Civil Society
Election Observation Mission

FINAL REPORT
Rwandan Parliamentary Elections
2008
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17th November 2008
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### I. EXECUTIVE SUMMARY

- The second parliamentary elections since the enactment of the Constitution of the Republic of Rwanda have shown how well the country has developed its electoral framework, and which areas would benefit from further reform.

- Polling on the day of direct elections unfolded in an atmosphere of calm and sound organisation, demonstrating the National Electoral Commission's impressive organisational capacities.

- Some electoral procedures were not systematically followed on Election Day, including counting of ballots prior to the start of polling and secure closure of ballot boxes.
- Procedures for transmission and consolidation of polling centre results at sector level were lacking in clarity and this was reflected in inconsistent practices that were difficult to observe.

- The legal framework for elections in Rwanda provides for direct election of 53 members of parliament, and the indirect election of 27 members of parliament representing women, youth and disabled citizens. While the promotion of representation of all members of society is positive and should be maintained, consideration could be made of more of these reserved seats being chosen through direct elections.

- Future electoral processes would benefit from more detailed electoral procedures, particularly with regard to contingency options for voters who are not on the electoral register or do not have their voter’s card, and with regard to the process of transmission and consolidation of results from polling centres.

- Voter registration was carried out efficiently. These elections allowed category 3’ genocide perpetrators to participate for the first time, in a change consistent with the principle of universal suffrage. Future electoral processes may extend this tendency by considering which further categories of citizens may be allowed to participate. Pre-trial detainees are currently among those who are not allowed to vote.

- The eligibility requirements for registration as an independent candidate are reasonable. However the threshold for gaining an independent seat in parliament is disproportionately high compared to that for individuals within a party.

- The campaign period of 20 days was calm and without significant incident. The RPF coalition had significantly more campaign resources than the other two competing parties, who were not as visible.

- Women participated in big numbers in all elements of the electoral process: as registered voters, as direct and indirect election candidates, and as election administrators.

- There were no official electoral complaints. The legal framework for electoral complaints is generally adequate, although in the case of appealing against an NEC decision, recourse is immediately to the Supreme Court, after which there is no further recourse.

I. INTRODUCTION

The history of multi-party elections in Rwanda is relatively short: the first elections conducted in the 1950s for chiefs and sub-chiefs and the referendum to turn Rwanda from monarchy to republic were conceived, organized and supervised by the colonial
CIVIL SOCIETY ELECTION OBSERVATION MISSION

power, with pre-determined results. Between 1959 and 1994, political leadership took the form of a de-facto single party, which was ethnically-defined, and as a result a portion of the population was systematically excluded from the management and exercise of power.

After the genocide, the government of national unity put in place transitional arrangements for electing leaders with some degree of accountability to their electorates, until the adoption of the constitution in 2003 which established a multi-party political system in Rwanda according to which citizens can elect representatives and renew or withdraw their mandates. The 2008 legislative elections are the second such elections since the enactment of the Constitution.

It is in this context that the Rwandan Civil Society Platform established an election observation mission. The mandate of the Civil Society Election Observation Mission (CSEOM) was to conduct a comprehensive assessment of the electoral process in accordance with international standards and best practices for elections.

In July 2008, the CSEOM core team was established, and on 18th August the mission was officially launched. It continued to observe for the duration of the election process, until 5th October. The Chief Observer was Eugene Rwibasira, Spokesman for the Civil Society Platform. The CSEOM core team was made up of the Chief Observer, and also Legal, Electoral, Gender and Media experts, two observer coordinators and one logistician. Support staff included a computer technician, a statistician and an administrative assistant, as well as a five-string team for media monitoring. The CSEOM was also supported by a Technical Assistant with experience of election observation.

The CSEOM was officially launched on 18th August 2008. Few days later 50 long-term observers (LTOs) were deployed in teams of two, with five teams for each province of the country. LTOs reported on campaign activities and administrative preparations for election days. On 13th September, these were joined by 452 short-term observers, to observe polling and counting on election days.

The CSEOM has sought to identify the strengths and weaknesses of this electoral process in order to contribute to possible improvements in future electoral processes. A statement of preliminary findings was released on 19th September, one day after the last Election Day.

The CSEOM has used a comprehensive methodology to benchmark law, procedure and practice against international electoral standards. These standards, derived from international legal instruments, can be summarised as the requirements for periodic and genuine elections; citizens’ right to stand for elections; universal suffrage; the right to vote; equal suffrage; respect for the secrecy of vote, and respect for the expression of the will of the voters. These standards are relevant to all stages of an electoral process.

The CSEOM wishes to express its appreciation to UNDP and DFID, the Embassies of Canada and Belgium for the support which enabled the mission to take place. The mission also acknowledges the good cooperation with the NEC, in particular with regard to efficient accreditation of CSEOM observers.

II. LEGAL ISSUES
A: Legal Framework


Article 4 of Organic Law N° 17/2003 regarding presidential and parliamentary elections defines the electoral system, and specifically states that the National Electoral Commission is the body responsible for organizing elections, in accordance with the principles set out in article 180 of the Rwandan Constitution.

B: The Electoral System

The Rwandan electoral system provides for five-year terms for members of the national assembly. Election of the 80 members is done by two different systems:

- Direct election of 53 national assembly members, either representing political parties, coalition of parties, or independent candidates. Seats are allocated according to the proportion of votes garnered by each party list.

- Indirect election of 27 national assembly members representing women (24 seats); youth (2 seats) and the disabled (1 seat.)

With regard to direct election of 53 political representatives, the entire country makes up one electoral constituency. Article 90 of electoral law n° 17/2003 of 7/7/2003 stipulates that only a party, political coalition or independent candidate who garners at least five per cent of the national vote may gain a seat in the national assembly. The number of seats to be attributed to each list of candidates is calculated by dividing the number of votes garnered by the ‘electoral quotient,’ a figure arrived at by dividing the total number of votes for each qualifying list by the number of seats available.

With regard to the indirect elections of women, designated members in each district elect women representatives in proportion to the province’s population. As a result, the Southern, Eastern and Western Provinces each elect six members of the national assembly; the Northern Province elects four members, and the City of Kigali elects two members.

