

**Rwanda:
Presidential and Parliamentary Elections 2003**

Report by

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Preface

This report is based on observations made by two envoys of the Norwegian Resource Bank for Democracy and Human Rights, NORDEM, to Rwanda during the country's presidential and parliamentary elections in 2003. The elections marked the first time in Rwanda's troubled history that parliament and president were elected in tandem and on a multi-party basis.

The NORDEM team (hereafter referred to as 'the team') spent roughly a month observing the two elections, a few weeks around each election. The team interviewed politicians, public officials, representatives of civil society and of the media; studied the legal framework, available literature; and observed the situation on the ground, including at sites beyond the capital Kigali.

The report first introduces the political and legal framework within which the elections took place. Secondly the electoral administration is presented, as well as the processes surrounding the registration and education of voters and the nomination of candidates. Third, an account is given of the electoral campaign, the role of the media, and the situation related to human rights and civil society. Finally, the team elaborates on the events observed on the days of election, as well as on the complaints that came up in the aftermath.

The team is thankful to a range of persons and institutions for having assisted in this endeavour. Their names are too numerous to be mentioned here.

The responsibility for any errors of misjudgements in this report rests entirely with the team. All opinions expressed in the report are the author's responsibility and do not necessarily reflect the view of the Norwegian Centre for Human Rights.

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List of Abbreviations

English version, if other than original

ADEP	Alliance pour la démocratie, l'équité et le progrès	Alliance for Democracy, Equity and Progress
FAR	Forces armées rwandaises	Rwandan Armed Forces
HPC	High Press Council	
ICTR	International Criminal Tribunal for Rwanda	
MDR	Mouvement démocratique républicain	Democratic Republican Movement
MINALOC	Ministry of Local Administration, Information and Social Affairs	
MOE UE	Mission d'observation électorale de l'Union européenne	Electoral Observation Mission of the European Union
MRND	Mouvement révolutionnaire national pour le développement	National Revolutionary Movement for Development
NEC	National Electoral Commission	
NORDEM	Norwegian Resource Bank for Democracy and Human Rights	
NRM	National Resistance Movement	
NYC	National Youth Council	
PDC	Parti démocrate centriste	Central Democratic Party
PDI	Parti démocrate idéal	Ideal Democratic Party
PDR	Parti pour la démocratie et la régénération	Party for Democracy and Regeneration
PL	Parti libéral	Liberal Party
POER	Programme d'observatoire des élections au Rwanda	Electoral Observation Programme of Rwanda
PPC	Parti pour le progrès et la concorde	Party for Progress and Unity
PSD	Parti social démocrate	Social Democratic Party
PSR	Parti socialiste rwandais	Rwandan Socialist Party
RDF	Rwandan Defence Forces	
RPA	Rwandan Patriotic Army	
RPF	Rwandan Patriotic Front	
RTL	Radio-télévision libre des mille collines	Free Radio and TV of the Thousand Hills
TNA	Transitional National Assembly	
UDPR	Union démocratique du peuple rwandais	Democratic Union of the Rwandan People
UNAMIR	United Nations Assistance Mission in Rwanda	

1. Political Context

The genocide of 1994 has, more than any other event in recent Rwandan history, contributed to shape the country's current political landscape. It is undoubtedly a daunting task fully to understand the impact of the genocide on the thinking and behaviour of political actors today. However, the following points are worth noting to discern some main parts of the picture.

1.1 Before 1994: Multiparty Politics in the Midst of Civil War

The genocide marked the end phase of a four-year long internal war. When the rebellion started in 1990 the Rwandan regime was already confronted with a deep economic crisis and a growing demand for political liberalisation. A World Bank structural adjustment programme was adopted in 1990, and in 1991 President Habyarimana allowed for new parties to be established alongside his ruling *Mouvement révolutionnaire national pour le développement* (National Revolutionary Movement for Development, MRND).

One of the most important parties thus created was the *Mouvement démocratique républicain* (Democratic Republican Movement, MDR), which reactivated the heritage from the phase before Habyarimana came to power in his *coup d'état* in 1973. Yet both the MRND and the MDR had been dominated by people belonging to Rwanda's majority ethnic group, the Hutu. As the Belgian colonists had discriminated against the Hutu and favoured the minority Tutsi group, after independence the Hutu majority took power in the name of numerical democracy – in a spirit of revenge. The 1959-1962 and 1973 regime changes were thus marked by massive political violence against the Tutsi, leaving thousands of them killed and forcing tens of thousands more to flee to neighbouring countries.

It was, in effect, a group emerging from the community of Tutsi exiles in Uganda that started the war in 1990. In Uganda many of the refugees had been fighting alongside Museveni's National Resistance Movement in his struggle to overthrow the Obote regime. Once this fight was won in the late 1980s some Rwandans in Uganda formed the Rwandan Patriotic Front (RPF). Once the RPF invaded Rwanda it showed convincing military capabilities in its battles against the *Forces armées rwandaises* (FAR). Still the RPF did finally accept a ceasefire agreement, which set the terms for peace talks held in Arusha, Tanzania from 1992-1993.

Partly as a result of the intervention of the new opposition parties, the Arusha peace agreement of 4 August 1993 was in important ways more favourable to the RPF than the Habyarimana regime. Having been accustomed to holding the reins of power alone, the MRND would now be left with 60% of the commander posts in the army, 50% of the rank-and-file, and only between a quarter and a third of seats in the transitional government (Jones 2001: 81, 95). Effectively, the regime now found itself more cornered than it ever had been: economically it faced disaster; militarily it was doomed to lose if it would return to the battlefield, and politically Arusha had shrunk its dominance into equal or minority positions. It was from this cornered situation that an extremist way out was masterminded.

1.2 The Genocide of 1994

Already from 1992 hate speech had been announced in Rwanda by certain Hutu personalities. While this propaganda often was shrouded in coded language – the Hutu were told to ‘do the harvest’, ‘get down to work’, etc. – clearer signals also emerged on plans to implement a genocide from circles close to Habyarimana, involving the high ranks of the army. Militias were trained as well, such as the *Interahamwe* – ‘those who work together’.

Meanwhile, the UN was to take charge of monitoring the implementation of the Arusha agreement. After Somalia it needed a success story and, in an ironic twist of history, thought Rwanda would make one. By January 1994 a 2500-strong UN Assistance Mission in Rwanda was thus deployed. Yet the force was under-funded and did not have a mandate to enforce sanctions upon those who would violate the ceasefire; thus signalling to the extremists that they could act with impunity. This remained the case even after UNAMIR, three months before the genocide started, sent a fax to the UN headquarters quoting a source of the Rwandan government, specifying plans to exterminate the Tutsi and kill UN peacekeepers.

From 7 April onwards this plan was implemented; triggered by the shooting down of a plane carrying President Habyarimana and his Burundian counterpart and thus exterminating both. Ten UN peacekeepers were killed and expatriates evacuated, including UNAMIR staff, leaving tens of thousands of Tutsi behind to be slaughtered. At first some Hutu resisted to join the *génocidaires*, yet often ended up having to choose between killing or being killed. The genocide was carried out with an unthinkable intensity: roughly 800.000 people were murdered during Rwanda’s one hundred days of solitude.

For in spite of the warnings of genocide and the reports that it was taking place, the world’s states did not abide by the responsibilities that 130 of them have undertaken by ratifying the 1948 Convention to Prevent and Punish the Crime of Genocide. The Security Council reduced UNAMIR to a 270-member force, and only took one other action during the genocide that mattered on the ground. It allowed France to organise a so-called Safe Humanitarian Zone in south-western Rwanda; an *Opération Turquoise* which saved few Tutsi lives yet gave the killers a way out – to eastern Zaire.

1.3 After 1994: RPF Resistance against Political Liberalisation

In July 1994, the genocide was over and the RPF had taken power in Kigali. It was to rule a country in shambles after four years of war and an even longer period of economic decline, and a country in a deep state of shock and disillusion after the unimaginable horrors that had haunted it. The population was decimated by roughly one tenth, and the refugee population in neighbouring countries had once again boomed.

Yet as the ethnic balance had shifted in Kigali, the refugees from previous exoduses were now returning – while many of the new ones only returned weapon-in-hand. From 1996 onwards Hutu refugees in the former Zaire launched armed raids into Rwanda, which triggered an RPA¹ response across the border. The RPA carried out massive revenge killings of the Hutu

¹ The Rwandan Patriotic Army (RPA) was the post-1994 armed forces of Rwanda. They have recently been restructured and renamed the Rwandan Defence Forces (RDF).

in Zaire, and in May 1997 ensured the replacement of Zaire's longstanding dictator with its own and Uganda's hand-picked figure, Laurent-Désiré Kabila. Rwanda did not leave the Congo, however, and instead, together with Uganda, sparked a new war in August 1998.

After the genocide, the RPF thus maintained a potent military apparatus. Within Rwanda, the apparatus combines with a meticulous and smoothly functioning administrative structure. Arguably, this structure was rendered even more effective as a result of the local elections in 2001 and 2002. The laws allowing for a multi-party system were not in place before well after these elections. Given that candidates could not run on a party basis, the RPF seems to have used its hold of power to ensure that loyal officials would be elected. Moreover, the electoral law, once promulgated in 2003, did not allow for party organisation at the local levels – only at provincial and central levels. The 2003 elections thus took place in a structure marked by RPF dominance all the way from the centre via provinces, districts, sectors and cells to the *nyumbakumi*², the ten-house agglomerations.

Opposition parties have thus only operated at the central level. Those of them who did oppose RPF policies, moreover, faced hardship. Most illustrative and decisive in this regard is the pre-electoral dissolution of the main opposition party, the previously mentioned MDR, by the RPF-dominated Transitional National Assembly (TNA) in April 2003. The row has involved the 'disappearance', arrest and emigration of dozens of prominent MDR figures (HRW 2003, Interayamahanga 2003).

At the same time, the RPF initiated campaigns to recruit party members. Some of those who were reluctant to sign up were told that they would be accused of the grave crime of 'divisionism' (HRW 2003). 'Divisionist' or 'sectarian' is, according to law no. 47 of 2001, 'any oral or written statement, or any act of division that may generate conflict in the population (...)'.³ The law does not, however, specify what acts or statements qualify as 'divisionist'. It has therefore become a tool that the authorities use against dissenters.

The rise and use of 'divisionism' may reflect how little political space the RPF prepared for its contenders in the 2003 elections. In effect, anyone who would express disagreement with the RPF risked to be classified as a 'divisionist'. Dissent could be criminal, and no guidelines existed to tell people when it would be criminalised and when it would be accepted.

To understand how the suppression of dissent can be codified in law in the midst of a process to prepare for elections, we need to keep in mind that the last times multi-party politics was allowed in Rwanda, in the early 1960s and 1990s; political liberalisation clearly came at the expense of massive violence. That violence deliberately targeted the minority Tutsi group, from which the RPF once emerged. It is in this framework one MIGHT understand the ruling party's electoral focus on 'unity' and fear of any form of divisions. For in effect political pluralism had, previously, not only preceded genocide, but also served to undermine parties who had been dominated by the Tutsi minority – such as the RPF.

After the genocide, the RPF has focussed on unity of all Rwandans. While reconciling people after the horrors surely is both important and difficult, the question is whether the promotion of unity is proving to jeopardise the Rwandan people's constitutionally entrenched right to express themselves freely, including on questions of equal opportunity of different groups.

² The word is Kiswahili. *Nyumba* means house, *kumi* ten (10).

³ Since few Rwandan laws are translated into English, law quotes in this report are translated by the authors.

2. Legal Framework

Rwanda's legal system, which is developed on the basis of Belgian and German civil law, will now be introduced as follows. First recent legal history will be sketched, secondly the current administrative structure and branches of government will be presented, and finally an outline will be given of the laws on elections and political parties.

2.1 The 1991 Constitution, the Arusha Accords and the Ten-Point Declaration

In 1991 President Habyarimana introduced a new constitution in Rwanda. Although few of its measures were implemented given the context of civil war, the fact that it opened up for political liberalisation did allow for parties to be established and for media outlets to express themselves more independently for some time.

The next legal text of importance materialised as a result of the negotiations in Arusha. The peace agreement of August 1993, also called the Arusha Accords or the Arusha Protocols, forced the ruling MRND party to share military and political power. As noted in Chapter 1, the RPF was now to be integrated into the armed forces, and a 70-member Transitional National Assembly (TNA) including the RPF and opposition parties was to be set up.

While the Arusha Protocols were to be implemented within 37 days, the schedule broke down as violence continued and, in April 1994, escalated to unprecedented levels with the outbreak of genocide. The genocide and civil war ended as the RPF came to power in July.

Nearly a year later, in May 1995, the RPF announced in a declaration of ten points that the 1991 constitution and the Arusha Accords were to be regarded as the 'Fundamental Law' of Rwanda for a transitional period of five years. The declaration further named Pasteur Bizimungu as President and Faustin Twagiramungu as Prime Minister in the first transitional government. Paul Kagame was appointed Vice President and Minister of Defence.

