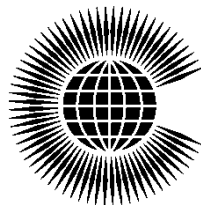


Report of the Commonwealth Observer Group

RWANDA PRESIDENTIAL ELECTIONS

9 August 2010



COMMONWEALTH SECRETARIAT

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Chapter 1

Introduction

Invitation

At the invitation of the Chairperson of the National Electoral Commission of Rwanda, Prof Dr Chrysologue Karangwa, the Commonwealth Secretary-General, Mr Kamallesh Sharma, constituted an Observer Group for the Rwanda Presidential Elections scheduled for 9 August 2010. In line with usual practice, the Secretary-General sent an Assessment Mission to Rwanda to assess the prevailing situation as well as the pre-electoral environment, prior to his final decision on whether to constitute a Commonwealth Observer Group. The Assessment Mission was in Rwanda from 17 – 23 April 2010.

The Group was led by H.E. Dr Salim Ahmed Salim, who served for 12 years as Secretary-General of the Organisation of African Unity (OAU) and is also a former Prime Minister of Tanzania, and comprised thirteen eminent persons in total. The Observer Group was supported by a five-member staff team from the Commonwealth Secretariat. A full list of members is at Annex 1.

Terms of Reference

"The Group is established by the Commonwealth Secretary-General at the request of the Chairman of the National Electoral Commission of Rwanda. It is to observe relevant aspects of the organisation and conduct of the Presidential Elections which are scheduled to take place on 9 August 2010, in accordance with the laws of Rwanda.

The Group is to consider the various factors impinging on the credibility of the electoral process as a whole. It will determine in its own judgement whether the elections have been conducted according to the standards for democratic elections to which Rwanda has committed itself, with reference to national election-related legislation and relevant regional, Commonwealth and other international commitments.

The Group is to act impartially and independently and shall conduct itself according to the standards expressed in the International Declaration of Principles to which the Commonwealth is a signatory. It has no executive role; its function is not to supervise but to observe the process as a whole and to form a judgment accordingly. In its Final Report, the Group is also free to propose to the authorities concerned recommendations for change on institutional, procedural and other matters as would assist the holding of future elections.

The Group is to submit its report to the Commonwealth Secretary-General, who will forward it to the Government of Rwanda, the Chairman of the National Electoral Commission of Rwanda, political and civil society organizations and thereafter to all Commonwealth Governments."

Activities

The Observer Group was present in Rwanda from 2 August. During four days of briefings, the Group met with the National Electoral Commission of Rwanda, political party representatives, civil society groups, women's groups, media, Commonwealth High Commissioners, international organisations, domestic and international observer missions.

The Observer Group was deployed on 7 August. Two-person teams travelled to each of the country's four provinces, North, East, South and West, plus Kigali City, and co-ordinated closely with other domestic, regional and international observers, building up a comprehensive picture of the conduct of the process.

During the deployment phase, Commonwealth Observers also met with Mayors, Provincial and District National Electoral Commission Coordinators, security officials, Regional and District representatives of political parties, polling agents, polling officers, voters and the media.

On the basis of the Group's initial findings and observations, the Chairperson issued an Interim Statement on 10 August (Annex 3). The Group's Report was completed in Kigali prior to departure and transmitted to the Commonwealth Secretary-General on 16 August 2010.

Chapter 2

Political Background

Early History

The area presently occupied by Rwanda has been inhabited since the 1300s. By the 17th century a kingdom was established inhabited by Hutus, Tutsis and Twa. Rwanda first became a German protectorate in 1884, and under the name Ruanda-Urundi, became part of German East Africa in 1890. After the First World War, it came under Belgian administration under a League of Nations mandate, and after World War II Ruanda-Urundi became a UN trust territory with Belgium as the administrative authority.

Towards Independence

After the Second World War, Rwanda continued to be administered by Belgium. In 1959, as the independence movement gathered pace, the ruling Tutsi elite formed a political party, Union Nationale Rwandaise. The Belgian authorities encouraged the Hutu majority also to aspire to political power and, in the same year, a rival party, Parti de l'émancipation du peuple Hutu (Parmehutu), was established.

As the 1960 local elections approached, Parmehutu initiated a Hutu uprising resulting in the death of many Tutsis and forcing King Kigeri V and tens of thousands of Tutsis to flee into exile in Uganda and Burundi. In 1961 the monarchy was abolished.

Independent Rwanda

Rwanda achieved independence from Belgium in 1962, with Parmehutu leader Gregoire Kayibanda as President; many more Tutsis left the country and those who remained faced continuing state-sponsored violence and institutionalised discrimination. The most serious eruption of violence at this time was triggered in 1963 by an incursion from Burundi of exiled Rwandan Tutsis and resulted in the death of at least 15,000 Tutsis at the hands of Hutu gangs.

President Kayibanda was overthrown in 1973 in a military coup led by army Chief of Staff Major General Juvénal Habyarimana. There then ensued a period of military rule, until 1978, when a new Constitution was promulgated and Maj Gen Habyarimana became President.

Civil War

In 1990 forces of the Rwandan Patriotic Front (RPF), who had mobilised themselves in Uganda, entered the country and a civil war began. Though predominantly a Tutsi-backed movement, the RPF did win the support of a significant element of moderate Hutus. A new Constitution promoting multiparty democracy was introduced in 1991. Peace talks in Arusha, Tanzania in August 1993 resulted in a power-sharing agreement between President Habyarimana and the RPF, known as the Arusha Accords.

1994 Genocide

In April 1994 an aircraft carrying President Habyarimana and the Burundian President, Cyprien Ntaryamira, was shot down on its return from Arusha to Kigali, killing all the passengers. The President's violent death triggered the coordinated massacre of Tutsis – and some Hutus who opposed the government – by Hutu militia and elements of the Rwandan army. An estimated 800,000 Tutsis and moderate Hutus were killed in the months following the plane crash. In response, the RPF began a major offensive from the north.

Post-Genocide Rwanda

In July 1994 the RPF took control of Kigali and formed an administration based on the principles of power-sharing, consensus building and national reconciliation, which were also the basis of the 1993 Arusha Accords.

The Rwandan Patriotic Front (RPF) established a Government of National Unity with four other political parties, the Christian Democratic Party, Liberal Party, Republican Democratic Movement and Social Democratic Party. Pasteur Bizimungu was inaugurated as President for a five-year term; the RPF military chief, Major General Paul Kagame, became Vice-President and Defence Minister. The government's priorities were security, rebuilding the economy and national reconciliation; it prohibited any official recognition of ethnicity.

Shortly after the new government took office, a 70-member Transitional National Assembly was formed, including representatives of the five governing parties and three other smaller parties, the Democratic Union for Rwandese People, Islamic Party and Socialist Party, as well as six representatives of the Rwandese Patriotic Army.

The 2003 Constitution formally ended the Government of National Unity, and created an array of new governance features. The Constitution limits the ruling party to a maximum of 50% of Cabinet seats, with the rest divided proportionately among other parties represented in the Chamber of Deputies. A political party is required to obtain at least 5% of the votes cast in Legislative Elections to be represented in the Chamber of Deputies. Only the Rwanda Patriotic Front, Social Democratic Party and Liberal Party achieved this threshold in the September 2008 Legislative Elections, thereby gaining representation in the Chamber of Deputies, and hence Cabinet. The Constitution provides that the Speaker of the Chamber of Deputies and the President of the Senate are chosen from parties other than that of the President. The Constitution also provides that at least 30% of the members of the Chamber of Deputies and the Senate shall be women.

Exodus of Hutus

In the immediate aftermath of the genocide, some elements of the Rwanda Government Forces and the Hutu militia retreated into Zaire, taking with them two million Hutus, and they were accommodated in UN refugee camps. Many other Hutus fled to Tanzania. By 1995 the Hutu militias and Zairean government forces were initiating attacks on Zairean Banyamulenge Tutsis who lived in Eastern Zaire. In October 1996 Rwandan troops and Zairean Tutsis attacked Hutu militias in the refugee camps where they were based, with the aim of disarming the militia and repatriating the refugees. In 1997 the Zairean regime was overthrown, Laurent Kabila became President, and the country renamed the Democratic Republic of Congo (DRC). However, in 1998, when it was clear that the new government of

DRC was not going to return the Hutu militias to Rwanda, Rwanda began to lend its support to forces that opposed President Kabila.

In July 2002 Rwanda and the DRC agreed that Rwanda would withdraw its troops and DRC would work with Rwanda in disarming Hutu militia. By October 2002 Rwanda reported it had completed its withdrawal, and in March 2005 the main Hutu rebel group, Forces Démocratiques pour la Libération du Rwanda (FDLR), announced the end of its armed struggle. However, some elements of the FDLR remain committed to a genocide ideology and also to violently overthrowing the Rwandan government.

International Criminal Tribunal for Rwanda

The UN Security Council created the International Criminal Tribunal for Rwanda (ICTR) in November 1994 to contribute to the process of national reconciliation and to the maintenance of peace in the region. The tribunal was established in Arusha, United Republic of Tanzania, in February 1995, for the prosecution of those responsible for genocide and other serious violations of international humanitarian law committed in Rwanda during 1994.

On 29 June 2010, the United Nations Security Council agreed to extend the terms of office of five permanent and nine ad litem Judges who are members of the Trial Chambers until 31 December 2011 or completion of their assignments, if sooner. The terms of office of the two Permanent Judges of the Appeals Chamber were extended until 31 December 2012 or until the completion of the cases to which they are assigned, if sooner.

Paul Kagame's Presidency

In April 2000, Pasteur Bizimungu was succeeded as President by Paul Kagame. Following endorsement of a new Constitution by referendum in May 2003, RPF leader President Kagame won the Presidential Election in August 2003, with 95% of votes, and the RPF won the country's first multiparty parliamentary elections in September 2003, with 40 of the 53 directly elected seats and 74% of votes. The Social Democratic Party took seven seats and the Liberal Party six; turnout was nearly 100%.

Former President Bizimungu received a 15-year jail sentence for embezzlement and inciting violence in June 2004; he was released in April 2007 when he received a Presidential Pardon.

In November 2007 Rwanda signed a peace agreement with the Democratic Republic of Congo (DRC), under which the DRC was to hand over those implicated in the 1994 genocide to Rwanda and the ICTR.

2008 Parliamentary Elections

In the parliamentary elections of September 2008 the RPF was returned, taking 42 seats and 79% of votes; the Social Democratic Party won seven seats and the Liberal Party four. Turnout was again close to 100%.