In the case of two national assembly members elected by the National Youth Council, and the one member elected by the Federation of Associations for the Disabled, elections take place in Kigali, and as in the direct elections there is only one constituency. The candidates with the most votes win. Where two potentially winning candidates have the same number of votes, there is provision for a recount, and thereafter for a new voting process just for these candidates. If again there are an equal number of votes, the winner is chosen by drawing lots.
III. ELECTION ADMINISTRATION

A: Structure and Composition of the Election Administration

The Rwandan National Electoral Commission was first conceptualised in article 24-c of the Arusha Accords, signed by the Rwandan Government and the Rwandan Patriotic Front on 4th August 1993. The NEC’s composition and remit were then specified in Organic Law N° 39/2000 of 28 November 2000.

The National Electoral Commission of Rwanda (NEC) derives from article 180 of the Constitution, and thereafter Organic Law N° 31/2005 of 4 June 2005, with the duty to prepare and conduct elections for local, parliamentary, senatorial and presidential elections as well as referenda.

The NEC is composed of three branches: the Council of Commissioners; the Office of the Council of Commissioners; and the Executive Secretariat which is the technical branch. The Council of Commissioners has seven members who are named by the Government and approved by the Senate. Commissioners may renew their three-year mandate just once. During electoral periods, Commissioners work full-time from one month before the elections, until official publication of results.

The National Electoral Commission’s responsibilities are specifically to:

- Prepare, manage and supervise the elections
- define electoral constituencies
- establish electoral commission branches in all provinces/Kigali City, as well as in each district; and to select, train and supervise polling station staff
- prepare and ensure civic education on elections
- supervise, announce and publish election results
- take the necessary measures to ensure free and transparent elections
- Undertake any other election-related activity provided-for by law.

B: The Administration of the Elections

The NEC demonstrated an impressive organisational capacity and for the most part both electoral preparations and the election days themselves were carried out smoothly. The most notable exception to this was at the results consolidation stages, to be addressed later in this report.

The NEC’s independence and impartiality is set out in article 180 of the Constitution, and in Organic Law N° 31/2005 of 24 June 2005. The NEC presents its programmes and reports to the President of the Republic, with a copy to Parliament, the Cabinet and Government, the Supreme Court and the Ministry of Local Administration.
The NEC’s impartiality has been questioned given that since its inception, its presidency has been held by a leading member of the Rwandan Patriotic Front. However, there is no objective evidence to support the challenge to the NEC’s impartiality and independence in its administration of the elections.

The NEC displayed a willingness to share information with observers, and held a number of meetings at national level specifically for that purpose. However, a number of changes made to electoral procedures shortly before election days were not directly communicated to observers. There is no reason to assume that this oversight was not due to prioritising the NEC’s main task of administrating the elections, but nonetheless it contributed to confusion and, in some cases, to limitations on the extent to which observers were able to verify transparency, accuracy and even compliance with the NEC’s own procedures. Specifically, these instances relate to the afore-mentioned consolidation procedures, and also to procedures for enabling people to vote in cases where they might be missing one or other key requirement, such as a voter’s card or registration at that particular polling station.

CSEOM observers were for the most part offered appropriate cooperation from NEC representatives throughout the country. The only occasions when this was not the case were, firstly, for a period of one week after deployment, but before the NEC issued personal accreditation cards to the LTOs. Despite accreditation of the mission, and letters from the NEC attesting to the observers’ accreditation, NEC representatives at local levels generally stated they could not provide any information. The second occasion was during consolidation of results at sector-level, when many CSEOM observers were refused permission or otherwise not enabled to attend the process.

C: Electoral Procedures

Article 122 of Organic Law N° 17/2003 of 7 July 2003 gives the NEC the latitude to devise procedures for the implementation of elections. This law has been modified and completed by Organic Law N° 5/2007 of 23 January 2007, as well as by Organic Law N° 31/2008 of 25 July 2008.

The electoral procedures issued by the NEC on 4 August 2008 are in the main well-developed and enable effective administration of electoral processes.

Nonetheless, future electoral processes might benefit from more explicit interpretation of some elements of the procedures, in two areas in particular: procedures for transmission and consolidation of results; and procedures for contingency options enabling people to vote where they may not hold a voter’s card or be on the electoral register. Clarifications offered by the NEC on some elements of the procedures might in future be made explicit within the wording of procedures.

It is also necessary to note that corrections and clarifications to the electoral procedures were made in a document signed by the NEC Chairman 26th August 2008, just two weeks before the elections, and that these were not communicated to observers. Changes affected articles 9, 17, 24,28,29,30, 32, 34 and 49 of the procedures, as well as the introduction of three new articles.

In the same vein, two new articles were added to the electoral procedures less than a week before the elections, on 9 September 2008. These articles concerned procedures
The NEC clearly has the latitude to make changes to the electoral procedures if these are necessary. This naturally includes the right and responsibility to address outstanding issues close to election days. However, the NEC’s transparency would be enhanced if it ensured that any such changes were clearly communicated to observation missions.

IV. VOTER REGISTRATION

A: The Right to Vote

Rwandan citizens aged 18 on the day of elections are entitled to be registered to vote, unless they:

- have had their civil rights limited by the relevant judicial bodies and have not thereafter been pardoned or rehabilitated in accordance with the law;
- have been found guilty of a genocidal crime or crime against humanity of the first or second category;
- have confessed to a genocidal crime or crime against humanity of the first or second category;
- have been found guilty of murder
- are refugees
- are detained

In a development consistent with the principle of universal suffrage, perpetrators of ‘category 3 level’ genocide crimes were no longer prohibited from voting or standing in elections. There was no clear method by which it could be verified that people previously prohibited from registering had availed themselves of their re-instated right to do so. Nonetheless, there were no complaints by an individual or group that anyone had difficulty registering to vote.

