

I. Electoral Processes

Peru

The electoral bodies of Peru, the National Elections Board (JNE) and the National Office of Electoral Processes (ONPE), hosted a visit by an observation mission composed of representatives of the members of the associations of South America and Central America and the Caribbean, and of the Inter-American Union of Electoral Bodies (UNIORE).

The mission, which was led by Sonia Picado, President of the IIHR Board of Directors, and Jose Thompson, Director of CAPEL, arrived in Lima a few days prior to the general elections on April 8. Other members of the mission included representatives of the electoral bodies of Argentina (provincial-level organizations), Bolivia, Colombia, Dominican Republic, Guatemala, Mexico, Paraguay and Venezuela.

This international mission to show solidarity with the political process in Peru was able to confirm that the new national electoral authorities were successful in their efforts to organize and hold free and fair elections.

The polls were open from 8 a.m. to 4 p.m. There were 90,050 polling places and a total of 14,650,550 registered voters.



The members of the National Elections Board, pictured with the recently elected President of the IIHR, Sonia Picado

The voting returns from a number of polling places were challenged and motions lodged to have them invalidated. As a result, the final vote count has yet to be announced.

II. Projects and Activities

Electoral Technical Assistance to the National Elections Board (JNE) of Peru

Election Monitoring Program

Following the decision taken at the Fifth Conference of UNIORE, and at the request of the JNE, in February 2001 the IIHR signed a cooperation agreement with the electoral body with a view to CAPEL implementing a technical assistance project in support of the General Election Monitoring Plan for the elections scheduled for April 8 this year. The agreement runs from February 7 to August 8 and is being implemented with funds from USAID/Peru.

The core objectives are to assist the members of the JNE's governing body and the Electoral Affairs Monitoring Office, by providing the technical support needed for the activities called for in the Plan to be implemented in accordance with current electoral legislation; and for the Board to be able to identify any weaknesses and/or irregularities during the electoral process.

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Members of the electoral bodies of Colombia, Guatemala, Mexico, Bolivia and Venezuela who took part in the mission.



CAPEL

The IIHR/CAPEL organized a team of experts to assist the JNE, composed of six advisors, a head of project and a coordinator. Three of the advisors are in charge of monitoring the technical activities being implemented by the Special Electoral Boards (JEE) and the Decentralized Offices for Electoral Processes (ODPE). To accomplish this, they continually visit the provincial capitals and other parts of the country. The other three advisors are monitoring a series of activities (related to logistics, electoral administration, training and informatics) being implemented by the ONPE in Lima and the ODPEs in Lima and Callao.

By means of written reports and frequent meetings with the members of the JNE, the IIHR/CAPEL keeps the governing body abreast of the latest developments regarding the electoral process. Copies of these reports are passed on to the ONPE, to provide it with up-to-date information on the situation in its offices in the interior of the country. The IIHR/CAPEL will continue to provide technical assistance to the JNE until the second round of voting.

The IIHR/CAPEL wishes to thank the electoral bodies of Bolivia, Costa Rica and Panama for the assistance they have provided to the project through horizontal support, seconding technical personnel to form part of the team of advisors.

III. NEWS ARTICLES PUBLISHED IN THE MEDIA

The following are excerpts from news items published in the national media, received from the international press agencies. More articles are to be found on the SIII web page: <http://www.iidh.ed.cr/capsulas/documentos/cap-mmi-05.htm>

Panama proposed as the site of the Tenth Inter-American Course on Elections and Democracy

Panama, April 5 (ACAN-EFE). It has been proposed that Panama host the Tenth Inter-American Course on Elections and Democracy, which is being organized by the Costa Rica-based Inter-American Institute of Human Rights (IIHR), according to the Office of the President of Panama. IIHR Executive Director Roberto Cuéllar presented President Mireya Moscoso with a document containing the formal proposal that her country host the event next October, during a meeting at the Palacio de las Garzas (presidential palace). Cuéllar told Moscoso that Panama had been chosen to host the course “on account of the magnificent example of free and fair elections it has set all the Latin American countries in its recent electoral processes.”

