



Carter Center Preliminary Statement on the Liberia Presidential Run-Off Election

FOR IMMEDIATE RELEASE

Nov. 10, 2011

Contacts: Atlanta, Deborah Hakes +1 404 420 5124; Monrovia, Alexander Bick +231 880 326 379 or press@liberia.cceom.org

Executive Summary

The Carter Center's election observation mission finds that Liberia's Nov. 8 presidential run-off election was conducted in general accordance with Liberia's legal framework and its international obligations for democratic elections. Regrettably, the election was marred by an opposition boycott, violence on the eve of the election, and low voter turnout.

From a technical perspective, the election was well-administered and on the whole polling staff carried out their duties admirably at polling stations throughout the country. The process was conducted transparently, with domestic and international observers having access to all stages of the electoral process. These positive aspects build upon the National Election Commission's (NEC) performance in the first round and auger well for Liberia's technical capacity to conduct credible and transparent elections in the future.

However, the events of the past week show that important challenges to Liberia's democratic consolidation remain. The opposition's decision to boycott the run-off was based on their assertion that the overall election process was significantly flawed. These claims remain unsubstantiated. In addition, the Liberian National Police's (LNP) use of deadly force in an action against the headquarters of the Congress for Democratic Change (CDC) on Nov. 7, together with the closure of three media outlets, eroded confidence and contributed to an atmosphere of fear, particularly in Monrovia. These events suggest a significant failure of the political process to resolve electoral disputes peacefully within the framework of the law.

To address these challenges, the Center suggests a number of urgent steps: (1) We welcome President Ellen Johnson-Sirleaf's statement that there should be an investigation into the events of Nov. 7. This investigation should be carried out in a timely manner by an independent body to ensure a credible and transparent inquiry with full accountability. (2) All parties should respect the official election results, pending the resolution of any legal challenges. (3) Liberian political leaders should redouble their efforts for a genuine and inclusive political dialogue leading to national reconciliation and governance reform.

The main findings of the Center's mission include:

- The first round of the presidential election held on Oct. 11 was found by international and domestic observation groups to be credible, transparent, and without evidence of significant irregularities or systematic fraud. Since none of the 16 candidates received 50 percent plus one of the votes, the top two candidates, Ellen Johnson-Sirleaf of the Unity Party (UP) and Winston Tubman of the CDC automatically qualified for the run-off election held on Nov. 8;
- In spite of the quality of the first round, the CDC decided to boycott the run-off election. While voting is a right, rather than an obligation, and a party is free to encourage its supporters not to participate, there is no legal provision in Liberia for withdrawing in between the first and second round of the election. The CDC's decision to boycott essentially denied the Liberian people a genuine choice within a competitive electoral process;
- The legal provisions regarding the date of the run-off are not harmonized with the period in which results from the first round may be challenged and adjudicated. In practice, the NEC failed to issue decisions on several first round presidential complaints prior to the holding of the run-off;
- The CDC's march on Nov. 7 violated provisions of the Code of Conduct for Political Parties that prohibit parties from undertaking election-related activities within 24 hours of the polls and was without proper authorization. While the march began peacefully, it rapidly degenerated into a confrontation between CDC supporters and the LNP that included CDC supporters throwing stones, police firing tear gas, and later, an action by the LNP against the CDC headquarters. Eyewitness accounts and video strongly suggest that the LNP used excessive force and fired weapons on unarmed persons, resulting in several deaths. Peacekeeping forces deployed by the United Nations Mission in Liberia (UNMIL) played a critical role in restraining the LNP and restoring order;
- Events at the CDC headquarters were followed by the detention of more than 80 alleged CDC supporters, the closure of three media outlets, and the drawing up of a list of individuals whose travel outside the country has been banned. On Nov. 9, all detainees were released;
- The atmosphere on election day was subdued in Monrovia but largely calm throughout the rest of the country. Although voter turnout appeared to be significantly lower than in the first round, many Liberians, including some CDC supporters, were determined to participate and they are to be commended for their commitment to the democratic process;
- Carter Center observers reported that almost all polling stations throughout Liberia's 15 counties opened on time and that voting and counting were generally well-administered and transparent. Domestic observers were present in 52 percent of polling places observed. In the absence of CDC's party agents, the Liberian domestic observers provided an especially important safeguard for the integrity of the process;