B: Voter Registration Procedures

Maintenance and updating of the electoral register is provided for by Article 3 of Organic Law Nº 31 of 25 July 2008, and by Article 9 of the Election Procedures. The electoral register is a permanent register, which according to article 13 of Organic Law Nº 17 of 2003 is updated prior to each election, unless it is less than two months since the previous election.

Updates to the voter’s register were completed efficiently and on time, between July and August 2008. The electoral register was displayed in villages for possible corrections between 1st and 12th August and corrections appeared to be recorded efficiently. A total of 4,769,228 citizens were on the electoral register for this process. These included citizens outside of Rwanda.
The Rwandan electoral system provides for the use of voter’s cards as an accompaniment to registration on the electoral register. Distribution of these cards was due to take place over July and August 2008, but continued into the first weeks of September.

To be deleted

V. REGISTRATION OF CANDIDATES/POLITICAL PARTIES/LISTS

A: Registration Procedures

The requirements for eligibility for election to parliament are: Rwandan citizenship, being at least 21 years old, and being a ‘person of integrity’ not disqualified for reasons of participation at certain levels in the genocide. A party or coalition may submit up to 80 candidates.

Potential independent candidates must meet the general eligibility requirements, and also submit a list of 600 supporting signatures, among which there must be at least 12 signatures from each of the 30 districts of the country.

Two days after the close of nominations, the NEC released the list of confirmed candidates: the RPF coalition had 80 candidates, and the PL and PSD had 72 and 64 candidates respectively. One of the two submitted independent candidacies was accepted by the NEC, while the other was disqualified for failing to provide the requisite signatures. In total 217 candidates competed for 53 seats.

Although the requirements for registration as an independent candidate are not particularly onerous, the number of votes required for an independent candidate to be elected are disproportionately high: to be elected, an independent candidate must garner at least 5% of the national vote, which is a higher threshold than for any individual party candidate. This, rather than registration requirements, may act as a disincentive for potential independent candidates.

Candidates for the indirect elections must be women, youth between 21 and 35 years old, and the disabled, according to the election they are standing for.

Being a member of an electoral college for indirect elections does not preclude a person from standing as a candidate in indirect elections. This raises the question of unfair advantage for those who are both Electoral College members and candidates.

For the indirect elections, 113 women competed for 24 seats, while 22 youth and 14 disabled candidates ran for the 2 and 1 seat available.

VI. ELECTION CAMPAIGN AND PRE-ELECTION ENVIRONMENT

A: Overview of the Election Campaign
The legal provisions for election campaigning in Rwanda are mainly found in the electoral procedures, and Organic Law n° 31/2008 of 25 July 2008, which complements and modifies Organic Law n° 17/2003 of 17 July 2003.

The election campaign period began on 25th August and lasted until 14th September. Campaigning was relatively low-key, and without significant incident.

Party campaign rhetoric was not inflammatory, but rather focused on the duties of parliamentarians and on proposed programmes to address issues such as access to water, refugee returns and security. In the case of the RPF coalition, there was emphasis on government achievements.

The RPF coalition campaign significantly outsized that of the PL and PSD parties, with more and bigger rallies. The RPF coalition campaign was also consistently active throughout the country, whereas the PL and PSD parties focused more on the Kigali area. The independent candidate was barely visible until some time into the campaign period, when he received a reasonable amount of media coverage.

There was no evidence of use of state resources for campaigning, and there were no official complaints on this or any other campaigning issue. The visibility during the campaign period was not based on any unreasonable campaigning restrictions on any particular parties.

The CSEOM was not informed of any substantiated cases of intimidation during the electoral period.

The quality of campaigning by indirect election women candidates indicated that they have benefited from capacity-building support.

**B: Voter Education**

According to the Constitution, the NEC has both the duty and the exclusive responsibility for ensuring provision of voter education to the population. The Commission may collaborate with civil society groups on some elements of civic education to, but these must follow the NEC curriculum.

Although voter education programmes took place across the country, citizens in rural areas in particular would benefit from more concerted efforts to ensure they are aware of the mechanics and meaning of elections.

**VII. MEDIA AND THE ELECTIONS**

The legal framework both in the Constitution and Organic Law n° 18/2002 allows for freedom of expression in general and specifically for the media, albeit within certain limits which include prohibition of ethnic or other divisionism. Post-genocide politics prioritise unity and reconciliation over dissent, and this is reflected in the media. Self-censorship is a factor in Rwandan media output.
Radio is the most wide-reaching medium in the country. The liberalised sector has several commercial radios, though State radio (Radio Rwanda) has the greatest reach and largest audience. Some remote areas however can only be served by community radios.

Ownership of most private media houses is by journalists, small businesses or political parties. The financial environment for independent print media is not conducive to genuinely independent expression, and some newspapers have a tendency to adapting their editorial line in function of who may buy advertising space. With the exception of the daily New Times, most newspapers have an erratic printing frequency.

The activities of the Electoral Commission were covered extensively and civic education messages prominent in all media. The regulatory body, the High Council of the Media [HCM] issued guidelines to be followed by the media during the electoral process. This included specific guidelines to public media on the importance of equitable coverage different candidates. The CSEOM notes that the HCM report concluded that public media did not comply with these guidelines.

Commercial advertising space was dominated by the FPR coalition in print and in radio broadcasts. There are no regulations for mitigating the disparity between the political entities’ financial resources.

**VIII. PARTICIPATION OF WOMEN IN THE ELECTORAL PROCESS**

The Constitution emphasises gender equity and Article 82 guarantees that 24 of the 80 parliamentary seats are reserved to women. The Constitution also stipulates a minimum 30% of senators must be women.

Women participated in all aspects of the electoral process: as candidates in the mainstream direct elections, as registered voters and as polling station staff.

In the direct elections, the FPR coalition put forward 32 women among their 80 candidates and of the 42 seats that RPF secured, 17 were women. PL had 22 women of 62 candidates and of the 4 seats got, 1 was for a woman. PSD had 21 women out of 63 candidates and got 7 seats of which 3 were for women. The FPR had a greater tendency to place women higher up the candidate list where they would have a more reasonable chance of being among those elected.

