THE
CARTER CENTER

# Observing the 2010 Presidential Elections in Guinea

## Final Report

*Waging Peace. Fighting Disease. Building Hope.*


***Map of Guinea*[1]**

1 For the purposes of this report, we will be using the following names for the regions of Guinea: Upper Guinea, Middle Guinea, Lower Guinea, and the Forest Region.

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# Foreword

*By John Stremlau*
*Vice President for Peace Programs, The Carter Center*
*Co-leader of Election Observation Mission to Guinea*

On Dec. 21, 2010, Alpha Condé was sworn in as president of Guinea following the first open and competitive national election process since the country's independence from France in 1958.

The election marked the end of a difficult and volatile transition that began over eight years before. Increasing domestic and international pressure for democratization had been accompanied by offers of support from regional and international organizations and donor countries.

Until 2008, only two autocrats had ruled post-colonial Guinea, and both died in office of natural causes. The third was incapacitated in December 2009 when shot by a disgruntled aide. He was succeeded by Gen. Sékouba Konaté, who agreed to serve as interim president and to implement a transition to a democratically elected government in accordance with an internationally brokered agreement among military and civilian leaders, signed in Ouagadougou on Jan. 15, 2010. That agreement and its implementation provide the context for this report.

The Carter Center responded quickly to the interim government's invitation to observe the planned elections, opening a field office and sending out long-term observers in May 2010 to monitor complicated and problematic election preparations. We were pleased to observe both rounds of elections, which, despite the shortcomings noted in this report and the unexpected delays in holding the second round, we found to have been credible and fair overall. The patience, good will, and civility of the Guinean people were matched by their evident strong determination to cast meaningful ballots and choose their new president.

The Center is grateful for the generous support of the Bright Horizon Foundation, the U.S. Agency for International Development, and the Irish government for enabling the project to continue, especially given the unanticipated delays that characterized this election observation mission.

I would like personally to thank U.S. Ambassador Patricia Moller and her team, particularly Glenn Slocum and Anna Diallo, for the extraordinary courtesies and assistance extended to our office. The hard work of multilateral diplomacy by the Economic Community of West African States, by the United Nations and African Union envoys, and by the key embassies in the country was crucial to supporting and sustaining the transitional process in Guinea. Their efforts made our observation easier and the results of our work more salient to advancing the final confirmation of a duly elected president and acceptance of this result by his opponents.

# Executive Summary

This is the Carter Center's final report covering the entirety of its observation mission for the 2010 electoral processes in Guinea. While many of the contained findings were made public in the various statements published throughout the mission's time on the ground, this report is intended to encapsulate the Center's involvement in the Guinean presidential election.

The first portion of the report tells chronologically the compelling story of the context, background, and unfolding events of the Guinean presidential elections of 2010. This is followed by a step-by-step review of the various essential elements that constitute the electoral process, in accordance with Guinea's international and regional human rights obligations, accompanied by a systematic account of the findings of Carter Center observers regarding the two presidential election rounds. The Center's recommendations for future elections in Guinea are discussed throughout and summarized at the end of the report.

*The presidential elections represented an important political evolution for the people of Guinea.*

The presidential elections represented an important political evolution for the people of Guinea. These were the first elections to be held in Guinea without an incumbent candidate since independence in 1958, which increased political space and the opportunity for participation by all sectors of society. Interim President Gen. Sékouba Konaté held fast to the spirit of the Ouagadougou Peace Agreement[2] and during critical moments stepped in to keep the electoral process on track. The transitional government of Guinea adhered to the agreement — in particular the stipulation that no member of government could be a candidate in the elections — and constructively contributed to the transition process.

The elections were the first in Guinea to be organized by an election commission, the National Independent Electoral Commission (CENI). The Carter Center recognizes the challenges faced by the CENI, including: a compressed electoral calendar, uncertainty regarding the legal framework, and a poorly developed national infrastructure. The CENI introduced several complex technological innovations, such as biometric voter cards and a system of tamper-proof envelopes for transferring poll results, that were well-conceived overall but required more attention and planning in their application and management. Although it lacked electoral administration experience, faced challenges of poor infrastructure, and was riven by internal divisions, which led to a damaging leadership struggle prior to the runoff election, the CENI ultimately persevered and exhibited good faith efforts to deliver the two electoral events.

The first-round election, in which 24 presidential candidates competed, took place on June 27, 2010. In a statement released on June 29, The Carter Center expressed its concern that an uneven delivery of services (delay in allocation of polling stations, poor poll worker training, and late delivery of essential voting materials) to voters in different parts of the country, along with confusion over proper procedures, had the potential to undermine the principles of universal and equal suffrage.

In a second statement of July 24, the Carter Center observer mission noted with serious concern the many procedural flaws and logistical challenges as well as

2 The agreement signed Jan. 15, 2010, by Burkina Faso President Blaise Compaoré, Gen. Konaté, and Capt. Moussa Dadis Camara promised a return of order and civilian rule and called for elections to be held within six months.

the disorderly management of the vote count and electoral-results tabulation processes, which culminated in the dismissal of some 900,000 votes by the Supreme Court due to administrative errors and irregularities in the first-round election. This represented the disenfranchisement of approximately 21.4 percent of all registered voters. A period of protests and challenges followed the announcement of provisional results on July 2, but in the end, the major candidates accepted the results of the first round, and Alpha Condé of the *Rassemblement du Peuple de Guinée* (Rally of the People of Guinea, or RPG) and Cellou Dalein Diallo of the *Union des Forces Démocratiques* (Union of Democratic Forces, or UFDG) were confirmed as the two candidates to go forward to a second-round, runoff presidential election.


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***CENI workers prepare to deliver voting materials to polling stations. Many deliveries were delayed due to the poor infrastructure in Guinea.***

The candidates' election campaigns for the first-round elections were based on messages of national unity, with parties broadly adhering to a code of conduct and party supporters engaged in largely peaceful campaign events. Overall, the candidates adhered to their commitment to a peaceful transition of power, utilizing appropriate legal challenges for the filing of complaints, as necessary. The Supreme Court, responsible for dispute resolution and the proclamation of final results, addressed the challenges in compliance with constitutional and legal requirements, albeit with an opaque process and without publishing the disaggregated results.

Following the first round, the election date for the presidential runoff election was delayed several times for political and technical reasons. The CENI was paralyzed for weeks by political infighting between camps loyal to one party or another, and there were ugly incidents of electoral violence. Both camps politicized ethnic sentiment, and violent attacks against suspected supporters of the UFDG led to the flight of ethnic Peulhs from Upper Guinea and the Forest Region in late October.

Finally, on Nov. 7, Guineans went to the polls again to cast ballots in the presidential runoff election. Several electoral procedures had been vastly improved since the first round. The legal framework was clearer and better communicated. Additional polling station locations reduced distances that voters needed to travel and reduced voting wait times; polling station staff and party agents were better trained on polling procedures; representatives of both candidates' alliances were included in every step of the process, thereby increasing transparency; and for the most part, voting materials were adequately distributed with all necessary sensitive materials being in place before election day. The CENI, under the leadership of its new president, Siaka Toumani Sangaré, spoke with one voice and demonstrated greater inclusiveness and transparency throughout the remaining electoral preparations. Voting materials were distributed on time in most locations, poll-worker training was significantly improved, and additional polling stations had been created. The receipts used by voters who

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***Voters wait in a long line outside a Conakry polling station.***

did not receive biometric voter ID cards during the first round were replaced by alphanumeric cards in an attempt to reduce the possibility of fraud.

However, the second-round election was also marked by deficiencies. Alphanumeric voter cards were distributed only a few days prior to the election date and were not available to a significant number of people who had voted with registration receipts during the first-round election. While polling-station and voter lists were produced and made available, they were posted just before election day. Certain nonsensitive but important materials were missing in many of the electoral kits. In spite of improvements made to the tabulation process, organizational problems were not entirely resolved. The electoral security forces known as FOSSEPEL played an important role in keeping the peace and maintaining order. However, observers reported instances of FOSSEPEL agents overstepping their mission, including being engaged in some polling operations and using inappropriate levels of force.

Following the second-round election, the close results were disputed by the defeated candidate, Cellou Dalein Diallo, and a state of emergency was declared to control rising street violence. Subsequent revenge attacks against the largely Malinke supporters of Alpha Condé's *Alliance Arc-en-Ciel* (Rainbow Alliance) occurred after the preliminary results from the runoff had been announced in mid-November. The violence at times overshadowed Guinea's historical accomplishment of having elected its first president in a truly competitive manner.

The Supreme Court officially confirmed the results on Dec. 2, 2010, and calm was restored. On Dec. 21, Alpha Condé was sworn into office.

The Carter Center's election observation mission in Guinea found a remarkably strong desire among a large majority of Guineans to see the elections and the transition to civilian rule succeed. Guinea's political leaders, religious community, civil society, and international partners communicated messages of peace, national unity, and hope for a better future, thus managing to quell tensions that periodically placed the entire transition process in peril. On the whole, the citizenry displayed a sense of responsibility and the capacity to retreat from conflict in order to preserve the social fabric of Guinean society. Observers noted that Guinean institutions, religious and traditional leaders, and the larger society demonstrated a great ability to rally around a shared ideal of peace and national unity to address incidents of violence.

The Carter Center's overall observation assessment is that the presidential election process was broadly consistent with Guinea's international and regional obligations for genuine democratic elections. Nevertheless, there remains much more work to be done to ensure the continued development of democratic institutions and professional, neutral, and respected election administration in Guinea.

# The Carter Center Election Observation Mission in Guinea

The observation mission for the 2010 Guinea presidential elections marked the first engagement in Guinea for the Carter Center's peace programs.

Four Carter Center pre-election assessment missions to Guinea had been conducted prior to 2010 in order to consult with Guinean government agencies, political parties, elections officials, and other international and nongovernmental groups about the possibility of a Carter Center observation mission. In each case, assessments led to the conclusion that conditions did not exist for credible elections to be held.

On the Center's fifth mission in March 2010, however, the assessment team recommended a full observation. The Ouagadougou Peace Agreement[3] promised a return of order and civilian rule and included the organization of elections as a central component. The signing of the agreement provided hope of moving away from a recent history of quasi-dictatorial and military rule that had led to increasing levels of discontent among the population and sporadic outbreaks of violence. The Center's assessment was that this was possibly the first real opportunity for a democratic and openly contested election since Guinea declared its independence in 1958. The strong signal sent by the African Union and the Economic Community of West African States (ECOWAS) in suspending Guinea's membership and the international condemnation of the Sept. 28, 2009, massacre of participants in a pro-democracy rally were likely the tipping points that convinced the military leadership that it was time for Guinea to undertake the transition to stable democratic governance.

Following a formal invitation from the president of the National Independent Electoral Commission (CENI) and the Ministry of Territorial Administration and Political Affairs (MATAP), who jointly had responsibilities to organize the elections, the first Carter Center field staff members arrived in Guinea in early May 2010. The Center maintained its presence in Guinea for the duration of the presidential election campaign. The Center monitored pre-election preparations for the first round on June 27, 2010, through the runoff on Nov. 7, and throughout the tallying of votes until the confirmation of final results by the Supreme Court on Dec. 2, 2010.

The Carter Center's first group of eight long-term observers arrived in Conakry on May 23. Following a four-day orientation, the long-term observers were deployed in pairs to Guinea's four geographic regions of Lower Guinea, Middle Guinea, Upper Guinea, and the

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***Carter Center staff John Koogler and David Pottie complete a checklist form at a Conakry polling station during the first round of elections.***

3 See Appendix J for text of agreement.

Forest Region. Thereafter they submitted weekly assessments of pre-election preparations, campaigning, and the constantly evolving political situation in their area of deployment. Over the course of the Carter Center's presence in Guinea, its observers included nationals from 20 different countries: Algeria, Belgium, Cameroon, Canada, Democratic Republic of the Congo, France, Germany, Ghana, Ireland, Italy, Ivory Coast, Liberia, Mexico, Niger, Nigeria, South Africa, Spain, Sweden, Switzerland, and the United States.

On June 21, the eight long-term observers were joined by 22 short-term observers, who underwent a two-day training in Conakry. Each long-term observer was paired with a short-term observer, and a total of 15 teams were deployed to the principal towns around Guinea: three teams were sent to the Forest Region, three to Upper Guinea, two to Middle Guinea, four to Lower Guinea, and three observer teams remained in the capital city area of Conakry. The Carter Center short-term observers met with election officials and political party representatives, monitored final election preparations in the two days prior to polling day, and observed the voting, counting, and tabulation process for the first round.

*The Center maintained its presence in Guinea for the duration of the presidential election campaign.*

In the days prior to and following the first round, the delegation leaders, Gen. Yakubu Gowon, who is the former head of state of Nigeria, and John Stremlau, vice president for peace programs at The Carter Center, conducted a series of high-level meetings with key Guinean and international stakeholders. They presented the Center's preliminary findings of the first round at a press conference in Conakry on June 29, 2010.

In the weeks following the first round, the Carter Center mission maintained a presence of eight long-term observers in order to follow the dispute resolution process and the declaration of first-round results on July 20 as well as to continue monitoring events and pre-election planning for the second round. According to Guinea's constitution,[4] the second round was legally required to take place two weeks after the official announcement of the first-round results.[5] However, the CENI's ability to conduct a quick-succession runoff election was unrealistic from the outset. This fact became more evident when the significant administrative weaknesses noted in the first round were analyzed and also when the contentious and protracted leadership battle in the CENI was examined. The announcement of the date for the presidential runoff was several times delayed for several weeks. In mid-August, a date was officially set for Sept. 19, but this was subsequently delayed to Oct. 24. After a period of additional uncertainty, the election was finally set for Nov. 7.

The successive delays in holding the runoff election presented the Center with particular challenges in terms of planning, staff retention, and observer recruitment. On three occasions, the Center planned for a deployment of short-term observers that was postponed as the time line for the runoff elections slipped repeatedly on very short notice.

Once the Nov. 7 date was confirmed, however, the Center moved quickly to replicate its first-round deployment, again with Gen. Gowon and Dr. Stremlau serving as delegation leaders. The presence of long-term observers was bolstered by the arrival of the short-term observers in the days before polling. On election day, 30 observers visited 202 polling stations to observe voting and vote counting. Approximately one-half of the observers for the second round also had been present for the first round, providing a valuable level of continuity to the mission and enabling better comparisons to be drawn between the two rounds.

During the second round, The Carter Center placed additional emphasis on close scrutiny of the

4 Guinea Constitution, art. 28.

5 The original planned date for the second round was July 18.

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***Delegation leader and former Nigeria President Gen. Yakubu Gowon speaks to members of the press.***

tabulation of votes in the centralization commissions, given that significant problems had emerged during this process in the first round. Carter Center observers were present at 14 of the 38 centralization commissions nationwide and followed events inside the CENI in Conakry, which was responsible for receiving and compiling all results.

The long-term observers remained in the field until Nov. 18, 11 days after election day, to continue observing the postelection environment and to monitor reactions following the announcement of provisional results on Nov. 15. The Center began to draw down its mission at the end of November, retaining a small presence in Conakry until the confirmation of final results by the Supreme Court during the night of Dec. 2, 2010. The Center's field office director remained in Guinea until Dec. 10.

Election timing delays and infrastructure challenges made the planning and logistics of the Center's mission difficult at times. Despite these challenges, the Center's election observers in Guinea felt warmly welcomed, and on the whole, CENI staff, local officials, political parties, candidates, polling station workers, and Guinean voters were very forthcoming and open about their activities and their concerns.

The Carter Center conducted its observation of Guinea's electoral process on the basis of the Guinea Constitution and electoral legal framework, on commitments made in the January 2010 Ouagadougou Agreement, and on international political covenants.[6] All Carter Center observation missions are carried out in accordance with the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observation, which were adopted by the United Nations in 2005 and have been endorsed by 35 organizations.

6 These covenants include the International Covenant on Civil and Political Rights (adopted Dec. 16, 1966, and entered into force March 23, 1976), 999 UNTS 171 (ICCPR); the African Charter on Human and Peoples' Rights (adopted June 27,1981, and entered into force Oct. 21, 1986), ILM 58 (Banjul Charter — AfCHPR); and the Economic Community of West Africa States 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, Dakar 2001.

# The Story of the Guinean Presidential Elections

## Electoral History and Political Background Before 2008

The June 27 and Nov. 7, 2010, presidential polls were the first democratic elections to be held in Guinea since it gained independence from France 50 years prior. Although Guinea's first president, Ahmed Sékou Touré, came to power in 1957 through a democratic election, he established a socialist one-party system that tolerated no political opposition. During his 26-year rule (1958 to 1984), elections were only held for offices within the single *Parti Démocratique de Guinée* (Democratic Party of Guinea, or PDG). Touré's successor, General Lansana Conté, gradually allowed for the liberalization of politics, established a multiparty system by 1992, and organized the first presidential elections in 1993. All elections under President Conté, however, were largely dominated by Conté's ruling party, the *Parti de l'Unité et du Progrès* (Party of Unity and Progress, or PUP). Conté's control of the state and security apparatus helped ensure he was always the victor, albeit sometimes by a narrow margin. By 2010, though, the former ruling party had lost most of its support, and the apparatus in place to organize the elections was no longer under state control.[7] Therefore, the 2010 presidential elections were historic since, for the first time in Guinean history, there was no incumbent among the candidates, and the environment was conducive to a genuinely competitive process.

*The 2010 presidential elections were historic since, for the first time in Guinean history, there was no incumbent.*

Two of the most persistent opposition candidates who ran for president during Conté's regime were Alpha Condé and Jean-Marie Doré in 1993 and 1998—two men who would play leading roles in the unfolding events of 2010. Guinea's last presidential election had taken place in December 2003, in which President Conté was declared the winner with 95.6 percent of the vote.

As President Conté's health deteriorated over the years and Guinean civil society became stronger in the early and mid-2000s, the regime was forced to make concessions on civil and political rights. Reforms undertaken before the December 2005 local government elections included the use of a single ballot, transparent ballot boxes, a gradual liberalization of permitted media coverage, access to state radio and television stations (RTG: Guinea Radio and Television) for opposition party candidates, and unfettered access to public meeting facilities throughout the country for opposition party campaign meetings. Despite these improvements, the 2005 elections were again considered to have been severely manipulated in favor of the ruling party, which won control of 31 of 38 municipal councils and 243 out of 303 rural development councils.

As President Conté's regime weakened, confrontations between opposition activists and the regime became more violent. In protest of high-level government corruption and the president's interference with judicial processes, a general strike paralyzed Guinea in January and February 2007 and led to many violent clashes, resulting in the deaths of 120 to 160 Guineans. Protesters ransacked and destroyed

7 The PUP practically disintegrated after Conté's death in 2008. Although Elhadj Somparé, the former president of the National Assembly, ran as the PUP presidential candidate in the June 2010 first-round election, he received less than 1 percent (0.95) of the total vote.

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***A large campaign poster promotes former Prime Minister Lansana Kouyaté.***

government buildings in Conakry, Labé, Kankan, and Nzérékoré, and the labor unions demanded the resignation of President Conté. The strike only ended after President Conté agreed to appoint a new, reform-minded prime minister, Lansana Kouyaté, and nominally transferred significant powers to him. This situation highlighted the fact that power seemed to be increasingly slipping away from the president. Attempts by President Conté to reassert control by appointing another loyalist as prime minister in May 2008 were short-lived.

## From the CNDD Regime to the Transition Period

President Conté's death on Dec. 23, 2008, prompted a bloodless military coup d'état by junior and middle-ranking military officers the following day. Captain Moussa Dadis Camara, a 45-year-old mid-ranking officer who had been in charge of the military's fuel supply, emerged as leader of the new military junta, the National Council for Democracy and Development (CNDD), and declared himself president of Guinea. Upon taking power, Camara and the CNDD junta promised to restore democracy in Guinea and to hold new presidential and legislative elections within 18 months; however, the junta's first act was to suspend the National Assembly, the Supreme Court, and all political party and labor union activity. Under pressure from Guinean civil society and the international community, President Camara reinstituted political party activity in June 2009. This led to a proliferation of political parties as many exiled Guineans returned to Guinea. At least 116 political parties were registered by early 2010, despite Guinea's relatively small electorate of approximately 4.2 million registered voters.

Rule by the CNDD from December 2008 to December 2009 was marked by political instability and a number of violent incidents. While the regime was popular at first because of the high-profile public interrogations and trials of corrupt officials and drug dealers, which seemed to indicate a real determination to fight public corruption, it soon became clear that nepotism and mismanagement of public funds dominated. It also became evident that President Camara was planning to be a candidate in future presidential elections, reneging on his earlier promise to hand over power to civilians. This realization led to widespread public protests, which culminated in a large pro-democracy rally on Sept. 28, 2009, in the national stadium in Conakry. Military and security forces intervened and locked the tens of thousands of protesters in the stadium before opening fire on the crowd. More than 150 opposition supporters were killed, dozens of women raped, and hundreds of people injured, including a number of prominent opposition politicians.

In the midst of disputes over who was responsible for the national stadium massacre, Camara was shot and seriously wounded by his aide-de-camp on Dec. 3, 2009. He was evacuated to Morocco and then Burkina Faso. Blaise Compaoré, president of Burkina Faso and the mediator for Guinea appointed by the Economic Community of West African States (ECOWAS), facilitated a hand-over of power from Camara to Defense Minister Sékouba Konaté and had both leaders sign an agreement protocol on Jan. 15, 2010, in Ouagadougou, Burkina Faso. Known as the Ougadougou Peace Agreement, it became the main quasi-legal document that would shape Guinea's

transition from military to civilian rule. The agreement stipulated that presidential elections should be held within six months of its signing and that no sitting government member could run for president.

General Konaté, the new transitional president, appointed civil society member and opposition leader Jean-Marie Doré as prime minister. Doré formed his transitional government in February 2010. The National Transitional Council (*Conseil National de Transition*, or CNT) was formed at the same time to serve as the legislative body of the transition. It was composed of representatives of all political parties, the trade unions, the religious communities, and the civil organizations. The CNT was headed by trade union leader Rabiatou Serah Diallo with Christian and Muslim religious leaders as vice presidents. All members of the CNT and transitional government agreed to comply with the provision of the Ouagadougou Agreement that stated they would not compete in elections. The CNT played an important role in shepherding the transitional process.

*The first round of Guinea's 2010 presidential elections, held on June 27, 2010, was widely praised for its generally peaceful environment.*

A large number of international actors monitored the political developments in Guinea and played an important role in helping Guinean institutions overcome certain challenges. The International Contact Group on Guinea—which had been established following the December 2008 military coup and was composed of representatives of the African Union, ECOWAS, United Nations, European Union, and International Organization of the Francophonie as well as of bilateral partners—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, and West African heads of state intervened at critical times to assist in brokering compromises between key actors and in continuously reminding their Guinean counterparts and the candidates of their earlier commitments.

## Chronology of the First and Second Rounds

The first round of Guinea's 2010 presidential elections, held on June 27, 2010, was widely praised for its generally peaceful environment. With no incumbent or interim government candidate running, 42 political aspirants had registered as candidates for the first-round election and deposited the substantial registration fee of 400 million Guinean francs.[8] The reconstituted Supreme Court reviewed all applications and eliminated 18 of those, leaving 24 candidates who competed for the office of president of the republic in the first-round election. Out of a population of roughly 10 million, 4.2 million Guineans had registered to vote.

The 24 candidates faced each other in a highly competitive and spirited race with visible and energetic electoral campaigns. There was only one violent incident reported on June 24, 2010, three days before the election, in which supporters of two of the main candidates, Cellou Dalein Diallo and Sidya Touré, clashed in Coyah, a town near Conakry. The incident resulted in several people being injured. Earlier rumors that several supporters of both parties had died were never confirmed.

Voting fell largely along ethnic and regional lines, and the two candidates who represented the two largest ethnic groups came out ahead. According to the preliminary results announced by the CENI, Cellou Dalein Diallo of the UFDG[9]—a former prime minister (2003 to 2005) from Middle Guinea, who belongs to the country's largest ethnic group, the Peulh (also

8 US $65,000–$80,000 depending on date of exchange, www.oanda.com.

9 *Union des forces démocratiques guinéenne*.

known as Fula)—was in first place with 39.72 percent of the votes. Long-time dissident and leading opposition figure Alpha Condé of the RPG came in second with 20.63 percent of the votes. Alpha Condé was seen as representing the Malinké ethnic group (second-largest ethnic group in the country) of Upper Guinea. Other strong contenders were Sidya Touré (13 percent), also a former prime minister, who managed to rally most of coastal Guinea to his cause, and another former prime minister, Lansana Kouyaté (7 percent).

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***A polling station worker waits next to a filled ballot box during the first round of the 2010 elections.***

Fourteen of the 24 presidential candidates submitted formal complaints to the Supreme Court regarding widespread voting fraud. After review, seven complaints were declared admissible and considered by the Court. The Supreme Court announced the final first-round election results on July 20 and ultimately invalidated all votes cast in the communes of Matam and Ratoma in Conakry and the prefectures of Kankan, Lola, and Mandiana due to the irregularities in the results transmission process. The Court excluded almost 900,000 votes (21.4 percent of votes cast). This resulted in a *de facto* disenfranchisement of nearly one-third of the electorate, without documented justification.

The Supreme Court's results increased Cellou Dalein Diallo's lead to 43.69 percent and decreased the share of the vote for Alpha Condé to 18.25 percent. This difference gave a psychological advantage to Cellou Diallo and his campaign. Immediately following the Supreme Court's announcement, a UFDG representative held an impromptu press conference in the hall of the Supreme Court building. He stated that never in history had a candidate with 43 percent in the first round (vs. a second-place candidate with 18 percent) lost in the second round. This announcement, and subsequent use of these percentages as a campaign strategy by the UFDG-led alliance, received wide coverage in the media—the message being that Cellou Dalein Diallo inevitably would win the second round.[10]

Since neither candidate received the absolute majority required,[11] a runoff election was announced in accordance with Guinea's electoral code. As a consequence of the disorderly vote tabulation process and the numerous challenges, neither the Supreme Court nor the CENI released final election results disaggregated by polling station.

The main postelection nonlegal challenge came from Sidya Touré, the third-place candidate. After preliminary results had been announced, he mobilized several hundred of his supporters, who demonstrated in front of the electoral commission in Conakry but were dispersed by security forces. Touré subsequently allied with Cellou Dalein Diallo, propelled by

10 The "runoff reversal," over which there has been much debate and speculation in Guinea, is not an unusual occurrence. There are many prominent examples of first-round front-runners losing in runoff elections; in Liberia, France, Peru, Spain, and Brazil, to name a few. In Portugal in 1986, a first-round winner with 46 percent of the vote, Diogo Freitas do Amaral, lost in the second round to his opponent, Mario Soares. It is a basic objective of the two-round electoral model to create a level playing field, as much as possible, for the second round and see which of the two remaining candidates has most popular support. Voters in a second round make different choices, and there are no foregone conclusions.

11 Constitution, art. 12 32 (May 2010).

Molly Byrne


***UFDG party supporters ride through town in support of candidate Cellou Dalein Diallo.***

UFDG's argument that his 13 percent plus Diallo's 43 percent (as announced by the Supreme Court) made Diallo's victory inevitable.

Subsequently, both runoff candidates quickly formed alliances with unsuccessful first-round candidates to compete in the second-round election. The alliance to support Cellou Dalein Diallo as president called itself *UFDG/Alliance Cellou Dalein Diallo Président* and included other important first-round contenders and their parties: Sidya Touré/UFR, Abe Sylla/NGR (3.23 percent), and Aboubacar Somparé/PUP (0.95 percent), all of whom were strong in Lower Guinea.[12]

The *RPG/Alliance Arc-en-Ciel*[13] was the alliance led by Alpha Condé and his RPG and which, according to their own advertising, comprised more than 100 smaller parties. However, most of these parties only existed on paper. Key alliance members included Lansana Kouyaté/PEDN (7.04 percent), who scored strongly in certain parts of Upper Guinea; the two strongest candidates from the Forest Region, Papa Koly Kouroumah/RDR (5.74 percent) and Jean-Marc Telliano/RDIG (2.33 percent); and one candidate from Middle Guinea, Bah Ousmane/Union for Progress and Renovation (0.68 percent), whose stronghold was in Pita.

Although Article 28 of the constitution stipulates that presidential runoff elections must take place two weeks after the confirmation of the first-round results, there were numerous technical and political challenges that led to many delays. President Konaté announced in early August 2010 that the second

12 Union of Republican Forces (*Union des Forces Républicaines*, or UFR), New Generation for the Republic (*Nouvelle Génération pour la République*, or NGR), Unity and Progress Party (*Parti de l'Unité et du Progrès*, or PUP), Hope Party for National Development (*Parti de l'Espoir pour le Développement National*, or PEDN), Rally for Defense of the Republic (*Rassemblement pour la République*, or *RDR*), Rally for the Integral Development of Guinea (*Rassemblement pour le Développement Intégral de la Guinée*, or RDIG).

13 Rainbow Alliance.

round of voting would be held on Sept. 19, 2010.

A series of violent incidents in Conakry occurred during the interim. Violent clashes erupted between supporters of both candidates on Sept. 11 and 12, one week before the originally scheduled runoff election date of Sept. 19. Party supporters pelted each other with rocks after large campaign rallies and street demonstrations in the city. The clashes left one person dead and approximately 50 injured. In response to the violence, on Sept. 12 Prime Minister Jean-Marie Doré suspended all campaigning for reasons of national security.[14] Suspension of campaigning was welcomed by many residents of Conakry and helped to restore calm.

Before Sept. 19, the UFDG and the RPG had engaged in a public battle regarding whether the elections should be held as planned. The UFDG and its intermediaries within and outside the CENI and the political establishment pushed hard to maintain the Sept. 19 date. At the same time, the RPG tried to challenge the legitimacy of the CENI leadership in an attempt to slow things down. The most publicized action was the prosecution and conviction in a lower-level circuit court of the CENI president, Ben Sekou Sylla, and its administrator, El Hadj Boubacar Diallo, just 10 days before the planned Sept. 19 poll, for electoral fraud in the first round. Ben Sekou Sylla had been seriously ill for several months and leading up to the June 27 first-round election, he had been out of the country frequently for medical treatment. After Sylla's death on Sept. 13, a fierce political struggle for the leadership of the CENI broke out. In a hastily called election, Lounceny Camara was elected as the new CENI president. Several CENI members who were present and others who were absent from the meeting contested the result due to procedural flaws. UFDG and its alliance partners refused to accept the election of Camara, whom they accused of having taken actions during the first round that resulted in the cancellation of Ratoma's votes—massively in favor of Cellou Dalein Diallo—by the Supreme Court. Four days before the planned runoff election date of Sept. 19, the CENI declared that it was not technically ready to organize the poll and asked for a further delay. It was only on Oct. 6 that the new date of Oct. 24 was set.

The transitional president, Gen. Sékouba Konaté, had long been silent in the electoral and leadership struggles for control of the CENI. Since other key actors within the transitional institutions were perceived as partisan, only President Konaté was seen as independent enough to mediate effectively between the candidates. Konaté and intermediaries met frequently with the candidates and other key actors, such as the CNT. They also asked the Guinean regional organizations of elders and religious leaders to actively mediate between the candidates and obtain promises from them for a peaceful election and for the acceptance of the results, no matter which candidate won. On Oct. 12, in an effort to decrease tension and prevent postelectoral clashes, the minister of presidential affairs met with the two presidential candidates and extracted a public commitment from them to form a government of national unity.

After the postponement of the runoff election date to Oct. 24, campaigning officially resumed on Oct. 11 and ended on Oct. 22 at midnight. A second series of violent incidents occurred before the planned poll. On Oct. 17, supporters of Cellou Dalein Diallo demonstrated in the streets against the CENI leadership. They blocked roads and pelted vehicles with rocks in neighborhoods of Conakry known to be UFDG strongholds. In response, security forces intervened against the mostly young UFDG supporters, arresting many and using significant force and sometimes live ammunition against the civilians. Unconfirmed reports indicated at least one death, dozens of injuries, and numerous arrests of young UFDG supporters.

The UFDG organized so-called *ville morte* (dead city) general strikes in response to the leadership stalemate of the CENI. UFDG supporters closed all shops and attempted to block all traffic in several

14 Radio France International. Election campaign suspended after pre-poll violence in Guinea, September 13, 2010. http://www.english.rfi.fr/africa/20100913, accessed November 20, 2010.

UFDG-friendly neighborhoods of Conakry on Oct. 18. They also stoned vehicles on some of the city's main arteries and attacked security forces with rocks and sticks. This led to violent clashes between security forces and the protesters, which resulted in injuries, physical damage to shops and vehicles, and numerous arrests. At the same time, the RPG was equally uncompromising regarding the question of the CENI leadership and insisted on maintaining its candidate, Lounceny Camara, at the helm.

Although the violence was short-lived, it was a significant negative element of the election campaign. Polarization along ethnic lines increased in the run-up to the second round of voting, given that the two runoff candidates were from the Peulh and Malinké ethnic groups. Despite calls for calm and national unity, Carter Center observers noted increasing tensions in areas where one ethnic group was noticeably dominant over the other, thus casting doubt about whether the minority groups in the respective regions—the Peulh in areas of Upper Guinea and the Malinké in Middle Guinea—were able to express their views freely and safely.

*Polarization along ethnic lines increased in the run-up to the second round of voting.*

With the CENI paralyzed, an increasing number of news commentators urged President Konaté to either appoint a new CENI leader himself or to dissolve the CENI altogether. International actors also urged President Konaté to intervene in the CENI leadership struggle. The president finally announced the appointment of Gen. Siaka Toumany Sangaré as the new president of the CENI on Oct. 19. Sangaré, an electoral expert from Mali, had been working with the CENI on behalf of the International Organization of the Francophonie for more than two years. The appointment provided a solution to the CENI leadership impasse. Both presidential candidate alliances welcomed his nomination, and Sangaré quickly embarked on broad consultations to settle the rifts within the CENI and with the electoral monitoring committee set up by President Konaté, the political parties, and other key stakeholders. Despite pressure internally and from international actors to hold the elections on Oct. 24, the new CENI leader announced on Oct. 22 that technical problems required another postponement of the poll.

On Oct. 21 and 22, there were further violent clashes between rival supporters at the margins of both candidates' end-of-campaign rallies in Conakry. The violence escalated during the weekend of Oct. 23 and 24, mainly in Upper Guinea and in the Forest Region, after 120 people fell sick during the final RPG rally in Conakry on Oct. 22. Rumors immediately began to circulate that UFDG-friendly businessmen were responsible for poisoning RPG supporters. As these accusations spread across the country, Malinké in several towns in Upper Guinea and the Forest Region (Siguiri, Kouroussa, Kankan, and Kissidougou) attacked, looted, and burned Peulh businesses. A number of Peulh were injured, and up to six people died in the violence. Significant numbers of Peulh—unconfirmed numbers range from 1,800 to 20,000—left those towns and fled to towns in Middle Guinea where they felt safer among people from the same ethnic group.

In light of the violence and displacement, Cellou Dalein Diallo for the first time requested an election delay, after CENI President Sangaré had suggested Oct. 31 as the new date. A decree by President Konaté finally set the election date for Nov. 7. Calls for peaceful behavior and calm were sent across the country by all major institutional and informal actors. Large meetings of administrators, religious leaders, and elders in most towns affected by violence appealed to both parties to control their supporters and to prevent further violence and revenge attacks in the lead-up to the election. Campaigning remained suspended for two weeks, which decreased the likelihood of further violent clashes.

Molly Byrne


***A poster urges citizens to be calm during the Guinea elections.***

On Nov. 7, Guineans went to the polls again to cast ballots in the presidential runoff election. On Nov. 15, the CENI announced its provisional results for all electoral districts. Alpha Condé was in first place with 52.52 percent of the votes, and Cellou Dalein Diallo had received 47.48 percent. The fact that Alpha Condé came out ahead in the preliminary results caused consternation among Cellou Dalein Diallo's supporters, and a new spate of violence broke out. In Middle Guinea, notably in the towns of Pita and Labé, UFDG supporters attacked houses of known *Arc-en-Ciel* supporters, causing injuries and physical damage. The security forces intervened against protesters in Middle Guinea and in Conakry and were accused by a number of human rights and advocacy organizations of using excessive force and targeting the Peulh ethnic group. Accounts of the number of injuries and deaths vary, but most reports spoke of between nine and 12 deaths, several hundred injured, and dozens of arrests.

President Konaté decreed a state of emergency on Nov. 17 with a dusk-to-dawn curfew, which helped to calm the situation. UFDG monitors accused the government of continued ethnic persecutions and targeted killings and noted that they would inform the International Criminal Court of the incidents. The government rejected these accusations, while the deputy prosecutor of the International Criminal Court stated that it was watching the situation in Guinea closely to see whether any of the violent incidents would fall under the court's mandate.[15]

The Supreme Court announced final results the night of Dec. 2, validating the exact figures announced by the CENI. In the hours prior to the announcement, both candidates stated publicly that they would respect the results and called on their supporters to remain calm. Following the announcement, the UFDG issued a press release stating that while widespread fraud had occurred, the results as presented by the Supreme Court, the ultimate judicial instance in Guinea, would not be challenged. Cellou Dalein Diallo again called for calm. No serious incidents of violence were reported in subsequent days and weeks, and the state of emergency gradually was lifted. The curfew, originally set at 6 p.m., was pushed back to 10 p.m., and on Dec. 10, it was lifted completely. Eleven days later, on Dec. 21, 2010, Alpha Condé, the country's first democratically elected president since 1958, was sworn into office.

15 Joe Penney. Guinea in state of emergency as clashes kill 9. CNN online, November 17, 2010, found at http://www.cnn.com/2010/WORLD/africa/11/17/guinea.emergency/index.html, accessed November 18, 2010; Amnesty International. Guinea authorities must stop arbitrary arrests and killings, 18 November 2010, found at http://www.amnesty.org/en/news-and-updates/guinea-authorities-must-stop-arbitrary-arrests-and-killings-2010-11-18, accessed November 20, 2010; International Crisis Group. Conflict Risk Alert: Guinea, Dakar and Brussels, 18 November 2010, found at http://www.crisisgroup.org/en/publication-type/media-releases/2010/conflict-risk-alertguinea.aspx, accessed November 20, 2010.

# Electoral Institutions and the Framework for the Guinean Presidential Elections

The Carter Center assessed the Guinean presidential electoral processes on the basis of Guinea's domestic legislation, political commitments related to the process, and international human rights obligations. Guinea is a member state of the African Union (AU), ECOWAS, and the United Nations. Guinea has ratified a number of international treaties with provisions regarding electoral processes, including the ECOWAS Protocol on Democracy and Good Governance,[16] the African Charter on Human and Peoples' Rights[17] (AfCHPR), the International Convention on Civil and Political Rights[18] (ICCPR), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).[19] Table 1 provides an overview of the international treaties to which Guinea has acceded, or has signed or ratified.[20]

*The Center assessed the electoral processes on the basis of Guinea's domestic legislation, political commitments and international human rights obligations.*

The Carter Center had a field office in Conakry from May until December 2010, eight long-term observers present in the four regions of Guinea between May and November covering the pre- and postelection periods, and short-term observers throughout the country for the two election dates. Assessments are based on the collective observations of the short- and long-term observers, and field office legal, electoral, and political specialists.