Although the transitional period was set to end in the year 2000, the TNA prolonged the period by four years in 1999. Ostensibly, the reason was to ensure full implementation of the Arusha Accords' programme, including the parts on constitutional reform and free elections.

2.2 Towards A New Constitution

The organic law no. 23 of 1999 outlined the mandate of a new constitutional commission. The TNA appointed the 13 members of this commission, which was set up in late 2000. In 2001-2002, a civic education campaign of almost 600 meetings was run to increase popular awareness about the constitutional reform. Meanwhile, in a consultative process, the commission drafted a new constitution which eventually was passed by the TNA and adopted by overwhelming majority in the referendum of May 2003.

The new constitution was adopted less than ten years after the genocide. It highlights the importance of fighting the ideology of genocide in all its manifestations, of eradicating 'ethnic, regional and any other form of divisions' and of promoting national unity and reconciliation. At the same time it recognises that the rule of law should be established, based on the respect for human rights and on political pluralism. It guarantees the freedom of thought, opinion, conscience and religion (art. 33), of the press (art. 34), of association (art. 35) and of peaceful assembly (art. 36), and makes for a multiparty system of government. Political organisations that obey to the law are thus permitted to be formed and operate freely, but they are prohibited from being founded on race, ethnic group, tribe, clan, religion, region or 'any other division which may lead to discrimination'.

The new constitution, at least on paper, seems to meet the obligations in The International Covenant on Civil and Political Rights to which Rwanda has been a party since 1975. The interesting point, however, is how and whether the organic laws that are tabled in parliament on a regular basis, and the state's practice, also meet these standards.

2.3 Local Administration

Compared with many other African societies, Rwanda is a very well organised country. To understand how the ruling party can rule relatively efficiently, the four administrative levels through which its policies flow will now be outlined.⁴

Province level. Rwanda is divided into twelve provinces, including the city of Kigali. Each is headed by a prefect and administered by an executive secretary, while six directors are responsible for, respectively, political affairs; infrastructure; youth, education and social affairs; health; gender; and finance. All the eight leaders are politically appointed.

District level. Each of Rwanda's 106 districts is governed by a council. The council is headed by a mayor, and consists of one member of each of the district's sectors, as well as representatives of youth⁵ and women. The youth and women groups each represent at least one third of council members. All members, including the mayor, are elected. The current councils were elected in 2001 on a non-party basis.

Sector level. Rwanda's 1545 sectors are each run by a ten-member sector committee headed by a sector coordinator. All committee members are elected. The current committees were elected in 2002 on a non-party basis.

Cell level. In the cell all inhabitants above 18 years of age make up the assembly, which in turn elects the executive body, a ten-member cell committee.

2.4 Branches of Government

⁴ The fifth administrative level on the bottom of the chain, the *nyumbakumi* or the ten-house agglomeration, does exist yet is not codified by law.

⁵ Rwandan law defines a 'youth' as any national of between 18 and 35 years of age.

According to the 2003 constitution, power is shared between three branches of government: the legislative, executive, and judiciary. The branches are separate and independent from one another. What are the responsibilities, organisation and functioning of each branch?

2.4.1 The Legislative Branch

The power to make laws is vested in a two-chamber parliament consisting of the Chamber of Deputies and the Senate.

The Chamber of Deputies is composed of 80 members, out of whom

- 53 are elected by direct ballot or universal suffrage,
- 24 are women, two from each province, who are indirectly elected by representatives of women's organisations,
- 2 represent the youth, and are indirectly elected by the National Youth Council, and
- 1 represents the disabled; also indirectly elected by the Federation of Associations of the Disabled.

The deputies, who are responsible for deciding upon budget and financial matters, are elected for a five-year term through a system of proportional representation. The seats are allocated to the parties, coalitions and independent candidates by dividing votes received by the electoral quotient. This quotient is calculated by dividing the total number of valid votes of each list that has obtained at least five percent of the votes cast, by the number of seats to be contested. The remaining seats are given to the candidates with the highest number of votes.

The Senate is composed of 26 members out of whom at least 30 percent must be women. While a main reason for introducing the bicameral model, which is relatively uncommon in Africa, was to give women a voice at the highest levels of decision-making, it is not obvious why bicameralism would allow women more influence than a one-chamber system. In any event, each of the organs that nominate senators, given below, is supposed to take into account not only the concern of national unity but also the equal representation of both sexes.

Out of the 26 Senators,

- 12 represent one province each, and are elected by members of sector committees and district councils through a secret ballot,
- 8 are nominated by the President, and are supposed to represent the historically marginalised groups in Rwanda such as the Twa and the disabled,
- 4 are nominated by the parliamentary Forum of Political Parties, and represent parties that are allowed to operate in Rwanda, and
- The remaining 2 represent institutions of higher learning, one the public and the other the private institutions.

In addition, a former head of State may have a seat in the Senate if he or she so wishes. The senators serve a single eight-year term.

The Senate has a strong mandate. It can vote on laws intended to amend the constitution, organic laws, laws concerning public enterprises, laws on fundamental freedoms, rights and duties, criminal laws, and laws related to jurisdiction of courts and procedure in criminal

cases. Senators also vote on laws related to defence and security, to elections and referenda, and to international agreements and treaties. Further, they elect the President, Vice President and judges of the Supreme Court, the Prosecutor General and his or her deputy. The Senate must also approve appointments of members of national commissions, ambassadors, the Ombudsman, the Auditor General and last, but not least, the provincial prefects.

If the Senate does not approve a bill transmitted to it, or if amendments proposed by the senators are not accepted by the deputies, both chambers set up a commission composed on an equal number from each. The commission will propose a compromise, but in the case that the compromise is not adopted by both chambers, the bill will be returned to the initiator.

2.4.2 The Executive Branch

Executive power in Rwanda is vested in the President of the Republic and the Cabinet.

The President is head of state and is elected by universal suffrage through a direct and secret ballot. He or she serves a seven-year term which is renewable only once. The person is the commander-in-chief of the defence forces, has the power to appoint senior civil officers and military officers, and to initiate legislation and other proposals before parliament.

The Cabinet comprises the Prime Minister, Ministers, Ministers of State and other members that may be included. Cabinet members, including the Prime Minister, are all appointed and removed from office by the President. The members of Cabinet are selected from political parties or organisations on the basis of the distribution of seats in the Chamber of Deputies.

As this brief presentation indicates, it is beyond doubt that the bulk of political power in Rwanda is vested in the President. Given that the President at present also is the head of the ruling RPF party, his influence appears to be much higher than the formal principles of power sharing in the constitution are supposed to bode for.

2.4.3 The Judiciary

Judicial power is exercised by the Supreme Court and other courts established either in the constitution or in other laws. Rwanda's constitution distinguishes between ordinary and specialised courts. Ordinary courts include the Supreme Court, the High Court, provincial courts and the court of the city of Kigali, district courts and municipality courts. Specialised courts include *gacaca* courts and military courts. The jurisdiction, organisation and functioning of these courts are determined in organic laws, which are tabled and passed by the two houses of Parliament. In the following, the Supreme Court and the *gacaca* courts will be outlined in some more detail – given their contested political role.

The Supreme Court

The Supreme Court's President and Vice President are elected by the Senate amongst candidates proposed by the President, in a simple majority vote for a single term of eight years. Its judges are elected by an absolute majority vote of the Senate, also from the President's proposals. This illustrates, once again, the extent of presidential power in Rwanda.

Observers, NGOs and opposition candidates encountered by the NORDEM team did not see the judiciary as independent. According to them, the judiciary is by and large controlled by the President and the RPF. The team did not hear about any instance in which the Supreme Court had ruled against the executive. In 1997 three Supreme Court judges were dismissed. The official reason was not clear, but many observers related the incident to signs that the judges were becoming too independent. Moreover, the courts had taken no steps to look into the cases of the persons from the armed forces and with connection to the opposition who ‘disappeared’ in relation to the banning of the MDR party a few months prior to the polls.

The Gacaca Courts

Rwanda’s judiciary came under enormous pressure after the genocide. Many legal professionals were killed, and tens of thousands of prisoners had to be channelled through the court system. Some 90 000 people are still imprisoned on allegations of genocide. The number was even higher before an amnesty recently enabled some 15000 prisoners to be released. The condition for release was that the alleged offence was against property and not against person. For this least serious of genocide crimes the maximum jail sentence is 7 years; a sentence which by 2003 already would have been served – without a trial – by most of the prisoners.

Beyond conditional amnesty, a more innovative move by the Rwandan government to bring the alleged perpetrators to justice is its reinvigoration of a traditional form of justice. The *gacaca* court system is embedded in the new constitution, while implementation of it is based upon organic law. The seven-phase implementation process is only moving ahead slowly, however, partly since the law on compensation for genocide victims is not yet adopted.

Some NGOs and observers have been sceptical about whether *gacaca* is likely to bring justice and reconciliation to Rwanda. Problems include that a condition for being tried is admission of guilt, and that suspects have no defence counsel. Although *gacaca* trials clearly will not face up to international standards for due process, they should be judged on its own merits: as a special court established to handle a very special situation in the history of Rwanda.

2.5 Electoral Law

The organic law no. 17 of 2003, adopted on 26 June 2003 by the TNA, covers both the presidential and parliamentary elections. This law gives general provisions for all the phases of the electoral process, as well as more detailed regulations on matters such as the electoral commission, nomination of candidates, voters’ registration and eligibility, the electoral campaign, Election Day arrangements and resolutions of disputes. The law will thus be introduced in the ensuing chapters dealing with these issues.

2.6 Legislation on Political Organisations and Politicians

The organic law no. 16 of 2003 governing political organisations and politicians, also passed by the TNA in June 2003, gives more detailed regulation than does the constitution. It determines, for example, that a political party or organisation needs at least 120 persons from the whole country to sign its statutes. The law also stipulates that ‘political organisations must

constantly reflect the unity of the people of Rwanda (...) whether in recruitment of members, putting in place organs of leadership, or in their operation and activities’.

These provisions must be considered against the background of Rwanda’s genocide, which to some extent justifies a focus on re-uniting Rwandan people. Nevertheless, the law on political parties may in fact contradict the provisions for political pluralism in Rwanda’s constitution. For since political parties are obliged to operate in a way that ‘constantly reflects the unity of the people of Rwanda’, these parties risk being prevented from expressing views that differ from the dominant views. In practical terms, therefore, with such a regulation it is relatively easy for the ruling party to ban an opposition party for not acting in accordance with the law.

The law on political parties, hence, reflects the same problem as we touched upon towards the end of Chapter 1, namely the uneasy fit between multi-party politics and the criminalisation of ‘divisionism’, which was codified in the law no. 47 of 2001. In the following chapters, we will look more closely into how the balance between unity and pluralism was struck throughout Rwanda’s historical elections of 2003.

3. Electoral Administration

3.1 Introducing the National Electoral Commission

Rwanda's National Electoral Commission (NEC) is composed of 12 members. Six are appointed by Parliament, including the President and the Vice President, and six are permanently employed. According to the constitution (art. 180) the NEC is a permanent body independent of the other branches of government, tasked with organising all elections and referenda and with making sure that the elections be free and fair. According to electoral law – that is, the organic law no. 17 of 2003 – NEC officials should act impartially in performing their duties (art. 4). This law also gives the NEC the authority to issue instructions for the smooth running of elections whenever it finds it necessary.

During the presidential and parliamentary polls, the number of instructions totalled 26. Some of the instructions were, however, contrary to the law itself.⁶ Moreover, the way in which the NEC issued the instructions created some confusion. Previously issued instructions were changed at later stages, and new instructions were issued on the eve of election days. This made it difficult to perceive the rules of the game for the actors involved.

3.2 Geographical Organisation

While headquartered in the capital Kigali, the NEC appoints electoral commissions of five to seven members in each province, district and sector of the country. These make up the local NEC branches. The election itself is conducted at sector level. Each sector hosts one electoral centre, normally located in a school or another public building, which, in turn, hosts a number of polling stations.⁷ Each polling station is staffed by four people, headed by a President appointed by the NEC branch at district level. The NEC is thus in charge of electoral administration at all levels, leaving no role to play for the local administration in the elections apart from logistical facilitation.

3.3 Training and Competence

The NEC was only established in 2003. By the time of the presidential and parliamentary elections from August to October, it had already gained valuable experience from organising the constitutional referendum in May. In the run-up to the presidential poll, the Commission conducted a training programme together with the Ministry of Local Administration, Information and Social Affairs (MINALOC). This programme trained four persons from each sector, altogether some 6000 officials, who in turn trained local election staff. This last phase was implemented on the eve of Election Day, in tandem with the distribution of election

⁶ While we will return to examples of such internal contradictions later in the report, suffice to note one here: while the electoral law stipulates that the counting of votes should start immediately after the end of polling, an NEC instruction ordered that counting only would start one hour after the closure of the vote.

⁷ While each sector normally hosts only one electoral centre, in one sector visited by the NORDEM team there were two electoral centres. This appeared to be, still, an exceptional case. As for the number of polling stations in each electoral centre, this vacillated. The centres we visited hosted between two and seven polling stations.

material. The training largely consisted of introducing the electoral staff to the information given in the electoral law and the NEC instructions.

