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THE MAY 7, 1989 PANAMANIAN ELECTIONS

Foreword by Jimmy Carter and Gerald Ford

INTERNATIONAL DELEGATION REPORT

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ACKNOWLEDGEMENTS

This is the report of the international delegation that observed the May 7, 1989 elections in Panama. The report is based on information gathered by the delegation's sponsors -- the National Republican Institute for International Affairs (NRIIA) and the National Democratic Institute for International Affairs (NDI) -- before and after the elections, and by the nine teams that visited the different cities and regions of Panama on election day.

The report was prepared under the auspices of the Institutes, after consultations with members of the delegation. While these consultations indicate a consensus for the conclusions reached herein, the Institutes assume full responsibility for the accuracy of the report.

NDI Program Assistant Mark Feierstein, NDI Senior Consultant Larry Garber, and NRIIA Vice President Robert Henderson drafted the report. Much of the material in Chapters 2-4 is taken from earlier reports prepared by Mssrs. Feierstein and Garber. The report was edited by NRIIA President Keith Schuette and Program Consultant Tracy Doherty; NDI Executive Vice President Ken Wollack and Public Information Director Sue Grabowski; and Robert Pastor, Director of the Latin American and Caribbean Program at the Carter Center. NDI Program Secretary Thomas Williford assisted in the report's production.

NRIIA and NDI appreciate the assistance provided by the United States Agency for International Development that made possible the international observer delegation. The

Institute also thanks the Council of Freely-Elected Heads of Government for collaborating in this important effort.

Despite what appears to be a tragic short-term setback for democracy in Panama, NRIIA and NDI believe the events surrounding the Panamanian elections provide important lessons about the democratization process. The effective participation by the Panamanians in the elections, despite the unfair conditions, and the involvement of the international community in monitoring the process, should encourage those in other countries who seek peaceful democratic change.

July 1989

FOREWORD

Jimmy Carter and Gerald Ford

While serving as President of the United States, we worked to fashion a new partnership between the United States and Panama. The Panama Canal treaties marked a watershed in hemispheric relations, and we remain committed to seeing the promises of these treaties fulfilled.

We have also been committed to promoting democratic, civilian government and respect for human rights in all countries. For this reason, we traveled to Panama for the May 7 election on behalf of the Council of the Freely-Elected Heads of Government in a bipartisan effort associated with the National Democratic and the National Republican Institutes for International Affairs. We sought, by our presence, to lend support to those participating in the election and to ensure that an objective assessment of the process was presented to the international community.

The election on May 7, 1989, provided the people of Panama an opportunity to demonstrate their overwhelming commitment to freedom and a desire for a democratic government. This could have permitted Panama to emerge from the economic and political crises that have plagued the country for several years. Instead, the stealing of legal election returns and the substitution of fraudulent documents, coupled with the savage beatings of opposition leaders participating in a peaceful rally on May 10, have further isolated the regime from the Panamanian people and from friends of Panama in the international community.

We are saddened by the tragic results. A regime lacking any legitimacy remains in power and, through the nullification of the elections, the Panamanian people have had their fundamental right to elect their leaders violated in the most blatant manner.

Panama today is one of the few countries in the hemisphere that is controlled by a military-dominated government. Notwithstanding these setbacks, we expect that the determination demonstrated by the Panamanian people on May 7 will lead to Panama's rejoining the community of democratic nations.

In undertaking this mission, we are proud to have associated ourselves and the Council, with the international observer delegation organized by the National Democratic and Republican Institutes for International Affairs. The Institutes' effort was comprehensive and well-conceived, beginning long before May 7. Consequently, we were in a position to congratulate the opposition leadership of Guillermo Endara, Ricardo Arias Calderon and Guillermo Ford for its winning effort, and to denounce the fraud that the government sought to perpetrate by substituting counterfeit forms to the National Counting Board.

In the meantime, we support diplomatic efforts to ensure that the people's will, as expressed in the May 7 elections, is respected. We have been encouraged by the activities of the Organization of American States to promote a peaceful democratic transition in Panama. We will continue to urge our colleagues on the Council and other democratic leaders of the hemisphere to reinforce the Panamanian people's aspirations for democracy.

EXECUTIVE SUMMARY

A 22-member international delegation, organized by the National Republican Institute for International Affairs and the National Democratic Institute for International Affairs, in conjunction with the Council of Freely-Elected Heads of Government, observed the May 7, 1989 Panamanian national elections. More than anything else, the elections served as a referendum on the regime of General Manuel Antonio Noriega. The following are the delegation's conclusions concerning the election process:

1. *Despite the inherent unfairness of the electoral process, Panamanians turned out in large numbers to express overwhelmingly their desire for change.* Because that popular expression, as confirmed by the parallel vote counting operations conducted by the Catholic Church laity and the opposition, was so clearly in favor of the opposition presidential slate and contrary to the Noriega government, the Panamanian Defense Forces (PDF) manipulated the vote count and, when that ploy failed, annulled the elections.

2. *The regime of General Noriega was not prepared for the substantial margin of defeat it faced when the ballots were counted.* Certain procedural irregularities and "retail fraud" might have enabled the regime to conceal a smaller margin of defeat, but it was totally unprepared for the nearly three to one margin that developed.

3. *The electoral process was marred throughout by the partisanship of the Electoral Tribunal*, which comprised three magistrates appointed by pro-government supporters. The designation of pro-government splinter factions as recognized parties and the unwillingness to ensure that complaints were handled in an expeditious and fair manner were frequently cited examples of the Tribunal's partisanship . The Tribunal's May 10 decree nullifying the elections, particularly its attempt to attribute election-day problems to the opposition and foreign interference, further supports this conclusion.

4. *The electoral environment was far from perfect.* Several media outlets were closed, while others were forced to exercise self-censorship. Several prominent opposition politicians were exiled during the period preceding the campaign, and there were a few attacks on opposition candidates during the campaign. The overt support of the PDF for the pro-government coalition also contributed to the fearful climate.

   Notwithstanding the foregoing, a meaningful electoral campaign took place in Panama before the elections. With minimal restrictions, political parties organized rallies throughout the country and purchased time and space in the media to communicate their respective messages to the population. Serious human rights abuses diminished during the pre-election period.

5. *In most regions, the balloting process was conducted in a relatively peaceful and fair manner*, with representatives of the political parties present and working together. The major problem concerned registration lists that excluded the names of prospective voters. The delegation did not determine any pattern to the exclusions, although it is possible the government planned to keep turnout low to facilitate fraud during the counting process. In

addition, there was evidence of multiple voting by pro-government supporters using false documents and identity cards.

6. *Ballot counting at polling sites also proceeded in an orderly, if slow, manner. Major problems, however, developed at the regional counting boards*, where the tabulation of the official results often could not proceed because of attacks by the PDF and paramilitary forces or because those responsible for the tabulation were too afraid to continue. For its part, the National Counting Board, which was responsible for tabulating the results in the presidential election, collaborated in the attempt to commit massive fraud by accepting forms transmitted from the regional boards that were blatant forgeries.

7. *Independent vote counts played a critical role in providing credible and timely information on the results of the presidential election*, whereas the official results were not reported in the time frame that had been announced and, when announced, were obviously fraudulent. The results released by the Church laity and the opposition provide the basis for determining that the opposition won an overwhelming victory in the presidential election.

8. *The willingness of Panamanians to participate in the electoral process, under adverse conditions, reveals the strong desire of the Panamanian people for free elections and democratic government*. Ultimately, this desire must be released through a process of dialogue and national reconciliation. However, the government's actions in the aftermath of the elections, which included brutal attacks on opposition rallies and the arrests of many political activists throughout the country, are not cause for optimism.

9. *Diplomatic efforts, such as those initiated by the Organization of American States, to resolve Panama's crises in a peaceful manner deserve international*

support. However, these efforts should be carried out in a manner consistent with the right of the Panamanian people to select their leaders, as they did on May 7.

10. *The effective repression of the democratic impulses of the Panamanian people provides encouragement to those governments in the region and beyond who cling to power, despite the contrary aspirations of the majority of their people*. In this sense, the events of May 7-10 are a tragedy for all democratic peoples.

INTRODUCTION

For weeks prior to May 7, Panama's political leaders traveled around the country exhorting the population to participate in the upcoming elections. While the pro-government coalition stressed the themes of nationalism and anti-colonialism, the opposition sought to convince the population that, despite the flaws in the system, the May 7 elections afforded Panamanians an opportunity to register their discontent with the regime led by General Manuel Antonio Noriega, and to demonstrate their support for a democratic transition.

The opposition's message was heeded by the vast majority of Panamanians who cast their ballots on May 7 for opposition candidates. Panamanians hoped the elections would provide a peaceful mechanism for resolving Panama's economic and political crises. However, as many Panamanians had feared, the fruits of an opposition victory were denied them by a regime determined to retain power.

On May 10, the Electoral Tribunal nullified the elections, alleging foreign interference in the process and the absence of sufficient documentation to declare a winner. Coupled with a brutal attack on opposition leaders in the streets of Panama City, the nullification decree outraged Panamanians and the international community. In an emergency session on May 17, the Organization of American States adopted a resolution condemning the regime for its actions.

While the ultimate outcome of the Panamanian electoral process remains in doubt, several aspects of the recent political

drama in Panama merit attention. First, the opposition coalition's ability to unify and to organize a successful campaign under difficult conditions surprised many skeptics. Second, the parallel vote-counting efforts, conducted by the Catholic Church laity and the opposition, were critical in assuring that the opposition victory was recognized by Panamanians and the international community, and that the crude attempts to defraud the electorate were revealed. Finally, the role that international observers played in supporting the process and in denouncing the fraud provided a degree of consolation to the many Panamanians who had sought to convince the international community of the authoritarian nature of the Noriega regime.

This report assesses the Panamanian elections from the vantage point of the international observer delegation organized by the National Republican Institute for International Affairs (NRIIA) and the National Democratic Institute for International Affairs (NDI). The Institutes, based in Washington, D.C., are affiliated with the two major U.S. political parties. The Institutes previously sponsored joint delegations to elections in the Philippines and Haiti. NDI also sponsored international delegations for the 1988 presidential plebiscite in Chile, the 1988 national elections in Pakistan and the 1989 national elections in Paraguay.

The first chapter of this report describes the activities of the Institutes in Panama prior to the May 7 elections and on election day. Chapters two, three and four present a brief historical and constitutional overview, followed by sections describing the electoral process and the campaign environment. The fifth chapter reports the delegation's election-day observations, while the sixth chapter covers the counting process preceding the public denunciation of the fraud on May 8 by President Jimmy Carter, a co-leader of the delegation. The final chapters describe several significant post-election developments and offer reflections on the observation process.

Chapter 1

INSTITUTES' ACTIVITIES IN PANAMA

NRIIA and NDI recognize that the promotion of fair elections requires more than merely dispatching an observer delegation to a country on election day. Thus, as part of their general activities, the Institutes support political parties and other institutions in the political process and encourage efforts to monitor effectively the electoral process, not only on election day, but during the campaign period and while the ballots are being counted and the results tabulated. The Institutes' efforts in Panama reflected this approach.

A. Pre-Election Activities

In 1987, NDI invited three Panamanians to participate in an international delegation that observed the May 1987 legislative elections in the Philippines. The delegation, which included nationals of nine countries seeking to strengthen their respective electoral systems, sought to learn from the successful Philippines experience in election reform and, in particular, to study the activities of the National Movement for Free Elections (NAMFREL), the volunteer poll-watching organization. The Panamanian representatives on the delegation were: Aurelio Barria, then-president of the Panamanian Chamber of Commerce and subsequently a founder and leader of the National Civic Crusade; Luis Carlos Chen, vice president of Panama's Electoral Tribunal; and Father Fernando Guardia, a leading Church activist.

In March 1988, NDI planned to sponsor a conference, coincidental with the 10th anniversary of the signing of the Panama Canal Treaties, that would enable Panamanians from across the political spectrum to discuss the prospects for a transition to democracy in their country. The conference was aborted following the February 1988 dismissal of President Eric Arturo Delvalle and the heightened political crisis in Panama. During the summer of 1988, NDI sponsored a public opinion poll in which more than half the respondents mentioned Noriega or the government as responsible for the crisis.

In January 1989, representatives of NRIIA and NDI met with Panamanian political party leaders to discuss how the Institutes could help promote fair elections on May 7. Based on these consultations, NRIIA and NDI agreed to cosponsor an international observer delegation for the elections. NDI also agreed to provide technical assistance to Panamanians involved in establishing parallel vote-counting efforts. To this end, in February, NDI sponsored a two-day seminar in Caracas, Venezuela attended by 14 Panamanians, who were advised by technical experts from Chile, the United States and Venezuela.

From March 12-16, NDI helped organize and fund a fact-finding mission to Panama under the auspices of the Council of Freely-Elected Heads of Government. The Council was established in 1986 by current and former heads of government in the Western Hemisphere to reinforce democracy in the Americas. The members of the delegation were designated by former U.S. President Jimmy Carter, chairman of the Council; former Costa Rican President Daniel Oduber; and President Carlos Andres Perez of Venezuela. The purpose of the mission was to assess the electoral laws and procedures for the May 7 elections and to gain international support for a free and fair process.

A report of the delegation's findings was submitted to Carter on March 30 at a meeting of the Council in Atlanta. The report described the context of the May 7 elections and

identified specific problems associated with the process. The delegation also reported it had received assurances from the government and the military that international observers would be permitted to visit Panama without hindrance during the election period.

At the Atlanta meeting, the participants discussed the report and the situation in Panama, and agreed that the upcoming elections were of critical importance for hemispheric relations. Carter and former U.S. President Gerald Ford, a member of the Council, announced that they would continue to monitor the process and possibly travel to Panama as election observers.

B. The Advance Team

To prepare for the NDI/NRIIA observer delegation, an eight-member advance team visited Panama from April 3-10, 1989 [See Appendix I for a list of the team members]. The team sought: to explain the objectives of the observer delegation to Panamanian government, military and electoral officials, political party representatives, leaders of civic organizations and others; to analyze the political situation in Panama and the prospects for free and fair elections on May 7; and to arrange logistics for the delegation.

To assess the situation outside Panama City, the team visited the towns of Aguadulce, Chitre, Colon, David, Penonome and Santiago. The delegation also reviewed the vote-counting process, including the independent counting efforts being planned by the opposition. As the Church laity was only beginning to develop its quick-count process, the organizers of the operation requested counsel from delegation members who had advised Chileans involved in the independent vote-counting operations used for the October 1988 Chilean plebiscite. Before leaving Panama, the team prepared a brief statement announcing in general terms the Institutes' plans for observing the elections.

The advance team report described the political situation in Panama a month before the elections. It focused particular

attention on the electoral process, the complaints regarding the process presented by the opposition, and the monitoring capabilities of different Panamanian institutions. The report also discussed the prospective role of international observers in the process, and recommended that the Institutes organize a 60-member delegation to visit the major population centers on election day.

C. The International Delegation

Despite the assurances offered the Council delegation in March, by mid-April it was evident that the Panamanian authorities' attitude against observers had hardened. On April 19, in an apparent attempt to deter U.S. nationals from visiting Panama for the elections, the Ministry of Tourism announced that U.S. citizens would have to obtain a visa from a government-recognized consulate; the consulate in Tampa, Florida was the only one so recognized. Previously, U.S. nationals were required only to obtain a tourist card from an airline. Prospective delegation members from the U.S. and elsewhere encountered difficulties obtaining visas. Further, the Ministry of Commerce informed the hotel where the Institutes planned to accommodate the delegation that, during the election period, the hotel must obtain permission from the ministry before any guests could be registered, and that no private meetings would be permitted in the hotel. Finally, the government required all private leasing agencies to obtain government authorization before renting vehicles to foreign groups.

In order to resolve these problems in a manner that would permit sending an independent, free-standing observer delegation, President Carter used his influence with the Panamanian authorities. The Panamanian government initially agreed to grant visas only to Presidents Carter and Ford, Rosalyn Carter and three staff. However, following the personal intercession by Carter with Noriega, an agreement was reached on May 3, four days before the elections, authorizing a 20-member delegation plus Presidents Carter and Gerald Ford [See Appendix III]. In addition, six

representatives of the Institutes designated as staff were permitted to accompany the delegation.

The Institutes decided to proceed with the mission, despite the government limit on the delegation size. Even with a smaller delegation, the Institutes believed they could effectively monitor the elections in a significant number of regions, and that the presence of the delegation would encourage participation and discourage election day violence. At the same time, the Institutes resisted attempts by the government to control the delegation's activities, and insisted on arranging an independent schedule before the elections and on election day.

The delegation included former heads of government, legislators, political party leaders and election experts from Australia, Belize, Great Britain, Guatemala, Haiti, Mexico, Spain, and the United States. The leaders of the delegation were former U.S. presidents Jimmy Carter and Gerald Ford, former Belize Prime Minister George Price and Australia's then-shadow foreign minister John Spender. Carter, Ford and Price represented the Council of Freely-Elected Heads of Government. In addition, several individuals who had been invited to participate in the delegation, but who could not be included as official members of the delegation because of the numerical limits imposed by the government, visited Panama at the time of the elections and shared their observations with members of the delegation [See Appendix III].

The majority of the delegates arrived in Panama City on May 4, at which time President Ford read a statement [See Appendix IV]. The following morning, representatives of the Institutes briefed the delegation on the terms of reference for the delegation [See Appendix V], on the political situation in Panama and on the balloting and counting processes.

The delegation then met with representatives of the Electoral Tribunal who explained in greater detail the specifics of the Panamanian electoral process. The secretary of the Church's Episcopal Conference, Jose Luis Lacunza, addressed the delegation over lunch. Later in the afternoon, the

delegation met with the leaders of the opposition coalition, and hosted a debate between Guillermo "Willy" Cochez, a legislator and vice president of the Christian Democratic Party, and Mario Rognoni, a former Minister of Commerce and a candidate for the legislature of the Democratic Revolutionary Party, the leading pro-government party.

The delegation leaders, meanwhile, held a well-attended press conference, at which President Carter, who arrived in Panama earlier in the day, read a prepared statement [See Appendix VI]. The leaders then met privately with the three Electoral Tribunal magistrates, the candidates for the pro-government coalition, and the candidates for the opposition coalition.

On Saturday, two three-member teams left the capital respectively for Aguadulce and Santiago, towns in the interior of the country, where they would observe the elections the following day. The delegates remaining in Panama City met with representatives of the Panamanian Committee for Human Rights, Archbishop Marcos McGrath and other Church bishops, leaders of the Civic Crusade, and an owner of several radio stations.

On Sunday, nine teams observed the balloting process in different regions of the country [See Appendix VII]. The teams visited approximately 150 polling sites, many with 15 or more voting tables. Overall, the delegation's observations covered more than half the electorate. Following the close of the polls, the teams monitored the counting process at the polling sites and at the district level where the results were collected. Two delegation members spent election night monitoring the quick-count operation organized by a Church-laity group, the Archdiocese Commission for Coordination and Lay Activities.

Based on the observations of delegates at individual polling sites and the quick-count operation, the delegation was convinced early Monday morning that the opposition had scored an overwhelming victory in the presidential election. However, reports of violence at some polling sites and at

district counting centers, as well as delays in transmitting results to the National Counting Board in Panama City, aroused suspicions that a massive fraud was under way. These suspicions were confirmed by President Carter, who visited the National Counting Board at 4 p.m. After witnessing fraud firsthand, Carter attempted to meet Noriega and convince him not to proceed with the deception and to permit a peaceful transition, but Noriega did not respond to Carter's request for a meeting.

The delegation held a press conference at 6:30 p.m. Monday evening to denounce in unequivocal terms the fraud being perpetrated by the Panamanian government [See Appendix VIII]. The delegation pronouncement was featured in the international media, but the Panamanian media was compelled not to report the delegation's denunciation. Most of the delegation left Panama the following morning. Those who returned to the United States were invited to the White House to brief President George Bush on the delegation's findings. Others in attendance included Vice President Dan Quayle, National Security Adviser Brent Scowcroft, and Chief of Staff John Sununu.

Chapter 2

HISTORICAL BACKGROUND

A. From Independence to 1968

Panama achieved independence from Spain in 1821, but incorporated itself into the Federation of Greater Colombia, which included what is today Colombia, Venezuela and Ecuador. Panama seceded from the federation in 1830, but continued under Colombian rule for 70 years, during which time there were various efforts to gain independence.

In 1903, the United States negotiated a treaty with Colombia to obtain rights to build an interoceanic canal across Panamanian territory. The Colombian Congress objected to the treaty, sparking a revolt in Panama, which then received U.S. assistance in declaring independence. Shortly thereafter, the United States and Panama signed a treaty in which the U.S. guaranteed Panama's independence and promised annual payments in exchange for perpetual control of a canal zone. The treaty was negotiated and signed for Panama by a Frenchman, Philippe Bunau-Varilla, with U.S. Secretary of State John Hay.

Under the 1903 Hay/Bunau-Varilla treaty, the United States obtained indefinite control over a swath of Panamanian territory for the construction, operation and protection of an interoceanic canal. The 52-mile canal was completed in 1914, surrounded by a U.S.-administered zone extending five miles on each side of the waterway. The treaty was modified in 1936 and 1955 to increase the annual rent paid by the United

States and to end wage discrimination between Panamanian and U.S. employees.

From independence until 1968, government authority was exercised within a relatively democratic, constitutional framework punctuated by coups and charges of electoral fraud. From 1940 until 1968, the principal political contenders were the Liberal Party, led by urban elites, and the Panamenista Party, a populist, nationalist movement led by Arnulfo Arias Madrid.

Nationalism and discontent with U.S. control over the Canal Zone grew following World War II. In January 1964, serious anti-U.S. riots broke out, and Panama temporarily broke diplomatic relations with Washington. The two countries eventually agreed to renegotiate the canal treaty.

Arias, who had been deposed in a military coup and impeached following his first two elections as president, assumed the presidency a third time after winning the 1968 elections. Upon taking office, he sought to remove or transfer key officers of the National Guard. This provoked another coup just 11 days after the inauguration. After a power struggle within the military, Colonel Omar Torrijos Herrera emerged as the undisputed leader of Panama.

B. The Torrijos Era

Torrijos abolished the National Assembly and political parties, and ruled by decree between 1968 and 1972. He broadened his base of support and distanced himself from the United States and the Panamanian elite by allying himself with labor unions, the Communist Party, students, rural groups and urban lower classes. Torrijos implemented a series of labor and agrarian reforms, and authorized renegotiation of the canal treaties.

In 1972, Torrijos institutionalized his regime with the promulgation of a new constitution, which enhanced the National Guard's powers vis-a-vis civilian officials. A new 505-member Assembly of Community Representatives, with limited powers, replaced the old National Assembly. While Demetrio

Lakas served as the civilian president from 1969 to 1978, real power during this critical period lay with Torrijos.

In 1978, Torrijos announced plans to return Panama to civilian rule, a process that was to culminate with elections in 1984. Torrijos resigned as head of government, but retained his post as commander of the National Guard. The Assembly of Community Representatives endorsed his presidential nominee, Aristides Royo Sanchez, to assume the presidency. Torrijos and his National Guard officially retired to the barracks, but continued to maintain effective control over government affairs. In addition, Torrijos in 1978 fulfilled three promises made during the ratification debates over the new canal treaties: political exiles, including Arnulfo Arias, were permitted to return; the press was permitted to operate more freely; and political parties were legalized.