Recent Political Developments

The application of the Republic of Rwanda for membership of the Commonwealth was considered by Heads of Government in Port of Spain, Trinidad and Tobago, in November 2009. This was done in accordance with the criteria and procedures agreed at their meeting in Kampala in 2007. At the end of their deliberations, on 28 November 2009, they warmly welcomed Rwanda into the Commonwealth family as its 54th member.

The Kagame Administration can rightfully claim credit for Rwanda's substantial progress in security, the economy, health, education, infrastructure, strengthened agricultural output, rebuilt institutions, poverty reduction, tackling corruption, promoting women's rights and an environmentally friendly agenda, national reconciliation and engaging the international community.

However, there have also been some tensions in Rwanda, partly fuelled by a number of political developments and incidents this year that have attracted international attention this year, that had a bearing or impact on the political space and environment surrounding the Presidential election.

Political Parties

There are ten registered political parties. The Government of Rwanda places a strong emphasis on consensus and national unity in politics. All registered political parties are required (Article 58 of the Constitution) to join the Consultative Forum of Political Organizations in Rwanda, where parties meet to discuss government policies and promote consensus. Parties are prohibited by law from organising on an ethnic, regional or religious basis. The most recent political party to be registered is the Social Party Imberakuri (PS - Imberakuri), which was registered in July 2009.

The ten registered parties are:

- Rwandan Patriotic Front (RPF Inkotanyi)
- Liberal Party (PL)
- Union Démocratique du Peuple Rwandais (UPDR)
- Ideal Democratic Party (PDI)
- Social Democratic Party (PSD)
- Parti du Progrès et de la Concorde (PPC)
- Centrist Democratic Party (PDC)
- Parti Socialiste Rwandais Party (PSR)
- Solidarity for Solidarity and Progress Party (PSP)
- Social Party Imberakuri (PS - Imberakuri)

Article 27 of the organic law governing political organizations and politicians, of 27 June 2003 stipulates that: "During an electoral year, Government shall, in its budget, provide for grants to political organisations and independent candidates for their campaigns. The grant is only given to political organisations and independent candidates who have obtained at least 5% of the electoral votes".

However, on an annual basis, activities of political organisations are supported by the Consultative Forum of Political Organizations in Rwanda, whose budget is provided by the Government of Rwanda.

Chapter 3

The Electoral Framework and Election Administration

Article 1 of the Constitution of the Republic of Rwanda (2003, as amended), defines Rwanda as “an independent, sovereign, democratic, social and secular Republic”.

The President of the Republic is the Head of State and Government and is also the Commander-in-Chief of the Rwanda Defence Forces. Article 98 of the Constitution states that the President “is the guardian of the Constitution and guarantees national unity

The President is elected on the basis of a single national constituency, requiring a simple majority. An elected term is seven-years, and according to the Constitution a person can only serve a maximum of two terms.

Legislative power is vested in the parliament, consisting of two chambers (Chamber of Deputies and the Senate).

Legal Framework for the Elections

Rwanda's record of ratification of the UN human rights instruments is commendable, notably having ratified all of the eight treaties considered to be the core human rights instruments and Rwanda is thereby a signatory to the major regional and international instruments relating to elections, including: The Universal Declaration of Human Rights; the International Convention on Civil and Political Rights; The International Convention of the Elimination of Discrimination Against Women; The International Convention on the Elimination of Racial Discrimination; and the African Charter on Human and People’s Rights of 1981.

In terms of national legislation, the key legal instruments for the conduct of the election are:

- The Constitution of the Republic of Rwanda (2003, as amended)
- The Presidential Election Law (No. 27/2010)
- Law on Political Parties
- Law No18/2008 of 23/07/2008 Relating to the Punishment of the Crime of Genocide Ideology
- Law Relating to the Organisation and Functioning of the National Electoral Commission (No. 31/2005)
- Law on Media (No.22/2009)
- Regulation Providing for Access to Public Media during Presidential Election Campaigns
- Media High Council Guidelines for Election Coverage by Media
- Regulations as issued by the National Electoral Commission

The Rwandan Constitution enshrines the basic principles regulating genuine and democratic elections. Article 100 of the Constitution provides that, “The election of the President of the Republic shall be by universal suffrage, through a direct and secret ballot”.

Article 45 provides that, "All citizens have the right to participate in the government of the country, whether directly or through freely chosen representatives in accordance with the law". In addition, freedom of press and information are recognised and guaranteed by the State (Article 34); freedom of association is guaranteed (Article 35); and the right to peaceful assembly in accordance with the law is also provided for (Article 36).

Further, Article 52 of the Constitution provides for a "multi-party system of government" for political organisations fulfilling the conditions required by law, establishing their right to operate freely. And according to Article 53, "Rwandans are free to join political organisations of their choice or not to join them".

National Electoral Commission

Article 180 of the Constitution provides for the creation of the National Electoral Commission (NEC), and defines it as an "independent commission responsible for the preparation and the organisation of local, legislative, presidential and referendum or such other elections". The NEC is to ensure "that elections are free and fair" and is to submit each year its programme and activity report to the Parliament. Law No.31/2005 provides for the organisation and functioning of the NEC.

In terms of the structure of the NEC, it has a seven-member commission, including the Chairperson and Vice-Chairperson. The current Chair is Prof. Dr. Karangwa Chrysologue. The Commission serves a three-year mandate, which is renewable once. At least two of the seven members must be lawyers and at least 30% of the commission must be women.

For the nomination and appointment of the Commission, the Government presents names to the Senate for approval and members are appointed by Presidential order. According to the NEC's own materials, the seven Commissioners are from "different political parties and civil society". During the elections period the Commission works permanently one month before elections until the publication of results.

A permanent Executive Secretariat, headed by an Executive Secretary, supervises the daily activities of NEC and manages personnel and property. The Executive Secretariat comprises technicians who manage the day-to-day affairs of NEC and the electoral process. The Executive Secretariat includes three departments, each headed by a Director. These are: Administration and Finance; Electoral Operations; and, Information and Communication Technology.

For the purpose of organising the elections, NEC establishes branches for each of the four Provinces and for Kigali City, each of which has a Co-ordinator. NEC also establishes a branch for each of the 30 Districts, with a responsible officer as well as a series of Sector Co-ordinators within each District. NEC utilises volunteers to work in the polling stations on the day of the election, supplementing its regular electoral staff. NEC estimated that it would have some 65,000 persons in total working on the election day itself.

NEC published an Electoral Calendar for the 2010 Presidential Elections, which clearly set out the various stages and activities for the conduct of the election. Key pre-election elements included:

- *Preparation of electoral budget January 2009*
- *Procuring election materials August 2009*
- *Updating voter lists (phase 1 and 2) August – September 2009*

- *Updating Voter Lists (Phase 3) June 2010*
- *Publication of Provisional Voter List (July 2010)*
- *Cleaning Provisional Voter List (July 2010)*
- *Publication of Final Voter List (23 July 2010)*

- *Recruitment of Polling Agents (June 2010)*

- *Civic and Voter Education (February 2009 – August 2010)*

- *Nomination of Presidential Candidates (24 June to 2 July 2010)*
- *Declaration of Final List of Candidates (7 July 2010)*

- *Design and Printing of Ballot Papers (9 July to 5 August 2010)*

- *Conduct of Election Campaigns (20 July to 8 August)*

NEC informed the COG that the total budget for the election was some 8.5 bn RFA (c. \$10million). Of this 83%, was provided from the national budget and 17% from donors. NEC said their intention for future elections is to increase the proportion drawn from the national budget.

Voter Eligibility and Voter Registration

In order to be eligible as a voter for the election, the legal criteria are that a person must be a citizen of Rwanda, at least 18 years of age and be registered to vote. The right to vote is also afforded to Rwandans registered in Embassies abroad.

Those persons denied the right to vote are persons defined as:

- Lacking integrity¹
- Convicted of genocide or crimes against humanity
- Convicted of murder or rape
- Prisoners
- Refugees

The Voter List is to be updated annually and the NEC did this, publishing the revised Final Voter List on 23 July 2010. On the updated register there were 5,178,492 voters (of which 21,741 are in the diaspora) out of a population of some 10 million. The NEC informed the Observer Group that out of the total number of registered voters, some 62% were youth and 54% were women.

The Voter Lists are initially drawn from the National ID card database and are then, as stated, updated through a process of public verification. Further, the photos from the National ID database are incorporated onto the Final Voter List used in the polling stations on election day.

¹ Under the Presidential Election Law a person of integrity includes any Rwandan who has not been convicted of the crimes of genocide, genocide ideology, discrimination, divisionism or corruption.

Candidate Eligibility and Nomination

In order to be eligible as a Presidential candidate, a person must:

- Be of Rwandan nationality by origin
- Have at least one parent of Rwandan nationality
- Have Irreproachable morals and probity
- Not be sentenced to a prison term of 6 months or more
- Enjoy all civil and political rights
- Be at least 35 years of age
- Be resident at time of candidacy submission

For the purpose of this election there were four registered candidates. The eventual ballot order, based on the order of registration, was:

1. Paul Kagame (RPF)
2. Prosper Higiro (PL)
3. Jean Damascene Ntawukuriryayo (PSD)
4. Alvera Mukabaramba (PPC)

For candidates nominated by a registered political party a “dossier” of relevant information and documents has to be submitted to the NEC. This includes:

- Confirmation that he/she is the flag bearer for the political organisation or coalition
- A logo
- A copy of the person’s ID and Voter Card
- A certificate of nationality issued within previous three months
- A certificate confirming that the candidate does not have any other nationality
- A certificate confirming that he/she has at least one parent of Rwandan nationality by origin

For independent candidates they must also submit a list of voters supporting their candidacy containing a minimum of six hundred registered voters, including a minimum of 12 persons domiciled in each District. The list must include the signature or fingerprint of all of the 600+ persons.

Complaints and Appeals

The NEC can receive and deal with complaints regarding voter registration and is also charged with handling complaints regarding the election campaign. It can also receive complaints regarding the conduct of the process by lower level branches.

Complaints against the result of the election are to be made to the Supreme Court within 48 hours of the result being announced and the Supreme Court then has five days to make a decision.

Complaints can also be lodged in the polling station, where an official representative of a candidate feels there is something irregular. In such an event, the representative could note an ‘observation’ in the official polling station protocol. Such disputes at the polling station are dealt with by the official in charge of the polling station.

Key Issues

- **Composition of the National Electoral Commission**

The NEC is considered to have largely done a good technical job in the organisation of the Presidential election. With regard to its composition, the law sets out some basic criteria, establishing the number of commissioners and the fact that at least two must be lawyers and at least 30% must be women.

