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**REPORT OF THE OAS ELECTORAL OBSERVATION MISSION
IN THE REPUBLIC OF PANAMA**

GENERAL ELECTIONS 2004



Organización de los Estados Americanos
Organização dos Estados Americanos
Organisation des États Américains
Organization of American States

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April 20, 2006

Mr. Chairman:

I have the honor to address Your Excellency to request your kind assistance in arranging for the distribution to the members of the Permanent Council, the attached reports of the OAS Electoral Observation Missions held in Panama in 2004 and Honduras in 2005.

These reports reflect the activities of the Missions during the observation of the General Elections in Panama held on May 2, 2004, and the Primary Elections in Honduras held on February 20, 2005.

Accept, Excellency, renewed assurances of my highest and most distinguished consideration.

A handwritten signature in black ink, appearing to read 'J. Insulza', enclosed within a large, stylized oval flourish.

José Miguel Insulza
Secretary General

His Excellency
Ellsworth I. A. John
Ambassador, Permanent Representative of Saint Vincent and the Grenadines
Chairman of the Permanent Council of the
Organization of American States
Washington, D.C.

ORGANIZATION OF AMERICAN STATES

**REPORT OF
THE ELECTORAL OBSERVATION MISSION IN THE REPUBLIC OF PANAMA
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Secretariat for Political Affairs

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INTRODUCTION

Today, democracy is the political system that best guarantees the economic and social stability of the nations of the Americas, and its promotion is a priority for the inter-American community.

Democratic principles and ideals have always been a part of the instruments and mechanisms that shape the inter-American system, such as the Charter of Bogotá, which gave birth to the Organization of American States (OAS) and declared, in 1948, 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*”.

In 1998, the Protocol of Cartagena de Indias reaffirmed this principle and identified promotion and consolidation of representative democracy as one of the fundamental purposes of the Organization.

The Inter-American Democratic Charter, signed on September 11, 2001, ratifies that commitment to democracy, and recognizes that it is accomplished by upholding certain conditions, such as respect for human rights and fundamental liberties; the ability of citizens to elect their leaders and express their will through fair elections; the transparency and probity of government institutions and those responsible for them; the existence of spaces and mechanisms for public participation so that citizens can participate directly in defining their own development; and, the strengthening of political parties and organizations as vehicles for expressing the public will.

In this spirit, the OAS, through the Department of Democratic and Political Affairs (DDPA), supports the efforts of member states to strengthen and consolidate their democratic institutions. In the electoral sphere, the DDPA provides technical assistance and advisory services to national electoral bodies through the Area for Strengthening Electoral Procedures and Systems (AFSPE), and organizes and sends electoral observation missions at the request of member states to the Secretary General of the organization. These activities are premised on the conviction that electoral processes are a keystone of democratic consolidation in the region.

The purpose of electoral observation is to offer on-site accompaniment to the nations of the Inter-American System during their electoral processes so as to contribute, in strict respect for the principle of non-intervention in the internal affairs of States, to a climate of transparency, assurance, and legitimacy in the conduct of the electoral process. Its also aims to encourage citizen participation, discourage any attempts at electoral manipulation, serve as an informal conduit for consensus-building should conflicts arise among the actors in the process, and formulate recommendations to improve the electoral system in question.

The OAS responded to the Government of Panama’s request for an Electoral Observation Mission (EOM) on the occasion of its General Elections of May 2, 2004. It was extremely important to the inter-American community to accompany the Panamanian people and government in this process, inasmuch as it represented another step toward the accomplishment of one of the principles of representative democracy: alternation in power, following a second process of electoral reforms in 2002.

One of the most significant aspects noted in the observation of these general elections in Panama was the considerable voter turnout, which reached record levels for the country, thanks to the transparent elections and the high credibility enjoyed by the Electoral Tribunal. Also worth mentioning is one of the most important innovations of these elections, which was the introduction of the IMPACTA vote tallying system and the printing of election returns at polling stations to expedite transmission of election results. Also noteworthy was the introduction of technological innovations hitherto unseen in Latin America, such as the possibility for political parties to nominate candidates for the popularly elected offices in contention via the Internet with the endorsement of digital signatures duly accredited with certificates issued by the electoral authority. This system was also newly extended for accreditation of representatives of political parties before the electoral bodies.

This document is part of the series of reports on the electoral observation activities of the OAS groups, with which it is hoped will contribute to the study and a greater understanding of the democracies in the region, and to the dissemination and implantation of democratic values and practices in the Americas.

CHAPTER I: THE ELECTORAL OBSERVATION MISSION

The Electoral Observation Mission (EOM) of the Organization of American States (OAS) was established at the invitation of the Government of the Republic of Panama, which was submitted to then-Secretary General César Gaviria on February 13, 2004.

The Mission was formally installed on April 21, 2004. Its mandate was to monitor the evolution of the general elections held on Sunday, May 2, 2004, to elect a President and Vice Presidents of the Republic; Legislators to the Legislative Assembly and their respective alternates; Deputies and their alternates to the Central American Parliament (PARLACEN); and municipal authorities comprising mayors and their alternates, council members and their alternates, as well as representatives of townships (*corregimientos*) and their alternates.

The Secretary General of the OAS appointed Moisés Benamor, Coordinator of the Area for Strengthening Electoral Procedures and Systems (AFSPE) of the DDPA as Chief of Mission.

In accordance with Article 24 of the Inter-American Democratic Charter, the Mission signed an Agreement on Privileges and Immunities of Observers with the Panamanian authorities. The agreement was signed in Washington, D.C., on March 25, 2004, by the Secretary General of the OAS, César Gaviria and the Permanent Representative of Panama to the OAS, Ambassador Juan Manuel Castulovich.

Furthermore, April 23, 2004, saw the signing in Panama City of the Agreement on the Electoral Observation Procedure. That agreement was signed by the President of the Electoral Tribunal, Eduardo Valdés Escoffery and the Chief of Mission, Moisés Benamor.

The formal installation the Mission several days before the polls enabled it to obtain a clear vision of all the organizational, technical, and political aspects of the 2004 general elections.

A. OBJECTIVES OF THE ELECTORAL OBSERVATION IN PANAMA

The general objective of the Electoral Observation Mission (EOM-OAS) was to monitor the evolution of the electoral process in all its stages, from voter and candidate registration to the casting of ballots and official tallying of the results, as well as to evaluate the right to participate in government and compliance with international rules and standards on legitimacy and transparency to ensure the integrity, impartiality and credibility of the elections.

The EOM carried out its work pursuant to the following specific objectives:

- To observe the behavior of the protagonists in the electoral process to determine the extent to which the process adheres to the electoral laws in force in the country;
- To work with the government and electoral authorities, political parties, and the general population to ensure the integrity, impartiality, and credibility of the electoral process;
- To contribute to the consolidation of an atmosphere of public confidence and peace;

- To discourage any possible attempt at electoral manipulation;
- To support citizen participation;
- To serve as an informal conduit for consensus-building should conflicts arise between different participants in the electoral process;
- To express and promote international support for the electoral process;
- To formulate recommendations that contribute to improving the Guatemalan electoral system.

The EOM planned to meet these objectives through a series of actions, including:

- Ongoing monitoring of the legal and electoral procedures included on the electoral timetable. To this end, an international group of experts, specialists, and technical personnel from different fields joined the Mission;
- Visits to provinces and municipalities around the country for on-site observation of the entire electoral process;
- Ongoing monitoring of the media to obtain information on the process itself, as well as on the conduct of the media;
- The establishment of permanent channels of communication with all political and social sectors involved in the electoral process.

B. STRUCTURE OF THE MISSION

In order to fulfill its objectives and carry out its activities, the EOM's work was based on a strategy that consisted of the deployment international observers and experts in different electoral areas at three specific stages of the process:

- The Mission was officially installed on April 21 and its headquarters was accredited in Panama City, in order to establish an integral presence and gather the concerns of the various political actors on the progress of the overall process. The *Core Group* arrived on the following day and was composed of international observers who are experts in logistics, information technology, electoral organization, laws, and training.
- The majority of the observers arrived on April 25, completing the 30 that ultimately comprised the mission. They hailed from countries in the Americas, such as Brazil, Bolivia, Canada, Colombia, Costa Rica, Chile, Ecuador, Guatemala, Peru, United States, and Venezuela; as well as from invited countries such as Sweden and Korea.
- A training workshop was held for the international observers on April 26.

- Two days later, on April 27, the observers deployed to the Provinces of Colón, Coclé, Chiriquí, Darién, Herrera, Panama, and Veraguas, as well as the Kuna Yala indigenous region (*comarca*), to monitor and cover the different stages of the process.

From the time it was installed until the end of its tenure in Panama, the Mission made contact with government and electoral authorities, political parties, representatives of accredited diplomatic missions in the country, members of the international community, the media, and civil society in general.

The purpose of these meetings was to receive firsthand the views and concerns of these actors regarding the political and electoral climate before, during, and after the elections on May 2. At the same time, the Mission expressed its willingness to maintain ongoing communication and coordination with these entities, so as to promote ties of inter-institutional cooperation and collaboration during its stay in the country.

This report is the result of the observation carried out by the OAS and covers the comprehensive observation effort carried out by the entire EOM team in each of the assigned activities before, during, and after the elections.

It should be noted that the government authorities, political organizations, and citizens in general supported and facilitated the observation effort. They were consistently willing to collaborate with the observers, provide them with information, establish working relations with the teams in the various sub-offices, and cooperate in creating spaces for mutual confidence and support. It is also important to stress the effective, efficient work of each and every member of the observation team, who conducted themselves with the utmost professionalism, discretion, neutrality, transparency, and accountability.

CHAPTER II: POLITICAL-ELECTORAL CONTEXT

A. THE PANAMANIAN POLITICAL SYSTEM

The Republic of Panama is constituted by a State that is defined as sovereign and independent. It has a unitary, republican, democratic and representative government, consisting of a President, two Vice Presidents and a Cabinet, which is composed of government ministers appointed by the President, and which, together with the President and the two Vice Presidents, comprise the executive branch.

