

## **ELECTORAL CONDITIONS IN GUYANA**

### **Summary of Conclusions**

In the 24 years since independence, massive, systematic electoral fraud has denied the Guyanese people their right to freely elect their government. Unable to express themselves politically in free and fair elections and constricted by the repressive pressures of a single, dominant party, hundreds of thousands of Guyanese have sought freedom by emigrating, principally to the United States and Canada.

Today, Guyana stands at a human rights crossroads. A national election, the first in five years, must be held by March 1991. If that election is free and fair, Guyana could regain the road to political freedom and the restoration of national confidence. But a free and fair election cannot be held without fundamental changes in the deeply flawed Guyanese electoral process. The country's current electoral machinery is ideally suited for manipulation by the governing party -- an opportunity for fraud which the government has repeatedly seized. If the election is to be free and fair and perceived as such, the entire process must be opened to public scrutiny, in two fundamental ways.

First, the entire electoral process must be opened to international observers. Although polling agents of the opposition parties are permitted by law to observe all aspects of the voting, police and electoral officials acting at the behest of the governing party have in the past prevented these polling agents from witnessing crucial portions of the electoral process. The presence of trained and able international observers to witness every aspect of the electoral process, from the creation of the lists of voters through the balloting on election day to the final counting of the votes, is indispensable to bolster domestic monitoring efforts. A substantial international observer presence, both in its own right and as a tool to strengthen domestic polling agents, will either deter the numerous abuses reported in past elections or, should such abuses reoccur, permit them to be recorded more completely and reported for all to judge.

The government's recent gesture in this direction -- the enactment of a statute authorizing the President to invite international observers -- seems designed more to restrict and control observers than to facilitate their presence and participation. In particular, the statute limits observers to those specifically invited by the President and enforces that limitation by making it a felony for anyone else to "impersonate an observer." Furthermore, as of the date that this report went to press, the President has announced his intention to limit his

invitation to a team selected by the Secretary General of the Commonwealth and a team led by former US President Carter. The strategy of issuing an initiation to the Commonwealth group seems further intended to tightly circumscribe any observer role, given the historically intimate relationship of the Commonwealth organization to the Guyanese government: until earlier this year, the Secretary General of the Commonwealth was a former member of the Guyanese government who had served as Attorney General when the current electoral statute was enacted. The invitation to President Carter may also prove unavailing if the government schedules the national election too close to the December 16 Haitian elections, which President Carter is already committed to monitor.

Second, steps must be taken to ensure that both international observers and domestic polling agents are able to monitor the ballots from the moment they are cast until the time they are counted. Given the history of fraud when other methods designed to serve this purpose have been used, advocates of electoral reform in Guyana universally endorse the simple method of performing a preliminary count of all ballots at the polling place. The current method of counting -- delaying the count for as much as 48 hours while the ballot boxes are transported, largely without independent scrutiny, to a handful of central counting stations -- is widely recognized in Guyana as a vehicle for fraud. To date, the government has stubbornly resisted the

disarmingly simple step of tabulating votes at polling places, despite the absence of any persuasive counter arguments. This very resistance confirms the widespread belief that the government is not committed to holding a fair election.

Besides these two basic changes, neither of which would require any new legislation or amendment of the Constitution, other things can be done to facilitate the conduct of a free and fair election. First, to permit a fair campaign, restrictions on free assembly and access to the press for all opposition parties should be lifted. Second, as a supplement to formal election observers, the press, both domestic and international, should be permitted full access to all parts of the electoral process, as President Hoyte promised in a recent interview. Third, the electoral laws should be enforced in the open spirit promised by the governmental officials interviewed by Americas Watch. Specifically, as discussed in more detail below, the process by which voter lists are generated and corrected must be made considerably more open and flexible than has previously been the case, and those responsible for administering polling places on election day must adhere to the laws limiting their powers and protecting the rights of monitors and observers. A fourth helpful step would be to accept the technical assistance offered by a number of sources, including the United States Government, in areas designed to help secure the integrity of the electoral process, such as the printing of ballots, the provision of ballot

boxes, transportation, communications and the like.

Finally, in the longer term, the supposedly independent Electoral Commission should be reformed or replaced because it has lost all semblance of independence. Sufficient safeguards should be adopted to prevent the subversion of that body's independent authority by any particular government.

### **The Americas Watch Investigative Mission**

This report is based on an Americas Watch investigative mission to Guyana, from July 29 through August 5, 1990. The Americas Watch observer, New York attorney Jeffrey C. Slade, was the first representative of an independent, international human rights organization to enter Guyana to inquire into the openness and fairness of the national electoral process since Lord Avebury of the British Parliamentary Human Rights Group ("BPHRG") led a team to observe the national election in December 1980. In the spring of 1985, Americas Watch and the BPHRG were invited to Guyana by a group of political, religious and civic organizations to report on whether conditions existed for the holding of a free and fair election, but the government declined to cooperate with the mission. Lord Chitnis of the BPHRG then requested a visa to visit Guyana, and that was refused. Finally, Americas Watch and the BPHRG sent a mission to neighboring Trinidad, where they met with a number of Guyanese political leaders in May 1985. The report of that mission, entitled Political Freedom in Guyana,

will be discussed in more detail below.

In March 1990, Americas Watch requested permission to send an investigative mission to Guyana, again for the purpose of examining the openness and fairness of the electoral process in light of the anticipated national election. The government responded that it would not be "convenient" for the mission to come before the end of July. A second application in April resulted in a visa for a trip in late July and early August, a mutually agreed time.

After the issuance of the visa, the government cooperated fully with the mission. A governmental official acted as liaison, scheduling interviews with all officials to whom the mission requested access. (A full list of the officials and other individuals interviewed is attached as an appendix to this report.) Unfortunately, the mission coincided with the annual summit meeting of leaders of the Caricom nations, held in Jamaica. A number of officials who might otherwise have been interviewed were thus unavailable, including President Hugh Desmond Hoyte. The mission also met with representatives of a broad range of Guyanese society, including members of the major political parties, labor unions, the bar, and religious and human rights organizations.

In addition, the mission took note of materials prepared by other groups on past elections. Particularly instructive were the reports of the last two international missions: Something To

Remember, The Report of the International Team of Observers at the Elections in Guyana, December 1980, prepared by the BPHRG group; and the previously mentioned joint report of the 1985 Americas Watch and BPHRG mission, Political Freedom in Guyana. This report will not attempt to repeat the analysis of those two documents but will refer to their conclusions as background.

### **Historical Background**

The last Guyanese national election universally acknowledged to have been free and fair was held in 1964. That election, a prelude to national independence in 1966, was the first held under the system of proportional representation. Under the previous "first-past-the-post" model, the People's Progressive Party ("PPP"), an avowedly Marxist party founded by Dr. Cheddi Jagan and others in the early 1950s, had consistently won governmental majorities though securing only a plurality of the votes cast.\* A second party, the People's National Congress ("PNC"), which had broken away from the PPP in the mid-1950s under the leadership of Forbes Burnham, had also gained considerable support.