On September 7, 1977, President Jimmy Carter and Torrijos signed new canal treaties requiring the United States to turn over control of the canal to Panama in the year 2000. When the new treaties entered into force, on October 1, 1979, the Canal Zone ceased to exist, although 40 percent of the land remains under U.S. control until the year 2000. Panamanians participate increasingly in the canal's operation; in 1990, a Panamanian will become administrator of the Panama Canal Commission's supervisory board, although U.S. citizens will retain a five to four majority on the board. The United States, however, retains primary responsibility for the defense of the canal until the end of 1999, and the U.S. and Panama are to guarantee its neutrality jointly or separately beyond 1999.

On July 31, 1981, Torrijos died in a plane crash. A power struggle within the National Guard led to a period of instability. Over the next three years, there were three presidents and three National Guard commanders in Panama. First, Colonel Florencio Florez Aguilar assumed command, yielding power less than one year later to General Ruben Dario Paredes. Paredes forced President Royo, who had been designated president by the National Assembly in October

1978, to resign in July 1982. Vice President Ricardo de la Espriella replaced Royo. On August 12, 1983, the chief of intelligence, General Manuel Antonio Noriega, assumed command of the military. Six months later de la Espriella resigned unexpectedly and was replaced by Jorge Illueca.

Noriega moved quickly to block his rivals, to expand and consolidate the armed forces, and to assume control of the government. The police, military and investigatory services were combined into the Panamanian Defense Forces (PDF). Military officers and Noriega associates were installed at the top of many civilian agencies. At the same time, Noriega pledged to continue the process of democratization and to remove the PDF from politics. However, despite elections in 1984, Noriega has maintained control over the Panamanian political system.

C. 1984 Elections

The national elections that were to confirm the return to civilian rule were held on May 6, 1984. Two major coalitions contested the presidential and legislative elections: the pro-government Democratic National Union (UNADE) and the Opposition Democratic Alliance (ADO). The military and the pro-military Revolutionary Democratic Party (PRD), the most powerful party in UNADE, selected Nicolas Ardito Barletta, a vice president of the World Bank and a minister of planning under Torrijos, as UNADE's presidential candidate. ADO's standard bearer was 82-year-old Arnulfo Arias.

The coalitions were marriages of convenience that grouped ideologically diverse parties. UNADE claimed to represent the legacy of Torrijos and promised honest public administration. The opposition unified behind a platform that condemned corruption, state intervention in the economy and military hegemony in affairs of state.

About two-thirds of the 900,000 registered voters went to the polls. The vote, by nearly all accounts, was close. After a long delay, the Electoral Tribunal declared Barletta the winner

by 1,713 votes, less than one half of one percent, and awarded 45 of 67 Assembly seats to UNADE.

The opposition, the Catholic Church and some independent foreign observers criticized the conduct of the elections. Some concluded that Arias would have won a fair election. The opposition accused the government of unfair campaign practices and fraudulent vote-counting. According to the opposition, the government to ensure its victory, tampered with voter lists, distributed spurious voter cards, bought votes, upheld frivolous challenges to ADO votes and stole tally sheets. The opposition charges regarding the fraud are set forth in great detail in *Anatomy of a Fraud*, written by Raul Arias de Para, a Christian Democratic activist.

D. Prelude to Crisis

Viewed by the opposition as little more than a figurehead, Barletta experienced further difficulties when the country suffered severe economic setbacks. In the midst of this economic uncertainty, Panama was shocked in September 1985 by the brutal murder of Dr. Hugo Spadafora, a vice minister of health under Torrijos and an outspoken activist who had accused Noriega of cocaine trafficking. Eyewitnesses reported last seeing Spadafora escorted from a bus at the Costa Rican border by PDF intelligence agents.

Barletta called for an investigation, but resigned two weeks later. In an affidavit submitted in June 1987 to the Inter-American Commission on Human Rights, Barletta explained he was forced to resign because he was pursuing an investigation into the Spadafora murder. Vice President Eric Arturo Delvalle, a sugar fortune heir from the small Republican Party, assumed the presidency, and the second vice president, Liberal Roderick Esquivel, became first vice president.

While allegations of corruption were common under Torrijos, the corruption spread further under Noriega. In June 1986, a series in *The New York Times* echoed the charges made earlier by Spadafora and others: that the PDF was

directly engaged in international narcotics trafficking and gun-running, and that Noriega had served as an agent for the CIA and the Cuban intelligence service.

In June 1987, Colonel Roberto Diaz Herrera, the retiring deputy commander of the PDF, publicly accused Noriega of drug trafficking, rigging the 1984 elections and ordering the murder of Spadafora. Diaz's revelations ignited smoldering public discontent with the government. A protest movement quickly emerged, spearheaded by the National Civic Crusade, a coalition of some 200 business, professional, student and labor groups. About 100,000 people demonstrated on several occasions, demanding investigation of Diaz Herrera's charges and a return to democracy.

After a general strike, the government imposed a state of emergency, followed by the shut-down of three opposition newspapers, two weeklies and four radio stations. Hundreds of people were arrested; street protests were met with harsh riot control methods. Many said they were beaten and shot at by police, resulting in several fatalities and many critical injuries.

E. The Delvalle Gambit and its Repercussions

On February 4, 1988, a grand jury in Miami, Florida indicted Noriega for drug trafficking and racketeering. Three weeks later, on February 25, President Delvalle attempted to fire Noriega in a televised announcement. The Legislative Assembly convened immediately without the presence of opposition legislators, ousted the president and vice president, and elevated Minister of Education Manuel Solis Palma to the position of minister-in-charge of the presidency.

The United States, however, continued to recognize Delvalle and, per his request, imposed severe economic sanctions on Panama. Panamanian funds in U.S. banks were frozen; canal toll payments, public service payments and personal income tax payments of Panamanian employees of the Canal Commission were withheld; military and economic assistance and trade preferences were suspended; and U.S.

corporations were prohibited from making any payments to the government of Panama. In May 1988, negotiations between the two countries to resolve the crisis ended in failure.

The protests and the series of actions taken by the United States failed to dislodge Noriega, but ruinously affected the economy. Economists estimated that the economy declined in 1988 by 20-25 percent and unemployment rose to about 20 percent.

F. The 1989 Elections

In the months preceding the elections, the government acknowledged the gravity of the situation, but blamed the United States for attempting to intervene in Panama's internal affairs and destroy Panamanian society. The elections, in the government's view, provided a mechanism by which it would regain legitimacy in the eyes of the international community.

Until early January 1989, opposition parties hedged their decision regarding participation in the elections. Specifically, the opposition called for a restoration of press freedom, a return of the exiles and a reconstitution of the Electoral Tribunal. In the end, the opposition decided to participate in the elections, even though its demands had not been met and large-scale fraud was expected. Opposition leaders intended, through participation in the elections, to mobilize latent anti-Noriega sentiment and to expose the regime's lack of popular support to the international community.

Chapter 3

ELECTORAL FRAMEWORK

A. Constitution

The 1972 Constitution establishes Panama as a republic comprising nine provinces and one reservation. Executive power is vested in the president, who is elected for a five-year term with re-election barred for at least 10 years. Two vice presidents are elected with the president.

The Legislative Assembly contains 67 legislators; 28 are elected from single-member districts and 39 represent 12 multiple-member districts with two to five seats per district. Legislators are also elected for five-year terms.

At the local level, there are 67 districts with mayors to be appointed by the new president; they previously had been elected. There are also 505 municipalities (*corregimientos*), each of which elects a representative responsible for various administrative tasks.

Under the Constitution, elections for all positions are held every five years on the first Sunday in May. Those elected assume their offices on September 1.

B. Election Law

Panama's current election law was adopted by the Legislative Assembly in October 1988. While the law initially appeared to provide a framework for a credible electoral exercise, opposition supporters from the outset highlighted problems with the law and its uneven implementation by what

they considered a highly partisan Electoral Tribunal. In addition, the opposition believed that ambiguities in the law would be interpreted in such a way as to make monitoring the elections more difficult. For example, Civic Crusade representatives noted in March that after careful review of the law they were still uncertain about the exact disposition of the tally sheets (*actas*), which form the basis of the final count. This and other problems are discussed in greater detail in Chapter 5.

C. Election Administrators

The Constitution establishes the Electoral Tribunal as the highest electoral authority. The president, the legislature and the Supreme Court each designate one magistrate to the three-member Tribunal; the magistrates serve for 10-year terms. The current magistrates are: Yolanda Pulice de Rodriguez, president, designated in 1979 by the Supreme Court; Luis Carlos Chen, vice president, designated in 1985 by Delvalle; and Aurelio Correa, designated by the legislature in October 1988 following 10 years of service as the electoral prosecutor.

The Tribunal is responsible for registering voters, issuing identity cards (*cedulas*) and appointing the members of lower electoral bodies. In addition, the Tribunal rules on such matters as political party registration and handles all aspects relating to the production and distribution of election-related materials. The Tribunal, however, is not involved in the accumulation of votes; that task is assigned to the National Vote-Counting Board.

An electoral prosecutor (*fiscal*) is responsible for protecting citizens' political rights, monitoring the conduct of those involved with electoral procedures and prosecuting electoral abuses. The electoral prosecutor is named by the president, subject to approval by the legislature. The prosecutor is independent of the Tribunal but cooperates with it. The current prosecutor is Raul Lopez, a legal adviser to the PDF for 17 years.

Prior to the elections, the alleged partisanship of the Tribunal was the opposition's most serious concern. Opposition supporters contended that at least two of the Tribunal members have close associations with General Noriega. The designation of pro-government splinter factions as recognized parties (see Section D *infra*) and the failure to act on complaints presented by the opposition were frequently cited as examples of the Tribunal's partisanship.

D. Contestants

Panamanians are legally guaranteed the right to join any political party. Procedures for the registration of parties are also established by law. They include the submission of a declaration of principles, a program, a set of internal governing procedures, and certificates verifying the residence of at least five prospective party members in each province and two in each district.

Although the requirements for party registration are minimal, disputes arose before the 1984 and current elections concerning which faction of a party should be officially recognized by the Electoral Tribunal. For example, before the 1984 elections, the Tribunal recognized a rump faction of the Panamenista Party as opposed to the faction led by Arnulfo Arias, the country's leading political figure for over 50 years; Arias promptly organized the Authentic Panamenista Party (PPA).

In December 1988, a schism developed in the PPA. As a result, the Electoral Tribunal's recognized a small pro-government faction led by Hildebrando Nicosia, who then ran as the party's presidential candidate. However, a majority of the PPA's hierarchy supported the anti-government Democratic Alliance of Civic Opposition (ADOC); the "party's" secretary-general, Guillermo Endara, was ADOC's presidential candidate. Denied use of the PPA symbol, Endara and the party's legislative candidates competed under the banner of the Authentic Liberal Party, which is the product of a schism that developed in the Liberal Party prior to the 1984 elections. The Noriega regime also provoked a split in

the Republican Party (RP), but the majority of the legitimate leadership of the RP participated in the ADOC coalition. While these schisms reflect, to some extent, the byzantine nature of Panamanian politics, they also represented a concerted effort by the government to divide and weaken the opposition and to confuse the electorate.

Two coalitions, the pro-government Coalition for National Liberation (COLINA) and the anti-government Democratic Alliance of Civic Opposition (ADOC), became the leading contestants for the 1989 elections.

1. COLINA

Eight parties constituted the pro-government Coalition for National Liberation: Democratic Revolutionary Party (PRD); Labor Party (Pala); Revolutionary Panamenista Party (PPR); Liberal Party (PL); Republican Party (PR); Panamanian Peoples Party (PPP); Democratic Workers Party (PDT); and National Action Party (PAN). The PRD was the coalition's leading party and its president, Carlos Duque, a business associate of Noriega, was the coalition's presidential candidate. Established by Torrijos in 1978, the PRD is identified as the party of the military. The party claims affinities with the social democratic parties of Western Europe and Latin America, and maintains observer status in the Socialist International.

COLINA's other significant party was Pala, led by Ramon Sieiro, the coalition's candidate for first vice president and a brother-in-law of Noriega. The party is identified as strongly pro-military. COLINA's candidate for second vice president was Aquilino Boyd, former foreign minister, and former ambassador to the United States, the United Nations and, most recently, the Organization of American States. COLINA, in presenting a united slate for the legislature, contained a broad ideological spectrum that included Communist Party members, businessmen and professionals.

2. ADOC

The Christian Democratic Party (PDC), Nationalist Liberal Republican Movement (Molirena), Authentic Liberal

Party (PLA), Arnulfo Arias loyalists from the PPA (Arnulfistas), the unregistered Popular Action Party (PAPO) and National Peoples Party (PNP), and defectors from the Liberal and Republican parties supported the opposition alliance. Arnulfista loyalist Guillermo Endara was the alliance presidential candidate, with Ricardo Arias Calderon of the PDC and Guillermo (Billy) Ford of Molirena, first and second vice president candidates, respectively. This unified ticket was forged after intense negotiations among the various parties supporting the opposition alliance.

Negotiations also produced a single slate of candidates for most of the 28 single-member legislative districts. In the multi-member circuits, the ADOC's constituent parties presented their own slates of candidates. Because of the method by which seats are awarded, this increased the opposition's overall electoral prospects.

3. Authentic Panamenista Party (PPA)

As noted, the PPA, Panama's leading opposition party, divided in December 1988. The Electoral Tribunal formally recognized the faction led by Hildebrando Nicosia as the legitimate party representative, entitling Nicosia and his colleagues to use the party symbols. According to the opposition, the government engineered the division in the party to sow confusion among the electorate. However, Nicosia's effort to present himself as the heir of Arias was singularly unsuccessful according to the opposition's election results, which showed him receiving less than one percent of the vote.

E. Other Key Institutional Actors

This section reviews the roles of the Panamanian Defense Forces, the National Civic Crusade and the Catholic Church in the elections process. The role of the media is considered in Chapter 4.

1. Panamanian Defense Forces (PDF)

There are 15,000 members of the PDF, which is divided into a police force and an armed military. The PDF, including

family members and other close relatives, represented a potential voting bloc of approximately 100,000 or almost 10 percent of the electorate. Further, building on the legacy of General Torrijos, the PDF remains involved in various civic action programs, particularly in rural areas, and thus was expected to influence voters in those areas.

The Constitution describes the PDF as a nonpartisan force. With respect to the elections, the PDF maintained it was strictly neutral, acting only to insure orderly procedures. Nonetheless, it is widely believed that PDF Commander-in-Chief Noriega handpicked the COLINA presidential slate. Moreover, Noriega and the PDF openly supported the efforts of the pro-government coalition.

PDF officers were outspoken in their criticisms of U.S. actions taken against Panama in 1988; they expressed determination not to take orders from any outside powers.

2. National Civic Crusade

After playing a critical role in organizing demonstrations in 1987 and 1988, the Crusade adopted a lower profile for the elections. In part, this was a consequence of the Crusade's having suffered the brunt of the repression leveled against those opposed to the regime. Several Crusade leaders were arrested and are now living in exile. They include: Aurelio Barria, the Crusade's first chair and a former president of the Chamber of Commerce; Roberto Brenes, the executive director of the Crusade during 1988; and Alberto Conte, a prominent journalist. In addition, some Crusade leaders were ambivalent about contesting the elections under then-existing conditions, although ultimately a collective decision was made to support the opposition in the elections.

The Crusade's election-related efforts included voter education to increase turnout. The Crusade also attempted to stimulate international attention and coverage of the Panamanian situation by sponsoring visits and forums in countries throughout the hemisphere. Many of its leaders were involved in organizing the Committee to Support

International Observers, which helped facilitate more than 270 election observers from around the world.

3. Catholic Church

An estimated 95 percent of Panamanians are Catholic. Although the Catholic Church had criticized the 1984 election fraud and the government's failure to investigate adequately the Spadafora murder, some opposition figures believed the Church hierarchy was responding too passively to the deteriorating political situation. One explanation offered for its low profile is the large number of foreign priests among the Panamanian clergy who were vulnerable to expulsion from the country.

In the final weeks of the campaign, the Church became more outspoken about the conditions under which the elections were being held. On April 5, the Episcopal Conference released a communique read in churches throughout the country, noting the closure of opposition media, the partisanship of the judicial system, the existence of exiles and political prisoners, and the harassment of public employees. The bishops appealed to the government to guarantee free elections, to conduct an honest vote count and to recognize the legitimate results [See Appendix IX].

The Church assumed a more critical role in the election process when it decided to endorse a parallel vote count organized by a Catholic laity group. The Church laity's independent vote count became the basis for a statement, acknowledging the opposition victory, issued by the secretary of the Episcopal Conference on Monday, May 8 [See Appendix X]. [The Church vote count is discussed at length in Chapter 7.] On May 11, the Episcopal Conference issued a second communique, expressing "surprise and pain" with the Electoral Tribunal's nullification of the elections [The document is quoted at length in Chapter 8 and the full text in Spanish appears in Appendix XI].

Chapter 4

PREPARING FOR THE ELECTIONS

Given Panama's history of electoral fraud, a good deal of attention focused on the particulars of the electoral process. As a former Supreme Court judge noted: "since the first elections [held in 1904], electoral processes have concluded in fraudulent elections." This chapter describes the electoral law process and discusses various complaints concerning the process presented by the opposition and various civic organizations.

A. Voter Registration

Before election day, the opposition complained that the registration process was being manipulated to ensure a COLINA victory. Opposition supporters documented problems and encouraged the Tribunal to rectify them. On May 5, two days before the elections, ADOC's presidential candidates filed a lengthy denunciation with the electoral prosecutor [See Appendix XII for excerpts from the ADOC submission]. In a meeting later that day, the electoral prosecutor indicated he would investigate the matter thoroughly, commenting that the complaints were indeed serious and well-documented. However, he conceded that nothing could be done to correct the problems before the elections.

The following section describes the registration process and summarizes problems documented by ADOC or identified by the delegation.

1. The Process

To vote in Panama an individual must: 1) be a Panamanian citizen; 2) appear on the final voter registration list; 3) have a national identity card (*cedula*); 4) not be subject to a legal disqualification; and 5) reside in Panama on election day.

Panamanians are eligible to receive a *cedula* at age 18. Apart from a voting requirement, the *cedula* is necessary for a variety of business and government related activities, but not all citizens, particularly those living in rural areas, obtain a *cedula*. Upon receiving a *cedula*, the citizen becomes a registered voter for life. The *cedula*, however, must be renewed every 12 years. The final day to obtain a *cedula* was April 7, one month before the elections; however the last day for application was February 6.

The Electoral Tribunal published the preliminary registry on November 7, 1988. The list was drawn from the civil registry, which should have contained the names of all those with *cedulas*. The final list was published on February 7, 1989, although an amended list was published on February 22 to incorporate names mistakenly excluded by the Tribunal. According to the Electoral Tribunal, nearly 1.1 million people were eligible to vote in the elections. Each political party received five printouts of the final list.

The registry contained the specific polling site to which a voter was assigned. A voter should have been assigned to the site nearest his or her residence, although there were many complaints from people assigned to sites far from their homes. Those performing election-related duties, including medical personnel, fire fighters, and the military, were permitted to vote at their workplace, rather than the residential-specific site they would have been otherwise assigned. Ten days before the elections, the Tribunal was required to compile a list of those who would be voting away from their regularly-assigned sites. The list was to be sent to the newly-assigned sites as well as to the regularly-assigned sites.

2. Problem Areas

a. Addition of voters - The opposition noted that the number of registered voters in 1989 increased 29 percent over the 1984 figure -- 1,118,430 in 1989 compared to 917,677 in 1984. This meant that in 1989 nearly 92 percent of the voting-age population was registered, compared with 83 percent in 1984. However, based on an analysis of the historical increase in number of registered voters since 1952, the opposition calculated there should have been no more than a 12-percent increase in registered voters.

The president of the Electoral Tribunal explained that the unusual increase occurred because the 1982 census, the basis for the 1984 registry, was incomplete. The Tribunal said an extra effort was made for these elections to register those eligible to vote who had not previously registered.

In its denunciation to the Tribunal, ADOC stated: "Such an extraordinary increase of electoral population holding personal identity cards would imply that the Electoral Tribunal has worked with an almost perfect efficiency, which would be impossible to accomplish with the scarce human and material resources it has had during the period of national crisis during which the increase occurred." According to ADOC, the increases were due to the duplicating of more than 100,000 names on the registry, issuing more than one identity card to government supporters and the listing of 800 deceased persons. The 100,000 figure represented an error of almost 10 percent, "a figure that is higher than what could be statistically explained as a processing error."

Since it is assumed the computer would have deleted from the registry multiple listings of individuals with the same *cedula* number, the scheme required that an individual have multiple *cedulas* with different numbers or that the individual use a fictitious name to obtain a separate *cedula*. To substantiate the charge, the opposition identified many people with two or more *cedula* numbers. (It should be noted that many Panamanians have more than one *cedula*, having obtained a new *cedula* when the original one was lost or

misplaced and then finding the original; however, the *cedula* number always remains the same.) In thousands of cases, ADOC found that the identity card numbers of voters whose name appeared more than once were similar. In many cases, only one of the 11 numbers differed, meaning the voter had been assigned to nearby *mesas*, facilitating multiple voting.

The internal checks against multiple voting included the requirement that a voter be listed in the electoral registry and a voter's *cedula* be punched in the appropriate place. However, if there were fictitious names on the list and individuals had more than one *cedula*, these checks would not have prevented multiple voting.

b. Exclusion of voters - The opposition also published lists of voters who allegedly were deleted from the electoral registries or assigned to polling places far from their homes. Assigning voters to inconvenient polling sites served two purposes, according to the opposition. First, it would discourage some voters from voting. Second, it would enable the government to issue a *cedula* in that person's name to another voter. In its defense, the Electoral Tribunal stated that many problems occurred because voters assumed they would be assigned to vote at the site nearest their residences, even if they had moved and failed to inform the Electoral Tribunal.

c. Voting by the armed forces - One of the opposition's greatest concerns centered on the potential for multiple voting by members of the 16,000-member Panama Defense Forces, an alleged practice in 1984. When the Electoral Code was completed in 1988, the opposition was partially satisfied with a provision that required members of the armed forces to vote at the end of the day, thus making multiple voting more difficult. However, a pamphlet of instructions prepared in March by the Electoral Tribunal listed members of the armed forces among those who could vote at any time when the polls were open. The opposition, noting that only the Legislative Assembly is empowered to amend the Electoral Code, criticized the Tribunal for having made the change unilaterally.

Related to the foregoing was the confusion over whether names of PDF members had to appear on the electoral registry of the local precinct (*mesa*) where they would be casting their ballot. During its pre-election visit, the NRIIA/NDI advance team discovered a manual published by the Panamanian Association of Business Executives (APEDE) for opposition pollwatchers that listed PDF among those "who can vote without being on the electoral registry, nor on the additional list at each *mesa*." However, the president of the Electoral Tribunal, Yolanda Pulice de Rodriguez, assured the advance team that the manual was incorrect and that the Tribunal would inform those who produced it. The Tribunal vice president, Luis Carlos Chen, said that anyone who would have to vote at a site other than his assigned one because of professional responsibilities must inform the Tribunal and appear on an inclusion list.

On April 18, the Tribunal issued a new decree stating that PDF members assigned to a particular *mesa* on election day, but who did not appear on that *mesa*'s electoral registry, had to vote at the end of the day. However, those who were not assigned election duty at a *mesa* could vote any time of the day at the *mesa* closest to where they were stationed. In both cases, the president of the *mesa* was to add the voter's name and *cedula* number to the registry. Those members of the armed forces who appeared on a *mesa* registry were able to vote at any time of the day.

B. Voter Education Campaigns

The Electoral Tribunal and other organizations encouraged citizens to inquire about their polling sites before election day and to vote on election day. The Electoral Tribunal ran public service announcements in print and electronic media that explained the voting procedure and announced the Tribunal's voter information service. It also placed small posters in public areas listing the telephone numbers of a service designed to notify people where they were assigned to vote on May 7.