However, on the NEC's website there is a reference to the NEC members being drawn from "different" political parties and civil society. It would be helpful to be clearer about the background and/or affiliation of members as it is vital that the body responsible for managing the electoral process is inclusive and representative. Ideally such a body either needs to be completely independent of any political affiliation or comprise a good representative balance.

- **The New Presidential Election Law of June 2010**

The consolidation of the election laws into Law No. 27/2010 was a positive development, most notably also because a conscious effort was made to incorporate a number of lessons-learned from previous elections as well as recommendations from observers. It also brings together provisions for the various electoral types into a single document.

One of the positive changes in the new law is the prescribed tabulation process as outlined in Article 61, which was simplified to create a three-tiered process from polling centre to district to national level. It should be noted that there were some concerns regarding the implementation of this aspect during these elections, but overall it is felt that the published law is an improvement.

- **Genocide Ideology Law**

The Genocide Ideology Law was promulgated as a furtherance of the fundamental principles of the Constitution, namely "fighting the ideology of genocide in all its manifestation". In the context of Rwanda, such a law is understandable. However, since its enactment in 2008, the law has drawn some criticism nationally and internationally for its broad definitions, which are subject to possible misinterpretation. It is noted that the Government indicated in April 2010, and again after the election, that it intends to review the law, and this is welcome.

- **Campaign Period**

The campaign period is fairly short, at just 18 days. Such a short period does not provide a great deal of time for smaller, less well-resourced, parties to conduct a national campaign.

Recommendations

1. The NEC's website states that members are drawn from "different political parties and civil society". It would be helpful for this to be clarified to ensure transparency and confidence. There are various models for the composition of an electoral management body, and they can comprise of independent, non-political figures or be broadly representative of political contestants depending upon what is felt to be most

suitable in any given context. Whichever model is preferred it is important for the process to be clear and transparent.

2. Consideration could be given to lengthening the campaign period if it is felt that political parties would benefit.
3. It might be advisable for registration of political parties to be handled by an independent body, such as the NEC or a specially designated body, and for the procedures to be as inclusive as possible.

Chapter 4

Election Campaign and the Media

Pre-Election Campaign Environment

The election campaign commenced on 20 July 2010 and ended on 8 August 2010, one day before the elections. However, the election environment was influenced by political developments taking place well before the formal campaign.

The six months leading up to the election campaign were marked by a series of incidents which attracted growing concern and international attention. The security situation was also a factor, with grenade attacks at bus stations and markets in Kigali in February and in May 2010. No individual or group claimed responsibility for these attacks².

Concerns about the political and security environment ahead of the elections were heightened by the following incidents:

- On 19 June, former Rwandan Army Chief of Staff, Lt Gen Faustin Kayumba Nyamwasa, an outspoken critic of President Kagame, was shot in South Africa and taken to hospital in a critical condition. He had fled Rwanda in February 2010 after which the Rwandan government accused him of being linked to the grenade attacks in Kigali. The Rwandan government categorically denied any involvement in the shooting. The South African Foreign Ministry stated that foreign "security operatives" were involved.
- On 24 June, Jean Leonard Rugambage, a journalist working for *Umuwugizi*, a private and frequently critical newspaper, was shot dead in front of his house in Kigali. There were allegations that the murder was connected to an article published by the online version of *Umuwugizi* that day which alleged government involvement in the shooting of Lt Gen Kayumba Nyamwasa. Three days later, two suspects were arrested for Mr Rubambage's murder, one of whom confessed. They appeared in court on 12 July and were denied bail awaiting trial.
- On 14 July, Mr Andre Kagwa Rwisereka, Vice-President of the unregistered opposition Democratic Green Party was found dead near his abandoned car. His head had been close to severed from his body. At the time of writing, his death remains under investigation.

Prior to these criminal incidents, in April 2010, the Media High Council had suspended two independent newspapers, *Umuwugizi* and *Umuseso*, for six months, which effectively prevented the papers from covering the election campaign. *Umuwugizi* continued to publish an online version which has been blocked in Rwanda. Both newspapers had different reporting styles and readership, and differing circumstances which led to their suspension.

² There was another grenade attack at a Kigali bus station on 11 August, 2 days after the election; police announced on 12 August that three suspects had been arrested.

The Candidates

Candidates from four parties were nominated to contest the elections. Three of the four candidates were from parties which were part of the current power-sharing government: the Rwandan Patriotic Front, the Liberal Party and the Social Democratic Party.

1. Paul Kagame – Rwandan Patriotic Front (RPF)

Paul Kagame was the incumbent seeking re-election for a second term; the 2003 Constitution set term limits at two terms of seven years. He succeeded President Pasteur Bizimungu as President in April 2000 and was elected as President in the 2003 presidential elections. In his campaign, he emphasised his administration's record of delivering economic growth to the country, as well as stability (see chapter two above).

2. Prosper Higiro – Liberal Party (PL)

The Liberal Party has been in existence since 1991 and was part of the governing coalition. Mr Higiro has been Vice President of the Senate since 2003. He is a former Minister of Commerce and has a background in teaching accounting and mathematics, before moving to a career in the Ministry of Commerce, Industry and Handicraft. He was part of the transitional national assembly from 1999 to 2003. The Liberal Party holds the principles of liberalism as core values, emphasising the promotion of free trade and the capacity of individuals to grow economically. In the 2003 presidential elections, the party supported Paul Kagame as candidate.

3. Jean Damascene Ntawukuriryayo – Social Democratic Party (PSD)

Dr Ntawukuriryayo is Secretary General of the Social Democratic Party, which is the second largest party represented in the National Assembly after the RPF. He holds the position of Deputy Speaker of the lower house, the Chamber of Deputies. Between 1999 and 2008 he held the portfolios of Minister of Education, of Infrastructure and of Health – he has a background in pharmacy. The Social Democratic Party is part of the ruling coalition. As a candidate, Dr Ntawukuriryayo emphasised his record in delivering results as a Minister, in particular as Health Minister, as well as support for the principles of rule of law and national unity.

4. Alvera Mukabaramba – Party of Peace and Concord (PPC)

Dr Mukabaramba is a Senator and also ran for presidency in the 2003 elections. Her party is not represented in the lower house, the Chamber of Deputies, and cannot therefore be part of the power-sharing government. In the 2003 election campaign, Dr Mukabaramba withdrew from the contest before polling day to back Paul Kagame. She was appointed by President Kagame to the Senate following the elections. Dr Mukabaramba has a medical background, with a degree specialising in paediatrics. Of the four candidates, Dr Mukabaramba had the lowest profile in the campaign. Her campaign highlighted prosperity, unity and development.

Other Political Parties

Ahead of the elections, a number of opposition parties had stated their intention to field their candidates in the elections, but, in the end, faced either legal or administrative issues,

which resulted in their non-participation. The situation of each of these parties differs considerably and is briefly outlined below:

1. Democratic Green Party

The Democratic Green Party reported to observers that they had undertaken concerted efforts with a view to registering itself as a party, with the intention of fielding its leader Mr Frank Habineza as a presidential candidate. It was unable to do so however because it did not have the necessary party documents signed, which is a pre-requisite for registration. The party further told observers that it had attempted to hold a party congress where the documents would be signed, but the meeting was disrupted by rowdy individuals, who, the party claims, were RPF supporters because they were chanting RPF slogans.

The Green Party was unsuccessful in holding a subsequent meeting because it was denied permission by local authorities on the basis that it required a police clearance to hold the meeting, which the police would not provide. After writing to the Minister of Local Government, requesting him to intervene, the party met once with Ministry officials, who showed interest in resolving the problems. The next three dates for a follow-up meeting were not honoured by Ministry officials, and no subsequent meeting between the Democratic Green Party and the Ministry took place. The party then wrote to the Minister of Local Government and the Minister of Justice requesting that the necessary documents be signed at the State Notary's Office. They later also wrote to the local authorities requesting permission for a congress to be held in June 2010. The party said no response to the letters was received.

In a media interview, President Kagame said that the Democratic Green Party's failure to obtain the documents required for registration was because they kept fighting among themselves. It was not true that the Government had refused to register the Party. The Ministry of Local Government had tried to help them.

The Minister of Local Government informed the observers that the Democratic Green party's congress was characterized by misunderstandings among the founding party members that ended in chaos and fighting each other. Officials from the Ministry had held a meeting with Mr Habineza to chart out possible solutions; they had decided to hold a second meeting to come up with strategies leading to convening a peaceful and secure congress. However, Mr Habineza did not come back to the Ministry as agreed, and thereafter he had announced that he would take a few members to the State Notary to have the necessary documents signed at the State Notary office. The Ministry said this approach did not meet the requirements of the law governing political parties. Mr Frank Habineza told observers that he chose not to contest the elections as an independent, saying that his allegiances lay with the party.

2. FDU-Inkingi³

The Chairperson of the United Democratic Forces FDU-Inkingi Ms Victoire Ingabire Umuhoza had returned to Rwanda in January 2010, after 16 years exile, reportedly to register her political party and contest the presidential elections. She was arrested on 21 April on charges of association with a terrorist group, propagating genocide ideology,

³ The observers did not meet with representatives from FDU-Inkingi

revisionism and divisionism. She was granted bail and conditionally released, with orders not to leave Kigali and to report to the authorities twice a month.

The Rwandan government has refuted claims in the international media that Ms Ingabire Umuhoza's arrest was politically motivated, saying that the state was ready to produce evidence in court linking Ms Ingabire Umuhoza to a terrorist group, plans to cause state insecurity among other charges.

The Rwandan government also cited a 2009 UN Experts Group report on the Democratic Republic of the Congo (S/2009/603), which found that FDU-Inkingi diaspora members in Belgium had been in telephone contact with leaders of the FDLR (Democratic Forces for the Liberation of Rwanda), a Rwandan Hutu power rebel group operating in the east of the Democratic Republic of Congo). The report also said Ms Ingabire Umuhoza had attended inter-Rwandan dialogue meetings in Spain with pro-FDLR individuals participants.

In April 2010, two senior commanders of the FDLR, accused of planning activities aimed at causing state insecurity, admitted in court of having worked with Ms Ingabire Umuhoza to form rebel groups to launch offensives in the country.

3. PS-Imberakuri⁴

The Social Party Imberakuri (PS-Imberakuri) was registered as a political party in July 2009. Since then, the party experienced serious internal divisions, and its leader, Bernard Ntaganda was ousted as party leader by Christine Mukabunani. Mrs Mukabunani announced on 1 July 2010 that PS-Imberakuri would not field a candidate in the presidential elections.