## Legal Framework

The organization of elections should be regulated by a specific legal framework that is nationally applicable.[21] Good practice documents spell out that the legal framework should be structured so as to be unambiguous, understandable, and transparent and should address all components of an electoral system necessary to ensure democratic elections.[22]

Guinea uses a monist legal system, whereby the act of ratifying an international legal instrument (treaty, convention, covenant, etc.) immediately incorporates the legal instrument into national law. Therefore, international treaties can be directly applied by a national judge and can be directly invoked by citizens, just as if they were domestic law. Accordingly, article 151 of the Guinea Constitution stipulates that treaties or international agreements duly ratified have, upon their publication in the *Journal Officiel*, a superior authority over national laws.

16 ECOWAS, Protocol A/SL1/12/01 on Democracy and Good Governance, Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, Dakar 2001.

17 The African Charter on Human and People's Rights (Banjul Charter-AfCHPR) (adopted June 27, 1981, entered into force Oct. 21, 1986) (1982) 21 ILM 58.

18 International Covenant on Civil and Political Rights (ICCPR) (adopted Dec. 16, 1966, entered into force March 23, 1976) 999 UNITS 171.

19 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (signed Dec. 18, 1979, entered into force Sept. 3, 1981) 1249 UNTS 13.

20 Signing a treaty does not impose obligations under the treaty on states but obliges them to refrain from acts that would defeat the object and purpose of the treaty. By ratifying a treaty, states establish consent to be bound by the treaty. To accede to a treaty has the same legal effect as ratification but is not preceded by an act of signature.

21 The AU Declaration on the Principles Governing Democratic Elections in Africa was adopted by members of the African Union in 2002, and was signed by Guinea on May 9, 2009. Section 4(b) stipulates that "the democratic elections should be conducted under democratic constitutions and in compliance with supportive legal instruments."

22 *International Electoral Standards: Guidelines for Reviewing the Legal Framework of Elections*, International IDEA, 2002.

**Table 1. Guinea — Status of Ratifications**

| Treaty/Declaration | Status | Date |
|---|---|---|
| United Nations Convention on the Rights of Persons with Disabilities | Ratified | Feb. 8, 2008 |
| African Charter on Democracy, Elections, and Governance (not yet entered into force) | Signed | May 9, 2007 |
| United Nations Convention Against Corruption | Signed | July 15, 2005 |
| ECOWAS Protocol on Democracy and Good Governance | Ratified | 2004 |
| First Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women | Signed | Dec. 16, 2003 |
| African Union Convention on Preventing and Combating Corruption | Signed | Dec. 16, 2003 |
| ECOWAS Protocol on the Fight Against Corruption | Adopted | 2001 |
| International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families | Acceded | Sept. 7, 2000 |
| Convention on the Elimination of All Forms of Discrimination Against Women | Ratified | Aug. 9, 1982 |
| African Charter on Human and Peoples' Rights (AfCHPR) | Ratified | Feb. 16, 1982 |
| International Covenant on Civil and Political Rights (ICCPR) | Ratified | Jan. 24, 1978 |
| International Convention on Economic, Social, and Cultural Rights | Ratified | Jan. 24, 1978 |
| Convention on the Political Rights of Women | Ratified | Jan. 24, 1978 |
| International Convention on the Elimination of All Forms of Racial Discrimination | Ratified | March 14, 1977 |
| Universal Declaration of Human Rights | Signed | 1958 |

In general, the Guinea Constitution and electoral code are consistent with various international and regional commitments. The constitution notes in its preamble that it integrates into its text the core tenets of the major international agreements. Both the constitution and electoral code reinforce the principles of universal, direct, and equal suffrage for voters. The legislation also emphasizes the right to vote for both male and female voters who are at least 18 years of age.

The Ouagadougou Agreement,[23] signed on January 15, 2010, provided the framework for the planned transitional period. It designated Gen. Sékouba Konaté interim president for the transitional period and called for the formation of a National Transitional Council (CNT) representative of all sectors of Guinean society and for the organization of presidential elections within six months. While the first round was held within the designated period, the second round was held 10 months after signature of the agreement and four months after the first round. The agreement barred from candidacy a number of key actors, including members of the CNT, the interim president, members of the military junta, the newly named prime minister, and active-duty members of the security forces.

The CNT was established by presidential decree on Feb. 9, 2010. Its mandate was to revise the constitution and all laws relating to the electoral process, assume all legislative responsibilities related to the transitional period, oversee the elections, and contribute to national reconciliation. Its 159 members represent most organized sectors of Guinean society, including civil society, the political parties, the public

23 See Appendix J for text of agreement.

and private sectors, and minority groups, such as the disabled.

The CNT adopted a new constitution in April 2010 that was promulgated by the president on May 7, 2010. The constitution is considered to be the supreme of law of Guinea, and all laws are to comply with its provisions.[24] In response to the major concerns of Guineans with respect to the country's recent history of military coups and political instability, key changes in the new constitution reflected the goal of establishing a political structure and national institutions that allow for democratic governance and respect for human rights. The constitution 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 the right to freedom of expression, in line with Guinea's international commitments.[25] Additionally, under the constitution, citizens are guaranteed the right of access to public information[26] and have the duty to participate in elections and to promote democratic values.[27] The 2010 constitution declares that "the people of Guinea … solemnly affirm their fundamental opposition to all unconstitutional taking of power, to all regimes based on dictatorship, injustice, corruption, nepotism and regionalism."[28]

The constitution provides for elections to be organized and administered by an independent and constitutionally mandated institution, rather than a government entity.[29] Notably, the new constitution seeks to ensure periodic changes in power by reducing the presidential term from seven to five years and limiting the number of terms to two.[30] It prohibits the number and duration of presidential terms from being subject to revision.[31] The deteriorating medical condition of President Lansana Conté during his final years in office inspired a constitutional requirement that all presidential candidates be certified to be in good health by a medical board as well as a provision allowing for the removal of a sitting president declared to be mentally or physically incapable of carrying out his duties.[32] To avoid illicit enrichment of those in power, the president-elect is required to declare all assets before entering and leaving power.[33]

A new electoral code (*code electorale*) was adopted by the CNT on May 24, 2010, promulgated by the president, and used for the first round of elections. Following the first round, amendments were made to the text by the CNT legal committee, including a change in the provision relating to the use of envelopes.[34] The amended text was never formally reapproved by the CNT or repromulgated by the president. Furthermore, under articles 1 and 3 of the Guinean civil code, in order for a law to become enforceable, it must be published in the Guinean Official Gazette, known as the *Journal Officiel*. This did not take place until October 2010, when the revised version was published just prior to the presidential runoff elections and after electoral preparations already were well under way.

Although the electoral code provides the basis for the conduct of elections in accordance with international standards, implementation was not always consistent. While there was never any question that some version of the electoral code was legally effective and enforceable, the continuous amendments or corrections resulted in significant confusion throughout the electoral process. For example, while the version

24 Constitution, art. 2.

25 ICCPR, art. 19(2); AfCHPR, art. 9(2).

26 Constitution, art. 7(3).

27 Constitution, art. 22(2).

28 Constitution, art. 10(3).

29 Constitution, art. 2(4).

30 Constitution, art. 27(2).

31 Constitution, art. 154.

32 Constitution, art. 29.

33 Constitution, art. 36.

34 The notable changes concerned the following articles: art. 67: the addition of a phrase indicating that use of envelopes is optional when a single ballot is used; art. 75: the description of what a voter must do to vote is changed so that it is clear that placing a marked ballot in an envelope is not mandatory; art. 79 and 80: the description of the counting process is amended to clarify that ballots outside of envelopes are to be counted; and art. 81: changes the definition of an invalid ballot and clarifies that ballots not in envelopes are not automatically invalid.

originally adopted stated that envelopes were necessary for a ballot to be valid, in the revised version, envelopes were optional. Multiple versions of the code were in circulation, some printed prior to the revisions and others printed subsequently. Opinions among local lawyers and international experts differed as to which version of the text was applicable.

**Electoral System and Boundary Delimitation**

A balanced and nondiscriminatory delimitation of electoral boundaries ensures equality of voting power. When drawing electoral boundaries and establishing a method for allocating votes, the national legal framework should ensure that the distribution of voters does not discriminate against any groups in the country.[35]

The Guinean electoral code and constitution do not give any detailed[36] guidelines on how boundary delimitation should be conducted. For presidential elections, the national territory, including polling stations in Guinean embassies and consulates overseas, forms a single constituency, whereby the winning candidate must receive an absolute majority of votes cast: 50 percent of the votes plus one. If no candidate receives an absolute majority, a runoff election is conducted between the two candidates having received the most votes in the first round, as was the case in the 2010 presidential election.

The constitution[37] and electoral code[38] establish the legal framework for the legislative elections. It is stipulated that one-third of the deputies will be elected in first-past-the-post contests (38 deputies total, one per circumscription), while two-thirds (76 deputies of the 114-member legislature) will be elected by party lists, with the national territory serving as a single electoral district.

The manner in which electoral boundaries are drawn in legislative and municipal elections will have much greater significance for electoral outcomes in Guinea. Important principles to consider will be representativeness, equality of voting strength, ensuring a broad consensus on the boundary-drawing process, and integrity of the institutions tasked with drawing boundaries.

## Election Management

An independent and impartial electoral authority that functions transparently and professionally is internationally recognized as a prerequisite for ensuring that citizens are able to participate in a genuine democratic election and that other international obligations related to the electoral process can be met.[39]

In Guinea the CENI was first formed by law on Oct. 29, 2007, in response to the mounting political pressure on the Conté regime by opposition groups for the creation of an independent organ that would assure the transparency of future elections. At the time, the organization of elections was under the sole authority of MATAP, the Ministry of Territorial Administration and Political Affairs, which was composed almost exclusively of members of the ruling Party for Unity and Progress (PUP). Governors, prefects (*préfets*), and subprefects (*sous-préfets*) were under the direct hierarchical authority of MATAP.

In this context, the 2007 law[40] regarding the creation, attributions, composition, organization, and functioning of the CENI endowed it with the responsibility of merely overseeing the holding of elections, which would continue to be organized by and under the primary control and responsibility of MATAP. The composition of the CENI from 2007 through the 2010 elections reflects its birth from political negotiations with a formula of 25 commissioners—10 from PUP, which was the former ruling party of Lansana Conté, 10 from the opposition, three from civil society, and two from MATAP.

35 UN Human Rights Committee General Comment 25, paragraph 21.

36 Constitution, art. 134–37.

37 Constitution, art. 63.

38 Title V, art. 128–67.

39 See for example UNHRC General Comment 25 and *UN Human Rights and Elections: A Handbook on the Legal, Technical and Human Rights Aspects of Elections*, paragraph 118; Commonwealth Secretariat, *Good Commonwealth Electoral Practice: A Working Document*, paragraph 11; and *International Electoral Standards: Guidelines for Reviewing an Electoral Law*, International IDEA, 2002.

40 Law L/2007/013/AN.

Subsequent legal developments had the goal of increasing the independence and strengthening the legal foundation of the CENI. Following the death of former President Lansana Conté,[41] the junta leader Camara issued a government order[42] on the management of the electoral process. This transferred the responsibility for organizing elections from MATAP to the CENI. It made MATAP the technical partner of the CENI and gave it the responsibility of supporting the CENI in carrying out its mission.[43] The new constitution made the CENI a constitutionally mandated institution charged with the organization, running, and supervision of elections. The CENI's mandate included, *inter alia*: coordination and management of electoral lists, appointment of electoral officials at various levels, consultations with stakeholders to determine electoral procedures, distribution of electoral material, declaration of provisional election results, and preparation of a final report for the president of the republic and other key officials. The electoral code of May 24, 2010, further confirmed the lead role of the CENI in Guinea's electoral process.[44]

*Subsequent legal developments had the goal of increasing the independence and strengthening the legal foundation of the CENI.*

The envisaged role of MATAP, as the CENI's main technical partner, was to support the electoral process through its extensive presence and logistical capacity (with staff, vehicles, offices, etc.) throughout the country. Although the CENI has primary responsibility over elections, limited financial allocations, minimal human resources, limited capacity, and a paucity of technical expertise have required it to rely heavily on MATAP. To facilitate and clarify the collaboration and to define their roles, a protocol was negotiated between the two institutions.[45]

The Carter Center observers, both in Conakry and throughout Guinea, noted that the collaboration between the CENI and MATAP ranged at different times and places from harmonious to rather conflictive and competitive, often due to a lack of clarity regarding each institution's mandate. The CENI commissioners played an operational and technical role for which they often appeared ill-prepared. Relatively few secretaries or support staff provided assistance. For technical matters, the CENI relied on the support staff from the United Nations Development Program and the International Foundation for Electoral Systems. The CENI introduced several complex technological innovations, such as biometric voter cards and a system of tamper-proof envelopes for transferring poll results, that were well-conceived but required more attention and planning in their application.

The Carter Center observers recognized that staff and leadership of the CENI made an extraordinary effort under less than optimal conditions to make the two rounds of the elections happen, the first under a very tight time line and the second under tremendous political pressure and financial uncertainty. While its commissioners as individuals demonstrated commitment to duty, as an institution, the CENI, in its current configuration, leaned toward being unwieldy and partisan. CENI members who were appointed by political parties retained loyalty to the parties. This caused the CENI to become extremely polarized during the presidential electoral process and did not engender the required development of neutral, professional electoral administration necessary to institutionalize electoral democracy. The partisan polarization of the CENI was a large factor in the inability of the institution to produce timely guidelines and procedures, the

41 42 December 2008. *Ordonnance* N°015/PRG/CNDD/2008 *portant gestion du processus electoral*, Jan. 4, 2009.

43 Article 2, 4.

44 Electoral code, art. 2.

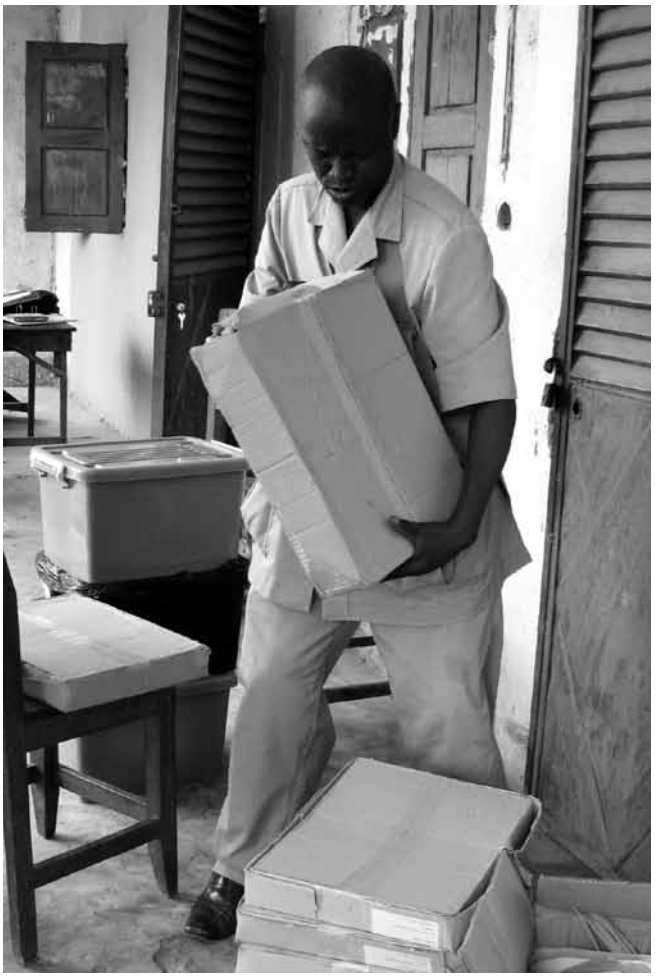
45 *Protocol d'accord relatif aux modalités de gestion du processus électoral CENI/MATAP.*

delay of which undermined the performance of electoral officials across the country.

The difficulty of identifying an acceptable replacement for deceased CENI President Ben Sekou Sylla was a major factor in the CENI credibility crisis. Gen. Sangaré ultimately demonstrated competence, neutrality, and diplomacy in the face of enormous challenges and pressure. This example shows the importance of the nomination of a qualified, respected, and impartial candidate for the CENI presidency who is accepted by the key political forces in the country and is knowledgeable about electoral administration.

During the presidential election, many questions were raised regarding CENI procurement practices. A strong oversight body and ongoing financial auditing process should be put in place: an independent CENI is necessary, but it must also respect best financial practices and be transparent and fully accountable for the expenditure of public funds. Sanctions should be taken against CENI members who improperly benefited from their position during the presidential electoral process, if this is proven to be the case.

The Carter Center recommends that the existing mandate, structure, and operational methods of the country's electoral management body be critically reviewed. A new composition should ensure that the best interest of the electoral process, rather than political affiliation, drives the decisions of the commissioners. The credibility crisis and pitched partisan leadership battle in the CENI after the first-round election directly contributed to a semiparalysis of the institution, successive delays in delivering a second round, and the increased tensions in Guinea just prior to the runoff election. A CENI consisting of five to nine commissioners focused on decision-making and oversight of a secretariat and technical operations team could considerably improve the efficiency and performance of future election administration in Guinea and engender significant public trust in this important democratic institution over time. The CENI commissioners, currently and in the future, would also benefit from high-level training in election administration and management.



Molly Byrne

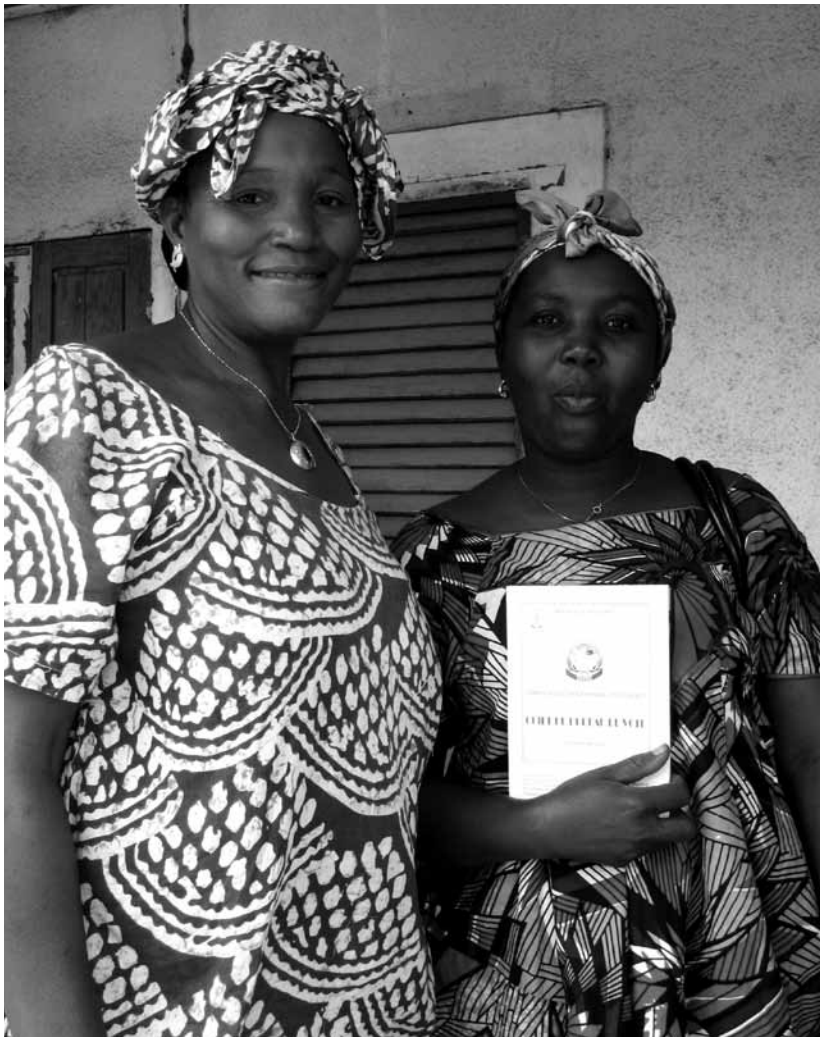
***A polling station worker opens materials in preparation for voting.***

**Administrative Boundaries and Electoral Management Structures**

The branch of the CENI at the prefectural level is known as CEPI (*Commission electoral préfectorale indépendante*) and is one of the electoral administrative units (*démembrements*). The management unit (*Cellule de gestion du processus*) of the CEPI administers the electoral process at the prefectural level.

A similar structure is used for the five communes of Conakry. These branches of the CENI are referred to as CECIs (*Commission eléctorale communale indépendante*) and are the equivalent of the 33 CEPIs in the prefectures. There are CECIs for each of the five communes in Conakry in addition to one CECI for each urban commune (one per prefecture).

Molly Byrne



***Two women show the guide to polling station procedures produced by the CENI.***

The election management structures at the subprefectural level were called CESPIs (*Commissions electorales sous-préfectorales indépendantes*).

Below the administrative units of prefectures and communes are quarters, districts, and sectors. Much of the work on elections is undertaken by the neighborhood chiefs (*chefs de quartiers*) and districts. During the first round, these units were closely involved in voter registration, revision of electoral lists, and reception and distribution of voting cards in association with the Administrative Commission for the Revision of Electoral Lists (*Commission administrative de révision des listes electorales*) (CARLE) in charge of these processes. For the second round, the CARLEs were not used again due to the perceived confusion they caused. Consequently, the neighborhood chiefs and district heads were often charged with ensuring the secure storage of voting materials (ballot boxes, ballots) before and after the election, under CECI/CESPI supervision, and the provision of food for polling station staff. The neighborhood chiefs were also closely involved with the distribution of voter cards. They were forbidden from having any involvement in the distribution of certain sensitive electoral forms, such as proxy (*procuration*) or derogation voting forms (for voting in polling stations other than where the voter was registered)—a task reserved for CENI local branches (*démembrements*)—and the transmission of results.[46]

Reception commissions were created (*Commission de réception et d'acheminement*) for the second round following observations during the first round that members of polling stations frequently waited for several hours in order to deliver their polling station results protocols (*procès-verbaux*), called PVs for inclusion in the results for the voting district. These reception commissions were tasked with receiving the three sealed envelopes[47] from the polling station on polling day after counting was completed. They collected, grouped, and forwarded the envelopes to the next level. The reception commissions were created at all levels (prefectures, communes of Conakry, subprefectures) and were composed of five members—the president of the CEPI/CESPI/CECI, as applicable; a representative from each political party; a member of

46 CENI/MATAP Joint Decision No.380/2010 of Oct. 5, 2010.

47 A red-seal envelope for the centralization commission along with invalid ballots and comments sheets, a gold-seal envelope for MATAP, and a green-seal envelope for CENI.

**Electoral Units**

***Administrative Units, Respective Officials, and Electoral Management Bodies***

- 7 regions: governor (no electoral management body)
- 33 prefectures: prefects *(préfets)*, *Commission electorale préfectorale indépendante (CEPI)*
- 33 urban communes and the 5 communes of Conakry: mayor *(maire)*, *Commission electorale communale indépendante (CECI)*
  - quarter: quarter chief
  - sector: head of sector
- 304 subprefectures: subprefects *(sous-préfets)*, *Commission electorale sous-préfectorale indépendante (CESPI)*

FOSSEPEL; and a representative of the local administration.

There was one centralization commission (*Commission administrative de centralisation du vote* [CACV]) per electoral district — that is, in each of the 33 prefectures, the five Conakry communes, and 18 embassies abroad. They began their work after the polls closed. The centralization commissions received the results sealed in the envelopes with red seals, tallied the count for the entire electoral district, and forwarded the results to the tabulation commission (*Commission nationale de totalisation* [CNT]) in Conakry. The five-person centralization commissions were appointed at the national level, and the president was typically a magistrate or high-ranking member of the judiciary.

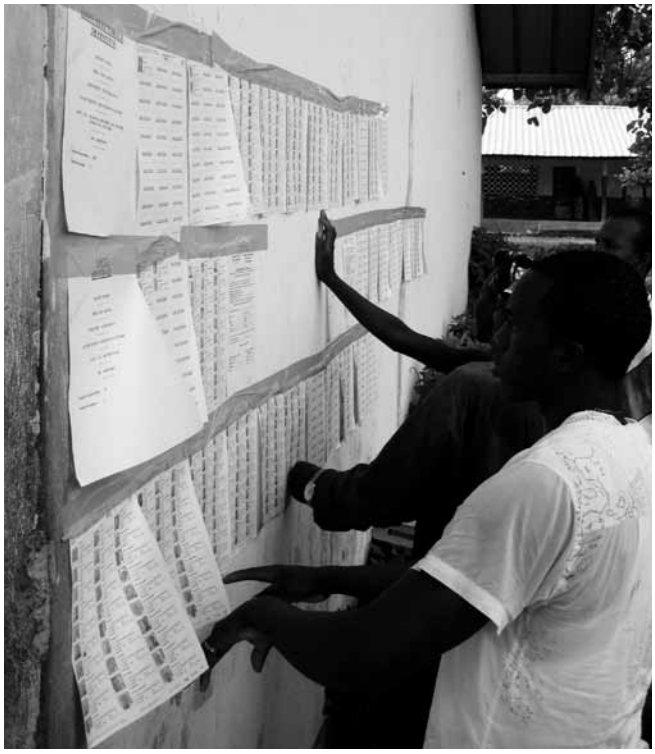
# Pre-election Developments

## Voter Registration

Registration should promote equal and universal suffrage for all eligible citizens, although registration can be subject to reasonable restrictions.[48] Sound voter registration processes that ensure a complete, current, and accurate voter list are a principal means of ensuring that universal suffrage and the right of every citizen to vote are easily fulfilled while providing controls that prevent electoral fraud.[49]

The Guinea Constitution and the electoral code maintain Guinea's international and regional obligations of ensuring universal and equal suffrage[50] to citizens who are at least 18 years old unless there is a reasonable basis for exclusion.[51] The electoral code limits the voting rights of certain classes of citizens, most notably those found guilty of crimes.[52] While individuals in pretrial detention retain the right to vote under the electoral code, the opportunity to vote, in practice, was denied to all individuals in detention, whether they had been convicted or not.[53] According to a local nongovernmental organization that monitors prison populations, individuals in pretrial detention make up an estimated 70 percent of Guinea's prison populations.

Molly Byrne



***Voting lists are posted on a polling station wall for public view.***

According to article 17 of the electoral code, the updating of voter lists should take place from Oct. 1 to Dec. 31 each year. Such a provision assumes that an existing voter register is continually updated, but in practice, the voter register was created anew in 2008 and had not undergone annual updates or had continuous maintenance procedures. This register was devised using voter registration kits and dedicated teams to collect registration information from voters, including their photographs and biometric information.

An exceptional voter registration exercise to correct this 2008 list was conducted from March 22 to April 26, 2010. In total, approximately 4.2 million

48 UNHRC, General Comment 25, paragraph 10.

49 UNHRC, General Comment 25, paragraph 11.

50 AU Declaration on Principles Governing Democratic Elections in Africa, art. 1; African Charter on Democracy, Elections, and Governance; art. 3(3); AfCHPR, art. 2.; UNHRC, General comment 25, paragraph 10.

51 AU Declaration on Principles Governing Democratic Elections in Africa, art. 1; African Charter on Democracy, Elections, and Governance; art. 3(3); AfCHPR, art. 2. UNHRC, General Comment 25, paragraph 10. "The right to vote at elections must be established by law and may be subject only to reasonable restrictions, such as setting a minimum age limit for the right to vote."

52 Electoral code, art. 7. While such a restriction based on criminal conviction is allowed by international law, it is good electoral practice that this restriction be limited to specified, serious crimes rather than applied as a blanket restriction to all those who were ever convicted.

53 Such broad disenfranchisement is in conflict with Guinea's international obligations; see UNHRC, General Comment 25, paragraph 14: "If conviction for an offence is a basis for suspending the right to vote, the period of such suspension should be proportionate to the offence and the sentence. Persons who are deprived of liberty but who have not been convicted should not be excluded from exercising the right to vote."

Deborah Hakes

***Election officials prepare to distribute voting cards to registered voters.***

eligible Guineans were registered to vote by the closing date. Due to the absence of any official census of population for several decades, no accurate figures are available to determine how many eligible voters actually existed or what percentage of them were registered and had their names correctly appearing on a polling location list corresponding to their current location of residence. Technical problems and inaccuracies of the voter registration process became apparent in the subsequent troubled processes of polling station allocation, voter list accuracy, and voter card distribution. Issues related to these shortcomings are detailed elsewhere in this report, but the root causes link directly to inadequacies in the administration of voter registration in Guinea.

Guinean voters living abroad also have the right to participate in elections.[54] There were 53,083 voters registered via 18 embassies and consulates in 17 countries for the 2010 elections. While the CENI made genuine efforts to include the diaspora in the electoral process, many voters abroad were effectively unable to vote due to the significant distance from their places of residence to the registration and voting locations at certain consulates and embassies.

Eight Carter Center long-term observers were present in the four regions of Guinea to observe the distribution of the voter cards,[55] which marked the final phase of the voter registration exercise. The observers described the distribution as late, chaotic, and confusing. The printing of biometric voter cards was completed in June by the Ministry of Territorial Administration and Political Affairs (MATAP) in collaboration with SAGEM, a French company that won the contract for their production. The delivery of cards to regions farthest from Conakry, including the Forest Region, began 11 days later than the planned June 1 date in round one. Some registered voters did not receive the necessary voting cards.[56] The practice of 'handing in the receipt' to receive the voter card was not consistently followed or enforced.[57]

After the significant problems using the biometric voter cards in round one, it was decided to produce alphanumeric cards with only the voter's name and number for the second round of voting. These cards were also produced in Conakry and then sent back to the field, although, again, many did not make it into the voters' hands.

During the first round, The Carter Center did not observe voter registration; however, interlocutors

54 Electoral code, art. 11.

55 Biometric cards included voter information (photo, fingerprints, address, and vital statistics) using the latest technology. They were produced in Conakry and then sent to the field for distribution to the respective voters.

56 Many problems occurred while centrally transferring data, which may account for voters who did not receive their voter cards despite the fact that their names appeared on the voter lists.

57 Because of the problems in the voter card distribution, a decision was made to allow first-round voters without cards to vote with their receipts. The fact that the voter's photo was on both the receipt and the voter list addressed concerns about double voting possibilities for voters in possession of both the receipt and the card.

told our long-term observers of a great excitement to register throughout much of the country. Carter Center observers did not hear of any cases of military or political actors trying to restrict access or influence the voter registration process. Representatives of political parties had been invited as registration observers throughout the country, contributing to the transparency of the process. For these reasons, and despite the chaotic nature of the voter card distribution, the observers believed that the voter registration exercise represented a genuine effort to enfranchise eligible citizens on the part of the authorities at both the national and subnational levels.

The Center encourages Guinea to design robust and sustainable systems for developing and maintaining an accurate and comprehensive national voter register, conducting such an exercise in compliance with the law and before any future election. Sound voter registration processes and a complete, current, and accurate voter list provide controls to prevent fraud, ensure transparency, and provide a solid basis for planning by election officials regarding equipment, supplies, and other aspects of the voting process in widely varying circumstances. Prior to legislative and local government elections in Guinea, there needs to be an update to the voter list that allows those newly eligible to register, removes the names of those known to be deceased, and updates the location address for those who advise that they have moved their place of residence. Without such an update, serious concerns about the commitment of Guinean authorities to universal suffrage will be expressed and may form the basis of legal challenges regarding the legitimacy of any election that systematically disenfranchises voters through registration policy.

*Sound voter registration processes and an accurate voter list provide controls to prevent fraud.*

Regarding the estimated 800,000 Guinean citizens living abroad, steps should be taken to activate the rights promised under the electoral code by facilitating the registration of a larger percentage of those eligible to vote than what was done during the 2010 presidential elections.

## Voter Education

In accordance with international obligations, states must take necessary steps to ensure realization of rights given by treaties signed by the state, including the right to receive information.[58] It is the responsibility of all states to take specific measures to address difficulties that could prevent people from exercising their electoral rights effectively.[59] Voter education is seen as one of the principal means to ensure that the electorate is well-informed and thereby can exercise its free will by voting in elections.[60] International law encourages state support of public education efforts.[61] Regional standards also reinforce this norm by encouraging states to provide and not restrict citizen access to information.[62]

While under the Guinea Constitution voters have the right to receive, seek, and impart information,[63] neither the Guinea Constitution nor the electoral code imposes upon the state a duty to provide voter education prior to elections. While nongovernmental organizations may have a role in the education of the electorate, it is ultimately the responsibility of the state to ensure that nonpartisan information is available to the electorate. In the case

58 ICCPR, art. 2 and 25; UNHRC General Comment 25 and 31; ICCPR, art. 19(2).

59 Specific difficulties include such things as language barriers, poverty, and impediments to the freedom of movement. States must ensure that voter education reaches the broadest possible pool of voters (UNHRC General Comment 25, paragraph 11).

60 AfCHPR, art. 3(4); ICCPR, art. 25(b); Universal Declaration of Human Rights (UDHR), art. 21(3); UNHRC General Comment 25.

61 UN Convention Against Corruption (UNCAC), art. 10(a) and 10(b).

62 AU Convention on Preventing and Combating Corruption, art. 9.

63 Constitution, art. 7.

of the Guinea 2010 elections, the CENI relied to a large extent on other actors, including civil society, political parties, and the international community, to provide this service.

Carter Center long-term observers traveling throughout both rural and urban areas of Guinea from late May observed the full duration of voter education campaigns, both through direct observation of media, posters, and direct voter education, as well as through interviews with officials, civil society members, parties, and voters. They were asked to report on messaging, means, and messengers as well as to provide their impressions on the effectiveness of the campaigns.

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***Carter Center observer Kimberly Mason speaks with voters as she fills out an observer questionnaire.***

In a country that suffers from a high rate of illiteracy and has numerous local languages, voter education is a challenging task. Disseminating voter information in each local language to citizens living in rural areas of the country proved extremely difficult. The Center's observers in the Fouta Djallon region (Middle Guinea) noted that rural radio was the most important tool for educating voters, as other media sources were not accessible. The Center's Forest Region observers expressed concern that voter education efforts were not reaching each of the ethnic groups in the rural areas, such as in the Lola prefecture.

In Guinea, many of the voter education campaigns focused on peace, understanding, and encouraging voters to accept the final election results rather than on voting procedures. Factors such as the short time frame; vague, varying, and conflicting rules; and limited funding for the election may have inhibited the CENI's ability to conduct more widespread education. Our observers found examples of voter education posters in local languages, such as Malinké and Pulaar, that were never distributed. The Center noted complaints by the New Generation for the Republic (NGR) campaign workers who were concerned that citizens would check more than one candidate since this was the first time Guinea used a single ballot.

The Center observed television commercials, banners, posters, slogans, and local musicians encouraging voters to accept the election results. The Center observers found members of the Guinean music culture also involved in promoting voter education and civic participation. Sékouba Bambino, a renowned Guinean musician, performed a concert promoting national unity and participation by the electorate in the presidential elections.[64]

Carter Center observers in the Fouta Djallon region (Middle Guinea) reported that 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. In N'Zérékore, our observers noted CEPI conducting door-to-door campaigns throughout the subprefectures to inform citizens of their political rights. The long-term observers found that initiatives by international organizations such as the International Foundation for Electoral Systems and Search for Common Ground were effective, with campaigns designed to educate voters on the importance of peace during the extended interim

64 There were, conversely, events with the opposite effect; on one occasion, a well-known performer announced that elections were a farce.

period prior to the second-round election and about new procedures developed to address issues encountered during the first round. These organizations used workshops, posters, TV spots, caravans, street theater, and football matches to reach a diverse demographic of voters. Largely, however, our observers reported that the political parties did the "heavy lifting" on the how-to-vote message.

The Carter Center encourages the CENI to develop and conduct more extensive voter education efforts in preparation for future elections. While messages promoting peace and acceptance of results were extremely important and should be continued in future elections, The Carter Center regrets that less emphasis was placed on providing effective basic voter information regarding the key issues for polling day. During an election period, the CENI should undertake a widespread voter education campaign, calling upon civil society and impartial actors throughout the country to help inform citizens of their rights and duties in the framework of the electoral process and the specifics of the voting process. Official voter education needs to be properly budgeted and planned to start much earlier than a few weeks before the elections. Such an effort would need to make use of radio, television, and person-to-person contacts. While voter education conducted by political parties is a welcome addition to that conducted by more impartial bodies, it is partisan by its very nature and should be viewed as such.

Deborah Hakes


***A poster sponsored by various national organizations, international NGOs, and foreign governments educated citizens on the voting process.***

## Candidates, Parties, and Campaigns

In a democracy, the right of individuals to participate in public affairs is protected by international principles and fundamental electoral rights.[65] This right includes the ability to establish and freely associate with political parties and participate in campaign activities. All citizens who meet core eligibility requirements should be permitted to run for an elected office. Additionally, candidates and parties alike should be free to express their views without undue influence from the state. The Guinean electoral code is consistent with its international obligations as it places only reasonable restrictions on these rights.

Overall, candidates accepted the registration requirements, which were clear and predictable.[66] The requirements governing the time frame and the documentation required for registering as a candidate were appropriate and were not deemed discriminatory to different parties and candidates. The deposit required of presidential candidates was set very high (at 400 million Guinean francs[67]) in an attempt to discourage frivolous candidates.[68] The constitutional requirement that all presidential candidates be certified to

65 ECOWAS, Protocol, art. 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; UNHRC General Comment 25 on The Right to Participate in Public Affairs, Voting Rights, and Equal Access to Public Service, paragraph 25.

66 Constitution, art. 29; electoral code, art. 168–74. Requirements are, among others, that candidates must have Guinean citizenship, be in good health, and be at least 35 years of age.

67 US $65,000–80,000, depending on exchange rate. The electoral code calls for the entire deposit to be returned to candidates who receive a minimum of 5 percent of votes cast (see appendix, electoral code, art. 192–94).

68 Good practice provides examples of other, nonmonetary means (e.g., signature collection) of discouraging frivolous candidates.

Deborah Hakes


***A voter displays a T-shirt that supports candidate Ahmed Sekou Toure.***

be in good health by a medical board[69] was a nod to Guinea's recent history of instability due to seriously ill or dying leaders.

Carter Center long-term observers attended campaign events and rallies and met frequently with political party representatives in their areas of responsibility. They monitored the extent to which campaign events and rallies were conducted with respect for free expression, movement, and assembly for all candidates.

All the political parties in the first round of the presidential elections signed a code of conduct promising to refrain from fraud, violence, personal attacks, and appeals to race, religion, ethnicity, or region. Furthermore, on the eve of the first-round elections, the interim president, the president of the CENI, the president of the CNT, and all 24 candidates met for a televised common appeal for peaceful elections and national unity; however, violent incidents marred the track record of the parties.

