



PRELIMINARY STATEMENT

Guinea's Transitional Elections Marked by Peaceful Voting; Commitment to Transparency in Final Results Is Important

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Executive Summary

Conakry . . . The Carter Center congratulates Guineans for the peaceful and orderly conduct of voting and the high-level of participation during the Nov. 7, 2010 presidential run-off election. The successful voting process is an overwhelming testament of Guineans' profound desire to express their will at the ballot box and to complete their historic democratic transition. The Carter Center salutes the enthusiasm and commitment of the Guinean people and electorate; all Guineans should be proud of what they have achieved so far.

At the same time, it is important for Guineans to maintain their commitment to completing a transparent, credible election and peaceful transition process. The Independent National Electoral Commission (CENI) should conduct a timely final tabulation and release of provisional results. The Supreme Court should ensure transparency throughout the process of results proclamation and dispute resolution, in compliance with all constitutional and legal requirements. Both candidates and their supporters should adhere to their commitment to a peaceful transition of power, utilizing appropriate legal challenges for the filing of any complaints.

The Carter Center commends the president of the transition, General Sékouba Konaté, for his leadership to guide the process in the spirit of the Ouagadougou Agreement signed on Jan. 15, 2010. The constructive contribution of Guinea's republican institutions and a large number of Guinean and international partners in advancing the transition process must also be recognized.

The electoral process was characterized by a number of positive developments since the June 27 first round elections:

- Over 1,600 additional polling stations were created, which allowed voters better access;
- The receipts used by some voters who did not receive biometric voter cards during the first round were replaced by alphanumeric cards in an attempt to reduce the possibility of fraud;
- Polling station staff, party agents, and other key actors in the electoral process received proper training on polling procedures and were better prepared to undertake their responsibilities;
- The legal framework for holding elections, including *inter alia* rules on proxy and “derogation” voting, was clearer and was communicated to concerned persons in a more timely manner;
- Voting materials were adequately distributed and, in general, contained all sensitive items. On election day, the majority of polling stations observed opened on time;
- The CENI adopted a transparent communication strategy to inform the public and dispel rumors before they spread uncontrollably;
- The inclusion of representatives of both candidates’ alliances at every step of the electoral process increased transparency and should allow both candidates and their supporters to more readily accept the results;
- Guinean institutions, religious and traditional leaders and larger society demonstrated a remarkable ability to rally around a shared ideal of peace and national unity to address incidents of violence;
- Guinean civil society played a constructive role throughout the process and fielded several thousand domestic election observers.

However, the run-off election was also marked by a number of deficiencies:

- Alphanumeric voter cards were distributed only shortly prior to the election date and were not available to a significant number of people who voted with receipts during the first round;
- While polling station and voter lists were produced and made available, they were posted just before election day, and certain non-sensitive material was missing in many of the electoral kits;
- In spite of improvements made to the tabulation process, organizational problems have not been totally resolved in the *Commissions administrative de centralisation*;
- Although the Special Force for the Securitization of the Electoral Process (FOSSEPEL) played an important role in keeping the peace and in maintaining order, observers reported instances of FOSSEPEL agents overstepping their mission, including being engaged in some polling operations;
- Election related violence, which was fueled by rumors and broke out during street demonstrations, spread across the country, causing some of the worst ethnic violence in Guinea in recent history.

Based on The Carter Center observer reports to date, the process is broadly consistent with Guinea’s international and regional obligations for genuine democratic elections. As the counting process and proclamation of results continue, it is essential that these processes go forward with maximum transparency, leading to the finalization of the

electoral process and a peaceful transfer of power. In addition, it is critical that security forces, civil society, religious communities, and the international community reaffirm and continue their commitment to Guinea's democratic development. The Center reminds both national and international media of the importance of verifying all information they report to avoid propagating inaccurate information in a volatile electoral environment.

The Carter Center recommends that various changes occur in advance of future elections, including:

- Conduct an inventory of people who held receipts during the first round and subsequently provide for proper registration of those who are indeed eligible voters, including the provision of a biometric voter registration card to all voters;
- Develop a robust and sustainable system for accurately maintaining a comprehensive national voter register;
- Provide additional education to polling station workers on voting and tabulation procedures; and
- Encourage transparency in how courts make decisions related to electoral disputes.

Center observers have been deployed in the country since May 2010 and continue to monitor the completion of the tabulation and official results process as well as any electoral disputes that may arise. The Center is committed to working closely with the Guinean authorities and people, who have warmly welcomed our presence. We hope that all Guineans will maintain their unity, calm and patience in the coming weeks in order to successfully complete this historic transition process.

While this is only one step in a long and complex process, a strong foundation is being laid for a sustainable democracy that adheres to domestic, regional and international obligations.

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.

This statement is preliminary and focuses primarily on those activities and observations that have occurred since June 30, 2010. For additional background, please refer to the Center's statement from June 29, which includes a preliminary review of the findings from the Center's long-term assessment of the Guinean electoral system and the June 27 first-round elections. A final report will be published by March 2011.

Statement of Preliminary Findings and Conclusions

THE CARTER CENTER IN GUINEA

The Carter Center Mission was led by General Yakubu Gowon, former head of state of Nigeria, and Dr. John Stremlau, vice-president of peace programs at The Carter Center. The election observation mission for the second round included eight long-term observers from six countries who assessed election preparations throughout Guinea. On election day, 30 observers from 14 countries visited 178 polling stations to observe voting and counting as well as 14 centralization commissions for tabulation. Carter Center observers continue to assess the conclusion of vote tabulation and will remain in Guinea to observe the post-election environment.

The Carter Center Election Observation Mission has been in Guinea since May 12, 2010, following an invitation from the president of the Independent National Election Commission of Guinea (CENI) and the Minister of the Administration of the Territory and Political Affairs (MATAP) to observe the election. Eight long-term observers from five countries were deployed throughout the country. For the June 27 first round election, The Carter Center deployed a 30-person observer team. The Carter Center conducts its observation mission in accordance with the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observation, which were adopted at the United Nations in 2005 and have been endorsed by 33 organizations.