Leadership by the PPP had produced a series of

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\* Under a "first-past-the-post" system, each legislative district elects the individual who receives the most votes in that district. By winning a majority of districts, a party can achieve a majority in the Legislature even though its national vote totals less than a majority.

confrontations with the British colonial administration, including the suspension of the Constitution in 1953 to prevent "communist subversion" and an 80-day general strike in 1963. The British, uncomfortable with PPP governments, were reluctant to permit full independence if the PPP would continue in power. The solution, which paved the way to the 1964 election, was the proportional representation system proposed by the British Colonial Secretary. Under this system, membership in the Guyanese National Assembly would be proportional to the share each party received of the national vote. Since the PPP had secured only 42.6% of the national vote in 1961, it was expected that under proportional representation the PPP would not achieve an outright majority and thus could control the legislature only by making a coalition with some other party. The Colonial Secretary's decision in this regard apparently followed pressure from the Kennedy administration, which wanted to avoid the installation of a Marxist PPP government in Guyana.

The 1964 election produced the desired result. Although the PPP increased its share of the total vote from a 42.6% plurality in 1961 to 45.8% in 1964, the new government was formed by a majority coalition of the PNC and the United Force ("UF"). The government supported by this coalition was in power upon independence in 1966, and the PNC has steadfastly increased its power ever since.



### The Path to Control: 1967 and 1968 Legislative Changes

Before the 1968 national election, the PNC-dominated government made a number of fundamental changes in the electoral system, bringing the electoral machinery tightly within its control and reversing the open and free process which had prevailed until then. These changes are detailed in Political Freedom in Guyana, the 1985 report by Americas Watch and the BPHRG, and will only be summarized here. First, and most important, the entire electoral machinery -- from voter registration through polling and counting -- was removed from the direction and control of the previously independent Elections Commission. In 1967, the National Assembly had passed the National Registration Act, ostensibly to establish a national system of registration and identity cards. A subtle but significant change followed the next year: instead of basing the voter rolls on a registration process conducted by the Elections Commission, the new elections statute -- the Representation of the People Act -- provided that the voter rolls would be "extracted" from the national registration list. Since that list was created by the government, under the supervision of the Commissioner of Registration, the Elections Commission effectively lost control of the registration process.

Moreover, the Commissioner of Registration became directly responsible, subject to the general direction and authority of the Minister of Home Affairs, for all aspects of elections, from

the extraction of voter lists through the operation of polling places and the counting of ballots. His title became Commissioner of Registration and Chief Elections Officer. The role of the Elections Commission was reduced to "oversight," and its listless performance of that function ever since caused it to be aptly characterized by Lord Avebury in 1980 as "the toothless poodle of the PNC."

Several significant changes were also made in the electoral law itself. Two new methods of voting were authorized: (1) postal voting "if it is likely to be impracticable or seriously inconvenient by reason of the general nature of [the voter's] occupation, service or employment, or for other good cause, for [the voter] to go in person to the polling place," and (2) overseas voting, in which Guyanese living abroad could vote through ballots ostensibly obtained from Guyanese officials in foreign countries. These new voting methods were obviously ripe for subversion by those in control of the election machinery and ultimately proved to be so transparently abused that they were abolished in 1985. By that time, however, the PNC had firmly established its position in power.

The government also enacted the National Assembly (Validity of Elections) Act which, together with later restrictive interpretations by the Guyanese courts (see below), made legal challenges to the result of any election virtually impossible. In particular, the result of an election cannot be challenged unless

the High Court is "satisfied . . . beyond a reasonable doubt" that the practice or act challenged would have changed the result of the election so drastically that either the order of the parties under proportional representation or more than half the seats in the National Assembly would change. Needless to say, there has never been a successful judicial challenge to an election since this stringent standard was introduced.

### The 1968 Election

These changes were in place for the 1968 national election, and the results were striking. For the first time, the PNC was able to achieve a clear majority in the National Assembly -- 30 of the 53 seats -- making a coalition with the UF no longer necessary. A pattern of fraud was also established. The government succeeded in registering tremendous growth in the number of enrolled voters, out of proportion to population growth. This inflated list made overseas, postal and proxy\* votes possible in significant, albeit highly questionable, numbers. For example, when two British groups investigated the lists of Guyanese voters supposedly living in the United Kingdom, they found that somewhere between 50 and 75% of these supposed voters

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\* Under the original version of the Representation of the People Act, many classes of persons, including those "unlikely by reason of...physical infirmity to travel to the polling places," could have a "proxy" -- another voter registered at the same polling place -- vote for them, upon presentation of a signed form.

did not exist. The overseas votes went overwhelmingly to the PNC. There were also reports of irregularities at the polls themselves and in the condition of the ballot boxes as ultimately counted. Such reports continued through the last election in 1985.

### The 1973 Election

Having won an absolute majority in the National Assembly in 1968, the PNC openly sought in the 1973 election to achieve a two-thirds "super" majority, permitting the party more freely to amend the Constitution. Not surprisingly, that result was achieved in the published results. Again, postal and overseas voting were used, although the government had been forced to admit that there had been "some irregularities in the compilation of the overseas register."

Before the election, the government also announced that all ballots would be counted at three buildings in Thomas Lands, where the army headquarters is located. When the opposition vigorously protested this move, the government had a pretext for predicting possible violence on election day and was thus able to mobilize the military, ostensibly to protect the ballots. This ploy, too, was used in later elections.

Furthermore, despite the government's promise that opposition polling agents would be permitted to accompany the ballot boxes to the place where they would be counted, that supposed instruction was either not communicated, misunderstood

or disobeyed by the army, resulting in several violent confrontations in which people were killed and injured. The violence reinforced the government's predictions and provides a precedent that has since been cited frequently for tight military and police control over the electoral process.

The 1973 count was delayed for a substantial period of time after the polls closed. When the ballots were finally counted, there were many reports of tampering, broken ballot-box seals, altered ballots and the like. The result was hardly surprising: the PNC announced a landslide, claiming to have captured 37 out of 53 seats, just enough for the predicted two-thirds majority. The result was so one-sided and inconsistent with national expectations that the opposition parties announced they would boycott the National Assembly.

#### The 1978 Referendum and Amendment of the Constitution

With a two-thirds majority in hand, the government was able to pass a bill authorizing a referendum to do away with the article of the Constitution that permitted amendments to the basic, "entrenched" provisions of the Constitution only upon approval by a national referendum. The effort became known as "The Referendum To Abolish Referenda." Opposition groups, both political and civic in nature, united against the referendum. They demanded a number of basic electoral reforms to combat the abuses of the prior two elections. When the government refused to

respond to these demands, the opposition called a highly effective boycott of the referendum.

This boycott provided significant information on the actual political situation in Guyana. Opposition monitoring efforts were carried out in 13 of the then-38 electoral districts, principally in urban areas that were traditional PNC strongholds. The monitors reported a turn-out of approximately 14%, as opposed to the "official" figure of 71.5%. This low turn-out allowed the monitors to identify many examples of multiple and "recycled" voting by PNC supporters. Again, postal, proxy and overseas voting produced effective results for the PNC. The government claimed a 97.7% vote in favor of the proposal to abolish constitutional referenda.