Political parties campaigned door-to-door and in public areas encouraging people to find out where they were assigned to vote. Opposition parties in particular were afraid people would appear at the polling site where they voted in 1984 and discover they had been reassigned to another site.

The Catholic Church issued a statement, read in churches on April 9, encouraging citizens to study the candidates and parties, and to vote for those who would benefit society as a whole. The National Civic Crusade also produced a series of television spots to encourage people to vote.

C. Other Actions by the Electoral Tribunal

The opposition filed many formal complaints with the Tribunal about alleged violations of the Electoral Code committed by the government and military. In this respect, the opposition sought to utilize available legal avenues, notwithstanding its frequently expressed belief that the Electoral Tribunal was merely in place to help the regime engineer electoral fraud.

The opposition complained that the electoral prosecutor (*fiscal*), Raul Lopez, did not properly investigate the complaints filed by the opposition. "The *fiscal* is investigating absolutely nothing," Christian Democratic legislator Guillermo Cochez, wrote in a memo on March 30 to the vice president of the Tribunal. The *fiscal* also was accused of avoiding meetings with the opposition and of taking too much time to resolve cases in which the right of candidates to appear on the ballot had been challenged.

Responding to these charges, the *fiscal* reported that he had received 55 allegations concerning electoral fraud and electoral crimes. The *fiscal* claimed that the opposition had failed to substantiate its allegations, making investigation impossible. A cursory review of the allegations showed that while they were not of major import, they also had been ignored by the *fiscal*'s office.

The *fiscal* also reported that his office had received approximately 95 complaints regarding the registration process

and 56 regarding preparations for the elections. Until the May 5 filing by the ADOC candidates [See Chapter 4], the most serious of these complaints involved an allegation that 5,000 Christian Democratic Party members had been assigned to vote in districts other than where they lived. The *fiscal* claimed that the Tribunal had corrected the mistake after it was brought to its attention, a contention challenged by the individual who filed the complaint.

The Electoral Tribunal issued a decree on April 18 to clarify regulations governing the electoral process [See Appendix XIII]. The decree dealt with three issues in particular: the release of unofficial results, access to *mesas* and voting by the armed forces.

As noted earlier, the decree reconciled the contradiction between the Electoral Code and the Tribunal's instruction booklet on voting by the PDF. On the release of election results, the decree said that only the counting boards could provide results. All citizens and the media were prohibited from releasing partial results.

The decree also prohibited the formation of groups within 50 meters of the *mesas*, a regulation that authorities ignored throughout the country as voters and observers approached *mesas*. Finally, the decree said that only those accredited by the Tribunal would have access to the counting boards. While in some places access to the counting boards was restricted, in others it was open to the general public.

Chapter 5

ELECTORAL ENVIRONMENT

A major requirement for a fair election is an environment in which parties and candidates can communicate freely with prospective voters without fear of untoward consequences. While this is generally a difficult issue for election observers to evaluate, in Panama the situation was particularly complicated. On one hand, opposition candidates traveled freely to all regions of the country and the opposition was permitted to organize large and small rallies. On the other hand, the media was subject to significant restrictions; several Panamanians remained outside the country for fear of returning home; and among the populace there was little confidence in receiving due process from a government and judicial system allegedly rife with corruption. This section explores some of these issues in more detail.

A. Campaign Overview

Both coalitions ran vigorous nationwide campaigns. Banners, billboards, flags, and posters festooned the country. The candidates for president and vice president ran national campaigns through the electronic and print media and made frequent public appearances. Rallies and caravans of cars were the most frequent means to mobilize and demonstrate support.

The opposition Democratic Alliance of Civic Opposition (ADOC) sought to portray the election as a referendum on General Manuel Antonio Noriega, commander-in-chief of the

PDF. The opposition coalition issued few detailed policy proposals, emphasizing instead Noriega's suppression of civil liberties and the military's predominant role in government and economic affairs. Opposition figures decried more than 20 years of "military dictatorship" and proposed that the military resume the more apolitical role it played until 1968. The opposition promised to establish the supremacy of civilian authority over the military in public affairs and declared it would seek to remove Noriega from his position in the PDF.

The pro-government Coalition for National Liberation (COLINA) sought to energize its diverse coalition behind the nationalist themes of independence and sovereignty. COLINA's campaign focused on Panama's relationship with the United States and the sensitive issues surrounding the transfer of control over the Panama Canal. The patriotism of opposition candidates was regularly questioned by the COLINA leadership. The opposition was accused of treason, involving a United States attempt to keep the canal.

The COLINA platform and stump speeches stressed continuity with the revolution of Torrijos and the reordering of political life that has evolved since 1968. COLINA candidates emphasized the opportunities that have been provided to thousands of people previously excluded from positions dominated by the nation's "oligarchy." As Torrijos is still held in esteem by many Panamanians, COLINA's leading party, the Democratic Revolutionary Party (PRD), wrapped itself and presidential candidate Carlos Duque in the imagery of the Torrijos era. For example, several posters showed a young Duque standing next to Torrijos, accompanied by words of praise for the candidate from Torrijos: "the most honest and loyal man I have known." Also, COLINA television advertisements accused the opposition of wanting to reverse the social advances achieved under Torrijos.

The government and the military did not hide their support for the COLINA slate of candidates. Statements by Noriega and Minister-in-Charge of the Presidency Manuel Solis Palma contributed to opposition fears of election fraud.

For example, in a March 28 speech, Noriega stated: "we [the military] will not be passive witnesses to anybody's victory other than COLINA's." That same day, Solís Palma said: "I want to tell the ministers, the deputy ministers, and the directors and deputy directors of autonomous state institutions that doing a good job is not enough. One must be a nationalist and a Panamanian."

The government also tried to make a campaign issue of the economic sanctions imposed by the United States in 1988, but it backfired. The sanctions seem to have contributed to the government's declining popularity by worsening the plight of the average Panamanian. Moreover, most Panamanians blamed Noriega, rather than the United States, for the economic crisis.

B. Human Rights

The Inter-American Commission on Human Rights, an organ of the Organization of American States, visited Panama from February 25 to March 3, 1989. The commission, which had been monitoring the situation in Panama, reported in a communique at the end of the visit that it had "received numerous complaints of alleged human rights violations such as: torture, mistreatment of prisoners, police brutality, illegal arrests, undue delay in the processing of criminal cases, the ineffectiveness of the writs of habeas corpus, prolonged periods of incommunicado detention [and] the arbitrary seizure of private property." These matters were also raised by human rights groups in Panama and by respected international, nongovernmental human rights organizations.

The government denied the charges and encouraged comparisons of Panama's human rights record with that of other Latin American countries. During the actual campaign period, as acknowledged by several human rights activists, serious human rights violations, such as summary executions, torture, and disappearances, did not occur. The focus of human rights activists, therefore, was on political rights related to the holding of fair elections and to the establishment of a democratic society.

C. Freedom of Press

Three newspapers -- *La Prensa*, *El Siglo*, and *El Extra* -- were closed by the regime in February 1988. During the campaign, these newspapers remained closed; the government justified the closures by accusing the newspapers of inciting people to riot.

The newspapers that were permitted to publish were all highly partisan toward the government. *La Estrella de Panama*, the newspaper with the largest circulation, covered some opposition activity, but usually from a critical perspective. However, the newspaper allowed the opposition to purchase space in the paper for political advertising.

In March, the Christian Democrats began publishing a thrice-weekly four-page newsletter, *La Estrella Civilista*. Before the first edition went on sale, the editor, Alfredo Jimenez, together with his two sons and two secretaries, was charged with printing "seditious materials" and of "fomenting public disorder" by accusing the government of preparing a fraud. Ultimately the party was able to publish the newsletter, under the name *La Estrella Verde*.

Three radio stations -- *Radio KW Continente*, *Radio Noticias* and *Radio Mundial* -- had been closed, except for a short period, since July 1987. However, the limits of what could be expressed over the radio appear to have been less severe than in other media. One owner of several operating radio stations that remained open aired blunt criticism of the government and even the PDF, but acknowledged that other colleagues felt more constrained.

Daily radio programs featured opposition candidates offering their perspectives on the Panamanian political situation. These programs were broadcast live and air time for them was purchased by the candidates or political parties at a discounted rate. The most popular of these programs, directed by Guillermo Cochez, a Christian Democratic legislator, was suspended on April 17 by the Justice Ministry for violating a

law prohibiting the dissemination of false news. The ministry did not specify how Cochez had allegedly violated the law.

The situation with respect to television, which provides over 60 percent of Panamanians with their primary source of information, was more complex. Channel 2 is a government-controlled station that gave very limited coverage to opposition activities. Channel 5, whose principal owner was former President Delvalle, closed when he was ousted from office in February 1988. The station opened again in April under the direction of pro-government figures.

Channel 4, the most independent station, and Channel 13 covered opposition activities and permitted the opposition to purchase short spots at reduced rates. A 25 percent reduction was required by law, but the reductions, according to one station owner, reached 60 percent. The opposition also aired a 10-minute program from Monday to Friday on Channel 4.

The stations' owners were conscious of the limits of what could be aired, candidly admitting they practiced self-censorship and refused to allow live interviews on political matters. Among the taboo television subjects were criticisms of the PDF and government corruption. Station owners explained the need for reviewing and, in some cases, editing opposition spots to ensure that "offensive" material was removed before broadcast. One month before the election, Channel 4 received a notice saying it owed $2 million in back taxes, a charge the station believes was politically inspired.

D. Government Pressure and Involvement

The government was widely accused of intimidating voters during the campaign. The most frequently expressed charge by the opposition was that the government fired public employees sympathetic to the opposition. Minister of Commerce Isaac Hanono was quoted in a pro-government paper saying that loyalty to the regime was a valid criterion for job security. Opposition supporters complained frequently that the government pressured public employees to attend COLINA rallies and recruit COLINA supporters.

A number of taxi drivers who participated in a pro-government caravan a week before the election told a delegation staffer that they supported the opposition but feared losing their taxi licenses if they did not participate. The government was also charged with threatening to revoke the licenses of public transport operators who worked on days of opposition rallies.

The delegation obtained a copy of a form that had allegedly been distributed to government employees asking them for the names of three people that the public employees could "guarantee" would vote for the government [See Appendix XIV]. The opposition was unsure how the forms were utilized, as it would have been difficult for an employee to guarantee the votes of the three people on the list. There was speculation the government used those names to prepare a list of apparent sympathizers to prove its popularity and justify a government victory. This was consistent with the government's alleged pressuring of public workers to register with the PRD. In early April, a pro-government paper disclosed the number of members registered in each political party, with the PRD enjoying a large advantage.

The opposition also charged that the government distributed food to people in exchange for punching their *cedulas* in the same place the *cedula* would be punched on May 7 to verify that they had voted. This move was meant to confuse voters. While a punched *cedula* was only one device electoral officials utilized to determine whether someone had already voted, some people may have believed mistakenly they could not vote once their *cedula* was punched. The delegation was unable to obtain estimates of the number of these cases. In addition, the delegation did not see a uniform application of the *cedula* punching procedure for those individuals who did vote.

Opposition representatives throughout the country complained that the government utilized state resources to support COLINA candidates. They reported that government employees performed campaign activities during work hours

and that government property such as automobiles were used for campaign purposes. Partisan campaign posters were hung in PDF headquarters in a number of cities. One of the posters read "FRIENDLY FORCES" and listed the eight COLINA parties. Another read "ENEMY FORCES" with a list of the ADOC parties.

COLINA's implicit response to these allegations was that they were part of the Panamanian political culture. They suggested that the opposition also utilized economic leverage over voters. One opposition activist indeed acknowledged to members of the advance team that the 5,000 workers on the sugar plantation of former President Eric Arturo Delvalle had been told that if the opposition candidates in their district did not win, the workers would lose their jobs.

In the campaign's final month, reports of violence against the opposition increased. On April 5, suspected regime militants kidnapped, beat and threatened an opposition alternate legislative candidate. Carlos Arellano Lennox, a Christian Democratic legislator, accused government supporters of attacking his office with molotov cocktails. There was growing concern that more widespread violence would break out in the days preceding the election or on election day. The opposition was particularly disturbed by a photo of heavily-armed, paramilitary personnel in a pro-government paper on April 7. The caption read "with blood and gunfire, we will defend the triumph of COLINA on election day."

E. The End of the Campaign

Two weeks before the elections, *U.S. News and World Report* reported a presidential "finding" authorizing the CIA to provide $10 million to the opposition. Opposition spokesmen denied receiving any assistance from the CIA, but the government used the report as its chief campaign issue. COLINA increased its accusations that the opposition supported U.S. interests, in particular with respect to what the government said was the U.S. desire to abrogate the canal treaties.

A television ad aired frequently during the final week of the campaign showed the faces of the ADOC presidential ticket with a U.S. flag as a backdrop. Another ad showed President Bush addressing a press conference. Bush, his voice dubbed in heavily-accented English, stated that, of course, the U.S. had provided $10 million to the opposition.

In an effort to demonstrate the extent of their support, both coalitions held large rallies in Panama City to close their campaigns. ADOC held its rally on May 4. As had occurred on other days when the opposition scheduled rallies, taxi and bus drivers were pressured into not transporting people to the rally.

The following day, COLINA surprised skeptics by drawing an extraordinarily large crowd; many of those present, however, were said to be public workers coerced into attending. Others, according to opposition supporters, attended the rally for free food and beer.

Polls, meanwhile, continued to show the opposition with an overwhelming lead. DOXA, a Venezuelan polling concern that had conducted a series of polls in Panama since November 1988, released its final poll in April. It showed the opposition ahead, 58 percent to 26 percent.

Chapter 6

THE ELECTION DAY

Although the opposition reported, and the delegation witnessed, a number of irregularities during the voting process, at the outset these problems did not appear serious enough to affect the election outcome. The large majority of polls opened at, or soon after, the scheduled time, *mesa* officials followed regulations as prescribed by the election law and most polls closed on or about on time. Most, if not all, of the 12 registered parties were represented at nearly every *mesa*. The military presence was not heavy, and few voters appeared to find the atmosphere intimidating.

This chapter describes the balloting process and discusses some of the problems observed by the delegation.

A. The Balloting Process

There were 4,255 voting precincts (*mesas*) at 1,944 voting sites nationwide, with a maximum of 500 and an average of 278 voters per *mesa*. Each *mesa* was administered by three officials designated by the Electoral Tribunal. Party pollwatchers shared in the responsibility of administering the *mesa* as well; they participated in the deliberation and resolution of disputes, and signed the tally sheets (*actas*) that were prepared after the ballots were counted. The delegation did not observe any instance where local officials resolved disputes in a purely partisan manner, despite having been warned that the pro-government forces would take advantage of their numerical superiority to resolve disputes in their favor.

While the polls were scheduled to open at 7 a.m., many opened later because ballots did not arrive on time. Although lines were long, voters at most *mesas* were processed rapidly. Upon arrival at the *mesa*, people presented their *cedulas* to the election officials. The name on the *cedula* was checked against the registry. If the voter's name appeared on the list, he or she was given an envelope and directed to an enclosed booth.

Inside the booth were trays containing the ballots of each party competing in the elections. The party representatives were encouraged to make sure ballots for their respective parties were available in the booth throughout the day.

Voters selected separate ballots for president/vice presidents, legislators and council members and placed the ballots in the envelope. Placing more than one ballot for a particular office in the envelope nullified the vote for that office. In multi-member legislative districts, a person could vote for the party slate or delete from the slate those candidates he or she did not want; however, the voter could not select one legislator from one party and a second legislator from another party.

After placing the ballots in the envelope, the voter returned the envelope to the election officials. The voter's *cedula* was then punched in a prescribed place and the voter signed his or her name on the electoral registry. One of the election officials signed next to the voter's signature.

The polls were scheduled to close at 5 p.m., but some remained open later since people were still waiting in line. After everyone in line had voted, the names of those who did not vote were crossed out and the unused ballots burned.

B. Problems Observed by the Delegation

The delegation divided into nine teams on election day. Observations regarding the quality of the process varied considerably. In some regions, the process was relatively well-organized; the major issue involved names missing from the voter registration lists. In other areas, delegation members

observed more serious problems. Voters and party representatives often approached the observers to report irregularities, and were eager to respond to questions.

1. Erroneous or Insufficient Number of Ballots

At many sites, the polls could not open on time because the requisite number of ballots had not arrived. The problems were usually rectified within an hour or two, although the delay caused long lines to develop and frustrations to mount. In Canyasas, a small town near Chitre, balloting at one *mesa* did not begin until 1 p.m. because all the ballots had not arrived.

In some *mesas*, the opposition alleged that ADOC ballots were not placed in the voting booth. When opposition representatives discovered this, voting was suspended for prolonged periods. In other cases, some ballots arrived with the names of candidates from another electoral district.

Many of these problems appeared to be caused by administrative errors, rather than deliberate attempts to manipulate the process. Although such mistakes slowed balloting and caused some voters to leave polling sites without voting, the rate of abstention did not appear to be greatly affected.

2. ADOC Pollwatchers Deterred from Adequate Monitoring

Opposition representatives at *mesas* in a number of cities complained that the seating of the Tribunal officials and the party pollwatchers was arranged to prevent the opposition from adequately verifying voters' *cedulas* and scrutinizing other aspects of the process. The pollwatchers complained they were prevented from checking the list for false *cedulas* and names.

At a *mesa* in Panama City, ADOC pollwatchers told delegation members that the Tribunal officials refused to allow party observers to sign the tape on the ballot box, as prescribed by law. Such complaints, however, were infrequent, and most ADOC pollwatchers noted the cooperation that

existed among them, the Tribunal officials and COLINA pollwatchers.

3. Voters Omitted from Electoral Registry

On election day, many voters throughout the country (estimates were not available) arrived at their polling sites and discovered their names did not appear on the electoral registry. Many claimed to have voted at that same site for years, and some said they had been told where to vote by the Tribunal just days before. Although opposition monitors noted that people were turned away throughout the day, they acknowledged at day's end that the number of voters disenfranchised in this fashion (deliberately or unintentionally) was consistent with past elections and would not affect the outcome.

4. Ballot Secrecy

In David, some booths did not have curtains that allowed voters to cast their ballots in secret, although some polling officials placed large sheets of paper around a wooden frame to provide secrecy. In several places close to Panama City, the opposition complained that the curtains on the voting booths were too short, enabling people in the room to determine for whom the voter was casting his or her ballots based on where the voter stood. In some cases, the problem was resolved by placing a barrier below the curtain.

A woman in Panama City reported that her son, a government employee like herself, practiced the technique of observing voters' feet under the curtain the day before the election with other government workers. She wanted to vote for the opposition, she explained, but abstained instead for fear of being detected and losing her job. This issue, although raised frequently, appeared to be more a reflection of the tense atmosphere and opposition supporters' deep suspicion of the Electoral Tribunal than a deliberate attempt to expose or intimidate voters.

5. Fraudulent Voting Credentials

The opposition accused the government of distributing credentials to government supporters that identified them as Tribunal employees and authorized them to cast their ballots at any *mesa*. ADOC supporters at a polling site in Panama City claimed that 52 people appeared late in the day with Tribunal credentials. A man with one of the forms told members of the delegation he was not a Tribunal employee. He said he was given the credentials, directed to a particular *mesa* and told to vote for COLINA [See Appendix XV for copy of false Tribunal credential].

6. Multiple Voting

The delegation heard many allegations that members of the armed forces and other supporters of the government voted more than once. The opposition charged that buses transported members of the PDF to polling sites and that military personnel were often waived from signing the electoral registry at the *mesa*. The delegation team in Chitre was given names and *cedula* numbers of members of the armed forces who voted in more than one polling site. Eyewitnesses said six buses each took 15 soldiers to three polling sites. In David, a military vehicle arrived at a polling site with troops, but the vehicle left following a commotion outside. Witnesses said the bus left because international observers were inside. In other regions, however, opposition pollwatchers stated that the number of military personnel voting at a particular *mesa* was not unusually high.

National estimates of multiple voting were not available, and even if numbers are available, it is difficult to assess the impact of this activity. The U.S. embassy stated, for example, that members of the armed forces may have voted for the opposition, because in some *mesas* COLINA received fewer votes than the number of military personnel who reportedly voted there.

7. Relay Voting

The delegation received a few unconfirmed complaints in Panama City that the government utilized "relay voting" to ensure that people voted for COLINA. This scheme allegedly worked as follows: a voter would be given an envelope containing COLINA ballots before entering the polling site. He would then receive an empty envelope at the *mesa* and walk into the ballot booth, where he would do nothing. He would return to the *mesa*, deposit the pre-filled envelope in the ballot box and return the empty envelope to those coordinating the scheme in exchange for money.

C. Summary

At 6 p.m. on election day, the ADOC candidates held a press conference to denounce the irregularities evident during the balloting process. They reported many specific incidents witnessed by their pollwatchers. Later that evening, however, in meetings with foreign observers, opposition leaders emphasized the early returns of their independent vote count, which showed an overwhelming opposition victory.

Chapter 7

THE COUNTING PROCESS

Before the elections, the delegation had been informed by many Panamanians that the most significant fraud would likely occur during the counting phase. These Panamanians urged the delegation to pay particular attention to the counting process following ballot tabulation at the *mesas*, and to remain in Panama until the process was complete.

Polls conducted immediately before the elections showed the opposition leading in the presidential election by at least a three to two margin. It was presumed that to overcome such a lead, the pro-government forces could not rely solely on deception at the *mesa*, but would need to execute a massive fraud during the counting process. The delegation believed that with careful monitoring of the vote tabulation, concrete evidence of such a fraud could be detected.

This effort ultimately proved critical because it allowed the delegation to conclude that the opposition won the presidential election in convincing fashion. This conclusion was based on the delegation's observations of the results at voting tables in different parts of the country and its confidence in the parallel counting efforts conducted by the opposition and the Church laity.

A. The Official Counting Process

1. Counting The Ballots

The polls closed in Panama at 5 p.m. except in several instances where the polls remained open to allow those in line to vote. Once the polls closed, the *mesa* area was secured -- this usually meant excluding everyone except the election officials and the party representatives -- and the election officials prepared to count the ballots.

The first step involved burning the unused ballots. Polling officials compared the number of envelopes in the ballot box with the number of voters who had cast ballots. If there was an excess, the polling officials would randomly select a sufficient number of envelopes so that the numbers would conform. The randomly selected envelopes were destroyed.

The envelopes were opened and the ballots for the presidency, legislature and municipalities were separated. The ballots for each post were further divided by party affiliation and then counted. The results were entered on a tally sheet (*acta*) and signed by the election officials and the party representatives. Since every party representative was entitled to a tally sheet and there were three or four separate elections, as many as 60 such *actas* were prepared at a given *mesa*. Once the tally sheets had been completed and distributed, the ballots were burned.

The delegation observed this process at the time the polls closed and later in the evening. In most places, the process progressed in an orderly but slow pace, requiring three to six hours to complete, assuming no disturbances. At many sites, those involved in the counting process seemed conscientious and the delegation observed few disputes. At one Panama City polling site, for example, the delegation observed the polling officials counting the ballots by flashlight following a neighborhood blackout.

In several places, there were serious disturbances, usually involving attempts to disrupt the process. One such incident occurred at the Republic of Venezuela School in Panama City.

Delegation teams that visited the school during the evening observed a tense situation, with crowds of COLINA and ADOC supporters chanting slogans and taunting each other. Later in the evening, it was reported that the military entered the school compound and fired into the crowd surrounding the school.

While incidents similar to the one at the Venezuela School occurred throughout the country, election officials and party representatives, in many cases, refused to be intimidated. Also, these incidents often occurred after the votes for president had been counted, thus permitting results to be obtained, and ultimately transmitted, by those participating in the parallel counting operations.

