

REPUBLIC OF COTE D'IVOIRE

Union- Discipline- Work

THE CONSTITUTIONAL COUNCIL

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THE CHAIRPERSON

424 / CC/ SG-ae

Abidjan, December 08th 2010

TO

Mister Alassane OUATTARA

Chairman of the RDR

Abidjan – Republic of Cote d'Ivoire

Mr. CHAIRMAN,

On Saturday December 04th 2010, the Constitutional Council received a letter which rather irregular transmission condition led to a writ.

In this letter of December 3rd 2010, you inform me that *“on Thursday December 2nd 2010, the Independent Electoral Commission, making public the provisory (preliminary) results of the presidential election of November 28th , has declared you the winner of this election and the new elect President of the Republic of Cote d’Ivoire”*.

Citing article 39 of the Constitution of the Republic of Cote d’Ivoire, you indicated that regarding the oath taking of the elect President, the provision for the Presidential election is *“a 48 hour deadline after the proclamation of the final results”*.

Let me refer to the same Constitution in its article 94 and respectfully inform you that the final results of the Presidential election to which you are referring are the exclusive prerogatives of the Constitutional Council.

Thus, the Independent Electoral Commission having been unable to discharge its duty of the collection of the votes and therefore been unable to give the provisory (preliminary) results of the vote within its three –day mandate (article 59 of the new Electoral Code), with the deadline of December 1st 2010, at midnight, became debarred.

It was therefore in the legal power of the Constitutional Council to proclaim the final results of the second round of the presidential election of November 28th 2010.

Consequently, the provisory (preliminary) results given by the Chairperson of the Independent Electoral Commission, alone, in the absence of the members of the Electoral Commission and the representatives of the candidates on Thursday, December 2nd 2010, seriously undermine the provisions of the Electoral Code even if these results might have been certified by the Representative of the UN Secretary General. This

certification must not in any case be confused with the validation and the proclamation of the final results of the election which are the exclusive competence of the Constitutional Council.

It is therefore clear to us that the Independent Electoral Commission has no power to declare you as the new elect President of the Republic of Cote d'Ivoire.

The final results proclaimed by the Constitutional Council on Friday, December 3rd 2010 are as follow:

- **GBAGBO Laurent : 51.45%**
- **OUATTARA Alassane: 48.55%**

Consequently, only the elect President of the election of November 28th 2010 Mister GBAGBO Laurent is entitled to take his oath.

The ceremony of the oath taking of the elect President took place on Saturday, December 04th 2010, at the Presidential Palace before the Constitutional Council during a solemn session.

Please accept, Mr. President the assurance of my high consideration.

The CHAIRPERSON

Prof. PAUL YAO-N'DRE