



# ELECTORAL ACCOMPANIMENT MISSION REPORT

Organization of  
American States

## GENERAL ELECTIONS IN THE REPUBLIC OF NICARAGUA

November 6, 2011

Secretariat for Political Affairs  
Department for Electoral Cooperation and Observation

Electoral Observation Missions (EOMs)  
Organization of American States (OAS)



Organization of  
American States

## ELECTORAL ACCOMPANIMENT MISSION REPORT

# **FINAL REPORT OF THE OAS MISSION OF ELECTORAL ACCOMPANIMENT TO NICARAGUA FOR THE GENERAL ELECTIONS**

*NOVEMBER 6, 2011*

**General Secretariat  
Organization of American States**

**José Miguel Insulza**  
*Secretary General*

**Albert R. Ramdin**  
*Assistant Secretary General*

**Pablo Gutiérrez**  
*Director*  
*Department for Electoral Cooperation and Observation*

### **OAS Cataloging-in-Publication Data**

Final Report of the OAS Mission of Electoral Accompaniment to Nicaragua for the General Elections held on November 6, 2011 / [Prepared by the Department for Electoral Cooperation and Observation].  
p. ; cm. (Electoral Observations in the Americas series; no. 68) (OEA/Ser.G CP/doc.4674/12)  
ISBN 978-0-8270-5740-1  
1. Elections--Nicaragua. 2. Election monitoring--Nicaragua. I. Organization of American States.  
Department for Electoral Cooperation and Observation. II. Series. III. Series: OEA/Ser.G CP/doc.4674/12.

OEA/Ser.D/XX S

G/DCOE/II.68

# TABLE OF CONTENTS

EXECUTIVE SUMMARY .....	5
INTRODUCTION .....	7
CHAPTER I BASIC ELECTION FACTS.....	8
CHAPTER II SYNOPSIS OF MAIN INCIDENTS .....	10
CHAPTER III THE PRE-ELECTION PHASE.....	12
CHAPTER IV ELECTION DAY.....	18
CHAPTER V POST-ELECTION PHASE.....	21
CHAPTER VI COMPLAINTS.....	22
CHAPTER VII RECOMMENDATIONS.....	29
APPENDICES.....	31

# EXECUTIVE SUMMARY

The comments in this report refer only to the period when the Mission was present in the country. Consequently, no incidents occurring prior to the Mission's installation are discussed.

On November 6, 2011, the citizens of Nicaragua cast ballots to elect a president and vice president of the Republic, 90 deputies to the National Assembly, and 20 deputies to the Central American Parliament.

In accordance with the Inter-American Democratic Charter and the Declaration of Principles for International Election Observation, and in response to an invitation from the election authorities, which was forwarded by the national government, the Organization of American States (OAS) organized and deployed an Electoral Accompaniment Mission (EAM), consisting of 65 members from 18 countries, 17 of which were OAS member states and one, an observer country. The gender breakdown was 55% men and 45% women.

The Mission members began to assemble in the country on October 5, and their full number was made up with the arrival of the short-term mission representatives

four days ahead of the elections. Thanks to financial and in-kind contributions from the Governments of Argentina, Bolivia, United States, Spain, Italy, Mexico, Serbia, and Switzerland, on the day of the elections the Mission was able to field a presence in each of the country's 15 departments and 2 autonomous regions.

Based on the official results released by the Supreme Electoral Council (CES), Daniel Ortega Saavedra of the coalition headed by the Sandinista National Liberation Front (FSLN) was reelected President. In the contest for the National Assembly, the FSLN won 62 seats; the PLI coalition, 26 seats; and the PLC, 2 seats.

# INTRODUCTION

The Electoral Observation Missions (EOMs) of the Organization of American States (OAS) have become an essential instrument in promoting and defending democracy in the Hemisphere. EOMs also promote the positive recognition of citizens' political rights – in particular, the casting of votes as the legitimate expression of the right of all citizens to elect and be elected on a free and inclusive basis in elections where the secrecy of the will of the people is respected. At the same time, the presence of an OAS Observation Mission represents the solidarity and support of the Inter-American community in the efforts being made by a state's democratic institutions in organizing and managing its internal electoral processes.

Since 1962, the OAS has observed more than 180 elections in the Hemisphere, although the most dynamic development in those initiatives has taken place over the past 15 years. During those years, the OAS observed a wide range of elections at the request of its member states, including general, presidential, parliamentary, and municipal elections; popular consultations; referendums; signature collection; validation processes, and even political parties' primaries and internal elections.

Since 1990, the OAS has observed 10 different elections in Nicaragua (four general, four regional, and two municipal elections). The OAS was present at the last presidential elections held on November 5, 2006.

In a letter dated September 9, 2011, the Government of Nicaragua invited the OAS Secretary General to accompany the General Elections of November 6, 2011.<sup>1</sup> That same day, Secretary General Jose Miguel Insulza confirmed that the OAS was willing to send a Mission and gave instructions to the Department of Electoral Cooperation and Observation (DECO) of the Secretariat for Political Affairs to commence with the appropriate preparations and make efforts to raise external resources to finance the Mission.<sup>2</sup>

The Agreement on Privileges and Immunities was signed in Managua on September 27 by OAS Secretary General Jose Miguel Insulza and the Nicaraguan Vice Minister of Foreign Affairs Manuel Coronel Kautz.<sup>3</sup> The Agreement on Procedures was signed in Managua on the same day by Secretary General Insulza and the President of the Supreme Electoral Council, Roberto Rivas.<sup>4</sup> Both agreements established that the term "accompaniment" referred to in them was understood to mean "electoral observation," in keeping with the OAS framework of legal provisions, including the Inter-American Democratic Charter.

The Secretary General appointed Dr. Dante Caputo, the former minister of foreign affairs of Argentina, as chief of mission. DECO specialists Rebeca Omaña Peñaloza and Rafael D'Armas were appointed Deputy Chief of Mission and Coordinator General, respectively.

The Mission commenced its activities on October 5, with the arrival of the advance team and the first preliminary visit of the Mission Chief. Prior to being definitively installed, the Mission Chief visited the country twice, at which time he met the five presidential candidates, including President Daniel Ortega.

With the deployment of the departmental coordinators on October 28, the Mission had a permanent presence in the country's 15 departments and two autonomous regions.<sup>5</sup> From their bases established in the departmental seats, the coordinators visited 90 of the 153 municipalities in the country to follow the activities contained in the electoral timetable, as well as campaigning of the different parties and candidates. Deployment was completed with the arrival of the short-term mission members four days before the election.

The Mission was comprised of 65 international representatives, who hailed from 17 OAS member states (Argentina, Barbados, Bolivia, Canada, Colombia, Costa Rica, Chile, Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Paraguay, Peru, United States, Uruguay, and Venezuela) and one observer country (Spain).<sup>6</sup>

This report covers the activities of the Mission from the time of receipt of the invitation from the Nicaraguan electoral and governmental authorities until the post-election phase. The report is based on the comments of the Core Group specialists on the technical aspects of the process, as well as the pre- and post-election reports of the 13 regional coordinators deployed by the MEA/OAS.

In addition to documenting the comments of the Mission, this report includes technical recommendations that the MEA/OAS deemed appropriate in order to improve different aspects of the electoral system and processes in Nicaragua.

1. See Annex II. Invitation Letter.  
2. See Annex III. Response Letter.  
3. See Annex IV. Agreement on Privileges and Immunities.  
4. See Annex V. Agreement on Accompaniment Procedure.

5. These are Boaco, Estelí, Chinandega, Chontales, Jinotega, Madriz, Managua, Masaya, Matagalpa, Nueva Segovia, León, Río San Juan, Rivas, Autonomous Region of the Northern Atlantic (RAAN) and the Autonomous Region of the Southern Atlantic (RAAS).  
6. See Annex VI. List of international electoral mission members.

## CHAPTER I. BASIC ELECTION FACTS

On November 6, Nicaraguan citizens went to the polls to elect a president and vice president of the Republic, 90 deputies to the National Assembly (20 national constituency deputies and 70 deputies for departmental and regional districts), and 20 deputies to the Central American Parliament, from 1,110 registered candidates (711 men and 399 women candidates were registered). In all, 4,328,094 citizens were

registered on the final electoral roll for the general elections, which was published in October 2011.<sup>7</sup> Five candidates from the following parties and coalitions were on the ballot for the presidential election:

PARTY/COALITION	PRESIDENTIAL CANDIDATE	VICE PRESIDENTIAL CANDIDATE
Alianza Partido Liberal Constitucionalista (PLC) and Partido Conservador	Arnoldo Alemán Lacayo	Francisco Aguirre Sacasa
Alianza Unida Nicaragua Triunfa Frente Sandinista de Liberación Nacional (FSLN), Partido Resistencia Nicaragüense (PRN), Partido Alternativa por el Cambio (AC), Partido Unión Democrática Cristiana (UDC), MUC, PLN, YATAMA, CCN, PIM	Daniel Ortega Saavedra	Omar Halleslevén
Alianza Partido Liberal Independiente (PLI), Partido Movimiento de Unidad Costeña (PAMUC), Partido de Acción Ciudadana (PAC)	Fabio Gadea Mantilla	Edmundo Jarquín
Alianza Liberal Nicaragüense (ALN)	Enrique Quiñónez	Diana Urbina
Alianza por la República (APRE)	Roger Guevara	Elizabeth de Rojas

7. Even though the official electoral roll contained more than four million registered voters, the Supreme Electoral Council (CES) noted on several occasions that around 700,000 of these citizens were presumed to have emigrated, died, or changed address and that their information should be corrected or purged from the lists. See <http://www.lajornadanet.com/diario/archivo/2011/agosto/9/1.php> <http://www.lajornadanet.com/diario/archivo/2011/julio/19/4.php>

The distribution of deputies by departmental and regional district was as follows:

DEPARTMENT	NUMBER OF DEPUTIES
BOACO	2
CARAZO	3
CHINANDEGA	6
CHONTALES	3
ESTELÍ	3
GRANADA	3
JINOTEGA	3
LEÓN	6
MADRIZ	2
MANAGUA	19
MASAYA	4
MATAGALPA	6
NUEVA SEGOVIA	2
RÍO SAN JUAN	1
RIVAS	2
RAAS	2
RAAN	3

The national electoral quotient (used to apportion the seats for national constituency deputies in the National Assembly) is obtained by dividing the total number of valid votes cast in the country for this election by the number of seats to be filled (Article 146 of the Electoral Law). The remaining seats to be apportioned shall be assigned to each party or

political coalition as follows: "Once the initial apportionment is completed, the total number of votes won by each party shall be arranged in descending order, and the next seat shall be assigned to the party with the highest quotient; in other words, the number of votes obtained on the first round will be divided by the number of seats assigned plus one. The seat will go to the party that ends up with the highest quotient. If seats remain to be filled, this same procedure shall be repeated, but this time only with respect to the party that won the previous seat; in other words, its vote total shall be divided by the total number of seats assigned plus one; the next seat shall go to the party with the highest quotient. (Article 146 of the Electoral Law)

In order to vote, adult citizens had to present their national identity card (cédula de identidad) or the supplementary voting document. Citizens are entitled to obtain a national identity card at 16 years of age by filing an application for it with the Electoral Councils and it is granted once the information in the Bureau of Vital Statistics has been verified. The supplementary voting document is issued to citizens who have applied for, but not received, an ID card because their status has not yet been duly legalized with the Bureau of Vital Statistics or because their sixteenth birthday is on the day of the election.

For the first time, a single ballot paper was used for voting in this election. This meant that citizens voted for president, deputies (national constituency and departmental), and representatives to the Central American Parliament (PARLACEN) on a single ballot paper.

## CHAPTER II. SYNOPSIS OF MAIN INCIDENTS

In the opinion of the Mission the regulatory framework in which the elections took place contains procedures beset with structural flaws that have existed since 1996. Mention was made of this structure and its flaws in the 2006 OAS Electoral Observation Mission Report. Some information provided in this synopsis is explained in further detail in subsequent sections of the report.

The report presents facts verified by the Electoral Accompaniment Mission. It reports what was seen and corroborated and avoids conjecture.

One of the purposes of the Mission was to assist in solving problems that arose in the country before and on election day. Accordingly, on numerous occasions, we took action to notify election officials about issues and incidents reported to us by political parties. Indeed, the core group and senior mission officials installed in Managua were often engaged in this type of task.

In addition to the problems and anomalies that were identified by the Mission, one issue of an entirely different nature, in our view, casts a shadow over the electoral process: repeated mention and allegations by several of the presidential candidates of the potential for outbreaks of violence. Such a climate made it necessary for the Mission to carefully evaluate its announcements and contact with political actors so that its actions would always be contributing to the process unfolding peacefully. Therefore, as no widespread state of unrest actually broke out, despite predictions to the contrary, at the end of the day it was a victory for the cause of peace.

Despite the relatively normal way in which the process played out, troubling situations did arise, which require prompt action by the authorities. Such changes will not only provide for better-run elections in the future, but will also be a positive sign of commitment by the authorities to improve upon current election procedures.

It should be noted that several of the most important Nicaraguan political figures have come out in favor of introducing reforms to the political party law or the electoral system.

We noted instances in which nongovernmental organizations that wished to participate in the electoral observation, such as Hagamos Democracia and IPADE, were not authorized to do so. The Mission expressed its concern to the authorities on this issue and repeatedly made requests for these NGOs to be accredited for accompaniment status. Those efforts were unsuccessful.

The second incident we would highlight is that a faction from one political party filed a motion with the courts. There were motions for constitutional relief (amparo) filed by three factions of the Independent Liberal Party (PLI). None of these motions had been settled as of the date of this report. In this a context, we hope that the Supreme Court of Justice rules on said matter as soon as possible, and puts an end to the current state of uncertainty. If the Court were to issue a decision preventing a deputy elect from taking office after his or her nomination had been accepted by the Supreme Electoral Council, then that would amount to a serious breach of the will of the people.

A third problem is that the regulations pertaining to accreditation of poll watchers from the political parties or coalitions were not properly enforced and were confusing with regard to procedures and deadlines. This led to tardy accreditation of the substitutes, which was requested for almost 9,000 PLI coalition poll watchers the day before the election. The accreditation was hastily completed less than 24 hours before the polls opened. The Mission Chief and several Mission members had to personally intervene in the days leading up to the elections in order to ensure that the party-affiliated poll watchers were given their accreditations.

This type of situation is the result of excessive, needlessly rigid, centralized regulation as it should be up to the parties alone to decide who will represent them at each polling station in the country.

The fourth issue is that during their visit, electoral mission representatives detected problems in the delivery of national identity cards, which are required to be eligible to vote.

As a fifth aspect, the rule in place establishing the party composition of polling stations is in response to a political reality of the past and is currently not justified. The current composition only guarantees the dominance of board members from two political parties and creates a lesser presence for other political forces. The disadvantage of this is that it distorts the role of board members, who in practice end up assuming control functions that are specific to party agents. In practice, this kind of rule left the Independent Liberal Party with almost no presence at the polling stations. The Mission suggests not requiring polling officers to belong to political parties.

In this regard, attention is drawn to how serious it could be for a possible ruling by the Supreme Court of Justice or the Supreme Electoral Council to order a reorganization of the PLI, which could mean excluding the second most powerful force in the elections.

A sixth problem we encountered during our visit to the country was that there were several acts of violence and, while they did not spread, represented serious developments.

This situation was of grave concern in that, in our discussions with all the political sectors, the issue of possible armed confrontation kept coming up.

In a country that was ravaged by war for years, such warnings, added to the incidents cited, were cause for serious concern and served largely to guide the criteria that the Mission applied in its public statements in an attempt not to increase social tension.

A series of events, which very seriously affected our work, took place on election day. The polling stations were to be set up at 6:00 a.m. From that time until around 9:00 a.m., our observers were prevented from entering 10 polling station sites.

The importance of presence at the opening of a polling station should not be lost on anyone. Monitoring them is critical to being able to evaluate the operations of a polling station and is a necessary part of the evaluation for the station as a whole, according to our methodology.

Account should be taken of the fact that, from a representative sample of all the polling stations, the Mission chooses where its members will be present. A disruption such as the one we experienced seriously prevented us from being able to form an opinion based on the operation of the entire set. For 20% of the stations selected in our sample we were unable to witness the opening. This represents a serious disruption of our evaluation and a breach of the Agreement on Procedures.

A note verbale was sent to the Supreme Electoral Council to complain about this situation. In four cases, a similar situation arose at the time of the count, and this made it impossible for observers to be present at that other key moment on election day. We repeatedly asked the electoral authorities to resolve this problem. But by the time it was addressed after 8:00 p.m., the vote count had already concluded at the affected sites.

For the rest of the polling stations at which we participated, the procedures were considered normal as a whole.

Complaints were also lodged by opposition parties and by the ruling party. All are being evaluated as much as we can.