The President and the two Vice Presidents are elected by popular ballot in periodic elections for a term of five years.

The Legislative Assembly is composed of 78 Legislators who comprise the legislative branch. As its name suggests the function of the Legislative Assembly is to legislate. The number of Legislators increased from 71 to 78 between 1999 and 2004, as a result of the new system of political and administrative division. Legislators are elected for a term of five years.

Judicial power resides with the Supreme Court of Justice and the tribunals and courts established by the law of the country. The Supreme Court is composed of nine justices who are

appointed by the Cabinet and approved by the Legislative Assembly. They serve for a term of 10 years.

In terms of political divisions, the Republic of Panama is composed of nine Provinces: Bocas del Toro, Coclé, Colón, Chiriquí, Darién, Herrera, Los Santos, Panama, and Veraguas; as well as five indigenous regions (*comarcas*): Kuna Yala, Emberá, Ngobe-Buglé, Kuna de Madungandi, and Wargandi.

B. CONSTITUTIONAL, ELECTORAL AND INSTITUTIONAL FRAMEWORK OF PANAMANIAN ELECTORAL PROCESSES

The highest law of the Republic is the Constitution, which has been in force since 1972 and was reformed in 1978. The Constitution sets forth the civil and political rights of Panamanian citizens, in particular those to elect and to be elected through suffrage. Voting is not compulsory though it is considered a duty.

The Electoral Code contains the laws that govern the electoral system as well as political parties. The Code underwent a series of reforms over a period of 10 consecutive years (1992-2002). This process took place during the government of the *Alianza Democrática de Oposición Civilista* (ADOC) and began after the reorganization in 1990 of the Electoral Tribunal, following the invasion by the United States in 1989.

The main reforms contained in Law 60 of December 23, 2002, which applied to the 2004 elections, include:

- Change or update of electoral domicile to facilitate local suffrage (*voto domiciliar*);
- Change of the deadline for closing the preliminary electoral roll from six months to one year before the election, which gives the electoral authority more time to process challenges;
- Reduction from 5% to 4% of the number of votes polled in the previous or coming election for validity or registration of a party;
- Creation of Circuit Election Boards (*Juntas Circuitales de Escrutinio*) for presidential elections, as distinct from parliamentary elections;
- Reduction of the number of Electoral Tribunal officials in electoral bodies (*Corporaciones Electorales*);
- Approval of freedom for political parties to contract electoral advertising, with recognition of the principle of free enterprise with social responsibility, non-discrimination and equal conditions and opportunities;
- Creation of the obligation for political parties and candidates to register any private contributions they receive, whether for operational or electoral campaign purposes; however, the Electoral Tribunal is not permitted to disclose such information;

- Elimination of the obligation for political parties to hold internal elections in order to select presidential nominees;
- Increase in the overall number of voters per polling station;
- Elimination of the requirement for the persons who sign returns in the vote tallying and election return preparation process to affix their fingerprint and provide their address; and approval of modern technological methods to prepare election returns. This reform led to the introduction of the IMPACTA System;
- Inclusion in the statute books of the rules of procedure adopted by the Electoral Tribunal to expedite the Unofficial Results Transmission (TER) System, in order to furnish the results of the presidential and parliamentary elections as soon as possible. The introduction of the IMPACTA System was also connected with this reform.

Based on the foregoing, the 2004 electoral process was held in a political context that saw the introduction of a series of changes and new features in the country's political-electoral system:

- Introduction of a new identity document (*Cédula de Vecindad*);
- Inclusion, for the first time, of the Photographic Register (*Padrón Fotográfico*);
- Elimination of the use of indelible ink in the voting process;
- Increase in the number of polling places (*Centros de Votacion*);
- Reduction in the number of polling stations (*Mesas de Votación*) due to an increase in the total number of voters per station as a result of the elimination of the ceiling of 500 voters previously in place;
- Reduction in the number of officials per station;
- Incorporation of the IMPACTA System for vote tallying and preparation of election returns.

1. Regulations and Resolutions Issued by the Electoral Tribunal in Connection with the General Elections of May 2, 2004

For the general elections of May 2, 2004, the Electoral Tribunal issued general regulations that contained at least four immediately applicable decrees:

- Decree 5 of February 25, 2003, which established the Electoral Calendar;
- Decree 11 of April 22, 2003, which contains the Rules of Procedure for the 2004 General Elections;
- Decree 29 of September 19, 2003, which sets out the rules of procedure for presentation of candidacies;

- Decree 32 of November 27, 2003, which announces the general elections of May 2, 2004, and sets out the offices to be filled and the total number of officials to be elected in accordance with the Electoral Code in force.

The electoral authority also adopted a number of resolutions governing specific aspects of the general elections, including:

- Decree 31 April 18, 1994, which sets out the rules regarding international observers.

2. Electoral Organs and Electoral Authority

Electoral authority is vested in the Electoral Tribunal (*Tribunal Electoral*) and the Office of the Electoral Attorney (*Fiscalía Electoral*), and their legal mandate is contained in Articles 136 and 138 of the Constitution, respectively, and in Law 4 of February 10, 1978 (organic law of both institutions).

a. *Electoral Tribunal*

The Electoral Tribunal is composed of three members, each appointed by one of the three branches of government (executive, legislature and judiciary - Supreme Court of Justice) for a term of ten years.

The Electoral Tribunal supervises the Civil Register (*Registro Civil*) and the Bureau of Electoral Organization (*Dirección General de Organización Electoral*). Through these organs it issues identity documents to citizens and foreign residents in Panama; keeps a permanent record of members of political parties; organizes elections and popular consultations; and administers criminal justice in connection with electoral matters. For the latter function, the Tribunal relies on the Office of the Electoral Attorney as an independent entity that assists the Tribunal.

The Bureau of Electoral Organization is charged with organization and implementation of electoral processes, such as elections, referendums and plebiscites. It also supervises censuses, electoral registers, and registration of members of political parties, as well as records on changes in domicile.

The Tribunal has offices in every district and indigenous region in the country and has 1,000 full-time staff and 600 part-time employees.

b. *Office of the Electoral Attorney*

The Office of the Electoral Attorney is headed by a government attorney, whose appointment by the executive branch is subject to approval by the Legislative Assembly.

The incumbent Electoral Attorney is Gerardo Solís Díaz.

The Office of the Electoral Attorney has been in existence for a little over 30 years. Its task is to monitor and supervise the transparency of elections and to follow-up on any complaints that arise in the course of electoral processes.

c. Election Boards

There are Election Boards for the different public offices in contention at every level. They announce the winning candidates elected in the polls.

- The National Election Board (JNE) announces the President and Vice Presidents of the Republic, as well as the deputies elected to the Central American Parliament (PARLACEN).
- Circuit Election Boards are temporary. Their function is to verify the votes cast for legislators to the Legislative Assembly and announce the winning candidates. There are 41 such boards. Based on the December 2002 electoral reforms, partial Circuit Election Boards were created for the general elections of May 2, 2004, with the exclusive purpose of tabulating election returns for the President and Vice Presidents.
- Temporary District Election Boards, whose function is to inspect ballots cast in the elections for mayors and council members. Council members are only elected in districts with at least five townships (*corregimientos*). There are 75 districts in the country and, therefore, 75 such boards.
- There is a Community Board for elections of township representatives. There are 619 townships in the country, for which a like number of Community Boards has been created.

Election board officials are appointed by the Electoral Tribunal and have both voting and speaking rights. Political parties and independent candidates are entitled to appoint representatives to all the electoral boards for the divisions and subdivisions where they are taking part.

d. Polling Stations

Polling stations are temporary and created for each election. Their chief function is to count the votes cast in any election held. They are composed of a president, a secretary, and a member (who are designated by the electoral authority), in addition to a representative of each political party and independent candidate taking part.

e. Electoral Delegates

Following the successful precedent established by Costa Rica, the Electoral Tribunal of Panama introduced for the 1992 Referendum the use of electoral delegates as a corps of volunteers, who act as friendly mediators in any disputes that might arise among political parties, or between political parties and the authorities. They are governed by Law 22 of October 30, 1992.

The Corps of Electoral Delegates is composed of 400 civilians who must be over 25 years of age, have no party-political affiliation, and no convictions for any common or electoral crimes. They are appointed exclusively by the Electoral Tribunal and their mission is to supervise compliance with electoral standards and provisions in order to ensure the proper development of electoral processes.

The main tool of the delegates is dialogue since, as observers and friendly mediators in propaganda activities; they intervene exclusively to avert confrontations. On election day in general elections, delegates monitor voting to ensure that it is conducted normally and assist in the opening and closing of the polls. Previously, they have participated in the partial elections of 1991, the 1992 referendum, 1992, the general elections of May 8, 1994; the 1998 referendum, the general elections of May 2, 1999, and, now, general elections of May 2, 2004.

Delegates are distinguishable by their blue vest with a yellow fringe bearing the logotype of the Electoral Tribunal; on the back of the vest in yellow letters it says “*Delegado Electoral*”. Another distinguishing feature is the cap they wear.

3. Administrative and Electoral Organization

a. Types of Election

General elections are held every five years to elect persons to all the offices subject to popular election. Elections have been held since 1904. The 1904 election was held to elect a National Constituent Assembly by an absolute majority of votes.

i. Presidential Elections

The President and two Vice Presidents of the Republic are elected for a five-year term by direct popular ballot in a single round, based on a simple majority of votes. Candidates are nominated by parties. Presidents do not have the possibility of reelection.

ii. Parliamentary Elections

Parliamentary elections have been held since 1904. Since 1984, the Legislative Assembly has been elected entirely by direct ballot.

