

EUROPEAN PARLIAMENT

1999



2004

Committee on Development and Cooperation

5 September 2003

REPORT

Ad-hoc delegation to observe the presidential election in Rwanda on Monday 25 August 2003

Rapporteurs: Glenys Kinnock, leader of the Delegation, John Corrie, Johan Van Hecke and Nelly Maes

CONTENT

By decision of 3 July 2003 the European Parliament's Conference of Political Group Chairmen decided to send a delegation to observe the presidential election in Rwanda. The delegation was made up of Mrs Glenys Kinnock, Mr John Corrie, Mr Johan Van Hecke and Mrs Nelly Maes. Because of the holiday period before the mission, the delegation met for the first time in Kigali on Friday, 22 August 2003, on which date it appointed Mrs Glenys Kinnock head of delegation. Throughout its stay in Rwanda, the delegation cooperated very closely with Mrs Colette Flesch, head of the EU Election Observation Mission (EOM). The European Parliament delegation has endorsed the EOM's preliminary statement. The text of the preliminary statement is attached to this report, which provides additional details.

In general terms, the excellent interinstitutional cooperation during the visit is to be welcomed. The delegation was able to hold frequent meetings not only with the head of the EOM, but also with the Council Presidency, represented by the Belgian Ambassador in the absence of the Italian Ambassador. On the day after the election, the European Parliament delegation held a meeting with the EOM, the Commission's Desk Officer for Rwanda, the Commission delegate and the Ambassadors of the Member States. This **cycle of elections** - constitutional referendum, presidential election and parliamentary election - is the first to be held since the 1994 genocide, which caused some 800 000 deaths. It is therefore important to note, from the outset, that the fact that these elections were held without violence is in itself a success.

President Kagame, whom the delegation was able to meet, considers that this cycle of elections marks the end of the transition period following the genocide.

Voting is based on a first-past-the-post system.

The candidates were:

- Paul Kagame, outgoing president
- Faustin Twagiramungu
- Alivera Mukabaramba (who withdrew her candidature on the day before the election in favour of Paul Kagame)
- Jean Nepomuscene Nayinzira

The delegation wished to meet all the candidates and was able to do so, except in the case of Mr Nayinzira.

As regards the **pre-electoral period (campaign)**, the delegation was able to see either for itself or during meetings that the opposition had no real chance of winning these elections owing to circumstances:

- the best-placed opposition figure was eliminated from the electoral contest by the invalidation of his candidature before the start of the election campaign. He is currently in prison;
- campaign resources were totally one-sided. The delegation did not see a single poster or leaflet for an opposition candidate during its travels. There was however an abundance of posters, hoardings over roads, caps and tee-shirts in support of Kagame;

- Mr Twagiramungu's provincial representatives (12) were arrested a few days before the poll and Mr Twagiramungu experienced great difficulties in obtaining authorisation for his rallies;
- there was often no clear distinction between supporters of Kagame and the official authorities during the election campaign. Two days before the election, on Saturday 23 August, the delegation visited Igihara (near Kigali) and attended an open-air rally organised by the FPR, President Kagame's party. The delegation noted that there were both FPR representatives and local leaders on the platform. On the table, there was a package of identity cards for distribution and lists which we were not able to consult;
- the two other candidates scarcely did any campaigning and Mrs Mukabaramba actually withdrew in favour of Kagame on the eve of the election.

The campaign was dominated by accusations of 'divisionism' against Mr Twagiramungu, with claims that he was waging a secret campaign in favour of the 'Hutu' vote. It should be noted that 'divisionism' is prohibited by the law of 18 December 2001 but that there is no clear legal definition of the term.

Observers

1836 observers are believed to have been accredited by the National Electoral Commission, including 1610 national observers and 226 international observers. The EU mission is the largest, with 68 accredited observers. The European Parliament delegation met the Norwegian and Swiss observers.

Polling day

On polling day, the European Parliament delegation split up into two groups, visiting the Giseny and Kibuye regions.

The Giseny team made surprise visits to polling stations on the return journey and was able to visit a polling station during the final hour of voting in Kigali, while the Kibuye team did likewise but attended the vote count outside Kigali.

All in all, it should be pointed out, that in technical terms, the election organisation was satisfactory: this includes polling booths, sufficient ballot papers, seemingly adequate electoral lists, opening of polling stations on time and fairly good security conditions.

It was noted that, in a number of polling stations, the electoral lists had not been stamped.

Ballot papers were in the form of an A4 sheet of paper, with colour photographs and the names of candidates opposite a box for fingerprints. It should be noted that these ballot papers were transparent and that, when folded, could easily be seen through.

In addition, there should be concern about the number of surplus ballot papers. There was no indication of how many extra papers had been given to the polling stations and no records of those remaining.