Having examined all of the above-mentioned factors and based on the technical data that the Mission was able to

collect, we wish to make the following recommendations:

1. Promote reform of the mechanism for accreditation of agents via a formula to ensure greater autonomy of political parties for their accreditation.
2. Promote reform of the criteria for composition of polling stations, ensuring that they are made up of citizens, regardless of party affiliation. This will strengthen the role of party agents and enables greater commitment by citizens to the electoral process.
3. Improve the voter identification process and the management of ID card delivery, so as to prevent it from being an election issue but instead the full sanctity of the right to identity.

Furthermore, we hereby express our serious concern about the failure to fulfill the Agreement on Procedures. The developments stemming from that breach has prevented the Mission from fully meeting its objectives.

The Supreme Electoral Council reported on the election results, which indicate that President Daniel Ortega was re-elected. As of the date of this report there are no known statements to the contrary by any state and, consequently, by no member of this Organization.

The Mission conducts monitoring exercises for the purpose of comparing results. Despite the aforementioned setbacks that prevented it from properly executing this task, the results are similar to those issued by the Supreme Electoral Council. We were also aware of similar procedures with the same conclusions.

## CHAPTER III. THE PRE-ELECTION PHASE

### A. RELATIONSHIP BETWEEN POLITICAL AND INSTITUTIONAL ACTORS AND CIVIL SOCIETY

The Mission Chief conducted preliminary visits to the country before it was definitively installed. On these visits he met the five presidential candidates, including the President of the Republic. The Mission leadership also held meetings with Minister of Foreign Affairs, Samuel Santos; the Supreme Electoral Council headed by Chief Magistrate Roberto Rivas; diplomatic representatives accredited in the country, and the Electoral Accompaniment Mission of the European Union.

The meetings held during these two visits made it possible for the candidates, election officials and other actors to inform the Mission about the campaigns, election preparations and their expectations regarding the November 6 election.

The Mission dispatched the advance team on October 5.<sup>8</sup> The team's initial responsibility was to travel throughout the country to gauge compliance with the election timetable and monitor the campaign activities of the different parties and candidates. Over the course of three weeks, the members of the advance team toured the country's fifteen departments as well as the two autonomous Atlantic Coast regions. During these visits, they held meetings with members of the Departmental Electoral Councils (CEMs) and the Municipal Electoral Councils (CEMs), as well as with representatives of the political parties and the National Police, to explain the scope and purpose of the MEA/OAS.

When the regional coordinators arrived on October 28, the MEA/OAS built on the work of the advance team by setting up 13 regional offices, from where the international representatives could be dispatched throughout the different departments and regions.

### B. ELECTION ORGANIZATION

During the pre-election phase, the members of the core group met with the National Electoral Commission, made up of the presidents of the Departmental Electoral Councils (CEDs) of the departments of Estelí, Nueva Segovia and

Matagalpa,<sup>9</sup> and the Chief Clerk (Secretario de Actuaciones) of the Supreme Electoral Council. During visits to the National Stadium which served as the headquarters of the Municipal Electoral Council (CEM) and Municipal Tabulation Center of Managua, several meetings were held with the members of the CEM of that city.

### Preparation of the Voter Register and Electoral Roll

As was noted in the preceding section, the way in which the voter register is prepared has remained unchanged since the last general elections, which were held in 2006. The voter register is assembled by means of different information uploads made by the information technology area from the Identity Card Database. These uploads are conducted at different times and include records of newly registered citizens and changes made to existing records as a result of the different types of replacement applications made by citizens, except the basic replacement.<sup>10</sup>

During the electoral process, uploads are done on a monthly basis and also include changes of domicile requested by citizens in so-called "verification" processes carried out by the Supreme Electoral Council (CSE). Citizen verification is a continuous process. However, during electoral periods, verification is conducted at voting centers, as established in Article 45 of the Electoral Law on the approved dates in the election timetable. For the 2011 elections, this verification was conducted on July 23 and 24.

As a result of the recording of a change of domicile, the information registered in the Identity Card Data Base is different from the information on record in the Voter Register database, since the domicile where a person registered or requested a replacement card remains on the former, while domicile changes resulting from verifications are entered in the latter.

In Nicaragua, the updated and purged Voter Register becomes the Electoral Roll used in the next elections. The creation of the Electoral Roll is followed by the different activities set forth in the Electoral Law, such as the publication and posting of the roll on the premises of polling stations, in accordance with Article 35 of that law.

8. In keeping with the guidelines provided in the *Manual for OAS Electoral Observation Missions*, the advance team is generally made up of specialists from the Department of Electoral Cooperation and Observation or Regional Coordinators, and its purpose is to do the advance preparatory work for the presence of the Mission on the ground throughout the nation. This team is deployed preferably during the preliminary visit and can remain in the host country until the results are officially announced.

9. The National Electoral Commission is not an institution recognized by the Electoral Law. According to oral reports provided by the Supreme Electoral Council to the OAS/EAM, it was made up of the presidents of the CEDs of Estelí, Nueva Segovia and Matagalpa because they were most experienced at organizing elections.

10. Under Article 36 of the Law of Citizen Identification, if an identity card is lost, its holder must inform the Municipal Office of Identity Cards. An ID card can be replaced when it is lost, destroyed or has deteriorated, or when the person wishes to change the information on it.

For this electoral process, the publication and posting of the preliminary electoral roll at polling stations was carried out on August 8. The final electoral roll was distributed to the political parties on October 6.

### **Issuing of Identity Cards**

The Electoral Law and the Law of Citizen Identification establish that the CSE is in charge of issuing identity cards through the General Directorate of Identity Cards. The card is the official identity document that enables Nicaraguan citizens to exercise the right to vote, among other acts under the country's law. Therefore, through the electoral authority, the State has the obligation to grant the identity card to all Nicaraguans aged 16 years and over, and they, in turn, have the obligation to apply for it from the appropriate offices.

As is noted in the previous section, during their visit to Nicaragua the international members of the MEA/OAS witnessed problems in the delivery of voter identity cards, as explained below. The complaints lodged with the MEA/OAS with regard to this issue are discussed in Chapter III of this report.

### **Accreditation of National and International Accompaniment Mission Members**

In keeping with the election timetable, the Rules of Electoral Accompaniment were approved by the CSE on August 16, 2011. Those rules include general provisions regarding the activities of national and international organizations that participate in elections.

Some of the provisions of the approved rules limit the ability of national and international representatives to examine the process in full; these include Article 10, regarding the power of the CSE to determine the number of electoral accompaniment representatives; Article 20, regarding mission routes, and Article 22, on the presentation of a preliminary report to the Nicaraguan Foreign Ministry by international missions, which must also be approved by the CSE before its publication.

The rules were the subject of complaints by national electoral accompaniment organizations and cause for concern among international organizations. Through the Secretary General, the OAS signed two agreements with the electoral body and the Ministry of Foreign Affairs, which included the necessary assurances for performance of the Mission's functions. The agreement signed by the OAS in 2011 was the same as the one signed in 2006 and, consequently, the provisions of the Rules were not applicable to it. This caused confusion among some polling station and election officials.

The national organizations Hagamos Democracia, Instituto para el Desarrollo y la Democracia (IPADE), National Council of Universities, and the Centro de Derechos Ciudadanos y Autónomos de la Costa Atlántica (CEDEHCA) applied for accreditation. The CSE decided not to accredit Hagamos Democracia and IPADE.

The MEA/OAS, as well as the European Union, expressed concern about this issue to the authorities and repeatedly requested that these organizations be accredited to conduct accompaniment. These efforts, as well as similar efforts made by the European Union Mission, were unsuccessful.

### **Training and Swearing in of Polling Station Officials**

Training for polling station officials was a particularly important aspect of electoral process organization, because this was how anyone who had particular duties to perform in the elections learned how to discharge them.

The training and swearing in of polling station officials was conducted on October 30, 2011, simultaneously throughout the country. The MEA/OAS had requested information from the CSE about the date of the training and was told that it would take place on Monday October 31. On October 29, however, election officials decided to move the date up to October 30, which was no minor change of plans, in light of the fact that 77,760 citizens needed to be notified of the change of date.

Despite this last-minute notification of the change, the regional MEA/OAS coordinators deployed throughout the country were able to attest that the training was conducted in an orderly fashion with sufficient attendance of polling station officials and workers. One shortcoming of the training was evident on election day in that no single standardized procedure was used for ballot counting, but rather it was done in a variety of ways.

In the weeks prior to the election, opposition political parties complained that a manual for polling station officials had only been distributed to members of the ruling party. Among the topics included in this manual were instructions on how to get the members of electoral accompaniment missions out of polling stations at the time of poll closing and it differentiated between the original tally sheets and the copies that would be handed over to the poll watchers from the political parties.

The CSE denied in a press release that such a manual existed, noting that the CSE had not officially approved any training manual and, therefore, any public information that was circulating was not official or institutional.<sup>11</sup>

11. Supreme Electoral Council. Press Release. September 28, 2011.

This situation caused confusion regarding what material was to be used in the training, as was the case in the Department of Leon, Municipality of Leon, where the training of polling station officials was conducted with the “unofficial” manual.

### **Delivery of Election Materials**

The regional coordinators and international accompaniment mission representatives were present when the materials left Managua and when they were delivered in the departments, autonomous regions, and municipalities. The transfer of the cases containing the file and support materials for each polling station was conducted between October 28 and November 3, 2011.

The election materials were properly distributed and the logistical challenges posed by a country like Nicaragua, with complex geographical hurdles and widespread areas of recently rain-drenched highways and roads, were successfully overcome. The deployment and delivery of polling station materials was overseen by the political parties, although in some departments parties were hampered in this endeavor by their own logistical limitations in accompanying the vehicles transporting the materials. As delivery of materials began, the Mission was surprised to see that the parties would only inspect one case of election materials, even though the CSE appeared receptive to allowing them to inspect as many cases as they deemed appropriate, in light of the fact that the integrity of election materials constitutes a guarantee of transparency in electoral processes.

### **Election Technology Support and Verification Procedures**

The legal framework that empowers municipal, departmental and national election entities to computerize the electoral processes is provided by Article 128 of the Electoral Law, which establishes that after ballot counting has been completed, the polling station president shall transmit by fax or any other duly authorized means copies of the ballot tally sheets signed by the polling station officials and any poll watchers that wish to do so. This means that the forms must be transmitted by digital or similar means so that vote tally sheet information can arrive at the CSE promptly, in order to have an overall count from the polling stations themselves.

For this purpose, the CSE created two information transfer procedures for computerized (or mostly digitized) sheets. One method involved direct transmission centers, which were local communications service providers that would transmit the tally sheets from the municipality to the CSE. The other procedure consisted of a five-stage system conducted by the CEM, which included digitized transmission of tally sheets through a LAN connected via VPN (Virtual Private Network) using digitization of scanned tally sheets.

This second procedure was used in large municipalities, which required high-volume transmission logistics (having more than 100 tally sheets was the criterion for use of the second method).

In order to support the aforementioned systems, a “Procedural manual for tabulation centers,” was prepared, explaining these processes and providing control document forms. In order to ensure compliance with the objectives set forth in this instruction manual, the process was divided into five stages, which were designed to work as follows:

- a. Transmission:* At this stage, the tally sheet comes in from the municipality to the CSE’s centralized site known as the National Tabulation Center. In the relatively smaller municipalities, this stage is outsourced to the office of a local communications service provider, which transmits the sheet from the municipality to the National Tabulation Center.
- b. Reception and Archiving:* The tally sheets are received and the corresponding polling station file is built and the rest of the important components, such as ballots and electoral rolls, are stored.
- c. Arithmetic Review:* At this stage, data such as the number of votes per party, of valid and invalid votes, are checked.
- d. Challenges:* Challenged sheets are classified by municipality and are sent to the CED.
- e. Data processing:* At this stage, the municipal results for valid votes are consolidated, by party and invalid ballot.

### **Processing the National Tally**

During the pre-election phase, limited information was available to the MEA/OAS specialists because, despite assurances from the management of the National Tabulation Center, the National Electoral Commission, information technology managers, and public statements by senior CSE officials, they only once had access to the Center. On that one occasion, we were given a tour of the different areas of the Center and inquired about a number of aspects to do with processing, which are explained hereunder.

From what we saw, a simple and practical, though technologically obsolete, computer system was being used, which, therefore, should be updated for future elections. The process is semi-mechanized, in that the incoming vote tally sheets are printed out and then divided up among the operators and digitized, with no mechanisms in place to protect the anonymity of data or control of system crashes.

Based on the only information to which the Mission had access, the installed capacity for processing the national vote tally was 140 PC terminals.

In order to know how much transparency and operational functionality existed in the process, the MEA/OAS requested access to simulations and the production line processes; however, this access was not granted. The Mission regarded viewing this exercise as important, inasmuch as speed of election return delivery is a direct function of the design of each phase and how efficiently time is used at each phase.

### **Capacity of the Data Transmission, Reception, and Processing System**

The ability of the MEA/OAS to obtain information on the capacity of the system was restricted in many ways. Therefore, we can only mention a few relevant aspects of the system's processing capacity. At the Municipal Electoral Council (CEM) of Managua, there were two groups of twenty work stations for the transmission phase, which were equipped with dual core laptop computers that had two gigabytes of memory and a hard drive of 250 gigabytes or less, a printer and scanner to record the images of the tally sheets that would be received at the National Tabulation Center. This process was supposed to only take each polling station about 30 seconds.

At the National Tabulation Center, there were two Unix-based processing servers and printing equipment for the incoming images of the vote tally sheets, as well as a network of 100 computers, which were used to process two tally sheets from each one of the 12,960 polling stations, making a total of 25,920 sheets. Given the volume of material to process and the simple task at hand, it was estimated that this phase should take no more than two hours and, consequently, the length of time it would take to process all tally sheets would depend on how soon the phases of transmission and reception of said sheets were completed. On election day, data processing proceeded slower than anticipated.

### **Petitions for Disqualification of Parliamentary Candidates**

In the Mission synopsis, serious concern was expressed regarding how the issue of challenges to parliamentary candidates from the Independent Liberal Party (PLI) will be resolved.

The possibility that 51 PLI candidates might be disqualified from participating in the election was cause for concern to the MEA/OAS. According to the information gathered by the Mission, the internecine party conflict leading to this situation did not arise recently but dates back several years. In fact, as of late 2010, progress was being made in

unifying the different factions of the party, which had been split over whether or not it was legal for the party executive leadership to meet and simultaneously convene a convention and an Assembly of Delegates on the same day.

The decisions emanating from the party convention in March 2011 were accepted as valid by the CSE, as were the other legal transactions that were entered into in order to charter a political coalition and select candidates for the general elections. One PLI faction filed a petition with the Supreme Electoral Council for disqualification of candidates and several factions of the same party filed a motion for constitutional protection (amparo) with the Supreme Court of Justice (CSJ), claiming to be the legal representatives of the party, which is the only subject matter over which the Court has jurisdiction in electoral matters. A little more than two weeks after the election, the Supreme Court held a hearing of all of the disputing PLI factions. The Court did not issue a ruling at that time but decided to take the case under consideration.

However, none of these petitions has been settled to date.

### **Accreditation of Party-Affiliated Poll Watchers**

The Supreme Electoral Council (CSE) convened several meetings the week prior to the elections on the issue of accreditation of the poll watchers representing political parties.<sup>12</sup> These meetings were held at the headquarters of the CSE and attended by the president of the electoral body, the legal representatives of the PLI, a representative of the MEA/OAS, representatives of the other international accompaniment missions, and the only national accompaniment group, at the invitation of the CSE.

At the meetings, comments were made about errors or inconsistencies in the roster of poll watchers submitted by the above coalition. In addition clarification was requested regarding the number of poll watchers proposed by the PLI because, according to the CSE, there were two different lists. The representative of the PLI and an IT technical expert with the coalition provided the clarifications. They acknowledged that there had been a mistake concerning the Department of Boaco, stressed that the necessary corrections had been made, and submitted a complete list of principal and alternate poll watchers. The PLI stated that it would make the substitutions permitted by law within the statutory time limit.

The PLI lodged its request within the statutory time limit and proposed that flexibility be exercised in the delivery of the credentials or that delivery of specially made credentials be authorized. The CSE undertook to deliver the credentials by the end of the day on Friday, November 4, but did not do so,

12. Article 28 of the Electoral Law provides that poll watchers for electoral activities can be appointed once the electoral process has been announced and up to 48 hours prior to the election day. This article also establishes the obligation of the CSE to issue poll watchers with credentials at least ten

days before the elections. If the absence of a poll watcher is definitively confirmed after the deadline set for their accreditation but before the close of the election campaign, the competent body shall approve their substitution at the request of the corresponding political organization.

despite the fact that the PLI representative waited the entire night at the appropriate CSE office. The Mission Chief went to that office from where he contacted the president of the CSE to enquire when and where the outstanding credentials would be delivered. The President of the CSE informed him that they would be delivered at 10:30 a.m. at the headquarters of the CSE.

