

Chapter 4

Election Campaign and the Media

Pre-Election Campaign Environment

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

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

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

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

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

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

The Candidates

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

1. Paul Kagame – Rwandan Patriotic Front (RPF)

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

2. Prosper Higiro – Liberal Party (PL)

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

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

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

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

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

Other Political Parties

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

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

1. Democratic Green Party

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

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

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

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

2. FDU-Inkingi³

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

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

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

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

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

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

3. PS-Imberakuri⁴

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

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

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

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

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

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

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

Election Campaign

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

Complaints

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

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

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

Campaign Financing

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

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

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

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

The Media

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

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

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

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

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

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

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

Overview of the Media Landscape

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

Media Audience

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

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

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

Radio

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

Television

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

Newspapers

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

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

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

New Media

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

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

The Media and the Campaign

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

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

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

Key Issues

- **Suspension of Media Outlets**

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

- **Criminal Defamation**

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

- **Self-censorship**

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

- **Capacity of Journalists**

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

- **Registration of Journalists**

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

Recommendations

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

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