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Final Statement on Run-off Election in Guinea and the Post-Election Period

**Carter Center Commends Guineans on Successful Elections
and Urges Peaceful Acceptance of Final Results**

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In a statement released today, The Carter Center concluded that the conduct of Guinea's presidential electoral processes was broadly consistent with the country's international and regional obligations for genuine democratic elections.

The Center reports that the Independent National Electoral Commission (CENI) significantly improved electoral administration during the run-off election, particularly in the areas of training of election officials and election results transmission. In addition, Carter Center observers saw no evidence of systematic or significant manipulation, and the results transmission and tabulation processes were conducted with transparency.

The statement summarizes the Center's observations on the post-election tabulation and complaints period and supplements the Center's Nov. 9 preliminary statement issued shortly after the voting process.

Despite these positive assessments, the Center remains deeply concerned about instances of pre-election and post-election violence, as well as ongoing tensions in Guinea. The Center hopes that the incoming president will adhere to the principles of inclusive governance, and make certain that all Guinean citizens are safe and welcome in their own country. To this end, it is essential that the president ensures the appropriate behavior of the security forces, condemns all acts of violence, and reaches out in concrete ways to alleviate fears and concerns among supporters of the opposing candidate.

In addition, it is imperative that the candidates and political parties respect the results of the Supreme Court's rulings and do their utmost to promote peaceful acceptance of the final results among their supporters. The Carter Center urges the people of Guinea to unite behind the new president and work together for peace and development. The potential for a just, prosperous, and democratic Guinea is within reach. This historic opportunity must not be lost.



Introduction and Background

The Carter Center electoral observation mission team has been present in Guinea since May 2010 and has deployed short-term and long-term observers to accompany the people of Guinea during the historic 2010 electoral processes. The Center deployed a team of 30 observers to monitor the voting and counting for the June 27, 2010, first round election, and maintained a small presence in the months that followed.

For the Nov. 7 presidential run-off elections, the Center again deployed a 30-person short-term observer team across Guinea to monitor voting and counting. In a preliminary statement released Nov. 9, The Carter Center presented findings regarding election day and the pre-election environment.

This statement summarizes observations during the tabulation and complaints processes to complete the Center's overall assessment of the presidential run-off elections. Following the Nov. 7 voting, the Center's observers remained in their areas of responsibility in the post-election period to observe results transmission and tabulation processes, including the transfer of results protocols to reception commissions and the processing of those polling station results by centralization commissions.

Carter Center observers monitored the work of 14 of the 38 centralization commissions in Guinea, including in Haute Guinea, the Forest Region, Basse Guinea, and Moyenne Guinea until the commissions completed their work, in general, by Nov. 9 or 10. The Carter Center coordinated its efforts with the European Union Electoral Observation Mission to provide for maximum coverage of the centralization commissions and the tabulation process established by the Independent National Electoral Commission (CENI). Several Carter Center observers remained in the regions until Nov. 20, following-up with electoral authorities and representatives of political parties, while monitoring the security situation. In addition, Carter Center representatives remained in Conakry until the end of November to monitor the work of the CENI and the Supreme Court.

The Center's assessment of Guinea's electoral process is made against the Guinean electoral legal framework, the constitution, and the country's international commitments regarding democratic elections. The Carter Center conducts its observation mission in accordance with the Declaration of Principles for International Election Observation adopted at the United Nations in 2005.

First-round Tabulation and Transmission of Results

During the first round presidential election on June 27, 2010, three systems were in place to relay results from the 56 electoral constituencies (33 prefectures and five communes of Conakry, plus 18 overseas polling stations in embassies abroad) to CENI headquarters in Conakry. In the centralization commissions, located in each of the constituencies, technicians transmitted polling station results by two different systems: cell phone SMS and via a computer network. In addition, a third system of transmitting results system was in place through the physical transport of tally sheets.

One hard copy of the tally sheet of results from each polling station was to be delivered to the centralization commissions, a second was to be sent directly to CENI, and a third directly to the Ministry of Territorial Administration and Political Affairs (MATAP).

The Carter Center noted that for the June 27 elections none of the transmission processes were implemented with complete success in all areas of the country. The centralization commissions did not have procedures in place to receive the protocols, resulting in polling officials being turned away and asked to return with the documents the next day. This created an opportunity for accusations of tampering with results.