Mr Ntaganda and his supporters stated, in a press release, that the takeover was orchestrated by party members believed to have been manipulated by the RPF.

On 24 April, Mr Ntaganda was arrested in his home in Kigali, before he could leave to join protests against the government's and National Electoral Commission's alleged exclusion of all viable opposition from the presidential elections. He was later charged with propagating genocide ideology, promoting ethnic divisionism, attempted murder, terrorism and organising illegal gatherings. He was denied bail.

The three above-mentioned political parties issued a press release on 19 February 2010 that they had formed a "Permanent Consultative Council of Opposition Parties" with the aim of defining a common position and carrying out advocacy work, including in the following areas: registration of political parties, diplomacy, information and communication, and justice.

The Democratic Green Party and the FDU-Inkingi publicised information about their situation to international media and interlocutors throughout the lead-up to the elections. Mr Frank Habineza stated to observers that he and other members of his party had faced threats, warning them to stop their political activities. There were also some arrests of supporters of the parties not contesting the elections, on various charges, such as planning illegal demonstrations, in the lead-up to the elections.

⁴ The observers did not meet with representatives from PS-Imberakuri

Although each of the situations of the political parties listed above differs greatly, the overall impact is a concern. The election campaign notably lacked critical opposition voices.

Election Campaign

During the election campaign period (20 July – 8 August), the four candidates campaigned around the country and enjoyed freedom of movement and assembly. The campaign was peaceful and rallies had a jubilant, festive atmosphere. RPF rallies were well organised and well attended; other political parties also held rallies - although fewer in number and with significantly fewer participants. Observers noted that the end of the campaign was also adhered to, with posters and campaign paraphernalia removed, as required, the day before the elections.

Complaints

A Code of Conduct, developed in 2005 by the Forum of Political Parties, was in place for Political Parties for the elections and had been agreed to by all political parties contesting. According to the National Election Commission, the candidates did not register any formal complaints

In one district, PSD party representatives described some complaints about the campaign. They told observers that they had recruited over 170 party agents to observe the polling. After the agents had been trained and registered, a number of agents had reported that they had been intimidated by RPF representatives and local authorities. In the end the party had only 50 party agents to field in the area. The PSD representatives also told observers that their posters had been torn down by RPF supporters. The party told observers that they had telephoned the NEC district coordinator to complain, but no action was taken. The NEC district coordinator confirmed to observers that he had been informed by PSD of the complaints.

The virtual absence of complaints in the election campaign is noteworthy and unusual. It is possible that complaints were resolved among the political parties and candidates themselves through more informal mechanisms and possibly complaints made at district level were not reported to the national office.

Campaign Financing

Under Rwanda's laws, there are no maximum limits placed on funds spent on the campaign nor are there requirements to make public information about sources of funding or donations.

The ruling party had a greater visible presence in the campaign: their rallies were larger; more posters were seen by observers around the country, as were more supporters wearing caps and t-shirts. There were also large RPF billboards around Kigali. Observers also saw RPF supporters raising funds through the sale of assorted campaign paraphernalia.

The posters of other political parties were rarely seen. When asked about the absence of posters, the representative of the Liberal Party told observers that the party adopted a different campaign strategy and placed a higher priority on campaigning by speaking to individuals.

In summary, the campaign was peaceful and fairly active, although it was significantly dominated by the ruling party.

The Media

The terrible legacy of the 1994 genocide and the instigating role played by the media at that time understandably shapes the regulating framework governing the media in Rwanda today.

Freedom of press and freedom of information are listed in Rwanda's 2003 Constitution (article 34), but with certain limitations, including the conditions for exercising such freedoms to be determined by the law.

The predominant body which oversees the affairs of the media is the Media High Council, which is provided for in article 34 of the Constitution as an independent institution. It was established in 2002, originally named the High Council of the Press. The institution has three stated goals: 1. to regulate the media, 2. to promote media professionalism; 3. to promote media freedom. The Rwanda Journalists Association also exists as an industry welfare group.

The 2009 Media Law forms the major tenet of the laws governing the media landscape. Some aspects of the Media Law have a gradual timeframe for implementation – for example journalists have 60 months (from August 2009) to meet the requirement of holding recognised professional qualifications. The Media Law also provides the Media High Council with the power to suspend media outlets for a maximum of six months (for instances of recidivism). These powers were used against the newspapers *Umuseso* and *Umuwugizi* described above.

The media is impacted by the provisions of the penal code on criminal defamation. There are also criminal sanctions applied against the media under the 2009 Media Law for the crimes, including "incitement to discrimination of any form" and "contempt to the Head of State of Rwanda, the Head of a foreign State, Ambassadors and representatives of countries and international organisations accredited to Rwanda". The media is also subject to the Genocide Ideology Law (described in chapter 3 above).

Civil society, locally and internationally, have been critical of the limits on freedom of the press and freedom of expression in Rwanda; for example the assessment of one group (Ligue des Droits de la Personne dans la region des Grands Lacs) is that "the population is afraid to express themselves freely on questions of general interest with journalists particularly falling victim to this climate".

The Media High Council states that many of the restrictions currently in place on the freedom of the press are necessary owing to a lack of capacity among Rwanda's journalists to engage in responsible journalism.

Overview of the Media Landscape

The Broadcast space is dominated by the state-owned Rwanda Bureau of Information and Broadcasting (ORINFOR), which operates radio, television, newspapers and the Rwanda news agency. ORINFOR says on its website that it was established in 1963 to operate the electronic mass media radio and TV. "Today almost 500 employees work through the coordination of ORINFOR to secure access to a broad and diverse spectrum of information relevant to all religious and other groups making up today's society of Rwanda," ORINFOR says, illustrating with its staffing levels that it is a major player.

Media Audience

A Rwanda Audience Survey conducted in 2009 found that Rwanda was largely a verbal communication society, with verbal mediums dominating activities people undertook to access and learn what was happening around them. The visual media (television or video tapes) and reading of newspapers and periodicals followed in that order.

The survey commissioned by the Media High Council showed that 89.75 per cent received news on radio, 72.8 per cent by attending religious services, 69.95 per cent by visiting friends and relatives, 44 per cent using mobile phones, 25.6 per cent by watching television, 21.7 per cent by watching videos and DVDs, 14.15 per cent by reading a newspaper, 5.6 per cent by reading a magazine and 6.65 per cent by using the internet.

Overall, newspaper readership in Rwanda was very low, with only 14.15 per cent of adults above 16 years of age qualifying as active readers, reading a newspaper at least once or more per week. Of this group, only 22.99 per cent purchased their papers, while others read from friends, at work or logged onto the internet.

Radio

Radio is the main form of media in Rwanda and it is the main source of information for most Rwandans, especially those who live in rural areas. There are 19 radio stations. Radio Rwanda, the most-listened to station, is the only local station with national coverage. This national state-owned radio also has six community affiliates; these are run by ORINFOR. In addition, there are six private commercial stations, two community stations and four religious-based radio stations. Both BBC and VOA broadcast in Kinyarwanda language into the country and are considered fairly influential. In border areas, broadcasts from neighbouring countries also attract an audience.

Television

State Television Rwanda is the only terrestrial station and broadcasts in Kinyarwanda, French and English. It agreed to reporting guidelines with the Media High Council and appeared to adhere to these in its coverage of political parties contesting the elections. A small percentage of Rwandans have access to satellite television.

Newspapers

By the end of 2009, there were 72 newspapers registered by the Media High Council and the Ministry of Information. With the implementation of registration under the new media law, the Media High Council announced that only some 30 newspapers met the new criteria, although others could still submit documents to show compliance.

The current figures show an impressive number of print media, but their reach in the country remained severely limited, due to costs and literacy levels. The Kinyarwanda language daily newspaper *Imvaho Nshya*, which is under ORINFOR's stable, is Rwanda's biggest newspaper. The English language daily New Times is mainly read in urban areas, including Kigali and the southern university town of Butare.

It should be noted that most media outlets, and especially newspapers and magazines, operate under severe financial constraints. These pose great operational challenges such as failure to abide by their originally stated publishing frequency and/or generally afford other operational costs.

New Media

New media played a big role in the elections to deliver critical information on the campaign. The most frequently used device was the mobile phone, with the National Electoral Commission using text messages (SMS) to remind voters to turn up to exercise their right to vote and after the elections thanking voters for their participation. The parties used text messages to send information about their development plans. Text messages were also a major tool of mobilisation for political rallies.

As at June 2009, some 300,000 Rwandans were online. But that did not deter the parties from using online tools, including Twitter, to remind voters of its previous achievements and why the incumbent should be given a further seven-year term as president. The ruling party also distributed photographs of its campaign via the web.

The Media and the Campaign

In the week prior to the beginning of the election campaign, the Media High Council issued two sets of regulations: one with guidelines for election coverage by the media, and a second governing equitable access by presidential candidates and their parties to public media during the campaign. The guidelines for media include issues of responsible journalism and accuracy and fairness. The regulations on equitable access provided for free access for political content during the election period and for the equal allocation of airtime and space in all public media outlets.

The level of political commentary and analysis in the media was low. A new development since the last elections was a broadcast, in which the representatives spoke in turn to present their party platforms. Other positive developments included the establishment of an Elections Press Centre run by the Media High Council, which offered media facilitation, including internet-connected work stations where journalists could file their stories, media rooms for news conferences and interviews, as well as library and archiving facilities for media to conduct research. If developed, such small steps toward facilitating greater political debate and commentary will help to further sensitise Rwandan voters to the dynamic of multi-party competitive and periodic elections.

Incidents involving the media also occurred during the election campaign. The editor and co-writer of the *Umurabyo* newspaper appeared in court at the start of the campaign on charges of publishing material defamatory to the person of the president, inciting public disorder, divisionism as well as genocide ideology. They were denied bail, and, at the time of writing, they were awaiting trial. Also during the campaign copies of *Newsline* were seized on 28 July as they were being transported across the Uganda-Rwanda border; the driver and conductor of the bus transporting the publication were arrested.

Key Issues

- **Suspension of Media Outlets**

The Media High Council employed its power of suspension against two newspapers (*Umuseso* and *Umuvugizi*), which resulted in their inability to report on the elections. In the past the suspension powers have also been used earlier against other outlets such as the BBC's Kinyarwanda service (suspended in 2009 and revoked following discussions between the BBC and the government).

- **Criminal Defamation**

There are instances of criminal defamation (both in the penal code and in the 2009 Media Law) and Genocide Ideology provisions being employed against journalists, as described above. The combination of these laws result in a restricted environment for media in Rwanda. Journalists have consequently served prison sentences on the basis of their publications⁵. The Media High Council senior management told observers that they would recommend the removal of criminal defamation from the penal code, so that only civil procedures for defamation are possible.