POLITICAL BACKGROUND

The first round of Guinea's 2010 presidential election, held on June 27, 2010, was widely praised for its generally peaceful environment. With no incumbent or interim government candidate running, 24 candidates faced each other in a highly competitive race, where 14 of the 24 presidential candidates eventually submitted formal complaints to the Supreme Court. The official election results, reported by the Supreme Court on July 20, ultimately nullified all the votes cast in the Communes of Matam and Ratoma in Conakry and the Prefectures of Kankan, Lola, and Mandiana. As articulated in a previous statement, The Carter Center is concerned by the Court's exclusion of these almost 900,000 votes with no justification of or explanation for doing so. This resulted in a de facto disenfranchisement of approximately one third of the electorate without adequate justification. Cellou Dalein Diallo of the Union of Democratic Forces of Guinea (UFDG) and Alpha Condé of the Rally for the Guinean People (RPG) were pronounced the two frontrunners. Since neither candidate received the absolute majority required,¹ a runoff election was announced in accordance with Guinea's electoral code.

The Carter Center released a statement on July 24th that congratulated the presidential candidates and commended the settlement of disputes and the candidates' acceptance of the Supreme Court's decision.

Subsequently, two broad alliances formed around the two frontrunners. The Alliance for Cellou Dalein won the support of Sidya Touré's Union of Republican Forces (UFR), who placed third in the first round, and Abe Sylla's New Generation for the Republic

(NGR), among other parties. The Rainbow Alliance supporting Alpha Condé won the backing of Lansana Kouyaté, Papa Koly Kourouma, and Jean-Marc Telliano among other candidates.

Following the death of CENI President Ben Sekou Sylla on September 14, a leadership struggle ensued over the appointment of a new CENI President. As a result of the leadership struggle, the CENI activities were seriously affected and its bank accounts were frozen. This impacted the electoral process, preventing CENI from paying staff to verify the receipt of proper campaign materials throughout the country, providing training on proper voting card distribution, and paying per diem and fuel costs for Independent Prefecture Election Commissions (CEPIs) to supervise the distribution of materials. Furthermore, protocol distribution was delayed and regional CENI staff members threatened to boycott working the election or withhold ballots until they were paid since many had not been paid for 6-11 months.

The struggle to control the CENI and thus the electoral process was ultimately resolved by President Konaté intervening and appointing General Sangaré, a respected international elections expert, to lead the CENI on October 19, 2010. With Sangaré in office, the bank released funds, some of which CENI used to pay regional staff members for six months of work.

Because of the needed administrative changes and the contested CENI leadership, the second round was officially scheduled twice during the interim period. As each election date approached and campaigning intensified, the tension increased between the parties, which led to clashes between supporters of both parties on September 11-12 and October 21-22, and between security forces and party supporters on October 18-19. The tensions escalated in some towns of Haute Guinea and the Forest Region on October 23-25, 2010, and led to violent attacks against stores owned by suspected UFDG supporters, notably in the towns of Siguri and Kouroussa. The attacks resulted in the displacement of several thousand individuals. Following the violence, both candidates managed to prevail on their supporters to prevent any further violence.

The Carter Center recognizes the important role of Guinean institutions ranging from the President of the Transition, members of the National Transitional Council (CNT) to various government representatives, religious and traditional leaders as well as civil society representatives in mediating between both alliances and in helping to temper the most aggressive rhetoric and actions. Particularly constructive was the work of the ad hoc commission created at the initiative of the President of the Transition and the President of the CNT and comprising a representative of the Presidency, members of the National Communication Commission, the Economic and Social Council, and the CNT, as well as experts from CENI and MATAP to examine the weaknesses encountered during the June 27 poll. The 24 recommendations made by the Commission contributed significantly to improving the electoral process and to ironing out deficiencies noted in the first round. The Carter Center commends the thorough investigation of the first round's shortcomings and implementation of significant administrative changes for the second round.

A large number of international actors accompanied the electoral process in Guinea and played an important role in helping Guinean institutions overcome certain challenges. The International Contact Group (ICG) on Guinea, which had been established following the December 2008 military coup, and composed, among others, of representatives of the African Union, the Economic Community of West African States, the United Nations, the European Union, and the International Organization of the Francophonie, as well as bilateral partners including the French and United States governments, among others, played a critical role in facilitating communication between actors of the transition and providing crucial financial, human, and material support. The ECOWAS mediator for Guinea, Burkina Faso's President Blaise Compaoré, as well as other West African heads of state, intervened at critical times to assist in brokering compromises between key actors and in continuously reminding them of their earlier commitments. International efforts were marked by a constant tension between holding the run-off elections as soon as possible and the requirement for as transparent and as technically sound a process as possible. The insistence of many Guinean actors on a prolonged process that would allow for significant technical improvements and for the setting of various contentious political issues ultimately prevailed over the desire to hold the elections sooner rather than later.

LEGAL FRAMEWORK

The Carter Center assesses election activities in Guinea against its international, regional and national obligations to determine the extent to which the Guinean electoral process meets its legal commitments.

Guinea has ratified several international and regional treaties that obligate it to adhere to certain core human rights standards: the International Covenant on Civil and Political Rights;² the Convention on the Elimination of All Forms of Discrimination Against Women;³ the African Charter on Human and Peoples' Rights;⁴ the African Charter on Democracy, Elections and Governance;⁵ and the ECOWAS Protocol on Democracy and Good Governance.⁶ Guinea has also signed the Universal Declaration of Human Rights,⁷ and the African Charter on Democracy, Elections and Governance,⁸ which has not yet entered into force.