According to the Electoral Code, the Supreme Court is responsible for announcing final results. In the event of a dispute, which was the case during the first round, the Supreme Court bases its decision on protocols provided by the MATAP. Due to the absence of many of these protocols, the Supreme Court issued a dramatic decision to invalidate all votes cast in the Communes of Matam and Ratoma and the Prefectures of Kankan, Lola, and Mandiana. By annulling the votes from these areas, almost 900,000 votes that were included in the provisional results announced by CENI were excluded. This resulted in a de facto disenfranchisement of approximately one-third of the electorate. While the exact circumstances concerning the absence of the protocols remain unclear to the Center, it is clear that communication between the CENI, MATAP, and the Supreme Court was insufficient.

Run-off Tabulation and Results Transmission Processes

Following the appointment on October 19th of a new CENI president, Siaka Toumani Sangare, the CENI increased transparency¹ by initiating a series of press conferences to inform the public of the results tabulation process, and by allowing observers, including The Carter Center, greater access to CENI deliberations.

The Carter Center noted that the CENI implemented a number of changes to the results transmission and tabulation processes in the period after the June first round elections, significantly improving its performance during the run-off election.² Although a similar results transmission system to that used in the first round was put in place, training was much better for the run-off. In addition, in an effort to make the process of transmitting ballots and protocols more efficient, the CENI created reception commissions to receive results protocols from polling stations, sort them, and forward them to the centralization commissions for each prefecture and commune of Conakry, as well as to CENI and MATAP in Conakry.

In most prefectures, where reception committees were also established at communal and sub-prefecture level, the new system worked relatively well, with agents of the Special Forces for the Security of the Electoral Processes (FOSSEPEL, *Force Spéciale de Sécurisation du Processus Electoral*) and CENI officials assisting with logistics and transport to reception points. Carter Center observers reported that these steps alleviated pressure on the centralization commissions, and that the

¹ In accordance with the ECOWAS political commitment “the preparation and conduct of elections and the announcement of results shall be done in a transparent manner” and also the UN Convention against Corruption art 13(a) which advocates the strengthening of public participation by “enhancing the transparency of and promoting the contribution of the public to decision making processes”.

² After the first round of presidential elections held in Guinea on June 27, The Carter Center and other observer groups encouraged the CENI to review its operational procedures for the tabulation, recording and transmission of election results and to implement training programs for election officials at all levels to address the serious problems that had arisen during the counting and reconciliation of the ballots.

process was much better organised all round, particularly outside of Conakry. Nonetheless, it still took several hours for all results to be received from the polling station presidents, and in most cases, no food had been provided for members of the reception committees and they were often working in near-darkness.

In the Conakry communes, there was only one reception commission per commune, which created some serious bottlenecks that could have threatened the integrity of the electoral process there. Several reception centres (*lieux de regroupement*) were designated within the Conakry communes, but these were merely transport hubs rather than reception commissions. In larger communes such as Ratoma and Matoto, with over 400 polling stations, some 1,500 people – polling station presidents, party agents, and FOSSEPEL - descended near-simultaneously upon the reception commissions to hand in their results. The commissions were consequently overwhelmed.

The Carter Center observed tabulations processes in 14 of the 38 centralization commissions inside Guinea, and also observed work at the CENI headquarters in Conakry. These efforts were coordinated closely with those of the European Union Electoral Observation Mission to provide for maximum coverage of the centralization commissions and the CENI.

Overall, Carter Center observers did not report any evidence of systematic or significant manipulation in the commissions or at the CENI. While observers noted a number of instances of minor inconsistencies or mistakes in the reconciliation of results protocols, these were generally due to clerical errors and were resolved by consensus.³

In most cases, the centralization commission members worked well together and many moved quickly through the process, often transmitting up to half of all results within 24 hours of polls closing. Others with a larger workload, such as Matoto in Conakry, were still tallying results on Nov. 11, the fourth day after polling. Some results from Haute Guinee were flown in by helicopter to speed up the process. For future elections, further steps should be considered to quicken the results tallying and transmission in larger voting districts to reduce waiting time and uncertainty between polling day and the announcement of results.