With this "mandate," a new Constitution was drafted, identical to the version proposed by the PNC. Although the National Assembly was retained, ultimate authority was vested in a President, who is the leader of the party with the most seats in the Assembly.

### The 1980 Election

An election was held under the new Constitution in December 1980. Concern with past practices led the Guyana Human Rights Association to request the presence of international observers. Although President Burnham announced that "anyone who wants to observe the elections may do so," a request for accreditation by

Lord Avebury, chairman of a team proposed by the BPHRG, was rejected by the government. Nevertheless, a team of 11 observers from the United Kingdom, Canada, the Caribbean and the United States came to observe the elections, without governmental support. At the end of the voting, they announced an immediate and succinct conclusion: "we [are] obliged to conclude, on the basis of abundant and clear evidence, that the election was rigged massively and flagrantly. . . ."

The BPHRG report detailed the manifold deficiencies of the electoral laws and machinery, limitations on political assembly and activity, and actual abuses and illegal activity on election day. The observers reported intimidation of voters and outright denial of access to the polls; deletion of names from voter lists; abuse of postal and proxy voting; double registration; late arrival of ballot boxes; irregularities in voting hours; intimidation by military presence; and massive "recycling" of voters, apparently with the support and assistance of the police. Following the closing of the polls, the observers reported the forcible expulsion of opposition polling agents from the place where the ballots were to be counted, as well as a delay of at least 15 hours in announcing the first returns. Preceding the election, the observers also reported serious "anomalies" in the preliminary voter lists, including addresses that did not exist, substantial numbers of voters no longer living at the addresses indicated, and double entries of names.

### The 1985 Election

The Guyanese Constitution provides that Parliament may not sit for more than five years, at which time it must be dissolved and an election held within three months. Accordingly, a national election was held in December 1985. Although the Americas Watch/BPHRG team sent to examine electoral conditions was not allowed into Guyana, it interviewed a number of individuals in advance of the elections and issued a report recommending fundamental changes to the Guyanese electoral system. Most of these changes were not implemented. The government did make several important changes, however. Most significantly, the facially abusive device of postal voting was abolished altogether, and non-resident voting was restricted to government employees living abroad and bona-fide students studying abroad. But the many other obstacles to free and fair elections were not removed.

No international observers were present on election day. One international journalist, Anthony Jenkins of the United Kingdom, was beaten by a mob when he accompanied Dr. Cheddi Jagan on a visit to a rural polling place to investigate an irregularity. In 1990, the government told Americas Watch that this was Mr. Jenkins's fault, on the grounds that he had violated Guyanese law requiring all non-accredited persons to remain at least 200 yards from polling places. Jenkins, by his own account, did not enter



the polling place and was assaulted outside.

Despite the lack of international observer presence, Guyanese domestic monitoring groups documented massive electoral fraud. The day following the election, an amalgamation of civic leaders, including the Anglican and Catholic Bishops of Guyana, reported that the election had been characterized by "widespread disenfranchisement, multiple voting, ejection of polling agents, threats, intimidation, violence and collusion by police and army personnel." These leaders further noted that the government had only then started to announce the results, more than 24 hours after the polls had closed.

A systematic effort was also made to catalogue the specific abuses on and after election day, with numerous affidavits and statements from opposition polling agents and others. Americas Watch was allowed to review these reports, which are detailed and numerous. They present the following abuses:

- Voting by persons posing as someone else/multiple voting by the same person.
- Partiality by polling officials to PNC supporters.
- Opposition polling agents refused or delayed access to polls.
- Opposition polling agents evicted from polls by force.
- Voters wrongfully turned away from polls, ostensibly on these grounds:
  - Wrong identification card number.
  - They had "already voted."
  - Their names could not be found on the list.
- Polling agents illegally advised PNC activists of the names of voters who had not yet voted.
- Ballots were marked outside polling places, including at PNC offices.
- Police failed to prevent or correct violations of law.
- Polling agents not allowed to have voter lists or to take or keep notes.

- PNC supporters who were not accredited allowed in and out of polling places.
- Fingers of PNC supporters not dipped in "electoral" ink to show voting.
- Fingers of PNC supporters washed after being dipped in ink.
- Opposition challenges to improper voters disallowed by Presiding Officers at polling places.
- Ballot boxes taken away by Guyanese Defense Force soldiers or PNC supporters in violation of law.
- Refusal to allow opposition polling agents to accompany ballot boxes to place for counting.
- Ballots not counted until as late as 46-1/2 hours after the polls closed.

Not surprisingly, the PNC once again announced a massive landslide victory: 77.5% PNC, 15.5% PPP, 3.2% UF and a total of 2.5% for all other parties combined. These figures gave the PNC 42 seats in the National Assembly, while all other parties combined had only 11. Furthermore, since membership on the Elections Commission is restricted to parties with at least five seats in the National Assembly, only the PNC and PPP remained entitled to seats on the Commission.

These one-sided results were widely rejected as absurd. For example, an active and aggressive young party, the Democratic Labour Movement ("DLM"), reported during the 1985 electoral campaign that it had increased its dues-paying membership from 14,207 to 20,029. Yet, the government announced that the DLM had received only 2,157 votes. The result was more consistent with the government's announced opinion that the DLM was a "minor grouping, perhaps best described as a marginal or fringe entity," than with any reasonable or objective report of the DLM's

strength.

The government's response to the widespread charges of electoral fraud was to publish two glossy booklets, obviously targeted for foreign consumption, showing that the election had been "free and fair." These propaganda booklets were rushed into print so that President Hoyte could hand them out to West Indian leaders attending a meeting on the island of Mustique, but they were never circulated in Guyana itself. They attribute virtually all criticism of Guyanese electoral practices to "sour grapes" by the PPP's Dr. Cheddi Jagan, totally ignoring the criticisms of groups such as the BPHRG and Americas Watch as well as of the Anglican and Catholic Bishops. Picking and choosing among available facts, they attribute the PNC's victory to a combination of opposition incompetence and PNC brilliance.

### **Electoral Problems Today**

Although the abuses of overseas and postal voting were abolished in 1985, other government actions continue to compromise the prospects of a free and fair election, including an electoral system that remains an open invitation to fraud by the ruling party.

1. Freedom of expression and association during the campaign. As an initial matter, the ability to campaign freely and effectively is an integral part of a free and fair election.

On this score, while the situation in Guyana has improved somewhat since 1985, serious problems remain.

Political opposition is strong and vocal in Guyana, a remarkable phenomenon in a country in which power has been withheld from opposition parties for a quarter century. Parties appear relatively free to have meetings and rallies, although there are a few reports of private meetings having been disrupted by police in remote locations. In August, Americas Watch witnessed a large rally by a civic reform movement, GUARD, in a central Georgetown park attended by approximately 10,000 persons who listened intently to many speakers critical of the government, whose words were conveyed by highly effective amplifiers.