The Ouagadougou Agreement established a framework for the current transitional period. It designated General Sékouba Konaté as interim president and called for the formation of a National Transitional Council (CNT).⁹

The CNT adopted a new constitution in April 2010 that was subsequently promulgated by the President in May 2010. It was drafted with the goal of establishing a political structure and national institutions to facilitate democratic governance and respect for human rights. It provided for this and all future elections to be organized and administered by an independent and constitutionally mandated institution.¹⁰ It enshrines political rights key to the electoral process, such as the right of free association, the right to participate in public affairs, the right to universal and equal suffrage, the right to vote by secret ballot, and to freedom of expression in line with Guinea's international commitments.¹¹ Additionally, under the Constitution, citizens are guaranteed the right

of access to public information¹² and have the duty to participate in elections and to promote democratic values.¹³

A new electoral code was adopted by the CNT on May 24, 2010. Based on reforms by the CNT, a revised electoral code was published in October 2010 in Guinea's *Journal Officiel*. The Guinea Constitution and Electoral Code are consistent with various international and regional agreements to which it has committed itself. The Constitution notes in its preamble that it integrates into its text the core tenets of the major international agreements.¹⁴ Both the constitution and electoral code reinforce the principles of universal, direct, and equal suffrage to the majority of voters. The legislation also emphasizes the right for both male and female voters who have reached the age of majority to vote by secret ballot.¹⁵

Neither document, however, includes language that explicitly requires transparency to the public regarding how certain practices are carried out. Further, although the constitution provides the basis for the conduct of elections in accordance with international standards, implementation has not always been consistent. Such inconsistencies were due in part to the condensed timeline required under the Ouagadougou Agreement and the late promulgation of the electoral law, which was finalized only a month before Guineans went to the polls in June and after electoral preparations were already well underway. While necessitated by the exigencies of Guinea's transitional political situation, such a late adoption of an electoral code should generally be avoided, allowing for ample time to ensure proper implementation of the law and appropriate regulations.¹⁶

ELECTION ADMINISTRATION

An independent and impartial electoral authority that functions transparently and professionally is recognized as an effective means of ensuring citizens can participate in a genuine democratic election and that other international election obligations related to the electoral process can be met.¹⁷ Furthermore, the electoral administration should provide effective mechanisms to resolve election-related disputes before a competent, impartial and independent tribunal.¹⁸

The Guinean Constitution states that the CENI is responsible for supervising the various stages of elections in Guinea.¹⁹ The Electoral Code provides greater detail on the CENI's role and the electoral process.²⁰

The Carter Center recognizes CENI and MATAP for their efforts since June to improve election administration, as well as the critical role political party officials played in promoting changes.

The issues addressed included the addition of almost 1,700 polling stations, the printing of new alphanumeric cards for 462,000 voters who had not received biometric voter identification cards, more thorough voter education on the ballot process, and the training of polling station and vote tabulation center workers. As noted throughout this report, additional improvements in these areas are recommended for future elections.

Voter Cards

During the first round, it was believed that some 491,000 persons held registration receipts but did not receive biometric cards due to technical problems. For the most part, these people were allowed to vote with their voter registration receipt during the first round, although the rules regarding these voters were inconsistently applied. After a review of these 491,000 voters, approximately 31,000 duplicates were purged and it was found that 462,000 verifiable voters remained on the list. In collaboration with the candidates, the CENI decided that during the second round these electors would all receive alphanumeric cards to present with their receipts.

Ultimately, the 462,000 cards were delivered the week before the election and distributed to the electors. It was observed that distribution committees sometimes asked voters to submit their receipt in return for receiving the alphanumeric card. While CENI caught this mistake and ordered that all receipts be returned before election day, observers noted instances where voters attempted to vote with an alphanumeric card or a receipt only and were unable to vote.

It appears that many persons who voted with a receipt during the first round and awaited an alphanumeric card did not receive one. While it is impossible to determine the number of persons affected, many of these persons may have properly registered but their data was lost and not recorded in the electoral registration system. The Carter Center believes that such deficiencies are due to technical problems and has not seen evidence of systematic manipulation or fraud.

VOTING

The way in which the voting process unfolds is crucial to revealing whether that election remained true to core democratic obligations. International and regional laws maintain that democratic voting processes should ensure universal suffrage to voters,²¹ maintain secret ballots²² and be free of discriminatory practices that prevent persons from voting, including displaced persons.²³ Good practice documents on voting recommend that states ensure adequate access to all voters in polling stations.²⁴

The Guinean Constitution and the Electoral Code both support Guinea's international and regional obligations regarding voting procedures and do not appear to contradict them.²⁵

Voting took place in a generally peaceful atmosphere, as voters eagerly participated in Guinea's continuing transition to a democratic government. The bulk of Guineans voted early, forming lines of 50 – 200 voters before the polls opened. Most polling stations visited by Carter Center observers opened on time, and nearly all were operational within thirty minutes of scheduled opening times. In general, slight delays were the result of missing non-sensitive electoral items or simple tardiness by polling station staff. Despite early concerns in some regions of long wait times, most stations moved through their lines quickly, with few electors remaining in line after the closing of polls.

Polling Stations

Observers noted some election improvements that caused implementation problems on election day, particularly related to polling stations. CENI increased the number of polling stations in areas where voters traveled long distances in the first round and where polling stations were located in religious sites and military garrisons, a violation of the electoral code. While this reduced the distance some voters had to travel, this led to incorrect polling station information on some voter cards. For future elections, The Carter Center recommends the distribution of biometric cards to all voters that include proper polling station information.

A large majority of polling stations were free from obstructions and accessible to disabled voters. Most layouts of polling stations protected the validity of the vote, though a few unfortunately placed polling booths near windows thus providing an opportunity for voting to be viewed from outside the stations. By adding over 1,600 new polling locations, the polling stations themselves were generally convenient to electors; however in some prefectures, such as Forecariah, observers noted that the average distance walked to vote was five to seven kilometers, with some voters travelling fifteen kilometers by foot. Most other sensitive and non-sensitive election materials were available throughout the country. Despite pre-election concerns of insufficient numbers of ballots or envelopes, Carter Center observers reported no instances of electors being turned away for lack of ballots or of votes being counted as invalid due to lack of an envelope. The Carter Center recommends that CENI continue to assess polling center locations to prevent the potential disenfranchisement of voters who have to travel significant distances to exercise their right to vote and ensures proper distribution of election materials to all polling stations.

