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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.

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## **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 19<sup>th</sup> of a new CENI president, Siaka Toumani Sangare, the CENI increased transparency<sup>1</sup> 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.<sup>2</sup> 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

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<sup>1</sup> 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



centralization commission<sup>4</sup>; 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.<sup>5</sup>

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).

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<sup>4</sup> 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.

<sup>5</sup> 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**

## **Electoral System**

**(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