Elections for Legislators are held in the 41 electoral circuits into which the country has been divided as follows:

- There are 26 circuits, each of which elects one member of parliament by a simple majority of votes. These are called single-member circuits;
- There are 14 so-called multi-member circuits for each of which, depending on the size of the electorate, between two and six legislators are elected by a system of proportional representation called simple electoral quotient.

Seats are allocated by quotient, half-quotient and residual formulas.

The seat allocated by the residual formula goes to the candidate who polls the most votes without being elected, regardless of the party to which he or she belongs.

In multi-member circuits, candidates are presented in closed but not blocked party lists, so as to permit preferential or selective voting in favor of one or more candidates. Currently 45 legislators are elected from multi-member circuits for a total of 71 legislators. However, the Constitution

provides for recognition of additional seats for any party remaining after the elections that fails to have any of its parliamentary candidates elected. In these circumstances the seat is assigned to the candidate from that party who polled the highest number of votes.

The Legislative Assembly elected for the 1999-2004 term had 71 Legislators. A coalition of opposition parties called META created to secure the executive positions of the Legislative Assembly for the 2000-2001 period and composed principally of the Revolutionary Democratic Party (*Partido Revolucionario Democrático* - PRD) and the Christian Democratic Party (*Partido Demócrata Cristiano* - PDC), managed to secure 37 seats, thereby forming a simple majority.

iii. Local Governments

The first direct popular elections in the country were held on December 18, 1904, to elect local government members, or municipal councilors as they were then known, for each district.

iv. Independent candidates

The Panamanian electoral system permits the participation of independent or free-standing candidates in elections for mayor, township representative, and council member. Independent candidates are required to register the support for their candidacy with the Electoral Tribunal; they must have the endorsement of at least 5% of the registered voters in the electoral subdivision concerned.

4. Provisions Regarding Elections

a. *Suffrage*

All Panamanians, regardless of sex, are entitled to vote, provided that they are over 18 years old, have an identity card duly registered to vote, and are not otherwise ineligible to exercise their rights as citizens. Majority of age was reduced from 21 to 18 years by the 1972 Constitution. Suffrage is exercised by secret ballot in direct voting.

Women's suffrage was first introduced by the 1941 Constitution, under which, to vote women had to be over 21 years old and meet other legal requirements.

Law 98 of July 5, 1941, brought into effect the constitutional norm that gave the vote to women over 21 years of age; however, that right was limited to provincial government elections. Furthermore, to vote women were required to have a university degree, a vocational certificate or a secondary school diploma. The first occasion on which women voted was May 6, 1945, in the election of deputies to the Second Constituent Assembly, convened by Executive Decree 12 of February 2, 1945. The 1946 Constitution recognized equal standing for men and women, including the exercise of the right to participate in government.

Of the total registered members of political parties, 48.01% are women. In 1999, women comprised 58.29% of voters.

b. *Electoral Roll*

Historically, citizen participation in Panama has always been high compared with the other countries in Central America. For the general elections of May 2, 2004, the electoral roll was around 14% larger than in 1999, and there was a similar level of growth (16%) from 1994 to 1999.

Panama: Elections from 1972 to 1999

Electoral Year	Electoral Roll	Votes cast	Electoral Participation (%)	Abstentionism (%)
1972	595,737	531,362	89.2	10.8
1978	787,251	658,421	83.6	16.4
1984	917,677	674,075	73.5	26.5
1989	1,186,754	911,885	76.8	23.2
1994	1,499,451	1,104,565	73.7	26.3
1999	1,746,989	1,330,730	76.2	23.8

a) Available data on voters dates from 1940, when 146,689 people voted in a plebiscite to approve a new Constitution;

b) Electoral roll data dates from 1948, with 305,123 voters.

Panama: Final Electoral Roll for the General Elections of May 2, 2004, by province and age group

	18-25	26-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100	101 or over	Invalid	Total
Bocas del Toro	14.542	8.213	13.976	9.283	5.480	2.826	1.236	367	79	9	10	56.021
Cocle	29.864	17.673	32.190	21.917	16.018	11.693	6.990	3.299	644	77	12	140.377
Colón	30.727	18.139	33.666	24.114	15.851	8.902	5.306	2.373	453	78	17	139.626
Chiriqui	52.330	31.921	59.767	44.808	30.217	20.220	12.996	5.906	1.341	216	61	259.783
Darien	5.662	3.316	5.623	3.718	2.707	1.723	903	406	109	33	10	24.210
Herrera	15.427	8.928	17.614	13.407	10.366	7.419	4.483	2.098	487	81	3	80.313
Los Santos	11.712	6.619	14.863	11.846	9.689	7.157	4.871	2.284	443	66	8	69.558
Panama	191.507	122.602	237.543	177.425	118.961	66.733	38.153	17.158	3.122	385	115	973.704
Veraguas	31.929	19.038	32.423	24.060	17.508	13.676	7.887	3.309	629	114	28	150.601
Comarca Kuna Yala	3.551	2.531	4.404	3.457	2.701	2.069	1.237	404	45	5	2	20.406
Comarca Emberá	1.046	600	1.105	810	584	378	178	89	15	9	2	4.816
Comarca Ngobe Bugle	19.882	12.036	19.001	11.519	7.118	4.739	2.374	847	169	38	19	77.742
C.Kuna de Madungandi	298	197	440	227	202	118	69	25	4	2	5	1.587
Comarca Wargandi	173	114	200	154	88	45	18	15	2			809
National Total:	408.650	251.927	472.815	346.745	237.490	147.698	86.701	38.580	7.542	1.113	292	1.999.553

c. Ballot Papers

It was in the May 1994 general elections that a different ballot paper first began to be used for each type of election. That is, there was one ballot paper for the presidential election, a different one for legislators, another for mayors, another for township representatives, and, finally, another for council members, but only in three districts of the country: Taboga, Cémaco, and Sambú. Accordingly, there may be between four and five separate ballot papers on election day.

The 1999 elections saw for the first time the election of 20 Deputies to the Central American Parliament (PARLACEN). They were elected according to a fixed-list formula based on the number of presidential votes polled by each party; accordingly, there is no separate ballot paper for these deputies.

d. Duration of the Polls

The polls opened at 7:00 a.m. and closed at 4:00 p.m. However, any voters waiting in line at any polling station when the polls closed were entitled to vote.

Polling station officials voted when the last voter had deposited their ballot.

5. Public Offices in Contention on May 2, 2004

The general elections of May 2, 2004 were held to elect the following officials:

- President and two Vice Presidents, candidates for which are nominated by political parties.
- Deputies (20) to the Central American Parliament (PARLACEN), each with their respective alternate; candidates are nominated by political parties.
- Legislators (78) -each with two alternates- representing electoral circuits; candidates are nominated by political parties.
- Mayors, council members and township representatives, together with their respective alternate, as show in the following table:

PUBLIC OFFICES IN CONTENTION IN THE ELECTIONS OF MAY 2, 2004			
Office	Number	Alternates	Total
President and Vice Presidents	1	2	3
Deputies and Alternates to PARLACEN	20	20	40
Legislators and two alternates	78	156	234
Mayors and two alternates	75	150	225
Council members and one alternate	7	7	14
Township Representatives and one alternate	619	619	1,238
Totals	800	954	1,754

The number of Legislators elected in the 2004 general elections was seven higher than in the 1999 general elections. This increase was based on the last population census. However, this increase was also agreed in the discussions on the electoral reforms of 2002, as follows: three in the Ngobe Buglé indigenous region; six in the Province of Panama; one less in Bocas del Toro, and one less in Chiriquí, both the result of the creation of the Ngobe Buglé indigenous region.

6. Political Organizations, Participating Coalitions and Presidential Candidates for the General Elections of May 2, 2004

a. Political Parties

Participating in the May 2, 2004, general elections were seven of the 10 political parties legally recognized at the time of the polls:

Panama: Recognized political parties and supporters

Party	General Secretary	Total supporters at January 31, 2004
<i>Partido Revolucionario Democrático (PRD)</i> Revolutionary Democratic Party	Martín Torrijos	432,618
<i>Partido Popular (PP)</i> Popular Party		50,476
<i>Movimiento Liberal Republicano Nacionalista (MOLIRENA)</i> Nationalist Republican Liberal Movement		107,497
<i>Partido Arnulfista (PA)</i> Arnulfist Party		193,314

<i>Partido Solidaridad</i>		73,421
Solidarity Party		
<i>Partido Liberal Nacional (PLN)</i>		78,531
National Liberal Party		
<i>Cambio Democrático (CD)</i>		56,628
Democratic Change		

Fewer political parties took part in the general elections of May 2, 2004, compared with those of May 1999, when 12 participated, as the following table shows:

**Panama: Political parties that either subsisted or disappeared
in the general elections of May 2, 1999**

Disappeared	In effect
<i>Movimiento Papa Agoró (PMPE)</i>	<i>Partido Revolucionario Democrático (PRD)</i>
Papa Agoró Movement	Democratic Revolutionary Party
<i>Renovación Civilista (PRC)</i>	<i>Partido Demócrata Cristiano (PDC)</i>
Civil Renewal	Christian Democratic Party
<i>Renovación Nacional (MORENA)</i>	<i>Movimiento Liberal Republicano Nacionalista (MOLIRENA)</i>
National Renewal	Nationalist Republican Liberal Movement
<i>Partido Nacionalista Popular (PNP)</i>	<i>Partido Solidaridad (PS)</i>
Popular Nationalist Party	Solidarity Party
<i>Partido Liberal (PL)</i>	<i>Partido Liberal Nacional (PLN)</i>
Liberal Party	National Liberal Party
	<i>Partido Arnulfista (PA)</i>
	Arnulfist Party
	<i>Cambio Democrático (CD)</i>
	Democratic Change

Of the political parties annulled as a result of the polls, only the *Partido Liberal* (PL) was in the process of reformation as an organization. In all, at the time of the general elections of May 2, 2004, five parties had registered with the Electoral Tribunal as organizations in process of formation:

**Panama: Political parties in process of formation and total supporters
at the time of the general elections of May 2, 2004.**

Party	Supporters
<i>Partido Liberal (PL)</i> Liberal Party	50,532
<i>Acción Democrática Nacional (PADN)</i> National Democratic Action Party	62
<i>Unión Nacional (PUN)</i> National Union Party	4,699
<i>Movimiento Social Demócrata Panameño (MDNP)</i> Panamanian Social Democratic Movement	995
<i>Partido Alianza Social (PAS)</i> Social Alliance Party	19

b. Coalitions that took part in the General Elections of May 2, 2004

There were two fewer coalitions taking part in the General Elections of May 2, 2004, compared with those of 1999, when three took part.

