The Carter Center

International Election Observation Mission to Democratic Republic of Congo 2006

Presidential and Legislative Elections

Final Report

THE
CARTER CENTER

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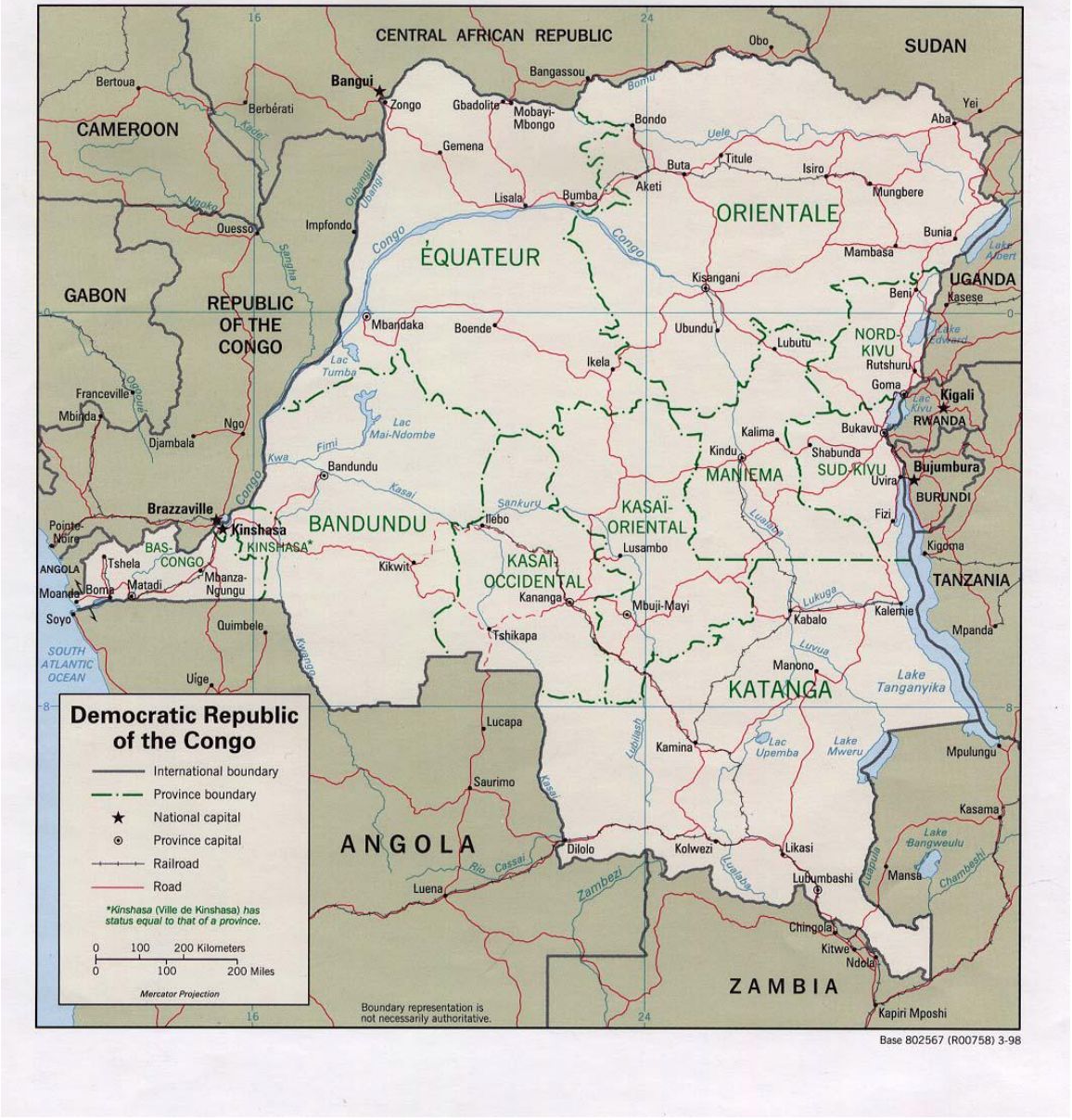
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KINSHASA*
Bangui
Brazzaville
Kinshasa
Bujumbura
Kigali
Democratic Republic of the Congo
International boundary
Province boundary
National capital
Province capital
Railroad
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*Kinshasa (Ville de Kinshasa) has status equal to that of a province.
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EXECUTIVE SUMMARY

The 2006 presidential and legislative elections in the Democratic Republic of Congo (DRC) represent a milestone in both Congolese and African history. The DRC, Africa's third largest country in area and fourth largest in population, emerged in the late 1990s from 30 years of brutal dictatorship only to fall into what the United Nations referred to as the "world's greatest humanitarian crisis." A civil war, involving a half-dozen armies from neighboring countries, left millions dead in the last decade. The 2006 elections marked the formal culmination of a transitional peace process underway since 2003 and represented the Congolese people's first real chance for peace and democracy since independence in 1960.

These elections were the last and best hope for maintaining the current tentative peace in the DRC, the consequences of which reach beyond its borders to the subregion and even impact the continent as a whole. The consequences are also economic. A successful electoral process is a necessary step in the long road of building a stable and prosperous economy in Central Africa. The Congo has tremendous natural resources but they have not been managed to the benefit of the population. The presidential and legislative elections held on July 20 and Oct. 29, 2006, produced the Congo's first democratically elected leaders in 40 years. Incumbent President Joseph Kabila was elected following a runoff election against Jean-Pierre Bemba.

If well governed and successful at bringing about peace in its eastern regions, the DRC has the potential to become an economic powerhouse and serve as a catalyst for the development of Central Africa and the entire continent.

FRAGILE DEMOCRATIC PROCESS

Despite remaining pockets of armed conflict in the eastern part of the country, the Congolese peace process made dramatic strides as citizens prepared for their first multiparty democratic elections in 2006. Many ex-combatants demobilized and concrete, though insufficient, advances were made toward establishing an integrated national army. Monetary stability returned as well and inflation, which stood at 630 percent in 1998, was down to less than three percent by early 2004.

Although the Sun City Peace Accord called for elections by June 2005, a provision enabled up to two delays of six months each. In a swirl of uncertainty and political suspicion, the government invoked these delays, citing the postponed adoption of the electoral law by the National Assembly and the challenges of establishing an election commission capable of conducting an election in the conditions of the DRC.

Once the legislative framework was adopted, election authorities registered more than 25 million voters between June and December 2005 and held a constitutional referendum Dec. 18–19, 2005, which resulted in a new

constitution approved by 83 percent of voters. The registration of presidential and legislative candidates was successfully completed in early 2006, followed by the recruitment and training of poll workers and a major logistical exercise to equip approximately 50,000 polling stations across the country. Ballot papers were printed in South Africa and airlifted by the South Africans to multiple drop-off points in the DRC.

This report illustrates only some of the challenges of running elections in a country the size of Western Europe with little to no national infrastructure or experience conducting democratic elections, continued violence, large numbers of displaced people, and rampant corruption. The international community mobilized its largest-ever electoral support effort in which the United Nations provided significant technical assistance and massive logistical resources to help with the deployment of electoral material and the collection of results. The United Nations Mission in Congo (MONUC) was the world's largest peacekeeping force, with nearly 20,000 combined uniformed and civilian personnel. The Independent Electoral Commission (CEI, or *Commission Électorale Nationale Indépendante*) strengthened its institutional capacity after the voter registration process and constitutional referendum revealed serious shortages in the quality and quantity of resources dedicated to training polling staff and providing civic and voter education. However, features of the electoral system (open-list proportional representation) posed their own challenges, such as a complex and, in some cases, multipage ballots in large urban areas such as Kinshasa where some 10 percent of the simple yes/no ballots from the constitutional referendum were spoiled due to incorrect marking by voters.

To compound the already tremendous technical challenges of these elections, an extremely volatile political environment threatened to drag the democratic process once more into violence. The transitional government established by the Sun City Accord was an uneasy power-sharing arrangement between former belligerent parties, some of which were accused of war crimes. Several of these same parties, whose strength was military and who lacked popular support at a national level, faced a likely loss of much of their power as a result of these elections. Other political leaders called the election preparations seriously flawed and threatened to undermine the process unless they received negotiated assurances about the transparency of the process and a commitment that the elected representatives would be able to form a new government.

The Carter Center launched its international election observation mission in full recognition of the fact that even without premeditation bitter and possibly violent disputes over the results were likely as well as vehement accusations of fraud by the losers. The destructive forces of xenophobia and nationalism were among the dangerous cards that some political actors played, capitalizing on the (well-deserved) distrust of the international community, given the Congo's colonial past and its

more recent interference in neighboring countries.

Carter Center observers witnessed constant reminders of the violence throughout the country, and the Congolese people knew that the integration of former combatants into the national armed forces was far from irreversible. The Center received many reports of human rights abuses committed by various military subgroups, and there were frequent outbreaks of fighting between military groups along the lines of their original loyalties, some involving Joseph Kabila's presidential guard and the private security of Jean-Pierre Bemba.

CARTER CENTER OBSERVATION METHODOLOGY

Following invitations from President Joseph Kabila and the president of the electoral commission, Abbé Apollinaire Malumalu, The Carter Center conducted two assessment visits in 2005. In April 2006, the Center established a field office in Kinshasa to coordinate election observation activities. Through a combination of long- and short-term election monitoring, the Center monitored election preparations and political developments and was able to provide feedback to election authorities, political parties, and domestic observers throughout the mission. The Center issued multiple public reports and conducted many private meetings to share its findings.

The overall goal of the Center's international election observation mission to the DRC was to contribute to a credible electoral process that met international standards and facilitated a democratic and peaceful political transition in the DRC through the following activities:

- Conduct an impartial assessment of the transitional election processes and, where relevant, make recommendations for improvement
- Collaborate with local Congolese civil society organizations' efforts to play a constructive role in the electoral process, including strengthening their capacity to mount credible observation efforts
- Share key findings of the Center's observation activities with the government of the DRC, electoral authorities, political parties, and civil society actors in order to contribute to improved electoral processes
- Provide tools for Congolese parties to resolve peacefully election disputes and discourage violence related to the electoral process, possibly through the establishment of effective monitoring by Congolese civil society organizations, civic dialogue, and liaison structures where the electoral authority, political parties, and civil society organizations could discuss issues of mutual interest
- Demonstrate international support for the Congolese transition and, if necessary, facilitate mediation of electoral and other disputes among Congolese leaders

The Center provided an impartial and independent assessment of the 2006 electoral process through the deployment of long-term observers (LTOs) from April to September and organized a 60-

person international delegation for the July 30 elections. As a result of logistical and transport challenges in the DRC, the Center deployed most of the delegation for approximately one month rather than the 10-day deployment associated with typical observation delegations. A limited number of short-term observers arrived several days before the election for deployment in the Kinshasa area. The delegation included political leaders, electoral and country specialists, representatives from civil society groups, election authorities, and others. Building on the pre-election efforts of the LTOs the observer delegation achieved good geographic coverage across the country and coordinated its deployment with other international and domestic observer groups.

The Center maintained a postelection presence to observe vote counting, tabulation, the announcement of results, and the processing of electoral complaints. The Center organized a second 60-person international delegation for the presidential runoff election on Oct. 29, 2006. Upon arrival in Kinshasa, all Carter Center observers were briefed on the political situation in the DRC and received orientation on specific aspects of election observation, including the use of checklists, deployment logistics, reporting requirements, and security guidelines. Based on established methodology, the Center deployed observers in teams of two. Owing to the logistical challenges posed by the Congo's devastated infrastructure, air and ground transport was often unreliable, expensive, and subject to frequent delays or breakdowns. The demanding conditions of multiple deployments by each LTO team to different areas of the country proved challenging. LTOs visited most parts of the country, including Kikwit in Bandundu province, Mbandaka in Equateur province, and Lubumbashi in Katanga province. Subsequent deployments covered Bukavu, Kisangani, Gemena, Uvira, Mbuji Mayi, Kananga, and Tshikapa.

The Carter Center experienced directly the tragic dangers of life in the DRC following the death of long-term observer Guillaume Kakanou in a road accident in Kasai Orientale on May 29. The vehicle in which Guillaume was traveling rolled down an embankment as the driver attempted to navigate an extremely poor road en route to Kabinda from Mbuji Mayi. In consultation with SOS International, the Carter Center's office in Atlanta, MONUC, and the CEI, the field office staff arranged for a rescue vehicle from Kabinda to drive to the accident site. An international doctor was located and also traveled to the accident site to administer first aid. Guillaume's fellow team members, LTO Noor Tawil, the vehicle driver, and a passenger who had been assisting when the vehicle was stuck, were brought by motor vehicle to Kabinda. The following day, they were evacuated by air on MONUC transport to Kinshasa.

The other LTOs returned to Kinshasa and a Mass was held in Guillaume's name at St. Anne's Catholic Cathedral. CEI President Abbé Malumalu assisted in leading the Mass, which was attended by approximately 100 people, including the U.S. ambassador, representatives from USAID, DfID, EISA, NDI, and IFES, and many domestic election observers. Guillaume's body was repatriated to Benin on June 8, accompanied by Noor Tawil. The Center remembers Guillaume with fondness and offers his family and friends our deepest sympathies.

Through the participation of leading political figures as delegation leaders, the Center ensures that senior Congolese leaders hear the Center's assessment and know that the Center is ready to assist with mediation, especially regarding acceptance of election results, if appropriate and requested. Former Canadian Prime Minister Joe Clark and Associate Executive Director of The Carter Center for Peace Programs John Stremlau provided delegation leadership.

The Carter Center mission coordinated efforts with other international and domestic observers and the United Nations to provide monitoring coverage across the country. The Center also participated in the release of two joint statements with other international election observers, including the African Union, the European Union (E.U.), Francophonie, the Southern Africa Development Community Parliamentary Forum, and others.

After the July election, the Center continued its assessment and began preparations for observation of the runoff presidential election scheduled for Oct. 29. Following the October election, the Center continued its assessment until the announcement of official final results and the inauguration of the Congo's newly elected president, Joseph Kabila, on Dec. 6.

The Center and the Electoral Institute for Sustainable Democracy in Africa (EISA) co-hosted a two-day conference July 21–

22. The overall objective was to engage stakeholders from the DRC in a dialogue to consider how conflict management can impact on the prospects for conflict reduction, successful democratic elections, and sustainable democratic institutions. More than 100 participants attended, including CEI President Abbé Apollinaire Malumalu and former South Africa Chief Justice Johann Kriegler.

The partnership between The Carter Center and Congolese actors was a key element in the design and implementation of these activities. Given the security concerns and logistical challenges of the DRC, this cooperation and, where possible, the sharing of resources was vital. The Center maintained solid contacts with the highest level of government in the DRC, including President Kabila, Vice President Ruberwa, High Media Authority (HAM) President Modeste Mutinga, CEI President Malumalu, and many political parties. The field office also collaborated with various African and Congolese organizations.

SUMMARY OF KEY ISSUES

Logistical challenges: The support for elections in the DRC represented the biggest logistical challenge ever faced by the United Nations in its electoral assistance efforts. In a country the size of Western Europe (2,345,410 sq. km.) in which it is impossible to travel by road from one end to the other, the United Nations and CEI delivered voting materials to more than 50,000 polling stations by air, water, and road. These enormous logistical constraints seriously hampered everything from civic education and poll worker training to the deployment of materials, party agents, and observers.

Voter registration: Voter registration took place between June and December 2005, prior to the Dec. 18, 2005 constitutional referendum. Despite some flaws (electoral kits and generators sometimes broke down and civic education during the registration was inadequate) and demands from the Union for Democracy and Social Progress (UDPS) party to reopen registration centers in January 2006 after its leader reversed a call for a boycott of the registration process several months earlier, approximately 25 million voters registered out of an estimated total number eligible of 28 million.

Candidate registration: Candidate registration for the presidential and legislative elections was completed on March 23, 2006. In total, 33 candidates registered for the presidential election and 9,709 candidates entered the running for the 500-seat National Assembly. Several political parties contested both publicly and in court President Joseph Kabila's candidacy claiming that he was ineligible to register as a voter (and therefore as a candidate) because he was still an active member of the army. The Supreme Court of Justice (CSJ) dismissed these objections. Candidates for the provincial elections, which were held concurrently with the presidential runoff on Oct. 29, 2006, registered May 8–26. Overall, 13,371 candidates registered for 632 seats in 11 provincial assemblies.

Ballot papers: In April 2006, the CEI began initial preparations to print the presidential and legislative ballots. Once

candidate registration finished for the legislative elections, the CEI began designing ballot templates. Due to the large number of candidates, some legislative ballots were large and unwieldy, containing multiple pages. The largest ballot, for example, from one of the four Kinshasa districts, listed 864 candidates, each with their name, photo, party symbol, party acronym, and the number of their place on the ballot. The ballot paper itself was about the size of an open tabloid newspaper and six pages long. Fortunately, there were only six such multipage ballots out of the 169 districts throughout the country and the affected constituencies resided in Kinshasa and two other major centers where literacy and education are typically higher. The CEI reduced the number of voters per polling station in Kinshasa to compensate for the extra time expected per voter in these areas. The CEI also encouraged candidates to campaign using the number assigned to them on the ballot paper.

List of registered voters: The production of a final list of eligible voters was delayed for several reasons. First, the DRC adopted a system of electronic voter registration requiring the distribution of laptop-based kits throughout a country with limited transport and electricity supply. Second, the compact discs containing the electronic registration data sometimes contained errors or were not able to be retrieved and returned to Kinshasa on time. Third, the readable compact discs had to be crosschecked for multiple registrations. As a result of this crosschecking, the CEI submitted a list of duplicate/fraudulent registrations to the judicial authorities across the country so that the criminal courts could pursue those individuals. In recognition of the problems that occurred during the December 2005 constitutional referendum, when polling stations were allowed to use blank lists for voters omitted from the voter register, the CEI tried to limit their use in 2006. However, in practice, the CEI exercised weak control over voter list management and many of the questionable rates of extremely high voter turnout and high vote totals for candidates in their strongholds can be attributed to this flaw.

Civic education: Although the CEI and civil society conducted some limited civic education activities before the referendum, civic education was one of the weaknesses of the referendum process. It was not until May 20, 2006, that CEI President Malumalu chaired a coordination meeting on civic education to try and get a handle on the "big picture" of national civic education coverage. This assessment finally concluded on July 4 and confirmed what Carter Center observers have been noting in the field: civic education had been generally limited to the large urban centers and huge swathes of the country were not serviced. In a June 6, 2006, public report, the Center urged a redoubling of efforts on civic education.[1]

It was widely believed that many Congolese did not understand the significance of their vote, a perception

[1] See the appendices for all Carter Center public statements from the 2006 election observation mission.

often repeated to Carter Center observers. While Congolese had fairly good awareness that elections were imminent and were enthusiastic about the idea, many of them poorly understood how a democracy functions, what the election meant or how they would work.

Training and payment of electoral workers: Training of national electoral trainers began on June 13. Compared to the constitutional referendum, the CEI made several improvements on its cascading training program by eliminating some of the levels between the initial training of national trainers in Kinshasa and the training of the electoral workers in the polling stations. Despite these improvements, The Carter Center expressed concern about the CEI's capacity to recruit and train approximately 250,000 capable, neutral electoral workers in the short time before the July elections. Too often, the CEI issued last minute changes regarding important election procedures that were not well communicated to all election officials. The result was uneven application of proper election procedures, especially regarding the use of the voter register, creating opportunities for fraud.

The payment of electoral workers was a persistent problem and contributed to multiple labor disputes and work stoppages as election workers went unpaid, sometimes for several months after they had finished working. The payment problem stemmed from the difficulty of ensuring correct and secure distribution of payments around the country.

Campaign and the media: After much political debate over the interpretation of the electoral law concerning the campaign start date, the CEI finally decided (following a CSJ opinion) that the campaign for the presidential and legislative elections would last 30 days, ending 24 hours before election day.

As part of its mandate according to the electoral law, the High Media Authority (HAM) organized free airtime in the form of debates and spots on television and radio for all presidential candidates during the campaign period. It selected a number of prominent television stations to participate in this exercise in conjunction with the candidates. Beyond ensuring equitable coverage for presidential candidates on the national broadcaster—Radio Télévision Nationale Congolaise (RTNC)—HAM also required that private media outlets not devote more than 30 percent of their political airtime to a particular candidate and that political debates include at least two candidates. HAM's president, Modeste Mutinga, spoke out against the frequently xenophobic and threatening tone of political debate in the Congo but his powers of enforcement were often limited.

Campaigning for the second round was not vigorous; however, there were a number of instances where parties, candidates, or others employed hate language and violence. Too frequently, the media, including the public broadcaster RTNC, unfortunately did not honor their responsibility to provide neutral information to the public.

Election security: Despite pockets of insecurity in the East in north/central

Katanga, Ituri district (Province Orientale), and North and South Kivu provinces, most international actors remained optimistic about the security situation during the election period. One political party, the Rally for Congolese Democracy (RCD), despite its previous military strength, was considerably weakened and it appeared that Rwanda had ceased its support.

Outside the Kivus, Jean-Pierre Bemba's Congolese Liberation Movement (MLC) also no longer benefitted from Ugandan support as it had during the war. Although Jean-Pierre Bemba still possessed troops who had not been integrated into the new national army it seemed unlikely that he would return to widespread violence without external support.

In general, many international actors believed that while there were likely to be pockets of insecurity that flared up during the elections it was unlikely that any of the former belligerents would plunge the DRC back into war. One Kinshasa diplomat told the Center that the former belligerents were all reluctant to appear as "the one" who spoiled the elections by attempting a return to outright war. In addition, there was intense international and regional pressure on all Congolese political actors to refrain from violence during the electoral period.

Security concerns remained acute regardless, particularly given the incomplete reintegration of the DRC army and the endurance of the presidential guard, militias, private security, and other armed groups. In a worrying manifestation of things to come, on April 26, 2006, members of the Presidential Guard clashed with members of Jean-Pierre Bemba's personal security detail in suburban Kinshasa. Three days of violence ensued in Kinshasa between troops loyal to Joseph Kabila and those loyal to Jean-Pierre Bemba in the days following the Aug. 20 announcement of provisional results from the first round presidential election. Intimidation, clashes among rivals, and roaming gangs of youth marked many political rallies. Bemba supporters attacked and badly damaged both the premises of the HAM and the CSJ.

Intense diplomatic pressure managed to avert widespread escalation of such clashes but those initiatives required a constant attention that is unlikely to be repeated in future elections.

Election procedures and results: The Center observed that election procedures were, for the most part, well implemented despite a range of limitations and irregularities. Polling stations mostly opened on time, or soon after, with their full complement of election workers and materials. The conduct of the poll was also largely in accord with procedures. Witnesses from multiple candidates and domestic observers were present in strong numbers, although distribution was skewed in areas under the respective control of the two presidential candidates in the runoff. This skewed distribution limited the effectiveness of such witnesses and may have contributed to inaccurate predictions of the results by each candidate (as well as limiting transparency in the conduct of

the elections and creating opportunities for manipulation to go unseen).

Instances of disruption or attempted manipulation of the electoral process, while serious in a few cases, appeared to be isolated and unlikely to affect the overall results.

Carter Center observers generally had open access to all aspects of the polling, counting, and tabulation of votes.

The tabulation of results in the first round in Kinshasa exposed management weaknesses and a failure on the part of CEI to ensure appropriate collection, security, and compilation procedures were followed. This glaring weakness was addressed successfully for the second round with the assistance of MONUC. The CEI revised several other electoral administration procedures after the first round, and while the new measures were not always fully implemented, voting and counting operations were significantly improved for the runoff.

The distribution of copies of polling station results to candidate witnesses for the second round improved confidence and transparency in the counting of ballots and the CEI is to be commended for the public announcement of partial provisional results as they were tabulated nationally.

The Carter Center documented significant irregularities in the final presidential election results that signaled abuse of the voter register and provisions for omitted voters to cast a ballot. In the runoff between Joseph Kabila and Jean-Pierre Bemba the geographic distribution and scale of these abuses was more and or less equivalent for the two candidates. In this sense the final outcome was credible although the experience exposed many flaws in all stages of conduct of the elections that should be addressed for future elections.

POLITICAL BACKGROUND

Although the DRC is a country rich in natural resources such as cobalt, copper, industrial and gem diamonds, and hydropower, its GDP per capita is among the lowest in the world. With a population of approximately 58 million, the country endures high infant mortality, endemic sexual assault of women, disruption of agriculture and commerce owing to multiple armed conflicts, and the displacement of thousands of people.

The communications infrastructure of the DRC is entirely debilitated. Only 10,000 ill-maintained telephone main lines exist. Most telephone communication occurs by cellular telephones, with more than one million phones in use and at least five service providers. There are only 153 Internet hosts in the DRC with an estimated 50,000 users. Four television broadcast stations and 16 radio broadcast stations (three AM, 11 FM, and two shortwave) exist.

Transportation throughout the DRC also remains a problem with limited railway and road access to various parts of the interior. Most regions of the country remain inaccessible by car due to the lack of paved roads and highways. There are estimated 230 airports in the DRC, with the largest in the cities of Kinshasa, Lubumbashi, Kananga, Kisangani, and Mbuji-Mayi.

CONFLICT IN THE DRC

Armed conflict provided the inescapable backdrop to the 2006 elections, not only in terms of the direct and indirect causes of loss of life but also the disruption of the economy, the ability for the government or other political actors to function properly, and the influence it had on the design and operation of transitional institutions.

The 2006 elections (as well as the preceding voter registration and constitutional referendum) thus offered a means to step away from conflict toward the installation of new democratic institutions and elected representatives. Though many of these arrangements were imperfect, they appeared to enjoy the overall confidence of most Congolese. The timeline below points towards several key influences on politics and political institutions in the DRC.[2]

[2] Adapted from the BBC website, available at: http://www.bbc.co.uk/news/world-africa-13286306

Mobutu Transition

1990 President Mobutu agrees to end the ban on multiparty politics and appoints a transitional government, but retains substantial powers.

1991 Following riots in Kinshasa by unpaid soldiers, Mobutu agrees to a coalition government with opposition leaders but retains control of the security apparatus and important ministries.

1993 Rival pro- and anti-Mobutu governments are created.

1994 Mobutu agrees to the appointment of Kengo Wa Dondo, an advocate of austerity and free-market reforms, as prime minister.

1996–97 Tutsi rebels capture much of eastern Zaire while Mobutu is abroad for medical treatment.

Aftermath of War

May 1997 Tutsi and other anti-Mobutu rebels, aided principally by Rwanda, capture the capital, Kinshasa; Zaire is renamed the Democratic Republic of Congo; Laurent-Desire Kabila installed as president.

August 1998 Rebels backed by Rwanda and Uganda rise up against Kabila and advance on Kinshasa. Zimbabwe and Namibia send troops to repel them. Angolan troops also side with Kabila. The rebels take control of much of the East of the Congo.

1999 Rifts emerge between Congolese Liberation Movement (MLC) rebels supported by Uganda and Rally for Congolese Democracy (RCD) rebels backed by Rwanda.

July 1999 The six African countries involved in the war (Rwanda, Namibia, Zimbabwe, Uganda, Angola, and the DRC) sign a ceasefire accord in Lusaka. The following month the MLC and RCD rebel groups sign the accord.

2000 U.N. Security Council authorizes a 5,500-strong U.N. force to monitor the ceasefire but fighting continues between rebels and government forces, and between Rwandan and Ugandan forces.

January 2001 President Laurent Kabila is shot dead by a bodyguard. Joseph Kabila succeeds his father.

February 2001 Joseph Kabila meets Rwandan President Paul Kagame in Washington. Rwanda, Uganda, and the rebels agree to a U.N. pull-out plan. Uganda and Rwanda begin pulling troops back from the frontline.

May 2001 U.S. refugee agency says the war has killed 2.5 million people, directly or indirectly, since August 1998. U.N. panel says the warring parties are deliberately prolonging the conflict to plunder gold, diamonds, timber, and coltan, used in the making of mobile phones.

Search for Peace

April 2002 Peace talks in South Africa: Kinshasa signs a power-sharing deal

with Ugandan-backed rebels, under which the MLC leader would be premier. Rwandan-backed RCD rebels reject the deal.

July 2002 Presidents of the DRC and Rwanda sign a peace deal under which Rwanda will withdraw troops from the East and the DRC will disarm and arrest Rwandan Hutu gunmen blamed for the killing of the Tutsi minority in Rwanda's 1994 genocide.

September 2002 Presidents of the DRC and Uganda sign peace accord under which Ugandan troops will leave the DRC.

September/October 2002 Uganda and Rwanda say they have withdrawn most of their forces from the East. U.N.-sponsored power-sharing talks begin in South Africa.

December 2002 Peace deal signed in South Africa between Kinshasa government and main rebel groups. Under the deal rebels and opposition members are to be given portfolios in an interim government.

Interim Government

April 2003 President Kabila signs a transitional constitution, under which an interim government will rule pending elections in two years.

May 2003 Last Ugandan troops leave eastern DRC.

June 2003 French soldiers spearhead a U.N.-mandated rapid-reaction force. Main former rebel groups are sworn in as vice-presidents in July.

August 2003 Interim parliament inaugurated.

March 2004 Gunmen attack military bases in Kinshasa in an apparent coup attempt.

June 2004 Another reported coup attempt by rebel guards is said to have been neutralized.

December 2004 Fighting in the East between the Congolese army and renegade soldiers from a former pro-Rwanda rebel group. Rwanda denies being behind the mutiny.

March 2005 U.N. peacekeepers kill more than 50 militia members in an offensive, days after nine Bangladeshi soldiers serving with the United Nations are killed in the north-east.

INTERNATIONAL ACTORS

Given the international character of the Congo's war and peace settlement, the role of international state and non-state actors was heightened for the 2006 elections. The following section describes some of the key actors in relation to the electoral process.

The United Nations Mission in Congo (MONUC)

The United Nations Mission in Congo (MONUC) was the most prominent international actor in the DRC. MONUC was given a six-month mandate in January 2000 to ensure that the ceasefire agreement of the Lusaka Accord was maintained. Since then, the mandate of MONUC has been extended to multiple political, military, rule of law, and capacity-building tasks as its peacekeepers continued to monitor the situation in the East. In June 2004 General Nkunda invaded Bukavu (a city in eastern DRC), causing citizens in Kinshasa to riot against the violence in the East, particularly targeting MONUC vehicles and compounds.

The DRC elections were the largest ever supported by the international community, who focused on the elections as key to regional and continental stability and prosperity. The partnership between a United Nations Development Program (UNDP) and the Department for Peacekeeping Operations (DPKO) through MONUC was a new institutional form never before used in U.N. election support. It initially proved difficult to harmonize. These relations improved significantly during the referendum. The apparent logic of this partnership was that UNDP was better able to manage resources and civilian personnel recruitment while DPKO (through MONUC) could provide logistical support and overall leadership. In practice, the division of labor was not always so clear (for example, UNDP was responsible for civic education, but MONUC for logistics, while UNDP was also responsible for a CEI warehouse in Kinshasa).

MONUC also played an important diplomatic role in the electoral process and frequently encouraged political actors to implement the transitional arrangements they had agreed to. Notably, the Security Council resolution of June 30, 2006, reiterated the United Nations' appeal to "Transitional institutions and on all Congolese parties to ensure that free, fair and peaceful elections take place, that the timetable for polls developed by the Independent Electoral Commission is scrupulously respected and that security forces exercise restraint and remain impartial while providing security to the electoral process, and to respect the rights of every candidate to conduct a campaign."

The annual cost of MONUC operations beginning in 2005 was slightly more than one billion dollars. In addition, some $400 million in electoral assistance was provided. For the 2006 election year the total uniformed personnel of MONUC numbered more than 22,000 with a significant number of additional civilian personnel. Despite the unprecedented level of support, the international presence in the DRC was still not very "deep" given the scale and complexity of the country and the organizational complexity of the CEI.

For example, it was difficult for the United Nations to have an effective presence in every vote tabulation center (*Centre Locaux de Compilation du Vote*, *or* CLCR) let alone a permanent presence. Moreover, politically, the international community had to walk a fine line organizing the elections without being perceived as influencing their results—a particularly sensitive issue in the DRC given its political and historical context.

Southern African Development Community (SADC)

The Southern African Development Community (SADC) is the most important regional organization of which the DRC is a member and was a key actor in bringing the Congolese government and rebels to the negotiating table. Former Zambian President Frederick Chiluba brokered the first accord signed between late President Laurent Kabila and rebel factions. President Thabo Mbeki of South Africa was also instrumental in the formulation of the Sun City Accord, which saw to the creation of the transitional government in the DRC.

International Committee in Support of the Transition (CIAT)

The International Committee in Support of the Transition (CIAT) was a body created by the Inter-Congolese Dialogue peace agreement (the "Global and All Inclusive Accord"). Its mandate was to act as a steering committee for the transition; as such it often issued statements and held meetings with different actors involved in the transition. The CIAT was composed of MONUC—the Special Representative of the Secretary-General (SRSG), the European Union, and the ambassadors from the five permanent members of the U.N. Security Council (the United States, the United Kingdom, France, China, and Russia), as well as Canada, Belgium, Zambia, Angola, Gabon, and South Africa.

International Committee of the Wise

The *Comité International des Sages* (International Committee of the Wise) was a concept spearheaded by MONUC but officially launched by the five heads of the Congolese Democracy Support Institutions (*Institutions d'Appui à la Démocratie*) in a declaration on April 25, 2006. The goal of the Committee was to act as an alternative dispute resolution mechanism composed of former heads of state and other eminent persons to help ensure that the elections were conducted freely and fairly and that all parties accepted the results. It took a long time to designate the Committee members and for it to begin work. Former Mozambican President Joaquim Chissano made his first visit to the DRC as president of the Committee on July 26. Other members included former Benin President Nicéphore Soglo (who withdrew due to health concerns), Justice Lewis Makame—chairman of the Tanzania National Electoral Commission, and former Senegal Prime Minister Mame Madior Boye. The committee members made several trips to the DRC and Chissano appears to have been effective as the point person for the group, working to build dialogue between the two main presidential candidates, Joseph Kabila and Jean-Pierre Bemba.

European Union

The European Union was the main donor to the Congolese elections, providing support to a range of projects including election administration, the justice sector, rule of law, and infrastructure. The European Union also sent 1,600 uniformed personnel to provide election security.

Select International Nongovernmental Actors

International nongovernmental actors also played significant roles in the provision of electoral assistance to the CEI, political parties, and civil society organizations. Key actors included:

National Democratic Institute (NDI)
The National Democratic Institute (NDI) focused on four main areas: strengthening the internal capacity of political parties; fostering dialogue between political parties and representatives of other sectors of society; providing technical assistance to legislators; and enhancing the capacity of Congolese parties and civil society organizations to monitor and report on the electoral process. NDI trained political party witnesses and domestic observers through Democracy Resource Centers in six major cities across the DRC.

International Foundation for Electoral Systems (IFES)
The International Foundation for Electoral Systems (IFES) performed two main roles. First, it provided technical assistance to the CEI. This included assisting in drafting the electoral law, assisting in the training of poll workers, and providing expertise on ballot design and candidate registration procedures. Second, IFES supported civic education programs in six provinces that worked with approximately 250 local nongovernmental organizations (NGO) partners, high schools, and religious partners.

Centre Lokole / Search for Common Ground (SFCG–DRC)
Search for Common Ground in the Congo (SFCG–DRC), known locally as "Centre Lokole," was established in 2001 to support communications for the Inter-Congolese Dialogue. SFCG–DRC implemented media programming, capacity building, and outreach activities to enhance communication regarding the political transition process in the hopes of reducing tensions and developing lasting peace in the East. SFCG–DRC linked grass-roots efforts and national campaigns in order to target numerous sectors of society and multiple levels of conflict with a special focus on youth, women, and other vulnerable populations.

Electoral Institute of Southern Africa (EISA)
The Electoral Institute of Southern Africa (EISA) provided assistance for the drafting and adoption of the law on the electoral commission, as well as the new constitution. EISA also provided civic education, assisted with political party forums, and provided training for CEI personnel, political party witnesses, electoral conflict mediators, and domestic election observers.

ELECTION SECURITY

Potential armed disruptions to the election process remained a constant concern. In addition to concerns about militias operating in the eastern Congo, the members of the *espace presidentiel* (literally "presidential space" but signifying the special character of the transitional executive branch of government) retained their respective complements of loyal troops. For example, troops loyal to Vice-President Jean-Pierre Bemba of the MLC and members of the Presidential Guard loyal to Joseph Kabila exchanged gunfire in Kinshasa on April 26. There were no reported casualties, but one vehicle sustained minor damage. The altercation was described in some media as a "settling of scores." One source indicated that it may have been due to allegations that President Kabila encouraged the Central African Republic to lodge a complaint with the International Criminal Court (ICC) against Bemba. The Central African Republic accused Bemba's troops of committing crimes against humanity on their soil (following the 2006 elections Bemba was arrested and brought to trial before the ICC at The Hague). Regardless of the veracity of particular claims, this type of proxy conflict between presidential candidates was a reminder of the urgent need for security sector reform and the establishment of a truly integrated national army as a key component of a lasting peace.

Bemba remained a serious threat not only because he still maintained troops loyal to him in Kinshasa and Equateur province, but also because he faced a "lose-lose" situation. He stood little chance of winning the presidential election, at least not in the first round, and he faced potential prosecution by the ICC. Therefore, in the event of electoral defeat he needed to either strike an agreement with the future government to obtain immunity and possibly a government post, or, in a worst case scenario, go back to war. His ability to secure a senate seat resolved the question only temporarily.

Throughout the Center's observation mission there were some promising developments in the security sector. During the deployment of long-term observers, the Center learned that the security situation in Bunia was generally stable, and despite a continued militia presence in the Ituri district the general perception was that the militia was weakening. The militias were not thought to be able to cause any significant disruptions to the elections and several militia leaders surrendered their arms in the months leading to the election. Mai Mai leader Gedeon surrendered to MONUC forces in northern Katanga with approximately 150 (mostly child) soldiers, while the local population turned over Ituri militia leader "India Queen" of the Congolese Revolutionary Movement (*Mouvement Révolutionnaire du Congo*) to MONUC forces.

However, renegade general Laurent Nkunda in North Kivu demonstrated that he still had the capacity to seriously disrupt order, as he did in Rutshuru territory in January 2006. According to a MONUC intelligence report, the Rally for Congolese Democracy-Goma (RCD–G) tried to exacerbate ethnic tensions

between Hutu and Nande populations in Rutshuru. An "open letter" that attacked the Nande and the CEI is thought to have originated with RCD–G (CEI President Malumalu is a Nande from North Kivu). The security situation in North Kivu also prevented the election campaign from taking place in certain parts of that province. Radio Okapi reported that this insecurity was due to troops loyal to Laurent Nkunda, as well as to small bands of foreign militias. Carter Center LTOs were told that no candidate for the legislative elections had begun campaigning before July 7 in either Walikale or Masisi. On July 8, armed men in military uniform attacked the campaign committee for a legislative candidate in Masisi.

There were some positive signs in Ituri, such as the July 10 freeing of five remaining Nepalese peacekeepers who had been taken hostage by a militia. Radio Okapi reported that militias continued to surrender in Ituri to MONUC, reaching nearly 3,000 by mid-June.

The European Union sent a military force, the European Union Force (EUFOR), to the DRC to support the Congolese security forces and MONUC. The government and MONUC requested this mission, consisting of 800 (mostly French and German) soldiers based in Kinshasa with the capacity to deploy to other major cities in the Western half of the country and 1,200 on standby in neighboring Gabon to assist with security during the electoral period. Its goal was to act as a deterrent to potential troublemakers, including presumably the Congolese army, Kabila's Presidential Guard, and Bemba's troops, while also providing security for expatriates in the unlikely event of an evacuation.

As election day approached, despite pockets of insecurity in the East in north/central Katanga, Ituri district in Western Province, and the North and South Kivu provinces, most international actors were relatively optimistic about the overall security situation. The RCD, despite its previous military strength, appeared considerably weakened. Additionally, it seemed that Rwanda no longer supported the RCD. Its president, Paul Kagame, publicly stated that he no longer believed that the DRC government was supporting Rwandan genocide perpetrators in the east of the country. The Rwandan government also indicated that it would open an embassy in Kinshasa following the elections. Thus, at least superficially, there appeared to be a rapprochement between Kinshasa and Kigali, likely the result of intense pressure by the international community on Rwanda not to spoil the Congolese elections.

Outside the Kivus, the MLC also no longer benefited from Ugandan support as it did during the war. Although Jean-Pierre Bemba still possessed troops in Equateur province that had not been integrated into the new national army, it seemed unlikely that he would return to violence without Ugandan support.

Dialogue on Conflict Mediation

In collaboration with EISA, The Carter Center co-hosted a two-day conference on July 21–22 in Kinshasa to discuss the impact of conflict mediation on democratic elections and sustainable democratic institutions. Themes covered during the conference included:

- The value of a conflict management model for emerging democracies
- The role of democratic institutions in conflict management
- Comparative experience in conflict management systems
- The strategic use of mediation and adjudication

Based on EISA's experience, the conference included important references to South Africa's 1994 elections. Former South Africa Independent Election Commission Chair and Supreme Court Justice Johan Kriegler participated in the conference, and CEI President Malumalu offered concluding remarks. EISA also shared lessons from previous conflict mediation panels in the DRC that it had facilitated. The conference reviewed the experiences of the mediators in the referendum and the role they play in the election and postelection process.

Despite the potential for pockets of insecurity, many international actors felt it unlikely that any of the former warring parties would reignite war. None wanted to be perceived as "the one" who sabotaged the elections, as a Kinshasa diplomat told the Center.

Concerns about security remained, particularly given the incomplete reintegration of the DRC army. A MONUC risk analyst told the Center that all reintegration of the former belligerents' troops had stopped and the Presidential Guard, which many observers viewed as a private Kabila militia, remained in place. The Center also heard reports that Bemba was amassing a force of approximately 2,000 troops on his property in Ndjili, in the outskirts of Kinshasa. In response to this move, Kabila sent members of the Presidential Guard to an adjacent location. This positioning foreshadowed future clashes in Kinshasa.

LEGAL FRAMEWORK FOR ELECTIONS

The Inter-Congolese Dialogue began in mid-October 2001 in Addis Ababa, Ethiopia. The Congolese government boycotted the process due to the absence of the Mai-Mai fighters. The Dialogue reconvened on Feb. 25, 2002, in Sun City, South Africa, under the mediation of South African President Thabo Mbeki. The agreement outlined a new government in which Joseph Kabila would remain president and Jean-Pierre Bemba, leader of the MLC, would become prime minister. Under the agreement, a new transitional constitution would be drafted that would specifically include provisions for the creation of a new army of national unity.