One violent incident occurred during the campaign for the first round, in the town of Coyah (about 30 miles/50km from Conakry) three days before election day. Supporters of the Union of Republican Forces (UFR) and the UFDG started throwing stones at each other, and security forces intervened to separate the two camps. Several deaths were reported at the time, vehicles and storefronts were damaged, and a number of people were injured.[70]

The political campaign environment for the second-round election was marked by increasingly heated rhetoric from both candidates' camps and multiple violent incidents. Violence occurred in three different scenarios. First, campaign supporters confronted each other directly, usually on the margins of large campaign rallies in Conakry. Second, many violent incidents occurred in clashes between political party supporters, mainly from the UFDG, and various security forces and, on occasion, the military. Third, targeted ethnic violence took place in the strongholds of both parties against members of the other coalition.

The candidates conducted well-run campaigns throughout the country. Many candidates made significant efforts to rise above their expected regional bases and mobilize support in distant prefectures. Some campaign rhetoric suggested that anything other than victory for the party in question would indicate fraud in the electoral process, but more

69 Constitution, art. 29.

70 Claiming deaths: "Election présidentielle — Effervescence à Conakry, malgré des morts," Guineeweb. June 25, 2010. http://www.guineeweb.org/article-guinee-election-presidentielle-effervescence-a-conakry-malgre-des-morts-52949474.html, accessed on August 20, 2010; no report of deaths: Radio France Internationale. "Guinée: La campagne électorale prend fin ce vendredi," June 25, 2010; also: Azoca Bah, "Politique: affrontement entre militants de l'UFDG et de l'UFR à Coyah!," June 24, 2010. http://www.guineedirect.com/index.php?option=com_content&view=article&id=622:politique-affrontement-entremilitants-de-lufdg-et-de-lufr-a-coyah-&catid=54:politiques&Itemid=76, accessed August 20, 2010.

often, candidates spoke of the election process as a moment of unity. When pressed, the campaigns and their partisan supporters expressed their willingness to accept the result. The candidates and parties generally respected the authority of the CENI, the CNT, and MATAP.

The Carter Center assessment is that candidates and party supporters were free to express their electoral platforms and freely assemble throughout the campaign period. The Carter Center found that the parties largely abided by the code of conduct, keeping their messages disciplined and avoiding intimidation tactics. Guineans, who in past election cycles have had little reason to display their political preferences openly or were afraid to do so, participated in campaigning with remarkable enthusiasm. In this sense, the electoral process allowed Guineans an unprecedented opportunity to express themselves openly and engage in political debate.

*The political campaign environment for the second-round election was marked by increasingly heated rhetoric and multiple violent incidents.*

## Campaign Finance

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.[71] States are not obliged to provide public funding for parties and candidates; however, there is a growing trend toward providing such funding as a means of ensuring a level playing field, thus fulfilling the state's obligation to ensure that all citizens have a right to be elected. If such funding is offered, it must be done equitably.

While independent bodies to monitor and implement reporting and disclosure requirements are not obligatory in public international law, they are widely accepted as the best method to ensure effective implementation of campaign finance regulations. Spending limits generally are not seen to impinge on a citizen's freedom of expression, and such limits may be put in place to counteract corruption and ensure political equity.

According to the Guinean electoral code, campaigns are to be financed by political parties' resources, equitably distributed state subsidies, and the personal revenue of candidates.[72] Each party is to create a special electoral fund as well as a campaign account to manage and document expenses. All campaign financing must be drawn from this fund.[73] A financial commission made up of representatives from the CENI, MATAP, the Ministry of Finance, and representatives of each political party decides on the sum of the deposit each candidate/party must pay to participate in a campaign, as well as the maximum sum for election expenses.[74] Thus, in a joint decision by the CENI and MATAP on May 13, 2010, it was decided that each candidate would pay a deposit of 400 million Guinean francs and that the campaign budget should be limited to 5 billion Guinean francs (US $80,000 and US $1 million, respectively). According to the code, parties and candidates were forbidden from exceeding this limit for the full campaign (both rounds).[75]

In the 30 days following an election, each party or candidate must present a statement of their accounts for the electoral campaign to the Supreme Court's

71 AfCHPR, art. 2 and 13(1); Protocol to the AfCHPR on the Rights of Women in Africa, art. 9(b); ICCPR, art. 25(b); ICEFRD, 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. UNHRC General Comment 25 on The Right to Participate in Public Affairs, Voting Rights, and the Right to Equal Access to Public Service, paragraphs 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, art. 1(4) and 2(2).

72 Electoral code, art. 191.

73 Electoral code, art. 196 and 197.

74 Electoral code, art. 192.

75 Electoral code, art. 195.

Deborah Hakes

***Party members campaign in Conakry.***

Chamber of Accounts, along with documents justifying resources and expenses. The chamber certifies the accounts and renders them public to allow the public and political parties to comment.[76] Legal prosecution by the state is to be undertaken against those parties or candidates who exceeded the limit fixed by the financial commission.[77] In addition, there are legal measures in place giving MATAP the judicial authority to oversee campaign financing.

Local observers and analysts suggest that a significant proportion of financing came from the personal fortunes of party candidates such as Sidya Touré of the UFR, Abe Sylla of the NGR, and Papa Koly Kouroumah of the RDR. For the second round, the allied parties contributed to the campaigns of Alpha Condé and Cellou Dalein Diallo, as well as party members and other contributors. In the case of the UFDG, Abe Sylla and Sidya Touré were supposedly notable contributors. Both campaigns benefited from strong support from local merchants, business, and traders as well as well-to-do sympathizers among the large Guinean diaspora. Relatively frequent trips abroad by both second-round candidates even during campaign periods seemed to indicate that the diaspora and other foreign backers played an increasingly important part in the campaign fund-raising efforts.

In the case of the RPG, apart from contributions from allied parties, party members, and supporters, financing came from the national and foreign-based Malinké business community as well as political allies, such as Lansana Kouyaté and Papa Koly Kouroumah. It is also widely believed that both candidates received funding from foreign African heads of state; however, this could not be verified.

Though financial oversight of the electoral processes was far from stringent, it did not appear to be an issue of contention for any party (especially since no ruling party was using state resources to finance their campaign). Nevertheless, the Supreme Court accepted that the principle of financial oversight of elections was a crucial one for the future and recognized the need to make parties abide by the legal provisions[78] in the electoral code, especially on the presentation of statements of accounts.

While political finance did not emerge as a salient issue in the public discourse of Guinean stakeholders, increased focus on the establishment of clear and robust financial reporting systems will benefit future electoral processes significantly. Where such measures currently exist in law, they should be carefully implemented and reviewed for potential expansion. Normally, disclosure should be timely, with requirements specifying the reporting of political financing details immediately before and after elections; be

76 Electoral code, art. 198.

77 Electoral code, art. 199.

78 Article 198 of the electoral code compels candidates to submit statements of accounts (including electoral expenses) to the *Cour de comptes* (Court of Auditors) within 30 days from the proclamation of official results.

comprehensive, using a predetermined accounting framework that allows interested parties to find out donor identities; and be prohibitive of large, anonymous donations.

## The Media

The independent media play an indispensable role during democratic elections by informing voters and political parties about major campaign developments and issues. Internationally and regionally accepted principles require that all people have the right to receive and seek information and explore new ideas[79] and that states should not enforce unreasonable restrictions on these matters.

The Guinea Constitution reinforces the freedoms promoted by international and regional treaties in regard to: freedom of people to receive, seek, and transmit information;[80] freedom of political expression; freedom of the press;[81] and the right of access to public information. The electoral code further provides for nondiscrimination and impartial use of state resources by requiring that all candidates have equal access to state media outlets during the election campaign.[82] The National Communication Council oversees the equality of treatment of all candidates by public media. When necessary, the Constitutional Court can intervene to ensure that the principle of equality of coverage is respected.[83]

The Carter Center election observation mission did not have a formal systematic media monitoring component; however, long-term observers and Conakry office staff were tasked with assessing whether news coverage of candidates was conducted in an unbiased and nondiscriminatory manner, whether there seemed to be equal coverage of candidates by state-owned media outlets, whether there were any obvious limitations to freedom of expression for the candidates, and whether the media were able to effectively reach out to voters and citizens on matters relating to the elections.

During the first round, the CENI and the Ministry of Communication took measures to ensure equal coverage to all parties on national news and radio. The campaign environment before the June 27 election was positive and characterized by many appeals: nonviolence, national unity, and reconciliation; respect for other candidates; and an absence of negative campaigning. Since there was no incumbent party or incumbent members of the transitional government on the ballot, the political playing field was marked by an unprecedented openness. The 24 candidates who competed in the first-round election all had equal access to air their views on national Guinea Radio and Television (RTG). Media teams were provided by the state to all candidates during the campaign period, and all candidates were provided a consistent four minutes of coverage time in the weeks prior to election day. A weekly program featuring individual candidates was canceled after the official announcement that 24 candidates would be on the ballot, since it became apparent that there would be insufficient time to offer equal coverage. Radio and campaign rallies were well-coordinated overall between the political campaign organizations and the administrative officials responsible for approving public rallies.

*Media teams were provided by the state to all candidates during the campaign period.*

Similar to the first-round election, the media reporting on election-related events were free of government interference during the second-round campaign period. The state-run RTG offered equal access

79 ICCPR, art. 19(2): "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." UNCAC, art. 10(a) and 13(b).

80 Constitution, art. 7.

81 Constitution, art. 7.

82 As noted in the June 2010 Preliminary Statement, p. 12.

83 Electoral code, art. 56 and 59.

to both presidential candidates and their alliances. It made available to each candidate a multimedia team comprising television/radio journalists and technicians to record campaign events and report on them in the news programs. Each candidate received a daily 10-minute slot for their campaign statements and spots after the evening news.

The media played a large role in disseminating civic education messages and providing a balance of political views. Public radio programs explained to listeners the mechanics of how to vote, why voting was important, and who the candidates were. Some public stations extended their messages to larger audiences through the use of the local Soussou, Malinké, and Pulaar languages. Rural radio stations assisted in voter education, while private radio stations aired call-in shows where people could discuss their opinions on the candidates and the elections.

While there were no regulatory restrictions on private/independent media, there are few private radio stations outside the major cities, and their influence in rural areas was limited. Early in the mission, our observers reported some cases of journalists from private media outlets returning to regions where they previously had been threatened by local officials under the Camara regime, who had orders to suppress reporting. While the journalists were allowed to return to these regions and report on local events, they found the same local officials still in power in the localities in question.

Unfortunately, commitments for responsible reporting by media organizations broke down during the times of the gravest violence in the second-round election. Notably, when approximately 120 RPG supporters fell sick during the final RPG campaign rally on Oct. 22, some media outlets were quick to report these incidents as cases of "poisoning" 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 the jurisdiction of the National Communication Council, creating challenges for quality control and regulation.

Many internationally sponsored initiatives contributed to increased 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 to provide professional, balanced, and nonpartisan radio programming on the elections and on the importance of peace and reconciliation in Guinea. Radio France International 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, and the French and U.S. embassies. The French-, U.S.-, and EU-sponsored Press House (*Maison de la presse*) offered Guinean journalists a well-equipped location for research, information sharing, and press conferences, thereby playing an important role in fostering professional and accurate reporting on election-related issues.

Our overall impression was that private and public media offered coverage of the elections and political campaigns free of undue interference. The Carter Center found that most of the major private radio stations offered 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 urged such media outlets to restrain their message. In an effort to self-regulate their profession, journalists and media unions such as the Union of Free Radios and Televisions of Guinea also intervened to call upon their members to properly fact-check reports and provide balanced reporting.

## Civil Society and Domestic Observation

In a truly democratic election process, members of the civil society and domestic observation groups are free to actively participate in the electoral process.[84] International and regional obligations require that states not hinder this freedom in any manner.[85]

In adhering to core international and regional human rights principles, the Guinea Constitution and the electoral code encourage active participation by all members of civil society during the electoral process.[86] Electoral procedures were established to allow party agents and domestic observers at each polling station to observe the voting process, and in practice, there appeared to be few or no impediments to their involvement in the election process, for which Guinea is to be strongly commended.

*The CENI made significant efforts to provide accreditation for observers; however, the accreditation process often suffered from delays.*

The Carter Center long-term observers met regularly with civic leaders and civil society representatives of their areas of responsibility, asking questions about political space, their perception of the electoral process, and the ability of their members to freely participate in public affairs.

Of the numerous civil society groups that fielded domestic observers, those most frequently encountered by the Center observers in polling stations were the Domestic Election Observer Consortium (CODE), with over 2,000 observers nationwide; the Guinean Election Observer Network (REGOEL), with 624 deployed observers; and the National Council of Civil Society Organizations in Guinea (CNOSCG).

CNOSCG and CODE gathered a parallel set of election results, while REGOEL representatives were frequently seen logging the incoming results at reception committees in the second round, verifying that envelopes were being correctly received. The Research Institute on Democracy and Rule of Law (*Institut de recherche sur la democratie et l'etat de droit*) trained security forces on human rights practices and trained journalists on the code of conduct and election reporting. Civil society organizations published their assessments of the election process following both rounds of polling, identifying such critical issues as lack of materials in specific locations and making recommendations for improvements.

There were some reports of domestic observers being denied entry into polling places or of being intimidated by party, electoral, or government agents. Conversely, isolated incidents were noted where national observers became unduly involved in the electoral process, directing voters to polling booths and assisting with counting procedures. In order to ensure that the role of domestic national observers is respected, it is equally important to ensure that observers receive adequate training on the limitations and scope of their role, and that polling officers understand and respect the role of observers.

The Center observed that the CENI made significant efforts to provide accreditation for observers; however, the accreditation process often suffered from delays and excessive bureaucracy.

The Center commends Guinea for allowing groups to carry out their activities without interference while encouraging the civil society movement to strengthen and provide greater opportunity for civic engagement in the future.

84 The right to participate in the public affairs of one's country, including the electoral process, are recognized at the regional and international level. See for example, AfCHPR, art. 13 (1); AU Declaration on the Principles Governing Democratic Elections in Africa, art. 7; and ICCPR, art. 25 (a).

85 AfCHPR, art. 13; UNHRC General Comment 25, paragraph 25.

86 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 note that CENI has broad duties to establish rules and regulations that apply during elections. Constitution, art. 132 and 133.

## Participation of Women

States are obliged by international and regional obligations to ensure that no exclusion or restriction regarding women's rights to participate in the public life exists in the legal framework or in practice.[87]

The Guinea Constitution provides for the equality of all people before the law. Through the ratification of international and regional treaties, Guinea has pledged to promote the political participation of women on an equal basis with men.[88] Further to the Guinea Constitution, 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.[89]

Molly Byrne

***A voter shows her finger dipped in indelible ink, indicating that she has voted and preventing her from voting again.***

According to verbal communication from MATAP officials, women represented 52 percent of registered voters in Guinea and 53 percent of registered voters in the diaspora. Election day observation in both rounds consistently showed that women exercised their franchise equally to men, if not in higher numbers, and there were no visible impediments to voting that would have affected women more than men. Women often formed separate queues and were admitted at the same rate, if not faster, than male voters. Carter Center observers estimated that women were participating equally with men in casting their ballots at 87.5 percent of the polling stations observed.

The International Foundation for Electoral Systems (IFES) provided funding to a women's association[90] that specifically sought to involve women in the electoral process. The members of the association then educated other women's associations on the electoral code.

During the election period, women were participants in the voting process as polling station staff, party representatives, and domestic observers. Observers across Guinea estimated that women made up approximately 25 percent of CEPI, CESPI, and CECI (the regional and local branches of the electoral commission) officers. However, Carter Center observers noted that most often these women

87 ICCPR, art. 25(9); UDHR, art. 21(a); ICFRD, art. 5(c); UNHRC General Comment 28, paragraph 29; CEDAW, art. 7.

88 See, for example, CEDAW, ratified Aug. 9, 1982; Convention on Political Rights of Women, ratified Jan. 24, 1978.

89 Electoral code, chapter 1.

90 *Association guinéenne pour l'implication des femmes dans le processus electoral et gouvernement* (Guinean Association for the Involvement of Women in Electoral Process and Governance).

were secretaries or treasurers rather than presidents. Approximately 14 percent of polling station staff were women, and 18 percent of party and candidate agents were female.

During electoral training, women did not appear to play a prominent role. For instance, observers in Kankan reported that out of 140 polling station officials at a particular training session, only two were female. In the CENI, only two of the 25 national-level commissioners were female.

Within political parties, the same trend was evident. Not only are there fewer women candidates within lists of candidates for elections, but those who hold leadership and decision-making positions are almost exclusively men. Nonetheless, many political parties said that the majority of their grassroots voters are women. In Upper Guinea, observers counted 29 women out of 104 in a political party delegates' training. There was only one woman among the 24 first-round presidential contenders, civil society activist Saran Daraba, who only managed to garner approximately 3,000 votes nationwide.

Mainstreaming gender fairness in electoral processes requires an analysis of the participation of women and men in all stages of the electoral process. This includes examining not only the participation of women and men as candidates in the election but also how electoral administration and electoral arrangements facilitate and promote women's participation as voters. Electoral management bodies, like other public institutions, have developed or inherited practices that may be gendered and are in turn replicated in policies and operating procedures, staff positions and levels, and so forth, of the electoral management body.

The Center observed no specific barriers to women's participation in the electoral process and notes that more women have positions in the "newly created" institutions, such as the CENI and CNT (headed by a woman), than in previous administrations. Nevertheless, the Center recommends that more be done to ensure women's rights to participate in their country's public affairs.

*The Carter Center encourages Guinea to take additional steps to ensure women's full participation in the entire political process.*

Looking forward, Guinea has the opportunity to fully embrace and promote the participation of women in the electoral process by upholding its existing laws. The electoral code[91] stipulates that a minimum of 30 percent of the candidates designated by political parties on electoral lists must be women in the pending legislative elections. The code also stipulates that at least every third candidate on each list must be a woman, thus ensuring women's names will not appear at the bottom of the party lists. The Carter Center encourages Guinea to uphold these legal commitments and suggests the government take additional steps to ensure women's full participation in the entire political process during the upcoming legislative elections.

91 Art. 129.

# Election Day

The voting process is a cornerstone of the obligation to provide for the free expression of the will of the people through genuine, periodic elections. Certain participatory rights must be fulfilled for the voting process to accurately reflect the will of the people. Foremost among these are the rights to vote, to participate in public affairs, and to enjoy personal security.[92] The state must take all necessary steps to ensure that such rights are fully protected and awarded to all citizens in an equal and nondiscriminatory manner.[93]

Both the Guinea Constitution and its electoral code support Guinea's international and regional obligations regarding voting procedures.[94] While Carter Center observers reported numerous cases of *ad hoc* procedures, late poll openings, and missing materials, they noted that such incidents generally did not fundamentally affect the integrity of the process. Observers felt that the election commission, from polling station staff to regional commission heads, endeavored in good faith to ensure universal suffrage.

Overall, Carter Center observers noted that voters appeared generally enthusiastic about the process and came out in large numbers to cast their ballots in relative calm. The process was largely transparent, turnout was good, and the turnout pattern of the first round seemed to broadly repeat itself in the second. By the time of the second-round election, the voting process was more efficient, partially due to the fact that voters and polling station staff alike were more familiar with the process and partially due to the fact that only two candidates were on the ballot. Turnout was highest (75–85 percent) in the capital and in Middle Guinea, reasonably high in Upper Guinea (70 percent), but lower in the Forest and coastal areas (50–60 percent). Many voters in rural areas in the Forest Region and in Lower Guinea seemed to have abstained during the second round since their preferred first-round candidates were no longer on the ballot. Observers in coastal Guinea also reported instances of small towns that were located 15 or more kilometers from the nearest polling station in both rounds of the election, as well as populations that needed to transit between islands to reach polling stations.

Molly Byrne

***A polling station worker displays supplies he will use during polling, including a container of indelible ink.***

92 ICCPR, art. 2, 25(a), and 9.

93 ICCPR, art. 2(2); ICEFRD, art. 1.

94 Constitution, art. 146–49; electoral code, art. 3–5.

Deborah Hakes


***Polling station workers receive their materials on the morning of election day. Approximately 150 new polling stations were created within 30 days of the election, leading to some delays and confusion with receipt of supplies.***

## Opening

During the first-round election, many polling stations did not open on time, often due to misunderstandings of procedures on the part of polling station staff, missing electoral materials (including ballots and voter lists), and a lack of polling station staff. By round two, however, most of these issues had been addressed, and the vast majority of stations either opened on time or within 30 minutes of the scheduled opening time. Delays were mainly a result of missing nonsensitive electoral items or simple tardiness by polling station staff. In both rounds of elections, voting took place in a generally peaceful atmosphere. The bulk of Guineans voted early, often forming lines of 50 to 200 voters before the polls opened.

## Polling and Polling Preparations

Maintaining public confidence in the electoral process requires that accepted international standards be met regarding universal and equal suffrage, secret ballot, and access to information.[95]

Several statutory deadlines relating to voting operations required by Guinean law were not respected, especially prior to the first round. For example, although the electoral code requires polling station locations to be determined 30 days prior to the election, in the days immediately preceding the election,[96] adjustments were still being made, including the addition of approximately 150 polling stations. Citizens were informed late of the changes to the location of their polling stations, sometimes only on election day. The distribution of special materials to new polling stations required additional time.

A number of new voting procedures differed from what was described in the law. One example was the final paragraph of article 72 of the electoral code that stipulates that voters should be allowed to vote wherever they happen to be in the country, a paragraph that was subsequently deleted with the amendment of the code. It was not clarified whether voters needed to fulfill certain conditions (e.g., being "on official mission") or required a special authorization to be able to exercise their right. At one point there was much confusion about whether students who registered in their villages but subsequently moved for the purpose of studies could vote in Conakry, for example. Such cases were usually clarified, but often at a very late stage through CENI directives or in subsequent amendments of the electoral code. The various versions of the code meant that provisions regarding where voters could vote—only at their assigned polling stations or else-

95 Convention on the Rights of Persons with Disabilities, art. 29(a); ICCPR, art. 2 and 19(2); UNCAC, art. 18; AU Convention on Corruption, art. 4.

96 Electoral code, art. 68.

where in the country—were never entirely clear, and interpretations differed among key actors.

Another example was the issue of envelopes that was called for in the law but not planned for in polling. The "single ballot" was an innovation that presented problems due to the proscription in the law of using envelopes (which assumed the use of multiple ballots as in previous elections, one of which would be placed by the voter in an envelope). The electoral code that was amended and published just prior to the second-round election finally resolved this question by making the envelopes optional.

Confusion about several important aspects of voting and counting procedures, delay in allocation of polling stations, lack of transportation capacity, and late delivery of essential voting materials negatively affected the quality of polling during the first round. Challenges faced during the voter registration process and with the delivery of voting cards severely hampered the preparation for polling. The time line for distribution of materials and the recruitment and training of polling station staff were unrealistic, considering significant distances, poor transport infrastructure, and major communication challenges.

*A number of new voting procedures differed from what was described in the law.*

The poll worker training was poorly delivered during the first round. The lack of clear guidelines and training meant that polling staff were faced with personal interpretations of important electoral issues on election day, including fundamental questions such as who could vote, the determining of valid and invalid ballots, and the recording and transmission of results.

Two days prior to election day in the first round, a number of serious logistical challenges remained outstanding: Ink used by voters to vote by fingerprint was just arriving in the country, and sensitive material such as ballots, protocols, tamper-proof bags, and seals for the transmission of results still had not left Conakry for delivery to the prefectures throughout the country. These sensitive materials did not arrive in all polling stations on time or in sufficient amounts according to Carter Center observers. Just hours before the opening of polls, the personnel for handling polling station results at the prefectural level remained in Conakry, waiting for funds and transportation.

During the first round, some polling stations had extremely long lines with voters waiting more than eight hours to cast their ballot. Any tension that arose among voters seemed to be attributable to frustration with long wait times and the perception that they may not get to vote. Article 73 of the electoral code calls for one booth per 250 voters. Delays would have been avoided had this provision been respected in practice. In several observed cases, polling stations had no booths, causing the staff to improvise booths with nonofficial materials.

In its statement of June 29, The Carter Center expressed concerns that an uneven delivery of service to voters in different parts of the country and confusion over proper election-day procedures had the potential to undermine the principles of universal and equal suffrage.[97] Between the two election rounds, the *ad hoc* committee and a technical committee worked on 26 points to improve election procedures, and consequently, many of these issues were resolved for the second round through a series of joint decisions taken by the CENI and MATAP.[98]

97 Universal and equal suffrage are closely linked to the ability of all voters to be awarded an equal opportunity to cast their ballots. Discrepancies in preparation, material allocation, and training in different parts of the country can lead to inequalities with regard to the effectiveness of citizens' making of ballot choices. At worst, the scenario described above can produce a geographically based disenfranchisement of people living in isolated or rural areas, who are often the poorest, undermining the principles of universal and equal suffrage.

98 See Joint Decision n°392 CENI/MATAP of Oct. 20, 2010, *sur le vote par procuration* and the *Décision* n°089 of Nov. 16, 2010, by the president of the CENI, *portant modalités de vote des populations déplacées et des malades hospitalisés à la suite de manifestations du 22 Octobre 2010* (regarding the displaced and injured populations from the events of Oct. 22). For a complete list of the 26 points, see Appendix G.

Molly Byrne

***Due to an insufficient number of booths, some polling stations had long lines where voters waited up to eight hours to cast their ballots.***

In the second round, Carter Center observers noted significant election improvements. The vast majority of polling station staff, party agents, and other key actors in the electoral process had received supplementary training on polling procedures between the first and second rounds and were better prepared to undertake their responsibilities.

The addition of 1,600 new polling stations in areas where voters had traveled long distances in the first round and where polling stations had been located in religious sites and military garrisons in violation of the electoral code was a key adjustment in electoral administration. Nevertheless, while this had the positive effect of reducing the distance some voters had to travel, it had the negative effect of placing incorrect polling station information on some voter cards. Moreover, in some cases, the redistribution of polling stations was uneven; for example, in the commune of Matoto, a polling station (*bureau de vote* 266) with 1,009 voters was split into one new station of 972 voters and another with only 37 registered voters. Attempts were made, including methods such as local radio announcements and a hotline set up on the cellular telephone networks, to inform voters about new polling stations. Some 20,000 people contacted the hotline alone.

According to the electoral code, polling stations were to be installed in neutral locations (outside of military garrisons and religious sites)[99] that were easily accessible to voters. Some inconsistencies with this provision were apparent following the publication of polling station lists for election day in both rounds. Additionally, in the first round, some voters were assigned to polling stations more than 15 kilometers from their residences, which, combined with the interdiction placed on election-day vehicle use,

99 Electoral code, art. 64.

potentially infringed on their ability to vote. The CENI took active steps to address this concern, but unfortunately, many voters interviewed on election day of the second round complained of the difficulty in finding their newly assigned polling stations. There were also numerous polling stations installed and then removed or relocated by local officials in the days and hours prior to voting. This raised concerns regarding the accessibility of the stations for all voters and observers. In the future, the CENI should ensure that polling station locations are chosen in accordance with the electoral code, that their locations are properly announced in advance of the vote, and that the polling station information on the voter cards matches the voter list at the polling station.

Deborah Hakes

***A polling station worker searches for a voter's name on the voter list. This process sometimes greatly slowed voting.***

A large majority of polling stations were free from obstructions and accessible to disabled voters. The most common hindrance for the disabled was the placement of polling stations in upstairs locations. Further, most layouts of polling stations protected the secrecy of the vote, though a few unfortunately placed polling booths near windows, thus providing an opportunity for voting choices to be viewed from outside the stations.

The Carter Center reported many accounts of electoral staff's failing to check voters' fingers for indelible ink and not recording the numbers of the seals on ballot boxes. While voters' fingers were regularly inked by poll officials after they cast their ballot, voters' fingers were not consistently checked for ink prior to receiving their ballot paper.

While isolated incidents 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 slow processing in the second round. The cause of delays was often cited to be time spent locating each voter's name on the list prior to his or her being allowed to vote.

The additional one to three days of training before the second-round elections clarified issues from the first round that likely contributed to the long lines, delayed openings, and—most importantly—the significant number of invalid ballots in that election. 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. Each of these areas had previously presented problems, as noted in the Center's public statement of June 29.

By the second-round election, Carter Center observers reported no instances of voters being turned away for lack of ballots or of votes being counted as invalid due to the lack of an envelope. Even up until the day before the election, however, there were concerns across the country that people would be turned away since some voter names did not appear on any voting list. For example, hundreds of people in N'Zérékoré held a receipt, but their names did not appear on a list. In Faranah, 8,000 people did not have an alphanumeric card or a biometric card. In the communes of Matam and Matoto in Conakry, 50 percent or less of the expected quantities of alphanumeric voter cards had been received.

Carter Center observers also learned of buses with RPG supporters traveling to Kindia and Boké, areas that were not expected to produce high levels of votes for Condé; however, the Special Force for the Security of the Electoral Process (FOSSEPEL) reportedly blocked the buses from entering those locations.

The Center urges the CENI to convey the importance of these two security procedures to local poll workers to ensure the integrity of the vote, and it also encourages additional training on these items for future elections. The Carter Center would suggest that polling station voter lists be alphabetically divided into several shorter lists (e.g., A–H, I–P, Q–Z) to facilitate this aspect of the process.

## Derogation Votes

In a procedural departure from the first round, during the second-round election, the number of voters allowed to vote in a polling station other than the one where they were registered, referred to as *dérogation*, was limited to 10 people per station.[100]

On election day, most polling stations registered a minimum of five derogation voters (mostly members of the polling station staff), with a median of eight people registered. There were a few instances where polling stations exceeded the permitted limit of 10 derogation votes. One polling station in the urban commune of Matam had 26 derogation voters, and another in Gueckedou had 64 derogation voters. This was initially contested, especially by the UFDG agent. After the CEPI president referred the instance to the CENI to be reviewed, the votes were counted. In certain instances in prefectures in Middle Guinea, the CENI made attempts to let displaced people vote wherever they were able, but some displaced people with special permits had been mistakenly listed as derogation voters instead of being considered separately. In the centralization commissions, polling stations exceeding the quota of derogation votes were challenged by the parties, and in many instances, their voting results were disqualified.

*The Carter Center would suggest that polling station voter lists be alphabetically divided into several shorter lists.*

## Voting Cards

The electoral code requires a voter card to be presented by all wishing to vote.[101] Due to technical problems during voter registration, 491,000 registered voters were not provided with voter cards due to poor-quality fingerprints or photos. In addition, some voters for whom cards were prepared were unable to pick them up prior to election day. On June 16, the CENI and MATAP issued a joint decision clarifying that any voter could vote using the receipt provided to him or her during voter registration.[102] On election day in the first round, however, it became apparent that, while the June 16 clarification allowed for voting with the receipt, this process was not uniformly accepted across polling stations, and Carter Center observers reported some cases of voters with receipts not being allowed to vote and other cases where, in certain polling stations, an abnormally high percentage of people voted with receipts.

For the second-round election, it was determined that voting receipts no longer could be used. This message appears to have effectively reached voters, with Carter Center observers noting few incidents of attempted voting with receipts in the second round. Voters complained, however, that they had not received the alphanumeric voting cards that were supposed to have replaced the receipts. In some cases, they had not picked them up on time, but in most instances, it was because none had been issued. In the prefecture of N'Zérékoré, The Carter Center observed a small group who had voted with biometric cards in the first round, and although their names and photos appeared on printed lists posted at the entry of their polling station, they did not appear on the voter list for that station and thus were not allowed to vote. CEPI officials were unable to find a solution to this problem. One station in Faranah recorded only seven

100 CENI-MATAP Joint Decision No. 381 of Oct. 5, 2010.

101 Electoral code, art. 5.

102 CENI-MATAP Joint Decision No. 203, June 16, 2010.

Deborah Hakes

***A polling station worker returns a registration card to a voter after verifying she is on the voter list.***

votes, including the derogation votes of the five polling station staff themselves, indicating that virtually no one had voted there.

Observers heard a number of complaints about the distribution and/or absence of alphanumeric cards. Observers found it difficult to establish reliable figures regarding the number of voters who had voted with receipts during the first round and who did not receive an alphanumeric card with which to vote in the second round. During interviews, members of CEPI, CESPI, and/or CECI, as well as political party agents, often made references to missing cards. Observers witnessed no inconsistencies with the application of the alphanumeric card replacing the registration receipt voting requirement and noted that most voters accepted this change. The Carter Center credits the use of billboards and radio stations that communicated this change to voters for reducing and preventing much confusion over the new process in the second-round election.

## Proxy Voting and Participation of Marginalized Groups

Good practice documents on voting recommend that states ensure adequate access by voters to polling stations and avoid discriminatory practices that prevent people from voting, including disabled persons.[103]

During the first and second rounds, the CENI primarily relied upon organizations such as IFES to engage persons with disabilities in the electoral process.[104] IFES undertook specific voter education efforts for women and disabled persons so as to involve them more in the electoral process, such as voter education in sign language for the deaf.

The procedures for assisted voting in Guinea were clarified through the CENI-MATAP joint decision of June 16. It stated that any voter in a condition that does not allow him to properly exercise his civil rights is authorized to seek the assistance of a voter of his choice.[105] The Carter Center congratulates the CENI for this effort to ensure that voters requiring impartial assistance were able to participate.

In addition to assisted voting, proxy voting is available as a means to ensure that citizens who are hospitalized, seriously ill, or otherwise unable to vote where they have been registered are not disenfranchised.[106] Recognized good electoral practice, however, requires that such systems of proxy voting be carefully regulated.[107] In Guinea, proxy voting required the completion of a form bearing a voter's signature; however,

103 *EU Handbook for European Union Election Observation*, 2nd ed., p. 75. EISA and Electoral Forum of SADC Countries, *Principles for Election Management, Monitoring and Observation in the SADC Region (EISA/SADC)*, p. 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); *Principles for Election Management, Monitoring and Observation in the SADC Region*, p. 23.

104 Working with the Guinean Federation for Handicapped Persons, IFES conducted voter education in local sign languages about the constitution, their rights and responsibilities, voting procedures, and the electoral code. On election day, IFES provided persons with disabilities fuel, driving passes, and badges so that they could observe the voting process.

105 CENI-MATAP Joint Decision No. 203, June 16, 2010.

106 Electoral code, art. 90.

107 There is no legal obligation to carefully regulate proxy voting. However, the high potential for fraud inherent in this type of voting threatens the equality of suffrage (ICCPR, art. 25b). As such, the need for strict regulation has been widely recognized by organizations such as the United Nations, The European Union, International IDEA, and the Venice Commission. See, for example, International IDEA: Guidelines for Reviewing a Legal Framework for Elections, page 72; Venice Commission Code of Good Practice in Electoral Matters, sec. I.3.2.v; and United Nations Human Rights and Elections, paragraph 110.

particularly during the first round, these forms were not widely available, and the procedures associated with proxy voting were unclear. In most cases, the proxy list consisted of a blank piece of paper signed by those who were casting a proxy vote.

For the second round, new proxy voting provisions were developed, imposing a limit of five proxy votes per polling station and requiring requests to be submitted to local electoral commission representatives in advance.[108] While this specification was recommended after the first round, the timing of the decision and the date of the second-round election overlapped with the departure of about 7,000 voters for the Hajj pilgrimage to Mecca. The pilgrims were allowed to vote by proxy, but it is questionable whether all those interested in voting were able to follow this procedure due to the late notice. Few instances of proxy voting were observed by the Center on polling day, and in all cases the documentation was presented.

*The Center recommends that the CENI and other government agencies take steps to be more inclusive of persons with disabilities in the electoral process.*

In postelection statements, the Center commended the efforts to streamline proxy and derogation voting procedures to prevent opportunities for fraud and protect the right of all voters to participate in the election of their government officials.

In the future, the Center recommends that the CENI and other government agencies take steps to be more inclusive of persons with disabilities in the electoral process. Potential steps include: ensuring that polling stations are accessible; providing educational materials; making voter education training available; and making proxy voting arrangements in consultation with advocacy groups.

The Center recommends a strong emphasis on training of polling officials in future elections to ensure full familiarity and compliance with the procedures and full information dissemination to voters to ensure that they are able to access and exercise proxy and derogation voting rights as needed. The setting of limits on the number of proxy and derogation votes per polling station needs to be examined to establish whether it continues to be necessary in preventing potential electoral fraud.

## Access for Domestic Observers and Party Representatives

Party agents were well-represented in polling places across the country. Agents across party affiliations worked well together, cooperating with one another in the majority of polling places observed. 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 178 stations observed. In one case, local administrative authorities rejected RPG party agents intended for Télimélé, sending them back to Boké. In Kindia and Gaoul, similar situations occurred, but RPG officials were eventually allowed to perform their function. The UFDG expressed security concerns for its agents in Siguiri and other areas affected by violence on Oct. 23–24. Despite these instances, observers reported both parties' observers to be present in almost all polling stations and acknowledged their spirit of cooperation in most cases.

In addition to political party agents, The Carter Center observed the presence of domestic observation organizations in a fair number of polling places across the country. 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.[109] The Center commends the inclusion of these safeguards of transparency and congratulates the political parties

108 CENI-MATAP Joint Decision No. 392 of Oct. 12, 2010.

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

Molly Byrne


***This UFDG party representative observed voting along with members of other parties.***

on their efforts in deploying the large number of agents who observed voting procedures at the polling stations.

## Security

Election security is the process of protecting electoral stakeholders, keeping electoral information secure, and preventing damage of electoral facilities and disruption of electoral events. The right to liberty and security of the person is reinforced in international and regional charters, covenants, and treaties.[110]

The Guinea electoral code prohibits violence, assault, or threats against members of a polling station.[111] Threats against voters or attempts to influence the vote are criminal offenses regulated by the criminal code.[112] The carrying of firearms in the polling station is also prohibited.[113]

The Special Force for the Security of the Electoral Process (FOSSEPEL) was created by presidential decree[114] on May 15, 2010. The FOSSEPEL is a long-term project designed to provide electoral security before, during, and after the presidential election as well as for future legislative and communal elections. Initially the force was supposed to be composed of 16,000 people (8,000 police and 8,000 gendarmes). Due to budgetary constraints, it was limited to two agents for each subprefecture for a total of 608 agents. These FOSSEPEL officers were mainly drawn from the police and gendarmerie forces. Many of them went through training to provide election-day security prior to the first round and then again between the two rounds and wore clearly marked T-shirts on election day, although there were also numerous FOSSEPEL agents who served in their regular uniforms and were indistinguishable from other security forces. FOSSEPEL officers were also trained on human rights issues.

The president of the polling station was responsible for security in the station, and the FOSSEPEL were only to intervene when called upon by the president of the polling station. After tabulation of votes in the polling station, the results protocol (*procès-verbal*) was to be sent with the president of the polling station and a FOSSEPEL agent to the reception commission at the CESPI or CECI level. In the centralization commissions, FOSSEPEL presence was only required inside the room when requested by the president of the commission.