- PRD and PP¹ formed a coalition and fielded as their candidate Martín Torrijos, son of the deceased General Omar Torrijos. This was the second time that the General Secretary of the PRD and presidential candidate for this coalition was running for president; in 1999 he was runner-up.
- MOLIRENA, PA, and PLN formed the other coalition; running on their ticket was businessman José Miguel Alemán.
- The other two presidential candidates were nominated by their respective parties.

It is worth mentioning the candidacy of Guillermo Endara, the former PA member and President of the Republic from 1990 to 1994 on the National Opposition Union (*Unión Nacional Opositora - UNO*) ticket. UNO was a coalition formed by PA, MOLIRENA and the one-time *Partido Demócrata Cristiano* (PDC), following the US invasion of Panama in 1989.

¹ *Partido Popular* (PP) was formerly the *Partido Demócrata Cristiano* (PDC).

Coalitions that participated in 1999 and the parties that formed them	Coalitions that participated in 2004 and the parties that formed them
<i>Unión por Panama</i> ARNULFISTA MOLIRENA CAMBIO DEMOCRATICO MORENA	MOLIRENA ARNULFISTA LIBERAL NACIONALISTA
<i>Nueva Nación</i> PRD LIBERAL NACIONAL SOLIDARIDAD MPE *	PRD PP
<i>Acción Opositora</i> PDC RENOVACIÓN CIVILISTA * LIBERAL * PNP*	

* No longer in existence as a party

c. *Presidential Candidates*

**Panama: Presidential and Vice Presidential Candidates by political party
General Elections of May 2, 2004**

Party	Presidential Candidate	Vice Presidential Candidate
<i>PRD</i>	Martín Torrijos	Samuel Lewis Navarro (1) Rubén Arosemena Valdés (2)
<i>PP</i>	Martín Torrijos	Samuel Lewis Navarro (1) Rubén Arosemena Valdés (2)
<i>MOLIRENA</i>	José Miguel Alemán	Jesús “Maco” Rosas (1) Aníbal Galindo Navarro (2)
<i>PA</i>	José Miguel Alemán	Jesús “Maco” Rosas (1) Aníbal Galindo Navarro (2)
<i>Solidaridad</i>	Guillermo Endara Galimany	Guillermo “Billy” Ford (1) Alejandro Posse Martínez
<i>PLN</i>	José Miguel Alemán	Jesús “Maco” Rosas (1) Aníbal Galindo Navarro (2)
<i>CD</i>	Ricardo Martinelli	Roberto Henríquez (1) Roxana Méndez Obarrio (2)

The Panamanian electoral system is unquestionably complex; however, it has an enormous advantage in that it is solidly established and has in place the legal and organizational mechanisms necessary to hold clean, transparent and legitimate elections. Furthermore, overall, it has demonstrated both legal and political flexibility in adapting to changing realities in Panama.

The strength of the system on that score undoubtedly helps to ensure a high turnout at the polls, as well as offering the different political actors involved the real possibility to compete in an electoral climate characterized by legality and transparency.

CHAPTER III: OBSERVATION IN THE PRE-ELECTION PERIOD

A. PERFORMANCE OF THE ELECTORAL AUTHORITIES

1. Electoral Tribunal

As soon as it arrived on Panamanian soil, the Mission established contact with the Electoral Tribunal and held periodic meetings with its members, as well as officials tasked with different aspects of electoral organization.

In this way, the EOM determined that the Electoral Tribunal carried out its activities in accordance with the General Elections Plan 2004 (PLAGEL). The Mission had occasion to observe the following activities provided for in the above-mentioned Plan:

- Appointment of the JNE in November 2003;
- The different activities to purge the electoral roll and its delivery to the political parties;
- Training;
- Production and distribution of electoral materials;
- Production and renewal of identity cards.

Worth mentioning is the importance that the Electoral Tribunal attributed to the inclusion of technology in the organization of these general elections. In particular, this led to the use of information technology in the different phases of the process, from on-line registration of candidates to the design and trial implementation of the IMPACTA software, which was prepared for the capture of election return results in computers specially installed for that purpose at a number of polling places, its aim being to avoid arithmetical errors in the vote tallying process.

2. Office of the Electoral Attorney

The EOM also met on several occasions with the Electoral Attorney in order to acquaint itself with the procedures for follow-up on complaints and for monitoring the process as a whole. The Mission observed that it received complaints of different types in the pre-electoral phase and instituted the appropriate proceedings to investigate them.

Generally speaking, the Office of the Attorney received complaints that varied as the electoral process progressed; the most frequent concerned so-called “fraudulent change of domicile,” and alleged use of State resources for propaganda purposes. The EOM evaluated and noted the efforts of the Attorney’s Office to follow-up on such complaints.

3. National Election Board (JNE)

The Mission made contact with the National Election Board to determine the progress of its activities in the framework of its powers under the electoral laws, and noted that the members of the JNE were prepared for the relevant tasks at the end of the voting process.

B. POLITICAL PARTIES, SPEECHES AND DEVELOPMENT OF THE ELECTORAL CAMPAIGN

While the electoral campaigns run by the political parties that took part in these elections, were devoid of any major violent incidents, they were, nevertheless, accompanied by speeches that were confrontational and derogatory, despite the Electoral-Ethical Accord signed in 2003.

In general, speeches were superficial, which had the effect of exhausting the interest of the public. Another possible contributing factor in that regard was that fact that the electoral campaign lasted several months.

In the framework of the meetings held since the start of the Mission, some political parties complained of interference by government authorities in the electoral process, in particular in favor of the presidential candidate endorsed by the electoral coalition of which the party of then-President, Mireya Moscoso was a part. In particular, these complaints alleged the use for such purposes of a discretionary appropriation available to the Office of the President.

The Mission took note of these and other incidents recorded in connection with the propaganda campaigns orchestrated by a number of political parties, and advised the Office of the Electoral Attorney and the Electoral Tribunal, so that they might adopt the appropriate timely measures. The Mission also noted that while the political parties and candidates involved acknowledged the efforts of the electoral authority, they would continue to monitor the process to ensure that it evolved in accordance with the electoral laws and the will of the populace.

Particularly positive were the open debates between presidential candidates, as well as those held in various provinces around the interior of the country among candidates aspiring to other public offices in contention, since in some measure this helped the public to become more familiar with different government plans and proposals at both the national and local level.

At the start of its activities, the Mission publicly urged the holding of these debates in its desire to help ensure that these elections were appropriately conducted and to act as an alternate channel of communication among the electoral authorities, and between the latter and the public.

1. Political Accords

On August 4, 2003, the political parties taking part in the elections signed an Electoral-Ethical Accord under the auspices of the Electoral Tribunal, the National Council of Political Parties (*Consejo Nacional de Partidos Políticos*) and Ecumenical Committee of Panama (*Comité Ecuménico de Panama*). Under this accord, political organizations and their candidates undertook to compete in the elections in a fair and transparent manner and in strict observance of the relevant legal standards for the good of Panamanian democracy.

The Accord was signed by the Presidents of the political parties taking part in the general elections: Hugo H. Guiraud (PRD); Rubén Arosemena (PP); Jesús L. Rosas (MOLIRENA); Germán Vergara (PA); Samuel Lewis Galindo (Solidaridad); Aníbal Galindo Navarro (PLN); and Leo González (CD). The Accord was also signed by all the presidential candidates in the race; by the President of the Ecumenical Committee of Panama, Néstor Jaén S.J.; and by the President of the Electoral-Ethical Commission, Rev. Alcibíades López.

The media also signed an agreement signed an Ethics Accord with the Electoral Tribunal and the National Ecumenical Committee in which the main television networks, radio stations, and print media undertook to support, disseminate and abide by the principles contained in the Electoral-Ethical Accord signed by the parties.

The Mission said that the existence of the two accords helped to create propitious conditions for the favorable evolution of the electoral campaign.

C. ACTIVITIES OF CIVIL SOCIETY ORGANIZATIONS

Various civil society institutions and organizations played an important role as regards monitoring, supervision, and observation of the electoral process.

Among them, we should mention the efforts of the Office of the Ombudsman, an autonomous public agency that implemented a campaign to promote an informed vote, as well as the exercise of suffrage by people with disabilities and senior citizens. The Ombudsman's Office also launched a program called "Toward a Democratic Culture with Impartiality and Transparency", in which it observed firsthand the different stages of the polling process on May 2, an effort that involved 320 of its delegates.

The Committee on Justice and Peace of the Archbishopric of Panama carried out another initiative in connection with this electoral process: in keeping with the mandate of the Episcopal Conference, it implemented an observation effort on May 2 that entailed deployment of more than 1,500 Panamanians to monitor the free exercise of suffrage and the prevailing conditions in the elections overall.

On April 29, EOM-OAS observers met with the Director of the Committee on Justice and Peace, who noted that civil society in Panama, including women, indigenous people, Afro-Caribbean people, persons with different capacities, and trade unions, is very weak and fragmented, and they are unable to unite around a basic common agenda. In the case of trade unions, moreover, they are widely regarded as corrupt.

D. THE MEDIA

The EOM found that the national press provided adequate coverage of the election campaigns of the different political factions involved. It also determined that, by and large, the media adopted an appropriate approach in their coverage of the issues raised by presidential candidates.