With further negotiations, the Sun City Accord was endorsed on April 2, 2003. It called for the establishment of a two-year transitional government, the creation of an army of national unity, a new constitution, and an electoral law for presidential elections to be held by June 2005. The 24-month transition period could be extended by a six-month period (renewable once) should circumstances require an extension. The transition government was composed of Joseph Kabila as president and four vice presidents: Abdoulaye Yerodia Ndombasi from Kabila's ruling People's Party for Reconstruction and Democracy (PPRD); Z'Ahidi Ngoma from the national opposition; Azarias Ruberwa, leader of the RCD–Goma; and Jean-Pierre Bemba, leader of the MLC. The transition government was sworn into office in July 2003.

The Sun City Accord also called for the creation of five institutions to support democracy:

- Independent Election Commission (CEI)
- High Media Authority (HAM)
- Truth and Reconciliation Commission
- National Human Rights Observatory (ONDH)
- Commission for Ethics and the Fight against Corruption

Moreover, a comprehensive action plan was built around five critical objectives:

1. Free and fair elections
2. Good governance and justice
3. An integrated national army and police force to establish security
4. Disarmament, demobilization, and repatriation of the Democratic Forces for the Liberation of Rwanda[3]
5. Fulfillment of MONUC's mandate to protect civilians

CONSTITUTIONAL REFERENDUM

A constitutional referendum took place on Nov. 27, 2005, to replace the 2003 transitional constitution. It was the first genuine democratic poll held on a national scale in the last four decades.

The transitional parliament adopted the referendum law (Law No. 05/22 of June 22, 2005), while the CEI organized the constitutional referendum. The CEI was

[3] FDLR: armed force associated with former Hutu Power group and comprised of ethnic Hutus opposed to Tutsi power

responsible for translating and publishing the draft constitution into the main national languages, implementing and coordinating voter and civic education campaigns, and managing the referendum itself. It appears that the CEI opted for a narrow interpretation of its prerogatives, confining itself essentially to the publication of the draft Constitution rather than undertaking a broader national education campaign. Although the political campaign prior to the referendum was sometimes impassioned, observers did not find that it degenerated into acts of violence or intimidation. Reports of referendum-related acts of violence or intimidation were sporadic and isolated and confined to specific provinces.

Approximately 40,000 polling stations were established throughout the country in about 9,500 voting centers. Each polling station had five staff members. Observers found that the referendum polling was generally free of major hindrances, even if some technical flaws were observed in the process. EISA's international election observation mission highlighted the confusion created by the CEI's decision to extend the polling over two successive days. This decision affected negatively the organization of the poll, not only in terms of the security of referendum materials (ballot boxes and papers), but also in terms of the efficiency of the CEI staff deployed at polling stations.

Voter turnout for the referendum was approximately 60 percent, with more than 15 million voters casting a ballot. A large majority of 84 percent voted in favor of the draft constitution.

GOVERNMENT INSTITUTIONS

The DRC's new constitution organizes the separation of powers of the three branches of government and removes justice from the powers of the President of the Republic.

The president is elected by an absolute majority of the voting public to a five-year term, with the possibility of one additional term.

The Parliament consists of a bicameral legislature with both a senate and a national assembly. The voting public elects the National Assembly; the national parties present a list of candidates to be voted upon and independents may run for office as well. Senators represent their specific provinces; they are presented by parties (or run independently) and are elected by provincial assemblies. Senators serve renewable five-year terms. The electoral law governs the number of congressional members eligible to seek office.

The president appoints the prime minister with the consent of the majority party. The prime minister heads the government and appoints the other ministers, appointments that should reflect the composition of the National Assembly. The prime minister presents the government program to the National Assembly, which must approve the proposal by an absolute majority.

The constitution outlines the formation of an independent judiciary. The highest court is the constitutional court[4], which

[4] The constitutional court replaced the Supreme Court in the February 2006 constitution.

regulates issues concerning the constitution and national sovereignty, followed by appellate courts, the council of the state, the high military court, and municipal courts and civil courts.

The constitution contains multiple articles devoted to human rights, including, among other rights: freedom of religion and cultural expression, freedom of association, freedom of the press, freedom from discrimination (gender, ethnicity, and disability), habeas corpus, free education, freedom from illegal detention and prosecution, right to privacy, and freedom to work and enjoy employment.[5]

ELECTION ADMINISTRATION

The constitution establishes an independent national electoral commission with the mandate of organizing the electoral process, including voter registration, the maintenance of the electoral rolls, voting operations, and the counting of votes.[6] Thus, the Independent Electoral Commission (CEI) is one of the main institutions intended to support the establishment of democracy in the DRC.[7]

A member of civil society chairs the CEI and political parties nominate its commissioners. The CEI consists of 21 members, designated and appointed on a parity basis by the main political actors who took part in the Inter-Congolese Dialogue, namely the ex-government of Kinshasa, the Liberation Movement of the Congo (MLC), the Congolese Rally for Democracy (RCD), the non-armed opposition, and civil society.

The CEI is structured into three main organs: the Plenary Assembly, the Office, and the Specialized Commissions. To ensure effective coordination of the electoral process, several coordination frameworks were established, which include government institutions, political parties, civil society organizations, international NGOs, and the international community.

ELECTORAL SYSTEM

The electoral system in the DRC is structured by the following legal framework:

- Law No. 04/002 of March 15, 2004, on political parties
- Law No. 04/009 of June 5, 2004 (governs the structure and functioning of the CEI)
- Law No. 04/024 of Nov. 12, 2004 (Congolese nationality)
- Law No. 04/028 of Dec. 24, 2004 (identification and registration of voters)
- Constitution of 2005
- Law No. 06/006 of March 2006 (electoral law)
- CEI Decision No. 003/CEI/BUR/06 of March 2006 (implementation of the electoral law)

[5] Title II, Articles 11–33 of the constitution.
[6] Articles 5 and 211 of the constitution.
[7] The establishment of the CEI is informed by Resolution No. DIC/CPJ/09 of April 18, 2002; Article 154 of the Transition Constitution; Chapters 4 and 5 of the Global and Inclusive Agreement; and Law No. 04/009 of June 5, 2004, related to the organization, goals, and operation of the CEI.

Concurrent presidential and parliamentary elections are to be held every five years. The president is directly elected by a majority and, therefore, if no candidate wins a majority a runoff is held between the two candidates with the greatest number of votes.

The National Assembly has 500 seats elected from multi-member plurality constituencies and the Senate has 104 seats elected by the Provincial Assemblies by proportional representation—eight from Kinshasa and four from each of the other 24 provinces (although for the 2006 elections the number of provinces remained 11). The allocation of the number of representatives to multimember constituencies is based on a legislated formula.

This constituency-based electoral system with open lists of party and independent candidates allows voters to select their favorite candidate from a party's list or from among independent candidates.

The electoral law divides the country's 169 territories and communes into the 500 voting districts principally determined on the basis of geographical size and number of eligible voters. With an electorate of approximately 25.6 million, districts with fewer than 51,000 votes will only get one seat. This means that more than one third of the electoral districts (62 of 169) have only one seat where the winner is elected on a first-past-the-post basis. For multi-member districts the winners are selected on the basis of proportional representation.

Step 1: Distribution of seats per province.

- The fixed electoral quotient for the National Assembly is derived from the total number of registered voters (25,712,552) divided by the total number of seats (500) = 51,425.10.
- The number of seats per province is equal to the total number of registered voters of this province divided by the electoral quotient.
- Should the total number of seats assigned in this manner be less than 500, a supplementary seat is assigned to each district that has the highest decimal in comparison with the number of seats obtained, until 500 is reached.

Step 2: Distribution of seats per district inside each province.

- The number of seats per district is equal to the total number of registered voters of the district divided by the fixed electoral quotient.
- One seat is assigned to all constituencies with a number of voters less than the electoral quotient.
- Should the total number of seats assigned in this manner to the districts of the province be less than the number of seats assigned to this province, a supplementary seat is assigned to each district that has the highest decimal in comparison to the number of seats obtained, until the total

number of seats for the province is reached.

Distribution of Election Districts and National Assembly Seats by Province

Province	Registered Voters	Election Districts	Seats in National Assembly
Bandundu	2,949,237	20	57
Equator	2,973,525	27	58
Eastern Province	3,257,291	25	63
North Kivu	2,462,012	9	48
South Kivu	1,666,615	9	32
Kinshasa	2,963,912	4	58
Bas-Congo	1,232,416	12	24
Eastern Kasai	2,021,418	18	39
Western Kasai	2,038,310	12	40
Maniema	629,894	8	12
Katanga	3,517,922	25	69
Total	**25,712,552**	**169**	**500**

The CEI appoints the six-person polling station staff and publishes the list of stations 30 days before the polling date. The hours of polling are 6 a.m.–5 p.m.

Counting takes place at polling stations immediately after closing. Party agents, candidates' representatives, journalists, observers, and witnesses chosen from among voters may be present. Results are posted outside the polling station by the presiding officer and transmitted to the compilation center where they are checked and aggregated. The compiled results should be posted at the compilation center and transmitted to the CEI for national aggregation. The CEI announces the national provisional results and submits them to the relevant court for confirmation.

POLITICAL PARTIES

Article 6 of the constitution guarantees pluralism in Congolese politics and affirms the right of citizens to form independent political parties and join any party of their choice. The parties are eligible for public funds designated for campaign finance under conditions defined by existing electoral law (as noted elsewhere in this report, the provision of public funds was not enacted for these elections). Article 8 outlines the specific right of opposition parties to exist and to take part in the democratic process.

Campaigning begins 30 days and ends 24 hours before election day. The CEI drafted a code of conduct governing campaigning, which political parties signed in August 2005.

Law No. 04/002 of March 15, 2004, on political parties was the product of national reconciliation. Parties registered under the earlier systems were still recognized.[8] Newly formed parties are obliged to inform the Ministry of the Interior of their existence within a six-month period.

The law also specified the rights and benefits of the registered parties with regard to the public media (Article 19) and stated that the settlement of internal conflicts within the parties among its members opposing the party leadership, or between two or more political parties, was a competency of the High Court as opposed to the Supreme Court of Justice (Article 32).

WOMEN'S REPRESENTATION

The constitution calls for "equitable representation of women within national, provincial and local institutions."[9]

In the transitional government women's representation fell short of the DRC's regional commitment of 30 percent.[10] Women comprised 13 percent of cabinet ministers, 12 percent of the National

[8] Earlier political party laws include: Law No. 90-007 of July 18, 1990, modified and supplemented by Law No. 90-009 of Dec. 18, 1990; Decree 194 of Jan. 29, 1999; and Law No. 001/2001 of May 17, 2001.

[9] Article 14, Constitution, 2005

[10] Article H(ii) commits SADC members to "the achievement of at least 30 percent target of women in political and decision making structures by year 2005." See: *Gender and Development: A Declaration by Heads of State or Government of the Southern African Development Community (SADC)*, 1997.

Assembly, and 2.5 percent of the Senate. Overall, 271 Congolese women (8.4 percent) held political decision-making positions compared to 2,949 men.[11]

The constitutional provision for women's representation was reinforced by the transitional government's subsequent adoption of a document entitled "Gender Mainstreaming Strategies for Development Prospects and Programmes in the DRC," which provided Congolese women with a legal framework for action and the possibility of greater participation in the post-conflict era. Article 13 of the electoral law calls upon the government to work towards equal gender representation in national, provincial, and local institutions but this language is aspirational and no concrete mechanisms are specified to advance the representation of women.

The MLC, PPRD, and RCD each adopted a voluntary quota to reach 30 percent female representation but this goal was not enforced in the candidate nomination for the 2006 elections and no party reached this threshold.

POLITICAL FINANCE

Congolese law enables but does not mandate public funding of political parties and the state does not fund political parties. Parties are able to secure funding sources inside and outside the country, on the condition that such resources do not come from a foreign state.

Parties in power have a distinct advantage to access state funds. The president and the four vice-presidents each control significant monthly budgets ($500,000 a month for the president and $200,000 a month for each vice president). Moreover, they were allowed to appoint the 230 managerial positions in state-owned companies and many state officials pay dues of 10–20 percent of their wages into party treasuries.[12]

ELECTORAL DISPUTE RESOLUTION

Article 149(6) of the constitution provides the judiciary with its own budget to be attached to the general budget. Article 150 of the constitution guarantees the independence of the judiciary.

The Supreme Court has nine members: the president appoints three, the Parliament designates another three in a joint session, and the Superior Council of the Magistracy appoints the final three. All must be magistrates.

Article 74 defines the competent jurisdictions for the adjudication of electoral complaints:

- The Supreme Court of Justice for presidential and general elections
- The Court of Appeal for provincial elections
- The High Court for urban and municipal elections

[11] H. Kabungulu Ngoy-Kangoy, "Parties and Political Transition in the Democratic Republic of Congo," EISA Research Report No. 20, 2006

[12] EISA, "DRC Election Update," No. 1, July 20, 2006

- The Magistrate Court for local elections

All competent jurisdictions must have at least three sitting judges. To manage the devolution of authority to the High Court and the Magistrate Court, the First President of the Court of Appeal can assign lawyers and counsels as supplementary judges in order to add to the number of judges of these courts.

The CSJ has the mandate to adjudicate electoral complaints for both the presidential and national legislative elections. Independent candidates, political parties, and political groupings or their representatives may contest an election result within three days following the CEI's announcement of provisional results.[13] The CSJ is required by law to render a decision on an electoral complaint for the presidential election within seven days of the deposit of the complaint and within two months of the deposit of a complaint for the legislative elections. The court decides at no cost. The pronouncement of the ruling or judgment is brought to the attention of the CEI and the plaintiff (complainant).

Based on Article 75, if complaints are judged invalid, the competent juridical body proclaims the official results. In all other cases, the relevant juridical body may annul the vote in whole or in part when the irregularities deemed admissible have had a determining influence on the result of the election.

Rulings and judgments taken by the Court of Appeal and the High Court are subject to appeal within three days from their notification to complainants. If the appeal is declared inadmissible or unfounded, the Supreme Court of Justice, the Court of Appeal, the High Court, or the Magistrate Court within the competent jurisdiction proclaims the final results of the elections. If the competent jurisdiction admits an appeal for clerical error, it rectifies the erroneous result. The court then communicates the ruling to the CEI for publication.

The main concerns expressed to The Carter Center regarding the CSJ were about its capacity to respond effectively and professionally to adjudicate electoral complaints and about its impartiality. While the Supreme Court set up branches in most provinces to deal with electoral disputes, observers found that the three judges were poorly paid, operated with little support, and were too few in number to deal with any substantial volume of complaints. To build the capacity of the court, UNDP provided support with a specific emphasis on the elections. UNDP trained magistrates in Kinshasa on the resolution of electoral complaints (who in turn were to train the magistrates from the appeal courts in the provinces). This training was conducted in partnership with the Organization for Francophonie. UNDP also equipped the CSJ with documentation—including legal texts—and provided logistical support by refurbishing the CSJ's offices.

Historically, the impartiality and independence of the Congolese judiciary has been undermined in favor of the executive and legislative branches. The influence of the minister of justice, the

[13] Articles 73, 74, and 75, Electoral Law

president, and others limited the power to monitor compliance with standards of law. Moreover, President Kabila named the Supreme Court judges sitting for the 2006 elections before the transition began. Some court observers argued that the justices were partial in many cases, notably in reference to the Amnesty Law passed by Parliament in December 2005 when they excluded from amnesty the assassins of Laurent Kabila.[14]

Furthermore, in February 2006 the CSJ decided to terminate the mandate of legislators who had left their parties, despite provisions in the transitional constitution guaranteeing their tenure. Other politically controversial judgments concerned the legality of the naming of governors in 2004 and the allocation of positions in state-run companies in 2005.

HUMAN RIGHTS INSTITUTIONS

In practice, the effective framework for the rule of law and respect for human rights is weak in the DRC. Formal democratic, or even public, institutions are few whereas human rights abuses were widely reported across the entire country, affecting women, youth, and ethnic minorities in particular, but undermining the quality of life in the country as a whole.

Law No. 04/20 of July 2004 established the National Observatory of Human Rights (*Office National des Droits de l'Homme*—ONDH) as an independent and autonomous body.

The ONDH was initially criticized as largely weak and ineffective in the face of the massive and ongoing human rights abuses in the DRC during the transition period.[15] The agency had offices only in Kinshasa due to resource constraints and maintained few full-time staff. Critics also charged that the work of the ONDH suffered from political interference and was biased towards the government.

However, even as the institution was finding its feet, in July 2006 a mob of MLC participants looted the ONDH premises and destroyed records following a Kinshasa campaign rally for presidential candidate Jean-Pierre Bemba. A month previously, in the early hours of June 14, the president of ONDH narrowly escaped an attack by men in military uniform at his residence in Kinshasa. The attackers exchanged gunfire with police before retreating.

[14] EISA, "DRC Election Update," No. 1, July 20, 2006

[15] Global Integrity, "2006 Country Report: Democratic Republic of Congo"

PRE-ELECTION OBSERVATION

The 2006 elections marked the final stage in a long process to choose the DRC's first democratically-elected president. Despite enormous logistical challenges and significant political tensions and violence among parties and candidates, the administration of these elections was a major success. Credit is due to the CEI, who, with crucial support from MONUC and other international organizations and donors, met the tremendous logistical and political challenges involved in conducting the elections.

ELECTION PREPARATIONS

1. Voter Registration

Voter registration took place between June and December 2005, prior to the 2005 constitutional referendum. Despite some operational and planning flaws (e.g. electoral kits and generators sometimes broke down and civic education during the registration was inadequate), approximately 25 million voters registered out of an estimated total number eligible of 28 million.

In January 2006 opposition party Union for Democracy and Social Progress (UDPS) unsuccessfully called on the CEI to reopen registration centers after its leader Etienne Tshisekedi reversed his boycott of the registration process several months earlier.

The production of a final voter list was delayed for several reasons and the CEI was unable to establish a firm date by which all voter lists would be printed. Among the reasons for the delay was that the CEI had difficulty retrieving all of the compact discs containing voter registration data burned from the computerized electoral kits due to logistical difficulties and poor training of voter registration center personnel. Second, once the voter registration data compact discs were received in Kinshasa, they underwent a cleaning, which included crosschecking the data by province. Third, officials then had to determine how to distinguish between genuinely fraudulent cases and technical errors which created multiple entries in the database for the same individual, before settling on which names to remove from the voter list.

As a result of this crosschecking, the CEI submitted a list of duplicate/fraudulent registrations to the judicial authorities across the country so that the criminal courts could pursue those individuals. On April 27, 2006, the CEI submitted complaints concerning 49,746 cases of fraudulent registration (either by multiple registrations, registration of foreigners, or registration of members of the security forces), including 331 foreigners and 71 members of state security forces. The CEI also sent a delegation to Western Province to hear complaints concerning approximately 15,000 cases of voter registration fraud in Kisangani, Isiro, Bunia, and Buta.

The CEI struggled over the question of whether omitted voter lists (*listes des omis*) should be used on polling day. Omitted voter lists used during the referendum were blank forms distributed to polling stations on which voters

whose names did not appear on the printed voter list (but who were nevertheless officially registered, confirmed by presenting a voter card) could be recorded on polling day and allowed to vote. CEI President Malumalu told The Carter Center that he was opposed to the use of omitted voter lists in order to minimize fraud, while other members of the CEI were in favor of them. The risk for the CEI was that, depending on how much data could be recovered from all registration centers, a decision to disallow omitted voter lists entirely might create significant pockets of disenfranchisement in individual polling stations or larger areas from which the CEI obtained little or no voter registration data.

A lack of control over blank voter cards or illegally produced voter cards, however, posed other risks to the use of a list of omitted voters. The Center's LTOs learned of an instance of the latter abuse in the city of Tshikapa and the surrounding territory of Kamonia in Western Kasai province. Local CEI officials in both locations were implicated in the affair, which appears to have been conducted along ethnic lines. CEI officials from two ethnic groups who dominated the respective staff at each location were alleged to have illegally registered members of their groups and given them voter cards.

On July 11, CEI President Malumalu provided more information on the voter list:

A) There were 292,353 names removed from the voter register because of duplication (*liste des radiés*).

B) There were 394,469 names from 142 registration centers for which the CEI had no verified data due to technical problems. These locations would have polling stations created based on the number of registered voters as reported by telephone to CEI/Kinshasa from its field offices and would receive special blank voter lists for the omitted voters that reflected the reported number of registered voters for a particular center.

C) There were another 877,673 names from 1,029 registration centers for which the number of voters in the CEI's database did not correspond to the number of voters reported by CEI field offices—again, often due to technical problems with the registration kits. These centers would also receive lists for omitted voters, but the number of people on each list varied based on the difference between the reported number of voters registered in each center and the actual number in the CEI database. These lists would be pre-printed with the voter card number of each eligible voter who had been omitted, based on the reported serial numbers issued at each registration center.

D) There were 24,440,410 voters in the CEI's database from centers where the reported number of voters and the actual number in the database was equal.

E) When you add B + C + D the total number of eligible registered voters for the July 30 election was 25,712,552.

The CEI released a communiqué on July 15 detailing its decision to create omitted voter lists and the special lists for the polling stations for which registration data was incomplete or absent,

respectively. In the case of the omitted voter lists, the CEI created them for registration centers in which the difference between the reported number of people registered and the actual number in the CEI database exceeded 100.

The Center expressed several concerns related to the CEI's management of the voter list. First, the lists of voters removed from the register would only reach polling stations in the larger cities. Second, given the confusion related to list of omitted voters and the special lists, the CEI faced continued suspicion about the credibility of the voter register and was under pressure to open the voter list entirely and allow everyone with a voter card to cast a ballot. While this may have seemed like a good option, approximately 45 percent of the registration kits still remained in the interior of the country as well as many thousands of blank voter cards. Particularly in the cases where registration workers were unpaid, there were reports of workers selling voter cards after registration had ended. Any move to open the voter registry would have undermined the safeguards put in place to detect fraud.

2. Electoral Calendar

On April 24, 2006, CEI President Malumalu announced that the electoral calendar would be revealed on April 30. The CEI stated that it did not want to set an election date unless it was absolutely certain of establishing a realistic timetable. Given the state of preparations it was extremely unlikely that an election could be held before June 30, the official end date of the transition period.

Although Article 222 of the new constitution allowed for the political institutions of the transition to remain in place until a new government was installed, this continued to trigger debate and suspicion.

The final electoral calendar set July 30 as the election date, allowing 36 days for the distribution of electoral material, from June 20 to July 29, with observer accreditation from June 1 to July 22. The Carter Center advised the CEI that they should be prepared for some observers to arrive both before and after those dates. CEI officials indicated that the observer accreditation period would be easy to adjust in practice (although by the end of June there were still no indications as to when Carter Center long-term observers, already deployed for nearly two months at that point, might expect to receive accreditation).

Controversy surrounded the question of the start date for the electoral campaign owing to two contradictory articles in the electoral law, one of which states that the electoral campaign begins 30 days before date of the election (Article 28), while the other states that the electoral campaign opens 24 hours after the publication of the candidate list (Article 110). In order to rectify this ambiguity in the law the CEI first requested clarification from the National Assembly, which redirected the issue to the Supreme Court. After Malumalu met with CIAT members he agreed to push for the interpretation which states that the campaign shall begin 30 days before the poll. The CSJ found in favor of that interpretation, deciding that the campaign should commence June 29 and finish July 28.

The announcement of the electoral calendar fueled debate not only surrounding the date of the elections *per se* but also regarding the *de facto* extension of the transition, made necessary by the electoral calendar, and whether the CEI ought to be allowed to make this decision unilaterally. Although this decision was based on a questionable legal argument (the new constitution states clearly that the transitional institutions should stay in place until new ones are created after elections), Monsignor Laurent Monsengwo, Archbishop of Kisangani and president of the National Episcopal Conference of Congo (CENCO), announced on May 1 to great media attention that any prolongation of the transition must be subject to political negotiations.

Following Monsengwo's declaration, a host of political and religious actors added their voices to support him. UDPS called for negotiations on the transitional institutions post-June 30 to be mediated by Republic of Congo President Denis Sassou Nguesso, then-Chairman of the African Union. Other parties, including the RCD, MLC, the Unified Lumumbist Party (PALU), and the Rally for Congolese Democracy-National (RCD–N), made similar declarations about the necessity for dialogue regarding any prolongation of the transition. On May 5, 11 presidential candidates published a joint declaration reprimanding Malumalu for, among other things, his "unilateral declaration" to extend the transition. In their communiqué, these candidates called for Malumalu's resignation and, for added measure, questioned the legality of Kabila's candidacy (based on concerns regarding when he resigned his military commission). Other Catholic organizations such as the Congolese Apostolic Convention of Catholic Laymen added their support to Monsengwo.

The result was a snowballing coalition of political parties spurred on by prominent members of the Catholic Church on one side, calling for negotiations, while the PPRD stood on the other side with the backing of the international community. The PPRD was in a position of power and refused to negotiate, since it knew the international community would not accept any questioning of the legality of the transitional institutions past June 30 as long as an election date was scheduled.

The CIAT took a *de facto* position on the issue by announcing that everything must be done to respect the July 30 election date. Javier Solana, the EU's High Representative for Foreign Policy and Common Security, also believed that the election date respected the new constitution. Additionally, the Belgian and French governments made clear that they did not support any questioning of the legality of the extension.

There are many hypotheses about the intensity of the agitation for negotiations, but one in particular stands out: some political parties believed that the electoral process was rigged in favor of Kabila and the PPRD and they hoped to find common cause with the UDPS, which had the strongest ability to mobilize masses of people in Kinshasa. Although it appeared unlikely to succeed, bringing UDPS into the fold could have added popular momentum to

plans to challenge the credibility of the electoral process. Since the international community was no longer interested in attempting to incorporate UDPS into the process, after many attempts to do so were ignored or spurned, a spoiler role appeared to be the only remaining option for this opposition party.

By early June the terms of the debate shifted from parties calling for negotiations on the future of the transition to calling for an evaluation by political parties of the electoral process and the establishment of a formal or informal mechanism that would give them greater oversight over the CEI. It may be that the change in the terms of the debate was due to diplomatic pressure. The fact that almost all major Congolese political parties aside from the PPRD made this shift suggests common fears and strategies regarding the elections. The parties appeared to fear either that the elections really were rigged or that genuine popular support for Kabila and the PPRD, combined with the latter's vast campaign funds and ability to use state resources for campaigning, would ensure a Kabila/PPRD victory in both the presidential and legislative elections.

3. Ballot Papers

The printing of ballot papers was perhaps the most significant technical issue in determining a realistic electoral calendar. The CEI calculated the need for more than 30 million ballot papers based the number of registered voters with a distribution of 600 voters per polling station outside Kinshasa and 370 voters per station in Kinshasa, with 50 additional ballot papers per station. The total number of ballot papers included close to 10 percent surplus. The initial calculation was made on the basis of 49,746 polling stations, but based on the finalized registration data the CEI actually required 50,245 polling stations.

The CEI initially considered creating new polling stations but decided that this would be impossible. Instead, it added some polling stations to existing polling centers without adding physical stations—for example, a polling center with only five polling stations might have to administer seven polling station voter lists. The CEI thus believed that it could "find" ballots for these extra voters by shifting ballots from polling stations for which the actual number of voters would be well below the maximum of 600 and redistributing them as needed within the center. While plausible, this solution was potentially cumbersome in practice since the CEI would have to track and account for the movement of ballot papers as they were redistributed.

During the week of April 18 UNDP issued a limited tender for the printing of ballots, which was restricted to South African companies. A standard format for the ballots was adopted, although this was modified in certain large urban centers (Kinshasa, Kisangani, Lubumbashi, and Mbuji Mayi). In particular for the Kinshasa constituencies the CEI tried to find a solution to accommodate the large number of legislative candidates. Eight of the 169 constituency ballots were printed on large paper and had multiple pages because of the large number of candidates. The largest paper, for one of the four Kinshasa districts, listed 864

candidates, each with their name, photo, party symbol, party acronym, and the number of their place on the ballot. This ballot was about the size of an open tabloid newspaper and six pages in length.

The size of these ballot papers posed several challenges. First, they would be difficult for voters to handle behind the voting screens, potentially compromising the secrecy of the vote. Second, voters could have difficulty identifying the candidates of their choice. Third, the ballot boxes would easily become full and unable to accommodate all of the cast ballots. In response to concerns about the complexity of the ballot, the CEI pointed out that the biggest ballots were in Kinshasa, where literacy and education were presumably higher and people had more exposure to voter education. The CEI also hoped that the numbers assigned to each candidate (and used in candidate posters and other promotional material) would help voters more quickly locate candidates on the ballot. The number of voters per polling station in Kinshasa was reduced from 600 to 370, allowing voters more time to handle the legislative ballot papers.

The CEI invited legislative candidates and political party representatives to verify their information and photos on sample ballot papers. The verification took place in eight locations in Kinshasa May 6–7, and the CEI itself corrected the details for candidates and parties whose representatives did not do so during the verification period, based on the physical files transmitted from their offices. On May 8, the CEI officially handed over the template for the presidential ballot to the ambassador for printing in South Africa (the presidential candidates were listed on one page in alphabetical order by last name and numbered one to 33).

South Africa was responsible for the printing and delivery of the ballot papers to 14 key sites across the DRC, from where MONUC and the CEI deployed the ballots to polling stations. After finalizing all ballot templates and the initiation of printing in South Africa, the CEI discovered errors in the four Kinshasa ballots, as well as in a handful of other constituencies in the interior. These appeared due to human error as well as to the fact that the CEI, with 24 hours' notice, gave political parties only two days to verify that information on the ballot templates was correct before submitting the templates for printing in South Africa. Production of ballots for the four Kinshasa constituencies was paused but this delay did not have any serious impact on the electoral calendar since the Kinshasa ballots could be more easily and quickly distributed.

4. Other Election Materials

Electoral kits containing ballot boxes with numbered seals, indelible ink, voter screens, results envelopes, and other materials for the polling stations arrived in the DRC from South Africa on April 26, after a one-week delay. The kits contained all necessary materials for the polling stations except the voter lists and ballots.

Based on lessons learned from the constitutional referendum, electoral officials decided to have all material required by an individual polling station

contained in one kit, except the voter list and ballots. MONUC's electoral material distribution plan employed a system of primary and secondary hubs. Materials moved from the four primary hubs—Kinshasa, Kisangani, Lubumbashi, and Entebbe (in Uganda)—through 14 secondary hubs to 166 territorial capitals and large cities and then by road or boat to the polling stations.

The decision to use Entebbe as a primary hub stemmed from the fact that MONUC already had a logistics base located there. Given concerns about possible Ugandan involvement in a Congolese election process, CEI President Malumalu assured the Congolese people that the material would be received, stored, and expedited under U.N. auspices and therefore Ugandan officials would not have any access to it.

5. Recruitment and Management of Poll Workers

The CEI's cascading poll worker training program began with approximately 170 national trainers in Kinshasa June 13–17. In turn the national trainers were to train 1,650 provincial trainers who trained 23,686 "Heads of Voting Centers" and "Polling Station Presidents" who in turn trained 250,000 polling station workers.

Although the CEI sought to accelerate the cascading training program by eliminating some of the levels between the initial training of national trainers in Kinshasa and the training of the electoral workers in the polling stations, the Center expressed its concern about the CEI's capacity to recruit approximately 250,000 capable, neutral electoral workers and train them in the short time before July 30.

Outstanding payments to unpaid voter registration and referendum workers had generated heated, sometimes violent, demonstrations in late 2005. Due to various technical problems, as well as some significant instances of fraud, many voter registration workers went unpaid, sometimes for several months, after they had finished working. This created problems for the CEI, particularly in Bandundu and Equateur provinces, where unpaid registration workers staged strikes and sometimes violently threatened CEI and MONUC electoral staff. The CEI and UNDP/APEC committed to resolve the problem by the end of May for all the outstanding payments, but some claims persisted.

The payments problem stemmed from the difficulty encountered in distributing the funds around the country. A first attempt through the CEI in 2005 failed to produce adequate documentation that payments had actually been made. A second attempt later in 2005 using the cash transfer services of Mister Cash and Caritas also had problems, with $4 million in payments from Caritas unaccounted for. In response, UNDP paid $4 million from other sources and made the final payments through Mister Cash, while pursuing Caritas for the original missing funds.

On April 25 data entry personnel who had not been paid since their work during the voter registration period attacked a CEI office in Lodja (Kasai Oriental). Similar outbreaks occurred in

other provinces (particularly Equateur and Bandundu). In Equateur province unpaid workers from Gemena and Zongo picketed the CEI office in Gemena, preventing the registration of provincial candidates. Carter Center LTOs on location reported that the personnel consisted mainly of technicians who worked during the registration period and registration center staff who worked in centers that re-opened after the referendum.

6. Civic Education

Voter information and civic education presented even greater concerns. The CEI and civil society conducted some civic education activities before the constitutional referendum but this was reportedly one of the main weaknesses of the referendum process.

It was widely believed that many Congolese did not understand the significance of the vote. Carter Center observers confirmed this perception. While there was fairly good awareness and enthusiasm that elections were coming, there was poor understanding of how a democracy functions, what these election mean, or how they would work.

Despite this challenge, it was not until May 20 that CEI President Malumalu chaired a coordination meeting on civic education. While the main international NGOs involved (IFES, EISA, and the Konrad Adenauer Foundation) were present, along with MONUC and UNDP/APEC, only two of the donors (the United Kingdom and Belgium) attended. It was immediately clear that while some very good work was being done in certain locations no comprehensive national plan existed. Although Malumalu's hands-on approach was encouraging, by this time the election timetable was very short and even once gaps were identified only an urgent appeal to obtain resources would address the shortcomings of national civic education. In its first public statement on the electoral process, in early June, The Carter Center urged a redoubling of efforts on civic education.[16]

As part of its belated effort to coordinate civic education, the CEI compiled a table of civic education activities being conducted around the country by various organizations. As expected, significant areas of the country were not served. The Center urged the CEI to present this information to donors and to seek urgent assistance to expand current programs or prioritize the distribution of information materials to these areas. At a technical committee June 20 the CEI said they were not yet prepared and tabled the issue for the next week's meeting. The CEI finally concluded the assessment on July 4, too late to roll out an effective civic education campaign response, and confirmed what Carter Center observers have been noting in the field: civic education was generally limited to the large urban centers, while huge swathes of the country had not been served.

7. Simulation of Results Tabulation

The Carter Center attended a vote tabulation simulation on July 9 in Kinshasa held at the culmination of the training of trainers for the staff of the 64

[16] See appendices for the Carter Center public statement of June 6, 2006.

tabulation centers (*Centre Locaux de Compilation du Vote*—CLCR). Unfortunately, the CEI had not yet distributed the training manuals to the trainees, ostensibly because they thought that people would pay more attention in class. The result was that, while the staff had a general understanding of the process, as soon as the training became complicated the simulation degenerated into debate and ground to a halt. One group never moved beyond the problem of the input sheets from the polling centers containing mistakes (a realistic scenario) because they could not figure out what to do. With only three weeks left before election day, this experience was a worrying indication of potential problems.

8. Candidate Nomination

The rapid proliferation of political parties and the large number of candidates were among the most striking features of the 2006 elections. A total of 269 political parties formally registered with 197 presenting candidates. The 66 offices for the receipt and processing of candidatures closed on March 23 after registering candidates for both the presidential and legislative elections.

The CEI approved a list of 33 presidential candidates. Several opposition parties challenged President Kabila's dossier on the grounds that he had not resigned as a Major-General in the Congolese army prior to registering as a voter (the voter registration law stipulates that active members of the armed forces are not eligible to register as voters). However, it surfaced that Kabila had resigned from the armed forces March14, 2005, and his name was not included in a list of officers submitted to the CEI by the Ministry of Defense. The Supreme Court dismissed the objections.

In total there were 9,709 candidates for the National Assembly. The PPRD was the only party to nominate candidates in all 169 constituencies, followed by the MLC who nominated candidates in 160 constituencies and RCD–Goma who nominated candidates in 156. Eleven political parties and coalitions had candidates in all provinces. Overall, the CEI rejected 200 candidate applications for the National Assembly elections.

Candidates for the provincial elections registered May 8–26. Beyond a lack of publicity about the registration period reported by Carter Center LTOs, no major incidents were reported. Although the CEI had distributed close to 9,000 candidate nomination forms by mid-May, it had only received 275 candidate nominations. The initial slow rate of registration led some to speculate that the CEI would prolong the period, which could have further delayed the electoral calendar. One MONUC official suggested that political parties may have deliberately delayed submitting their candidate lists in order to prevent people whom they had excluded from their lists from having the time register as independents. The provincial assembly elections were significant not only in themselves but also because provincial assemblies elect provincial governors and vice-governors as well as the national senate. In any case, parties submitted many late nominations and on June 22 the CEI published the provisional list of 13,371 candidates for

the total of 632 provincial assembly seats.

All candidates were required to pay a nonrefundable deposit. For the presidential elections, the deposit was $50,000, for the legislative elections it was $250, and for the provincial assembly it was $125.

Four of the 33 presidential candidates were women, while 13.6 percent of parliamentary candidates were female (1,320 of 9,709).

POLITICAL PARTIES

There were approximately 15 existing political organizations in the DRC when the ban on the formation of political organizations was lifted in January 1999. Access to the political system was granted to parties in May 2001. Major political parties include the ruling PPRD, led by current President Joseph Kabila; the Movement for Congolese Liberation (MLC), a former Ugandan-backed rebel movement led by Jean-Pierre Bemba; and the Rally for Congolese Democracy-Goma (RCD–Goma), a former rebel movement backed by Rwanda and led by Azarias Ruberwa.

Smaller political parties represented in the transitional National Assembly included the Rally for Congolese Democracy–Liberation Movement (RCD–ML) led by Mbusa Nyamwisi with 15 seats, the National Rally for Congolese Democracy (RCD–N) led by Roger Lumbala with five seats, and the Mai-Mai Movement with 10 seats.

SELECTED PARTY PROFILES

Overall most political parties in the Congo hold little purchase in day-to-day political life and few have anything resembling a truly national reach. Many parties are focused on a single leader and/or have a base tied to an ethnic-regional identity. The DRC's poor national communications and transportation infrastructure also inhibits the flow of people and ideas, as have enduring poverty and years of armed conflict. As a result even political parties inclined to ensure a coherent message between leadership and members in other regions face real obstacles. Policy decisions, the choice of candidates or coalition partners, and other key political strategies often occur without consultation and by extension frequently have little real effect, more often than not appearing to be purely acts of personal self-interest. Political parties and their leaders thus face many challenges to build confidence among the public.

The following is a list of the major political parties in the DRC.

Union for Democracy and Social Progress (UDPS)

- *Origin:* Opposition party
- *Leader:* Etienne Tshisekedi
- *Constituency Support*: Kasai provinces, Kinshasa

Of all the parties that wield influence on Congolese politics, the UDPS is the oldest, dating back to 1982. At its creation, the UDPS was a collaboration between opponents of Mobutu Sese Seko who sought to rebel against the one-party state rather than an organized

political party with a specific focus. Etienne Tshisekedi was named Secretary General of the UDPS at its inception. During Mobutu's rule Tshisekedi was imprisoned numerous times for opposing the government, but in October 1991 following anti-government protests in the country Tshisekedi was appointed First State Commissioner. However, this appointment did not last. Twelve days later, Mobutu dismissed Tshisekedi for refusing to swear allegiance to him.

Mobutu then appointed Tshisekedi as prime minister of the transition government of 1992 in an attempt to co-opt the opposition and legitimize his rule. At the collapse of the transition government, the UDPS boycotted subsequent governments. After the fall of Mobutu in late 1997 the UDPS found itself competing against new and stronger rebel movements that came to dominate Congolese politics.

Rally for Congolese Democracy (RCD–Goma)

- *Origin:* Former rebel group
- *Leader:* Azarias Ruberwa
- *Constituency Support*: North and South Kivu (mostly Banyamulenge)

The RCD first emerged in August 1998 when it launched a rebellion against Laurent Kabila's government in the provinces of North and South Kivu. Although the Rwandan government initially denied affiliation with the RCD, on Aug. 4, 1998, the RCD captured the Kitona military base and the naval installations on the small port of Banana with the help of the Rwandan Patriotic Army. The RCD went on to lead a rebellion that spread from the Eastern provinces of the DRC to the Central, Southern, and even some Western provinces.

Rally for Congolese Democracy–Liberation Movement (RCD–ML)

- *Origin*: Former rebel group
- *Leader*: Mbusa Nyamwisi
- *Constituency Support*: North and South Kivu (mostly ethnic Congolese)

By January 1999, tensions began to emerge within the RCD. Ernest Wamba-dia-Wamba, chairman of the RCD at its inception in 1998, created a coalition of supporters within the RCD that began to oppose what they deemed as Banyamulenge dominance. In May 1999, the RCD replaced him with Emile Ilunga. Members still loyal to Wamba-dia-Wamba split to form the Rally for Congolese Democracy–Liberation Movement (RCD–ML). Ilunga's RCD was soon renamed the RCD–Goma, after its headquarters in northeastern DRC, and in 2000 it came under the leadership of Adolphe Onusumba. A similar change in leadership occurred in the RCD–ML the following year when Mbusa ousted Wamba-dia-Wamba. The Ugandan government, which had actively supported Wamba-dia-Wamba's leadership, reluctantly recognized Nyamwisi due to the ongoing hostility between Nyamwisi and Jean-Pierre Bemba, leader of the Movement for Congolese Liberation (MLC), another Ugandan-backed rebel group.

Rally for Congolese Democracy–National (RCD–N)

- *Origin*: Former rebel group
- *Leader:* Thomas Lubanga

- *Constituency Support*: Ethnic Congolese in eastern provinces

The third faction of the RCD split from the RCD–ML in late 2002 as a result of another power struggle. Under the leadership of Thomas Lubanga, the National Rally for Congolese Democracy (RCD–N), backed by the MLC, was created to counter Nyamwisi's hegemony and influence within the RCD–ML.

Movement for Congolese Liberation (MLC)

- *Origin*: Former rebel group
- *Leader:* Jean-Pierre Bemba
- *Constituency Support:* Equateur Province

The MLC emerged as a new rebel movement in November 1998, led by Jean-Pierre Bemba, son of Bemba Saolona, a well-known Mobutu loyalist. The MLC quickly began to present itself as the sole legitimate Congolese rebellion. It included large numbers of former Zairian Armed Forces soldiers among its ranks. The MLC developed close ties with Uganda and although the latter also looked upon the RCD–ML favorably, the MLC soon eclipsed Nyamwisi's rebel group politically and militarily for Uganda.