3.4 NEC Monitoring of the Elections

The electoral law does not explicitly entitle the NEC to monitor whether this law is respected. Nevertheless, articles 104 through 121 of the law list a range of punishable acts. Although the power to punish rests with the courts, the Commission still appropriated a role as a watchdog of the judicial branch during the elections. In particular, it monitored whether the nominated candidates abided by the established rules.

During the presidential campaign, the NEC seemed to concentrate its efforts on following the moves of candidate Faustin Twagiramungu, the first post-genocide Prime Minister and founder of the now dissolved MDR party. He was repeatedly summoned to the NEC, accused of spreading ‘divisionism’ in his campaign material and for calling on the sentiments of fellow Hutus to boost his standing. Twagiramungu himself maintained that the NEC deliberately intimidated and harassed him and his followers.

During the parliamentary campaign, the NEC equally focussed on monitoring if the opposition heavyweights – such as independent candidate Célestin Kabanda, previously MDR leader and Minister of Finance – were following the rules. Along with four other independent candidates, Kabanda was in the end forced to withdraw from the campaign on the eve of Election Day (for details, see Chapter 5).

These cases, along with the unpredictable issuing of NEC instructions introduced in the beginning of this chapter, raise questions about the impartiality of the Commission. The problem is twofold. One is the use of the law on ‘divisionism’ to brand candidates who most seriously threaten established political positions. Although codified in law, ‘divisionism’ is so vaguely defined that uncertainty rules about how and when the law is broken. Given the political sensitivities of the ‘divisionism’ concept, and its allusion to the crimes of genocide, accusing people for being ‘divisionist’ has become more of a political than a judicial act.

The other part of the problem is that the NEC seems to have monitored certain candidates more tightly than others. While arrests, interrogations, and summons were reported on the part of many opposition candidates, in particular those with a clear political standing and history, hardly any were reported on the RPF side. It is improbable that this imbalance reflected an actual imbalance of the lawfulness of the actors on the ground.

In the NORDEM’s team’s opinion the degree of bias in the NEC’s monitoring activities must therefore be questioned, especially during the presidential campaign. The commission’s monitoring of the opposition does, indeed, cast doubts about its impartiality. The team recommends, therefore, that Rwandan authorities and the NEC itself will seek to expand its commendable professionalism in the logistical sphere to the sphere of relations with the various electoral contestants.

4. Registration and Education of Voters

This section outlines how the Rwandan populace was introduced to and included in the electoral process as voters.

To enhance popular understanding of the voting procedure and the importance of casting the vote, a civic education campaign was conducted in tandem with the registration process. It is the NORDEM team's impression that the campaign suffered from limited time and resources, in particular given the fact that roughly half of the electorate is illiterate.

With some notable exceptions, the right to vote in Rwanda is universal. Allowed to be part of the electoral list is any Rwandan who is at least 18 years of age at the day of election, and who has not been deprived of civil and political rights or been excluded from voting by any of the limitations given in article 10 in the electoral law. This article lists categories of people who are prohibited from registering. These include hospitalised persons, refugees, prisoners, persons convicted for murder, and persons convicted for or having confessed to crimes of genocide or crimes against humanity.

The registration starts and ends on dates determined by NEC instructions. To register, potential voters have to turn up personally and present their identity cards. Inside Rwanda people register at the cell level, outside at the nearest Rwandan embassy. When registered each person is issued a voter's card, which she or he has to present in the polling station on the day of election. Inside Rwanda, the sector coordinator is responsible for establishing all the electoral lists of the sector for transmitting them upwards in the system. Subsequently and before Election Day, the applicable electoral list is published at each polling station.

If people find that they are not on the list but meet the conditions of eligibility, they are entitled to file a complaint. According to articles 19 and 20 of the electoral law, the complaint must be submitted in writing to the local NEC branch; if outside Rwanda to the coordinator of elections at the nearest embassy. The complaint is ruled on within two days. Yet if the complainant is not satisfied, he or she may appeal to the higher branch of the NEC.

The electoral list is only revised if the time span between two elections covers two months or more. Hence for the presidential and parliamentary elections in 2003 the same list applied. This list was, in turn, a revised version of the one established for the referendum in May.

The impression of the NORDEM team is that the registration process itself was conducted in an orderly manner, even though one may assume that some groups of voters were not able to register, especially the elderly, sick and handicapped. A more serious problem, however, is posed by the law itself – which effectively prevents a numerically large number of Rwandans from voting. Only the part of the population who's imprisoned makes up, in fact, some two per cent of the electorate. The team sees few good reasons why hospitalised persons or all prisoners, as a whole, should be barred from voting. The exclusion of all prisoners is particularly problematic given the fact that a substantial proportion of the inmates in Rwanda are detained without trial.

5. Nominations of Candidates

This chapter will first introduce the rules establishing who can become a candidate for the various political positions in Rwanda, and secondly look at the particular nominations and processing of these during the 2003 elections.

5.1 The Rules

5.1.1 Presidential Elections

According to article 71 of Rwanda's electoral law, eight conditions must be fulfilled to run as a candidate for the Presidency. Candidates must

- (1) be of original Rwandan nationality⁸,
- (2) not have another nationality,
- (3) have at least one parent of original Rwandan nationality,
- (4) have good morals and high integrity,
- (5) never have been given a prison sentence of six months or longer,
- (6) enjoy all civil and political rights,
- (7) be at least 35 years old, and
- (8) reside in Rwanda at the time of depositing the candidature.

Article 73 stipulates a supplementary requirement to candidates who do not represent a political party: they must collect the signatures of at least 600 Rwandans registered in the voters' roll, out of whom at least 30 have to come from each of the 12 provinces.

The National Electoral Commission specifies the timing for submitting applications. In 2003, according to the NEC Instruction no. 8 article 1, nominations were to be submitted during the week from 14-18 July, that is, some five weeks before Election Day.

5.1.2 Parliamentary Elections

The Chamber of Deputies

The following rules apply to candidates for all the 80 seats in the Chamber, that is, both those elected in a direct ballot as party or independent candidates (53 representatives) as well as those elected in an indirect ballot, representing women (24 representatives), the youth (2) and the disabled (1). Yet as will be shown below, although the rules were the same the process of nomination was entirely different for those contesting in the direct and indirect polls.

The requirements for deputy candidates were less strict than those applying to candidates for the Presidency. According to article 21 of the electoral law, any Rwandan can become a deputy who (1) is at least 21 years old of age, (2) has integrity, and (3) is not covered by

⁸ This formulation apparently aims at including Rwandans who have lived abroad for longer periods as refugees, for instance those who went into exile as a result of the 1959 and 1973 pogroms.

incapacities given in article 9. This article stipulates who has the right to vote among Rwandans abroad, namely 'all Rwandans living abroad who are not refugees'. If Rwandans living abroad are defined as refugees, they are thus barred from voting. Since the electoral law does not define refugees, assumedly the standard definition of international law would apply.

Article 22 outlines conditions that would prevent a person from running as deputy. Most notably, those who are 'under judicial protection', that is under interrogation, in detention, at trial or in jail, would be prevented from standing as a deputy candidate.

A. Nomination process for candidates to the directly elected seats

Candidates for the 53 seats elected in direct ballot can, as in the case of the presidential elections, stand either as representatives of a political party or as independents. To be elected into the Chamber, however, both parties and independent candidates have to obtain at least five percent of all votes cast. For the independent candidates, this minimum threshold poses a serious barrier to overcome.

According to article 23 of the electoral law, the 600-signatures requirement applying to independent candidates for the Presidency also applies to independent deputy candidates. As for parties, the same article states that if a party has been accepted and registered on the basis of fulfilling the requirements outlined in the law on political parties (see Chapter 2), then it is also entitled to present a list of candidates for the parliamentary elections.

According to article 24, the list of candidates for the direct parliamentary ballot must be submitted to the NEC at the latest 35 days before the polls. Given the timing of Rwanda's electoral process in 2003, this rule implied that parliamentary nominations had to be submitted no later than Mon 25 Aug, which was the day of the presidential elections. Nominations for the legislative ballot hence had to be made during the presidential campaign.

B. Nomination process for candidates for the indirectly elected seats

According to articles 28 through 30 of the electoral law, candidates for the indirectly elected seats could submit their nominations a bit later than contestants in the direct elections: at the latest 30 days before Election Day. While the candidates for the youth and the disabled had to accompany their nomination with a proof of membership in, respectively, the National Youth Council and the Federation of Associations of the Disabled, women candidates were to run on their individual merit.

The Senate

Unlike the nominations of candidates for the Presidency and the Deputy Chamber, nominations for the Senate were to be processed by the Supreme Court – and not by the NEC (art. 31). The deadline for nominations was the same as for candidates for the other indirect ballots, that is, 30 days before Election Day.

To be eligible as a Senator, candidates must meet eight criteria. They have to

- (1) be of Rwandan nationality,
- (2) have a licence diploma or equivalent, or have held high public or private functions,

- (3) have great experience⁹,
- (4) have good morals and high integrity,
- (5) enjoy all civil and political rights,
- (6) be at least 40 years old,
- (7) not have been sentenced to six months or longer in prison, and
- (8) not be covered by the incapacities given in Article 9 (see above).

A requirement that applies to all candidates is that they have ‘integrity’. Candidates for the Presidency and the Senate are also required to have ‘good morals’, and those for the Senate to have ‘great experience’. The law, however, does not specify what is meant by these requirements. The lack of clarity thus broadens the scope for favouritism on the part of those who decide upon whether submitted nominations will be accepted or rejected.

The eight conditions for Senate candidates are quite similar to those applying to the Presidency, with some notable differences: (1) that the requirement for Rwandan nationality is stricter, as it does not include those who were ‘originally’ nationals of Rwanda and thus excludes Rwandans who may have lived in exile or still live abroad as refugees, (2) that the age threshold is higher, and (3) that the candidate must be even more highly esteemed.

5.2 The Nominations

5.2.1 Presidential Elections

Out of the six nominated candidates, the Electoral Commission accepted four and rejected two. The accepted quartet included two party and two independent candidates, namely

- (1) the incumbent President, Mr. Paul Kagame of the Rwandan Patriotic Front (RPF),
- (2) Mrs. Alivera Mukabaramba of the *Parti pour le progrès et la concorde* (Party for Progress and Unity, PPC),
- (3) Mr. Jean-Népomuscène Nayinzira, and
- (4) Mr. Faustin Twagiramungu.

Yet the latter candidate who, as previously mentioned, from 1994-95 was Rwanda’s Prime Minister for the MDR, would probably have run as an MDR candidate had this party not been banned shortly before the elections. Nayinzira too had earlier been a deputy of the Central Democratic Party (*Parti démocrate centriste* or PDC, previously called *Parti démocrate chrétien* or Christian Democratic Party), yet this time chose to stand as independent.

According to the NEC President, the two rejections were due to incomplete applications. While the one nomination failed to fulfil many of the criteria outlined above, the other only suffered from one lack, namely the collection of enough signatures from one of the 12 provinces. One of these candidates appealed NEC’s decision, but in vain (see Chapter 10 for details on the complaints procedures).

⁹ The French translation of the law adds the Kinyarwanda word *inararibonye* at this point. *Inararibonye* is a person with a long and outstanding experience, one who has witnessed many different events.

Subsequently, on the eve of Election Day the PPC withdrew its candidate and appealed to her supporters to shift in favour of the RPF candidate. Hence, in the end half of the nominees were out of the electoral race. Furthermore, none of the remaining two opposition candidates represented a political party; and all existing parties, out of whom some presented their own lists for the parliamentary elections, appealed to their supporters to vote for the incumbent.

Finally, it should be noted that many opposition figures in Rwanda, in particular over the last few years, have either been forced into exile, been imprisoned, or simply ‘disappeared’.¹⁰ One example is Pasteur Bizimungu, who used to be President when Kagame was Vice President, yet who in 2001 was detained and later jailed as he had tried to establish a new political party, the PDR-Ubuyanja (*Parti pour la démocratie et la régénération*, or Party for Democracy and Regeneration; *ubuyanja* means strength in Kinyarwanda). Had more figures of his stature been in the position to submit their candidacy for the polls, the incumbent is likely to have faced much harder competition.

5.2.2 Parliamentary Elections

Candidates for the 53 Chamber seats elected in direct ballot

A. Party candidates

Out of the seven opposition parties in existence in August 2003, three presented their own lists for the polls:

- (1) The Liberal Party (PL): 51 candidates,
- (2) The Social Democratic Party (PSD): 43 candidates, and
- (3) The PPC, also 43 candidates.

The remaining four parties chose to team up with the RPF. The coalition presented a common list of 53 candidates, and included

- (4) The Central Democratic Party (PDC): 3 candidates,
- (5) The Ideal Democratic Party (PDI)¹¹: 3 candidates,
- (6) The Rwandan Socialist Party (PSR): 2 candidates, and
- (7) The Democratic Union of the Rwandan People (UDPR): 2 candidates as well.

