

Statement by the National Electoral Board of Ethiopia on EU EOM's latest report

The government of the Federal Democratic Republic of Ethiopia and the National Electoral Board of Ethiopia (NEBE) have been taking various constructive measures aimed at ensuring the free and fair conduct of the May 15 federal and regional parliamentary elections. One such initiative was the invitation of international observers to monitor the polls much ahead of the polling day. The European Union, the African Union, the Carter Centre and the Arab League observed the elections deploying larger observation teams while many countries from Africa, Europe, North America and Asia monitored the polls through their representatives.

Despite the small number of observers compared to the number of polling stations throughout the country, the NEBE hoped that the assessment and recommendations to be made by the observer teams would be of great importance in enhancing electoral practice in the country. However, the report issued by the European Union Election Observation Mission (EU EOM) did not live up to these expectations. The NEBE found most of the statements contained in the report launched by the Chief Observer Anna Gomes highly biased, self-contradictory and thus very destructive.

The EU EOM has admitted in its report that the election administration had set up a complex system to investigate and address election complaints in a tense political environment thus offering the political parties a mechanism to sort out disputes by peaceful means. "That mechanism in itself is a very positive development, which should be improved in the future taking stock of lessons learned with the practice this time," it added. The EU EOM also stated that the complaints investigation process had encompassed another and most significant political progress by providing the parties with a forum where they were forced to interact as it is necessary in democracy. In procedural terms, the report further noted, the work of many, though not all, Complaints Investigation Panels (CIPs) went according to the Terms of Reference.

Based on the above facts admitted by the EU EOM itself, one would expect a fair judgement of the investigation process and thus appreciation of the results that came out of this process. The report, however, tarnishes the complaints investigation process on unfounded allegations of human rights violation of opposition leaders and suspected supporters. It is to be recalled that the opposition, mainly the CUD, had put preconditions of the release of all its members arrested in connection with the June 8 violence to take part in the complaints investigations as stated in the June 10 joint declaration agreed upon by the three major parties. This precondition was outrightly

rejected by the EU itself. The EU EOM report could not substantiate its baseless accusation of human rights violations in the investigation process, except those cases of intimidation of opposition members 'reported' to it by the opposition itself.

The report mentions the murder of a CUD witness in Meragna constituency of the North Shoa zone of the Amhara State five days after he testified before the CIP, while the complainant CUD claims that the witness was killed before he testified. The CIP deployed in the area found out that the deceased was not called upon as a witness by CUD, and that his death had nothing to do with the complaints investigation. On the contrary, most CIPs recorded that witnesses brought by the opposition did not even know why they were called as witnesses, and some of them testified against the opposition itself. No member of the opposition or CIPs was arrested or prohibited from testifying in relation to the complaints investigation process. Therefore, EU EOM's undermining of the investigation process without any tangible evidences presented by its observers is far from what one expects from a responsible and impartial election observation team.

The Gomes report did not deny a glaring fact that is very critical to the investigation process. It says, "In many occasions, the EU observers reported that opposition parties presented their cases based on poor evidence, inconsistent testimonies or weak arguing. ... On the contrary, in most cases, EPRDF evidence was better substantiated, their CIPs representatives were better prepared and their witnesses (often members of the local administration) more impressive." What else does an investigation panel need to decide on the cases other than the evidences produced by both sides? If the CIPs, as the EU EOM admitted, worked in general in accordance with the Terms of Reference, and if the opposition's evidences were weak and EPRDF's strong, what is wrong if EPRDF wins and the opposition lose most of the cases? And when will the complaints investigation process become an effective remedy for EU Observers? This is a deliberate manipulation of the truth rather than an objective assessment of the reality on the ground.

The EU EOM report argues that there were cases that the opposition had strong evidences, but dismissed by the CIPs against unconvincing elements. The report cites the case in Shashemenie 1 constituency where UEDF candidates were said to have presented to the Panel certificates declaring that they won the elections in 64 polling stations. The CIP carefully examined the said documents and found out that they were not issued by election authorities in that constituency. They also discovered that the missing of some result announcement forms from some polling stations had been reported by the constituency election officer. Therefore, there was no reason to consider these documents as valid evidences as they were likely to have been forged.

