tioulong Saumura

Tioulong Saumura currently serves as Member of Parliament for Phnom Penh in the Cambodian National Assembly and is a member of the Steering Committee of the Sam Rainsy Party. Prior to her political career in Cambodia, she was the Deputy Governor of Cambodia's Central Bank from 1983-1985. In this position, she negotiated and supervised the implementation of the first IMF support programs to Cambodia. She also served as Chairperson of the Inter-Ministerial Committee against Money Laundering. Before returning to Cambodia in 1992, she served in a number of private sector finance firms abroad. Saumura holds a degree in Political Science and an M.B.A. from Paris University.

Nickolay E. Mladenov

Nickolay E. Mladenov was a member of the Political Bureau and Spokesperson for the Union of Democratic Forces since 2002 and in 2003 was elected to be the Deputy Chair of the UDF. He was a member of the Bulgarian Parliament for Varna (2001-2005) during which time he served as the Deputy Chair of the European Integration Committee and sat on the Foreign, Defence and Security Policy Committee. He represented the Bulgarian Parliament at the EU Constitutional Convention.

Previously Mr. Mladenov was the Founder and Director of the European Institute (EI) in Sofia (1999-2001) and now chairs the Board of EI. He has worked at the World Bank as the Human Development Officer for Bulgaria (1999-1999) and the Programmes Director for the Open Society Foundation (1996-1998). He holds degrees in War Studies from King's College London and International Relations from the University of National and World Economy in Sofia. He has specialized in South East European and Middle Eastern history and politics. Mr. Mladenov has volunteered as an election observer for the OSCE in Albania (1997) and Ukraine (2004), and as election supervisor in Bosnia (1998).

Mohammad Arslan

Mohammad Arslan was elected to the House of Representatives (Lower House) of the Jordanian Parliament in 2003 representing Zarqa, the second largest city in Jordan. He is currently an advisor to the Chairman of the House of Representatives. Before becoming a Member of Parliament, Mr. Arslan was General Manager of the Chamber of Industry in Zarqa from 1999-2003. He was trained as a civil engineer in Great Britain and worked for the Dinardo Company in Scotland. Mr. Arslan is very involved in the work of Jordanian non-governmental organizations including the Jordanian Future Generation Club and the Society for the Protection of the Environment. He is a member of the Board of Trustees of the Zarqa Government College. Mr. Arslan was born in 1958 in Zarqa and is married with three children.

Dr. Nazmul Ahsan Kalimullah

Dr. Kalimullah is the Chairman of Jatiyo Nirbachan Parjabeckkhan Parishad (JANIPOP), the National Election Observation Council of Bangladesh. While he has served as chair for the past four years, he has been an active member of the organization for more than a decade. Dr. Kalimullah has observed more than 40 domestic elections in Bangladesh and has participated in international election observations in Hong Kong, Sri Lanka, Pakistan, and London.

Dr. Kalimullah received his Bachelors and Masters Degree in Public Administration from the University of Dhaka and a Masters of Social Science and Ph.D. in Development Administration from the University of Birmingham. He conducted his post-doctoral research at the University of Bath. Dr. Kalimullah has taught at the university level for more than 20 years, is a prolific researcher, as well as a member of more than 30 professional associations.

Mokhtar Benabdallaoui

Dr. Mokhtar Benabdallaoui is the Departmental Head of Philosophy and Professor of Islamic Contemporary Thought at Benmsik Faculty of Arts at the Hassan II University in Casablanca, Morocco, where he serves as Director of the university's Studies and Research Centre. Dr. Benabdallaoui is very active in Moroccan civil society and civic education and is a participant of the working group "Observatory of the Democratic Transition in Morocco," which publishes an annual report on the democratic transition process in the country. He is also an executive member of a Moroccan NGO Citizenship Forum, where he directs their civic programming "Education on Citizenship," a secondary education program.

Dr. Benabdallaoui was born in Meknes, Morocco, in 1959. He completed his studies at Damascus University in Syria, where he received his Ph.D. in Philosophy and Islamic studies in 1989; his doctoral work was titled "Intellectual Currents in the Arab Contemporary World." Dr. Benabdallaoui also holds a Bachelor of Arts in Public Law from the Faculty of Law in Mohammedia, Morocco. Benabdallaoui has published several books and booklets on Islamist political speech in addition to several publications on civic education, citizenship, and youth participation in the political process.

Elizabeth Dugan

Elizabeth Dugan was appointed Vice President of the International Republican Institute in February 2005. Prior to returning to IRI, she served as Deputy Assistant Secretary for Democracy, Human Rights and Labor (DRL) at the U.S. Department of State, where she directed the bureau's Human Rights and Democracy Fund and oversaw the management of nearly 250 grants totaling \$200 million. Ms. Dugan also managed the production, editorial composition and public release of DRL's report on "Supporting Human Rights and Democracy: The U.S. Record," which details U.S. government actions to promote democracy and encourage respect for human rights in those countries that are the worst abusers. She represented the United States in meetings and negotiations in China, Indonesia, Pakistan and Vietnam, pressing for greater respect for human rights and religious freedom and supporting the efforts of democratic party and NGO representatives to root democratic principles and practices in their countries.

From 1995 to 2002, Ms. Dugan worked at IRI, as regional director for the Institute's democracy-building effort in Asia, which included programs in Cambodia, China, Indonesia and East Timor among others.

Ms. Dugan served at the Republican National Committee during the 1992 election cycle as deputy communications director, and managed the chairman's communications operation at the 1992 Republican National Convention. Prior to her position with the committee, she served as the director of public affairs for the U.S. Commerce Department's International Trade Administration from 1989 to 1991, and as a special assistant for public and intergovernmental affairs at the U.S. Labor Department from 1986 through 1989.

