



Initiatives for Community Reconciliation

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PRESIDENTIAL, NATIONAL AND PROVINCIAL LEGISLATIVE ELECTIONS IN THE DEMOCRATIC REPUBLIC OF CONGO

2018 ELECTORAL OBSERVATION REPORT

I- SUMMARY

1. With the financial support of Quaker Congo Partnership, QCP the organization Initiatives for Community Reconciliation, INIREC in collaboration with the Community of Evangelical Churches of Friends in Congo, CEEACO we deployed an election observation mission for the presidential, national and provincial elections of 30 November 2018 to provide a detailed, impartial and independent assessment of the holding of elections in Uvira and Fizi territory in South Kivu in DR. Congo. Coordinated by Mr. BANI BIBENGA Georges, the Coordinator of INIREC, the mission had 30 local observers distributed in different voting centers in the City of Uvira and the territory of Fizi especially in Tanganyika Sector and Mutambala.

2. The presidential, national and provincial elections of November 30, 2018 were mainly financed by the Congolese Government and organized by the Independent National Electoral Commission (CENI). They were officially held on December 30, 2018 instead of December 23, 2018 date which was provided by the electoral calendar. According to the CENI, this postponement was justified by the fire that occurred in the central warehouse of the CENI in Kinshasa a week before December 23 and that had damaged all the equipment, equipment and voting machines intended for the city of Kinshasa province. .

3. The legal framework of these elections was marked by the revision of the electoral law. A number of changes have been introduced in the new electoral law, despite the protest of the opposition in the National Assembly against the amendments made in this law. It must be said here that the members of the national opposition parliament left the room when the new law was adopted, being a minority, the law was passed by the parliamentarians of the presidential majority and promulgated by the President of the country. the Republic. Let us remember here some changes introduced in the new electoral law for R. D. Congo before the elections of December 30, 2018:

1. For the old law, the number of inhabitants of an electoral district determined the number of voters and consequently determined the number of seats. For the new law, the number of seats is determined by the number of people enrolled in the constituency

2. The electoral system: the legal threshold of representativeness which is for the national deputies of 1% of valid votes, of 3% for the deputies and of 10% for the communal councilors. The legal threshold of representativeness means that in order to have the seat at the level of the National, Provincial or Communal Assembly, the political party, the political grouping of the candidate or the independent candidate must achieve the above percentage of votes validly cast in the whole country, the province or the commune.

3. Deputies for deputies Customary chiefs: the new electoral law provides that each deputy head of custom is appointed his two deputies, who, in case of definitive impediment of the latter, they can replace him.

4. The guarantor: the guarantor(deposit) in the various positions of responsibility had been increased:

For the Presidency: 160,000,000 FC, or \$100,000

For the National Council: \$ 1000

For the Provincial Government: \$ 650

The guarantee under the new electoral law is individual, ie, each candidate on the electoral list of a party or political group must separately pay his deposit. Under the old electoral law the deposit was paid on the basis of the list presented by the political party.

5. Although it was not provided for in the electoral law or any other convention between stakeholders in the electoral process in R D. Congo, the CENI had imposed the use of the voting machine in the election of December 30, 2018. This has been the basis of much prejudice on the credibility of the vote on the part of the opposition.

II- INTRODUCTION:

The presidential, national and provincial elections were held on December 30, 2018, although we were informed of the opening of certain polling stations until December 31, 2018 in some provinces of the country. According to the provisional and final results published by the CENI and confirmed by the Constitutional Court on the night of Saturday, January 19, 2019, Felix TSHISEKEDI TCHILOMBO candidate of the party UDPS (Union for Democracy and Social Progress) wins the election presidential election of December 30, 2018, after having obtained 7,000,000 votes or 38% of the votes cast, followed by Martin FAYULU of the LAMUKA grouping with 6,000,000 votes or 34% of the votes cast and in third place Emmanuel SHADARI the heir apparent of outgoing Joseph KABILA with 4,000,000 votes or 24% of the votes cast. The turnout at this poll is 52%. On the strength of polling stations PV that his political groupings and various sources like the CECO (Council Episcopal Congo), some international observers, Martin FAYULU protested the results and declared winner of the presidential election.