CENI Review of Results Protocols and Announcement of Final Results

Where the centralization commissions could not agree on how best to adjudicate contentious results protocols, the protocols were forwarded from the commissions to the CENI for deliberation. The main causes of problems were: polling stations where the tamper-proof envelopes for the transmission of polling station protocols were open or not properly sealed upon arrival at the

³ In some instances, for example, centralization commission members altered results sheets from the polling stations so that the total number of votes for candidates would equal the number of ballots cast. This was usually done with the agreement of all present, and involved changing the number of votes cast overall as opposed to adjusting the votes per candidate. Carter Center observers felt that this process was done transparently, was non-partisan in nature and affected only a handful of votes every few hours. There was confusion in several centralization commissions over results for some of new polling stations that had been added for the second round. Some of these had been incorrectly or inadequately labeled on the envelopes, causing the results to initially be labeled as fraudulent – but these issues were normally resolved once the numbering of the new stations had been correctly entered into the system. Any results which did not correspond with the numbering in the electronic system were immediately rejected – as was the case for 5 polling stations in Kankan, suggesting that these polling states indeed contained false results protocols. Other issues arose, however, which commission members were not able to agree upon. These fell into the categories of results envelopes arriving unsealed or insufficiently secured, and instances where the numbers of derogation voters were exceeded. In such cases, commission members agreed to disagree, and the contentious results were forwarded to the CENI for deliberation.

centralization commission⁴; polling stations where the turnout exceeded the number of registered voters; and instances where a polling station exceeded the 10-voter limit on voters who were authorized, due to travel for professional reasons, to vote other than where they were registered (“derogation” voters).

Article 182 of the Electoral Code stipulates that the president of the CENI must publicize provisional results within a maximum of 72 hours. However, interpretations diverged as to when this period began. The Supreme Court ultimately decided that this time period began when the last centralization protocol arrived at the CENI. This decision came late, contributed to public confusion, and fuelled the inevitable charges of manipulation that accompany such last-minute information.

In order to examine the protocols submitted by the centralization commissions, prior to finalizing preliminary results, the CENI established a tabulation commission that included inter alia representatives of the two political parties. Discussions in the tabulation commission centred around the scope of CENI’s mandate to override decisions taken by the centralization commissions and/or in dealing with contentious issues that the centralization commissions had set aside and passed on to the CENI.

As regards the mandate of the CENI, many members of the CENI tabulation commission felt that Article 162 of the Electoral Code placed the president of the CENI in a tribunal-like position whereby he substituted for the Supreme Court, since the Article implied that he must evaluate protocols and nullify any protocols found to be “substantially flawed” (*entachés d’un vice substantial affectant la sincérité de leur rédaction*). Other members of the commission argued that the problems in the key prefectures in question, e.g., Siguiri and Kourouss, related to political questions rather than technical /electoral issues, and thus were outside of the mandate of the CENI president.⁵

The Carter Center commends the CENI president for taking an inclusive and consensual approach, involving the candidates’ representatives in all aspects of the electoral process and the tabulation phase. When consensus was impossible, however, the CENI president took the difficult decisions necessary to move the process forward. As far as The Carter Center can determine, these decisions on highly politicized issues were taken in a constructive and impartial manner. Ultimately, where issues could not be resolved by the CENI tabulation commission, these disputes were forwarded to the Supreme Court.

Provisional results for the run-off presidential election in Guinea were announced by CENI president Sangare on Nov. 15, with Alpha Conde proclaimed the winner with 1,474,973 votes (52.5 percent) over Cellou Dalein’s 1,333,666 votes (47.5 percent).

⁴ Article 83 of the Electoral Code does not specify that the envelope containing the polling station protocol must be sealed. However, all CENI training material regarding this topic insisted that this envelope, along with those sent directly to CENI and MATAP, must be properly sealed; the “tamper-proof” envelopes provided by the CENI were conceived with this intent.

⁵ This was a controversial and divisive issue for the CENI tabulation commission, with the UFDG representative (and UFDG-friendly CENI members) on one side, saying that the President should nullify both Siguiri and Kouroussa prefectures, claiming that UFDG was penalized as they had relatively few assessesurs (who are members of the polling station) and observers there due to pre-election violence and the flight of many UFDG supporters. The RPG representative (and RPG-friendly CENI members), on the other hand, stated that the CENI president should not take into consideration complaints made by a candidate, as this was the role of the Supreme Court. They viewed the question of Siguiri and Kouroussa prefectures as a political question, outside of the mandate of the CENI president. Ultimately, this latter position was adopted by the CENI president and the centralization protocols along with disputes submitted by the candidates, Cellou Dalein Diallo in particular, were passed on to the Supreme Court.