Poll Workers

While isolated incidences of voting delays and long wait times were reported, observers acknowledged the intent of polling station workers to comply with the voting procedures as the reason for most delays. Poll workers received an additional one to three days of training before the runoff to clarify issues from the first round that likely contributed to the long lines, delayed openings and most importantly, a significant number of invalid ballots. Such training was evident, as observers noted almost no problems with handling proxy, assisted and derogation voting, dealing with unexpected scenarios, and applying consistent criteria for invalidating ballots, which was a problem noted in the Center's First Round Preliminary Report. Nevertheless, accounts of electoral staff failing to check voter's fingers for indelible ink as reported by The Carter Center after the first round and not recording the numbers of the seals on ballot boxes were noted. The Carter Center encourages additional training for future elections on these two procedures.

Proxy and Derogation Voting

For the second round, new proxy voting provisions were determined, imposing a limit of five proxy votes per polling station and requiring requests to be submitted to local

electoral commission representatives in advance.²⁶ While this specification was recommended after the first round and the political parties agreed to it, the timing of the decision and the date of the runoff election overlapped with the departure of about 7,000 voters for the El Hadj pilgrimage to Mecca. The pilgrims were allowed to vote by proxy but it is questionable whether all were able to follow this procedure due to the late notice and lack of information about the proxy procedure. Additionally, the number of voters allowed to vote in a polling station other than the one where they were registered, referred to as derogation, was limited to 10 persons per station.²⁷ The Carter Center recommends further improvement of proxy and derogation voting procedures to prevent opportunities for fraud and protect all voters' right to participate in the election of their government officials.

Alphanumeric Cards

Observers heard a number of complaints about the distribution and/or absence of alphanumeric cards. Observers found figures regarding the number of voters who voted with receipts during the first round and did not receive an alphanumeric card with which to vote in the second round difficult to determine. More often, members of Independent Prefectural Electoral Commissions (CEPI), Independent Sub-prefectural Election Commissions (CESPI), and/or Independent Communal Electoral Commissions (CECI), as well as political party agents, made references to missing cards. Observers witnessed no inconsistencies with the application of the alphanumeric and receipt voting requirement and noted that most voters accepted this change. The Carter Center credits the use of billboards and radio stations to communicate this change to voters for reducing and preventing much confusion over the new process.

Political Party Agents

Electoral procedures were established to allow party agents and domestic observers at each polling station to observe the voting process and record any concerns for legal scrutiny.²⁸ Political party agents in polling stations were reportedly engaged, vigilant, and satisfied with the voting process, with observers only reporting official complaints in two of the stations observed. In certain political party strongholds, however, observers and political party officials reported party agents being rejected by the local administrative authorities or refused access to perform their functions in polling stations. For instance, RPG party *assesseurs* with official CENI accreditation were not allowed into parts of UFDG strongholds in the coastal and Fouta Djallon regions to perform their role in the polling stations. In Kindia and Gaoul, a similar situation occurred, but RPG *assesseurs* were eventually allowed to perform their function. In another case, local administrative authorities rejected RPG party agents intended for Téli-mélé, sending them back to Boké. The UFDG expressed security concerns for its agents in Siguiri and other areas affected by violence on October 23-24. Despite these instances, observers reported both parties' observers present in almost all polling stations and acknowledged their spirit of cooperation in most cases. The Carter Center commends the adherence to these safeguards of transparency and congratulates the political parties on their efforts in deploying the large number of agents who were observed at the polling stations.

Security

The presence and role of FOSSEPEL security forces varied throughout Guinea. Observers reported that they were rarely present in rural areas; yet there were as many as 10 FOSSEPEL members in and around some small polling stations in Conakry. Throughout the country, many FOSSEPEL were observed apparently in violation of the spirit of electoral law by being positioned inside the polling stations, and in Siguiiri, observers estimate that three-fourths of all FOSSEPEL were armed. The most alarming observation of FOSSEPEL forces took place in Boké where election security officials failed to pursue individuals who were throwing rocks at a polling station; instead they attacked a patio of a nearby cafe. Bystanders were left visibly shaken, but no injuries were reported. The Carter Center would like to recommend an investigation of this incident and will conduct further inquiries regarding the number and composition of FOSSEPEL forces deployed throughout the country.

Displacement

The CENI was presented with a last minute difficulty as a result of the displacement of people from Siguiiri, Kouroussa and Kisidouougou following the violence of October 23-24. These persons were allowed to vote in some districts in the Fouta Djallon. To allow their participation, observers noted that the displaced voters had to be from certain prefectures and show their biometric cards, which included their photo and home region, before being permitted to vote. While The Carter Center hopes that displaced persons will not be an issue in future elections, the Center recommends CENI prepare for any such future incidences by developing a consistent policy on how displaced persons will exercise their right to vote.

COUNTING

The accurate and fair counting of votes post-election plays an indispensable role in ensuring the electoral process is democratic. International and regional agreements recommend that votes be counted by an independent and impartial electoral management body²⁹ whose counting process is public, transparent³⁰ and free of corruption.³¹

In Chapter VII of the Guinean Electoral Code, there is no specific language requiring CENI to be open and transparent in presenting its method for tallying votes.³² Only in the event of a contestation of results does it seem that such presentation may be required, although this is also unclear.³³

The Carter Center observed the close of polls and the counting process in polling stations across the country. Observers noted considerable improvements in poll station workers' understanding of the vote counting and tabulation protocols required by CENI as compared to the first round. At the level of individual polling stations, counting proceeded much quicker than during the first round. This was likely due to the presence of only two candidates on the ballot and further training on counting and tabulation.