People's Party for Reconstruction and Democracy (PPRD)

- *Origin*: Official party of the president
- *Leader:* President Joseph Kabila
- *Constituency Support*: Katanga province

Founded in 2002, the PPRD is the party of President Joseph Kabila, which displaced his father's political movement. The party self identifies as center-left, social democratic although its power is centered on the fact that it is the party of the president. Vital Kamerhe's selection as the secretary general in 2004 energized the party organization for the purposes of preparing for Kabila's election (Kamerhe became the campaign leader). The PPRD is the dominant coalition partner in the Alliance of the Presidential Majority (AMP) formed to support Kabila's campaign in the second round of the 2006 elections.

PRE-CAMPAIGN POLITICAL TENSIONS

Political inclusion, negotiations, and coalition formation were touchstone themes of the presidential campaign period. UDPS leader Etienne Tshisekedi presented perhaps the most prominent question mark in this regard as he argued that the transitional government and its actions since June 30, 2005, were illegal. UDPS intentions to compete in the election or call for a boycott were a regular source of conjecture. For Tshisekedi, the only way for the DRC to exit the "crisis" was for renewed dialogue between PPRD, MLC, RCD, and UDPS.

Although the Center asked about UDPS' intentions vis-à-vis the elections and afterwards, Tshisekedi avoided the question, saying only that he could not predict the future, but that any reaction to the elections would reflect the "will of the Congolese people." Ultimately, UDPS boycotted the 2006 elections.

Tensions between Kabila/PPRD and the others main parties escalated after a number of incidents suggested an abuse of power by the PPRD against Kabila's rivals. In the first incident, on May 13 Fernando Kuthino, a well-known anti-Kabila preacher with a large popular following, was arrested in Kinshasa, ostensibly for having arms in his residence, for having two members of Bemba's personal security detail among his entourage, and for having used hateful rhetoric during a sermon. (He had made remarks about the Congo being in the hands of foreigners—a direct reference to the controversy over Kabila's nationality.)[17] The pastor's arrest sparked a public outcry that was immediately taken up by parties opposed to the PPRD/Kabila. Jean-Pierre Bemba visited Kuthino in prison on May 16 and a day later several of parties and presidential candidates demanded his release.

The public prosecutor requested the death penalty during Kuthino's trial, a trial that eventually was based not on the original charges but on the accusation that Kuthino had plotted to assassinate another pastor several years ago. In the end, Kuthino was very quickly sentenced to 20 years in prison for the alleged earlier crime. Amnesty International condemned Kuthino's trial as unfair, claiming that the accusations against him and his associates were politically motivated.

In a second incident, on May 23 the Minister of the Interior (a PPRD member) announced that 32 "mercenaries" from South Africa, Nigeria, and the United States had been arrested for plotting a coup d'état. It was later revealed that the accused were in fact security personnel contracted by a presidential candidate, Oscar Kashala. The personnel were subsequently deported and a DRC government spokesperson was quoted as saying that they were not tried in the DRC because the government was "too busy" organizing the elections. There was no indication that any of the three countries implicated sought to prosecute their nationals involved in the affair.

There were, however, strong indications that the arrest of these personnel was a set-up organized by the PPRD and aimed at intimidating Kashala, who was a wealthy doctor based in the United States. Carter Center observers were told that although Kashala had no previous political background, the PPRD may have perceived him as a potential threat as a member of the Luba ethnic group from Kasai Oriental. Given the UDPS abstention from the elections, the PPRD may have been looking to pick up "orphaned" UDPS supporters in vote-rich Kasai. However, if such a plan existed, it seems to have backfired, as the PPRD emerged from the situation looking very bad and was condemned by the CIAT for the incident. If anything, Kashala appeared to benefit from the amount of media exposure he gained both from the mercenary affair and the

[17] The question of President Kabila's nationality has been a major topic of political debate in the DRC for the past several years. In an attempt to destabilize the president, opponents claim alternatively that he is Tanzanian, Rwandan, or of the Tutsi ethnic group (a euphemism for "Rwandan" implicating an alliance with Rwandan [Tutsi] President Paul Kagame).

ensuing detention and extradition of his legal counsel.

In a third episode, during the early morning hours of May 24—the day planned for a large opposition demonstration—police surrounded the homes of several leaders of political parties planning to protest the abuse of public liberties (including Valentin Mubake from UDPS, Roger Lumbala of RCD–N, and Joseph Olengankhoy of the Forces for Renovation for Union and Solidarity—FONUS). The Congolese police effectively placed these politicians under house arrest for the entire day. This was another worrying sign that the PPRD was actively engaging government forces in a campaign to intimidate other candidates.

The apparent intimidation attempts against Kashala, Kuthino, and other opposition party leaders were alarming. Against the backdrop of widespread conflict, these political maneuvers may seem like peripheral concerns. In practice however such incidents reflected the willingness of PPRD to abuse state power to destabilize nascent democratic institutions and practices, to neutralize political opponents—in a sense "closing the political space," and to use the police and judicial systems to constrain legitimate political activities by opponents.

POLITICAL COALITIONS

Against the backdrop of the extremely fragmented nature of Congolese politics, two main political "camps" formed before the July 30 election. The first, a pro-negotiation camp, developed to protest the scheduling of elections one month after the expiry of the official transition period (as described above in the section about the electoral calendar). This camp included the political opposition (including UDPS), as well as several actors within the transitional government (MLC, RCD, and RCD–N). The other camp, opposed to negotiations, included the ruling PPRD and a number of smaller pro-Kabila parties (and tacitly, MONUC and the diplomatic community). President Kabila appeared, briefly, to accept the need for inter-party dialogue but the following day he left Kinshasa for a campaign tour in the East of the country and announced during his tour that there would be no more negotiations. Kabila's departure on the eve of the negotiations angered Bemba and Ruberwa. More than half of the 33 presidential candidates boycotted subsequent efforts to resume political dialogue. People who observed the earlier talks told the Center that President Kabila's increasingly hard line sent the message that he was above negotiations and alienated other political actors seeking guarantees about transparency and candidate security during the electoral period.

In other pre-campaign political jockeying, Jean-Pierre Bemba and the MLC announced on June 17 the establishment of a coalition of political parties, called the *Regroupement des Nationalistes Congolais* (RENACO), that included two other presidential candidates: Christophe Mboso and Jonas Mukamba. Two other coalitions emerged: the Coalition of Congolese Democrats (CODECO), which supported presidential candidate Pierre Pay Pay, the former governor of the Congolese Central Bank and the Alliance for the

Presidential Majority (AMP), which supported President Joseph Kabila. The AMP consisted of a coalition of 31 parties (including PPRD) and 29 "independent personalities" who supported Kabila's candidacy. The AMP encompassed a number of important political figures, including Olivier Kamitatu, the former president of the National Assembly under the MLC. Kamitatu left the party in March 2006 after a falling out with Bemba and was forced to cede his post in the transitional government following a ruling by the CSJ. Kamitatu became the AMP spokesperson and his move served as further illustration of shifting political party loyalties.[18] Some speculated that Kamitatu hoped to be appointed prime minister if Kabila won the presidency and the AMP secured a majority in the National Assembly.[19]

Despite the apparent coalescence of political parties under three major banners, political coalitions in the DRC were traditionally very weak as they are based on the rapidly shifting interests of party leaders. Using RENACO as an example, the coalition seemed unlikely to have much real political weight as Bemba's MLC was the only major party of the 24 parties in the coalition. Thus, although symbolically this coalition may have helped to increase Bemba and the MLC's stature as serious contenders in the presidential and legislative elections, RENACO's claim of a combined 800 candidates in the legislative elections seemed unlikely to add reliable votes to Bemba's presidential campaign.

On June 23 approximately 50 political parties, including UDPS, FONUS, MLC, and RCD–N, announced the creation of yet another new political coalition called the *Front de défense du Congo* to lobby further for political negotiations.

ELECTION CAMPAIGN

The PPRD officially launched its campaign in Kinshasa on July 6 in Matonge, a working class area of Kinshasa, while on July 8 the RCD launched its campaign in Bukavu, during which time Carter Center LTOs recorded tensions between RCD and PPRD supporters. Throughout the campaign Carter Center observers noted multiple cases in different parts of the country where posters and campaign material were torn down or destroyed.

President Kabila used official government activities to bolster his campaign, particularly his image as a peacemaker, especially in the East of the country. For example, he was in Bunia on July 13–14 where he announced the government would be sending new troops to the village of Tcheyi, in Ituri

[18] According to Article 78 of the constitution, the president names the prime minister from the majority party in the parliament and may create a *mission d'information* to identify a coalition if there is no parliamentary majority. The president, in consultation with the prime minister, names the other members of government.

[19] Such an appointment would have fit well with the calculation that there existed, unofficially, the necessity for an East-West balance between the president and prime minister, since Kabila is from Katanga and Kamitatu from Bandundu. Kabila ultimately found another way to secure this provincial balance with the appointment of Antoine Gizenga as prime minister.

District, for election security. Control of Tcheyi had seesawed back and forth between government and militia forces over the several weeks prior to Kabila's visit. Kabila also announced that the government negotiated successfully with Ituri militia leader Peter Karim and accepted his request that he and his troops be directly integrated into the national army.

Meanwhile, Bemba campaigned in Bas Congo and Katanga provinces. In Bas Congo, Bemba was welcomed but skirmishes broke out among supporters disagreeing on how money distributed by the MLC would be shared. In Lubumbashi, Bemba denounced mining fraud in Katanga as a means to attack Kabila support in his home region. Bemba also visited Mbuji Mayi in Kasai Oriental, where he continued to foment suspicions about the credibility of the CEI by saying that 7.5 million extra ballots existed.

Presidential candidate Oscar Kashala officially launched his campaign on July 15 in Kinshasa. This launch occurred at the same time as a PPRD rally at the national stadium, which appears to have been organized at the last minute to conflict with the Kashala event. There were reportedly serious tensions between Kashala and PPRD supporters during these rallies, including a group of youths entering the Kashala stadium and starting a rock-throwing fight. The authorities focused attention on Kashala, perhaps more than any other candidate, likely because he was well organized and had a substantial amount of money for his campaign. Furthermore, he seemed to be capitalizing on the fact that he was not involved in the war and had never held political office in the DRC, and thus could not be accused of corruption. Three major local newspapers had Kashala on the front page on July17 following his campaign launch in Kinshasa and he became part of the pack of front runners that also included Kabila, Bemba, Ruberwa, and Pay-Pay.

FONUS presidential candidate Joseph Olenganknoy officially launched his campaign in Lodja in Kasai Oriental on July 8, where he provocatively stated during his speech that *Congolité* (Congo identity) was a defining theme in Congolese politics. He continued his campaign tour in Kamina in Katanga province on July 11, where he told voters not to vote for those who had done nothing for the people during the three years of the transition. He also made reference to the DRC having been "sold to foreigners."

CODECO, the political coalition backing presidential candidate Pierre Pay-Pay, accused the BraCongo brewing company of paying a $10 million advance on its taxes to the PPRD to assist its campaign.

The Center's observers received regular reports that candidates were obstructed from campaigning, for example by companies with which candidates had established contracts for transport reneging on the contracts without explanation. Pay-Pay had trouble buying fuel in order to campaign in the Kivus. Numerous candidates tried to obtain permission to use the national stadium for campaign rallies, only to be turned down, while the PPRD was able to use it for a rally on July 16.

On July 14, the CIAT released a communiqué that both reminded the authorities that freedom of assembly must be permitted and warned march organizers to ensure that demonstrations take place in conformity with the law. The communiqué was released after violence occurred during a July 11 demonstration in Kinshasa and following a political meeting in Goma that the Rapid Intervention Police Force broke up.

CHALLENGES TO THE CREDIBILITY OF THE ELECTORAL PROCESS

In a July 4 declaration, 19 presidential candidates—including Oscar Kashala, Joseph Olenganknoy, Gerard Kamanda, Mobutu Nzanga, and Roger Lumbala—called on the CEI to suspend the electoral campaign. The candidates specifically referred to the alleged delivery of five million extra presidential ballots and instances of foreigners who were registered to vote.

In the weekly technical committee meeting of the CEI on July 4, Malumalu said that an explanation about this issue had been given several times to the political parties in both public and private meetings. Soon after, many presidential candidates who were signatories to the declaration backtracked on their comments, including Oscar Kashala, who was one of five candidates not to personally sign the declaration.

On July 11, some of the 19 candidates organized a protest of reportedly several hundred demonstrators in Kinshasa to demand greater transparency in the elections. MONUC sources confirmed that the demonstration organizers had submitted notification to the local authorities about the march, but it was nonetheless repressed by Congolese police and reportedly disallowed by the Kinshasa Governor, despite provisions in the electoral law that state that public demonstrations and rallies do not require authorization during the election campaign. There were reports that at least two people were killed during the march.

Political parties offered four main criticisms of the electoral process. First, they questioned the neutrality and competence of the CEI and specifically of CEI President Malumalu. They repeated the contention that Malumalu had unilaterally and illegally extended the transition by setting the election date on July 30. They also claimed that the CEI favored Kabila and the PPRD and made veiled allegations that the elections would be rigged. Other criticisms included a perceived bias towards the country's East within the bureau of the CEI (four of the eight members are from the two Kivu provinces), as well as doubts about the transparency of the voter lists and the procedures used for removing people who registered fraudulently.

Second, they questioned the neutrality, competence, and capacity of the Supreme Court of Justice (CSJ) to resolve electoral complaints.[20] Kabila had appointed the members of the CSJ before the beginning of the transition

[20] The CSJ is responsible for handling electoral complaints for both presidential and legislative elections. See articles 74 and 75 of the electoral law.

and some of the court's decisions were politically controversial. Some commentators expressed the view that the CSJ may not be strictly pro-Kabila or pro-PPRD but merely corrupt and willing "to sell itself to the highest bidder." However, they added, public confidence in the CSJ's impartiality and capacity to conduct its work was so low that even if it were to render an unbiased judgment it would still be met with a great deal of suspicion by ordinary Congolese.

Third, the parties questioned the role of the international community in the electoral process. Many believed that the international community favored Kabila in the election. In a July public meeting attended by Carter Center observers, an MLC representative went so far as to say that the international community had observers in place to approve pre-determined results. The allegation resonated given the long history of foreign involvement in the Congo's wars and peace processes.

Finally, linked to the question of foreign intervention in the DRC was the public controversy surrounding Joseph Kabila's nationality. Rumors circulated suggesting that a group of parties had been meeting to pool "evidence" proving that Kabila was not really Laurent Kabila's son or even Congolese. In response, the pro-PPRD newspaper *L'Avenir* published a photo appearing to show a young Joseph Kabila with his mother, brothers, and sisters, which it cited as evidence that he was indeed Laurent Kabila's son and not a foreigner. The fact that Joseph Kabila was raised and educated abroad and had to brush up on his French added more fuel to the debate.

Such challenges to the credibility of the electoral process revealed two trends. On the one hand, the CEI's efforts to sustain regular dialogue and communication with political parties were commendable, if sometimes sporadic. On the other hand, many candidates were more than happy to exploit both the real and alleged failings of the election preparations for political advantage.

CAMPAIGN FINANCE

One of the major problems faced by parties and candidates was the lack of financial means to conduct a campaign or to train and deploy monitors on election day. The complaint was understandable given not only the normal costs associated with a political campaign but the extraordinary challenges posed by the DRC's lack of basic transportation infrastructure. Party and independent candidates expressed these concerns several times both directly to Carter Center observers and at the political party forums observed in Kinshasa.

Parties questioned the use of the non-reimbursable candidate deposit money for campaign purposes (the combined total of presidential and legislative candidates' deposit money was approximately $3.5 million). CEI President Malumalu wrote a letter to the government receiver of revenue who was in possession of the money requesting that it be given to the High Media Authority (HAM) to finance campaign messages. The president of HAM confirmed that he was seeking

additional funds in order to be able to guarantee equal media access to parties and candidates, given that most media outlets are privately owned by politicians with a vested interest in keeping competitor messages off the air.

Parties were also concerned about their ability to train, deploy, and pay for poll watchers (sometimes called party agents or witnesses).

MEDIA

As part of its mandate in the electoral law, HAM organized airtime in the form of debates and spots on television and radio for all presidential candidates during the campaign period. It selected a number of prominent television stations to participate. Beyond ensuring equitable coverage for presidential candidates on the national broadcaster—Radio Télévision Nationale Congolaise (RTNC)—HAM also required that private media outlets not devote any more than 30 percent of their political airtime to a particular candidate and that political debates include at least two candidates.

There were nine major daily newspapers, four television broadcast stations, and 16 radio broadcast stations (three AM, 11 FM, and two shortwave) in the DRC at the time of the campaign. Jean-Pierre Bemba was a notable media owner with two television stations (Canal Kin Télévision—CKTV and Canal Congo Télévision—CCTV) and a radio station (Radio Liberté Kinshasa—RALIK).

On May 8, HAM President Modeste Mutinga supervised a ceremony in which representatives of the 33 presidential candidates drew numbers randomly in order to establish the order in which they would introduce themselves in 45-minute spots on Congolese television stations. These spots were erroneously called "debates" in the local media, although in fact they could take many forms, including declarations, interviews, or responses to questions.

On June 12 Mutinga stated that the DRC media was inciting hatred and he urged the U.N. Security Council (whose members were then visiting Kinshasa) to use its influence with Congolese political actors to get them to stop the use of hate speech. The Security Council delegation criticized the ultra-nationalist tone of political discourse that questioned the nationality of presidential candidates. Although not limited to Kabila, the bulk of the negative campaign messages concerned him and some opposition parties claimed that the Security Council message was yet more evidence of a pro-Kabila bias.

On June 26, HAM asked for additional funds to finance equitable media promotion of the electoral campaign after its request for the use of the candidate deposits yielded a contribution of only $500,000. Mutinga said that the $500,000 would only be sufficient to finance the first and second rounds of the presidential campaign, but not the legislative elections.

Beyond the official government involvement in media, the overall media landscape in the DRC presented many hazards, ranging from physical danger for journalists to corruption to arbitrary detentions and arrests by the

government. In two disturbing events that touch on freedom of the press, Radio France International (RFI) journalist Ghislaine Dupont, who had been in Kinshasa for several weeks awaiting journalist accreditation from the Congolese government, was expelled to Belgium on July 3. Her deportation was the latest action by the Congolese government against RFI; in March 2006, the Minister of Information wrote a letter vehemently denouncing the radio channel. RFI itself and several international press freedom organizations denounced this action. In its July 4 statement, Reporters without Borders criticized the arbitrariness with which journalist accreditation is awarded in Congo.

Even more alarmingly, Congolese journalist Mwamba Bapuwa was killed on July 8 in his home in Kinshasa. Bapuwa had already been threatened in March 2006 and had recently written an article in a local newspaper criticizing police intimidation and political intolerance. Sources at MONUC informed the Center that the men who killed Bapuwa were in military uniform, but there was no official report or investigation.

The abuse of press freedom became increasingly acute during the campaign as it appeared that the PPRD wanted to clamp down on any negative press against the government and Kabila. The MLC was extremely critical of these moves, and it denounced Dupont's expulsion and the restrictions on press freedom in general. At the same time, it appeared that HAM's directives regarding the campaign in the media had little impact on any party, likely due to HAM's inability to enforce its decisions. Although the Center did not conduct systematic media monitoring, Center observers repeatedly noted instances of privately owned media—particularly in rural areas without many media outlets—producing very biased reports favoring particular candidates.

HAM itself came under physical attack July 27 by Bemba supporters who looted and burned its premises after a large party rally at a nearby stadium. Widespread fires and fighting erupted throughout the day in Kinshasa as supporters reacted violently following a fire that destroyed a barracks in the Bemba compound. Two policemen were killed.

DOMESTIC OBSERVERS

The large number of candidates in many constituencies also raised concerns that most polling stations would be too small to accommodate all of the poll watchers. At a CEI political party forum on June 15, the decision was taken to allow party poll-watchers to observe the proceedings of the vote in rotations of ten. It was also decided that the CEI needed to communicate to political parties the quotient that would serve as the basis for determining the number of poll watchers accredited per party. This quotient was to be based on the number of candidates and of constituencies in which a given political party fielded candidates.

The Center felt that this issue likely would only be relevant to some polling stations in big cities—during the referendum for example there were often very few poll watchers. While more parties were directly interested in these

elections, it appeared doubtful that many of them would be able to deploy monitors in large numbers outside of the major centers.

An extensive domestic observer effort was also evident, with many networks and individual organizations planning to deploy polling station observers for election day. Notable groups included:

- *Cadre de Concertation de la Société Civile pour l'Observation des Elections* (Civil Society Framework for Cooperation in Election Observation), which included representatives from 25 different domestic observer networks
- *Réseau National pour l'Observation et la Survéillance des Elections au Congo* (National Network for Observation and Monitoring of Elections in Congo), a domestic observer group trained by EISA that deployed approximately 5,000 observers across the country
- *Réseau des Organisation Partenaires de IFES* (Network of Partner Organizations), which received observer training from NDI and IFES and deployed approximately 1,000 observers in six provinces
- *Coordination des Actions pour la Réussite de la Transition selon l'Eglise Catholique* (Coordination of Actions for the Success of the Transition according to the Catholic Church), the largest domestic observer group, which aimed to deploy approximately 20,000 observers on election day

POLLING OBSERVATION: JULY 20 PRESIDENTIAL AND LEGISLATIVE ELECTIONS

Nearly 70 percent of Congolese registered voters went to the polls on July 30, 2006, to cast their ballots simultaneously for a new president and a national assembly. The calm and orderly manner in which voting took place throughout most of the DRC was a major milestone for the democratic process.

Election procedures were, on the whole, conducted in a peaceful and orderly manner throughout the country. Many polling stations experienced delayed openings, but voting was underway by 7 a.m. in most cases. Polling stations were generally well organized and officials appeared to understand the proper discharge of their responsibilities. The Carter Center was pleased to see numerous domestic election observers and poll watchers from multiple parties in voting centers. Late changes by the CEI to procedures, voter lists, and the number of polling stations, which fortunately seem to have caused operational disruptions in only some areas, nonetheless undermined the safeguards intended to guarantee integrity and transparency.

As cited in the Center's Aug. 1 preliminary statement, the July 30 polls were generally considered a success, although there were several significant irregularities.[21] Voting was disrupted in only a few places due to serious security incidents; in these places voting began or continued on July 31. The preliminary statements of most international observer groups presented a generally positive evaluation up to election day. The Carter Center and the European Union appeared to be the only two major international observer groups that remained in the DRC to actively follow the tabulation of votes.

FIRST-ROUND TABULATION

Following completion of the count at polling stations, election results and ballots were packaged in black plastic envelopes and labeled. The election official in charge of a polling center (each typically containing several polling stations) was responsible for ensuring the delivery of these envelopes to the relevant local compilation center. There were 169 compilation centers, referred to as CLCRs, throughout the country. The retrieval of results from the most remote territories proceeded slowly; MONUC assisted in retrieving results from these areas and the Angolan government provided four helicopters to the DRC for the exercise as well.

Confronted by considerable logistical challenges, the posting of results by polling station allowed all interested people to confirm that their choice was faithfully transmitted. While certain weaknesses in the training of election staff were apparent, the diligence and sense of responsibility of many individuals ensured that the process was carried through to a successful

[21] See appendices for Preliminary Statement of The Carter Center on the Democratic Republic of Congo July 30, 2006, Elections, Aug. 1, 2006.

conclusion. Carter Center observers reported in some areas that the tabulation of votes was managed impeccably. Individual attempts at corruption during tabulation were observed, as they were during polling day, but these were evidently not widespread, and the CEI appeared to have dealt with them quickly and appropriately.

The most serious problems stemmed from logistical and procedural failures. The electoral law establishes a process whereby the voting center officials, under security escort, should carry all of their materials, including the tally sheets in sealed envelopes, in an orderly fashion to the local tabulation centers, or CLCRs, where these materials would be formally received and accounted for. This chain of custody of electoral materials is an essential guarantee against any tampering with the results between the polling station and the CLCR and constitutes an important measure of transparency, and hence reassurance, to the population.

In many places around the country, the collection of results fell into disarray. Voting center chiefs generally did not receive a security escort and the electoral materials, which lacked proper packaging, were very often not kept intact nor efficiently collected and accounted for upon arrival at the CLCR. In many CLCRs, envelopes containing the tally sheets were either received unsealed or were opened by the voting center chiefs upon arrival at the CLCR, either to obtain information that was sealed inside or to redistribute the contents between envelopes. CLCR staff should have been the only personnel opening the envelopes, inside the controlled environment of the CLCR, and in the presence of witnesses and observers. In the face of popular anxieties regarding manipulation, such disregard for essential procedures made the process vulnerability to further suspicion. This practice was far too common and, of particular concern, was often the result of instructions by CLCR staff. It is troubling that even CLCR staff did not understand the importance of respecting the integrity of the election materials, or rather that they lacked the necessary resources or organization to correct bottlenecks in the reception of materials from polling stations.

In Kinshasa, the Center observed a disorderly collection process and broken chain of custody in handling the results. A poorly conceived collection plan left voting center officials waiting sometimes for days to be picked up with their election materials, and ultimately led to the abandonment, careless handling, and in some cases destruction of these materials. Bulk transport arrangements, made without regard for the proper handling of materials, and district election offices—*Bureaux de Liaison* (BL)—and CLCRs that were not ready to receive the materials efficiently exacerbated the generalized chaos. The decision to use BLs as collection points, in the complete absence of facilities or even personnel to handle the materials, resulted in the BLs becoming dumping grounds for materials and was a primary reason for the breakdown in the collection system.

Center observers reported serious incidents of ballots and results sheets being burned at two of Kinshasa's four district centers, Ndjili and Limete.

Initially, the Center feared that because envelopes were transported together it was possible that official tallies for certain polling stations must have been destroyed in the fire. If true, this incident would have eliminated the possibility for examining original documents in case of legal petitions. The Center's leadership team immediately met with CEI President Malumalu and provided him with evidence retrieved from the remains of the fire. He promised an immediate inquiry and the Center followed closely the process. In the end CEI's prompt inquiry determined that while officials had erred in burning election materials they had destroyed only excess and unused materials, not original tallies.

The Center (and the European Union) requested that the CEI introduce a prolonged verification period for the Kinshasa results. Ordinarily there is only a three-day period during which candidates and parties may review results and lodge electoral complaints, but the Center indicated that this was insufficient due to the rupture in the chain of custody. It also encouraged the CEI to ensure that all results were published by polling station.

The CEI fulfilled its commitment to publish results for every polling station across the country. This data was presented very effectively on the CEI's website and posted at CLCRs around the country. While it did not completely resolve questions about the rupture of the chain of custody, it offered a suitable remedial measure through which the public, political parties, and observers could assure themselves that what they had witnessed at the polling stations was faithfully conveyed in the final results. Without this crucial step it would have been impossible to defend the process against claims of manipulation, whether justified or not, or to attest to the credibility of the Kinshasa results. The enduring problems of the mishandling, misplacement, and loss of ballot papers made judicial verification impossible for many polling stations should the Supreme Court have wished to consult any of the original ballot papers.[22]

The problems encountered during tabulation added to the considerable pre-existing obstacles to transparency that resulted from the CEI missing deadlines and neglecting procedures, including:

- Unclear and last-minute changes to the number and location of polling stations and to the official voter lists made it impossible for political parties and observers to verify with confidence that all polling stations were in fact open to scrutiny or to disprove allegations of fictitious stations.

- Unclear and last-minute decisions regarding the location of lists of omitted voters (*listes des omis*) were impossible to verify and unevenly communicated and applied, a situation that potentially undermined the integrity of important safeguards on voter eligibility. While the extent of this problem is difficult to verify,

[22] One reading of the electoral law holds that the tally sheets and not the ballot papers themselves constitute the legal result once the ballots have been counted.

undeniably it presented an opportunity for manipulation.

- Last-minute changes to the criteria for voting by "derogation" made implementation and monitoring difficult and inconsistent, and may have opened loopholes for potential ineligible voters.

- Ineffective communication of procedural decisions made after the beginning of training (despite CEI assurances that such communication still would be feasible) resulted in the uneven application of important decisions (again, raising concerns about the possibility of manipulation, as neither staff nor observers could be sure of correct procedures).

- Despite the well-known controversy regarding the number of extra ballots printed, important polling station procedures to inventory and account for all ballot papers were not implemented (and ultimately made moot by severe problems with material collection), suggesting a serious weakness in either the established procedures or the training.

- The majority of CLCR presidents were cooperative in allowing party witnesses and observers to do their work properly. However, several failed to understand the crucial role of such monitoring in validating the credibility of their own functions. Observers and witnesses must of course respect the staff of the CLCR's and not act in a manner that might disrupt the compilation operation, but this should not be used as a pretext to prevent observers from effectively performing their work.

Without the ability to verify results, observers and party agents lose their principal value in the electoral process: the capacity to provide reassurances to the public and candidates that the process was credible and devoid of manipulation. The fact that many of these problems can be related to the tremendous challenges in administering these elections does not excuse treating them as a lesser priority. Only because the presidential results were so clear-cut was the DRC spared a potentially heated contestation of them. If unchecked, such controversy will dog other races, especially close ones, and these safeguards must be strengthened in advance of what is expected to be a tightly contested second round presidential election.

Problems also plagued the functioning of the centers themselves. Most CLCRs had difficulty finding enough room to store the envelopes such that many envelopes were left in huge, disorderly piles (sometimes outdoors), which further contributed to the disorganization. Many envelopes were not well packaged; as a result they were often being "reconstituted" in and around the compilation centers by the voting center chiefs, a frequently disorganized exercise that presented the opportunity for manipulation. In South Kivu, our

observers witnessed another reason for the opening of the envelopes: the voting center chiefs were apparently instructed by the compilation center staff to informally hand over unofficial tallies for the presidential results because the national office in Kinshasa had requested them urgently. Rather than return to the voting centers where the results should have been posted by polling station, many officials simply opened their envelopes and copied down the results. Some observer teams (notably those in Bunia and Mbuji Mayi) also complained about the inadequate access they were given in the CLCRs.

FIRST-ROUND ELECTION RESULTS

The CEI began to publish partial results by constituency on Aug. 7 based on CLCR vote totals. Despite the serious problems with tabulation, the Center did not find any evidence of large-scale or systematic tampering with the results and most of the irregularities appeared to stem from innocent attempts to cope with difficulties as they arose. But the breakdown in these procedures, which are designed to exclude the possibility of such tampering, made it difficult to respond properly to any allegations that manipulation may have occurred. Jean-Pierre Bemba and Joseph Kabila supporters both claimed that their candidate had won, with their respective media outlets broadcasting "results" indicating victory for their candidate. Unofficial results sheets were available for sale on the street in several cities, including Kinshasa.

Just as preliminary results were to be announced on Aug. 20, armed troops from Jean-Pierre Bemba's guard and Joseph Kabila's Presidential Guard clashed at CEI headquarters in Kinshasa. Malumalu was unable to hold a planned press conference at the election commission headquarters. He was brought from the commission building under armed escort to a television station to announce the results.

Selected provisional results announced by the CEI on Sunday, Aug. 20:[23]

1. Joseph Kabila 44.81 percent (7,590,485 votes)
2. Jean-Pierre Bemba 20.03 percent (3,392,592 votes)
3. Antoine Gizenga 13.06 percent
4. Nzanga Mobutu 4.77 percent
5. Oscar Kashala 3.46 percent
6. Azarias Ruberwa 1.69 percent
7. Pierre Pay Pay 1.58 percent
8. Lunda Bululu 1.40 percent

President Joseph Kabila won almost 45 percent of the vote while Vice President Jean-Pierre Bemba received 20 percent of the 16.9 million valid votes cast. President Kabila was 900,000 votes short of an absolute majority and thus had to face Bemba in a runoff scheduled on Oct. 29, 2006, which took place simultaneously with provincial elections.

The remainder of votes was shared among the other 31 candidates, including

[23] See appendices for full presidential results.

PALU's leader Antoine Gizenga who came third with 13 percent and the Union of Mobutuist Democrat's (UDEMO) leader Nzanga Mobutu who ranked fourth with 5 percent. Outside of the eight candidates listed above, none received more than one percent of the vote.

An analysis of the first round of presidential voting shows that 89 percent of voters in the eastern provinces voted for a candidate originating from the East (Kabila or others). Similarly, 85 percent of the voters in the western provinces cast their votes for a candidate from the West (Bemba, Gizenga, or Nzanga Mobutu). The apparent conclusion is that people will continue to strongly support candidates from their region and that political alliances that go against this tendency may have little impact. While PALU and UDEMO leaders seemed to be confident about their ability to deliver votes in favor of Kabila, such loyalty cannot be taken for granted. Yet even abstention from their voters (located in the West) during the runoff would serve Kabila.

In the legislative election President Kabila's *Alliance pour la Majorité Présidentielle* (AMP) won 212 of the 500 seats in the National Assembly but claimed to have a comfortable majority thanks to new partnerships with PALU and UDEMO, amongst others. This majority allowed the AMP to choose the next prime minister. The post was promised to PALU as a reward for their support for Kabila. Bemba's new alliance, *Union pour la Nation* (UN), claimed 150 seats and received support from at least 10 of the former presidential candidates on its campaign team.

VIOLENCE FOLLOWS ANNOUNCEMENT OF RESULTS

Kabila and Bemba's forces continued to skirmish the night of Aug. 20 as results were announced. The United Nations reported five people killed in fighting.

In the early afternoon of Aug. 21 loud explosions were heard coming from the direction of Jean-Pierre Bemba's compound in downtown Kinshasa. U.N. Chief of Mission William Swing was in the house to meet with Bemba in order to encourage him to accept the results. Also present were diplomats from China, the United States, France, Britain, Russia, Angola, Belgium, Canada, Gabon, South Africa, and Zambia, as well as officials from the African Union and the European Union. Bemba's political party accused Kabila's forces of attacking Bemba's house, but Kabila's forces say they were trying to liberate two of Kabila's partisans they claim were abducted by Bemba forces on Sunday night. Other rumors also circulated, including reports that Kabila had left the city, that the presidential palace had been shelled, and that Bemba's private residence had been ransacked and a helicopter burned. After five hours, Kabila's top general and the U.N. force commander were able to separate the sides long enough for U.N. armored cars to move in and rescue the ambassadors. The United Nations tried to broker a cease-fire on Monday night but the cease-fire did not hold.

Early on the morning of Aug. 22, heavy machine-gun fire began again, close to

the South African Embassy, and fighting continued in the capital throughout the day. Police in the eastern part of Kinshasa tried to stop young people from looting. Some young people were killed and some were arrested. Initial media reports held that at least 25 people were killed whereas a Congolese military official claimed that 14 people had died Sunday and Monday (seven armed personnel and seven civilians). After being urged by U.N. SRSG Bill Swing, Kabila ordered all of his troops back to their barracks and E.U. and U.N. officials secured a truce between Kabila and Bemba's forces.

The international community set up a joint commission on Aug. 29 to investigate the violence composed of three delegates from each of the candidates' camps. The CIAT called on the two rival leaders to canton their troops, and, under strong international pressure, Kabila and Bemba met on Sept. 13. A number of signed agreements between the two presidential candidates allowed for a fragile equilibrium and a return to a volatile calm in Kinshasa. Weekly meetings between representatives of the two presidential candidates and the CEI continued in the interim period between elections with apparently good results.

These events raised many questions about the continued challenges facing acceptance of election results and the impact on the remainder of the electoral calendar. At that stage, the Supreme Court of Justice, which addresses electoral challenges, still had to validate the provisional results. Candidates would have three days from Aug. 21 to file challenges, which the court would examine within seven days. The CSJ was then supposed to announce final results by Aug. 31 and the two leading candidates would face one another in a runoff scheduled for Oct. 29. The CEI also had to complete the compilation of provisional results from the legislative elections.

PRE-ELECTION OBSERVATION, SECOND ROUND

Electoral Calendar: After the CSJ ruled in favor of the CEI in September by granting it 50 days to organize the second round of elections, citing logistical and time constraints the CEI confirmed that the presidential election runoff would take place on Oct. 29 along with the provincial elections. According to both the constitution and the electoral law, the second round of the presidential elections should occur 15 days from the announcement of the definitive results by the CSJ. Kabila's camp backed this argument in vain and even seemed to have convinced CEI Chairman Malumalu to give the idea serious consideration. The electoral campaign for the presidential election was scheduled for two weeks (Oct.13–27), while the provincial campaign lasted one month. Malumalu said this was in keeping with the spirit of the CSJ decision, which only gave additional time for logistical preparations not for other aspects of the process.

Bemba protested this tight campaign schedule, claiming that it was discriminatory, and demanded a full month for the presidential campaign. The Center was not optimistic that either side would respect the campaign calendar, especially as they might have used the first two weeks of the provincial campaign to indirectly campaign for the runoff. Ultimately, the Center was surprised by the utter lack of campaigning relative to the first round. This inconsistency between complaint and inaction fed rumors of impending violence and that the candidates were already positioning themselves for a postelection face off.

Election Preparations: In a September meeting with The Carter Center Malumalu expressed appreciation for the Center's public statements and said that the CEI was making progress on a number of points. He confirmed that the CEI would eliminate the "list of omitted voters" (*listes des radiés)* and strike the names from the voter lists. He also said that there would be only one addition to the categories of voters listed in the law who can vote by "derogation"—the wives of military and police who are on duty away from their homes. He noted that the issue of students voting was resolved once and for all prior to the first round and that the many thousands of students who would be away from their homes during the vote would not be able to vote.

Regarding the "list of omitted voters," however, Malumalu said there still might be registered voters who did not make it onto the voter lists and therefore the CEI would still utilize open lists to account for this possibility. This solution was worrying, particularly since the CEI had failed to produce data regarding the location and content of these lists during the first round despite repeated requests by the Center, European Union and other observers.

The Center reiterated the need to inform the public clearly and in advance of any changes to the electoral process in order to avoid protests on election day. Unfortunately, the CEI adopted many of these improvements too late to effectively communicate them to poll

workers during training. As a result, the new measures once again were unevenly applied.

The first training-of-trainers session, on voting and counting procedures, began Sept. 24 in Kinshasa with 170 national electoral trainers. Their deployment to the district election offices (*Bureaux de Liaison*) where the provincial trainers were trained began Sept. 27.

Improvements were also made to the process of paying polling station staff. In large urban centers, poll workers were to report to Mr. Cash outlets starting Nov. 1 to receive payment. Voting center chiefs *Chefs de Centre de Vote* (CCVs) were required to confirm the staff lists after polling day. In non-urban centers, money was given to the CCVs in advance and Mr. Cash struggled to distribute this money to the CCVs at 209 training sites. Election workers were to be clearly told during their training that their pay was all-inclusive and that they must make arrangements for their own food and water on election day.

By Sept. 19, 45,000 electoral kits of the 60,000 ordered arrived from South Africa and more than 30 percent had already been deployed to the training centers. The first shipment of ballots for the provincial elections arrived in Kinshasa on Sept. 16 and delivery to the provinces began Sept. 20. The printing of the presidential ballots started the same day that the CSJ announced the definitive first round election results, on Sept. 15. The fact that the smaller presidential ballot packages weighed 2 kilograms in the second round, instead of 20 kilograms for the first round, greatly facilitated their deployment.

Communications: The CEI intended to equip all of the CCVs with wireless phone communications but fell short in practice. Only about 7,000 of 11,805 CCVs had phone communication. Part of the problem was the high rate of loss of equipment throughout the electoral process. Out of 3,000 satellite phones provided by UNDP at the time of voter registration barely 1,000 could still be accounted for.

Civic Education: On Sept. 20, Abbé Malumalu convened donors and partners involved with civic and voter education to coordinate and rationalize their efforts. He stressed that the key message at this point was acceptance of the results. The CEI also decided to print information sheets on problematic electoral issues, such as what constitutes a valid mark on a ballot, and a simple guide to procedures.

Political Maneuvers: Despite a sustained effort, the international community failed to diminish the longstanding mistrust between the presidential candidates. MONUC ultimately managed (after the campaign began) to have both camps sign a code of conduct for the electoral campaign, but not an agreement on post-electoral commitments granting the loser functional immunity, freedom of movement, and reassurance that financial assets would not be seized arbitrarily. In return, the loser would commit to pursue any appeals only through legal channels. Only Bemba signed the agreement.

The deep-rooted mutual mistrust nourished a vicious circle of fears:

Bemba's associates feared a witch hunt if Kabila won, while the incumbent dreaded a scorched-earth policy from Bemba's militants.

The CIAT pressed both camps to sign a mutual agreement on Sept. 23 to make the country's capital "arms free." This symbolic joint operation between MONUC and the Congolese National Police (PNC) produced very thin results. MONUC transferred 350 troops from its Eastern division to Kinshasa and set up teams of observers at the entrance of military camps loyal to Kabila and Bemba. EUFOR deployed an additional 500 troops to secure Kinshasa ahead of the runoff elections, bringing its military staff to 1,500. At the same time, MONUC and EUFOR military strategists acknowledged that their respective mandates were not suited to dealing with a coup attempt or other serious events.

Candidates and the Campaign: The campaign period, although largely peaceful, was marked by negative campaign practices such as the use of hate speech and violence-inciting language. Nationalistic rhetoric was at the heart of the presidential campaign. The slogans and platforms of both candidates were similar and interchangeable. Their main lines were about security, peace, and national unity. Both rejected the balkanization of the Congo, denied any East/West split of the country, and cast themselves as a unifier. The nationalistic one-upmanship between the two camps seemed to once again lead them into xenophobic rhetoric. Character assassination of the opponent was pervasive. The Center's observers collected examples of leaflets emanating from each camp questioning the nationality of the other candidate. For the second time, The Carter Center had to withdraw from an MLC rally in Kinshasa when Bemba supporters verbally and physically threatened observers.

Despite the signing of a new code of good conduct by the major media players and the recurrent sanctions mandated by HAM against offending media and personalities, HAM still lacked the means to enforce its policy and its decisions were sometimes bypassed. HAM scheduled a public debate between the two presidential candidates for Oct. 26 with the approval, in principle, of both camps. What would have been their first meeting since Sept. 12 was canceled when the two candidates could not agree on a format.

The Center was told that the violent rhetoric and its capacity to trigger violence among supporters was a major reason the candidates did not conduct more vigorous campaigns. But the armed clashes in August also revealed the lack of responsibility and commitment of each side to the democratic process, as well as the vulnerability of the electoral process, and gave a sense of the limited extent to which both camps were ready to accept the verdict of the ballot box.