Another biased assessment of the EU Election Observation Team relates to the comment it made regarding inconsistencies in the applications of the CIPs rules of procedures. It claims that the Terms of Reference were followed only when international observers were present. "This was the case in Ada 1, Ada 2 and Adama 2 constituencies in East Shoa zone where EU EOM observers noted that three complaints had been considered in just 4 days before their arrival, while afterwards each complaint took at least three days to debrief all witnesses," the report says. The fact, however, is different from the unfounded allegation of the EU EOM. The complainant in Ada 1 and Ada 2 constituencies was UEDF whose charges included forceful expulsion of its poll representatives and prohibiting of voters from casting their ballots. The UEDF filed its charges assuming that the winner in the two constituencies was EPRDF, while it was the CUD that won in both constituencies. When UEDF realized that the winner was CUD, it withdrew the charges and the CIP had to move on to other constituencies. The EU EOM observers were briefed about the situation when they arrived, but they did not want to tell the truth in their report. If they had been impartial and bold enough to serve the truth, they should also have commented on this shameful and fabricated complaint by the UEDF.

The EU EOM report contains not only biased and ill-informed cases but also blatant lies. It states that EPRDF lost the May 15 elections in Hagere Selam constituency in Sidama zone. It says, "Re-run of the election allowed the current Minister of Justice, Mr. Harka Haroye, to regain his seat, lost in May 15." In the first place, the NEBE did not announce any results, even provisional ones, for Hagere Selam constituency where the counting was not completed due to irregularities. Both EPRDF and the Sidama Liberation Movement (SLM) appeared as complainants in the complaints investigation that took place in this constituency in two rounds. The EU EOM seems to be speculating about results as the NEBE did not announce any winner for this constituency.

In her report, Mrs. Gomes commented on issues related to the June 8 violence in Addis Ababa and subsequent measures taken by the government, the use of the public media after the elections as well as the proclamations issued by Parliament after the elections to conclude that the elections did not meet international democratic standards. She argues that the outgoing parliament should have consulted opposition parties that got seats for the next parliament before passing proclamations. This is not only outside the mandate of the Chief Observer but is also meddling into the internal affairs of a sovereign country. Quoting opposition parties, the Chief observer went to extent of asserting that the NEBE has not been independent and that there is no clear separation of power between the judiciary and the executive in Ethiopia. It is regrettable to see an EU election observation chief

trying to create analogy between unrelated issues and making poor assertions on the basis of only what she had been told by the opposition. By so doing, the Chief Observer risks the danger of being used as an instrument by the opposition.

The EU EOM report admits that the polling process in the re-run elections was generally positive. It rated 64 % of the overall process of the re-run elections as good and 24 % as very good. It further stated that the rules were implemented according to the electoral law and the re-runs took place in a peaceful and orderly manner. The NEBE has no major differing views concerning the above remarks. However, NEBE does not accept the limited number of party representatives and domestic observers as problems in the process of the re-run elections. The NEBE has no mandate of putting pressure on parties and domestic observers to assign representatives other than inviting them to watch the process.

Taken as a whole, the NEBE has found the EU EOM's preliminary report as biased, self-contradictory and lacking credibility. Most of the report is full of allegations based on inaccurate information and with accusations which do not have any relevance to election observation, which is the only mission of the EU EOM. Such flawed report would have no effect on the process and results of the historic May 15 elections, hailed by the people of Ethiopia and genuine observers as a landmark achievement. The report led the NEBE to seriously question the real ambition and objective of the election observation mission that the EU has sent to Ethiopia. The report which tries to undermine the election process through baseless and fictitious allegation is unacceptable as it will have no contribution to enhancing the democratization process in Ethiopia.

Office of the National Electoral Board of Ethiopia

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