Observers noted two significant areas where The Carter Center encourages further

education and training for poll workers. Regarding protocol preparations, most poll station workers were confused about proper procedures and had to constantly refer to the *Guide Pratique du Bureau de Vote*, resulting in delayed transport of results to centralization committees. Second, there were frequent observations of polling station staff failing to count the number of voters who signed the *liste d'emargement* during the count. This list, which should account for every voter who cast a ballot, was designed to be compared to the number of ballots cast in order to ensure against repeat voting or ballot box stuffing. In addition, polling staff generally did not distinguish between spoiled and invalid ballots and occasionally would revise the recorded number of ballots received from CENI to match the number of ballots that they were in possession of at the end of the day, though the discrepancy was never more than ten ballots. In the cases observed by The Carter Center, the discrepancies in the vote count process did not appear to significantly undermine the integrity of the process, but did complicate centralized vote tabulation and the transmission of results.

In an effort to improve the process of transmitting ballots and protocols, the CENI created Reception Commissions to receive results' protocols and ballots from polling stations, sort them, and forward them to the Centralization Commissions for each prefecture, as well as CENI and MATAP in Conakry.³⁴ In the first round, the Centralization Commissions did not have procedures in place to receive the ballots and 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 ballot tampering.

Carter Center staff and observers who were present for the first round all agree that the centralization process made great improvements. Many centralization commissions moved quickly through the process, often transmitting up to half of all results within 24 hours of polls closing. The centralization process remained transparent, perhaps to a fault; members of both parties played subtly obstructionist roles in a few commissions by either demanding irregular and lengthy breaks or through onerously persistent questioning. There is a commonly observed problem in the transmission of results process as many polling stations are taking well over an hour to follow correct procedure, particularly with regard to the validation and sealing of protocols. Though these problems affect less than one percent of polling stations, in at least one case, improper handling of the result sheets led to invalidation of an entire polling station's results. However, there appear to be far less invalid ballots than in the first round, with observers usually finding between one and five percent of total ballots being discarded from the polling stations sampled. A more commonly observed issue was the benign, retroactive altering of results sheets so that the numbers of votes cast for each candidate would equal the number of ballots cast in cases where the results were improperly recorded. This erroneous practice does not have the potential to affect the validity of the results as it was non-partisan in nature and affected only a handful of votes every few hours. There is no universal schedule for the centralization process; therefore different centralization commissions are working on different timetables and results are being made available without regularity or predictability. Carter Center long term and short term observers remain in the field to view the process. Furthermore, FOSSEPEL members are present inside of all observed centralization offices and are at times directly handling results forms.

The tabulation of election results is still being conducted and a final vote count has not yet been announced. The Carter Center will continue to observe this process until its completion.

The Guinea Electoral Code notes that all candidates can file a complaint within eight days after election results are announced.³⁵ It is important for the Supreme Court to ensure a timely and transparent review of all claims. The Carter Center will monitor the process of resolving any election disputes.

VOTER REGISTRATION

Voter registration is recognized as essential to the effective exercise of the right to vote. International law encourages registration be carried out in an open manner that provides universal and equal suffrage to all eligible citizens,³⁶ barring the government having a reasonable basis for restricting that right.³⁷ Regional laws support this standard by asserting that democratic elections open to all citizens are the basis of any representative government.³⁸

The Guinea Constitution and the Electoral Code maintain Guinea's international and regional obligations of ensuring universal and equal suffrage³⁹ to citizens unless there is a reasonable basis for exclusion.⁴⁰ Unlike many of its international and regional obligations, neither the Code nor the Constitution place great emphasis on ensuring that the registration process is transparent and open.

The 2008 voter list was updated between March 22 and April 26, 2010, resulting in the registration of 4.2 million eligible voters. While the process reflected a good faith effort to extend suffrage to eligible voters in accordance with national, regional and international commitments, numerous technical problems and poor implementation resulted in some who registered not receiving the necessary voting cards. The results of the voter registration process plagued electoral preparations throughout the entire process. The Carter Center encourages Guinea to develop robust and sustainable systems for developing and maintaining an accurate and comprehensive national voter register, conducting such exercise in compliance with their law and before any future election.

CANDIDATES, PARTIES AND THE CAMPAIGN ENVIRONMENT

Equitable treatment of candidates and parties during an election as well as the maintenance of an open and transparent campaign environment are important to protecting the integrity of the democratic election process. All citizens who meet core eligibility requirements should be permitted to run for an elected office.⁴¹ Additionally, candidates and parties alike should be free to express their views without undue influence from the state.⁴²

The Guinean Electoral Code is consistent with its international obligations as it only places reasonable restrictions on these rights. In addition to the code, the two run-off

candidates signed the Ouagadougou Protocol of Understanding for a Peaceful election under the facilitation of Burkina Faso's President Compaoré on September 3, 2010.

While generally peaceful and without incident, the campaign environment for the run-off was interrupted because of violence. The campaign officially started on September 7, 2010. After violent clashes between supporters of both candidates in Conakry on October 11 and 12, campaigning was suspended in order to restore calm and security. The Prime Minister's decisive action in that situation possibly contributed to preventing a further escalation of campaign-related violence. Campaigning resumed only on October 11 and ended on October 22 at midnight. Given that many violent clashes between party supporters were triggered by large street rallies, it was a wise decision not to resume campaigning after October 22. In fact, many actors and even party members told The Carter Center that they would have favored limiting campaigning to small and closed public spaces instead of allowing large rallies.

MEDIA ENVIRONMENT

The media play an indispensable role during democratic elections by educating voters and political parties about major issues, thus giving them access to information so they can make a truly informed decision. International and regional principles require that all persons have the right to receive and seek information.⁴³ Accordingly, it follows that states should not unnecessarily limit people's access to information provided by the media, and members of the media environment in turn should feel free to inform citizens of issues they deem important without fear of penalty or persecution.