Cuéllar requested political, financial and logistical support from Moscoso for the seminar, which is scheduled to be held in the third week of October at the headquarters of the Electoral Tribunal and in the City of Knowledge. According to Cuéllar, the City of Knowledge, located on the former US military base of Fort Clayton, is an ideal place for holding inter-American human rights activities and studying democracy in the Americas (....)



The President of Panama, Mireya Moscoso, receives a copy of the Electoral Dictionary from the Executive Director of the IIHR, Roberto Cuéllar. Looking on is Dennis Allen, a member of the Electoral Tribunal of Panama.

The IIHR Executive Director took advantage of the meeting to present Moscoso with two copies of the Electoral Dictionary, the only work of its kind in the field of electoral law. It contains political terms and words related to the organization of elections and citizen participation. ■

Center for Electoral Promotion and Assistance to Observe Peruvian Elections

Lima, April 4 (EFE). A mission from the Center for Electoral Promotion and Assistance (CAPEL), which has its headquarters in Costa Rica, arrived in Lima today to observe the Peruvian general elections next Sunday.

The CAPEL mission is made up of 30 people, 20 of whom arrived in Lima today, led by the President of the Inter-American Institute of Human Rights, Costa Rican Sonia Picado.

Ms. Picado told EFE that CAPEL specializes in political rights and, since 1985, has organized missions to observe electoral processes held as part of the “transition to democracy.”

She added that the observation mission included Mexicans, Argentineans, Costa Ricans and Colombians, who will provide training and support for Peru’s electoral bodies.

Picado also said that CAPEL exercises the Secretariat of all the electoral associations in the Americas and for the last month has been working with the National Elections Board (JNE) of Peru as it prepares for the elections next Sunday (April 8). ■

IV. Analysis and Opinion

Electoral Disputes. The Case of Yucatan in Mexico*

The pre-election dispute in the State of Yucatan has concluded after nearly seven months of wrangling over jurisdictional matters.

At the heart of the well-publicized dispute in Yucatan lay the accusations concerning the illegality and, therefore, unconstitutionality, of the decisions taken by the PRI-controlled State Congress, which took it upon itself to appoint the members of the State Elections Council. Another point at issue was whether the Upper Division of the Electoral Court of the Judicial Branch of the Federation (TEPJF) was empowered under the Constitution to execute its ruling and enforce the rule of law, and even to assume the administrative functions of Congress and select the members of the State Elections Council by ballot.

The Yucatan authorities refused to recognize the Elections Council appointed by the Upper Division of the TEPJF. Two councils therefore existed: one appointed illegally by Congress, and another chosen by ballot by the Upper Division.

In a unilateral maneuver, and disregarding the jurisdiction of the Upper Division, the Yucatan Congress reformed the State Electoral Code, fusing the elections councils to create a so-called electoral "Super-council," made up of 14 regular members and 14 alternate members (Decree 412). The Democratic Revolution Party (PRD) challenged this decision and asked the Upper Division to rule on the matter. However, the latter declared that it did not have jurisdiction over such matters.

The National Action Party (PAN), the PRD and the Labor Party (PT) then asked the Supreme Court of Justice (SCJN) to declare Decree 412 unconstitutional.

On April 7, the SCJN issued its ruling, in which it ratified the opinion of the Upper Division of the TEPJF and declared that the Elections Council it had elected by ballot was the only body legally entitled to organize the elections in the State.



Map of the State of Yucatan, Mexico

The Supreme Court also ordered that the respective premises and other material goods be turned over to the legally constituted Council, in order for it to carry out its duties.

When the Yucatan authorities failed to hand over the documentation related to the disbursements that had been made, the President of the SCJN declared that they had until April 30 to comply with the Court's decision, which they eventually did.