The presence and attitude of RPF representatives should also be mentioned. There was no understanding of the demarcation between an observer/candidate representative. Their heavy presence was often threatening and they were also allowed to stand very close to the ballot boxes. Their role needs to be clearly defined, especially in the light of the absence of opposition representatives. A particular individual in 'La Colombière' polling station in Kigali was extremely aggressive and indeed seemed in control of the proceedings.

We arrived towards the end of the voting period in 'La Colombière' and two incidents were causes of concern:

- a. In Room 4, two RPF representatives were sitting at a desk alongside the clerks responsible for identifying electors on the list. This seemed to be totally inappropriate.
- b. In Room 10 a Kagame representative was seen sitting next to the official. She had a pen in her hand and appeared to be marking the register. There was some consternation when we appeared. In this polling station, we noted that, on a twelve-page electoral list in alphabetical order, the names on the first pages were marked as having all voted while a lot of those on the last pages had not voted. This suggests that there was ballot-box stuffing in the last few minutes.

Conclusion

Kagame was proclaimed winner on the basis of partial results, with 94.3% of the vote, on the day after the election.

The final results were as follows:

- Paul Kagamé : 95.05%
- Faustin Twagiramungu : 3.62%
- Jean Nepomuscene Nayinzira : 1.33 %

The EOM report and the observers' remarks were poorly received by the National Electoral Commission and the government.

The forthcoming parliamentary election is marked by two features:

- opponents of Kagame during the presidential campaign are virtually excluded,
- parties which supported Kagame during the presidential election will confront one another in a proportional system based on nation-wide lists. This may open up a form of democratic contest.

Annexes:

- delegation programme
- preliminary statement

Preliminary statement

Kigali, 27 August 2003

The European Union Election Observation Mission (EU EOM) was present in Rwanda from 29 April to 7 June 2003, at the invitation of the National Electoral Commission (NEC), on the occasion of the constitutional referendum of 26 May 2003. On 29 May 2003 it published a preliminary statement, later followed by a final report.

At the invitation of the NEC, the mission returned to Rwanda on 22 July 2003 with a view to the presidential and parliamentary elections. It was led by Colette Flesch, Member of the European Parliament, and includes a core team of six people and 12 long-term observers, who have been deployed since the beginning of August. 40 short-term observers were deployed on 22 August 2003 to monitor electoral operations in all the provinces. The EU EOM is the largest mission, in terms of the number of observers, and observed the whole of the election campaign.

The Mission was joined on 19 August 2003 by a delegation of four Members of the European Parliament, led by Glenys Kinnock, MEP and Co-President of the ACP-EU Joint Parliamentary Assembly. The observations which they made during the poll of 25 August 2003 are included in this preliminary statement.

The EU EOM is due to remain in Rwanda until 11 October 2003 in order to monitor the election campaign and the parliamentary elections from 29 September to 2 October 2003. A second preliminary statement will be published at the end of these elections. A final report will be published after the end of the mission, which will include recommendations.

Nine years after the genocide, the presidential election was held on 25 August 2003 peacefully and without violent incidents. The people of Rwanda should be congratulated. However, the EU EOM regrets some elements of intimidation noted during the electoral operations, the fact that representatives of one candidate, overstepping their duties, intervened in the running of polling stations, the general absence of representatives of opposition candidates in polling stations and the lack of transparency of the procedure for the consolidation of results. It also wishes to express its concern at some current or very recent events. It hopes that the completion of the presidential election stage will make it possible to encourage Rwanda to hold elections in future that are more in keeping with recognised international standards, to introduce political pluralism, to establish lasting democratic institutions, to open up society and to ensure respect for fundamental freedoms.

Summary

- The election campaign did not give the same exposure to each of the candidates and was dominated by Kagame.
- Cases of use of state resources and the offering of material incentives for Kagame were reported.

- The climate gradually deteriorated during the election campaign and cases of intimidation of supporters of Twagiramungu and pressure on voters to vote for Kagame were noted. The accusation of 'divisionism' became a widespread argument.
- The EU EOM was concerned at disappearances, arrests and police questioning of opponents.
- The electoral law of 7 July 2003 and the National Electoral Commission's instructions provide a generally satisfactory legal framework for the holding of the presidential election.
- The official time allocated to candidates in the electronic media was, on the whole, complied with; however, the written press and electronic media treated candidates unequally in their general news.
- The vote went peacefully, but there were cases of irregularities and fraud.
- The massive and intimidating presence of representatives of Kagame's party was observed in polling stations.
- Summaries of results were not drawn up systematically and immediately. The consolidation of results did not take place with due transparency.