- The Center finds that Liberia’s run-off election was conducted in general accordance with the country’s legal framework and international obligations, which provide for genuine democratic elections. While the run-off was undermined by the CDC boycott, the eruption of electoral violence, and low voter turnout, it allowed Liberians who wished to participate to express their will in a transparent and credible process. The Carter Center expresses its regret at the loss of life during this electoral period.

BACKGROUND

The Carter Center launched its election observation mission in Liberia in early September 2011, following an invitation from the NEC. Eight long-term observers from five countries arrived in Liberia in early September to assess campaigning and electoral preparations.

As in the first round, The Carter Center and Electoral Institute for Sustainable Democracy in Africa (EISA) partnered to deploy an integrated mission of 52 observers from 20 countries who visited polling stations in all 15 counties. The Carter Center delegation was led by General Dr. Yakubu Gowon, former head of state of Nigeria, along with Dr. John Stremlau, Carter Center vice president for peace programs.

The Carter Center assesses Liberia’s elections against its obligations for democratic elections contained in the Constitution, the Elections Law, and other relevant parts of the legal framework, as well as its obligations under international law. The Carter Center conducts its election observation activities in accordance with the Declaration of Principles for International Election Observation, which was adopted at the United Nations in 2005.

This statement is preliminary and focuses on the period surrounding the run-off election. The Center will continue to monitor the tally process and resolution of electoral disputes.

This statement supplements previous Carter Center reports covering the campaign period; the voting and counting process; and the tallying process. A comprehensive final report, including detailed recommendations, will be published within four months of the end of the electoral process.

#####

"Waging Peace. Fighting Disease. Building Hope."

A not-for-profit, nongovernmental organization, The Carter Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers in developing nations to increase crop production. 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.



Statement of Preliminary Findings and Conclusions

POLITICAL BACKGROUND

In the presidential election on Oct. 11, 2011, incumbent President Ellen Johnson Sirleaf of the Unity Party (UP) and Congress for Democratic Change (CDC) Standard Bearer Ambassador Winston Tubman won the two highest shares of the vote, 43.9 percent and 32.7 percent, respectively. This qualified them to participate in the presidential run-off, held on Nov. 8. Prince Johnson, Standard Bearer for the National Union for Democratic Progress (NUDP), won 11.6 percent and Charles Brumskine of the Liberty Party (LP) won 5.5 percent. The remaining 12 parties won a combined share of 6.3 percent.

Following that election, The Carter Center reported that election day had been free from violence, transparent, and well-administered. These findings were supported by similar statements by international observer missions organized by the Economic Community of West African States (ECOWAS), the African Union (AU), and EISA (Electoral Institute for Sustainable Democracy in Southern Africa), along with domestic observers from the Elections Coordinating Committee (ECC), the Liberian Council of Churches (LCC), the Mano River Union Peace Network (MARWOPNET), and others. A subsequent report by The Carter Center found that the tally process, though marked by numerous computational and other minor irregularities, accurately reflected the results of the election and was free from evidence of systematic fraud.

Despite the findings of observers, on October 15 nine opposition political parties, including the CDC, rejected the results of the election and withdrew their party agents from observing the tally on account of “massive flaw[s]” in the electoral process. Among their complaints were that the NEC had rigged the elections, ballot stuffing, and tampering with results. Shortly thereafter Prince Johnson announced his support for President Sirleaf. Charles Brumskine later announced his and the Liberty Party’s support.