The RPF itself thus presented 43 own candidates on the coalition list.

Beyond these eight parties, two parties – none of whom, like the other seven, would have supported RPF’s candidacy in the presidential polls – were prevented from entering the stage.

One was the above mentioned MDR, dissolved by the Transitional National Assembly in April (HRW 2003, Interayamahanga 2003). The other was a new party that some MDR adherents tried to establish, namely the ADEP-Mizero (Alliance for Democracy, Equity and Progress; *mizero* means hope in Kinyarwanda). Some of the tentative founders of this party were, however, repeatedly summoned in by Rwandan police and other authorities throughout

¹⁰ For details see, for instance, ICG (2002) and HRW (2003).

¹¹ This party had recently changed its name from the *Islamic Democratic Party*.

August, and therefore faced difficulties in preparing their file. Ultimately, the proclaimed reason why the party was prevented from registering was that it wanted to keep the option open of including non-Rwandan nationals as ‘honorary members’. The party law does not allow Rwandan parties to have foreign citizens in their ranks.

B. Independent candidates

According to available information, all nominations for independent candidates were accepted at first. The official NEC list included 19 candidates, and an additional one was accepted after the list was published.

However, on the eve of the elections altogether four independent candidates had to withdraw, reducing the number of independent candidates to 16. Out of those excluded, at least two had been part of the effort to establish the ADEP-Mizero party. These two, candidates Célestin Kabanda and Jean-Baptiste Sindikubwabo, were declared out of the race on Friday afternoon the 26 September; one working day before the polls. The two others, Prosper Muhirwa and Jean-Baptiste Kayumba, were expelled in the afternoon before Election Day.

While reasons for the two latter candidates’ exclusion remain unclear, Kabanda and Sindikubwabo were both accused of having collected false signatures and for having pressured people to sign up for them. They were informed about the accusations on two days before their expulsion. Finally, as Chapter 10 shows, both lost their subsequent court cases.

At least two factors are worth commenting in relation to these incidents. One, it is difficult to prove whether signatures are forged or real in a country like Rwanda, where most people hardly ever use pen and paper. Two, and most importantly, if signatures had been forged, it is questionable why this problem was not discovered earlier by the Commission. Given that it is the NEC itself which apparently ignored, or did not check, the status of the signatures when the nominations of the two candidates were submitted, it is questionable whether it is, or should have been, entitled to exclude the candidates at the final stage of the campaign.

Candidates for the 27 Deputy Chamber seats elected in indirect ballot

21 candidates were accepted to run for the two Deputy Chamber seats reserved for the young, and six candidates for the seat for the disabled.

As for the women candidates, lists were established at province level. The initial number of candidates contesting for the two seats from each province varied from seven (Cyangugu province) to 23 (Kigali city). In total, 127 candidates ran for the 24 seats. Although ostensibly running as individuals and thus ‘independent’ candidates, reports emerged that most of the women were connected to the one or the other political party, the majority of them the RPF.

In quite a peculiar development, the number of female candidates was reduced by more than a half prior to Election Day – from a total of 127 down to 58. In one third of the provinces only three women ran for the two seats¹², in another third only four or five¹³. In Kibuye province, for instance, the list of 16 had been reduced to five a few days before the ballot and by the time of the election only three candidates ran for the two posts. While officially ascribed to ‘personal reasons’, details are missing on why the bulk of the candidates for the women’s

¹² This was the situation in Kibuye, Cyangugu, Ruhengeri and Gikongoro provinces.

¹³ That was the case in the provinces of Gisenyi, Umutara, Butare and Byumba.

seats withdrew. The lack of clarity on the issue opened up for popular theories that pressure from higher RPF levels had pushed the more unruly women out of the race, so that it would be easier for the ruling party to channel the more loyal ones into the Chamber. In the NORDEM team's view, this theory is not improbable given the general degree of pressure witnessed during the elections; still it cannot be confirmed given the lack of evidence. Whatever the reasons were, the reduction of the number of candidates was very unfortunate as it dramatically narrowed down the voters' set of alternative options.

Candidates for the Senate

As specified in Chapter 2, only 14 out of the 26 seats in the Senate were to be elected. The remaining 12 were filled by candidates appointed by the President and the Forum of Political Parties. Out of the 14 elected seats 12 were to represent one province each, elected by officials of the sectors and districts in each province. The final two seats, reserved for representatives of institutions of higher learning, were to be elected by a central assembly representing these institutions.

The final list of candidates for the 14 provincial seats was very short. It only counted 29 candidates. In fact, in five out of 12 provinces only one candidate ran for the senatorial seat.¹⁴ In another four provinces only two candidates contested for the seat. Similarly, in the run for the two seats reserved for higher learning institutions, only one candidate 'contested' for the seat given to private institutions, and merely two for the seat for public institutions.

As a result of the low number of nominations, those who were to elect the senators were given an extremely narrow set of alternatives, if any. In nearly half of Rwanda's provinces the electors of the senatorial seats were left with no choice at all.

¹⁴ These provinces were Butare, Byumba, Kibungo, Ruhengeri, and Umutara.

6. The Electoral Campaign

In this chapter, the campaigns preceding Rwanda's presidential and parliamentary elections will be assessed in terms of their timing, and the campaign freedoms and access to state resources and media outlets given to contestants. To start with though, some basic facts about each campaign will be outlined.

6.1 Introduction

As the two elections were separated by more than a month, the three-week campaigning periods did not coincide. The campaign ahead of the presidential election was clearly more loaded with activities and problems than was the second period of campaigning. The NORDEM team was in the field during roughly half of the six-week campaigning period; that is the last week of the presidential campaign and the two last weeks of the parliamentary one. The following presentation primarily draws on observations made during those three weeks.

6.1.1 The Presidential Campaign at a Glance

The RPF candidate mounted a massive campaign. The candidate Twagiramungu made efforts to campaign but was to some extent prevented from conducting it successfully (an issue to which we will return below). The PPC candidate did some campaigning but with a relatively low profile, whilst the candidate Nayinzira hardly campaigned at all.

The campaign was marked by a strong degree of pressure exercised by the ruling party to vote for its candidate, and of harassment and intimidation of those expected would not do so. While opposition supporters were arrested during both campaigns, the trend was more pronounced prior to the presidential polls. Moreover, many of those arrested during the first campaign were kept in detention for weeks, and thus prevented from participating in the legislative campaign.

6.1.2 The Parliamentary Campaign at a Glance

Ahead of the parliamentary elections, the RPF coalition conducted a lower-profile campaign centred on the RPF victory during the presidential polls. It hardly conveyed any messages from the other coalition parties.

The three opposition parties all carried out some campaign activities:

- The Liberal Party (PL), although unclear about its own programme and clearly supportive of the RPF, still faced one major problem: the accusation of being a 'sectarian' party for genocide survivors. The allegation was raised by RPF representatives upon PL candidates stating that if elected, they would try to improve the survivors' situation.

- The PPC pursued a low-key and careful campaign approach, focussing exclusively on their relatively substantial political programme.
- Of the opposition parties, the PSD seems to have faced most problems, including the forced cancellation of meetings as well as arrests.

The independent candidates, for their part, had limited resources but also seem to have faced limited problems in conducting their campaigns.

Regarding the campaigns for the seats elected by indirect ballot, the NORDEM team only noticed campaigning by one of the disabled candidates. While the youth campaign was hardly noticeable, the candidates for the seats reserved for women did make themselves heard. In Kibuye province for instance, the women conducted their meeting in a very orderly fashion, at the same place and with equal time each to present their individual programmes. Candidates for the Senate, finally, hardly campaigned at all.

6.2 Timing

Three aspects are worth highlighting in terms of the timing of the electoral campaigns.

One, the period during which campaigning was permitted was relatively short. The electoral law's article 33 stipulates that the campaign period be a maximum of 20 days. Three weeks proved to make a particularly small impact for candidates with little financial resources.

Two, problems related to the relative briefness of the campaigning period were aggravated by the fact that the timing of the elections as such was only made public a couple of months before the polls. As late as in May 2003, timing suggestions still ranged from July to November the same year. Moreover, the laws on political parties and on the elections were only promulgated in late June and early July. Hence, less than a month were given to potential candidates for the Presidency to familiarise themselves with the rules of the game and convene their supporters. Moreover, as presidential and parliamentary candidates only got their response on whether nominations would be accepted or not on the eve of the electoral campaign period (roughly 30 days before each election, that is, ten days before the campaign was to start), difficulties in planning the campaign for potential candidates were compounded.

Three, the fact that the parliamentary elections succeeded the presidential ones consolidated the trend that the results of the presidential polls set the tone for the parliamentary campaign. The ruling party took advantage by running its parliamentary campaign not in the forms of ordinary meetings, but as 'celebrations' of the presidential victory. In these 'celebrations' the local communities were called to 'respond massively' to legislative polls coming up.

In effect, all these three aspects favoured the ruling party – which (1) by far had the greatest technical and financial resources to maximise the returns from a limited period of campaigning, (2) was in a position to control the bodies making the decisions on who could run or not run for the elections, and thus would not be plagued by the uncertainties haunting the opposition, and (3) reaped the presidential victory with a large margin, a victory that was used for everything it was worth during the subsequent parliamentary campaign.

6.3 Campaign Freedoms

6.3.1 Campaign Meetings and Rallies

According to article 34 of the electoral law, the mayor of the district or town where a campaign meeting was planned had to be notified about this meeting in writing at least 24 hours beforehand. Further, article 35 stipulates that in cases where two or more reunions would be announced at the same time and place, the first-come-first-serve principle would apply. A range of the complications during the campaign related to these two rules. Complications were by and large experienced by opposition candidates.

During the presidential campaign the RPF organised multiple rallies, the PPC a few, the candidate Nayinzira none (he rather talked with people in church settings), and the candidate Twagiramungu quite a number. The latter, however, also faced some barriers in his efforts to organise meetings. These included the following:

- (1) Being summoned to the NEC and police for interrogations at the same time as meetings had been announced. This apparently explains why the candidate only was able to have his first rally on 9 August, which implies a reduction of his campaigning period from three to two weeks;
- (2) Being told that venues he had booked were occupied upon arrival at the venue; and
- (3) At one stage being confronted with alleged death threats, which prevented him and his supporters to go to the province where the meeting had been planned.

The meeting legislation also proved a bottleneck for the opposition during the parliamentary campaign. One party was reported to have been subject to police harassment and arrests when distributing campaign material, since this distribution made people stop to stand by and start talking about political issues. In turn, this gave rise to a situation that local authorities would define as a 'meeting' about which the party had not notified them beforehand. The 'meeting' would therefore be regarded as illegal, and sometimes be stopped at gunpoint.

Moreover, the fact that the constitution prevents parties from organising below the provincial level made up a clear disadvantage to opposition parties. Given the fact that the previous local elections were conducted on a non-party basis, the RPF has secured control of the levels below the province, that is the districts and sectors. While opposition parties were allowed to move beyond provincial capitals to hold meetings, the fact that they are not allowed to extend their organisation below the provincial levels undoubtedly put them in a disadvantaged position when facing difficulties on the district or sector levels.

6.3.2 Distribution of Material

According to article 38 of the electoral law, both independent and party candidates were allowed to use posters, letters, brochures and most other standard means of communicating their programme during the campaign. In the presidential campaign the RPF had no problems distributing its material, which included not only the programme but also flags, umbrellas, scarves, t-shirts, caps, and banners. While the candidates Mukabaramba and Nayinzira hardly tried to distribute any material, the candidate Twagiramungu faced difficulties in his efforts.

A main brochure in Twagiramungu's campaign was, in fact, withdrawn. According to the candidate himself, there was a spelling mistake in the brochure – which he alleged had been planted into it by RPF agents – which turned the meaning of the message on its head. As two letters had been added to a word in the brochure, the word changed its meaning from 'unity' to 'disunity'. Distribution of this brochure was therefore seen as an act of 'sectarianism', criminalised under the previously mentioned law no. 47 of 2001. The use of this law thus complicated the efforts by a primary candidate to spread his message.

During both campaigns, the opposition was in general seriously hampered by a comparatively much more restricted access to financial resources; which in this realm affected its abilities to carry messages across by the means of posters. Another hinder along the route was article 39 of the electoral law, which stipulates that local authorities reserve special places for posters and that the allocation of public space is done on a first-come-first-serve basis. Almost all the posters that the NORDEM team observed were thus of the RPF. During the presidential campaign no other candidates put up posters, while primarily one other party was visible during the legislative campaign. However, this party's posters would not figure on official places but mostly close to its offices, and in back windows of private cars. The public space was thus virtually monopolised by the RPF.

6.4 Access to State Resources

During the campaigns, the opposition had far less financial resources at its disposal than the ruling party. There was no state support to contestants, no regulation of how state resources should or should not be used, and the electoral law does not fix an upper limit as to how much each can spend on campaigning. As a result, the differences between the two sides' levels of spending grew remarkable.

During the parliamentary campaign, the fact that the parties had to rely solely on their own resources also gave rise to differences within the opposition camp. One of the opposition parties, the Liberal Party, had more funds and could thus mount a slightly more forceful campaign than the others. Compared to the resources that the RPF had access to, however, even those of the PL were peanuts.