However, government actions continue to limit the opposition's opportunity to campaign. A GUARD march in September, for example, was violently assaulted by PNC thugs. A religious sister leading the march was personally assaulted, her car windows smashed, and equipment stolen.

Problems also arise when groups seek to congregate in crowded areas, such as marketplaces, particularly during business hours when the public is present. Requests for permits for such gatherings are routinely denied on what appears to be a political basis, as are requests for marches that would take rallies past markets and other areas where large numbers of people naturally congregate. These denials are serious in a country in which face-to-face encounters are still the most effective means of

political communication.

The situation with respect to newspapers has improved greatly in recent years. The last Americas Watch report, from 1985, found that the government controlled the only daily newspaper and that the opposition press was allowed to exist but was "only barely tolerated." Today, a new newspaper, the Stabroek News, is published three days a week, offering independent and wide-ranging viewpoints on political and other issues. The traditional opposition newspapers, The Catholic Standard and The Mirror (published by the PPP), continue to publish weekly and are strenuous in their criticism of the government. The government's paper, The Chronicle, reflects the government's perspective and is openly hostile to opposing parties and points of view.

There are, however, serious limitations on access to the other media. Radio is controlled by the government and, according to the Executive Chairman of the Guyana Public Communications Agency, air time will be allocated to the various parties by the National Assembly only when the election has been announced. Even then, it is expected that there will be severe limitations on opposition broadcasts, as there were in 1985, when the PNC dominated the airwaves.

Guyanese television is new and somewhat unique. There are two "licensed" stations, although the government has set no technical or content standards. Basically, the local operators ("Rex" and "Vera") rebroadcast their own personal selections of

transmissions picked up from North American satellites. The government operates "GTV," a news and information service, which broadcasts a news report ten minutes each day during a portion of certain segments of North American nightly news broadcasts (usually CNN) picked up and retransmitted by the local operators. GTV gets relatively high marks for objectivity and balance, but it does not reach a high proportion of the population. GTV has begun and intends to continue a series of "Face the Nation"-type broadcasts, featuring a wide variety of political spokespersons, approximately biweekly.

Because of the shortcomings of television and radio, as well as the limited circulation of newspapers, direct meetings, rallies and marches continue to constitute the most effective means of political communication in Guyana. By restricting rallies and marches to prevent them from reaching large numbers of persons, the government has seriously interfered with freedom of political expression.

2. Creation and correction of voter lists. Before a single vote is cast, government-imposed obstacles on the system used to correct voter lists ensures that these lists contain large numbers of names of people who, because of emigration or death, are no longer eligible voters. Because the PNC appears to have exclusive advance access to these lists, they can use the inaccuracies to facilitate fraudulent voting practices.

The creation of the national list of electors (voters) takes

place with no participation or input by opposition parties or independent groups. The task has been delegated to the staff of the National Registration Center, augmented by other public servants as needed. This agency conducts its work in a building surrounded by a high fence and barbed wire; its windows have been painted over. The staff, while ostensibly public servants with no specific party loyalty, owe their positions to the PNC and are subject to all the subtle and not-so-subtle intimidation that grows out of 26 years of PNC rule.

In addition, the process by which the list is generated is seriously flawed -- flaws which, as noted, lay the groundwork for electoral fraud. The voter list is extracted from the national registration list, which is derived in the first instance from a house-to-house census of Guyanese citizens aged 14 and above. The census is performed only periodically, however. Thereafter, it is the responsibility of the Commissioner of Registration to keep the list as current and accurate as possible.

The Commissioner of Registration, R. Andrew Jacobs, admitted that this is virtually an impossible task. In the first place, massive numbers of Guyanese emigrate each month -- as many as 1,000 to the United States alone. There is no accurate way to track this emigration. Even though the Central Police Office has been asked to collect emigration information at the airports and other points of departure, Guyanese citizens are understandably reluctant to report their intentions to the police. Therefore,

the electoral rolls are swelled by the names of thousands upon thousands of "voters" who have in fact permanently left the country.

Furthermore, the process depends on a cumbersome cross-referencing of deaths as reported to the Commissioner of Registration by the Registrar General of Births and Deaths. Even if well intentioned, the process creates further opportunities for error and omission.

The cumulative effect of these systemic problems is quite striking. In 1980, for example, according to a report read to Americas Watch by the Commissioner of Registration and Chief Elections Officer, "undetected errors during the conversion phase [from 38 electoral districts to 10] resulted in the deletion of 112,000 names" from the lists of electors. In a country in which there are certainly no more than 400,000 electors, the sudden deletion of 112,000 is no small matter. Americas Watch was not allowed to see any of the reports referred to by the Commissioner during the interview, and they are not publicly available. Thus, the registration and election process, which should be open, is clothed in great -- and wholly unnecessary -- secrecy.

According to the Commissioner of Registration and Chief Elections Officer, the list was reestablished in 1985 through a national house-to-house census. However, no one other than governmental officials was allowed to participate in or observe that process. Furthermore, five years have passed since the 1985



census, during which time there has been significant and continuing degeneration of the list, for the reasons discussed above. Recently, the PPP did a random survey to determine the accuracy of the lists posted early in 1990 as part of the national registration process. The party selected 11 registration divisions in three of the country's ten districts. The results showed the lists to be approximately 20% inaccurate, combining the erroneous listing of the names of persons who had died, emigrated or were listed twice, with the erroneous deletion of persons who actually resided in the divisions and were otherwise eligible to vote.

Massive inaccuracy in the electoral lists is, of course, an open invitation to electoral fraud. If lists are available to PNC operatives well in advance of the election -- as they seem always to have been, in contrast to the other parties -- then the party is able to ascertain the names of "electors" who in fact will not be voting and assign those names to other persons who will vote in their place, with the assistance of cooperative Presiding Officers at the polling places.

Guyanese electoral law does contain a set of procedures for correcting the lists, but these procedures are extremely complex and, in practice, virtually impossible to follow. It is thus not at all surprising that the Commissioner of Registration and Chief Election Officer admitted that there had been few "claims" and "objections" in the past.

The correction process starts with a direction from the Minister of Home Affairs to begin the extraction process. Preliminary lists of electors must be posted within two days after that direction is given.\* The applicable statute provides that two copies of the list for each registration/election division shall be posted on a building within that division. Since most of the 750 divisions contain persons eligible to vote,\*\* there will be something approaching 750 different lists posted throughout the country. There is no provision for the lists to be given out on a national basis, and nothing requires that these obviously crucial documents be given to the opposition political parties or to anyone else interested in determining the validity of the lists or seeking to correct them. Members of the government have said in the past that the lists have been made available to the parties and will be made available in the future. That promise was made again to Americas Watch. But representatives of the parties deny that they have been given the lists in advance of past elections, stating unequivocally that in

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\*Even though the process is computerized, it is difficult to believe that the extraction and posting process can be completed in two days. Therefore, the Commissioner of Registration and Chief Election Officer must be aware of the relevant dates much earlier, meaning that the entire PNC party apparatus has a significant planning advantage over all opposition parties.