Finally, at the appointed time, the CSE did deliver the credentials of the substitute poll watchers to the representative of the PLI, who took them and opted not to verify them as he had urgently to initiate their distribution to different parts of the country.

### C. ACTIVITIES OF THE ADVANCE TEAM AND REGIONAL COORDINATORS

The members of the advance team and the departmental coordinators of the MEA/OAS were deployed across the country and meticulously monitored developments based on the criteria contained in the OAS electoral observation manual. In the course of the Mission’s time in Nicaragua, regional coordinators visited 59% of the municipalities of the country, mainly to make contact with election officials and political actors in a bid to corroborate in situ the fairness of the conditions for participation in the elections both before and on the day of the poll itself. The table below provides specific information about the municipalities visited in each department:

DEPARTMENT / REGION	TOTAL MUNICIPALITIES	MUNICIPALITIES VISITED BY MEA/OAS
Boaco	6	1
Carazo	8	2
Chinandega	13	13
Chontales	13	7
Granada	4	4
León	10	10
Managua	9	9
Masaya	9	3
Matagalpa	14	10
RAAS	9	3
Río San Juan	6	4
Rivas	10	3
RAAN	7	2
Jinotega	8	8
Nueva Segovia	12	3
Madriz	9	2
Estelí	6	6
<b>Total Municipalities</b>	<b>153</b>	<b>90</b>

During the pre-election phase, key issues were identified that were emphasized at the national level. All 15 departments and both autonomous regions were visited and meetings held with all of the Departmental Electoral Commissions, representatives of the political parties, and the national police. Constant efforts were made to hold meetings with the representatives of all political parties, as well as the regional and municipal representatives of the CSE.

The work of the coordinators’ group revealed a centralized bureaucratic structure. The confusion generated by conflicting information about international observers circulated by official and unofficial channels impeded in practice the ability of certain regional personnel to collect useful background data for the Mission.

### D. ELECTION PROCEDURES

Under the framework of the Electoral Law, the composition and control of the Departmental and Municipal Electoral Councils (CEDs and CEMs, respectively) was, for the most part, in the hands of the FSLN and its coalition partners. In fact, because of the partisan way the elections were organized, two types of checks and balances were required: party plurality and adequate oversight. However, it was apparent that the plurality provided for in the law was not observed and that the mechanism for assigning poll watchers—given the time frames for accreditation and the transfer systems—ultimately weakened the plurality of political representation.

In the department of Chinandega, the MEA/OAS can attest that the principle of proportionality was not respected in the appointment of the polling station president and first officer, which should have gone to the FSLN and the ALN respectively. The ALN gave the MEA/OAS the roster it had submitted to the CEM of the Municipality of Chichigalpa of the people it had selected to serve at the polling stations and the final official list of the municipal polling station officers; the two lists did not match. Even though the names of some persons on the final published roster of polling station officers appeared with the initials ALN after them, the names did not belong to anyone in that party. The regional coordinator discussed this case with the members of the CEM of Chichigalpa and of the CED of Chinandega, who noted that the names were changed because either the slates were submitted late or they did not meet the requirements.<sup>13</sup> Nonetheless, this did not explain the changes in assigned party affiliations on the lists of polling station officers.

13. Article 16 of the Electoral Law establishes that “The President with his respective alternate of each Electoral Council and Polling Station shall be appointed, alternating between the political parties that obtained first and second place in the last general elections that were held.” The article also provides, “The respective Electoral Council shall enforce the requirements of the candidates proposed on the slates and shall request a substitute for those who do not meet them.”

With regard to poll watchers, the PLI coalition did not submit in a timely or proper fashion its slates of party member candidates for second officers at polling stations in several municipalities. In the Department of Jinotega, for example, the slates of proposed polling station officers were submitted to the CED when they should have been submitted to the CEM. In the Department of Managua, the slates of potential poll watchers in the municipalities of Managua, El Crucero, and San Rafael Libre were not submitted on time, which resulted in this coalition losing the chance of being represented at 79% of the polling stations in the department.

### Issuance of Identity Cards

Opposition political parties complained to regional coordinators that the process of obtaining identity cards was biased, slow and lacking in transparency as priority was given to cards for supporters of certain political parties and there was a lack of clarity in the information provided to citizens on the status of the applications.<sup>14</sup> The delivery of cards is a discretionary—and sometimes arbitrary—practice.

The members of the advance team asked the CSE for data on progress in the issuance of identity cards that they might verify in the field as they traveled around the country. They were told that this information would be provided directly by the president of the electoral body, but the MEA/OAS never received it.

The problems with the process of issuing identity cards, which were widely reported by some of media organizations, had an impact on the climate of the election. In the Department of Matagalpa, long lines of citizens were seen waiting to receive their cards. Local officials claimed to be waiting for the arrival of the cards from Managua. The regional coordinator assigned to the Department of Matagalpa reported angry groups of citizens who were waiting for their ID cards in the municipalities of Matagalpa, San Isidro, Terrabona and Ruben Dario, and even disturbances of the peace by some.

In the municipality of Sebaco, the situation involving identity cards led to outbreaks of violence. The CEM was attacked by with thrown rocks and bottles, and several windows were broken. According to information gathered by the regional coordinator, the attackers were PLI supporters. As had occurred in the Municipality of Sebaco, the CEM of the municipality of Matiguas also came under assault. The door was broken down and around 50 people stormed in, destroying materials and furniture and forcing the people in the CEM to seek refuge in an adjoining room. The ID cards that were stolen were handed over to the parish priest of San Jose de Matiguas who attempted to mediate in the conflict.

### Access to Information

The MEA/OAS met with problems on the ground in obtaining election information from the CSE as well as the Departments. The creation of the National Electoral Commission and the communications system put into place to wire instructions out to the field adversely affected the members of the Mission at the departmental and municipal levels. Consequently, despite ongoing contact with election officials at the highest level, the members of the MEA/OAS had trouble obtaining basic information on the electoral process.

The Mission members had problems in accessing the roster of names and telephone numbers of the members of CEMs, both at the level of the CSE and some departments. It was also hard to gain access to contact information for political party representatives at the departmental level. Additionally, it was impossible to obtain data on the composition of the polling stations and on progress in issuing ID cards.

## E. INCIDENTS DURING THE PRE-ELECTION PHASE

The regional coordinators of the MEA/OAS were deployed in keeping with the method set forth in the manual for OAS electoral monitoring. The coordinator assigned to the Department of Rio San Juan, Tomas Ottavis, set up a regional mission office in the city of San Carlos, as arranged by the Mission. From the time of his arrival, the regional coordinator conducted the activities that were assigned to him by the Mission, including contacting the CED and the CEM.

Two days before the election was held, the coordinator was accused of misconduct, which the Mission denied. In order to not cause any problems so soon before election day, the mission chief decided to transfer the coordinator to Managua and assign him new duties. On November 6, the presidential election day, the mission chief sent a note verbale to the Minister of Foreign Affairs of Nicaragua, Mr. Samuel Santos Lopez, expressing concern over the treatment of Mr. Ottavis and rejecting the charges, which unfortunately had been widely reported in the media. As of the publication of this report, no response had been received to the note sent by the Mission.

14. The complaints received by the OAS/EAM on this issue are discussed under the “Complaints” section of this report.

## CHAPTER IV. ELECTION DAY

Chapter II reported the principal findings of the MEA/OAS. This chapter contains details to elaborate upon those findings.

On Sunday, November 6, the Mission fielded sixty-five (65) international electoral mission representatives posted in the country's fifteen departments and two autonomous regions. Throughout the day, they were in attendance as the polling stations were being set up and when the polls opened, for the voting process, the closing of the polls, the tabulation, and reporting of election returns. Forty-nine (49) of the international electoral mission representatives were assigned to polling stations selected on the basis of a representative sample. They remained at those polling stations throughout election day. The MEA/OAS set up a Communications Center in Managua, where it received reports from the electoral mission representatives during the course of the day. The Communications Center was equipped with telephone lines; control tables were devised and prepared to identify those sites from which the international electoral mission representatives would be reporting.

### A. OPENING OF THE POLLS

The international electoral mission representatives were instructed to be at the polling stations 60 minutes before they were scheduled to open, which was at 7:00 a.m. They would thus be able to be present as the polling stations were being set up and when the polls opened, in keeping with standard OAS practice. Although they followed the instructions they received, ten (10) electoral mission representatives fielded by the MEA/OAS, which was 20% of the total number of MEA/OAS electoral mission representatives, were unable to be present when the polling stations were installed and opened because they were denied access, either to the premises where the polling stations were being set up or to the specific polling stations to which each was assigned.<sup>15</sup>

As the MEA/OAS Chief commented in his oral report to the OAS Permanent Council, the importance of the MEA/OAS' presence when a polling station opens is self-evident.

The change in the conditions under which the Mission was to have operated obstructed the work of the international electoral mission representatives and affected the ability of the MEA/OAS' to form a full opinion about the installation of the polling stations and the start of the voting. It also constituted noncompliance with the Agreement on Procedures that the OAS General Secretariat had concluded with the CSE.

The international electoral mission representatives (39) who were allowed to be in attendance when the polling stations opened reported the following:

- The polling stations where electoral mission representatives were present opened, on average, at 6:59 a.m.
- 100% of the polling stations where electoral mission representatives were present had the materials necessary for voters to cast their ballot.
- At 94% of the polling stations where electoral mission representatives were present, the space for voting was adequate.
- At 100% of the polling stations where electoral mission representatives were present, the electoral roll was on display.
- 98% of the polling stations where electoral mission representatives were present were staffed with the full complement of designated polling station officials. Of these, 61% were women and 39% were men.
- Poll watchers from all the parties were present at 27% of the polling stations where the electoral mission representatives were in attendance. FSLN poll watchers were at 94% of the polling stations; PLC poll watchers were present at 81%; PLI poll watchers were at 85%; ALN poll watchers were at 69%, and APRE poll watchers were at 56%.
- Domestic monitors were present at 12% of the polling stations where the electoral mission representatives were in attendance.
- At 94% of the polling stations where electoral mission representatives were present, voters had adequate information about the location of their polling station.
- Security forces were present at 76% of the polling stations where electoral mission representatives were in attendance.

15. Appendix VI contains specific information on the polling stations where incidents occurred when the polls were opened.

## B. VOTING

On election day, 49 (forty-nine) of the 65 (sixty-five) international electoral mission representatives with the MEA/OAS remained at their assigned locations and polling stations, while the other electoral mission representatives, including the MEA/OAS Chief, toured various locations to see how the voting process was proceeding and compiled the information reported from the field.

The international electoral mission representatives reported that the domestic monitors were a limited presence at the polling stations (around 8%). At the polling stations where electoral mission representatives were located, the percentages of poll watchers representing the political parties that were present when the polls remained more or less the same throughout the day. The voting was orderly and no significant anomalies were noted at the polling stations at which the MEA/OAS was present.

The role of the Voting Center Coordinators was facilitation, providing information to citizens and assisting polling station officials with their functions, all of which significantly improved the process within the voting center.<sup>16</sup>

During the course of the day, some media outlets reported that the ballots were being signed by just one polling station official, when traditionally all or at least two polling station officials had to sign the ballots and stamp them with a “security code,” a method used to ensure that the ballot removed from the ballot box was the one given to each voter at the check-in table. These news reports became such an issue that the President of the CSE was obliged to make a statement to the media to the effect that the presence of just one signature would not render a ballot invalid.

Although in the pre-election phase political actors told the Mission that outbreaks of violence were a possibility in a significant number of municipalities nationwide, few such outbreaks materialized and did not spread. However, the Mission did confirm that in the municipalities of Tuma-La Dalia and Ciudad Dario, in the Department of Matagalpa, clashes broke out among political party activists that culminated in the burning of materials from polling stations, damage to school facilities, roadblocks, gunshot wounds, and a number of arrests by the national police. The MEA/OAS felt it was important that predictions to the contrary notwithstanding, no widespread disruption or alteration of public order occurred on election day.

On the morning of November 6, the Mission sent the CSE a communication expressing its displeasure and concern over the restrictions that the international electoral mission representatives had experienced when the polls opened. While some mission representatives were not allowed to be present when the polling stations were set up, the international electoral mission representatives had experienced problems of other types as well, such as: no dialogue of any kind was permitted between the mission representatives and the polling station officials; the mission representatives were denied access to the classrooms/locations where the polling stations were set up, and electoral mission representatives who were already inside polling stations were asked to leave.<sup>17</sup>

In a written communication, the President of the CSE assured the MEA/OAS that instructions had been issued to correct the obstacles and to allow the OAS’ international electoral mission representatives to have full access. He also reiterated the communication sent to all the polling stations on November 1, 2011, in which the same issue was addressed.<sup>18</sup> As election day progressed, the situation was corrected and the international electoral mission representatives were able to report on developments at the voting centers and polling stations.

## C. CLOSING OF THE POLLS AND BALLOT COUNTING

The polls closed on schedule at 6:00 p.m. At the polling stations where electoral mission representatives were present, no citizens were standing in line waiting to vote when the polls closed. The procedure followed to tabulate the number of votes cast for each party at the ballot box begins with the vote count at the polling stations once they have closed. Polling station officials have to determine whether the ballots cast are valid and then record the number of votes that each party has carried.

The electoral mission representatives who were present for the vote count reported that the single ballot did make it easier for citizens to cast their vote. However, some confusion was noted at the polling stations and differing standards were being used to separate and count the valid and invalid or null ballots. This problem was due to inadequacies in the training received, a problem that the MEA/OAS electoral mission representatives had already identified in the pre-election phase. However, the Mission does not have any information indicating that these administrative inadequacies or problems affected the outcome.

The MEA/OAS representatives reported that the poll

16. The Final Report of the OAS Electoral Observation Mission deployed in 2006 had recommended that the function of voting center coordinator be incorporated to have someone coordinating election-day activities at all the polling stations located in each center. The voting center coordinator could also be in communication with the respective CEM to resolve any unforeseen issues.

17. Appendix VIII contains the information on the polling stations to which the electoral mission representatives were denied access on election day.

18. See Appendix IX. Letters from the President of the CSE to the Chief of the OAS Mission of Electoral Accompaniment.

watchers for the political parties were a significant presence at the polling stations where the MEA/OAS representatives were in attendance. FSLN and PLI poll watchers were at almost all the polling stations where electoral mission representatives were located. Poll watchers representing the other rival coalitions were also present, although to a lesser extent. At 98% of the polling stations where the electoral mission representatives were in attendance, the poll watchers for the political parties received a copy of the vote tally sheet.

Once the vote counting at the polling stations was completed, the original vote tally sheets were taken to the corresponding municipal tabulation center; from there, staff of the CSE transmitted the forms to the National Tabulation Center in Managua. The responsibility of polling station officials ended here. The international electoral mission representatives reported that the logistics involved in getting the vote tally sheets and election materials to the tabulation centers made for a somewhat disorderly process.

Although almost all the international electoral mission representatives were able to be present when the polls closed and the ballots were counted, the MEA/OAS must point out that a small number of electoral mission representatives were ousted from the polling stations at 6:00 p.m. The Office of the Chief of Mission repeatedly asked the election authority to correct this problem. It was after 8:00 p.m. when the problem was finally corrected, by which time the vote count had already been completed at the polling stations in question.<sup>19</sup>

#### D. TRANSMISSION OF PRELIMINARY ELECTION RESULTS

The MEA/OAS found that at the CEM in Managua and other municipalities in Nicaragua, the two transmission methods described in the section on the pre-election phase were used, including outsourced transmission from the CEM by way of a private communications service using the CSE's technical equipment. In the particular case of the Managua CEM, the transmission procedures were violated and the DC-1 control forms were handled on an ad hoc basis, which meant that neither the polling station chairs nor the party poll watchers had any guarantee that the form was properly scanned and transmitted; even so, the chairpersons of the polling stations signed the DC-1 form without verifying the transmission.

In the case of Managua, a data processing phase was included for checking the figures. This involved inputting the data from the forms documenting the poll closings and vote tally sheets, which made the transition to the data processing phase slower. The vote tally sheets were processed using a client-server application accessed via a local area network(LAN). Once the figures were checked, this application recorded the data for valid ballots, null ballots

and the number of votes that each political organization had won. In the data processing area, a somewhat redundant exercise was conducted when the figures were checked a second time, even though the vote tally sheet had been checked beforehand. The application used in this area had many flaws: on the one hand, the vote tally sheet first had to be registered in the receiving and filing area, which caused difficulties in many cases; on the other hand, the application was not user-friendly, as technical advisors had to be called in to provide assistance.