2. Tabulating the Results at Regional Centers

Once the tally sheets were finalized, the election officials were responsible for transmitting the tally sheets for the presidential election to one of 40 regional counting boards (*circuito*) and to the Electoral Tribunal in Panama City. The tally sheets for the legislature also were transmitted to the regional boards, while the tally sheets for the municipal seats were transmitted to town counting boards.

At the regional level, a three-member board would enter the results from each *mesa* on an official form. When all the *mesas* had reported, the regional board would transmit to the National Counting Board a form containing the results for the presidential election. The form was signed by the board members and the designated party representatives. The regional board would then tabulate the results for the legislative elections and proclaim the winners. This at least was how the system was supposed to operate.

It was at the regional board level that the government apparently sought to execute the fraud, which involved delaying the activities of the regional boards and, in many instances, preventing them from functioning altogether. The government apparently hoped it could create sufficient

confusion at the regional level to mask its substitution of forged forms at the national level.

The delegation heard credible reports concerning attacks on regional board centers and the unauthorized removal of the original tally sheets from these centers. In other regions, the boards simply refused to meet, often leaving opposition supporters nervously guarding the tally sheets that had been transmitted to the centers, while expecting an attack on the center at any time. Thus, as late as Tuesday night, some regional boards in Panama City still had not met.

3. The National Counting Board (NCB)

NCB members were appointed by the Electoral Tribunal. Diomedes Rosas served as chair, although many in the opposition questioned his impartiality, noting that his daughter served as secretary to Noriega's wife. The NCB operating center was situated in the Atlapa Convention Center across from the hotel where the delegation was housed.

Before the elections, the Electoral Tribunal had assured members of the delegation that the NCB would begin posting results the night of the elections and that most, if not all, of the results would be released within 48 hours after the polls closed. However, on election night, there were no results available at the NCB operation. Panamanian television continued its regular programming, with brief interruptions for reports from the convention center where the president of the Electoral Tribunal was conducting tours for the official observers invited by the Tribunal. Other observers, including members of the delegation, were denied entry late election night and Monday.

The first forms from the regional boards were received by the NCB Monday afternoon. Despite charges by lawyers representing the opposition that the forms were blatant forgeries, the board decided to post the results.

Soon thereafter, President Carter visited the NCB operation at the convention center. He reviewed the forms carefully, concluding that there was clear evidence that they

were forged. In one case, the signature of the opposition representative on the *circuito* form accepted by the NCB was not at all similar to the signature of the opposition's *circuito* representative that was in the hand of the opposition lawyers present at the convention center. Also, the figures on the *circuito* forms were inconsistent with the total votes per party in a given *circuito* as based on the tally sheets from individual *mesas* that were in the hands of the opposition lawyers.

President Carter urged the NCB official on duty to conduct an investigation by comparing the forms with the original tally sheets that had been sent to the Election Tribunal. The official rejected the request, claiming that under the law his only obligation was to record the results from the regional boards. However, the electoral law empowers the NCB, when an objection is posed, to compare the results reported from the *circuito* with the tally sheets that arrived directly from the polling site. President Carter then sought to raise his concerns with the Election Tribunal magistrates, but they also said they had no role to play in the counting process and could only review complaints after the counting boards had finished their task.

Despite the denunciation of the process by most observers and the declaration by the Church that the opposition had won, the government initially sought to continue its deception. On Tuesday and Wednesday, the National Counting Board released results from various regions, although not from the most-populated areas. By Wednesday, when the decree nullifying the election was issued, the National Counting Board showed COLINA ahead of ADOC by more than a two to one margin; 105,522 to 51,844.

B. The Parallel Counts

Based on the 1984 elections, the opposition recognized the importance of conducting a parallel counting operation that was comprehensive, rapid and credible. Thus, a good deal of thought and creativity went into devising such a system. In addition, after considerable hesitation, the Catholic Church endorsed a Church laity group's effort to conduct a "quick-

count" based on a stratified sample. These parallel vote counting operations provided a credible computation of the results in the presidential election.

1. The Opposition Count

The opposition parallel count operation attempted to obtain results from each *mesa*. The party representatives, or other designated individuals, at each *mesa* were responsible for recording the results on a special form prepared by the opposition. This form was then transmitted to various regional cumulation centers, located in private homes, and then to a center where they were entered on a micro-computer. The final step involved transmitting the computer printouts to Panama City for the accumulation of a national total.

The system was designed to be tested on election day. The idea was for party representatives to submit by noon information regarding turnout and an estimate of the vote count based on the numbers of ballots removed from each *mesa*. However, as several outside observers anticipated, the idea proved too ambitious and very little information was received.

The effort to report the results after the polls closed proved more effective, although the system operated more slowly than the designers anticipated. In many instances, the party representatives, out of fear, delayed bringing the *mesa* results to the designated centers. Further, due to disruptions of the counting process at some *mesas*, the opposition was unable to obtain results from those *mesas*.

Two days after the elections, the opposition reported results based on 54 percent of the *mesas*; they showed a sizeable opposition lead. By June 4, with results from 81 percent of the *mesas*, ADOC was leading by a 65 to 26 percent margin over COLINA [See Appendix XVI].

2. The Quick-Count Operation

Quick-count operations have become standard fare in contested elections. The highly regarded efforts of the Philippine National Movement for Free Elections

(NAMFREL) during the 1986 snap presidential election in that country have provided a model for others to emulate.

The Panamanian quick-count operation was organized in less than five weeks. In early April, the Church hierarchy approved the Church laity's request to organize a quick-count operation. The plan was relatively simple, although many news reports incorrectly referred to the effort as an exit poll. Unlike an exit poll, which relies on interviews with random voters, the statistical data base of the quick-count operation comprised locally tabulated vote counts at 10 percent of the *mesas*. Specifically designated, trained volunteers collected the actual results from randomly selected *mesas* and transmitted these results to one of 50 collection sites.

The major challenge involved recruiting and training the volunteers to obtain results from the relevant *mesas* and to transmit the results from various intermediary points to Panama City. The Church's endorsement of the project assisted in the recruitment effort. In some areas, local priests assumed the responsibility of obtaining the necessary information.

From the *mesa*, results were transmitted to regional centers and then to the main center in Panama City. Thus, the main center received the actual *mesa* results for the sample voting tables and only at that point did any cumulation of results occur.

The quick-count operation developed by the Church laity was reviewed by two technical experts on the delegation who were familiar with similar operations in the Philippines and Chile. On election night, these delegation members were permitted to monitor the quick-count operation at the main center in Panama City. The center was located in a private home in a residential area that had several computers and one facsimile machine. Despite the intentional obstruction that occurred at the *mesa* level in some regions, the quick-count operation proved successful.

The first returns began arriving at the main center at 10:30 p.m. Only those returns that were internally consistent were used, requiring the exclusion of many returns with minor discrepancies. By Monday morning, though, the operation had tabulated results from 115 *mesas* in different regions, thus constituting a significant enough sample to make a credible assessment. The results showed the opposition winning by 74 percent to 26 percent, with a margin of error of plus or minus 10 percent.

Based on their observations, the two delegation members who had monitored the system briefed the delegation and later Archbishop McGrath. They stressed the scientific basis for the quick-count operation, the meticulousness with which the results had been verified by the volunteers working in the main center and the overall significance of the results received as of Monday morning.

After hearing the report of the delegation team, and a separate report from the Church laity volunteers responsible for organizing the quick-count operation, Archbishop McGrath, in consultation with his colleagues, authorized the release of a letter from the secretary of the Episcopal Conference acknowledging an opposition victory [See Appendix X]. The letter was carefully phrased to avoid violating the decree prohibiting the release of partial results. The accuracy of the quick-count system also provided, in large measure, the basis for the Monday night statements by the delegation leaders that the opposition had won the presidential election.

Ultimately, 164 of the 497 *mesas* designated as part of the quick-count sample were counted. To ensure that no one region was overly represented, a reverse stratification was performed. The results of the reverse stratification showed ADOC winning 73.3 percent of the vote in the presidential election to 25.8 percent for COLINA, with a margin of error of plus or minus 10 percent [See Appendix XVII].

The results reported by the Church and those reported by opposition reinforced one another especially when the results were examined party by party. They were nearly identical.

For example, in the Church quick-count, the Christian Democratic Party accounted for 57 percent of the opposition votes, while the opposition vote count attributed 55 percent of the total opposition vote to the Christian Democratic Party.

C. Summary

The importance of the parallel counting operations in Panama cannot be overstated. As early as Monday morning, the quick-count provided the data necessary to affirm that the opposition's presidential candidate had won. Based on this information, President Carter held a private meeting on Monday morning with the ADOC leaders at which he congratulated them on their victory. The Church issued a statement later that day acknowledging the opposition victory, while President Carter and the delegation publicly endorsed the opposition victory that evening and denounced as fraudulent the official counting process then under way.

Chapter 8

ELECTION AFTERMATH

A. Attempt to Portray Duque as Victor

At 11 p.m. on election night, COLINA candidate Duque claimed victory, citing an exit poll conducted by INTERGALLUP, an obscure Spanish polling firm. The results, supposedly derived from more than 18,000 interviews nationwide, gave Duque a six-point lead (51 percent to 45 percent) over ADOC candidate Endara. "The Panamanian people," Duque said, "have been able to freely express themselves in a free and fair election that puts us on the road toward the perfection of our democracy." The following day, banner headlines in Panamanian newspapers announced the results of the poll.

At a Monday press conference, Duque announced that official results gave him a lead of more than 20,000 votes -- 207,171 to 186,487. The following day, the National Counting Board released results from just four provinces -- Bocas del Toro, Cocle, Herrera and Los Santos -- that showed COLINA with a two to one edge over ADOC.

B. Opposition Rallies and Street Violence

By Monday afternoon, May 8, the opposition was convinced that the Electoral Tribunal would not recognize its victory. Thousands of opposition supporters gathered blocks from the Atlapa Convention Center. As the demonstrators approached the center, they were met by massed police and military units, volleys of tear gas and birdshot, and counter

demonstrations and car caravans organized by COLINA supporters. A Panamanian journalist was critically shot as he was filming the scene, and several other individuals were injured.

Opposition rallies continued into the week, and the government-trained paramilitary "Dignity Battalions" responded by attacking the rally participants. On Tuesday, the home of Archbishop McGrath was surrounded by members of the Dignity Battalions during a meeting between Church officials and ADOC leaders resulting in violence outside the home after the leaders left. On Wednesday, the opposition organized a march through downtown Panama City. The marchers were met by tear gas and water cannons. As they approached their destination, the Dignity Battalions attacked the cars carrying the ADOC presidential candidates. Guillermo Endara was attacked and required hospitalization, while Guillermo Ford was badly beaten, before being detained by the military. One of Ford's bodyguards was killed in the melee that was front page news around the world. Meanwhile, there were reports from outside Panama City that opposition activists were being detained by security forces.

C. Nullification of Elections

On Wednesday evening, three days after the elections, the Electoral Tribunal declared the elections null and void, citing foreign interference and missing tally sheets. "The normal development of the elections," the Tribunal announced, "was altered by the obstructionist action of many foreigners invited by national or foreign political sectors without an invitation from the Electoral Tribunal, whose evident purpose was to endorse the idea of electoral fraud, proclaimed to the world by U.S. officials since well before the elections." The Tribunal said that determining who won the elections would be impossible because of the "theft of ballots from polling sites, the buying of votes by political parties and, particularly, the lack of tally sheets and other documents." [The full nullification announcement in Spanish appears in Appendix XVIII]. However, the opposition continued gathering tally

sheets from its pollwatchers, ultimately presenting tally sheets from 81 percent of all *mesas* to the Catholic Church Bishops Conference [See Appendix XVI].

D. Church Statement

The Catholic Church responded to the nullification of the elections by issuing a communique on May 11 expressing "surprise and pain" with the Tribunal's action [See Appendix XI]. The bishops said nullifying the elections demonstrated the "genuine and very serious lack of respect for the dignity of all Panamanians." "Therefore," the communique continued, "we urge, in the name of God, of the dignity of the people and of national conscience, that those immediately and ultimately responsible for the vote count respect the will of the people freely expressed at the ballot booths. Not to do it would be to carry on their consciences a sin against the nation."

The bishops said "veiled or expressed threats, the restrictions on assembly and free expression, the assaults and thefts of ballot boxes and tally sheets, the mobs of military and paramilitary personnel attacking property and people are some examples of the flagrant acts with which they have tried to resist the popular will."

"What moral justification could there be to disperse with beatings and bullets men and women who commit no other crime than that of demanding peacefully their rights? What moral justification could there be to terrify the population with hordes fed with hate and a false nationalism that does not recognize nor respect the individual and rights of other Panamanians."

E. Response of the International Community

The Panamanian government's actions between May 7-10 were the source of considerable international criticism. On May 11, U.S. President George Bush stated: "All nations in the democratic community have a responsibility to make it clear through our actions and our words that efforts to overturn constitutional regimes or steal elections are unacceptable." The President continued: "Every credible observer, the

Catholic Church, Latin and European observers, leaders of our Congress, and two former presidents of the United States tell the same story: the opposition won." [See Appendix XIX for President Bush's complete statement.]

On May 17, the Organization of American States convened a special session to discuss the situation in Panama [See Appendix XX for President Carter's letter to the president of the OAS special session]. The foreign ministers attending the session adopted a resolution that declared Noriega responsible for abuses in the electoral process and acknowledged "the outrageous abuses perpetrated against the opposition candidates." The resolution called upon a four-member delegation, comprised of the foreign ministers of Ecuador, Guatemala, and Trinidad and Tobago, and the OAS Secretary General, to visit Panama to promote a formula "for arriving at a national accord that brings about, through democratic mechanism, a transfer of power in the shortest time possible." [See Appendix XXI for May 17 OAS Resolution.]

Chapter 9

REFLECTIONS ON THE ROLE OF INTERNATIONAL OBSERVERS

Many of the problems cited in this report were anticipated by the team that conducted a pre-election survey. While the election law appeared to contain adequate safeguards, the administration of the law by the Electoral Tribunal, even then, was grossly deficient. Given Noriega's control over the process, the potential existed for a flawed and corrupt process that would pervert the will of the Panamanian people. Why then did NRIIA/NDI decide to send an international observer delegation?

In this case, as in others, the objectives of democratic forces within the country are a paramount consideration. The Panamanian opposition, from the moment it decided to participate in the electoral process, emphasized the importance of a significant international observer presence at the elections. The opposition believed a large observer contingent was necessary to provide moral support for those participating in the process. It also hoped the observers' presence at polling sites would deter fraud. Finally, in the event there was fraud, the observers would be able to report their findings to the international community. Thus, the 1984 experience, where there was little international outcry following what were believed to be fraudulent elections, would not be repeated.

The observers fulfilled their responsibilities. They met with opposition parties, pro-government forces and electoral officials before election day to receive information from all

sides. On election day, they dispersed to polling sites around the country to observe the procedures used in conducting the elections. When the polls closed they monitored the counting and tabulation process. And finally, when it became evident that the government would not allow an honest tabulation of the results, the observers publicly and unequivocally denounced the process. The observers also endorsed the opposition victory, relying on assessments of the opposition and Church laity parallel counts.

Several other aspects of the international observer effort in Panama are worth noting. The entire electoral process, beginning with the campaign and continuing through the counting process, was the subject of a thorough monitoring effort. Prior to the elections, several reports criticizing specific aspects of the electoral process were issued by respected international organizations. The reports provided the election day observers a basis for evaluating the process and focused attention on such matters as inadequate voter registration lists, the biases of the Electoral Tribunal and the potential for large-scale fraud during the counting process.

The presence of large numbers of observers deserves special attention in light of the obstacles presented by the government. Initially, the government indicated it would not welcome any unofficial observers. Nonetheless, the government ultimately permitted large numbers of prospective observers to enter the country and, with a few exceptions, allowed the observers to carry out their business without interference.

More than 270 observers were hosted by the Committee to Support International Observers, which was established by civic organizations associated with the opposition. The committee covered the in-country expenses of the observers, and provided transportation and interpretation as necessary. The observers, many of whom were political and civic leaders, visited different regions of the country, providing considerable moral support to the population. On May 8, these observers from 21 countries presented a consensus statement denouncing

the abuses they had observed in the process and acknowledging the opposition victory [See Appendix XXII].

By contrast, the delegation sponsored by NDI and NRIIA was free-standing. Accommodations, transportation and interpretation for the delegation were arranged independent of any Panamanian groups participating in the electoral process. The delegation resisted attempts by the government to co-opt the delegation by arranging its own schedule before and during election day.

The high-level nature of the NRIIA/NDI delegation, reflected by the presence of two former U.S. presidents who are both widely admired in Panama for their role in promoting the Panama Canal treaties, encouraged Panamanians to participate in the process and guaranteed considerable international media attention of the elections. The prestigious nature of the delegation and its independent stature also facilitated delegation meetings with the Electoral Tribunal magistrates and other Tribunal officials. Indeed, the Electoral Tribunal personnel cooperated with the delegation during its stay in Panama.

In this respect, as in others, the government attitude toward observers appeared paradoxical. Early on, the government realized that, given contemporary practice, particularly in Central America, some observers would have to be permitted for the elections. Thus, in late March, the Electoral Tribunal invited 30 "official" observers from countries that are parties to the Protocol of Tikal, adopted in 1986 at a meeting of election officials from Central America and the Caribbean.

Initially, the Tribunal hoped the Center for Electoral Training and Promotion (CAPEL), a Costa Rican-based organization that is part of the Inter-American Institute of Human Rights, would coordinate the official observer effort. However, CAPEL, wary of being manipulated, indicated to the Electoral Tribunal that it would coordinate the official observer effort only if certain conditions were met. While the Tribunal exhibited some interest in reaching accommodation

with CAPEL, the conditions ultimately were rejected by the government. With CAPEL out of the picture, the Tribunal requested that the loosely-organized Association of Central American and Caribbean Electoral Bodies coordinate the official observer effort.

The Tribunal hosted these official observers, arranging meetings for them with government officials and escorting them to polling sites on election day. Indeed, the Tribunal magistrates seemed to pay more attention to the observers than they did to administering the election process, leaving many of the observers wondering who was really in charge. Thus, notwithstanding their friendly demeanor and cooperative attitude, few of the official observers or members of the NRIIA/NDI delegation expected the Tribunal to act in an independent and objective manner.

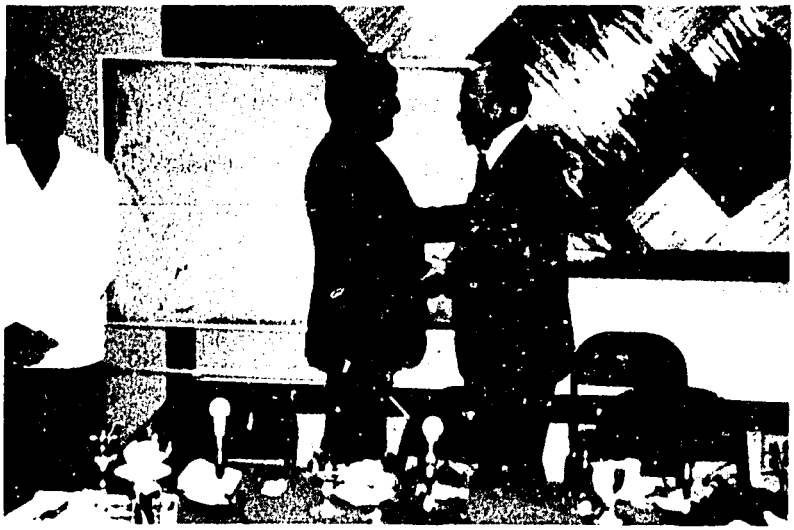
What then was the government's plan? The actual decision to perpetrate a wholesale fraud may not have been made until after the polls closed, though the mechanism for committing such a fraud appears to have been conceived well before election day. Indeed, several days before the elections, Christian Democratic legislator and candidate Guillermo Cochez named the military officers responsible for orchestrating the fraud [See Guillermo Cochez, "Can Panama's Opposition Get Noriega Out If The Fix Is In?", *The Wall Street Journal*, May 5, 1989 at p. 15.] One of the officers named, perhaps not coincidentally, was assigned as the NRIIA/NDI delegation's "security" contact. Shortly before the nullification of the elections was announced, this officer, in a conversation with a delegation member, sought to blame the delegation for what had happened in Panama.

It is possible the government believed it could perpetrate a major fraud with little cost or, as was the case in 1984, the fraud would be difficult to detect by outside observers. Most of the observers, from the government's perspective, could be dismissed as pro-opposition supporters. The government believed that the few observers who could not be so dismissed, including in particular President Carter and his delegation,

would be distracted by the delays and would hesitate to make a definitive statement before all the results were available. Ultimately, the government believed, a victory by pro-government forces would be announced, the opposition would challenge the announced results, and the Electoral Tribunal would reject the challenge. By this time, few would remember what had occurred on May 7, or at least so the government hoped.

From the government's perspective, the scenario faltered on several fronts. First, the opposition's victory was overwhelming. Second, the Church recognized the opposition victory on Monday morning, defying a government restriction on announcing unofficial results. Finally, the observers were diligent and thorough in monitoring each stage of the process, thus making it inevitable that a fraud of such magnitude would be detected.

Having played a role in drawing international attention to the fraud, the delegation left Panama with considerable sadness. The government decision to steal the elections dashed hopes for resolving Panama's crises quickly and peacefully. Panamanians, meanwhile, were left to face the anger of a regime that had been humiliated at the polls.



Bishop Jose Luis Lacunza greets President Gerald Ford before briefing delegation.

Opposition coalition candidates meet with delegation: (center of photo, left to right) first vice-presidential candidate Ricardo Arias Calderon; presidential candidate Guillermo Endara; and second vice-presidential candidate Guillermo Ford.

GGW

Delegation listens to pre-election debate between legislative candidates (center of photo, left to right) Mario Rognoni, PRD and Guillermo "Willy" Cochez, PDC.

Election officials review voter registration lists at polling station.

Election Tribunal President Yolanda Pulice de Rodriguez and President Jimmy Carter visit Panama City polling station on election day.

(Left to right) Delegation co-leaders John Spender and George Price and delegation member Manuel Clouthier meet with voters on election day.

President Jimmy Carter observes voting process at Panama City polling station.

Delegation meets with President Bush in White House Cabinet room upon return from Panama.

APPENDICES

LIST OF ADVANCE DELEGATION MEMBERS

Glenn Cowan
NDI Consultant on Computerization and
Development of Independent Monitoring Capacities

Tracy Doherty
NRIIA Consultant

Mark Feierstein
NDI Program Officer

Larry Garber
NDI Senior Consultant on Electoral Processes

Robert Henderson
NRIIA Vice President

Leticia Martinez
NDI Logistics Coordinator

Janine Perfit
NRIIA Senior Program Officer

Stacy Sticht
NRIIA Program Officer

República de Panamá

Ministerio de Relaciones Exteriores
Despacho del Ministro
D.M.No.090

Panamá, R. de P.

3 de mayo de 1989

Señor Pastor:

La Dirección Nacional de Migración y el Ministerio de Relaciones Exteriores le han concedido visa para visitar nuestro país a las personas cuyos nombres se indican en la lista adjunta.

Como en la actualidad el Gobierno de los Estados Unidos impide la labor normal de nuestros Consulados, las visas les serán estampadas en el pasaporte a su llegada a Panamá.

Atentamente,

p. Jorge Cabrera J.
JORGE EDUARDO RITTER
Ministro de Relaciones Exteriores

Señor
ROBERT PASTOR
E. S. M.