Among the 14 disabled candidates, there was one woman who did not manage any seat and in the youth group, there were 22 candidates of whom 3 were women and the 2 seats reserved for the youth 1 was won by a woman.

Following the release of the official list of candidates, women candidates were invited to a two-day training workshop to support their capacity to campaign. The workshops were provided by the women’s collective PROFEMMES, and were part of a programme called ‘Women Can Do It,’ which supports women who wish to become involved in decision-making processes. The workshops included debates with participants about competition, and the campaigning skills. In total 100 women candidates attended the workshops.

Women make up 55% of the registered electorate, and 56.2% of the seats in the newly-elected parliament are held by women. In addition to the 24 seats reserved to women, 20 women were elected through the direct elections, and one of the seats reserved to youth was won by a woman.
Civil society organisations also took part in voter education programmes, in collaboration with the NEC. Two groups which communicated information and encouraged participation were the women’s organisation PROFEMMES and COPORWA, the Community of Rwandese Potters, representing indigenous peoples. Civil society did not only participate in civic education but also in election observation.

Rwandan civil society’s participation in the 2008 parliamentary elections was most notable in the deployment of four domestic observation missions: the CSEOM, election observation mission carried out by the Ligue des Droits de personnes des Grands Lacs (LDGL), Kangurigwa Human Rights Association and the Global Trustees for Unity and Peace Volunteers. The LDGL EOM deployed 60 long term observers, and 56 short term observers. The mission released a statement of findings on 19th September.

X. ELECTION DAY

A: Overview of Voting

On the day of direct elections, polling was carried out in a calm and peaceful atmosphere. Voting took place in 2,203 polling centres, which held 15,378 polling stations.

Polling stations were equipped and essential materials were present on time in the great majority of cases. Polling station staff displayed a sound level of professionalism as regards voting procedures, there was no campaign material inside polling centres, and secrecy of vote was respected.

In the majority of cases observed (91%), CSEOM observers assessed that voters were able to enter polling centres and vote without any pressure or intimidation. In the Northern Province, observations indicated a lower degree of clarity and calm than the national average, with 71% of cases observed noting an absence of pressure, and 81% assessing that polling station staff explained voting procedures adequately, as compared with a national average of 96% for this question.

In 96% of cases security officials were present outside centres and behaving appropriately. In 3.6% of observed polling stations, unauthorised persons were present, and in a third of these, the individuals in question sought to interfere in the process.

In some cases polling stations opened a little late, either because essential materials had not yet arrived, or because polling station staffs were not efficient. Of more concern were those cases where polling stations opened early, jeopardising the possibility of their opening procedures being observed. These happened in the sectors of Ngororero, Kabaya and Kavumu in the district of Ngororero, in the Western Province where polling stations opened at 05h45, 05h40 and 05h45 respectively.

In some cases ballot boxes were not securely closed. CSEOM observers reported that ballot boxes were not closed in 4.1% of cases, but this figure does not reflect the number of boxes which were closed but not sealed, which was a more widespread phenomenon.
In more than one third of polling stations observed (31.1%), the number of ballots was not counted and noted before the start of polling.

CSEOM observers experienced reluctance from some polling station staff to allow them to observe voting procedures, although this was rectified early on in the hours of polling. Candidate representatives were present in the great majority of polling stations. RPF representatives were significantly more numerous than those for other parties. 73% RPF, 18.6% PSD, 6.5% PL

B: Counting and consolidation

Counting of votes at polling stations in the main proceeded according to procedures, most often in the presence of observers and party representatives. Nonetheless, in 9.6% of polling stations observed, results were issued without a reconciliation of ballots to confirm the starting and final number of ballots in play.

There is no legal or procedural requirement to post results outside each polling station, and as such this measure was not taken.

Consolidation of polling centre results was generally in line with procedures, although not always. In 93.7% of centres observed, polling centre presidents carried out a consolidation of the polling stations’ results. However, only in 86.3% of cases were CSEOM observers able to confirm that this was done clearly and accurately. In the remaining cases, the manner of consolidation was such that observers were not able to confirm accurate transposition of results. This was sometimes due to excessive zeal on the part of polling centre presidents, who insisted that observers’ remit was limited to watching voting procedures.

Consolidation of polling station results took place in the presence of party representatives in most cases, but as during voting and counting procedures, these were mainly RPF representatives. These were present in 73% of cases, while PSD and PL representatives were present in 18.6% and 6.5% of cases respectively. In 1.9% of cases, there was a representative of the independent candidate present.

At a relatively late stage of the electoral preparations, it was confirmed that there would be a consolidation of polling centre results in all sectors, prior to consolidating these at district level. The introduction or confirmation of this stage between polling centre and district consolidation was in itself a positive measure, theoretically allowing for closer observation of results tallying. However, the implementation of this sector-level consolidation stage made the measure counter-productive and constituted a far-reaching diminishment of transparency.

Electoral procedures regarding the transmission of results and physical location of consolidation were lacking in detail, and this was reflected in practice. Practice was inconsistent around the country, as was information provided to observers. Observers’ access to this stage of the process was limited. In some cases observers were actually prevented from attending and in others they were not informed of the location of sector-level consolidation.

CSEOM observers were only able to observe consolidation of results at sector level in 50% of sectors observed. As a result, in a significant proportion of cases, it was not
possible to confirm the accuracy of consolidated results at any stage beyond polling centre consolidation.

Observation of consolidation of results at district level was less problematic, though in the many cases where observation at sector-level was not possible, monitoring could only refer to the process, not the accuracy of results transmitted. Nonetheless, even at district level observers often had to negotiate to be allowed to attend, and as with sector-level consolidation were at times directed to the wrong location. Transmission of results from sector to district level was inconsistent, and in some cases took place by telephone.

In summary, consolidation and transmission of results was a very problematic element of this electoral process.