The area where the procedures for transmitting vote tally sheets were performed was very small given the number of persons moving through it and the number of party poll watchers, electoral mission representatives and other monitors. Hence, while the procedure used to process the vote tally sheets is very simple, the process of checking the figures poses a complication. With the current system, it is quite natural that the process of inputting the data would create bottlenecks at a number of phases in the process, with the result that the time needed to process the data is quite long. The following is the example of Managua:

FEATURE	VALUE
Number of polling stations	2,294
Number of voting centers	375
Average travel time between voting centers and the stadium	40 minutes
Locations inside the Managua stadium where vote tally sheets are received	20
Average time to receive the vote tally sheet from each polling station	4 minutes
Time needed to receive vote tally sheets from all polling stations	10 hours
Number of terminals for data input	40
Average input time per vote tally sheet	5 minutes
Time needed to enter 2,294 vote tally sheets	23 hours

The international electoral mission representatives posted at the tabulation centers were on the whole able to be present as the vote tally sheets arrived; they were also allowed to be in attendance for certain steps taken prior to the transmission of the vote tally sheets. However, they did not have direct access to the areas where the transmission was done.

19. Appendix X includes the specific information on the polling stations where incidents occurred when the time came to count the ballots.

# CHAPTER V. POST-ELECTION PHASE

## A. ELECTION RESULTS

The official results turned in by the CSE showed that President Daniel Ortega, candidate of the Sandinista National Liberation Front [Frente Sandinista de Liberación Nacional], had been re-elected to another term, having carried 62.46% of the vote. Fabio Gadea Mantilla, candidate of the Independent Liberal Party [Partido Liberal Independiente], was the runner-up in the presidential elections, having carried 31% of the vote. Based on the official voter registration list, voter turnout was 58.05%.

PARTY COALITIONS		Percentage	Votes
	PARTIDO LIBERAL CONSTITUCIONALISTA (PLC)	5.91 %	148,507
	FRENTE SANDINISTA DE LIBERACIÓN NACIONAL (FSLN)	62.46 %	1,569,287
	ALIANZA LIBERAL NICARAGÜENSE (ALN)	0.40 %	10,003
	ALIANZA POR LA REPUBLICA (APRE)	0.23 %	5,898
	PARTIDO LIBERAL INDEPENDIENTE (PLI)	31.00 %	778,889
		100.00 %	2,512,584

Source: Supreme Electoral Council of Nicaragua

In the elections for seats in the National Assembly, the FSLN won 62 seats, the Alianza PLI 26 seats and the PLC 2. These results gave the governing party an absolute majority in the Assembly. As the Electoral Law prescribes, the Supreme Electoral Council also awarded one seat to the current vice president, Jaime Morales Carazo, and one seat to Fabio Gadea Mantilla as the runner-up in the presidential election.

Finally, Nicaragua's seats in the Central American Parliament (PARLACEN) were divided up as follows: the FSLN was assigned 13 seats, the PLI 6, and the PLC one.

## Reactions Among Political Actors

In the days following the general elections, the Nicaraguan press reported that the opposition political parties believed that the elections were fraudulent and, under the provisions of the Electoral Law, would be filing petitions for review with the CSE. When it announced the winners of the elections, the CSE reported that it had received only two filings, one from the PLI and the other from the PLC, both of which the CSE declared as "not filed."<sup>20</sup>

When the CSE announced which candidates had been elected, Fabio Gadea announced his resignation from his seat in the National Assembly, as he refused to recognize the results of the elections. Similarly, the PLI candidates elected to office stated that they would not take their seats in the National Assembly. As the weeks passed, positions softened and in January 2012 the PLI candidates who had won seats in the National Assembly joined the ranks of the other members of that legislative body.

The threats of violence heard during the pre-election phase did not materialize after the elections, although there were some isolated incidents that marred the otherwise peaceful deportment of the citizens who turned out to vote. Violence occurred that left citizens dead in El Carrizo, department of Madriz, and in the municipalities of Siuna and Mulukukú in the North Atlantic Autonomous Region [Región Autónoma del Atlántico Norte – RAAN]. In both cases, the victims were said to be associated with political parties; the competent authorities have instituted investigations into the events.

20. The Report on the 2011 General Elections, published by the CSE, stated that: "When all the provisional election results were published, only two filings were received. The first, from the Alianza PLI, clearly stated that it was not a petition for review (the only remedy admissible at this phase of the process) and began as follows: 'I hereby file with the Supreme Court of Justice' –rather than the Supreme Electoral Council– 'the present brief, which ought not to be construed as an appeal for review'. The second brief, filed by the Alianza PLC, did claim to be a petition for review but simply listed a confusing series of alleged irregularities, without any offer of proof to support them. The CSE therefore decided to declare both briefs as not filed."

## CHAPTER VI. COMPLAINTS

One of the principal functions of the OAS Missions is to receive complaints from political actors and the general citizenry concerning possible irregularities or any problems that might

have occurred at each phase of the electoral process. Listed below are the complaints that the MEA/OAS received during the general elections:

PLACE	DATE	COMPLAINT FILED BY:	AGAINST:	FACTS ALLEGED
San José de Bocay	11/3/2011	Elmer Dormus	CEM	At the CEM, voter identity cards were not being provided to citizens who identified themselves as Liberals.
San José de Bocay	11/3/2011	Pastora Palacio	CEM	At the CEM, voter identity cards were not being provided to citizens who identified themselves as Liberals.
El Cua	11/3/2011	Oscar Manuel Ruiz	CEM	At the CEM, voter identity cards were not being provided to citizens who identified themselves as Liberals, but were provided to members of the FSLN.
El Cua	11/3/2011	Ángelo Lira	CEM	The complainant began the process to obtain the voter identity card four years ago and as of November 3 had not yet received it.
El Cua	11/3/2011	Juan Francisco Herrera	CEM	At the CEM, voter identity cards were not being provided to citizens who identified themselves as Liberals, but were provided to members of the FSLN.
El Cua	11/3/2011	Domingo de Jesús Jarquín	CEM	At the COMANUR cooperative, voter identity cards are only being given to FSLN members.
El Cua	11/3/2011	Mirla Pérez Díaz	CEM	At the CEM, voter identity cards were not provided to citizens who identified themselves as Liberals, but were provided to members of the FSLN.
Jinotega	10/31/2011	Lizzeth de López	CEM	The voter identity card was not provided even though the complainant had the receipt [colilla].

Jinotega	10/31/2011	Genaro Morales	CEM	The voter identity card was not provided even though the complainant had the receipt [colilla].
Jinotega	11/1/2011	ALN (Jairo Alfredo López)	FSLN & CSE	Voter identity cards were being given only to FSLN members. The PLI poll watchers were not given their credentials.
Jinotega	10/31/2011	Miriam Campos	CEM	The complainant was not given her voter identity card.
Jinotega	10/31/2011	Henry Ramón Rizo	CEM	The complainant was not given his voter identity card.
Jinotega	10/31/2011	Franklin Ramón Picado	CEM	The complainant was not given his voter identity card.
Jinotega	10/31/2011	Jendry López Gutiérrez	CEM	The complainant was not given the voter identity card.
Wilili	11/2/2011	Feliciano Mercado	FSLN	The complainant claimed to have seen CPC officials handing out voter identity cards in “Caño de los bravos.”
Santa María de Pantasma	11/5/2011	Alianza PLI	CEM	As of the date of the complaint, 1400 voter identity cards had still not been handed out. List attached.
Santa María de Pantasma	11/5/2011	Alianza PLI	CEM	As of the date of the complaint, the PLI representative for challenges at the municipal tabulation center had not been given his credentials. Documentation attached.
Santa María de Pantasma	11/5/2011	Alianza PLI	CEM	The CEM nullified the list of persons that the PLI proposed as second members of polling stations. Documentation attached.
Santa María de Pantasma	11/5/2011	Alianza PLI	CEM	From July 23 to 24, the CEM did not accredit the PLI poll watchers for the process of voter verification at the voting centers.

Santa María de Pantasma	11/5/2011	Alianza PLI	CEM	The CEM did not send in the list with the names of the polling station officials. The list that came in was from another department.
Santa María de Pantasma	11/5/2011	Alianza PLI	CEM	The FSLN used State property for campaigning.
Granada	11/6/2011	PLC Coalition (Juan José Delgado)	Polling station 0050	The polling station officials were giving two ballots to voters who identified themselves as FSLN members.
Estelí	11/6/2011	Alianza PLI (Yovani Enol Torres)	Polling station 3020033	The polling station officials entered just one signature on the ballots.
Matagalpa. Ciudad Darío	11/6/2011	Ética y Transparencia [Ethics and Transparency]	FSLN	Complaints were filed alleging that 16-year-old minors were voting and gangs were intimidating voters.
Rivas, Moyogalpa	11/6/2011	Alianza PLI (Francisco López)	FSLN	The FSLN controlled the entire process of naming the first and second members of the polling stations and the party poll watchers.
Managua	11/7/2011	Alianza PLI	CED	The vote tally sheet from polling station 8358 of Voting Center 610, VI District of the Municipality of Managua, showed 640 votes when the highest number possible should have been 400. A copy of the vote tally sheet is attached.
Managua	11/6/2011	Alianza PLI	FSLN	At voting center 8398, the voting booth was positioned in such a way that polling station officials could see a voter's ballot. The electoral roll was not on display and the virtual polling station was manned solely by members of the FSLN.
Managua	11/6/2011	Alianza PLI	FSLN	At voting center 666 members of the army and police voted with no oversight by the opposition parties.

Managua, Primero de Mayo	11/6/2011	Alianza PLI	FSLN	The (FSLN) chair of the polling station brandished a knife to intimidate the PLI poll watchers into leaving the polling station.
Managua, Bautista Galilea High School	11/6/2011	Alianza PLI	FSLN	FSLN members surrounded the voting center to block the exit of the PLI poll watchers.
Managua	11/6/2011	Alianza PLI	FSLN	Persons wearing FSLN T-shirts intimidated voters outside the Pedro Joaquín Chamorro Voting Center. Polling station 0200
Managua	11/6/2011	Alianza PLI (José Royo)	FSLN	José Royo reported having been detained by police for demanding that he be allowed to vote using the previous model of the voter identity card. José Royo is in charge of Election Oversight and Deputy District Chair of the PLI.
Managua Voting Center Concepción de María district III	11/6/2011	Alianza PLI	FSLN	The polling station officials at the Voting Center and the electoral police beat up the PLI poll watchers to force them to leave and to avoid having to provide them with a copy of the form documenting the poll closing and vote tally sheet.
Managua. Colombia School	11/6/2011	Alianza PLI	FSLN	Members of the FSLN intimidated the PLI poll watchers.
Managua. El buen pastor II Voting Center	11/6/2011	Alianza PLI	FSLN	At polling station 120, people voted without the required identification documents.
Managua Hispano Americano Voting Center	11/6/2011	Alianza PLI	FSLN	The CSE did not provide credentials and those that were provided had errors. 5 polling stations operated without any poll watchers present because the proper credentials were not provided.
Managua Independencia Voting Center	11/6/2011	Alianza PLI	FSLN	Throughout the day, groups of people voted twice.

Managua	11/6/2011	Alianza PLI	FSLN	There were serious delays in the accreditation of PLI poll watchers. When the PLI poll watchers arrived the boxes containing the election materials had already been opened.
Managua Voting Center 925. Las Sierras de Santo Domingo School.	11/6/2011	Alianza PLI	FSLN	Unaccredited FSLN officials were inside the voting center.
Managua. San Rafael School	11/6/2011	Alianza PLI	FSLN	The PLI poll watcher was removed from the polling station for having demanded that the ballots be counted at the start of the process to make certain that there were 400 ballots.
Managua. UCA Voting Center 212	11/6/2011	Alianza PLI	FSLN	At polling station 2790, the number of people who voted exceeded the number on the electoral roll by 18; two of them did not show proof of residence in the polling district.
Managua. UCA Voting Center 212	11/6/2011	Alianza PLI	FSLN	As polling station 2790 was opening, voters filed in without authorization.
Managua	11/6/2011	Alianza PLI	Tabulation Center	In the transmission area located in the eastern and western wings of the national stadium, the vote tally sheets processed were copies, not the originals. The PLI poll watchers were not allowed inside.
Managua. Guadalupe High School Voting Center. District III	11/6/2011	Alianza PLI	FSLN	PLI poll watchers were not allowed to enter the Voting Center.
Managua Villa el Carmen Voting Center	11/6/2011	Alianza PLI	FSLN	At polling stations 8211 and 8240, PLI poll watchers were not given credentials.
Managua. Hospital School Voting Center, District III.	11/6/2011	Alianza PLI	FSLN	PLI poll watchers were not allowed inside the Voting Center.

Managua. Cristo Obrero Voting Center, district III	11/6/2011	Alianza PLI	FSLN	PLI poll watchers were not allowed to enter the Voting Center
Managua. Solidaridad entre los pueblos Voting Center	11/6/2011	Alianza PLI	FSLN	The PLI poll watchers were not present when the polling station opened at 3:30 a.m. One PLI poll watcher was beaten and her calculate confiscated for "counting the votes." The FSLN poll watchers had cell phones inside the polling station. Access to the polling station was selective, based on party affiliation.
Managua. Edwin Kruger Voting Center	11/6/2011	Alianza PLI	CSE	Polling station 4313 refused to allow the PLI poll watchers to enter; minors were voting using false voter identity cards.
Managua. República de Venezuela Voting Center	11/6/2011	Alianza PLI	CSE	The PLI poll watchers were not allowed inside the Voting Center.
Managua	11/6/2011	Alianza PLI	CSE	PLI poll watchers were denied access to polling station 3532.
Managua. Voting Center 608 Monte Sión	11/6/2011	Alianza PLI	CSE	The OAS electoral mission representative was denied entry. Minors voted. Some voters never got a chance to cast their ballot.
Managua El Pilar Voting Center	11/6/2011	Alianza PLI	CSE	Minors voted at polling station 2261, which closed at 4:30 p.m. The chair of the polling station suggested to people that they vote for option 2 (FSLN).
Managua UCA	11/6/2011	Alianza PLI	CSE	The ballots were not being signed by polling station officials.
Managua San Luis High School	11/6/2011	Alianza PLI	CSE	At polling station 581, ballots were not being signed by the polling station officials.
Managua Polling station 169	11/6/2011	Alianza PLI	CSE	Persons at the voting booths stood with their backs to the polling station officials, which made it difficult to maintain the secrecy of the ballot.

Managua. Pablo Antonio Cuadra Voting Center	11/6/2011	Alianza PLI	CSE	The polling stations of this voting center closed at 2:00 p.m. without explanation.
Managua. El Dorado Voting Center	6/11/2011	Alianza PLI	CSE	The vote tally sheets from polling stations 4430, 4431, 4432, 4440 and 4450 were found in the toilet in the Voting Center's bathroom.
Managua. República de Cuba Voting Center.	11/6/2011	Alianza PLI	CSE	At polling station 2613, polling station officials were not signing the ballots.
Managua. Enmanuel Mogalo Voting Center	11/6/2011	Alianza PLI	CSE	At polling stations 0657 and 0653, persons at the voting booths stood with their backs to the polling station officials, which made it difficult to maintain the secrecy of the ballot.
Managua. Santa María Voting Center District III	11/6/2011	Alianza PLI	CSE	A member of the FSLN was handing out voter identity cards at the entrance to the voting center. As people left the voting center, he asked that they return the voter identity card.
Managua.	11/6/2011	Alianza PLI	CEM	The PLI poll watcher was not present when the polling station in the Half Hooker Voting Center in Managua opened because of pressure exerted by the FSLN coordinators.
Managua. Luxemburgo Voting Center	11/62011/	Alianza PLI	JRV	The ballot had just one signature rather than the two signatures that the law requires.
Managua. Voting Center 460 Walter Fermeti	11/6/2011	Alianza PLI	CSE	The PLI poll watchers were not allowed to enter polling station 4405. The FSLN poll watchers were offering 10,000 cordobas to the principal poll watchers to get them to resign and leave the polling station unattended.
Managua.	11/4/2011	Andrés Vidal Tijerino Pérez	CSE	This person appears twice in the voter registration list, in two different departments. Evidence attached.

# CHAPTER VII. RECOMMENDATIONS

One of the main functions of the Missions that the OAS deploys is to make recommendations with a view to helping to improve the electoral systems within the region. Some of the recommendations included here were originally made in the Report of the Electoral Observation Mission fielded on the occasion of the 2006 general elections and are being repeated in connection with this latest electoral process. The relevance and application of the recommendations contained in this report are for the election authority to consider.

## 1. Amendment of the Electoral Law

- Reform the mechanism for accreditation of poll watchers using a formula that ensures that the political parties will have greater autonomy to accredit their respective poll watchers.
- Institute regulations to ensure that party poll watchers are involved in all areas of the electoral structure, including the departmental, regional and municipal electoral councils and polling stations. Rules should be crafted to spell out their authorities and functions and the means by which they can exercise their authority and perform their functions.
- Change the criterion for the staffing of the polling stations, so that the polling station officials are citizens and registered voters whose names appear on the electoral roll, and are selected at random through a transparent procedure without regard for party affiliation. This change would be effective in getting the citizenry more involved in the electoral process and would strengthen the role of the party poll watchers.
- Craft a legal framework for continuous screening of the electoral roll.