REPUBLICA DE PANAMA
MINISTERIO DE RELACIONES EXTERIORES

PANAMA 4, PANAMA

3 de mayo de 1989

Continuación
D.M. No.090

DELEGACION: VISAS CONCEDIDAS A:

1. Glenn Cowan
2. Ken Wollack
3. Ret. Gen. David Jones
4. Juan Manuel Garcia-Passalacqua
5. Antonio Sotillo
6. Robert Pastor
7. James Burnley
8. Don cox
9. Van Poolo
10. Marshall Breger
11. Keith Schuette
12. Jorge Serrano
13. Steven Norris
14. Manuel Clouthier
15. John Spender
16. Beatrice Rangel (visa previamente autorizada)
17. George Price (visa previamente autorizada)

TOTAL: 17 DELEGADOS

STAFF: PERSONAL DE LOS PRESIDENTES:

18. Nancy Konigsmark
19. Carolyn Harmon
20. Lee Simmons

TOTAL DE VISAS CONCEDIDAS: 20

NAMES OF OTHER OBSERVERS ASSOCIATED WITH DELEGATION

John Harrison Valder
Former President Liberal Party of Australia
Australia

Senator Adalberto Violand
National Democratic Action
Bolivia

Antulio Castillo
Solidarity Action Movement
Guatemala

Luis Felipe Bravo Mena
Technical Secretary of the Alternative Cabinet
National Action Party
Mexico

Eva Loser
Fellow
Center for Strategic and International Studies
United States

Harold Brady
Executive Secretary
International Democratic Union
Jamaica

ARRIVAL STATEMENT OF PRESIDENT FORD
May 4, 1989

On behalf of this international delegation, that includes bipartisan U.S. representation, I will make a brief statement about our mission, its purposes, and its expectations.

First and foremost, we are here to show our steadfast support for democratic values, and the worldwide movement toward greater individual and political freedom.

Panama stands at a threshold, facing a critical election in 72 hours. We are not here to take sides in this election. We are here simply to lend our support to a free and fair election process, which will move Panama toward a resolution of its internal political problems, and its international isolation.

Our efforts over the next several days will be strictly neutral. We will meet with all sides in the election and we will be forming our own opinions independently. We do not plan to offer premature judgements, nor hasty conclusions.

We believe that the most important element in any free and fair election is the active participation of all the people, and the guarantee that they be allowed to vote, and that their votes be respected.

We believe that regardless of the outcome, a dynamic has begun in Panamanian politics that must inevitably lead toward more political freedom and self-expression. We are here to support that process, and to provide the international community an accurate and fair assessment of the electoral process and its outcome.

Ultimately, we recognize that the most important judgement is that which is determined by the Panamanian people themselves. We wish them well in the days ahead.

National Democratic Institute for International Affairs

National Republican Institute for International Affairs

TERMS OF REFERENCE

The National Republican and Democratic Institutes for International Affairs are organizing a sixty-person international delegation to observe the May 7, 1989 national and and local elections in Panama. The delegation includes former heads of government, parliamentarians, political party leaders and election experts from across the democratic political spectrum; the United States component is bipartisan.

In organizing this delegation, NRIIA and NDI do not presume to supervise the elections or to interfere in Panamanian affairs; the delegates will, in all instances, abide by the relevant Panamanian laws. Further, the Institutes recognize that the ultimate judgement about the process will be made by the Panamanian people. Based on their assessment, Panamanians will decide whether the elections has legitimacy or moral authority that can be earned only through a fair electoral process.

This delegation's modest role is to reflect the consensus of the Panamanian people as they assess the May 7 elections. The delegation' report will bear witness to that evaluation and will inform the international community about the nature of the electoral process and political developments in Panama.

The observations of this delegation and other credible sources will form the basis for our conclusions regarding the May 7 elections in Panama. The delegation, therefore, must attempt to document observations and in all instances to distinguish factual from subjective judgements. To accomplish this task, the delegation will meet with government and election officials, those active in the campaigns for the different parties contesting the elections, and representatives of other institutions playing a role in monitoring the process.

After briefings in Panama City on May 4-5, the delegation will be divided into teams that will visit the different regions of Panama. Based on the findings of the teams, the delegation will attempt to offer a national perspective in a statement the Institutes hope to issue no later than Tuesday morning, May 9, in Panama City. In addition, NRIIA and NDI would like each team to prepare a short report based on their observations that can be included in the report the Institutes will publish following the elections.

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Appendix V

To avoid misunderstandings by Panamanians and by the media, NRIIA and NDI request that delegates make no comments to the media regarding their personal observations of the elections until after the delegation statement has been presented.

Based on the Institutes' work in Panama during the past few months and, in particular, based on the findings of the advance team that visited Panama from April 3-10, 1989, the following are among the issues that appear most relevant for consideration by the delegation.

I. THE POLITICAL CAMPAIGN

A. Were there any restrictions, de facto or de jure, that prevented the competing sides from conducting their respective campaigns in any region of the country?

B. Were there any arrests, detentions or killings of party leaders or other individuals during the campaign that appear politically motivated? Were there any exiles of political leaders during the campaign?

C. During the campaign, were candidates or voter intimidated into voting for a particular coalition, party or candidate by the armed forces, political parties or governmental officials? What was the response to such actions?

D. Was there evidence of illegal campaign practices by any of the participants? How did the authorities respond to these charges?

E. Was there evidence of government or military support for any of the coalitions, parties or candidates participating in the process?

II. ROLE OF THE MEDIA

A. Did the competing parties obtain adequate and relatively equal access to the media?

B. Did the government-controlled media provide adequate and balanced coverage of the political campaign?

C. Was the media censored during the campaign? Were journalists intimidated through arrests, detentions or the filing of charges during the campaign?

III. ADMINISTRATION OF THE ELECTIONS

A. Did the Electoral Tribunal and the local electoral officials act, and were they perceived to have acted, in a non-partisan manner?

B. Were there adequate safeguards to prevent widespread fraud in the balloting process? Were voters able to cast a secret ballot? Was there any intimidation of voters by the military, local leaders or political parties on election day?

C. Was there evidence that prospective voters had been disenfranchised by arbitrarily removing them from the electoral registry or by assigning them to polling sites far from their homes? Was there evidence of multiple voting?

D. Were disputes in the counting process resolved in a non-partisan manner? Were there suspicious delays in the preparation or release of election returns?

E. Were there an adequate number of pollwatchers (jurados) designated by the accredited parties to cover all the polling sites? Were these pollwatchers permitted access to all polling sites and to the counting center?

IV. THE RESULTS

A. Were the official results reported in accordance with the Electoral Law? Were the results disseminated expeditiously?

B. Did the various Panamanian institutions recognize the results? If not, were challenges filed in accordance with the Electoral Law?

C. Were the unofficial efforts to count the votes permitted? How did these unofficial efforts compare with the official results?

--April 24, 1989

THE
CARTER CENTER
OF EMORY UNIVERSITY

STATEMENT BY PRESIDENT JIMMY CARTER
May 5, 1989

I have come to Panama with President Ford and other political leaders from around the world because this election is so crucial for the people of this country and for all of us interested in democracy and good relations between the United States and Panama. We come here as friends of Panama to bear witness to what we hope will be a free and fair election.

Ten years ago, Omar Torrijos and I worked to build a new partnership between Panama and the United States based on mutual respect and new canal treaties. Torrijos told me then that the fulfillment of Panama's aspirations for national sovereignty was a first step toward better relations between our two countries. The second step, he said, would be the fulfillment of Panama's aspiration for democracy. I have come with the hope of seeing Torrijo's second promise fulfilled.

President Ford, Prime Minister George Price of Belize, and I represent the Council of Freely-Elected Heads of Government based at the Carter Center of Emory University in Atlanta. This group of hemispheric leaders work to reinforce democracy. Along with John Spender of Australia, we are leading a bi-partisan and international delegation of 30 leaders from eight countries. Our delegation is associated with the National Democratic and Republican Institutes for International Affairs. We gratefully acknowledge their support and assistance.

We are here as observers without prejudgements and with a desire to be fair. We have no intention of interfering in the electoral process. We want to listen to all sides. The delegation will visit a number of cities on election day and will regroup in Panama City on Monday, May 8 to discuss our observations. We will make a statement after assessing our observations. A complete report will be issued several weeks after the elections.

Although many Panamanians have debated the fairness and openness of the process, we are encouraged that they are committed to participating in the elections. In every election, there are people who try to intimidate voters or distort the result. Such efforts will not escape our attention or yours in the press. Most important, they will not escape the attention of the Panamanian people.

THE CARTER PRESIDENTIAL CENTER, INC. · ONE COPENHILL · ATLANTA, GEORGIA 30307
(404) 420-5151 · TELEX (TT 491-0211 CARTR

Carter Statement
Page 2

Because of the deep friendship I feel for the people of Panama, I urge you to vote in peace and with confidence. We are here to show that you do not stand alone. The world community of democratic people support a free vote.

I am deeply committed to the full implementation of the Panama Canal Treaties and the eventual restoration of normal political and economic relations between our two countries. Free and fair elections provide an opportunity to move toward these goals by promoting national reconciliation.

On Sunday, we hope that the second promise of Omar Torrijos will be fulfilled and that Panamanians will have proved not only to be independent but genuinely free to choose their own elected leaders.

Appendix VII

LIST OF OBSERVATION TEAMS

Panama City/San Miguelito

Jimmy Carter
Larry Garber
Robert Pastor

Panama City/La Chorrera

George Price
Kenneth Wollack

Panama City/La Chorrera

John Spender
Manuel Clouthier
Keith Schuette

Panama City/Arraijan/Capira/La Chorrera

Jorge Serrano
James Burnley

Colón/San Miguelito

Juan Manuel Garcia Passalaqua
Glenn Cowan

Panama City/Chepo/Tocumen

Donald Cox
Marshall Breger

Panama City/David

David Jones
Jennie Lincoln

Aguadulce/Natá/Penonomé

Leopold Berlanger
Mark Feierstein
Antonio Sotillo

Chitré/Santiago

Robert Henderson
Stephen Norris
Van Poole

TRANSCRIPT OF MAY 8 PRESS CONFERENCE WHERE
CARTER DECLARED PANAMA ELECTION A FRAUD

May 8, 1989

CARTER: Standing here with me are the observers who have come from eight different nations to help assure that the Panamanian people have the opportunity for freedom and democracy. We observed many of the mesas yesterday and saw the dedication and honesty of the 50,000 workers who served throughout the day in counting and tabulating the votes with very few errors. This was a true expression of freedom of the Panamanian people, and it is obvious from our own assessment and from the results of very accurate polling that was done by the Catholic Church inside the mesas that the results were very impressive. The decision of the Panamanian people was to reject the military dictatorship by a margin of approximately three to one, in favor of the opposition. These results were carefully tabulated and preserved on the actas before yesterday's voting procedure was completed.

But during the night the military forces, some in uniform and some without uniform, often at gunpoint, took the genuine actas away. This morning, apparently, the military dictatorship tried to decide whether or nor to let the results of the election be published. Apparently, this afternoon at some time, the military dictatorship decided not to permit the true votes to be revealed. The Central Committee, the Junta, responsible for counting the votes have now been in the process of certifying totally false documents, which have replaced the genuine documents. If this process is not interrupted and reversed by General Noriega and the members of his coterie, then this will mean that the total election has been fraudulent and the overwhelming majority of Panamanians will have been cheated of their right to freedom and democracy.

I have confronted personally the members of the Junta responsible for the counting and the members of the Electoral Tribunal and they all deny any responsibility for the fraud that is being perpetrated.

This is a very grievous and sad occasion for us. We came down here not supporting any political party, but only desiring to let the Panamanian people express their views about who their leaders would be in the future. We have no way to know what will happen in days and weeks ahead, but it is obvious that the same officials will be in charge of the appellate procedure. Only the demands of the Panamanian people or a change in the decision by the military dictators will permit the true result of the Panamanian election to be revealed.

I'd like to ask former Prime Minister George Price to make a comment, he's co-chairman with me, and then John Spender from Australia who's also one of our co-chairmen.

PRICE: We came here respectful of the principles of non-intervention and our support for the democratic process. We were well received by the Panamanian people. We also, at the time, by the government, who allowed us into the Tribunal. We saw the activities on election day and President Carter has spoken for us and it is indeed a tragedy. And we hope that in the future there will be a better time for the people of Panama.

SPENDER: Mr. President, I agree entirely with everything President Carter has said. We came down here and we found a process that was set up to facilitate fraud. That process has been used and the people of Panama are in the course of being defrauded of the votes that they freely expressed on Sunday. Hundreds of thousands of people who waited for hours to vote are being treated as cattle to be disposed of according to the views of the dictatorship. We hope that even at this late hour, not just the wickedness but the folly of this course of action will be realized by that dictatorship.

QUESTION: Mr. President, I understand that you met with General Noriega today. What did you discuss?

CARTER: I did not meet with General Noriega today. I have met with the opposition leaders. I have met with the Archbishop. I have reviewed all the results of the election. I have offered to meet with General Noriega to encourage him to permit this election to be revealed honestly, and he has refused to see me. And as you know, this evening we have even been deprived of the right to come to the press center to have this conference.

QUESTION: So Mr. President, what should the United States policy in this circumstance be from now on?

CARTER: My hope is that the United States policy will be designed so as not to punish the Panamanian people, but to focus their attention on the ability to change Panama to a democracy based upon not interference, but on the right of the Panamanian people to act.

QUESTION: Senator Graham came back from Panama today to Florida and said that he considered military intervention might be an option. What do you think about that?

CARTER: I don't personally favor any military intervention in the sovereign rights or the sovereignty of this country.

QUESTION: Should the Noriega regime be allowed to name the Panama Canal administrator at the beginning of next year?

CARTER: As you know, the Panamanian government has a right to name the chairman of the commission for the Panama canal next year. We wrote into the treaty that the Senate of the United States has the right to confirm or reject this nomination. My

-3-

hope is that the character and integrity and competence of the nominee will be the prevailing factor. And if it is a good person who is nominated then the Senate will ratify this choice. You might also need to remember that even though the chairmanship will go to Panama next year, according to the terms of the treaty, a strong majority of the members will still be representatives of the United States for several years. At this point the canal is operating beautifully. General McAuliffe told me that it was probably in better repair and better condition than it was even when the treaties were signed. Eighty-five percent of the total employees who operate the canal are Panamanians. Panamanians occupy very high levels of authority in the bureaucracy that runs the canal, so there is no problems with Panamanians running the canal if it can be done without fraud and corruption and military domination.

QUESTION: Do you regret having signed the treaties?

CARTER: No, I do not.

QUESTION: How do you feel about the treatment that you are being given by the Panamanian government?

CARTER: Well, up until an hour or so ago, I personally was given the right to go anywhere I chose, to meet with whom I wanted, to have conversations, have things explained to me. And our entire delegation all day yesterday was treated with great courtesy and respect, and I might say open-home friendship, by the Panamanian people. It was only this afternoon when I raised a strong objection to the fraudulent activities in the central counting place that I was deprived of a right to go there, to witness what was going on and also even deprived of the right to meet with the news media this evening for a press conference.

QUESTION: So what do you think about that Mr. Carter?

CARTER: Ma'am? I don't like it very much. (laughter)

QUESTION: Should the executive orders imposing economic sanctions on Panama be extended?

CARTER: That's a decision for President Bush to make. When the original imposition of sanctions was placed on Panama, I strongly and publicly condemned that act, because the adverse consequences of that action doesn't fall on General Noriega the dictator. It falls on the people of Panama. And I hope that we can now forge a policy that will protect the right and the interests and the economic status of the Panamanian people themselves who don't deserve to suffer.

QUESTION: Are you going to go back to the United States and see or request a meeting with Mr. Bush, and, if so, as one ex-president to a ruling president, what are you going to say to him, what advice would you give him?

-4-

CARTER: Well, I have had several conversations recently with the White House at the highest level and I wouldn't want to reveal the substance of those conversations.

QUESTION: What did you tell the opposition, Endara and those people who met them?

CARTER: I congratulated them on what was obviously a great victory for them, on the peaceful manner in which the election had been conducted. I had a conversation with them about the future of the military here. They reassured me, as they have many times, that their intention was to have a strong and independent military force with great integrity and honesty and to treat General Noriega with respect and to generous in their treatment of him if and when they were declared the legitimate victors. I was very pleased with their attitude.

QUESTION: And what if they are not declared the victors?

CARTER: We didn't discuss that possibility. I met with them shortly after lunch when the prospects were, at least the hope was, that the dictator would decide to let this election stand and that is the premise on which we had our meeting.

QUESTION: Did Mr. Endara ask you to act as a conduit to General Noriega for him?

CARTER: Several people did ask me just to meet with them and assess their views. I would rather not say who all made that request.

QUESTION: Was it to ask you to pass them on to General Noriega?

CARTER: I have not had a chance to pass their views on to General Noriega. I would have done so had he requested such action.

QUESTION: What's in the nature of the communication from General Noriega through his intermediaries to you?

CARTER: Well, as I said, up until an hour or so ago the communication worked very well. The Tribunal members are obviously associates of General Noriega. All the members of the Junta who count the votes are close associates or business partners with General Noriega. The security is obviously part of Noriega's organization and so forth, so I was treated with great respect and deference, and so was our entire team, until we raised specific objections to the fraudulent actions that only were evident this afternoon.

QUESTION: What were your objections?

CARTER: The actions are that the actual documents in the mesas yesterday, more than 4,300 of them, were certified by the opposition leaders and also by the government party leaders.

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This was done in great harmony and cooperation, many of you witnessed this. We witnessed several hundred of these mesas. Those actas indicated clearly that the opposition won by a ratio of about 3 to 1, according to a very accurate poll done by the Catholic Church, 74 percent for the opposition, 25 percent for the government parties The, those actas were stolen during the night; some at gunpoint. And we have visited the schools and places where the actas were actually taken by armed men who were not in uniform, but who followed military men to the school. And during the day, obviously those records of the vote have been discarded and totally counterfeit records have been substituted for them, omitting all the signatures that were on the original and legitimate documents. So there are no signatures now of any opposition party leaders on any of the actas that are now being certified as accurate by the central counting committee.

QUESTION: So the government has taken the elections by fraud?

CARTER: Yes, there is no doubt about it. And of course this doesn't mean anything personally to the members of this delegation. What it is is a robbing of the people of Panama of their legitimate rights, which I think they courageously expressed yesterday by standing in line for three or four hours, almost a million of them, and expressed their desire for a change. And this is what scared the government or caused the government to say "we don't want the change through democracy, we want to maintain our authority through dictatorship."

QUESTION: Mr. President, is there anything that the United States can now do, in your opinion, to ensure that those results be respected here?

CARTER: I don't know. You know this gets on the point of intervention in the internal affairs of a sovereign nation. Our role here is not to represent the United States government. We represent 15 different heads of nations in this entire hemisphere from Canada to Argentina. All of us have been elected freely in free elections and are very interested in promoting democracy and human rights in this hemisphere. That's why we came. We don't represent a particular government. And I think all of us on this list that I just outlined for you are against any intervention in the internal affairs of a sovereign country.

QUESTION: Is it appropriate to maintain diplomatic relations with those 15 nations?

CARTER: That's a decision for each nation to make. In our country it's a unilateral decision for the President of the United States to make. I would certainly hate to see diplomatic relations between the United States and Panama broken.

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QUESTION: Would you consider this a military coup?

CARTER: Well it's not a military coup. It is a military dictatorship rejecting the election results, which it had itself condoned and set up. And when the expression of the people came out against the dictatorship instead of supporting it, they decided that they would totally reject the decision of the people and remain in power.

QUESTION: Did you meet with Mr. Endara this morning?

CARTER: Yes, I met with Mr. Endara and his two vice-presidential running mates shortly before lunch.

QUESTION: What should the international community do now? Should they isolate Panama?

CARTER: Let me answer one question at a time. I thank you all for being quiet because as you can see the difficult circumstances here. I don't think the international community ought to isolate Panama. It is a very sensitive question for a leader of a nation. And that is, how do we exert proper influence to terminate an oppressive dictatorship without punishing the innocent people who are all ready suffering? This is not an easy question to answer and each nation, Colombia, Venezuela, others, have to make this decision on their own, but I hope that there will be a worldwide outcry of condemnation against a dictator who has stolen an election from his own people.

QUESTION: What were your impressions with your meeting with General Noriega a few days ago?

CARTER: Two day ago, I did meet with General Noriega with the knowledge but not the approval of my government, and as the leader of this delegation. It was obvious to me after an extensive conversation -- my wife took notes -- that General Noriega had no conception of the possibility that the people were going to vote against him. I think he was convinced that his own parties were going to prevail, and I think that it was a misapprehension that he let this democratic process proceed. I may be wrong -- it was an impression -- but that's what I think.

QUESTION: Will you see him again?

CARTER: If he wanted to see me to announce that we going to make sure that the accurate votes were tallied I would certainly be glad to meet with him, but it would only be under these circumstances.

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COMUNICADO DE LA CEP
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COMUNICADO DE LA CONFERENCIA EPISCOPAL

I.- HABLAMOS COMO PASTORES:

En pleno torneo electoral, a un mes escaso de celebrarse las elecciones, los Obispos de Panamá, conscientes de nuestra misión y de la importancia del momento que vive nuestra Patria y tal como lo hemos hecho en otras oportunidades queremos hacer llegar nuestra palabra a todos los católicos del País y a todos los panameños de buena voluntad. La decimos con fe y esperanza en la acción de Dios, que rescató a Jesús de las tinieblas de la muerte y nos da la posibilidad de construir un mundo sin odios ni injusticias.

Como Pastores, no nos corresponde asumir posiciones partidistas ya que hemos de estar al servicio de todos los panameños. Pero, "compete siempre y en todo lugar a la Iglesia proclamar los principios morales, incluso los referentes al orden social, así como dar su juicio sobre cualesquiera asuntos humanos, en la medida en que lo exijan los derechos fundamentales de la persona humana o la salvación de las almas" (Código Canónico-747,2).

Desde esta perspectiva ética, como Iglesia que busca el bien del hombre, de todo el hombre y de todos los hombres, nos permitimos hacer oír nuestra voz.

II.- DONDE ESTAMOS?

La historia reciente de nuestro pueblo se podría calificar de "conflictiva": en los últimos cinco años, frustradas las esperanzas de las pasadas elecciones, se han agudizado las diferencias, se han profundizado los descontentos y han aflorado los malestares; se han violado los derechos humanos, ha aumentado el temor y la desconfianza y, poco a poco, hemos ido cayendo en una crisis que ha penetrado en las estructuras, en las instituciones y hasta en las personas.

Ya hemos señalado la intromisión en nuestra vida nacional de fuerzas de presión foráneas, tanto económicas como ideológicas que han contribuido a agudizar la crisis, dividir a nuestro pueblo y deteriorar la vida política, económica y social de la Patria. Presiones que, desafortunadamente, persisten hoy día con el peligro de incidir negativamente en el proceso electoral que, desde mediados del año pasado, abrió una puerta a la esperanza, una salida pacífica y democrática a la situación caótica que, desde las últimas elecciones, ha vivido y sufrido el País.

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ABRIL 5 DE 1989

III.- ESPERANZAS Y TEMORES:

No hay duda alguna de que, si bien las elecciones no son, por sí mismas, la solución a nuestros problemas, sí pueden ser el inicio de la solución: un gobierno escogido por el pueblo, que responda a los intereses y necesidades del pueblo, tiene en sus manos un aval muy poderoso para iniciar la labor de reconciliación y reconstrucción que tánto necesitamos.

Sólo así se podrá ir construyendo una voluntad de progreso y bienestar de la Nación, por encima de toda división. Sólo así podremos los panameños resolver nuestros conflictos y construir nuestro futuro, como hermanos, sin buscar o esperar la solución mágica de fuera.