XI. RESULTS

A. Announcement of Results

The electoral calendar published by the NEC provided for announcement of provisional results on 22nd September, and publication of the final official results on 25th September 2008.
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<th>Turnout</th>
<th>Valid Votes</th>
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<th>%</th>
<th>PSD</th>
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 LIST OF THOSE WHO REPRESENT POLITICAL PARTIES IN PARLIAMENT (LOWER HOUSE) 
ACCORDING TO THE SEATS WON RESPECTIVELY 
COALITION PARTIES 
(FPR_Inkotanyi and PDC, PDI, PSR, UDPR, PPC, PSP)

1. KANZAYIRE Bernadette
2. Dr. SEMASAKA Gabriel
3. MUKAYISENGA Françoise
4. POLISI Denis
5. GASANA Alfred
6. GATERA Emmanuel (PDC)
7. MUKANDUTIYE Spéciose
8. KANTENGWA Julianna
9. KAYITARE Innocent
10. NIRERE Béatrice
11. KANAKUZE Judith
12. MUKAMA Abbas (PDI)
13. MUKAZYIBERA Agnès
14. Prof. MUNYANGANIZI BIKORO
15. KABONEKA Francis
16. NYABYENDA Damien
17. KAYINAMURA Gédeon
18. RUCIBIGANGO Jean Baptiste (PSR)
19. KAYITESI Libérata
20. Dr. MUSEMAKWELI Jean Baptiste
21. UWACU Julienne
22. SEKAMANA Bwiza Connie
23. NYANDWI Désiré
24. RWIGEMA Gonzague (UDPR)
25. RENZAHO Giovani
26. MUKAYUHI RWAKA Constance
27. MUKANOHELI Saidath
28. MUSABYIMANA Samuel
29. MUKARUGEMA Alphonsine
30. NIBISHAKA Aimable
31. KAYIRANGA Alfred RWASA
32. MUKANTAGANZWA Pélagie
33. KAREMERA Jean Thierry
34. SHAMAKOKERA Tharcisse
35. MURESHYANKWANO Marie Rose
36. KALIMA Evode
37. MWIZA Espérance
38. SAFARI Théoneste
39. ASHINZWUWERA Dumas Alexandre
40. NYIRAMADIRIDA Fortunée
41. MPORANYI Théobard
42. MUDIDI Emmanuel
b. PSD

1. NTAWUKULIRYAYO Jean Damascène
2. MUKAKANYAMUGENGE Jecqueline
3. NKUSI Juvenal
4. NTWALI Gérard
5. GASARABWE Jean Damascène
6. BAZATOHA Adolphe
7. NYIRAHIRWA Vénérandu

 c. PL

1. KALISA Evariste
2. BYABARUMWANZI François
3. MUKAMURANGWA SEBERA Henriette
4. KAMANDA Charles
WOMEN REPRESENTATIVES IN PARLIAMENT, LOWER HOUSE

KIGALI CITY

1. MUKANTABANA Rose
2. UWAYISENGA Yvonne

NORTHERN PROVINCE

1. UWAMARIYA Devote
2. MUREKATETE Marie Thérèse
3. UWAMARIYA Françoise
4. MUKAYIJORI Suzanne

SOUTHERN PROVINCE

1. NYIRARUKUNDO Ignacienne
2. NYIRABEGA Euthalie
3. NYIRABAGENZI Agnès
4. UWIMANA Espérance
5. NIYITEGEKA Winifried
6. GAHONGAYIRE Aurérie

EASTERN PROVINCE

1. INGABIRE Marie Claire
2. MUJAWAMARIYA Berthe
3. UWIMANIMPAYE Jeanne d’Arc
4. MUKABALISA Faith
5. MUKARINDIRO Liberata
6. NYIRAGWANEZA Athanasie

WESTERN PROVINCE

1. NIKUZE Nura
2. MUSABYERMUNGU Anne Marie
3. UMURAZA Landrada
4. TUYISENGE Solange
5. TWIZEYEZU Marie Josée
6. MUKARUBUGA Christine
YOUTH REPRESENTATIVES IN PARLIAMENT, LOWER HOUSE

1. BAYIHIKI Basile
2. UWAMARIYA RUTIJANWA Marie Pélagie

REPRESENTATIVE OF THE DISABLED IN PARLIAMENT, LOWER HOUSE

RWAKA Pierre Claver

C: Complaints relating to Election Results

There have been no official complaints made in relation to this electoral process.

The legal framework for electoral complaints is generally adequate. However, in the event of a judicial complaint, there is limited recourse to appeal since the first body to consider complaints after the NEC is the Supreme Court. Following the Court’s determination, there would be no further appeal possible.

XII. RECOMMENDATIONS

On the basis of its observations over the course of this electoral process, the CSEOM offers the following recommendations for consideration and action by the Rwandan authorities, with the aim of improving future processes.

Electoral system

1. The reservation of seats for women, youth and the disabled is a positive measure which should be maintained. However the manner in which the winners of these seats are elected could be reviewed and a greater proportion of all members of parliament should be elected through direct votes by the whole electorate. The Rwandan electorate has become more aware and experienced at the electoral process and the electoral system should adapt and become more direct in tandem with this development.

2. Future electoral processes may continue to review categories of citizens who regain their right to register to vote. Individuals in pre-trial detention are currently among those who are not allowed to vote.

Indirect elections

3. Being a member of an electoral college for indirect elections does not preclude a person from standing as a candidate in indirect elections. This raises the question of unfair advantage for those who are both Electoral College members and candidates.

Counting and consolidation of results

4. Electoral procedures for consolidation of results could be given more detail, to ensure that the precise measures, location and timing of these stages of the electoral process are absolutely clear.
5. It would be conducive to transparency and verifiability of results if electoral procedures included the requirement to post polling station results on site as soon as these become available. Consideration could also be given to posting consolidated results at sector and district level.

6. The quality of polling station staff training could be assessed, to ensure that all are fully able to fulfill their duties. Particular emphasis may be needed on the completion of forms, closing and counting procedures, and consolidation procedures.

7. It would be conducive to transparency if all polling station staff and NEC representatives were fully informed and confident of the rights of observers to attend all stages of the electoral process, so long as they do not interfere.

Media

8. State media outlets, the NEC and candidates might better take responsibility for ensuring that these last are aware and avail themselves of free space for campaigning purposes.