E. ELECTORAL ROLL, ISSUANCE OF IDENTITY CARDS AND VERIFICATION TOURS

1. Electoral Roll

The Mission confirmed that preparation of the electoral roll concluded within the deadlines prescribed by the electoral laws, and that the appropriate procedures were observed for its publication on the Electoral Tribunal web portal, in order to enable consultation by the Panamanian public.

An EOM-OAS team observed that the electoral roll had been finalized by January 2004 and that its consultation by the citizenry started in February. Voters managed, for instance, to identify from roll their assigned voting places. As a result of consultation by voters, it was also possible to make relevant corrections. These consultations were conducted at information booths and via the Internet site set up by the electoral authority.

F. ELECTORAL ORGANIZATION AND LOGISTICS

1. Training

The Mission determined that the electoral authorities met the deadlines provided in the Electoral Calendar for the training activities with all polling station officials, representatives of political parties, representatives of the security forces -whose main function was to maintain public order during the elections-, and officials from the Office of the Ombudsman who carried out national observation activities.

The training courses for polling station officials were held in two stages: the first was intended to provide instruction on the electoral process as a whole and on their specific functions; the second consisted of reinforcing aspects addressed in the first stage, such as the different phases of voting, tallying, and, in particular, automatic printing of elections returns by means of the IMPACTA System

In the course of the second stage of training, which was held throughout the country on April 19 and 20, these officials received the credentials that accredited them to serve as polling station presidents, secretaries, members, and alternates. The Mission also noted the concerns of several civil society institutions that were monitoring the electoral process, regarding the possibility that the training and information provided to the public would be insufficient to ensure an informed and responsible vote. Another factor that was thought might contribute to errors in voting was the high illiteracy rate, which is estimated at 7% to 8% for the country overall, and as high as 60% in some indigenous regions (*comarcas*). The population in indigenous regions accounts for some 10% of the Panamanian population.

2. Polling Stations

In order to ensure the adequacy of the facilities to exercise suffrage, the EOM-OAS recommended an evaluation of the operating load of polling stations and the capacity of polling places, in light of the decision to increase the number of voters per polling station by 150. The Mission also took note of the efforts of the Electoral Tribunal to improve physical access to polling places for persons with disabilities. The EOM did not see any ballot papers prepared in Braille to facilitate suffrage for blind people.

G. INFORMATION TECHNOLOGY

As part of the request from the Electoral Tribunal to the General Secretariat of the OAS to create an Electoral Observation Mission (EOM) for the general elections of May 2, 2004, a technical monitoring team under the direction of the Area for Strengthening Electoral Procedures and Systems (AFSPE) of the Department of Democratic and Political Affairs (DDPA) visited Panama from January 28 to February 3 to take part in a series of technical tests and one of the trial runs held by the electoral authority to test the technology used in data capture, consolidation, and publication of results.

During its stay, the team monitored and analyzed the different computerized procedures applied in the electoral process then undergoing testing by the Electoral Tribunal, such as:

- Transmission of results
- Technological infrastructure
- Documentation of computer systems
- Electoral roll
- Registration of candidacies
- Printed forms for data input and results
- Training and instruction for computer operators

In broad terms, the OAS team of experts highlights as one of the strengths of the electoral process the fact that trial runs, technical verifications and checks were carried out four months ahead of the polls, which enabled the electoral authority to identify and preempt possible errors or shortcomings for later correction.

The OAS also noted the direct and tangible benefits of introduction, for the first time ever, of the Candidacy Registration System, such as reduction in the time taken by this exercise and, significantly, the reduced likelihood of errors of inconsistency in information on nominees, which has occurred in such processes in the past. This opinion was shared by the experts of the political organization with which the Mission met.

The existence of high-capacity computer systems properly used and technically optimized by the Computer Systems Office of the Electoral Tribunal were elements that helped ensure promptness, transparency, and integrity in the results generated via the so-called Unofficial Results Transmission (TER) System and the Automatic Election Return Printing (IMPACTA) System to be used to determine the final results.

d. Recommendations

The OAS Mission made the following recommendations:

- A greater and more active participation in tests and trial runs by political organizations is important to increase familiarity on their part with the technology and procedures applied

by the Electoral Tribunal in the electoral process, and therefore, confidence among the leadership of these political organizations;

- It would also be advisable to keep the Internet separate from the data network as that would help to ensure a more balanced use of computer resources and, in particular, make it possible to curb any attempted unauthorized intrusion in the network. The Mission also concluded that the data to be relayed to the results presentation and Web servers ought not to be on line;
- As to results updates, the Mission recommended that published results be updated every five to 10 minutes; furthermore, it was recommended that this not be done on-line so as to reduce the burden on computer system resources and the possibility of a crash in the publication service;
- For subsequent trial runs the Mission suggested that the Electoral Tribunal consider the possibility of holding a drill using all systems and equipment, including the TER and IMPACTA systems. This would enable a detailed evaluation of technological capacities at a real, simultaneous load, as well as making it possible to use IMPACTA at 100% of its capacity. Should such an exercise be deemed viable, the Mission recommended that it be carried out with the active participation of technical experts from the political organizations taking part, which would enable them to be completely familiar with this technology and boost confidence in its eventual use;
- As regards the use of IMPACTA in support of the TER system, the Mission recommended that the Electoral Tribunal and the actors in the electoral process consider the use of this system for generating the TER results, which allow for a more efficient use of resources and technological infrastructure, ease of audit, and securer storage of a system log.

H. PUBLIC INFORMATION CAMPAIGNS IMPLEMENTED BY THE ELECTORAL AUTHORITIES

The Panamanian electoral authorities implemented a widespread, intensive information campaign for voters and the public in general, which included the release of diverse publications at different times; permanent postings on the relevant web pages; as well as meetings, conferences and exchanges with the actors in the process, such as government officials, the media, national and international observation entities, and civil society organizations.

For its part, the Office of the Electoral Attorney distributed publications with information on its functions, the laws that grant it its powers are based, and its sub-offices. Also published were specific regulations governing the 2004 electoral process.

Overall, the EOM-OAS can say that the performance of the electoral authority in the pre-election phase was outstanding in terms of electoral organization, training for officials and voters, and addressing the concerns of political parties and movements. Particularly worth mentioning was the effort to harness information technology as a tool to expedite and ensure greater transparency in the elections. In this connection, the EOM-OAS recognizes the work of the Electoral Tribunal to make technology an ally in the consolidation of democracy.

The EOM-OAS also recognizes the efforts of all the political and social actors to ensure that the elections were held in a climate of assurance and transparency, even if there is room for improvement as far the behavior of political parties is concerned. In future elections, it would be necessary for election platforms to be based on more programmatic and open proposals, and avoid tit-for-tat incriminations. Furthermore, the Mission considers it necessary to encourage greater transparency and impartiality on the part of government officials in order to avoid state favoritism and propaganda.

The EOM-OAS regarded the participation of civil society organizations in pre-election activities as extremely important. Therefore, it urges civil society to strive for greater cohesion and to implement strategies to encourage observance of political and electoral rights and citizen participation.

CHAPTER IV: ELECTION DAY

The general elections were held on May 2, 2004. The EOM was present at the polling places, as well as at vote tallying and results transmission centers.

A. BALLOT COUNT

The Mission noted that polling station officials were very well trained, and whenever there was any doubt as to some step in the process the electoral delegates were on hand to offer technical assistance. The representatives of political parties were present and played an active oversight role, and kept track of each voter who cast a ballot; they had the electoral role lists supplied by the Electoral Tribunal. They also made a very detailed count of the votes along with polling station officials.

While the process was very orderly, the Mission also noted that it was slow because the procedures mentioned in the polling station manual were followed to the letter, which was very reassuring to the political parties.

Polling station officials worked as a team and were very well-organized. Nothing was left to discretion; whenever there was a doubt they consulted their manuals or asked the electoral delegate at the polling place.

B. INFORMATION TECHNOLOGY

The EOM-OAS included a group of information technology observers whose main focus was the technology used to tally election returns, consolidate the results, and publicize them accordingly. They also observed the human resources that interacted with those systems as well as the participation of political organizations through their respective technical experts.

1. Vote Count, Tally of Returns, and Transmission of Results

The methodology used by the EOM-OAS in this area was based on an analysis of the vote count at polling stations, the generation of election returns through IMPACTA, and their subsequent processing via the TER.

The Unofficial Results Transmission (TER) system, the purpose of which was to produce the results as quickly as possible, was based on the data contained in the election returns issued by polling stations across the country. The part played by IMPACTA in this process was to issue the election returns that were then processed in the TER.

This decision also sought to ensure the quality of the results and reduced the speed of generation of consolidated data. Approximately 92 data capture centers were set up around the country for the TER process. The increase in the volume of voters assigned to each polling stations in this election, and therefore the higher number of voters taking part, meant that it took longer to count the ballots and prepare the election returns.

a. IMPACTA System

The IMPACTA System installed at polling places functioned correctly. It should be mentioned that at the seven polling places observed, 95% of the computers installed with the system were operational. Progress was sluggish at first, but improved with time as the secretaries became more confident with the system.

With respect to delegates of political parties, The Mission noted that they had confidence in the system and behaved appropriately: they would not enter the computer room and merely waited to compare their tallies with those printed by the IMPACTA system.

b. The TER System

The TER system functioned very well and the computation of results fell behind schedule because of the delay in the arrival of the TER document at data capture centers. As mentioned, this was chiefly due to the decision to increase the number of voters per polling station by 150 and the inclusion of the IMPACTA system to generate the TER document.