The presence and role of FOSSEPEL security forces varied throughout Guinea. During both rounds, FOSSEPEL agents were frequently observed inside both polling stations and centralization commissions. While their presence was generally benign—on

110 ICCPR, art. 9. ICERD, art. 5. AfCHPR, art. 6.

111 Electoral code, art. L 200.

112 Electoral code, art. L 206.

113 Electoral code, art. L 197.

114 D/081.PRG/CNDD/SGPRG/2010.

polling day they were inside largely to escape the heat—there were some instances where FOSSEPEL agents were observed overstepping their mandate, for example, by checking voter cards prior to admitting voters to the station and in some cases giving instructions to polling station presidents to help speed up operations.[115]

For the second-round elections, observers reported that FOSSEPEL officers were rarely present in rural areas; yet there were as many as 10 FOSSEPEL members in and around some small polling stations in Conakry. Unfortunately, some of the FOSSEPEL forces did not consistently display professional conduct, and Carter Center observers witnessed excessive use of force on several occasions. The FOSSEPEL were not supposed to carry firearms, but observers noticed that they were armed in some areas. In Siguiri, observers estimate that three-fourths of all FOSSEPEL were armed. The most alarming observation of the FOSSEPEL agents took place in Boké where they failed to pursue individuals who were throwing rocks at a polling station and instead attacked the patio of a nearby cafe. Bystanders were left visibly shaken, but no injuries were reported.

*The presence and role of FOSSEPEL security forces varied throughout Guinea.*

Overall, FOSSEPEL fulfilled its mandate, and there were no major security incidents on election day. Carter Center observers noted that FOSSEPEL helped to keep a semblance of order during the first and second round at reception commissions and at the very chaotic centralization commission in Conakry. On the whole, Carter Center observers noted that the presence of FOSSEPEL did not lead to incidents of mass intimidation or harassment nor to any impediment to the free movement of voters. Nevertheless, the Center recommends an investigation into the incident in Boké and further inquiries into the number and composition of FOSSEPEL forces deployed throughout the country as well as the reasons why so many FOSSEPEL agents were permitted to carry arms.

## Closing and Counting

The Center observed the close of polls and counting process in polling stations across the country for both rounds of elections, and observers reported a high level of openness and transparency in the counting processes, which were observable by party agents and domestic and international observers. In almost all stations observed, the Center reported that the declaration of results was announced to all party agents in attendance and that results were tabulated and displayed in full view of all polling staff and observing agents present.

In spite of the generally positive overall assessment of the closing and counting processes, Carter Center observers noted three significant problem areas common to the closing of polling stations for both rounds of elections.

First, there were frequent observations of polling staff failing to count the number of voters who signed the *liste d'émargement* (the list for voters to sign at the polling station) during the count preparation procedures. This list, which should account for every voter who cast a ballot, was designed to be compared with the number of ballots cast in order to counteract repeat voting or ballot-box stuffing.

In addition, polling staff generally did not distinguish between spoiled and invalid ballots and often would physically revise the recorded number of ballots received from the CENI on the results protocol to match the number of ballots that they were in possession of at the end of the day. The discrepancy in these cases, however, was never observed to be more than 10 ballots. Also, the number of votes cast for

115 In at least two instances observed by The Carter Center, FOSSEPEL members refused to leave when asked to do so by the president of the centralization commission. In one case, counting was suspended until the agents in question left, and in the other instance, a compromise was reached where the FOSSEPEL remained in the room in fewer numbers.

one candidate or the other was never altered, only the total number received. In the cases observed by The Carter Center, the discrepancies in the vote counting process did not appear to significantly undermine the integrity of the process but did complicate centralized vote tabulation and the transmission of results.

Second, regarding the preparation of the results protocols, most polling station workers were confused about proper procedures and had to constantly refer to the polling station procedures manual (*Guide pratique du bureau de vote*), resulting in delayed transport of results to centralization committees. In the first round, Carter Center observers noted that in many circumstances, poll workers were not familiar with the protocol required by the CENI for vote counting and tabulation, and in some polling places, they were unable to accurately reconcile the ballots cast due to uncertainty about poll closing and counting procedures. Carter Center observers also noted confusion regarding proxy voting, supplementary lists, assisted voting, and the criteria for invalidating ballots. Even during the second round of voting, there were instances where polling station staff took almost two hours to correctly complete the entry of details on the results protocols once counting had been completed. Also, the serial numbers of the seals used on the ballot boxes were often not recorded or, if recorded, not double-checked during closing and counting.

Third, the preparation of the sealed envelopes containing the results also caused confusion among poll workers. During training—and as highlighted in the procedures manual—polling staff had been taught to expect three envelopes with different-colored seals destined for the centralization commission, MATAP, and the CENI, respectively. On voting day, however, the envelopes used differed from those in training, and it was challenging to differentiate the envelopes. Moreover, the polling station presidents themselves did not always clearly indicate the correct addressee, thus hampering the work of the reception commissions, and the centralization envelopes were sometimes missing necessary enclosures, such as the invalid ballots. In several instances, poll workers were unsure how to seal the envelopes, with the consequence that they were not sealed properly or were left unsealed. While most of these instances were due to a misunderstanding of procedures rather than a deliberate attempt to tamper with the results, any unsealed envelope provided grounds for disqualification. As an example, during centralization in Kindia for the second round, Carter Center observers saw five envelopes that were immediately disqualified on agreement by both parties due to their arriving open at centralization. An additional 73 envelopes were counted but flagged for review and subsequently disqualified after they were received with the tab of the envelope folded down and closed but not sufficiently sealed. In Kankan, five false protocols were found that totaled approximately 1,000 votes during centralization.

Deborah Hakes

***Polling station officials prepare ballots for the count.***

In certain political party strongholds, observers and political party officials reported party agents being rejected by the local administrative authorities or refused access to perform their observation and scrutiny functions in polling stations. For instance, RPG party officials with CENI accreditation were not allowed into parts of UFDG strongholds in the Lower and Middle Guinea (coastal and Fouta Djalon) regions to perform their duties in the polling stations.

Given that procedural errors on the part of election officials can lead to disqualification of the votes of an entire polling station and therefore disenfranchisement of that station's voters, The Carter Center recommends the CENI ensure effective training and matched materials in preparation of the results protocols for future elections.

## Tabulation

According to ECOWAS Protocol on Democracy and Good Governance, article 6, "The preparation and conduct of elections and the announcement of results shall be done in a transparent manner." There is no specific language in the Guinean electoral code[116] requiring the CENI to publicly present its method for tallying votes. However, article 88 states that any candidate or his or her representative has the right to verify the voting, counting of ballots, and counting of votes.

*The Carter Center recommends the CENI ensure effective training and matched materials in preparation of the results protocols for future elections.*

The tabulation commission (*Commission de totalisation*) in the CENI received the centralization protocols from the presidents of the centralization committees in person and tallied the national results. In addition to paper transmission of results, the CENI established an encrypted short-message system (SMS, or texting) to receive electronic results from the centralization commissions as they were validated. The system worked reasonably well, although observers noted frequent delays in the sending and receiving of messages due to problems with the communications network.

There was one centralization commission (*Commission administrative de centralisation*) for each of Guinea's 56 voting districts responsible for tallying the votes of that district. These commissions were composed of five members: a president, usually a magistrate; a vice president; two assessors; and one secretary. Upon reception of the results protocols for each station, the commission opens the protocols, checks them for irregularities, enters the results into a database, and sends an SMS message with the results to a central server at the CENI.

During the first round, it was at the centralization commissions where serious bottlenecks in the results processing occurred, in some cases slowing things to the point where the integrity of the process was in question. The commissions were overwhelmed with polling station presidents waiting to turn in their results protocols and complete their duties. In many cases, results were not being received in a systematic or organized manner. In larger prefectures—some of which were receiving results from over 400 polling stations—there were delays of several hours in receiving the results protocols, and consequently some polling station presidents gave their results to third parties to hand in on their behalf. Some fell asleep on the floor, clutching the results of their stations. Others went home and returned the following morning. This behavior resulted in accusations of potential tampering with results, and in some cases, results from polling stations simply never arrived at the appropriate centralization commission offices.

Following first-round voting, the work of several commissions was later challenged by some candidates, and consequently, results from the polling stations as well as five entire commissions were invalidated by the Supreme Court, largely due to the lack of respect for procedures and the failure to ensure the integrity

116 See chapter 7.

**Table describing the flow of results transmission and actors involved in the second round**

| POLLING STATION | | |
|---|---|---|
| • 9,792 national<br>• 163 abroad | 5 members:<br>• president<br>• vice president<br>• secretary<br>• 1 representative of each party | • Supervises polling and selects voters to help with count<br>• Counts the votes<br>• Fills in the protocols (PVs) (6 copies) and seals 3x as follows:<br>– Red-seal envelope for centralization commission along with invalid ballots and comments sheets<br>– Gold-seal envelope for MATAP<br>– Green-seal envelope for the CENI |

3 sealed envelopes

- 1 copy of results distributed locally
- 2 copies given to party representatives
- Results sheets posted publicly at polling station

| RECEPTION COMMISSION | | |
|---|---|---|
| • 304 subprefectures<br>• 33 urban communes<br>• 5 Conakry communes<br>• 33 prefectures<br>• 1 national (CENI) | 5 members:<br>• president of CESPI/ CEPI/CECI<br>• 1 representative from each party,<br>• 1 FOSSEPEL,<br>• secretary-general of administration (MATAP) or secretary of commune | • Receive the three sealed envelopes from polling station presidents, sort them, and forward them to centralization commissions. They MUST NOT open them.<br>• The CENI commission consists of 17 people for national results. |

Sealed envelopes sorted by color

| CENTRALIZATION COMMISSION | | |
|---|---|---|
| One per electoral district<br>• 33 prefectures<br>• 5 Conakry communes<br>• 18 embassies | 5 members appointed at a national level:<br>• president (a magistrate)<br>• vice president<br>• secretary proposed by CENI<br>• 1 member from each party | • Opens red-seal envelopes and collates results<br>• Local CENI members and notables (i.e., the prefect) may observe but not interfere in the process<br>• Assisted by 4 IT technicians, results also sent by text message<br>• PVs for the constituency issued, 4 copies signed by all committee members |

1 copy of constituency results

- 1 copy of constituency results put on display
- 2 copies of constituency results given to parties
- Green-seal envelopes for all polling stations in district to CENI
- Gold-seal envelopes to MATAP

| NATIONAL TABULATION COMMISSION | | |
|---|---|---|
| 1 in Conakry | 21 members:<br>• president (VP of CENI)<br>• vice president (sec.-gen. of MATAP)<br>• reporter (CENI director of operations)<br>• 1 representative from each party<br>• 1 FOSSEPEL<br>• Other CENI members, representatives of CNT | • Collates all results nationwide and from embassies<br>• Declares preliminary results for validation by the Supreme Court and submits appeals as applicable from the parties |

Deborah Hakes

***Polling station workers begin to count ballots as others observe the process.***

Molly Byrne

***Election officials count ballots by lantern light.***

and security of polling station results during the centralization process.

Having noted the difficulties experienced in the centralization process during the first round, The Carter Center paid particular attention to this aspect of the process during the runoff election, and observers were present in 14 of the 38 centralization commissions within Guinea, as well as in the CENI in Conakry where the national results were being collated. Carter Center observers noted considerable improvements in election officials' understanding of the vote-counting process and required tabulation protocols, and counting proceeded much more quickly than during the first round. This was attributable, in part, to the further training that had been provided in the interim on vote counting and tabulation, in addition to the simplification brought by only two candidates appearing on the ballot.

In most prefectures, where reception committees were also established at communal and subprefectural (*sous-préfectoral*) levels, the new system worked relatively well, with the FOSSEPEL and CENI officials assisting with logistics and transport to reception points. Pressure on the centralization commissions was alleviated, and observers felt that the process was much better organized all around. This said, it still took several hours for all results to be received from the polling station presidents, and in most cases, no food had been provided to members of the reception committees, who were often working in near darkness.

Deborah Hakes

***Dr. John Stremlau, Carter Center vice president for peace programs, observes the counting process, which the Center found to be transparent.***

In the Conakry communes, there was only one reception commission per commune, which once again created some serious processing bottlenecks that could have led to questions regarding the integrity of the electoral process in those communes. Several meeting points (*lieux de regroupement*) were designated within the Conakry communes to serve as transport hubs rather than as reception commissions. In larger communes, such as Ratoma and Matoto, with over 400 polling stations, some 1,500 people—polling station presidents, party agents, FOSSEPEL—descended nearly simultaneously upon the reception commissions to hand in their results. The reception commissions were consequently overwhelmed. Some centralization commissions completed their work and announced all results for their voting district by Nov. 8, the day after polling day, while others with a larger workload, such as Matoto in Conakry, were still tallying results on Nov. 11. To reduce the waiting time and uncertainty between polling day and the announcement of results, further analysis, planning, and testing of steps should be undertaken to ensure streamlined results tallying and transmission in larger voting districts in the future.

In other instances, centralization commission members altered results sheets from the polling station so that the numbers of votes cast for each candidate would equal the number of ballots cast in cases where the overall results were incorrectly recorded. This was usually done with the agreement of all present and involved changing the numbers of votes cast overall as opposed to adjusting the votes per candidate. In general, Carter Center observers felt that this process was done transparently, was nonpartisan in nature, and affected only a handful of votes every few hours.

The Carter Center commends the creation of reception commissions but recommends that further provisions be made to improve working conditions and to drastically reduce the waiting time for handing in results protocols in larger-population prefectures and the Conakry communes.

Domestic observers reported that the CENI shut them out from observing the national vote tabulation at the CENI in the days after the second round. In response, the CENI argued that some domestic observer groups had political agendas, which the CENI feared might lead to results being leaked.

## Election Dispute Resolution and the Results Process

Efficient electoral dispute mechanisms are essential to ensure that effective remedies are available for the redress of violations of fundamental rights related to the electoral process.[117]

The Constitutional Court is the highest institution identified in Guinean law to deal with electoral disputes, with responsibility for determining whether there were significant irregularities in the process and whether these were of a nature and gravity to merit a partial or total cancellation of results.[118] This body, however, had not been constituted by the time the

117 ICCPR, art. 2(3), UNHRC General Comment 32, sect. 3. These include the provision of a fair and public hearing before a tribunal as necessary.

118 Electoral code, art. 167.

election was held,[119] and the Supreme Court took on these functions.

The country's lower-level courts and tribunals also have responsibilities for resolving electoral disputes.[120] Prior to an election, for example, individuals can file complaints about voter registration or composition of voter lists with courts of the first instance or peace tribunals (*tribunals de paix)*.[121] The decisions made by the judicial authorities must be taken into account when voter lists are revised.[122] While voters can file disputes on the basis of the voter registration, the electoral code does not specify available recourse for individuals on or after election day, effectively limiting the standing of individuals before judicial and administrative dispute-resolution bodies. According to the CENI, no pre-electoral legal challenges were made despite significant concerns over registration, numerous complaints to the CENI, and popular demonstrations.

*The Carter Center recommends that further provisions be made to improve working conditions and to drastically reduce the waiting time for handing in results protocols.*

The legal framework for electoral dispute resolution in Guinea allows political parties to register their complaints at several levels. Candidates have standing to file election disputes, and party representatives present in the polling station can write onto or annex to the protocol all observations or contestations regarding polling station activities or vote counting.[123]

Though the exact powers of the centralization commissions are not defined in the electoral code, the procedures guide says that the president of each such commission has the power to set aside PVs that do not conform to standards; for example, those where the envelope was never sealed, the seal on the envelope has been ruptured, or the protocol was not signed by any polling station member. Protocols that are not tabulated must be noted in the final protocol of the centralization commission. Since parties have representatives on the commission as well as delegates observing the process, they can comment on the decision making and annex complaints to the commission's protocol.

The CENI tabulates all results from the centralization commissions. At his discretion, the CENI president can invalidate protocols if he judges that their data is so indecipherable as to render them unusable or if they are so flawed that the original intention cannot be judged.[124] While the CENI is not a judicial institution with the mandate to judge the legality of the electoral process, this provision may place the president in a tribunal-like position in evaluating the validity of PVs—a problem during the second round.

The CENI transmits results to the Supreme Court, where the five-member Constitutional Chamber deliberates to determine the validity of the electoral process. Since electoral disputes and declaration of final results are considered constitutional matters,[125] the court's sessions are not public and parties cannot demand to be heard.[126] Parties can, however, file official petitions to the Supreme Court within eight days of the announcement of provisional results by the CENI. Failing this, the Supreme Court must announce final results at the end of eight days.[127] Parties have 48 hours to file responses to the chal-

119 The Constitutional Court was created by the new constitution and had not existed before. The constitution provides for the Supreme Court as an interim solution.

120 Electoral code, art. 2.

121 Electoral code, art. 14.

122 Electoral code, art. 28.

123 Electoral code, art. 82.

124 Electoral code, art. 162.

125 Loi Organique n°91/08/CTRN du 23 Décembre 1991, portant Attributions, Organisation et Fonctionnement de la Cour Suprême, art. 31.

126 Loi Organique n°91/08/CTRN du 23 Décembre 1991, portant Attributions, Organisation et Fonctionnement de la Cour Suprême, art. 47.

127 Electoral code, art. 183.

lenges submitted by their rivals.[128] The Constitutional Chamber has three days from the submission of the complaint to deliberate and give its ruling.[129] This decision is final and not subject to any appeal.[130]

While these provisions suggest that the Supreme Court has up to 11 days to make a decision, they contradict other sections of the electoral code. Article 183 of the code states that disputes are treated according to article 167. Article 167 states that the Constitutional Chamber has 10 days from the submission of petitions to make its final ruling. This inconsistency will need to be resolved for future elections and may require a legislative amendment. In addition, unofficially, weekends and national holidays seem not to have been counted in the time line for decision making. This should be clarified in the law for future elections.

Although the Supreme Court had been called to rule on contestations to previous elections, it was generally believed by Guineans that the influence of executive power on all levels of the judiciary limited independent decision making. The naming of a new president of the Supreme Court in May 2010 was applauded as representing one step toward the renewal of public confidence in the court. As a measure to increase trust and ensure openness in the system of dispute resolution, in its June 29 statement The Carter Center urged the Supreme Court and the CENI to ensure that all decisions and reasoning taken on electoral disputes were made public in a transparent and efficient manner.

*The Carter Center urged the Supreme Court and the CENI to ensure that all decisions and reasoning taken on electoral disputes were made public.*

## Disputes Regarding First-Round Results

In the first round, claims of electoral fraud from several parties emerged as soon as the voting process ended on June 27. The CENI qualified the claims as unfounded and announced its provisional results on July 2, giving Cellou Dalein Diallo (UFDG) first place, with 39.72 percent of the vote, and Alpha Condé (RPG) second place, with 20.67 percent.

These results were contested by several parties, in particular the third-place candidate, Sidya Touré (UFR), who claimed that the CENI had manipulated the results to invalidate protocols from areas favorable to him and to accept irregular protocols from areas unfavorable to him. Fourth-placed Lansana Kouyaté (PEDN) claimed ballot-box stuffing and the creation of fictitious polling stations by the RPG in Upper Guinea. Despite the results confirming the passage of the RPG to the second round, the party also claimed massive fraud had damaged their vote tally.

In total, complaints from 14 of the 24 parties running were submitted to the Supreme Court. These cited a wide range of problems, including inadequate numbers of polling stations or locations that required voters to travel long distances, insufficient technical preparation and training of polling station staff that resulted in unsigned tally sheets, incorrectly sealed or unsealed envelopes containing essential report forms, and failure by election staff at multiple levels to follow the correct stages for transmission of sensitive election materials and the proper recording of voting results. The court declared eight of the complaints inadmissible for lack of evidence, while the other seven were upheld.

In its July 2010 decision, the court noted that there were severe irregularities during the first round of the presidential election. It conducted an independent recount and decided to invalidate all results from the Conakry communes of Matam and Ratoma and the prefectures of Kankan, Mandiana, and Lola. These changes confirmed Cellou Dalein Diallo's first-place

128 Electoral code, art. 186.

129 Electoral code, art. 187.

130 Electoral code, art. 167.

position, now with 43.69 percent of the vote, while Alpha Condé remained second, with 18.25 percent. In its final ruling issued on July 20, the court justified these annulments on the basis that it had not received the protocols from the electoral districts concerned from MATAP. This decision was heavily criticized, as it retroactively disenfranchised almost 900,000 voters (about one-third of the voting electorate).

The court's decision making was neither coherent nor transparent. No legal document gave MATAP responsibility for transferring protocols to the Supreme Court. There was no legal justification for not relying on the CENI's protocols for these districts, and the Supreme Court apparently made no effort to trace the missing protocols. In fact, they were only publicly declared as missing when the final ruling was announced.

*The court's decision making was neither coherent nor transparent.*

Despite these criticisms, all parties respected the decision of the Supreme Court as final; however, the RPG filed a formal complaint against the Supreme Court and against the CENI president, Ben Sekou Sylla, and Director of Logistics and Planning El Hadj Boubacar Diallo for electoral fraud, while the UFDG filed a complaint against the CENI vice president, Lounceny Camara. On Sept. 9, Sylla and Diallo were both convicted of electoral fraud during the first-round election and sentenced to a year in prison and fined 2 million Guinean francs (US $276.82).[131] Camara was convicted on Oct. 22, 2010.

## Disputes Regarding Second-Round Results

For the second-round election, the UFDG filed a petition with the Supreme Court before the election to prevent the vote being held in the prefectures of Siguiri and Kouroussa in Upper Guinea, where there had been violence targeting Peulhs. This was not upheld, and the election proceeded as scheduled on Nov. 7; however, the UFDG announced that it would not accept CENI results if these included the two prefectures, submitting a series of 28 complaints to the CENI during its tabulation. They requested the discounting of all results from Siguiri and Kouroussa prefectures on the basis that pre-electoral violence forced much of their electorate out of the region, and their assessors and delegates were not able to participate on election day due to intimidation and fear for their security. They claimed that their party's delegates and assessors had been fraudulently replaced with RPG members and that ballot boxes had been stuffed. Thus, they argued, the electoral process in these two prefectures was neither free, fair, nor transparent. They also requested the annulment of the prefecture of Lola because the president of the centralization commission was also a member of the CNT, which they felt contradicted the electoral code's stipulation that deputies of the country's national assembly could not exercise any nonelected public function.[132] Their complaints signaled irregularities and fraud in all five communes of Conakry and 12 other prefectures, where they wanted results from specific polling stations invalidated. Complaints included allegations that there were fictitious polling stations, RPG members and local authorities attempting to influence votes, excessive proxy and derogation votes, expulsion of UFDG monitors from polling stations, ballot-box stuffing, missing protocols, and irregularities with protocols.

UFDG suspended its participation in the CENI central vote count on Nov. 14, claiming the CENI was not taking into account its complaints. UFDG's vice president, Oury Bah, also threatened to make an official complaint to the International Criminal

131 www.xe.com, Feb. 15, 2011.

132 Electoral code, art. 144.


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***Party representatives watch polling station workers check stacks of ballots before the vote count. Allegations of ballot stuffing were made during both the first and second rounds of the election.***

Court referencing cases of security forces inciting ethnic hatred. Meanwhile, RPG's three complaints to the CENI requested the invalidation of results from the prefectures of Labé, Mali, Télimélé, Gaoual, and Koundara, claiming its delegates and assessors in these areas were systematically threatened and intimidated by UFDG members, with the support of local authorities and FOSSEPEL, thereby allowing UFDG to orchestrate massive fraud.

The lack of clarity in the electoral code on the limits of the CENI president's power to nullify results became controversial during the second-round tabulation. UFDG-friendly members of the CENI argued that the president should and could nullify results from Siguiri and Kouroussa. RPG-friendly members argued that the CENI's job was merely a technical assessment of the protocols and that it was up to the Supreme Court to judge the validity of the electoral process in those two prefectures.

In the end, on Nov. 15, the CENI announced its provisional results and included the vote counts of all electoral districts, indicating that Alpha Condé took first place, with 52.52 percent of the votes, and that Cellou Dalein Diallo received 47.48 percent.

The CENI submitted the final document with the results and 31 complaints (28 from UFDG and three from RPG) to the Supreme Court on the afternoon of Nov. 18. Subsequently, both parties filed official complaints with the Supreme Court, alleging irregularities and fraud in the electoral process. The UFDG continued to request the invalidation of Siguiri and Kouroussa prefectures as well as polling stations where the electoral process had been flawed, as described above in the complaints made to the CENI.

Despite being declared provisional winners of the election, the RPG submitted a formal complaint to the Supreme Court. They claimed this was necessary for the principle of obtaining results that reflected the

will of the electorate and in order to obtain a large margin of victory that would justify their claims of manipulation in favor of the UFDG in the first round. Their complaints included allegations that the CENI had partially invalidated results from Kindia with no explanation, giving the RPG 12,000 fewer votes than the centralization commission had done; that legitimate polling stations in Kankan were rejected by the CENI database at the centralization commission and therefore, not included in the count; that in Labe, UFDG members had attempted to influence votes in polling stations; that in prefectures in Lower Guinea and Middle Guinea, RPG delegates and assessors were not allowed into some polling stations; and that there were irregularities in the electoral procedure and in protocols that were not taken into account by centralization commissions or the CENI. The RPG requested the invalidation of the results from the specific polling stations concerned.

In response to the UFDG's complaints about Siguiri and Kouroussa, the Supreme Court reasoned that legal authorities could only intervene to sanction those individuals responsible for specific incidents of violence but could not punish the entire electorate by having their vote discounted. In addition, they denied that UFDG delegates were prevented from entering polling stations and participating in the electoral process or that they were fraudulently replaced with RPG members.

The Supreme Court announced final results the night of Dec. 2–3 and maintained the exact figures presented by the CENI. In the hours prior to the announcement, both candidates stated publicly that they would respect them and called on their supporters to remain calm. Following the announcement, the UFDG issued a press release stating that while widespread fraud had occurred, the results as presented by the Supreme Court would not be changed. Cellou Dalein Diallo again called for calm. No serious incidents of further violence were reported in the postelectoral period following the Supreme Court's announcement of the official results.

The current sentiment among many Guineans is that courts are unable to provide a response to election-related complaints in an impartial or timely manner. The Carter Center recognizes, however, that efforts have been made to combat low public confidence in the judiciary.[133]

The fact that significant concerns regarding registration were expressed through such means as complaints and demonstrations, rather than through legal challenges, indicates that many people are neither aware of their rights under the electoral code to mount a legal challenge, nor do they have the personal resources to do so. Since there is no formal procedure in place for the resolution of disputes on election day, Guinea should take steps to extend standing in election disputes regarding election-day-related disputes to individual citizens, who, at a minimum, should be able to file disputes on the basis of their individual suffrage rights.

133 For instance, the new constitution seeks to strengthen the separation of powers and ensure impartiality of the judiciary by requiring the consent of the High Council of Judges for all nominations or removals of judges.

# Conclusion and Recommendations for Future Elections

On Dec. 21, 2010, when Alpha Condé took the oath of office, many Guineans and international partners expressed a collective sigh of relief. The event marked the end of a long and difficult phase in a challenging democratic transition that had touched each and every Guinean citizen as well as the West African community at large.

The Carter Center was impressed and inspired by the remarkable strength and commitment of the transitional leadership, political parties, tribal elders, and civil society to reinforce the importance of ethnic coexistence and peace during periods of great uncertainty and high tension. After the second-round election, the defeated candidate explicitly and graciously accepted the Supreme Court's ruling confirming the election results and thereby allowed the country to take a significant step forward.

The June 27 and Nov. 7 presidential elections were marked by a number of legal, operational, and integrity challenges—notably, a continuously modified and fluid legal framework; a leadership crisis in the CENI that severely delayed development and communication of procedures; lack of preparedness; financial troubles; operational problems in a myriad of areas, including voter cards and polling station allocation; and severe issues around the count and time line for reporting results. Despite these difficulties, the elections were marked by broad political participation, a spirit of open campaigning, and increased transparency in the second round. Carter Center observers noted that all stakeholders appeared committed to a transparent process and to peaceful acceptance of election results.

The Carter Center's long-term observers traveled the length and breadth of Guinea and were struck by the willingness of the vast majority of Guineans to move beyond ethnic divisions. The collective appeals for calm made by multiple stakeholders and civilians ensured that Guinea upheld its reputation as a West African nation free of civil war. Maintaining this status is viewed by many as crucial to the stabilization of the Mano River region.

The peaceful transition of power to a new president is a testimony to the remarkable ability of Guineans to respond to crisis and keep the transition process to civilian rule on track. Key individuals and institutions, including the interim president, the National Transition Council (CNT), religious leaders, Guinean elders, and engaged international partners, demonstrated the fortitude of true leaders in dissuading most Guineans from embarking on a dangerous path of conflict and strife.

*The 2010 elections and the promise of upcoming legislative elections have galvanized political and civil society actors to a heightened level of political consciousness and action.*

Most Guineans have shown great resilience in the face of tremendous adversity and lack of political progress and economic development throughout their post-independence history. The importance of this first successful presidential election in setting the foundations for a culture of democratically elected and more accountable political leadership in Guinea cannot be overestimated. The 2010 elections and the promise of upcoming legislative elections have galvanized political and civil society actors to a heightened level of political consciousness and action.

One should not underestimate, however, the enormous amount of work that remains to be done for Guineans to construct a more stable and prosper-

ous country that fully realizes its potential. While endowed with human talent, rich and diverse cultures, and immense natural resources, there are hard choices ahead. These include disarmament of the militias and security sector reform, ensuring a voice for marginalized parts of Guinean society, delivering basic services to citizens, and pushing forward with the next stages of democratic transition by holding legislative and local elections as prescribed by the new constitution. It is important that the international community continue to show solidarity and support for the challenging process of consolidating a democracy.

Based on the Carter Center's observations during the two rounds of presidential elections in 2010, the Center respectfully offers the following recommendations as Guinea moves forward to prepare for legislative elections:

*The new CENI must do its work within a legislative framework that ensures the independence of the organization.*

**To the Government of Guinea**

***1. Put in place a credible, efficient, and nonpartisan electoral management body.***

The partisan polarization of the CENI was a major factor in the inability of the institution to produce timely decisions and guidelines. For future elections, it is important that the CENI becomes an impartial electoral management body mandated to administer Guinean electoral legislation with neutrality, fairness, and professionalism. A smaller CENI consisting of five to nine commissioners focused on decision making, properly supported by an administrative secretariat and technical operations team, could considerably improve the efficiency and performance of future election administration in Guinea. Positive improvements are necessary to engender public trust in this important democratic institution. The new CENI must do its work within a legislative framework that ensures the independence of the organization, preventing undue pressure from executive government or interference by political parties, with the commissioners accountable for upholding electoral laws consistently and for managing public monies responsibly.

For the upcoming legislative elections, current CNT legislators will need to consider carefully the optimal interim structure and composition of the CENI, while working to avoid excessive disruption and ensuring that legislative elections take place within a reasonable time frame.

***2. Appoint a neutral and credible CENI president.***

The credibility crisis and leadership battle in the CENI after the first-round presidential election directly contributed to semi-paralysis of the institution, successive delays in delivering a second round, and the increased tensions just prior to the second round of voting. The difficulty of identifying an acceptable replacement for the deceased CENI president, Ben Sekou Sylla, was a major factor in this crisis. The competence, neutrality, and diplomacy demonstrated by Gen. Sangaré in the face of enormous challenges highlight the importance of nominating a qualified and impartial candidate, accepted by the key political forces. Emphasis should be placed on the immediate appointment of a neutral and respected CENI president who is knowledgeable about both the Guinean electoral environment and the requirements of professional electoral management.

***3. Ensure that the legal framework and electoral calendar are realistic, compatible, and conducive to administering credible elections.***

The operational challenges of the 2010 presidential elections were due in large part to the late promulgation of the election law and a highly compressed electoral calendar. The unrealistic time frames greatly hampered the CENI's ability to prepare adequately in advance of each round's election day.

The legislative election challenges will be even more complex and will require adequate time for planning, preparation, organization, and comprehensive management. The Carter Center recommends

that priority be given to ensuring that the legal framework and electoral calendars for all future elections are realistic, compatible with the resources available, and conducive to administering credible elections. The Center also recommends appropriate participation of electoral stakeholders in the formulation of public policy concerning electoral improvements, their implementation, and oversight review.

***4. Hold legislative elections.***

Moving swiftly toward legislative elections will prove the government's commitment to fully realizing the transition to democratic civilian rule. The time frame should balance the need for the interim CENI to be able to manage the task effectively while avoiding deliberate delays made for reasons of perceived political gain.

With a large number of political parties in the country and a complex legal framework, preparing for the elections and informing potential candidates and voters how the electoral process will work are going to be extremely challenging. Given that on a technical level these elections will almost certainly be more complex than the presidential elections, the CNT should remain in place until the new legislature is duly elected.

***5. Ensure investigation and follow-up of 2010 electoral violence.***

It is critical for security forces to use appropriate and proportionate means when securing registration and polling activities and resolving social and political unrest. On the whole, Carter Center observers noted that the presence of FOSSEPEL did not lead to incidents of mass intimidation or harassment or to any impediment to the free movement of voters. Nevertheless, the Center recommends an investigation into the violence that did occur as well as further inquiries into the number and composition of FOSSEPEL forces deployed throughout the country. This analysis should be done with a view to planning better use and deployment of security forces at the legislative elections.

**To the Election Management Authorities**

***6. Develop a robust system for maintaining a comprehensive national voter register.***

The myriad problems in voter identification, polling station reallocations, voter card distribution, and timely production of required voter lists all stemmed from underlying inefficiencies in the voter registration system. Priority should be given to developing robust and sustainable methods for maintaining an accurate, comprehensive national register of voters that includes periodic updating procedures, public inspection of voter lists, and regular verification of registration data.

*The count was one of the weakest links of the first round of elections.*

Building on and improving the existing biometric register should be considered an early priority for the interim CENI that is organizing the legislative elections. An update to the voter list should resolve the problems of incomplete registration processing, address the delivery of missing biometric voter cards, allow those newly eligible to register, remove the names of those known to be deceased, and update the location address for those who advise that they have moved their place of residence.

Regarding the estimated 800,000 Guinean citizens living abroad, active steps should be taken to help them realize their voting rights as guaranteed by the electoral code and to facilitate the registration of a larger percentage of those eligible to vote than was the case during the 2010 presidential elections.

***7. Carefully plan for the counting process — from polling station to announcement of preliminary results.***

The count was one of the weakest links of the first round of elections. In both rounds, the inability to clearly present the results of all the polling stations in an orderly and transparent manner had grave implications for public trust and acceptance of the voting outcome.

The Carter Center recommends:

a) early planning of the counting and tabulation process to develop timely procedures and training packages;
b) effective training programs that include sessions that allow counting officials to simulate ballot counts and form filling in advance;
c) detailed step-by-step instructions for officials and observers, that include clear guidelines for determining valid and invalid ballots;
d) stronger communication, joint planning, and contingency planning between the various levels of authorities responsible for delivering the results; collaborative efforts should be aimed at ensuring an efficient and transparent process that drastically reduces the waiting time for handing in results protocols, especially in larger-population prefectures and the Conakry communes;
e) transparent (open to observers and media representatives and regularly updated, including summaries and breakdowns of polling station results) reception of national results at the Conakry headquarters level;
f) clear policy guidelines documenting the specific conditions and process under which the electoral authorities can nullify results.

***8. Improve communication between CENI headquarters and its local officials.***

The first round of presidential elections, in particular, was plagued by the CENI's many last-minute decisions that were inadequately conveyed to election officials, as well as electoral stakeholders and members of the electorate, throughout the country. These primarily concerned procedures regarding voters who did not receive biometric or alphanumeric voter cards, proxy voters, and those voting away from their assigned polling stations, or derogation votes. In the second round, last-minute changes concerning the use of ballot and transmission envelopes led to confusion and unnecessary delays.

Disciplined planning, adherence to agreed policies, documented procedures, and appropriate methods of professional public communication must be given priority attention so that local officials understand their precise role and the exact procedures they must administer consistently with all their election official colleagues across Guinea.

***9. Oversee and overhaul CENI procurement practices.***

During the presidential election, many questions were raised regarding CENI procurement practices. A strong discipline of fiscal accountability and ongoing financial auditing process should be put in place. An independent CENI is necessary, but it must also respect best financial practices and be transparent and fully accountable for the expenditure of public funds. If investigations prove fraudulent practices took place, appropriate and proportional sanctions should be taken against CENI members or staff who improperly benefited from their position during the presidential electoral process.

*Increased focus on the establishment of clear and robust financial reporting systems will benefit future electoral processes significantly.*

***10. Regulate campaign finance.***

While the political financing of parties and candidates did not emerge as a salient issue in the public discourse of Guinean stakeholders, increased focus on the establishment of clear and robust financial reporting systems will benefit future electoral processes significantly. Mechanisms should be in place that reinforce timely disclosure; include requirements specifying reporting political contribution and expenditure details immediately before and after elections; and are comprehensive, using a predetermined accounting framework that allows interested parties to find out donor identities and that prohibits large anonymous donations.

***11. Support increased participation.***
The Carter Center encourages Guinea to uphold these legal commitments and suggests the government take additional steps to ensure the full participation of women, persons with disabilities, and other marginalized populations in the entire political process during the upcoming legislative elections.

Guinea has the opportunity to fully embrace and promote the participation of women in the electoral process by upholding its existing laws in the legislative election process. The electoral code stipulates that a minimum of 30 percent of the candidates designated by political parties on electoral lists must be women in the pending legislative elections. The electoral code also stipulates that at least every third candidate on each list must be a woman, thus ensuring women's names will not appear at the bottom of the party lists.

*The CENI should take active responsibility for developing and implementing voter education campaigns.*

***12. Provide voter education.***
In a country that suffers from a high rate of illiteracy and has numerous local languages, voter education is a challenging task. The short time frame and limited funding for the election inhibited CENI's ability to conduct more widespread voter education and ensure coherent messaging in all languages; however, leaving these tasks to civil society and political party members risks inconsistency in providing a minimum baseline of accurate and official information to voters. The CENI should take active responsibility for developing and implementing voter education campaigns that ensure that all eligible and registered voters are well-equipped to take advantage of their registration and voting rights.

**To the Judiciary**

***13. Ensure transparent election results.***
For both rounds, the Supreme Court's announcement of final results was chaotic, the process was opaque, and the results were disputed. Thanks to the maturity of the candidates in eventually accepting the results, Guinea avoided a potentially serious social and political crisis. In the future, The Carter Center recommends that the Supreme Court improve transparency, accountability, and public access to the process by providing the detailed reasoning behind decisions made regarding the final election results. The imperative to provide quick results must be balanced against the adequate time needed for deliberation and the hearing of complaints.