El papel de los partidos políticos, para robustecer esta esperanza, es central. Ellos, como partidos y como candidatos individuales, han de acentuar lo positivo, lo constructivo: menos ataques mutuos y más presentación de programas y proyectos para el futuro de Panamá; programas que sean ampliamente discutidos en este corto mes antes de las elecciones; programas que busquen realizar, como base de nuestra futura paz, una verdadera justicia social, con soberanía nacional y democracia real y efectiva. Sólo así será posible la votación honesta y acertada de cada panameño, según su propia conciencia.

No faltan quienes, a la luz de los acontecimientos preelectorales, han pasado de la esperanza al pesimismo.

Es cierto, y no podemos callarlo, que algunas acciones, pronunciamientos, arengas, etc., incitan más a actos violentos que a torneos pacíficos. También hemos de señalar que, en algunos casos, las palabras han dado paso a acciones contra personas, instalaciones o recursos electorales. Igualmente, hemos de constatar que, contraviniendo las normas constitucionales y las disposiciones legales, se utilizan personas, recursos y dependencias públicas en apoyo de determinadas facciones partidistas. Finalmente, como lo hemos dicho en otras oportunidades, la situación de ciertos medios de comunicación clausurados, la parcialidad de los tribunales de justicia, la existencia de expatriados y detenidos políticos, la manipulación y presión a los empleados públicos no favorecen las condiciones de igualdad y libertad que deben presidir un torneo electoral.

IV.- POR QUE, PARA QUE Y COMO VOTAR:

El voto es un derecho y un deber de todo ciudadano: con él no sólo censura o aplaude a sus gobernantes, sino que opta por una determinada forma de gobierno, acorde con su concepción del hombre y de la sociedad.

El gobierno, como responsable del bien común, debe, pues, poner todos los medios a su alcance para que todos los ciudadanos puedan cumplir con su sagrado deber y derecho. El ciudadano, por su parte, al escoger al partido y el candidadto de sus preferencias, debe mirar y buscar, no los intereses

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personales ni las conveniencias familiares ni las seguridades de grupo, sino el bien común y, por ello, se impone un estudio serio de los programas de los distintos candidatos o partidos.

El creyente ha de tener bien claro que la Iglesia no está asociada ni apoya a ningún partido, programa, ni candidato particular. Pero, por sus implicaciones éticas, un católico debe abstenerse de votar por un partido, programa o candidato cuyos antecedentes históricos o planteamientos teóricos o proyecciones prácticas atenten contra la dignidad de la persona, o sea, la fe, la moral o las costumbres cristianas. Y, a la inversa, debe apoyar con su voto a aquel partido, programa o candidato que le parece aportará más al bien común, particularmente de los más pobres y necesitados.

V.- LLAMADO A LA CONCIENCIA Y OFRECIMIENTO:

No podemos terminar sin hacer un llamado a todos los panameños. Vivimos una hora crucial: puede ser la última oportunidad que tengamos para resolver nuestras diferencias por la vía pacífica. Todos, en conciencia, debemos aportar nuestras capacidades para que las esperanzas e ilusiones de este pueblo no se vean frustradas.

Por eso, con el Evangelio, la Constitución y las Leyes en la mano, PEDIMOS:

a) A los GOBERNANTES: Que, sin favorecer con los medios oficiales a ningún partido o candidato, pongan todo su empeño en garantizar la emisión libre del voto, el escrutinio honesto del mismo y el respeto del resultado electoral.

b) A las FUERZAS DE DEFENSA: Que, al margen de toda política partidista, velen por la seguridad y tranquilidad del proceso electoral y de todos los ciudadanos.

c) A los PARTIDOS POLITICOS Y CANDIDATOS: Que, tomando conciencia de su responsabilidad histórica y desechando toda violencia verbal y revanchismo, den al pueblo panameño la oportunidad de una maduración cívica y política y acepten la voluntad legítimamente expresada por los votantes.

ch) A los CIUDADANOS: Que ejerzan su derecho y cumplan con su deber emitiendo su voto en conciencia y buscando el bien presente y futuro de la Patria.

d) A los JURADOS DE MESA Y DE LAS JUNTAS DE ESCRUTINIO: Que cumplan su enorme responsabilidad histórica con total fidelidad a sus conciencias y a la voz del pueblo que, en este caso, es, para ellos, la voz de Dios.

Por eso, OFRECEMOS:

a) Charlas de concientización en las parroquias sobre el derecho y el deber de votar y sobre el funcionamiento de la ley electoral, en el espíritu de este Comunicado.

b) Nuestros buenos oficios, mediante la colaboración de hombres y mujeres de nuestras parroquias, comprometidos con la Iglesia y al margen de toda militancia e interés partidista,

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para observar, en algunos lugares, el proceso electoral del próximo 7 de mayo, y que nos informen posteriormente acerca de la realización del mismo.

c) Nuestras oraciones al Padre y Señor de la Vida y de la Historia. Por ello, el domingo 30 de abril se ofrecerá la Santa Misa en todos nuestros templos católicos para que el Espíritu Santo ilumine las mentes y fortalezca los corazones de todos los panameños en este momento trascendental de nuestra historia. Igualmente, convocamos a todos los fieles a jornadas de oración y ayuno en sus iglesias, en sus hogares, o en sus movimientos el sábado 6 de mayo.

El Señor ha resucitado!!! Esta es la alegría, la esperanza y la fuerza que nos anima siempre: estamos llamados a la Vida. Sabemos que, aunque ahora tengamos que sufrir, si con Cristo morimos al pecado (egoísmo, injusticia, opresión, etc.), viviremos y reinaremos con El. (cfr. 2 Tim. 2,8-13).

Que la Paz de Cristo Resucitado esté con todos Ustedes.

Panamá, 5 de abril de 1989.

+ JOSE DIMAS CEDEÑO D.
OBISPO DE SANTIAGO
PRESIDENTE DE LA CEP

+ MARCOS G. McGRATH, C.S.C.
ARZOBISPO METROPOLITANO
DE PANAMA

+ DANIEL E. NUÑEZ
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VICE-PRESIDENTE DE LA CEP

+ JOSE LUIS LACUNZA, O.A.R.
OBISPO AUXILIAR DE PANAMA
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+ JOSE MARIA CARRIZO V.
OBISPO DE CHITRE

+ CARLOS MARIA ARIZ, C.M.F.
OBISPO DE COLON

COMUNICADO DE LA CEP
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+ JOSE AGUSTIN CHUMBIA, O.A.R.
OBISPO PRELADO DE BOCAS

+ ROMULO EMILIANI, C.M.F.
VICARIO APOSTOLICO DEL DARIEN

+ CARLOS A. LEWIS, S.V.D.
OBISPO COADJUTOR DE DAVID

+ OSCAR MARIO BROWN J.
OBISPO AUXILIAR DE PANAMA

+ MARCOS ZUBIAGA, C.M.F.
OBISPO EMERITO DEL DARIEN

+ JESUS SERRANO, C.M.F.
OBISPO EMERITO DEL DARIEN

Appendix X

Conferencia Episcopal Panameña (C.E.P.)
Secretariado General
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COMUNICADO DE LA CONFERENCIA EPISCOPAL PANAMEÑA

La Conferencia Episcopal de Panamá ha recibido de la "Comisión Arquidiocesana de Coordinación Laical", información de los resultado recogidos por los observadores de la Iglesia, durante las elecciones de ayer domingo, 7 mayo de 1989.

Dichos resultados, producto de un "CONTEO MUESTRAL", indican una mayoría sustancial en favor de la "Alianza de Oposición Civilista".

Una vez mas, hacemos un llamado a todas las autoridades para que, en aras de la verdad, la justicia y la tranquilidad, se respete la voluntad de pueblo.

Panamá, 8 de mayo de 1989.

CONFERENCIA EPISCOPAL PANAMEÑA

+ JOSE LUIS LACUNZA, O.A.R.
OBISPO AUXILIAR DE PANAMA
SECRETARIO GENERAL DE LA C.E.P.

Adj.: Resumen de conteo muestral.

05/08/89 PRESIDENTE 06:45:39

RESUMEN DE CONTEO MUESTRAL

TOTAL VOTANTES:	SOBRES CONTADOS:	VOTOS VALIDOS:	VOTOS NULOS:
27723	27063	24866	2012

1. PRD 4342 (70.1%)	2. LIBERAL 351 (5.7%)	3. PDC 10514 (57.0%)	4. REPUBLICANO 225 (3.6%)
5. MOLIRENA 5261 (28.5%)	6. PANA AUTEN 224 (100%)	7. PALA 887 (4.8%)	8. ACCION NAC 44 (0.7%)
9. DEM D LS TRA 35 (0.6%)	10. PANA REVOL 120 (1.9%)	11. PAR DL PUE 189 (3.1%)	12. LIBERAL AU 2674 (14.5%)

	FACCION	VOTOS	%	MESAS
	ADO	18449	74.2	
ERROR +/- 9%	COLINA	6193	24.9	115
	NICOSIA	224	0.9	

NOTA ACLARATORIA:

Los porcentajes bajo cada partido indican la aportación que ha hecho sus votos a su coalición.

Ejemplo: PRD 70.1% indica que este partido aportó el 70.1% de los votos totales de Colina.

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COMUNICADO "C.E.P."
11 de mayo de 1989

COMUNICADO DE LA CONFERENCIA EPISCOPAL

DE PANAMA

Una vez más, en cumplimiento de nuestro sagrado deber de Pastores, hacemos llegar nuestra palabra a los católicos, en particular, y al pueblo panameño, en general.

1.- En nuestro Comunicado del 5 de abril próximo pasado, después de exponer nuestras esperanzas y temores ante las elecciones, exhortábamos a todos, gobernantes y gobernados, candidatos y electores, militares y civiles, a asumir con conciencia su responsabilidad ante el momento decisivo para el futuro de nuestra querida Patria.

Felicitamos a nuestro pueblo por el patriotismo demostrado con su conducta ejemplar el domingo, 7 de mayo, al concurrir masiva y pacíficamente a las urnas. Un pueblo así tiene el derecho a vivir en libertad y a que se respete su voluntad política tan claramente demostrada.

2.- Lamentablemente, no podemos decir lo mismo, en general, de nuestros gobernantes: las intimidaciones veladas o expresas, las restricciones en la movilización y en la expresión, los asaltos y robos de urnas y actas, las "turbas" de militares y paramilitares atacando propiedades y personas, son algunas muestras de los hechos flagrantes con que se ha pretendido frustrar la voluntad popular.

Qué justificación moral puede haber para dispersar a golpes y balas a hombres y mujeres que no cometen otro delito que el de reclamar pacíficamente sus derechos? Qué justificación moral puede haber para tener atemorizada a la población mediante "hordas" alimentadas con odio y un falso nacionalismo que no reconoce ni respeta la persona y derechos de los demás panameños?

3.- En la línea de intimidaciones y violaciones hemos de consignar nuestra más enérgica protesta por la forma descarada como se ha actuado contra algunos Obispos, el clero y lugares de culto: desconectando

COMUNICADO "C.E.P."
11 de mayo de 1989

líneas telefónicas, suspendiendo el servicio eléctrico, rodeando templos e impidiendo el acceso a los mismos, amenazando o dejando ver posibles arrestos, cancelando programas radiales religiosos y negando la atención espiritual a reclusos.

En esa misma línea, protestamos por la forma en que, en la tarde del día 9, fue rodeada la residencia del Arzobispo de Panamá por fuerzas militares y paramilitares que no tuvieron ningún reparo en disparar sus armas de fuego, lanzar sus "aguas contaminadas", golpear a la gente o llevársela detenida por el solo hecho de acudir a preocuparse y solidarizarse con su Pastor.

Así mismo, hemos visto con consternación , al igual que el mundo entero, cómo han sido vilmente acorralados, salvajemente golpeados y cobardemente ultrajados los candidatos presidenciales de la "Alianza de Oposición Civilista" al finalizar su recorrido en la Plaza de Santa Ana, al mediodía de ayer miércoles.

Pero todo ello alcanzó su punto culminante en el homicidio del P. NICOLAS VAN KLEEF, de la Comunidad de los Padres Paulinos, en Santa Marta, Diócesis de David. La muerte del P. "Nico" es una prueba palpable del desprecio por la vida y la persona humana a que se está llegando en ciertas instancias y de la irresponsabilidad con que se entregan armas a quienes no tienen la capacidad o el discernimiento para su uso. Nos adherimos a los pronunciamientos efectuados por el Obispado y el Consejo Presbiteral de David y los Padres Paulinos de Panamá, a la vez que repudiamos las medidas desproporcionadas (retenes, toma de placas, control de buses, aviones rasantes) que impidieron la asistencia de muchos fieles a las exequias del P. "Nico".

1.- Con sorpresa y dolor hemos recibido la noticia de que el Tribunal Electoral ha declarado nulas las recién celebradas elecciones, fundándose, para ello, en la Constitución y el Código Electoral.

Creemos que las causas y hechos aducidos para declarar la nulidad son superables y vemos en tal decisión un verdadero y gravísimo irrespeto por la dignidad de todos los panameños. Por ello, urgimos, en nombre de Dios, de la dignidad del pueblo y de la conciencia nacional, a los responsables inmediatos y últimos del escrutinio electoral a respetar la voluntad del pueblo libremente expresada en las urnas. No hacerlo sería cargar sobre sus conciencias un pecado, de

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lesa Patria.

5.- Sabemos que vivimos horas dificiles. Según decíamos en el anterior Comunicado, "puede ser la última oportunidad que tengamos para resolver nuestras diferencias por la vía pacífica". Como Pastores hemos de ser artífices de la Paz y, por eso, también en esta ocasión , ofrecemos nuestros mejores oficios para, sin desconocer la voluntad del pueblo, buscar caminos de reconciliación que nos permitan vivir en alegría y fraternidad.

A nuestros hermanos militares, que tienen la fuerza de las armas, les pedimos que no las utilicen contra un pueblo indefenso y cuya única arma es su firme voluntad de vivir dignamente y en paz.

Rechazamos toda violencia, venga de donde viniere, porque, además de ser antievangélica, sólo engendra violencia y, a la larga, nos sumerge a todos en un mar de lágrimas, sangre y luto, tal como lo hemos experimentado en los recientes incidentes de la Plaza de Santa Ana.

Pedimos la solidaridad y oración de las Iglesias y pueblos hermanos de Centroamérica, en particular, y de América Latina, en general, a fin de que Panamá pueda alcanzar "por fin, la victoria, en el campo feliz de la unión".

En las postrimerías de las celebraciones pascuales y en vísperas de la Solemnidad de Pentecostés, pedimos al Señor que derrame abundantemente su Espíritu sobre este pueblo panameño para que, fortalecidos con sus Dones, produzcamos sus Frutos de Paz.

Este Comunicado debe ser leído en todas las Misas que se celebren en Panamá el próximo domingo, día 14, Solemnidad de Pentecostés.

Panamá, 11 de mayo de 1989.

JOSE DIMAS CEDEÑO D.
OBISPO DE SANTIAGO
PRESIDENTE DE LA CEP

+ MARCOS G. McGRATH, C.S.C.
ARZOBISPO METROPOLITANO
DE PANAMA

COMUNICADO "C.E.P."
11 de mayo de 1989

+ DANIEL E. NUNEZ
OBISPO DE DAVID
VICE-PRESIDENTE DE LA CEP

+ JOSE LUIS LACUNZA, O.A.R.
OBISPO AUXILIAR DE PANAMA
SECRETARIO DE LA CEP

+ JOSE MARIA CARRIZO V.
OBISPO DE CHITRE

+ JESUS SERRANO, C.M.F.
OBISPO EMERITO DEL DARIEN

+ JOSE AGUSTIN ORUZA, O.A.R.
OBISPO PRELADO DE BOCAS

+ ROMULO EMILIANI, C.M.F.
VICARIO APOSTOLICO DEL DARIEN

+ CARLOS A. LEWIS, S.V.D.
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+ OSCAR MARIO BROWN J.
OBISPO AUXILIAR DE PANAMA

CONFERENCIA EPISCOPAL PANAMEÑA

Appendix XII

(NOTE: TRANSLATION -- ALSO DOES NOT INCLUDE ANNEXES)

NORIEGA'S REGIME 1989 ELECTORAL FRAUD

ALIANZA DEMOCRATICA DE OPOSICION CIVILISTA
(CIVIL OPPOSITION DEMOCRATIC ALLIANCE)

ADO CIVILISTA

Panama, May 3, 1989

HERE IS HOW NORIEGA'S REGIME PLANS TO PERPETRATE 1989'S FRAUD

An Ex Post Facto analysis of a fraudulent election may serve as grounds for a legal action against those who committed the fraud. But in some cases such legal recourses are merely academic, especially when the Electoral Tribunal and the Judicial Power which must punish those who infringe the Electoral Law are kept in the hands of the very ones who, in the first instance, promote and allow electoral violations.

In the specific case of Panama, specific evidence increases daily of unlawful activities fostered by the regime to commit a massive fraud.

There is, undoubtedly, a deep popular concern and anxiety to have in Panama an electoral contest which may grant Panamanians the opportunity to exercise the right to choose freely their own rulers, a process in which the will of the people may be truly respected. As a consequence, it is our duty as Panamanians to denounce openly before the whole wide world and, in particular, before those nations in which real Justice, Freedom, and Democracy prevail, that Noriega's dictatorial regime has been systematically executing the greatest and most shameless Electoral Fraud of our republican history.

The professional opinion of analysts whose efforts and dedication have made possible the preparation of this document, is that the Electoral Fraud is being prepared base on the following elements:

1. UNEXPLAINABLE INCREASE OF ELECTORAL POPULATION

The electoral population was assessed by a census prior to the 1984 election. From 1984 up to 1989, the figures disclosed by the Electoral Tribunal show an unexplainable increase of 29.06% in the electoral population. The increase is SUPPOSEDLY produced by persons who in 1984 had not as yet reached the age of 18 years, that is, the persons whose age in 1984 were between 13 and 17 years and who reached their legal age (18 years) before May, 1989. These persons were born between 1967 and 1971, years in which Panamanian population increase at an annual rate not higher than 3.3%. So that in five (5) years, from 1984 up to 1989, the increase in electoral population (older than 18 years) could not be higher than 16.8%, that is, almost half of the 29.06% increase which supposedly occurred, pursuant to the Electoral Registry.

The figures disclosed by the Electoral Tribunal for election years prior to 1984 show an electoral population growth consistent with the population growth, except in the special situation which occurred in 1977, with the reduction of the legal voting age from 21 to 18 years. Thus, the additional increase of 12.3% (29.6% - 16.8%) set forth in

the Electoral Registry for the 1984-1989 period is unexplainable and may not be justified nor mathematically supported. Chart No. 1: Unexplainable Increase in the Number of Voters (hereinbelow), summarizes the principal figures of 1984's electoral contest as compared to 1989's and concludes that the 1989 Electoral Registry contains an unexplainable increase of more than 112,000 names.

Such an extraordinary increase of electoral population holding personal identity cards would imply that the Electoral population holding personal identity cards has worked with an almost perfect efficiency, which would be impossible to accomplish with the scarce human and material resources it has had during the period of national crisis during which the increased occurred (see "The effect which the unexplained increase in voters may have during the next election", document attached as Annex A).

CHART NO. 1 - UNEXPLAINABLE INCREASE OF ELECTORAL POPULATION

	1984	1989	Increase	%
1. Estimated population of/over 18 years per the census.....	1,106,426	1,292,720	186,294	16.8%
2. Electoral population per the Electoral Registry.....	917,677	1,184,320	266,643	29.06%
3. Percentage of the population registered to vote.....	82.9%	91.6%	8.7%	
4. Unexplained increase in number of voters 1984 - 1989.....	1,292,720 x 8.7% = 112,467			

2. INCREASE IN THE ELECTORAL POPULATION THROUGH THE CREATION OF FALSE RECORDS.

The Electoral Registry (registered lists of voters in computer tape) submitted by the Electoral Tribunal contains the names of approximately 1.2 million voters. This list did not have any logical order, which required an extraordinary amount of work to itemize and classify the data in order to produce a list which could be used by circuit, voting center and voting booth (See Annex B, Analysis of the quality of the Voters' Registry, attached). This was analyzed in detail, reaching the following results and conclusions:

-3-

a. The lists show an exhorbitant duplication of more than 100,000 names, a figure which is higher than what could be statistically explained as processing error. This is easy to prove, as the registry is normally made using both the paternal and maternal surnames and the two Christian names. Normally, in a registry of 1.2 million persons, there may be duplication of some names, as a result of inadvertant mistakes.

However, when the number of registries are reduced, examining them by circuit as we, in fact, did, and then a comparison of duplicated names is made against the lists of voters by voting centers and by voting booths, the statistical probability of duplicating names in such reduced listing is substantially decreased. In other words, we are no longer considering duplications which occur in a listing 1.2 million names, but of duplications in a listing of around 300 voters per voting booth. After a quick analysis, more than 100,000 cases of duplication have been confirmed throughout the country. We enclose, as Annex C a sample of the cases in each of the nine provinces of the country and the Comarca of San Blas.

b. Some duplications would normally happen as a result of human error, although statistically it is impossible to explain more than 100,000 duplications of names in a listing of only 1.2 million persons, that is an error of almost 10%. In addition, and even more importantly, in thousands of cases the number of the identity card of the voters whose names appear more than once in the listings are very similar one to the other. In many cases only one of the eleven numbers of the identity card differs; in others, the figure is identical except that one number changes position, or the abbreviation AV is added or deleted.

c. Professional experts in statistics, as well as computer analysts and experts which have had the opportunity to analyze these results, are of the opinion that the Electoral Registry has been altered with false data to enable some persons to vote more than once in the same voting booth or in voting booths located near their correct voting booth. These alterations may also serve to support subsequent alterations of the results of the elections, after the day of the elections.

When analyzing a preliminary sampling of cases with duplicate names and very similar identity cards, applying it to a given circuit, we have found a very high number of duplicate names in different voting booths located near each other, as described in Chart No. 2 (hereinbelow on the next page).

CHART NO. 2 - DUPLICATE NAMES APPEARING IN VOTING BOOTHS LOCATED NEAR EACH OTHER.

Province	Number of cases	Circuit
San Blas	194	10.1 and 10.2
Bocas del Toro	335	1.1
Colón	70	3.2
Chiriquí	108	4.5
Darién	60	5.2
Los Santos	72	7.2
Arraijan	112	8.1
Panama-Balboa	116	8.4
Panama-Chorrera	238	8.5
San Miguelito-Panama	270	8.6
Panama-Las Cumbres	292	8.10

d. DECEASED PERSONS WHICH APPEAR IN THE ELECTORAL REGISTRY

After a preliminary sampling of approximately 3,000 of the deaths occurred in the Republic in the last five (5) years, we have confirmed that more than 27% of the said deceased appear in the updated listing of Voters of the Electoral Registry. As an example, we attached in Chart No. 3 the names of some persons who have died, but who still appear in the Electoral Registry; in Annex E there are more than 800 names of dead citizens (more than 27% of the preliminary sampling of 3,000 deaths) which currently appear in the Electoral Registry.

CHART NO. 3 - EXAMPLE OF DECEASED CITIZENS APPEARING IN THE ELECTORAL REGISTRY

1. CRISTINA CASTRELLON MUNOZ, personal identity card 4AV-043-00858, domicile: Santiago de los Caballeros, Veraguas, Voting Booth No. 4074, Colegio La Primavera.

2. ADELAIDA SANCHEZ FABREGA, personal identity card 9AV-106-00566, domicile: Santiago de los Caballeros, Veraguas, Voting Booth No. 4073, Colegio San Vincente de Paul.

3. JUSTO HERNANDEZ MONTILLA, personal identity card 9-004-03-773, domicile: Veraguas de Pilon, Montijo, Voting Booth No. 4006, Colegio El Pilon.