\*\*The Commissioner of Registration and Chief Elections Officer told Americas Watch that while the country is divided into 750 divisions for the purpose of registration and voting, some of these divisions, particularly in the more rural parts of the country, have no one registered.

1985 they did not receive any lists of electors until the eve, or in one case, early in the morning, of election day.

Without their own copies of the electoral lists, the parties and anyone else wishing to test the validity of the lists are left to cope with a process that is designed to make review, let alone challenges, virtually impossible. Although the voter lists are required to be posted at published locations, only two copies are posted, many with hundreds of names, and these are frequently torn down almost immediately. Even if the lists remain "posted," they are often in fact controlled by the 750 divisional registrars, who have been reported to take a restrictive view of who can examine them and for what purpose. Furthermore, on occasion, many people seek to examine the lists, creating long lines. And, of course, this examination process must be repeated approximately 750 times, in 750 locations, by anyone who wishes to acquire a complete national list.

Once the list has been posted, the administrative correction process begins. The process consists of the making of "claims" -- requests by individuals to be included on a particular list or to have some piece of information about them (name, address, identification number or employment) corrected -- and "objections" -- requests that improper entries be removed. The applicable statute does not specify the procedure for claims and objections, stating only that they "shall be made in the

prescribed manner."\* The method prescribed by the government's regulations seems designed to produce the result which has typically occurred: almost no one makes claims or objections.

Objections are the most critical part of the process, since they provide the only mechanism for removing the large number of electors -- potential "phantom" voters -- who should no longer be on the lists. Objections must be filed within 14 days of the posting of the lists, in the particular divisions in which the challenged registrants live, by persons resident in that division. This creates an obvious administrative nightmare: the parties and anyone else wishing to guarantee the quality of the electoral rolls, working with 750 separate lists of which they do not have copies and which they may not even be able to inspect, must assemble the lists, canvass the entire country, find all the mistakes, prepare objections, and arrange for these to be filed by persons living in each of the 750 divisions, all within 14 days. It cannot be done.

Furthermore, each of the objections must be accompanied by a "deposit" of \$5.00 (Guyanese). Although the deposit will most likely be refunded if the objection is sustained, the potential upfront cost of mounting an objection campaign to correct the approximately 100,000 errors in the national list estimated by opposition figures interviewed by Americas Watch would be on the

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\* National Registration Act § 15(2).

order of \$500,000 (Guyanese), a tremendous burden in a country where the per capita income now competes with Haiti for last place in the Western Hemisphere.

In sum, the process by which the voter lists are generated and corrected is seriously flawed. Managed by a government bureaucracy beholden to the ruling party and operating behind barbed wire and painted windows, full of administratively impossible deadlines and limitations, the current process, if run as it has been in the past, cannot possibly generate an accurate list of eligible voters, paving the way for fraud on election day.

3. Election day: Operation of the polls. On election day, the polling places are in the absolute control of the Presiding Officers ("POs"), normally members of the Public Service appointed by the government. Again, the obvious problem of partisanship infects the administration of the polling places. Indeed, no one from any of the opposition parties could remember a single instance of one of their supporters being appointed a PO, nor could any member of the government or the PNC point to such an instance.

The PO controls the polling place. Most critically, it is the PO who decides whether a person is eligible to vote, normally by checking the person's identity card against the list of electors. Although the PO has the right to refuse to issue a ballot to anyone who does not present an identity card, the PO

may also "dispense" with that requirement if the PO is "satisfied as to the identity" of the elector.\*

The enormous and total discretion given to the PO, coupled with the lack of any procedure to ensure that the PO is independent, has been the source of serious abuse. The various types of abuses that were catalogued on election day in 1985 were discussed above. Most if not all of those abuses would not have occurred if the PO had operated the polling place honestly and openly, without bias or favoritism, and in full compliance with the established laws.

Indeed, many of the abuses documented involve outright violations of law by the PO. For example, it is a violation of Section 77(1) of the Representation of the People Act for anyone "attending the polling place" to communicate to anyone before the poll is closed "the name of any elector who has or has not applied for a ballot paper." Nevertheless, POs were observed in 1985 making lists of people who had not voted and passing those lists to PNC operatives, for the obvious purpose of getting those people to "vote," in one way or another.

The only possible official check on abuse of authority by POs is the supposedly countervailing authority of the police officers stationed by law at each poll. However, since the police are no more independent from the PNC than the POs, they uniformly

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\* Representation of the People Act §§ 70, 75.

refuse to exercise any independent authority.

The law permits, at least on its face, the presence of observers at the polls, both the agents of political parties ("polling agents")\* as well as "any team of observers" appointed by the Home Minister.\*\* To date, however, there have never been any independent observers.\* That has left the opposition-party polling agents unprotected from the POs' unfettered discretion under the Representation of the People Act to order the police to remove from the polling place anyone who does not obey any "lawful" direction or order of the PO. (Such a person is then barred from the polling place for the rest of the day.) There have been many reports in the past of such forcible expulsions of legitimate party polling agents, witness to the effective absence of any safeguards against election-day abuses by POs.

4. Counting the ballots. In the past 26 years, and despite the critical need to ensure that the ballot boxes were not tampered with, Americas Watch is unaware of any instance in which an independent observer or opposition agent has been able to ob-

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\* Representation of the People Act §24.

\*\* Representation of the People Act §79(1)(b)(i). Americas Watch is unaware of any "team of observers" ever being accredited by the Minister of Home Affairs. Indeed, the government was apparently unaware of this statute, thinking it necessary to pass a new statute earlier this year to empower the President to invite observers.

\*The international team in 1980 was not accredited by the government and thus was not permitted within 200 yards of polling stations.

serve a ballot box from the time the poll closed until the time the box was opened and the ballots counted. The obstacles placed in the path of anyone wishing to attempt such a task are overwhelming. When the polls close, the boxes are ostensibly sealed for transportation to a central location in each of the ten national election districts. The Representation of the People Act (§83(c)) states that the PO shall, in the presence of those who are authorized to be present at the polling place, "deliver the sealed ballot box . . . to the returning officer of the district." In practice, however, the boxes are turned over for transportation to the military, ostensibly to protect the box. The Elections Commission did issue directions in 1980 and again in 1985 that

the Presiding Officer shall permit a polling agent of a political party contesting the elections to accompany the ballot box or boxes from the polling place to the counting centre, provided that in his opinion there is no security risk and he is able to provide suitable accommodation in the vehicle conveying the ballot box or boxes to the counting centre.

This instruction was either misunderstood, disregarded or not communicated in most instances, and few, if any, polling agents were able to accompany the ballot boxes even on this first leg of their journey.

But the ordeal does not end there. Even after the boxes arrive at the counting center, they are routinely locked away, out of view, and the opposition agents are told to go home and come back for the counting, which sometimes does not start until



almost two days after the polls have closed. Even if one were allowed to remain with the box, it is the rare observer who would be able to stay awake for as many as 60 consecutive hours to ensure the security of the box.