The Candidates

Joseph Kabila, 35, is the son of former President Laurent Désiré Kabila and was born in South Kivu province. He became president after the assassination of his father, Laurent Kabila, in 2001 and transitional president following the Sun City Accords of 2003. He initially registered as an independent candidate for the 2006 presidential elections but soon founded the People's Party for Reconstruction and Democracy (PPRD). Kabila won almost 45 percent in the first round of the 2006 elections and was 900,000 votes short of an absolute majority. PPRD won 111 seats in Parliament but claimed a majority under the umbrella of the *Alliance de la Majorité Présidentielle* (AMP) and its new partnerships.

Jean-Pierre Bemba, 44, was born in Equator province, son of a multimillionaire who had close ties with Mobutu. Bemba was educated mostly in Brussels and became a successful businessman in the 1990s through telecommunications and aviation.

He went into exile in 1997 and in 1998 created the Congo Liberation Movement (MLC). This politico-military movement was based in Gbadolite, northern Equateur province, and received backing from Uganda during the war. He was suspected of continuing to acquire arms in 2002, and it was alleged that his militia supported the faltering president of the Central African Republic (for which the International Criminal Court subsequently charged him with war crimes).

He became one of four transitional vice presidents in 2003. Bemba received 20 percent of the votes (mainly from the Western provinces) in the first round of the presidential election. The MLC won 64 seats but claimed to have secured 150 seats through its new alliance *Union pour la Nation* (UN).

Security Deterioration: The volatile political atmosphere essentially militarized Kinshasa. President Kabila appointed his military adviser as the new interior minister and another military general as governor of Kinshasa to replace two newly elected PPRD candidates at the National Assembly who, according to the law, could not hold both posts. A violent and politically-motivated assault on President Kabila's chief of staff in London, and the subsequent accusations against the MLC (which condemned the assault) and the sabotage of Bemba's Canal Congo Télévision (CCTV) transmitter in Lubumbashi (Katanga province), did not help to ease the tensions. A number of other incidents, mainly localized clashes between MLC and PPRD supporters, marred the first week of the campaign.

On Sept. 18, there was a large fire at Bemba's media premises (CCTV and Canal Kin Télévision—CKTV), acknowledged off the record to have been accidental but serving as a public excuse by Bemba to claim that Kabila supporters were responsible. Consequently, hundreds of young men, mainly *shegués* (street youth) started to

burn tires and stone police and U.N. vehicles. The fire was generally assumed to be the work of Kabila sympathizers trying to undermine Bemba's ability to campaign. On Sept. 21, police arrested 700 *shegués* in an operation claiming to clean up the capital. Two hundred were released shortly thereafter.[24]

The militarization of Kinshasa was one of MONUC and EUFOR's major concerns. EUFOR announced on Sept. 21 that many arms were circulating in Kinshasa. Kabila and Bemba's camps signed a mutual agreement referred to as "Kinshasa without Arms" on Sept. 23 but, according to MONUC intelligence, Kabila's presidential guard received 70 tanks and 1.5 million rounds of ammunition shortly thereafter, despite the arms embargo. The minister of defense said that the DRC ordered the tanks in 2004 for use by integrated brigades and therefore was not a violation of the arms embargo. MONUC also cited reliable sources who claimed that Bemba's people smuggled arms and ammunition into N'djili airport from Uganda on Sept. 23.

Security concerns intensified beyond Kinshasa. A serious deterioration in security occurred in North Kivu where brigades loyal to Laurent Nkunda and the Congolese army were engaged in several days of fighting. Eventually the U.N. North Kivu Brigade was also involved when it came under attack by Nkunda's forces and U.N. peacekeepers responded with helicopter gunships, heavy weapons, and armored vehicles in skirmishes that killed 150 rebels—the highest recorded death toll of any battle involving U.N. forces in the Congo.

The fighting around Sake displaced approximately 10,000 people, a number that rose as fighting erupted in Jomba near the Uganda border. Some progress occurred with other militia groups, however, as the head of the last active armed group in Northeast Ituri, Cobra Matata, signed a demobilization agreement in late November ending resistance in one of the bloodiest areas of the DRC conflict.

On Nov. 22, a mass grave in Ituri containing approximately 40 bodies was discovered. Legal procedures were launched to persecute the perpetrators of the massacre, allegedly planned and carried out by members of the Armed Forces of the Democratic Republic of Congo (FARDC). FARDC's executions seem to have taken place in August or September. All bodies found in the graves were those of civilians, including women and children.

Rush for Political Alliances: On Sept. 22, the 500 newly elected members gathered at Parliament for its inaugural session. Only 60 of them (12 percent) were incumbents. Forty (8 percent) were women.

In the weeks following the first round of elections, both presidential coalitions rushed to secure new political alliances in order to obtain a majority in Parliament, the body that ultimately chooses the prime minister. Kabila's AMP was more successful than Bemba's RENACO at this maneuver.

[24] According to official figures, there are about 20,000 *shegués* in Kinshasa.

AMP, composed of PPRD (which won 111 seats) and some 30 other parties, obtained about 200 seats in the legislative elections. It succeeded in rallying many of the 64 independents elected and several parties, including Antoine Gizenga's PALU and Nzanga Mobutu's UDEMO. Both PALU and UDEMO had a relatively strong presence in the western part of the country where Kabila and PPRD were weaker. AMP was able to secure a majority in Parliament before PALU came on board, but Kabila's camp coveted the two million people in Bandundu and Kinshasa who voted for Gizenga. In exchange for his support, Antoine Gizenga was named prime minister.

Given the dominance of Kabila's coalition in the parliamentary race, the presidential election already appeared decided statistically. The ultimate outcome, however, was dependent on several factors:

1. Were Kabila's 45 percent and Bemba's 20 percent from the first round sure votes for each candidate in the runoff, or would they be redistributed?
2. Even if each candidate kept their original supporters, another potential 15 million voters existed who either voted for another candidate or did not cast a vote in the first round.
3. Gizenga's voters in Bandundu and Kinshasa, as well as Nzanga Mobutu's followers in Equateur, represented two million potential voters. Given the anti-Kabila feelings in the western part of the country there was no guarantee that these leaders' respective electorates would follow their instructions and transfer votes to Kabila.
4. Kabila's 45 percent owed a lot to the high proportion of the vote he received in the East, where turnout was very high. Bemba's 20 percent came mainly from the West where participation rates were lower. In principle this provided Bemba with a larger untapped potential pool of voters.

On Sept. 23, Bemba's RENACO coalition held a public rally to rebrand itself called *Union de la Nation* (UN), comprised of 15 unsuccessful presidential candidates. Some UDPS-affiliated personalities attended the rally and widespread media reports claimed that UDPS had given its support to Bemba. UDPS leader Etienne Tshisekedi remained silent on Bemba's initiative and never endorsed either candidate. While Bemba's speech called for Congolese unity and thanked MONUC for its protection, other speakers at the rally used xenophobic rhetoric. Consequently, the HAM immediately sanctioned these speakers as well as Bemba's CCTV which broadcast the meeting live. Before the event started, rally supporters who shouted "death to whites" attacked two foreigners. Carter Center observers had to turn back from the stadium because of the violence. A senior MLC official shrugged off the incident, telling the Center that Bemba's supporters believed that foreigners supported Kabila.

CODECO decided to line up with Kabila's AMP against the wishes of its leader (and first round presidential candidate) Pierre Pay Pay. As a result, Pay Pay left the alliance he founded and

did not call on its members to vote for either of the presidential candidates. Five other parties left CODECO and joined Jean-Pierre Bemba's UN.

The longstanding party of the third-place presidential candidate, Antoine Gizenga, who announced his support for Kabila, faced internal difficulties similar to those of UDPS. In front of the PALU office in Kinshasa, a sign in the Lingala language declared: "No alliance with any political parties, but with the People." Gizenga informed the Center on Oct. 9 that as a political leader from the western Congo he chose not to support Bemba, whose support is almost exclusively from the West, against Kabila, whose support is from the East, in order to avoid the balkanization of the Congo. Despite the natural regional inclination of his electorate, he was quite confident that he would be able to deliver the bulk of his voters to Kabila thanks to his party's discipline and efficient grass-roots organization. He claimed to be so confident in his party's structure that he did not intend to campaign. Given the evident inclination of his Bandundu and Kinshasa followers to vote for Bemba, the Center was skeptical of the extent to which PALU votes were likely to move towards Kabila.[25]

While the new presidential candidate alliances were wreaking havoc on older groupings and alliances, there was no evidence that the new associations were either strong or durable. AMP's inability to pass two motions at the National Assembly in early October, in spite of its majority, offered an early sign of trouble for any notion of a disciplined majority group. The disruptive effect of the new alliances on the traditional political landscape, coupled with the structural weakness of these alliances, made it difficult to predict the extent to which each alliance would be able to draw in voters, especially those who did not cast their ballots in the first round.

On a constructive note, the National Episcopal Conference of Congo (CENCO) led by Mgr Musengwo adopted a position of "positive neutrality," and on Oct. 5 called on the Congolese people to vote for the candidate of their choice in the upcoming election. CENCO warned that "the Congo is in danger" and asked the population to spend Oct. 25–27 praying for a peaceful electoral outcome.

Bemba's Diplomatic Campaign: Whether his preoccupation was genuine or not, by reiterating that he would not campaign unless his destroyed helicopter was replaced before Oct. 13, Jean-Pierre Bemba caught the attention of national and international actors and sought to put himself in better position to negotiate political and post-electoral issues. Bemba tried to turn the August clash to his advantage by warming his relations with the international community and by utilizing electoral rules, for example by signing the code of conduct and appealing to HAM against the PPRD paper *L'Avenir* for alleged defamation (the HAM ruled in his favor by closing the newspaper for five days).

It was unclear, however, to what extent Bemba's newfound interest in playing

[25] In fact, the anti-Kabila sentiments appear to have prevailed, as Kabila's percentages did not rise in proportion to the number of Gizenga and Mobutu supporters.

by the book would offset his inclination towards populism. He adeptly modified his rhetoric according to his audience. Prior to the runoff, Bemba informed the Center that he was prepared to accept the results if he lost "honestly." However, later in the same meeting, he made a statement that suggested that he was keeping his options open.

POLLING OBSERVATION: OCT. 29 PRESIDENTIAL RUNOFF AND PROVINCIAL ELECTIONS

Polling operations for the runoff elections were peaceful, orderly, and in accordance with the established election procedures. Carter Center observers reported that an overwhelming majority of elections officials performed their responsibilities in a satisfactory or very satisfactory manner. Most polling stations opened on time or with only a brief delay. Heavy rains in Kinshasa and the western provinces delayed some poll openings, but these polls extended their hours of operation accordingly. Polling stations generally received all of their essential materials and were well organized, and election officials appeared to understand the proper discharge of their responsibilities. Unfortunately, many polling stations struggled with inadequate lighting or protection from the elements.

Voter lists were posted outside polling stations more frequently than during the July elections and verification of voter identification was better implemented. Some irregular usage of the lists of omitted voters was observed, but on the whole, polling-station staff appear to have respected the procedures. The CEI's elimination of an additional list of voters who were struck from the roll, a more comprehensive tracking of the distribution of the extra lists, and the publication of a reliable list of polling stations were important reforms. Observers witnessed instances of improper assistance in the polling booth to illiterate voters, although these appeared to be less frequent than in July and to reflect a greater respect for voter secrecy.

Very serious incidents took place at polling stations in Bumba and Bikoro in Equator province and Fataki in Ituri in which people were killed and dozens of polling stations were destroyed. The CEI responded quickly and appropriately to investigate the incidents and to schedule replacement polls. In general police were visible but not intrusive at most polling locations.

Candidate witnesses and domestic observers were present in most stations visited by Carter Center observers and provided good national coverage. However, The Carter Center noted that in areas where one candidate had strong support, witnesses of the opposing candidate were often not present in force. While understandable given the difficulty of recruiting in such areas, this is a weakness in the safeguards of the electoral process and in each candidate's ability to gain an accurate understanding of how the polling operations were carried out in all areas of the country.

The transparency of these elections was significantly improved by providing copies of the official polling station results to the witnesses of the presidential candidates. In some cases, however, the additional sheets did not reach the polling stations in time. Observers also noted that many witnesses neglected to wait and receive their copy of the results upon completion of the count. The combination of these two factors could have had the unfortunate effect of skewing the candidates' expectations of the results.

Observed counts were orderly, consensual, and properly implemented. Polling officials were well-informed about appropriate procedures and demonstrated understanding of the proper determination of valid and invalid ballots, which was emphasized in training. With MONUC assistance, the CEI implemented a much improved results collection operation for Kinshasa that enabled more timely and orderly delivery of results for compilation.

SECOND-ROUND ELECTION RESULTS

The CEI compiled all of the results of the presidential election by Nov. 14 but posted only 92 percent of them. Voter turnout was 66 percent. Kabila won 58 percent of the votes against Bemba's 42 percent, with a gap in excess of two million votes. Even though the formal announcement of preliminary results was not due until Nov. 16 the CEI decision to withhold the partial results under the circumstances was dangerous and inexplicable. The CEI seemed deliberately to delay the posting of the last tranche of 8 percent. Given the mistrust between the two presidential candidates, the violence in August, and the dangerous effect of rumors, this decision was questionable.

Blank and Invalid Ballots: The number of invalid ballots fell considerably from the first round reflecting the significant improvements made to procedures for determining the validity of a ballot, the effective incorporation of these new procedures into the training of election workers, and the simpler ballot of the second round. Only 1.7 percent of ballots were judged invalid during the second round, versus 4.9 percent in the first round.

Blank ballots accounted for only 0.4 percent of all ballots, down from 0.7 percent in the first round. These low rates and the improvement likely reflect the simpler ballot, the increased experience of voters by the second round, a good level of voter knowledge about how to cast a vote, and voters' clarity about their choice of candidate. They also suggest an absence of significant irregularities and a generally reliable administration of the vote count.

Voter Participation: Official figures indicate a national voter turnout of 65.4 percent, about 5 percent lower than the first round (70.5 percent). These rates vary by province, from a high of 84.5 percent in Equator and 84.1 percent in South Kivu to a low of 42.7 percent in East Kasai. A high turnout can simply reflect voter enthusiasm and efficient mobilization, but polling stations or polling centers with much higher turnout rates than others in a given area merit closer examination. Where, in addition, the results in these stations heavily favor one candidate, high turnouts could point to the possibility of manipulation through ballot stuffing or fraudulent counting in the absence of witnesses or observers.

Even without counting the approximately one third of polling stations where the participation rate was abnormally high due to votes by exemption or omitted voters, there are still about 3,500 polling stations with a turnout rate among registered voters of 95 percent or higher. This is unusually

high, especially in contrast to the relatively low national average.

Most of these polling stations are found in the provinces of Equator (the most conspicuous examples are in the communes of Kungu and Gemena) and Katanga (for example in Bukama and Kabondo). These areas stand out for having a large number of polling stations with extremely high turnout rates and results that are almost exclusively to the benefit of one candidate. In contrast to the national trend, participation rates actually rose for the second round in these two provinces. The Carter's assessment is that both candidates tended to benefit in relatively equal measure from these questionable high rates of voter turnout in their respective areas of support. It is difficult to say conclusively to what extent the results in these areas were subject to manipulation, but their electoral administration deserves close scrutiny in future elections.

POSTELECTION VIOLENCE IN KINSHASA

Despite regular CEI posting of partial provisional results, trouble in Kinshasa began on Nov. 11 when the armed police fired into the air to disperse youthful protesters who burned tires and blocked the road in front of Bemba's TV station. According to a witness, Bemba's fighters fired mortars and dozens of heavily armed fighters—some in uniform, others not—brandished submachine guns and pistols. MONUC deployed troops at either side of Bemba's residence without intervening. SRSG Bill Swing and Force Commander General Gaï met with Bemba and sponsored a meeting between the protagonist groups, which eventually stopped the gun battle. Three civilians and one soldier were killed and 337 people were arrested (mostly *shegués*).

As in August, this new episode of violence occurred in the so-called "secure area" of Kinshasa. It confirmed the poor adherence to Kinshasa's "arms free" agreement signed in September. It also took place the day after the delegates of the two camps signed a fifth agreement addressing the nonpartisan character of the armed forces and the police. A meeting between Kabila and Bemba on Nov. 8 was once again the result of very strong pressure from the international community rather than a spontaneous demonstration of respect for electoral conduct.

ELECTORAL DISPUTES

During the days of Nov. 9–13 Jean-Pierre Bemba wrote four letters to the president of the CEI to denounce, among other the abuses, the use of derogation votes and the list of omitted voters as well as suspiciously high rates of participation in the East (he failed to mention that the same patterns were prevalent in the western part of the country). One of Bemba's spokespeople gave a press conference on Nov. 9 to address massive fraud. This shift in Bemba's strategy was worrisome, as he preferred to go public rather than raising and addressing his concerns in the framework of the daily meetings that the president of the CEI and the president of the HAM were holding with senior delegates of both candidates.

The Center conducted an analysis of the use of supplemental voter lists and other technical issues.[26] The Center received detailed data regarding these issues from the CEI, which it verified and found reliable. The Center's analysis found evidence of significant abuses of electoral procedures to the benefit of both candidates, to largely equal effect, thus cancelling out one another and leaving the finishing order of the two candidates unchanged. Abuses included:

- The abuse of supplemental voter lists through the excessive and irregular exploitation of voting by exemption
- The faulty implementation of the lists of omitted voters
- The questionably high turnout rates with near universal support for one candidate in some areas

The Center reviewed carefully the data on the derogation votes and list of omitted voters *on a polling station by station basis* and found that although there were distinct irregularities these were apparent in roughly equal proportion for both Kabila and Bemba areas of support.

By early November it appeared that Bemba and his associates realized that he would not be the next president. His interview aired on Nov. 13 is revealing: he called on the population to stay calm and repeated several times that he was "serene." But he also commented that the CEI had not replied to any of his four letters, implying tacitly that the CEI was not cooperating with MLC and was therefore hiding something. An MLC source informed the Center that Bemba and his senior MLC staff were willing to accept the results but that they were "taken hostage" by the extremist wings of their popular base and militants who refused to accept defeat. Given the Center's multiple encounters with Bemba, it did not give much credence to such a thesis. That some of his base—*Union pour la Nation* associates and militias—were reluctant to accept the results was highly likely and dangerous, but that Bemba felt "trapped and threatened" by his troops is difficult to believe. More likely, he was once again playing the role of populist.

The pull of both tendencies, playing by the rules and defying them at the same time, was also evident in Bemba's approach to the Supreme Court. He submitted a complaint alleging massive fraud organized by the CEI through the production of false voter cards, fictitious polling stations, and voters who voted on supplemental lists. The petition also argued that MLC witnesses were kicked out of polling stations or forbidden access in the eastern part of Congo and that they were systematically not provided with tally sheets of the results.

Carter Center staff attended each of the four Supreme Court hearings on the legal challenges lodged by Bemba. Overall, the Center was encouraged by the breadth of the CSJ's official response to the MLC challenges following the second round election. While a measure of transparency was sacrificed in the Court's determination to end the election process and declare a winner, its conduct in the second round was an improvement

[26] See appendices for the "Carter Center Postelection Statement" from Nov. 27, 2006, for detailed analysis.

over the previous round. The Court summarily dismissed challenges following the first round of elections with little or no explanation, citing only procedural violations with no comprehensive treatment of the underlying complaint. Rather than speeding the process, this cursory treatment of complaints failed to bolster public confidence in the elections process.

While Bemba's case was still under review, on Nov. 21 his supporters fired shots and battled police and U.N. troops outside the Supreme Court, setting fires and forcing the evacuation of the CSJ. The protestors set at least two police vehicles on fire and burned part of the court building. In the wake of the Nov. 21 attack, the Center issued a public statement deploring the violence and reiterating that political leaders were responsible for the actions of their militants, especially when they use violence to protest election results.

The CSJ ultimately ruled that Bemba's complaints were "unfounded" and not backed by hard evidence such as formal complaints lodged at polling stations by MLC candidate witnesses. Although the MLC invoked massive fraud, it provided only one or two examples and nothing substantial enough to prove that the election outcome could have been changed. At the next to last hearing on Nov. 25 MLC lawyers used a very aggressive tone towards the judges, bordering on contempt of court, and declared that their client, the MLC, did not trust the court. They filed a revocation appeal. The MLC lawyers clearly were running out of arguments and had no substantial evidence to engage the court on electoral matters. Further meetings between the Center and MLC lawyers confirmed that their strategy was to attack the credibility of the Court's composition rather than to present any substantive challenge to the credibility of the election.

In a Nov. 28 media interview, Bemba said he was very frustrated by the Court's ruling, which he said was unfair and did not restore transparency or truth. He added, however, that in the interest of the nation and in order to put an end to violence he would carry on his "fight" within a strong opposition and called on all of the political and social forces to join him in order to rebuild the country. The ambiguous position outlined in the speech was consistent with many of his previous statements. He failed to publicly clarify many promised details. By losing both the presidential election and his current position of vice president, Bemba lacked an official mandate and immunity. For this reason, it was conjectured correctly that Bemba would run for senator.

Joseph Kabila was sworn in as president on Dec. 6 in Kinshasa. While former rebel leaders and current vice presidents Ruberwa and Ngoma attended the ceremony, Jean-Pierre Bemba did not. With his investiture, the three-year transition period was officially over. In his inauguration speech Kabila recalled that "in democracy there is room for everybody." Interestingly, he repeated three times that "playtime is over" and noted that the state prisons were open to those who use illegal means to challenge the system. His hardening tone was nothing new and had been observed since the end of the first round.

The newest and youngest president in Africa, Joseph Kabila, 35, appointed Antoine Gizenga as prime minister, who, at 82, became one of the oldest in Africa.

PROVINCIAL ELECTIONS

While the irregularities cited above did not ultimately significantly impact the outcome of the presidential election, the same cannot be said with confidence for the provincial elections held simultaneously. Instead of one national tally, with millions of votes separating two candidates, provincial seats were often determined by a few hundred votes or less. In such circumstances, the standards of credibility become much tighter and problems such as those reported here could have a determinant impact upon individual races. The same strong recommendation applies to the legislative elections.

CONCLUSIONS AND RECOMMENDATIONS

The DRC 2006 elections were part of an extraordinary process of transition, which brought together warring parties and forged a consensus on the need for peace and democracy. For any first elections such as these the Center is well aware that the development of democratic processes and institutions is a long-term project, which will require strong ongoing support from the international community.

The challenges were enormous and the deadlines very tight for these first democratic elections. Everyone involved in making them happen—the Independent Electoral Commission (CEI); the United Nations Mission in the Congo (MONUC); the international community; and Congolese parties, organizations, and individuals—can share in a genuine sense of accomplishment.

The boycott by opposition leader Etienne Tshisekedi, major problems with vote tabulation after the first round—especially affecting Kinshasa, and the loss of life during the outbreak of armed violence between security forces aligned with challenger Jean-Pierre Bemba and the Presidential Guard of Joseph Kabila following the announcement of those results illustrated the fragile and uncertain path of Congo's political transition.

The many procedural shortcomings observed by the Center also made the electoral process vulnerable to allegations of manipulation and leaves many questions unanswered. Despite significant irregularities the result of the presidential election in favor of Joseph Kabila was sufficiently clear-cut that the overall outcome realistically could not have been affected by the cited shortcomings. While the Center has general confidence that the published national legislative results faithfully reflect the will of Congolese voters, the procedural weaknesses mentioned in this report make it difficult to confirm specific results, especially in constituencies with close races.

The Carter Center offers the following summary observations and recommendations for improvements:

ELECTION ADMINISTRATION

- The Carter Center understands how technical issues can become the subject of misunderstanding and can be politicized by competitors for their own partisan interest. The Center urges the CEI to greatly strengthen its efforts, for example through more frequent and regular press conferences, to explain these matters effectively to the public, political parties, and all CEI staff. It is not necessary to explain every detail of the technical arrangements in advance, but when questions arise it is crucial that the election commission provide clear and timely explanations to reinforce public confidence in the administration of the elections. In one controversy over ballot papers, the CEI lost valuable time before addressing the issue publicly and when it did, the effort was not sufficient given the

level of public outcry that had already been generated.

- Delivery of materials and training activities were consistently behind schedule. The training of poll workers is a particular concern given their crucial role not only in implementing the election but also in instilling confidence in voters regarding the electoral process.

- The late and/or partial salary payment of registration and election workers was a chronic problem for the CEI and undermined the integrity of the polling operations as well as employee morale.

- The CEI issued multiple late-arising policy decisions and procedural changes and struggled to communicate these effectively down to the lowest levels of the system, especially when they arose after training sessions had ended. The Carter Center urges the CEI to review its strategic planning and operational management structures while also redoubling its efforts to communicate decisions quickly so that they are effectively and uniformly implemented across the country.

- Duplicate voters should be removed from the voter lists, not merely placed on separate lists.

- Special and omitted voter lists should be eliminated based on the data gathered during the first round.

- Final official lists of voters and polling stations should be made public well in advance of election day.

- Clear decisions should be made about those limited categories of people who can vote by derogation and no exceptions should be made.

POLITICAL CAMPAIGNS

- Political parties did not always make the best use of the campaign period to inform and educate the electorate on matters of concern to them, and there was fairly widespread destruction of campaign materials. The Carter Center repeatedly reminded candidates to respect the provisions of the Code of Conduct for Political Parties, which they themselves drafted and signed.

- If there was one shared failing of candidates and parties it was that they should have concentrated their campaigns on informing voters about their platforms and their visions of a better future for the Congo.

- Too often, political parties either failed to educate themselves on technical issues and on many occasions cast unfounded accusations that generated controversy rather than problem-solving. Even if we assume that the parties acted in good faith, it was particularly puzzling how the large parties, each with their own representatives inside the CEI, were often unable to inform themselves

properly on technical issues and avoid ill-informed reactions.

- The Center further observed that in a number of cases those with access to the levers of power misused their authority and access to public resources during the campaign by: misusing security personnel to obstruct legitimate democratic activity, imposing bureaucratic and practical obstacles on the free movement of candidates, and obstructing candidates' campaign materials at ports of entry.

- Candidates must take responsibility both for the statements of those who speak on their behalf and for the actions of their followers that result. It is not acceptable for a candidate to claim that there is no direct connection between the statements of campaign speakers and the violence of the audience immediately following inflammatory speeches. Candidates seeking, through elections, the authority to govern an entire country should be able to demonstrate that they will exercise the authority to govern their own followers.

- The campaign period for the runoff election, although largely peaceful, was marked by a number of issues of concern to The Carter Center. Negative campaign practices, such as the use of hate speech and violence-inciting language, continue to plague the Congolese political scene. The absence of public campaigning limited the information available to voters and may have contributed to lower voter turnout.

POLITICAL PARTY FINANCE

- Many of the parties expressed concern over the availability of funding for their electoral activities. Discussions regarding a political party financing law in the Congo have floundered, placing smaller parties at a serious disadvantage. The Carter Center recommends the rapid establishment of party resource centers in key locations around the country, funded by donors, administered by reliable third parties such as civil society organizations, and accessible to all parties and candidates, to provide at least basic access to photocopying, printing, graphic design, and perhaps communications advice and training.

- A centralized, public funding mechanism can help level the playing field between large and small parties and ensure at least a minimum capacity for small parties to participate in the process.

VOTING

- The calm and orderly manner in which voting took place for the presidential and legislative elections of July 30 throughout most of the DRC was a major milestone for the democratic process and the Congolese people were quite rightly proud of this achievement.

- Election procedures were, on the whole, conducted in a peaceful and orderly manner throughout the country. Many polling stations experienced delayed openings but

voting was underway by 7 a.m. in most cases. Polling stations were generally well organized and officials appeared to understand the proper discharge of their responsibilities.

- Late changes by the CEI to procedures, voter lists, and the number of polling stations, which fortunately seem to have caused operational disruptions in only some areas, nonetheless undermined the safeguards intended to guarantee integrity and transparency.

- A written inventory of ballot papers received should be a mandatory part of opening procedures in the polling stations.

- The cumbersome ballot papers for the legislative elections in certain constituencies caused some difficulty for voters, compounded by comparatively small polling booths. Crowded voting conditions, makeshift outdoor facilities, and the improper placement of polling booths (often to compensate for poor lighting) did not adequately protect the secrecy of voting in some places.

- Some stations did not receive all of their election materials, notably the lists of omitted voters and lists of voters struck from the roll (generated by the CEI in response to missing and corrupted registration data and through the elimination of fraudulently registered voters). These missing materials, which the CEI produced very late, generated suspicion and may have prevented some legitimate voters from casting their ballots.

- In other polling stations, even where the additional lists were available, they were not always properly consulted. Election officials also did not consistently check voters for indelible ink or confirm that the photo on the card matched the cardholder. On their own, these deficiencies did not seem to cause undue operational problems, but when taken together they weakened important safeguards designed to verify the identity of voters.

- In the spirit of transparency, election officials should be encouraged to explain each step of the process out loud and make sure witnesses and observers are fully able to watch and understand every step.

- The quality of electoral administration improved significantly after the first round. The CEI responded to the lessons learned from the first round, including all major recommendations by The Carter Center, and clarified and improved its procedures on a wide range of issues. Unfortunately, the CEI adopted many of these improvements too late to communicate them to poll workers through the cascading training program. As a result, implementation of new measures was not universal. However, a significant last-minute effort to communicate the new procedures, including the personal engagement of CEI President Malumalu, seems to have ensured

that implementation happened in most places.

- For the second round, most polling stations opened on time or with only a brief delay. Heavy rains in Kinshasa and other western provinces delayed some poll openings, but these polls extended their hours of operation according to established procedures. Polling stations generally received all of their essential materials and were well organized. Election officials appeared to understand the proper discharge of their responsibilities. Unfortunately, many polling stations struggled with inadequate lighting or protection from the elements.

- Voter lists were posted outside polling stations more frequently than during the July elections and verification of voter identification was better implemented. The Center observed some irregular usage of the lists of "omitted voters," but on the whole the procedures appear to have been respected. The CEI's elimination of an additional list of voters who were struck from the roll, a more comprehensive tracking of the distribution of the extra lists, and the publication of a reliable list of polling stations were important reforms.

- Observers witnessed instances of improper assistance in the polling booth to illiterate voters, although this assistance appeared to be less frequent than in July and to reflect a greater respect for voter secrecy.

COUNTING

- Procedures for determining a spoiled ballot should be standardized (taking into account the advice of the Supreme Court that if the voter's intent is clear the ballot should be counted). Some improvement was evident during the second round and polling officials appeared to be better trained on appropriate procedures to determine valid and invalid ballots. These elements should be emphasized in future training of political party agents.

- Tally sheets should be simplified as much as possible and the CEI should continue the practice of posting results at polling stations and ensuring that party agents receive a signed copy of the tally sheet.

- The transparency of these elections and the integrity of the appeals process were significantly improved by providing copies of the official results to the witnesses of the two presidential candidates during the second round. In some cases, however, the additional sheets did not reach the polling stations in time. The Carter Center noted that in areas where one candidate had strong support witnesses of the opposing candidate were often not present in force. It also noted that many witnesses neglected to wait and receive their copy of the results. The combination of these two factors could have the unfortunate effect of skewing the candidates' expectations of the results.

TABULATION

- Appropriate weatherproof protective packaging for electoral materials should be provided to all voting centers, allowing for clear marking on the outside of each package and for the separation of the results envelopes from the rest of the electoral materials.

- Sealed results must not be opened by anyone other than compilation center staff, in the presence of party witnesses and observers.

- The tabulation of provisional results for the July 30 presidential election was generally successful due to the diligence of electoral staff in spite of difficult working conditions. However, serious flaws in the collection and chain of custody of electoral materials, especially in Kinshasa but also in other locations around the country, undermined transparency and threatened the credibility of the results process.

- For the second round, with MONUC assistance, the CEI implemented a much improved results collection operation for Kinshasa that ensured a more timely and orderly delivery of results for compilation than during the first round. The CEI must retain lessons learned to reproduce a realistic plan for the collection of results, particularly for Kinshasa, including provisions for voting officials to accompany and retain custody of their materials and to receive their materials in a timely and orderly manner at compilation centers.

ELECTION-DAY SECURITY

- Police were visible but not intrusive at most polling locations.

- There were serious breaches of security in several places, including the destruction of a number of polling stations, as well as attempts to prevent voters from entering certain voting centers. While significant and deplorable, these attacks were clearly the exception and the Center is pleased that the CEI immediately took steps to reopen these polling stations by sending new materials.

ANNOUNCEMENT OF RESULTS

- The publication of results by polling station was a crucial measure in strengthening public confidence. The CEI should continue to utilize this measure as best practice.

- The explosive violence in Kinshasa following the announcement of the first round presidential election results between armed troops loyal to candidates Kabila and Bemba revealed the incompleteness of the peace process and the enduring threats to democracy in the DRC. National and international actors undertook serious confidence building efforts to prevent further acts of violence and to create the conditions for a peaceful second round, respectful of the will of the people. Ultimately, it is the

responsibility of political leaders to live up to their promise to respect the announcement of credible results by the CEI and to use peaceful means to resolve any disputes.

MEDIA

- In an election campaign a free, unbiased media is an important resource for voters seeking accurate, impartial information about the different candidates and party platforms. All media organizations should devote space to communicating party visions and platforms and to distribute this equitably between the parties and candidates as a service to the voting public.

- The media, including the public broadcaster RTNC, did not honor their responsibilities to provide neutral information to the public. Private media outlets—whose ownership often has specific political affiliations—did not respect guidelines concerning equitable coverage of candidates in their reporting. The High Media Authority (HAM) provided appropriate rules for the conduct of the media during the campaign, but its directives were not respected. HAM should receive the necessary resources and have adequate capacity to enforce its mandate.

- The Carter Center is concerned that certain incidents from the beginning of the campaign have had a chilling effect on press freedoms, particularly the unexplained killing of Congolese journalist Bapuwa Mwamba. Other incidents give the impression that international journalists are selectively screened to determine who is allowed to operate in the country. We urge the Congolese authorities to assume their responsibilities and ensure a climate in which the press can operate without interference or intimidation.

- The burning and looting of buildings housing the HAM and the National Human Rights Observatory and serious attacks on some employees during a large presidential campaign rally in Kinshasa was a further blow to two already under-resourced institutions of the democratic transition and reinforced a culture of impunity.

- The absence of any live debates among presidential candidates deprived Congolese voters of an opportunity to compare their candidates in action. The last-minute broadcast of an exclusive interview with President Kabila on the public broadcasting network RTNC, without providing equal time to Vice President Bemba, constituted a violation of the neutrality of the state broadcaster and an abuse of government power.

CIVIC EDUCATION

- The CEI's late effort to coordinate civic education achieved mixed results and confirmed what was already apparent to Carter Center observers: while national and international NGOS, with support from donors, are conducting some excellent civic education activities,

significant areas of the country are not reached. Civic education is an ongoing need in any democratic society, especially one emerging from conflict. It is essential not only to promote well-considered voting but also to encourage popular participation in the entire democratic process. The Carter Center urges both Congolese institutions and the international community to support effective civic education in the months and years to come as an essential underpinning of a successful transition to a stable and sustained democracy.

- The Carter Center has observed some excellent civic education activities around the country implemented by Congolese groups and supported by the international community. Efforts to coordinate all such activities nationally could be improved. The Center was encouraged by the personal engagement of CEI President Malumalu on this issue and hopes that a rapid and comprehensive national stock-taking on civic education will ensue. The Center also urges donors to direct the necessary resources towards urgently filling such gaps as may be identified so that all Congolese are adequately prepared for full and meaningful participation.

CONFIDENCE AND SECURITY

- The Congolese electoral process occurred against a backdrop of many years of conflict and human rights violations. Areas of violence and insecurity persisted throughout the entire election period. This presents a challenging environment in which to hold democratic elections, as insecurity not only impedes electoral preparations but also weakens public participation as well as confidence in the credibility of the process and results. The Carter Center was heartened by the surrender and capture of several militia leaders during election preparations, as well as the apparent willingness of regional actors, and the commendable efforts of MONUC, to contribute to a peaceful climate for the elections. The Carter Center also acknowledges the important efforts of the International Committee in Support of the Transition (CIAT) in this direction and strongly urges the newly formed Joint Commission ("*Commission Mixte*") to successfully fulfill its mandate.

- Unless the government of the DRC and other political actors urgently take steps at the highest political levels to constrain the actions of armed factions and to strengthen the conditions for a peaceful and constructive campaign, held in a climate of respect, there is reason to fear that future elections may once again spark serious violence.

- The Carter Center also believes that post-conflict confidence building requires tolerance on the part of all non-military political actors. Carter Center observers frequently noted the degree of enthusiasm with which political parties and their supporters engaged in the electoral process in Congo. However, the divisive rhetoric of the campaign period was

a visible reminder of these underlying problems. It included raising tensions through personal attacks, accusations between parties and individuals, and, at times, the repetition of unsubstantiated rumors, all of which the news media and others reproduced.

ELECTION DISPUTE RESOLUTION

- Another important element in strengthening confidence in the election process is ensuring that electoral complaints and appeals are adjudicated effectively and impartially. The Center was encouraged by several efforts to strengthen the capacity of the Supreme Court of Justice in election matters. With the assistance of the international community, a training program for Supreme Court magistrates usefully allowed them to consider in advance issues that could arise during and after voting operations and to seek consensus amongst themselves on legal responses to these issues based on Congolese, African, and international electoral jurisprudence. Overall however the Center remained concerned that more could or should have been done to strengthen effective adjudication and to increase public confidence in this crucial function.

DOMESTIC OBSERVATION

- The Carter Center found some impressive preparations by domestic observer organizations around the country, in particular the collaborative work done under the auspices of the Civil Society Framework for Cooperation in Election Observation to develop national training materials and manuals. Most domestic observer organizations suffer from a shortage of funds, which imposes particular constraints in such a large country where travel and communications are so difficult. As a result, the coverage by domestic organizations during these elections was not as comprehensive as hoped. This is concerning given their key role in nurturing the long-term transparency and credibility of the democratic process in the Congo and in the light of the constraints on international observation during these elections. The Center urges donors to increase their early support for capable domestic observation groups.

- For the second round, candidate witnesses and domestic observers were present in most stations and provided good coverage nationally. However, coverage by candidate witnesses was sparser in areas where the opposing candidate had the strongest support. While understandable given the difficulty of recruiting in such areas, this disparity in coverage remains a weakness in the safeguards of the electoral process and in each candidate's ability to gain an accurate understanding of how the polling operations were carried out in all areas of the country. The capacity of political parties to properly train and deploy party polls watchers is an important element in ensuring the transparency of the electoral process. As in other areas,

The Carter Center has noted some noteworthy work, supported by the international community, in political party training. Still, a significant need for more support and attention to this area exists.

APPENDICES

Appendix A

Acknowledgments

The Carter Center gratefully acknowledges the support of the organizations and individuals whose vital contributions enabled the two electoral observation missions in the Democratic Republic of Congo. The United States Agency for International Development (USAID) and the Department for International Development in the United Kingdom continued their history of strong support for Carter Center missions and combined with the government of Belgium to provide the vital support for the Carter Center mission. Their contributions enabled a sustained long-term Carter Center engagement in the DRC from March through December 2006, a period that encompassed the electoral processes for both rounds of the presidential election as well as the legislative and the provincial elections.

The Center expresses its appreciation to the government of the Democratic Republic of Congo and the president of the Independent Election Commission, Abbé Malumalu, for inviting the Center to observe the elections. The Center acknowledges the extraordinary undertaking of an effort that relied on the close coordination of the CEI, government officials, and the international community. The Center likewise acknowledges the dedicated contribution of the Congolese national observers and their important role in bearing witness to their country's first free and fair elections in over 40 years.

The efficacy of Carter Center missions is a product of the excellent staff and leadership whose dedication has consistently given excellent representation to the Center overseas. A special thank-you goes to The Right Honorable Joseph Clark for his time and experience in serving as mission co-leader with Carter Center Associate Executive Director Dr. John Stremlau during both the July and October observation missions.

The Center also acknowledges the committed management of field office co-directors Colin Stewart and Sophie Khan in Kinshasa. The Carter Center has benefited from the experience of both Mr. Stewart and Ms. Khan in prior missions, and the respect afforded The Carter Center in the DR Congo by both national and international officials is a testament to the respect they earned through the quality of their work.

The Center field office co-directors led a remarkable Kinshasa staff that operated effectively under times of extreme duress. Mission security officer James Castiau designed and managed the security for both 60+ member missions, including observers, staff, and mission leadership, in a volatile environment and over extraordinary deployment distances. Joshua Walker contributed his expertise in electoral processes and political analysis during the first round and was an integral element in establishing the remarkable relationships enjoyed by The Carter Center during the mission. Romain Grandjean assumed this responsibility for the second round of elections and provided strong analysis and representation for the Center through the final steps of the electoral process. Boris Nzanga managed logistical arrangements for the mission, overseeing

office operations and assisting in delegation preparation and deployment. Additional support was provided by Augustin Kibassa, transport coordinator; Sophia Njiba, field financial officer; and Christian Bisimwa Mulume, field press officer.

The Carter Center thanks the long-term observers for their invaluable work in bearing the weight of providing political and logistics reports from areas throughout the DR Congo over the course of many months. These individuals worked in diverse and uncertain conditions, demonstrating a deep commitment to the success of the Carter Center mission and to the furthering of democracy in the Democratic Republic of Congo. LTOs included Ana Ganho, Jean-Paul Lamah, Mallé Mbow, Ron Mininger, Nancy Steedle, David Sunstrum, and Noor Tawil. No one embodied the dedication and professionalism of this group more than Mr. Guillaume Kakanou, a deeply valued member of the mission who lost his life in a car accident while deployed as an LTO. The Carter Center deeply mourns his loss.

The Carter Center's Democracy Program in Atlanta was responsible for overall project management, beginning with an initial assessment visit to the DRC in March 2005. The project was directed by Democracy Program Director Dr. David Carroll and managed by Associate Director Dr. David Pottie. A number of Carter Center staff provided crucial support to the mission, including Matt Cirillo, Tynesha Green, John Koogler, Marie Milward, and Olivia Fernandez Owens. Carter Center intern Holly Howell and volunteers Antonella Bernardini and Ed Mininger contributed vital support to mission staff during the second round. Without this handful of staff and interns alike, the Center would not have been able to implement such a successful project.

This report was initially compiled by Colin Stewart, Sophie Khan, and John Koogler, based on input from the entire delegation. David Pottie and Jennifer Russi completed the final version of the report.