The run-up to the elections

The election campaign began on a calm note: the tone at the meetings was generally moderate. The outgoing President, Mr Paul Kagame, who was running for re-election, operated a high-profile campaign. The significant gap in financial resources between Mr Kagame and the three other candidates made it difficult to speak of a level playing field. His campaign was in some instances funded from state and local authority coffers, and there were several reports of material incentives being offered to voters. Certain other candidates had to delay launching their campaigns owing to organisational problems.

Over the election campaign, the word 'divisionism' was widely bandied about as a political charge, especially against the candidate Mr Twagiramungu. At least one candidate had to campaign throughout under the threat of a lawsuit.

The campaign was marked by a number of incidents and acts tending to undermine its smooth operation; the climate became tenser towards the end.

There were cases of harassment of supporters of Faustin Twagiramungu, and of intimidation and pressure in favour of Kagame. The climate of intimidation was reinforced by the arrest of twelve provincial representatives responsible for coordinating Mr Twagiramungu's campaign.

The EOM feels obliged to express its concern at certain events, both current and from the recent past. A few months ago there were reports, still not cleared up, of disappearances of opposition figures. The Reverend Bizimungu, an opposition member, is still under arrest. Mr Célestin Kabanda, the president of the ADEP-Mizero party (which has not been allowed to register), has been obliged to report to the police almost every day, together with other members of his party; this had a disturbing effect on Mr Twagiramungu's campaign, as those affected had hoped to take part in it. Mr Kabanda has not been charged with an offence, but was prevented from registering his party, depositing a list of parliamentary candidates or, indeed (should he have so wished) standing himself as an independent candidate. The result was reduced voter choice at the parliamentary elections.

Legal framework and electoral administration

The electoral law adopted on 7 July 2003 and the instructions issued by the National Electoral Commission represent a generally satisfactory framework for the presidential elections. The Electoral Commission appears to have learned certain lessons from the referendum campaign, and some significant improvements have been made to several aspects of the election procedure.

The decentralisation of the updating of the electoral register has probably improved its quality and correctness. The lists were posted in good and due form. Simple and swift procedures were introduced to allow appeals against both inclusion on and exclusion from the register.

The adoption of the principle of organising all operations (including the count) at polling-station level certainly facilitated operations. Similarly, the returning officers appear to have been better trained: the courses were more intensive and used more suitable material. The electoral law has also been revised, and is now more specific, less rigid and more practicable.

However, other aspects which needed changing have been left untouched. The use of indelible ink would have enhanced the credibility of the procedure. Voter confidence would have been boosted by diversification of the means of marking the ballot papers. The reliability of the procedure would have been improved by using sealed urns.

As far as the electoral administration is concerned, the examination of candidacies by the competent authorities seems to have been carried out on the basis of respect for the law. Candidates rejected by the Electoral Commission were able to appeal. Suitable logistic measures were put in place by the electoral administration with a view to monitoring the campaign and ensuring that all the materials reached the polling stations.

However, the Electoral Commission did not always meet the deadlines laid down in law or in its own instructions. The same applies to the publication of the final electoral register. The list of polling stations was only published ten days after the deadline stipulated in the electoral law. In addition, the information forwarded to the EOM concerning the number of polling stations was lacking in precision and transparency.

The appointment of the candidates' representatives (with the task of observing the voting and the count) was characterised by a number of delays and problems: however, the electoral authorities appear finally to have accepted the names submitted. The same applies to the accreditation of the observers.

With regard to the campaign, the National Electoral Commission appears to have properly exercised its powers of supervision of the candidates' activities. The electoral law states that the NEC is competent to monitor compliance with the rules in this field. It could, however, have exercised its powers with greater fairness and impartiality: calls to order and penalties were not applied to all candidates in the same fashion. Finally, no clear legal definition was ever given to the term 'divisionism', despite its frequent invocation over the campaign.

The media

There has been no progress since the referendum on the liberalisation of electronic media. The main media, electronic media included, remain under government control. The lack of pluralism of opinion must be considered a handicap to the election campaign.

More encouraging are the developments concerning the legal provisions and the instructions issued by the Higher Press Council (Haut Conseil de la Presse, HCP) regarding equal access to state media for candidates and parties. The role of Orinfor (the Rwanda Bureau of Information), however, remains ambiguous, given its position as both media player and access watchdog.

The mission's media monitoring activities from 1 August on made it clear that all candidates were allowed equal access to state television and radio, pursuant to the law, during the campaign. However, the general news broadcasts did not treat the candidates equally: almost 60% of the airtime devoted to the candidates went to Mr Kagame, thanks largely to his institutional position. In addition 99% of broadcasts were favourable to Kagame, while 65% were unfavourable to Twagiramungu. Both public and private media concentrated on the charges of 'divisionism' made against the latter and the defections of some of his supporters.