9. It could be useful to invest in capacity-building for public and private Rwandan media outlets to help ensure equitable, high-quality coverage of electoral processes.

Requirements for independent candidates

10. Although the requirements for registration as an independent candidate are not particularly onerous, the number of votes required for an independent candidate to be elected are disproportionately high: to be elected, an independent candidate must garner at least 5% of the national vote, which is a higher threshold than for any individual party candidate. This, rather than registration requirements, may act as a disincentive for potential independent candidates.

Electoral procedures

11. If changes are made to procedures, the onus is on the NEC to inform observers of this. It would be useful, and conducive to perceptions of transparency, if in future electoral processes NEC were to pro-actively inform observation missions of any changes made to electoral procedures.

12. It might be useful to clarify procedures relating to voters’ cards, perhaps with reference to a review of their exact purpose.

13. Future electoral processes would benefit from more explicit interpretation of some elements of the procedures, in two areas in particular: procedures for transmission and consolidation of results; and procedures for contingency options enabling people to vote where they may not hold a voter’s card or be on the electoral register. Clarifications offered by the NEC on some elements of the procedures might in future be made explicit within the wording of procedures.

14. The procedures for enabling people to vote where they are not registered at that particular polling station or if they are missing a required piece of documentation should enable easy verification afterwards, so that it is clear how many voters in each category
voted at a particular polling station. The current procedures do not allow this, for example listing students in the same annex as people who do not have a voter's card.

**Campaign framework**

15. The clear disparity between the RPF coalition’s resources and that of other competing parties raises the possibility of considering possible mitigation of such disparities before future electoral processes.

**Post election period.**

16. When all election observation missions have presented their final reports, CSEOM proposes a workshop to bring together all stakeholders to the electoral cycle (NEC, Parliament, Observation Missions, International partners) to evaluate the findings of the various observation missions and propose strategies to implement the recommendations made.
Rwandan parliamentary elections peaceful and well-organised, consolidation of results process needs clearer procedures.

Kigali, 19th September 2008: The second parliamentary elections since the enactment of the Constitution of the Republic of Rwanda have demonstrated how well the country has developed its democratic framework, and how it might build further on these improvements.

Polling on the day of direct elections took place in a calm atmosphere due to sound preparations by the National Electoral Commission. However, some opening procedures such as the counting of ballots prior to the start of polling were not respected in a significant proportion of polling stations.

Counting of votes at polling stations largely followed procedures and took place in front of observers and candidate representatives. Equally, consolidation of results at polling centres was adequate. Lack of explicit procedural detail and inconsistencies in practice, however, raised concerns about the consolidation of results at sector level and after. These procedures need to be more clearly-defined for future electoral processes.

The CSEOM also noted that while the eligibility requirements for registration as an independent candidate are reasonable, the threshold for gaining an independent seat in parliament is disproportionately high compared to that for individuals within a party.

The guarantee of a minimum 24 seats for women is a positive measure which has contributed to the likelihood of Rwanda’s parliament having the strongest female representation in the world.

The CSEOM notes that NEC accreditation to its observers was done in a timely and orderly manner.

The CSEOM is the largest national observation mission in Rwanda, and deployed 529 observers nationally on the day of direct elections. Fifty of these observers had been in the field since 18th August, and had observed developments during the period of campaigning.
and electoral preparations. Two observer coordinators ensured regular synthesis of observers’ reports. The core team in Kigali also includes experts in legal, electoral, gender and media issues. The team has been assessing all elements of the electoral process, considering both international standards in the context of developments in their country.

The CSEOM will continue to observe developments in this electoral process, and will issue a final report in a few weeks.

*Kigali, 19th September 2008:*

*For further information, please contact:*
*Eugene Rwibasira,*
*Chief Observer: 0830 1740*
The Civil Society Election Observation Mission (CSEOM) was launched in Kigali on 18th August 2008. The CSEOM is led by Eugene Rwibasira. The CSEOM deployed 456 observers throughout Rwanda to observe and assess in the electoral process in accordance with international standards for elections. On election day, observers visited 190 polling centres in 175 sectors to observe voting and counting. The CSEOM will continue to observe post-election developments. This statement is preliminary; a final report will be published a few weeks after the end of the electoral process.

Executive Summary

- The second parliamentary elections since the enactment of the Constitution of the Republic of Rwanda have shown how well the country has developed its electoral framework, and which areas would benefit from further reform.

- Polling on the day of direct elections unfolded in an atmosphere of calm and sound organisation, demonstrating the National Electoral Commission’s impressive organisational capacities.
A number of procedures were not systematically followed on election day, including counting of ballots prior to the start of polling and secure closure of ballot boxes.

Procedures for transmission and consolidation of polling centre results at sector level were lacking in clarity and this was reflected in inconsistent practices that were difficult to observe.

The legal framework for elections in Rwanda provides for direct election of 53 members of parliament, and the indirect election of 27 members of parliament representing women, youth and disabled citizens. While the promotion of representation of all members of society is positive and should be maintained, consideration could be made of more of these reserved seats being chosen through direct elections.

Future electoral processes would benefit from more detailed electoral procedures, particularly with regard to contingency options for voters who are not on the electoral register or do not have their voter's card, and with regard to the process of transmission and consolidation of results from polling centres.

Voter registration was carried out efficiently. These elections allowed 'category 3' genocide perpetrators to participate for the first time, in a change consistent with the principle of universal suffrage. Future electoral processes may extend this tendency by considering which further categories of citizens may be allowed to participate. Pre-trial detainees are currently among those who are not allowed to vote.

The eligibility requirements for registration as an independent candidate are reasonable. However the threshold for gaining an independent seat in parliament is disproportionately high compared to that for individuals within a party.

The campaign period of 20 days was calm and without significant incident. The RPF coalition had significantly more campaign resources than the other two competing parties, who were not as visible.

Women participated in big numbers in all elements of the electoral process: as registered voters, as direct and indirect election candidates, and as election administrators.