The Role of the FOSSEPEL

The Special Force for the Security of the Electoral Process (FOSSEPEL) was created by presidential decree⁶. Initially FOSSEPEL was supposed to be composed of 16,000 persons (8,000 police and 8,000 gendarmes). However, prior to the second round Carter Center observers were informed that a minimum of two agents would be deployed to each sub-prefecture (total of 608 agents) and an unspecified number in Conakry, due to budgetary constraints. On election day, the Center observed that there were many more agents than expected and some polling stations had up to four or more FOSSEPEL agents. It is unclear why information provided prior to the election regarding the number of agents seems to contradict what was observed on election day and whether many of these agents had been properly trained.

While most of the FOSSEPEL forces displayed professional demeanour, several were witnessed by Carter Center observers as intervening in the electoral process, in contradiction of their mandate, and in a few cases employing excessive force. The FOSSEPEL were not supposed to carry firearms, but in some areas our observers noted that they were armed and there was at least one case in Conakry where credible sources claim that a person was shot by a FOSSEPEL agent.

The Right to Security of the Person is established in international and regional treaties to which Guinea is a signatory, and this right is applicable throughout the electoral process. The general practice of states expands this obligation to include a requirement that law enforcement behave in a neutral manner during the electoral process.⁷ One of the stated objectives of Guinean authorities is to fine-tune FOSSEPEL for future elections. The Carter Center recognizes that this is a long-term effort and recommends that additional training, including on human rights issues, be provided to the FOSSEPEL.

Post-Election Environment

The CENI president's Nov. 15 announcement of preliminary results, indicating that Alpha Condé received 52.5 percent of the votes, caused consternation among Cellou Dalein's supporters and a new spate of violence broke out. In Moyenne Guinée, notably in the towns of Pita and Labé, UFDG supporters attacked houses of known Alpha Condé supporters, causing injuries and physical damage. In Conakry, supporters of the two candidates clashed against each other, but most frequently UFDG supporters against the security forces. The security forces intervened in Moyenne Guinée and Conakry against protesters, and were accused of using excessive force and targeted killing of members of the peuhl ethnic group by a number of human rights and advocacy organizations.

Accounts of the number of injuries and deaths vary, but most reports spoke of several hundred injured and between nine and 12 deaths, and dozens of arrests. President Konaté decreed a state of emergency on Nov. 17 with a dusk-to-dawn curfew, which again helped to calm down the situation.⁸

⁶ D/081.PRG/CNDD/SGPRG/2010 of May 15, 2010

⁷ "States should take the necessary measures to ensure that parties, candidates and supporters enjoy equal security, and that State authorities take the necessary steps to prevent electoral violence." IPU, Declaration on Free and Fair Elections, art 4(8).

⁸ UFDG officials accused the government of continued ethnic persecutions and targeted killings and noted that they would inform the International Criminal Court of the incidents. The government has rejected these accusations, while the Deputy Prosecutor of the International Criminal Court suggested that it was watching the situation in Guinea closely to see whether any of the violent incidents would fall under the Court's mandate. See: Joe Penney. Guinea in state of emergency as clashes kill 9. CNN online, November 17, 2010 4, found at <http://www.cnn.com/2010/WORLD/africa/11/17/guinea.emergency/index.html>, accessed November 18, 2010; Amnesty International. Guinea authorities must stop arbitrary arrests and killings, 18 November 2010, found at: <http://www.amnesty.org/en/news-and-updates/guinea-authorities-must-stop-arbitrary-arrests-and-killings-2010-11-18>, accessed at November 20, 2010; International Crisis

Electoral System

The Carter Center has observed elections in more than 70 countries and is very familiar with a range of electoral systems. In our experience, the ‘run-off reversal,’ over which there has been much debate and speculation in Guinea, is not an unusual occurrence. There are many prominent examples of first-round frontrunners losing in runoff elections.⁹

It is a basic objective of the two-round electoral model to create a level playing field, as much as possible, for the second round and see which of the two remaining candidates has most popular support. Voters in a second round make different choices, and there are no foregone conclusions.

Lessons Learned and Recommendations to Improve the Legislative Elections

In addition to this statement and previous public statements, The Carter Center will publish an overall final report covering the entirety of its observation mission for the 2010 electoral processes in Guinea. The final report will include suggested recommendations for how to improve future electoral processes there.