The Guinean Constitution reinforces the freedoms promoted by international and regional treaties in regard to the freedom of people to receive, seek and transmit information⁴⁴ and specifically guarantees the freedom of press.⁴⁵

Similar to the first round election, the media reported on election-related events free of government interference. State-run *Radio Télévision Guinéenne* (RTG) offered equal access to both presidential candidates and their alliances. It made a multi-media team available to each candidate comprised of television and radio journalists and technicians to record campaign events and report on them in the news programs. Each of the alliances received a daily ten-minute slot for their campaign statements and spots after the evening news.

The Carter Center commends most of the major private radio stations for offering balanced reporting on both campaigns. On occasions when radio stations or newspapers across the country used overly partisan and exclusionary language, the media control body of the National Communication Council (CNC) urged media outlets to restrain their message. In efforts to self-regulate their profession, regulatory bodies such as the Union of Free Radios and Televisions of Guinea (UTELGUI) also intervened to call upon their members to properly fact-check reports and provide balanced reporting.

Unfortunately, these commitments for responsible reporting by media organizations broke down during the times of the gravest violent incidents. Notably, when

approximately 120 RPG supporters fell sick during the final RPG campaign rally on October 22, rumors about deliberate poisoning of RPG supporters by their opponents' camp spread quickly across the country. Some media outlets reported these incidents without properly checking facts. According to several observers, this contributed significantly to the outbreak of violence against suspected UFDG supporters in Upper Guinea and the Forest Region. Some of the most virulent language continued to be used on websites hosted outside of Guinea and thus outside of the jurisdiction of the CNC, creating challenges for quality control and regulation.

Many internationally sponsored initiatives contributed significantly to more professional and reliable reporting in the Guinean media. Most notably, Search for Common Ground, with funding from the U.S. Government and multilateral institutions, worked closely with rural radio stations across the country on professional, balanced and non-partisan radio programming on the elections and on the importance of peace and reconciliation in Guinea. Still further, *Radio France Internationale* (RFI) provided training for radio journalists. On election day, all private radio stations committed to synchronizing their radio frequencies under the joint label of "Radio FM Guinée 2010" to report the same information on election day. This remarkable effort also received significant support from the U.S. Government, the European Union, the French and U.S. embassies. Finally, the French, U.S. and EU-sponsored *Maison de la Presse*, set up to offer Guinean journalists a well-equipped location for research, information sharing and holding press conferences, played an important role in more professional and accurate reporting on election-related issues.

PARTICIPATION OF WOMEN

Women have a fundamental right to participate in the public affairs of their state, of which the election process comprises a part.⁴⁶ States have international and regional obligations to allow women to participate in various stages of the electoral process. States are encouraged to take special temporary measures to achieve *de facto* equality for women,⁴⁷ including using quotas to ensure female participation in public affairs.⁴⁸

The Guinean Constitution notes that the state should respect the fundamental human rights of others in accordance with many ratified treaties (such as the Protocols relating to women's rights in the African Charter on Human and People's Rights⁴⁹) and states that women are to be treated equal to men.⁵⁰ Further, the Electoral Code notes that suffrage is to be universal, direct, equal and secret, supporting the notion that voting should be open to men and women equally.⁵¹

During the runoff election period, women played a prominent role in maintaining the peace. One of the most widely publicized election events was a government-organized meeting of military officers' wives and the candidates' wives to publicly stress their and their husbands' desires to see Guineans united in the future. Following a series of violent outbreaks President Konaté's wife and the wives of the two candidates reached out to mothers to educate their families about the importance of peace.

Women were also participants in the voting process as polling station staff, party

representatives, and domestic observers. There are also women working for the CENI and its *démembrements*. At the national level, however, only two of the 25 CENI commissioners are women.⁵² During electoral training, women appeared to play a less prominent role. For instance, observers in Kankan reported that out of 140 polling station officials at a training, only two were female. Women fared better elsewhere in Upper Guinea where observers counted 29 women out of 104 in a political party delegates' training.

While The Carter Center observed no obvious barriers to women's participation in the electoral process, the Center feels that more should be done to ensure women's right to participate in their country's public affairs. In the upcoming legislative elections, Guinea has the opportunity to ensure one-third of the legislative body is comprised of women, in accordance with their law and international commitments. The Carter Center encourages Guinea to uphold this legal commitment and requests the government take additional steps to ensure women's full participation in the entire political process.

PARTICIPATION OF MINORITIES

The participation of minorities in the electoral process is important to ensuring election results truly reflect the will of all persons in that nation. International and regional laws thus require that elections be held by universal and equal suffrage.⁵³ These laws also require states to make provisions allowing disabled persons to participate in the voting process.⁵⁴

At the national level, the Guinean Constitution falls in line with international and regional obligations by encouraging universal and equal suffrage to all eligible citizens,⁵⁵ and by discouraging acts of discrimination against its citizens.⁵⁶

During the first and second rounds, CENI primarily relied upon organizations like IFES to engage persons with disabilities in the electoral process.⁵⁷ The Carter Center recommends CENI and other government agencies take steps to be more inclusive of persons with disabilities in the electoral process. Potential steps include ensuring polling stations are accessible, education materials and voter education training are available, and proper assistance is provided in helping persons exercise their right to vote.

CIVIL SOCIETY AND DOMESTIC OBSERVATION

It is crucial in any true democratic election process that members of civil society and domestic observation groups be free to actively participate in the electoral process, since it is the will of the people in a society that determines who will be elected.⁵⁸ International and regional obligations require that states not hinder this freedom in any manner.⁵⁹

In adhering to core international and regional human rights principles, the Guinean Constitution and the Electoral Code both encourage active participation by all members of civil society during the electoral process.⁶⁰ In practice, there appears to be little to no

impediments to their involvement in the election process, for which Guinea is to be strongly commended.