It is important to perform a more in-depth analysis to determine why not all the election returns were tallied, as apparently there were other problems that delayed generation of results, which need to be examined in detail.

c. Publication of Results

The Mission found that the results were published very efficiently, which can be attributed to the following factors:

- Disclosure of results started with the first election return;
- The cumulative results were automatically updated in a sequential manner;
- There were several public display screens;
- The percentages for defining trends were very quickly and efficiently obtained;
- Several display mechanisms were used: Pressroom, Internet, cellular telephone, and a print area where any citizen could request a progressive tally.

i. Analysis of Technological Components

The EOM information technology experts conducted observations on the technological components used in the electoral process; interviewed systems personnel, and examined related documents. They gave particular attention to the following aspects, in respect of which they evaluated the conceptual design, security conditions, and contingency measures:

- Tallying applications for election returns
- Database
- Computer networks
- Communications
- Training and instruction for users

These components were observed and analyzed in the framework of the two core aspects of the Vote Tallying and Transmission processes: the IMPACTA system at Polling Places and Election Boards; and the TER for rapid transmission of results.

IMPACTA

Component	Performance	Observations
Election return tallying applications	Good	Too many controls
Database	Good (Except for mayoral elections in some places).	Not secured for Election Boards
Operating system	Very good	
Process	Good	Slow initially
Technical support	Regular	Imprecise, implemented late

2. TER System

The purpose of this system was to ensure rapid transmission of results in the elections for President, Legislators per party, and Mayor of Panama City, in order to make them public in the main pressroom at the electoral authority.

Component	Performance	Observations
Election return tallying applications	Very good	
Database	Good, secure	Complex configuration; duplication
Computer networks	Regular	Complex and overly dependent
Communications	Very good	
Training	Very good	

Tallying applications for election returns	Very good	
Process	Good	Depended on IMPACTA, not 100% implemented on election day
Technical support	Very good	

As regards training in the correct use of the TER, the Mission noted the existence of manuals and documentation necessary for training operators to use the applications. The staff in charge of data capture and the entire tallying and results transmission process had been working for several months and had therefore received proper training.

3. EOM-OAS Quick Count

In keeping with a practice adopted in other elections in different countries of the Americas, on election day the EOM performed a quick count, which constitutes an observation technique designed to gauge, inter alia, the precision and transparency of the election results transmission and processing processes. Furthermore, it is a statistical exercise by which to audit the official vote count in an election.

In the case of these general elections in Panama, the Mission used a sample of the polling stations where its observers monitored the vote tallying process to guarantee the official vote count. By means of statistical methods, the results of each polling station were projected for the total number polling stations around the country, and then compared with the official results to determine the existence of possible irregularities, while allowing for a certain margin of statistical error.

In the case of Panama, the results of the quick count carried out on May 2 did not suggest any inconsistencies in the official vote count; indeed, the two results were very similar. These results were delivered to the electoral authorities minutes before the first report on official results published by the Electoral Tribunal was released, at approximately 10:00 p.m. on May 2.

Moreover, in these elections in Panama, the Mission also used the same sample as it did for the quick count to canvas opinions of voters on the automation of the electoral process and the use of state/municipal resources to favor certain election campaigns.

4. Election Results

Panama: Valid votes polled, by coalition and political party. General elections of May 2, 2003

Coalitions and Parties	Votes polled and percentage	
PATRIA NUEVA	711,164	47.4
Partido Revolucionario Democrático (PRD)	649,157	
Partido Popular (PP)	62,007	

VISION DE PAIS	245,568	16.4
Partido Arnulfista (PA)	162,830	
Movimiento Liberal Republicano Nacionalistas (MOLIRENA)	60,106	
Partido Liberal Nacional (PLN)	22,632	
Partido Solidaridad	462,824	30.9
Partido Cambio Democrático (CD)	79,491	5.3

**Panama: Valid votes polled, by electoral coalition and political party.
General elections of May 2, 1999**

Coalitions and Parties	Votes polled
Unión por Panama	
ARNULFISTA	367,865
MOLIRENA	140,240
CAMBIO DEMOCRATICO	36,068
MORENA	28,544 *
Nueva Nación	
PRD	403,649
LIBERAL NACIONAL	36,111
SOLIDARIDAD	23,524
MPE *	20,217
Acción Opositora	
PDC	141,283
RENOVACIÓN CIVILISTA *	45,192
LIBERAL *	25,579
PNP*	10,196

5. Evaluation of the Day of the Polls

On May 3, 2004, the Mission published press release No. 6 on the holding of the general elections, and said that the polls had been held in a framework of liberty, transparency and legitimacy, in which the citizenry had massively renewed its commitment to democracy.

The Mission recognized the efforts of the Electoral Tribunal, which, since 1990, has a proven tradition of efficiency in the electoral processes that it stages. This confidence was confirmed by the actors in the general election of May 2. The Mission also recognized the technological inclusions as positive. In that connection, the EOM drew attention to the timely and efficient transmission and publication of the unofficial results, which earned the trust and respect of the candidates, government authorities, and the population at large.

It also mentioned the essential participation of the electoral delegates and the observers from the Committee on Justice and Peace, Office of the Ombudsman, and Office of the Electoral Attorney, who inspired confidence and assurance in voters with their activities in the areas of facilitation, information, observation, inspection and oversight of the process.

The Mission also underscored the work of the media throughout the entire pre-election process, on the day of the polls, and in the post-election phase because their appropriate and broad coverage of the elections helped to provide the Panamanian population with the necessary information in that regard.

At the same time, the Mission thanked Panama's civil society organizations for their welcome and time, since the valuable exchange of concerns with their representatives allowed for a closer understanding of the problems, challenges, and goals that these organizations share with respect to democracy and the electoral system in force.

The Mission also recognized that it was able to observe and accompany the electoral process thanks to the receptiveness and collaboration of the state and institutional authorities, in particular the Electoral Tribunal, making plain their commitment to democracy.

CHAPTER V: COMPLAINTS

On April 20, the EOM-OAS took cognizance of the formal complaint lodged by Mr. José Demetrio Sagel Carrera, parliamentary candidate for *Partido Solidaridad* in Circuit 4-7, Province of Chiriquí. The complaint was forwarded to the Office of the Electoral Attorney to initiate the appropriate proceeding in accordance with the electoral laws in force and open the investigations incumbent upon him.

The complaint alleged that the incumbent member for this circuit, Jorge Alberto Rosas of the *Movimiento Liberal Republicano Nacionalista (MOLIRENA)*, in order to secure his reelection, was making use of a social program titled "Economic Contribution for Persons with Limited Resources", which is managed by the Community Council of the Township of Santa Lucia, whose representative, Mr. Alejandro Murillo, also a member of MOLIRENA, was running for reelection as Township Representative. The funding for that program is provided by the Panamanian State, and, according to the complaint, checks are being drawn against those funds in favor of residents of Circuit 4-7, in exchange for their vote for the coalition *Visión de País*.

A. CONCLUSIONS

1. On the Inclusion of Information Technology

The Electoral Tribunal introduced innovative services in the general elections of May 2, 2004, through the use of information technology and the inclusion of best practices, which had a huge impact in terms of improving attention to the public and refining different aspects of the electoral process. This was true, for instance, in the case of the registration of political organizations and their nominees by means of digital signatures, despite the fact that it entailed the introduction of new programs and, therefore, a risk that everything might not go exactly as planned.

It should be borne in mind that the plans for the overall electoral process and the introduction of information technology in the general elections had been defined since 2003, and any fundamental change requested could have delayed the plans and, therefore, caused chaos in the electoral process.

2. The IMPACTA System at Polling Places

The applications were last updated on April 23, and the proximity of the elections meant that the work was being done under pressure, which created the possibility of errors in updates or improvements introduced to the system. Other tasks were also neglected as a result. Distribution of this equipment commenced on April 26. The equipment had already been sent to Chiriquí and Bocas del Toro but as there were still inconsistencies in the system the equipment had to be recalled so that the latest versions of the applications could be installed.

A comprehensive system trial plan with set deadlines was lacking. Sporadic tests were conducted at the beginning; more exhaustive tests were carried out later, days before the elections.

There were changes in the original concept of the system; for instance, it was the case of the decision to print the number of updates made to the election returns. While this could be regarded as a positive decision, it was not planned from the outset because of a failure to prepare a system model prior to the commencement of programming.

The changes requested when the application was reviewed were not integral; accordingly, when introduced they caused failures in other parts of the system that hitherto had been functioning correctly. This meant that every time changes were made the whole system had to be reviewed again.

Too much time was taken up placing security seals on packaging, which was unnecessary since everything could be protected by means of logical security methods.

A Call Center was not set up in a timely manner; this task was done one day before the elections and very few staff knew the telephone numbers to call for support. The problems were easily solved thanks to the system design but initially they created confusion among the system users.

3. The IMPACTA System at Election Boards

The system was used at approximately 90% of the Boards where it was installed. Some chose not to use it because the totalized results were not synchronized with the returns processed. This would occur when a return had been recently digitized (but not yet verified or approved), and its data were added to the totalized results. A certain amount of speculation was generated but the appropriate explanations were provided and the vast majority of boards continued to use the system.

The review of, and appropriate corrections to, applications were completed on April 24. As a result there was a rush to complete cloning and distribution, which diverted resources from other tasks, such as creation of passwords or setting up the Call Center.

A comprehensive system trial plan with set deadlines was lacking. Sporadic tests were conducted at the beginning; more exhaustive tests were carried out later, days before the elections.

The data synchronization was not completed, which had been part of the contingency plan in the event the main server crashed.

4. The TER System

There were no controls to determine precisely why a percentage of the returns for the presidential election did not arrive for data input. It was assumed that the IMPACTA system was to blame, which was not necessarily the case.

Furthermore, changes based on security recommendations were made to the system configuration days before the elections, which created pressure and the risk of a total system malfunction.

5. The Voting Process, Tally, and Transmission of Results

The voting process was extremely orderly, with a mean turnout of approximately 80 of eligible voters on the electoral roll, in keeping with Panama's record of high electoral turnouts compared with the regional average. The electoral delegates played a crucial role, ensuring orderly compliance with electoral procedure inside polling places.