One of the CDC’s primary demands was effectively met when NEC Chairman James Fromayan resigned on Oct.30, announcing that he hoped that “there [would] be no further obstacle or pre-condition for their participation in the Nov. 8 presidential run-off election.”¹ Fromayan’s place was taken by Cllr. Elizabeth Nelson, the NEC co-chair, who possessed clear legal authority for the overall administration of the second round of the election.² Amb. Tubman said he welcomed the resignation but said that CDC’s participation in the upcoming election was still conditional. On Nov. 1, CDC Chairman Geraldine Doe Sheriff submitted a letter to the NEC demanding a number of “administrative arrangements” required to ensure CDC participation. These included reforms and new mechanisms – many of them

¹ The resignation followed an official letter sent by Fromayan to CDC’s Vice Standard Bearer George Weah in which it was wrongly stated that the CDC had received the highest number of votes in the first round.

² At the time of Fromayan’s resignation, it was not possible to appoint a new Chairman because the Senate was not sitting during the electoral period. However, the Election Law (Art. 2.11) provides that the Co-Chairman is authorized to act in the absence of the Chair.

inconsistent with the Elections Law, the Liberian Constitution, or international best practices – that CDC hoped would improve the transparency of the electoral process. The CDC did not attend a meeting scheduled by the NEC to discuss the feasibility of these arrangements and to provide additional access to NEC tabulation and ballot storage facilities.

Subsequent efforts to facilitate dialogue, as well as discussions in Abuja initiated by Nigerian President Goodluck Jonathan, failed to produce any breakthrough. Amb. Tubman insisted that the second round was unconstitutional because their official complaints had remained unaddressed. President Sirleaf called on all Liberians to vote and suggested that Ambassador Tubman’s call for a boycott encouraged Liberians to “violate the constitution.” ECOWAS and the U.S. State Department issued statements that dismissed the CDC’s complaints and encouraged the party to participate. The Carter Center issued a statement on Nov. 6, indicating that Liberians have “a fundamental right to participate in public affairs, including the right to choose whether or not to cast a vote, in an atmosphere free from fear and intimidation.”

On Nov. 7, the CDC organized a march beginning at its party headquarters in Monrovia, despite a provision of the Code of Conduct for Political Parties that prohibits parties from conducting election related activities within 24 hours of the poll and without the necessary authorization from the authorities. This decision was followed by a tragic confrontation between police and CDC supporters.

President Sirleaf has indicated that there will be a formal investigation. Reports vary on some details of the events, but it is clear that the march began peacefully at CDC headquarters. Subsequently, party supporters spilled out onto the main thoroughfare of Tubman Boulevard and came into a running confrontation with police from the Police Support Unit (PSU) forces and Emergency Response Unit (ERU). The police had barricaded parts of Tubman Blvd in order to keep the road clear and to prevent the crowd moving in the direction of the nearby presidential residence.

The police fired tear-gas into the crowd and protesters threw rocks and bottles at security forces. Both Reuters and Al Jazeera reported that the police fired live ammunition into the crowd. At various points, UNMIL peacekeepers confronted the police as they attempted to separate CDC supporters from the police. At least four people were reported killed in the clashes³ and at least two police officers were injured. Video recordings clearly show the escalation of the violence, including a senior police officer brandishing a pistol within the CDC’s compound and being restrained by UNMIL forces and being taken away by his own men. The violence on Nov. 7 contributed to an atmosphere of fear and intimidation.⁴

Later the same day, The Carter Center was informed that at least 84 people, including approximately 20 women, were detained.⁵ Following review of the cases, all detainees were released on Nov. 9.

³ This figure is quoted in Al Jazeera and Reuters stories dated Nov. 7, 2011 and confirmed by a credible eye witness who saw four bodies at the CDC headquarters.

⁴ The right to security of the person is applicable throughout the electoral process and requires that individuals be free from physical violence at all times; International Covenant on Civil and Political Rights (ICCPR), art. 9; African Charter on Human and Peoples Rights (ACHPR), art. 6.

⁵ This was confirmed by the Ministry of Justice on Nov. 9.

The Carter Center also was informed that Muna Pelham, CDC representative-elect from Montserrado County, was denied permission to leave Liberia and that her passport was seized. The Commissioner of the Bureau of Immigration and Naturalization (BIN) confirmed that Ms. Pelham is one of approximately 20 individuals who are currently under investigation for inciting violence at the CDC headquarters and are not permitted to travel.