Following the first round, civil society organizations published an assessment of the election process, making recommendations for improvements. While the impact of the assessment is unknown, the document was highly regarded and effectively identified critical issues. The Carter Center encourages civil society and domestic observer organizations to continue their evaluation of and reporting on future election processes.

During the runoff, a number of civil society groups fielded domestic observers, including CODE, CNOSCG, REGOEL, IRDED, and others. CNOSCG and CODE gathered a parallel set of election results. IRDED trained security forces on human rights practices as well as trained journalists on code of conduct and election reporting.

While not observed first hand by Carter Center observers, there were reports of domestic observers being denied entry into a polling place or being intimidated by party, electoral, or government agents.

The Carter Center commends the dynamic and engaged civil society organizations in Guinea and encourages their further integration into the election system. Through their involvement, Guinea can continue working towards a long-term, sustainable democratic election system.

VOTER EDUCATION

Voter education is seen as one of the principal means to ensure that the electorate is well-informed and can thereby exercise its free will by voting in elections.⁶¹ International law encourages state support of voter education efforts.⁶² Regional law also reinforces this international norm by encouraging states to provide and not restrict citizen access to information.⁶³

Under the Guinean Constitution, voters have the right to receive, seek and impart information.⁶⁴ However, neither the Guinean Constitution nor Electoral Code impose upon the state a duty to provide voter education prior to elections.

The Carter Center commends CENI, government officials and international organizations for their efforts to educate voters. In the Fouta region, government officials from almost all of the prefectures met with community leaders to discuss the importance of peace, and in some cases, they provided a ballot sample and showed voters how to use it. International organizations, such as IFES and Search for Common Ground, educated voters on the importance of peace during the extended interim period and about new procedures developed to address issues from the first round. They used workshops, posters, TV spots, caravans, street theatre, and football matches to reach a diverse demographic of voters.

As reported in our First Round Preliminary Report, the short timeframe and limited funding for the election have inhibited CENI's ability to conduct more widespread

education or ensure coherent messaging. Consequently, Carter Center observers found examples of mistaken information.

While non-governmental organizations may have a role in the education of the electorate, it is ultimately the responsibility of the state to ensure that non-partisan information is available to the electorate. In the case of the Guinea 2010 elections, the CENI relied to a large extent on external actors including civil society, political parties, and the international community, to provide this service. The Carter Center encourages CENI to develop and conduct more extensive voter education efforts in preparation for future elections.

The Carter Center conducts election observation in accordance with the Declaration of Principles of International Election Observation and Code of Conduct for International Election Observation adopted at the United Nations in 2005.

The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 65 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. Visit: www.cartercenter.org to learn more about The Carter Center.

¹ Guinea Constitution, art. 32 (May 2010) (Constitution).

² Ratified January 24, 1978.

³ Ratified August 9, 1982.

⁴ Ratified February 16, 1982.

⁵ Ratified...

⁶ Ratified...

⁷ Signed 1958.

⁸ May 9, 2007.

⁹ Ouagadougou Agreement (January 2010).

¹⁰ United Nations Human Rights Committee, General comment (UNHRC General Comment) 25 on The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Services, para.4.

¹¹ International Convention on Civil and Political Rights (ICCPR), art. 25(b).

¹² Constitution, art. 7.

¹³ Constitution, art. 22.

¹⁴ Constitution, Preamble; It is worth noting however, that in the recently amended version of the Constitution, received November 5, 2010 by the Carter Center, key text is missing. The Preamble, which notes the key objectives the Constitution seeks to promote, leaves out “democracy and good governance” - text which was included in the May 7, 2010 version. It is not clear whether this was an accidental or intentional deletion.

¹⁵ Constitution, art. 2; Electoral Code, art. 3.

¹⁶ The ECOWAS Protocol on Democracy and Good Governance states that “No substantial modification shall be made to the electoral law in the last six (6) months before the elections except with the consent of a majority of Political actors.”

¹⁷ UNHCR, General Comment 25, para. 20.

¹⁸ Signed, 1958

¹⁹ Constitution, art. 2.

²⁰ See generally, Electoral Code. The Electoral Code was amended on November 5, 2010 with revisions made to key provisions regarding the use of ballots both with and without envelopes. Electoral Code, arts. 75, 77, 79, 80 and 81.

²¹ African Charter on Democracy, Elections and Governance (African Charter), art. 4(20). States may, however, put in place reasonable restrictions regarding who can vote including, a criminal conviction; ICCPR, art. 25(b); International Convention on the Elimination of All Forms of Racial Discrimination (ICEFRD), art. 5(c).

²² ICCPR 25(b).

²³ African Charter on Human and Peoples' Rights, art. 2.; ICCPR, art. 25; (ICEFRD), arts. 1 & 5(c); Good Practice guides suggest that if persons have been displaced in advance of voting, the possibility should exist for them to return on election day to cast their ballot. UN Guiding Principles on Internal Displacement, Principles 1 and 29; Code of Good Practice in Electoral Matters, sec. I.1.1.6.c.

²⁴ EU Handbook for European Union Election Observation, Second Edition, pg. 75. To ensure easier access, minimize waiting time and enhance efficiency there should be as many polling stations as population density and settlement patters around. EISA and Electoral Forum of SADC Countries, Principles for Election Management, Monitoring and Observation in the SADC Region (EISA/SADC), 24. The persons to whom states must provide adequate voting access also includes persons with disabilities who require special accommodation. UN Convention on the Rights of Persons with Disabilities, art. 29(a)(i); EISA and Electoral Forum of SADC countries, p. 23.

²⁵ Constitution, arts. 146-149; Electoral Code, arts. 3 – 5.