It is important to note that, for the first time, in these elections the Electoral Tribunal added an average of 150 voters to each polling station (from the previous norm of 300 voters to 450). Naturally the increase in voters added to the time necessary to count ballots and prepare election returns. This decision was intended to ensure a more efficient use of electoral resources, since the fewer the polling stations, the lower the overall cost of the elections.

The reception of election results fell behind schedule, which was predictable given the effect of IMPACTA and the increase in voters at polling stations. The computer systems -both IMPACTA and the TER fulfilled their objectives. However, there were some initial problems in the use of IMPACTA that were mainly caused by the unfamiliarity of polling station secretaries with the system, which meant that there was a delay before the consolidated results were obtained. The TER was quick to produce the results, compared with other countries in the region.

B. RECOMMENDATIONS

- There should be a Results Transmission Unit, one of whose tasks would be to evaluate automation of processes and everything connected with ballot counting, logistics, training, information systems, and technical support.
- It is important to prepare a model of the system before programming starts. This model should be submitted to Electoral Tribunal staff for consideration and review prior to its programming.
- System tests should be performed from the outset in order to make all the necessary corrections and improvements.
- Changes should not be made unless they have an impact on the objectives of the proposed system, so as not to cause significant delays and divert attention from high-priority tasks, such as distribution of equipment on appropriate dates.

- It would be very useful to keep automatic logs of application versions, so as to have a clear record of what changes have been made, when they were made, and why.
- Present the system to political organizations in advance.
- In addition to technology, improvement of services should include development of human resources, with permanent training provided in new information technology tools.
- It is necessary to evaluate the causes of a number of delays in reception of all the results; however, in general terms it would be fair to conclude that no problems arose that could not be controlled, and the results were in keeping with regional standards in terms of rapid data-processing capacity, and, above all, transparency in the information technology process and the process as a whole.
- It is also important to evaluate IMPACTA in terms of cost-benefit and to determine if this system fulfilled its purpose.

1. Recommendations on the IMPACTA System at Polling Places

- Machines should be equipped with logical security mechanisms, which are easier to implement.
- Networks should be sent to and installed at Election Boards in order to provide training to secretaries, technical staff and supervisors in a more timely fashion. Furthermore, there should be a database initialization process and the return should be printed with values at zero. This would allow more people to review the system and, therefore, ensure that training is timelier.
- Modules should be simpler: for instance for printing there should be a choice: draft, original set, or reprints; and there should be no passwords for this.
- A system model should be prepared and presented to the actors in the electoral process prior to its installation.
- A special team should perform the tests, which should be comprehensive and commence at the start of the system development phase.
- Greater support from information technology staff is needed.
- If it is decided to continue with this system it is essential that it be used to consolidate data nationwide for transmission via TER. It is also essential to transmit data to the Election Boards where they can be checked against the source documents, in order to avoid duplication of the data entry process. All of the foregoing will ensure efficiency, promptness, and accuracy of data. Data could be sent from each polling place or from polling places specially selected for this task.

2. Recommendations on the IMPACTA System at Election Boards

- Machines should be equipped with logical security mechanisms, which are easier to implement.
- Systems and equipment should be sent to Election Boards in a more timely fashion to enable staff to familiarize themselves better with the systems and allow them to test applications. There should be a database initialization process and the return should be printed with values at zero. This would help to ensure that the logistics process does not have to operate under pressure, as well as guaranteeing a greater level of security than that the equipment currently enjoys.
- The majority of modules should be for data consolidation, since the data can be sent from polling places. In polling places where computers are not used, those data should be digitized.
- A system model should be prepared and presented to the actors in the electoral process prior to development of the system.
- A special team should perform the tests, which should be comprehensive and commence at the start of the system development phase.
- Greater support from information technology staff is needed.

3. Recommendations for the TER System

- If it is decided to continue with IMPACTA, the TER System should be used for consolidation and not as a parallel data capture system.
- Last-minute decisions on the configuration of data networks and applications should be avoided because the pressure that this generates places the whole process at risk
- The data and networks system should be simpler.
- Separate computerized services via non-interconnected networks, in particular the Internet.
- While it is true that a series of contingency measures is built into the system, the network's centralization, duplication and complexity makes the system vulnerable if any of its data servers crashes.

4. Relations of the Electoral Authorities with Other Actors in Electoral Processes

The Mission recommends that in future, the electoral authorities strengthen relations and dialogue among sectors of civil society and the various institutions in the country, upon whom it would be incumbent to promote spaces for discussions on any political and electoral reforms that Panamanians might consider appropriate.

CHAPTER VI: FINANCIAL REPORT

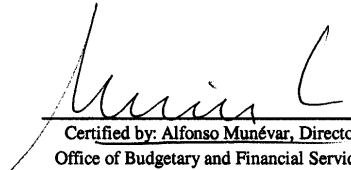
**ORGANIZATION OF AMERICAN STATES
DEPARTMENT OF DEMOCRATIC & POLITICAL AFFAIRS**



**CONTRIBUTION FROM THE GOVERNMENT OF THE UNITED STATES
Electoral Observation Missions - AG/RES. 1637 (XXIX-O/97)
2004 Panama Elections**

**STATEMENT OF CHANGES IN FUND BALANCE
From Award Inception (March 29, 2004) to July 31, 2005**

Increases		
<i>Contribution</i>		\$ 100,000
 Decreases		
<i>Expenditures & Obligations</i>		
Travel	\$ 34,900	
Equipment, Supplies and Maintenance	13,387	
Building and Maintenance	4,425	
Performance Contracts	37,379	
Other Expenses	<u>3,307</u>	
Total Decreases		<u>93,398</u>
 Fund balance at end of period		 \$ <u>6,602</u>


 Certified by: Alfonso Munévar, Director
 Office of Budgetary and Financial Services

Project UPD-EC/008
 Award USDEP04/06
 EOM Panama
 Preparer DY

APPENDIX I
LETTER OF ACCEPTANCE



Organización de los Estados Americanos
 Organização dos Estados Americanos
 Organisation des États américains
 Organization of American States

SG/UPD-325/03

10 de abril de 2003

Señor Embajador:

Tengo el honor de dirigirme a Vuestra Excelencia para acusar recibo de su nota PANA OEA-109, por medio de la cual invita a la Organización a enviar una Misión de Observación Electoral al proceso de las elecciones generales nacionales para elegir al Presidente y Vicepresidentes de la República, Legisladores, Alcaldes, Concejales y Representantes de Corregimiento el próximo 2 de mayo del 2004.

En respuesta a la invitación formulada por el Gobierno de la República de Panamá, la Secretaría General se permite anticipar su disposición favorable para organizar y enviar dicha Misión. No obstante, y como es de su conocimiento, de conformidad con las disposiciones vigentes, estas misiones están condicionadas a la obtención de recursos externos para su financiamiento.

Aprovecho a la ocasión para agradecer la confianza del Gobierno de la República de Panamá al trabajo que adelanta la OEA encaminado al fortalecimiento de la democracia hemisférica, y para expresar al Señor Ministro el testimonio de mi más alta y distinguida consideración.

César Gaviria
 Secretario General

Excelentísimo señor
 Juan Manuel Castulovich
 Embajador, Representante Permanente
 de Panamá ante la Organización
 de los Estados Americanos
 Washington, D.C.

Organización de los Estados Americanos
 17th Street & Constitution Ave. N.W.
 Washington, DC 20006-4499

APPENDIX II
AGREEMENT ON PRIVILEGES AND IMMUNITIES OF THE
OBSERVERS

**ACUERDO ENTRE LA SECRETARÍA GENERAL
DE LA ORGANIZACIÓN DE LOS ESTADOS AMERICANOS
Y EL GOBIERNO DE LA REPÚBLICA DE PANAMA
RELATIVO A LOS PRIVILEGIOS E INMUNIDADES DE LOS
OBSERVADORES DE LAS ELECCIONES GENERALES A
CELEBRARSE EL 2 DE MAYO DE 2004**

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

CONSIDERANDO:

Que el Gobierno de la República de Panamá por medio de una comunicación dirigida al Secretario General de la OEA, con fecha 13 de febrero de 2003 solicitó la asistencia de una Misión de Observación Electoral de la OEA para las Elecciones Generales que se llevarán a cabo el 2 de mayo de 2004;

Que mediante nota del 10 de abril de 2003, la Secretaría General de la OEA aceptó la invitación y ha conformado un Grupo de Observadores de la OEA para realizar una Misión de Observación Electoral en la República de Panamá (en adelante la Misión);

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

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

Que los privilegios e inmunidades reconocidos a la OEA, a la Secretaría General de la OEA, a su personal y a sus bienes en la República de Panamá, además de lo previsto en la Carta de la OEA, están establecidos en el “Acuerdo entre la Secretaría General de la Organización de los Estados Americanos y el Gobierno de la República de Panamá sobre el funcionamiento de la Oficina de la Secretaría General de la Organización de los Estados Americanos y el

- 2 -

Reconocimiento de sus Privilegios e Inmunidades", suscrito el en la ciudad de Panamá, Panamá, el 26 de enero de 1999.

ACUERDAN LO SIGUIENTE:

CAPÍTULO I

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

ARTÍCULO 1

Los privilegios e inmunidades del Grupo de Observadores de la OEA en el Proceso de Elecciones Generales en la República de Panamá serán aquellos que se otorgan a la OEA, a los Órganos de la OEA, y al personal de los mismos.

ARTÍCULO 2

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

ARTÍCULO 3

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

- 3 -

ARTÍCULO 4

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

ARTÍCULO 5

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

CAPÍTULO II

DE LOS MIEMBROS DEL GRUPO DE OBSERVADORES DE LA OEA

ARTÍCULO 6

Serán miembros del Grupo de Observadores de la OEA (en adelante los Observadores) aquellas personas que hayan sido debidamente designadas y acreditadas ante el Tribunal Electoral de la República de Panamá por el Secretario General de la OEA.