The question of where the RPF drew its campaigning budget from remains unanswered. The lack of clarity on this point is unfortunate since it prevents the transparency which is needed to reject the possibility that state resources may have been unlawfully detracted for party purposes. With the severely limited information that has been forthcoming on this subject, it is difficult to stamp Rwanda's electoral process as transparent. To improve the prospects of transparency for future elections, a first step could be to include a paragraph in the law that would oblige parties to be open about the financing of their campaign.

An aspect of the campaign that served to confirm suspicions of diversion of state funds were the donations of cows and goats by the President or other RPF delegates to local communities which, in return, were called upon to vote for the RPF candidates. Incident involving such exchanges were reported during both campaigns. None of the opposition candidates used a similar method. This practice is in clear contravention both with Rwanda's own law – article 36 of the electoral law prohibits the use of gifts for purposes of influencing voters – and African standards. The African Union's Declaration on the Principles Governing Democratic Elections in Africa, Chapter 4 point 9, stipulates that 'all stakeholders in electoral contests

shall publicly renounce the practice of granting favours to the voting public for the purpose of influencing the outcome of the elections’.

Finally, money may have been used to pressure people to deflect from the ranks behind certain opposition candidates. If such finance originated from state coffers, that would constitute an even more controversial use of the resources of the state. Although this aspect of the campaign is difficult to prove, it may be exemplified.

During the presidential campaign deflections from candidate Twagiramungu’s ranks were common. For instance, supporters in Kibuye province were arrested and apparently only released upon declaring that they had broken ranks with the candidate. During the parliamentary campaign it also seems that pressure was exercised to make people ‘admit’ that they had been collecting false signatures or forging signatures to support the candidacies of Kabanda and Sindikubwabo. But were the defectors paid to break ranks?

Some of the embattled candidates were convinced that money had been given to each deflector, while others were of the opinion that money not necessarily had been used, since the subtle, coercion-backed psychological pressure would have been as effective. Whether money was used or not, in other words, the incidents point to a pervasive pressure to sign up to the dominant party line.

6.5 Access to the Media

According to the electoral law’s article 38, contestants are entitled to an equal access to government media. Given the weakness of the private media in Rwanda (see Chapter 7), this involved all national TV and radio programmes and most of the print media.

The rule was largely respected. Still, investigations by the MOE UE (2003a, 2003b) show that the tone of the coverage varied considerably. During both campaigns, the RPF activities were accounted for in highly positive terms. The coverage of the opposition candidates, on the other hand, was either negatively loaded (Twagiramungu) or neutral (applicable to most of the parliamentary opposition).

Moreover, the print and audiovisual media varied in their coverage. The press seems to have been more biased in favour of the ruling party than were the TV and radio stations. However, since the RPF had purchased extra time on radio and TV, roughly 80% of the total time of programmes devoted to political communication conveyed some kind of message from the ruling party (MOE UE 2003b).

6.6 Overall Assessment

The campaigns preceding both elections were marked by clear comparative advantages of the ruling party, which benefited in various ways from using its control of the state apparatus. Both campaigns were also marred by arrests, and unconfirmed reports tell even of political killings. Whatever the case, our impression is that the RPF not only used its financial and administrative, but also its coercive apparatus to prepare people to vote for its candidates.

While the presidential campaign was characterised by repression of the main challenger to Kagame, the parliamentary campaign, although less biased, hardly signalled greater openness for political pluralism. Out of the existing parties four took part in the RPF coalition; three ran independently but all supported Kagame's candidature during the presidential campaign. The parties that would not have supported Kagame had either been dissolved (MDR) or not authorised (ADEP-Mizero, PDR-Ubuyanja). Finally, of the independent candidates those who most clearly stepped out of the RPF line were prevented from running as candidates. The story of the campaign suggests, therefore, that remaining 'opposition' forces, now elected into parliament, are unlikely to oppose the ruling party in significant ways.

7. The Media

This chapter seeks to describe Rwanda's media situation; first from the legal and historical perspective, secondly from the perspective of the Rwandan users of the media, thirdly from the perspective of the medias themselves, and finally from the electoral perspective.

7.1 Legal and Historical Framework of Rwanda's Media

During elections the following laws, decrees and instructions regulate the Rwandan media:

- The law no. 18 of 2002 on the press,
- The Presidential decree no. 99 of 2002 on the structure, organisation, and functioning of the High Press Council (HPC),
- Various HPC instructions on political contestants' right to access to media, and
- The electoral law, no. 17 of 2003.

This framework was only been adopted during the year prior to the elections. Before 2002 the country's media outlets had few, if any, effective guidelines regulating their activities. They conducted varying degrees of self-censorship, resulting in a relative uniformity of the media outlets. This uniformity, in turn, reflected the RPF resistance against opening up the public space for free debate, which paralleled its slow pace of political liberalisation.

The ruling party's argument has tended to resemble the one used against multiparty politics, namely that pluralism and press freedom would give a voice to people who would seek to divide the population. In Rwanda such an argument may relatively easily take root, since people vividly remember how, as a result of the previous round of media liberalisation in the early 1990s, outlets such as the *Radio-télévision libre des mille collines* (The Free Radio and TV of the Thousand Hills, RTLM) and the *Kangura* newspaper spread its hate propaganda as quite an effective means to carry through the genocide. Since 2000 the ghost effect of this history has been accentuated as the high-profile 'media trial' has been running for the International Criminal Tribunal for Rwanda (ICTR). In this trial, three persons are accused for using the media to incite, propagate and promote the genocide.

7.2 Rwandans' Access to and Use of the Media

Many Rwandans cannot read or write, and distribution of print media is poor beyond the capital. Given the limited electrification of the countryside where the large majority of people live, as well as the relatively high cost of a TV set, radio is the key media outlet in Rwanda. Roughly one out of ten Rwandans possesses a radio. The rural majority of them, however, have at best only partial access to non-Rwandan channels. And within Rwanda, there are not yet any private radio channels. It is the NORDEM team's impression, therefore, that the state quite effectively controls what information the majority of Rwandans receives.

A minority of Rwandans, however, primarily that one tenth of the population living in or close to the capital Kigali, does have access to public as well as private print media, and can listen to international radio channels such as the BBC, Voice of America, the *Radio France*

Internationale as well as channels from neighbouring countries. These channels not only cover international issues, but also broadcast programmes more closely related to the situation in the regions of which Rwanda are part.

Richer sections of the urban population can also access the internet. Those parts of cyberspace that pass across computer screens in Rwanda are, however, said to be controlled by state authorities. Even though such control obviously is limited, given the technical difficulties in monitoring information sent via servers abroad, there is no reason to underestimate the control the authorities may exert on activities passing via local servers.

7.3 The Medias' Scope of Manoeuvre

Rwanda is one of the few African countries where no local TV or radio stations operate on a private basis. Even though the new press law allows for a liberalisation on the airwaves, the processes of submitting and processing the applications have dragged out.

As for the print media, private papers exist yet only a small minority of them publish versions of the stories that substantially diverge from those of the state media. In addition to the problem of limited space for dissent, the press faces high printing costs. Since few affordable facilities exist in Kigali, many papers are printed in neighbouring Uganda. Finally, with weak financial resources, the newspapers can hardly afford to cover events beyond the capital Kigali.

7.4 The Media during the Elections

Although the constitution's article 34 and the press law bode for a large degree of press freedom, they also institutionalise control of the media in the High Press Council. According to article 2 of the Presidential decree no. 99/2002, the Council's mission is to:

- (1) Guarantee the liberty and the protection of the press,
- (2) Make sure that professional ethics are respected in press affairs,
- (3) Make sure that the political parties and associations have equal access to the official means of information and communication [i.e., the state media],
- (4) Give advice on the authorisation of new enterprises in the audiovisual media,
- (5) Give advice on decisions on suspension or prohibition of the publication of a journal or periodical, or on the closing of a radio station, TV station or a press agency, and
- (6) Issue and withdraw press cards.

The 2003 elections marked the first major event when the Council would show whether it lived up to the task, especially the first triple listed above. Two incidents, however, suggest that the Council is unlikely to make for a greater freedom of expression in Rwanda.

One, ahead of the legislative polls the Council ruled that the press would only be allowed to cover the political process at the provincial level, and not at the central or lower levels. The result was a far more limited coverage of the parliamentary than of the presidential campaign.

Two, prior to both campaigns the Council met with central politicians and officials to discuss the rules of the campaign. As a result, it was decided that no debate would be broadcast live.

As opposed to the campaign prior to the referendum on the constitution in May, which featured weekly discussion programmes, the campaigns were now marked by a lack of debate in the audiovisual media. A HCP representative defended the decision on grounds that if debate programmes had been permitted, 'people may have called in, given a false name and a false place, and started to spread false information' and 'dangerous propaganda'.

Since little discussion appeared in the press either, during the campaigns the space for debate was to a large extent limited to the Forum of Political Parties. This informal body, where party representatives, primarily deputies, meet to discuss and resolve the political problems of the day, is seen as being tightly controlled by the RPF.

8. Civil Society: The Case of POER

Few civil society organisations in Rwanda are independent. Virtually all are part of umbrella organisations, whose leaders often are close to the ruling party. There are variations, however, as to the degree of organisational independence.

To exemplify, this chapter will elaborate on the experience of the most relevant civil society body related to the electoral process, namely POER. The NORDEM team was introduced to POER by talking with its leaders and consultants, to representatives of sponsors, as well as to its observers on the ground.

8.1 Introducing POER

POER (*Programme d'observatoire des élections au Rwanda*, or Programme for Observing the Elections in Rwanda) was established in October 2000, and makes up the local Rwandan body for electoral observation. It represents a collective of most Rwandan civil society organisations, involving 8-10 umbrellas; including for women (*Profemmes*), genocide survivors (*Ibuka*), workers, journalists, and human rights activists. Nearly 150 organisations are covered by the umbrellas.

POER deployed observers during both the presidential and parliamentary elections, and had previously observed four other electoral processes:

- (1) March 2001: The local elections at district level,
- (2) March 2002: The local elections at sector level,
- (3) December 2002: The election of judges for the *gacaca* courts, and
- (4) May 2003: The referendum on Rwanda's new constitution.

The number of observers deployed by POER has steadily increased; from between 70 and 100 during the three first electoral processes to 449 during the 2003 referendum. During the 2003 elections, this number was doubled to more than one thousand.

8.2 Training and Deployment of Observers

Presidential elections

To prepare the 1130 observers for the presidential elections, POER trained 106 district level observers who in turn were to train sector level observers. There was hardly any monitoring, however, of whether the training process continued and trickled down. It is thus uncertain what role POER observers played during the presidential polls. The NORDEM team did not come across any of them on Election Day. A reason why POER's performance during the presidential polls may be questioned is that it received fewer funds than budgeted for. One result of the financial shortages was the lack of quality assurance of the training; another was the lack of compensation to observers. With no pay many of the observers are likely to have lost some of the motivation, or even the opportunity, to do the job.

Still, POER's preliminary statement after the polls said that some irregularities had been observed which would be elaborated on in a final report. This is the first time ever that POER came out with an official statement indicating that the observed electoral process was not entirely free and fair. This suggests that some of the training to observe and report on all aspects of the process had had an effect.

Parliamentary elections

As POER finally was funded ahead of the legislative ballot, a more comprehensive training programme was undertaken. The number of observers deployed was also scaled down from between 1100 and 1200 to perhaps a more realistic level, that is, roughly one thousand. While the monitoring of the training down to sector level still lacked, the experience of the NORDEM team suggests that the observers this time around were both more present and more independent. The team met several of them at the days of election; some of whom informed about grave incidents of irregularities and fraud. But even though the observers on the ground now seemed more inclined to report on not only the positive but also the negative aspects of the elections, the conduct and methodology of some of those that the team encountered still suggest that POER would benefit from scaling up the training programme.

8.3 Domestic Observers' Access to the Electoral Process

The political context within which the POER observers and other Rwandans operate is marked by a limited acceptance for dissent. Whoever challenges the views of the ruling party appears to, in some way or another, confront adverse consequences.

Before 2003 POER did not seem to pose any such challenge to the authorities. As POER's reports from the first four electoral processes it had observed had been overwhelmingly positive, there was, on the referendum, a clear discrepancy between the more critical report of the EU election observation mission, for instance, and POER's – which had more of a rubber-stamping character.

Yet according to various sources, on the occasion of the referendum a split materialised within POER. Apparently, those who sought to include some more critical remarks in the report were refused from doing so, and therefore wanted to publish a separate account. They still remained within the POER collective since it would have been difficult for them to get accreditation and since they risked being dangerously exposed of going it alone.

Access during the presidential elections

At one stage during the presidential campaign, the fraction that dissented on the referendum report decided to do its own observation, seemingly, as was the case earlier as well, in order to be freer to forward its own statements afterwards. However, the National Electoral Commission prevented this group from doing so by denying it accreditation. The group thus remained within the POER collective.