²⁶ CENI-MATAP Joint Decision No.392 of 12 October 2010

²⁷ CENI-MATAP Joint Decision No.381 of 5 October 2010

²⁸ The Carter Center Election Observation Mission to Guinea: Preliminary Report June 29, 2010, pg. 11

²⁹ African Charter , art.17(1); African Union Declaration on the Principles Governing Democratic Elections in Africa, para. II(4c); ECOWAS Protocol A/SP1/12/01 on Democracy and Good Governance, Supplementary to the Protocol Relating to the Mechanism for Conflict, Prevention, Management, Resolution, Peacekeeping and Security, (ECOWAS Protocol), art. 3; UNHRC General Comment 25, para. 20.

³⁰ African Regional agreements primarily serve as the source for laws regarding this obligation. African Charter, art. 3(8); African Union Declaration on the Principles Governing Democratic Elections in Africa, Principle II(4c); Further, electoral documents should be publicly accessible and accurate. International IDEA Code of Conduct: Ethical and Professional Administration of Election, p. 14.

³¹ African Union Convention on Preventing and Combating Corruption, arts. 3(3) and 7(4); ECOWAS Protocol on the Fight Against Corruption, art. 5d; United Nations Convention Against Corruption, art. 18

³² Constitution, Ch. VII.

³³ Electoral Code, arts. 165 – 167.

³⁴ CENI-MATAP Joint Decision No.384 of 5 October 2010

³⁵ Electoral Code, arts. 165 – 167.

³⁶ ICCPR, art. 25(b);

³⁷ UNHRC, General comment 25, para. 10.

³⁸ African Unjon Declaration on Principles Governing Democratic Elections in Africa, art. 1; African Charter on Democracy, Elections and Governance, art. 3(3); African Charter on Human and Peoples' rights, art. 2.

³⁹ Constitution, arts. 5 – 8; Electoral Code, Chapter 3 (generally).

⁴⁰ Electoral Code, art. 7. Guinea's basis for exclusion are: residency requirements; age and restrictions pertaining to criminal convictions. In the OSCE's Good Practice Guide, Existing Commitments for Democratic Elections in OSCE Participating States, p. 59, they note that limitations on suffrage tend to fall in four categories: 1) minimum age; 2) citizenship requirements; 3) residency requirements and 4) loss of franchise due to mental incapacity, criminal conduct or other factors. Any limitation must be scrutinized as to whether it is clearly justified.

⁴¹ African Charter on Human and People's Rights, arts. 2 and 13(1); Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, art. 9(b); ICCPR, art. 25(b); International Convention on the Elimination of All Forms of Racial Discrimination, art. 5(c). Note though that international agreements do permit states to place reasonable limits regarding who may run for office, for example – formally incarcerated persons. United Nations Human Rights Committee, General Comment 25 on The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service, paras. 4 and 15. Additionally, international law condones state action, such as maintaining election quotas, taken to advance ethnic and minority groups who have suffered past discrimination so long as the special measures end once the objectives have been met. ICEFRD, arts. 1(4) and 2(2).

⁴² ECOWAS, Protocol arts. 1(k) and 22; ICCPR, art. 19(2); International Convention on the Elimination of All Forms of Racial Discrimination; AU Declaration on Principles on Freedom of Expression in Africa, art. 1.1; UN

Human Rights Committee, General Comment 25 on The Right to Participate in Public Affairs, Voting Rights and Equal Access to Public Service, para. 25.

⁴³ Everyone shall have the right of freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds...either orally, in writing or in print, in the form of art, or through any other media of his choice. ICCPR, art. 19(2); United Nations Convention Against Corruption, arts. 10(a) and 13(b).

⁴⁴ Guinea Constitution, art. 7.

⁴⁵ *Id.*

⁴⁶ Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) to take part in the conduct of public affairs, directly or through freely chosen representatives. ICCPR, art. 25; African Charter on Human and Peoples' Rights, art. 13(1); Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, art. 9(1); ECOWAS Protocol A/SP1/12/01...art 1(d); Convention on the Elimination of All Forms of Discrimination Against Women, art. 7(b).

⁴⁷ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), arts. 3, 4 and 7; State parties shall take all possible measures to encourage the full and active participation of women in the electoral process...African Charter on Democracy, Elections and Governance, art. 29(3); ECOWAS Protocol, art. 40.

⁴⁸ CEDAW Committee, General Recommendation No. 5 paras. 15, 29 and 33; EISA/SADC, p.10.

⁴⁹ Constitution, Preamble, Titles XVI and XVII.

⁵⁰ *Id.* at art. 9.

⁵¹ Chapter 1, Electoral Code

⁵² The Carter Center Election Observation Mission to Guinea: Preliminary Report June 29, 2010, pg. 12.

⁵³ African Charter art. 4(2); ICEFRD, art. 5(c); ICCPR, art. 25(b).

⁵⁴ UN Convention on the Rights of Persons with Disabilities, art. 29(a); UNHRC General comment 25, para. 10.

⁵⁵ Constitution, art. 1.

⁵⁶ Constitution, arts. 5, 7, 8 and 10.

⁵⁷ Working with the Guinean Federation for Handicap People, IFES conducted voter education in local sign languages about the Constitution, their rights and responsibilities, voting procedures, and the Electoral Code. On the election day, IFES provided person with disabilities fuel, driving passes and badges so that they could observe the voting process.

⁵⁸ ICCPR, art. 25(b); UDHR, art. 21(3).

⁵⁹ African Charter on Human and Peoples' Rights, art. 12(3).ICCPR, art. 12(2).

⁶⁰ Constitution, Preamble and Electoral Code, art. 2, Chapters 1 and 2. Neither the Constitution nor the Electoral Code directly reference Domestic Observer organizations but the Constitution does not that CENI has broad duties to establish rules and regulations to occur during elections. Constitution, arts. 132 and 133.

⁶¹ African Charter, art. 3(4); ICCPR, art. 25(b); UDHR, art. 21(3);

⁶² ICCPR, art. 19(2); United Nations Convention Against Corruption, art. 10(a). & 10(b).

⁶³ African Union Convention on Preventing and Combating Corruption, art. 9.

⁶⁴ Constitution, art. 7.