- **Self-censorship**

Partly as a result of this legal framework, the media environment is characterised by various forms of censorship. It is characterised by a culture of self-censorship, with high levels of reluctance by journalists to write reports criticising the government, its policies or their implementation, particularly policies directly associated with the president. The Media High Council stated that editorial censorship was also common.

- **Capacity of Journalists**

The capacity of journalists to undertake responsible reporting is also in question. Such capacity constraints range from a limited understanding about the need to corroborate information to limited skills in political commentary and analysis. The Media High Council describes the media landscape in Rwanda as depicting serious professional gaps, with an inadequacy of professional knowledge in journalism at all levels.

- **Registration of Journalists**

Under the 2009 Media law, journalists must hold qualifications from a degree or certificate in journalism. Currently of the estimated 400 journalists very few hold such qualifications. The observer group was told there are only approximately 30 places available for students at the journalism schools per year in Rwanda, implying that it will be a challenge for all journalists around the country to meet the 2014 deadline to obtain the qualification.

Recommendations

1. Consideration be given to the creation of a process of public disclosure of the breakdown of campaign spending and the sources of such funds
2. Strengthen the capacity of the media (particularly in terms of investigative reporting and political commentary and analysis), including strengthening the Rwandan Journalists Association so that it can promote the interests and welfare of journalists
3. Separate the roles of the Media High Council so that its focus on regulating the media does not overshadow its goal to promote media freedom; review the requirement that journalists must have attended a school of journalism to be registered

⁵ Exact data on the number of journalists imprisoned under these laws could not be obtained; however, it was confirmed that at least six journalists have been imprisoned since 2001.

Chapter 5

Voting, Counting and Tabulation

On 9 August 2010 Rwanda held voting for the country's second Presidential election since the 1994 genocide. Elections were organised across the entire country, comprising Kigali City and the Northern, Southern, Eastern and Western Provinces. Voting was also conducted on the day before in Rwandan embassies and consulates abroad.

For the purpose of voting NEC established 2,251 Polling Centres, which contained 15,434 Polling Stations. The Centres were managed by one or more Co-ordinators and each Polling Station had a Co-ordinator and a series of officials to administer the process. NEC reported that they had engaged some 65,000 volunteer staff to work over the election period – including for the national, provincial, district and local levels⁶ - and stated that they had provided training to staff prepare them for their duties.

Security was also provided, and was present from the delivery of materials, throughout polling and counting and for the delivery of the materials and result back to the District level.

On the day before the election, some members of the local community helped to clean and decorate their respective polling centres and stations. On the day of the election, Centre's also had music playing (often NEC's voter education songs).

The Opening and Voting Process

Prior to the commencement of voting polling officers took an oath in the presence of voters present at that time. Voting hours were from 06.00-15.00. According to the law, the following key features should be adhered to:

- Before opening the Polling Station the ballot box is to be verified as empty
- The ballot box is then to be sealed
- A voter must be on the Voter List in order to be allowed to vote⁷
- A voter must produce a Voter Card and/or a form of photo ID
- Voting must be in person and in secret
- Persons requiring assistance can request for a person, aged between 14-18, to help them
- After voting, the small finger of the voter is to be inked and the Voter Card stamped to indicate that the person has voted

Observers and Candidate Representatives were allowed to be present at Centres and in the Polling Stations. If there are any complaints in the Polling Station they are determined by the poll officials at that Centre. The designated Chair of the Polling Station is responsible for

⁶ NEC informed the COG that from the Polling Station to District levels women constituted some 56% of the staff. However, at the national level, including the Commission and Secretariat, this figure drops to just 20%.

⁷ Persons on election duty, such as security officials, police, election officials, interpreters of observers etc, could vote at places other than where they were registered. They had to produce a letter provided by the NEC, which was duly stamped and their name was added to a supplementary list.

order, but security can be in the vicinity of the Polling Centre and the Chair can ask for assistance as required.

The count is to commence immediately upon completion of the voting period.

Assessment of Opening and Voting

Overall Commonwealth Observer Teams were very positive regarding the conduct of the opening and voting processes. Voters turned out in extremely large numbers (reflecting the NEC's stated turnout rate of 97.5%) and conducted themselves in an extremely calm and orderly manner.

On the two days before the election women and men from villages were observed cleaning and decorating designated Polling Centres. In the majority of cases these were schools and to a lesser extent churches and make-shift tents. There was evidence of a strong level of commitment, with the men mainly responsible for outside decorations using material easily available (such as banana trees). Women washed classrooms and decorated the Polling Centre with local fabrics, flowers and grasses, reminiscent of a wedding or community festival.

Polling Stations were well prepared for their task, in that they were largely ready to open on time, had all relevant materials and were well organised. The Voter Lists seemed to be of a high quality, as most people found themselves on the list⁸, providing for both universal suffrage and the right to vote. Polling officials were checking ID in most cases and following voting voters had a finger inked and their Voter Card was stamped.

In addition to the overall positive assessment of opening and voting, some issues were also reported:

- There were reports that in the early hours (approx 2-3a.m.) in Eastern Province (Rwanagana District) NEC officials were using loud speakers to call people to come to vote. This was confirmed by a Commonwealth team.
- The seals used on the ballot boxes did not appear to be numbered or otherwise uniquely identifiable, negating a key security feature of using seals.
- While polling officials conducted their duties diligently overall, there were some inconsistencies in practices. For example, there were instances where the ballot boxes were not verified as empty prior to the commencement of voting and ink was applied in an inconsistent way on the finger of voters.
- While parties had the right to deploy representatives to polling stations, it was observed that in the overwhelming number of polling stations it was only the incumbent candidate's party which did so.
- There appeared to be a lack of familiarity on behalf of quite a number of voters as to the proper voting procedures.

⁸ One of our teams did report a problem with some students in their area, who may have been registered at a different location to where they were studying.

- The special provisions for priority voting for persons with disabilities, the elderly, pregnant women and women with children is a positive feature, though it was noted that in some instances this facility was not fully provided for.
- Observers noted that the current practice in Rwanda is for people to vote by use of a thumb print on the ballot. Concerns were raised by some observers that this could lead to a perception that a ballot could be traced to an individual.

The Counting and Tabulation Process

Counting takes place in each Polling Station and is to commence immediately upon completion of the voting. According to the law, the following are key features of the counting process:

- Prior to commencing the count officials are supposed to complete a basic reconciliation process, including:
 - Determining the total number of persons on the register
 - Determining the number of ballots received
 - Determining the number of persons indicated as having voted on the register
 - Determining the number of unused ballots
- Thereafter, the ballot box should be opened and the total number of ballots should be counted and reconciled against the above figures
- Following this the ballots are checked one-by-one, identifying for which candidate the vote is for or if it was invalid⁹ or blank or spoiled in some way.
- The vote is also read out loudly for all present to hear
- The act of counting of votes shall be openly carried out before the public, electoral observers and candidates' representatives if present

Following completion of the count poll officials have to complete the designated paper work for that Polling Station. Candidate Representatives are allowed to receive an official copy of the result and can also sign the tally sheet¹⁰. The result is to be posted for each individual Polling Station.

Following this, the materials and results are collected by the Co-ordinator of the respective Polling Centre and thereafter delivered to the District via the Sector Co-ordinator. Article 61 of the law states that at each level (Polling Station, District and national) the coordinator of elections shall consolidate the election results at the preceding level and shall communicate the results to the members of the public present. The consolidated results from the Districts are transmitted to the NEC electronically and then physically.

Assessment of Counting and Tabulation

Observers were generally positive regarding the conduct of the count and consolidation at the Polling Station and Polling Centre levels respectively, but did raise some concerns regarding the tabulation at the District level.

⁹ According to the law, a ballot is to be deemed invalid if the intention of the voter is unclear, if the ballot "bears signs other than those specified" or if the ballot "bears additions". Official NEC figures put the rate of invalid votes at just 1.36%.

¹⁰ However, if a candidate representative failed to sign the result sheet it did not invalidate the result

With regard to the counting process, in many cases it went well and the procedures were generally followed. However, it was felt that there were more inconsistencies at this stage and also a looser application of procedures. The law is quite clear about the procedures and does provide the basis for good practice. The problems lie in the inconsistent application. For instance:

- In some cases the start of the count was not formally announced so that people could be aware it was commencing
- The initial reconciliation in the Polling Station prior to the count commencing was not always completed
- Unused ballot papers were not always properly accounted for and secured
- The result was not always posted at the Polling Station
- The lack of party representatives at this point diluted the level of scrutiny

In short, while the result was clear, and no questions are raised regarding this, there were some lapses in procedures, which under different circumstances could result in problems.

The tabulation process was more problematic, and observers have raised a number of concerns with regard to the lack of access to this aspect of the process and the concurrent lack of transparency. Some general points raised were:

- The process for collecting and delivering ballots and results to the District was very drawn out, reflecting in some cases the infrastructure and resource challenges of the country. However, it was also the case that there was not clear information given with regard to where exactly the materials were being delivered.
- Prior to the day of the election Observers had met with District officials in order to gain an understanding of the plans for the tabulation, among other things. However, on the evening after the close of polls and the subsequent days, the District offices were in many cases not active and the process was not apparently on-going there despite earlier assurances that it would be. Observers sought to gain clarification from relevant officials but in some cases it was not possible to ascertain quite where, how or when the tabulation was to be completed. As a consequence, this part of the process lacked the requisite transparency in some Districts. Some specific instances on this are provided below in the Province-specific reports.

Overview of Province-by-Province Observation

Some specific points raised by each team with regard to the overall voting, counting and tabulation processes are as follows:

Northern Province - Byumba

- Polling centres were reasonably located, well organized and easily accessible in the urban areas, but the situation was different in the rural areas where voters had to walk long distances.
- The Polling officials were dutiful, efficient and alert; and polling was orderly and peaceful.
- Women were well represented as election officials. Indeed, women formed about 80% of the polling officials.
- Voters demonstrated that they had been adequately prepared through voter education by NEC, as there were very few invalid ballot papers.
- Only the RPF fielded party agents in almost all the Polling stations.

- Consolidation of results at the Polling Centres was not done in a transparent manner. Additionally, results from the Polling Centres were not promptly delivered to the District.
- Tabulation and consolidation of the results at the district level were shrouded in secrecy. Political party agents, the general public and observers were, therefore, unable to observe these important aspects of the election.
- RPF seemed to be the only party among the four contesting parties in the district that was logistically well-equipped for the elections. The other three parties appeared to be logistically ill-equipped.
- There appeared to be lack of enthusiasm on the part of the electorate at the vote count, as few were present.