Finally, on the evening of Nov. 7 police operating on court order requested by the Ministries of Justice and Information shut down Kings FM, Love FM, Power FM, and Power TV for allegedly broadcasting false and misleading information and endangering public safety and security, in connection with the CDC boycott. The Press Union of Liberia (PUL) has called for them to be reopened.

The media plays an indispensable role during elections, educating voters and political parties about major issues and thus increasing access to information. Media enjoys the right of freedom of expression, which cannot be restricted unless the restriction is meant to ensure fulfillment of other rights or falls within a limited set of restrictions that are reasonable and objective.⁶

LEGAL FRAMEWORK FOR RUN-OFF ELECTIONS

A sound legal framework is essential to the effective administration of genuine democratic elections and to provide for free expression of the will of the voters.⁷ Liberia's legal framework for elections includes the international treaties to which Liberia is a party,⁸ the Liberian Constitution, the Elections Law, and the regulations adopted by the NEC.

The Liberian Constitution provides that election of the president and vice president is by an absolute majority of valid votes cast.⁹ If no presidential ticket obtains an absolute majority in the first round, a second round is conducted in which the two presidential tickets that received the greatest number of valid votes in the first round participate in the run-off. The ticket with a majority of valid votes cast in the run-off is declared the winner.¹⁰ No run-offs were held for legislative seats since Article 83(b) of the Constitution was revised by the Aug. 23, 2011, constitutional referendum, changing the legislative election system from an absolute majoritarian two-round system to a simple majoritarian one-round system.

The amendment also attempted to clarify the timing of presidential run-off elections, changing the vague "a second ballot shall be conducted on the second Tuesday following" to "a second ballot shall be conducted on the second Tuesday following the expiry of the time provided in Article 83(c)." However, the amendment did not sufficiently clarify the timing of the run-off since Article 83(c) references a number of time periods, including the 15-day deadline for declaring the election results and several deadlines for filing and consideration of

⁶ ICCPR, art. 19. Restrictions considered reasonable include for the interests of national security and the interests of public safety.

⁷ ICCPR, art. 25(b).

⁸ Among others, Liberia has ratified or acceded the ICCPR (2004); the International Convention on Economic Social and Cultural Rights (ICESCR) (2004); the Convention on the Elimination of Discrimination against Women (CEDAW) (1984); the Convention on the Rights of the Child (CRC) (1993); the United Nations Convention against Corruption (UNCAC) (2005); and the African Charter on Human and People's Rights (ACHPR) (1982). Additionally, Liberia has adopted the Universal Declaration of Human Rights (UDHR) (1948) and signed the African Charter on Democracy, Elections, and Governance (ACDEG) (2008).

⁹ Constitution of the Republic of Liberia, art. 83(b).

¹⁰ This provision was revised by the August 23, 2011, constitutional referendum, clarifying "votes cast" to "valid votes cast".

complaints and appeals that challenge the results. Article 4.15 of the Elections Law interprets the Constitution by providing that the second round is to be held the second Tuesday following the announcement of the results of the first round – in this case Nov. 8, 2011. Despite outstanding complaints against the first round results at the time of the second round, the NEC did not postpone the holding of the second round (see Electoral Dispute Resolution section.)

ELECTION ADMINISTRATION

A transparent and impartial election management body is critical to guaranteeing that citizens are able to participate in a genuine democratic process.¹¹

The body responsible for organizing and conducting elections in Liberia is the National Elections Commission (NEC). The administrative structure of the NEC for the run-off remains unchanged since the first round of the elections. Polling took place in 19 magisterial areas in 15 counties at 1780 precincts. Within these precincts, 4457 polling places were reestablished. Voters voted according to their place of registration and at the same polling place as during the first round.