Appendix B
The Carter Center
Democratic Republic of Congo
July 30, 2006
Election Observation Delegation and Staff

Delegation Leaders

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Dr. John Stremlau, Associate Executive Director, The Carter Center, United States

Observers

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Appendix C
The Carter Center
Democratic Republic of Congo
Oct. 29, 2006
Election Observation Delegation and Staff

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APPENDIX D

TERMS AND ABBREVIATIONS

AMP	Alliance of the Presidential Majority / *Alliance pour la Majorité Présidentielle*
APEC	UNDP Congo Election Support Project/ *Projet d'Appui au Processus Electoral*
BL	District Election Office / *Bureaux de Liaison*
CCTV	*Canal Congo Télévision*
CCVs	Head of Polling Center/ *Chef de Centre de Vote*
CEI	Independent Electoral Commission / *Commission Électorale Nationale Indépendante*
CENCO	National Episcopal Conference of Congo
CIAT	International Committee in Support of the Transition
CKTV	*Canal Kin Télévision*
CLCR	Compilation Center / *Centre Locaux de Compilation du Vote*
CODECO	Coalition of Congolese Democrats
CSJ	Supreme Court of Justice
DfID	Department for International Development
DPKO	Department of Peacekeeping Operations
DRC	Democratic Republic of Congo
EISA	Electoral Institute for Sustainable Democracy in Africa
E.U.	European Union
EUFOR	European Union Force
FARDC	Armed Forces of the Democratic Republic of Congo / *Forces Armées de la République Démocratique du Congo*

FONUS	Forces for Renovation for Union and Solidarity
HAM	High Media Authority
ICC	International Criminal Court
IFES	International Foundation for Electoral Systems
LTO	Long-term Observer
MLC	Congolese Liberation Movement
MONUC	United Nations Mission in Congo
NDI	National Democratic Institute
NGO	Nongovernmental Organizations
ONDH	National Human Rights Observatory
PALU	Unified Lumumbist Party
PPRD	People's Party for Reconstruction and Democracy
RALIK	*Radio Liberté Kinshasa*
RCD	Rally for Congolese Democracy
RCD–G	Rally for Congolese Democracy–Goma
RCD–ML	Rally for Congolese Democracy–Liberation Movement
RCD–N	Rally for Congolese Democracy–National
RENACO	*Regroupment des Nationalistes Congolais*
RFI	Radio France International
RTNC	*Radio Télévision Nationale Congolaise*
SADC	Southern Africa Development Community
SFCG–DRC	Search for Common Ground–Democratic Republic of Congo
SRSG	Special Representative of the Secretary-General

UDEMO	Union of Mobutuist Democrats
UDPS	Union for Democracy and Social Progress
U.N.	United Nations
UN	Union for the Nation / *Union pour la Nation*
UNDP	United Nations Development Program
USAID	United States Agency for International Development

Appendix E
Letter of Invitation—English
(Unofficial Translation)

The Democratic Republic of Congo
Independent Electoral Commission

December 17, 2004

Subject: Request for assistance in the electoral process

Mr. President,

With reference to the different agreements that have brought our country to the current political transition, the Independent Electoral Commission is charged with the organization of all referendum and election activities in order to bring about democracy through just, free, democratic and transparent elections. Successful elections will put an end to the crisis of legitimacy facing our institutions and leaders. Our young institution faces many challenges, and since these elections constitute the first democratic elections in 40 years, we lack the required experience and infrastructure.

Faced with this situation, we welcome national and international goodwill in order to build the best conditions for success. We have developed and implemented national consultations, notably with other transitional institutions (the Inter-institutional Committee), non-governmental actors (NGOs, religious, women and youth groups, unions and bodies, etc.), and the political parties. The United Nations Mission in the Democratic Republic of Congo (MONUC) also brings notable political, logistical and technological support. Many internationally renowned non-governmental organizations in electoral matters equally contribute to these efforts.

We remember The Carter Center's important 1995 mediation efforts in the Great Lakes Region conflict. We also recognize your immeasurable contributions to address the many problems confronting Africa, including support of electoral processes and the independent observation of elections.

I have the pleasure to invite The Carter Center to support the Congo in its efforts for a successful transition through the organization of just, democratic and transparent elections.

An exploratory mission from your institution is welcome to visit the Congo in order to assess the contribution that you could bring to the electoral process in the Democratic Republic of Congo.

Please accept, Mr. President, the expression of my highest consideration.

Abbé Apollinaire MUHOLONGU MALUMALU

Appendix F
Letter of Invitation—French

REPUBLIQUE DEMOCRATIQUE DU CONGO
COMMISSION ELECTORALE INDEPENDANTE
C. E. I.

Le Président

Kinshasa, le 17 décembre 2004

N/Réf. : 0805.../cei-rdc/CAB-Prés/04.-

Copie pour information :
- A Son Excellence Monsieur le Ministre des Affaires étrangères et de la Coopération internationale ;
- Aux Membres du Bureau de la Commission Electorale Indépendante ;
- MONUC/Division Electorale ;

(Tous) à Kinshasa/Gombe.-

✓ A Monsieur le Président de la Fondation The Carter Center
à Atlanta/USA.-

Monsieur le Président,
Concerne : Demande d'une assistance au processus électoral.-

En référence aux différents accords qui ont conduit notre pays à la Transition politique actuelle, la Commission Electorale Indépendante est chargée de l'organisation de toutes les consultations référendaire et électorales devant mettre fin à cette Transition et mener le pays vers un Etat démocratique à travers des élections justes, libres, démocratiques et transparentes. La réussite des élections dans de telles conditions mettrait fin à la crise de légitimité des institutions et de leurs dirigeants qui constituent un des problèmes les plus importants auxquels notre pays est confronté. De nombreux défis se présentent à notre jeune institution : en effet, ces élections constituent les premières élections démocratiques jamais réalisées dans le pays depuis quarante cinq ans ; de ce fait, nous manquons de l'expérience requise en la matière. De plus, le pays est très vaste et est confronté à la faiblesse de ses infrastructures.

.../...

Face à cette situation, nous avons adopté une approche d'ouverture en associant toutes les bonnes volontés aussi bien nationales qu'internationales afin de réunir les meilleures conditions de réussite de notre mission. C'est ainsi qu'au plan national, nous avons suscité et mis en place des cadres de concertation par groupes cibles, notamment avec les autres Institutions de la Transition (Comité Interinstitutionnel), les Acteurs Non Etatiques (ONG, Confessions religieuses, Femmes, Jeunes, Syndicats et autres corporations, etc.) et les Partis politiques. Au plan international, la Mission de l'Organisation des Nations Unies en République Démocratique du Congo (MONUC) appuie nos actions au niveau politique et nous apporte un concours technique et logistique appréciable. De nombreuses organisations non gouvernementales internationales de renom en matière électorale nous apportent également leur concours.

S'agissant de la fondation The Carter Center, nous nous souvenons des efforts importants que votre institution déploie depuis 1995 comme médiateur dans la résolution des conflits dans la Région des Grands Lacs. Nous savons par ailleurs la contribution inestimable que vous apportez dans la résolution de nombreux problèmes auxquels l'Afrique est confrontée dans tous les domaines, parmi lesquels figurent l'appui au processus électoral et l'observation indépendante des scrutins.

Aussi ai-je le plaisir d'inviter The Carter Center à venir rejoindre les amis du Congo, dont elle fait partie, dans leur effort pour apporter leur support dans la réussite de la Transition à travers l'organisation d'élections justes, démocratiques et transparentes.
Une mission exploratoire de votre institution pourrait venir faire l'état des lieux afin d'évaluer la contribution que vous pourriez apporter au processus électoral en République Démocratique du Congo.

Veuillez agréer, **Monsieur le Président**, l'expression de ma haute considération.

REP. DEM. DU CONGO
C.E.I.
COMMISSION ELECTORALE INDEPENDANTE

Abbé Apollinaire MUHOLONGU MALUMALU

Siège : 11, avenue colonel Lukusa Kinshasa / Gombe
Téléphone : + 243 98 23 27 54 Fax : 0017755996606
E-mail : ceirdc@yahoo.fr

Appendix G: Composition of Transitional Government

LES INSTITUTIONS DE LA TRANSITION EN RDC ET LEURS ANIMATEURS
non-officiel

Le Président Joseph Kabila
Chef de l'Etat, Commandant Suprême des Forces Armées,
Président du Conseil des Ministres et du Conseil Supérieur de la Défense

Azarias Ruberwa
Vice-Président issu du RCD, Président de la Commission Politique

Jean-Pierre Bemba
Vice-Président issu du MLC, Président de la Commission Economique et Financière

Yerodia Abdoulaye Ndombasi
Vice-Président issu de l'ex-Gouv., Président de la Commission pour La Reconstruction et le Développement

Arthur Z'Ahidi Ngoma
Vice-Président issu de l'Opp. Pol., Président de la Commission Sociale et Culturelle

Ministres
1. Intérieur, Décentralisation et Sécurité (ex-Gouv): **Théophile Mbemba Fundu**
2. Presse et Information (ex-Gouv): **Henri Mova Sakanyi**
3. Défense Nationale, Démobilisation et Anciens Combattants (RCD): **Jean-Pierre Ondekane**
4. Condition Féminine et Famille (RCD): **Faida Mwangilwa**
5. Affaires Etrangères et Coopération Internationale (MLC): **Antoine Ghonda**
6. Justice (Opp. Pol.): **Honorius Kisimba-Ngoy**
7. Solidarité et Affaires Humanitaires (Op.Po.):**Catherine Nzuzi Wa Mbombo**
8. Droits Humains (Forces Vives): **Marie-Madeleine Kalala**
9. Coopération Régionale (RCD-ML): **Mbusa Nyamwisi**

Vice-Ministres
1. Affaires Etrangères (ex-Gouv) **Robert Mubinga**
2. Intégration de l'Armée (ex-Gouv): **Philemon Mukendi**
3. Coop. Int. (RCD):**Gilbert Ngbanda**
4. Sécurité et Ordre Public (RCD): **Tharcisse Habarugira**
5. Intérieur (MLC): **Paul Musafiri**
6. Défense (MLC): **Mohamed Bule**
7. Anciens Combattants et Démobilisation (Forces Vives): **Sylvain Delma Mbo**
8. Justice (RCD-ML): **Bubu Tendema**
9. Presse et Information (RCD-N): **Jose Engbanda**

Ministres
1. Finances (ex-Gouv): **Mutombo Kiamakosa**
2. Industrie et PME (ex-Gouv): **Pierre André Futa**
3. Economie (RCD): **Emile Ngoy Kasongo**
4. Portefeuille (RCD): **Celestin Vunduambadi**
5. Plan (MLC): **Alexis Thambwe**
6. Budget (MLC): **François Mwamba**
7. Agriculture (MLC): **Valentin Senga**
8. Mines (Opp. Pol.): **Diomi Ndongala**
9. Fonction Publique (Forces Vives): **Gustave Tabezi Pene Magu**
10. Commerce Extérieur (RCD-N): **Roger Lumbala**

Vice-Ministres
1. Mines (ex-Gouv): **Louis Léonce Chirimwami Muderwa**
2. Budget (RCD): **Freddy Suku-Suku**
3. Travaux Publics et Infrastructures (RCD): **Baudouin Banza Mukalay**
4. Finances (MLC): **Denis Kashoba**
5. Portefeuille (MLC): **Tshimanga Bwana**
6. Plan (Opp. Pol.): **Raymond Tshibanda**
7. Fonction Publique (Opp. Pol.): **Desire Kashemwa Zirhayanibirhi**
8. Commerce Extérieur (Forces Vives): **Gertrude Ekombe Ekofo**
9. Agriculture (Forces Vives): **Oscar Nsankulu Bidilika**

Ministres
1. Energie (ex-Gouv): **Kalema Lusona**
2. PTT (RCD): **Gertrude Kitembo**
3. Travaux Publics et Infrastructures (MLC): **José Endundo Bononge**
4. Recherche Scientifique (Opp. Pol.): **Gérard Kamanda Wa Kamanda**
5. Transports (Opp. Pol.): **Joseph Olenghankoy**
6. Urbanisme (RCD-ML): **John Tibasima**
7. Tourisme (RCD-N): **Jose Engwanda**
8. Développement Rural (Mai-Mai): **Kaliba Munanga**
9. Environnement (Mai-Mai): **Anselme Enerunga**

Vice-Ministres
1. Energie (Opp. Pol.): **Nicolas Badingaka**
2. Transports (Mai-Mai): **Elias Mulungula**

Ministres
1. Santé (ex-Gouv): **Anastahasie** Moleko Moliwa
2. Arts et Culture (ex-Gouv): **Christophe Muzungu**
3. Travail et Prévoyance Sociale (RCD): **Lola Kisanga**
4. Enseignement Supérieur et Universitaire (RCD): **Joseph Mudumbi**
5. Enseignement Primaire et Secondaire (MLC): **Constant Ndom Nda Ombel**
6. Jeunesse et Sports (MLC): **Omer Egwake**
7. Affaires Sociales (Opp. Pol.): **Ingele Ifoto**
8. Affaires Foncières (Opp. Pol.): **Venant Tshipasa**

Vice-Ministres
1. Enseignement Primaire, Secondaire et Professionnel (ex-Gouv): **Masika Yalala**
2. Santé (Opp. Pol.): **Aziz Kumbi**
3. Enseignement Supérieur et Universitaire (RCD-ML): **Jérome Kamathe Lukundu**
4. Affaires Sociales (RCD-N): **Alphonse Magbada**
5. Travail et Prévoyance Sociale (Mai-Mai): **Jeanne Bumba**

Conseil Supérieur de la Défense

1) Président Kabila
2) Vice-Président Ruberwa
3) Vice-Président Bemba
4) Vice-Président Ndombasi
5) Vice-Président Ngoma
6) Ministre de la Défense (RCD): Ondekane
7) Ministre de l'Intérieur, de la Décentralisation et de la Sécurité (ex-Gouv):Mbemba
8) Ministre des Affaires Etrangères (MLC): Ghonda
9) Chef d'Etat-Major Général de l'Armée (ex-Gouv): Liwanga Mata Nyamunyobo
10) Chef d'Etat-Major des Forces Aériennes (ex-Gouv): John Numbi
11) Chef d'Etat-Major des Forces Terrestres (RCD): Sylvain Buki
12) Chef d'Etat-Major des Forces Navales (MLC): Dieudonné Bahigwa Amuli

Secrétariat-Général du Gouvernement

1) Secrétaire-Général: Ntumba Luaba (ex-Gouv.)

Secrétaires Exécutifs:
2) Shadrac Baitsura (RCD)
3) Georgette Bokanya (MLC)
4) Julien Bukasa Nkashama (ex-Gouv.)
5) Eugide Ngokoso (Opp. Pol.)

LE PARLEMENT DE TRANSITION

L'ASSEMBLEE NATIONALE

Bureau
1) Président (MLC): Olivier Etsu Kamitatu
2) Premier Vice-Président (ex-Gouv): Philomène Omatuku
3) Deuxième Vice-Président (RCD): Adolphe Onusumba Yemba
4) Troisième Vice-Président (Opp. Pol.): Kumbu-ki-Lutete
5) Rapporteur (Mai-Mai): Raphaël Lunghe Luhulu
6) Premier Rapporteur Adjoint (Forces Vives): Vicky Katumwamukalay
7) Deuxième Rapporteur Adjoint (RCD-N): M. Katende Wa Ndaya
8) Troisième Rapporteur Adjoint (RCD-ML): Honoré Kadima Shambuyi

(500 Députés: 94 du RCD; 94 du MLC; 94 de l'ex-Gouv.; 94 de l'Opp. Pol.; 94 des Forces Vives; 15 du RCD-ML; 5 du RCD-N; 10 des Mai-Mai)

LE SENAT

Bureau
1) Président (Forces Vives): Pierre Marini Bodho
2) Premier Vice-Président (RCD): Emile Ilunga Kalembo
3) Deuxième Vice-Président (Opp. Pol.): Justin-Marie Bomboko
4) Troisième Vice-Président (ex-Gouv): Gaëtan Kakudji
5) Rapporteur (RCD-ML): Lambert Mende Omalanga
6) Premier Rapporteur Adjoint (RCD-N): A.C. Tshibuabua Ashila
7) Deuxième Rapporteur Adjoint (MLC): Ilunga Kabuyi
8) Troisième Rapporteur Adjoint (Mai-Mai): Lwaboshi Kanyegere

(120 Sénateurs: 22 du RCD; 22 du MLC; 22 de l'ex-Gouv; 22 de l'Opp. Pol.; 22 des Forces Vives; 4 du RCD-ML; 2 du RCD-N; 4 des Mai-Mai)

Conseil Suprême de la Magistrature

Cour Suprême de Justice
Président: Lwamba Bindu

Procureur Général de la République: Tshimanga Mukeba

Cours et Tribunaux

Commission Electorale Indépendante

1) Président (Forces Vives): Abbé Apollinaire Malu Malu Muholongu
2) 1er Vice-Président (MLC): Paul Musafiri
3) 2ème Vice-Président (RCD): Bashengezi Katintima
4) 3ème Vice-Président (ex-Gouv.): Crispin Kankonde
5) Rapporteur (Mai-Mai): Mirimo Mulongo
6) 1er Rapporteur Adjoint (Opp. Pol.):
7) 2ème Rapporteur Adjoint (RCD-N): Kabangu Tshibi Tshibi
8) 3ème Rapporteur Adjoint (RCD-ML): Marie-R. Kambere Kavira

Haute Autorité des Médias

1) Président (Forces Vives): Modeste Mutinga
2) 1er Vice-Président (RCD-ML): Kambale Bahekwa
3) 2ème Vice-Président (ex-Gouv): Sakombi Inongo
4) 3ème Vice-Président (RCD): Lola Kisanga
5) Rapporteur (MLC): Imana Ingulu
6) 1er Rapporteur Adjoint (Mai-Mai): Bahunga Kashoky
7) 2ème Rapporteur Adjoint (Opp. Pol.):
8) 3ème Rapporteur Adjoint (RCD-N): Pascal Himpayi

Commission Vérité et Réconciliation

1) Président (Forces Vives): Jean Luc Kuye Ndondo
2) 1er Vice-Président (RCD): Benjamin Serukiza
3) 2ème Vice-Président (Opp. Pol.):
4) 3ème Vice-Président (Mai-Mai): Yaka Swedy Kosko
5) Rapporteur (RCD-ML): Claude Olenga Sumaili
6) 1er Rapporteur Adjoint (ex-Gouv): Musimwa Bisharhwa
7) 2ème Rapporteur Adjoint (RCD-N): Vicky Idy Biboyo
8) 3ème Rapporteur Adjoint (MLC): Mika Ebenga

Observatoire National des Droits de l'Homme

1) Président (Forces Vives): Michel Innocent Mpinga
2) 1er Vice-Président (Opp. Pol.):
3) 2ème Vice-Président (RCD-N): Gabriel Zamba
4) 3ème Vice-Président (MLC): Nicolas Kendishiba
5) Rapporteur (RCD): Florent Kabongo
6) 1er Rapporteur Adjoint (RCD-ML): Mawa Olimani
7) 2ème Rapporteur Adjoint (ex-Gouv): Aponga Nzalo
8) 3ème Rapporteur Adjoint (Mai-Mai): Mwendambali Ngera

Commission de l'Ethique et de la Lutte Contre la Corruption

1) Président (Forces Vives): Pamphile Badu Wa Badu
2) 1er Vice-Président (ex-Gouv): Kutumisa B. Kyota
3) 2ème Vice-Président (MLC): Mbali Voto
4) 3ème Vice-Président (Opp. Pol.):
5) Rapporteur (RCD-N): Christophe Kambale
6) 1er Rapporteur Adjoint (Mai-Mai): Mamboleo Lembelembe
7) 2ème Rapporteur Adjoint (RCD-ML): A. Muluma Munanga
8) 3ème Rapporteur Adjoint (RCD): Jean Marie Runiga

Appendix H
Carter Center Deployment Plan, First Round, July 31, 2006

Team #		Observers	Province	Deployment Sites
Leadership		Joseph Clark John Stremlau David Pottie, TCC Staff	Kinshasa	Kinshasa and communes
1	STO	Jefferey Mapendere Karen Ryan	Kinshasa	Kinshasa and communes
2	STO	Waly Ndiaye Nancy Walker	Kinshasa	Kinshasa and communes
3	STO	Michael Schatzberg Peter Rosenblum	Kinshasa	Kinshasa and communes
4	LTO	Melanie Williams Noor Tawil	Kinshasa	Kinshasa and communes
5	MTO	Luc Beyer de Ryke Valerie Harden	Bas Congo	Matadi / Boma
6	MTO	Geoffrey Weishelbaum Eva Gomes	Bandundu	Kikwit / Idiofa
7	MTO	Beverly Baker-Kelly Taboh Gideon Chefor	Bandundu	Bandundu town
8	MTO	Romain Grandjean Tatiana Carayannis	Equateur	Mbandaka
9	LTO	Ana Ganho Jean Paul Lamah		Gemena
10	MTO	John Koogler Rebecca Goldenberg	Oriental	Kisangani
11	MTO	Yariv Nornberg Ilana Bleichart		Bunia
12	MTO	Karen Strauss Josh Marks	South Kivu	Bukavu
13	LTO	Malle Mbow David Sunstrum		Uvira
14	MTO	Anthony Gambino Anne Wood	North Kivu	Goma
15	MTO	Gianluca Rigolio Mirna Adjarni		Beni
16	MTO	Paul Simo Geert Stienissen	Kasai Oriental	Mbuji Mayi / Mwene Ditu
17	MTO	Silvina Aras Silva Leandro Nagore	Kasai Occidental	Kananga
18	LTO	Ron Mininger Nancy Steedle		Tshikapa
19	MTO	Mark Pelosky Firouzeh Afsharnia	Katanga	Lubumbashi / Kipushi
20	MTO	Etchen Sambu Juana Brachet		Kalemie / Moba
21	MTO	Norma Chinho Dalle Biack		Kamina
22	MTO	Andre N'Toko Kabunda Farah El Abed	Maniema	Kindu

Appendix I
Carter Center Observer Deployment, Second Round, October 29, 2006

Team members	Deployment Location
Joe Clark Colin Stewart Romain Grandjean	Kinshasa
John Stremlau David Pottie Sophie Khan	Kinshasa
Aaron Hale Herbert Weiss Karin Ryan	Kinshasa
David Matas Nancy Walker	Kinshasa
Tatiana Carayannis Jeffrey Mapendere	Kinshasa
Judith Verweijen Tape Kipre	Matadi/Boma
Taboh Gideon Chefor Ibrahima Ba	Kikwit/Idiofa
Crispin Hagen Mvemba Phezo Dizolele	Mbandaka
Ana Ganho Jean Paul Lamah	Gemena
Derek Singer Jennifer Jenkins	Kisangani
Marc-Etienne Ouimette Ruth Schaad	Bunia
Silvina Aras Silva Steven Martin	Bukavu
Severin Wilson Marijan Zumbulev	Goma
Jerry Kovacs Traore Wodjo	Mbuji Mayi/Mweni Ditu
Malle Mbow Jackie Kimball	Kananga/Mweka
Noor Tawil Brian Vogt	Lubumbashi
Richard James Jones Sophie Rutenbar	Kalemie
Norma Chino Dalle Biack	Kamina
Maria Steenland Ahamed Said Abass	Kindu

Appendix J
DRC PRESIDENTIAL CANDIDATES 2006

In order to be considered eligible for candidacy, candidates must:

- Present a letter of consent to one of the official CEI offices
- Present a photocopy of their voter ID card and a birth certificate proving they are aged 30 or above
- Present a detailed CV and four passport sized photographs
- Present a symbol or logo (independent candidates are not allowed to have one)
- Have a letter of investment for the candidate from their political party and pay a registration fee of US $50,000

* 40 registered candidates were considered ineligible for candidacy

Candidates included:

- Incumbent President Joseph Kabila
- DRC's three vice presidents: Jean-Pierre Bemba Gombo, Arthur Ngoma Z'ahidi, Azarias Ruberwa Manywa
- Several veteran politicians: Antoine Gizenga, Gerard Kamanda Wa Kamanda, Norbert Likulia Bolongo, Roger Lumbala, Vincent de Paul Lunda Bululu, Florentin Mokonda Bonzo, Pierre Pay-Pay wa Syakassighe
- Sons/daughter of famous politicians: Guy Patrice Lumumba, Francois Joseph Mobutu Nzanga Bgbangawe, Justine M'Poyo Kasa-Vubu
- 4 women (including 2 sisters)
- 6 independent candidates

CANDIDATES

1. BANYINGELA KASONGA, APE- Alliance des Paysans et Ecologistes

2. Jean-Pierre BEMBA GOMBO, MLC- Mouvement de Libération du Congo - Vice President of transitional government since 2003, founder of MLC party and the Liberation Army of Congo, his sister is Mobutu's daughter-in-law

3. BONIOMA KALOKOLA ALOU- Independent - The only candidate added after the provisional list was published; thought to have not paid the registration fee, but it was an administrative error at CEI

4. Eugène DIOMI NDONGALA, DC- Démocratie Chrétienne, former Minister of Mines under Joseph Kabila

5. Antoine GIZENGA, PALU-Parti Lumumbiste Unifié - Deputy Prime Minister 1960, 1961-1962, Prime Minister 1960-1961, Head of State in rebellion 1961, founder of PALU

6. Bernard Emmanuel KABATU SUILA, USL- Union Socialiste et Libérale

7. Joseph KABILA KABANGE, Independent - President since 2001, after the assassination of his father former President Laurent Kabila

8. Gérard KAMANDA WA KAMANDA, FCN- Front Commun des Nationalistes - former Zairean Foreign Minister, current Minister of Scientific Research and Technology

9. Oscar KASHALA LUKUMUENDA, UREC- Union pour la Reconstruction du Congo - medical professor at Harvard University

10. Norbert LIKULIA BOLONGO, Independent - law professor

11. Roger LUMBALA, RCDN-Rassemblement des Congolais Démocrates et Nationaliste – leader of one of the largest rebel factions, accused of multiple human rights violations, former Minister of External Commerce

12. Guy Patrice LUMUMBA, Independent - son of former Prime Minister Patrice Lumumba

13. Vincent de Paul LUNDA BULULU, RSF- Rassemblement des Forces Sociales et Fédéralistes - Mobutu's Prime Minister during period of democratization

14. Pierre Anatole MATUSILA MALUNGENI NE KONGO, Independent

15. Christophe MBOSO N'KODIA PWANGA, CRD- Convention pour la République et la Démocratie

16. Antipas MBUSA NYAMWISI, Forces du Renouveau - Minister of Regional Cooperation, former leader of a militia

17. MBUYI KALALA ALAFUELE, RNS- Rassemblement pour une Nouvelle Société

18. François Joseph MOBUTU NZANGA NGBANGAWE, UDEMO-Union des Démocrates Mobutistes - son of former president of Zaire, Mobutu Sese Seko

19. Florentin MOKONDA BONZA, CDC- Convention des Démocrates - former Director of Mobutu's cabinet, part of the group, « Colombes, »that pushed Mobutu towards democracy

20. Timothée MOLEKA NZULAMA, UPPA- Union du Peuple pour la Paix et l'Agape

21. Justine M'POYO KASA-VUBU, MD- Mouvement des Démocrates - 4th child of Joseph Kasa-Vubu, first president of Republic of Congo, after Mobutu's coup d'état she went into self-imposed exile, Minister for Public Service under Laurent Kabila

22. Jonas MUKAMBA KADIATA NZEMBA, ADECO- Alliance des Démocrates Congolais - former CEO of Bakwanga Minery (1986-1997), arrested in 2000, accused of holding

political meetings (outlawed by government), and suspected of inciting the people from Kasai to revolt; charged with offenses against national security

23. Paul Joseph MUKUNGUIBILA MUTOMBO, Independent - pastor and prophet: admits to having received a vision of God, telling him to run for President

24. Osée MUYIMA NDJOKO, R2D- Renouveau pour le Développement et la Démocratie

25. Arthur NGOMA Z'AHIDI, Convention du Camp de la Patrie - Vice President of DRC, former official of UNESCO

26. Jacob NIEMBA SOUGA, CPC- Coalition Politique des Chrétiens

27. Wivine N'LANDU KAVIDI, UDR- Union pour la Défense de la République - Former Zaire Secretary-General of the Department of Women's Affairs, Minister for International Cooperation, widow of Congolese political figure, Nguz-a-Karl-i-Bond

28. Marie Thérèse NLANDU MPOLO NENE, Parti pour la Paix au Congo - founding member and President of the Parti pour la Paix au Congo, sister of Wivine N'Landu Kavidi

29. Catherine Marthe NZUZI WA MBOMBO, MPR/Fait Privé- Mouvement Populaire de la Révolution Fait Privé - Minister of Solidarity of Human Affairs

30. Joseph OLENGHANKOY MUKUNDJI, FONUS- Forces Novatrices pour L'Union et la Solidarité - former Minister of Transport under Kabila

31. Pierre PAY-PAY wa SYAKASSIGHE, CODECO- Coalition des Démocrates Congolais - former Governor of the Bank of Zaire and former Minister of Economics and Finance under Mobutu

32. Azarias RUBERWA MANYWA, RCD- Rassemblement Congolais pour la Democratie - Vice President of DRC, former Burundi refugee

33. Hassan THASSINDA UBA THASSINDA, CAD- Congres Africain des Démocrates - writer and playwright, former Vice Minister of Higher and University Education

Appendix K

Presidential and Legislative Election Results, First and Second Rounds

1. First Round Presidential Results 2006

The provisional results were announced by the CEI on Aug. 20, 2006 on state television and confirmed by the Supreme Court on Sept. 15, 2006.

A runoff between the two leading candidates, Joseph Kabila and Jean Pierre Bemba, was scheduled for Oct. 29, 2006. Legally, the runoff should have taken place 15 days after the announcement of the results (Sept. 30), but the CEI obtained an exemption from the High Court to delay the poll for logistical reasons.

2. Summary Voting Statistics

Registered voters	25 420 199
Total voters	17 931 238
% turnout	70.54 %
Valid votes	16 937 534
Invalid votes	993 704
% invalid	5.54 %

3. Women Presidential Candidates

There were four women candidates (12% of all candidates) who collectively obtained just under 1.36% of the votes.

Candidate	Party/Coalition	Votes	% Vote
Justine M'POYO Kasa-Vubu	Mouvement des Démocrates (MD)	75 065	0.44
Marie Therese NLANDU Mpolo Nene	Parti pour la Paix au Congo (CONGO-PA)	35 587	0.21
Wivine N'LANDU Kavidi	Union pour la Défense de la République	54 482	0.32

	(UDR)		
Catherine Marthe NZUZI wa Mbombo	Mouvement Populaire de la Révolution "Fait Privé" (MPR-Fait Privé)	65 188	0.38
Total		230 322	1.35

4. Summary of Presidential Election Results, First Round

Candidate	Party/Coalition	Votes	% Vote
Joseph KABILA Kabange	Independent	7 590 485	44.81
Jean Pierre BEMBA Gombo	Mouvement de Libération du Congo (MLC)	3 392 592	20.03
Antoine GIZENGA	Parti Lumumbiste Unifié (PALU)	2 211 280	13.06
Francois Joseph MOBUTU Nzanga Ngbangawe	Union des Démocrates Mobutistes (UDEMO)	808 397	4.77
Oscar KASHALA Lukumuenda	UREC et Alliés (UA)	585 410	3.46
Azarias RUBERWA Manywa	Rassemblement Congolais pour la Démocratie (RCD)	285 641	1.69
Pierre PAY-PAY wa Syakassighe	Coalition des Démocrates Congolais (CODECO)	267 749	1.58
Vincent de Paul LUNDA BULULU	Rassemblement des Forces Sociales et Fédéralistes (RSF)	237 257	1.40
Joseph OLENGHANKOY Mukunndji	Forces Novatrices pour l'Union et la Solidarité (FONUS)	102 186	0.60
Pierre Anatole MATUSILA ne kongo Malungeni	Independent	99 408	0.59
Antipas MBUSA Nyamwisi	Force du Renouveau	96 503	0.57

Bernard Emmanuel KABATU Suila	Union Socialiste Libérale (USL)	86 143	0.51
Eugene DIOMI Ndongala	Démocratie Chrétienne (DC)	85 897	0.51
Kasongo BANYINGELA	Alliance des Paysans et Ecologistes (PE)	82 045	0.48
Christophe MBOSO N'kodia Pwanga	Convention pour la République et la Démocratie (CRD)	78 983	0.47
Norbert LIKULIA Bolongo	Independent	77 851	0.46
Roger LUMBALA	Rassemblement des Congolais Démocrates (RCDN)	75 644	0.45
Justine M'POYO Kasa-Vubu	Mouvement des Démocrates (MD)	75 065	0.44
Patrice LUMUMBA Guy	Independent	71 699	0.42
Catherine Marthe NZUZI wa Mbombo	Mouvement Populaire de la Révolution "Fait Privé" (MPR-Fait Privé)	65 188	0.38
Alou BONIOMA Kalokola	Independent	63 692	0.38
Paul Joseph MUKUNGUBILA Mutombo	Independent	59 228	0.35
Arthur NGOMA Z'Ahidi	Camp de la Patrie	57 277	0.34
Wivine N'LANDU Kavidi	Union pour la Défense de la République (UDR)	54 482	0.32
Gerard KAMANDA wa Kamanda	Front Commun des Nationalistes (FCN/Me Ka)	52 084	0.31
Florentin MOKONDA Bonza	Convention des Démocrates Chrétiens (CDC)	49 292	0.29
Alafuele MBUYI Kalala	Rassemblement pour une Nouvelle Société (RNS)	44 030	0.26

Jacob NIEMBA Souga	Coalition Politique des Chrétiens (CPC)	40 188	0.24
Jonas MUKAMBA Kadiata Nzemba	Alliance des Démocrates Congolais (ADECO)	39 973	0.24
Marie Therese NLANDU Mpolo Nene	Parti pour la Paix au Congo (CONGO-PA)	35 587	0.21
Osee MUYIMA Ndjoko	Renouveau pour le Développement et la Démocratie (R2D)	25 198	0.15
Hassan THASSINDA Uba Thassinda	Congrès Africain des Démocrates (CAD)	23 327	0.14
Timothee MOLEKA Nzulama	Union du Peuple pour la Paix et l'Agape (UPPA)	17 753	0.10
Total		16 937 534	100.00

5. Second Round Presidential Results 2006

The provisional results were announced by the CEI on Nov. 15, 2006 and confirmed by the Supreme Court on Nov. 27, 2006.

6. Summary Voting Statistics

Registered voters	25 420 199
Total voters	16 615 479
Turnout	65.36 %
Valid votes	16 256 601
Invalid votes	358 878
Percent invalid	2.16 %

7. Presidential Election Results, Second Round 2006

Candidate	Party/Coalition	Votes	% Vote
Joseph KABILA Kabange	Independent	9 436 779	58.05
Jean Pierre BEMBA Gombo	Mouvement de Libération du Congo (MLC)	6 819 822	41.95
Total		16 256 601	100.00

8. National Assembly Results 2006

The results were published by the CEI on Sept. 8, 2006 and later confirmed by the Supreme Court.

9. Women's Representation

Of the 500 people elected, 42 (8.4 percent) were women.

10. Legislative Results by Party

A total of 67 parties or coalitions won representation in the National Assembly and 63 independent candidates were elected.

Party/Coalition	Seats	% Seats
Parti du Peuple pour la Reconstruction et la Démocratie (PPRD)	111	22.2
Mouvement de Libération du Congo (MLC)	64	12.8
Parti Lumumbiste Unifié (PALU)	34	6.8
Mouvement Social pour le Renouveau (MSR)	27	5.4
Forces du Renouveau	26	5.2
Rassemblement Congolais pour la Démocratie (RCD)	15	3.0
Coalition des Démocrates Congolais (CODECO)	10	2.0
Convention des Démocrates Chrétiens (CDC)	10	2.0

Union des Démocrates Mobutistes (UDEMO)	9	1.8
Camp de la Patrie	8	1.6
Démocratie Chrétienne Fédéraliste-Convention des Fédéralistes pour la Démocratie (DCF-COFEDEC)	8	1.6
Parti Démocrate Chrétien (PDC)	8	1.6
Union des Nationalistes Fédéralistes du Congo (UNAFEC)	7	1.4
Alliance Congolaise des Démocrates Chrétiens (ACDC)	4	0.8
Alliance des Démocrates Congolais (ADECO)	4	0.8
Convention des Congolais Unis (CCU)	4	0.8
Patriotes Résistants Maï-Maï (PRM)	4	0.8
Rassemblement des Congolais Démocrates et Nationalistes (RCDN)	4	0.8
Union du Peuple pour la République et le Développement Intégral (UPRDI)	4	0.8
Alliance des Bâtisseurs du Kongo (ABAKO)	3	0.6
Convention Démocrate pour le Développement (CDD)	3	0.6
Convention pour la République et la Démocratie (CRD)	3	0.6
Parti de l'Alliance Nationale pour l'Unité (PANU)	3	0.6
Parti des Nationalistes pour le Développement Intégral (PANADI)	3	0.6
Union des Patriotes Congolais (UPC)	3	0.6
Union Nationale des Démocrates Fédéralistes (UNADEF)	3	0.6
Union pour la Majorité Républicaine (UMR)	3	0.6
Alliance des Nationalistes Croyants Congolais (ANCC)	2	0.4
Alliance pour le Renouveau du Congo (ARC)	2	0.4
Démocratie Chrétienne (DC)	2	0.4

Forces Novatrices pour l'Union et la Solidarité (FONUS)	2	0.4
Mouvement pour la Démocratie et le Développement (MDD)	2	0.4
Parti Congolais pour la Bonne Gouvernance (PCBG)	2	0.4
Parti de la Révolution du Peuple (PRP)	2	0.4
Parti Démocrate et Social Chrétien (PDSC)	2	0.4
Rassemblement des Forces Sociales et Fédéralistes (RSF)	2	0.4
Renaissance Plate-forme électorale (RENAISSANCE-PE)	2	0.4
Solidarité pour le Développement National (SODENA)	2	0.4
Union Nationale des Démocrates Chrétiens (UNADEC)	2	0.4
Action de Rassemblement pour la Reconstruction et l'Edification Nationales (ARREN)	1	0.2
Alliance des Nationalistes Congolais/Plate Forme (ANC/PF)	1	0.2
Conscience et Volonté du Peuple (CVP)	1	0.2
Convention Chrétienne pour la Démocratie (CCD)	1	0.2
Convention Nationale d'Action Politique (CNAP)	1	0.2
Convention Nationale pour la République et le Progrès (CNRP)	1	0.2
Front des Démocrates Congolais (FRODECO)	1	0.2
Front pour l'Intégration Sociale (FIS)	1	0.2
Front Social des Indépendants Républicains (FSIR)	1	0.2
Front des Sociaux Démocrates pour le Développement (FSDD)	1	0.2
Générations Républicaines (GR)	1	0.2
Mouvement d'Action pour la Résurrection du Congo, Parti du Travail et de la Fraternité (MARC-PTF)	1	0.2
Mouvement d'Autodéfense pour l'Intégrité et le Maintien de l'Autorité Indép	1	0.2

(MAI-MAI MOUVE)		
Mouvement du Peuple Congolais pour la République (MPCR)	1	0.2
Mouvement Populaire de la Révolution (MPR)	1	0.2
Mouvement Solidarité pour la Démocratie et le Développement (MSDD)	1	0.2
Mouvement Maï-Maï (MMM)	1	0.2
Organisation Politique des Kasavubistes et Alliés (OPEKA)	1	0.2
Parti Congolais pour le Bien-être du Peuple (PCB)	1	0.2
Parti de l'Unité Nationale (PUNA)	1	0.2
Parti National du Peuple (PANAP)	1	0.2
Rassemblement des Chrétiens pour le Congo (RCPC)	1	0.2
Rassemblement des Ecologistes Congolais, les Verts (REC-LES VERTS)	1	0.2
Rassemblement pour le Développement Economique et Social (RADESO)	1	0.2
Union Congolaise pour le Changement (UCC)	1	0.2
Union des Libéraux Démocrates Chrétiens (ULDC)	1	0.2
Union des Patriotes Nationalistes Congolais (UPNAC)	1	0.2
Union pour la Défense de la République (UDR)	1	0.2
Independents	63	12.6
Total	500	100.0

Source: CEI

Appendix L
Carter Center Public Statements

Tuesday, May 2, 2006

The Carter Center Deploys Election Observers in Democratic Republic of Congo

ATLANTA…The Carter Center has launched an international observation mission in the Democratic Republic of Congo (DRC), with the deployment this week of seven long-term observers in four provinces around the country. A field office, established in Kinshasa in late March, will manage this observation mission to monitor the legislative and presidential elections scheduled for July 30, 2006. The observation will continue through a runoff presidential election, if necessary. These elections will be the first democratic elections in the DRC in more than 40 years.

In December 2004, the Carter Center received an invitation from the President of the Independent Electoral Commission (CEI), Abbé Apollinaire Malumalu, to observe and assist the electoral process in the DRC. In visits in March and November 2005, Carter Center representatives met with political parties, election officials, civil society, and domestic observers, all of whom encouraged international observers from the Center to help build confidence in the elections. The Carter Center welcomes this opportunity to assist the Congolese people in a peaceful democratic transition and encourages all parties to the process to participate actively and ultimately respect the will of the people.

The Carter Center will conduct its activities in a nonpartisan, professional manner in accordance with applicable law and international standards for election monitoring set forth in the Declaration of Principles for International Election Observation. It will remain in close communication with other international and domestic observer delegations. The Center will publish periodic statements on its findings and recommendations on its Web site, www.cartercenter.org.

The Center has observed 62 elections in 25 countries and assisted in conflict resolution in the DRC from 1996-1997.

The Carter Center Regrets Observer's Accidental Death in Democratic Republic of Congo
30 May 2006

FOR IMMEDIATE RELEASE

ATLANTA.... The Carter Center deeply regrets to report the accidental death of one of its dedicated long-term election observers in the Democratic Republic of Congo on May 29. Guillaume Kakanou, 25, of Benin, was killed when the vehicle in which he was traveling with another Carter Center observer, Noor Tawil, left the road and rolled several times, near the town of Kabinda. The driver required medical attention, but Ms. Tawil was not injured seriously.

"Guillaume's tragic road accident reminds us of the everyday dangers faced by the Congolese people. His family and friends can be proud of his dedication to peace and democratic rights and his contribution to the Carter Center's efforts to assist the July 30 elections," said David Pottie, assistant director of the Democracy Program, responsible for managing the Center's Congo election project.

The Carter Center extends its deepest sympathy to the Kakanou family and friends around the world.

NEWS
THE CARTER CENTER
ONE COPENHILL, ATLANTA, GA 30307

FOR IMMEDIATE RELEASE

Tuesday, June 6, 2006

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First Carter Center Pre-Election Statement on Preparations in the Democratic Republic of Congo

Kinshasa.... The Carter Center's international election observation mission to the Democratic Republic of the Congo (DRC) is pleased to release its first pre-election statement on the 2006 presidential and legislative elections.