Northern Province – Ruhengeri

- The Officials were helpful throughout the process to observers and it was found that the female officials outnumbered the male representation in ratio of 2:1.
- The delivery of ballots the day before election was well organised. However, the movement of ballots boxes out of the polling stations to the District was delayed by many hours and into the next day due to the lack of transport.
- Security in the area was well organised at each polling centre and was free of any disturbances, keeping the mood of the environment calm and relaxed.
- Accessibility to the polling stations in the Musanze District was clearly accessible within the town for nearby communities. Outside the town, one polling centre catered to the polling of several villages – 5 to 8 in some places but seem to be far in comparison to the level of accessibility in the town areas as in the case of Burera District (rural) Gahunga Sector, Kabaya Centre where voters walked at least 25 minutes to the polls.
- Lighting was an issue at the opening of the polls at 06.00hrs as it was still quite dark and the polling stations were not in most cases equipped with lights – flashlights were used to assist with the location of the voter’s name on the lists.
- The polling booths were sometimes located in a way that meant the openings were facing each other. Of the areas visited, Buhuga polling station was the only one totally enclosed to ensure the secrecy.
- After collecting all the results of each of the seven polling stations of the centre, the boxes were left in the respective polling rooms for the collection by the District Sector coordinator. The coordinator took time to collect the boxes and results long after the polls closed and counting completed.
- There was no attempt to examine valid or invalid ballots. In all 12 of the polling stations there was no examination of the ballots for valid or invalid ballots.
- It was clear that more women and young ladies voted than men at an average of 3 female to 1 male.
- The elderly voters had difficulty following the voting process. One man was given the ballot to vote with instructions and didn’t mark his candidate and placed his ballot in the box (Nyamagumba, Muzanse) – no assistance was given to him after 4 minutes. Likewise an elderly woman left her ballot in the booth. In some instances the officials were not very helpful to explain the process for a second time.

Southern Province

- Officials in all Polling Stations were well supplied and organised
- Voting commenced on time and in most Centres was completed well before the designated closing time

- Sufficient numbers of Polling Stations ensured that voter queues were dealt with expeditiously, with an average of two minutes to process individual voters
- Security procedures were well followed, before, during and after voting period
- Observers were well received, particularly in isolated Polling Centres 15km off major roads.
- Observers were able to follow the tabulation process, which was carried out efficiently and according to the stated procedures.

Eastern Province

- Voting went very well generally. The team was well received. Some voters were not sufficiently aware of the voting process and needed assistance.
- Voting facilities were mainly in schools but in a few Districts (Gatsibo and Nyagatare) in the north of the Province tents were erected, such as in Rugarama village. The 3,000 voters registered were able to exercise their voting rights. The District Coordinator informed the team that tents were also used in four other centres. Churches were also used in Nyagatare District, namely in the villages of Kakabagemu and Kadoula. Most areas visited were prepared by Saturday.
- In Nyakarambi village, in the District of Ngoma, and in Cyunzi Primary School and Kirehe Primary School in the District of Kirehe, a total of 35 students were unable to vote as they were not on the Voter List.
- The majority of persons voted very early. To ensure they could vote early some people in Rugangare cell slept in the school overnight.
- Counting procedures were fair but not all the steps were followed as outlined in the Election Law.
- The consolidation of results at the Polling Centres was delayed but it was observed. This could have been adversely influenced by the level of education of the polling clerks or of the NEC staff.

Western Province – (Based in Gisenyi)

- At Rubavu district the team received co operation from the district coordinator down to polling officials. Polling was held in a festive atmosphere with community participation.
- The counting was transparent and open and results publicly displayed during the count however transparency stopped at the tabulation process. The coordinators at the polling center were unsure when transport would come to take the results to the district office. The district office was also unclear. Next day district results were displayed where the district official said the results came from the polling centers at dead of night when tabulation was done.
- There was significant absence of polling agents from the contesting parties apart from the RPF.
- At the C.S Gisenyi (Kirizia) polling center, one of the women volunteers stated when questioned that they the Muslim women groups offered to prepare and decorate the polling centers in all Gisenyi as their contribution towards the presidential elections.
- All polling stations in CS Gisenyi (Kirizia) center were late in the conduct of the preliminary count due to no clear separation of duties among poll officials when preparing for the first count.
- Lack of public interest at the counting process at the polling center level apart from observers and some media people.
- Out of 8 polling centers visited, only one female held the position of coordinator although the majority of polling officials were female.

- District official stated they received results at around 11.30 and then sent results to NEC Kigali via internet at around 12am. The hard copy would be sent that morning after elections to the NEC Kigali.

Western Province – (Based in Cyangugu)

- Active election officials, more than half women, conducted an incident free elections at all the centers we monitor
- In one polling station the officer issuing the ballot paper was pointing to No. 1 in the ballot paper (Paul Kagame) when issuing the ballot paper.
- In one polling station we observed several persons (students, soldiers etc.), whose names were not in any of the lists, were given opportunity to vote on an additional list.
- After the boxes left the Polling Center, what happened to the boxes and reports is a mystery. The District office where the final consolidation was to take place was obviously not used for consolidation and it was done elsewhere (we presume at Sector Office), contrary to what was declared by the District NEC Coordinator.
- NEC Coordinator was not found after the voting was concluded. His office was saying that the District Coordinator was with the Mayor, the representative of the RPF. The local monitors were also not aware of what was exactly happening. District result was not displayed in the District Coordinators Office until the observers left on the morning of 11th August.
- Few ballot boxes were brought to the District Office on 10th afternoon but not all. They said that the boxes were being brought from Sector Office.

Kigali

- In Kigali City, voters were present in fairly large numbers prior to the commencement of polling, and were able to witness the taking of an oath by Polling Centre officials.
- Many of the Polling Centres were located in large schools, which provided for a very generous space for polling. In other cases they were located in make-shift tents, with far less space. But regardless of the type of location, the process seemed well organised and voters were processed efficiently. Voting was largely completed by the early afternoon.
- The observed count was conducted fairly, though the full reconciliation process was not completed prior to the commencement of the count.
- Teams visited the District office on the evening of 9 August and on 10 August and also visited the NEC on 10 August, but did not observe any aspects of the tabulation process.
- Teams attended the NEC meeting on 11 August when the provisional breakdown of the overall result by District and Province was provided.

The Election Result

On Wednesday 11 August, NEC issued provisional results for all Districts as they had indicated in their earlier Election Calendar. This was done in a two phase process. On the morning of the 11th provisional results were issued at a meeting for media, candidates and

observers. In the afternoon, after verifying the provisional results, NEC confirmed them¹¹. Following this, there was a period of 48 hours for any complaints to the Supreme Court, but none were forthcoming and the defeated candidates did publicly concede. The overall result, as announced by the NEC at a public meeting on the 11th and as published on their website thereafter was as follows:

• Total Registered Voters	5,178,492
• Total Number of Persons Voting	5,049,302 (97.51%) ¹²
• Valid Votes Cast	4,983,390 (98.69%)
• Invalid Votes Cast	65,912 (1.31%)
• Paul Kagame (FPR)	4,638,560 (93.08%)
• Jean Damascene Ntawukuriryayo (PSD)	256,488 (5.15%)
• Prosper Higiro (PL)	68,235 (1.37%)
• Alvera Mukabaramba (PPC)	20,107 (0.4%)

Recommendations

1. Continue comprehensive programmes of civic and voter education to increase voter familiarity with the voting procedures, with particular emphasis on the elderly and youth.
2. Increase training NEC staff at all levels, notably for those persons serving in Polling Stations, to ensure familiarity with prescribed laws and NEC regulations. This will help to ensure greater consistency between law and practice, particularly with regard to the process for inking the finger of voters, the reconciliation process at the Polling Centre prior to commencement of the count and the requirement for the posting of the results at Polling Centres.
3. Provide ballot box seals which are uniquely numbered or identifiable, to ensure that the use of seals is a security feature.
4. Consideration could be given as to the suitability of the existing practice of using a thumb print to cast a vote. Alternative methods for marking the ballot might be considered.
5. Political parties need to make greater efforts to ensure deployment of representatives to follow the voting and counting procedures
6. The tabulation process at the district must be fully transparent, with clear information given as to the modalities for this aspect of the process, in line with article 61 of the Presidential Election Law.

¹¹ The original provisional result issued by NEC contained a mistake in the number of invalid votes, and as a consequence it did not properly tally. This discrepancy was pointed out by the COG to the NEC on 16 August and was rectified on 17 August.

¹² We requested NEC for a breakdown of voters by gender but this was unavailable at the time of writing. However, women constituted some 54% of the entire electorate and given that turnout was 97.51% it can be assumed that women constituted a similar proportion of the voting population as they did of the registered population.

Chapter 6

Conclusions and Recommendations

Conclusions

The 9 August Presidential Elections in Rwanda were conducted in a peaceful atmosphere. During the campaign, candidates enjoyed freedom of movement and assembly and they did not report any incidents. On the day of the election, universal suffrage was provided for, voters turned out in very large numbers across the country and the process was well administered by the National Electoral Commission (NEC).

Rwanda is still undergoing a process of national reconstruction and national reconciliation and the country has taken great strides, just 16 years since the 1994 genocide. As part of this process the country has, to its credit, embarked on establishing electoral democracy.

We understand the terrible legacy of the past and the consequent caution as the country moves forward. However, we are also cognisant as to what is required for Rwanda to forge ahead as a pluralistic democracy, enjoying the associated freedoms and rights. Many freedoms and rights are provided for in the existing legal framework, but there remain problems in the implementation and practice, with some limits placed on freedom of association and participation.

While taking account of Rwanda's historical context and the tragic events of 1994, and the understandable need to guard against any such tendencies re-emerging, there is a balance to be found and our hope is that as Rwanda moves forward the balance can be more in favour of an inclusive process, with more space for open, responsible debate among the country's political parties and in the media.

The NEC was well prepared for the elections and exhibited a high standard of organisation, which added confidence to the process. Overall, NEC officers worked professionally and diligently in their management of the process. The updating of the voter register provided for universal suffrage and the inclusion of photos on the Final Voter Register was a positive feature. The new consolidated Presidential Election Law, of June 2010, was also an improvement.