On Election Day, it seems that POER observers did get access to the process – although they faced the same problem as most observers: often they were not allowed to get the exact results and to follow the process of consolidation of results from the polling station to higher levels.

Access during the parliamentary elections

During the second round of polling, POER faced some greater difficulties in accessing the electoral process. This may be due to the facts that POER's preliminary declaration after the presidential elections had not been entirely positive, and that administrative and financial bottlenecks resulted in POER applying for accreditation at quite a late stage before the polls. Hence in one province a POER observer was denied accreditation by the NEC altogether; in another an accredited observer was told not to be welcome at the polling site. Moreover, some POER observers expressed discontent directly to the NORDEM team with the fact that they had to stay at only one electoral centre on Election Day, which narrowed the scope of the observation exercise. Finally, the problem of lacking transparency recurred as many observers were prevented from getting the numerical and percentage results, and from following the consolidation processes.

Even though the electoral law regulates the activities of party and candidate representatives, it is silent on the rights and duties of electoral observers. Instead, regulations of observers' activities are given in NEC instructions.

8.4 Towards a More Independent Civil Society?

Under the current conditions in Rwanda, it is unrealistic to expect that the civil society have a high degree of independence. Rwandan people have, for a variety of reasons, been more exposed than many other nations to a pressure from above to say and do what they are told. As the system works today, Rwandans seem to acknowledge that if they do not stay in line with the ruling party's views, they will personally have to face the consequences. Given the potency of Rwanda's coercive apparatus, combined with the smooth administrative structure through which it works, people are aware that such consequences may be harsh.

The following anecdote may exemplify this point. A POER observer encountered by the NORDEM team had witnessed serious fraud and irregularities on Election Day. Even though this person shared his observations, he insisted that he could not forward them to POER – since he was afraid of personally having to suffer as a result. POER itself, he said, would also be reluctant to include such statements in its report, since the collective then might fall out of grace with the authorities.

An official aim of POER remains to give the process credibility, rather than to act as a watchdog. In fact, the NORDEM team's observations give reason to assume that rather than POER being a watchdog of the authorities, the authorities, in particular the NEC, seems to function as a watchdog of POER.

Still, it is important to keep in mind that a range of difficulties face civil society in Rwanda today. Given these difficulties, it is the NORDEM team's impression that civic education campaigns make up a viable way forward. For on a more positive note, the POER experience signals that even limited efforts to change attitudes bear fruits. As personnel and observers were trained, they did gain greater confidence about their role and their rights. And the fact that the local observers did, at all, come up with some critical remarks on the electoral process is in itself historical. It means that POER's previous rubber-stamping function now may belong to the past. It also bears witness of courage and determination from people who, unlike international observers, will not have the possibility to leave the country should difficulties

arise at a later stage. Finally, the critique arising from the texture of Rwanda's own grassroots is much more difficult to reject than comments from outside. Civil society efforts to play a meaningful role during Rwanda's 2003 elections should, therefore – circumstances taken into account – be commended as a relative success.

9. The Days of Election

This chapter will account for the observations made by the NORDEM team on the days of election. First the events during the presidential ballot on 25 August will be outlined, secondly an account will be given of observations from the legislative polls, which took place on 29 and 30 September and 2 October.

9.1 The Presidential Elections

After a meeting on 19 August with the core team of the European Union Mission of Electoral Observation in Rwanda (*Mission d'observation électorale de l'Union européenne*, MOE UE), the NORDEM team agreed to coordinate its observation efforts on Election Day with the EU mission. The team was deployed in the province of Kibuye in the western part of Rwanda. Kibuye town is located along the shore of Lake Kivu, which makes up a part of the border between Rwanda and the Democratic Republic of Congo.

On Election Day the team visited five electoral centres; two in Kibuye town district and three in the neighbouring district of Rusenyi. The centres were located in a school or another public building, and hosted two or more polling stations. The team thus observed the process in a total of ten polling stations. Each polling station would primarily serve the population of one single cell. The number of voters ascribed to each station varied between approximately 300 and 600 people.

9.1.1 Opening

According to the law, voting starts at 6 am and ends at 3 pm. Before the launch of the voting process, the electoral staff must declare an oath and demonstrate that the ballot box is empty.

The first electoral centre visited by the team opened about half an hour too late. The other opening procedures were, nonetheless, conducted according to the law. There was a great turnout in the early morning, with long queues outside the polling stations when the voting eventually started.

The ballot boxes, however, were of dubious quality. They were made of wood and were locked with screws, but lacked seals. The design of the boxes could facilitate irregularities and even fraud.

9.1.2 Voting

The vote was conducted as follows.

- First, the voter presented his or her voter's card and ID card. If the name was found on the electoral list and the cards were accepted, she or he was ticked off on the list.
- Second, the voter was given the ballot paper and was then to enter the polling booth.

- Third, he or she voted by pressing the thumb dipped in ink on the spot on the ballot paper next to the preferred candidate. The fact that candidates were identified not only by name but also with a photo facilitated the voting for the many illiterates.
- Fourth, the voter folded the ballot paper and put it into the ballot box.
- Finally, the voter's card was stamped to avoid double voting.

During the presidential vote the NORDEM team observed only minor irregularities. In some polling stations the booths were not properly designed to secure a secret vote. In others, the electoral staff informed the voters that one candidate on the ballot paper, Mrs. Mukabaramba, had left the contest. It was hard for the team to judge if this information was neutral or contained directions as to whom to vote for in her place. In general, it was observed that many voters were not familiar with the voting procedures, and therefore depended on advice from the electoral staff.

While the atmosphere in most electoral centres and polling stations was calm and relaxed, in one centre it was more tense. The tension related to hectic activity by the representative of the candidate Kagame, who approached many of the people who were queuing up to vote.

9.1.3 Additional Lists

According to the electoral law, one had to be registered on the electoral list and possess a voter's card to be able to vote (see Chapter 4). But according to NEC instructions, one would also be able to vote if presenting the voter's card and ID card even if one's name did not appear on the list. In such cases, the voter's name would be noted on an additional list.

The number of voters on additional lists varied a lot from one polling station to another, but in general the electoral staff was reluctant to provide the team with the exact figures. The lack of transparency on this step of the process eventually turned out to be just a part of a pattern.

9.1.4 Candidate Representatives and Domestic Observers

In most polling stations only one candidate representative was present, namely that of the incumbent. One agent who represented candidate Mr. Nayinzira was observed in one polling station. The candidate Twagiramungu had withdrawn all his agents just before Election Day, due to the arrest of 12 of his provincial coordinators.

The team only met one domestic observer during the presidential election, representing the National Unity and Reconciliation Commission.

9.1.5 Closing and Counting

The election law stipulates that the counting of votes must be done by the electoral staff in front of the public, observers, candidate agents or the candidates themselves, and that it must start immediately after the closure of the polls. However, shortly before Election Day the NEC instructed, in a clear contravention with the electoral law, that the counting only should start one hour after the closing of the polls. Even though observers were allowed to stay in the polling stations during this hour, international and domestic observers only covered a small

fraction of Rwanda's thousands of polling sites. As noted by the preliminary statements of the MOE UE, this extra hour hence broadened the opportunities for fraud.

The NORDEM team observed the closing and counting processes in an electoral centre in Kibuye town consisting of two polling stations. The centre was located in a college, and one of the polling stations was set up for the students there.

The centre closed on time. Doors were locked, yet the observers and the candidate agents could stay inside. The electoral staff spent the hour between the end of voting and the beginning of the counting to fill in protocols and to count the number of voters on the electoral list. Hence nothing suspicious occurred during this hour.

The counting itself started out in a somewhat chaotic manner, but came into order after a while. The number of voters who had voted was not publicly announced, but it had been given to the team upon request before the counting started. Each polling station was counted separately, in the following manner: the ballot boxes were emptied, each ballot paper was shown and the name of the candidate voted for was announced, at the same time as the results were ticked off on big tabulation sheets, one sheet for each candidate.

For the one polling station in the centre, the number of votes cast exactly corresponded to the number of voters on the list. For the other the numbers did not correspond, yet the difference was small. While this is only a minor irregularity, the coordinator still ordered a recount but ended up with the same discrepancy. After some discussion he gave a quite incredible explanation of the difference, and then declared the final results without a written protocol.

Moreover, the coordinator mixed up the results for the two opposition candidates so that the candidate Twagiramungu 'lost' 11 votes. As a result of this swapping, Twagiramungu came out as number three and not as number two in that polling station. None of those who were present reacted against this twisting of results, even though the lack of correspondence between the orally declared number and the number on the tabulations was visible to all.

In the NORDEM team's view, this small episode suggests a certain partiality on the part of the electoral staff. For instance, the team observed that the personnel were biased in favour of the incumbent candidate in the way they judged whether votes were valid or not. The team's impression of partiality is in line with that of the EU's observer mission (MOE UE 2003a).

The process moved ahead as the staff of the other electoral centre of the sector turned up, and the results for the two centres were put together and declared as the result of the sector. The results showed that in this sector, the candidate Paul Kagame got more than 94% of the votes.

9.1.6 Tabulation

According to article 81 of the electoral law, within 24 hours after the end of voting the district level shall transmit the results to the province level, from where results are consolidated and in turn transmitted to the central NEC administration. The NEC must declare the preliminary results at the national and province levels no later than five days after the end of the polls.

The NORDEM team, as well as other observers, was denied access to the process of consolidating the results on district level. This lack of transparency in the tabulation process is

worrying. To improve the prospects for transparency in the future, it is the team's view that law should be substantiated on several points with regard to the consolidation process. One, it should be more explicit with regard to the right of access of observers to the consolidation process at district and province level. Two, it should oblige Rwandan authorities to publish results on polling station level, district level as well on province and central levels. Both measures are likely to reduce the scope for irregularities in the consolidation process.

9.1.7 National Results

As a result of the presidential elections, the candidate Paul Kagame of the RPF won an overwhelming victory of 95, 05% of the votes. The independent candidates, Twagiramungu and Nayinzira, obtained 3, 62% and 1, 33% respectively. Kagame got least support in the city of Kigali (87, 86%), while in the Gisenyi, Ruhengeri and Cyangugu provinces he got more than 99% of the votes. 98, 98% of the Rwandan diaspora also supported Kagame. Appendix 1 gives the details on the results at national and provincial level.

It is the NORDEM team's view that even though the presidential elections were conducted in a technically good manner, the degree of pressure to vote for the incumbent candidate cannot be underestimated. As previous chapters have indicated, the RPF used its hold of the state's administrative and military power to exert various forms of influence on potential voters. This process started long before the electoral campaign. Indeed, it is only a ruling party with an institutional ability to make people follow order which is able to achieve percentages of between 95 and 100 percent in most provinces. The lack of transparency in the consolidation process served to nurture the team's impression that single cases of irregularities and fraud did constitute a part of a pattern, or a system, geared to make sure that the ruling party emerge victorious of the electoral battle. The legislative ballot reinforced this impression.

9.2 The Parliamentary Elections

The parliamentary polls were to take place over three days, but were extended into a fourth. They were spread since altogether six different polls were to be carried out, four for the Chamber of Deputies and two for the Senate. In only one out of these processes, namely the election of the 53 deputy seats that were not reserved to special groups, Rwandans at large could exercise their right to vote. In the others the polling was indirect, with the right to vote given to people only in certain positions.

The NORDEM team chose to focus on the direct ballot, which in its format was most similar to the presidential polls observed one month earlier. To give an idea of the whole picture, however, in the following for the other elections are also introduced.

9.2.1 The Elections of the Youth and Disabled Deputies

On 29 September, the representatives to fill the three Chamber of Deputy seats reserved for the youth and disabled were elected. 98 members of the Federation of Associations of the Disabled elected one out of the six candidates to fill the seat reserved for their group, while

the two youth representatives were elected by 161 members of the National Youth Council.¹⁵ 21 youth had originally been nominated (see Chapter 5), but NYC elections at district and provincial level had reduced the number of candidates to 7. The results of these rounds of polling are given in Appendices 2 and 3.

The NORDEM team did not observe any of these polls.

9.2.2 The Elections of the Party and Independent Deputies

On 30 September, the election of the 53 Chamber of Deputy seats reserved for candidates running as independents or on a party list took place. 190 candidates from 8 political parties and 16 independent candidates contested in the race (see Chapter 5). This election was the only one out of the six legislative polls which was based on universal suffrage.

The NORDEM team decided to coordinate the observation with the EU mission during the parliamentary elections as well, and followed up on the process in Kibuye province. Although the team this time observed other districts and sectors than during the presidential elections, findings in most polling stations were relatively similar to those made during the first round.

In the electoral centre the opening was observed, however, serious cases of irregularities and fraud became clear once the voting started. Every voter was told directly by the electoral staff whom to vote for, namely the RPF coalition. In one polling station the voters were physically denied access to the polling booth, and instead had to put the ballot paper on a table in the middle of the room, where everyone present could see who they would vote for. There, the RPF representative 'helped' each voter to put her or his finger in the RPF box on the paper.