The National Electoral Commission was heavily involved with the media throughout the campaign. Its representatives frequently intervened, variously to comment on the preparations for the elections, call a candidate to order or invite Rwandans to vote in accordance with their beliefs.

At the beginning of the campaign, the privately-owned press responded to the HCP's call for impartial coverage. Soon, however, presentation of the candidates' profiles and programmes gave way to propaganda in favour of Kagame's successes and dissemination of the charges of 'divisionism' against Twagiramungu.

Election day

The mission's 33 observer teams visited 372 polling stations, in all Rwanda's provinces. The voting took place in a calm and orderly fashion: no disturbances were observed either inside or outside the polling stations, and turnout was high.

The voting in general was correctly organised: the polling stations opened on time, all the material facilities were provided, and the count took place in public.

There were, however, certain cases of fraud and other irregularities on election day. The mission noted that its presence was not welcome at certain polling stations and was also problematic at the confirmation of the results.

The national and international observers were not present in sufficient numbers to cover all polling stations. In these circumstances, and given also the removal of Twagiramungu's representatives and the absence of representatives of parties other than Kagame's, it is clear that the monitoring of the vote could have taken a more pluralist form.

At numerous polling stations, the presence en masse of the National Electoral Commission and, in some cases, Kagame's representatives, was perceived as intimidating: in some instances there was quite naked interference in the electoral procedures, or, indeed, unofficial monitoring of the polling stations. It is essential that there should be a clear demarcation between the roles of NEC official and party representative.

There were polling stations where staff made obvious attempts to influence voters in favour of Kagame. More disturbingly, at others the observers noted cases of illegal alterations to the registers, as well as significant statistical inconsistencies, suggesting that certain urns had been 'stuffed'.

In numerous locations, 'additional lists' were drawn up to allow unregistered individuals to vote. Those lists, however, were not always drawn up in accordance with the legal provisions, and it would not be easy to carry out a posteriori checks.

A last-minute decision imposed a one-hour gap between the closing of voting and the opening of the count. We do not see any reason for such a gap, and find it incompatible with both the law and the instructions issued.

The official records in the wake of the count were not drawn up in the immediate and systematic fashion laid down by law. In addition, the confirmation of the results was not carried out with the necessary transparency.

The EOM team:

Marie-Violette César
Vincent de Herdt
Enrico Sborgi
Lucia Scotton
Scipion du Chatenet

EP delegation:

Colette Flesch, MEP
Glenys Kinnock, MEP
John Corrie, MEP
Nelly Maes, MEP
Johan Van Hecke, MEP

Further information:

Lucia Scotton (media expert), European Union Observation Mission
Avenue Kayuku, Kiyovu, Kigali
Tel .: 50 28 70 Fax : 50 28 75

Monitoring of the Presidential election in Rwanda

22 - 26 August 2003

Programme

Arrival of participants

Thursday 21 August 2003

08.00: Briefing for the short-term observers

18.30-20.30: Welcome cocktail at the Residence of the Head of Delegation of the Commission

Friday 22 August 2003

11.30: Meeting with the President of the National Electoral Commission (CEN), Prof Chrysologue Karangwa

12.30: Meeting with the Mrs Flesch, the Head of Delegation of the Commission and the Ambassadors of Belgium and United Kingdom

17.00: Meeting with the President HE Paul Kagamé and the President of the National Assembly Mr Vincent Biruta

Saturday 23 August 2003

11.00: Meeting with Mrs Flesch

14.00: Visit of coffee plantations and visit of Igihara village

17.00: Meeting with Mr Faustin Twagiramungu, candidate to the presidential elections

18.00: Meeting with the Ambassadors from the Member States

Sunday 24 August 2003:

10.00: Meeting with Mrs Alivera Mukabaramba, candidate to the presidential elections for the PPC party (Party for Progress and Harmony) and with Mr Christian Marara, Secretary general of PPC.

12.00: Departure for the Giseny and Kibuye provinces

In the evening : meeting with the long term observers

Monday 25 August 2003

*Day of the poll
Electoral observation*

06.00: Opening of the polling stations

15.00: Closing of the polling stations

16.00: Counting

Return to Kigali

Tuesday 26 August 2003

09.00: Debriefing with the Head of Delegation of the Commission

09.30: Debriefing with the Ambassadors of the EU Member States

11.00: Short meeting with the Minister for Foreign affairs

14.30: Meeting with Mr Maxime Rwandaye and Mrs Jacqueline Rwandaye representatives from "Programme d'observation des élections au Rwanda" (POER)

15.30: Meeting with representatives of the "Ligue pour la protection des droits de l'homme au rwanda" (Liprodhor)

18.00: Transfer to the airport

Evening: departure of the delegation