There is a firm conviction throughout Guyana that massive fraud takes place during the period between the closing of the polls and the counting of the ballots. There are reports of boxes being destroyed or thrown away and replaced; of ballots thrown from helicopters and found in garbage dumps; of ballots being removed from boxes wrapped in rubber bands, although they were supposedly deposited into the box one-by-one by the voters. So widespread and firm is the national suspicion of the entire counting process that it is fair to say that no Guyanese election can be perceived as free and fair unless an open and honest alternative to the process of transportation and delayed counting is used.

There is one further problem inherent in the counting process. It has been the Guyanese tradition, for at least the last 26 years, to take all the ballots for a district (there are now only ten in the country) and mix them together, making it impossible to discern the particular results from any of the 807 polling places throughout the country. While the government defends this practice as necessary to the protection of ethnic minorities in certain divisions (a claim refuted in detail below), it is in fact a process tailor-made for disguising fraud,

since it makes it impossible to check results against any meaningful yardstick.

5. Voting by disciplined services. Before the 1985 election, the government established a new procedure permitting the "disciplined services" (military, police and others, as designated by the Minister of Home Affairs) to vote separately and in advance of election day. This procedure created a substantial opportunity for further abuse. Lists were impossible to check, either for accuracy or for duplication of the general voter lists. Opposition and independent polling agents had difficulty attending the special polling places and, as a result, only the PNC was represented. There were reports of multiple voting, both on the special election day and again on the general election day. There were also reports that the disciplined forces were instructed how to vote, as part of their responsibilities to support the government, i.e., the PNC.

6. Impossibility of legal challenges. A combination of court decisions and the legal standards established by the Representation of the People Act have made legal challenges to Guyanese elections all but impossible. Members of the opposition first attempted a broad-based challenge to the Guyanese electoral process before the 1968 election, specifically targeting the constitutionality of the Representation of the People Act. The petitioners argued that the Act effectively negated the Election Commission's constitutional mandate to conduct elections,

including the independent preparation of voter lists. They sought an injunction against the election.

The injunction was denied. The presiding judge -- Sir Harold Bollers, now Chairman of the Elections Commission -- rejected the constitutional arguments, affirming the presupposition of the election statute that any challenge to an election should wait until the election is completed. Of course, at that point, under the statute, the petitioner to prevail would have to establish, beyond a reasonable doubt, that the entire result of the election would have changed.\* Today, there is no part of the conduct of an election that can be subject to independent judicial review, except by these excessively demanding standards.

7. Lack of an independent Elections Commission. The lack of an independent and credible Elections Commission underlies many of the electoral deficiencies described in this report. A more neutral, broad-based body could on its own take steps to rectify these problems.

As detailed above, the Elections Commission was established by the Constitution to "exercise general direction and supervision over the registration of voters and the administrative conduct of all elections of members of the

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\* The National Assembly (Validity of Elections) Act §§ 28-30; Gladys Petrie and Others v. The Attorney General and Others, (1968) 14 W.I.R. 292. Sir Harold confirmed these principles in the later case of Seecomar Singh and Another v. R.C. Butler, (1973) 21 W.I.R. 34, in which members of the opposition had attempted to challenge the 1973 election.

national assembly" and to "take such action as appear to it necessary to ensure impartiality, fairness and compliance" in elections. While ostensibly an independent body, the Commission has abdicated its authority entirely to the government, through the Ministry of Home Affairs and the Commissioner of Registration and Chief Elections Officer.

This abdication of responsibility is due in part to the Commission's Chairman, Sir Harold Bollers, a presidential appointee. Sir Harold is, as the Constitution requires, a former judge; indeed, he served as Chief Justice of Guyana until 1980, when he reached the age of 65. Sir Harold does not, however, display the independence demanded by such a position. More than any other individual interviewed by Americas Watch, he vehemently insisted on the propriety of everything that had ever been done with respect to Guyanese elections, characterizing as "liars" anyone who would attempt to maintain a position to the contrary. Sir Harold was not even interested in appearing to be independent and impartial.

Sir Harold, however, is only part of the Commission's credibility problem among broad segments of Guyanese society. In addition, because membership is currently limited to representatives of parties with five or more seats in the National Assembly, the Commission is composed of only the PNC and PPP representatives, plus the Chairman. In the view of many of those interviewed by Americas Watch, a broader membership, more

reflective of Guyana's diverse society, is crucial to creating and maintaining national confidence in the freedom and openness of Guyanese elections.

**Changes Necessary to the  
Conduct of a Free and Fair Election**

Free and fair elections cannot take place under the current system in Guyana. Americas Watch believes that changes must take place in several basic areas, none of which would require any constitutional or statutory amendments. Indeed, several of them require nothing more than the fulfillment of the government's promises -- made to Americas Watch and others -- to administer the election process fairly.

1. A preliminary count at the polls. No single change is as important or will have as positive an effect as adopting a procedure that will allow observers and polling agents to monitor the ballots from the time they are cast until the moment they are counted. Given the history of abuse of other methods purportedly designed to serve this purpose, the method universally endorsed by those advocating electoral reform in Guyana is to conduct a preliminary count of the ballots at each polling place. By this step, the electoral process would be opened and clarified, in a simple, honest and direct way, for all to see. There is no provision of Guyanese law that would prohibit such a step. The Representation of the People Act requires that, "as soon as

practicable after the closing of the poll," the PO shall secure and seal the ballot box and deliver it to the returning officer of the district (§83). There is nothing to prohibit the PO, after the polling place is closed and before the box is sealed, in the presence of the handful of persons permitted by law to be present in the polling place, to remove the ballots from the box, count them with everyone watching, announce the results, and return the ballots to the box before sealing it.\*

The government strenuously opposes this change, offering a wide range of logistical, theoretical, historical, political, sociological and other justifications for the current practice. In fact, none of the government's proffered justifications withstand scrutiny.

a. Logistical/administrative problems. The government contends that counting the ballots at the polling place would be "impracticable" and "a painstaking manual exercise."\* In fact, nothing could be farther from the truth. The Guyanese national ballots are the simplest imaginable and extremely easy to count.

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\* If there is any doubt about the authority of the Presiding Officer to perform a preliminary count, the government, with an overwhelming majority in the National Assembly and with all the opposing parties calling for a preliminary count at the polls, could easily amend the law.

\* Notwithstanding the fact that this position was still being argued to Americas Watch in August 1990, President Hoyte was quoted in the Stabroek News of September 30, 1989 as saying that there was "no good logistical reason" for not counting votes at the polls and that the actual justification was "political and sociological."