4. MARCELINA RIOS PEREZ, personal identity card 4-038-00715, domicile: Chiriqui, David, San Carlos, Voting Booth No. 1225, Colegio San Carlos.

5. TEODOLINDA HERRERA RODRIQUEZ, personal identity card 8AV-112-00365, domicile: Panama, Voting Booth No. 3121, Colegio Villa Catalina.

6. JULIO IGNACIO ALEMAN, personal identity card 8-24-00804, domicile: Panama, Voting Booth No. 2753, Escuela Ricardo Miro.

-5-

3. MULTIPLICATION OF THE NUMBER OF GOVERNMENTAL VOTES BY MULTIPLICATION OF PERSONAL IDENTITY CARDS.

During the last six (6) months the issuance of more than one personal identity card to Government supporters has been repeatedly reported, so as to allow them to vote unlawfully two, three and more times in favour of Noriega's Regime.

Specifically, each of the approximate 150,000 public employees were forced to register in COLINA's political parties and to complete a one page form with three names and personal identity numbers belonging to friends and relatives. In this way the regime may include the public employees and their relatives in the listings of the official parties and justify in this manner an alleged electoral victory, altering the votes of this important area of the population. It may be pointed out that this activity of collection of names of individuals includes, also, gathering of their respective numbers of their personal identity cards, allowing the possibility of creating a "Bank of names and identity card numbers." Said bank would be useful to Noriega's regime for the alteration of names and identity card numbers, thereby increasing the number of votes by ascribing additional identity cards to government supporters (See attached, as Annex D, samples of forms used for this purpose in several public offices).

4. CONCENTRATION OF VOTERS IN KEY AREAS

A detailed analysis of the Electoral Registry shows a concentration of voters in certain areas which the government deems as key areas to increase in a fraudulent manner the number of its legislators. We have detected in the Electoral Registry an abnormal migration to several circuits, unbelievable increases occuring in as little as 5 years, ranging from 48.1% in Circuit 3.2 in Colon up to 61.4% in Circuit 5.2 in Darien (See Chart No. 4, hereinbelow).

CHART NO. 4 - UNEXPLAINED INCREASE OF VOTERS IN 5 YEARS

Circuit 1.1	Bocas del Toro.....	35.9%
Circuit 3.2	Colón (Chagres, Donoso).....	48.1%
Circuit 4.5	Chiriquí (Alanje, Boquerón).....	31.5%
Circuit 5.2	Darién.....	61.4%
Circuit 8.1	Panama (Arraijan).....	42.3%
Circuit 8.4	Panama (Balboa, Chepo, Chiman).....	30.8%
Circuit 8.5	Panama (Chorrera).....	30.9%
Circuit 8.6	Panama (San Miguelito).....	38.4%
Circuit 8.7	Panama (Pacora, Pedregal)	45.3%

Period in which the disproportionate increase in electoral population is concentrated.

-6-

Based on the Electoral Registry published by the Electoral Tribunal on September 30, 1988, we find that in some place the annual increase average in the number of voters between September 1988, and February 7, 1989 (four months) was in some cases up to four (4) time higher than the growth average recorded from May 1984 to September 1988, as described in Chart No. 5.

CHART NO. 5 - DISPROPORTIONATE INCREASE IN VOTERS BETWEEN SEPTEMBER/88 AND JANUARY/1989 (Annual Average)

	May/84 to Sep/88	Sep/88 to Jan/89
Bocas del Toro	6.3%	26.6%
Coclé.....	5.9%	14.4%
Colón.....	6.5%	17.9%
Chiriquí.....	5.2%	17.9%
Darién.....	3.8%	70.1%
Los Santos.....	4.5%	20.4%
Veraguas.....	4.7%	13.6%
San Blas.....	2.3%	28.9%
Panama.....	7.1%	9.9%

5. SHIFTING OF ELECTORAL POPULATION SO AS TO INCREASE TO TO A MAXIMUM VOTERS' ABSENTEEISM

Based on the premise that a high percentage of the population will vote against the government, as shown by all independent polls, the regime intends to manipulate voters in the following manner:

5.1 With the information which the Electoral Tribunal has in its computers, plus the data that can be obtained from the Social Security computers, the General Comptrollers' Office of the Republic and the reports which they forced public employees to submit (See paragraph 3 hereinabove), the identity card number of the following persons can be known:

a. Public employees in general and of three (3) of their relatives.

b. Public employees more susceptible to a direct control (Defense Forces, DIGEDECOM, etc.).

5.2 In all probability the mass of voters which may be shifted to other voting booths will abstain from voting. Although the Government may not know which of these voters may have voted in its favour, after having chosen them in accordance with the information available to them (See paragraph 5.1) they would have a reasonable possibility of eliminating opposition votes.

-7-

5.3 There exists the possibility that a great number of voters may have been changed from their former voting booths to distant place, as is reflected in the unusual increase in voters in several districts and corregimientos of the country See Chart No. 6.

CHART NO. 6 - UNUSUAL INCREASE AREAS AND POSSIBLE SHIFTING OF VOTERS

Corregimiento of Punta Laurel (1.1) 91.3%

District of Donoso (Colón) 48.2%

District of Portobelo (Colón) 47.6%

District of Santa Isabel (Colón) 107.3%

District of Renacimiento (Chiriquí) 41.9%

District of Cemaco (Nuevo) - Darién 100.0%

District of Sambu (Nuevo) - Darién 100.0%

District of Arraijan (8.1) 42.3%

Corregimiento of Belisario Porras (San Miguelito) 43.4%

Corregimiento of José D. Espinar (San Miguelito) 43.2%

Corregimiento of Ancón (8.8) 93.0%

Corregimiento of Las Cumbres (8.10) 58.1%

Corregimiento of San Martín (8.10) 100.02%

Corregimiento of Tocumen (8.10) 70.1%

República de Panamá

Tribunal Electoral

DECRETO No. 13
(de 10 de abril de 1989)

Por el cual se adoptan disposiciones de orden público en materia electoral y se reglamenta la forma de votación de los miembros del Cuerpo de Bomberos y de las Fuerzas de Defensa de la República de Panamá.

EL TRIBUNAL ELECTORAL
en uso de sus facultades Constitucionales y Legales,

C O N S I D E R A N D O :

Que es deber del Tribunal Electoral velar por la libertad, honradez y eficacia del sufragio y tiene a su cargo, privativamente, la potestad entre otras, de vigilar y fiscalizar todas las fases del proceso electoral, de conformidad con el artículo 136 de la Constitución Política.

Que las autoridades públicas están obligadas a acatar y cumplir las órdenes y decisiones de funcionarios de la jurisdicción electoral cooperando con éstos en el ejercico de sus funciones.

Que el ejercicio del sufragio debe realizarse sin interferencias, en forma ordenada y sin obstaculizar la labor de las corporaciones electorales, circunstacias éstas que deben ser garantizadas por las autoridades públicas competentes en materia electoral.

Que los artículos 7,8, y 9 del Código Electoral, por razones de orden público y de seguridad pública, deben interpretarse para establecer claramente la forma de votación en las elecciones del 7 de mayo de 1989 de los miembros de los Cuerpos de Bomberos, de las Fuerzas de Defensa de la República y del Ministerio Público comisionados para la investigación de los delitos electorales.

D E C R E T A :

ARTICULO 1°: Se prohíbe desde las doce de la noche del viernes cinco (5) de mayo de 1989 hasta las doce meridiano del lunes ocho de mayo de 1989, todas las manifestaciones públicas y toda clase de propaganda política por altavoces y en los medios de comunicación social.

ARTICULO 2°: Se faculta únicamente a las corporaciones electorales (Junta Nacional de Escrutinio, Junta Circuital de Escrutinio, Junta Distritorial de Escrutinio y la Junta Comunal de Escrutinio), para dar resultado de las elecciones, los cuales deben darse luego de haber escrutado la totalidad de las Mesas de Votación y al hacer las proclamaciones que correspondan.

Se prohíbe a cualquier ciudadano y a los medios de comunicación social la divulgación de los resultados parciales de las elecciones.

ARTICULO 3°: Se ordena el cierre, desde las doce mediodía del sábado seis de mayo de 1989, hasta las doce de la noche del domingo 7 de mayo de 1989, de las bodegas, cantinas, centros de diversión, salones de baile y demás lugares de expendio de bebidas alcohólicas.

Dentro de este mismo período se prohíbe la venta, obsequio, traspaso, uso y consumo de bebidas alcohólicas. Esta prohibición

incluye los vinos, cervezas y demás bebidas fermentadas.

Artículo 4: Se prohibe durante el domingo siete (7) de mayo de 1989, día de las elecciones, la distribución en centros de votación y áreas adyacentes, cualquier propaganda, distintivos y otros objetos tales como camisetas, afiches, volantes, gorras y similares.

Artículo 5° : Desde el inicio de la votación, el día 7 de mayo de 1989, hasta la proclamación de los candidatos electos, se observarán las siguientes medidas de orden público para el desarrollo pacífico y ordenado del proceso electoral.

a) Solamente tendrán acceso a las corporaciones electorales las personas que hayan sido acreditadas por el Tribunal Electoral, de conformidad con el Código Electoral y los Reglamentos del Tribunal Electoral;

b) Se prohibe entorpecer las filas de los votantes y el acceso a las mesas de votación, especialmente mediante la colocación de obstáculos o la formación de grupos que restrinjan o impidan el acceso ordenado a las mesas de votación.

c) Se podrá establecer cordones de acceso a las mesas de votación, dentro de las que se formarán filas ordenadas de votantes para ejercer el derecho al sufragio;

d) No se permitiría la formación de grupos a menos de una circunferencia imaginaria de cincuenta (50) metros de la mesa de votación, salvo las personas que tengan derecho a participar como Presidentes, Secretarios, Vocales y los suplentes de éstos y representantes de los partidos políticos, de los candidatos independientes y las personas con derecho a ejercer el sufragio en la mesa de votacion correspondiente.

Artículo 6°: Las disposiciones del artículo anterior se aplicarán en lo pertinente a las demás corporaciones electorales distintas a la mesa de votación.

Artículo 7°: Los agentes de seguridad de las Fuerzas de Defensa ubicados en las Mesas de Votación y en las demás corporaciones electorales previstas por la legislación electoral que tengan asignadas funciones de mantenimiento del orden y la seguridad pública, velarán por el fiel cumplimiento de las disposiciones de orden público electorales establecidas por el presente Decreto y actarán las instrucciones y órdenes que emitan los funcionarios electorales, en las Mesas de Votación y demás corporaciones electorales, para el desarrollo normal y ordenado del derecho al sufragio por parte de los votantes y la corrección en el proceso electoral y brindarán a los funcionarios electorales la colaboración que éstos requieran.

Artículo 8°: Los miembros del Cuerpo de Bomberos, de las Fuerzas de Defensa de la República de Panamá y del Ministerio Público comisionados para la investigación de delitos electorales, sufragarán el día 7 de mayo de 1989, en una de las siguientes formas:

a) Por aparecer en el Registro Electoral Actualizado Final en la mesa correspondiente.

b) Sin aparecer en el Registro Electoral Actualizado Final de la mesa correspondiente, pero siempre que aparezcan inscritos en el Registro Electoral Actualizado Final, en los siguientes casos:

1. Al final de la votación, en la mesa donde ejerzan sus funciones o en una ubicada en el lugar donde se encuentren por razón de su cargo;

2. En cualquier momento durante las votaciones, cuando estuvieren cumpliendo un turno que les imposibilitare votar en las mesas que les corresponden, podrán hacerlo en la mesa más cercana al lugar en que se encuentren prestando servicios el día de las elecciones, previa identificación.

En estos casos, el Presidente de la Mesa procederá a ordenar, lo conducente para que se agreguen al listado electoral de la Mesa correspondiente el nombre, número de cédula e identificación de los miembros de esas instituciones.

Artículo 9°: Las violaciones a este Decreto se sancionará como delitos o faltas electorales, según sea el caso.

Artículo 10°: Este Decreto comenzará a regir a partir de su promulgación.

COMUNIQUESE, PUBLIQUESE Y CUMPLASE.

Dado en la ciudad de Panamá, a los dieciocho días del mes de abril de mil novecientos ochenta y nueve.

YOLANDA P. DE RODRIGUEZ.
Magistrada Presidente.

LUIS CARLOS CHEN.
Magistrado Vicepresidente.

AURELIO CORREA B.
Magistrado Vocal.

CARLOS A. BONILLA GARCIA
Secretario General.

MadeR/xdeg.-

FACTOR MULTIPLICADOR

INSTITUCION_____

NOMBRE DEL FUNCIONARIO_____

No. DE CEDULA_____

CARGO_____

RESIDENCIA_____

Nombre de tres o más simpatizantes que no sean empleados públicos que se garantizan como votante a nuestro favor:

NOMBRE	No. DE CEDULA	RESIDENCIA (CORREGIMIENTO)	TRABAJA (SI O NO)	LUGAR DE TRABAJO	CENTRO VOTACION	No.de MESA
1.						
2.						
3.						

FALSE TRIBUNAL VOTING CREDENTIAL

EDITOR'S NOTE: The name originally on this credential has been omitted for reasons of confidentiality.

FORMULARIO DOE 040/89

República de Panamá

Tribunal Electoral

ELECCIONES POPULARES 7 DE MAYO 1989

C R E D E N C I A L

Se hace constar que: NAME OMITTED

con cédula de identidad personal No. 8-67-497 quien ejerce

las funciones de SUPERVISOR

(Coordinador, Supervisor, Inspector, Información)

está autorizado por el Artículo 8 del Código Electoral para votar en la mesa de votación donde ejerza sus funciones por razón de su Cargo.

TRIBUNAL ELECTORAL

FIRMA:

NOMBRE:

CEDULA No.

CARGO:

Dirección General de Organización Electoral República de Panamá

Nota:

Esta credencial debe ser firmada por un Magistrado del Tribunal Electoral, por los Funcionarios de la Dirección de Organización Electoral (Director General, Director Provincial o Comarcal).

ALIANZA DEMOCRATICA DE OPOSICION CIVILISTA

Panamá, 5 de junio de 1989

CONFERENCIA EPISCOPAL PANAMEÑA

Sus Excelencias Reverendos Obispos:

La ALIANZA DEMOCRATICA DE OPOSICION CIVILISTA ha hecho entrega formal, para su custodia, de 3,312 actas de mesas que representan el 77.83% de un total de 4,255; además se han entregado actas de circuitos que juntas a las anteriores totalizan 3,441 actas de mesas, lo cual representa 80.86%. Estos documentos evidencian el triunfo de la ADO-CIVILISTA en las pasadas elecciones nacionales para Presidente y Vicepresidentes de la República de Panamá celebradas el 7 de mayo de 1989.

Asimismo, nos permitimos informarles a Sus Excelencias que poseemos un número mayor de actas en el resto del territorio nacional y que en estos momentos, por razones de seguridad, no hemos podido entregar. Nos esforzaremos, en la primera oportunidad, en hacerlas llegar.

Incluímos dctos del Centro de Informática con los resultados extraoficiales de hasta 3,442 mesas escrutadas que asignan para la nómina ADO-CIVILISTA 463,388 votos presidenciales y a COLINA 184,900, con una ventaja de la ADO-CIVILISTA de 278,488 votos y además listado con la identificación numerada de las actas entregadas.

De Sus Excelencias con todo respeto y patriotismo.

GUILLERMO ENDARA G.

RICARDO ARIAS CALDERON

GUILLERMO FORD

Appendix XVI

COMUNICADO DE PRENSA

La Alianza Democrática de Oposición Civilista encabezada por el Presidente Electo, Guillermo Endara Galimany y el Segundo Vicepresidente Electo, Sr. Guillermo Ford, entregaron hoy a la Conferencia Episcopal Panameña los documentos elaborados con los resultados de los computos realizados en un total de 3,442 actas presidenciales de las elecciones del pasado 7 de mayo.-

Los documentos fueron entregados a los representantes de la Conferencia Episcopal Panameña, encabezada por Monseñor Marcos Gregorio McGrath; Arzobispo de Panamá, José Luis Lacunza; Obispo Auxiliar de Panamá y José Dimas Cedeño; Obispo de Santiago y Presidente de la CEP.

El informe de los resultados representa el 80.9 por ciento del total de actas recuperadas en todo el país y que fueran entregadas a los miembros de la oposición por los jurados de la ADOC.-

El acto de entrega de los documentos asistieron además los Presidente de los Partidos que conforman la ADOC; Partido Demócrata Cristiano (PDC), Movimiento Liberal Republicano Nacionalista (MOLIRENA) y Partido Liberal Auténtico (PLA).

Pese a la decisión del actual gobierno de anular las elecciones que le daban una amplia mayoría a la oposición, la ADOC mantiene su determinación de continuar su lucha por el respeto de la voluntad popular plasmada en los comicios del 7 de mayo y que les dió el triunfo para asumir el mando el primero de septiembre.-

OFICINA DE PRENSA DE LA ADOC
Teléfono 63-8379

A D O - CIVILISTA

CENTRO DE INFORMATICA
ELECCIONES NACIONALES - MAYO 7 DE 1989
REPUBLICA DE PANAMA
RESULTADOS EXTRAOFICIALES
(No autorizados para divulgacion nacional)
FUENTE: DATOS DE MESA

BOLETIN AA - 1

4 de Junio de 1989 -02:51:11

MESAS ESCRUTADAS	:	3,442	80.9%
FALTAN:		813	19.1%
# DE VOTANTES	:	717,771	60.6%

RESULTADOS POR NOMINA:		VOTOS PRESIDENCIALES	
ADO CIVILISTA	:	463,388	64.5%
COLINA	:	184,900	25.8%
NICOSIA	:	2,750	0.4%
NULOS - EN BLANCO	:	66,733	9.3%
T O T A L	:	717,771	100.0%

RESULTADOS POR PARTIDO:

ADO CIVILISTA:

PDC	:	261,598	36.4%
MOLIRENA	:	132,011	18.4%
LIBERAL AUTENTICO	:	69,779	9.7%
TOTAL	:	463,388	64.5%

COLINA:

PRD	:	120,564	16.8%
PALA	:	35,264	4.9%
OTROS	:	29,072	4.1%
TOTAL	:	184,900	25.8%

A D O - CIVILISTA

CENTRO DE INFORMATICA
ELECCIONES NACIONALES - MAYO 7 DE 1989
REPUBLICA DE PANAMA
RESULTADOS EXTRAOFICIALES
(No autorizados para divulgacion nacional)
FUENTE: DATOS DE MESAS

BOLETIN BB - 1

4 de Julio de 1989 -02:52:16

VOTOS PRESIDENCIALES - POR NOMINA - POR PROVINCIA

PROVINCIA	TOTAL MESAS	ADO CIVILISTA	COLINA	NICOSIA	NULOS O EN BLANCO	TOTAL
BOCAS DEL TORO	106	9,404	3,722	62	216	13,404
COCLE	287	31,598	15,646	208	5,213	52,665
COLON	157	23,264	6,247	128	1,119	30,758
CHIRIQUI	487	62,044	25,573	440	7,118	95,175
DARIEN	27	1,676	1,649	9	825	4,159
HERRERA	148	19,828	9,020	37	2,695	31,580
LOS SANTOS	184	22,159	12,739	75	2,563	37,536
PANAMA	1,581	262,076	86,568	1,644	41,328	391,616
VERAGUAS	320	28,442	18,236	123	5,656	52,457
SAN BLAS	45	2,897	5,500	24	0	8,421
TOTAL	3,442	463,388	184,900	2,750	66,733	717,771

06/04/09 VOTOS PRESIDENCIALES POR PARTIDO Y MESA 04:04:31

FUENTE: DATOS POR MESA

PAG.: 1

CIRCUITO	ESCRU	MESAS FALTAN	ADN	CIVILISTA	TOTAL	COLINA									PPA	VOTOS NULOS	VOTOS VALIDOS
			PDC	NBL	PLA		LIB	PRD	PALA	REP	PAM	PDT	PPR	PP	TOTAL	---		
0.1	27	8	1435	40	111	1586	795	1251	667	64	25	8	11	75	2898	12	0	4496
0.2	18	10	648	630	33	1311	772	1057	514	67	16	6	115	55	2602	12	0	3925
1.1	94	1	3739	1677	3210	8626	114	1832	373	381	21	13	49	232	3015	58	160	11699
1.2	12	14	399	148	211	778	20	537	101	12	1	3	10	23	707	4	48	1489
2.1	106	6	5283	4448	1798	11649	271	3982	1383	170	17	13	48	111	5995	63	525	17707
2.2	47	9	2657	2010	538	5205	138	2634	748	19	14	6	39	24	3622	101	1482	8928
2.3	80	20	4334	1184	1341	6859	1592	1549	265	43	5	4	83	53	3594	33	1353	10486
2.4	54	3	3184	3994	707	7885	199	1877	224	49	4	3	18	61	2435	11	1453	10331
3.1	157	70	16584	4552	2128	23264	213	4473	822	258	48	88	212	132	6247	128	1119	29602
3.2	0	54	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4.1	168	7	16862	7222	3283	27367	308	5952	2144	126	16	72	87	164	8951	82	2269	38400
4.2	79	16	5238	1424	1425	8087	242	1657	1006	105	16	61	116	499	3702	148	144	11938
4.3	73	27	5311	2108	2464	9875	112	2292	475	6	205	2	7	2	3101	19	2055	12995
4.4	2	69	91	18	4	113	16	77	27	27	2	0	7	5	161	4	147	278
4.5	67	11	3213	1484	1463	6160	100	1622	1064	58	16	18	38	55	2911	31	1169	9102
4.6	54	25	3340	1229	1575	6154	255	1530	1485	49	8	8	25	186	3466	143	396	9763
4.7	44	7	1084	2957	327	4298	134	2302	573	178	11	11	43	27	3281	13	936	7532
5.1	16	15	389	148	370	899	119	608	128	130	2	2	4	48	1122	5	254	2026
5.2	11	19	616	60	101	777	14	291	185	23	1	2	8	3	527	4	571	1308
6.1	60	0	3281	1496	4985	9762	158	3412	544	74	8	6	42	110	4346	18	1549	14118
6.2	61	28	3330	2726	722	6778	313	1734	766	89	58	8	63	88	3119	18	708	9907
6.3	27	73	1833	681	774	3288	45	1253	142	24	1	8	16	66	1555	17	438	4860
7.1	73	0	3870	3962	617	8449	542	2939	2055	87	33	4	89	52	5801	25	1013	14275
7.2	69	1	6298	2277	1394	9971	78	2463	2091	86	26	10	51	111	4916	22	1303	14809