***14. Ensure access to electoral dispute mechanisms.***
There are a number of factors that hinder access to electoral dispute resolution in Guinea. A widespread lack of confidence in the ability of the justice system to provide timely and impartial responses to election-related complaints disincentivizes individuals from seeking legal remedies. The fact that concerns regarding registration were expressed through public complaints and demonstrations rather than in legal challenges is indicative of the fact that many people are also not aware of their rights under the electoral code to mount a legal challenge under existing administrative mechanisms. Additionally, individuals do not have standing to file election disputes regarding election day.

To ensure the political right of redress for the violation of fundamental rights, The Carter Center recommends that steps be taken to ensure that electoral dispute mechanisms are accessible to electoral stakeholders, that decisions are timely, that remedies are meaningful, that electoral dispute arbiters are impartial, and that individual citizens can, at a minimum, bring claims on the basis of their individual suffrage rights.

# Appendix A
# Acknowledgments

The Carter Center would like to express appreciation to the Guinean government for inviting the Center to observe the elections and to the Independent National Election Commission (CENI) for its collaboration throughout the presidential electoral process.

The Carter Center Guinean election observation project was a team effort, made possible by the hard work and dedication of many observers, staff, and interns and by the support and cooperation of other institutions and organizations.

The Center wishes to thank former Nigeria President Gen. Yakubu Gowon and John Stremlau, Ph.D., vice president of peace programs, who served as co-leaders of the mission during both the June 27 and Nov. 7 elections, in spite of the uncertainty surrounding the date of the second-round election.

The numerous delays in the date for the second-round election took its toll on our Guinean field office managers, who deserve special thanks for dealing with the many challenges this presented. Field office representative John Koogler opened the mission and managed the Center's observation efforts until August 2010. As field office director, Harry Neufeld managed the mission from the end of August through the end of September. Randall Harbour, who had served the mission in various capacities since late May, assumed the function of field office director, managing the observation mission for the runoff election until the announcement of final results by the Supreme Court.

Our work benefited from the insights and expertise of consultants Mike McGovern, Herschelle Challenor, and Christof Kurz, who shared their specialized knowledge of Guinea's history and political developments. The Center also wants to recognize the invaluable contributions of Ron Gould, Elizabeth Ashamu, Michel Paternotre, and Maria Macchiaverna for their electoral-process expertise and guidance in evaluating applicable international and Guinean electoral law.

Jeff Austin coordinated observer activities from June through August, when former long-term observer Christian Mulume then assumed that function through to the end of the mission. Kasumu Sillah ensured the security of all members of the delegation for the entire mission, with the collaboration of Jules Lalancette during the runoff period. Kimberly Mason, the longest-serving member of the field mission, helped to set up the Conakry office and to coordinate field operations, right up until the draw-down of the mission in early December.

The Center is indebted to its long-term observers: Djilio Kalombo, Damien Brockmann, Lesley Pories, Christian Mulume, Baya Kara, Peter Blair, Robyn D'Avignon, Matt McLaughlin, Dominique Dieudonne, Roger Liwanga, Stephanie Berry, Ouattara Diakalia, Georges Ndi Onana, Avril Rios Torres, Cindy Chungung, Auguy Kibassa, Maurice Aboki, Ousmane Abdourahame, and Leila Blacking. We are also grateful to the short-term observers who attended during the first and second round of presidential elections. In particular, second-round observers demonstrated tremendous patience and good nature in the last-minute "waiting game" as we delayed deployment several times.

Local field office staff Rene Ifono, Mamadou Camara, Ansoumane Condé, Tibou Diallo, Hamidou Sow, Oumar Kevin Sidibe, Tim Cesaire, and Safiata Barry played essential roles in this mission. Our Atlanta-based staff—Max Lockie, Meredith Benton, Rebecca Davis, and Roger Liwanga—coordinated the observer delegations and provided essential support to an overstretched field staff at critical moments. Democracy Program interns Annegret Werner, during the June 27 election, and Kathryn Paddock, during

the Nov. 7 election, provided research and logistics assistance and played vitally important roles during the election period. Program assistant Tynesha Green provided tireless administrative and logistical support throughout the mission. Tessa Stromdahl, Olivia Owens, Matt Cirillo, Ramiro Martinez, David Kortee, and Roberto Merino managed finances and raised funds during different phases of the mission, with guidance and support from Cheri Robinson and Larry Frankel.

Therese Laanela, Democracy Program assistant director, was responsible for the overall project from its inception in February 2010 through its completion in December 2010, with support from David Pottie, Democracy Program associate director, and David Carroll, Democracy Program director.

In particular, the Center is grateful to all technical partners and international organizations that welcomed observers into their training sessions and meetings at all levels of the election preparation. The leadership and staff of IFES and Search for Common Ground provided us with insight and practical assistance on many occasions.

This report is the product of many hands. Randall Harbour, Therese Laanela, and Christof Kurz were the main drafters, with David Carroll, Harry Neufeld, Avery Davis-Roberts, and Ron Gould serving as senior editors. Research, editing, and production support were provided by Danielle Grenier, Rebecca Davis, Julia Lindholm, Rene Ifono, Leila Blacking, Roger Liwanga, Chansi Powell, and Katy Owens. Insights and suggested edits came from John Koogler, Max Lockie, Julie Ballington, Ron Gould, Mike McGovern, Kim Mason, and Jeff Austin. The production efforts were led by Chris Olson Becker of the Carter Center Public Information Department.

The Carter Center secured funding for the mission from the bilateral donors USAID and Irish Aid, as well as providing its own funding for the mission.

# Appendix B
# List of Election Observation Mission Delegates, Rounds 1 and 2, 2010

| Delegate Name | Country of Origin |
|---|---|
| Maurice Aboki | Germany |
| Adewumi Ade Adeolu | Nigeria |
| Koffi Abou Anzoua | Ivory Coast |
| Alexis Arieff | USA |
| Elizabeth Ashamu | USA |
| Gabrielle Bardall | USA |
| Emmanuel Batururimi | Canada |
| Stephanie Berry | France |
| Bjorn Birkoff | Sweden |
| Leila Blacking | Ireland |
| Peter Blair | Ireland |
| Damien Brockmann | USA |
| Ketura Brown | USA |
| Molly Byrne | USA |
| Cindy Chungong | Cameroon |
| Alexandre Dia | Ivory Coast |
| Dominique Dieudonne | USA |
| Maurice Ekpang | Nigeria |
| Laura Erizi | Italy |
| Kouadio Behiblo Felicite | Ivory Coast |
| Rennie Gleegbar | Liberia |
| Christian Gohel | Canada |
| Randall Harbour | France/USA |
| Adamou Idrissa Hassan | Canada |
| Nicholas Jahr | USA |
| Gaston Kalombo | South Africa |
| Baya Kara | Algeria |
| Ali Kilkal | Canada |
| David Kortee | Liberia |

*(continues)*

*(continued)*

| | |
|---|---|
| Christof Kurz | Germany |
| Roger-Claude Liwanga | Democratic Republic of the Congo |
| Finola McDowell | Ireland |
| Matt McLaughlin | USA |
| Brian Morgan | USA |
| Christian Mulume | Democratic Republic of the Congo |
| Arba Murati | Belgium |
| Josefa Nieto-Alvaro | Spain |
| Auguy Kibassa Kiomba Omba | Democratic Republic of the Congo |
| Georges Ndi Onana | Ghana |
| Diakalia Ouattara | Ivory Coast |
| Abdourahman Ousmane | Niger |
| Lesley Pories | USA |
| Gianluca Rigolio | Switzerland |
| Mohammed M Sherif | Liberia |
| Avril Rios Torres | Mexico |
| Annegret Werner | Germany |
| Sibongile Zimeno | South Africa |

# Appendix C
# List of Terms and Translations

| | |
|---|---|
| **Alphanumeric voter cards** | Voter cards without photos or fingerprints |
| ***Arc-en-ciel Alliance*** | Rainbow Alliance |
| ***Assesseur*/Assessor** | Official designated to represent his/her political party in each PS |
| **Biometric voter cards** | Voter cards containing biometric information (fingerprints, photo) |
| ***Bulletin*** | Ballot paper |
| ***Bulletin nul*** | Rejected ballot paper |
| ***Bureau de vote*** | Polling station |
| ***Carte électorale*** | Voting card |
| ***Cellule de gestion du processus electoral*** | Management unit electoral process |
| ***Circonscription électorale*** | Voting district |
| ***Code électorale*** | Electoral code (electoral law) |
| ***Commission de centralisation*** | Totals the results for the electoral district |
| ***Commission de reception*** | Receives and sorts results from polling stations, does not open them |
| ***Commune*** | Administrative district (five *communes* in Conakry equivalent to prefectures, 33 *communes urbaines* in the remainder of the country, answering to the mayor) |
| ***Délégués des candidats*** | Candidates' representatives |
| ***Démembrements*** | Branches of the CENI at regional and local level |
| ***Dépouillement*** | Counting of the votes |
| ***Dérogation*** | Voting outside of the area where the voter was originally registered |
| ***Électeur*** | Voter |
| ***Encre*** | Ink |

| | |
|---|---|
| ***Fiche de resultats*** | Results form |
| ***Guide pratique du bureau de vote*** | Polling Station Practical Guide |
| ***Isoloir*** | Ballot/voting screen |
| ***Jour de scrutin*** | Voting day |
| ***Journal officiel*** | The Official Gazette |
| ***Lieux de regroupement*** | Assembly sites |
| ***Liste d'émargement*** | Voter list/attendance sheet |
| ***Maire/Mairie*** | Mayor/Mayor's office |
| ***Parti democratique de Guinee*** | Democratic Party of Guinea |
| ***Préfecture*** | Subdivision of a region, headed by a *préfet* (33 in Guinea) |
| ***Procès-verbal/verbaux*** | Document(s) on which results are recorded |
| ***Procuration*** | Proxy voting on behalf of another voter (e.g., the sick or elderly) |
| **Protocol** | Minutes |
| ***Quartier*** | Subdivision at local level, headed by a *chef de quartier* or neighborhood chief |
| ***Rapporteur*** | Secretary |
| ***Récépissé*** | Voter registration receipt, used for voting in the first round |
| ***Region*** | Guinea has seven regions, each headed by a governor |
| ***Scellé*** | Seal |
| ***Scrutateur*** | Member of the public assisting with counting process |
| ***Scrutin*** | The vote |
| ***Sous-préfecture*** | Administrative subdivision of a *préfecture* (304 total in Guinea) |
| ***Urne*** | Ballot box |
| ***Votants*** | Voters |

# Appendix D
# List of Acronyms and Abbreviations

| | |
|---|---|
| **AfCHPR** | African Charter on Human and Peoples' Rights |
| **AGUIFPEG** | Guinean Association for the Involvement of Women in Electoral Processes and Governance |
| **AU** | African Union |
| **CACV** | *Commission administrative de centralisation du vote* (centralization commission) |
| **CARLE** | *Commission administrative de révision des listes électorales* (Administrative Commission for the Revision of Electoral Lists) |
| **CECI** | *Commission électorale communale indépendante* (branch of CENI at commune level) |
| **CENI** | *Commission électorale nationale indépendante* (National Independent Electoral Commission) |
| **CEPI** | *Commission électorale préfectorale indépendante* (branch of CENI at prefectural level) |
| **CESPI** | *Commission électorale sous-préfectorale indépendante* (branch of CENI at Subprefectural level) |
| **CKY** | Conakry |
| **CNC** | *Conseil national de la communication* (National Council of Communication) |
| **CNDD** | *Conseil national pour la démocratie et le développement* (National Council for Democracy and Development) |
| **CNOSCG** | *Conseil national des organizations de la société civile de Guinée* (National Council of Civil Society Organizations of Guinea) |
| **CNT** | *Commission nationale de totalisation* (Commission of Tabulation) |
| **CNT** | *Conseil national de la transition* (National Transitional Council) |
| **CODE** | *Consortium d'observation domestique des élections* (Domestic Election Observer Consortium) |
| **CONAG** | *Coalition nationale de Guinée pour les droits et la citoyenneté des femmes* (National Coalition of Guinea for Women's Rights and Citizenship) |
| **ECOWAS** | Economic Community of West African States |
| **EU** | European Union |
| **FOSSEPEL** | *Force spéciale de sécurisation du processus électoral en République de Guinée* (Special Force for the Security of the Electoral Process in the Republic of Guinea) |
| **ICCPR** | International Covenant on Civil and Political Rights |
| **ICG** | International Contact Group |

| | |
|---|---|
| **IFES** | International Foundation for Electoral Systems |
| **IRDED** | *Institut de recherche sur la democratie et l'etat de droit* (Research Institute on Democracy and Rule of Law) |
| **MATAP** | *Ministère de l'administration territoriale et des affaires politiques* (Ministry of Territorial Administration and Political Affairs) |
| **NGR** | *La nouvelle génération pour la république* (New Generation for the Republic) |
| **PEDN** | *Parti démocratique de l'éspoir pour le développement* (Party of Hope for National Development) |
| **PS** | Polling station |
| **PUP** | *Parti de l'unité et du progrés* (Party for Unity and Progress) |
| **PV** | *Procès-verbal/verbaux* (protocol[s]) on which results are recorded) |
| **RDR** | Rally of the Republicans |
| **REGOEL** | *Réseau guinéens d'observateurs d'élections* (Guinean election observer network) |
| **RPG** | *Rassemblement du peuple de la Guinée* (Rally of the People of Guinea) |
| **RTG** | *Radio et télévision de Guinée* (Guinea Radio and Television) |
| **UFDG** | *Union des forces démocratiques guinéenne* (Union of Guinean Democratic Forces) |
| **UFR** | *Union des forces républicaines* (Union of Republican Forces) |
| **UN** | United Nations |
| **UTELGUI** | Union of Free Radios and Televisions of Guinea |

# Appendix E
# Statements and Press Releases


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## Carter Center Launches Election Observation Mission to Guinea

**May 24, 2010**

The Carter Center will deploy eight long-term observers throughout Guinea this week to formally launch its international election observation mission of the country's June 27 elections. The mission is supported by an office in Conakry, which was established in mid-May and led by Field Office Representative John Koogler.

"The Carter Center welcomes the opportunity to observe Guinea's electoral process," said Therese Laanela, assistant director of the Carter Center's Democracy Program. "We hope that our presence will contribute to a peaceful, transparent, and credible electoral process and will support Guinea's efforts to promote key reforms for future elections."

Observers will meet with election officials; political party and civil society representatives, including domestic observation groups; members of the international community; and other stakeholders, to form an assessment that focuses on elections administration, the campaign period, voting and counting procedures, and other issues related to the overall electoral process in Guinea. They will be joined by 22 additional short-term observers from various nationalities around election day.

The Center's evaluation will be made against the Guinean electoral legal framework, the constitution, and the country's international commitments regarding democratic elections. The Carter Center received a letter of invitation to observe on March 12, 2010.

The Carter Center conducts its activities in a nonpartisan, professional manner in accordance with applicable law and international standards for election monitoring set forth in the Declaration of Principles for International Election Observation, adopted at the United Nations in 2005. The Center will remain in close communication with the Guinean authorities, all political parties, candidates, civil society organizations, media, and other international and domestic observer missions.

The Center will release periodic public statements on electoral findings, available on its Web site: www.cartercenter.org.

NEWS

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## Carter Center Encouraged by Electoral Campaign in Guinea; Urges Steps on Electoral Preparations and Voter Education

**June 21, 2010**

The Carter Center observation mission in Guinea is encouraged by the positive tone of the electoral campaign in Guinea, including candidates' messages promoting reconciliation and transcending ethnic boundaries, and by the National Electoral Commission's (CENI) commitment to inclusive elections. At the same time, the Center urges CENI to address remaining challenges including ensuring that all voting materials arrive in time for the elections, that polling station staff are adequately trained, and that maximum efforts are taken to extend voter education as widely as possible. In spite of these challenges, the Center is encouraged that all stakeholders are committed to a transparent process and to peaceful acceptance of credible election results. These findings are detailed in the full report below.

The 2010 presidential elections offer the first real opportunity for democratic and openly contested elections since Guinea declared its independence in 1958. There is a palpable sense of excitement and expectation among Guineans, who hope for a meaningful democratic transition and civilian government. While Guinea held elections in 1993, 1998, 2002, and 2003, the 2010 elections represent a landmark in that numerous parties are participating openly and there is no ruling party candidate competing for the presidency.

The Carter Center deployed its core electoral observation team on May 1, with eight long-term election observers joining them on May 23. The Center's long-term observers are reporting from Guinea's four geographic regions of Lower Guinea, Middle Guinea, Upper Guinea, and the Forest region. The Center's long-term observers come from Algeria, the Democratic Republic of Congo, Northern Ireland, South Africa, and the United States. They will be joined by more than 20 short-term observers to monitor voting and counting.

The Carter Center mission is assessing Guinea's electoral process against the Guinean Constitution and the electoral legal framework, commitments made in the January 2010 Ouagadougou Agreement, and Guinea's obligations under regional and interna-

tional treaties.[1] The Center's observation mission is conducted in accordance with the Declaration of Principles for International Election Observation.

**Introduction**

Most of the Guinea's recent history has been marked by dictatorial rule, and the seeds of discontent became increasingly evident in a series of strikes in 2006 and 2007 that culminated in the killing of scores of civilians in January-February 2007. Guinea held nominally democratic presidential elections in 1993, 1998, and 2003, as well as legislative elections in 2002 that were boycotted by the major political parties.

Elections are a central component in the Ouagadougou Agreement, which was signed in January 2010 following the killings of more than 150 civilians by Guinean security forces at a political rally on Sept. 28, 2009. The massacre traumatized Guinean society and catalyzed calls for the return of political accountability and an end to political impunity. As a result, ordinary Guineans have begun talking about politics again, reinvigorated by the possibility of a new beginning in Guinea's post-independence period.

While the logistical challenges surrounding the run-up to the June presidential elections are extremely difficult, the process provides a critical opportunity both to introduce a genuinely democratic political order and also to improve electoral procedures for future elections in Guinea.

**Key Findings**

Based on the reports of its long-term observers deployed around the country, the Carter Center's mission notes several key findings concerning the pre-election period in Guinea and the prospects for genuine democratic elections on June 27.

Spirit of good faith and reconciliation

The political actors within Guinea have maintained a spirit of trust and good faith throughout the transition period following the Ouagadougou Agreement, with the country led by a government of national unity. The quasi-legislative National Transitional Council (CNT) has remained neutral in its oversight of all electoral processes, and CENI has ensured that preparations for the elections have been conducted in an independent fashion.

While ethnic identity has sometimes been the object of political manipulation in Guinea, the transition period has been marked by concerted efforts of political parties to focus their campaigns on messages promoting national reconciliation and disavowing regional and ethnic interests. A successful conclusion of the process hinges on all the major candidates and party leaders accepting the final results of the elections and managing disappointment among their party supporters.

Political parties and NGOs, both local and international, have played a central role in promoting reconciliation by undertaking civic education programs to promote respect for others as a central tenet of these elections.

**Voter education**

It is the responsibility of all states to take specific measures to address difficulties that may prevent people from exercising their electoral rights effectively.[2] Voter education is recognized in international law as an important means of ensuring that an informed electorate is able to effectively exercise their right to vote. In a country that suffers from a high rate of illiteracy and has a variety of local languages, voter education is a challenging task. In Guinea, the focus of early phases of voter education campaigning has been educating voters to accept the final election results. This is a critically important message given the context of conflict and tension surrounding these elections.

While peaceful acceptance of elections results is clearly important, the Center is concerned that there has been too little emphasis on providing citizens with basic voter education, including issues of how to mark ballots so that they are valid and can be counted for the intended candidate. The Carter Center strongly urges all stakeholders to make maximum efforts on voter education throughout the country to ensure that voting day procedures are explained to all levels of society. The CENI has a particularly important role to play in this process.

Electoral preparations, poll-worker training, and domestic observers

The administration of these elections has been difficult due to the extremely condensed timeframe for the preparation of the legal framework. The compressed timeline led to late decisions about electoral and voting procedures and to confusion about the division of roles and responsibilities between different stakeholders. The infrastructural challenges in Guinea compound these issues.

The Center urges CENI to take necessary steps to ensure that all voter material arrives in time for the June 27 election and that polling station staff have been trained to the highest possible standards. Carter Center observers have reported a mobilization effort in Conakry for the training of polling station personnel and domestic observers. As such training efforts continue, the Center encourages CENI to take all necessary steps to ensure trainings are conducted in all regions of Guinea in a timely manner and to the highest possible standard.

Electoral procedures have been established to allow party agents and domestic observers at each polling station and to ensure they are able to observe the voting process and record any concerns for legal scrutiny. [3] The Center commends the inclusion of these safeguards, which if implemented fully and transparently can be critical to preventing and detecting manipulation or other irregularities in the electoral process.

Given the challenges of the compressed electoral calendar and the late development of electoral procedures, it is critically important that all stakeholders are informed about key electoral procedures. While the Center commends CENI and other stakeholders for their efforts to date to provide supplemental information on electoral procedures, the Center urges CENI to address the complaints of local election bodies and to improve channels of communication between the capital and the local authorities in the remaining days before the election.

**Conclusion**

In spite of the logistical challenges facing electoral preparations in Guinea, the Center is encouraged that all stakeholders are committed to a transparent process and to peaceful acceptance of credible election results. It is important for political parties to follow through on their campaign messages promoting reconciliation and peaceful elections.

The Carter Center offers these observations and recommendations in the spirit of cooperation and respect. The Center wishes to thank the Guinean officials, political party members, civil society members, individuals, and representatives of the international community who have generously offered their time and energy to facilitate the Center's efforts to observe the electoral process.

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[1] Guinea has ratified a number of international treaties with provisions regarding electoral processes, including ECOWAS Protocol on Democracy and Good Governance (ratified in 2004); the African Charter on Human and Peoples' Rights (ratified February 16, 1982) (ACHPR); the International

Convention on Civil and Political Rights (ICCPR) (ratified January 24, 1978); and the Convention on the Elimination of Discrimination Against Women (CEDAW) (ratified August 9, 1982).

[2] Specific difficulties include such things as language barriers, poverty, and impediments to the freedom of movement. States must ensure that voter education reaches the broadest possible pool of voters (United Nations Human Rights Committee General Comment 25, para. 11)

[3] The right to participate in the public affairs of one's country, including the electoral process, are recognized at the regional and international level. See for example, African Charter on Human and Peoples' Rights, art. 13 (1); AU Declaration on the Principles Governing Democratic Elections in Africa, art. 7; and ICCPR, art. 25 (a)

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**General Yakubu Gowon to Lead Carter Center Delegation to Observe Guinea's June 27 Elections**

**June 22, 2010**

Conakry…The Carter Center announced today that General Dr. Yakubu Gowon, Nigeria's former head of state, will co-lead the Center's international election observation delegation to Guinea along with Dr. John Stremlau, Carter Center vice president for peace programs. The Carter Center mission will also include more than 30 observers representing over 15 different nations deployed throughout the country.

The co-leaders will meet with key political stakeholders: transitional government representatives, the National Electoral Commission (CENI), political party leaders, and representatives of domestic and international election observation delegations, among others, and will observe the polls on election day and the counting process.

The Carter Center deployed its core electoral observation team on May 1. Eight long-term election observers have been reporting from Guinea's four geographic regions; they were recently joined by more than 20 short-term observers who are being briefed in Conakry prior to their deployment.

On June 19, the Center released a statement of its findings so far on Guinea's pre-electoral environment. The statement noted that in spite of the logistical challenges facing electoral preparations, the Center is encouraged that all stakeholders are committed to a transparent process and to peaceful acceptance of credible election results. It is important for political parties to follow through on their campaign messages promoting reconciliation and peaceful elections. The full report is available at www.cartercenter.org.

The Center's observation mission is conducted in accordance with the Declaration of Principles for International Election Observation.

NEWS

THE CARTER CENTER

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**ELECTION OBSERVATION MISSION**
**Guinea, Presidential, June 2010**

**PRELIMINARY STATEMENT**

# The Carter Center Commends Guinea's Historical Election; Urges Continued Calm in the Post-Election Period

**Conakry, June 29, 2010**

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## Executive Summary

**Conakry…**The June 27, 2010, elections, represented an important political opening for the people of Guinea. These were the first elections to be held in Guinea without an incumbent candidate, which increased political space and the opportunity for participation by all sectors of society.

Despite procedural flaws and logistical challenges, this election, marked by high voter turnout and wide participation, was an important step forward in Guinea's process of democratization. Although it lacks experience and faces challenges of poor infrastructure, the Independent National Electoral Commission (CENI) exhibited good faith efforts in their attempts to ensure a credible, transparent, and peaceful process.

As the counting process and proclamation of results continues, The Carter Center urges all candidates to adhere to their commitment to a peaceful transition of power, utilizing appropriate legal challenges for the filing of complaints as necessary. The CENI and relevant judicial bodies should recommit themselves to ensuring transparency throughout the process of proclamation and dispute resolution, ensuring all challenges are addressed in a timely and effective manner. In addition, it is critical that security forces, civil society, religious communities, the media, and the international community reaffirm and continue their support and commitment to Guinea's democratic development.

The next month will be critical in affirming Guinea's commitment to democratic governance. Should there be a second round of elections, The Carter Center urges the final contestants to remain committed to a peaceful and inclusive process, including

through debate of their differences in an open forum accessible to all Guineans.

**The main interim findings of the Center's observation mission are as follows:**

- The election campaigns were based on messages of national unity, with parties adhering to a code of conduct, and party supporters engaged in largely peaceful campaign events.
- The Carter Center commends the transitional administration of Guinea for adhering to the January 2010 Ouagadougou agreement, including the agreed upon schedule for presidential elections and the tenet of abstaining from running as presidential candidates.
- The elections were the first to be organized by an independent election commission, the CENI. The Carter Center recognizes the challenges faced by this agency, including a compressed electoral calendar, a legal vacuum, and a poorly developed national infrastructure.
- Confusion about several important aspects of voting and counting procedures, delay in allocation of polling stations, and late delivery of essential voting materials negatively affected the quality of polling. The Carter Center is concerned that an uneven delivery of service to voters in different parts of the country and confusion over proper election day procedures has the potential to undermine the principles of universal and equal suffrage. In future elections, the establishment of a clear legal and procedural framework, well in advance of election day, may allow for better preparation and training.
- The CENI introduced several complex technological innovations such as biometric voter cards and a system of tamper-proof envelopes for transferring poll results, that were well-conceived but required more attention and planning in their application.
- The Carter Center will continue to observe the completion of the tabulation and official results process as well as any electoral disputes that may arise.

*The Carter Center election observation mission has been in Guinea since May 12, 2010, following an invitation from CENI. The Carter Center mission was led by General Yakubu Gowon, former head of state of Nigeria and Dr. John Stremlau, Carter Center vice president for peace programs. Eight long-term observers from five countries were deployed throughout the country in advance of election day to assess election preparations. On election day, 30 observers from 15 countries visited 138 polling stations throughout Guinea to observe voting and counting. Carter Center observers continue to assess the conclusion of counting and vote tabulation and will remain in Guinea to observe the post-election environment. The Carter Center conducted this assessment on the basis of Guinea's domestic law and international commitments for democratic elections.[1] The mission was conducted in accordance with the Declaration of Principles for International Election Observation.*

[1] Guinea is a member of the United Nations, the African Union, and the Economic Community of West African States. The Carter Center has based its assessment on Guinea's domestic law and political commitments such as the International Covenant on Civil and Political Rights, African Charter on Human and Peoples' Rights, and the ECOWAS Protocol on Democracy and Good Governance.

## Statement of Preliminary Findings and Conclusions

***This statement is preliminary; a final report will be published four months after the end of the electoral process.***

### Introduction

Elections are a central component in the Ouagadougou Agreement, which was signed in January 2010. Guinea's recent history has been marked by quasi-dictatorial rule—leading to increasing levels of discontent amongst the population and sporadic outbreaks of violence. As such, the 2010 presidential election offers the first real opportunity for a democratic and openly contested election since Guinea declared its independence in 1958. Guinea's unique place as the only one of the Mano River Union nations not to fall into civil war, paired with the recent military coups in Niger and Mauritania, also gives these elections an important regional significance. Further, the strong signal sent by the African Union and Economic Community of West African States (ECOWAS) to suspend Guinea's membership and the international condemnation of last September's massacres will mean little if Guinea does not achieve a transition to a stable democratic government.

The Carter Center's election observation mission in Guinea has found an environment of remarkable political will for elections. The political actors within Guinea have maintained a spirit of trust and good faith throughout the transition period following the Ouagadougou Agreement, with the country led by a government of national unity. While ethnic identity has sometimes been the object of political manipulation in Guinea, the transition period has been marked by concerted efforts of political parties to focus their campaigns on messages promoting national reconciliation and disavowing regional and ethnic interests. The legislative National Transitional Council (CNT) remained neutral in its oversight of all electoral processes and the Independent National Election Commission (CENI), which was faced with the enormous challenge of preparing for the election within a compressed time frame, has ensured that preparations for the election have been conducted in an independent fashion.

As counting and results proclamation move forward, The Carter Center urges all stakeholders to remain cognizant that a successful conclusion of the electoral process hinges on all the major candidates and party leaders accepting the final results of the elections and managing disappointment among their party supporters. Where disputes exist, these should be adjudicated through proper administrative and legal channels.

The Carter Center mission is assessing Guinea's electoral process against the Guinean Constitution and the electoral law, commitments made in the January 2010 Ouagadougou Agreement, and Guinea's regional and international commitments.[2] The Center's observation mission is conducted in accordance with the Declaration of Principles for International Election Observation.

[2] Guinea has ratified a number of international treaties with provisions regarding electoral processes, including ECOWAS Protocol on Democracy and Good Governance (ratified in 2004); the African Charter on Human and Peoples' Rights (ratified February 16, 1982) (ACHPR); the International Convention on Civil and Political Rights (ICCPR)(ratified January 24, 1978); and the Convention on the Elimination of Discrimination Against Women (CEDAW) (ratified August 9, 1982).

**Legal Framework**

The Ouagadougou Agreement established a framework for the current transitional period. It designated General Sékouba Konaté as interim president, called for the formation of a National Transitional Council (CNT) representative of all sectors of Guinean society and the organization of presidential elections within six months. The CNT was installed in February and called on to revise the constitution and all laws relating to the electoral process and oversee elections.

The CNT adopted a new constitution in April. It was drafted with the goal of establishing a political structure and national institutions to facilitate democratic governance and respect for human rights. The 2010 Constitution now declares that "The People of Guinea…solemnly affirm their fundamental opposition to all unconstitutional taking of power, to all regimes based on dictatorship, injustice, corruption, nepotism and regionalism." 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. It reduced the presidential term from seven to five years and limited the number of terms to two. Most notably, it provided for this and all future elections to be organized and administered by an independent and constitutionally mandated institution, the CENI, rather than a government entity. Additionally, under the Constitution, all citizens have the duty to participate in elections and to promote democratic values.

A new electoral law was adopted in May. Although it provides the basis for the conduct of elections in accordance with international standards, implementation was not always 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 was finalized only a month before Guineans went to the polls and after electoral preparations were already well underway. While necessitated by the exigencies of Guinea's 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.[3]

Several deadlines required by law were not respected. For example, although the electoral law requires polling station locations to be determined 30 days prior to the election, in the days immediately preceeding the election, adjustments were still being made. In addition, the unexpectedly high number of candidates required the development of new voting procedures that differ from those described in the electoral law. Interpretations of provisions for where voters should vote differed among key actors. Challenges faced during the voter registration process and with the distribution of voter cards were such that the documents required in order to vote evolved over the weeks prior to the elections. These factors combined to create confusion among voters about where and how to vote.

***Election Administration***

An independent and impartial electoral authority that functions transparently and professionally is internationally recognized as an effective means of ensuring that citizens are able to participate in a

[3] 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."

genuine democratic election and that other international obligations related to the electoral process can be met.[4]

The new electoral law gives CENI primary responsibility over the conduct of elections.[5] The Carter Center congratulates Guineans for the reaffirmation of the administration of elections by an independent body.

The lack of previous experience and limited human resources, staff capacity, and technical expertise have required the CENI to rely heavily on the Ministry of Territorial Administration and Political Affairs (MATAP), the ministry previously responsible for elections.

The election calendar and the inexperience of the responsible institutions resulted in hastily drafted texts and procedures. The CENI delayed taking many decisions and failed to make timely public announcements about the numerous exceptions to the electoral code. CENI regulations, guides and manuals frequently gave unclear or contradictory information with regards to polling procedures. In particular, instructions regarding ballots, voting methods, protocols, and documents required by voters were not always clearly articulated. As a result, polling staff and voters were faced with personal interpretations to important electoral issues on election day, including fundamental questions such as the question of who could vote, the determining of valid and invalid ballots, and the recording and transmitting of results. In particular, Carter Center observers noted wide variation in practices regarding whether voters without a voter ID but in possession of a registration receipt were allowed to cast ballots. In some cases noted by observers, such discrepancies in the understanding of procedures effectively limited the enfranchisement of such voters.

Carter Center long-term observers, deployed in Guinea's four geographic regions of the country, followed the work of the regional administrations during the weeks preceding the elections. Their assessment, based on observations of the various stages of electoral preparations is that the prefecture and sub-prefecture level electoral commissions have behaved with impartiality in their duties. According to Carter Center long-term observers, there was an inconsistency between what the CENI communicated in Conakry regarding electoral arrangements and the realities upcountry. The timeline of distribution of materials and recruitment and training of polling station staff were unrealistic considering distances, poor transport, and telecommunication challenges.

A total of approximately 150 such stations were created in the days preceding the elections. While this effort to ensure accessible polling stations for all voters is commendable, considering the complexity of logistical arrangements, in particular regarding the coded seals placed on protocols (with a bar-code that links a protocol to a specific polling station), distributing this special material to new polling stations required additional time and in some instances, materials had not arrived by the commencement of polling. If a second round of elections is held and the same technology is used, much more foresight regarding the number and location of polling stations is required

Two days prior to election day, numerous serious logistical challenges remained: ink used by voters to vote by fingerprint was just arriving in the country, and sensitive material such as ballots, protocols, tamper proof bags, and seals for the transmission of results still had not departed Conakry for prefectures throughout the country. The sensitive materials did not arrive in all polling stations on time or in sufficient amounts according to Carter Center observers (see additional information in the voting section of this document). Just hours before the opening of polls, the personnel for

[4] UNHRC , General Comment No. 25 para. 20
[5] Electoral Code, Art. 2.

handling polling station results at the prefectural level remained in Conakry waiting for funds and transportation.

Universal and equal suffrage[6] are closely linked to ability for all voters to be awarded an equal opportunity to cast their ballots. Discrepancies in preparation, material allocation, and training in different parts of the country can lead to inequalities with regards to the effectiveness of polling. At worst, the scenario described above can produce a geographically-based disenfranchisement of people living in isolated or rural areas, who are often the poorest, undermining the principle of universal and equal suffrage.

***Candidates, Parties, and The Campaign Environment***

The right of individuals to participate in public affairs, including through the establishment of and free association with political parties and participation in campaign activities, is protected by international principles and fundamental electoral rights.[7]

The campaign environment was positive and characterized by a message of non-violence, national unity and reconciliation, respect for other candidates, and an absence of negative campaigning. This is also the first presidential election in Guinea's history that has not been boycotted by any political parties, with all parties participating in support of the 24 candidates certified by the Supreme Court. The Carter Center commends the political parties for signing and abiding by a code of conduct promising to refrain from fraud, violence, personal attacks, and appeals to race, religion, ethnicity or region. Furthermore, on the eve of the elections, together with the interim president, the president of CENI, and the president of the CNT, all 24 candidates congregated for a televised common appeal for peaceful elections and national unity.

The candidates conducted impressive campaigns throughout the country, with some making pointed efforts to rise above their expected regional bases and mobilize support in distant prefectures. Unfortunately, some campaign rhetoric suggested that anything other than a first-round victory for the party in question would indicate fraud in the electoral process, but more often candidates spoke of the election process as a moment of unity. When pressed, they and their partisans expressed their willingness to accept the result. The candidates and parties have generally respected the organizational authority of the electoral commission (CENI), the transitional legislative body (CNT), and the MATAP, despite widespread disregard for the starting date of the campaign.

Guineans, who in past election cycles had little reason or were afraid to display their political preferences openly, have taken to the campaign period with remarkable enthusiasm. Carter Center long-term observers frequently encountered enthusiastic campaign events and rallies that appeared to be conducted with respect to free expression, movement and assembly for all candidates.[8] In this sense, the electoral process has already been successful in allowing Guineans an unprecedented opportunity to express themselves openly and engage in political debate.

In Coyah, only three days before election day, our short-term observers experienced the single major incident of electoral violence of the campaign, the violent confrontation between two sets of

[6] See, for example, ICCPR Article 25b

[7] ICCPR, Art. 25(a); ICERD, Art. 5(c); CEDAW, Art. 7(b), UNHRC General Comment 25, para. 26

[8] Freedom of expression, movement and assembly are enshrined in the ICCPR, Articles 19(2), 12(1), and 21 respectively. The African Union Declaration on the Principles Governing Democratic Elections in Africa, Art. IV.5 further states that "Individuals or political parties shall have the right to freedom of movement, to campaign and to express political opinions with full access to the media and information within the limits of the laws of the land."

candidate supporters. Witnesses said supporters of former prime minister Sidya Toure's Union of Republican Forces (UFR) were awaiting a rally when they clashed with those of the Union of Democratic Forces of Guinea (UFDG) – the party of another ex-prime minister, Cellou Dalein Diallo, resulting in conflicting reports of several injured and six dead. According to the CENI, the UFR were authorized to hold a rally that day.

As determined by joint CENI-MATAP decision,[9] presidential candidates were required to pay a monetary deposit of 400,000,000 FG (approximately $65,000 USD). The deposit amount was established after discussions with political parties. It will be reimbursed to all candidates who attain at least 5 percent of the votes within 15 days following the proclamation of definitive results.

While political finance has not emerged as a salient issue in the public discourse of Guinean stakeholders, given Guinea's great natural wealth, increased focus on the establishment of clear and robust financial reporting systems will benefit future electoral processes significantly. Where such measures currently exist in law, they should be carefully implemented and reviewed for potential expansion.

***Voter Registration***

Sound voter registration processes that ensure an accurate and complete voters' list are a principal means of ensuring that universal suffrage and the right of every citizen to vote are fulfilled. [10]

According to Art. 17 of the Electoral Code updating of the voters' list should take place from Oct. 1 to Dec. 31 of each year. Such a provision assumed that an existing voter register is continually updated; however, in practice the voter register was created anew in 2008 using voter kits and dedicated teams to register voters with their photographs and biometric information. An exceptional voter registration exercise to correct the list was conducted from March 22 - April 26, 2010. In total, approximately 4.2 million eligible Guineans registered to vote.

In accordance with Guinea's laws, citizens who are at least 18 years old and have not been stripped of civil or political rights have the right to vote.[11] Guinean voters living abroad also have the right to participate in elections.[12] There were 53,083 voters registered in 18 embassies and consulates in 17 countries. While The Carter Center congratulates the dedication showed by the CENI to include the diaspora in the electoral process, many voters abroad were effectively unable to vote due to their distance from registration and voting locations. Steps should be taken in the future to make effective rights promised under the electoral law, by facilitating the registration of a larger percentage of the estimated 800,000 Guineans living abroad.