Regarding the legislative, at the date of writing this report and following the results published by the CENI on January 19, 2019, the political grouping of the outgoing president (Common Front for Congo, FCC) would win the absolute majority with 350 seats in the National Assembly, but also in the Senate and Provincial Assemblies. The regrouping of the opposition MALUKA Martin FAYULU the second with 64 seats. The party of the new president Félix TSHISEKEDI, the Union for Democracy and Social Progress (UDPS), comes in third place with 56 seats.

The observation work was completed and allowed for the development of conclusions and recommendations based on the work of the observers. From the opening until the closure, 25 voting centers were observed by our observers, more than 150 polling stations in a part of the electoral district of Uvira and Fizi.

Our observers were able to observe the major part of the electoral operations such as: the opening of the polling stations, the voting procedure, the closing and the counting of the results in the 25 voting centers in the City of Uvira and in the sector Tanganyika and Mutambala in the territory of Fizi province of South Kivu. Due to the lack of financial means, we were unable to observe results in the compilation centers.

III. JOBS DONE :

The Quaker's monitoring and election observation mission (South Kivu) carried out its mission in three major phases of the electoral process in R & D. Congo, in particular: before the elections, during and after the elections.

1. BEFORE THE ELECTIONS:

Apart from public awareness sessions on electoral citizenship through radio broadcasts and sessions in small groups; the additional activities in this phase of the electoral cycle were, among others: the monitoring of the electoral campaign, the request of the accreditations of the observers, the purchase of the materials, the training and the deployment of the observers in different polling centers.

1.1. The monitoring of the electoral campaign:

Launched from November 22 to December 20, 2018, the electoral campaign was held in a peaceful atmosphere despite some incidents reported from here and there in different provinces of the country, including Kassai, Lubumbashi, Kalemie, Maniema, where some candidates for presidency and deputation were targeted either by law enforcement officials or supporters of other candidates who disrupted or prevented their meetings and where people's deaths were recorded. In the territory of Uvira and Fizi no major incident was reported during the entire campaign period. But then some uncivil behaviors were observed, including: the speeches of some candidates inciting people to hatred and tribalism, insults and non-compliance with the electoral law regarding the duration of the election campaign. It has been observed that some candidates have continued with their election campaigns beyond December 20, 2018 date set by the electoral calendar. One could find pictures and other propaganda posters of some candidates in public places even on the day and after the vote. It was also noted, unlike the electoral law, that some candidates used children (under 18 years old) in their campaign activities; the active participation of civil servants in the electoral campaign and the use of state resources for the purpose of electoral propaganda, the fact that in the electoral districts of Uvira and and Fizi, Ministers, outgoing deputies and other public officials were candidates for deputation without having to resign from their posts. Our observation mission stresses that neither the CENI nor the prosecutor's office has taken any action to prevent these violations of the electoral law. The photos of some candidates placed in public places were found torn by incivals and thus causing latent conflicts between supporters of the candidates. He also noticed that only the candidates of the presidential majority had the access and the facility to use the public media during their campaigns; CENI was not able to develop a voter awareness program on the voting machine, which made it very difficult for many voters to use to express their choices on voting day.



1.2. The Application for Accreditations:

By complying with the electoral law, a request for accreditation of our observers had been sent to the managers of the CENI branches in Uvira and Fizi. 30 accreditations were delivered to us, including 15 for Uvira observers and 15 others for Fizi observers.



1.3. Purchase of materials for observers:

For good election observation, a number of materials had been purchased to train observers and as tools for observation work. Notably: notebooks, pens, flip charts, visibility t-shirts, small bags, ect.