## 2. Issuance of Identity Cards

- Launch a nationwide campaign to screen vital records; the campaign should be timed not to coincide with the election cycles. Thus, improvements in the issuance of identity cards will not be an election-related issue, but instead embody the full recognition of the right to identity.
- Redesign the CSE administrative structure at the central and field levels, while standardizing technical and operational procedures, including the design of control mechanisms from the time

of registration to the delivery of the document to the citizens; the process of issuing identity cards should be timed to the calendar and, to avoid congestion within the process, be evenly spaced.

- Design and implement standardized procedures to inform citizens of the stages and time required to process and obtain the identity card. The municipal, departmental and regional offices should put procedures into practice to periodically publish the lists of identity cards ready to be picked up. They should also publish information concerning the process involved in applying for, manufacturing, distributing and delivering the identity cards.

## 3. Electoral Roll

- Prepare alternative procedures for updating the electoral roll when a registered voter dies, either by having the next of kin provide the death certificate or, when they do not have the death certificate, allowing the next of kin to testify to the death.
- Publish the electoral roll so that new additions, changes of address and exclusions can be checked.

## 4. Electoral Cartography

- Generate a geo-referenced electoral map enabling use of geographic information systems (GIS) that have applications in the various stages of the logistical organization of the electoral process.

## 5. Training

- Once citizens are selected to serve as polling station officials, their training should be a function of the electoral authority; it is therefore recommended that the CSE devise and implement a training plan that offers instruction in those provisions of the Electoral Law that concern the operation of the polling stations, from the time they are opened to when they report their election returns.
- Improve the material used in the training, which should at a minimum cover the following: the phases of the process that are to be completed on election day, information concerning the constitution and opening of the polling stations, procedures to be followed for the voting, poll closings, tallying the votes and transmitting the results; the authorities of

the polling station officials, the party poll watchers and other persons designated by the electoral organ (such as the voting center coordinators, for example).

- Include the training of the principal and alternate polling station officials specifically on the election calendar.

## **6. Information Technology and Data Transmission**

- It is recommended that the National Tabulation Center be re-engineered to be equipped with a set of strategic plans, a larger, technically qualified staff, adequate data-processing resources and more and better software and hardware for data processing and communication.
- It is recommended that a uniform procedure be introduced for processing and submitting vote tally sheets and election results, to make the various stages of the information flow more efficiently.
- It is recommended that data-transmission tests be performed nationwide, with party poll watchers present.
- It is also recommended that the political parties check the software used for the data- transmission tests.

## **7. Logistics**

- The Mission is pleased that the function of voting center coordinator has been introduced, which had been one of the OAS' recommendations in its 2006 report. It is suggested that for future elections, rules be introduced regarding the functions of the voting center coordinators and that they receive the training necessary to perform their functions.
- Through on-line publications and in newspapers with nationwide circulation, give the public advance notice of the list of voting centers and their respective addresses, and information on the polling stations that will be set up within each center.

## **8. Electoral Accompaniment**

- The Mission is recommending that the members of the departmental, regional and municipal electoral councils and polling station officials be instructed in the functions, activities, and authorities of the Missions of Electoral Accompaniment and their members.

---

# **APPENDICES**

# APPENDIX I. POLITICAL SYSTEM AND ELECTION ORGANIZATION

## A. THE POLITICAL SYSTEM

The Constitution of Nicaragua provides that Nicaragua is a democratic, participatory and representative democracy with four branches of government: the legislative, the executive, the judicial and the electoral. Article 2 of the Constitution provides that “national sovereignty rests with the people, who are the source of all power and architects of their own destiny. The people exercise democracy by freely determining and playing a role in building the economic, political, and social systems that best serve their interests. The people exercise their power directly and through their representatives, who are freely elected on the basis of universal suffrage by equal, direct, free, and secret ballot.”

On the matter of political rights, the Constitution provides that Nicaraguan citizens who have reached sixteen years of age are full citizens and shall have the right to vote and to be elected to office in periodic elections. Under Article 50 of the Constitution, “citizens shall have the right to participate, as equals, in public affairs and in the State’s governance” and “the people’s effective participation both nationally and locally shall be guaranteed by law.”

The executive branch is headed by the President of the Republic, who is Chief of State, Head of Government and Commander in Chief of the Defense and Security Forces of the Nation. The Vice President of the Republic performs the functions delegated by the President and shall replace him/her in the office of the presidency in the event of the President’s temporary or permanent absence.

The President and Vice President are both elected to five-year terms based on universal suffrage, by equal, direct, free, and secret ballot. The candidate who obtains at least 40% (forty percent) of the valid ballots cast is elected President; however, a candidate who obtains at least 35% (thirty-five percent) of the valid ballots cast shall also be elected President, provided the difference between the first- and second-place candidates is at least 5 (five) percentage points. Should no candidate obtain the percentage necessary to be elected, a second round of voting will be held between the first- and second-place candidates; the candidate who wins the higher number of votes is elected.

The legislative branch is the unicameral National Assembly, composed of deputies and their respective alternates, elected on the basis of universal suffrage by equal, direct, free and secret ballot. The deputies are elected to five-year terms. Of the total number of deputies in the National Assembly, 20 (twenty) are at-large representatives; another 70 (seventy) deputies are from lists drawn up by department

and autonomous region. The system is one of proportional representation determined by electoral quotient. Another seat in the National Assembly is reserved for the outgoing president, with the outgoing vice president as alternate; a seat is also reserved for the presidential candidate who is the runner-up in the presidential elections; the vice-presidential candidate who came in second place in the elections is the alternate for that seat.

The judicial branch consists of the courts established by law. The courts form a unitary judicial system whose highest body is the Supreme Court of Justice (CSJ). The Supreme Court must have at least seven justices, elected by the National Assembly from candidates nominated by the President of the Republic. Supreme Court justices serve a six-year term. The President of the Supreme Court of Justice is appointed by the President of the Republic from among the justices that the National Assembly elects to the Supreme Court.

Under the Nicaraguan Constitution, the following are among the functions of the Supreme Court:

- a. Organize and direct the administration of justice.
- b. Review and rule on the regular and special appeals filed to challenge rulings delivered by lower and appellate courts, in accordance with the legally prescribed procedures.
- c. Review and rule on petitions of amparo in which violation of constitutional rights are asserted and that are filed in accordance with the Amparo Law.
- d. Review and rule on petitions alleging the unconstitutionality of a law, filed in accordance with the Constitution and the Amparo Law.

The electoral branch is composed of the Supreme Electoral Council and other subordinate electoral bodies (the electoral councils of the departments and autonomous regions, the municipal electoral councils and the polling stations). The electoral branch has exclusive authority to organize, direct and oversee elections, plebiscites and referenda.

## B. ELECTION-RELATED LAW

The 2011 electoral process was conducted in accordance with the Constitution, the Electoral Law and the regulatory resolutions issued by the Supreme Electoral Council.

## 1. The Constitution

Nicaragua's current Constitution was crafted by a National Constituent Assembly convened in 1984, which approved the new Constitution on January 9, 1987. The text of the new Constitution has since undergone a series of partial amendments under the following laws: 192 of February 1, 1995; 330 of January 18, 2002, and 527 of April 8, 2005.

Article 191 of the Constitution provides that the National Assembly has the authority to partially amend the Constitution and to consider and approve initiatives proposing a total revision of the Constitution. A partial amendment of the Constitution may be proposed either by the President of the Republic or one third of the deputies in the National Assembly. The number of deputies in the National Assembly required to propose a complete revision of the Constitution is half plus one.

## 2. The Electoral Law

The Electoral Law, which has the rank of constitutional law, was adopted on January 19, 2000 and governs the following:

- a. Electoral processes.
- b. Referenda.
- c. The political parties (their constitution, organization, registration, and legal personality).
- d. The electoral branch (constitution, activities, make-up, operation, and bodies).

The Electoral Law covers the entire process by which persons are elected to those positions that are elective offices filled by popular vote. This includes municipal positions, as well as national executive and legislative elective offices.

The Electoral Law features provisions relating to the poll watchers of the political parties, who play a vital role in overseeing the elections and who are entitled to be present for every phase of the electoral process conducted at the polling stations, at the CED and at the national and departmental tabulation centers.

The Electoral Law also provides that the Ministry of the Interior is to ensure that an Electoral Police Force is formed; that police force shall act on orders from the CSE, from the start of the campaign up through and including the day the elected officials are sworn into office.

## 3. Resolutions issued by the Supreme Electoral Council

The resolutions issued by the electoral bodies during an election process are intended to complement the Electoral Law and to fill any existing gaps in order to ensure that the elections are conducted with all the necessary guarantees. On the occasion of the November 6, 2011 elections, the Supreme Electoral Council issued the following resolutions:

- a. Announcement of general elections.
- b. Election timetable.
- c. Regulations for processing the exemption from customs duties.
- d. Rules on election ethics.
- e. Rules for electoral accompaniment.
- f. Regulations on accountability in election campaign spending.
- g. Procedural rules for processing complaints, petitions, and claims.
- h. Final list of candidates.
- i. Regulations for poll watchers and legal representatives of the political parties that have candidates running in the election.
- j. Composition of the departmental electoral councils and the electoral councils of the Autonomous Regions.

## C. ELECTORAL AUTHORITY

### 1. Supreme Electoral Council

The Electoral Law provides that the Supreme Electoral Council (CSE) shall be composed of seven principal magistrates and three alternate magistrates, elected by the National Assembly from lists proposed by the President of the Republic and by the Deputies to the National Assembly. Each magistrate must be elected by a vote of at least 75% (seventy-five percent) of the Deputies to the National Assembly and will hold office for 5 (five) years from the date on which he or she is sworn in.

21. Electoral Law, articles 6 and 9 (Law No. 331 of January 19, 2000).

At the present time, the CSE is composed of the following magistrates:

NAME	POSITION
Roberto Rivas Reyes	CSE President and Magistrate
Emmett Lang Salmerón	CSE Vice President and Magistrate
Luis Benavides Romero	Principal Magistrate
José Marengo Cardenal	Principal Magistrate
René Herrera	Principal Magistrate
José Miguel Córdoba	Principal Magistrate
José Luis Villavicencio	Principal Magistrate
Emiliano Enrique Lacayo	Alternate Magistrate
Marisol Castillo Bellido	Alternate Magistrate
Julio Osuna	Alternate Magistrate

For the 2011 General Elections, all magistrates already serving on the CSE continued to do so despite the fact that the legal term of some members had expired on February 2, 2010. The legal basis for this course of action was Decree 3-2010 of January 9, 2010, in which President Daniel Ortega confirmed and extended the appointments of all those officials whose terms were about to expire, until such time as the National Assembly named new officials or confirmed those already in place.<sup>22</sup>

The following are among the Supreme Electoral Council's functions and responsibilities: convoking, organizing, and directing the electoral processes (which include plebiscites and referenda), doing the final tabulation of election returns, announcing the results and its finding as to the validity of the elections. It also regulates the accreditation and participation of those who observe and accompany the electoral process.

The CSE grants the political parties legal status and has the authority to revoke it; it also authorizes the formation of political coalitions and is in charge of monitoring and settling disputes concerning the legitimacy of the political parties' legal representatives and leaders, and compliance with the legal provisions regarding political parties, their bylaws and regulations.

As for citizen registration, the CSE is also responsible for organizing the Central Register of Vital Records and issuing citizen identity cards and the electoral roll.

The CSE reviews the decisions that the subordinate electoral bodies issue and is the court of last resort for those decisions. It is also the court of last resort for any claims

and challenges that the political parties file. The CSE orders all measures to ensure that the elections proceed with all necessary guarantees and is the supreme and ultimate authority for the country's electoral process; however, it does not decide cases of election-related crimes, which come under the jurisdiction of the regular court system.

The degree to which the political parties participate in the other subordinate electoral bodies is determined by the results of the previous general elections. This institutional arrangement, which is very politicized, complicates the CSE's operation nationwide. The combination of a heavily politicized configuration and few mechanisms and controls to check for legality detract from the legal certainty and transparency of the institution's performance, which is the target of constant threats made in statements by political actors, including those who are members of the subordinate electoral bodies.

## 2. The Electoral Councils of the Departments and Autonomous Atlantic Coast Regions

A departmental electoral council (CED) or regional electoral council is present in each of the 15 (fifteen) departments and 2 (two) autonomous regions. Each council has a chair and two members, and their respective alternates.

The Supreme Electoral Council appoints the members of the departmental and regional electoral councils. Article 16 of the Electoral Law provides that the members of the Electoral Councils shall be chosen from slates of candidates that the legal representatives of the political parties or party coalitions submit for that purpose.

The Electoral Law stipulates that when appointing the councils, the CSE is to make the political pluralism established in the Constitution a consideration; each member of the electoral council must be from a different political party. Within fifteen days of the date of notification, political parties must submit their slates of candidates for the electoral councils; should they fail to do so, the CSE will itself make the selection.

The Chair of each electoral council and his/her alternate will be designated alternately from among the political parties that took first and second place in the previous general elections; if one or both of these positions was held by a party coalition, the strongest political party in that coalition will present the corresponding slate of candidates. The First Member and his/her respective alternate will be chosen by the same procedure. On the other hand, the Second Member and his/her alternate will be named from slates of candidates presented by the other political parties that will participate in the upcoming elections.

22. Decree 3-2010 of January 9, 2010. See [in Spanish] at: [http://www.laprensa.com.ni/blog/wp-content/uploads/2010/01/decreto\\_3-2010-de-daniel-ortega.pdf](http://www.laprensa.com.ni/blog/wp-content/uploads/2010/01/decreto_3-2010-de-daniel-ortega.pdf)

The departmental and regional electoral councils have multiple functions and responsibilities, among them the following: appointing and installing the members of the municipal electoral councils; granting credentials to the poll watchers who will represent the political parties or party coalitions at municipal electoral councils; supplying the municipal electoral councils with the materials needed for the elections; making the location of polling stations public as soon as the election campaign gets underway; reviewing the tally sheets from the corresponding municipal electoral councils and tabulating the election results for the respective department or region; and checking the vote count from a polling station whose election results have been duly challenged.

### **3. Municipal Electoral Council**

Each of the country's 153 municipalities has a municipal electoral council (CEM). The members of the CEMs are appointed by the departmental or regional electoral councils following the same procedure used to appoint the CEDs. Each CEM has a Chair and a first and second member, and each one has his/her respective alternate.

The CEM must designate the members of the polling stations (Juntas Receptoras de Votos – JRV) and appoint them to their positions within that voting district; issue credentials to the poll watchers accredited to represent their respective political parties and party coalitions at the polling stations within the district; take measures, either on their own initiative or upon request, to replace the members of the polling stations nominated by political organizations that do not have candidates running in the elections; and inform citizens of the location of the polling stations.

Within the hierarchy of electoral bodies, the CEM is the intermediary between the CEDs and the polling stations. One of its functions is to receive all the election materials intended for the polling stations and distribute those materials to the respective polling stations. Subsequent to the elections, the CEMs must return to the CED all the documents and materials used when the votes were cast, counted and tallied.

The CEM must guarantee that the election results from the tally sheets are transmitted to the Supreme Electoral Council in the presence of the accredited poll watchers and, moreover, must admit, process, and settle the petitions, claims, complaints and appeals that citizens or political organizations participating in the elections file with the polling stations.

### **4. Polling Stations**

Polling stations (JRVs) are located inside schools, community centers, and public buildings in every municipality nationwide. A total of 12,960 polling stations were set up

across the country for the 2011 elections. The polling stations are manned by a Chair and two members, each with his/her respective alternate. Following the same procedure used when designating and appointing the departmental and municipal officials, the Chair of the polling station and his/her alternate is from one of the two parties or coalitions that carried the most votes in the previous general election, while the First Member and his/her alternate is from the other party that won the most votes in the previous general election. The Second Member of the polling station and his/her alternate are appointed from slates presented by the political parties participating in the upcoming general election.

A quorum is established at a polling station when the majority of its members are present. Decisions among officials at a polling station require only two concurring votes. The functions and authorities of the polling stations are set out in Article 27 of the Electoral Law and include the following: confirming the credentials of its members and of the accredited poll watchers and auxiliary personnel; checking a citizen's name appears on the final electoral roll, determining whether that person's identification documents are in proper order and, if so, authorizing him/her to sign in to vote; ensuring exercise of the vote; counting the votes and delivering to the CEM the package containing all the documents and materials used on election day; receiving and processing challenges and complaints; ensuring the rights of the poll watchers representing the parties or coalitions at every stage of the process in which the polling station has some role; and allowing the accredited observers access to the premises at every stage in the election process in which the polling station has a role.