While limits on voting rights are allowed under international law, they must be of a reasonable and objective nature.[13] The electoral law limits the voting rights of certain classes of citizens, most

[9] *Decision conjointe* N° 160 CENI/MATAP/SG *Determinant le montant du cautionnement et du plafonnement des depenses aux elections presidentielles du 27 juin 2010.*

[10] An accurate and complete voters registration list promotes public confidence in the electoral process and protects fundamental human right to a genuine democratic election (General Comment No 25, para 16)

[11] Electoral Law, Art. 3

[12] Electoral Law, Art. 11)

[13] United Nations Human Rights Committee, General Comment 25, paragraph 10. "The right to vote at elections must be established by law and may be subject only to reasonable restrictions, such as setting a minimum age limit for the right to vote."

notably those found guilty of crimes.[14] However, individuals in pre-trial detention, who comprise an estimated 70 percent of Guinea's prison population, should not be stripped of their civil or political rights, and their ability to vote should be guaranteed by the state. In practice, the entire prison population, regardless of their conviction status, was disenfranchised. Such broad disenfranchisement is in conflict with Guinea's international obligations[15] and The Carter Center encourages Guinea to take the necessary steps to ensure that efforts are taken to register eligible members of the prison population to ensure respect for universal suffrage. Guinean law also states that voters must fulfill civic duties in order to be eligible to vote, although there is no evidence in practice that this requirement placed a limit on suffrage.[16]

The Carter Center did not observe voter registration except for its final phase, distribution of the voters cards. However, observers were informed of several factors and technical difficulties that hampered registration efforts and may have led to an underrepresentation of the electorate among registered voters. The Carter Center's long- and short-term observers witnessed the distribution of voters cards in several parts of the country. The printing of biometric voter cards was completed in June by MATAP in collaboration with SAGEM, a French company that won the contract for their production. The delivery of cards to regions furthest from Conakry, including the Forest Region, began about 11 days later than the planned June 1 date. This process was described by our observers as late, chaotic, and confusing in terms of the information provided to voters. Also, the practice of 'handing in the receipt' to receive the voter's card was not consistently followed or enforced.

While noting concerns, The Carter Center believes that the voter registration exercise represented a genuine effort on the part of the authorities on the national and sub-national levels. Interlocutors told of a great excitement to register throughout much of the country, and Carter Center observers did not report any cases of military or political actors trying to restrict or influence the voter registration process. Representatives of political parties were invited as registration observers throughout the country, contributing to the transparency of the process. The Carter Center encourages Guinea to develop robust and sustainable systems for developing and maintaining an accurate and comprehensive national voter register.

**Voter Education**

It is the responsibility of all states to take specific measures to address difficulties that could prevent people from exercising their electoral rights effectively.[17] Voter education is recognized in international law as an important means of ensuring that an informed electorate is able to effectively exercise their right to vote. In a country that suffers from a high rate of illiteracy and has numerous local languages, voter education is a challenging task.

In Guinea, the focus of voter education campaigns has been to encourage voters to accept the final election results. While this is an important message given the recent history of Guinea, nonetheless The Carter Center regrets the lesser emphasis on effective basic voter education regarding the key

[14] Electoral Law, Art. 7. While such a restriction based on criminal conviction is allowed by international law, it is good electoral practice that this restriction be limited to certain, serious crimes rather than applied as a blanket restriction for all convictions.

[15] United Nations Human Rights Committee, General Comment 25, paragraph 14. "If conviction for an offence is a basis for suspending the right to vote, the period of such suspension should be proportionate to the offence and the sentence. Persons who are deprived of liberty but who have not been convicted should not be excluded fro exercising the right to vote."

[16] Electoral Law, Art. 5

[17] Specific difficulties include such things as language barriers, poverty, and impediments to the freedom of movement. States must ensure that voter education reaches the broadest possible pool of voters (United Nations Human Rights Committee General Comment 25, para. 11)

issues of importance for polling day. The short timeframe and limited funding for the election has inhibited CENI's ability to conduct more widespread education or ensure coherent messaging, and Carter Center observers found examples of mistaken information.

The state, and the CENI as an organ of the state, should be responsible for providing voter education to better ensure the uniform distribution of information to the voting population. 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 Voting Process**

The voting process is the cornerstone of the obligation to provide the free expression of the will of the people through genuine, periodic elections. Certain participatory rights must be fulfilled for the voting process to accurately reflect the will of the people. Foremost among these are the right to vote, to participate in public affairs, and to enjoy security of the person.[18] The state must take all necessary steps to ensure such rights are fully protected and awarded to all citizens in an equal and non-discriminatory manner. The state must take necessary measures to give effect to rights enshrined in the treaty to which they are party. Such rights include the right for all citizens to be treated in an equal and non-discriminatory manner.[19]

According to the electoral law, polling stations should be installed in neutral locations that are easily accessible by voters. They also must be outside of military garrisons and religious sites.[20] Some inconsistencies with this provision were apparent following the publication of polling station lists for election day. Additionally, some voters were assigned to polling stations more than 15 km from their residences. CENI took active steps to address this concern, but unfortunately, many voters interviewed on election day complained of the difficulty in finding these new allocated polling stations. There were also numerous polling stations installed and then removed or relocated by local officials in the days and hours prior to voting. This raises concerns regarding the accessibility of the stations for all voters and observers. CENI should ensure that in the future, polling station locations are chosen in accordance with the electoral lode and their locations are properly announced in advance of the vote.

In some constituencies, the lines were extremely long, with some voters waiting more than 8 hours to cast their ballot. Any tension that arose among voters seemed to be attributable to frustration with long wait times and the perception that they may not get to vote. The Carter Center notes that article 73 of the Guinean Electoral Code calls for one booth per 250 voters. Delays at these locations could be avoided had this provision been respected in practice.

Throughout the country, Carter Center observers noted that election officials were not as well prepared as they should have been to handle the influx of voters, and that the CENI was remiss in making sure all polling stations were functioning properly. Though poll workers received training, Carter Center observers detected apparent gaps in their ability to deal with unexpected scenarios. Confusion was particularly apparent in understandings of rules regarding proxy voting, supplementary lists, assisted voting and the criteria for invalidating ballots. While Carter Center observers reported cases of ad hoc procedures, late poll openings, and missing materials, they noted

[18] International Covenant on Civil and Political Rights, Arts. 2, 25(a) and 9

[19] The State must take necessary measures to give effect to rights enshrined in the treaty to which they are party. Such rights include the right for all citizens to be treated in an equal and non-discriminatory manner. ICCPR; Art. 2(2); International Convention on the Elimination of all forms of Racial Discrimination, Art. 1.

[20] Electoral Code, Art. 64

that in general such incidents did not fundamentally affect the integrity of the process and that the election commission did, in good faith, endeavor to ensure universal suffrage.

The electoral law requires a voter card to be presented by all wishing to vote.[21] Due to technical problems during voter registration, 491,000 registered voters were not provided with voter cards due to poor quality fingerprints or photos. Additional voters for whom cards were developed were unable to pick them up prior to election day. On June 16, CENI and MATAP issued a joint decision clarifying that any voter could vote using the receipt provided to them during voter registration.[22] On election day, however, it became apparent that, while the June 16 clarification allowed for voting with the receipt, this process was not uniformly accepted across polling stations and Carter Center observers reported some cases of voters with receipts who were not allowed to vote.

Procedures to ensure the secrecy of the vote were largely followed as outlined in the electoral law. While voter's fingers were regularly inked by poll officials after they cast their ballot, voters' fingers were not consistently checked for ink prior to receiving their ballot paper. The Carter Center urges CENI to convey the importance of these two procedures to local poll workers to ensure the integrity of the vote.

Procedures for assisted voting can serve to ensure broad participation in the electoral process by persons with disabilities or who are otherwise unable to cast their ballot independently. The procedures for assisted voting in Guinea were clarified through the CENI-MATAP joint decision of June 16. It stated that any voter in a condition which does not allow him to properly exercise his civil rights is authorized to seek the assistance of a voter of his choice.[23] The Carter Center congratulates the CENI for this effort to ensure voters requiring impartial assistance were able to participate. In addition to assisted voting, proxy voting can be employed as a means to ensure citizens who are hospitalized, seriously ill, or otherwise unable to vote where they have been registered are not disenfranchised.[24] Recognized good electoral practice, however, requires that such systems of proxy voting be carefully regulated.[25] In Guinea, proxy voting required the completion of a form bearing a voters signature. However, in practice, these forms were not widely available, and the procedures required for proxy voting were unclear. In most cases, the proxy list consisted of a blank piece of paper signed by those who were casting a proxy vote. If Guinea continues to use proxy voting in future elections, The Carter Center recommends the adoption of stricter regulations on the process to ensure it is not susceptible to fraud or duplicate voting.

FOSSEPEL, the specially created election security forces (la Force speciale de securisation du processus electoral) played a low-key but helpful role in the process and ensured that the security of the process was realized through relatively peaceful means. On the whole, Carter Center observers noted that the presence of FOSSEPEL did not lead to incidents of intimidation or harassment, nor to any impediment to the free movement of voters.

Carter Center observers noted that voters appeared enthusiastic about the process and came out in large numbers to cast their ballot in relative calm. Overall, the process was largely transparent, with The Carter Center giving high ratings (85 percent) to the transparency of the observed process. Party agents were well-represented in polling places across the country. Agents across party

[21] Electoral Code, Art. 5.
[22] Joint CENI-MATAP decision 203, June 16, 2010.
[23] Joint CENI-MATAP decision 203, June 16, 2010.
[24] Electoral Code, Art. 90.
[25] There is no legal obligation to carefully regulate proxy voting. However, the high potential for fraud inherent in this type of voting threatens the equality of suffrage (ICCPR, Art. 25b). As such, the need for strict regulation has been widely recognized by organizations such as the United Nations, The European Union, International IDEA, and the Venice Commission. See, for example, *International IDEA: Guidelines for reviewing a Legal Framework for Elections*, p. 72*, Venice Commission Code of Good Practice in Electoral Matters,* sec. I.3.2.v*,* and United Nations *Human Rights and Elections,* para. 110.

affiliations worked well together, cooperating with one another in the majority of polling places observed. In some cases, party officials commented on polling center procedures, but did not impede or interfere with the vote. In addition to political party agents, The Carter Center observed the presence of domestic observation organizations in a fair number of polling places across the country. 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.[26] The Center commends the inclusion of 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.

***Counting***

An accurate and non-discriminatory vote counting process, including the announcement of results, is an essential means of ensuring that the fundamental right to be elected is fulfilled.[27]

The Carter Center observed the close of polls and counting process in polling stations across the country. The counting process was generally peaceful, but not consistently free from irregularities. Carter Center observers noted that in many circumstances poll workers were not familiar with the protocol required by the CENI for vote counting and tabulation.

However, The Carter Center commends the high level of openness and transparency in the counting process, which was observable by party agents and domestic and international observers. In almost all stations observed, the Center reported that the declaration of results was announced to all party agents in attendance, and that results were tabulated and displayed in full view of all polling staff and observing agents present.

In some polling places, polling officials were unable to accurately reconcile the ballots cast in their polling place. This appeared to be caused by confusion about poll closing and counting procedures. In the cases observed by The Carter Center, the discrepancies in vote count process did not appear to significantly undermine the integrity of the process but did complicate centralized vote tabulation at the prefectural level, due to the use of varying vote count procedures by poll station workers. Future CENI training efforts should pay more attention to ensure that poll workers understand all aspects of the closing and counting procedures.

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.

***Participation of Women***

State obligations to promote de facto equality for women derive, in part, from broader political obligations regarding absence of discrimination[28] and the right of all citizens to participate in the public affairs of their country regardless of gender.[29] Through ratification of international and regional treaties, Guinea has pledged to promote the political participation of women on an equal basis with men.[30] The Constitution provides for the equality of all persons before the law. Men and

[26] The right to participate in the public affairs of one's country, including the electoral process, are recognized at the regional and international level. See for example, African Charter on Human and Peoples' Rights, art. 13 (1); AU Declaration on the Principles Governing Democratic Elections in Africa, art. 7; and ICCPR, art. 25 (a)

[27] International Covenant on Civil and Political Rights, Art 25(b)

[28] ICCPR, art. 25; 2(1); 26.

[29] UDHR; Art. 21(a); ICCPR, Art 25(9); ICERD, Art 5(c).

[30] See, for example the United Nations Convention on the Elimination of Discrimination Against Women, ratified 9 August 1982, Convention on the Political Rights of Women, ratified 24 January 1978, and the

women have the same rights and duties. Privileges and disadvantages conferred on the basis of sex are prohibited.[31]

While women in Guinea have had the right to vote and stand for election since independence in 1958, Dr. Saran Daraba of the Democratic Panafrican Convention (CDP) was the first female presidential candidate in the history of Guinea. Her presence as the only woman among 24 is illustrative of the fact that while women are actively involved in the electoral process, their participation is not equal to that of men. A total of four women presented candidacy files to the Supreme Court, but three were rejected for failure to pay the required nomination fee. In light of increased global recognition of the difficulties faced by female candidates in receiving financial backing for their campaigns, The Carter Center urges Guinea to consider the disproportionate impact of deposit requirements on potential female candidates.[32]

Election day observation consistently showed that women seemed to exercise their franchise in equal if not higher numbers than men. According to verbal communication from MATAP officials, women represent 52 percent of registered voters in Guinea and 53 percent of registered voters in the diaspora. The Carter Center encourages Guinea to publish gender-disaggregated voter information to facilitate evaluation of women's participation. Observation during the campaign period also indicated that women are active members of political parties and participate in political rallies.

Women were also participants in the voting process as polling station staff. as party representatives, and were especially numerous as domestic observers. There are also women working for the CENI and its *démembrements*. At the national level, two of the 25 CENI commissioners are women.[33] Observers across Guinea estimated that women comprise approximately 25 percent of CEPI, CESPI, and CECI officers. The Carter Center notes that they are most often secretaries or treasurers rather than presidents. Approximately one-third of the magistrates presiding over the centralization commissions within each prefecture are women. The Carter Center congratulates Guinea and civil society groups for efforts to promote women's participation in political processes. It calls on Guinea to take equal participation of women in all electoral administration bodies as its goal.

***Media Environment***

The Carter Center did not conduct a comprehensive, methodical review of the media's election coverage. Based on its limited observation and time in country; however, the Center does offer the following observations.

International obligations related to the media and elections include freedom of expression and opinion and the right to seek, receive and impart information through a range of media.[34]. Guinea's constitution also guarantees freedom of political expression, freedom of the press, and the right of access to public information.[35] The electoral law further provides for non-discrimination and

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Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, signed 16 December 2003

[31] Constitution, Art. 1

[32] While not directly applicable to this single-race election, The Carter Center notes that the electoral law now requires 30% of candidates on all proportional lists for legislative and communal elections to be women. (Electoral Code, Art. 103, Art. 115, Art. 129). The Center congratulates Guinea for this special measure, and encourages additional efforts from the state to assure women's equal participation in decision-making bodies.

[33] http://www.ceniguinee.org/index.php?option=com_content&view=article&id=67&Itemid=60

[34] ICCPR, Art. 19

[35] Constitution, Art. 7

impartial use of state resources by requiring that all candidates have equal access to state media outlets during the election campaign.[36] The High Authority of Communication oversees the equality of treatment of all candidates by public media. When necessary, the Constitutional Court can be seized and will intervene to ensure the principle of equality of coverage is respected.[37] While not fully promulgated in advance of this election, the Center also notes positively the decriminalization of libel in the new press law.

The CENI and the Ministry of Communication took measures to ensure equal coverage on national news and radio. In particular, media teams were provided to all candidates during the campaign period, and all candidates were provided a consistent four minutes of coverage time in the weeks prior to election day. The Carter Center also notes the cancellation of a weekly program featuring individual candidates when, following the official announcement of the 24 candidates, it was apparent that there would be insufficient time to offer equal coverage.

Carter Center observers reported that the media has played a large role in promoting civic education while providing a balance of political views. Public radio has played an important part in voter sensitization by explaining to listeners how to vote, why voting is important, and who the candidates are. Some public stations have also extended their messages to larger audiences through the use of local Soussou, Malinke, and Pulaar languages.

A code of good conduct for media during the transition was signed by Guinean journalists on May 18. Numerous trainings have also been held for journalists, to encourage professionalism during the election period. Such a focus on professional journalism has the potential to greatly impact the impartiality and equality of media coverage and should be applauded.

Private media has been an effective watchdog in their standardization of the cost of candidate coverage. While there are no restrictions on private/independent media, its infiltration throughout the country is limited. In a few reported circumstances, there were journalists from private media outlets returning to regions where they had previously been threatened by local officials under the Camara regime, who had orders to suppress reporting. While they were allowed to return to these regions and report on local events, these same local officials are still in power in the localities in question, creating an environment of potential hostility.

***Electoral Dispute Resolution***

Efficient electoral dispute mechanisms, including, as necessary, the provision of a fair and public hearing before a tribunal, are essential to ensure that effective remedies are available for the redress of violations of fundamental rights related to the electoral process.[38]

In Guinea, complaints regarding voter registration or the composition of voter lists that are not satisfactorily resolved by local CENI officials are judged by Tribunals of First Instance or Justices of the Peace and can be lodged by individuals at any point.[39] Decisions are taken into consideration during periodic revisions of voter lists. Despite numerous reports of concerns regarding voter lists, according to the CENI, no legal challenges have thus far been presented.

[36] Electoral Code, Art. 56
[37] Electoral Code, Article 59
[38] International Covenant on Civil and Political Rights Art. 2(3), UNHRC General Comment No. 32, para. 18
[39] Electoral Code Art. 14, Art. 25.

While voters can file disputes on the basis of the voter registration, the electoral law does not specify available recourse for individuals on or after election day, effectively limiting the standing of individuals before judicial and administration dispute resolution bodies. There is no formal procedure for the resolution of disputes on election day. Informal modes of dispute resolution described by Guinean magistrates and CENI officials include calling on the president of the polling station, a CENI official, or the president of the relevant *Commission Administrative de Centralisation* to mediate. Guinea should take steps to extend standing in election disputes to individual citizens, who, at a minimum, should be able to file disputes on the basis of their individual suffrage rights.

Candidates have standing to file election disputes, and party representatives present in the polling station can write onto or annex to the protocol all observations or contestations regarding polling station activities or the vote counting.[40] Candidates can contest election results by application to the Supreme Court[41]. Such complaints must be presented to the Court within eight days following the public announcement of the provisional results.[42] The Court must issue a decision within three days, ensuring a timely remedy.[43] There is no possibility for appeal. Observations made by party agents serve as evidence used in deciding such challenges. Because various forms of electoral fraud are criminalized under the electoral law, observations made by party agents may also prompt arrests or criminal convictions.[44]

The major obstacles to effective electoral dispute resolution in Guinea is the lack of available information with regards to process and procedures and the general lack of confidence in the judicial systems among Guineans. The current sentiment among many Guineans is that courts are unable to provide a response to election-related complaints in an impartial or timely manner. Although the Supreme Court has been called to rule on contestations to previous elections, it is generally believed by Guineans that the influence of executive power on all levels of the judiciary limited independent decision-making. The Carter Center recognizes that efforts have already been made to combat this low public confidence. For instance, the new constitution seeks to strengthen the separation of powers and ensure impartiality of the judiciary by requiring the consent of the High Council of Judges for all nominations or removals of judges.[45] The naming of a new president of the Supreme Court in May 2010 was applauded as representing one step towards the renewal of public confidence in the Court. However, as a measure to increase trust and ensure openness in the system of dispute resolution, The Carter Center urges the Supreme Court and CENI to ensure all decisions and reasoning taken on electoral disputes are made public in a transparent and efficient manner.

**Conclusion**

The June 27 Guinean elections were marked by a number of logistical and operational challenges, most notably with regard to poll worker training, distribution of information regarding election day procedures, and the allocation of voter cards to citizens. These challenges were due in large part to

[40] Decret N. 068/PRG/CNDD/SGPRG/2010 Promulgant la Constitution adoptee par le Conseil National de Transition 19 Avril 2010 (May 7, 2010) Art. 27.
[41] Electoral Code, Art. 184.
42 Constitution, Art. 33.
[43] Constitution, Art. 33. While the deadline of three days is a commendable effort to ensure timely remedies, such a stringent deadline should be weighed carefully against the resources and capacity of the Supreme Court to ensure adequate time for the hearing of all complaints.
[44] Constitution, Art. 154
[45] Constitution, Art. 109

the late promulgation of the election law and compressed electoral calendar, which greatly hampered the CENI's ability to prepare adequately in advance of election day.

However, despite these difficulties, the elections were marked by broad political participation, a spirit of open campaigning, and transparency. Carter Center observers noted that all stakeholders appeared committed to a transparent process and to peaceful acceptance of election results. The Carter Center notes with positivity the good faith efforts of the election commission to undertake the credible elections in line with the timeline established in the Ouagadougou peace agreement. The good will and political openness apparent in these elections makes them a significant step forward for Guinea and an opportunity for substantial entrenchment of democratic values.

Guinea's real hope for a better future may lie in the hard choices by the leaders chosen in the elections – choices over issues such as disarmament of the militias and security sector reform; constitution of a government that gives voice to marginalized parts of Guinean society; and to push forward with plans to continue the democratic transition by holding legislative and local elections by the end of the year, as proscribed by the new constitution.

The Carter Center offers these observations and recommendations in the spirit of cooperation and respect. The Center wishes to thank the Guinean officials, political party members, civil society members, individuals, and representatives of the international community who have generously offered their time and energy to facilitate the Center's efforts to observe the electoral process.

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*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.*


**The Carter Center International Election Observation Mission to Guinea**

# The Carter Center Welcomes Preparation for Presidential Run-off Election in Guinea Despite Operational Flaws in Results Process

Interim Statement
July 24, 2010

**Executive Summary**

The Carter Center congratulates all Guinean presidential candidates and commends that the settlement of election disputes brought to the attention of the Supreme Court has been accepted by all parties. As none of the 24 candidates secured a majority of votes, the two top finishing candidates, Cellou Dalein Diallo and Alpha Condé will now face each other in a run-off election.

Despite systematic weaknesses in the management of the results process, The Carter Center reaffirms its June 29 statement that it has not found evidence of systematic fraud in the electoral process. However, the results as announced by Independent National Electoral Commission (CENI) and submitted to the Supreme Court are an incomplete record of the total ballots cast on election day.

The Carter Center notes with serious concern that the final results announced by the Supreme Court recorded approximately 900,000 fewer votes than the provisional results provided by the CENI provisional results. This resulted in the de facto disenfranchisement of approximately one-third of the electorate. Three systems were in place to relay results to the CENI headquarters in Conakry, yet none were employed with complete success throughout the country. The Center strongly encourages CENI to review its operational procedures for the tabulation and recording of election results and implement a training program for election officials at all levels.

The Center has previously commended CENI for its transparency in preparation for the June 27 election. As tabulation progressed and operational and logistical challenges became increasingly evident, CENI struggled to maintain a consistent level of transparency. CENI has not provided complete and detailed results by polling station nor has it provided a record of which results were counted, which were excluded and why. CENI can advance the principle of transparent election management and increase voter confidence through the public disclosure of the detailed results, even in cases where operational flaws may have caused results to be excluded.

The long distances between some polling stations created difficulties for some voters, particularly given the restriction on motorized transportation on election day. Other voters also had difficulty locating their polling station. The Carter Center recommends that the CENI ensure that the allocation of polling stations is in accordance with the Electoral Code and well-publicized.

**Introduction**

The Carter Center congratulates all Guinean presidential candidates and commends all parties for bringing their election disputes to the attention of the Supreme Court and accepting the settlement. As none of the 24 candidates secured a majority of votes, the two top finishing candidates, Cellou Dalein Diallo and Alpha Condé will now face each other in a run-off election.

Despite systematic weaknesses in the management of the results process, The Carter Center reaffirms its June 29 statement that it has not found evidence of systematic fraud in the electoral process. However, the results as announced by the Independent National Electoral Commission (CENI) and submitted to the Supreme Court are an incomplete record of the total ballots cast on election day.[1]

This statement reflects the Center's continued observation of the full tabulation process, CENI's announcement of provisional results on July 2, the election dispute resolution process administered by the Supreme Court, and the announcement of final official results on July 20. The Carter Center's election observation mission is conducted in accordance with the Declaration of Principles for International Election Observation, and assessments made against Guinea's domestic law and international obligations for democratic elections.

**Tabulation and the Announcement of Provisional First Round Results**

According to the Electoral Code, provisional results were to be announced within 72 hours following the close of the polling stations.[2] At CENI's request, the Supreme Court issued a directive extending the legal time limit by 48 hours to July 2.[3] The delay in the announcement of provisional results and the partial nature of those results are the product of a series of operational weaknesses in the implementation of the procedures for the collection and transmission of voting results from polling stations to the prefectural level and subsequently to the CENI headquarters.

Management of security mechanisms and transmission of results:

Three systems were in place to relay results to CENI headquarters in Conakry. In the Centralization Commissions, located in each of the 33 prefectures and the five communes of Conakry, technicians transmitted polling station results by cellphone SMS and over a computer network. While one hard copy of the tally sheet of results from each polling station was to be delivered to the Centralization Commissions, a second was to be sent directly to CENI and a third directly to the Ministry of Territorial Administration and Political Affairs (MATAP).[4]

The Carter Center notes that none of the transmission processes was implemented with complete success throughout the country. Approximately 20 percent of data from SMS and the computer system was missing. In a large number of cases, individual polling station results that were to be sent immediately to CENI were kept in the 33 prefectures and five communes of Conakry and only sent to CENI once all polling station information was received and processed by the Centralization Commissions. The consequence was that CENI based the provisional results solely on the 38 summary tally sheets provided by the Centralization Commissions, which consolidated polling station results for their respective prefecture or commune.

To improve the transmission of results, The Carter Center recommends that CENI draft guidelines with checklists that clearly indicate the procedure for securing counted ballots and results forms including the proper use of security seals and envelopes, and the clear indication of confirmation procedure for SMS and computer transmission. CENI should also clearly identify the parties responsible for transportation and transmission of results at all stages from the polling station, to CENI headquarters, and to MATAP in Conakry.[5] Additionally, the Center strongly encour-

ages CENI to review its operational procedures for the tabulation and recording of election results.

**Publication of results:**
The Center has previously commended CENI for its transparency in preparation for the June 27 election. As the tabulation progressed and operational and logistical challenges became increasingly evident, CENI struggled to maintain a consistent level of transparency. The political importance of maintaining the integrity of the results process obliges the electoral management body to record and report faithfully the conduct of all aspects of the polling, including the results process.[6] CENI has not provided complete and detailed results by polling station nor provided a record of which results were counted, which were excluded, and why, per recognized international good practice[7]. The absence of full disclosure has contributed to an environment of suspicion and weakened public trust in CENI and the overall electoral process. Despite systematic weaknesses in the management of the results process, The Carter Center reaffirms its June 29 statement that it has not found evidence of systematic fraud in the electoral process. However, the results as announced by CENI, and submitted to the Supreme Court, are an incomplete record of the total ballots cast on election day.

CENI can advance the principle of transparent election management through the public disclosure of the detailed results, even in cases where institutional flaws caused results to be excluded.

**Electoral Disputes and Final First Round Results**

Following the June 27 election, fourteen presidential candidates submitted formal complaints to the Supreme Court. On July 20, the Supreme Court announced that out of the fourteen complaints, seven were declared admissible and were considered by the Court. The Court also conducted an independent count of the votes. It is important to note that the final official results announced by the Supreme Court excluded the Communes of Matam and Ratoma in Conakry and the Prefectures of Kankan, Lola, and Mandiana, whose votes were nullified.

The Carter Center congratulates all presidential candidates and commends the fact that legal proceedings have been satisfactorily followed, that the rule of law has prevailed in the post–election phase, and that the decision of the Supreme Court has been accepted by all parties. The Carter Center nevertheless is concerned by the exclusion of votes in two Communes and in three Prefectures; almost 900,000 votes that were included in the provisional results announced by CENI have not been taken into consideration. This resulted in a de facto disenfranchisement of approximately one third of the electorate.

**Lessons Learned and Recommendations to Improve the Second Round**

Electoral Procedures:
Many of the electoral guidelines were not finalized until shortly before the election and directives issued by CENI on polling day were not evenly disseminated. This produced confusion among voters and elections officials about critical procedures. The procedures themselves were largely adequate but CENI officials were unable to implement them fully.
The Carter Center recommends that the manual of guidelines for election officials be produced in a timely manner and provide detailed, clear, and non-contradictory information on voting procedures, the roles of each actor, and their responsibilities throughout the electoral process, including the tabulation and transmission of results. It is important that the correct opening, closing, and counting procedures be respected with special attention to the completion of the results form and the correct re-packing of the ballot boxes for collection. The Carter Center recommends

that CENI disseminate the final guidelines, manuals and checklists for election officers at the various levels well in advance of the polling day.

**Training:**
The delay in finalizing the official procedures hindered the training programs for election officials. As a result, there was no common understanding of voting and tabulation procedures during and after election day. The procedures and systems require that election workers, political party representatives, and voters be well trained and aware of their roles and responsibilities. Carter Center observers noted that there were many cases of polling staff who did not adhere to, or who were unfamiliar with the procedures for counting ballots and transmitting results. The Carter Center recommends a major and extensive program for training electoral workers, party delegates, and domestic observers at all levels. Emphasis should be placed on the proper identification of invalid ballots, the use and distribution of results forms in the polling stations with all required signatures, the proper securitization and transmission of results from the polling station to the Administrative Centralization Commissions, and the management of non-compliant forms.

**Management of election workers:**
Many polling station staff, data entry personnel, and other election officials have complained of inadequate or late payment for their services. Carter Center observers noted that many election officials not only worked long hours before, during and after election day, but notably on election day; went without food or drink. In addition, observers have received reports of local CENI local officials (CEPI, CESPI, and CECI) lacking necessary funds to buy petrol for the vehicles assigned to deliver and collect election materials, including the results, in a timely manner. The Center recommends that CENI review its internal financial management systems to ensure not only that election officials receive fair pay for their labor, but that adequate means are available to all officials to implement their responsibilities.[8]

**Electoral lists and lists of polling stations:**
The location and total number of polling stations has been a central object of criticism of the first round of voting. The distance between stations in some cases created an undue hardship on voters, particularly given the restriction on motorized transportation on election day.[9] Several presidential candidates complained that the placement of some polling stations in religious sites excluded voters or influenced their voting. Some voters also had difficulty locating their polling station.

The Carter Center recommends that the CENI ensure that the allocation of polling stations is in accordance with the Electoral Code, which requires that polling stations be easily accessible and outside of religious sites.[10] Voter lists, including both electors holding voter cards and those holding receipts, should be made public as soon as possible and well before voting day. These lists should be posted outside of each polling station.

**Conclusion**
The Carter Center trusts that the run-off presidential election will be conducted peacefully and transparently and in a spirit of national unity to ensure that the will of the Guinean people is expressed in a genuine democratic election.

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[1]The principle of universal suffrage requires that the broadest pool of voters be able to cast their vote and have their vote counted (United Nations, International Covenant on Civil and Political Rights (ICCPR), art. 25 (b); African Union, African Charter on Democracy Elections and Governance, art 4(2)). In addition, failure to count ballots may potentially undermine the rights of candidates to be elected through genuine, democratic elections (UN, ICCPR, art. 25 (b)).

[2] Electoral Code, Art. 163

[3] Supreme Court of Guinea, Ordonnance N° 10/012/PP/CS, 30 July 2010.

[4] Electoral Code, Art. 83, 84.

[5] Electoral Code, art. 83

[6] ECOWAS, Protocol on Democracy and Good Governance, art 6 states "The preparation and conduct of elections and the announcement of results shall be done in a transparent manner."

[7]For international good practice,see practices documented by the Electoral Institute for Sustainable Democracy in Africa (EISA) and the Electoral Commissions of SADC Countries (EISA and Electoral Commission Forum of SADC Countries ,Principles for Election

Management, Monitoring, and Observation in the SADC Region,p. 26) and the Organization for Security and Cooperation in Europe (OSCE,Existing Commitments For Democratic Elections In OSCE Participating States,p. 73)

[8]It is good practice that sufficient funds be provided for the conduct of electoral process (see for example, SADC,Principles and Guidelines Governing Democratic Elections,art. 7.6; Commonwealth Secretariat ,Organising Free and Fair Elections at Cost-Effective Levels,p.40)

[9]It is recognized international good practice that the location of polling stations should be accessible to voters and that travel necessary to vote should not be an undue burden on the voter (see for example, United Nations, Human Rights and Elections: A Handbook on the Legal, Technical, and Human Rights Aspects of Elections,para. 104)

[10] Electoral Code, Art. 64.

NEWS

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**Carter Center Heartened by Guinea's Election Date Announcement and Recent Progress Toward Organizing Runoff Election**

**Sept. 24, 2010**

The Carter Center election observation mission in Guinea is heartened by the Independent National Electoral Commission's (CENI) announcement recommending that the country's delayed run-off presidential election should be held on Oct. 10.

For the sake of the people of Guinea, and to allow orderly preparations by candidates, political parties, election officials, the media, and both domestic and foreign observers, the Center hopes this date will be made official very soon. Both presidential candidates must now confirm their approval, and then President Sékouba Konaté must sign a decree formalizing the day of voting.

The Center remains hopeful that CENI will take full advantage of the interim period to fully resolve the critical technical and logistical issues that hampered the first round of elections. Center observers will monitor distribution of the alpha-numeric voter cards prior to voting day, posting of voters lists throughout the country, allocation of polling stations, poll worker training, and all arrangements regarding the transparency of ballot counting and orderly transmission of voting results.

The Carter Center welcomes CENI's plans to post voting results at each polling station and to establish reception centers run by trained staff to properly record and process official vote tallies and to receive ballot boxes at prefectoral and communal centralization centers. If fully implemented, these measures should go a long way toward alleviating many of the serious shortcomings displayed during the June 27, 2010, first-round elections. Because of numerous challenges facing those involved in moving the electoral process to a peaceful and successful conclusion, The Carter Center encourages CENI to act as a strong independent body and concentrate its energies on overcoming remaining logistical and technical challenges.

Eight Carter Center long-term observers have been deployed throughout the country to monitor and document the electoral environment and preparations since May 2010. They have reported that citizens in their regions have been patiently waiting the second round election.

For the runoff election, the Center again will deploy a 30-person delegation led by General Dr. Yakubu Gowon, Nigeria's former head of state, and Dr. John Stremlau, Carter Center vice president for peace programs.

In this heated electoral climate, The Carter Center urges political parties, their supporters, and the people of Guinea to remain calm and retain their commitment to holding peaceful elections. The Center strongly commends both presidential candidates for signing in Ouagadougou the Protocol for a Peaceful Election on Sept. 3, 2010, and encourages them to respect their commitments laid out in the Protocol and in the Code of Conduct for Political Parties, throughout the electoral process as well as afterward. Only if all political leaders fully embrace their responsibilities can they guarantee the people of Guinea a non-confrontational transition to democratic civilian rule and the hope for a peaceful and more prosperous future.

The Carter Center's election observation mission to Guinea is conducted in full accordance with the Declaration of Principles for International Election Observation, and assessments are made against Guinea's domestic law and international obligations for democratic elections. For the full history of public and press statements on Guinea, please visit: www.cartercenter.org.

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**Statement by Former U.S. President Jimmy Carter on Guinea Elections**

**Oct. 19, 2010**

The Carter Center welcomes Guinea's progress toward holding its historic runoff presidential election, and we urge both candidates, their supporters, and each CENI commissioner to ensure that the constitutional processes are respected to ensure that the will of the Guinean people can be freely expressed.

We commend the Guinean people for the patience they have shown during this extended process and encourage them to remain peaceful and to use the ballot box as their democratic voice.

The Carter Center has maintained its presence in Guinea since May and is an impartial, nonpartisan observer to Guinea's electoral process.

I have been monitoring Guinea's process, and although I can't be with you, know that I wish you well on this historic day.

NEWS

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**Carter Center Urges Calm in Guinea Ahead of Run-off Election**

**Oct. 27, 2010**

Conakry…The Carter Center calls on all actors involved in Guinea's electoral process to contribute to a peaceful and orderly environment in the period before the presidential run-off election, while ensuring respect for the rights and safety of all individuals, no matter their conviction. The Center also 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 Center commends the president of the transition, General Sekouba Konaté, for his leadership in resolving the crisis at the Independent National Election Commission (CENI) and for his continued determination to guide the transition process in the spirit of the agreement signed in Ouagadougou on Jan. 15, 2010.

Carter Center observers have been deployed in the country since May 2010 and continue to monitor the process. 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.

Former U.S. President Jimmy Carter said, "I commend the Guinean people for the patience they have shown during this extended process and encourage them to remain peaceful."

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## General Yakubu Gowon to Lead Carter Center Delegation to Observe Guinea's Nov. 7 Runoff Election

**Nov. 2, 2010**

Conakry…Former Nigeria Head of State General Yakubu Gowon and Carter Center Vice President for Peace Programs John Stremlau will lead the Carter Center's international observation of Guinea's Nov. 7 runoff election. The Center's mission will deploy throughout the country 30 observers representing more than 13 nations.

The Carter Center election observation mission has been in Guinea since May 2010, at the invitation of CENI and MATAP. Long-term observers deployed throughout the country to assess election preparations were joined by a delegation of short-term observers for the June 27 first round of elections.
The Carter Center appreciates the ongoing determination and leadership of Interim President General Sekouba Konaté to pilot the transition process in the spirit of the agreement signed in Ouagadougou on Jan. 15, 2010. We also note the important work being done by the monitoring committee set up by President Konaté and Guinean republican institutions, as well as numerous other Guinean and international partners.

We commend CENI, MATAP, and their partners for including the political parties at every stage of the electoral process. We believe this inclusive approach to decision-making will help ensure that election results will be accepted by both candidates and their allies.

Guineans stand at the threshold of a new era. As this historic runoff election approaches, the Center urges the candidates and all Guineans to remain committed to a peaceful and inclusive process.

"A well-organized, transparent, and credible runoff election, with results accepted by all parties, will be a major step toward a promising future for the people of Guinea," said General Yakubu Gowon.

While this election represents an important political opening for the people of Guinea, future elections — legislative and municipal elections in the near future — will allow Guineans to continue along the path of democratization and ultimately to fulfill the potential of this beautiful country.

Our mission wishes to thank the Guinean authorities and people, who have warmly welcomed our observers in all regions. We stand by you on this historic occasion.

The Center's observation mission is conducted in accordance with the Declaration of Principles for International Election Observation and Code of Conduct adopted by the United Nations and endorsed by 35 election observer groups. The Center's assessments of the electoral process are made against Guinea's domestic law and international obligations for democratic elections.