The Carter Center is confident that the electoral calendar announced by the Independent Electoral Commission (CEI) can be met successfully. These are extremely challenging elections to organize, and the international community has already invested a tremendous amount of resources in supporting them. There are nonetheless some crucial areas, which-in our view-have not benefited from adequate support. Civic education, domestic observation, political party support and training, and judicial capacity-building are essential to making these elections meaningful, transparent, peaceful, and truly successful. These are all long-term needs, but urgent additional resources-even at this late stage-could still make an appreciable positive impact on the credibility of the process and the results.

Given the legacy of conflict, which touches all Congolese, there are naturally anxieties around this electoral process. The Carter Center notes the positive progress made, with the support of the United Nations Mission in Congo (MONUC), in reducing areas of instability around the country and increasing public confidence. We note, however, that the current climate of hostile rhetoric and challenges to political freedoms risk undermining that confidence.

The Carter Center observation mission

The Carter Center launched its 2006 international observation mission in the Democratic Republic of Congo in March with the opening of a field office in Kinshasa. Since April 24, with important cooperation and assistance from the CEI and MONUC, it has deployed seven long-term observers around the country to monitor preparations for the July 30 presidential and legislative elections. A larger delegation will arrive closer to the election date. The observation mission will continue through a runoff presidential election, if one is necessary. These will be the first democratic elections in the DRC in more than 40 years.

The Center has met with the CEI, political parties and candidates, civil society groups including domestic observers, media organizations, MONUC, and other members of the international community. The Center will continue to meet with stakeholders at the national and local levels in gathering its observations about the electoral process. The Carter Center observes and upholds the Declaration of Principles and Code of Conduct for International Election Observation.

Election administration

While there are very serious logistical challenges to the conduct of elections in a country as vast and under-resourced as the DRC, the Center is encouraged by the seriousness and commitment with which the CEI is carrying out its work around the country. With the strong support of the United Nations and the rest of the international community, and given the experience of the successful referendum in December 2005, The Carter Center is confident that the electoral schedule announced by the CEI can successfully be met.

The Center has heard from some political parties that lack full confidence that the CEI can perform as a neutral and professional election administrator. While there has been no specific information put forth in support of this view, the fact that such perceptions exist suggests the need for better communication between the CEI and political parties, especially in explaining the rationale for decisions and in disseminating accurate information about technical aspects of the process. The Carter Center has observed the political party fora chaired by CEI president Malamalu and organized in conjunction with the Electoral Institute of Southern Africa, the National Democratic Institute, and the Konrad Adenauer Foundation. We believe that these are excellent mechanisms for hearing political party concerns and for providing explanations and disseminating information about the election, and we strongly encourage the current plans to hold similar meetings around the country. The Carter Center further recommends that the CEI widely distribute summaries of the information presented and the points discussed at these meetings, and make available recordings of the proceedings for radio broadcast.

The structure of the CEI includes representation from several major political parties (the "composantes" and "entités") both in its headquarters and field offices. All political parties should make effective use of existing mechanisms to voice their concerns, and

should ensure that their own party structures effectively transmit information received from the CEI throughout their organizations.

The Carter Center is pleased to note that through its election support project (APEC), the United Nations Development Programme is committed to rapidly completing the distribution of all outstanding payments to registration and election workers, some of which date to 2005. We are confident that this will address one of the most frequent complaints, which has been brought to the attention of our observers over the past month and avoid any further disruptions to electoral operations.

Effective training of polling workers is critical to the successful administration of an election and the confidence that they inspire can go a long way towards promoting acceptance of the results. We note the CEI's efforts to build on the experience of the constitutional referendum in order to increase training effectiveness and we are encouraged by the resultant improvements in the design of the training program for poll workers. We are concerned that the recruitment of capable staff, the timely production and distribution of training materials, and the effective implementation of the training program will be challenging given the short time remaining before the elections.

A climate of confidence

The Congolese electoral process is occurring against a backdrop of many years of conflict and human rights violations. Areas of violence and insecurity persist to this day. This is a challenging environment in which to hold democratic elections, as insecurity not only impedes electoral preparations, but weakens participation as well as confidence in the credibility of the process and results. The Carter Center is heartened by the recent surrender and capture of militia leaders, as well as the apparent willingness of regional actors, and the commendable efforts of MONUC, to contribute to a peaceful climate for the elections.

The Carter Center also believes that a climate of confidence requires tolerance on the part of all political actors. Carter Center observers have noted with satisfaction the degree of enthusiasm with which political parties and their supporters have engaged in the electoral process in Congo. However, we have also noted that the current political debate contains a large number of personal attacks, accusations between parties and individuals and, at times, the repetition of unsubstantiated rumors, all of which is reproduced in the news media and elsewhere. This is in clear contradiction to the Code of Conduct, which all parties have signed and committed to.

The Carter Center urges all parties and candidates to respect the right of the people to make an informed choice, by publicly presenting their visions for the future of the Congo and its people, and by embracing a more substantial and open debate, which addresses the concerns of the nation. During the upcoming campaign period, we encourage the people of the Congo and the media to insist that the candidates provide answers to the important questions facing the nation, and we urge candidates to make use of the media access provided for in the electoral law to present a compelling program to the voters.

Particularly during this time of heightened sensitivities, The Carter Center also calls upon all political actors to refrain from any actions that might infringe upon the democratic rights of others, which risk provoking increased tensions. The government has a particular responsibility to ensure freedom of political activity for all candidates and to use government resources in a responsible and non-partisan way.

Another important element in strengthening confidence in the election process is ensuring that electoral complaints and appeals are adjudicated effectively and impartially. The Carter Center notes some efforts by the international community to increase the capacity of the Congolese judiciary, but is concerned that more must be done quickly both to strengthen effective adjudication and to increase confidence in this crucial function.

Civic education

While an effective electoral administration will ensure the ability of voters to participate freely in the process, the capacity to participate in a meaningful way is greatly dependent upon the effectiveness of civic education. Especially in a first democratic election, there is an important need to engage the people in participatory civic education activities, which help them develop a basic understanding of what is at stake in these elections, and what their role is as voters in the democratic process. Civic education is vital in targeting disadvantaged groups, such as women and handicapped, and encouraging their active participation. Good civic education also plays an important role in heightening public confidence in the electoral process, and hence the results, thereby diminishing possible sources of post-election tensions.

The Carter Center has observed some excellent civic education activities around the country, implemented by Congolese groups and supported by the international community. Efforts to coordinate all such activities nationally have only recently begun, however, and there is as yet not enough information to determine the extent of the national coverage of civic education, or where there might be gaps. We are encouraged by the personal engagement of CEI President Malumalu on this issue, and look forward to a rapid and comprehensive national stock-taking on civic education. We urge donors to direct the necessary resources towards urgently filling such gaps as may be identified, so that all Congolese have adequate preparation for full and meaningful participation.

Domestic observation

The Carter Center has observed some impressive preparations by domestic observer organizations around the country, in particular the collaborative work done under the auspices of the Civil Society Framework for Cooperation in Election Observation (CDCE) to develop national training materials and manuals. We encourage all domestic observation organizations to make serious use of these materials, and to ensure that they deploy only competent and neutral observers. Most domestic observer organizations suffer from a shortage of funds, which imposes particular constraints in such a large country where travel and communications are so difficult. As a result, the coverage by

domestic organizations during these elections will not be as comprehensive as might have been hoped. This is of concern both in terms of their key role in the long-term transparency and credibility of the democratic process in the Congo, and in the light of constraints on international observation in the current elections. We urge donors to increase their support for capable domestic observation groups.

Political party resources

Many of the parties we have met have expressed concern over the availability of funding for their electoral activities. A centralized, public funding mechanism can help level out the playing field between large and small parties, and ensure at least a minimum capacity for small parties to participate in the process. Discussions on a political party financing law in the Congo have floundered, putting the smaller parties at a serious disadvantage. The Carter Center recommends the rapid establishment of party resource centers in key locations around the country, funded by donors, administered by a reliable third party such as the United Nations, and accessible to all parties and candidates, to provide at least basic access to photocopying, printing, graphic design, and perhaps communications advice and training. We also call upon all media organizations to devote time and space to communicating party visions and platforms, and to distribute this equitably between the parties and candidates as a service to the voting public.

Effective and tolerant campaigning is essential to a successful democratic process, and the ability of political parties to properly train and deploy party polls watchers is an important element in ensuring the transparency of the electoral process. As in other areas, The Carter Center has noted some good work, supported by the international community, in training for political parties, but there would still appear to be a very large need in this area.

Despite these many challenges, The Carter Center is confident that the July 30 elections can be conducted successfully. With sustained effort to conduct civic education, support domestic election observer groups, provide resources for political parties and candidates, and build the capacity of the institutions responsible for justice, these elections can be meaningful, transparent, peaceful, and truly successful.

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In Memory of Guillaume Agbédan Kakanou, 1980-2006

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The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 65 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving

mental health care; and teaching farmers to increase crop production. To learn more about The Carter Center, please visit: www.cartercenter.org.

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FOR IMMEDIATE RELEASE
Wednesday, July 12, 2006

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SECOND CARTER CENTER STATEMENT ON THE ELECTION PREPARATIONS IN THE DEMOCRATIC REPUBLIC OF CONGO

The presidential and legislative election campaigns are now slowly underway across the country. While there has been an improvement in the quality of the information put out by political parties and candidates, there is still a tendency to politicize and sensationalize relatively straight-forward technical issues and unjustly undermine confidence in the electoral process.

The CEI itself must do a better job of communicating on such issues, both with the broad public and the parties. The training of elections workers, whose performance is crucial in determining public confidence in the elections, is also in need of a concerted boost in the short time that remains. Payments to registration and elections workers, which are still outstanding from the referendum, have the potential to seriously disrupt operations in some areas if they are not urgently resolved.

Congolese authorities have a crucial responsibility to ensure a fair and peaceful environment for the elections. Some government actors have been abusing their powers to interfere with the freedoms and campaign activities of other candidates. The security forces must also be impartial, restrained – especially in the use of force – and professional in dealing with all election-related events.

The Election Campaign

Campaign activities began slowly after the June 29 opening of the campaign period. Carter Center observers have noted a generally low level of visible party activity,

concentrated mainly in urban areas. There is evidence of healthy multiparty competition in some areas, though our observers report that such competition is unevenly distributed. There have also been quite a number of incidents of vandalism of campaign posters, a sign that the principles of fair democratic practice have not been fully adopted by all. Many parties suffer from a lack of organization and resources and are therefore limiting their campaign activities both in duration and geographic reach.

Due to the limited reach of the campaign so far, The Carter Center is concerned that portions of the population are not being adequately prepared to make an informed choice for the July 30 elections. To a certain extent, it is inevitable that not all parties will have the means (or the commitment) to get their message out to their entire audience. However, certain additional initiatives could have mitigated the disparity and contributed to a more level playing field, such as where otherwise well-organized and serious parties simply lack the means or the expertise to communicate on a large scale. The parties currently in parliament have unfortunately not followed through on draft legislation which might have provided a small amount of public financing to political parties which meet certain minimum criteria of bona fides. While some valuable party training assistance was provided with support from the international community, as recommended in our first pre-election report some basic party resource centers could also have been established to assist with printing, graphic design, and other basic technical services. In a country such as the Democratic Republic of Congo (DRC), where funds are scarce and the logistical challenges are immense, the natural imbalance of resources between parties is exacerbated, and this can ultimately impact on the fairness of campaigning. The Carter Center therefore reminds incumbent parties to respect the principle of transparency in the use of state resources.

Another important element of a democratic campaign is a forum for candidates to debate the issues in an unscripted manner. When these debates are effectively organized and presented, they are highly valued by voters as they provide an occasion to see and hear candidates directly, without being filtered through the media or other sources. It is a positive step that regular candidate debates are being broadcast on state television and other channels. Unfortunately, some candidates have chosen not to participate in these important occasions to publicly explain their platforms, and for incumbents to defend their records.

The free media time allocated to each candidate has brought about some improvements in the quality of information provided to the electorate. Many candidates are taking the opportunity to present to voters what they would intend to do if elected, thus giving them important information with which to make a choice.

The Carter Center has noted, however, that there is still a tendency to dramatize marginal issues in lieu of serious campaigning; the current controversy surrounding extra ballots is an example of this. It is technically necessary, and well-accepted in international elections practice, to provide each polling station with a small margin of extra ballots beyond the number of registered voters. The extra ballots cover the cases, such as those permitted by the Congolese electoral law, where certain small categories of voters may

cast their ballot at a station other than where they are registered. The surplus also allows for inadvertently damaged or spoiled ballots -- Carter Center observers have, for example, reported one such case of ballots damaged in transit. Furthermore, time and logistical constraints made it necessary to distribute a standard number of ballots to polling stations, despite the fact that the number of registered voters will vary between them. This set of circumstances further widened the margin between the number of persons registered and the number of ballots printed.

The Carter Center is satisfied that the CEI adhered to proper election practice by printing a reasonable number of extra ballots. Moreover, the accounting procedures developed for all ballot papers on election day and afterward are designed to ensure that unused ballots cannot be used for fraudulent purposes. Party agents and election observers will have the opportunity to verify that such procedures are properly implemented.

The Carter Center understands how technical issues can become the subject of misunderstanding, and urges the CEI to greatly strengthen its efforts – for example through frequent and regular press conferences – to explain these matters effectively to the public, political parties, and all CEI staff. It is not necessary to explain every detail of the technical arrangements in advance, but when questions arise it is crucial that clear and timely explanations be provided to reinforce public confidence in the administration of the elections. In the current controversy over ballots, valuable time was lost before the CEI addressed the issue publicly, and when it did, the effort was not sufficient, given the level of public outcry which had already been generated.

The Center remains nonetheless concerned that political parties are not making enough serious effort to inform themselves on such relatively simple technical issues, preferring to cast unfounded accusations and generate controversy rather than seek to resolve such issues. If we assume they are acting in good faith, it is particularly puzzling how the large parties (*composantes* and *entités)*, each with their own representatives inside the CEI, are not able to properly inform themselves on technical issues and avoid ill-informed reactions.

The Carter Center again reminds all candidates to respect the provisions of the Code of Conduct for Political Parties, which they themselves drafted and signed (and subsequently amended to take into account political groupings and independent candidates). In particular, candidates should concentrate their campaigns on informing voters about their platforms and their visions of a better future for the DRC and refrain from politicizing technical aspects of the process which could undermine public confidence in the elections.

<u>Media and the Campaign</u>

In an election campaign, a free, unbiased media is an important resource for voters seeking accurate, impartial information about the different candidates and party platforms. The High Media Authority (HAM) has provided good rules for the conduct of the media during the campaign, but we are concerned that its directives are not being

respected, and that HAM lacks adequate capacity to enforce them. In particular, we have observed that private media outlets - whose ownership often has specific political affiliations - are not respecting guidelines concerning equitable coverage of candidates in their reporting.

The Carter Center is concerned that certain incidents since the beginning of the campaign are having a chilling effect on press freedoms, particularly the unexplained killing of Congolese journalist Bapuwa Mwamba. Other incidents leave the impression that international journalists are being selectively screened as to who is allowed to operate here. We urge the Congolese authorities to assume their responsibilities and ensure a climate in which the press can operate without interference or intimidation.

Government responsibilities

State authorities have a special responsibility to guarantee the rights of all candidates to campaign in a climate of freedom that respects democratic principles and international electoral standards. In the month since our first report, The Carter Center has been concerned about a number of actions by government authorities that both directly and indirectly impinge on political liberties. Government actors have deliberately attempted to intimidate and obstruct certain candidates in their campaigning, through unjustified arrests, through an unequal customs treatment of candidate materials, and allegedly through intimidating private businesses from making available facilities and services. Such actions are a serious abuse of the powers of government, foment tensions between the parties, and threaten the fairness and equality of the electoral process. The Carter Center calls on the various transitional Congolese authorities to refrain from all activities which negatively impact candidates' ability to campaign freely and which undermine the integrity of the electoral process.

While not directly related to these elections, the killing of a dozen people by Congolese security forces during a June 30 demonstration in Bas Congo raises serious questions about the ability of the security forces to react with restraint, even when provoked. In the coming month there may be many circumstances in which appropriate actions and reactions by Congolese security forces could have an important impact upon the climate for, and public participation in these elections.

Election administration

The Carter Center remains confident that the CEI is able to administer successful elections on July 30. However, some materials deliveries and training activities are already behind schedule. The training of poll workers is a particular concern given their crucial role not only in implementing the election, but also in instilling confidence in voters about the electoral process. Notably, although the CEI has begun to implement a cascading training program for election workers, several simulations suggest an urgent need to strengthen and accelerate current efforts in the short time which remains. The Center is also concerned about how late-arising policy decisions or changes – such as those which address problems and clarify ambiguities about the voting operations – will

be effectively communicated down to the lowest levels of the system after training sessions have already been conducted. The Carter Center urges the CEI to redouble its efforts to communicate these decisions, and ensure they are effectively and uniformly implemented across the country so that voting operations are not compromised.

Regrettably, our observers report that the issue of the overdue payment of registration and election workers has still not been resolved in all areas. It is crucial that this issue be fully and urgently concluded so as to avoid any disruptions of electoral operations.

The Center is encouraged by recent efforts to strengthen the capacity of the Supreme Court of Justice in election matters. With the assistance of the international community, a training program for Supreme Court magistrates usefully allowed them to consider in advance issues that could arise during and after voting operations, and seek consensus amongst themselves on a legal response based on Congolese, African and international electoral jurisprudence.

Civic education

The CEI's late effort to coordinate civic education achieved mixed results and confirmed what was already apparent to Carter Center observers: while some excellent civic education activities are being conducted by national and international non-governmental organizations, with support from donors, there remain significant areas of the country that are not being reached. Civic education is an ongoing need in any democratic society, especially one emerging from conflict. It is essential not only to promote well-considered voting but also to encourage popular participation in the entire democratic process. An informed and empowered population is the very foundation of such a process. The Carter Center urges both Congolese institutions and the international community to support effective civic education in the months and years to come, as an essential underpinning of a successful transition to a stable and sustained democracy.

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The Carter Center International Observation Mission in the DRC

The Carter Center launched its 2006 international observation mission in the DRC in March with the opening of a field office in Kinshasa. Since April, with cooperation and support from the CEI and MONUC, it has deployed eight long-term observers around the country to monitor preparations for the July 30 presidential and legislative elections. A delegation of more than 50 observers will arrive in mid-July to observe the final days of the campaign, election day, and the vote counting and tabulation. The observation mission will continue through a runoff presidential election, if one is necessary.

The Center has met with the CEI, political parties and candidates, civil society groups including domestic observers, media organizations, MONUC, and other members of the international community. The Center will continue to meet with stakeholders at the national and local levels in gathering its observations about the electoral process. The

Carter Center observes and upholds the Declaration of Principles and Code of Conduct for International Election Observation.

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The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 65 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. To learn more about The Carter Center, please visit: www.cartercenter.org.

Democratic Republic of Congo Election Observation: Joe Clark, John Stremlau to Lead International Delegation

21 Jul 2006

FOR IMMEDIATE RELEASE

ATLANTA.... Former Prime Minister of Canada Joe Clark and Carter Center Associate Executive Director for Peace Programs John Stremlau will lead a 58-member international delegation to observe the Democratic Republic of Congo's (DRC) presidential and legislative elections. The Carter Center was invited by the Independent Electoral Commission and welcomed by all major political parties to observe the July 30 elections.

"The Carter Center calls upon the Congolese people to set aside their differences and use the opportunity of democratic elections to choose their leaders without fear of intimidation and with the confidence that their preferences will be faithfully reflected in the final results," said former U.S. President Jimmy Carter who will not be in the DRC. "Our experience in Africa and throughout the world has taught us that elections can help countries on the path to peace, and we hope that our presence as international election observers will assist the Congo at this critical moment in their historic transition."

A team of long-term observers was deployed in mid-April to observe the overall political environment and election preparations. The Center's interim findings have been shared in two pre-election public statements. The remainder of the delegation, representing 17 countries, will be deployed to all 10 provinces and Kinshasa. The Center hopes that political parties and their supporters will adhere to the code of electoral conduct in the time that remains before election day. On July 30, Center observers will witness poll openings, voting, poll closings, and the entire counting and tabulation of results.

NOTE: Still photographs taken by Deborah Hakes in the DRC will be posted periodically to http://carter-elections.blogspot.com/The photos will be downloadable and may be published with proper credit: *Carter Center Photo: Deborah Hakes.*

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NEWS
THE CARTER CENTER
ONE COPENHILL, ATLANTA, GA 30307

Preliminary Statement of The Carter Center on the Democratic Republic of Congo July 30, 2006, Elections

1 Aug 2006

FOR IMMEDIATE RELEASE

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This statement reflects the observations of The Carter Center on the events of the week leading up to and including the elections, and complements our two pre-election statements. For the July 30 vote, The Carter Center deployed a 58-member international delegation to observe the Democratic Republic of Congo's (DRC) presidential and legislative elections, led by the Former Prime Minister of Canada Joe Clark and co-leader John Stremlau, Carter Center associate executive director for peace programs.

The Carter Center conducts its election observation in accordance with the Declaration of Principles of International Election Observation and Code of Conduct adopted at the United Nations in 2005. The Center was invited by the Independent Electoral Commission (CEI) and welcomed by all major political parties. Between April and July, Carter Center representatives observed in every province. We appreciate the important opportunities we have had for effective coordination with other international and domestic observers. The Carter Center has observed 63 elections around the world, 13 of them in Africa.

Summary of key findings:

- Voting took place on July 30 in a generally peaceful and orderly manner.
- Overall, polling stations were well organized and polling center staff competently fulfilled their duties.
- The impact of last-minute changes to voters' lists and polling stations cannot yet be adequately assessed.
- The campaign period was marked by a number of issues of concern, namely abuse of governmental authority.

- Close observation of the process will continue.

General observations

These historic elections are part of an extraordinary process of transition, which brought together warring parties and forged a consensus on the need for peace and democracy in the DRC. For any first elections such as these, we are well aware that the most demanding aspects of international elections standards cannot be entirely met. The development of democratic processes and institutions is a long-term project, which will require strong ongoing support from the international community. As part of the process of moving forward in the DRC's transition to a stable democracy, The Carter Center believes that the issues raised in this report, while preliminary, must be addressed.

Building on the work of long-term observers who have been in the field since April, all Carter Center teams observed the final days of the election campaign, the opening and closing of polling stations, voting operations, and the vote count. We have also begun to observe the compilation of results.

Election procedures were, on the whole, conducted in a peaceful and orderly manner throughout the country. Many polling stations experienced delayed openings, but voting was underway by 7 a.m. in most cases. Polling stations were generally well organized, and officials appeared to understand the proper discharge of their responsibilities. The Center was pleased to see numerous domestic election observers and poll watchers from multiple parties in voting centers.

Late changes by the CEI to procedures, voters' lists, and the number of polling stations, which fortunately seem to have caused operational disruptions in only some areas, nonetheless undermined the safeguards intended to guarantee integrity and transparency. The ultimate impact of such late changes remains to be seen.

The Campaign

The campaign period in the DRC, although largely peaceful and democratic, was characterized by a number of issues of concern to The Carter Center. As we have previously noted, political parties did not always make the best use of the campaign period to inform and educate the electorate on matters of concern to them, and there was fairly widespread destruction of campaign materials. We have further observed that, in a number of cases, those who had access to the levers of power misused their authority and access to public resources during the campaign, by:

- Misusing security personnel to obstruct legitimate democratic activity,
- Imposing bureaucratic and practical obstacles on the free movement of candidates, and
- Obstructing candidates' campaign material at ports of entry.

Inequitable and politically-biased media coverage was also an issue throughout the campaign, which, despite some good efforts, the High Media Authority (HAM) was unable to resolve satisfactorily, primarily due to its lack of enforcement powers. The burning and looting of buildings housing the HAM and the National Human Rights Observatory (ONDH), and serious attacks on some employees, during a large presidential campaign rally in Kinshasa, was a further blow to two already under-resourced institutions of the democratic transition.

Voting procedures

Carter Center observers reported some procedural irregularities and others have been brought to our attention. On the whole, these appear to be minor, but we have urged all actors to take their concerns to the appropriate channels, and The Carter Center itself will continue to observe the process closely. The cumbersome ballot papers for the legislative elections in certain constituencies caused some difficulty for voters, compounded by comparatively small polling booths. Crowded voting conditions, makeshift outdoor facilities and the improper placement of polling booths (often to compensate for poor lighting) did not adequately protect the secrecy of voting in some places.

A significant proportion of the Center's observers found that voters' lists were not posted as required at polling stations. Some stations did not receive all of their election materials, notably the lists of omitted voters and lists of voters struck from the roll (generated by the CEI in response to missing and corrupted registration data and the elimination of fraudulently registered voters). These missing materials, which were produced very late by the CEI, generated suspicions and may have resulted in some legitimate voters being unable to cast their ballots. In other polling stations, even where the additional lists were available, they were not always properly consulted. Election officials also did not always consistently check voters for indelible ink or confirm that the photo on the card matched the cardholder. On their own, these deficiencies did not seem to cause undue operational problems, but when taken together, they weakened important safeguards designed to verify the identity of voters.

Police were visible, but not intrusive at most polling locations. There were serious breaches of security in several places, including the destruction of a number of polling stations as well as attempts to prevent voters from entering certain voting centers. While significant and deplorable, these attacks were clearly the exception, and the Center is pleased that the CEI immediately took steps to reopen these polling stations by sending new material.

Tabulation

Initial observations of the tabulation suggest that experiences vary widely across the country. In some areas, very few results envelopes had arrived in the Local Results Tabulation Center (CLCR) as this statement was prepared. This may be due to the fact that votes were still being counted in many polling stations, but it also appears that the CEI does not have an adequate collection plan to ensure timely delivery of results to all

CLCRs. In other cases, CLCRs have received results but do not possess the necessary resources or organization to process them efficiently. Bottlenecks have been reported in the reception of materials, and there are cases of continued confusion and tensions around the issue of payment to poll center staff. We urge the CEI to make the smooth and effective functioning of the CLCRs (especially transport of results) a top priority.

This results process will take weeks to complete, and that will require patience on the part of all parties and the population in general. Given the need for transparency, the CEI must ensure that final results are published for each polling station and that they may be cross-checked by party poll watchers and observers.

Carter Center teams will remain deployed throughout the country to observe the ongoing tabulation process. We hope that any election disputes can be resolved openly through the appropriate legal channels or mediation efforts, and that the final results are accepted with confidence by all.

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NEWS
THE CARTER CENTER
ONE COPENHILL, ATLANTA, GA 30307

Second Post-Election Statement on the July 30 Presidential and Legislative Elections in the Democratic Republic of Congo

31 AUG 2006

FOR IMMEDIATE RELEASE

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Key Points

- The Carter Center did not find evidence of widespread or systematic manipulation. The Center concludes that the presidential results announced August 20 are credible; legislative results, on the whole, are also credible, but cannot be validated in detail because of the shortcomings outlined in this statement.
- There were a number of important procedural flaws that weakened the transparency of the process. The Center believes these must be addressed prior to the second round in order to avoid more serious problems and to ensure acceptance of the results.
- The tabulation of provisional results for the July 30 presidential election was generally successful, due to the diligence of electoral staff in spite of difficult working conditions.
- Serious flaws in the collection and chain of custody of electoral materials, especially in Kinshasa but also in other locations around the country, undermined transparency and threatened the credibility of the process.
- The publication of results by polling station was a crucial measure in strengthening public confidence.
- The recent violence in Kinshasa between armed troops loyal to candidates Kabila and Bemba was a threat to democracy in the Democratic Republic of Congo (DRC). Serious efforts are needed by both camps, and by international actors, to prevent further acts of violence and to create the conditions for a peaceful second round, respectful of the will of the people.

The Carter Center remains committed to the DRC democratic process and will deploy observers throughout the country for the second round of the presidential elections.

Introduction

The calm and orderly manner in which voting took place for the presidential and legislative elections of July 30 throughout most of the DRC was a major milestone for the democratic process and the Congolese people were quite rightly proud of this achievement. High voter turnout was another indication of the strong desire on the part of the population to finally choose its own leaders. In the vast majority of cases, polling station staff took their responsibilities very seriously and worked diligently, throughout the night and in difficult conditions, to complete the counting process. The challenges were enormous and the deadlines very tight for these first democratic elections, and everyone involved in making them happen – the Independent Electoral Commission (CEI); the United Nations (MONUC); the international community; and Congolese parties, organizations, and individuals – can share in a genuine sense of accomplishment.

The purpose of this statement is to follow-up on our preliminary statement of August 1, provide a brief assessment of the compilation process, and identify issues that deserve urgent attention prior to the second round. As of this writing, the Supreme Court is still reviewing appeals to the provisional presidential results, and the legislative results have not yet been completed. After the completion of the elections, the Carter Center will issue a final report of detailed findings and suggestions to inform planning for future elections.

Vote Tabulation

On the whole, the tabulation of provisional results was a success. It was a very complex process, confronted by considerable logistical challenges, but the posting of results by polling station has allowed all interested people to confirm that their choice was faithfully transmitted. While certain weaknesses in the training of election staff were apparent, the diligence and sense of responsibility of many individuals ensured that the process was carried through to a successful conclusion. Carter Center observers reported in some areas that the tabulation of votes was managed impeccably. Individual attempts at corruption during tabulation were observed, as they were during polling day, but these were evidently not widespread, and the CEI appears to have dealt with them quickly and appropriately.

The most serious problems were the result of logistical and procedural failures. The electoral law sets out a process whereby the voting center officials, under security escort, should carry all their materials, including the tally sheets in sealed envelopes, in an orderly fashion to the local tabulation centers (referred to by their French acronym, CLCR) where these materials would be formally received and accounted for. This chain of custody of electoral materials is an essential guarantee against any tampering with the results between the polling station and the CLCR and constitutes an important measure of transparency, and hence reassurance, to the population.

In many places around the country, the collection of results fell into disarray. Voting center chiefs generally did not receive a security escort, and the electoral materials, which lacked proper packaging, were very often not kept intact, nor efficiently collected and accounted for upon arrival at the CLCR. In many CLCR's, envelopes containing the tally sheets were either received unsealed or were opened by the voting center chiefs upon arrival at the CLCR, either to obtain information that was sealed inside or to redistribute the contents between envelopes. In the face of popular anxieties regarding manipulation, such disregard for essential procedures posed a considerable vulnerability for the process. This practice was far too common and, of particular concern, was often a result of instructions by CLCR staff. It is troubling that even CLCR staff has not understood the importance of respecting the integrity of the election materials. Envelopes should only be opened by CLCR staff themselves, inside the controlled environment of the CLCR, and in the presence of witnesses and observers.

Despite these potentially serious problems, the Center has not found any evidence of large-scale or systematic tampering with the results and most of the irregularities appear to stem from innocent attempts to cope with difficulties as they arose. But the breakdown in these procedures, which are designed to exclude the possibility of such tampering, makes it difficult to respond properly to any allegations that manipulation may have occurred.

Difficulties in Kinshasa

In Kinshasa, the orderly collection and chain of custody of results were entirely lacking. A poorly-conceived collection plan left voting center officials waiting sometimes for days to be picked up with their election materials, and ultimately led to the abandonment, careless handling, and, in some cases, destruction of these materials. The generalized chaos was exacerbated by bulk transport arrangements, that were made without regard for the proper handling of materials, and by district election offices (BL) and CLCR's that were not ready to receive the materials efficiently. The decision to use BLs as collection points, in the complete absence of facilities or even personnel to handle the materials, turned these BL into simple dumping grounds for materials and was a primary element in the breakdown in the collection system.

Most troubling was the willful destruction of electoral materials by CEI officials in at least two Kinshasa BL's, a violation for which there are specific penalties in the election law. The Carter Center collected evidence of a large fire involving burned ballots and other election materials at the N'Jili BL and presented it to the president of the CEI, who, to his credit, responded quickly and appropriately, immediately announcing measures to address the situation. The Center continues to await the final outcome of the investigation into this incident, but the prompt action on the part of the CEI helped to defuse the issue in public and to limit the damage done to the credibility of the CEI. Nonetheless, the incident added to the list of questions and concerns regarding the integrity of election materials.

Transparency Means Credibility

Part of the response to the results collection crisis in Kinshasa was a public commitment by the CEI to publish results for every polling station across the country. This data was presented very effectively on the CEI's Web site, and posted at CLCR's around the country. While it did not completely resolve questions about the rupture of the chain of custody, it offered a good remedial measure through which the public, political parties, and observers could assure themselves that what they had themselves witnessed at the polling stations was faithfully conveyed in the final results. Without this crucial step, it would have been impossible to defend the process against claims of manipulation, whether founded or not, or to attest to the credibility of the Kinshasa results. One immediate problem that remains is that the mishandling, misplacement, and loss of ballot papers will make judicial verification impossible for many polling stations, should the supreme court wish to consult any of the original ballot papers.

But, perhaps even more seriously, the problems encountered during tabulation only added a new layer to the considerable pre-existing obstacles to transparency that were a result of missed deadlines and neglected procedures by the CEI:

- Unclear and last-minute changes to the number and location of polling stations and to the official voter lists made it impossible for political parties and observers to verify with confidence that all polling stations were in fact open to scrutiny, or to disprove allegations of fictitious stations.
- Unclear and last-minute decisions regarding the location of lists of omitted voters ("*listes des omis*") were impossible to verify, and were unevenly communicated and applied, a situation that potentially undermined the integrity of important safeguards on voter eligibility. The extent of this problem is also difficult to verify, but it cannot be excluded that this presented an opportunity for manipulation.
- Last-minute changes to the criteria for voting by "derogation" made implementation and monitoring difficult and inconsistent, and may have opened loopholes for potential ineligible voters.
- Ineffective communication of procedural decisions made after the beginning of training (despite CEI assurances that such communication was still feasible) resulted in important decisions being applied unequally or not at all (raising the possibility of manipulation, as neither staff nor observers could be sure of correct procedures).
- Despite the well-known controversy regarding the number of extra ballots printed, important polling station procedures to inventory and account for all ballot papers were not implemented (and ultimately made moot by severe problems with material collection), suggesting a serious weakness in either the procedure or the training.

Without the ability to verify, observers and party agents lose their principal value in an electoral process – the capacity to provide reassurances to the public and candidates that the process was credible and devoid of manipulation. The fact that many of these problems can be related to the tremendous challenges in administering these elections does not excuse treating them as a lesser priority. The Center cannot infer from such procedural weaknesses that there has been manipulation, but neither can we prove that

there has not. Only because the presidential results are so clear-cut is the DRC spared a potentially heated contestation of the results. Such controversy may be more difficult to avoid or resolve in the case of close legislative races and these safeguards must be strengthened in advance of what is expected to be a tightly contested second round presidential election.

The majority of CLCR presidents were cooperative in allowing party witnesses and observers to do their work properly. However there were several who failed to understand the crucial role of such monitoring in validating the credibility of their own functions. Observers and witnesses must of course respect the staff of the CLCR's and not act in a manner that might disrupt the compilation operation, but this should not be used as a pretext to prevent observers from effectively performing their work.

Towards a Climate of Respect

The Global and Inclusive Accord, the December 2005 constitutional referendum, and the July 30 elections, represent important strides for the democratic process in the DRC. The violence in Kinshasa that broke out on August 20 between factions of the Congolese armed forces loyal to President Joseph Kabila and Vice-President Jean Pierre Bemba reminds us, however, that the electoral process can still be threatened by those who have not committed themselves to respecting the will of the people and refraining from the resort to violence.

The seeds of this violence, resulting in several dozen deaths, lie both in the incomplete integration of combatant groups into a professional national armed force and in the continuing lack of commitment on the part of all political actors to respect the democratic electoral process as the source of political legitimacy. The violent and divisive rhetoric of the campaign period was a visible reminder of these underlying problems, and it contributed to heightening tensions. Unless urgent steps are taken at the highest political levels, both nationally and internationally, to constrain the actions of armed factions, and to strengthen the conditions for a peaceful and constructive campaign, held in a climate of respect, then there is reason to fear that the run-off election may once again spark serious violence. The Carter Center acknowledges the important efforts of both MONUC and the International Committee Accompanying the Transition (CIAT) in this direction, and strongly urges the newly formed Joint Commission ("*Commission Mixte")* to successfully fulfill its mandate.

As the two leading presidential candidates who will face each other in the run-off, both Kabila and Bemba must respect the clear verdict of the people on October 29, from which there will be no turning back, and support the democratic process to its completion.

Overall Assessment and Recommendations

No elections are perfect and the DRC's July 30 elections clearly represent a significant achievement. The important shortcomings observed by the Center make it more difficult for the CEI, observers, and party witnesses to prove that the election process was without

significant flaw. As a result, the electoral process remains vulnerable to allegations of manipulation and leaves many questions that cannot be answered.

However, The Carter Center did not see evidence of systematic or widespread attempts to manipulate the results. The results of the presidential election are sufficiently clear-cut that the overall outcome could not realistically be affected by any of the shortcomings we have cited. While the Center also has general confidence that the published legislative results faithfully reflect the will of Congolese voters, the procedural weaknesses mentioned in this statement make it difficult to confirm specific results, especially in constituencies with close races.

In preparation for the coming elections, The Carter Center believes that several important remedies must be implemented (some of which, we are aware, are already underway):

- Duplicate voters should be removed from the voters' lists, not merely placed on separate lists.
- Special and omitted voters' lists should be eliminated based on the data gathered during the first round.
- Final official lists of voters and polling stations should be made public well in advance of election day.
- Clear decisions should be made about those limited categories of people who can vote by derogation and no exceptions should be made.
- A written inventory of ballots papers received should be a mandatory part of opening procedures in the polling stations.
- Procedures for determining a spoiled ballot should be standardized (taking into account the advice of the supreme court that if the voter's intent is clear the ballot should be counted).
- Tally sheets should be simplified as much as possible.
- Appropriate weatherproof protective packaging for electoral materials should be provided to all voting centers, allowing for clear marking on the outside of each package, and for the separation of the results envelopes from the rest of the electoral materials.
- A realistic plan for collection of results, particularly for Kinshasa, should be designed, with provisions for voting officials to accompany and retain custody of their material.
- Sealed results must not be opened by anyone other than compilation center staff, in the presence of party witnesses and observers.
- In the spirit of transparency, election officials should be encouraged to explain each step of the process out loud and make sure witnesses and observers are fully able to watch and understand every step.
- In order to be applied effectively, decisions regarding these or other new or changed election procedures must be made far enough in advance to be integrated into training of election officials.
- Procedures for the payment and other working conditions of election workers must be practical, effective, and communicated clearly and consistently to all workers ahead of time.

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NEWS
THE CARTER CENTER
ONE COPENHILL, ATLANTA, GA 30307

CARTER CENTER TO OBSERVE PRESIDENTIAL RUN-OFF ELECTION IN DEMOCRATIC REPUBLIC OF CONGO

(French version follows English)

FOR IMMEDIATE RELEASE

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Oct. 23, 2006

ATLANTA…. Former Prime Minister of Canada, Joe Clark, will lead a 45-member international delegation to observe the Democratic Republic of Congo's presidential run-off elections October 29. The Carter Center began long term election observation in April following an invitation from the Independent Electoral Commission (CEI) and the welcome of all major political parties to observe the presidential and legislative elections. Mr. Clark led the Center's delegation for the July 30 elections and he will be joined once again by John Stremlau, Carter Center associate executive director of peace programs, who returns as co-leader.

"While the results are not yet final, the Congo has elected its first multiparty National Assembly in nearly half a century. The importance of this accomplishment deserves the world's recognition and cannot be undermined through a return to intimidation or violence," said Mr. Clark. "A second defining moment awaits the Congo as its people prepare to select their provincial assembly representatives and their national president from among the two remaining candidates, Joseph Kabila and Jean-Pierre Bemba. The Carter Center is proud to be associated with these elections and we hope that our ongoing presence as international election observers will assist the Congolese people at this critical moment in their return to peace."

With the support of the United Nations and the international community, the CEI has introduced several important procedural improvements, and promised others, that address concerns raised in the Center's assessment of the July 30 elections. The Center hopes the Congolese people, political parties, and candidates will continue to respect the electoral process. Congolese have the right to elect freely their representatives in a peaceful and tolerant environment. Efforts to mobilize political support through the use of hate speech, ethnic slurs, or physical intimidation do not

advance this goal and must be rejected. Political leaders must take responsibility for the words and actions of their party and campaign officials, and of the impact of their example on the actions of their supporters. They are accountable for any failure to take responsible, credible, proactive measures to ensure that all such actions respect the norms of non-violent, democratic practice before, during, and after the elections.

The Center has shared the interim findings of its observers in four public statements (available at www.cartercenter.org). The current delegation, representing 14 countries, will be deployed to all 10 provinces and Kinshasa. The Center's observers will conduct pre-election assessment in their deployment areas and witness poll openings, voting, closing, and counting on election day. The Center will continue its assessment throughout the tabulation of and announcement of results.

The Carter Center conducts its election observation in accordance with the Declaration of Principles of International Election Observation and Code of Conduct adopted at the United Nations in 2005.

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FOR IMMEDIATE RELEASE
Wednesday, Nov. 01, 2006

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PRELIMINARY STATEMENT ON THE OCT. 29 PRESIDENTIAL ELECTIONS IN THE DEMOCRATIC REPUBLIC OF THE CONGO

Summary of Main Findings

On Oct. 29, the majority of Congolese voters participated in an election that in most parts of the country was extremely orderly and peaceful. The administration of these elections was very well executed, bearing testimony to the accumulated experience of the many thousands of election workers over three democratic exercises held in less than a year.

Other key points:

- Instances of disruption or attempted manipulation of the electoral process, while serious in a few cases, appear at this point isolated and unlikely to affect the overall success of the vote.
- Polling stations were very well organized and electoral workers carried out their responsibilities competently and professionally.
- Electoral administration procedures were revised appropriately by the Independent Electoral Commission (CEI) since the previous round, and while the new measures were not always fully implemented, voting and counting operations were significantly improved.
- In many areas where a particular candidate was popular, witnesses from the other candidate were not present until the end of the count. This limits the effectiveness of such witnesses and may lead to inaccurate predictions of the results by each candidate.
- Campaigning for the second round was not vigorous, and there were a number of instances where hate language was used and violence occurred.
- The media, including the public broadcaster RTNC, unfortunately did not honor their responsibilities to provide neutral information to the public.

- Carter Center observers will remain in place across the country until the tabulation is complete, and the Center will pursue its observation until the final results are declared.