There have not been any official electoral complaints so far. The legal framework for electoral complaints is generally adequate, although there in the case of appealing against an NEC decision, recourse is immediately to the Supreme Court, after which there is no further recourse.
Statement of Preliminary Findings and Conclusions

BACKGROUND

The history of multi-party elections in Rwanda is relatively short: the first elections conducted in the 1950s for chiefs and sub-chiefs and the referendum to turn Rwanda from monarch to republic were conceived, organized and supervised by the colonial power, with pre-determined results. Between 1959 and 1994, political leadership took the form of a de-facto single party, which was ethnically-defined, and as a result a portion of the population was systematically excluded from the management and exercise of power.

After the genocide, the government of national unity put in place transitional arrangements for electing leaders with some degree of accountability to their electorates, until the adoption of the constitution in 2003 which established multi-party political system in Rwanda where citizens can elect, renew or withdraw the mandate of the people they voted into power. The 2008 legislative elections are the second such elections since the enactment of the Constitution.

It is in this context that the Rwandan Civil Society Platform established an election observation mission to conduct impartial, systematic and professional monitoring of key elements of the 2008 parliamentary election so as to enhance the prospects of transparent and credible elections. The Civil Society Election Observation Mission has sought to identify the strengths and weaknesses of this electoral process in order to contribute to possible improvements in future electoral processes.

The CSEOM has used a comprehensive methodology to benchmark law, procedure and practice against international electoral standards. These standards, derived from international legal instruments, can be summarised as the requirements for periodic and genuine elections; citizens’ right to stand for elections; universal suffrage; the right to vote; equal suffrage; respect for the secrecy of vote, and respect for the expression of the will of the voters. These standards are relevant to all stages of an electoral process.

The presence of independent elections observers, both domestic and international, can constitute one element of genuine elections.

LEGAL AND ELECTORAL FRAMEWORK

The electoral system includes direct election of 53 members of parliament, and indirect elections for 24 seats reserved for women; two for youth representatives, and one for a representative of the disabled. These guarantees for representation of historically marginalized groups are positive.

In considering the electoral standards of universal and direct suffrage against Rwanda’s current system of reserving 27 of the 80 parliamentary seats to indirect elections, account is taken of the country’s emphasis on non-confrontational politics, as well as on the well-established structures of representation which exist outside of government institutions. However the system established for the first parliamentary elections may be reviewed, and a progressive increase in the proportion of parliament seats gained through direct elections could be considered.

**Election Administration**

The National Electoral Commission of Rwanda (NEC) derives from article 180 of the Constitution the duty to prepare and conduct elections for local, parliamentary, senatorial and presidential elections as well as referenda. Article 122 of Organic Law N° 17/2003 of 7 July 2003 gives the NEC the latitude to devise procedures for the implementation of elections.

The NEC is composed of three branches: the Council of Commissioners; the Office of the Council of Commissioners; and the Executive Secretariat which is the technical branch. The Council of Commissioners has seven members who are named by the Government and approved by the Senate. Commissioners may renew their three-year mandate just once.

During this electoral process, the National Electoral Commission of Rwanda has demonstrated an impressive organizational capacity. This was especially clear on election day, where all the preparations enabled a day characterized by calm, ordered polling. The level of competence of NEC representatives throughout the country appeared adequate, and the preparation timetable was respected overall.

The electoral procedures issued by the NEC after the publication of the amendment of the Electoral Law on 4 August 2008 are in the main well-developed and enable effective administration of electoral processes. Nonetheless, future electoral processes might benefit from more explicit interpretation of some elements of the procedures, in two areas in particular: procedures for transmission and consolidation of results; and procedures for contingency options enabling people to vote where they may not hold a voter’s card or be on the electoral register. Clarifications offered
by the NEC on some elements of the procedures might in future be made explicit within the wording of procedures.

The decentralisation of polling locations to village (umudugu) level and the resulting increase in the number of polling stations and centres since the 2003 elections are to be commended, as they enhanced voters’ access. There were 2103 polling centres across the country, and 15,314 polling stations.

According to the Constitution, the NEC has both the duty and the exclusive responsibility for ensuring provision of voter education to the population. The Commission may choose to delegate some elements of civic education to civil society groups, but these must follow the NEC curriculum. Although voter education programmes have taken place across the country, citizens in rural areas in particular would benefit from more concerted efforts to ensure they are aware of the mechanics of elections.

**VOTER REGISTRATION**

Maintenance and updating of the electoral register is provided for by Article 3 of Organic Law No 31 of 25 July 2008.

Updates to the voter’s register were completed efficiently and on time, between July and August 2008. It was a useful measure to display the electoral register in villages for any corrections between 1st and 12th August and corrections appeared to be recorded efficiently. A total of 4,769,228 citizens were on the electoral register for this process.

Distribution of voters’ cards was due to take place over July and August, but continued into the first weeks of September. Practices on how voter’s cards were delivered varied, and the administrative requirements could be applied more stringently, such as in the case of existing limits on who can claim a voter’s card on someone else’s behalf.

In a development consistent with the principle of universal suffrage, perpetrators of ‘category 3 level’ genocide crimes were no longer prohibited from voting or standing in elections. Future electoral processes may continue to review categories of citizens who regain their right to register to vote. Individuals in pre-trial detention are currently among those who are not allowed to vote.

**REGISTRATION OF CANDIDATES**

The requirements for eligibility for election to parliament are: Rwandan citizenship, being at least 21 years old, and being a ‘person of integrity’ not disqualified for reasons of participation at certain levels in the genocide. A party or coalition may submit up to 80 candidates.
Potential independent candidates must meet the general eligibility requirements, and also submit a list of 600 supporting signatures, among which there must be at least 12 signatures from each of the 30 districts of the country.

Two days after the close of nominations, the NEC released the list of confirmed candidates: the RPF coalition had 80 candidates, and the PL and PSD had 72 and 64 candidates respectively. One of the two submitted independent candidacies was accepted by the NEC, while the other was disqualified for failing to provide the requisite signatures. In total 217 candidates competed for 53 seats.