# COMMUNIQUE COMMUN

Le second tour de l'élection présidentielle de ce dimanche 7 novembre 2010 apporte une nouvelle démonstration de la détermination du peuple guinéen à choisir librement ses dirigeants, ouvrant ainsi une nouvelle ère démocratique pour le pays.

Les missions internationales d'observation électorale de l'*Union Africaine* (UA), de l'*Union Européenne* (UE) et du *Centre Carter*, la mission d'évaluation technique de l'*Institut Electoral pour une Démocratie Durable en Afrique* (EISA) et la mission d'information et de contacts de l'*Organisation Internationale de la Francophonie* (OIF):

- saluent l'engagement des électrices et des électeurs guinéens, qui se sont rendus aux urnes en très grand nombre pour déterminer, dans la paix, l'avenir de la Guinée ;
- louent les efforts accomplis à ce jour par les autorités guinéennes et toutes les parties prenantes en vue de garantir les meilleures conditions pour la tenue du second tour de cette première élection véritablement compétitive ;
- soulignent que le processus électoral est loin d'être achevé avec la clôture des bureaux de vote et qu'il passe maintenant à la phase essentielle des opérations de décompte, de centralisation et de compilation des résultats ;
- poursuivent donc, avec la plus grande vigilance, leur observation de cette étape cruciale du processus ;
- rappellent l'impératif de transparence dans le traitement des résultats provisoires puis définitifs, en assurant leur publication détaillée par bureau de vote ;
- porteront également toute leur attention au règlement des éventuels différends, jusqu'à la proclamation des résultats définitifs de ce scrutin ;
- en appellent au sens des responsabilités des deux candidats et de leurs sympathisants dans le maintien d'un climat apaisé dans l'attente des résultats complets et définitifs, et en utilisant exclusivement les moyens légaux pour résoudre tout différend ;

- rappellent le message du 6 novembre 2010 du Président de la Transition à l'ensemble des parties prenantes à privilégier la paix, la sérénité et l'intérêt supérieur du peuple guinéen ;
- présenteront chacune leurs conclusions préliminaires dans les prochains jours.

A Conakry, le 7 novembre 2010.

S.E.M. Edem Kodjo
*Mission d'observation électorale de l'Union africaine*

P.O.

S.E.M. Alexander Graf Lambsdorff
*Mission d'observation électorale de l'Union européenne*

S.E. le General Yakubu Gowon
*Mission d'observation électorale de la Fondation Carter*

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M. Vincent Tohbi
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NEWS

THE CARTER CENTER

ONE COPENHILL, ATLANTA, GA 30307

**PRELIMINARY STATEMENT**

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

**Nov. 9, 2010**

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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 information[12] 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 ballots [22] 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 Djalon 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 Télimélé, 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 Siguiri, 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 Siguiri, Kourousa and Kisidougou following the violence of October 23-24. These persons were allowed to vote in some districts in the Fouta Djalon. 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 indispensible role in ensuring the electoral process is democratic. International and regional agreements recommend that votes be counted by an independent and impartial electoral management body[29] whose counting process is public, transparent[30] 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 suffrage[39] 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 indispensible 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 information[44] 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 Rights[49]) 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 Serve, 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.

NEWS

THE CARTER CENTER

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**The Carter Center Urges Calm, Restraint in Guinea**

**Nov. 19, 2010**

The Carter Center appeals to Guinea's political party leaders to allow the Supreme Court to resolve any disputes over election results and to reiterate their appeals for calm. At the same time, the Center welcomes pledges made by both candidates to constitute a government of national unity as a gesture of reconciliation regardless of who is declared winner by the Supreme Court.

The Center is deeply concerned about acts of violence, persecution, and vandalism that occurred prior to the elections and in many areas of Guinea since the announcement of provisional election results on Nov. 15. The Center unequivocally condemns such acts and calls on the government to prosecute the perpetrators to the full extent of the law.
While it is appropriate that State and security forces assume their responsibilities, it is essential that they avoid excessive use of force.

The Center endorses the role of the International Contact Group in encouraging restraint and reconciliation and reminding leaders of both parties that they will be held accountable for any violence by their supporters. Observers, both domestic and international, found that the run-off election was transparent and credible, despite some weaknesses. The electoral process should be permitted to continue free from interference.

The people of Guinea must not allow isolated acts of violence and unsubstantiated rumors to undermine the progress made this year in bringing more accountable government to their country. Guinea can be justly proud of the historic national achievement of the elections and the transition to civilian rule so far – this is a critical juncture to ensure that the steps that have been made are not undone.

At this moment of great promise, the party leaders must show exceptional leadership in uniting the nation and ensuring a smooth transition to a more democratic future.

NEWS

THE CARTER CENTER

ONE COPENHILL, ATLANTA, GA 30307

**FOR IMMEDIATE RELEASE**
**Dec. 2, 2010**

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

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

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

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

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

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

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

**Introduction and Background**

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

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

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

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

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

**First-round Tabulation and Transmission of Results**

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

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

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

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

**Run-off Tabulation and Results Transmission Processes**

Following the appointment on October 19th of a new CENI president, Siaka Toumani Sangare, the CENI increased transparency[1] by initiating a series of press conferences to inform the public of the results tabulation process, and by allowing observers, including The Carter Center, greater access to CENI deliberations.

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

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

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

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

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

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

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

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

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

### CENI Review of Results Protocols and Announcement of Final Results

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

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

centralization commission[4]; polling stations where the turnout exceeded the number of registered voters; and instances where a polling station exceeded the 10-voter limit on voters who were authorized, due to travel for professional reasons, to vote other than where they were registered ("derogation" voters).

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

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

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

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

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

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

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

**The Role of the FOSSEPEL**

The Special Force for the Security of the Electoral Process (FOSSEPEL) was created by presidential decree[6]. Initially FOSSEPEL was supposed to be composed of 16,000 persons (8,000 police and 8,000 gendarmes). However, prior to the second round Carter Center observers were informed that a minimum of two agents would be deployed to each sub-prefecture (total of 608 agents) and an unspecified number in Conakry, due to budgetary constraints. On election day, the Center observed that there were many more agents than expected and some polling stations had up to four or more FOSSEPEL agents. It is unclear why information provided prior to the election regarding the number of agents seems to contradict what was observed on election day and whether many of these agents had been properly trained.

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

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

**Post-Election Environment**

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

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

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

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

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

**Electoral System**

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

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

**Lessons Learned and Recommendations to Improve the Legislative Elections**

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

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

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

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

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

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

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

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

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

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

**Conclusion**

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

The Carter Center urges all parties and all Guineans to respect the Supreme Court's rulings on final results and to unite behind the new president to work together for peace and development. The Supreme Court, in accordance with international good practice[10], should be transparent in explaining how it reached its outcome.

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

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

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

# Appendix F
# Deployment Teams

**Round 1**

| Team No. | Location | Names |
|---|---|---|
| 1 | Labe | Peter Blair |
| | | Auguy Kibassa Maliba Kiomba Omba |
| 2 | Kindia | Molly Byrne |
| | | Adamou Idrissa Hassan |
| 3 | Mamou | Kouadio Behiblo Felicite Kramoh |
| | | Baya Kara |
| 4 | Nzerekore | Damien Brockmann |
| | | Rennie Gleegbar |
| 5 | Kissidougou | Koffi Abou Anzoua |
| | | Mohammed Musa Sherif Sr. |
| 6 | Gueckedou | Djilio Kalombo |
| | | Alexis Arieff |
| 7 | Kankan | Lesley Pories |
| | | Ali Kilkal |
| 8 | Siguiri | Christian Mulume |
| | | Dominique Dieudonne |
| 9 | Faranah | Arba Murati |
| | | Diakalia Ouattara |
| 10 | Kamsar | Gianluca Rigolio |
| | | Christian Gohel |
| 11 | Forecariah | Finola McDowell |
| | | Alexandre Dia |
| 12 | Conakry | David Kortee |
| | | Christof Kurz |
| 13 | Conakry | Randall Harbour |
| | | Maurice Ekpang |
| 14 | Conakry | Elizabeth Ashamu |
| | | Bjorn Folke Birkoff |
| 15 | Conakry | John Stremlau |
| | | Yakubu Gowon |
| | | Andrew Idakwo |

**Round 2**

| Team No. | Location | Names |
|---|---|---|
| 1 | Conakry | John Stremlau |
| | | Yakubu Gowon |
| 2 | Conakry | Stephanie Berry |
| | | Sibongile Zimemo |
| 3 | Conakry | Gabrielle Bardall |
| | | Leila Blacking |
| 4 | Conakry | Sophia Moestrup |
| | | Jean Paul Sibmana |
| 5 | Forecariah | Emmanuel Batururimi Kramoh |
| | | Felicite Kouadio |
| 6 | Boké | Damien Brockmann |
| | | Finola McDowell |
| 7 | Kindia | Ketura Brown |
| | | Brian Morgan |
| 8 | Mamou | Cindy Chungong |
| | | Nicolas Jahr |
| 9 | Labe | Maurice Aboki |
| | | Josefa Nieto |
| 10 | Kankan | Auguy Kibasa |
| | | Lesley Pories |
| 11 | Siguiri | Avril Torres |
| | | Rennie Gleegbar |
| 12 | Faranah | Laura Erizi |
| | | Abdou Ousmane |
| 13 | Kissidougou | Annegret Werner |
| | | Koffi Anzoua |
| 14 | Gueckedou | Georges Ndi Onana |
| | | Adeolu Adewumi |
| 15 | N'zérékoré | Gaston Kalombo |
| | | Alexis Arieff |

# Appendix G
# Ad Hoc Committee's 26 Recommendations for Election Improvements

Between the two rounds of the presidential election, the *ad hoc* committee and a technical committee of the CENI and MATAP worked on developing a list of the 26 following points that they saw as necessary to improve election procedures:

| No. | Problems encountered during the 1st round | Practical steps to take for the 2nd round | Deadlines (as originally set) | Responsible structures |
|---|---|---|---|---|
| 1 | Insufficiency of polling stations at some places, and remoteness of some polling stations from places of residence of voters | Redevelopment of the redistricting, creation, and installation of polling stations. | July 25 | CENI & MATAP |
| 2 | Lack of electoral lists for voters who voted with receipt during first round | Printing of the voter lists of those who were badly enrolled.<br>Ordering of electoral alphanumeric cards from South Africa. | July 28 | PERLE, CENI & SAGEM |
| 3 | Lack of training of members of polling stations, centralization committees, and sub-branches of the CENI | Training will be redone, this time by IFES. | One week before the elections | CENI, MATAP & IFES |
| 4 | Difficulties in the transmission of the physical protocols (*procès verbaux*, or PV) of results | Presidents of polling stations should be responsible for the transmission of PV, under the escort of FOSSEPEL, to nearest subbranches of the CENI. Establish a special budget for remote areas in order to transmit PV as quickly as possible.<br>Arrange for the transmission of PV and ballot box according to the collection plan of the European Union.<br>Provide *rapporteurs* of CEPI (those in charge of carrying the PV and results) and election officers with motorcycles.<br>Find out existence of motorcycles for supervisors and maintenance staff. | | CENI, MATAP, PARTNERS & PERLE |

(*continues*)

*(continued)*

| | | | | |
|---|---|---|---|---|
| 5 | Violation of legal dispositions regarding the ratio of number of booths to number of voters (1 booth per 250 voters, according to the electoral code) | 15,000 booths are now available. | | CENI, MATAP & MDDL |
| 6 | Violation of legal dispositions regarding proxy and absentee voting | Design standard and numbered forms for proxy and absentee voting.<br>Only the CENI and its subbranches will deliver proxy and absentee voting forms.<br>Only 10 absentee voters and five proxy voters should be allowed in each polling station. Other proxy or derogation voters will be relocated to the polling stations (each form should be printed in three copies: one for the voter, one for the subbranches of CENI, and one for the PS president). | | CENI, MATAP & MDDL |
| 7 | Noncompliance with the law of vote counting and tallying forms (at polling stations and centralization committees) | Review forms of polling stations. | | CENI & MATAP |
| 8 | Lack of sufficient electoral materials in some polling stations | Electoral material should leave Conakry 15 days before election day and arrive at the polling stations three days before election day at the latest. | | CENI & MATAP |
| 9 | Lack of awareness among voters of voting procedures | Population should be informed at least two days before the election about location of polling stations and that only bearers of biometric and alphanumeric cards will vote during the runoff rather than voters with receipts. | | CENI, MATAP & MCON |
| 10 | Lack of meals for members of polling stations | Money should be given to *chefs de quartier* to provide food on election day. | | CENI, MATAP & MDDL |
| 11 | Double accreditation for journalists | Accreditation of journalists should be done with the CENI. | Done | CENI & CNC (National Communication Commission) |

*(continues)*

*(continued)*

| | | | | |
|---|---|---|---|---|
| 12 | Lack of proper safekeeping of the electoral material after the 1st round | Subbranches of the CENI to be responsible for the safety of electoral materials. | | CENI, MATAP & MDDL |
| 13 | Difficult relationship between the subbranches of the CENI and the local branches of the administration | Material and financial support to local authorities.<br>Strengthening the synergies between different actors. | | CENI, MATAP & MDDL |
| 14 | Low representation of the subbranches of the CENI on the field | Evaluation of the staff of the sub-branches, recruitment, and training of supervisors of the polling stations. | | CENI & MATAP |
| 15 | Printing and delivery of ballots | Ballots are delivered and stocked in Conakry. | In process | CENI, GOVERNMENT & PARTNERS |
| 16 | Inability to integrate *liste de rejet* into the computer program | Incorporation of the *liste de rejet* into the overall voters list. | Done | MATAP, CENI & PERLE |
| 17 | Concentration of polling stations in some parts of the country | After analyzing the documents of SAGEM, 13 missions visited the 33 precincts (prefectures) to change locations of and to add polling stations. | Done | CENI & MATAP |
| 18 | Incorrect application of legal provisions regarding opening and closing of polling stations | To respect opening and closing hours of polling station in accordance with electoral code. | | CENI |
| 19 | Refusal by certain members of polling stations and of centralization committees to sign PVs | Remind poll workers during training that article 216 of the electoral code provides for sanctions and penalties if they refuse to sign PVs. | | CENI & MATAP |
| 20 | Failure to follow criteria for choosing poll workers | Draft a joint letter by CENI and MATAP to the local administration and local offices of CENI to identify poll workers according to the provision of the electoral code.<br>Ask political parties of two candidates to designate their assessors of polling stations and centralization committees. | | CENI & MATAP |
| 21 | Lack of equal distribution of FOSSEPEL officers in polling stations | | | CENI & FOSSEPEL |

*(continues)*

*(continued)*

| | | | | |
|---|---|---|---|---|
| 22 | Establishment of certain polling stations in religious buildings, private houses, and military barracks. | Follow strictly the rules on acceptable locations for polling stations. | | CENI & MATAP |
| 23 | Difficult access to certain polling stations | Establish polling stations in locations that are easily accessible. | | CENI & MATAP |
| 24 | Involvement of *chefs de quartier* (neighborhood chiefs) in the electoral process | Take measures to lay out the limited responsibilities of *chefs de quartier* in the electoral process. | | CENI, MATAP & MDDL |
| 25 | Use of envelopes | Take measures to either use or not use envelopes for the PVs. | | CENI & MATAP |
| 26 | Distribution of voter cards | Take measures to take stock of biometric voter cards that have not been distributed and keep them at the local CENI offices.<br>Distribute an official note to invite the security forces to return to the CENI voter cards illegally taken from voters.<br>Give responsibility to local CENI offices to distribute voter cards (biometric and alphanumerical). | | CENI & MATAP |

**Improvements in Election Procedures Between First Round and Second Round**

- 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 election 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.
- The electoral decree was clearer and communicated to concerned people 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.
- Transparency and inclusion of representatives of both candidates' alliances allowed them and their supporters to more readily accept the results.
- Guinean institutions, religious leaders, traditional leaders, and the larger society showed a shared ideal of peace and national unity in addressing incidents of violence.
- Guinean civil society fielded several thousand domestic election observers.

# Appendix H
# Summary of 2010 Events

- **Aug. 6:** The CENI president nominates Hadja Aminata Mame Camara as an interim president during his absence in France for medical treatment.
- **Aug. 14:** A mission leaves to re-evaluate the situation of polling stations in the field.
- **Sept.:** Pathe Dieng, the operations director of the CENI, reaffirms that the elections will go ahead as planned, although gross deficiencies remain.
- **Sept. 14:** The death of CENI President Ben Sekou Sylla exacerbates the situation. Hadja Mame is to remain CENI president after Sekou's death.
- **Sept. 16:** Pathe Dieng announces that Sept. 19 could not hold, but no new date is fixed. The people lose faith in the CENI and all the political institutions and begin seriously doubting their political will to hold elections. There is widespread frustration among the population about the way the situation is being handled by the CENI and the president of the republic.
- **Sept. 21:** Following RPG's complaints about Hadja Mame's perceived political affiliation with UFDG, a vote is held with the CENI commissioners for a new CENI president.
- **Sept. 24:** Lounceny Camara is instated as the new CENI president. UFDG, in its turn, refuses to go to elections with Camara as CENI president, as he is thought to be affiliated with RPG. Furthermore, certain CENI members refuse to accept the vote as democratic, as some members are not present during the vote, most notably the CENI president herself.
- **Oct. 5:** A decree is signed to hold the second round on Oct. 24. The problems in the CENI intensify with Camara's refusing to step down, which leads to a deadlock within the CENI. A separate group petitions to remove Camara from power and holds a separate ceremony to instate Foumba Kourouma as president.
- **Oct. 7:** Konaté creates an evaluation committee (*Comité de suivi et evaluation*) to assess the progress of the CENI in making reports directly to Konaté.
- **Oct. 19:** Sékouba Konaté nominates the OIF chief of mission, Gen. Siaka Toumany Sangaré, as the head of the CENI, though he technically does not have the power to intervene in the internal affairs of the CENI. He further equally nominates two new vice presidents (Hadja Mame Camara and Lounceny Camara). Though Sangaré is a foreigner, the population receives him well and becomes optimistic that he can get the job done.
- **Oct.:** Gen. Sangaré decides to postpone the elections and suggests Oct. 31 as the new date.
- **Oct. 27:** The presidential decree fixing the new date for the election as Nov. 7 is announced.

# Appendix I
# Observer Checklists

## POLL OPENING CHECKLIST

**GUINEA PRESIDENTIAL ELECTIONS - JUNE 27, 2010**

| | | | |
|---|---|---|---|
| **Arrival Time (24hr):** ☐☐:☐☐ | **Observer Team #:** | **Team Names:** | |
| | **Region:** | **Prefecture:** | |
| **Departure Time (24 hrs):** ☐☐:☐☐ | **Quartier/District:** | **Secteur:** | |
| | **Polling Station #:** | **Urban** ☐ **Rural** ☐ | **# of Registered Voters :** ☐☐☐ |
| | **# of ballots received:** ☐☐☐ | **# of voters on derogation (supplementary) list:** ☐☐☐ | |

| | | YES | NO | N/A |
|---|---|---|---|---|
| | **POLLING ENVIRONMENT** | | | |
| 1 | Was the environment around the polling station ☐ calm ☐ somewhat calm ☐ tense ☐ violent (please check one)? | | | |
| 2 | The polling station and surrounding environment was free from ☐campaigning ☐ campaign materials ☐ weapons (please check all that apply) | | | |
| 3 | Was the area surrounding the polling station (including roads and paths) free from obstructions or barricades which could preclude its accessibility for voters? | | | |
| 4 | Was the polling station accessible to all voters, including those with disabilities? | | | |
| | **POLLING STATION AND STAFF** | | | |
| 5 | Were all necessary polling staff present at the opening with adequate time to complete necessary procedures? | | | |
| 6 | How many of the polling staff were women? ☐☐ | | | |
| | **PROCEDURES** | | | |
| 7 | Was the seal intact prior to opening on the storage container in which ballots were delivered? | | | |
| 8 | Was the ballot box presented as empty to all present before being sealed? | | | |
| 9 | Was the ballot box correctly closed, sealed, and the numbers recorded in accordance with protocol? | | | |
| 10 | Did political party agents sign the list of presence? | | | |
| 11 | Were adequate election materials available for all registered voters? | | | |
| | If **NO**, please check what was missing or insufficient:<br>☐ Ballot box ☐ Polling booths ☐ Ballots ☐ Indelible ink ☐ Ink pads for marking placed in voting booths<br>☐ Protocols ☐ Voter "control" list ☐ *Emargement* list (signed by voters after voting) ☐ Proxy list<br>☐ Derogation (supplementary) list ☐ Adequate seats ☐ Other _____ | | | |
| 12 | Did the PS open for voting at 07:00 hours? | | | |
| | If **NO**, when did the station open? please check one of the following:<br>☐ 07:00 - 07:20 ☐ 07:20 - 08:00 ☐ 08:00 - 09:00 ☐ After 09:00 (opening time ☐☐:☐☐ )<br>☐ station did not open by time of departure | | | |
| | If **NO**, please check one of the following reasons that explains why the polling station opened late:<br>☐ Polling staff lack of understanding of procedures ☐ Insufficient/missing materials<br>☐ Insufficient number of polling staff ☐ Insecurity ☐ Other _____ | | | |
| | **OTHER PERSONS PRESENT** | | | |
| 13 | If domestic observers were present, how many were present from each organization? Please mark below:<br>☐ a ☐ b ☐ c ☐ d ☐ e ☐ Other _____ | | | |
| 14 | How many of these domestic observers were women? ☐☐ | | | |

*(continues)*

## POLL OPENING CHECKLIST *(continued)*

| | | YES | NO | N/A |
|---|---|---|---|---|
| 15 | If political party agents were present, how many were present from each party represented? Please mark below: ☐ UFDG ☐ UFR ☐ PNR ☐ PEDN ☐ RPG ☐ FUDEC ☐ GPT ☐ Others _____ | | | |
| 16 | How many of these party and candidate agents were women? ☐☐ | | | |
| 17 | Did uniformed security personnel present at this polling station remain outside unless invited in by polling station officials? | | | |
| 18 | Was the opening process free from interference, including by security personnel, political party or candidates' agents, and unauthorized persons? | | | |
| 19 | Were observers and political party agents able to clearly observe the opening, free from intereference? | | | |
| | **OFFICIAL COMPLAINTS** | | | |
| 20 | Did any other observer or political party delegates inform you of problems at this polling station which you did not directly observe? If **YES** please comment below. | | | |
| 21 | Were any complaints filed by political party delegates or voters during your time at the polling station? | | | |
| | If **YES**, were officials responsive to these complaints? Please comment on their response below. | | | |

**OVERALL ASSESSMENT**

| | | Very good | | | | Very bad → |
|---|---|---|---|---|---|---|
| 22 | General polling environment/circumstances | 5 | 4 | 3 | 2 | 1 |
| 23 | Procedures followed | 5 | 4 | 3 | 2 | 1 |
| 24 | Staff understandings of voting procedures | 5 | 4 | 3 | 2 | 1 |
| 25 | Performance of polling station staff | 5 | 4 | 3 | 2 | 1 |
| 26 | Transparency of process | 5 | 4 | 3 | 2 | 1 |

**Instructions for this Section:** Put an 'X' next to the statement that best describes your assessment of the election environment and voting process for this polling station. If your response is "poor" or "very poor," it is important that you provide further explanation in the comments section.

| | | | |
|---|---|---|---|
| **Very Good -** No significant incidents or irregularities | | **Good -** A few incidents or minor irregularities, but none that had a significant effect on the integrity of the process | |
| **Fair -** Incidents or irregularities that may have affected the integrity of the process | | **Poor -** Incidents or irregularities of such magnitude that the integrity of the process is signficantly in doubt | |

**COMMENTS**

**Instructions:** In the box below, please provide details of any complaints or irregularities that occurred at the polling station that you observed. You must provide an explanation for any observation question that requests an explanation. If additional space is required, please continue to the back of the form and/or attach additional sheets of paper to the report form.

## POLLING

| GUINEA PRESIDENTIAL ELECTIONS - JUNE 27, 2010 | | | |
|---|---|---|---|
| Arrival Time (24hr): ☐☐:☐☐ | Observer Team #: | Team Names: | |
| | Region: | Prefecture: | |
| Departure Time(24 hrs): ☐☐:☐☐ | Quartier/District: | Secteur: | |
| | Polling Station #: | Urban ☐ Rural ☐ | # of Registered Voters : ☐☐☐ |
| | # of ballots received: ☐☐☐ | # of proxy voters: ☐☐☐ | # of voters on derogation (supplementary) list: ☐☐ |

| | | YES | NO | N/A |
|---|---|---|---|---|
| | **POLLING ENVIRONMENT** | | | |
| 1 | Was the environment around the polling station ☐ calm ☐ somewhat calm ☐ tense ☐ violent (check one)? | | | |
| 2 | The polling station and surrounding environment was free from ☐campaigning ☐ campaign materials ☐ weapons (please check all that apply) | | | |
| 3 | Was the area surrounding the polling station (including roads and paths) free from obstructions or barricades which could preclude its accessibility for voters? | | | |
| 4 | Outside the polling station ask 3 voters how they traveled to the polling station and how far they traveled.<br>Voter 1. ☐ Walk ☐ Car ☐ Other_____ Distance_____ ☐ Km ☐ Miles<br>Voter 2. ☐ Walk ☐ Car ☐ Other_____ Distance_____ ☐ Km ☐ Miles<br>Voter 3. ☐ Walk ☐ Car ☐ Other_____ Distance_____ ☐ Km ☐ Miles | | | |
| 5 | In your opinion, are women participating in the voting process equally to men? | | | |
| 6 | Was the polling station accessible to all voters, including those with disabilities? | | | |
| | **POLLING STATION AND STAFF** | | | |
| 7 | Were all necessary polling staff present at the polling station? | | | |
| 8 | Did polling station staff appear well trained and able to provide all necessary services? | | | |
| 9 | Was the polling station laid out adequately to conduct polling? | | | |
| 10 | Did all observers and political party agents have a clear view of the voting procedures? | | | |
| | **Question 11 must be asked directly to polling station staff. Please only do so when it does not interrupt the voting process. If you are completing this polling form in the SAME station in which you directly observed opening, PLEASE SKIP question 11 to avoid duplication.** | | | |
| 11 | Did the polling station open for voting at 07:00 hours? | | | |
| | If NO, when did the station open? Please check one of the following:<br>☐ 07:00 - 07:20 ☐ 07:20 - 08:00 ☐ 08:00 - 09:00 ☐ After 09:00 (opening time ☐☐:☐☐ )<br>☐ station did not open by time of departure | | | |
| | If NO, why did the polling station open late, (please check all that apply)?<br>☐ Polling staff lack of understanding of procedures ☐ Insufficient/missing materials<br>☐ Insufficient number of polling staff ☐ Insecurity ☐ Other _____ | | | |
| | **VOTING PROCEDURES** | | | |
| 12 | Was the ballot box correctly closed and sealed? | | | |
| 13 | Were polling staff accurately explaining to voters how to vote? | | | |
| 14 | Were polling staff checking the voter card and verifying that the voters' names were on the voter list? | | | |
| 15 | Were voters with receipts only included on the "control" voter list? | | | |
| 16 | Were polling staff examining voters' fingers for traces of ink? | | | |
| 17 | Was the secrecy of the ballot maintained throughout the voting process? If NO, please explain. | | | |
| 18 | Were voters signing the *emargement* list after voting? | | | |
| 19 | Was each voter's finger marked with indelible ink after he or she voted? | | | |

*(continues)*

## POLLING *(continued)*

| | | YES | NO | N/A |
|---|---|---|---|---|
| 20 | Did you observe any of the following irregularities?<br>☐ Voters without proper ID voting ☐ Seemingly identical signatures on voter list ☐ Multiple Voting ☐ Family/Group Voting ☐ Voters voting with a pre-marked ballot ☐ Intimidation ☐ Ballot box stuffing ☐ Interruption of voting ☐ Voters with proper ID being asked to show additional ID<br>☐Other _____ | | | |
| 21 | Did you observe citizens being refused the right to vote? If**YES**, please mark the reason below.<br>☐ No proper ID ☐ Not on voter list ☐ Already voted ☐ Photo doesn't look like voter<br>☐ Other (please explain)_____ | | | |
| | **OTHER PERSONS PRESENT** | | | |
| 22 | If domestic observers were present, how many were present from each organization? Please mark below:<br>☐ a ☐ b ☐ c ☐ d ☐ e ☐ Other _____ | | | |
| 23 | How many of these domestic observers were women? ☐☐ | | | |
| 24 | If political party agents were present, how many were present from each party represented? Please mark below:<br>☐ UFDG ☐ UFR ☐ PNR ☐ PEDN ☐ RPG ☐ FUDEC ☐ GPT<br>☐ Others _____ | | | |
| 25 | How many of these party and candidate agents were women? ☐☐ | | | |
| 26 | Were observers and political party agents able to clearly observe voting, free from intereference? | | | |
| 27 | Did security personnel present at this polling station remain outside unless invited in by polling station officials? | | | |
| 28 | Was the voting process free from interference, including by security personnel, political party or candidates' agents, and unauthorized persons? | | | |
| | **OFFICIAL COMPLAINTS** | | | |
| 29 | Did any other observer or political party agents inform you of problems at this polling station which you did not directly observe? If**YES** please comment below. | | | |
| 30 | Were any complaints filed by political party agents or voters during your time at the polling station? If YES, were officials responsive to these complaints? Please comment on their response below. | | | |

**OVERALL ASSESSMENT**

| | | Very good | | | | Very Bad |
|---|---|---|---|---|---|---|
| 31 | General polling environment/circumstances | 5 | 4 | 3 | 2 | 1 |
| 32 | Procedures followed | 5 | 4 | 3 | 2 | 1 |
| 33 | Staff understandings of voting procedures | 5 | 4 | 3 | 2 | 1 |
| 34 | Voters understandings of voting procedures | 5 | 4 | 3 | 2 | 1 |
| 35 | Performance of polling station staff | 5 | 4 | 3 | 2 | 1 |
| 36 | Transparency of process | 5 | 4 | 3 | 2 | 1 |

**Instructions for this Section:** Put an 'X' next to the statement that best describes your assessment of the election environment and voting process for this polling station. If your response is "poor" or "very poor," it is important that you provide further explanation in the comments section.

| | | | |
|---|---|---|---|
| **Very Good** - No significant incidents or irregularities | | **Good** - A few incidents or minor irregularities, but none that had a significant effect on the integrity of the process | |
| **Fair** - Incidents or irregularities that may have affected the integrity of the process | | **Poor** - Incidents or irregularities of such magnitude that the integrity of the process is signficantly in doubt | |

**COMMENTS**

**Instructions:** In the box below, please provide details of any complaints or irregularities that occurred at the polling station that you observed. You must provide an explanation for any observation question that requests an explanation. If additional space is required, please continue to the back of the form and/or attach additional sheets of paper to the report form.

## POLL CLOSING AND COUNTING CHECKLIST

**GUINEA PRESIDENTIAL ELECTIONS - JUNE 27, 2010**

| | | | |
|---|---|---|---|
| **Arrival Time (24hr):** ☐☐:☐☐ | **Observer Team #:** | **Team Names:** | |
| | **Region:** | **Prefecture:** | |
| **Departure Time(24 hrs):** ☐☐:☐☐ | **Quartier/District:** | **Secteur:** | |
| | **Polling Station #:** | **Urban** ☐ **Rural** ☐ | **# of Registered Voters :** ☐☐☐ |
| | **# of ballots received:** ☐☐☐ | **# of proxy voters:** ☐☐☐ | **# of voters on derogation (supplementary) list:** ☐☐☐ |

| | | YES | NO | N/A |
|---|---|---|---|---|
| | **POLLING ENVIRONMENT** | | | |
| 1 | Was the environment around the polling station ☐ calm ☐ somewhat calm ☐ tense ☐ violent (check one)? | | | |
| 2 | The polling station and surrounding environment was free from ☐campaigning ☐ campaign materials ☐ weapons (please check all that apply) | | | |
| 3 | Was the area surrounding the polling station (including roads and paths) free from obstructions or barricades which could preclude its accessibility for voters? | | | |
| 4 | Was the polling station accessible to all voters, including those with disabilities? | | | |
| | **CLOSING** | | | |
| 5 | At what time did the polling station close? ☐ 16:00 - 16:20 ☐ 16:20 - 17:00 ☐ 17:00 - 18:00 ☐ After 18:00 (Closing time ☐☐:☐☐ )<br>If your answer was **after 18:00**, what was the reason for the delay (please check all that apply)?<br>☐ Voters still in line at 18:00 ☐ Election day decision to extend voting hours because of late opening<br>☐ Polling staff disregarding procedures ☐ Other (please explain) _____ | | | |
| 6 | Were only those voters in line at 18:00 allowed to vote? | | | |
| | **COUNTING STATISTICS** | | | |
| 7 | Total # of ballots cast _____ # of valid ballots_____ # of invalid ballots _____<br># of spoiled ballots _____ # of unused ballots _____ # of proxy voters _____<br># of persons voting by derogation_____ | | | |
| 8 | Was the number of ballots cast equal to the number of voters who signed the *embargement* list? | | | |
| | **COUNTING PROCESS** | | | |
| 9 | If domestic observers were present, how many were present from each organization? Please mark below:<br>☐ a ☐ b ☐ c ☐ d ☐ e ☐ Other _____ | | | |
| 10 | How many of these domestic observers were women? ☐☐ | | | |
| 11 | If political party agents were present, how many were present from each party represented? Please mark below:<br>☐ UFDG ☐ UFR ☐ PNR ☐ PEDN ☐ RPG ☐ FUDEC ☐ GPT<br>☐ Others _____ | | | |
| 12 | How many of these party and candidate agents were women? ☐☐ | | | |
| 13 | What time did the count begin? ☐ 18:00 - 18:20 ☐ 18:20 - 19:00 ☐ 19:00 - 20:00 ☐ After 20:00<br>(If counting began after 20:00, at what time did it begin? ☐☐:☐☐ ) | | | |
| 14 | When counting began, did it appear that ballot boxes were free from tampering? | | | |
| 15 | Was the process visible to the public, party agents, and observers? | | | |
| 16 | Were the numbers on the ballot box seals the same as the numbers noted in the protocol during the station opening? | | | |
| 17 | Was the counting process conducted in conformity with the rules?<br>(ballots placed on table, empty ballot box shown to observers then placed on floor near President, separation of ballots into stacks of 100, ballots separated by candidate during count, etc.) | | | |
| 18 | Was the counting process free from efforts to link a particular ballot to a voter? | | | |
| 19 | Were lighting and other conditions adequate for conducting counting through the duration of the process? | | | |
| 20 | Were there any unauthorized persons in the polling station during counting? | | | |
| 21 | Were there any unauthorized persons at the counting table during counting? | | | |
| 22 | Was the validity of ballots determined in an impartial and objective manner? | | | |
| 23 | Were the opinions of all polling station staff solicited on decisions on the validity of questionable ballots? | | | |
| 24 | Was the voting process free from challenges? If **NO**, on what grounds were these challenges based? (please check all that apply):<br>o Voter intent o Miscounting o Invalidation of ballots o Lack of official stamp or number on ballot paper<br>o Other _____ | | | |
| 25 | Did polling officials consistently follow established criteria for determining the intent of the voter? | | | |
| 26 | Were all ballots accurately counted? | | | |
| 27 | Did the polling station staff announce the final results to all present? | | | |
| 28 | Did the polling station staff complete the necessary protocols (in 5 or 6 copies), avoiding revisions or crossing out information? | | | |

*(continues)*

## POLL CLOSING AND COUNTING CHECKLIST *(continued)*

| | OTHER PERSONS PRESENT | YES | NO | N/A |
|---|---|---|---|---|
| 30 | If domestic observers were present, how many were present from each organization? Please mark below: ☐ a ☐ b ☐ c ☐ d ☐ e ☐ Other _____ | | | |
| 31 | How many of these domestic observers were women? ☐☐ | | | |
| 32 | If political party agents were present, how many were present from each party represented? Please mark below: ☐ UFDG ☐ UFR ☐ PNR ☐ PEDN ☐ RPG ☐ FUDEC ☐ GPT ☐ Others _____ | | | |
| 33 | How many of these party and candidate agents were women? ☐☐ | | | |
| 34 | Did uniformed security personnel present at this polling station remain outside unless invited in by polling station officials? | | | |
| 35 | Was the counting process free from interference, including by security personnel, political party or candidates' agents, and unauthorized persons? | | | |
| | **RESULTS, PROTOCOLS & RECONCILIATION** | | | |
| 36 | Were all necessary materials present in the kit de certification to complete counting and reconciliation? If **NO,** what was missing? ☐ Brown envelope ☐ Red envelope ☐ Green envelope ☐ Gold envelope ☐ 9 consecutive numbered seals (scelles) ☐ User manual | | | |
| 37 | Were all copies of the protocol signed by the President and other members of the polling station staff? | | | |
| 38 | Did polling station package election materials, and results protocols according to procedures? | | | |
| 39 | Was the green envelope containing results protocols sent immediately to the CENI? If **YES** how were these materials transported? ☐ Car ☐ Motorbike ☐ Airplane ☐ Helicopter ☐ Other _____ | | | |
| 40 | At what time did the count end? ☐☐:☐☐ | | | |
| 41 | Are you allowed to accompany the red envelope to the Commission administrative de centralization? If **YES,** what time did you depart the polling station? ☐☐:☐☐ | | | |

| | OVERALL ASSESSMENT | Very good → Very Bad | | | | |
|---|---|---|---|---|---|---|
| 42 | General polling environment/circumstances | 5 | 4 | 3 | 2 | 1 |
| 43 | Procedures followed | 5 | 4 | 3 | 2 | 1 |
| 44 | Staff understandings of voting procedures | 5 | 4 | 3 | 2 | 1 |
| 45 | Voters understandings of voting procedures | 5 | 4 | 3 | 2 | 1 |
| 46 | Performance of polling station staff | 5 | 4 | 3 | 2 | 1 |
| 47 | Transparency of process | 5 | 4 | 3 | 2 | 1 |

**Instructions for this Section:** Put an 'X' next to the statement that best describes your assessment of the election environment and voting process for this polling station. If your response is "poor" or "very poor," it is important that you provide further comment.

| | | | |
|---|---|---|---|
| **Very Good** - No significant incidents or irregularities | | **Good** - A few incidents or minor irregularities, but none that had a significant effect on the integrity of the process | |
| **Fair** - Incidents or irregularities that may have affected the integrity of the process | | **Poor** - Incidents or irregularities of such magnitude that the integrity of the process is signficantly in doubt | |

**COMMENTS**

**Instructions:** In the box below, please provide details of any complaints or irregularities that occurred at the polling station that you observed. You must provide an explanation for any observation question that requests an explanation. If additional space please use the back of the paper.