During the election campaign, candidates from the four contesting parties held campaign rallies around the country and none reported any impediments to their activities and the campaign was peaceful. However, while the campaign was fairly active, albeit dominated by the largest party, the fact that the four candidates were all drawn from the governing coalition meant there was a lack of critical opposition voices. A number of opposition parties had earlier stated their intention to stand but faced either legal or administrative problems, which resulted in their non-participation. Each case appears to be different, but the overall impact is a concern. In addition, concerns were raised to us about problems faced by some media outlets.

On the day of the election, observers reported that preparations were in place for the timely opening of the poll and voters turned out in very large numbers. Polling Stations were well organised and staff worked diligently to process voters. Political party representatives were

present in many cases, but overwhelmingly only from the incumbent candidate's party. It is unfortunate that other parties did not deploy representatives in many cases, as this right is a key transparency safeguard.

Based on our reports, the count in the polling stations was transparent and conducted fairly, though with a few inconsistent practices. But there were concerns that the process of result consolidation at the District level lacked transparency in several areas. Observers failed to gain the same level of access to the process and co-operation from District officials as they had enjoyed.

In conclusion, there are positive developments and there are areas of concern. While some of the key benchmarks for democratic elections have been met, others have not. Commonwealth Observers have found a well organised and peaceful poll. Campaign freedoms were provided for candidates, and they enjoyed freedom of movement and assembly in the conduct of their campaigns.

The National Electoral Commission has conducted the technical aspects well, providing confidence to the people to turn out in large numbers and people enjoyed the right to vote and were free to express their will. However, there were some concerns regarding the lack of transparency of the results consolidation at the District level in many areas.

As Rwanda strives to deepen its democratic process, it needs to particularly address issues of political participation and greater media freedoms so that the key benchmarks for democratic elections, to which Rwanda has committed itself, can be fully met for future elections.

Recommendations

Electoral Framework and Election Administration

- The NEC's website states that members are drawn from "different political parties and civil society". It would be helpful for this to be clarified to ensure transparency and confidence. There are various models for the composition of an electoral management body, and they can comprise of independent, non-political figures or be broadly representative of political contestants depending upon what is felt to be most suitable in any given context. Whichever model is preferred it is important for the process to be clear and transparent.
- Consideration could be given to lengthening the campaign period if it is felt that political parties would benefit.
- It might be advisable for registration of political parties to be handled by an independent body, such as the NEC or a specially designated body, and for the procedures to be as inclusive as possible.

Election Campaign and Media

- Consideration be given to the creation of a process of public disclosure of the breakdown of campaign spending and the sources of such funds

- Strengthen the capacity of the media (particularly in terms of investigative reporting and political commentary and analysis), including strengthening the Rwandan Journalists Association so that it can promote the interests and welfare of journalists
- Separate the roles of the Media High Council so that its focus on regulating the media does not overshadow its goal to promote media freedom; review the requirement that journalists must have attended a school of journalism to be registered

Voting, Counting and Tabulation

- Continue comprehensive programmes of civic and voter education to increase voter familiarity with the voting procedures, with particular emphasis on the elderly and youth.
- Increase training NEC staff at all levels, notably for those persons serving in Polling Stations, to ensure familiarity with prescribed laws and NEC regulations. This will help to ensure greater consistency between law and practice, particularly with regard to the process for inking the finger of voters, the reconciliation process at the Polling Centre prior to commencement of the count and the requirement for the posting of the results at Polling Centres.
- Provide ballot box seals which are uniquely numbered or identifiable, to ensure that the use of seals is a security feature.
- Consideration could be given as to the suitability of the existing practice of using a thumb print to cast a vote. Alternative methods for marking the ballot might be considered.
- Political parties need to make greater efforts to ensure deployment of representatives to follow the voting and counting procedures
- The tabulation process at the district must be fully transparent, with clear information given as to the modalities for this aspect of the process, in line with article 61 of the Presidential Election Law.

Annex 1

Composition of the Group

Dr Salim Ahmed Salim (United Republic of Tanzania – Chair)

African statesman Dr Salim Ahmed Salim served for 12 years as Secretary-General of the Organisation of African Unity (OAU) before demitting office in 2001. Prior to that he served in various cabinet and ambassadorial positions in the Tanzanian government, rising to Prime Minister (1984-85). As Prime Minister, he led Tanzania's delegation to the Bahamas Commonwealth Heads of Government Meeting (CHOGM) in 1985.

A massive figure on the international arena and one of Africa's best known voices, Dr Salim was the President of the U.N. General Assembly (1979-1980) and Chairman of the U.N. Committee on Decentralisation (1972-1980)

Dr Salim is currently a member of the Panel of the Wise of the Africa, which groups a select group of high profile individuals that offer advise on political and economic governance; and chairman of the Mwalimu Nyerere Foundation. He also chairs various NGOs, boards and commissions in Africa.

Mr Sabihuddin Ahmed (Bangladesh)

Mr Sabihuddin Ahmed is a former Permanent Secretary and a former Ambassador. As Permanent Secretary of the Ministry of Environment and Forests of Bangladesh he was instrumental in the banning of polythene shopping bags. In that role and as his country's top diplomat to Sweden and the UK, he strongly pursued the climate change agenda as Bangladesh would be one of its worst victims.

Mr Ahmed was involved in negotiations at bilateral and multilateral levels for his country and participated in various international conferences including the World Summit on Sustainable Development at Johannesburg in 2002. During his tenure in the UK, Mr Ahmed interacted closely with the Commonwealth Secretariat to deepen ties between the organization and his country.

Art Wright (Canada)

Mr Wright has served as Canada's top diplomat in Bangladesh and Burma (Mynmar); Barbados and the Eastern Caribbean; Zimbabwe, Botswana, Angola and Mozambique.

He has also been Vice President of the Canadian International Development Agency (CIDA) for Asia and Multilateral Institutions. He retired from the Canadian Foreign Service in 1997. He is currently an academic at the University of Victoria at Quest University, Canada where he has taught on interdisciplinary course on Sustainable Development and Human Security to undergraduate students in Canada and East Africa.

Brig Gen (Rtd) Francis Asiedu Agyemfra (Ghana)

Brigadier-General (Rtd) Francis A. Agyemfra served in the Ghana Armed Forces from 1961 to 2001. A graduate of the Malaysian Armed Forces Staff College, he served in various senior capacities in the Ghana Armed Forces, including General Officer Commanding Southern Command (Ghana) and Chief of Staff. As a key player in the peace processes in Liberia and Sierra Leone, General Agyemfra served as Ghana's Ambassador to Liberia from

1997 to 2001. General Agyemfra is now a Security Consultant and a Senior Fellow at The Institute of Economic Affairs, Ghana.

Dr Leith L Dunn (Jamaica)

Dr Dunn is a Jamaican Sociologist. She is Head of the Institute for Gender and Development Studies Mona Unit at the University of the West Indies in Jamaica. She is a graduate of the UWI and has a Ph.D. from the London School of Economics and Political Science.

Dr Dunn has worked with several local, regional and international development agencies including the United Nations. Her research and publications on a wide range of development issues include gender and governance. She has served as a member of Commonwealth Observer Groups for elections in Zimbabwe (2002) and Zambia (2006).

Mr Caesar Handa (Kenya)

Mr Handa has wide ranging experience in the development and implementation of communications programs and has been involved in research and communication initiatives in Kenya, the East African region and other parts of Africa. He has been at the forefront of developing research and communications programs that have significantly contributed towards improved governance and citizen participation in Kenya. Key among this is pioneering the process of political opinion polling in East Africa.

Mr Handa holds degrees in Political Science and Anthropology from the University of Nairobi, Postgraduate training in communications from the University of Nairobi and University of Missouri, Columbia USA. He has, in addition, attended several training programs including a course on research development at the University of Cologne. Mr. Handa has won several awards, including the Hubert Humphrey fellowship awarded by the United States Government.

Mr Samuel Tembenu (Malawi)

Mr Tembenu is a lawyer in Malawi and immediate past President of the Malawi Law Society (2008-2009); former Human Rights Commissioner of the Malawi Human Rights Commission between 2002 and 2008. He currently practices law in Malawi in the fields of commercial law and human rights.

He has previously participated as a local observer in general elections in Malawi both in capacity of Human Rights Commissioner as well as a member of the Malawi Law Society.

Mokshanand Sunil Dowarkasing (Mauritius)

Mr Dowarkasing has served as a Member of Parliament in Mauritius for 10 years during the period 2000-2010. He has also been a Member of the Pan-African Parliament (2005-2010) and was the President of the Eastern Caucus of the Parliament. He has led several fact finding missions in Africa including Darfur and Birao.

Mr Dowarkasing has participated in many election observer missions including that of the European Parliament. He has also been an active member of the Joint E-P-PAP Committee overlooking the African-EU strategy action Plan (Lisbon action Plan).

Mrs Simea Avei Meafou (Samoa)

Mrs Simea Avei Meafou has served in several government ministries including Justice Department, Lands and Titles Court, Ministry of Agriculture Forests, Fisheries and Meteorology for 29 years. She has been in her current post as Assistant Electoral Commissioner for 5 years.

Mrs Avei Meafou has represented the Samoa Electoral Office in various Election Management Bodies' conferences and workshop and has a solid grounding in good electoral practices globally.

Dr Christiana Thorpe (Sierra Leone)

Dr Christiana A M Thorpe is currently serving a second five year tenure as Chief Electoral Commissioner and Chairman of the Electoral Commission of Sierra Leone. A professional Educationist, Dr. Thorpe has served in various sectors in the field of Education including the position of Minister.

She is Founding Chair and Executive Member of the Charity – Forum for African Women Educationalists (FAWE) Sierra Leone Chapter – A Pan African Organisation catering for the education of disadvantaged girls and women throughout the continent. (She started the Sierra Leone Chapter in March, 1995).

She is Steering Committee member of the West African Sub-regional Electoral Management Borders (ECONEC) and serves in several International Board, on Democracy, Education and Peace and Conflict Resolution.

J C Weliamuna, (Sri Lanka)

Mr Weliamuna is a constitutional and human rights lawyer, with over 20 years of active legal practice, mainly in the Supreme Court of Sri Lanka. He has appeared in a large number of sensitive cases involving human rights and corruption. He is a regular contributor national and international media on human rights and governance situation of the country. He also served as a lecturer and trainer on governance and human rights at national, regional and international level.

He is an Eisenhower Fellow and a Senior Ashoka Fellow. He is an elected Bureau Member of the regional human rights organization, South Asians for Human Rights.

At present he is the Executive Director of the Transparency International Sri Lanka, the leading anti corruption institution, which is part of global movement against corruption.