Each voter votes once, for a party, by placing an "X" next to the name of the party. Even if there were 500 such ballots in a given box, it could take no more than 20 to 30 minutes to count them all. That is hardly a burden in the context of a counting process that has been known to take up to two days.\*\*

b. Historical justification. The government argues that votes have not been counted at the polls for decades, citing a 1953 statement by one H.R. Harewood, then the Crown's Registration Officer, that "it was not found practicable to make arrangements for a preliminary count at each polling place." The statement is meaningless, saying nothing about why the count would be "impracticable" today. The government also points to the traditions of Barbados, Antigua and Belize, where votes are apparently not counted at polling places. Of course, there are many counter examples of Caribbean countries where ballots are counted at polling places. More to the point, none of the countries cited by the government is attempting to overcome a history of 26 years of rigged elections.\*

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\*\*There is a certain amount of government disinformation being spread on this issue. A government position paper given to Americas Watch speaks of the difficulty of separating the "National" from the "Presidential" ballots before they can be counted. In fact, there is no separate election for President: the President is designated by the party winning the most seats in the National Assembly.

\* The government often falls back on a variant of this historical/political argument: changes are to be resisted if they are suggested by "strangers" unfamiliar with Guyanese conditions. For example, the Chronicle reported on February 23, 1990 that President Hoyte "exhorted" the nation: "We must resist vigorously

c. The threat of racial violence. This is the government's last resort. Citing episodes of violence in the 1973 elections and racial riots in the 1960s, the government raises the specter of recurrent violence if ballots are counted preliminarily at

polling places. An official government paper states:

In small polling places with a concentration of ethnically identifiable population there is the added danger of the secrecy of the ballot being exposed through obvious trends in voting patterns and small communities being consequently threatened by political parties committed to racial voting tendencies.

Thus, the argument runs, if the residents of a given community expect a unanimous vote in favor of the PPP, for example, and then learn that someone has voted for the PNC, that person will be subject to violence. The counter to the government is obvious: how will the community know who voted for the PNC? The government answer is, "Because a certain person is a known PNC supporter." Why, then, wouldn't a community inclined toward violence prevent that person from going to the poll in the first place? And if no

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any attempt by strangers to manipulate our domestic transactions and arrangements and we must oppose implacably anyone who seeks to encourage intervention." Thus, when Juan Andrade of the Midwest/Northeast Voter Registration Project in Chicago came to Guyana in June and offered the opinion that there was no practical reason why votes could not be counted at polling places, President Hoyte later called him "an officious" and "ignorant person" and added:

I do not know who he is and I do not know by what right he comes to Guyana to tell us how to organize our political affairs. . . . Even if he were an expert in the US or in Mexico, that does not make him an expert in Guyana -- so I reject all these people. (Stabroek News, August 7, 1990.)



one in the community can be identified as a PNC supporter, how will the community know whom to attack?

The government has also pointed to historic racial tensions in certain villages along the coastal road east of Georgetown. In the 1960s, racial rioting in those villages caused a racial realignment to take place over the next few years. Today, the villages are more ethnically separate, alternating between Afro-Guyanese and Indo-Guyanese in a pattern easily discerned as one drives along the road. The government suggests that violence will reoccur in and between those villages if ballots are counted at the polling places.

To test this hypothesis, which no one other than the government would credit or defend, Americas Watch visited two Afro-Guyanese villages and two Indo-Guyanese villages in the area and spoke with a number of local citizens. The results were unequivocal and positive: although the residents candidly remembered the problems of the 1960s, they universally reported that those problems were behind them. And no one thought there was any possibility that there would be violence in their communities if ballots were counted at the local polling stations. Indeed, it was commented more than once that, given the history of rigged elections, there was more likely to be violence if the ballots were not counted at the local polling stations.

This local perspective is consistent with the national viewpoint. No one -- including the Chief of Police -- can point

to any proven examples of racial or political violence in recent years. Nevertheless, the government has worked hard to characterize certain criminal events as racial and political in origin, attempting to create a divisive atmosphere that will support its position that ballots cannot be counted at the polling place. For example, when Americas Watch was in the country, the government newspaper, The Chronicle, was full of reports of supposed racial violence against one Archie Adams, a supposed PNC supporter who was assaulted on the Essequibo Coast in July. More objective observers cited Adams's criminal record and noted his apparent lack of involvement in any political activity, concluding that this was a simple event of criminal violence without any political or racial overtones.

Indeed, to the neutral observer it appears that the PNC, and the PNC alone, is seeking to foster an atmosphere of violence and discord. A telling example occurred while Americas Watch was in the country. In Trinidad, a dissident armed band led by Iman Yasin Abu Bakr had taken over the Parliament, kidnapping the Prime Minister and a number of political leaders. The PNC immediately attempted to draw a didactic parallel to Guyana. The Chronicle of July 29, 1990 carried an article entitled "PNC deploras coup attempt in TT," which contained the following:

Within recent months, in Guyana, there have been repeated calls for violence from prominent members of the People's Progressive Party, the WPA and the Guyanese Action for Reform and Democracy, as a means of gaining political power.

The people of Guyana have grown accustomed to conditions of peace and tranquility over the past 25 years under PNC government. In the circumstances, the PNC calls on the people of Guyana to take note of the tragic situation that has arisen in a sister Caribbean country and to be vigilant in maintaining peace and good order in Guyana.

Every Guyanese has a duty to prevent elements in our country that are bent on promoting political violence from achieving their sinister designs to create conditions of instability and chaos in our country. The PNC stands ready to join with all right-minded citizens to ensure that conditions of peace and due constitutionality are preserved in our country.

Americas Watch asked the government and the PNC to identify the "prominent members of the People's Progressive Party, the WPA and the Guyanese Action for Reform and Democracy [GUARD]" who were calling for violence as a means of gaining political power. No one was able to do so. In fact, Americas Watch met with representatives of each of these three groups and found their goals to be exactly the opposite: the promotion of peaceful political change through free and fair elections.\*

Reports and predictions of violence serve the PNC's goals. By reminding the public of ancient history,\*\* by characterizing neutral events as political events and by generally fomenting racial disharmony, the PNC is seeking to create an atmosphere

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\*It is no coincidence that the PPP, the WPA and GUARD are the three most important and influential opposition political and civic organizations.

\*\* Lately, the Chronicle has taken to rerunning stories from the early 1960s in which Dr. Jagan and others are reported to talk of violence and to be themselves accused of tampering with elections and of promoting racial discord.

that will legitimize its refusal to count ballots at the polls and permit it to call out the army to "keep the peace." This strategy should be categorically rejected by all who truly wish to see free and fair elections in Guyana.

2. Substantial international observer presence. For the Guyanese electoral process to work, there must be a substantial international observer presence at all stages to bolster domestic monitoring efforts. Guyanese elections since 1968 have been characterized by an enormous gap between promise and performance, between the law and its observance. The presence of international observers is an essential supplement to domestic attempts to close that gap. International observers will make it significantly more difficult for the government to bar domestic monitors from meaningful observation of the electoral process. That, in turn, will require the government either to live up to its promises and honor the law or to have its failures documented for all to see.

The international observer presence must be substantial. It must start with a full monitoring of the process by which the voter lists are generated and corrected. It must continue with a presence sufficient to continuously monitor a significant portion of the 807 polling places on election day. It must conclude with enough observers to follow the ballot boxes to the place of official count and to observe that count.