ARTÍCULO 7

Los Observadores gozarán durante el periodo en que ejerzan sus funciones y durante sus viajes de ida y regreso a la República de Panamá de los privilegios e inmunidades siguientes:

- 4 -

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

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ARTÍCULO 8

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

ARTÍCULO 9

La Misión podrá establecer y operar en el territorio de Panamá un sistema de radio-comunicaciones autónomo destinado a proveer enlace permanente entre los Observadores y los vehículos que utilice la Misión con las oficinas y sedes regionales, como de éstas con la sede central en Ciudad de Panamá y de ésta con la sede de la Secretaría General de la OEA en Washington, D.C., para cuyo logro el Gobierno de la República de Panamá prestará toda la colaboración técnica y administrativa que se considere necesaria.

CAPÍTULO III

COOPERACIÓN CON LAS AUTORIDADES

ARTÍCULO 10

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

ARTÍCULO 11

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

ARTÍCULO 12

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

- 6 -

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

CAPÍTULO IV

CARÁCTER DE LOS PRIVILEGIOS E INMUNIDADES

ARTÍCULO 13

Los privilegios e inmunidades se otorgan a los Observadores para salvaguardar su independencia en el ejercicio de sus funciones de observación de las Elecciones Generales de la República de Panamá y no para beneficio personal, ni para realizar actividades de naturaleza política en territorio panameño.

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

CAPÍTULO V

IDENTIFICACIÓN

ARTÍCULO 14

El Tribunal Electoral de la República de Panamá proveerá a cada uno de los Observadores de un carné de identidad, el cual contendrá el nombre completo, el cargo o rango y una fotografía. Los Observadores no estarán obligados a entregar dicho carné sino a presentarlo cuando así lo requieran las autoridades de la República de Panamá.

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CAPÍTULO VI
DISPOSICIONES GENERALES

ARTÍCULO 15

El Gobierno de la República de Panamá reconoce el "documento oficial de viaje" expedido por la Secretaría General de la OEA como documento válido y suficiente para los viajes de los Observadores. Dicho documento requiere visado oficial para que los Observadores ingresen en el país y permanezcan en él hasta el término de su Misión Oficial.

ARTÍCULO 16

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

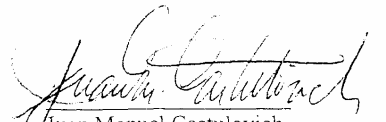
ARTÍCULO 17

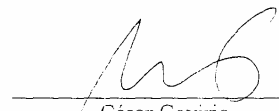
Este Acuerdo entrará en vigor en la fecha de su firma y se dará por finalizado una vez que los Observadores concluyan sus labores, de acuerdo con los términos de la invitación hecha por el Gobierno de la República de Panamá.

EN FE DE LO CUAL, los infrascritos firman el presente Acuerdo en dos ejemplares de un mismo tenor, en la ciudad de Washington D.C., Estados Unidos a los 25 días del mes de MARZO del año dos mil cuatro.

**POR EL GOBIERNO DE LA
REPÚBLICA DE PANAMA**

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


Juan Manuel Castulovich
Embajador, Representante
Permanente de Panamá ante la OEA


César Gaviria
Secretario General

APPENDIX III
AGREEMENT REGARDING THE PROCEDURE FOR THE
OBSERVATION OF THE GENERAL ELECTIONS

**ACUERDO
ENTRE
EL TRIBUNAL ELECTORAL DE LA REPÚBLICA DE PANAMA
Y
LA SECRETARÍA GENERAL DE LA ORGANIZACIÓN DE LOS ESTADOS
AMERICANOS
SOBRE EL PROCEDIMIENTO DE OBSERVACIÓN ELECTORAL DE LAS
ELECCIONES GENERALES A CELEBRARSE EL 2 DE MAYO DE 2004**

El Tribunal Electoral de la República de Panamá (en adelante el TE) y la Secretaría General de la Organización de los Estados Americanos (en adelante la SG/OEA),

CONSIDERANDO:

Que el Código Electoral de la República de Panamá, en su artículo 193, establece que le corresponde al Tribunal Electoral decretar la convocatoria de las elecciones por lo menos 30 días antes de la apertura del proceso electoral.

Que el Decreto 32 emanado por el Tribunal Electoral de fecha 27 de noviembre de 2003, en su artículo primero dispone: "Convoca a Elecciones Generales para el domingo 2 de mayo de 2004, con el fin de elegir Presidente y Vicepresidente de la República, 20 Diputados al Parlamento Centroamericano, 78 Legisladores en 41 circuitos electorales, 75 Alcaldes en 75 distritos, 619 Representantes de Corregimientos en 619 corregimientos y a 7 Concejales, todos con sus respectivos suplentes;

Que el Gobierno de la República de Panamá (en adelante el Gobierno), por medio de una comunicación dirigida al Secretario General de la OEA, con fecha 13 de febrero de 2003, solicitó la asistencia de una Misión de Observación Electoral de la OEA para las Elecciones Generales que se llevarán a cabo el 2 de mayo de 2004;

Que la SG/OEA acogió la solicitud del Gobierno, disponiendo el 10 de abril de 2003 el envío de una Misión de Observación Electoral de la OEA a la República de Panamá (en adelante la Misión) con el objetivo de realizar la observación del proceso electoral a llevarse a cabo el 2 de mayo de 2004;

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

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

- 2 -

ACUERDAN:

Primero: Garantías:

- a) El TE garantiza a la Misión todas las facilidades para el cumplimiento adecuado de su misión de observación de las elecciones en la República de Panamá del 2 de mayo de 2004, de conformidad con las normas vigentes en la República de Panamá y los términos de este Acuerdo.
- b) El TE garantiza a la Misión el pleno ejercicio de sus funciones en las fases pre-comiciales, comiciales y post-comiciales del proceso electoral, hasta la asunción de las autoridades elegidas en los comicios. La presencia de la Misión en el país podrá ser extendida cuando las circunstancias así lo requieran, previo acuerdo con el TE.
- c) El TE, durante el día de los comicios, y los períodos pre-comiciales y post-comiciales, garantizará a la Misión el libre desplazamiento y movimiento en todo el territorio panameño así como el acceso de sus observadores a todas las áreas de los organismos que conforman el sistema electoral, desde la instalación de las mesas electorales hasta la terminación del escrutinio a nivel nacional.
- d) El TE garantizará a la Misión el pleno acceso a los locales de votación, a los órganos electorales que tienen a su cargo las actividades de votación, escrutinio y totalización de votos. De manera especial permitirá al acceso a las nuevas tecnología implementadas en el actual proceso electoral.
- e) La Misión acompañará el proceso electoral en sus distintas etapas, enfatizando sus actividades de observación en aspectos tales como:
 - i) La auditoría del proyecto de Impresión Automática de Actas (IMPACTA).
 - ii) La difusión de los mensajes que cada uno de los candidatos generales ofrezca al país.
 - iii) Los programas y planes de seguridad ciudadana, que se instrumenten con el fin de permitir a los electores ejercer el sufragio de conformidad con el marco jurídico aplicable en el país.
 - iv) Los procedimientos aplicados a la organización y administración electoral.

Segundo: Información

- a) El TE suministrará a la Misión toda la información referente a la organización, dirección y supervisión del proceso electoral. La Misión podrá

- 3 -

solicitar al TE, información adicional necesaria para el ejercicio de sus funciones.

- b) La Misión informará al TE acerca de las irregularidades e interferencias que observe o que le fueran comunicadas. Asimismo, la Misión podrá solicitar al TE información sobre las medidas que al respecto se hubieren tomado.
- c) El TE facilitará a la Misión información relativa a los padrones electorales y a los datos contenidos en sus sistemas automatizados referente al mismo. Asimismo, proveerá toda otra información relativa al sistema de cómputos para el día de las elecciones y ofrecerá demostraciones de su operación. Igualmente, el TE suministrará información acerca de las condiciones de orden público existentes en el territorio nacional durante las distintas etapas del proceso electoral.
- d) El TE garantizará a la Misión información sobre el cómputo provisional y el cómputo definitivo. Para tal efecto, el TE garantizará el acceso de la Misión a los respectivos Centros de Cómputos.
- e) La Misión podrá emitir informes públicos y periódicos como resultado de la observación *in situ* de este proceso electoral.

Tercero: Disposiciones Generales:

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

Cuarto: Privilegios e Inmunidades:

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

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depositado por el Gobierno el 22 de marzo de 1951, al "Acuerdo la Secretaría General de la Organización de los Estados Americanos y el Gobierno de la República de Panamá sobre el funcionamiento de la Oficina de la Secretaría General de la Organización de los Estados Americanos y el Reconocimiento de sus Privilegios e Inmunidades" suscrito el 26 de enero de 1999, y al Acuerdo entre el Gobierno y la SG/OEA relativo a los privilegios e inmunidades de los observadores de las elecciones generales a celebrarse el 2 de mayo de 2004, firmado el 25 de marzo de 2004, y a los principios y prácticas del derecho internacional.

Quinto: Vigencia y Terminación

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

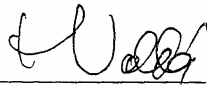
Cualquiera de las partes podrá dar por terminado este Acuerdo sin necesidad de justificar la causa de su decisión mediante una comunicación escrita dirigida a la contraparte, y con una anticipación no menor a treinta días corridos a la fecha de terminación.

Sexto: Solución de Controversias:

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

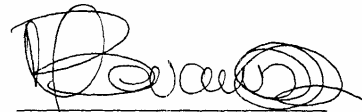
EN FE DE LO CUAL, los representantes de las Partes firman el presente documento en dos originales igualmente válidos en la ciudad de Panamá, República de Panamá a los 23 días del mes de abril del año dos mil cuatro.

**POR EL TRIBUNAL ELECTORAL
DE LA REPÚBLICA DE PANAMA**



Eduardo Valdés Escoffery
Presidente

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



Moisés Benamor
Jefe de Misión