## CENTRAL ADMINISTRATION CHECKLIST

**GUINEA PRESIDENTIAL ELECTIONS - JUNE 27, 2010**

| | | | |
|---|---|---|---|
| **Arrival Time (24hr):** ☐☐:☐☐ | **Observer Team #:** | **Team Names:** | |
| | **Region:** | **Prefecture:** | |
| **Departure Time(24 hrs):** ☐☐:☐☐ | **Quartier/District:** | **Secteur:** | |

| | | YES | NO | N/A |
|---|---|---|---|---|
| | **POLLING ENVIRONMENT** | | | |
| 1 | Was the environment around the polling station ☐ calm ☐ somewhat calm ☐ tense ☐ violent (check one)? | | | |
| | **MATERIAL TRANSPORTATION** | | | |
| 2 | What time did you arrive at the CEPI/CECI? ☐☐:☐☐ | | | |
| 3 | If the trip to the *Commisison administrative de centralization* passed by the CESPI (to pick up other protocols /materials) was anythyng removed from the vehicle or tampered with? | | | |
| 4 | Did you see any protocols or sealed ballot boxes that had been opened or tampered with before they arrived at the *Commission administrative de centralization*? | | | |
| | **STAFF AND PROCEDURES** | | | |
| 5 | Were all necessary *Cellule de gestion* or *Commission administrative de centralization* members present? | | | |
| 6 | Once the protocol was opened, were results sent to the CENI by encrypted SMS? | | | |
| 7 | Were results entered into a data entry system to be sent via computer or scanner to the CENI? | | | |
| 8 | How long, on average, did it take to verify and send the results from each precinct? ☐☐:☐☐ | | | |
| 9 | During your observation, did the *Commission administrative de centralization* members identify any mistakes in the reconciliation and packaging of pollilng station results? If so, please explain the mistakes and any actions taken. | | | |
| | **OTHER PERSONS PRESENT** | | | |
| 10 | If domestic observers were present, how many were present from each organization? Please mark below: ☐ a ☐ b ☐ c ☐ d ☐ e ☐ Other _____ | | | |
| 11 | If political party agents were present, how many were present from each party represented? Please mark below: ☐ UFDG ☐ UFR ☐ PNR ☐ PEDN ☐ RPG ☐ FUDEC ☐ GPT ☐ Others _____ | | | |
| 12 | Did uniformed security personnel present remain outside unless invited in by *Commission* officials? | | | |
| 13 | Was the counting process free from interference, including by security personnel, political party or candidates' agents, and unauthorized persons? | | | |
| | **OFFICIAL COMPLAINTS** | | | |
| 14 | If any protocols included written complaints filed at the polling station, did the Commission administrative de centralization members consider these complaints? If **YES**, please explain their actions and decisions. | | | |

**OVERALL ASSESSMENT**

| | | Very good | | | | ~~Very~~ Bad |
|---|---|---|---|---|---|---|
| 15 | General polling environment/circumstances | 5 | 4 | 3 | 2 | 1 |
| 16 | Procedures followed | 5 | 4 | 3 | 2 | 1 |
| 17 | Staff understandings of voting procedures | 5 | 4 | 3 | 2 | 1 |
| 18 | Voters understandings of voting procedures | 5 | 4 | 3 | 2 | 1 |
| 19 | Performance of polling station staff | 5 | 4 | 3 | 2 | 1 |
| 20 | Transparency of process | 5 | 4 | 3 | 2 | 1 |

**Instructions for this Section:** Put an 'X' next to the statement that best describes your assessment of the election environment and voting process for this polling station. If your response is "poor" or "very poor," it is important that you provide further comment.

| | | | |
|---|---|---|---|
| **Very Good** - No significant incidents or irregularities | | **Good** - A few incidents or minor irregularities, but none that had a significant effect on the integrity of the process | |
| **Fair** - Incidents or irregularities that may have affected the integrity of the process | | **Poor** - Incidents or irregularities of such magnitude that the integrity of the process is signficantly in doubt | |

*(continues)*

## CENTRAL ADMINISTRATION CHECKLIST *(continued)*

| COMMENTS |
| --- |
| **Instructions:** In the box below, please provide details of any complaints or irregularities that occurred at the polling station that you observed. You must provide an explanation for any observation question that requests an explanation. If additional space is required please continue on the back of the page |
| |

## RUNOFF POLL OPENING CHECKLIST

| GUINEA PRESIDENTIAL RUNOFF ELECTION - SEPTEMBER 2010 | | | | | |
|---|---|---|---|---|---|
| Arrival Time (24hr): ☐☐:☐☐ | Observer Team #: | Team Names: | | | |
| | Region: | Prefecture/Commune (Conakry): | | | |
| Departure Time (24 hrs): ☐☐:☐☐ | Quartier/District: | Secteur: | | | |
| | Polling Station #: | Urban ☐ Rural ☐ | # of registered voters : | | |
| | # of ballots received: | # of voters who voted by the time you left: | | | |

| | | YES | NO | N/A |
|---|---|---|---|---|
| | **POLLING ENVIRONMENT** | | | |
| 1 | Was the environment around the polling station ☐ calm ☐ somewhat calm ☐ tense ☐ violent (please check one)? | | | |
| 2 | The polling station and surrounding environment was free from ☐campaigning ☐ campaign materials ☐ weapons (please check all that apply) | | | |
| 3 | Was the area surrounding the polling station (including roads and paths) free from obstructions or barricades which could preclude its accessibility for voters? | | | |
| 4 | Was the polling station accessible to all voters, including those with disabilities? | | | |
| | **POLLING STATION AND STAFF** | | | |
| 5 | Were all necessary polling staff present at the opening with adequate time to complete necessary procedures? | | | |
| 6 | How many of the polling staff were women? ☐☐ Out of ☐☐ total. | | | |
| | **PROCEDURES** | | | |
| 7 | Was the seal intact prior to opening on the storage container in which ballots were delivered? If no, explain. | | | |
| 8 | Was the ballot box presented as empty to all present before being sealed? | | | |
| 9 | Was the ballot box correctly closed, sealed, and the numbers recorded in accordance with protocol? If no, explain. | | | |
| 10 | Did political party agents sign the attendance list (*liste de présence)?* | | | |
| 11 | Were adequate election materials available for all registered voters? | | | |
| | If **NO**, please check what was missing or insufficient: ☐ Ballot box ☐ Polling booths ☐ Ballots ☐ Indelible ink ☐ Pens and ink pads for marking ballots ☐ Protocols ☐ Voter "control" list ☐ *Emargement* list (signed by voters after voting) ☐ Proxy list ☐ Derogation (supplementary) list ☐ Adequate seats ☐ Other _____ | | | |
| 12 | Did the PS open for voting at 07:00 hours? | | | |
| | If **NO**, when did the station open? please check one of the following: ☐ 07:00 - 07:20 ☐ 07:20 - 08:00 ☐ 08:00 - 09:00 ☐ if after 09:00 indicate time ☐☐:☐☐ ☐ station did not open by time of departure | | | |
| | If **NO**, please check one of the following reasons that explains why the polling station opened late: ☐ Polling staff lack of understanding of procedures ☐ Insufficient/missing materials ☐ Insufficient number of polling staff ☐ Insecurity ☐ Other _____ | | | |
| 13 | How many voters were waiting in line when the polling stations opened? ☐☐☐ | | | |
| | **OTHER PERSONS PRESENT** | | | |
| 14 | If domestic observers were present, what organizations were represented? | | | |
| 15 | How many of these domestic observers were women? ☐☐ Out of ☐☐ total. | | | |

| | | YES | NO | N/A |
|---|---|---|---|---|
| 16 | If political party agents were present, which parties were represented? Please mark below number of agents per party. ☐ UFDG ☐ RPG ☐ Others _____ | | | |
| 17 | How many of these party and candidate agents were women? ☐☐ out of ☐☐ total. | | | |
| 18 | Did uniformed security personnel present at this polling station remain outside unless invited in by polling station officials? | | | |
| 19 | Was the opening process free from interference, including by security personnel, political party or candidates' agents, and unauthorized persons? | | | |
| 20 | Were observers and political party agents able to observe clearly the opening, free from intereference? | | | |

*(continues)*

## RUNOFF POLL OPENING CHECKLIST *(continued)*

| COMPLAINTS | | | | |
|---|---|---|---|---|
| | | YES | NO | N/A |
| 21 | Did any other observer or political party agents inform you of problems at this polling station which you did not directly observe? If **YES** please comment below. | | | |
| 22 | Were any written or oral complaints expressed by political party agents or voters during your time at the polling station? | | | |
| | If **YES**, were officials responsive to these complaints? Please comment on their response below. | | | |

| | | Very good → Very bad | | | | |
|---|---|---|---|---|---|---|
| 23 | General polling environment/circumstances | 5 | 4 | 3 | 2 | 1 |
| 24 | Procedures followed | 5 | 4 | 3 | 2 | 1 |
| 25 | Staff understanding of opening procedures | 5 | 4 | 3 | 2 | 1 |
| 26 | Efficiency of polling station staff | 5 | 4 | 3 | 2 | 1 |
| 27 | Transparency of process | 5 | 4 | 3 | 2 | 1 |

28 **Instructions for this Section:** Put an 'X' next to the statement that best describes your assessment of the election environment and opening process for this polling station. If your response is "poor" or "very poor," it is important that you provide further explanation in the comments section.

| | | | |
|---|---|---|---|
| **Very Good** - No significant incidents or irregularities | | **Good** - A few incidents or minor irregularities, but none that had a significant effect on the integrity of the process | |
| **Fair -** Incidents or irregularities that may have affected the integrity of the process | | **Poor -** Incidents or irregularities of such magnitude that the integrity of the process is signficantly in doubt | |

**COMMENTS**

**Instructions:** In the box below, please provide details of any complaints or irregularities that occurred at the polling station that you observed. You must provide an explanation for any observation question that requests an explanation. If additional space is required, please continue to the back of the form and/or attach additional sheets of paper to the report form.

## RUNOFF POLLING

| GUINEA PRESIDENTIAL RUNOFF ELECTION -SEPTEMBER 2010 | | | |
|---|---|---|---|
| **Arrival Time (24hr):** ☐☐:☐☐ | **Observer Team #:** | **Team Names:** | |
| | **Region:** | **Prefecture/Commune (Conakry):** | |
| **Departure Time(24 hrs):** ☐☐:☐☐ | **Quartier/District:** | **Secteur:** | |
| | **Polling Station #:** | **Urban ☐ Rural ☐** | **# of registered voters :** |
| | **# of ballots received:** _____ | **# of proxy voters:** _____ | **# of voters on derogation list:** _____ **# of voters thus far:** _____ |

| | | YES | NO | N/A |
|---|---|---|---|---|
| | **POLLING ENVIRONMENT** | | | |
| 1 | Was the environment around the polling station ☐ calm ☐ somewhat calm ☐ tense ☐ violent (check one)? | | | |
| 2 | Was the polling station and surrounding environment free from campaigning, campaigning materials and weapons? If "NO" which were present? ☐campaigning ☐ campaign materials ☐ weapons (please check all that apply). | | | |
| 3 | Was the area surrounding the polling station (including roads and paths) free from obstructions or barricades which could preclude its accessibility for voters? | | | |
| 4 | How many voters were waiting outside the polling station to vote when you arrived? ☐ 1-15 ☐ 16-30 ☐ 31-45 ☐ 46-60 ☐ 61-75 ☐ Over 76 + | | | |
| 5 | Outside the polling station ask 3 voters how they traveled to the polling station and how far they traveled. Voter 1. ☐ Walk ☐ Car ☐ Other_____ Distance_____ ☐ Km Voter 2. ☐ Walk ☐ Car ☐ Other_____ Distance_____ ☐ Km Voter 3. ☐ Walk ☐ Car ☐ Other_____ Distance_____ ☐ Km | | | |
| 6 | In your opinion, are women participating in the voting process equally to men? | | | |
| 7 | Was the polling station accessible to all voters, including those with disabilities? | | | |
| 8 | Was voter education information visible outside (or inside) the polling station? | | | |
| | **POLLING STATION AND STAFF** | | | |
| 9 | Were all necessary polling staff present at the polling station? | | | |
| 10 | Did polling station staff appear well trained and able to provide all necessary services? | | | |
| 11 | Was the polling station laid out adequately and with enough space to conduct polling? | | | |
| 12 | Did all observers and political party agents have a clear view of the voting procedures? | | | |
| 13 | Has the polling station received a visit from a member of the CENI, CEPI or CESPI on election day? | | | |
| | **Question 14 must be asked directly to polling station staff. Please only do so when it does not interrupt the voting process. If you are completing this polling form in the SAME station in which you directly observed opening, PLEASE SKIP question 14 to avoid duplication.** | | | |
| 14 | Did the polling station open for voting at 07:00 hours? | | | |
| | If NO, when did the station open? Please check one of the following: ☐ 07:00 - 07:20 ☐ 07:20 - 08:00 ☐ 08:00 - 09:00 ☐ if after 09:00 indicate time ☐☐:☐☐ ☐ station did not open by time of departure | | | |
| | If NO, why did the polling station open late, (please check all that apply)? ☐ Polling staff lack of understanding of procedures ☐ Insufficient/missing materials ☐ Insufficient number of polling staff ☐ Insecurity ☐ Other _____ | | | |
| | **VOTING PROCEDURES** | | | |
| 15 | Was the ballot box correctly closed and sealed? | | | |
| 16 | Were polling staff accurately explaining to voters how to vote? | | | |
| 17 | Were polling staff checking the voter card or other acceptable documents and verifying that the voters' names were on the voter list? | | | |
| 18 | Were procedures followed regarding voters with receipts only, proxy voters and the "derogation" voters? If no, please explain. | | | |
| 19 | Were polling staff examining voters' fingers for traces of ink? | | | |
| 20 | Did the President of the polling station have the Guide pratique du bureau de vote ____ yes: _____ no; and an additional document (aide-mémoire) that corrects the errors in the Guide pratique _____ yes: _____ no. | | | |
| 21 | Was the secrecy of the ballot maintained throughout the voting process? If NO, please explain. | | | |
| 22 | Were voters signing the proper list (*é margement)* after voting? | | | |
| 23 | Was each voter's finger marked with indelible ink? | | | |

*(continues)*

## RUNOFF POLLING *(continued)*

| | | YES | NO | N/A |
|---|---|---|---|---|
| 24 | Did you observe any of the following irregularities? (Indicate below)<br>☐ Voters without proper ID voting ☐ Seemingly identical signatures on voter list ☐ Multiple Voting ☐ Family/Group Voting ☐ Voters voting with a pre-marked ballot ☐ Intimidation ☐ Ballot box stuffing ☐ Interruption of voting ☐ Voters with proper ID being asked to show additional ID ☐Other _____ | | | |
| 25 | Did you observe citizens who were unable to vote? If **YES**, please explain. (For example, no proper ID, not on voter list , already voted, photo doesn't look like voter or other) | | | |
| 26 | Did you feel that any eligible voter (who was in possession of required documents) was refused the right to vote? | | | |
| | **OTHER PERSONS PRESENT** | | | |
| 27 | If domestic observers were present, what organizations were represented? | | | |
| 28 | How many of these domestic observers were women? ☐☐ out of ☐☐ total. | | | |
| 29 | If political party representatives were present, what parties were represented? Please mark below:<br>☐ UFDG ☐ RPG ☐ Others _____ | | | |
| 30 | How many of these party and candidate representatives were women? ☐☐ out of ☐☐ total. | **YES** | **NO** | **N/A** |
| 31 | Were observers and political party representatives able to observe clearly voting, free from intereference? | | | |
| 32 | Did security personnel present at this polling station remain outside unless invited in by polling station officials? | | | |
| 33 | Was the voting process free from interference, including by security personnel, political party or candidates' agents, and unauthorized persons? | | | |
| | **OFFICIAL COMPLAINTS** | | | |
| 34 | Did any other observer or political party agents inform you of problems at this polling station which you did not directly observe? If **YES** please comment below. | | | |
| 35 | Were any written or oral complaints expressed by political party agents or voters during your time at the polling station? If YES, were officials responsive to these complaints? Please comment on their response below. | | | |

| | **OVERALL ASSESSMENT** | **Very good** → **Very Bad** | | | | |
|---|---|---|---|---|---|---|
| 36 | General polling environment/circumstances | **5** | **4** | **3** | **2** | **1** |
| 37 | Procedures followed | **5** | **4** | **3** | **2** | **1** |
| 38 | Staff understanding of voting procedures | **5** | **4** | **3** | **2** | **1** |
| 39 | Voter understanding of voting procedures | **5** | **4** | **3** | **2** | **1** |
| 40 | Performance of polling station staff | **5** | **4** | **3** | **2** | **1** |
| 41 | Transparency of process | **5** | **4** | **3** | **2** | **1** |

42 **Instructions for this Section:** Put an 'X' next to the statement that best describes your assessment of the election environment and voting process for this polling station. If your response is "poor" or "very poor," it is important that you provide further explanation in the comments section.

| | | | |
|---|---|---|---|
| **Very Good** - No significant incidents or irregularities | | **Good** - A few incidents or minor irregularities, but none that had a significant effect on the integrity of the process | |
| **Fair** - Incidents or irregularities that may have affected the integrity of the process | | **Poor** - Incidents or irregularities of such magnitude that the integrity of the process is signficantly in doubt | |

**COMMENTS**

**Instructions:** In the box below, please provide details of any complaints or irregularities that occurred at the polling station that you observed. You must provide an explanation for any observation question that requests an explanation. If additional space is required, please continue to the back of the form and/or attach additional sheets of paper to the report form.

## RUNOFF POLL CLOSING AND COUNTING CHECKLIST

| GUINEA PRESIDENTIAL RUNOFF ELECTION - SEPTEMBER 2010 | | | | | |
|---|---|---|---|---|---|
| Arrival Time (24hr): ☐☐:☐☐ | Observer Team #: | Team Names: | | | |
| | Region: | Prefecture/Commune (Conakry): | | | |
| Departure Time(24 hrs): ☐☐:☐☐ | Quartier/District: | Secteur: | | | |
| | Polling Station #: | Urban ☐ Rural ☐ | # of registered voters : | | |
| | # of ballots received: | | | | |

| | | YES | NO | N/A |
|---|---|---|---|---|
| | **POLLING ENVIRONMENT** | | | |
| 1 | Was the environment around the polling station ☐ calm ☐ somewhat calm ☐ tense ☐ violent (check one)? | | | |
| 2 | Was the polling station and surrounding environment free from campaigning, campaigning materials and weapons? If "NO" which were present? ☐campaigning ☐ campaign materials ☐ weapons (please check all that apply). | | | |
| 3 | Was the area surrounding the polling station (including roads and paths) free from obstructions or barricades which could preclude its accessibility for voters? | | | |
| 4 | Was the polling station accessible to all voters, including those with disabilities? | | | |
| 5 | Was voter education information visible outside (or inside) the polling station? | | | |
| | **CLOSING** | | | |
| 6 | At what time did the polling station close? ☐ 16:00 - 17:00 ☐ 17:00 - 17:50 ☐ 18:00 ☐ After 18:00 ☐☐:☐☐<br>If your answer was before 18:00, please explain. Or if **after 18:00**, what was the reason for the delay (please check all that apply)?<br>☐ Voters still in line at 18:00 ☐ Election day decision to extend voting hours because of late opening<br>☐ Polling staff disregarding procedures ☐ Other (please explain) _____ | | | |
| 7 | How many people were waiting in line at 18.00? ☐☐☐ | | | |
| 8 | Were only those voters in line at 18:00 allowed to vote? | | | |
| | **COUNTING STATISTICS** | | | |
| 9 | Total # of ballots cast _____ # of valid ballots_____ # of invalid ballots _____<br># of spoiled ballots _____ # of unused ballots _____ # of proxy voters _____<br># of persons voting by derogation_____ | | | |
| 10 | Number of valid votes for Alpha Condé _____; for Cellou Dalein Diallo_____. | | | |
| 11 | Was the number of ballots cast equal to the number of voters who signed the émargement list (including proxy and derogation lists)? | | | |
| 12 | If "no" to above question, how many voters signed? _____ | | | |
| | **COUNTING PROCESS** | | | |
| 13 | If domestic observers were present, what organizations were represented? _____ | | | |
| 14 | How many of these domestic observers were women? ☐☐ out of ☐☐ total | | | |
| 15 | If political party agents were present, how many were present from each party represented? Please mark below:<br>☐ UFDG ☐ RPG ☐ Others _____ | | | |
| 16 | How many of these party and candidate agents were women? ☐☐ out of ☐☐ total? | | | |
| 17 | What time did the count begin? ☐ 18:00 - 18:20 ☐ 18:20 - 19:00 ☐ 19:00 - 20:00 ☐ After 20:00<br>(If counting began after 20:00, at what time did it begin? ☐☐:☐☐ ) | | | |
| 18 | When counting began, did it appear that ballot boxes were free from tampering? | | | |
| 19 | Was the process visible to the public, party agents, and observers? | | | |
| 20 | Were the numbers on the ballot box seals the same as the numbers noted in the protocol during the station opening? | | | |
| 21 | Overall, was the counting process conducted in conformity with the rules?<br>(ballots placed on table, empty ballot box shown to observers then placed on floor near President, separation of ballots into stacks of 100, ballots separated by candidate during count, etc.) | | | |
| 22 | Was the counting process free from efforts to link a particular ballot to a voter? | | | |
| 23 | Were lighting and other conditions adequate for conducting counting through the duration of the process? | | | |
| 24 | Were there any unauthorized persons in the polling station during counting? | | | |
| 25 | Were there any unauthorized persons at the counting table during counting? | | | |

*(continues)*

## RUNOFF POLL CLOSING AND COUNTING CHECKLIST *(continued)*

| | | YES | NO | N/A |
|---|---|---|---|---|
| 26 | Was the validity of ballots determined in an impartial and objective manner? | | | |
| 27 | Were the ballots that were signed by voters or on which voters had written something considered invalid? How many ballots fell into this category? ☐☐☐ | | | |
| 28 | Overall, were the opinions of all polling station staff solicited on decisions on the validity of questionable ballots? | | | |
| 29 | Was the counting process free from oral challenges? If **NO**, on what grounds were these challenges based? (please check all that apply): ☐Voter intent ☐Miscounting ☐Invalidation of ballots ☐Other _____ | | | |
| 30 | Did polling officials consistently follow established criteria for determining the intent of the voter? | | | |
| 31 | Were all ballots accurately counted? | | | |
| 32 | Did the polling station staff announce the final results to all present? | | | |
| 33 | Did the polling station staff complete the necessary protocols, avoiding revisions or crossing out information? | | | |
| 34 | Did any political party representatives write an objection (*réclamation*) on the protocol or to be included with the protocol? If yes, please explain. | | | |
| | **OTHER PERSONS PRESENT** | | | |
| | | **YES** | **NO** | **N/A** |
| 35 | Did uniformed security personnel present at this polling station remain outside unless invited in by polling station officials? | | | |
| 36 | Was the counting process free from interference, including by security personnel, political party or candidates' agents, and unauthorized persons? | | | |
| | **RESULTS, PROTOCOLS & RECONCILIATION** | | | |
| 37 | Were all necessary materials present in the *kit de certification* to complete counting and reconciliation? If **NO,** what was missing? ☐ Protocol with carbon copy ☐ *Fiche de résultats* (Results form) ☐ Tamper-proof envelopes ☐ *Feuille de dépouillement* ☐ Other _____ | | | |
| 38 | Were all copies of the protocol signed by the President and other members of the polling station staff? | | | |
| 39 | Did polling station staff package election materials, and protocols according to procedures? | | | |
| 40 | At what time did the count end? ☐☐:☐☐ | | | |
| 41 | Was one copy of the protocol posted in the polling station? | | | |
| 42 | Did each political party representative 'assesseur' receive one protocol? | | | |
| 43 | Were the other 3 protocols sent to the CENI *démembrement* in envelopes for the *Commission de centralisation*; CENI; MATAP? | | | |
| 44 | Are you allowed to accompany the envelopes to the closest *démembrement* (CESPI, CEPI or CECI) of the CENI? If yes what time did you depart the polling station? ☐☐:☐☐ | | | |
| 45 | Were the protocols received in an organized manner at the CENI *démembrement*? | | | |

**OVERALL ASSESSMENT**

| | | Very good → | | | | Very Bad |
|---|---|---|---|---|---|---|
| 46 | General environment/circumstances | 5 | 4 | 3 | 2 | 1 |
| 47 | Counting Procedures followed | 5 | 4 | 3 | 2 | 1 |
| 48 | Staff understanding of counting procedures | 5 | 4 | 3 | 2 | 1 |
| 49 | Performance of polling station staff during count | 5 | 4 | 3 | 2 | 1 |
| 50 | Transparency of process | 5 | 4 | 3 | 2 | 1 |

51 **Instructions for this Section:** Put an 'X' next to the statement that best describes your assessment of the election environment and counting process for this polling station. If your response is "poor" or "very poor," it is important that you provide further details in the comments section below.

| | | | |
|---|---|---|---|
| **Very Good -** No significant incidents or irregularities | | **Good -** A few incidents or minor irregularities, but none that had a significant effect on the integrity of the process | |
| **Fair -** Incidents or irregularities that may have affected the integrity of the process | | **Poor -** Incidents or irregularities of such magnitude that the integrity of the process is signficantly in doubt | |

**COMMENTS**

**Instructions:** In the box below, please provide details of any complaints or irregularities that occurred at the polling station that you observed. You must provide an explanation for any observation question that requests an explanation. If additional space please use the back of the paper.

## RUNOFF CENTRAL ADMINISTRATION CHECKLIST

| Date_____ GUINEA PRESIDENTIAL RUNOFF ELECTION - SEPTEMBER 2010 | | | | | | |
|---|---|---|---|---|---|---|
| Arrival Time (24hr): ☐☐:☐☐ | Observer Team #: | Team Names: | | | | |
| | Region: | Prefecture/Commune (Conakry): | | | | |
| Departure Time(24 hrs): ☐☐:☐☐ | Sous-Prefecture (if relevant): | | | | | |
| | | | | | | |

| | | YES | NO | N/A |
|---|---|---|---|---|
| | **ENVIRONMENT** | | | |
| 1 | Was the environment around the commission ☐ calm ☐ somewhat calm ☐ tense ☐ violent (check one)? | | | |
| | **MATERIAL TRANSPORTATION** | | | |
| 2 | At what time did the 1st protocol arrive at the *Commission de centralisation*? (Please give time in 24hrs) ☐☐:☐☐ | | | |
| 3 | How many polling stations will be processed at this *Commission de centralisation*? ☐☐☐☐ | | | |
| 4 | During the time you were present how many polling stations were processed? ☐☐ | | | |
| 5 | At the time you left, how many polling stations total had been processed? ☐☐☐☐<br>If possible, take down the results from several polling stations (preferably those processed during your observation period). | | | |
| 6 | Did you see any protocols that had been opened or tampered with before they arrived at the *Commission administrative de centralisation*? | | | |

| PS No. | Votes Cast | Condé | Dalein | Invalid Ballots |
|---|---|---|---|---|
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*(continues)*

## RUNOFF CENTRAL ADMINISTRATION CHECKLIST *(continued)*

| | | | | | | |
|---|---|---|---|---|---|---|
| | **STAFF AND PROCEDURES** | | | | | |
| 7 | Were all necessary *Commission administrative de centralisation* members present? | | | | | |
| 8 | Once the protocol was processed were results sent to the CENI by encrypted SMS? | | | | | |
| 9 | Were results also entered into a data entry system to be sent via computer or scanner to the CENI? | | | | | |
| 10 | How many minutes on average did it take to verify and send the results for one PS by SMS? _____ | | | | | |
| 11 | During your observation, did the *Commission administrative de centralization* members identify any mistakes in the reconciliation and packaging of polling station results? If so, please explain the mistakes and any actions taken. | | | | | |
| | **OTHER PERSONS PRESENT** | | | | | |
| 12 | If domestic observers were present, what organizations were represented? _____ | | | | | |
| 13 | If political party representatives were present, how many were present from each party represented? Please mark below: ☐ UFDG ☐ RPG ☐ Others _____ | | | | | |
| 14 | Did uniformed security personnel present remain outside unless invited in by *Commission* officials? | | | | | |
| 15 | Was the counting process free from interference, including by security personnel, political party or candidates' agents, and unauthorized persons? | | | | | |
| | **OFFICIAL COMPLAINTS** | | | | | |
| 16 | If any protocols included written complaints filed at the polling station, did the *Commission administrative de centralisation* members consider these complaints? If **YES**, please explain their actions and decisions. | | | | | |
| | **OVERALL ASSESSMENT** | | | | | |
| | | **Very good** → | | | | **Very Bad** |
| 17 | General environment/circumstances | **5** | **4** | **3** | **2** | **1** |
| 18 | Procedures followed | **5** | **4** | **3** | **2** | **1** |
| 19 | Staff understanding of procedures | **5** | **4** | **3** | **2** | **1** |
| 20 | Efficiency of staff | **5** | **4** | **3** | **2** | **1** |
| 21 | Transparency of process | **5** | **4** | **3** | **2** | **1** |

22 **Instructions for this Section:** Put an 'X' next to the statement that best describes your assessment of the environment and process at this *Commission de centralisation.* If your response is "poor" or "very poor," it is important that you provide furture details in the comments section below.

| | | | |
|---|---|---|---|
| **Very Good** - No significant incidents or irregularities | | **Good** - A few incidents or minor irregularities, but none that had a significant effect on the integrity of the process | |
| **Fair** - Incidents or irregularities that may have affected the integrity of the process | | **Poor** - Incidents or irregularities of such magnitude that the integrity of the process is signficantly in doubt | |

**COMMENTS**

**Instructions:** In the box below, please provide details of any complaints or irregularities that occurred at the *Commission de centralisation* that you observed. You must provide an explanation for any observation question that requests an explanation. If additional space is required please continue on the back of the page

# Appendix J
# Ouagadougou Peace Agreement

**The Signed Agreement in Ouagadougou on January 15, 2010, between the Captain Moussa Dadis Camara, President of the National Council for the Democracy and the Development (CNDD), President of the Republic of Guinea, General Sékouba Konaté, Vice-President of the CNDD, Interim President of the Republic of Guinea, and His Excellence, Mr. Blaise Compaore, President of Burkina Faso, mediator in the Guinea crisis**

- Considering the designation of His Excellence Mr. Blaise Compaore, President of Burkina Faso, as Mediator in the crisis in the Republic of Guinea;

- Determined to support the reconciliation of all Guineans and to restore confidence among leaders and those people, with respect, confidence and mutual recognition;

- Determined to restore in the Republic of Guinea a democratic, respectful rule of law made up of collective individual freedoms and principles of good governance;

- In accordance with the spirit of various talks organized by the Mediator for purposes to restore political dialogue among various components of Guinean society;

- Engaged to work together to create in the Republic of Guinea the conditions for a return to constitutional order and a consensual and alleviated democratic transition;

- Referring to the deliberations and resolutions of the Economic Community of West African States (ECOWAS), African Union (AU), United Nations (UN) and International Contact Group on Guinea (ICG-G);

- After consultations led in Ouagadougou on the 13 and January 14, 2010;

Captain Moussa Dadis CAMARA, President of the CNDD and President of the Republic of Guinea, General Sékouba KONATE, Vice-President of the CNDD, Minister of Defense, Interim President of the Republic, and His Excellence Mr. Blaise COMPAORE, President of Burkina Faso and Mediator in the crisis of the Republic of Guinea, agreed to the following measures for a peaceful transition in Guinea:

1. Respect of public freedom, including freedom of press and of opinion;

2. The guarantee of the safety of the people and their good;

3. The reorganization and reform of defense and security forces;

4. The creation of a National Council of Transition (CNT), a deliberating political body, directed by a religious person and composed of 101 members representing all components of Guinean society;

5. The nomination of a Prime Minister, President of the Council of Ministers, resulting from a forum of the Forces Vives of Guinea;

6. The formation of a National Unity Government;

7. The revision of the electoral register;

8. The organization, within 6 months, of presidential elections in which the members of the National council of Transition, the Head of the State Transition, the members of the CNDD, the Prime Minister, the members of the National Unity Government and the members of the Defense and Security Forces will not take part in;

9. The recourse of ECOWAS civil and military observers;

10. The installation of follow-up, evaluation and accompaniment bodies;

11. The signatories of this declaration invite the international community to urgently bring political, financial and technical support for the implementation of measures adopted above;

12. His Excellence Mr. Blaise COMPAORE, President of Burkina Faso and Mediator in the Guinea crisis, will name a special representative in addition to the transition authorities from the Republic of Guinea.

Enclosing their profitable dialogue, His Excellence Mr. Blaise COMPAORE, President of Burkina Faso and the Interim President of the Republic of Guinea, General Sékouba KONATE, were delighted by the satisfactory progress of the state of health of the President of the CNDD, Captain Moussa Dadis CAMARA.

They expressed to him their total solidarity and their compassion for the difficult experience which he underwent, while wishing him a speedy recovery.

The President of the CNDD, Captain Moussa Dadis CAMARA, in return, expressed his deep gratitude for the invaluable support which he benefited from. In addition, said with sincerity that he takes time to convalescence, while remaining available to contribute his share to the transition.

Lastly, His Excellence Mr. Blaise COMPAORE, President of Burkina Faso and Mediator in the Guinea crisis, the President of the CNDD, President of the Republic of Guinea and the Vice-President of the CNDD, Interim President of the Republic of Guinea, address their cordial thanks to His Majesty, King Mohammed VI, as well as all Moroccan authorities, including the medical community, for accommodating, with great generosity, and looking after, with much professionalism and affection, Captain Moussa Dadis CAMARA.

Written in Ouagadougou, on January 15, 2010

the President of the CNDD, President of the Republic of Guinea:
Captain Moussa Dadis CAMARA

the Vice President of the CNDD,
Interim President of the Republic of Guinea:
General Sékouba KONATE

Mediator in the crisis in Guinea:
Blaise COMPAORE

*Source: Guineenews.org, translated into English*

# Appendix K
# Letters of Invitation

REPUBLIQUE DE GUINEE
Travail- Solidarité

**COMMISSION ELECTORALE NATIONALE INDEPENDANTE (CENI)**

**MINISTERE DE L'ADMINISTRATION DU TERRITOIRE ET DES AFFAIRES POLITIQUES (MATAP)**

**N°** 038 **MATAP/CENI/09**

**Conakry, le** 12 MAR. 2010

A
Monsieur le Président du Centre CARTER U.S.A
S /C Excellence Monsieur le Ministre d'Etat chargé des Affaires Etrangères, de l'intégration Africaine et de la Francophonie
**-Conakry-**

**Objet** : Requête pour l'accompagnement du processus électoral

Excellence Monsieur le Président,

Nous avons l'honneur de vous remercier de la marque de solidarité témoignée à la République de Guinée en général et, au Ministre de l'Administration du Territoire et des Affaires Politiques (MATAP) et la Commission Electorale Nationale Indépendante (CENI) en particulier, par l'accompagnement utile à travers l'envoi régulier de mission de votre Centre.

En raison du calendrier du processus électoral, nous sollicitons par la présente, l'accompagnement par :

1. L'envoi de mission d'observation électorale à l'occasion de la tenue du scrutin présidentiel.

2. L'installation dans notre pays d'une Antenne du centre CARTER pour prendre en compte les autres élections (Législatives, Communale et communautaires).

3. Le renforcement des capacités de la Société Civile ainsi que les autres acteurs impliqués dans le processus électoral.

La satisfaction de cette requête, permettra au MATAP et à la CENI dans les conditions actuelles de s'acquitter le mieux possible de leurs missions au bénéfice de la bonne gestion du processus électoral.

Vous en remerciant par avance pour la diligence et votre compréhension, veuillez agréer, excellence Monsieur le Ministre, l'expression de notre haute considération.

Le président de la **CENI**

**Ben Sékou SYLLA**

Le Ministre de l'Administration du Territoire et des Affaires Politiques

**NAWA DAMEY**

THE
CARTER CENTER

Ben Sekou Sylla
Président de la CENI

Nawa Damey
Ministre de l'Administration du Territoire et des Affaires Politiques

Bakary Foufana
Ministre des Affaires Etrangères et de l'Intégration Africaine et Francophone

Le 7 mai, 2010

Messieurs,

Nous vous remercions pour votre invitation d'observer les élections présidentielles de la Guinée. Nous vous remercions également d'avoir chaleureusement accueillie une équipe préparatoire avec l'Ordre de Mission pour les voyages à l'intérieur de la Guinée durant la première semaine du mois de mai.

Nous souhaitons ardemment observer ces élections et sommes entrain de solliciter des fonds et ressources qui nous permettrons d'établir une mission d'observation des elections avec bureau à Conakry. Nous espérons déployer 8 observateurs long terme à la fin du mois de mai, et entre 20 à 25 observateurs court terme à la fin du mois de juin. Notre premier représentant sera Mr. John Koogler. Mr. Koogler fera ses présentations en personne la semaine prochaine à chacun de vos ministères ainsi que notre expert électoral Mr. Ron Gould.

Nous consulterons régulièrement avec toutes les parties prenantes électorales Guinéenes au fur et à mesure que nous progressons.

Je vous prie d'agréer, Messieurs, l'expression de mes sentiments les plus respectueux.

John B. Hardman, MD
President et Directeur Général

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THE
CARTER CENTER

Ben Sekou Sylla
President of the CENI

Nawa Damey
Minister of the Administration of the Territory and Political Affairs

Bakary Foufana
Minister of Foreign Affairs and African and Francophone Integration

May 7, 2010

Dear Sirs:

Thank you for the invitation to observe the Guinean Presidential Elections. Thank you also for accommodating a preparatory team with the necessary permission documents (Ordre de Mission) to travel upcountry in Guinea during the first week of May.

We are positively inclined to observe and are seeking resources that would allow us to field an observation mission. Our hope is to deploy 8 long term observers at the end of May, and between 20- 25 short term observers at the end of June. Our first field representative will be Mr. John Koogler, and he will introduce himself to your respective institutions this coming week, together with the electoral expert Mr. Ron Gould.

We will consult regularly with all Guinean electoral stakeholders as we move forward.

With highest regards,

John B. Hardman

John B. Hardman, MD
President and CEO

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# The Carter Center at a Glance

**Overview:** 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 nongovernmental organization, the 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 to increase crop production.

**Accomplishments:** The Center has observed more than 85 elections in 34 countries; helped farmers double or triple grain production in 15 African countries; worked to prevent and resolve civil and international conflicts worldwide; intervened to prevent unnecessary diseases in Latin America and Africa; and strived to diminish the stigma against mental illnesses.

**Budget:** $93.9 million 2010–2011 operating budget.

**Donations:** The Center is a 501(c)(3) charitable organization, financed by private donations from individuals, foundations, corporations, and international development assistance agencies. Contributions by U.S. citizens and companies are tax-deductible as allowed by law.

**Facilities:** The nondenominational Cecil B. Day Chapel and other facilities are available for weddings, corporate retreats and meetings, and other special events. For information, (404) 420-5112.

**Location:** In a 35-acre park, about 1.5 miles east of downtown Atlanta. The Jimmy Carter Library and Museum, which adjoins the Center, is owned and operated by the National Archives and Records Administration and is open to the public. (404) 865-7101.

**Staff:** 160 employees, based primarily in Atlanta.

Martin Frank

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