Because of these irregularities, the team decided to observe the counting at the same electoral centre. In fact, in the polling station described above, the same RPF agent headed the counting process as well. Not surprisingly, the proportion of RPF coalition votes in this electoral centre, which hosted five polling stations in total, was 99, 7% of the votes. The irregularities and fraud observed during the voting process were, indeed, confirmed by this result.

The access of the team to exact figures was, during the parliamentary polls, even more limited than during the presidential election. At the electoral centre, the team was only given the one percentage noted above, and not the absolute numbers. In general, the same lack of transparency was experienced in the consolidation process as was the case in the presidential ballot.

As a result of this election, at the national level the RPF coalition got 73, 78% of the votes, which translated into 40 out of the 53 seats, 33 of which were taken by RPF candidates. Only two other parties, the PSD and the PL, made it above the five percent threshold and got 7 and 6 seats respectively. All of the independent candidates got less than one percent of the votes. Appendix 4 lists the details on the results. Given the lack of transparency in the counting and consolidation process, however, it cannot be independently verified how these results were established.

¹⁵ Before the elections it was announced that the quorum for the disabled would total 101 members and that for the youth 165. Some 3-4 members of each quorum hence failed to attend the ballots.

9.2.3 The Elections of the Women Deputies and the Senators

On 2 October, the elections for the seats reserved for women in the Chamber of Deputies as well as the senatorial ballot were held. Two women and one senator were to be elected from each province (see Chapter 2).

As indicated in Chapter 5, the number of female and of senatorial candidates was often quite limited. In Kibuye province, where the NORDEM team observed these elections, only three candidates contested for the two seats for women, and only two candidates for the one senatorial seat. Notwithstanding, as had been the case with the previous polls observed, the elections were conducted in an orderly fashion. They were also characterised by the presence of a high number of domestic and international observers. Appendices 5 and 6 display the results of these elections.

The sixth and final ballot, to fill the two Senate seats given to representatives of higher learning institutions, was not observed by the NORDEM team. But according to reports, one of these elections, the one for the representative of public educational institutions, could not be conducted as scheduled due to a failure to get the quorum of the electoral college of at least three quarters of its members. Yet even though the situation did not change the day after (3 October), as the quorum still not reached the three quarters' threshold, the election was carried out. In a rush to finish up the elections, the NEC thus appears to have ended on a note of violating the regulations. Appendix 7 gives the results of the elections of the two senators.

9.3 Overall Assessment of the Election Days

In the view of the NORDEM team, the level of competence among the election officials was sufficient on most practical matters. There were no serious problems relating to administrative or logistic issues for any of the elections observed. Nevertheless, the respect for the voters' right to secrecy and freedom of choice was not always there. Further, the routines related to documentation of decisions, and not to mention the transparency into these routines, did not meet international standards.

10. Complaints

Disputes relating to presidential and parliamentary elections are part of the jurisdiction of the Supreme Court. A petition must be addressed to the President of the Court at the latest 48 hours after the proclamation of preliminary results. It must indicate the identity of the complainant and the nature of the complaint. The Supreme Court rules on the complaint no later than 5 days after having received it.

On the 2003 elections the Supreme Court received a number of complaints and, as shown in the following, ended up dismissing them all.

On the presidential polls, an early complainant accused the candidate Nayinzira of not meeting the requirements to run as a candidate, accusing him of not having ‘good morals and high integrity’. The Court rejected the complaint on grounds of lack of evidence.

Another complaint was submitted by the candidate Twagiramungu himself. When the NORDEM team met this candidate just before Election Day, he declared that he would not file a complaint to the Supreme Court even if he would be dissatisfied with the polls, since he saw this Court as biased in favour of the ruling party. Nevertheless Twagiramungu did file a complaint after the race, in which he alleged, *inter alia*, that government resources had been abused and that irregularities had been observed in the counting process. Upon the Court’s request for evidence, however, Twagiramungu did not provide that. Instead he announced that his submission should not be regarded as a formal complaint but only as a note of information about irregularities to be considered by the Court. Upon this response, the Court dismissed the case.

In the parliamentary elections, one complaint was filed by two disabled candidates who demanded that the election that had been held of the disabled candidate be cancelled. They accused the victor of having diverted money from the Federation of Associations of the Disabled and of having distributed this to certain voters. The Court rejected the petition as unfounded.

Finally Célestin Kabanda and Jean-Baptiste Sindikubwabo, two of the independent candidates who were disqualified on the eve of the elections, also filed complaints to the Court. They claimed and presented evidence that the signatures collected to support their candidacies were not false or forged. Sindikubwabo also demanded compensation for harassment and for the squandered costs of his campaign. Like the other complaints, both were dismissed.

In the NORDEM team’s view, the latter complaint points to the need for a deadline for NEC revision of submitted nominations. To make the contest more predictable, the law should provide a buffer in cases where grounds for rejection are discovered belatedly. In such cases, the law should entitle the nominee to a certain period of time to seek to rectify any mistakes made, or provide evidence that allegations are unfounded. In short, the law should be clearer on the rights of the nominees and the duties of those who accept or reject their nominations in cases of disputes.

11. Conclusions

Only nine years before the 2003 elections, Rwanda went through a living nightmare. Those who have not personally felt the consequences of the genocide will also have difficulties in fully grasping the depth and the significance of it. Yet what even those who were not there in 1994 can see is how the allusion to the genocide are still being used today to win and reinforce positions of power.

Within this context, the team observes that Rwanda's constitution does meet international standards, also when it comes to the rights and liberties of the individual. Still, it is problematic that some of the laws passed through parliament in some ways have contradicted this constitution, and that the government's interpretation and practice of the laws have contributed to narrow the scope for political activity. Given the virtual lack of independence of the judiciary, it is also unlikely that the higher courts will take up cases to check if the laws are constitutional or not. In reality, therefore, the constitution is losing its primacy. This development is worrying in view of protecting Rwandan people's human rights.

When it comes to the legislation regulating the electoral process in particular, the team observes that in some cases, this legislation was in fact not respected by the authorities. One example was the contravention of article 36, as ruling party representatives donated cattle and goats to communities who were appealed to render electoral favours in return.

More serious than violations of the electoral laws, however, were some of the flaws of the laws themselves. The following points recapitulate the main flaws observed, and make some recommendations on that basis.

- (1) The legislation was introduced so late before the elections that contestants were left with little time to prepare. Prior to future ballots, possible changes of and amendments to the law should therefore be promulgated at least three months before the polls.
- (2) The law deprives important parts of the electorate, such as all prisoners and hospitalised persons the right to vote. In the NORDEM team's view, prisoners sentenced on less serious charges and the sick should also be enfranchised.
- (3) The electoral legislation leaves no scope for party organisation below the provincial level. To broaden people's access to the political process, future laws should allow the multiparty system to trickle down to the local level.
- (4) As for the National Electoral Commission,
 - (a) To reduce the level of confusion in electoral regulations, the scope of the NEC for issuing instructions should be restricted, and more of the matters regulated by instructions in the 2003 ballots should rather be regulated by law; and
 - (b) The Commission should seek to expand its professionalism in the logistical sphere to the sphere of relations with the various electoral contestants.
- (5) The law should equip candidates whose nomination or conduct come into question during the campaign with enough time to prepare their case. It should further set a deadline before the polls after which the candidates cannot be excluded, short of reasons of a most serious nature.
- (6) In the team's view, current regulation of campaign activities is so tight that it ends up restricting the contestants' freedom of association and assembly, which is guaranteed in the constitution. The law should therefore make it easier for contestants to organise meetings and rallies and to spread their political programme.

- (7) To give Rwandans access to key information about the electoral process, or to enhance the transparency of the process, the law should be strengthened on three accounts.
 - (a) To remove doubts that state resources may be detracted for the ruling party's campaign, it should oblige all parties to be open about their sources of finance.
 - (b) The law should also clarify the rights and duties of electoral observers, and among those rights, include the right to access to and information about the consolidation process.
 - (c) The law should also oblige the authorities to publish the electoral results at all levels, from the polling stations up to the national level.
- (8) Finally, the requirement that parties must 'reflect the unity of all Rwandans' stimulates political conformism rather than pluralism. Arguably, national unity would be promoted on a more sustainable basis if each individual would be allowed to express her or his views more freely and still be recognised. It is therefore recommendable that the tight restriction on political organisation be loosened up.

While Rwanda set an example to follow when it comes to the technical conduct of the polls, the NORDEM team remains concerned about the forceful signs, conveyed from a host of sources, that the electorate was strongly influenced to vote for the ruling party. The influences they were subject to, both prior to the campaigns, throughout them and on the days of election, combined to form a heavy pressure. Given the weight on this pressure on the individual voter, it can be questioned if Rwandans at large actually felt that they had a choice.

The ruling RPF party has been able to keep the peace inside of Rwanda after the genocide. This is undoubtedly an impressive achievement. But if the peace is to last, the NORDEM team doubts that the most viable route ahead is the one followed during the elections. For if opposition remains repressed and dissent keeps being criminalised, Rwandans who would normally express their views peacefully may start to consider other means as a last resort. Empowered with electoral victory, the regime therefore has everything to win on opening up more space for the expression of the variety of views that exist in any society.

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13. Appendices

Appendix 1: Results of the Presidential Elections in Rwanda, 25 August 2003

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Appendix 1: Results of the Presidential Elections in Rwanda, 25 August 2003

FINAL RESULTS OF THE PRESIDENTIAL ELECTIONS OF 25 AUGUST 2003

Province/ Kigali city/ Diaspora	Number on electoral list	Number of participating voters	Rate of participation	Total number of votes	Number of invalid votes	Election results per candidate					
						KAGAME Paul		NAYINZIRA J. Népomuscène		TWAGIRAMUNGU Faustin	
						Number of votes	%	Number of votes	%	Number of votes	%
BUTARE	344 445	332 035	96,40	317 867	14 168	286 158	90,02	8 744	2,75	22 967	7,23
BYUMBA	324 883	311 047	95,74	294 801	16 246	277 050	93,98	5 019	1,70	12 732	4,32
CYANGUGU	281 050	279 582	99,48	275 632	3 950	273 011	99,05	695	0,25	1 926	0,70
GIKONGORO	223 592	213 652	95,55	203 722	11 557	198 460	97,42	1 856	0,91	3 406	1,67
GISENYI	397 641	402 007	101,10	401 079	928	397 725	99,16	975	0,24	2 379	0,59
GITARAMA	417 340	399 006	95,61	390 882	8 124	348 595	89,18	11 350	2,90	30 937	7,91
KIBUNGO	338 185	325 142	96,14	321 023	4 119	308 916	96,23	4 883	1,52	7 224	2,25
KIBUYE	213 045	209 814	98,48	202 150	7 664	195 836	96,88	1 968	0,97	4 346	2,15
KIGALI RURAL	387 376	381 416	98,46	372 369	9 047	354 804	95,28	4 512	1,21	13 053	3,51
RUHENGERI	416 373	411 767	98,89	410 326	1 441	408 291	99,50	1 003	0,24	1 032	0,25
MAIRIE DE LA VILLE DE KIGALI	382 351	335 501	87,75	328 795	6 706	288 886	87,86	7 876	2,40	32 033	9,74
UMUTARA	210 408	200 224	95,16	199 359	865	195 891	98,26	743	0,37	2 725	1,37
DIASPORA	12 060	11 374	94,31	11 269	105	11 154	98,98	10	0,09	105	0,93
TOTAL	3 948 749	3 812 567	96,55	3 729 274	84 920	3 544 777	95,05	49 634	1,33	134 865	3,62

Source: National Electoral Commission of Rwanda,
www.comelena.gov.rw/francais/resultatspresidentielles.html

Appendix 2: Results of the Elections of the Youth for Rwanda's Chamber of Deputies, 29 September 2003

**RESULTS OF THE LEGISLATIVE ELECTIONS OF 29 SEPTEMBER 2003
FOR TWO REPRESENTATIVES OF THE YOUTH IN PARLIAMENT**

Number of voters	Total number of votes	Number of invalid votes	Candidates	Number of votes per candidate	Elected Deputies
161	161	0	KABONEKA Francis	154	<i>KABONEKA Francis</i>
			MUKAMA TANZI Frank	5	
			MUNYANKINDI Bernard	2	
			NGENDAHAYO Aimable	0	
			NZABONIMANA Guillaume Serge	19	
			RENZAHO Giovanni	139	<i>RENZAHO Giovanni</i>
			TWAGIRAYEZU J. Baptiste	1	

Source: National Electoral Commission of Rwanda,
www.comelena.gov.rw/francais/depiteurubyiruko1.html

Appendix 3: Results of the Elections of the Disabled for Rwanda's Chamber of Deputies, 29 September 2003

**RESULTS OF THE LEGISLATIVE ELECTIONS OF 29 SEPTEMBER 2003
FOR A REPRESENTATIVE OF THE HANDICAPPED IN PARLIAMENT**

Number of voters	Total number of votes	Number of invalid votes	Candidates	Number of votes per candidate	Elected Deputy
98	98	0	GATERA RUDASINGWA Emmanuel	31	
			KARASIRA Vénuste	0	
			NTAZINDA BADEGE Sam	3	
			RUSIHA Gaston	29	
			TWAGIRAYEZU Innocent	33	<i>TWAGIRAYEZU Innocent</i>
			TWAJAMAHORO Herna	2	