Thomas Edward Garrett

Thomas E. Garrett, Regional Program Director for the Middle East and North Africa in the International Republican Institute (IRI), has twenty years of professional political and governmental experience including over ten years' work in democracy building programs outside the United States.

In 1989, Garrett went to work as a political appointee of the Bush Administration, first as Special Assistant to the Assistant Secretary - Indian Affairs at the Department of the Interior, and later, as Director of Congressional and Legislative Affairs for the Bureau of Indian Affairs. He then joined the Washington, D.C. office of Alaska Senator Murkowski as legislative assistant for Native American issues. He left to join the International Republican Institute as Resident Program Director for Ukraine in November 1994.

Based in Kyiv, Garrett later also oversaw programs for IRI in Belarus and Moldova as well as in Ukraine. Garrett also worked with IRI on election observation missions in Albania, Azerbaijan and Russia as well as presidential, parliamentary and special elections in Ukraine. He left the Ukraine program in January 2000 to serve as IRI's Resident Advisor to the Ikh Hural, Mongolia's parliament, based in Ulaanbaatar. In October 2000, Garrett moved to Jakarta to assume the position of Resident Program Director. Garrett served in this position through the Indonesian elections of 2004. In 2004, he was a staff member on the Institute's Afghanistan election observation mission and in the first round of Ukraine's presidential election series.

Paul McCarthy

Paul McCarthy is IRI's Resident Country Director based in Amman, Jordan where he oversees the Institute's program focusing on encouraging local government accountability and responsiveness to citizens, and increasing citizens' input in municipal decision-making through improved advocacy and leadership skills. IRI-Jordan also conducts national and municipal public opinion polling to provide decision makers and the general public with an accurate picture of public attitudes toward political reform in the Kingdom, and help both government and civil society identify priority issues that need to be addressed at the national and local level.

Prior to joining IRI in October 2004, Paul oversaw the National Endowment for Democracy's extensive Balkans program which included assistance to independent media, civic organizations, think tanks, business associations, and political parties in the region. Due in part to his efforts, NED-funded programs had a significant impact in encouraging the democratic breakthroughs which occurred in Serbia and Croatia in 2000. McCarthy holds a B.A. in European History from the University of Pennsylvania and an M.Sc. in Russian and Soviet Political Economy from the London School of Economics.

Danya Greenfield

Danya Greenfield joined the International Republican Institute in November 2003 as a Program Officer for the Middle East and North Africa division. During this period, Ms. Greenfield coordinated two regional women's campaign schools – held in Doha, Qatar, and Tunis, Tunisia – that brought together over 100 women activists for intensive training to strengthen campaigning skills for advocacy and electoral campaigns. Currently, Ms. Greenfield is managing the Institute's new program in Egypt that focuses on election assessments, political party strengthening and building capacity for public opinion survey research.

Before joining IRI, she lived in Cairo for 15 months and worked with the Egyptian Center for Women's Rights as the international program officer with primary responsibility for communication with donor agencies, drafting proposals and reports, providing translation, and international outreach. Ms. Greenfield was awarded a fellowship to study Arabic at the American University of Cairo, and holds a Master's degree in international affairs with a focus on the Middle East from the School of Advanced International Studies at Johns Hopkins University. She speaks classical and colloquial Arabic.

Cara Mia LaVanway

Cara Mia LaVanway joined IRI's Asia Division in October 2000 as the APO for Indonesia, East Timor and Burma. In the spring of 2002 Cara was promoted to Program Officer for Southeast Asia (Indonesia and East Timor programs) and in October 2002 transitioned to serve as the primary Program Officer for IRI's Burma program. In May 2004, Cara joined the MENA division as Program Officer for Afghanistan. She observed elections in East Timor and Cambodia, conducted party poll agent training in East Timor, and conducted leadership, organization and youth training in Thailand and India. Cara received a B.A. in History from Loyola College in 1997 and received her M.A.L.S. in International Affairs from Georgetown University.

Idriss Touijer

Idriss Touijer joined IRI-Morocco as the National Political Party Coordinator in January, 2005. Mr. Touijer is a primary liaison with political leaders and party officials, coordinating intensive training programs for Moroccan party activists and elected officials.

Previously, Mr. Touijer worked at the U.S. Consulate in Casablanca, Morocco, where he worked in the American Consular Services section. Mr. Touijer has extensive prior experience in the private sector. He has over 15 years of experience living and working in the United States, nine years of which he served as senior management within his organization. Mr. Touijer holds a Bachelor of Arts in Business Administration and International Studies from Baker University, Kansas. He speaks fluent Arabic, French, and English. Mr. Touijer recently relocated to Morocco with his wife and two children.

Amy Thornberry

Amy Thornberry joined IRI's Middle East and North Africa Division in November 2004 as a Program Assistant for the Jordan and West Bank and Gaza programs. Before joining IRI, Ms. Thornberry worked in the Office of the U.S. Trade Representative. Amy holds Bachelor of Arts degrees in International Relations and Journalism from Baylor University and received her M.A. in Middle East Studies from the American University in Cairo. Her interest in the Middle East also includes travel to Tunisia, Lebanon, Syria, Palestine, Turkey, the United Arab Emirates, and Qatar.

Lindsay Pier

Lindsay Pier came to IRI in August 2004 and has been Elizabeth Dugan's executive assistant since Dugan's appointment as IRI Vice President in February of this year. Primarily focusing on event planning while at IRI, Lindsay helped to organize the 2005 Freedom Dinner featuring President George W. Bush, the International Democrat Union Conference of 2005, staff retreats, and other conference logistics. Originally from Milwaukee, Lindsay received her Bachelor of Arts degree from the University of Cincinnati – College Conservatory of Music.