Former Prime Minister of Canada Joe Clark and Dr. John Stremlau, associate executive director of peace programs at The Carter Center, led a 45-member international delegation to observe the Democratic Republic of the Congo's presidential run-off elections. The Carter Center was invited by the Independent Electoral Commission to observe the 2006 elections and welcomed by all major political parties. We appreciate the important opportunities we have had for effective coordination with other international and domestic observers.

The Carter Center conducts its election observation in accordance with the Declaration of Principles of International Election Observation and Code of Conduct adopted at the United Nations in 2005. As such, our interest is in the integrity of the process and not in the outcome of the election. This statement is preliminary, and further statements will be issued as necessary to complete our assessment of this second-round presidential vote. Many of our findings apply equally to the administration of the provincial elections which were run simultaneously, although The Carter Center does not have adequate data to comment on that process in detail.

It is natural in a new electoral system that there would be minor flaws in the way the law is written and the way it is applied. For the most part, such irregularities are not material to the overall integrity of the election, but The Carter Center will nonetheless make relevant recommendations for improvements in our final report.

General observations

These elections mark the final stage in a long process to choose the Democratic Republic of the Congo's first democratically-elected president. Despite enormous logistical challenges and significant tensions between candidates, the administration of these elections has been a major success. Credit is due to the CEI, who, with crucial support from the UN Mission in the DRC (MONUC) and other international organizations and donors, overcame tremendous challenges to successfully organize the DRC's first democratic elections.

The quality of electoral administration has improved significantly since July. The CEI responded to the lessons learned from the first round, including all major recommendations by The Carter Center, and clarified and improved its procedures on a wide range of issues. Many of these improvements were adopted too late to be communicated to poll workers through the cascading training program. As a result, implementation of these new measures was not universal. However, a significant last-minute effort to communicate the new procedures, including the personal engagement of CEI President Abbé Malumalu, seems to have ensured that implementation happened in most places.

The transparency of these elections and the integrity of the appeals process were significantly improved by providing copies of the official results to the witnesses of the two presidential candidates. In some cases, however, the additional sheets did not reach the polling stations in time. The Carter Center noted that in areas where one

candidate had strong support, witnesses of the opposing candidate were often not present in force. We also noted that many witnesses neglected to wait and receive their copy of the results. The combination of these two factors could have the unfortunate effect of skewing the candidates' expectations of the results.

Many complaints of manipulation during the July legislative elections remain unanswered. In order to allow verification, The Carter Center urges the CEI to act quickly and implement its promise to publish those results by polling station.

Campaign

The campaign period, although largely peaceful, was marked by a number of issues of concern to The Carter Center. Negative campaign practices, such as the use of hate speech and violence-inciting language, continue to plague the Congolese political scene. We were told the violent rhetoric, and its capacity to trigger violence among supporters, was a major reason the candidates did not conduct more vigorous campaigns. The absence of public campaigning limited the information available to voters and may have contributed to lower voter turnout.

Candidates must take responsibility both for the statements of those who speak on their behalf, and for the actions of their followers which result. It is not credible for any candidate to claim there is not a direct connection between the statements of campaign speakers and violence by the audience immediately following inflammatory speeches. Candidates seeking, through elections, the authority to govern an entire country should be able to demonstrate they will exercise the authority to govern their own followers.

Since the deplorable violence of Aug. 20-22 in Kinshasa, a number of agreements between the two presidential candidates have contributed to an atmosphere of greater calm in the capital. The Carter Center believes clear, unequivocal public messages by political leaders calling for calm can have a significant influence on followers. Such statements would be welcome now.

The Carter Center once again flags the important need for civic education in order to strengthen the foundations of democratic behavior in this country.

Other problems will have to be addressed to improve future elections in the Congo. They include inequitable and politically-biased media coverage, the absence of formal debate, and the sabotage of competitor's campaign materials and communication assets. The last-minute broadcast of an exclusive interview with President Kabila on the public broadcasting network RTNC, without providing equal time to Vice President Bemba, constitutes a violation of the neutrality of the state broadcaster and an abuse of government power.

Polling

We congratulate election workers, police, candidate witnesses, and observers for elections that were peaceful, orderly, and in accordance with the established election procedures. Carter Center observers reported that an overwhelming majority of

elections official performed their responsibilities in a satisfactory or very satisfactory manner.

Most polling stations opened on time or with only a brief delay. Heavy rains in Kinshasa and other western provinces delayed some poll openings, but these polls extended their hours of operation according to established procedures. Polling stations had generally received all of their essential materials and were well organized, and election officials appeared to understand the proper discharge of their responsibilities. Unfortunately many polling stations had to struggle with inadequate lighting or protection from the elements.

Voter lists were posted outside polling stations more frequently than during the July elections, and verification of voter identification was better implemented. Some irregular usage of the lists of "omitted voters" was observed, but on the whole the procedures appear to have been respected. The CEI's elimination of an additional list of voters who were struck from the roll, a more comprehensive tracking of the distribution of the extra lists, and the publication of a reliable list of polling stations were important reforms.

Observers witnessed instances of improper assistance in the polling booth to illiterate voters, although these appeared to be less frequent than in July and to reflect a greater respect for voter secrecy.

There were very serious incidents at polling stations in Bumba and Bikoro in Equator province and Fataki in Ituri where people were killed and dozens of polling stations were destroyed. The CEI has responded quickly and appropriately to investigate and schedule replacement polls. Reports that large numbers of persons were prevented from participating in Ituri will have to be taken into account. While significant and deplorable, these attacks and other isolated instances of attempted electoral fraud do not call into question the overall integrity of the election.

Candidate witnesses and domestic observers were present in most stations and provided good coverage nationally. However, coverage by candidate witnesses was sparser in areas where the opposing candidate had the strongest support. While understandable, given the difficulty of recruiting in such areas, this remains a weakness in the safeguards of the electoral process, and in each candidate's ability to gain an accurate understanding of how the polling operations were carried out in all areas of the country. Police were visible but not intrusive at most polling locations.

Counting and Collection of Election Results

Observed counts were orderly, consensual, and properly implemented. Polling officials were well-informed about appropriate procedures, and demonstrated understanding of the proper determination of valid and invalid ballots, which was emphasized in training.

With MONUC assistance, the CEI has implemented a results collection operation for Kinshasa which, to this point, appears to be ensuring timely and orderly delivery of results for compilation.

Given concerns expressed to us about transparency in the entire electoral process, we believe all sides should strive to ensure the proper implementation of measures to check vote tabulations. The CEI needs to ensure timely access to official results by polling station at all levels so these can be cross-checked against the results collected by party poll watchers and observers. We hope any concerns or petitions arising from the election results can be resolved openly through the appropriate channels, and political parties and observers will work together so all sides can accept the final results with confidence.

Since April, the Center has observed the electoral process and its environment in the DRC, and shared the interim findings of its ongoing observation in several public statements. The current delegation, representing 14 countries, was deployed to all 10 provinces and Kinshasa. Observers conducted pre-election assessments in their deployment areas and witnessed poll openings, voting, poll closings, and counting on election day. Carter Center observers will remain deployed throughout the country to observe the ongoing tabulation process and announcement of official results.

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The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 65 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. Please visit www.cartercenter.org to learn more about The Carter Center.

NEWS
THE CARTER CENTER
ONE COPENHILL, ATLANTA, GA 30307

FOR IMMEDIATE RELEASE **Wednesday, Nov. 15, 2006**

CONTACT: **In Atlanta: Deborah Hakes +1-404-420-5124**
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Post-Election Statement No. 2 on the Oct. 29 Presidential Elections in the Democratic Republic of the Congo

Based on its observation of vote tabulation following the Oct. 29 presidential elections, The Carter Center election observation mission to the Democratic Republic of the Congo is confident the results announced by the Independent Electoral Commission are consistent with the results obtained in the polling stations.

The provision of original tally sheets to candidate witnesses, combined with the publication of results by polling station, introduced a strong measure of transparency which virtually eliminated the possibility of significant fraud after the ballots were counted.

In response to recent questions raised by international observers and by the representatives of both candidates who have been meeting daily with the CEI, the electoral commission has made data available to all parties regarding the use of supplemental voter lists and the lists of omitted voters on election day. Until this new data has been reviewed thoroughly to determine the scale and impact of the use of these lists, the Center believes it is premature to draw firm conclusions about the overall integrity of these election results.

The Carter Center urges all election participants to refrain from making hasty judgments and to remain patient until all appeals have been considered and the final results are announced. The Center reiterates its appeal to political leaders who seek a mandate to govern the country to demonstrate that they are able to govern their own militants, media and security forces.

The Carter Center continues to observe the presidential electoral process in the Congo and will do so until all appeals have been heard and the final results are confirmed.

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FOR IMMEDIATE RELEASE
Monday, Nov. 27, 2006

Post-Election Statement No. 3 on the Oct. 29 Presidential Elections in the Democratic Republic of the Congo

The Carter Center deplores the Nov. 21 attack on the Supreme Court of the Democratic Republic of the Congo and cautions all political leaders that they are accountable for the actions of their militants, especially when they use violence to protest election results. This attack on a key institution of democracy also represents a serious failure on the part of all security forces, national and international, currently operating in the Congo.

Key Points

The Carter Center has concluded an analysis of the use of supplemental voters' lists and other technical issues related to the Oct. 29 presidential elections. The Center received detailed data regarding these issues from the Independent Election Commission (CEI), which it verified and found to be reliable.

The Center does not want to prejudge the appeals process before the Supreme Court, but offers the following analysis to inform public opinion and provide the candidates with an independent and objective assessment of the process. The Center urges all actors to remain calm and to ensure that their evaluation of these elections is based only on a neutral and rigorous analysis of the facts.

The Carter Center has found evidence of significant abuses of electoral procedures committed in favor of both candidates, including:

- the abuse of supplemental voter lists through the excessive and irregular exploitation of voting by exemption
- faulty implementation of the lists of omitted voters
- questionably high turnout rates in some areas

These abuses occurred primarily in certain regions of the country and, while they were important in principle, the overall number of votes resulting from them is not of a decisive scale. The manipulation we have found was perpetrated by supporters of both candidates and the geographic distribution of the abuses did not benefit one candidate significantly over the other.

The Carter Center's concerns regarding the use of votes by exemption, and relating to voter participation rates, as well as our analysis of the lists of omitted voters and recorded blank and invalid ballots, are explained in further detail.

Voting by Exemption

The CEI reports that 1,103,041 voters participated under an exemption that allowed certain categories of voters to cast their ballot at a polling station other than where they were registered. This figure comprised 6.6 percent of all voters and is partially explained by the fact that 951,208 voters were eligible under the main categories of exemption -- election workers, candidates and witnesses, domestic observers, and local journalists. An additional undetermined number of family members of police and military, and civil servants and CEI members traveling, were also eligible to vote by exemption.

However, it must be assumed that significant numbers of those who were eligible to vote by exemption, especially in rural areas, would have been working at the polling station where they were registered and therefore would not have had to make use of the exemption. The data supports this assumption, since almost 1,000 polling stations had fewer than five votes cast under the exemption -- the minimum one would expect with five election workers in each polling station. In addition, there would normally be several party witnesses and national observers, and the odd voter from other eligible categories. The most frequently reported number of votes by exemption in polling stations throughout the country is 10, while the median -- the figure with an equal number of cases above and below it -- is 14.

The Carter Center observed an average of 20 votes by exemption per polling station, which is consistent with the large numbers of party witnesses, primarily for provincial candidates, noted in some urban polling stations. According to official data, the national average is 22. Yet, more than 4,400 polling stations registered more than 50 votes by exemption; approximately 1,300 had over 100, and several had more than 500. These are suspiciously high numbers of votes by exemption. If one only considers those polling stations that had fewer than 50 votes by exemption, the national average is a more normal 15.

The overall high number of votes by exemption can be partially explained by an innocent, but incorrect, use of these lists to accommodate voters who should have been on the list of omitted voters. In approximately 20 percent of the cases of high votes by exemption (i.e. greater than 50), there were no votes at all attributed to omitted voters, even though a list of such voters had been authorized. This may have occurred either because the lists of omitted voters, which were generated centrally, did not arrive at the polling station, or because the procedure was simply misapplied. In some other cases, near military camps, for example, there might have been an unusually large number of military families exercising their right to vote by exemption. Nevertheless, these explanations can only account for a small fraction of the polling stations which have reported unusually high votes by exemption. (Data which The Carter Center has only now been able to obtain indicates that this was also a problem during the first round.)

Carter Center observers noted particularly flagrant abuse of the lists of exemption in Gemena in Equator and Kamina in Katanga. In Gemena there was widespread voting by students, in violation of both the electoral law and subsequent clarifications by the CEI. In Kamina, there was fraudulent use of domestic observer accreditation. Both places have very high numbers of votes by exemption, and results which were almost exclusively to the benefit of one or the other candidate.

Such serious irregularities clearly reflect attempts to manipulate the results. They are important violations of procedure and implicate a considerable number of election workers, either willingly or under pressure, in fraud. They also reflect a lack of control over the production of official documents, including observer accreditation and documents relating to official travel, which could be misused to claim the right to vote by exemption. They are nonetheless relatively insignificant in terms of their impact on the overall results. At most, 400,000 votes by exemption are in question across the country. The Center's analysis also shows that these questionable votes are evenly split between the two presidential candidates, indicating that supporters of both candidates participated actively in perpetrating such fraudulent activities, and that both candidates benefited equally.

Omitted Voters

During the preparation of the voters' lists prior to the first round of the presidential election, a difference of 1,272,142 voters emerged between the 25,712,552 voters cited in the annexes to the electoral law and the 24,440,410 voters in the CEI's database. To deal with the possibility that the discrepancy included validly registered voters who were inadvertently left off the voters' lists, the CEI created supplementary lists of omitted voters for each polling station where a significant discrepancy was found. (These included a number of "special lists" which were simply lists of omitted voters for polling stations that had no regular voters' data at all.) For the second round, this number was increased to 1,481,291 to take into account additional properly-documented voters who had turned up to vote in the first round, without being on any of the existing lists. Given this large number, and the fact that the legitimacy of voters on such lists would be harder to verify, there has been some concern that these lists would represent a potential opportunity for manipulation.

On October 29, only 270,780 voters --1.8 percent of the total number of voters -- availed themselves of these legitimate supplementary lists, a turnout of 18.3 percent of the presumed omitted voters. This figure includes a mere 11,265 who voted out of 414,106 allowed for on the "special lists" (a 2.7 percent turnout). Approximately 100,000 additional omitted voters appear to have been incorrectly recorded as voting by exemption. This total figure still leaves a clear majority (75 percent) of potential omitted voters who did not show up to vote, a pattern that holds true in all regions of the country.

Data which the Carter Center has recently received, despite longstanding requests, confirms that the number of omitted voters who participated in the first round was also low. Therefore, there can be no doubt that in quite properly attempting to include most of the potential omitted voters, the CEI has greatly overestimated the actual number of these voters. Assuming a turnout rate similar to that of the entire country (65 percent), we can conclude that most of those presumed to be omitted voters were not in fact omitted. While this could potentially have led to a misuse of the lists, the scale and pattern of their actual use does not allow the possibility of any substantial manipulation. Therefore The Center does not ultimately see any adverse impact of this overestimate (although official participation rates are understated by about 2.5 percentage points as a result).

An additional, though minor, irregularity with the administration of these lists was the fact that 20,434 voters were registered on non-authorized supplementary lists. This is a serious error in principle but negligible in terms of actual impact on the results.

Blank and Invalid Ballots

The number of invalid ballots has fallen considerably since the first round, reflecting the significant improvements made to procedures for determining the validity of a ballot, the effective incorporation of these new procedures into the training of election workers, and the simpler ballot of the second round. Only 1.7 percent of ballots were judged invalid during the second round, versus 4.9 percent in the first round.

Blank ballots accounted for only 0.4 percent of all ballots, down from 0.7 percent in the first round. In both cases these are very low rates, and the improvement likely reflects the simpler ballot and increased experience of voters this round.

In either case, these are healthy numbers and suggest an absence of significant irregularities regarding such ballots, a generally reliable administration of the vote count, a good level of voter knowledge about how to cast a vote, and clarity about which candidate they wished to vote for.

Voter Participation

Official figures indicate a national voter turnout of 65.4 percent, which is about 5 percent lower than for the first round (70.5 percent). These rates vary by province, from a high of 84.5 percent in Equator and 84.1 percent in South Kivu, to a low of 42.7 percent in East Kasai. A high turnout can simply reflect voter enthusiasm and efficient mobilization, but polling stations or polling centers with much higher turnout rates than others in a given area merit closer examination. Where, in addition, the results in these stations heavily favour one candidate, this could point to the possibility of manipulation through ballot stuffing or fraudulent counting in the absence of witnesses or observers.

If we remove the approximately one third of polling stations where the participation rate was abnormally high due to votes by exemption or omitted voters, there are still about 3,500 polling stations with a turnout rate among registered voters of 95% or higher. This is unusually high, especially in contrast to the relatively low national average.

Most of these polling stations are found in the provinces of Equator (the most conspicuous examples are in the communes of Kungu and Gemena) and Katanga (for example in Bukama and Kabondo). These areas stand out for having a large number of polling stations with both extremely high turnout rates and results which are almost exclusively to the benefit of one candidate. In contrast to the national trend, participation rates actually rose for the second round in these two provinces. It is difficult to say conclusively to what extent the results in these areas were subject to manipulation, but their electoral administration deserves close scrutiny in future elections. As with the other irregularities we have noticed, both candidates have benefited in equal measure from these questionably high turnout rates.

Provincial Elections

While the irregularities cited above do not in our view amount to a significant impact on the outcome of the presidential election, the same cannot be said with confidence for the provincial elections which were held at the same time and the results for which are still being tabulated. Instead of one national tally, with millions of votes separating two candidates, provincial seats may often be determined by a few hundred votes or less. In such circumstances, the standards of credibility become much tighter, and problems such as those reported in this statement can have a determinant impact upon individual races. Once again, The Carter Center urges the CEI to make available all results broken down by polling station, so that candidates can either convince themselves that the results are true or lodge a properly supported appeal. The same strong recommendation applies to the legislative elections held on July 30, although the period for appeals has passed. The impact of such transparency measures on the credibility of the presidential process has already been enormous.

The Carter Center conducts its election observation in accordance with the Declaration of Principles of International Election Observation and Code of Conduct adopted at the United Nations in 2005.

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Appendix M

Observation Forms

A1. Observation de l'Ouverture du Bureau de Vote (BV)

Date :	Heure d'arrivée :	Heure de départ :	Nom des observateurs :	No. d'equipe :
Province	Nom du CV	Numéro de BV		
Nom de la Circonscription	Territoire ☐ Ville ☐ Groupe de Communes ☐			
Nombre d'électeurs inscrits :	Nombre de bulletins de vote : Prés : _____ Législ.:_____			

Bureaux de Vote		
1.	Le bureau de vote est-il aménagé de façon à faciliter et sécuriser le vote ?	Oui ☐ Non ☐
2.	Avez-vous remarqué la présence de matériel ou activités de campagne électorale sur le lieu de vote et aux alentours ?	Oui ☐ Non ☐
3.	Avez-vous observé des cas d'intimidation envers les électeurs sur le lieu de vote et aux alentours ? *Le cas échéant, veuillez commenter au verso.*	Oui ☐ Non ☐
4.	Avez-vous observé des perturbations graves de l'ordre public susceptibles de porter atteinte à l'intégrité du vote ? *Le cas échéant, veuillez commenter au verso.*	Oui ☐ Non ☐
5.	Le code du BV et la liste des électeurs ont-ils été affichés ?	Oui ☐ Non ☐
Procédures de vote et membres de Bureaux de Vote		
6.	Y a-t-il au moins 3 membres du BV présents ? *(Cochez dans la case les présents)* Président ☐ Secrétaire ☐ 1er Assesseur ☐ 2er Assesseur ☐ Assesseur suppléant ☐	Oui ☐ Non ☐
7.	Pourcentage de femmes membres du BV	%
8.	S'il y a eu remplacement de membres du BV, la procédure a-t-elle été respectée ?	Oui☐ Non☐ N/A☐
9.	Le BV a-t-il reçu l'ensemble des documents et matériels nécessaires au vote ?	Oui ☐ Non ☐
10.	Le Président a-t-il présenté les urnes vides et apposé les scellés sur chacune ?	Oui ☐ Non ☐
11.	Les membres du BV, les témoins, les observateurs nationaux et journalistes ont-ils voté les premiers et leur nom a-t-il été inscrit, si nécessaire, sur la liste de vote par dérogation ?	Oui ☐ Non ☐
12.	Indiquez l'heure d'ouverture du BV	
Electeurs et autres intervenants		

13.	Indiquez le nombre _____et les sigles des partis représentés :							
14.	Les observateurs nationaux sont-ils présents ?	Oui ☐ Non ☐						
15.	D'autres observateurs internationaux sont-ils présents ?	Oui ☐ Non ☐						
16.	Des contestations relatives aux opérations d'ouverture ont-elles été enregistrées sur les PV des opérations de vote du Bureau de vote ?	Oui ☐ Non ☐						
17.	Y a-t-il eu d'autres réclamations formulées, qui n'apparaissent pas dans le PV? *Le cas échéant, veuillez commenter au verso.*	Oui ☐ Non ☐						
Evaluation du BV								
18.	Application des procédures d'ouverture par les membres du BV : ☐Très peu satisfaisante ☐ Peu satisfaisante ☐ Satisfaisante ☐ Très satisfaisante *Si (très) peu satisfaisant, veuillez préciser :* ☐ *Mauvaise compréhension* ☐ *Négligence* ☐ *Malveillance*							
19.	**Impression générale** : L'ouverture de ce bureau de vote s'est dans l'ensemble déroulé de façon : ☐Très peu satisfaisante ☐ Peu satisfaisant ☐ Satisfaisant ☐ Très satisfaisante							

Formulaire A1 : Consignes pour l'observation de l'ouverture du Bureau de vote
Les observateurs devraient arriver au premier bureau de vote 45 minutes avant l'ouverture, prévue à 06 :00.

Ouverture - Question 1. Accessibilité et Aménagement du bureau de vote (BV) : Les Bureaux de vote devraient être situés dans un endroit neutre, connu de la population locale, et facilement accessible. Aucun bureau de vote ne peut être établi dans les lieux de culte, les quartiers généraux des partis politiques, les débits de boissons, les postes de police, les camps militaires, les académies et écoles militaires. L'aménagement du Bureau de vote devrait permettre de faciliter la libre circulation des électeurs, assurer le secret du vote et la sécurité du matériel électoral et du personnel. Chaque bureau de vote devrait être suffisamment éclairé.

Ouverture - Question 2. Campagne à proximité et/ou dans l'enceinte des BV : La campagne électorale est ouverte trente jours au maximum avant la date du scrutin et s'achève 24h avant cette date. Après la clôture de la campagne, il est interdit de distribuer, le jour du scrutin, des manifestes, circulaires ou documents de propagande. Le port des habits avec motifs, couleur ou logo des partis politiques ou regroupements politiques et effigie de leurs présidents sur les lieux de vote est interdit. Toutes les affiches dans un rayon de 100 mètres autour du Centre de vote doivent être enlevées.

Ouverture - Questions 3. et 4. Personnes non autorisées, troubles de l'ordre public et mesures de sécurité : Seuls sont admis dans les lieux de vote et de dépouillement les membres de la CEI, les membres du Bureau des opérations électorales, les électeurs ressortissant du Bureau de vote, les témoins, journalistes et observateurs accrédités et les personnes expressément autorisées par le Président du BV. L'entrée dans un Bureau de vote avec une arme est interdite. Aucun agent des forces de l'ordre (Police nationale, Forces armées) ne peut pénétrer dans un Bureau de vote sans y être invité par le Président du Bureau ou son remplaçant. Le Président du BV prend les mesures requises pour maintenir l'ordre et la tranquillité sur les lieux des opérations de vote et dans un rayon de 30 mètres. A cette fin, il peut faire appel à des éléments de la Police nationale congolaise. *Une réponse affirmative à ces questions devrait entraîner une évaluation négative du BV.*

- **Question 3**. Le cas échéant, les observateurs sont invités à commenter sur la nature et les auteurs des cas d'intimidation observés et leurs conséquences. Si l'intimidation n'a pas été directement observée, les observateurs sont invités à cocher la case « NON » mais à rapporter leurs commentaires au verso, s'ils le jugent utile et si la source est fiable. En outre, les observateurs devraient évaluer si la présence de forces de sécurité, bien qu'autorisées, est de nature à intimider les électeurs, en raison de leur comportement et de leur nombre.

- **Question 4**. Les observateurs devraient rapporter les troubles graves de l'ordre public intervenus aux alentours du BV ou en son sein, qui ont pu porter atteinte à l'intégrité du processus de vote et à préciser, en commentaires, la nature de ces perturbations, leurs auteurs, leurs conséquences sur le processus de vote et les mesures prises pour y remédier. Si les troubles n'ont pas été directement observés, les observateurs sont invités à cocher la case « NON » mais à rapporter au verso leurs commentaires, s'ils le jugent utile et si la source est fiable.

Ouverture – Question 5. Affichage : Le code du BV et la liste des électeurs inscrits devraient être affichés à l'entrée du BV.

Ouverture – Questions 6. et 7. Composition du Bureau de vote : Le Bureau de Vote est composé de : un(e) Président(e) ; deux Assesseurs ; un(e) Secrétaire ; un Assesseur suppléant, et devrait veiller à assurer la représentation féminine. Au cours du scrutin, le nombre de membres du Bureau de vote dans la salle ne peut être inférieur à 3. *Une réponse négative à la question 6 devrait entraîner une évaluation négative du Bureau de Vote.*

Ouverture – Question 8. Procédure de remplacement des membres du BV : En cas d'absence ou d'empêchement du Président du BV, il est remplacé par le premier assesseur inscrit sur l'acte de nomination. En cas d'empêchement ou d'absence du Secrétaire, le Président pourvoit à son remplacement par le deuxième assesseur. En cas d'absence ou d'empêchement d'un assesseur, le Président procède à son remplacement par l'assesseur suppléant et ce dernier est remplacé par un électeur sachant lire et écrire. Avant d'entrer en fonction, celui-ci prête serment par écrit.

Ouverture – Question 9. Documents et matériel électoraux : Les observateurs sont invités à vérifier auprès des membres du Bureau de Vote si le BV a bien reçu, entre autres, les matériels et documents suivant, nécessaires au vote. *Une réponse négative à la question 9 devrait entraîner une évaluation négative du Bureau de Vote.*

Matériel : Urnes, Isoloirs, Scellés, Encre indélébile, Tampon encreur, Lampes d'éclairage à piles et piles de recharge, Tables, Chaises, Bloc note, Crayons, Boîte de craie blanche, Marqueur, Règle, Ciseaux, Cachet avec mention « NUL », Colle, Calculatrice.
Documents : Bulletins de vote (650 x 2), Plis de transmission des résultats, Procès verbaux des opérations de vote, Procès verbal de dépouillement, Décharges de transmission des plis, Liste électorale, Liste des électeurs radiés, Liste d'émargement, Fiche de pointage (une pour chaque scrutin), Fiche des résultats (une pour chaque scrutin), Fiche de constitution des plis, Serment écrit des agents électoraux, Registre de vote par dérogation, Registre des électeurs omis si le BVD est autorisé par décision de la CEI.

Ouverture – Question 10. Présentation des urnes vides et apposition des scellés : Avant l'ouverture du BV, le Président vérifie si les urnes sont conformes et vides et appose les scellés sur chacune (une pour chaque scrutin). *Une réponse négative à la question 10 devrait entraîner une évaluation négative du Bureau de Vote.*

Ouverture – Question 11. Vote par dérogation des membres du BV, des témoins, des observateurs nationaux et des journalistes : Seule peut voter dans un BV un personne munie de sa carte d'électeur et inscrite sur la liste électorale de ce BV. Toutefois, les membres de la CEI, les membres du BV, les témoins des candidats indépendants, des partis ou regroupements politiques, les observateurs nationaux, les journalistes et agents de carrière des services publics en mission ou en mutation, peuvent être admis à voter dans l'un des BV, sur présentation de leur carte d'électeur, carte de témoins, carte d'accréditation, ordre de mission ou titre de mutation. Tout candidat détenteur de sa carte d'électeur est admis à voter dans sa circonscription électorale au BV de son choix sur présentation de la copie du récépissé de la déclaration de candidature.
Leurs noms sont inscrits sur une liste de dérogation. Les membres du Bureau de vote, les témoins, les observateurs nationaux et les journalistes présents dans le BV, votent les premiers.

Ouverture – Question 12. Heure d'ouverture du BV : Le BV est ouvert au public à 6 heures du matin. Le scrutin dure 11 heures. En cas de démarrage tardif du scrutin, il en est tenu compte pour fixer l'heure de clôture.

Ouverture – Question 13. Témoins des partis politiques : Est témoin, tout congolais mandaté par un candidat indépendant, un parti politique ou un regroupement politique et accrédité par la Commission électorale indépendante pour assister aux opérations électorales. Les témoins ne font pas partie du bureau et ne peuvent prendre part à des délibérations même à titre consultatif. L'absence des témoins n'est pas un motif d'invalidation du scrutin sauf si elle est provoquée de manière intentionnelle. Le nombre de témoins par candidat indépendant, parti politique ou regroupement politique et par bureau de vote est fixé à un. Il leur est fait interdiction de battre campagne ou de porter tout signe partisan le jour du scrutin. Compte tenu du nombre élevé de candidats dans certaines circonscriptions électorales, le président du BVD peut limiter à 10 le nombre des témoins simultanément présents.

Ouverture – Questions 14. et 15. Observateurs : Est observateur, tout congolais ou étranger mandaté par une organisation nationale ou internationale et accrédité par la Commission Electorale Indépendante pour assister à toutes les opérations électorales. Le nombre d'observateurs présents simultanément dans le BVD est limité à 6 : les six premiers arrivés sur les lieux sont les premiers considérés et les autres observateurs présents au BVD vont remplacer les premiers après 30 minutes, par ordre d'arrivée.

Ouverture – Questions 18. et 19. Evaluation du BV.

Cette section permet aux observateurs d'évaluer le processus complet, ainsi que le comportement des membres du BV. D'une manière générale, il est recommandé aux observateurs de considérer dans quelle mesure les problèmes observés sont susceptibles de porter atteinte à l'intégrité du vote. Notamment, si les cases mises en évidences aux questions 3. 4. 6. 9. et 10. sont cochées, il est vraisemblable que l'évaluation générale du BV sera négative (Très peu ou peu satisfaisante).Il y a quatre possibilités d'évaluation :

Evaluation négative	**Très peu satisfaisant :** De nombreuses irrégularités ont été observées, qui font douter de la transparence et de l'intégrité du vote
	Peu satisfaisant : Des irrégularités ont été observées, qui affectent l'intégrité du vote mais ne sont pas nécessairement le résultat d'intentions frauduleuses.
Evaluation positive	**Satisfaisant :** Quelques irrégularités ont été observées, qui n'affectent pas l'intégrité du vote
	Très satisfaisant : Toutes les conditions sont réunies pour garantir un vote libre et transparent.

Si l'application des procédures par les membres du BV fait l'objet d'une évaluation négative (Très peu satisfaisant / Peu satisfaisant), il est demandé aux observateurs de préciser si les irrégularités observées sont dues à une « Mauvaise compréhension » des procédures par les membres, ou si elles peuvent être assimilées à de la « Négligence », ou de la « Malveillance ».

A2. Observation des Opérations de Vote

Date :	Heure d'arrivée :	Heure de départ :	Nom des observateurs :	No. d'equipe :
Province	Nom du CV	Numéro de BV		
Nom de la Circonscription	Territoire ☐ Ville ☐ Groupe de Communes ☐			
Nombre d'électeurs inscrits :	Nombre de bulletins de vote : Prés : _____ Législ.:_____			

Bureau de Vote			
1.	Le bureau de vote est-il aménagé de façon à faciliter et sécuriser le vote ?	Oui ☐	Non ☐
2.	Avez-vous remarqué la présence de matériel ou activités de campagne sur le lieu de vote et aux alentours ? *Le cas échéant, veuillez commenter au verso.*	Oui ☐	Non ☐
3.	Avez-vous observé des cas d'intimidation des électeurs sur le lieu de vote et aux alentours ? *Le cas échéant, veuillez commenter au verso.*	Oui ☐	Non ☐
4.	Avez-vous observé des perturbations graves de l'ordre public susceptibles de porter atteinte à l'intégrité du vote ? *Le cas échéant, veuillez commenter au verso.*	Oui ☐	Non ☐
5.	Le code du BV et la liste des électeurs ont-ils été affichés ?	Oui ☐	Non ☐
6.	L'emplacement de l'isoloir et le comportement des personnes présentes permettent-ils de garantir le secret du vote ?	Oui ☐	Non ☐
Procédures de vote et membres du Bureau de Vote			
7.	Y a-t-il au moins 3 membres du BV présents ? *(Cochez dans la case les présents)* Président ☐ Secrétaire ☐ 1er Assesseur ☐ 2er Assesseur ☐ Assesseur suppléant ☐	Oui ☐	Non ☐
8.	Pourcentage de femmes membres du BV		%
9.	Le BV a-t-il reçu l'ensemble des documents et matériels nécessaires au vote ?	Oui ☐	Non ☐
10.	L'assesseur n°1 a-t-il vérifié l'identité des électeurs, l'absence d'encre indélébile sur l'un des doigts, consulté la liste électorale et la liste de radiés et pointé la liste électorale?	Oui ☐	Non ☐
11.	Le Président du BV remet-il le bulletin de vote pour le scrutin présidentiel, paraphé ?	Oui ☐	Non ☐
12.	Une fois le vote pour le scrutin présidentiel effectué, le Secrétaire remet-il le bulletin de vote pour le scrutin législatif, paraphé par le Président ?	Oui ☐	Non ☐
13.	L'Assesseur n°2 fait-il signer la liste d'émargement à l'électeur et applique-t-il de l'encre	Oui ☐	Non ☐

	indélébile sur la cuticule du pouce de la main gauche ?	
14.	Les urnes sont-elles scellées correctement et placées dans un endroit visible ?	Oui ☐ Non ☐
15.	Si nécessaires, y avait-il suffisamment d'urnes additionnelles ?	Oui ☐ Non ☐ N/A☐
16.	En cas d'utilisation d'urnes additionnelles, les urnes remplies ont-elles été placées au même endroit que les nouvelles urnes ?	Oui ☐ Non ☐ N/A☐
17.	Temps moyen nécessaire au vote d'un électeur	minutes
Electeurs et autres Intervenants		
18.	Avez-vous observé des problèmes liés à l'identification des électeurs ?	Oui ☐ Non ☐
19.	Y a-t-il eu des électeurs inscrits qui n'ont pas pu voter ?	Oui ☐ Non ☐
20.	Avez-vous observé des personnes voter avec les cartes d'un ou plusieurs autres électeurs ?	Oui ☐ Non ☐
21.	Les procédures de vote par dérogation sont-elles respectées (présentation d'un justificatif, inscription sur la liste de vote par dérogation) ?	Oui ☐ Non ☐ N/A ☐
22.	Les procédures de vote par omission sont-elles respectées (BV autorisé par la CEI) ?	Oui ☐ Non ☐ N/A ☐
23.	Les modalités d'assistance aux personnes handicapées sont-elles respectées ?	Oui ☐ Non☐ N/A ☐
24.	Avez-vous observé plusieurs personnes voter derrière le même isoloir (en dehors des modalités d'assistance aux personnes handicapées) ?	Oui ☐ Non ☐
25.	Avez-vous observé des électeurs voter à l'extérieur des isoloirs ?	Oui ☐ Non ☐
26.	Indiquez le nombre _____et les sigles des partis représentés :	
27.	Des réclamations/contestations ont-elles été enregistrées sur les PV des opérations de vote ?	Oui ☐ Non ☐
28.	Y a-t-il eu d'autres réclamations formulées, qui n'apparaissent pas dans le PV?	Oui ☐ Non ☐
29.	D'autres Observateurs sont-ils présents? a. Nationaux Oui ☐ Non ☐ b. Internationaux Oui ☐ Non ☐	
Evaluation du BV		
30.	Application des procédures des opérations vote par les membres du BV : ☐Très peu satisfaisante ☐ Peu satisfaisante ☐ Satisfaisante ☐ Très satisfaisante *Si (très) peu satisfaisant, veuillez préciser :* ☐ *Mauvaise compréhension* ☐ *Négligence* ☐ *Malveillance*	
31.	Compréhension des procédures des opérations de vote par les électeurs : ☐Très peu satisfaisante ☐ Peu satisfaisante ☐ Satisfaisante ☐ Très satisfaisante	
32.	**Impression générale** : Les opérations de vote dans ce bureau se sont dans l'ensemble déroulées de façon : ☐Très peu satisfaisante ☐ Peu satisfaisante ☐ Satisfaisante ☐ Très satisfaisante	

Formulaire A2 : Consignes pour l'observation du vote
Les observateurs devraient passer au minimum trente minutes dans chaque Bureau de Vote.

Vote - Question 1. Accessibilité et Aménagement du Bureau de Vote (BV) : Les Bureaux de vote devraient être situés dans un endroit neutre, connu de la population locale, et facilement accessible. Aucun bureau de vote ne peut être établi dans les lieux de culte, les quartiers généraux des partis politiques, les débits de boissons, les postes de police, les camps militaires, les académies et écoles militaires. L'aménagement du Bureau de vote devrait permettre de faciliter la libre circulation des électeurs, assurer le secret du vote et la sécurité du matériel électoral et du personnel. Chaque bureau de vote devrait être suffisamment éclairé.

Vote - Question 2. Campagne à proximité et/ou dans l'enceinte des BV : La campagne électorale est ouverte trente jours au maximum avant la date du scrutin et s'achève 24h avant cette date. Après la clôture de la campagne, il est interdit de distribuer, le jour du scrutin, des manifestes, circulaires ou documents de propagande. Le port des habits avec motifs, couleur ou logo des partis politiques ou regroupements politiques et effigie de leurs présidents sur les lieux de vote est interdit. Toutes les affiches dans un rayon de 100 mètres autour du Centre de vote doivent être enlevées.

Vote - Questions 3. et 4. Personnes non autorisées, troubles de l'ordre public et mesures de sécurité : Seuls sont admis dans les lieux de vote et de dépouillement les membres de la Commission Electorale Indépendante (CEI), les membres du Bureau des opérations électorales, les électeurs ressortissant du Bureau de vote, les témoins, journalistes et observateurs accrédités et les personnes expressément autorisées par le Président du BV. L'entrée dans un Bureau de vote avec une arme est interdite. Aucun agent des forces de l'ordre (Police nationale, Forces armées) ne peut pénétrer dans un Bureau de vote sans y être invité par le Président du Bureau ou son remplaçant. Le Président du BV prend les mesures requises pour maintenir ordre et tranquillité sur les lieux des opérations de vote et dans un rayon de 30 mètres. A cette fin, il peut faire appel à des éléments de la Police nationale congolaise. *Une réponse affirmative à ces questions devrait entraîner une évaluation négative du Bureau de Vote.*

- **Question 3** . Le cas échéant, les observateurs sont invités à commenter sur la nature et les auteurs des cas d'intimidation observés et leurs conséquences. Si l'intimidation n'a pas été directement observée, les observateurs sont invités à cocher la case « NON » mais à rapporter leurs commentaires au verso, s'ils le jugent utile et si la source est fiabel. En outre, es observateurs devraient évaluer si la présence de forces de sécurité, bien qu'autorisée, est de nature à intimider les électeurs, en raison de leur comportement et de leur nombre.

- **Question 4**. Les observateurs devraient rapporter les troubles graves de l'ordre public intervenus aux alentours du BV ou en son sein, qui ont pu porter atteinte à l'intégrité du processus de vote et à préciser, en commentaires, la nature de ces perturbations, leurs auteurs, leurs conséquences sur le processus de vote et les mesures prises pour y remédier. Si les troubles n'ont pas été directement observés, les observateurs sont invités à cocher la case « NON » mais à rapporter au verso leurs commentaires, s'ils le jugent utile et si la source est fiable.

Vote – Question 5. Affichage : Le code du BV et la liste des électeurs inscrits devraient être affichés à l'entrée du BV.

Vote – Question 6. Garantie du secret du vote : L'aménagement du bureau et le comportement des personnes présentes ne doivent pas porter atteinte au secret du vote.

Vote – Questions 7. et 8. Composition du Bureau de vote : *Une réponse négative à la question 7 devrait entraîner une évaluation négative du Bureau de Vote*. Le Bureau de Vote est composé de : un(e) Président(e) ; deux Assesseurs ; un(e) Secrétaire ; un Assesseur suppléant, et devrait veiller à assurer la représentation féminine. Au cours du scrutin, le nombre de membres du Bureau de vote dans la salle ne peut être inférieur à 3.

Vote – Question 9. Documents et matériel électoraux : Les observateurs sont invités à vérifier auprès des membres du Bureau de Vote si le BV a bien reçu, entre autres, les matériels et documents suivant, nécessaires au vote. *Une réponse négative à la question 9 devrait entraîner une évaluation négative du Bureau de Vote.*

Matériel : Urnes, Isoloirs, Scellés, Encre indélébile, Tampon encreur, Lampes d'éclairage à piles et piles de recharge, Tables, Chaises, Bloc note, Crayons, Boîte de craie blanche, Marqueur, Règle, Ciseaux, Cachet avec mention « NUL », Colle, Calculatrice.

Documents : Bulletins de vote (650 x 2), Plis de transmission des résultats, Procès verbaux des opérations de vote, Procès verbal de dépouillement, Décharges de transmission des plis, Liste électorale, Liste des électeurs radiés, Liste d'émargement, Fiche de pointage (une pour chaque scrutin), Fiche des résultats (une pour chaque scrutin), Fiche de constitution des plis, Serment écrit des agents électoraux, Registre de vote par dérogation, Registre des électeurs omis si le BVD est autorisé par décision de la CEI.

Vote – Questions 10. 11.12.13. Procédures de Vote :

- L'assesseur n°1 reçoit les cartes d'électeur, vérifie que les électeurs n'ont pas d'encre indélébile sur l'un des doigts, vérifie l'identité des électeurs, s'assure que les noms des électeurs figurent sur la liste électorale, s'assure que les noms des électeurs ne figurent pas sur la liste des radiés, coche le nom des électeurs sur la liste électorale, oriente les électeurs omis ou bénéficiaires de dérogation vers le 2° assesseur.
- Le Président est chargé de remettre à chaque électeur le bulletin de vote présidentiel après l'avoir paraphé. L'électeur passe ensuite par l'isoloir puis dépose son bulletin de vote dans l'urne. Il est enfin dirigé vers le Secrétaire pour procéder au vote législatif.
- Le Secrétaire est chargé de remettre à chaque électeur le bulletin de vote législatif préalablement paraphé par le président. Ceci intervient après que l'électeur ait déposé dans l'urne son bulletin de vote présidentiel.
- Après que l'électeur ait déposé dans l'urne son bulletin de vote législatif, l'Assesseur n°2 applique l'encre indélébile sur la cuticule du pouce de la main gauche ou, à défaut, de l'un des autres doigts des deux mains et fait signer par l'électeur la liste d'émargement, lui remet sa carte d'électeur et l'oriente vers la sortie.