Although the requirements for registration as an independent candidate are not particularly onerous, the number of votes required for an independent candidate to be elected are disproportionately high: to be elected, an independent candidate must garner at least 5% of the national vote, which is a higher threshold than for any individual party candidate. This, rather than registration requirements, may act as a disincentive for potential independent candidates.

Candidates for the indirect elections must be women, aged between 21 and 35 years old, or disabled, according to the election they are standing for.

Being a member of an electoral college for indirect elections does not preclude a person from standing as a candidate in indirect elections. This raises the question of unfair advantage for those who are both electoral college members and candidates.

For the indirect elections, 113 women competed for 24 seats, while 22 youth and 14 disabled candidates ran for the 2 and 1 seat available.

**CAMPAIGN ENVIRONMENT**

The election campaign period began on 25th August and lasted for 20 days. Campaigning was relatively low-key, and without significant incident.

Party campaign rhetoric was not inflammatory, but rather focused on the duties of parliamentarians and on proposed programmes to address issues such as access to water, refugee returns and security. In the case of the RPF coalition, there was emphasis on government achievements.

The RPF coalition campaign significantly outsized that of the PL and PSD parties, with more and bigger rallies. The independent candidate was barely visible until some time into the campaign period, when he received a reasonable amount of media coverage.

There was no evidence of use of state resources for campaigning. However, the clear disparity between the RPF coalition’s resources and that of other competing parties...
raises the possibility of considering possible mitigation of such disparities before future electoral processes.

The quality of campaigning by indirect election women candidates indicated that they have benefited from capacity-building support.

MEDIA ENVIRONMENT

The legal framework both in the Constitution and Organic Law n° 18/2002 allows for a freedom of expression in general and specifically for the media, albeit within certain limits which include prohibition of ethnic or other divisionism. Post-genocide politics prioritise unity and reconciliation over dissent, and this is reflected in the media. Self-censorship is a factor in Rwandan media output.

Radio is the most wide-reaching medium in the country. The liberalized sector has several commercial radios, though State radio (Radio Rwanda) has the greatest reach and largest audience. Some remote areas however can only be served by community radios.

Ownership of most private media houses is by journalists, small businesses or political parties. The financial environment for independent print media is not conducive to genuinely independent expression, and some newspapers have a tendency to adapting their editorial line in function of who may buy advertising space. With the exception of the daily *New Times*, most newspapers have an erratic printing frequency.

The low-key nature of the election and the absence of competitive opposition politics was reflected in media coverage of the electoral process. The activities of the Electoral Commission were covered extensively and civic education messages prominent in all media.

Commercial advertising space was dominated by the FPR coalition in print and in radio broadcasts. There are no regulations for mitigating the disparity between the political entities’ financial resources.

PARTICIPATION OF WOMEN

The Constitution emphasises gender equity and Article 82 guarantees that 24 of the 80 parliamentary seats are reserved to women. The Constitution also stipulates a minimum 30% of senators must be women.
Women participated in all aspects of the electoral process: as candidates in the mainstream direct elections, as registered voters and as polling station staff.

In the direct elections, the FPR coalition put forward 32 women among their 80 candidates, the PL 21 women of 64 candidates, and the PSD three women out of 22 candidates. The FPR had a greater tendency to place women higher up the candidate list where they would have a more reasonable chance of being among those elected.

Among the 14 disabled candidates, there was one women, and there were three women among the youth candidates.

Women make up 55% of the registered electorate. According to provisional results, 55% of the seats in the incoming parliament will be held by women.

**COMPLAINTS AND APPEALS**

There have not been any official complaints recorded during this electoral process so far, nor any appeals against NEC or other election-related decisions.

The legal framework for electoral complaints is generally adequate. However, in the event of a judicial complaint, there is limited recourse to appeal since the first body to consider complaints after the NEC is the Supreme Court. Following the Court’s determination, there would be no further appeal possible.

**POLLING**

On the day of direct elections, polling was carried out in a calm and peaceful atmosphere. Polling stations were equipped and essential materials were present on time in the great majority of cases. Polling station staff displayed a sound level of professionalism, there was no campaign material inside polling centres, and secrecy of vote was respected. Turn-out was clearly high.

In some cases polling stations opened a little late. Of more concern were those cases where polling stations opened early, jeopardising the possibility of their opening procedures being observed.

In some cases ballot boxes were not securely closed and in more than one third of polling stations observed, the number of ballots was not counted and noted before the start of polling.

CSEOM observers experienced reluctance from some polling station staff to allow them to observe voting procedures, although this was rectified early on in the hours of polling.

Candidate representatives were present in the great majority of polling stations. RPF representatives were significantly more numerous than those for other parties.
Indirect women’s elections took place according to procedures.

**COUNTING AND CONSOLIDATION**

Counting of votes at polling stations proceeded according to procedures, in the presence of observers and party representatives. Given observations on the widespread failure to count and record the number of ballots prior to the start of polling, it follows that at least in those polling stations there cannot have been a reconciliation of ballots to confirm the starting and final number of ballots in play.

Transparency of polling station counting would be enhanced by a legal or procedural requirement to immediately post results outside each polling station. Consolidation of polling centre results was generally in line with procedures.

At a relatively late stage of the electoral preparations, it was confirmed that there would be a consolidation of polling centre results in all sectors, prior to consolidating these at district level. The introduction or confirmation of this stage between polling centre and district consolidation was in itself a positive measure, theoretically allowing for closer observation of results tallying. However, the implementation of this sector-level consolidation stage made the measure counter-productive and constituted a far-reaching diminishment of transparency.

Electoral procedures regarding the transmission of results and physical location of consolidation were lacking in detail, and this was reflected in practice. Practice was inconsistent around the country, as was information provided to observers. Observers’ access to this stage of the process was significantly limited. In some cases observers were actually prevented from attending and in others they were not informed of the location of sector-level consolidation.

As a result, in a significant proportion of cases, it was not possible to confirm the accuracy of consolidated results at any stage beyond polling centre consolidation.

*For further information, please contact:*
*Eugene Rwibasira, Chief Observer: 0830 1740*
## 2. LTO DEPLOYMENT

### KIGALI

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### SOUTHERN

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### NORTHERN

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