The presence of a single Commonwealth team of observers,

invited by the President, is unlikely to achieve these goals. Because of the historically close ties between the Commonwealth Secretariat and the PNC (see above), a Commonwealth team could well lack the necessary credibility, certainly within Guyana if not abroad. Nor will adding a group led by President Carter help sufficiently, in light of the small number of observers that as a practical matter he can lead. Rather, the nation's doors should be opened wide enough to permit a diverse and substantial international observer presence, with sufficient variety and experience to be credible.

Furthermore, the government should abolish at least that part of the recently enacted international observer statute that makes it a crime to impersonate an observer. There is no legitimate purpose to such a statute; its only goal is to intimidate and harass. Any improper conduct by observers can certainly be controlled by good sense and the ordinary laws of Guyana.

3. Free access by the press. In the past, journalists have not been permitted within 200 yards of polling places. There is no justification for such a restriction, and it should be removed. In a recent interview, President Hoyte said that the press would have open access to the polls, and that promise should be kept.

4. Free speech and association. Freedom of speech, including full and equal access to the broadcast media, must also be

guaranteed to all Guyanese candidates and parties. Marches and rallies should not be limited except as absolutely necessary to protect the public safety; permits should be issued according to clear, public standards that on their face and as applied do not discriminate against any political party.

5. Enforcement of the laws in a spirit of openness. The procedural protections of the National Registration Act and the Representation of the People Act must be respected and enforced in the liberal spirit which the government has promised. Presiding Officers must honor the rights of opposition polling agents and enforce the electoral laws. The police must enforce those laws as well, including the statutes that restrict the activities of the Presiding Officers, prevent electoral fraud and protect the rights of opposition polling agents and observers.

With respect to the publication and correction of voter lists, the entire process must be kept simple and open. As a simple matter of fairness, all parties should be given copies of the voter lists, for every division in the country, as soon as they are available to the government and the PNC. Copies should also be provided to those, such as GUARD, which wish to participate in the process of correcting the lists. The government should also make available copies of the official lists of those who have died since 1985, to facilitate inspection and correction of the voter lists.\*

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\* Since the voter lists are ostensibly "extracted" from the

The deadlines for objections and claims should be extended beyond the two-week period currently provided for, as the government has promised to do in the past. In view of the tremendous, acknowledged inaccuracy of the lists, the \$5.00 deposit for objections should also be waived. A mechanism should be employed to allow parties to file forms on a national basis, rather than division-by-division, and the requirement that objections must be filed by persons residing in the divisions in which the objections are lodged should be removed altogether.

Care should be taken to see that the lists remain posted for the entire period in which claims and objections can be filed. Voters should also be informed clearly and far in advance of the election of the location of their particular polling places. The voter lists given to each party should state the precise location at which each list of voters will actually vote on election day. The timetable for claims and objections should be announced in advance and widely publicized, not just in The Gazette but also in other newspapers such as the Stabroek News.

On election day, the voter lists should be clearly posted outside polling places and kept there. Everyone authorized to be in the polling place should be given a copy of the latest text of

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national registration list by a computer (an "IBM 3742"), it follows that the government could also produce the list in a computer data-base form. If the opposition parties or GUARD had the list in this form, with some technical assistance, the task of mounting objections would be greatly simplified.

the Representation of the People Act and all applicable regulations. Polling agents must be permitted to observe everything that goes on, including the identification of prospective voters, the examination of their identity cards and the comparison of the voter list to the identification card. Polling agents should be permitted to have their own copies of the voter lists, to mark on them, and to keep notes and take photographs if they so desire.

All of these things are either required by statute or have been promised by the government. Those promises should be kept. Americas Watch believes that a substantial observer presence will ensure that they are.

6. Acceptance of technical assistance. A number of international groups have offered to provide technical assistance in the conduct of the elections, from the printing of the ballots to handling communications and transportation on election day. In particular, the following items of technical assistance would be valuable as a means of ensuring the integrity of the balloting and should be accepted by the government and the Elections Commission:

- New ballot boxes. In the past, ballot boxes reportedly have been taken apart or otherwise tampered with. Sturdy ballot boxes, counted and marked or otherwise controlled so that they could not be substituted, could prevent such abuses.



- Printing and control of ballots. Americas Watch received consistent reports of fraud in the printing and control of ballot papers. The Elections Commission refused to tell Americas Watch who would print the ballots for the upcoming election and further stated that such information would never be released for "security" reasons. If an independent source provided the ballots, which would be controlled and unable to be duplicated, such fraud could be prevented.

- Transportation and communications. Members of the government, the Elections Commission and the opposition parties all discussed the problems of traveling to and communicating with remote polling places. All opposition parties, as well as the Elections Commission, recognized the problems of ensuring that the vehicles used to transport the ballot boxes to the place of final counting be large enough to carry the opposition polling agents as well. With international assistance, vehicles could be rented -- there is an ample supply of minivans in and around Georgetown -- or provided by others.

- Publishing the electoral laws. The laws governing elections are not generally available. Americas Watch tried for a month to obtain a copy and was finally told by the Attorney General's office to make its own. Section 40(1)(c) of the Representation of the People Act requires that each

Presiding Officer receive "sufficient copies of this Act" for use at the polling place, but that has apparently never happened. With international assistance, enough copies could be printed so that everyone, including all opposition polling agents and all international observers, could have copies.

- Improved finger ink. When a voter has voted, his or her finger is dipped in "electoral ink" to prevent a second vote. There have been many reports of such ink being washed off in past elections. International assistance could provide better ink, that could not be washed off.

7. Long-term changes. Beyond these essential, short-term changes -- which must be put in place before the next election -- there are a number of long-range changes which should be made if the independence and freedom of future Guyanese elections are to be guaranteed.

Most important is the reconstitution and revitalization of the Elections Commission. The current scheme, in which an Elections Commission with limited membership, controlled by the ruling party, delegates the conduct of the elections to the government, should be replaced by an open and independent plan, in which a widely representative Elections Commission controls the entire electoral mechanism, independent of the government or any party. Such a commission should have representation from a broad range of Guyanese society and should conduct its meetings

and operations in the open, rather than behind closed doors, as is now the case. And the Commission should develop a means of generating and maintaining a clean and honest voter list, in a process that is open to all parties.

As for the elections themselves, the means must be found to appoint Presiding Officers and other election officials from all segments of the Guyanese political spectrum -- or from genuinely nonpartisan individuals -- instead of solely from the ranks of those beholden to the PNC. Furthermore, separate voting by the disciplined forces should be abolished; such forces should vote along with everyone else, unless absolutely required to be on duty on election day.

### **Conclusion**

Without the basic and fundamental changes outlined above, the next Guyanese election will be a repeat of those of the last quarter century. With certain basic changes, the election can be free and fair, a significant step in the restoration of the Guyanese people's confidence in the political process. In the longer term, broader national reforms can be instituted to guarantee the freedom of Guyanese politics and elections in the years to come.