06/04/09 VOTOS PRESIDENCIALES POR PARTIDO Y MESA 04:14:55

FUENTE: DATOS POR MESA

PAG.: 2

CIRCUITO	ESCRU	MESAS FALTAN	ADN CIVILISTA PDC	RDL	PLA	TOTAL	COLINA LIB	PRD	PALA	REP	PAR	POT	PPR	PP	TOTAL	PPA	VOTOS NULOS	VOTOS VALIDOS
7.3	42	37	2279	1313	247	3839	100	1339	486	57	5	4	13	18	2022	20	247	5889
8.0	230	30	18097	13040	5646	36811	477	6636	1609	531	117	113	174	270	9925	197	7181	44943
8.1	67	20	8155	1974	759	10838	110	2390	381	171	14	6	80	183	3255	59	2229	14157
8.2	53	9	2907	1500	936	5343	172	1200	592	59	17	7	78	119	3144	21	657	8495
8.3	43	10	2972	608	1714	5294	756	939	1148	72	8	34	134	32	3123	68	311	8485
8.4	67	18	2174	3182	180	5536	50	2133	291	20	7	6	21	25	2561	20	1537	8125
8.5	134	21	12231	5000	3094	20325	244	4646	984	304	70	28	140	189	6557	186	4242	27078
8.6	259	18	30473	21774	6439	58686	785	11605	2419	714	83	100	217	692	16615	366	9355	75862
8.7	191	22	15555	5152	5081	26588	464	8924	2171	248	45	62	282	518	12754	232	4821	39574
8.8	204	5	23755	7609	5802	37166	413	8030	2002	273	61	24	106	383	11212	164	2871	48542
8.9	325	4	33293	15003	6983	55279	585	12763	2137	610	431	79	324	563	17412	323	8224	72987
9.1	111	12	8632	2177	1592	12401	233	4607	1056	78	51	20	90	213	6348	23	2364	18772
9.2	67	22	1923	2855	421	5199	502	2284	807	71	17	6	31	220	3938	12	1498	9149
9.3	25	53	1505	533	91	2179	48	1214	405	59	3	0	7	7	1735	1	199	3865
9.4	60	5	1822	3435	188	5445	184	2448	582	99	5	6	15	99	3458	6	715	8909
9.5	57	40	2864	201	203	3268	237	1902	470	63	4	4	25	52	2757	81	870	6106
TOT	3442	813	261590	132011	69779	463380	12718	120564	25264	5584	1463	855	2919	5533	184900	2750	66733	650957

RESULTS OF QUICK-COUNT OPERATION

05/08/89 PRESIDENTE 22:16:35

RESUMEN DE CONTEO MUESTRAL

TOTAL VOTANTES:	SOBRES CONTADOS:	VOTOS VALIDOS:	VOTOS NULOS:
39474	38540	35048	2998
1. PRD	2. LIBERAL	3. PDC	4. REPUBLICANO
6046	473	14996	299
(70.6%)	(5.5%)	(57.2%)	(3.5%)
5. MOLIRENA	6. PANA AUTEN	7. PALA	8. ACCION NAC
7422	272	1244	57
(28.3%)	(100%)	(14.7%)	(0.7%)
9. DEM D LS TRA	10. PANA REVOL	11. PAR DL PUE	12. LIBERAL AU
51	138	261	3789
(0.6%)	(1.6%)	(3.0%)	(14.5%)

ERROR +/- 7%

FACCION	VOTOS	%	MESAS
ADO	26207	74.8	
COLINA	8569	24.4	164
NICOSIA	272	0.8	

RESULTS OF QUICK-COUNT OPERATION REVERSE STRATIFICATION

05/08/89 PRESIDENTE 22:16:35

CONTEO MUESTRAL ESTRATIFICADO AL 25%

TOTAL VOTANTES:	SOBRES CONTADOS:	VOTOS VALIDOS:	VOTOS NULOS:
19510	19144	17537	1456
1. PRD	2. LIBERAL	3. PDC	4. REPUBLICANO
3078	274	7330	164
(68.1%)	(6.1%)	(57.1%)	(3.6%)
5. MOLIRENA	6. PANA AUTEN	7. PALA	8. ACCION NAC
3602	168	716	31
(28.0%)	(100%)	(5.6%)	(0.7%)
9. DEM D LS TRA	10. PANA REVOL	11. PAR DL PUE	12. LIBERAL AU
19	90	151	1914
(0.4%)	(2.0%)	(3.3%)	(14.9%)

ERROR +/- 10%

FACCION	VOTOS	%	MESAS
ADO	12846	73.3	
COLINA	4523	25.8	82
NICOSIA	168	1.0	

NOTA ACLATORIA:

Los porcentajes bajo cada partido indican la aportación que ha hecho sus votos a su coalición.

Ejemplo: PRD 70.1% indica que este partido aportó el 70.1% de los votos totales de COLINA.

Appendix XVIII

Nullification Announcement

A continuación publicamos el Decreto No. 58 del 10 de mayo de 1989, mediante el cual se declaran anuladas las elecciones del 7 de mayo de este año.

DECRETO No. 58

(de 10 de mayo de 1989)

Por el cual se declara la nulidad de las elecciones del 7 de mayo de 1989.

EL TRIBUNAL ELECTORAL,
en uso de sus facultades constitucionales y legales,

CONSIDERANDO:

Que el Tribunal Electoral convocó al pueblo panameño a elecciones populares a celebrarse el día 7 de mayo de 1989 a objeto de elegir presidente, vicepresidentes de la república, legisladores, representantes de corregimientos y concejales.

Que estas elecciones fueron organizadas en medio de la más aguda crisis fiscal y económica que sufre la República de Panamá con el ánimo de brindar al pueblo panameño la oportunidad de producir la renovación de sus principales órganos de gobierno dentro de la legalidad y para demostrar al mundo la voluntad de actuar dentro del marco de la democracia, a pesar de que el ejercicio electoral significó un enorme sacrificio económico y una distracción de esfuerzos ante los constantes ataques del agresor.

Que, terminadas las votaciones a las 5:00 de la tarde, se produjeron hechos que aún persisten y los cuales han alterado de manera significativa el resultado final de las elecciones en todo el país.

Que el desarrollo normal de las elecciones fue alterado por la acción obstruccionista de muchos extranjeros llamados por fuerzas políticas nacionales o foráneas sin gozar de una invitación del Tribunal Electoral, cuyo evidente propósito era el de avalar la tesis del fraude electoral, proclamada al mundo por las autoridades norteamericanas desde fecha muy anterior a las elecciones.

Que la relación suscinta de estos hechos, según se desprende de los informes recibidos por el Tribunal Electoral, de los coordinadores, inspectores electorales y funcionarios responsables de la Dirección General de Organización Electoral, así como de las Juntas Escrutadoras y Proclamadoras dan cuenta de la constante sustracción de las boletas en los recintos electorales, compra de votos por parte de los partidos políticos y, especialmente, la falta de actas y otros documentos que hacen absolutamente imposible la proclamación de cualquiera de los candidatos.

Que de conformidad con el artículo 136 de la Constitución Política y los artículos 290 y 291 del Código Electoral, el Tribunal Electoral podrá declarar de oficio la nulidad de las elecciones.

Que todas y cada una de las anteriores consideraciones, conduce a este Tribunal a concluir, en vista de todos los hechos y circunstancias anotadas, que la medida adoptada contribuirá a devolver la tranquilidad al país y proteger la vida y bienes de todos los habitantes en el territorio nacional.

DECRETA:

ARTICULO PRIMERO: Se declara LA NULIDAD de las elecciones celebradas el 7 de mayo de 1989 en su totalidad en todos los niveles de los cargos a elección popular previstos para ser proclamados en las mismas.

ARTICULO SEGUNDO: Se ordena enviar a todos los órganos del Estado, Ejecutivo, Legislativo y Judicial, copias del informe a que se refiere lo aquí dispuesto, a fin de que se promuevan las medidas constitucionales y legales tendientes a preservar el orden constitucional y legal de la República.

COMUNIQUESE Y PUBLIQUESE.

YOLANDA PULICE DE RODRIGUEZ,
Magistrada Presidente

LUIS CARLOS CHEN
Magistrado Presidente

AURELIO CORREA ESTRIBI,
Magistrado Vocal

CARLOS A. BONILLA GARCIA,
Secretario General

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release May 9, 1989

INTERVIEW OF THE PRESIDENT
BY THE OVAL OFFICE POOL

The Oval Office

3:20 P.M. EDT

THE PRESIDENT: Well, let me first make a brief statement. I'd like to comment on the Panamanian elections. I met with the Murtha delegation to hear their report and I have now received the preliminary report from President Ford and President Carter. President Carter and his whole delegation will be here shortly to give me a full report.

In addition, we have the report of other observer groups, including that of the Archbishop of Panama, which demonstrate clearly that despite massive irregularities at the polls, the opposition has won a clearcut overwhelming victory. The Panamanian people have spoken. And I call on General Noriega to respect the voice of the people. And I call on all foreign leaders to urge General Noriega to honor the clear results of the election.

And I might add that I applaud the statement by Peru's Alan Garcia, who has spoken out against the fraud. I noted with interest that the Archbishop of Panama felt that 74 percent of the vote went to the opposition. And I understand that Carlos Andres Perez of Venezuela is talking to some of the neighboring countries there to encourage a joint statement against the fraud that has taken place and calling on Noriega to honor the results of this election.

Q What kind of military force are you considering? We were told that that's one of the options.

THE PRESIDENT: The election results have not been handed in, formally announced, and until they are, I will not discuss the options of the United States. I will simply again call on General Noriega to honor the will of the people.

Q Mr. President, you called on him a year ago to do precisely the same thing, as did Mr. Reagan, and nothing happened. Why should it be any different this time?

THE PRESIDENT: Because there has been a massive voice of the people heard. There has been a statement for democracy so loud and so clear that perhaps even General Noriega will listen to it. And I want to -- I would like to think that he will heed the call of the people and that he would listen to the international outcry that is building, and that he would step down from office -- in which case, the relations with the United States would improve dramatically and instantly.

Q Have you spoken to foreign leaders? Do you plan to speak with foreign leaders?

THE PRESIDENT: I probably will and, without going into who I've spoken to, the answer is yes. You know, we've had foreign visitors here and talked to them and --

Q Have you -- do you really think you have a military option? And on what basis could you go into someone else's country?

THE PRESIDENT: Helen, I'm not going to say what our

MORE

options are. I've not discussed that here today. I have, obviously, discussed options with my own top advisors; I listened very intently to the members of Congress that came in and some of them had specific suggestions. But I want to see General Noriega do what I've just encouraged him to do and what other foreign leaders apparently are encouraging him to do.

Q Did you put yourself in a box here by making such a public point of being upset about these elections and, if Noriega decides to stay anyhow, that it looks like the United States has been ineffective?

THE PRESIDENT: I don't think the United States is ever in a box when it speaks out in favor of free, fair elections and honoring the will of the people. That's what we stand for. And so I don't think there's any box involved.

Q Some members of Congress have called for the abrogation of the Canal treaty. Is that in any way a possibility in your mind -- an option?

THE PRESIDENT: I want to see General Noriega do what I have just encouraged him to do. I want to see the will of the people honored.

Q But under any circumstances would you --

THE PRESIDENT: I'm not going to go into hypothetical questions at this point.

Q Have you talked to him. Have you given him any personal ultimatum?

THE PRESIDENT: Put it this way: General Noriega knows my position.

Q How?

THE PRESIDENT: Never mind. He knows. And it's been told --

Q Did you call him up?

THE PRESIDENT: -- in recent -- he knows about it through recent contacts.

Q Have you issued any orders regarding the military on the bases in Panama? Are they in a state of alert? And are you anticipating increasing their numbers?

THE PRESIDENT: I will discuss at the appropriate time what options -- what course of action I will take. But I'm not going to do that now. What I want to do now is encourage this last moment for General Noriega to heed the appeal of those people who favor democracy and to heed the will of the Panamanian people. So I don't want to go beyond that in terms of deployment of U.S. force.

Q Are you any closer to an SNF agreement with the Germans?

THE PRESIDENT: I have a good feeling that there's been a lot of smoke out and that we'll have a smooth summit.

Q Have you talked with Kohl again?

THE PRESIDENT: Oh, I never discuss these -- all these talks I've had.

Q That means you're willing to compromise, right?

THE PRESIDENT: It might mean people are willing to do it our way -- with the United States.

MORE

Q Doesn't sound that way.

THE PRESIDENT: Well, don't believe everything you read in the UP. (Laughter.)

Q Will it be settled tonight with the Dutch?

THE PRESIDENT: I don't know. We haven't -- we'll be talking to Mr. Lubbers over here -- a friend of long-standing and a man with whom I can talk very, very frankly about SNF.

Q You can talk frankly with us.

THE PRESIDENT: And I didn't talk to him this morning about it. We talked about other subjects. But I reserved -- I've added an additional hour so we can do just exactly that.

But this Alliance is not going to fall apart. It is going to stay together and be strong.

Q What do you think about the North verdict, Mr. President?

THE PRESIDENT: What?

Q What do you think about the North verdict?

THE PRESIDENT: As you know, I wanted all along to see him exonerated. And that matter is now being -- under appeal and, thus, I will have nothing more to say about it while it is.

Q Well, do you think he was innocent?

THE PRESIDENT: Well, I'm not going to argue with the courts, but it's in -- the process is being appeals. He's entitled to the right of appeal without a lot editorial comment from me on it.

Q You don't believe in shredding documents, surely?

THE PRESIDENT: No, I believe in taking them with me. (Laughter.) (Picks up papers on his desk.)

END 3:30 P.M. EDT

Appendix XX

THE
CARTER CENTER
OF EMORY UNIVERSITY

NOTE: DOES NOT INCLUDE APPENDICES

President Carter's Letter to OAS

May 17, 1989

To the President of the XXI Meeting of the Consultation of Foreign Ministers of the Organization of American States

The meeting that you are chairing today is of the greatest significance to the inter-American system and to all democrats in the Americas. I am writing to you for two reasons and ask that you submit this letter and the accompanying material to all members in attendance in this special session of the O.A.S. First, I want to convey my conclusions and those of my delegation from having observed Panama's elections on May 7. Secondly, I have great hopes that the governments of the Americas will rise to the occasion and recognize that the case of democracy in Panama is a test of the entire hemisphere's resolve in creating a collective mechanism for reinforcing democracy everywhere in the hemisphere.

Representing the Council of Freely-Elected Heads of Government, I went to Panama with President Gerald Ford and Prime Minister George Price of Belize. We are associated with a group representing the National Democratic and Republican Institutes, including experts representing eight nations who had previously monitored elections in the Philippines, Pakistan, Paraguay, and the plebiscite in Chile. (A list of the delegation is attached.)

Throughout election day on May 7, we were all given free access to voting places (mesas) throughout the country. This was an exciting, even emotional experience. Despite widespread reports that General Noriega would ultimately commit fraud if necessary to prevail, the Panamanian people voted in huge numbers to select their own leaders. In addition to more than 800,000 voters, 50,000 workers served together in the mesas to conduct the election and to count and tabulate the votes legally, methodically, and accurately.

In what was a referendum on the military dictatorship of General Noriega, the people voted overwhelmingly for change, giving a substantial margin of victory for Guillermo Endara, the opposition candidate for President, his Vice Presidents, and their associated candidates for the national legislature and municipal offices. Collectively, we witnessed these results in many mesas. At the same time, the laity of the Catholic church had observers on hand to report the final vote tabulations in scientifically representative mesas. Our experts judged the church assessment to be excellent and scientifically accurate. Opposition observers had a similar but independent system.

THE CARTER PRESIDENTIAL CENTER, INC. · ONE COPENHILL · ATLANTA, GEORGIA 30307
(404) 420-5151 · TELEX 177 491-0211 CARTR

OAS Page 2

At 3 p.m., on May 8, the Church released the early returns of its vote count, and it showed a three to one margin of victory for the opposition. Subsequently, the Church received vote tallys from more of the mesas (a total of 164), and using highly sophisticated statistical methods, showed the opposition winning the election with 73.3 percent of the vote in the presidential election to 25.8 percent for the pro-government coalition, with a margin of error of plus or minus 10 percent.

The opposition parallel count operation sought to obtain the results from all of the voting mesas rather than just a scientifically-selected sample. By May 15, they had received results from 3,230 mesas (75.9 percent of the total), which represented 703,579 voters (55.5 percent of the total). Their vote count is consistent with the Church's quick count. According to the opposition count, ADO Civilista won 470,775 votes (or 66.9 percent of the total) while COLINA (The Noriega candidates) won 184,128 votes (or 26.2 percent of the total). These are the most up-to-date statistics. (A short memorandum explaining the two vote counts was prepared by some of the experts that worker for our delegation. It is attached to this letter, although some of its statistics on the opposition count are not as recent as those cited in my letter. I also attach some information provided by the Panamanian Church for your reference.)

In brief, there is no doubt that the opposition won the election by a significant and large margin, and that when General Noriega finally recognized this, he decided to destroy some of the official records (actas). In some location, his officials simply absconded with the actas. In other places, armed gunmen took the actas at gun point. Few actas were delivered to the counting place in Panama on May 7, the night of the election, as was supposed to have been done. Throughout that night and during most of the next day, election officials did nothing to protect the process or the actas.

At about 3:00 p.m. on Monday May 8, the national board for vote counting began declaring the results. I arrived at the center just as the first three of the 40 regional vote summaries were announced. I personally examined the documents. They were obviously crude fabrications, with little effort having been made to conceal their counterfeit nature. Both these officials and the members of the Election Tribunal, with whom I met, denied any authority or responsibility to do anything other than report the false tabulations they had received.

Subsequently I was denied entrance to the election center and even to the center where the news media were assembled. I and other members of our delegation made our findings known to the public through reporters who came to the lobby of our hotel. All Panamanian news broadcasts were forbidden until the following morning, May 9, when Noriega's candidate, Don Carlos Duque, was unofficially declared to be the winner.

OAS Page 3

In obvious attempts to intimidate the people, many citizens were arrested and others were shot in the streets. This included foreign news reporters. The official photographer of our delegation was detained for several hours. In retaliation against the church's persistent call for free elections, one of Noriega's soldiers in Concepcion arrested a Catholic priest who was on the way to mass early on Sunday, election day. The priest was a paraplegic, who was driving his automobile, The soldier, riding in the back seat, shot and killed him in cold blood.

The oppressive dictatorship of General Manuel Antonio Noriega cannot be condoned by leaders in our hemisphere who espouse democracy, freedom, and a respect for human rights.

It is imperative that strong voices be raised and that concerted action be taken by the Organization of American States to condemn the dictator and his oppression without adding further to the suffering of the Panamanian people.

I urge you to condemn General Noriega's electoral fraud and to recognize and declare your support for the opposition coalition led by Guillermo Endara to be the future leaders of Panama to take office on September 1. To the extent that the democratic leaders can join together in the O.A.S. to announce their acceptance of the true election victory by the opposition, then we might be able to prevent Noriega's betrayal of the Panamanian people.

It is especially important that democratically elected leaders from Latin America stay in the forefront of protecting democracy and human rights.

Sincerely,

Jimmy Carter

President of XXI Meeting of Consultation of Foreign Ministers
Organization of American States
17th and Constitution Ave. N.W.
Washington, DC 20006

ORGANIZATION OF AMERICAN STATES

MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS

TWENTY-FIRST MEETING OF CONSULTATION
OF MINISTERS OF FOREIGN AFFAIRS
May 17, 1989
Washington, D.C.

OEA/Ser.F/II.21
Doc.8/89 rev. 2
17 May 1989
Original: Spanish

THE SERIOUS CRISIS IN PANAMA IN ITS INTERNATIONAL CONTEXT

RESOLUTION I

(Approved at the second plenary session,
held on May 17, 1989)

THE TWENTY-FIRST MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS,

REAFFIRMING:

That the true significance of American solidarity and good neighborliness can only mean the consolidation on this continent, within the framework of democratic institutions, of a system of individual liberty and social justice based on respect for the essential rights of man; and

That no State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State; and

CONSIDERING:

That the grave events and the abuses by General Manuel Antonio Noriega in the crisis and the electoral process in Panama could unleash an escalation of violence with its attendant risks to the life and safety of persons;

That these events have abridged the right of the Panamanian people to freely elect their legitimate authorities;

That the outrageous abuses perpetrated against the opposition candidates and citizenry violate human, civil and political rights;

That the crisis, which involves internal and external factors, is escalating rapidly, and could seriously endanger international peace and security;

That the solidarity of the American States and the high aims which are sought through it require the political organization of those States on the basis of the effective exercise of representative democracy;

That every State has the right to choose, without external interference, its own political, economic and social system and to organize itself in the way best suited to it;

That the Organization of American States must offer its collaboration in promoting the measures required for an effective and urgent solution to the Panamanian crisis that will preserve the standards of inter-American comity;

That an essential purpose of the Organization of American States is to promote and consolidate representative democracy with due respect for the principle of nonintervention--a purpose that is being seriously jeopardized by the current political situation in Panama; and

That the continuation in force of the 1977 Panama Canal Treaties and compliance with them constitute a fundamental commitment of all of the Governments of the Americas that has received universal approval,

RESOLVES:

1. To entrust to the Ministers of Foreign Affairs of Ecuador, Guatemala and Trinidad and Tobago the urgent mission of promoting, with the assistance of the Secretary General of the Organization of American States, conciliation formulas for arriving at a national accord that can bring about, through democratic mechanisms, a transfer of power in the shortest possible time, and with full respect for the sovereign will of the Panamanian people.

2. To exhort the Government of Panama to cooperate fully in the implementation of this resolution.

3. To urge the authorities and all political forces in Panama to refrain from any measure or act that could aggravate the crisis.

4. To urge all States to cooperate in the implementation of this resolution.

5. To instruct the Mission to present to this Meeting of Consultation a report on the fulfillment of its mandate, to be considered at its session of June 6, 1989, the date on which the Meeting is convened so that further appropriate measures may be determined.

6. To exhort all States to refrain from any action that may infringe the principle of nonintervention in the internal affairs of States.

7. To keep the Meeting of Consultation of Ministers of Foreign Affairs in session as long as the current situation persists.

Consensus Statement of the Observers Sponsored by the Committee to Support International Observers

(Translated from Spanish)

We, the International Observer Delegation, have come from various countries and represent different social organizations and political parties of diverse democratic ideologies,

MANIFEST:

1. That we have witnessed the firm will of the people of Panama of exercising their right to freely elect their governors. This will was undoubtedly expressed in the massive attendance to the voting polls despite the intimidating presence of members of the Armed forces and armed civilians in various voting sites.

2. The authorities did not impede our access to the voting centers during the voting process and later vote count, except in some isolated cases, which were, however, serious. It is important to point out that we observed many people who peacefully remained at the voting centers during the elections to keep the authorities from hindering the process, by denouncing any irregularities and watching over the voting polls to avoid violations.

3. That we observed the results obtained at the mesas that were assigned to us, except at places like Herrera and Davian, where the Observers where "asked" to vacate the premises and in other cases, to leave the country.

4. The coordination information of the International Observers at the mesas where we were present allows us to confirm that ADO CIVILISTA obtained more that SEVENTY PERCENT (70%) of the scrutinized votes. This information was in accordance with the data that the Observers from the Catholic Church obtained.

5. That we have verified the restrictions to freedom of press and the people's right to information that the people of Panama have been subject to before, during and after the election process. Today, a day after the elections, there has been no announcement of any vote count at any mesa by the electoral authorities.

6. That we received multiple denunciations of fraudulent actions by the paramilitary forces after the close of the elections, which were deliberately done to invalidate and make the final results of the electoral process vary, in an effort to thwart the will of the people once more.

Statement continued

7. That we exhort the current government to respect the decision of the people of Panama, which was clearly manifested at the voting polls, and the reins of the government be given to those who were elected according to the will of the people at the stipulated date.

Likewise, we request the governments of the free world their mediation, so as to have the decision of the people of Panama respected.

We hereby leave our testimony of our admiration and recognition to the people of Panama for bravely expressing its will, in a civic attitude which is an example for all the democratic citizens of the world. This example, we are certain, will be retributed by the free countries with their support so as to have the will of the people, expressed at the voting polls respected.

Issued in Panama on May 8th, 1989.

Approved by two hundred and seventy nine (279) observers from the following twenty-one (21) countries.

ARGENTINA	GUATEMALA	PARAGUAY
GERMANY	HONDURAS	EUROPEAN PARLIAMENT
BELGIUM	ECUADOR	VENEZUELA
BELIZE	EL SALVADOR	ITALY
CHILE	SPAIN	MEXICO
COSTA RICA	UNITED STATES	DOMINICAN REPUBLIC
COLOMBIA	URUGUAY	FRANCE