1.4. Observer training:

For professional observation, we organized two training workshops, including a Uvira workshop for Uvira observers and a workshop in Akeba for Fizi observers on 19 and 20

December 2018 respectively. 30 observers had been trained, including 6 women and 14 men. The training focused on the following points:

I. Introductory Concepts on Election Observation:

1. Definition of key terms:

1.1. Election:

1.2. The observation:

1.3. Election observer:

1.4. Electoral cycle or electoral process:

2. Understanding the Electoral Cycle in the DRC:

3. The Actors of the Cycle or Electoral Process in the DRC:

II. ELECTORAL OBSERVATION:

1. The Objectives of an Election Observation

2. Types of election observation

3. Types of election observers

4. Roles or Mission of an Electoral Observer

5. The Qualities of an Electoral Observer

6. Formalities to be completed before engaging in an election observation activity

7. Some principles and rules of conduct of observers:

8. The Rights and Duties / Duties of an Election Observer

9. The tools of work during election observation

10. Explanations on the observation sheet

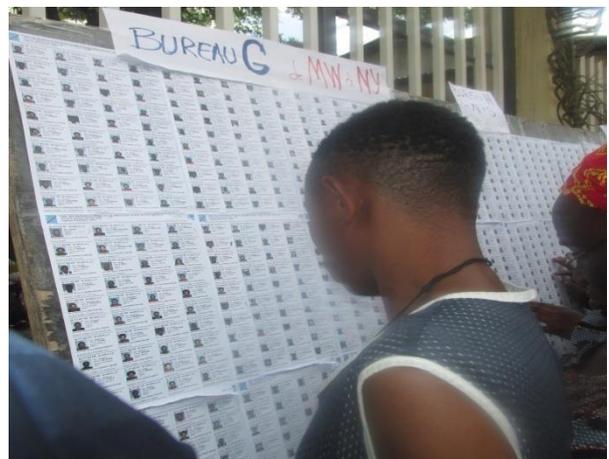




1.5. The deployment of observers in different voting centers:

The observers were deployed on the eve of the 30th of November 2018, election day, to be present at 6:00 am, the opening hour of the polling stations provided for by the electoral law. Our observers have been deployed in 25 centers of your country because of one or two observers per polling station depending on the size of your center in relation to the number of polling stations.

2. DURING THE VOTE (THE POLLING DAY)



During this period, the mission carried out the election observation and monitoring activities of the voting process.

2.1. Election Observation:

In general, the elections in the territory of Uvira and Fizi where we observed were peaceful, secure and transparent; but then some irregularities were observed.

Summary of our electoral observations according to the reports of our observers and the monitoring carried out on the voting day; here there are positive and negative observations (irregularities).

2.1.1. Positive comments:

1. Peace and security during the voting process
2. Display of voters' lists at each polling station
3. The presence of sufficient electoral materials and kits in polling stations
4. Strong mobilization of the population to vote
5. Massive presence of candidates' witnesses and political parties in polling centers and polling stations
6. Massive presence of national observers in polling centers and polling stations
7. Respect of the voting procedures: control of the voters in the polling stations, the secrecy of the vote, the security of the voters,
8. Respect of the counting procedure: visible, transparent, the presence of witnesses and observers,
9. Respect of opening hours for certain polling stations
10. Display of voting results on each polling station after counting.

2.1.2. Negative observations (Irregularities observed):

1. Absence of the names of certain voters on the list of electors at certain polling stations
2. In some polling stations, more than one person assisted the elector in the polling booth (which reduces his secrecy of the vote)
3. Failure of voting machines in certain polling stations; which caused the vote to be delayed and this was also the source of disorder in some polling stations.
4. Late opening of polling stations in certain voting centers beyond 6:00 am as provided for in the electoral law
5. Late closing of certain polling stations in certain voting centers
6. Refusal to vote by some polling station leaders for people who arrived at their polls a little late, after 5:30 pm