Source: National Electoral Commission of Rwanda,
www.comelena.gov.rw/francais/depitembamugaye1.html

Appendix 4: Results of the Elections of Party and Independent Candidates for Rwanda's Chamber of Deputies, 30 September 2003

LEGISLATIVE ELECTIONS OF 30 SEPTEMBER 2003

»**Coalition of Rwandan Patriotic Front and the 4 other parties: 73,78%**

LIST OF THE 40 DEPUTIES ELECTED FROM THIS COALITION:

1. POLISI Denis
2. NYANDWI Joseph Désiré
3. SOMAYIRE Antoine
4. GASANA Alfred
5. **MUKEZAMFURA Alfred (PDC)**
6. KANZAYIRE Bernadette
7. RUGEMA Mike
8. SEBUSHUMBA Edouard
9. BAJENI MPUMURO
10. **MUKABARANGA Agnès (PDC)**
11. MITSINDO Fidèle
12. MWIZA Espérance
13. MUGENZI Nathanaël
14. Sheikh Abdul Kharim HARERIMANA
15. MUKANDUTIYE Spéciose
16. **MUKAMA Abbas (PDI)**
17. KANYEMERA Kaka Sam
18. MUNYURANGABO François
19. KAYIRANGA Rwsa Alfred
20. MUKAZIBERA Agnès
21. **RUTIJANWA Médard (PSR)**
22. RWABUHIHI Ezéchias
23. MUKAYUHI Constance
24. NSHIZIRUNGU Anselme
25. KANTENGWA Julienne
26. **RANGIRA Adrien (UDPR)**
27. BUTARE Jean Baptiste
28. BIZIMANA Evariste
29. TUYISHIME Brigitte
30. **HAMIDOU Omar (PDI)**
31. BISENGIMANA Elysée
32. KANTENGWA Anne Marie
33. BWIZA Connie
34. MUKAMUSONI Berthe
35. **GATERA Emmanuel (PDC)**
36. NTARE Simon
37. MUGARURA Alexis
38. GATABAZI Jean Marie Vianney
39. MUKARUTABANA Bernadette
40. MWUMVANEZA Emmanuel

»**Parti Libéral: 10,56%**

LIST OF THE 6 DEPUTIES ELECTED FROM THE PL:

1. NSENGIMANA Joseph

2. NDAHIMANA Emmanuel
3. GATETE Polycarpe
4. NGIRABAKUNZI Elie
5. KALISA Evariste
6. MAGALI Etienne

» **Parti pour le Progrès et la Concorde**: 2,22%

The number of votes cast did not suffice to enter Parliament.

» **Parti Social Démocrate**: 12,31%

LIST OF THE 7 DEPUTIES ELECTED FROM THE PSD:

1. Dr. BIRUTA Vincent
2. Dr. NTAWUKURIRYAYO J.Damascène
3. NKUSI Juvénal
4. SEMUHUNGU Athanase
5. NYIRABENDA Astérie
6. Dr. DUSHIMIMANA Abel
7. MAKUBA Aaron

Independent candidates, for whom the number of votes cast did not suffice to enter parliament :

» **BAMURANGE Jeanne**: 0,19%

» **BUCYABUNGURUBWENGE Gaspard**: 0,06%

» **HAKIZIMANA Maurice**: 0,08%

» **KAMALI Aimé Fabien**: 0,10%

» **KAYIRANGA SEBAKARA Gaspard**: 0,05%

» **KAYITARE Gaëtan**: 0,05%

» **KAYUMBA Casmiry**: 0,06%

» **MUKAMAJORO Marguerite**: 0,06%

» **MUKARAGE CYIZA Anastase**: 0,04%

» **MUTABAZI Fidele**: 0,08%

» **NDUWAYESU Elie**: 0,08%

»»[NSABIMANA Faustin](#): 0,07%

»»[NTAGARA Jean Paul](#): 0,08%

»»[NTAMUKUNZI Martin](#): 0,05%

»»[RUKAMBO Elise](#): 0,04%

»»[SIBOMANA Innocent](#): 0,04%

Source: National Electoral Commission of Rwanda,
www.comelena.gov.rw/francais/3009031.html

Appendix 5: Results of the Elections of Women Candidates for Rwanda's Chamber of Deputies, 2 October 2003

RESULTS OF THE LEGISLATIVE ELECTIONS OF 2 OCTOBER 2003 FOR 2 REPRESENTATIVES OF WOMEN FROM EACH PROVINCE AND FROM KIGALI CITY FOR PARLIAMENT

Province/ Kigali city	Numbers on electoral list	Number of participating voters	Total number of votes	Number of invalid votes	Candidates	Number of votes per candidate	Elected Deputies
BUTARE	2575	2309	2303	6	DUSABEYEZU Thacienne	1797	<i>DUSABEYEZU Thacienne</i>
					GAHONDOGO Athanasie	1902	<i>GAHONDOGO Athanasie</i>
					MPONGERA Sylvie	244	
					NYAGASAZA Paula Mignone	71	
					UWIZERA Goretti	257	
GITARAMA	2026	1901	1898	3	MUHONGAYIRE Agnès	215	
					MUKANKUSI Pierrine	31	
					MUKARUGEMA Alphonsine	1615	<i>MUKARUGEMA Alphonsine</i>
					NYIRABAGENZI Agnès	1414	<i>NYIRABAGENZI Agnès</i>
					NZABAKURIKIZA URUSARO Francine	19	
					UWANYIRIGIRA Gloriose	49	
BYUMBA	1683	1580	1574	6	MUKANTAGANZWA Pélagie	1311	<i>MUKANTAGANZWA Pélagie</i>
					YANKURIJE Marie Goretti	1125	<i>YANKURIJE M. Goretti</i>
					MUSENGIMANA Pascasie	126	
					NYAMUHUNGU NATUKUNDA Jeanne	18	
					UMUGWANEZA Antoinette	121	
CYANGUGU	1393	1286	1282	4	KANAKUZE Judith	1081	<i>KANAKUZE Judith</i>
					KANKERA Marie Josée	1201	<i>KANKERA M. Josée</i>
					NYIRINKWAYA Marie Louise	67	

GIKONGORO	1529	1526	1515	11	MUKAMURANGWA SEBERA Henriette	1243	<i>MUKAMURANGWA SEBERA Henriette</i>
					MUKANDORA Anastasie	718	<i>MUKANDORA Anastasie</i>
					MUNEZERO Françoise	188	
GISENYI	1689	1613	1575	38	MUKAYISENGA Françoise	1430	<i>MUKAYISENGA Françoise</i>
					NYIRANEZA Espérance	82	<i>UWITEGUYE Médiatrice</i>
					NYIRANZEYE Saada	64	
					UWITEGUYE Médiatrice	1323	
KIBUNGO	1467	1390	1383	7	IZERE Vénérande	19	
					KANTARAMA Pénélope	614	<i>KANTARAMA Pénélope</i>
					KAYITESI Libérata	1251	<i>KAYITESI Libérata</i>
					KILIBAZAYIRE Valentine	62	
					MUHIMPUNDU Claudette	206	
					MUHONGAYIRE Frida	33	
					MUTETERI Généviève	6	
					UWIMANA Rose	218	
RUHENGARI	2185	1980	1969	11	HABYARIMANA M. Régine	237	
					NYIRAMADIRIDA Fortunée	1730	<i>NYIRAMADIRIDA Fortunée</i>
					UWIMANA Lusiya	1649	<i>UWIMANA Lusiya</i>
KIBUYE	1256	1159	1130	29	KABANYANA Julienne	1015	<i>KABANYANA Julienne</i>
					NIYIRERA Mathilde	103	
					TUYISENGE Solange	731	<i>TUYISENGE Solange</i>
VILLE DE KIGALI	646	611	611	0	KANTAMAGE Patrice	18	

					SHUMBUSHO MUKABAYIRE Valérie	62	
					UWAYISENGA Yvonne	452	<i>UWAYISENGA Yvonne</i>
					VUMILIYA Clémentine	2	
KIGALI NGALI	1728	1620	1585	35	KABAGENI Eugénie	1397	<i>KABAGENI Eugénie</i>
					INGABIRE M. Claire	1346	<i>INGABIRE M. Claire</i>
					KABOYI Assumpta	134	
					AZAGARUKA Daphrose	86	
					NSABIMANA Oda	7	
					MANIRAGUHA Aimée	6	
					UTUZA Aimée Josephine	4	
UMUTARA	1029	966	964	2	MUKAKALISA Faith	886	<i>MUKAKALISA Faith</i>
					KIRABO KAKIRA Aisa	881	<i>KIRABO KAKIRA Aisa</i>
					BASINGA Joy	51	
					MUTANGAMPUNDU Médiatrice	42	

Source: National Electoral Commission of Rwanda,
www.comelena.gov.rw/francais/depoteabagore1.html

Appendix 6: Results of the Elections of the 12 Senators from Rwanda's Provinces, 2 October 2003

RESULTS OF THE LEGISLATIVE ELECTIONS OF 2 OCTOBRE 2003 FOR A SENATOR PER PROVINCE AND KIGALI CITY

Province/ Kigali city	Numbers on electoral list	Number of participating voters	Total number of votes	Number of invalid votes	Candidates	Number of votes per candidate	Elected Senators
BUTARE	2481	2212	2196	16	KAYUMBA GAHIMA Immaculée	2119	<i>KAYUMBA GAHIMA Immaculée</i>
GITARAMA	1952	1808	1804	4	MUNYABAGISHA Valens	1537	<i>MUNYABAGISHA Valens</i>
					BYANAFASHE Déo	150	
					MINANI Faustin	54	
					TWAGIRUMUKIZA Emmanuel	47	
					GASHUMBA Pierre Claver	16	
BYUMBA	1583	1517	1509	8	BIZIMANA Jean Baptiste	1461	<i>BIZIMANA Jean Baptiste</i>
CYANGUGU	1347	1278	1275	3	MUNYAKABERA Faustin	1200	<i>MUNYAKABERA Faustin</i>
					NSENGUMUREMYI Senglo Louis	75	
GIKONGORO	1451	1413	1405	8	AYINKAMIYE Spéciose	1175	<i>AYINKAMIYE Spéciose</i>
					GAKWANDI Callixte	230	
GISENYI	1580	1539	1527	12	KUBWIMANA Chrysologue	1453	<i>KUBWIMANA Chrysologue</i>
					UWANYILIJURU Jean Baptiste	74	
KIBUNGO	1353	1273	1272	1	HIGIRO Prosper	1218	<i>HIGIRO Prosper</i>
RUHENGERI	2112	1974	1970	4	NZIRASANAHO Anastase	1902	<i>NZIRASANAHO Anastase</i>
KIBUYE	1186	1123	1115	8	KAYIJIRE Agnès	907	<i>KAYIJIRE Agnès</i>
					MURINDABABISHA Gaspard	208	
UMUJYI WA KIGALI	548	515	515	0	Dr KARAMBIZI Vénuste	13	

					MUGESERA Antoine	484	<i>MUGESERA Antoine</i>
					RUSHEMA GASHEMA Justin	7	
KIGALI NGALI	1612	1568	1565	3	GASAMAGERA Wellars	1540	<i>GASAMAGERA Wellars</i>
					MUKANDERA Donatilla	0	
					MUTEMBEREZI Pierre Claver	13	
					NTWALI Gérard	12	
UMUTARA	929	874	871	2	NSHUNGUYINKA François	866	<i>NSHUNGUYINKA François</i>

Source: National Electoral Commission of Rwanda,
www.comelena.gov.rw/francais/abasenateri1.html

Appendix 7: Results of the Elections of the 2 Senators from Rwanda's Higher Education Institutions, 2-3 October 2003

**RESULTS OF THE LEGISLATIVE ELECTIONS OF 2 OCTOBER 2003
FOR A REPRESENTATIVE OF PROFESSORS OF PRIVATE
UNIVERSITIES FOR THE SENATE**

Number on electoral list	Number of participating voters	Total number of votes	Number of invalid votes	Candidates	Number of votes per candidate	Elected Senator
52	48	48	0	Dr RWIGAMBA BALINDA	48	<i>Dr RWIGAMBA BALINDA</i>

**RESULTS OF THE LEGISLATIVE ELECTIONS OF 3 OCTOBER 2003
FOR A REPRESENTATIVE OF PROFESSORS OF THE PUBLIC
UNIVERSITIES AND OTHER INSTITUTIONS OF HIGHER EDUCATION
FOR THE SENATE**

Number on the electoral list	Number of participating voters	Total number of votes	Number of invalid votes	Candidates	Number of votes per candidate	Elected Senator
493	279	271	8	NIZURUGERO RUGAGI Jean	190	<i>NIZURUGERO RUGAGI Jean</i>
				MBONIMANA Gamaliel	81	

Source: National Electoral Commission of Rwanda,
www.comelena.gov.rw/francais/abasenateri1.html