In this electoral process, the membership of the polling stations was challenged, mainly by the Alianza PLI, the political coalition that took second place in the election. The challenge was not of a legal nature; instead it was a political challenge, as the membership of the polling stations was based on the number of votes that each party carried in the previous general elections (2006). Because the PLI had not been a significant political force in those elections, its participation in the makeup of all the electoral bodies for the 2011 general elections was limited and reflects a flaw in the electoral structure that all the emerging political parties in Nicaragua will have to address.

## APPENDIX II. LETTER OF INVITATION

*El Ministro Relaciones Exteriores*

9 de septiembre de 2011  
MRE/DM/754/09/11

Estimado Señor Secretario General

Con instrucciones del Presidente de la República Comandante Daniel Ortega Saavedra, reitero a Usted invitación expresa para que una misión de la Organización de Estados Americanos, pueda hacer una labor de acompañamiento a los nicaragüenses que celebraremos elecciones generales el próximo 6 de noviembre.

Por tal motivo, de aceptar dicha invitación, solicito a usted nos ponga en conocimiento de la información pertinente de la misión de acompañamiento de la OEA que vendría a Nicaragua, indicando las fechas de arribo, conformación de la misma y tiempo de permanencia, para hacer las coordinaciones correspondientes con el Consejo Supremo Electoral de Nicaragua, ente rector de los comicios electorales de este año 2011.

Aprovecho la oportunidad para reiterar las muestras de mi consideración.



Samuel Santos López

Excelentísimo Señor  
José Miguel Insulza  
Secretario General  
Organización de los Estados Americanos (OEA)  
Washington D.C.

Cc: Pablo Gutiérrez  
Dir. de Cooperación y Observación Electoral  
Organización de Estados Americanos

## APPENDIX III. LETTER OF ACCEPTANCE

ORGANIZACIÓN DE LOS ESTADOS AMERICANOS  
WASHINGTON, D.C.

EL SECRETARIO GENERAL

9 de septiembre de 2011

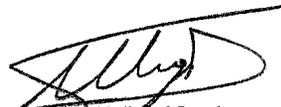
Señor Ministro:

Tengo el honor de dirigirme a usted para acusar recibo de su atenta nota de fecha 9 de septiembre de 2011, a través de la cual solicita el envío de una Misión de Acompañamiento Electoral de la Organización de los Estados Americanos para las elecciones generales del próximo 6 de noviembre.

Sobre el particular, me complace manifestarle a usted que la Secretaría General acoge con beneplácito la invitación y anticipa su disposición favorable para organizar la Misión solicitada de conformidad con lo que establece la Carta Democrática Interamericana en materia de observación electoral. Siendo igualmente oportuno, aprovecho señalar que de conformidad con las disposiciones vigentes, el envío de dicha Misión está condicionado a la obtención de recursos externos para su financiamiento.

He instruido al Director del Departamento para la Cooperación y Observación Electoral, Sr. Pablo Gutiérrez, realizar una visita a Nicaragua la próxima semana, a fin de acordar con las autoridades de Gobierno y del Consejo Supremo Electoral, los aspectos procedimentales para el envío de esta Misión.

Hago propicia la ocasión para agradecer la confianza de las instituciones democráticas de la República de Nicaragua en el trabajo que adelanta la OEA encaminado al fortalecimiento de la democracia hemisférica, y para expresar a usted el testimonio de mi más alta y distinguida consideración.



José Miguel Insulza

Exelentísimo señor  
Samuel Santos López  
Ministro de Relaciones Exteriores  
de la República de Nicaragua  
Managua, Nicaragua

## APPENDIX IV. AGREEMENT ON PRIVILEGES AND IMMUNITIES

**ACUERDO ENTRE  
LA SECRETARÍA GENERAL DE LA  
ORGANIZACIÓN DE LOS ESTADOS AMERICANOS**

**Y**

**EL GOBIERNO DE LA REPUBLICA DE NICARAGUA  
RELATIVO A LOS PRIVILEGIOS E INMUNIDADES DE LOS ACOMPAÑANTES  
DE LA MISION DE ACOMPAÑAMIENTO ELECTORAL PARA LAS  
ELECCIONES GENERALES A REALIZARSE EL 6 NOVIEMBRE DE 2011**

Las partes de este Acuerdo, la Secretaría General de la Organización de los Estados Americanos (en adelante la Secretaría General de la OEA), y el Gobierno de la República de Nicaragua (en adelante el Gobierno),

**CONSIDERANDO:**

Que el Estado de la República de Nicaragua, por medio de las autoridades competentes, solicitó a la Secretaría General de la OEA la asistencia de una Misión de Acompañamiento Electoral de la OEA para las elecciones generales de la República de Nicaragua que se llevarán a cabo el 6 de noviembre de 2011;

Que la Secretaría General de la OEA aceptó la invitación y conformó un Grupo de Acompañantes Internacionales de la OEA (en adelante los Acompañantes) para realizar una Misión de Acompañamiento Electoral (en adelante la Misión) para las elecciones generales, a llevarse a cabo el 6 de noviembre de 2011;

Que el Grupo de Acompañantes de la OEA está integrado por funcionarios de la Secretaría General de la OEA y acompañantes internacionales contratados por la Secretaría General de la OEA para participar en la Misión;

Que el artículo 133 de la Carta de la OEA dispone: "la Organización de los Estados Americanos gozará en el territorio de cada uno de sus miembros de la capacidad jurídica, privilegios e inmunidades que sean necesarios para el ejercicio de sus funciones y la realización de sus propósitos"; y

Que los privilegios e inmunidades reconocidos a la OEA, a la Secretaría General de la OEA, a su personal y a sus bienes en la República de Nicaragua, además de lo previsto en la Carta de la OEA, están establecidos en el Acuerdo sobre Privilegios e Inmunidades de la OEA, cuyo instrumento de adhesión fue depositado por el Gobierno de la República de Nicaragua el 25 de enero de 1961, y en el Acuerdo General entre la Secretaría General de la Organización de los Estados Americanos y el Gobierno de la República de Nicaragua sobre el funcionamiento en Managua de la Oficina de la OEA en Nicaragua y el Reconocimiento de sus Privilegios e Inmunidades, firmado el 2 de octubre de 1989,

Que por el termino "acompañamiento" mencionado en el presente Acuerdo, se entiende "observación electoral" conforme a lo previsto en el ordenamiento jurídico de la OEA, incluyendo a la Carta Democrática Interamericana.



**ACUERDAN LO SIGUIENTE:**

**CAPÍTULO I**

**PRIVILEGIOS E INMUNIDADES DEL  
GRUPO DE ACOMPAÑANTES DE LA OEA**

**ARTÍCULO 1**

Los privilegios e inmunidades del Grupo de Acompañantes de la OEA en las elecciones generales del 6 de noviembre de 2011 en la República de Nicaragua serán aquellos que se otorgan a la OEA, a los Órganos de la OEA, y al personal de los mismos.

**ARTÍCULO 2**

Los bienes y haberes del Grupo de Acompañantes de la OEA en cualquier lugar del territorio de la República de Nicaragua y en poder de cualquier persona en que se encuentren, gozarán de inmunidad contra todo procedimiento judicial, a excepción de los casos particulares en que el Secretario General de la OEA renuncie expresamente por escrito a esa inmunidad. Se entiende, sin embargo, que esa renuncia de inmunidad no tendrá el efecto de sujetar dichos bienes y haberes a ninguna medida de ejecución.

**ARTÍCULO 3**

Los locales que ocupe el Grupo de Acompañantes de la OEA serán inviolables. Asimismo, sus haberes y bienes, en cualquier lugar del territorio de la República de Nicaragua y en poder de cualquier persona en que se encuentren, gozarán de inmunidad contra allanamiento, requisición, confiscación, expropiación y contra toda otra forma de intervención, ya sea de carácter ejecutivo, administrativo, judicial o legislativo. Dichos locales no podrán ser usados como lugar de asilo por personas que traten de evitar ser arrestadas en cumplimiento de una orden judicial emanada de un Tribunal competente de la República de Nicaragua, o que estén requeridas por el Gobierno, o traten de sustraerse a una citación judicial.

**ARTÍCULO 4**

Los archivos del Grupo de Acompañantes de la OEA y todos los documentos que le pertenezcan o que se hallen en su posesión, serán inviolables dondequiera que se encuentren.

**ARTÍCULO 5**

El Grupo de Acompañantes de la OEA estará: a) exento del pago de todo tributo interno entendiéndose, sin embargo, que no podrán reclamar exención alguna por concepto de tributos que de hecho constituyan una remuneración por servicios públicos; b) exentos del pago de toda tributación aduanera, y de prohibiciones y restricciones respecto a artículos y publicaciones que importen o exporten para su uso oficial. Se entiende, sin embargo, que los artículos que se importen libres de derechos, sólo se venderán en la República de Nicaragua conforme a las condiciones que se acuerden con el Gobierno; y c) exento de afectación por ordenanzas fiscales, reglamentos o moratorias de cualquier naturaleza. Además podrán tener divisas corrientes de cualquier clase, llevar sus cuentas en cualquier divisa y transferir sus fondos en divisas.



## CAPÍTULO II

### DE LOS MIEMBROS DEL GRUPO DE ACOMPAÑANTES DE LA OEA

#### ARTÍCULO 6

Serán miembros del Grupo de Acompañantes de la OEA aquellas personas que hayan sido debidamente designadas y acreditadas ante el Consejo Supremo Electoral (CSE) de la República de Nicaragua por el Secretario General de la OEA.

#### ARTÍCULO 7

Los Acompañantes gozarán durante el período en que ejerzan sus funciones y durante sus viajes de ida y regreso a la República de Nicaragua de los privilegios e inmunidades siguientes:

- a) Inmunidad contra detención o arresto personal e inmunidad contra todo procedimiento judicial respecto a todos sus actos ejecutados y expresiones emitidas, ya sean orales o escritas en el desempeño de sus funciones;
- b) Inviolabilidad de todo papel y documento;
- c) El derecho de comunicarse con la Secretaría General de la OEA por medio de radio, teléfono, vía satélite u otros medios y recibir documentos y correspondencia por mensajeros o en valijas selladas, gozando al efecto de los mismos privilegios e inmunidades que los concedidos a correos, mensajeros o valijas diplomáticas;
- d) El derecho de utilizar para su movilización cualquier medio de transporte, tanto aéreo como marítimo o terrestre en todo el territorio nacional;
- e) Excepción, respecto de sí mismo y de sus cónyuges e hijos, de toda restricción de inmigración y registro de extranjeros y de todo servicio de carácter nacional en la República de Nicaragua;
- f) La más amplia libertad para el traspaso de fondos y para la negociación en cualquier lugar y forma de divisas, cheques, metálicos, monedas o billetes extranjeros, que reciban como retribuciones y beneficios por sus servicios, no estando sujeto a las limitaciones, restricciones, o medidas de fiscalización o control que se establezcan sobre la materia;
- g) Las mismas inmunidades y franquicias respecto de sus equipajes personales, acordadas a los enviados diplomáticos; y también,
- h) Aquellos otros privilegios, inmunidades y facilidades compatibles con lo antes dicho, de los cuales gozan los enviados diplomáticos, salvo exención de derechos aduaneros sobre mercaderías importadas (que no sean parte de su equipaje personal) o de impuestos de ventas y derechos de consumo.



#### ARTÍCULO 8

Las disposiciones contenidas en el artículo 7 de este Acuerdo no son aplicables a los nacionales acreditados, salvo respecto de los actos oficiales ejecutados o expresiones emitidas en el ejercicio de sus funciones.

#### ARTÍCULO 9

La Misión podrá establecer y operar en el territorio de Nicaragua un sistema de radio-comunicaciones autónomo destinado a proveer enlace permanente entre los Acompañantes y los vehículos que utilice la Misión con las oficinas y sedes departamentales y regionales, como de éstas con la sede central en Managua y las sub-sedes administrativas que oportunamente pudieran establecerse a lo largo y ancho del territorio de la República de Nicaragua así como con la sede de la Secretaría General de la OEA en Washington, D.C., para cuyo logro el Gobierno prestará toda la colaboración técnica y administrativa que se considere necesaria.

### CAPÍTULO III

#### COOPERACIÓN CON LAS AUTORIDADES

#### ARTÍCULO 10

Los Acompañantes colaborarán con las autoridades competentes de la República de Nicaragua para evitar que ocurran abusos en relación con los privilegios e inmunidades concedidos. Asimismo, las autoridades competentes de la República de Nicaragua harán todo lo posible para facilitar la colaboración que les sea solicitada por los Acompañantes.

#### ARTÍCULO 11

Sin perjuicio de los privilegios e inmunidades otorgados, los Acompañantes respetarán las leyes y reglamentos vigentes en la República de Nicaragua.

#### ARTÍCULO 12

El Gobierno y el Secretario General de la OEA tomarán las medidas que sean necesarias para procurar un arreglo amistoso para la solución adecuada de:

- a) las controversias que se originen en contratos u otras cuestiones de derecho privado; y
- b) las controversias en que sea parte cualquiera de los Acompañantes respecto de materias en que gocen inmunidad.

### CAPÍTULO IV

#### CARÁCTER DE LOS PRIVILEGIOS E INMUNIDADES

#### ARTÍCULO 13

Los privilegios e inmunidades se otorgan a los Acompañantes para salvaguardar su independencia en el ejercicio de sus funciones de acompañamiento del proceso electoral para las elecciones generales, a llevarse a cabo el 6 de noviembre de 2011 en la República de Nicaragua, y no para beneficio personal, ni para realizar actividades de naturaleza política en territorio nicaragüense.



Por consiguiente el Secretario General de la OEA renunciará a los privilegios e inmunidades de éstos en caso de que, según su criterio, el ejercicio de ellos impida el curso de la justicia y cuando dicha renuncia pueda hacerse sin que se perjudiquen los intereses de la OEA.

**CAPÍTULO V**  
**IDENTIFICACIÓN**

**ARTÍCULO 14**

El Consejo Supremo Electoral de la República de Nicaragua proveerá a cada uno de los Acompañantes un documento de identidad con el nombre completo, el cargo o rango y una fotografía del Acompañantes. Los Acompañantes no estarán obligados a entregar dicho documento, sólo lo presentarán cuando así lo requieran las autoridades de la República de Nicaragua.

**CAPÍTULO VI**  
**DISPOSICIONES GENERALES**

**ARTÍCULO 15**

El Gobierno reconoce el “documento oficial de viaje” expedido por la Secretaría General de la OEA como documento válido y suficiente para los viajes de los Acompañantes. Dicho documento requiere visado oficial para que los Acompañantes ingresen en Nicaragua y permanezcan allí hasta el término de su Misión Oficial.

**ARTÍCULO 16**

Las partes resolverán mediante negociaciones directas cualquier controversia relativa a la interpretación o ejecución de este Acuerdo

**ARTÍCULO 17**

Ninguna de las disposiciones contenidas en este Acuerdo se entenderá como una renuncia de los Privilegios e Inmunidades de los que gozan las Organización de los Estados Americanos, sus órganos y su personal.

**ARTÍCULO 18**

Este Acuerdo podrá ser modificado por escrito, por mutuo consentimiento del Gobierno y de la Secretaría General de la OEA.

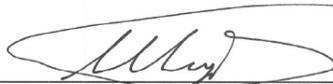


ARTÍCULO 19

Este Acuerdo entrará en vigor en la fecha de su firma y será comunicado al Consejo Supremo Electoral por parte del Gobierno de la República de Nicaragua.

**EN FE DE LO CUAL**, los infrascritos firman el presente Acuerdo en dos ejemplares de un mismo tenor, en la ciudad de Managua, Nicaragua a los 27 días del mes de Septiembre del año dos mil once.

**POR LA SECRETARÍA GENERAL  
ORGANIZACIÓN DE LOS ESTADOS  
AMERICANOS**

  
\_\_\_\_\_  
**José Miguel Insulza**  
Secretario General de la OEA

**POR EL GOBIERNO DE LA  
REPÚBLICA DE NICARAGUA**

  
\_\_\_\_\_  
**Manuel Coronel Kautz**  
Ministro de Relaciones Exteriores  
por la Ley

# APPENDIX V. AGREEMENT ON ELECTORAL GUARANTEES

*Consejo Supremo Electoral  
Presidente*

ACUERDO ENTRE  
LA SECRETARIA GENERAL DE LA ORGANIZACIÓN  
DE LOS ESTADOS AMERICANOS

Y

EL CONSEJO SUPREMO ELECTORAL DE LA REPÚBLICA DE NICARAGUA  
SOBRE EL PROCEDIMIENTO DE ACOMPAÑAMIENTO DE LA  
MISIÓN DE OBSERVACIÓN ELECTORAL PARA LAS ELECCIONES  
GENERALES A LLEVARSE A CABO EL 6 DE NOVIEMBRE DE 2011

La Secretaría General de la Organización de los Estados Americanos (en adelante la SG/OEA) y el Consejo Supremo Electoral de la República de Nicaragua (en adelante el CSE),

CONSIDERANDO:

Que la República de Nicaragua por medio de las autoridades competentes solicitó la participación de la SG/OEA de una Misión de Acompañamiento Electoral para las elecciones generales de la República de Nicaragua, que se llevarán a cabo el 6 de noviembre de 2011.

