

NEWS

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CARTER CENTER



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**Post-Election Statement No. 3
on the Oct. 29 Presidential Elections
in the Democratic Republic of the Congo**

The Carter Center deplores the Nov. 21 attack on the Supreme Court of the Democratic Republic of the Congo and cautions all political leaders that they are accountable for the actions of their militants, especially when they use violence to protest election results. This attack on a key institution of democracy also represents a serious failure on the part of all security forces, national and international, currently operating in the Congo.

Key Points

The Carter Center has concluded an analysis of the use of supplemental voters' lists and other technical issues related to the Oct. 29 presidential elections. The Center received detailed data regarding these issues from the Independent Election Commission (CEI), which it verified and found to be reliable.

The Center does not want to prejudge the appeals process before the Supreme Court, but offers the following analysis to inform public opinion and provide the candidates with an independent and objective assessment of the process. The Center urges all actors to remain calm and to ensure that their evaluation of these elections is based only on a neutral and rigorous analysis of the facts.

The Carter Center has found evidence of significant abuses of electoral procedures committed in favor of both candidates, including:

- the abuse of supplemental voter lists through the excessive and irregular exploitation of voting by exemption
- faulty implementation of the lists of omitted voters
- questionably high turnout rates in some areas

These abuses occurred primarily in certain regions of the country and, while they were important in principle, the overall number of votes resulting from them is not of a decisive scale. The manipulation we have found was perpetrated by supporters of both candidates and the geographic distribution of the abuses did not benefit one candidate significantly over the other.

The Carter Center's concerns regarding the use of votes by exemption, and relating to voter participation rates, as well as our analysis of the lists of omitted voters and recorded blank and invalid ballots, are explained in further detail.

Voting by Exemption

The CEI reports that 1,103,041 voters participated under an exemption that allowed certain categories of voters to cast their ballot at a polling station other than where they were registered. This figure comprised 6.6 percent of all voters and is partially explained by the fact that 951,208 voters were eligible under the main categories of exemption -- election workers, candidates and witnesses, domestic observers, and local journalists. An additional undetermined number of family members of police and military, and civil servants and CEI members traveling, were also eligible to vote by exemption.

However, it must be assumed that significant numbers of those who were eligible to vote by exemption, especially in rural areas, would have been working at the polling station where they were registered and therefore would not have had to make use of the exemption. The data supports this assumption, since almost 1,000 polling stations had fewer than five votes cast under the exemption -- the minimum one would expect with five election workers in each polling station. In addition, there would normally be several party witnesses and national observers, and the odd voter from other eligible categories. The most frequently reported number of votes by exemption in polling stations throughout the country is 10, while the median -- the figure with an equal number of cases above and below it -- is 14.

The Carter Center observed an average of 20 votes by exemption per polling station, which is consistent with the large numbers of party witnesses, primarily for provincial candidates, noted in some urban polling stations. According to official data, the national average is 22. Yet, more than 4,400 polling stations registered more than 50 votes by exemption; approximately 1,300 had over 100, and several had more than 500. These are suspiciously high numbers of votes by exemption. If one only considers those polling stations that had fewer than 50 votes by exemption, the national average is a more normal 15.

The overall high number of votes by exemption can be partially explained by an innocent, but incorrect, use of these lists to accommodate voters who should have been on the list of omitted voters. In approximately 20 percent of the cases of high votes by exemption (i.e. greater than 50), there were no votes at all attributed to omitted voters, even though a list of such voters had been authorized. This may have occurred either because the lists of omitted voters, which were generated centrally, did not arrive at the polling station, or because the procedure was simply misapplied. In some other cases, near military camps, for example, there might have been an unusually large number of military families exercising their right to vote by exemption. Nevertheless, these explanations can only account for a small fraction of the polling stations which have reported unusually high votes by exemption. (Data which The Carter Center has only now been able to obtain indicates that this was also a problem during the first round.)

Carter Center observers noted particularly flagrant abuse of the lists of exemption in Gemena in Equator and Kamina in Katanga. In Gemena there was widespread voting by students, in violation of both the electoral law and subsequent clarifications by the CEI. In Kamina, there was fraudulent use of domestic observer accreditation. Both places have very high numbers of votes by exemption, and results which were almost exclusively to the benefit of one or the other candidate.

Such serious irregularities clearly reflect attempts to manipulate the results. They are important violations of procedure and implicate a considerable number of election workers, either willingly or under pressure, in fraud. They also reflect a lack of control over the production of official documents, including observer accreditation and documents relating to official travel, which could be misused to claim the right to vote by exemption. They are nonetheless relatively insignificant in terms of their impact on the overall results. At most, 400,000 votes by exemption are in question across the country. The Center's analysis also shows that these questionable votes are evenly split between the two presidential candidates, indicating that supporters of both candidates participated actively in perpetrating such fraudulent activities, and that both candidates benefited equally.