Technical assistance was provided to the NEC by IFES, funded by the United State Agency for International Development (USAID), and by the United Nations Development Program (UNDP), which oversees the multi-donor election basket fund. UNMIL assisted the NEC by providing airlift of elections materials to some remote locations in the Southeast and in Lofa and Gbarpolu counties. Security for the elections remained the responsibility of the NEC and the Government of Liberia, through the LNP supplemented by officers from the BIN, with support from UNMIL.

Preparations undertaken by the NEC went smoothly and, with only minor exceptions, electoral materials were delivered to polling places in accordance with the established electoral calendar. Most first-round poll workers were recruited again. As many as five percent of the presiding officers were either not recruited or replaced by their deputies due to poor performance during the first round. As there was only one election, the number of polling place staff was limited to five. The NEC organized refresher trainings for the electoral officials and other poll workers in order to improve their performance, particularly in regard to counting and tallying, which were identified as the most problematic components of the process during the first round. Although the trainings were completed on time, observers reported that in some cases the trainings were shortened and not conducted in accordance to the established schedule, and that presiding officers were inconsistent in their understanding of the electoral procedures.

CIVIC AND VOTER EDUCATION

Voter education campaigns are necessary to ensure an informed community is able to effectively exercise their right to vote.¹² As in the first round, civic and voter education was addressed through 18 Liberian civil society organizations supported by UNDP, IFES, and the National Democratic Institute (NDI). In order to reinforce these activities, NEC trained and deployed 150 civic and voter educators to the counties. However, Carter Center observers noted that the intensity of civic education activities varied widely by county and was significantly less than during the first round. In some cases civic and voter education

¹¹ UNHRC, General Comment No. 25, para. 20.

¹² UNHRC, General Comment 25, para. 11

materials were insufficient and /or arrived late, limiting the time available for raising awareness. Observers also reported that political uncertainty concerning the boycott by the CDC had a negative effect on participation in civic education trainings, particularly in rural areas.

CANDIDATES, PARTIES, AND THE CAMPAIGN ENVIRONMENT

The CDC's planned boycott of the run-off contributed to a muted campaign period. Observers reported no campaign activities to encourage CDC partisans to vote, either in Monrovia or the counties. Instead, CDC partisans in the counties awaited instructions from Monrovia. In the capital, party leadership focused on protest rallies aimed at encouraging its supporters not to participate in the run-off. Unlike in the first round, when the UP held rallies and other large events, in the second round, UP focused on door to door campaigning organized at the county and district level. In several cases Carter Center observers reported that UP campaign teams were distributing gifts such as bags of rice to voters. They also reported the use of government vehicles in UP campaign convoys. Finally, observers witnessed a large rally in Monrovia on Nov. 6 at which the president was joined by a number of prominent opposition politicians, including Togba Nah Tipoteh, and Prince Johnson.

ELECTORAL DISPUTE RESOLUTION

The opportunity to seek timely and effective resolution of election related disputes is a fundamental aspect of a democratic electoral process.¹³ The Constitution and Elections Law provide a general framework for election-related complaints and appeals, with the NEC or Magistrate (regional) Election Offices as a first instance administrative review, with a right to appeal Magistrate decisions to the NEC and to appeal NEC decisions to the Supreme Court.¹⁴ However, the complaint process is insufficiently clear and has gaps and inconsistencies that result in a lack of understanding among stakeholders and an inconsistent application of the law. For instance, the law does not clearly delineate the complaints jurisdiction of the NEC and Magistrate Offices. In practice, some Magistrate Offices referred all complaints to the NEC, while other Offices dealt with all complaints at the local level. Further, the NEC temporarily assigned Hearing Officers to each of the Magistrate Offices but their roles and authority were not clearly defined in the complaints regulation, with some exercising decision-making authority and others providing technical assistance.¹⁵ The NEC has not yet issued rules of procedure as required under Article 8 of the complaints regulation, preferring instead to handle complaints based on established practice.

The NEC's capacity to effectively manage the complaints process during this election proved to be limited, with significant reliance on the UNDP NEC legal advisor to handle the complaints. Approximately 50 complaints were submitted, referred, or appealed to the NEC on and after election day in the first round.¹⁶ The vast majority of these concerned legislative elections with complaints alleging vote buying and intimidation, election day campaigning, obstruction of party/candidate agents, bribing of election officials, irregularities in voting and

¹³ ICCPR, art. 2; ACHPR, art. 7.