Que la SG/OEA acogió la solicitud disponiendo el envío de una Misión de Acompañamiento Electoral (en adelante la Misión) a la República de Nicaragua con el objetivo de acompañar las elecciones generales que se realizarán el 6 de noviembre de 2011;

Que en la Resolución AG/RES. 991 (XIX-O/89), la Asamblea General de la Organización de los Estados Americanos (OEA) reiteró al Secretario General la recomendación de "organizar y enviar misiones a aquellos Estados miembros que, en ejercicio de su soberanía, lo soliciten, con el propósito de observar el desarrollo, de ser posible en todas sus etapas, de cada uno de los respectivos procesos electorales"; y



Que la Carta Democrática Interamericana, en su artículo 24, establece lo siguiente: "Las Misiones de Observación Electoral se llevarán a cabo por solicitud del Estado miembro interesado. Con tal finalidad, el gobierno de dicho Estado y el Secretario General celebrarán un convenio que determine el alcance y la cobertura de la Misión de Observación Electoral de que se trate. El Estado miembro deberá garantizar las condiciones de seguridad, libre acceso a la información y amplia cooperación con la Misión de Observación Electoral",

Que por el término "acompañamiento" mencionado en el presente Acuerdo, se entiende "observación electoral" conforme a lo previsto en el ordenamiento jurídico de la OEA, incluyendo a la Carta Democrática Interamericana.

ACUERDAN:

Primero:

Garantías

- 
- a) El CSE garantiza a la Misión todas las facilidades para el cumplimiento adecuado de su Misión de Acompañamiento de las elecciones generales, que se realizarán el 6 de noviembre de 2011, de conformidad con las normas vigentes en la República de Nicaragua y los términos de este Acuerdo.
  - b) El CSE garantiza a la Misión el pleno ejercicio de sus funciones en las fases pre-comiciales, comiciales y post-comiciales de todo el proceso electoral hasta la asunción de las autoridades electas en las elecciones generales, que se realizarán el 6 de noviembre de 2011, en la República de Nicaragua. La presencia de la Misión en el país podrá ser extendida cuando las circunstancias así lo requieran, previo acuerdo con el CSE.
  - c) El CSE, durante el día de los comicios, y los períodos pre-comiciales y post-comiciales, garantizará a la Misión el libre desplazamiento y movimiento en todo el territorio nicaragüense, así como el acceso a los acompañantes de la Misión a todas las áreas de los organismos que conforman el sistema electoral, incluyendo los centros de computo desde el inicio de la Misión hasta la terminación del escrutinio correspondiente.



- d) El CSE garantizará a la Misión el pleno acceso a los órganos electorales descentralizados, así como aquellos que tienen a su cargo las actividades de votación, escrutinio y totalización de votos, los cuales son las Juntas Receptoras del Voto (JRVs) y el CSE. El CSE facilitará a la Misión copia de los resultados que consten en las actas de escrutinio de aquellas Juntas Receptoras del Voto donde no estén presentes los miembros de la Misión durante el proceso de escrutinio de votos de las elecciones generales, que se realizarán el 6 de noviembre de 2011, en la República de Nicaragua.

Segundo:

Información

- a) El CSE suministrará a la Misión toda la información referente a la organización, dirección y supervisión de las elecciones generales, que se realizarán el 6 de noviembre de 2011 en la República de Nicaragua. La Misión podrá solicitar al CSE la información adicional necesaria para el ejercicio de sus funciones, y el CSE proveerá a la Misión toda la información solicitada.
- 
- b) La Misión podrá informar al CSE acerca de las irregularidades e interferencias que observe o que le fueran comunicadas. Asimismo, la Misión podrá solicitar al CSE información sobre las medidas que al respecto se hubieren tomado, y el CSE proveerá a la Misión toda la información solicitada.
- c) El CSE facilitará a la Misión información relativa a los padrones electorales y a los datos contenidos en sus sistemas automatizados referidos a dichos padrones, que es el mismo entregado a las organizaciones políticas participantes. Asimismo, proveerá toda otra información relativa al sistema de cómputos para el día de las elecciones y ofrecerá demostraciones de su operación. Igualmente, el CSE suministrará información acerca de las condiciones de orden público existentes en el territorio nacional durante las distintas etapas de la elección general que se realizarán el 6 de noviembre de 2011 en la República de Nicaragua.



*Consejo Supremo Electoral  
Presidente*

- d) El CSE garantizará a la Misión información sobre la transmisión de resultados, el cómputo provisional y el cómputo definitivo. Para tal efecto, el CSE garantizará el acceso de la Misión a los respectivos Centros de Cómputos.
- e) La Misión podrá emitir informes públicos y periódicos como resultado de la observación in situ de este proceso electoral.

Tercero:

Disposiciones Generales

- a) El Secretario General de la OEA designará al Jefe de la Misión, quien representará a la Misión y a sus integrantes frente a las distintas instituciones del Estado de la República de Nicaragua y frente al Gobierno de la República de Nicaragua.
- b) La SG/OEA comunicará al Presidente del CSE los nombres de las personas que integrarán la Misión, los que estarán debidamente identificados con una credencial de identificación de la SG/OEA y del CSE, elaborados especialmente para la Misión. Ningún Acompañante será de nacionalidad nicaragüense.
- c) La Misión deberá actuar con imparcialidad, objetividad e independencia en el cumplimiento de su cometido.
- d) El Secretario General de la OEA entregará al CSE una copia del informe final de la Misión.
- e) El CSE hará conocer y difundirá entre todos los organismos con responsabilidad en el proceso electoral el contenido de este Acuerdo.

Cuarto:

Privilegios e Inmunidades

Ninguna disposición en este Acuerdo se entenderá como una renuncia a los privilegios e inmunidades de los que gozan la Secretaría General de la OEA y la OEA, sus órganos, su personal y sus bienes conforme a la Carta de la OEA,



cuyo instrumento de ratificación fue depositado por el Gobierno el 26 de julio de 1950; al Acuerdo sobre Privilegios e Inmunidades de la OEA, cuyo instrumento de ratificación fue depositado por el Gobierno el 25 de enero de 1961; al "Acuerdo entre la SG/OEA y el Gobierno de la República de Nicaragua sobre el funcionamiento de la Oficina de la Secretaría General de la Organización de los Estados Americanos y el Reconocimiento de sus Privilegios e Inmunidades" suscrito el 2 de octubre de 1989, y al Acuerdo entre el Gobierno y la SG/OEA relativo a los privilegios e inmunidades de los miembros de la Misión para las elecciones generales que se realizarán el 6 de noviembre de 2011 en la República de Nicaragua, firmado el 27 de septiembre de 2011 y a los principios y prácticas que inspiran el derecho internacional.

Quinto:

Vigencia y Terminación

Este Acuerdo entrará en vigencia a partir de su firma por los representantes autorizados de las Partes, permaneciendo en vigor hasta que la Misión concluya sus labores.

---

Cualquiera de las Partes podrá dar por terminado este Acuerdo sin necesidad de justificar la causa de su decisión mediante una comunicación escrita dirigida a la contraparte, y con una anticipación no menor a quince días corridos a la fecha de terminación. No obstante, si la SG/OEA da por terminado este Acuerdo, la SG/OEA explicará, si así es el caso, que la terminación ha sido causada por situaciones o eventos ocasionados por terceros fuera del control del CSE, y por lo tanto no imputables al CSE ni a terceros bajo su control.

Sexto:

Solución de Controversias

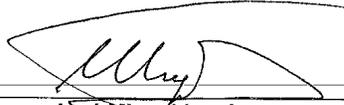
Las Partes procurarán resolver mediante negociaciones directas cualquier controversia que surja respecto a la interpretación y/o aplicación de este Acuerdo. Si ello no fuera posible, la cuestión será resuelta mediante el procedimiento que al efecto acuerden las Partes.



*Consejo Supremo Electoral  
Presidente*

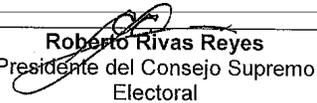
EN FE DE LO CUAL, los representantes de las Partes, debidamente autorizados al efecto, firman el presente documento en dos originales igualmente válidos en Managua, Nicaragua, a los veintisiete días del mes de septiembre del año dos mil once.

POR LA SECRETARÍA GENERAL DE  
LA ORGANIZACIÓN DE LOS  
ESTADOS AMERICANOS



**José Miguel Insulza**  
Secretario General de la OEA

POR EL CONSEJO  
SUPREMO ELECTORAL DE LA  
REPÚBLICA DE NICARAGUA



---

**Roberto Rivas Reyes**  
Presidente del Consejo Supremo  
Electoral

## APPENDIX VI. LIST OF INTERNATIONAL ELECTORAL MISSION MEMBERS

Nº	NAME	COUNTRY	POSITION
<b>COE GROUP</b>			
1	Dante Caputo	Argentina	Chief of Mission
2	Pablo Gutierrez	Chile	DECO Director
3	Raul Alconada Sempe	Argentina	Advisor
4	Luis Castiglioni Soria	Paraguay	Advisor
5	Patricia Esquenazi	Chile	Press Department Director
6	Rebeca Omaña Peñaloza	Venezuela	Deputy Chief of Mission
7	Rafael D'Armas	Venezuela	General Coordinator
8	Brenda Santamaria	Argentina	Press Specialist
9	Cristina Gutierrez	Bolivia	Administrative Specialist
10	Juan Carlos Roncal	Peru	Electoral Analysis
11	Pedro Zamudio	Mexico	Electoral Organization
12	Jairo Guzman	El Salvador	Electoral Technology
13	Daniela Zacharias	Argentina	Indicators Specialist
14	Víctor Contreras	Peru	Logistics
<b>MANAGUA</b>			
15	Alejandro Santo	Uruguay	Regional Coordinator
16	Gaspar Travaglini	Argentina	Observer
17	Tomás Ottavis	Argentina	Observer
18	Santiago Sosa Castillo	Dominican Republic	Observer
19	Jesús Lopez Medel Bascones	Spain	Observer
20	Rosa Izquierdo Rodriguez	Spain	Observer
21	Sylvie Dugas	Canada	Observer
22	Andrei Cambroner	Costa Rica	Observer
23	Rafael Flores	Mexico	Observer
24	Heather MacIntosh	Canada	Observer
25	Diego Preciado	United States	Observer
26	María Fernanda Solano	Colombia	Observer
<b>AUTONOMOUS REGION OF THE NORTHERN ATLANTIC (RAAN)</b>			
27	Sebastian Michel	Bolivia	Regional Coordinator
28	Christian Ruiz Varas	Chile	Observer

<b>AUTONOMOUS REGION OF THE SOUTHERN ATLANTIC (RAAS)</b>			
29	Juliette Maughan	Barbados	Regional Coordinator
30	Svami Cavallo Brazón	Venezuela	Observer
<b>MASAYA - CARAZO</b>			
31	Alejandro Urizar	Guatemala	Regional Coordinator
32	Maria del Rosario de la Fuente	Argentina	Observer
33	Tania Carcamo	El Salvador	Observer
34	Henry Oporto	Bolivia	Observer
<b>GRANADA - RIVAS</b>			
35	Luis Jimenez	Peru	Regional Coordinator
36	Cynthia Wagner	Canada	Observer
37	Felipe Seoane Prieto	Bolivia	Observer
38	Adriana Yaffar	Bolivia	Observer
<b>MATAGALPA</b>			
39	Walter Galmarini	Uruguay	Regional Coordinator
40	Ariane De León	Spain	Observer
41	Alejandro Trelles Garza	Mexico	Observer
42	Matthew Aho	United States	Observer
43	Dany Diaz	Honduras	Observer
<b>JINOTEGA</b>			
44	Elvira Oyanguren	Chile	Regional Coordinator
45	Ulrike Puccio	Chile	Observer
46	Andrea Foncerrada	Mexico	Observer
<b>CHONTALES - BOACO</b>			
47	Ivan Fernandez	Spain	Regional Coordinator
48	Ana Laura Cachaza	Argentina	Observer
49	Camila Cuevas	Bolivia	Observer
50	José Luis Basurto	Peru	Observer
<b>CHINADEGA</b>			
51	Marcelo Carvallo	Chile	Regional Coordinator
52	Rodolfo Norton	Argentina	Observer
53	Sonia San Martin	Bolivia	Observer
54	Ana Vilchez	Peru	Observer
<b>RIO SAN JUAN</b>			
55	Marcel Young Debeuf	Chile	Regional Coordinator
56	Claudio Lopez	Chile	Observer
<b>NUEVA SEGOVIA - MADRIZ</b>			
57	Tito Bazan	El Salvador	Regional Coordinator
58	Eduardo Tejerina	Spain	Observer
59	Luz Marina Peña	Peru	Observer
<b>LEON</b>			
60	Reina Uzcategui	Venezuela	Regional Coordinator
61	Eric Sigmon	United States	Observer
62	Nadine Khoury	Canada	Observer
63	Marta Maria Gil de la Puente	Spain	Observer
<b>ESTELI</b>			
64	Omar Berroteran Paredes	Venezuela	Regional Coordinator
65	Joselina Fay	United States	Observer

## APPENDIX VII. POLLING STATIONS WHERE OAS/MEA MEMBERS EXPERIENCED INCIDENTS WHEN THE POLLS OPENED

N°	Department	Municipality	Polling Center	Assigned Polling Station
1	Chinandega	Cinco Pinos	Instituto San Juan de Cinco Pinos	4030031
2	Estelí	Condega	Centro de Salud Condega	3020032
3	León	León	Escuela Azarías H. Pallaiz	5080820
4	Masaya	Masaya	Escuela Hogar del Niño John Douglas	7020023
5	Masaya	Niquinohomo	Escuela República de Alemania	7078040
6	Matagalpa	Matagalpa	Escuela Las Mesas	13068220
7	RAAS	Bluefields	Universidad B.I.C.U	16080271
8	Rivas	San Jorge	Centro Escolar Nuevo Amanecer	10080014
9	Rivas	Moyogalpa	Escuela Los Ángeles	10048043
10	Chinandega	Chinandega	Escuela Aldo Dubón	4110674

## APPENDIX VIII. POLLING STATIONS WHERE OAS/MEA MEMBERS WERE TOLD TO LEAVE WHILE THE VOTING WAS IN PROGRESS

No.	Department	Municipality	Polling Center	Assigned Polling Station	Incident
1	Chinandega	Cinco Pinos	Instituto San Juan de Cinco Pinos	4030031	The OAS/MEA member was told to leave at certain points while the voting was in progress. Re-entry was permitted.
2	Rivas	Moyogalpa	Escuela los Ángeles	10048043	The OAS/MEA member was told to leave during the day and not permitted to re-enter as the ballots were being counted.
3	Estelí	Estelí	Instituto Autónomo Guillermo Cano	3040440	The OAS/MEA member was told to leave during the day but allowed to re-enter the polling station.
4	Masaya	Masaya	Escuela Hogar del niño John Douglas	7020023	The OAS/MEA member was told to leave at certain times while the voting was in progress, and then permitted to re-enter.

# APPENDIX IX. LETTERS FROM THE PRESIDENT OF THE CSE TO THE CHIEF OF THE OAS MISSION OF ELECTORAL ACCOMPANIMENT

Managua, 6 de Noviembre 2011

*Consejo Supremo Electoral  
Presidente*

Estimado Señor Jefe de Misión:

Pongo en conocimiento a usted, hechos promovidos por simpatizantes de la alianza PLI en los municipios de Tuma La Dalia, departamento de Matagalpa, en el centro de votación 518 JRV 8061-8062 y en el centro de votación 531, JRV 8171-8172, en las cuales aproximadamente 50 personas simpatizantes de la alianza PLI, procedieron a quemar el material de estas JRV, negando el derecho de ciudadanos nicaragüenses que están en el padrón electoral de las señaladas JRV a ejercer el derecho del sufragio libre, directo y secreto.

De igual manera, hemos tenido conocimiento de otros actos vandálicos de esta alianza PLI, donde han puesto en riesgo la vida de estos ciudadanos en centros de votación de estas JRV y de otros municipios del norte del país; específicamente en el municipio de Sébaco, donde simpatizantes del PLI, el día de ayer por la tarde, incendiaron el automóvil de la Presidenta del Consejo Electoral Municipal y el día de hoy, ocho JRV de un centro de votación del mismo municipio no pudieron abrirse por destrucción de material electoral por la alianza PLI.