Vote – Questions 18. 19. 20. Identification des électeurs et droit de vote : Seule peut voter dans un BV un personne munie de sa carte d'électeur et inscrite sur la liste électorale de ce BV. Le vote par Procuration et interdit par la loi. *(Une réponse affirmative à la question 20 devrait entraîner une évaluation négative du Bureau de Vote.)*

Vote – Question 21. Dérogation : (*Une réponse négative à la question 21 devrait entraîner une évaluation négative du Bureau de Vote.)* Les membres de la CEI, les membres du BV, les témoins des candidats indépendants, des partis ou regroupements politiques, les observateurs nationaux, les journalistes et agents de carrière des services publics en mission ou en mutation, peuvent être admis à voter dans l'un des BV, sur présentation de leur carte d'électeur, carte de témoins, carte d'accréditation, ordre de mission ou titre de mutation. Tout candidat détenteur de sa carte d'électeur est admis à voter dans sa circonscription électorale au BV de son choix sur présentation de la copie du récépissé de la déclaration de candidature. Leurs noms sont inscrits sur une liste de dérogation.

Vote – Question 22. Omission : (*Une réponse négative à la question 22 devrait entraîner une évaluation négative du Bureau de Vote.)* Un électeur peut être autorisé à voter, après accord du Président, si son nom ne figure pas, par omission, sur la liste électorale et si le BVD est autorisé par décision du Bureau de la CEI à utiliser le registre des omis. Son nom sera inscrit sur le registre des omis par l'Assesseur n°2.

Vote – Question 23. Assistance aux personnes handicapées? : Tout électeur atteint d'un handicap physique le mettant dans l'impossibilité de voter seul peut, avec l'accord du Président du BV, se faire assister d'une personne de son choix (membres du BV inclus) qui a la qualité d'électeur. Mention en est faite au procès verbal des opérations de vote.

Vote – Question 26. Témoins des partis politiques : Le nombre de témoins par candidat indépendant, parti politique ou regroupement politique et par bureau de vote est fixé à un. Il leur est fait interdiction de battre campagne ou de porter tout signe partisan le jour du scrutin. Compte tenu du nombre élevé de candidats dans certaines circonscriptions électorales, le président du BVD peut limiter à 10 le nombre des témoins simultanément présents.

Vote – Questions 29. Observateurs : Est observateur, tout congolais ou étranger mandaté par une organisation nationale ou internationale et accrédité par la Commission Electorale Indépendante pour assister à toutes les opérations électorales. Le nombre d'observateurs présents simultanément dans le BVD est limité à 6.

Vote – Questions 30, 31 et 32. Evaluation du BV. D'une manière générale, il est recommandé aux observateurs de considérer dans quelle mesure les irrégularités observées sont susceptibles de porter atteinte à l'intégrité du vote. Notamment, si les cases mises en évidences aux questions 3. 4. 7. 9. 20. 21 et 22. sont cochées, il est vraisemblable que l'évaluation générale du BV sera négative (Très peu ou peu satisfaisante). Il y a quatre possibilités d'évaluation :

Evaluation négative	**Très peu satisfaisant** De nombreuses irrégularités ont été observées, qui font douter de la transparence et de l'intégrité du vote
	Peu satisfaisant Des irrégularités ont été observées, qui affectent l'intégrité du vote mais ne sont pas nécessairement le résultat d'intentions frauduleuses.
Evaluation positive	**Satisfaisant** Quelques irrégularités ont été observées, qui n'affectent pas l'intégrité du vote
	Très satisfaisant Toutes les conditions sont réunies pour garantir un vote libre et transparent.

Si l'application des procédures par les membres du BV fait l'objet d'une évaluation négative (Très peu satisfaisant / Peu satisfaisant), il est demandé aux observateurs de préciser si les irrégularités observées sont dues à une Mauvaise compréhension des procédures par les membres, ou si elles peuvent être assimilées à de la Négligence, ou de la Malveillance.

A3. Observation de la Clôture du BV et du Dépouillement

Date :	Heure d'arrivée :	Heure de départ :	Nom des observateurs :	No. d'equipe :

Province	Nom du CV	Numéro de BV

Nom de la Circonscription	Territoire ☐ Ville ☐ Groupe de Communes ☐
Nombre d'électeurs inscrits :	Nombre de bulletins de vote : Prés : _____ Législ.:_____

Clôture du Bureau de Vote et Ouverture du Bureau de Dépouillement

1.	Y a-t-il au moins 3 membres du BV présents ? *(Cochez dans la case les présents)* Président ☐ Secrétaire ☐ 1er Assesseur ☐ 2er Assesseur ☐ Assesseur suppléant ☐	Oui ☐ Non ☐
2.	Pourcentage de femmes membres du BVD	%
3.	Le président a-t-il déclaré la fermeture à 17.00h ou 11heures après l'ouverture ?	Oui ☐ Non ☐
4.	Les électeurs en file d'attente avant la clôture ont-ils été autorisés à voter ?	Oui ☐ Non ☐
5.	Le procès verbal des opérations de vote de chaque scrutin a-t-il été dressé par le Secrétaire à la clôture du scrutin ?	Oui ☐ Non ☐
6.	Le procès verbal des opérations de vote de chaque scrutin détaille-t-il les décisions du Bureau de vote et les réclamations et contestations reçues ?	Oui ☐ Non ☐
7.	Y a-t-il d'autres réclamations formulées, qui n'apparaissent pas dans le PV ?	Oui ☐ Non ☐
8.	L'espace BV a-t-il été réorganisé en Bureau de Dépouillement et la porte a-t-elle été verrouillée ? Temps de préparation : _____ minutes	Oui ☐ Non ☐

Procédure de Dépouillement

9. 0	Le bureau a-t-il désigné 5 électeurs présents pour assister au dépouillement ?	Oui ☐ Non ☐
10. 1	Des personnes non autorisées ont-elles assisté au dépouillement ?	Oui ☐ Non ☐
11.	Avez-vous observé des perturbations graves susceptibles de porter atteinte à l'intégrité et la transparence du dépouillement ? *Le cas échéant, veuillez commenter au verso.*	Oui ☐ Non ☐
12. 2	Le BD a-t-il reçu l'ensemble des documents et matériels nécessaires ?	Oui ☐ Non ☐
13. 3	Le dépouillement s'est-il déroulé dans des conditions matérielles satisfaisantes ?	Oui ☐ Non ☐
14. 4	Le secrétaire a-t-il compté les bulletins sortis des urnes ?	Oui ☐ Non ☐
15.	Si les nombres de bulletins et de votants diffèrent, en est-il fait mention au Procès Verbal ?	Oui ☐ Non ☐ N/A ☐

16. 5	L'assesseur n°1 a-t-il lu à haute voix les intentions de vote sur les bulletins ?	Oui ☐ Non ☐
17.	Les procédures concernant les Bulletins non paraphés ont-elles été respectées ?	Oui ☐ Non ☐ N/A ☐
18. 6	Y a-t-il eu concertation entre les membres du bureau de vote sur la validité des bulletins ?	Oui ☐ Non ☐
19. 7	S'il y a eu différence entre les deux pointages, le secrétaire a-t-il procédé à une vérification ?	Oui ☐ Non ☐ N/A ☐
20. 8	Les procès verbaux de dépouillement reprennent-ils les faits observés ?	Oui ☐ Non ☐
21.	Des réclamations et contestations apparaissent-elles sur les PV des opérations de vote ?	Oui ☐ Non ☐
22.	Y a-t-il d'autres réclamations formulées, qui n'apparaissent pas dans le PV des opérations de vote ? *Veuillez préciser au verso*	Oui ☐ Non ☐
23. 9	Les fiches de résultats ont-elles été signées par tous membres du BD ?	Oui ☐ Non ☐
24. 0	Les procès-verbaux ont-ils été contresignés par tous membres du BD, les témoins et les 5 électeurs assignés ?	Oui ☐ Non ☐
25. 1	Les témoins ont-ils reçu des copies des PV sur demande ?	Oui ☐ Non ☐
26. 22	Le président a-t-il transmis au Chef du Centre de Vote les 4 plis scellés (avec les PV) indiquant le code du CV et le code du BVD ?	Oui ☐ Non ☐
27.	Les résultats du vote ont-ils été affichés immédiatement après le dépouillement ?	Oui ☐ Non ☐
28. 3	Indiquez le nombre _____et les sigles des partis représentés :	
29. 7	D'autres observateurs sont-ils présents ? 29a. Nationaux Oui ☐ Non ☐	29b. Internationaux Oui ☐ Non ☐

Evaluation du BD

30. 7	Application des procédures de clôture et de dépouillement par les membres du BVD : ☐Très peu satisfaisante ☐ Peu satisfaisante ☐ Satisfaisante ☐ Très satisfaisante *Si (très) peu satisfaisant, veuillez préciser :* ☐ *Mauvaise compréhension* ☐ *Négligence* ☐ *Malveillance*
31. 8	Compréhension des procédures de clôture et de dépouillement par les électeurs : ☐Très peu satisfaisante ☐ Peu satisfaisante ☐ Satisfaisante ☐ Très satisfaisante
32. 9	**Impression générale** : La clôture et le dépouillement dans ce BVD se sont dans l'ensemble déroulés de façon : ☐Très peu satisfaisante ☐ Peu satisfaisante ☐ Satisfaisante ☐ Très satisfaisante

N° de votes exprimés Election Présidentielle :		N° de bulletins restants Election Présidentielle :		Bulletins nuls Election Présidentielle :	
N° de votes exprimés Élections législatives :		N° de bulletins restants Élections législatives :		Bulletins nuls Élections législatives :	

Formulaire A3 : Consignes pour l'observation des opérations de clôture du BV et des opérations de dépouillement
Les observateurs devraient arriver au bureau de vote 30 minutes avant la clôture et y observer les opérations de clôture du BV, puis de dépouillement. Pour des raisons de sécurité et afin d'éviter de conduire la nuit, il est recommandé de choisir un BVD proche de la résidence des observateurs et/ou des responsables de la sécurité dans la zone.

Clôture – Questions 1. et 2. Composition du Bureau de vote et de dépouillement (BVD) : Le Bureau de Vote est composé de : 1 Président ; 2 Assesseurs ; 1 Secrétaire ; 1 Assesseur suppléant, et devrait veiller à assurer la représentation féminine. Au cours du scrutin, le nombre de membres du Bureau de vote dans la salle ne peut être inférieur à 3. *Une réponse négative à la question 1 devrait entraîner une évaluation négative du Bureau de Vote.*

Clôture – Question 3. Heure de fermeture du Bureau de vote (BV) : Le BV est ouvert au public à 6 heures du matin heure locale. Le scrutin dure 11 heures. En cas de démarrage tardif du scrutin, il en est tenu compte pour fixer l'heure de clôture. A l'heure officielle de la fermeture du BV, le Président déclare le scrutin clos.

Clôture – Question 4. Electeurs en attente à l'heure de la clôture : Si à l'heure officielle de la clôture, le président constate qu'il y a dans la file des électeurs en attente, il fait ramasser leurs cartes à partir du dernier électeur. Seuls ceux-ci sont autorisés à voter. Les électeurs arrivés après cette dernière formalité ne peuvent être autorisés à voter.

Clôture – Question 5. Procès verbaux : A la clôture du scrutin, le Secrétaire dresse les procès-verbaux des opérations de vote (un PV pour chaque scrutin). Les procès verbaux sont contresignés par tous les membres du Bureau et par les témoins présents qui le désirent. Une copie est remise aux témoins s'ils en font la demande.

Clôture – Question 6. et 7. Réclamations et contestations : Le secrétaire doit rapporter dans les PV les observations, réclamations et contestations, ainsi que les décisions du Bureau de vote, enregistrées au fil de la journée. Les observateurs peuvent également recueillir d'autres observations, réclamations et contestations qui ne figurent pas au PV. Le cas échéant, les observateurs doivent s'enquérir de la raison pour laquelle ces plaintes n'ont pas été rapportées (malveillance/négligence des membres du BV ? faits non avérés ? négligence/mauvaise compréhension des procédures de la part des plaignants ?).

Clôture – Question 8. Bureau de dépouillement (BD) : Le Bureau de Vote se transforme en Bureau de Dépouillement. Aussitôt que le Bureau de Vote se transforme en Bureau de Dépouillement, son aménagement se fait séance tenante par le Président assisté des autres membres du Bureau. L'aménagement consiste à réorganiser l'espace en disposant les tables, en enlevant les isoloirs, en libérant les aires de circulation et en plaçant l'urne concernée (présidentiel, législatives ou provinciales) sur une table placée au centre de la table.

Dépouillement – Question 9. Désignation des assistants du Bureau de Dépouillement (BD) : Une heure avant la clôture des opérations de vote, le Bureau désigne parmi les électeurs présents 5 électeurs sachant lire et écrire pour assister aux opérations de dépouillement. Ils jouent le rôle de témoins des électeurs de leur ressort pendant le dépouillement.

Dépouillement - Questions 10. et 11. Personnes non autorisées, troubles de l'ordre public et mesures de sécurité : *(Une réponse négative à la question 11 devrait entraîner une évaluation négative du Bureau de Vote).* Seuls sont admis dans les lieux de dépouillement les membres du Bureau de dépouillement (un Président, deux Assesseurs, un Secrétaire, un Assesseur suppléant), 5 électeurs désignés, les membres de la CEI, les membres du Bureau des opérations électorales, les témoins, journalistes et observateurs accrédités et les personnes expressément autorisées par le Président du BD. Le Président du BD prend les mesures requises pour maintenir ordre et tranquillité. A cette fin, il peut faire appel à des éléments de la Police nationale congolaise.

- **Question 11**. Les observateurs devraient rapporter les troubles graves de l'ordre public intervenus aux alentours du BV ou en son sein, qui ont pu porter atteinte à l'intégrité du processus de dépouillement et à préciser, en commentaires, la nature de ces perturbations, leur auteur, leurs conséquences sur le processus de dépouillement et les mesures prises pour y remédier. Si les troubles n'ont pas été directement observés, les observateurs sont invités à cocher la case « NON » mais à rapporter leurs commentaires au verso, s'ils le jugent utile et si la source est fiable.

Dépouillement – Question 12. Documents électoraux : *Une réponse négative à la question 9 devrait entraîner une évaluation négative du Bureau de Vote.* Les observateurs sont invités à vérifier auprès des membres du Bureau de Vote si le BV a bien reçu, entre autres, les documents suivant, nécessaires au dépouillement :

Plis de transmission des résultats,	Procès verbaux des opérations de vote,	Procès verbaux de dépouillement,
Décharges de transmission des plis,	2 Fiches de pointage (une pour chaque scrutin),	2 Fiches de résultats.

Dépouillement – Question 13. Conditions matérielles : L'aménagement du Bureau devrait permettre de faciliter le dépouillement et d'assurer sa transparence, ainsi que la sécurité du matériel électoral et du personnel. Chaque bureau devrait être suffisamment éclairé.

Dépouillement – Question 14. 15. Nombre de bulletins : Le Président procède à l'ouverture de l'urne en rompant les scellés et renverse leur contenu sur la table. Le Secrétaire compte les bulletins un à un pour vérifier si le nombre de votants inscrits sur le PV des opérations de vote correspond au nombre des bulletins trouvés dans l'urne :

- si le nombre des votants diffère du nombre de bulletins trouvés dans l'urne, l'opération est reprise ;
- si après le deuxième comptage, le nombre diffère toujours, mention en est faite dans le procès-verbal.

Dépouillement – Question 16. Lecture des bulletins : Le 1° assesseur lit à haute voix le nom du candidat, montre le bulletin à l'assistance et classe le bulletin suivant le candidat (présidentielles) ou selon la liste (législatives).

Dépouillement – Question 17. Bulletins non paraphés : Les bulletins non paraphés par le Président ne peuvent être rejetés si le nombre des bulletins trouvés dans l'urne correspond au nombre des bulletins qui y ont été déposés conformément au procès-verbal des opérations de vote. Le Président du Bureau de Dépouillement appose alors son paraphe à l'endos du bulletin incriminé. Mention en est faite au procès verbal de dépouillement.

Dépouillement – Question 18. Validité des Bulletins : Si le bulletin pose problème quant au choix des électeurs, le Secrétaire le montre au Président qui, après concertation avec les autres membres du Bureau, le déclare NUL ou VALIDE. Selon le type de scrutin, on distingue, le tas de bulletins par candidat indépendant, liste des partis politiques ou regroupements politiques et celui des bulletins NULS et assimilés. Le Président appose le cachet portant la mention NUL sur tous les bulletins déclarés nuls ou assimilés aux bulletins nuls.

Sont déclarés bulletins nuls :

1° les bulletins non-conformes au modèle prescrit ;
2° les bulletins non paraphés par le Président du BV ;
3° les bulletins portant des ratures ou des surcharges ;
4° les bulletins portant plus d'un choix ;
5° les bulletins portant les mentions non requises ;
6° les bulletins déchirés.

Sont assimilés aux bulletins nuls les bulletins ne portant aucun choix.

Dépouillement – Question 19. Pointage : Le 2° Assesseur et l'Assesseur suppléant cochent au fur et à mesure du dépouillement un point sur la ligne de la colonne correspondante sur la fiche de pointage. A la fin du dépouillement, le 2° Assesseur et l'Assesseur suppléant comptent les voix obtenues par candidat, liste de partis politiques ou regroupements politiques selon le type de scrutin. Lorsqu'il y a une différence entre les chiffres des deux pointeurs, le Président demande au Secrétaire de procéder au comptage des différents tas de bulletins pour vérification.

Dépouillement – Question 24. Procès verbaux : À la clôture du dépouillement, le secrétaire dresse les procès-verbaux des opérations de dépouillement sous le contrôle du Président. Les procès verbaux sont contresignés par tous les membres du Bureau, par les 5 électeurs désignés et par les témoins présents qui le désirent. Une copie est remise aux témoins s'ils en font la demande.

Dépouillement – Question 26. Plis : Le Président du BD place en présence des témoins, des observateurs ainsi que des 5 électeurs désignés les bulletins valables, les bulletins nuls, ainsi que les procès verbaux de vote et de dépouillement dans des enveloppes distinctes scellées et indiquant le numéro du Centre d'inscription et le code du Bureau de Vote.

Dépouillement – Question 27. Résultats : Le Résultat du comptage est transcrit sur la fiche de résultats. Les résultats sont annoncés à l'assistance. La fiche de résultats est signée par tous les membres du bureau et les témoins qui le désirent et les copies sont remises aux témoins qui en font la demande. Les résultats sont immédiatement affichés devant le BVD.

Dépouillement – Questions 30. 31. 32. Evaluation du BVD. Cette section permet aux observateurs d'évaluer le processus complet, ainsi que le comportement des électeurs et des membres du BV. D'une manière générale, il est recommandé aux observateurs de considérer dans quelle mesure les problèmes observés sont susceptibles de porter atteinte à l'intégrité du vote. Notamment, si les cases mises en évidences aux questions 3. 4. 6. 9. et 10. sont cochées, il est vraisemblable que l'évaluation générale du BV sera négative (Très peu ou peu satisfaisante).Il y a quatre possibilités d'évaluation :

Evaluation négative	**Très peu satisfaisant.** De nombreuses irrégularités ont été observées, qui font douter de la transparence et de l'intégrité du vote
	Peu satisfaisant. Des irrégularités ont été observées, qui affectent l'intégrité du vote mais ne sont pas nécessairement le résultat d'intentions frauduleuses.
Evaluation positive	**Satisfaisant.** Quelques irrégularités ont été observées, qui n'affectent pas l'intégrité du vote
	Très satisfaisant. Toutes les conditions sont réunies pour garantir un vote libre et transparent.

Si l'application des procédures par les membres du BV fait l'objet d'une évaluation négative (Très peu satisfaisant / Peu satisfaisant), il est demandé aux observateurs de préciser si les irrégularités observées sont dues à une « Mauvaise compréhension » des procédures par les membres, ou si elles peuvent être assimilées à de la « Négligence », ou de la « Malveillance ».

B1. Observation de Opérations de Transmission et de Compilation des résultats au CLCR

Centre Local de Compilation des Résultats		
1.	Le CLCR est-il organisé de façon à faciliter et sécuriser la compilation des résultats ?	Oui ☐ Non ☐
2.	Avez-vous observé des perturbations graves de l'ordre public dans le CLCR et aux alentours, susceptibles de porter atteinte à l'intégrité du processus de compilation ?	Oui ☐ Non ☐
3.	Les témoins et observateurs sont-ils autorisés assister à toutes les phases du processus de compilation ? *Veuillez préciser les phases auxquelles ils n'ont pas été autorisés à assister :* Réception des plis ☐ Ouverture des plis et délibérations ☐ Saisie des résultats ☐	Oui ☐ Non ☐
4.	Indiquez le nombre _____et les sigles des partis représentés :	
5.	D'autres observateurs sont-ils présents ? 5a. Nationaux Oui ☐ Non ☐ 5b. Internationaux Oui ☐ Non ☐	
Transmission des plis des BVD au Centre Local de Compilation des Résultats (CLCR) – Poste de Centralisation		
6.	La transmission des plis des Bureaux de Vote et de Dépouillement au CLCR par les Chefs de Centre de Vote a-t-elle suivi le plan de ramassage prévu ?	Oui ☐ Non ☐
7.	Pour chaque BVD non ouvert, une fiche d'identification est elle transmise par le Chef de CV ?	Oui☐ Non☐ N/A☐
8.	Avez-vous observé des cas de non transmission de plis pour un Bureau ouvert ? *Le cas échéant veuillez indiquer le nombre de cas observés : ____ et détailler au verso les justifications invoquées par le(s) Chef(s) de Centre Vote et les mesures prises par le CLCR.*	Oui ☐ Non ☐
9.	Le bordereau de transmission a-t-il été signé par le Chargé de réception au Poste de Centralisation et remis à titre de décharge, aux Chefs de Centre de Vote ?	Oui ☐ Non ☐
Contenu des plis – Poste de Dépouillement		
10.	Avez-vous observé des cas de plis déjà ouverts avant leur remise à la cellule de délibération?	Oui ☐ Non ☐
11.	L'équipe de délibération reporte-t-elle le numéro attribué au pli sur chaque pièce ?	Oui ☐ Non ☐
12.	L'équipe de délibération vérifie-t-elle si les résultats consignés sur les PV de dépouillement sont identiques à ceux mentionnés dans les fiches de résultats ?	Oui ☐ Non ☐
13.	Les réclamations et contestations relatives aux erreurs matérielles figurant sur les PV sont-elles prises en compte et donnent-elles lieu à délibération?	Oui☐ Non☐ N/A☐
14.	Y'a-t-il eu des cas de désaccord lors des délibérations ? Le cas échéant, veuillez résumer en commentaire au verso la nature des désaccords et préciser les auteurs de la décision finale et le nombre de cas tranchés par chacun : Bureau du CLCR ☐ ___ CNCR ☐ ___	Oui ☐ Non ☐
15.	Dans les cas où une rectification d'erreur matérielle a été décidée, les fiches de résultats ont-elles été reconstituées et signées par les membres de l'équipe de délibération ?	Oui☐ Non☐ N/A☐
Saisie des Résultats et Procès verbaux		

16.	Les résultats ont-ils été saisis par les opérateurs de saisie au Poste Compilation?	Oui ☐ Non ☐
17.	La conformité des fiches de résultats avec les traces de suivi a-t-elle été vérifiée par les vérificateurs au Poste d'apurement ?	Oui ☐ Non ☐
18.	En cas de non-conformité des fiches de résultats avec les traces de suivi, les opérateurs de saisie au Poste Compilation ont-ils procédé, sous la direction du Président et en présence du secrétaire et du rapporteur, aux corrections et modifications nécessaires ?	Oui ☐ Non ☐
19.	A la fin des opérations, le rapporteur du Bureau CLCR a-t-il rempli le PV des opérations de compilation des résultats sur la base des PV établis par les équipes de délibération ?	Oui ☐ Non ☐
20.	Des réclamations et contestations apparaissent-elles sur les PV ?	Oui ☐ Non ☐
21.	Y a-t-il d'autres réclamations formulées, qui n'apparaissent pas dans les PV ?	Oui ☐ Non ☐
22.	Les fiches de compilation et le PV de compilation des résultats ont-ils été signés par les membres du CLCR ?	Oui ☐ Non ☐
23.	Les copies des fiches de compilation des résultats ont-elles été affichées au CLCR ?	Oui ☐ Non ☐

Evaluation du CLCR	
24.	Application des procédures par les Chefs de Centre de Vote : ☐Très peu satisfaisante ☐ Peu satisfaisante ☐ Satisfaisante ☐ Très satisfaisante
25.	Application des procédures par les Membres du Centre Local de Compilation : ☐Très peu satisfaisante ☐ Peu satisfaisante ☐ Satisfaisante ☐ Très satisfaisante
26.	**Impression générale** : Les opérations de compilation dans ce CLCR se sont dans l'ensemble déroulés de façon : ☐Très peu satisfaisante ☐ Peu satisfaisante ☐ Satisfaisante ☐ Très satisfaisante

B1 Consignes pour l'Observation des Opérations de Compilation des Résultats

Les observateurs sont invités à se rendre au Bureau de Liaison pour observer les activités du Centre Local de Compilation des Résultats. La compilation des résultats est susceptible de s'étaler sur plusieurs jours et le CLCR est ouvert tous les jours de 8 heures à 20 heures y compris les samedi et dimanche jusqu'à la fin des opérations.

Les observateurs devraient renseigner un formulaire par visite au Centre de Compilation.

Le Centre Local de Compilation des Résultats (CLCR) : Le CLCR est une structure technique située au niveau du Bureau de Liaison et chargée de la compilation et de la transmission des résultats. Les structures du CLCR sont :

Le Bureau Le Poste Centralisation Le Poste dépouillement et son Secrétariat
Le Poste Collationnement Le Poste Compilation Le Poste Apurement Le Poste Archivage.

Au niveau des Postes, le nombre de titulaires par fonction dépend de la taille du CLCR. Notamment, au niveau du Poste de dépouillement, le nombre d'équipes de délibération correspond au nombre de circonscriptions à traiter dans le CLCR.

Compilation – Question 1. et 2. Personnel autorisé et mesures de sécurité : Sont admis dans les locaux du CLCR : les membres du CLCR et de son bureau, le personnel de la MONUC mis à disposition du CLCR, les membres du BLO appelés à diverses tâches par le bureau du CLCR, les témoins des candidats indépendants, des partis politiques ou regroupements politiques, les observateurs nationaux et internationaux, les chefs des centres de vote. Aucun agent des forces de l'ordre ne peut pénétrer dans un CLCR sans y être invité par le Président du CLCR ou son remplaçant. L'accès au CLCR avec une arme est interdite.

La gestion de l'entrée du CLCR est assurée par un agent désigné par le Bureau de liaison qui procède à la vérification de l'identité et de la qualité de ceux qui veulent accéder au CLCR et prend note des entrées et sorties.

Deux agents de police sont en poste à l'entrée du CLCR. Un ou plusieurs agents assurent un périmètre de sécurité autour du CLCR. Cependant, aucun élément de la police congolaise et/ou de forces armées ne peut être placé à l'intérieur du CLCR. Le Président du CLCR peut néanmoins faire appel à la Police pour appréhender ou expulser quiconque trouble l'ordre à l'intérieur du CLCR. *Une réponse affirmative à la question 2 devrait entraîner un résultat d'évaluation négatif.*

Compilation - Questions 3. Témoins et Observateurs : Les témoins et observateurs sont autorisés à assister à toutes les étapes des opérations de compilation des résultats. *Une réponse négative à la question 3 devrait entraîner un résultat d'évaluation négatif.*

Compilation - Question 6. Plan de ramassage des plis : Le Chef de Centre de Vote reçoit les plis scellés des mains des Présidents des Bureaux de Vote et de Dépouillement et se charge de les transporter au Centre Local de Compilation conformément au plan de ramassage arrêté par la Commission Electorale Indépendante (CEI). Avant de quitter son Centre de vote, le CCV doit contacter le BL par les moyens les plus rapides pour informer de la date ou de l'heure de son arrivée.

Compilation - Questions 7. 8. 9. Réception des plis : Le Chef de Centre de Vote (CCV) remet ses plis (avec un bordereau de transmission et une fiche d'identification des BVD non ouverts) au Poste de Centralisation. Le chargé de réception signe le bordereau de transmission à titre de décharge, qu'il remet au CCV. *Une réponse négative à la question 8 devrait entraîner un résultat d'évaluation négatif.*

Compilation - Questions 10. 11. Remise des plis à l'équipe de délibération : Après que le Poste Collationnement ait attribué un numéro à chaque pli, ces derniers sont remis, pour chaque circonscription concernée, à la cellule de délibération chargée de cette circonscription au Poste Dépouillement. Une équipe de délibération est composée au maximum de trois membres. L'équipe de délibération ouvre chaque pli et reporte le numéro attribué au pli sur chacune des pièces. Ceci permet d'assurer une reconstitution correcte des plis à la fin de l'opération de traitement. *Une réponse négative à la question 10 devrait entraîner un résultat d'évaluation négatif.*

Compilation – Question 12. Vérification des Résultats : L'équipe de dépouillement vérifie si les résultats consignés sur le PV de dépouillement sont identiques à ceux mentionnés dans les fiches de résultats et si les sommations des chiffres sont exactes. *Une réponse négative à la question 12 devrait entraîner un résultat d'évaluation négatif.*

Compilation – Questions 13. 14. 15. Rectifications d'erreurs matérielles et redressement des résultats : L'équipe délibère sur les réclamations et contestations relatives aux erreurs matérielles consignées dans le PV de dépouillement en suivant les critères de contrôle définis dans le règlement de délibération. Elle effectue les rectifications nécessaires et les redressements consécutifs aux rectifications.

En cas de défaut d'accord entre les membres de l'équipe de délibération, le pli est envoyé au Bureau du CLCR et prend une décision. Si des cas se révèlent difficiles à être réglés au niveau du Bureau, il saisit le CNCR pour son règlement.

L'équipe de délibération reconstitue les fiches des résultats en cas de rectification d'erreurs matérielles et de redressement des résultats en remplissant et signant une fiche des résultats reconstitués.

Une réponse négative aux questions 13 et 15 devrait entraîner un résultat d'évaluation négatif.

16. 17. 18. Saisie des Résultats : *Une réponse négative à la question 16 devrait entraîner un résultat d'évaluation négatif.*
Le Poste Compilation réceptionne les fiches de résultat et le Opérateurs de saisie procèdent à la saisie des résultats et à l'édition des traces de saisie.
La conformité entre les fiches de résultats et les traces de saisie est vérifiée par les vérificateurs du Poste Apurement. En cas de conformité la lettre C est marquée sur la trace de saisie. En cas de non-conformité, les lettres NC sont marquées.
Lorsque après Apurement il est révélé une erreur de saisie des fiches des résultats, les opérateurs desaisie du Poste Compilation procèdent, sous la direction du Président du Centre et en présence du secrétaire et du rapporteur, aux corrections et modifications nécessaires. Une nouvelle trace de saisie est imprimée.
Le superviseur du secrétariat réceptionne la fiche de résultats et les traces de saisie au Poste Dépouillement et procède à leur pointage. Il les communique aux observateurs qui, s'ils le désirent, peuvent vérifier la conformité de la fiche des résultats et des traces de saisie.

19. 20. 21. 22. Clôture des opérations. A la fin des opérations de traitement des résultats, le rapporteur du bureau CLCR, sur la base des PV de compilation des résultats établis circonscription par circonscription par les équipes de délibération, remplit le procès verbal de compilation des opérations de compilation des résultats. Il mentionne les contestations, les réclamations et les observations des témoins.
Les fiches de compilation ainsi que le PV des opérations de compilation sont signés par les membres du bureau du CLCR et par les témoins présents qui le désirent.

23. Publication des résultats. Dès la fin du dépouillemetn des résultats d'une circonscription, il est procédé à l'édition des résultats compilés de cette circonscription. Le président du bureau transmet par voir électronique la fiche de compilation des résultats ainsi que le PV de compilation des résultats de cette circonsription au CNCR. Il affiche au CLCR à un endroit facilement accessible : pour les élections législatives et provinciales, une copie de la fiche de compilation des résultats de la circonscription et pour l'élection présidentielle, une copie de la fiche de compilation des résultats partiels du territoire.

Evaluation du CLCR.

Il est recommandé aux observateurs de considérer dans quelle mesure les problèmes observés sont susceptibles de porter atteinte à l'intégrité du processus de compilation. Notamment, si les cases mises en évidences aux questions 2, 3, 8, 10, 12, 13, 15, 16 sont cochées, il est vraisemblable que l'évaluation générale du CLCR sera négative (Très peu ou peu satisfaisante). Il y a quatre possibilités d'évaluation :

Evaluation négative	**Très peu satisfaisant :** De nombreuses irrégularités ont été observées, qui font douter de la transparence et de l'intégrité des opérations de compilation.
	Peu satisfaisant : Des irrégularités ont été observées, qui affectent l'intégrité des opérations de compilation mais ne sont pas nécessairement le résultat d'intentions frauduleuses.
Evaluation positive	**Satisfaisant :** Quelques irrégularités ont été observées, qui n'affectent pas l'intégrité des opérations de compilation.
	Très satisfaisant : Toutes les conditions sont réunies pour garantir des opérations de compilation transparentes.

Appendix N
List of Organizations That Observed the Elections

JOINT DECLARATION

At the invitation of the Independent Electoral Commission of the Democratic Republic of Congo (DRC), the following international election observation missions:

- African Union
- European Union Electoral Observation Mission (EUEOM)
- Economic Community of Central African States (ECCAS)
- International Organization of Francophonie (OIF)
- The Carter Center
- Southern Africa Development Community Parliamentary Forum (SADC-PF)
- Electoral Commissions Forum of Southern Africa Development Community Countries (SADC-ECF)
- EISA

participated in the observation of the first round of the presidential election and the legislative elections which were held on 30 July 2006.

Teams of international observers were deployed across the DRC.

The international observation missions wish to underscore, on the basis of preliminary reports, that they were impressed by the high level of both male and female voter turnout and the presence of political party poll-watchers and domestic observers. The observers congratulate the spirit and determination of the Congolese people to hold a successful election in a peaceful and dignified manner. The international observation missions also note the sense of commitment of election officials to their work and of the Independent Election Commission, which defied considerable obstacles in the conduct of its mission.

The signatories of this declaration urge candidates in the July 30 election to respect the choice of Congolese voters and to use all legal means at their disposal to seek recourse in the case of contested results. They also encourage them to reinforce their commitment to the peace process and to continue on the path towards national reconciliation and reconstruction.

Given the size of the country a full evaluation of the process will require time to complete a detailed and rigorous analysis of observer reports from the field. The international observation missions are continuing to monitor the electoral process until it is completed.

Signed by:

- African Union

- European Union Electoral Observation Mission (EUEOM)

- Economic Community of Central African States (ECCAS)

- International Organization of Francophonie (OIF)

- The Carter Center

- Southern Africa Development Community Parliamentary Forum (SADC-PF)

- Electoral Commissions Forum of Southern Africa Development Community Countries (SADC-ECF)

- EISA

1st August, 2006

DÉCLARATION COMMUNE

A l'invitation de la Commission Électorale Indépendante (CEI) de la République Démocratique du Congo (RDC), les **missions internationales** d'observation ci-après :

- Union Africaine
- Mission d'Observation Électorale de l'Union Européenne (MOEUE)
- Communauté Économique des États de l'Afrique Centrale (CEEAC)
- Organisation Internationale de la Francophonie (OIF)
- The Carter Center
- Southern African Development Community (SADC)
- SADC – PF
- SADC - ECF
- Electoral Institute for Southern Africa (EISA)

ont participé à l'observation du premier tour de l'élection présidentielle et du scrutin législatif qui se sont déroulés en RDC le 30 juillet 2006.

Les équipes d'observateurs internationaux ont été déployées sur l'ensemble du territoire de la République Démocratique du Congo.

Les missions **internationales** d'observation tiennent à signaler, **sur la base des rapports préliminaires recus**, qu'elles ont été impressionnées par la forte mobilisation des électeurs et électrices congolais et par la participation des témoins des partis politiques et des observateurs nationaux aux scrutins du 30 juillet 2006. Elles félicitent le peuple congolais pour l'atmosphère **sereine** et digne dans laquelle ces élections se sont déroulées, et qui témoigne de son attachement au succès de **ce processus électoral historique.** Les missions **internationales d'observation souhaitent également relever** le sens du devoir et le dévouement des agents électoraux et le défi considérable relevé par la Commission Électorale Indépendante **dans l'exercice de sa mission.**

Les signataires de la présente déclaration exhortent les candidats aux élections du 30 juillet 2006 **à respecter les choix du peuple congolais et à utiliser les** voies légales de recours en cas de contestation. **Ils les invitent** à amplifier la dynamique de paix observée et à s'inscrire durablement dans la voie de la réconciliation nationale et de la reconstruction du pays.

Compte tenu de l'étendue du pays, l'évaluation du processus requiert le temps d'un examen détaillé et rigoureux des observations des équipes déployées sur le terrain. Les missions internationales d'observation **continuent leur évaluation du processus électoral et le suivront** jusqu'à son terme.

Ont signé :

- **Union Africaine**
- **Mission d'Observation Électorale de l'Union Européenne (MOEUE)**
- **Communauté Économique des États de l'Afrique Centrale (CEEAC)**
- **Organisation Internationale de la Francophonie (OIF)**
- **The Carter Center**
- **Southern African Development Community (SADC)**
- **SADC – PF**
- **SADC - ECF**
- **Electoral Institute for Southern Africa (EISA)**

Joint Statement

At the invitation of the Independent Electoral Commission (CEI) of the Democratic Republic of the Congo, the following international missions:

- Carter Center
- Common Market of Eastern and Southern Africa (COMESA)
- Communauté économique des Etats de l'Afrique centrale (CEEAC)
- Electoral Institute of Southern Africa (EISA)
- Mission d'observation électorale de l'Union européenne (MOEUE)
- Organisation Internationale de la Francophonie (OIF)
- Southern African Development Community - Parliamentary Forum (SADC/PF)
- African Union (AU)

have participated in the observation of the second round of the presidential elections, and the provincial elections, which were held on October 29 2006.

The international observer teams monitored preparations for the different phases of the electoral process and were deployed across the country, including in the 24 districts of the city/province of Kinshasa.

The international observers note with satisfaction that the voting and counting operations took place on the whole in a calm and peaceful manner. They deplore, however, the serious but isolated incidents which have taken place in Equateur province and in Ituri, causing the deaths of several people.

The international missions congratulate the Congolese people who, once again, have demonstrated their commitment to democracy and to the culmination of the transition. They also congratulate the electoral workers, political party agents, domestic observers and members of the Congolese National Police (PNC) for their strong participation.

The international missions appreciate the corrective measures taken by the Independent Electoral Commission to strengthen the capacity of election workers. These measures have resulted in a remarkable improvement to the election operations. In some cases, however, they came late and were therefore not universally implemented. The collection and transmission of results, on the other hand, was significantly improved.

They deplore the excessively partisan and negative role of many of the media during the election campaign, and call on them to assume their responsibilities during this sensitive and crucial period of the transition process.

The missions recommend to the CEI that the publication of results be immediately broken down by polling station, as a measure of transparency necessary to the credibility of the electoral process.

The international missions remind the two presidential candidates of the commitments they have signed, and invite them, in case of electoral complaints, to make use of the legal channels for appeal. Finally, they remind them of their responsibility for the actions and words of their followers.

Kinshasa, November 2nd 2006

COMMUNIQUE COMMUN

Les sept missions internationales d'observation électorale signataires de la Déclaration Commune du 1er août 2006 – Communauté Economique des Etats de l'Afrique Centrale (CEEAC), EISA, Fondation Carter, Mission d'Observation Electorale de l'Union Européenne, Organisation Internationale de la Francophonie (OIF), SADC-Parliamentary Forum, Union Africaine (UA) – ont le plaisir d'informer la population congolaise de leur présence en République Démocratique du Congo à l'occasion du 2e tour de l'élection présidentielle et des élections provinciales du 29 octobre 2006.

Conscientes du rôle qu'elles sont appelées à jouer dans l'observation des scrutins et déterminées à se prononcer sur la crédibilité des résultats, ces missions internationales d'observation électorale ont convenu de ce qui suit lors d'une récente rencontre tenue à Kinshasa.

Elles s'engagent ensemble à vérifier le respect des procédures électorales établies, en particulier l'application des mesures de redressement récemment annoncées par la CEI et visant à garantir la transparence et l'intégrité des opérations de vote, de dépouillement des bulletins de vote et de compilation des résultats. Elles vérifieront notamment :

- la conformité du nombre de Bureaux de vote et de dépouillement (BVD) avec celui annoncé par la CEI pour chaque Centre de vote et CLCR
- le respect de la liste des BVD autorisés à utiliser une « liste des omis » ou une « liste spéciale » et le respect des procédures et limites régissant leur usage
- le respect des catégories d'électeurs admises à voter par dérogation et des procédures afférentes à ce type de vote
- le respect des procédures d'assistance aux électeurs
- le respect des procédures pour la détermination des bulletins nuls
- la remise des procès-verbaux des résultats aux témoins conformément à la Loi Electorale

Les missions soulignent enfin que la publication par la CEI des résultats détaillés par BVD revêt une importance capitale pour la transparence du processus. A cet égard, elles profiteront de leurs rencontres avec les candidats et les partis politiques pour rappeler les dangers de déclarations prématurées des résultats.

Les missions internationales d'observation électorale souhaitent que les élections du 29 octobre 2006 contribuent à l'aboutissement heureux de la transition.

Fait à Kinshasa le 27 octobre 2006

S.E. M. Pierre Buyoya
Communauté Economique des Etats d'Afrique Centrale (CEEAC)

M. Yusuf Aboobakar
EISA

S.E. M. Joe Clark
Fondation Carter

Général Philippe Morillon
Mission d'Observation Electorale de l'Union Européenne

S.E.M Tiébilé Drame
Organisation Internationale de la Francophonie (OIF)

Hon. Jones Chingola
SADC-Parliamentary Forum

Hon. Théophile Nata
Union Africaine