He has extensive experience in monitoring of elections at local level and was involved in monitoring of elections in Pakistan and Indonesia. He also innovatively developed a civil society mechanism to effectively monitor abuses of state resources during elections.

Adelle Zaira Roopchand (Trinidad and Tobago)

Adelle Zaira Roopchand is a communications consultant specializing in the environment, security and logistics. She is responsible for logistics and security at the regional Association for Caribbean Media Workers. She was facilitator at the International Media Centre during the Fifth Summit of the Americas (VSOA) and the Commonwealth Heads of Government Meeting (CHOGM) 2009, where she managed more than 2,000 journalists covering VSOA and some 800 journalists covering CHOGM.

A graduate of communication and media, Adelle is the Al Gore representative presenter for The Climate Project in the Caribbean.

Kaye Oliver, CMG, OBE (United Kingdom)

Miss Oliver was a diplomat until 2002. She spent 16 years in Africa including as Ambassador to Rwanda and Burundi and as High Commissioner to Lesotho. Miss Oliver was part of the

Commonwealth Observer Groups to Kenya, Nigeria, Swaziland, Rwanda, Burundi and Zambia. She is a Director of Electoral Reform International Services (ERIS) in the UK.

Commonwealth Secretariat Support Staff

- Mark Stevens, Democracy, Staff Team Leader
- Manoah Esipisu, Media
- Martin Kasirye, Political
- Christina Hajdu, Human Rights
- Zippy Ojago, Democracy

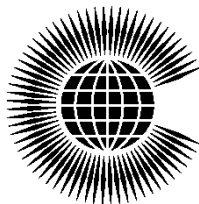
Annex 2

Deployment Plan

Team	PROVINCE	LOCATION	NAMES
1	KIGALI and Environs	Kigali City	Dr Salim Ahmed Salim (Tanzania) Mark Stevens and Manoah Esipisu
2	KIGALI and Environs	Kigali City	Christina Hajdu Zippy Ojago
3	WESTERN	Gisenyi	Mr Sabihuddin Ahmed (Bangladesh) Mrs Simea Avei-Meafou (Samoa)
4	WESTERN	Cyangugu	Mr Caesar Handa (Kenya) Mr Jayasuriya Weliamuna (Sri Lanka)
5	NORTHERN	Byumba	Ms Kaye Oliver (UK) Brig. Gen. (retd.) Francis Agyemfra (Ghana)
6	NORTHERN	Ruhengeri	Ms Adelle Roopchand (Trinidad and Tobago) Mr Samuel Tembenu (Malawi)
7	SOUTHERN	Gitarama	Martin Kasirye
8	SOUTHERN	Butare	Mr Art Wright (Canada) Dr Christiana Thorpe (Sierra Leone)
9	EASTERN	Kayonza	Mr Mokshshanand Dowarkasing (Mauritius) Dr Leith Dunn (Jamaica)

Annex 3

Arrival Statement



Commonwealth Observer Group Rwanda Presidential Elections

9 August 2010

NEWS RELEASE

Arrival Statement by H.E. Dr. Salim Ahmed Salim

Chairperson of the Commonwealth Observer Group

The Commonwealth Secretary-General, Mr. Kamallesh Sharma, has constituted an Observer Group for the 2010 Rwanda Presidential Elections, following an invitation from the National Electoral Commission of Rwanda.

It is my honour and privilege to have been asked to lead this Commonwealth Observer Group and be here in Rwanda for these important elections. Rwanda is the newest member of the Commonwealth and there is a great interest in these first elections since membership was confirmed.

Democracy, human rights and good governance are core Commonwealth principles and ones which our Observer Group is constituted to promote and uphold. These elections are crucially important for the people of Rwanda as they elect their President, and it is therefore imperative that the electoral process is transparent, fair and credible.

Our task as the Commonwealth Observer Group is to observe and report on relevant aspects of the organisation and conduct of the elections and also on the environment in which the election is held. The Group will consider all the factors impinging on the credibility of the electoral process as a whole, and assess whether the elections have been conducted according to the standards for democratic elections to which Rwanda has committed itself, with reference to its own election-related legislation as well as relevant regional, Commonwealth and other international commitments.

We will consider, among other things, whether conditions exist for free and competitive elections; the transparency of the process; participation rights; the impartiality of state apparatus and public media; whether candidates were free to campaign on a level playing field; whether freedom of expression is provided for, and whether voters were free to express their will.

In conducting our duties and undertaking our assessment, we will be impartial, objective and independent. Commonwealth Observers are present here in their individual capacities as eminent Commonwealth citizens. The assessment by the Group will be its own and not that of member governments. If we offer criticism it will be constructive, with the intent to help further strengthen the democratic process in the country.

The team of Observers come from across the Commonwealth, and includes politicians, members of election commissions, and representatives of civil society, academia and the media.

In the pre-election period we will meet, among others, with officials from the National Electoral Commission, representatives of political parties, civil society and media, as well as High Commissions and representatives of other international and national observer groups. Prior to election day, Commonwealth teams will deploy to various provinces around the country to observe the voting, counting and results processes. We will issue an Interim Statement after the election and a final report at a later stage.

For Rwanda, as a country still in democratic transition, the conduct of peaceful, transparent and credible elections is vital, as is the need for an environment which nurtures inclusiveness and pluralism. I wish the people of Rwanda well and hope that these elections serve to strengthen the democratic process in the country.

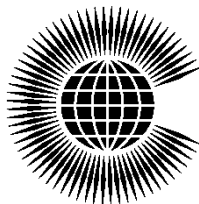
Kigali, 4 August 2010

Note to Editors

For media enquiries, please contact Mr. Manoah Esipisu at +250 (0)782 535 620 or m.esipisu@commonwealth.int

Annex 4

Interim Statement



Commonwealth Observer Group Rwanda Presidential Elections 2010

INTERIM STATEMENT

H.E. Dr. Salim Ahmed Salim
Chairperson of the Commonwealth Observer Group

The Commonwealth was invited to observe the 9 August 2010 elections by the National Electoral Commission. The Secretary-General of the Commonwealth decided to deploy a 13-person Observer Group supported by a staff team from the Secretariat. I am honoured to have been asked to Chair the Group, which has been present in the country since 2 August 2010.

During this period we have met with the National Electoral Commission, representatives of contesting political parties, other stakeholders, the Minister for Local Government, civil society, media, Commonwealth High Commissions as well as other international and national observers.

Over the electoral period our teams reported from Kigali City and the four Provinces, where we observed the voting, counting and tabulation processes. We also met with electoral officials, national and international observers and other stakeholders at the provincial and national levels in order to build up a larger picture regarding the conduct of the process.

Overview

- The 9 August Presidential Elections in Rwanda were conducted in a peaceful atmosphere. During the campaign, candidates enjoyed freedom of movement and assembly and they did not report any incidents. On the day of the election, universal suffrage was provided for, voters turned out in very large numbers across the country and the process was well administered by the National Electoral Commission (NEC).
- Rwanda is still undergoing a process of national reconstruction and the country has taken great strides, just 16 years since the 1994 genocide. As part of this

reconstruction the country has, to its credit, embarked on a process of establishing electoral democracy.

- We understand the terrible legacy of the past and the consequent caution as the country moves forward. However, we are also cognisant as to what is required for Rwanda to forge ahead as a pluralistic democracy, enjoying the associated freedoms and rights. Many freedoms and rights are provided for in the existing legal framework, but there remain problems in the implementation and practice, with some limits placed on freedom of association and participation.
- While taking account of Rwanda's historical context and the tragic events of 1994, and the understandable need to guard against any such tendencies re-emerging, there is a balance to be found and our hope is that as Rwanda moves forward the balance can be more in favour of an inclusive process and more space for open, responsible debate among the country's political parties and in the media.

Management of the Electoral Process

The NEC was well prepared for the elections and exhibited a high standard of organisation, which added confidence to the process. NEC officers worked professionally and diligently in their management of the process. The updating of the voter register provided for universal suffrage and the inclusion of photos on the Final Voter Register was a positive feature. The new consolidated Presidential Election Law, of June 2010, was also an improvement.

On the day of the election, observers reported that preparations were in place for the timely opening of the poll and voters turned out in very large numbers. Polling Stations were well organised and staff worked diligently to process voters. Political party representatives were present in many cases, but overwhelmingly only from the incumbent candidate's party. It is unfortunate that other parties did not deploy representatives in many cases, as this right is a key transparency safeguard.

The Final Voter Register appeared to be largely accurate and requisite checks were in place due to the inclusion of photos on the register and the requirement for voters to show ID. Based on our reports, the count in the polling stations was transparent and conducted fairly, though with a few inconsistent practices. Our teams continue to follow and report on the tabulation process.

Election Campaign and Political Participation

During the election campaign, candidates from the four contesting parties held campaign rallies around the country and none reported any impediments to their activities. The campaign was peaceful and enjoyed some positive innovations, such as the debates. Hopefully the 2010 campaign will help to further sensitise Rwandan voters to the dynamic of multi-party competitive and periodic elections.

However, while the campaign was fairly active, albeit dominated by the largest party, the fact that the four candidates were all drawn from the governing coalition meant there was a lack of critical opposition voices. A number of opposition parties had earlier stated their intention to stand but faced either legal or administrative problems, which resulted in their non-participation. Each case appears to be different, but the overall impact is a concern. In addition, concerns were also raised to us about problems faced by some media outlets.

Conclusion

As with most elections we observe, there are positive developments and there are areas of concern. For the 2010 elections Commonwealth Observers have found a well organised and peaceful poll. The National Electoral Commission has conducted the technical aspects very well, providing confidence to the people to turn out in large numbers. We commend the people of Rwanda for their active involvement and for their belief in the electoral process.

At the same time, as Rwanda strives to deepen its democratic process, it needs to address issues of political participation and greater media freedoms so that the key benchmarks for democratic elections, to which Rwanda has committed itself, can be fully met.

This statement is an interim one, and reflects our preliminary findings up to this point in the process. Following the return of our teams from the field we will compile our Final Report, which will contain our final conclusions as well as recommendations for suggested changes where required.

Kigali, 10 August 2010

For media enquiries, please contact Mr. Manoah Esipisu at +250 (0)782 535 620 or m.esipisu@commonwealth.int

Declaration of Principles for International Election Observation

The Commonwealth Secretariat is a signatory to both the Declaration of Principles for International Election Observation and the associated Code of Conduct for International Election Observation Missions, which were commemorated on 27 October 2005 at the United Nations in New York.

Commonwealth Observer Groups are organised and conducted in accordance with the Declaration and Commonwealth Observers undertake their duties in accordance with the Code of Conduct.