7. Some voting centers have been placed in schools that do not have enough space, resulting in congestion and disorder in voting
8. Continuity of the election campaign on the day of voting: campaign campaign gestures were observed even on voting day, distribution by candidates of their numbers to voters, photos and other campaign materials were observed near certain centers of vote.
9. Low participation rate of voters compared to lists displayed, this due to the slowness of many voters when it comes to the handling of the voting machine, the lack of certain names of the voters on the lists of voters, change in some voting centers compared to the original address, the negligence of some voters to vote, some voters did not show up for fear and / or the shame of not knowing how to manipulate the voting machine, d other voters have joined the rumors that the vote is already stolen so going to vote is wasting time
10. Abrupt change without prior notice of the numbers of certain candidates
11. Low awareness of many voters about the use of the voting machine.
12. Conducting Explanations to Voters by Some Polling Station Chiefs on Voting Day, This Negatively Impacted on Time
13. Some Law Enforcement Officials and Election Officers were less informed about the mission of observers, so that in some polling stations, observers were for a time refused to observe voting operations, and to be refused to vote by derogation
14. Recruitment by the CENI of election agents with the problem of vision and older, this has had a negative impact on the voting time,
15. Low awareness of some Election Officials of the use of the voting machine.
16. Some voters said they were misled by the Election Officers in choosing their candidates.

2.2. The monitoring of the voting process:

On polling day, our observation mission was accompanied by monitoring in Fizi and Uvira to follow very closely the voting process in the polling centers where our observers were stationed, but also in other centers of your country. groups and cities covered by our election observation.

Apart from the observations listed above, our follow-up noted some other observations such as:

1. Voter Corruption: in some polling centers, supporters of certain candidates have been assigned to some of your centers with money to bribe voters. A sum of 3000 to 5000 FC was given to some voters to vote for a particular candidate at the entrance of the polling station
2. Some candidates' and political party's witnesses left before the end of the vote because their candidates or political parties did not give them food or motivation
3. The lists of electors were torn well before the end of voting in some polling stations, which resulted in some voters failing to vote because they could not know in which office they will vote
4. Misunderstanding among Election Officers as to who should assist those in need of assistance in the voting booth; for some Electoral Officers, they were allowed to do so, and for

others, each elector had the right to choose someone else to assist him, which resulted in some voters being assisted by people to whom they did not trust.

5. In some polling stations, people were allowed to vote until 8:00 pm, but in other voting centers, voters were sent home without voting at 6:30 pm.

3. AFTER THE ELECTIONS:

Our essential work has been to gather reports from the observers and to follow the proclamation of the results and the different national and international opinions on the conduct of the elections and the voting results.

3.1. Gathering of observer reports:

On December 31, 2018, two information gathering sessions were held in Uvira and Akeba, bringing together all of our observers and media representatives. At the end of these meetings, positive observations and irregularities observed in the centers and polling stations were noted as indicated above.

3.2. Follow up of voting results:

We followed with interest the process of proclaiming the results of the December 30, 2018 vote by the Independent National Electoral Commission, CENI provisionally on January 10 and definitively by the Constitutional Court on January 20, 2019; the results that are so far the subject of challenges at the presidential level, national and provincial legislation.

The proclamation of the results of the elections in R D. Congo is subject to suspicions about the victory of the president proclaimed by the CENI and confirmed by the Constitutional Court on the one hand, but also some sources of civil society, witnesses and some candidates fear that political manipulation was made by the power goes out in connivance with the CENI to carve at any price a majority at the level of the national assembly, the Senate and the provincial assemblies. Compared to our observation, the results in the polling stations where we observed the counting of the results, Martin FAYUTU was in the lead with more than 57%, followed by Emmanuel SHADARI with more than 25% and finally Félix TSHISEKEDI with more than 19%.

The Quaker observer mission wishes to salute the Congolese people in general and in particular the people of Uvira and Fizi who went massively to the polls demonstrating their democratic will, the organization Quaker Congo Partnership, QCP for are financial support that allowed us to carry out all this activities in the framework contribute to the consolidation of peace in our country and finally to the Community of Evangelical Churches of the Friends in Congo for its collaboration and spiritual support during this work

Done at Uvira, January 22, 2019

For the Commission,

BANI BIBENGA Georges