An initial set of key lessons is provided below, and is offered in the spirit of respect and support for the democratic process in Guinea.

(1) The importance of establishing a clear legal framework and electoral procedures that are communicated to electoral officials and the public well in advance of elections. The first round of elections was plagued by the CENI’s many last-minute decisions that were poorly conveyed throughout the country. These concerned *inter alia* voters who did not receive a biometric card, proxy voters and those voting away from their assigned polling station (“derogation” voters). While significant improvements were made in the second round, some important decisions, such as whether voters were required to place their ballots in envelopes or not, were taken after training materials and training sessions for polling station staff had been completed. Clarification of several key articles of the Electoral Code is also necessary. This applies in particular to Article 162, regarding the prerogatives of the CENI president in nullifying votes and to Article 182 concerning the 72 hour time frame in which the CENI must announce preliminary results.

(2) The importance of up-to-date training related to voting, counting, and transmission of results. The improvement in performance by election officials between the first round and the second round of elections was remarkable, and can be directly attributed to the emphasis on training in the second round. However, training was hampered somewhat due to lack of clarity regarding certain procedures, as stated above.

(3) The importance of credible non-partisan electoral institutions. The credibility crisis and the partisan leadership battle in the CENI after the first round directly contributed to semi-paralysis of the CENI, the successive delays in delivering a second round, and the increased tensions in Guinea just prior to the second round.

Group. Conflict Risk Alert: Guinea, Dakar and Brussels, 18 November 2010, found at: <http://www.crisisgroup.org/en/publication-type/media-releases/2010/conflict-risk-alert-guinea.aspx>, accessed November 20, 2010.

⁹ For example, Liberia in 2005 between Ellen Johnson-Sirleaf and George Weah, or in France in the 1995, 1981, and 1974 elections. In the latter two examples, the ‘losing candidate’ returned in the following elections to win the presidency.

(4) *The importance of leadership during critical times.* During the rocky road to civilian transition in Guinea, there have been key individuals, including the interim president; the National Transition Council (CNT); and other Guinean institutions, religious leaders, Guinea's "elders", and numerous international partners who demonstrated the fortitude of true leaders in dissuading most Guineans from embarking on a dangerous path of conflict and strife. Efforts by all of these actors and others to avert conflict in the future must be ongoing and vigorous.

(5) *The importance of a culture of understanding and work for the common good.* The Carter Center's long-term observers travelled the width and breadth of Guinea, and were struck by the willingness of the vast majority of Guineans to move beyond ethnic divisions. The violence based on ethnic divisions that erupted in some areas is completely unacceptable, and based on our reports does not reflect the vision of Guinea to which most citizens aspire.

(6) *The importance of responsible parties, leaders, representatives, and supporters.* It is imperative that the candidates and political parties respect the numerous commitments they have made during recent months regarding mutual cooperation and the creation of an inclusive government. It is moreover imperative that the candidates and all parties undertake to respect the Supreme Court's decision, and to do their utmost to promote peaceful acceptance of the final results.

Conclusion

The Carter Center electoral observation mission team has come from more than 30 countries to accompany the people of Guinea during this historic transition process. Since May 2010, in all regions of the country, Guineans have warmly welcomed our observers. These presidential elections were the first step in a longer democratization process.

The Carter Center urges all parties and all Guineans to respect the Supreme Court's rulings on final results and to unite behind the new president to work together for peace and development. The Supreme Court, in accordance with international good practice¹⁰, should be transparent in explaining how it reached its outcome.

Guinea's political leaders, especially the two main candidates and their party leaders, should demonstrate leadership and do their utmost to promote peaceful acceptance of the final results among their supporters and the Guinean population at large. The Center urges the new president to make clear he will serve as president for all Guineans. For the young people of Guinea, a promising future lies ahead, but this historic opportunity must not be lost.

The Center's assessment of Guinea's electoral process is made against the Guinean electoral legal framework, the constitution, and the country's international commitments regarding democratic elections. The Carter Center conducts its observation mission in accordance with the Declaration of Principles for International Election Observation adopted at the United Nations in 2005.

¹⁰ For example: "...the judgment, including the essential findings, evidence and legal reasoning must be made public..."UN Human Rights Committee General Comment 32, para 29.