¹⁴ Further, Article 26 of the Constitution provides that any person or association that alleges a constitutionally-protected right is violated or any legislation is constitutionally contravened has the right to bring a suit against the Government in a Claims Court, with appeals from judgment to the Supreme Court.

¹⁵ This was the first election during which Hearing Officers were utilized. The Officers were either law students or NEC staff with apparently insufficient training for the position. A Chief Hearing Officer with a legal background was also hired to work at NEC headquarters on a permanent basis, independent of the NEC's Legal Section.

¹⁶ The 2011 election was the first one that complaints could be filed at polling stations, with standard complaint forms available; such complaints had to be forwarded at close of polls to the Magistrate Offices to be dealt with.

counting procedures, ballot stuffing and tampering with results. Ten recounts were granted; in five recounts, errors were detected in the record of count forms and in one case it led to a change in a house seat.¹⁷

Most complaints were dealt with by the NEC within a few weeks. Many were dismissed for lack of evidence or because complainants did not present themselves at hearing, while others were withdrawn. More than ten cases remain outstanding after almost a month, some without a legal deadline for consideration.¹⁸ In some instances, written decisions on finalized cases were not issued by the NEC and Magistrates on a timely basis, effectively undermining the right to appeal. No NEC decisions were appealed to the Supreme Court between the first and second rounds.

Three complaints filed by opposition parties alleged widespread irregularities and fraud in the first-round of the presidential election, including ballot stuffing and tampering with results, and requested an invalidation of the results. These complaints were not adjudicated by the NEC prior to the holding of the run-off. The most widely publicized of the cases was the CDC complaint alleging systemic fraud, which lingered in the complaint process for several weeks, with the CDC requesting and being granted multiple postponements of hearings and the NEC not finalizing the case prior to holding of the run-off. Subsequent to the run-off, on November 10, the NEC dismissed the CDC's complaint based on lack of evidence.

It is best practice that complaints that allege violations that have the notional potential of altering the results of a first round election be adjudicated before the run-off and with enough time to allow an appeal to court, so as to contribute to the integrity and legitimacy of the final results. A further concern is that the legal requirement that the run-off be held on the second Tuesday following the announcement of results is not consistent with the period in which results may be challenged.¹⁹

VOTING

Carter Center-EISA observers completed 283 observations based on visits to 231 different polling places on election day. These included reports on 17 poll openings, 21 poll closings, and 20 counting processes. In their reports, Carter Center-EISA observers characterized the overall polling process as either "good" or "very good" in 98 percent of polling places visited.

Poll Atmosphere and Opening. Carter Center-EISA observers reported that the atmosphere during the polling hours was peaceful and calm with no incidents of violence at the polling stations visited. Of the 17 opening of polling places observed, two did not open promptly at 8:00 am, though none opened later than 8:10 am.²⁰ Observers did not find evidence of campaign materials within 100 meters of polling places.

¹⁷ In Maryland District 3, after the recount, a UP seat went to the Liberty Party. According to the UNDP NEC Legal Advisor, four of the five discrepancies identified in the recounts were obviously inadvertent mistakes and in one case it was arguably fraud.

¹⁸ Two pending complaints allege ineligibility of elected parliamentarians, due to lack of Liberian citizenship.

¹⁹ Under Article 83(c) of the Constitution, complaints can be filed against election results up to 7 days after results are declared, the NEC has up to 30 days to consider the complaint, an appeal against the NEC decision can be filed within 7 days to the Supreme Court, the NEC then has 7 days to forward the case file to the Supreme Court, and the court then has 7 days to adjudicate the appeal.

²⁰ In one case reported (Electoral District 15, Precinct 30160) the polling precinct was reallocated shortly before the polls kicked off due to the disagreement of the owner of the property, a CDC member, to use it for the voting purposes.