Finally, on May 8 the President of the SCJN issued a statement in which he announced that the Governor of the State of Yucatan and the local Congress had handed over the financial and bank reconciliation statements, details of the cash payments made, and the checkbooks. As a result, the SCJN decided that the local authorities had complied with the Court's decision of April 7 and declared the case closed.

The "Yucatan case" sets an important precedent for the country's political- electoral future, inasmuch as it consolidates the position of the Upper Division of the TEPJF as the highest authority in electoral disputes arising out of the acts or decisions of any of the authorities involved in the organization of elections. It clearly establishes the extent of the Division's powers and jurisdiction. The Supreme Court's intervention and resolution of this dispute demonstrated that the Mexican electoral justice system upholds the values and principles of democracy, by exercising complete, effective and efficient control over the constitutionality of all electoral laws, acts and decisions.

Information provided by the **Electoral Court of the Judicial Branch of the Federation of Mexico. More information can be found on the SIII web page (on the bar at the bottom of the screen, under Noticias) and the TEPJF web page: www.trife.org.mx*

V. UNIORE NEWS

The following are some of the changes that have taken place in electoral bodies in the region. This information can also be found in the SIII Directory of Electoral Bodies, at www.iidh.ed.cr/siii (on the bar at the bottom of the screen, under Directorio).

JAMAICA **Electoral Advisory Committee**

Three new members were elected to replace William Chin See, Gerald Lalor and Corrine McLarty. The new members are: Errol Miller (Chairman), Herbert Thompson and Dorothy Pine-McLarty. Legislator Michael Peart replaced Donald Buchanan as an alternate member. The new email address is: eac@cwjamaica.com

MEXICO **Federal Electoral Institute**

Two new members were elected to the General Council of the Federal Electoral Institute of Mexico. They are Gastón Luken Garza and Virgilio Rivera Delgado.

COSTA RICA **Supreme Elections Tribunal**

From February 3 to August 3, the Supreme Elections Tribunal (TSE) will have five members, with the incorporation of judges Marisol Castro Dobles and Fernando del Castillo Riggioni.

If there have been any changes at your organization, please let us know by emailing Sofia Vincenzi at the following address:

svincenzi@iidh.ed.cr



Other issues of this newsletter are to be found on our web site (under Cartas de Uniore):

4 <http://www.iidh.ed.cr/siii/>

Anabelle León Feoli, who until now was a member of the TSE, has been elected as a judge of the First Division of the Supreme of Justice. Her place will be taken by Juan Antonio Casafont until the Supreme Court appoints her successor.

COLOMBIA **National Electoral Council**

Judges Jaime Araujo Rentería and Gustavo Adolfo García Moreno have been replaced by Marco Tulio Gutiérrez and Juan Clímaco Jiménez, respectively.

Visit by the Executive Director of the IIHR to Argentina and Peru

Lima, Peru

On Friday, March 23, during an institutional visit, IIHR Executive Director Roberto Cuéllar met with the members of the National Elections Board of Peru, to discuss CAPEL's technical assistance project with the organization in the run up to the April 8 elections.

Buenos Aires, Argentina

On March 30, Mr. Cuéllar met with the President of the National Electoral Chamber of Argentina, Rodolfo Emilio Munné, to discuss the latest political developments in the country and the organization of the legislative and local elections scheduled for October.

Updating of the Integrated Ibero-American Information System (SIII)

The Executive Secretariat is currently updating and creating new informational icons for the SIII. To do this we need the collaboration of all the members of UNIORE. One of the first steps is to update the SIII Management Network. CAPEL official María Lourdes González (mlgonzalez@iidh.ed.cr) will be contacting you shortly to streamline the updating process.

Campaign of Solidarity with the Supreme Electoral Tribunal of El Salvador

The Executive Secretariat and the Supreme Electoral Tribunal of El Salvador would like to express their thanks to the electoral bodies that answered the call for assistance in the wake of the earthquakes that shook that country at the end of February.

So far we have received US\$5000 from the Central Electoral Board of the Dominican Republic, and US\$340 from the staff of the Supreme Elections Tribunal of Costa Rica.