Omitted Voters

During the preparation of the voters' lists prior to the first round of the presidential election, a difference of 1,272,142 voters emerged between the 25,712,552 voters cited in the annexes to the electoral law and the 24,440,410 voters in the CEI's database. To deal with the possibility that the discrepancy included validly registered voters who were inadvertently left off the voters' lists, the CEI created supplementary lists of omitted voters for each polling station where a significant discrepancy was found. (These included a number of "special lists" which were simply lists of omitted voters for polling stations that had no regular voters' data at all.) For the second round, this number was increased to 1,481,291 to take into account additional properly-documented voters who had turned up to vote in the first round, without being on any of the existing lists. Given this large number, and the fact that the legitimacy of voters on such lists would be harder to verify, there has been some concern that these lists would represent a potential opportunity for manipulation.

On October 29, only 270,780 voters -- 1.8 percent of the total number of voters -- availed themselves of these legitimate supplementary lists, a turnout of 18.3 percent of the presumed omitted voters. This figure includes a mere 11,265 who voted out of 414,106 allowed for on the "special lists" (a 2.7 percent turnout). Approximately 100,000 additional omitted voters appear to have been incorrectly recorded as voting by exemption. This total figure still leaves a clear majority (75 percent) of potential omitted voters who did not show up to vote, a pattern that holds true in all regions of the country.

Data which the Carter Center has recently received, despite longstanding requests, confirms that the number of omitted voters who participated in the first round was also low. Therefore, there can be no doubt that in quite properly attempting to include most of the potential omitted voters, the CEI has greatly overestimated the actual number of these voters. Assuming a turnout rate similar to that of the entire country (65 percent), we can conclude that most of those presumed to be omitted voters were not in fact omitted. While this could potentially have led to a misuse of the lists, the scale and pattern of their actual use does not allow the possibility of any substantial manipulation. Therefore The Center does not ultimately see any adverse impact of this overestimate (although official participation rates are understated by about 2.5 percentage points as a result).

An additional, though minor, irregularity with the administration of these lists was the fact that 20,434 voters were registered on non-authorized supplementary lists. This is a serious error in principle but negligible in terms of actual impact on the results.

Blank and Invalid Ballots

The number of invalid ballots has fallen considerably since the first round, reflecting the significant improvements made to procedures for determining the validity of a ballot, the effective incorporation of these new procedures into the training of election workers, and the simpler ballot of the second round. Only 1.7 percent of ballots were judged invalid during the second round, versus 4.9 percent in the first round.

Blank ballots accounted for only 0.4 percent of all ballots, down from 0.7 percent in the first round. In both cases these are very low rates, and the improvement likely reflects the simpler ballot and increased experience of voters this round.

In either case, these are healthy numbers and suggest an absence of significant irregularities regarding such ballots, a generally reliable administration of the vote count, a good level of voter knowledge about how to cast a vote, and clarity about which candidate they wished to vote for.

Voter Participation

Official figures indicate a national voter turnout of 65.4 percent, which is about 5 percent lower than for the first round (70.5 percent). These rates vary by province, from a high of 84.5 percent in Equator and 84.1 percent in South Kivu, to a low of 42.7 percent in East Kasai. A high turnout can simply reflect voter enthusiasm and efficient mobilization, but polling stations or polling centers with much higher turnout rates than others in a given area merit closer examination. Where, in addition, the results in these stations heavily favour one candidate, this could point to the possibility of manipulation through ballot stuffing or fraudulent counting in the absence of witnesses or observers.

If we remove the approximately one third of polling stations where the participation rate was abnormally high due to votes by exemption or omitted voters, there are still about 3,500 polling stations with a turnout rate among registered voters of 95% or higher. This is unusually high, especially in contrast to the relatively low national average.

Most of these polling stations are found in the provinces of Equator (the most conspicuous examples are in the communes of Kungu and Gemena) and Katanga (for example in Bukama and Kabondo). These areas stand out for having a large number of polling stations with both extremely high turnout rates and results which are almost exclusively to the benefit of one candidate. In contrast to the national trend, participation rates actually rose for the second round in these two provinces. It is difficult to say conclusively to what extent the results in these areas were subject to manipulation, but their electoral administration deserves close scrutiny in future elections. As with the other irregularities we have noticed, both candidates have benefited in equal measure from these questionably high turnout rates.

Provincial Elections

While the irregularities cited above do not in our view amount to a significant impact on the outcome of the presidential election, the same cannot be said with confidence for the provincial elections which were held at the same time and the results for which are still being tabulated. Instead of one national tally, with millions of votes separating two candidates, provincial seats may often be determined by a few hundred votes or less. In such circumstances, the standards of credibility become much tighter, and problems such as those reported in this statement can have a determinant impact upon individual races. Once again, The Carter Center urges the CEI to make available all results broken down by polling station, so that candidates can either convince themselves that the results are true or lodge a properly supported appeal. The same strong recommendation applies to the legislative elections held on July 30, although the period for appeals has passed. The impact of such transparency measures on the credibility of the presidential process has already been enormous.

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

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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. Please visit www.cartercenter.org to learn more about The Carter Center.