Poll Staff and Procedures. Carter Center-EISA observers reported that poll workers acted in an impartial and professional manner in most cases. Identification procedures were followed and measures to prevent multiple voting were properly undertaken in the majority of polling stations observed. In 24 percent of polling places visited, observers reported that polling staff failed to check the voter's finger for ink.

Secrecy of the Ballot. Carter Center-EISA observers reported that secrecy of the ballot was not adequately ensured in five percent of polling places observed. In most cases this resulted from insufficient space or inadequate set up of the polling place.²¹ This represented a modest improvement over the first round, when ballot secrecy was not assured in eight percent of polling places observed.

Party Agents and domestic observers. Observers noted the presence of UP party agents in 94 percent of polling stations visited, while CDC party agents were present in only one. In 52 percent of polling places visited domestic observer groups were present, especially the Elections Coordination Committee (ECC), which deployed 1725 observers across all 15 counties. Carter Center-EISA observers also encountered domestic observers from the Liberian Council of Churches (LCC) and MARWOPNET. Carter Center-EISA observers reported that no official complaints were filed at the polling places they visited.

CLOSING AND COUNTING

The accurate and fair counting of votes post-election plays an indispensable role in ensuring the electoral process is democratic.²²

Poll Closing Atmosphere and Procedures. In the polling places observed, closing and counting took place in a peaceful atmosphere.²³ The closing time was respected in all but two observed cases, where polling places closed before 6:00 pm. Poll workers' understanding of closing and counting procedures appeared to have improved since the first round of elections. However, in some polling places, reconciliation procedures were not strictly followed, though observers reported that this did not appear to affect the integrity of the count. On a positive note, the number of invalid ballots at polling places observed dropped by half (from eight percent to four percent) in comparison to the average observed during the first round.

Carter Center-EISA observers reported that Record of the Count forms were displayed outside of 20 of 21 polling places observed. The display of results forms immediately after the count is an important element of transparency and this requirement should be strictly adhered to.

Tallying and Tabulation. The process of tallying votes at the magistrate's offices has not been completed. At this stage, observers report that the tally process has so far been conducted in a transparent and credible way with only a few irregularities being discovered.²⁴ The Carter Center will continue to observe the remainder of the process.

²¹ In four instances the assistance provided to the voters was not in accordance with the procedures.

²² See ICCPR, art. 25(b) (noting the right to vote in genuine elections by universal and equal suffrage).

²³ In Monrovia there was one incident reported where at one polling place in Paynesville some unidentified people tried to prevent the election materials from being picked up by the NEC personnel.

²⁴ Pending further clarification, observers report improbably high vote totals at some polling stations in Grand Gedeh County.

BACKGROUND ON THE CARTER CENTER'S ELECTION OBSERVATION MISSION

The Carter Center commenced its observation mission in Liberia in early September 2011 with the arrival of a core team and the deployment of eight long-term observers who observed the campaign and electoral preparations in all 15 counties. For the Oct. 11 elections, The Carter Center partnered with EISA to deploy an Integrated Carter Center-EISA observer mission to witness the voting, counting, and tabulation processes. The Carter Center and EISA partnered again to deploy an integrated mission to observe the Nov. 8 presidential run-off election.

The objectives of the Carter Center's election observation activities in Liberia are: a) to provide an impartial assessment of the overall quality of the electoral process, b) to promote a process that is credible, transparent, and free from violence, and c) to demonstrate international interest in and support for the upcoming elections.

The Center assesses Liberia's electoral process based on its national legal framework and its obligations for democratic elections contained in regional and international agreements, including the African Charter on Human and People's Rights and the International Covenant on Civil and Political Rights.²⁵

The Center conducts its observation activities in Liberia in accordance with the NEC's Code of Conduct for Observers and with the Declaration of Principles for International Election Observation, which was adopted at the United Nations in 2005 and has been endorsed by 37 election observation groups.

²⁵ Liberia ratified the African Charter on Human and People's Rights (ACHPR) on Aug. 4, 1982, and the International Covenant on Civil and Political Rights on Sept. 22, 2004.