Excelentísimo Señor Jefe de Misión OEA, Señor Dante Caputo, espero que con la misma importancia y celeridad con la que he actuado yo, como principal autoridad de este Poder del Estado, ordenando que se corrija los supuestos obstáculos a los acompañantes de la OEA en 10 JRV y que se permita el libre acceso a los miembros de acompañantes de la OEA; de igual forma en su próxima comparecencia de prensa, denuncie estos hechos que específicamente le he señalado y que pretenden restar legitimidad al proceso electoral. Me refiero a hechos reales específicos, ya cometidos por la alianza PLI y no a percepciones y comentarios subjetivos de delegados nuestros.

Aprovecho la ocasión, para solicitar formalmente al Excelentísimo Jefe de Misión de Acompañamiento Electoral OEA, el instrumento científico de alta validez para muestrear 12960 JRV con 52 delegados en 52 JRV específicas. Esta muestra y su comparecencia con la prensa he entendido que contrario a lo que usted expuso en la mañana al visitar los Centros de Votación, está pretendiendo invalidarse más de 3800 JRV en la forma técnica que usted ha mencionado.

Al reiterar al Jefe de Misión mis más distinguidas muestras de aprecio y consideración, aprovecho la ocasión para saludarle.

Atentamente,

Roberto Rivas Reyes  
Presidente



Señor  
Dante Caputo  
Jefe de la Misión de Acompañamiento Electoral  
Elecciones Generales, Nicaragua 2011

c.c. Sr. Samuel Santos  
Canciller de la República de Nicaragua

*Consejo Supremo Electoral  
Presidente*

Managua, 6 de Noviembre 2011

Estimado Señor Jefe de Misión:

Me refiero a su atenta misiva de esta fecha, relacionada a listado de JRV donde fue negado el acceso a los acompañantes internacionales de la Organización de los Estados Americanos (OEA).

Al respecto refiero que bajo resolución de este Poder del Estado, del día uno de Noviembre del corriente año, se resolvió girar comunicación a todas las Juntas Receptoras de Votos del país, para reiterar el libre acceso de los acompañantes internacionales a todo el proceso integral, apertura, cierre, votación y escrutinio.

En ese sentido estoy adjuntando certificación que por sí sola se explica.

Aprovecho la ocasión para reiterarle mis muestras de consideración y estima.

Atentamente,

  
Roberto Bivas Reyes  
Presidente



CSE  
Consejo Supremo Electoral  
PRESIDENCIA

---

Señor  
Dante Caputo  
Jefe de la Misión de Acompañamiento Electoral  
Elecciones Generales, Nicaragua 2011



### Certificación

El suscrito Secretario de Actuaciones el Consejo Supremo Electoral, certifica la resolución dictada por el Consejo Supremo Electoral, en sesión del día uno de Noviembre del año dos mil once, que integra y literalmente dice:

"Consejo Supremo Electoral.- Managua, uno de Noviembre del año dos mil once. Las once de la mañana.-

### ACUERDO

El Consejo Supremo Electoral, en uso de las atribuciones que le confiere la Constitución de la República en su artículo 173 y de conformidad al artículo 10 de la Ley Electoral, Resuelve, **Primero:** Reiterar los términos de referencia de los acuerdos de entendimiento suscritos entre la Cancillería de la República de Nicaragua, El Consejo Supremo Electoral y los Acompañantes Internacionales para las Elecciones Generales 2011, en el sentido de que los mismos podrán libremente acceder al proceso integral de votaciones en las Juntas Receptoras de Votos y sus escrutinios.- **Segundo:** Notifíquese a los Consejo Electorales Departamentales, Regionales y Municipales, para lo de sus cargos.- **Tercero:** Publíquese para todos los efectos de ley.- Roberto Rivas Reyes, Magistrado Presidente; (f) Marisol Castillo Bellido, Magistrada; (f) José Luis Villavicencio Ordóñez, Magistrado (f) René Herrera Zúniga, Magistrado, (f) José Bosco Marengo Cardenal, Magistrado; (f) Luis Benavides Romero, Magistrado; (f) Julio Cesar Ozuna, Magistrado; Emiliano Enríquez Lacayo, Magistrado.- Ante mí: (f) Luis Alfonso Luna Raudez, Secretario de Actuaciones."

Es conforme con su original con la cual fue debidamente cotejada. Managua, República de Nicaragua, a los un día del mes de Noviembre del año dos mil once.

Luis Alfonso Luna Raudez  
Secretario de Actuaciones



---

Secretaría de Actuaciones  
Edificio Metrocentro, Managua, Nicaragua  
Teléfono 22527026

## APPENDIX X. POLLING STATIONS WHERE OAS/MEA MEMBERS EXPERIENCED INCIDENTS WHEN THE TIME CAME FOR THE POLLS TO CLOSE AND THE BALLOTS TO BE COUNTED

No.	Department	Municipality	Polling Center	Assigned Polling Station	Incident
1	Jinotega	Santa María de Pantasma	Escuela Penquilla	14038103	The OAS/MEA member was told to leave before the poll closing and ballot counting got underway. The member was allowed to re-enter the polling station once the Mission Chief brought the matter to the attention of the CES
2	Managua	Managua	Escuela Gabriela Mistral	6055180	The OAS/MEA member was told to leave before the poll closing and ballot counting got underway. The member was allowed to re-enter the polling station again once the Mission Chief brought the matter to the attention of the CES
3	Rivas	Moyogalpa	Escuela Los Ángeles	10048043	The OAS/MEA member was told to leave before the poll closing and ballot counting got underway. The member was allowed to re-enter the polling station once the Mission Chief brought the matter to the attention of the CES

## APPENDIX XI. PRESS RELEASES

# Comunicado de Prensa



Organización de los  
Estados Americanos

---

Departamento de Prensa | 17th & Constitution Ave. NW, Washington, D.C. 20006 | T. (202) 458-6824 | Fx. (202) 458-6421 | [www.oea.org](http://www.oea.org)

---

5 de octubre de 2011

### La OEA instala Misión de Acompañamiento Electoral en Nicaragua

La Organización de los Estados Americanos (OEA) instala en Managua, Nicaragua, a partir de hoy el primer grupo de acompañantes internacionales con miras a las Elecciones Generales del 6 de noviembre. Al llegar al país, el grupo establecerá contacto con las autoridades del Consejo Supremo Electoral y recorrerá los 15 Departamentos y 2 Regiones Autónomas para constatar el cumplimiento del calendario electoral.

La próxima semana, el jefe de la Misión, Dr. Dante Caputo, que fuera designado por el Secretario General de la OEA, José Miguel Insulza, realizará una visita preliminar durante la cual mantendrá reuniones con las autoridades del gobierno nacional, con los candidatos presidenciales y con los representantes del Consejo Supremo Electoral, así como con otros actores del proceso.

La misión de la OEA acompañará las Elecciones Generales nicaragüenses aplicando la metodología utilizada en todas sus misiones desplegadas en la región. Al finalizar el proceso, el Dr. Caputo, ex Canciller argentino, presentará un informe ante el Consejo Permanente de la Organización.



2 de noviembre de 2011

## **CON ACOMPAÑANTES ELECTORALES EN TODO EL PAÍS LA OEA PRESENTE EN LA ETAPA FINAL DEL PROCESO NICARAGÜENSE**

Por invitación de la autoridad electoral de Nicaragua, la Organización de los Estados Americanos (OEA) ha desplegado desde el 5 de octubre una Misión de Acompañamiento Electoral (MAE) con miras a las Elecciones Generales del próximo 6 de noviembre. Durante su estadía en el país, los acompañantes y técnicos de la MAE/OEA han recorrido los 15 Departamentos y las 2 Regiones Autónomas con el fin de constatar el cumplimiento del calendario electoral.

A partir de la instalación de la MAE/OEA, el jefe de Misión, Dr. Dante Caputo, realizó dos visitas al país durante las que mantuvo reuniones con las autoridades del gobierno nacional, con los candidatos presidenciales y con los representantes del Consejo Supremo Electoral, así como con otros actores del proceso. Desde hoy, el Jefe de Misión, junto al director de Cooperación y Observación Electoral, Pablo Gutiérrez, se instalará de manera permanente en la capital nicaragüense, hasta el término de los comicios. También se integrarán al equipo que encabeza el ex Canciller Caputo, como asesores especiales, Bill Richardson, ex Gobernador de Nuevo México, Estados Unidos, y Luis Castiglioni, ex Vicepresidente de Paraguay.

La Misión de Acompañamiento Electoral de la OEA continuará atenta a la evolución del proceso electoral, en estricto cumplimiento a la metodología de observación estandarizada, y una vez finalizado este, se presentará un informe ante el Consejo Permanente de la Organización.

Finalmente, la Misión alienta a las ciudadanas y ciudadanos nicaragüenses a seguir participando de este proceso electoral en sus distintas etapas, en un ambiente de tranquilidad y respeto, con el objetivo de fortalecer la democracia.



2 de noviembre de 2011

## MISIÓN DE ACOMPAÑAMIENTO ELECTORAL DE LA OEA EN NICARAGUA

La Misión de Acompañamiento Electoral de la Organización de los Estados Americanos (MAE/OEA) para las elecciones generales del próximo domingo 6 de noviembre en Nicaragua, está presente en el país desde principios del mes de octubre y hoy despliega su último grupo del total de 65 observadores que abarcarán la totalidad del territorio nacional.

El proceso de elecciones se desenvuelve en el marco de las acciones programadas por las autoridades y se han ido cumpliendo todas las etapas contempladas en el calendario electoral.

No obstante, han existido algunos focos de tensión, que se espera puedan ser resueltos y no vayan más allá de ser expresiones aisladas.

La MAE considera su obligación transmitir algunas inquietudes que resultan de sus visitas a terreno. Conviene aclarar que la Misión sólo toma en cuenta denuncias que pueda constatar o hechos que sus miembros comprueban directamente.

En esa línea, y con el espíritu señalado, la MAE anota lo siguiente:

Los hechos comprobados por los miembros de la MAE, se refieren tanto a la conformación de las Juntas Receptoras de Votos (JRV), como al proceso de distribución de cédulas.

En Chinandega se observaron casos en los que no se respetó la proporcionalidad, es decir, la pluralidad política, en la formación de las JRV. Hubo situaciones donde aparecen como miembros de la Junta, personas señaladas como miembros de partidos que, sin embargo, no comprueban esa calidad.

En Matagalpa, se observó que un número importante de cédulas –en el momento de la observación, más de la mitad de las 4151 que están a disposición- no fueron entregadas.

La MAE puso en conocimiento de las autoridades correspondientes, este tipo de situaciones, para que puedan ser corregidas lo antes posible.

Estos señalamientos están orientados a cooperar con todas las instancias que intervienen en estas elecciones, para lograr que estas se desarrollen sin que existan situaciones que pudieren ser objetables durante el desarrollo de los comicios del próximo domingo. En tal sentido, constituye un elemento positivo la flexibilización de los plazos, decididos por el Consejo Supremo Electoral (CSE), en materia de fechas límite para la acreditación de los fiscales partidarios.

La Misión de Acompañamiento Electoral expresa su agradecimiento a la Autoridad Nacional por la invitación a este acompañamiento e informa que está en capacidad para ejercer plenamente sus tareas.

# Comunicado de Prensa



Organización de los  
Estados Americanos

---

Departamento de Prensa | 17th & Constitution Ave. NW, Washington, D.C. 20006 | T. (202) 458-6824 | Fx. (202) 458-6421 | [www.oea.org](http://www.oea.org)

Managua, Nicaragua  
4 de noviembre

## COMUNICADO MAE/OEA EN NICARAGUA

La Misión de Acompañamiento Electoral de la Organización de los Estados Americanos en Nicaragua informa que respecto a las noticias aparecidas hoy, referidas a un incidente que habría sido protagonizado por unos de sus integrantes, en San Carlos, estas carecen de todo fundamento y las rechaza enérgicamente.

# Comunicado de Prensa



Organización de los  
Estados Americanos

---

Departamento de Prensa | 17th & Constitution Ave. NW, Washington, D.C. 20006 | T. (202) 458-6824 | Fx. (202) 458-6421 | [www.oea.org](http://www.oea.org)

Managua, Nicaragua  
6 de noviembre  
09:00 PM

## COMUNICADO MAE/OEA EN NICARAGUA

En la mañana de hoy, el jefe de la Misión de Acompañamiento Electoral de la Organización de los Estados Americanos (MAE/OEA) en Nicaragua, Dante Caputo, junto a miembros de la Organización se reunió con autoridades del Consejo Supremo Electoral (CSE) con el objeto de ayudar en la solución de las dificultades que se presentaban para la entrega de credenciales a los fiscales del Partido Liberal Independiente.

En esa reunión también estuvieron presentes miembros de la delegación de la Unión Europea. Como resultado de las conversaciones, las autoridades electorales se comprometieron a entregar las credenciales faltantes para los fiscales.

Dicha entrega fue hecha efectiva en la mañana de hoy.



Managua, Nicaragua  
6 de noviembre  
09:00 PM

## COMUNICADO MAE/OEA EN NICARAGUA

La Misión de la Organización de los Estados Americanos (OEA) al término de la jornada electoral comunica:

1.- Luego de las dificultades señaladas por el Jefe de Misión en su conferencia de prensa de las 2 p.m., que indicaban las limitaciones para que diez de sus miembros estuvieran en las Juntas Receptoras de Votos al momento de la apertura y habiendo manifestado su preocupación a las autoridades electorales, la presencia de los miembros de la Misión se normalizó en el transcurso del día.

2.- A partir de la información transmitida por la totalidad de los miembros de la Misión se está en condiciones de manifestar que en las JRV en las cuales estuvieron presentes los acompañantes de la OEA, las mesas cerraron en el horario previsto, procediéndose al escrutinio de los votos.

3.- En el lapso durante el cual la Misión estuvo presente en las JRV no se constataron, de acuerdo a la información recibida hasta este momento, anomalías relevantes.

4.- La jefatura de la Misión lamenta los diversos hechos de violencia ocurridos en la jornada, y especialmente lo acontecido en el departamento de Matagalpa. Sobre este particular se solicita a las autoridades policiales y electorales la investigación y esclarecimiento de lo sucedido, estableciéndose la autoría de los hechos.

5.- La Misión de la OEA ha recibido las denuncias de diversas organizaciones políticas sobre irregularidades en el proceso electoral, las que, por tratarse de hechos no constatados por la propia Misión, serán procesados de acuerdo con las normas establecidas por la Organización, tal como se hace de modo habitual.

6.- A partir de lo observado en el desarrollo de este proceso electoral la Misión comunicará en el día de mañana las primeras conclusiones y recomendaciones que considera necesario anticipar.

La Misión de la Organización de los Estados Americanos hace un llamado a la tranquilidad y a la responsabilidad de la ciudadanía y de todos los partidos o alianzas que han participado en este proceso electoral.

Finalmente, la Misión desea señalar que mantendrá a lo largo de los próximos días la información que dé mayor precisión a lo indicado en este comunicado, a medida de que sus miembros regresen a la sede de la Misión.



Managua, Nicaragua  
7 de noviembre

## MISIÓN DE ACOMPAÑAMIENTO ELECTORAL DE LA OEA EN NICARAGUA

El Secretario General de la Organización de los Estados Americanos (OEA), José Miguel Insulza, se comunicó anoche con el Presidente de Nicaragua, Daniel Ortega, para saludar al pueblo y al gobierno de Nicaragua, por la jornada electoral transcurrida ayer, y destacó la madurez demostrada por los nicaragüenses durante el todo el proceso.

Sostuvo que “pese a ciertos vaticinios sobre posibles tensiones y actos de violencia, la madurez del pueblo nicaragüense y su vocación por la paz, marcaron el carácter pacífico con el que se cerraron los comicios generales del domingo en el país centroamericano”.

La Jefatura de la Misión de Acompañamiento Electoral (MAE/OEA) ha dialogado extensamente con las autoridades electorales sobre los inconvenientes que se presentaron en el desarrollo de sus tareas durante el día de ayer. En tal sentido, más allá de los comentarios, que serán incluidos en el informe final, la MAE ha expresado a las autoridades nicaragüenses la necesidad indispensable de garantizar a una misión de acompañamiento electoral, la seguridad de su desempeño, de modo tal que este transcurra sin ninguna dificultad. La MAE señala que este tema sigue siendo materia de preocupación y que será remitido al Consejo Permanente de la Organización.

Tras haber recibido los informes preliminares de los acompañantes desplegados en terreno, la Misión se permite anticipar las materias sobre las cuales se formularán recomendaciones: las cuales estarán detalladas en el informe final de la Misión, proceso de cedulaación, composición de JRV, acreditación de fiscales, y mejor cumplimiento de los procedimientos vinculados a la actividad de los acompañantes internacionales.

La Misión invita a los distintos actores políticos, y a la ciudadanía en general, a esperar los resultados finales que serán emitidos por el Consejo Supremo Electoral.