

**TAJIKISTAN:  
PARLIAMENTARY ELECTIONS  
FEBRUARY 2005**

Report  
by  
Kenneth de Figueiredo

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## Preface

The Organisation for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established the Election Observation Mission to Tajikistan (EOM) in January 2005 to monitor the parliamentary elections in the country on 27 February 2005. The mission was headed by Mr. Peter Eicher (USA) and the core team consisted of nine international officers. On 29 January seventeen long-term observers (LTOs) arrived Dushanbe and were deployed in eight teams throughout Tajikistan. A total of 150 short-term observers (STOs) were monitoring on election day (E-day) and they visited approximately 600 polling stations (PSs).

NORDEM, The Norwegian Resource Bank for Democracy and Human Rights, was asked by the Norwegian Ministry of Foreign Affairs to second one LTO and two STOs. The LTO, Kenneth de Figueiredo, covered the Gorno-Badakhshan Autonomous Region (GBAO) - constituency 40 and 41\*, while the STOs, Irene Graff and Jeremy Franklin, were deployed respectively to the constituency Shahrinav east of Dushanbe and Jabbor Rasulov south-east of Khujand.

This report draws on the Norwegian observers' observation in Tajikistan, general findings by the core team and other LTOs during the pre-election period and by STOs on E-day. Other sources are the International Observer Guide provided by the EOM, Tajikistan's election law and news web-sites.

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\* The LTO team to Gorno-Badakhshan were deployed only about two weeks before E-day due to avalanches and bad weather. The two weeks prior to deployment the team assisted the LTO team in Dushanbe.

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## Introduction

The OSCE/ODIHR Election Observation Mission to Tajikistan (EOM) was established in January 2005 to monitor the elections to the lower chamber or Assembly of Representatives (Majlisi Namoyandagon) of the Parliament of Tajikistan on 27 February the same year. The EOM did not observe the district-and regional elections held simultaneously.

Even though the EOM recognised a few improvements since the elections in 2000, the broad picture is that the elections failed to meet many OSCE commitments and other international standards for democratic elections. Shortcomings were even inconsistent with the national legislation. Especially on election day large scale irregularities were observed.

Of the 41 single-mandate constituencies, there was a second round in only three<sup>1</sup>. The final results showed that the party of President Emomali Rahmonov was the clear winner, winning 52 of 63 seats. The remaining seats were divided between the Communist Party (4 seats), the Islamic Revival Party (2 seats) and 5 independents, considered by most observers to be supporters of the incumbent president. The Central Commission for Elections and Referenda (CCER) stated that turnout during the first round of voting had been as high as 92,6 percent of the 3.1 million registered voters.

Four opposition parties issued a joint statement shortly after E-day where they came with serious accusations against the authorities concerning irregularities during the elections in Dushanbe. The parties stated that they did not recognise the elections in the capital and demanded a re-election (see appendix).

## Political background

After independence from the Soviet Union a civil war broke out in Tajikistan in 1992, caused by disagreements about the future orientation of the country. The major opponents in the conflict were the Popular Front, from which the future President Emomali came and the United Tajik Opposition (UTO). The UTO consisted of highly different factions; the most dominant being the Islamic Revival Party (IRP), but also groups like the Democratic Party and Lali Badakhshan (a GBAO party) were parts of this conglomerate. The war was rooted more in differences between the regional elites than in actual ideological and political disagreements.

During the war Mr. Rahmonov came into power and the elite from Kulob, south in the country, became the most influential one. By that, they ousted the former favourites of Moscow, the Leninabodis (from Leninabod, now Khujand in the north), from power.

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<sup>1</sup> If no candidates receive more than 50% of the votes. The two candidates with the most votes contest in a run-off election.

The main opposition party, IRP, had their stronghold in the Rasht valley and in villages in the southern region Khatlon, where many people from this valley moved in the 20ies and 30ies.

In 1997 the “general Agreement of Peace and Reconciliation in Tajikistan” was signed. The agreement guaranteed the UTO a 30% representation in the governmental structures. However, this quota has not been fulfilled and many from the former opposition has joined the ruling party, while others have been marginalised or suspended their political activities.

The parliamentary elections in 2000 made the ruling People’s Democratic Party the biggest party in parliament (30 seats), while the Communist Party (13 seats) and the IRP (2 seats) also were represented. 18 deputies were elected as self-nominated candidates. The OSCE/ODIHR monitored these elections and concluded that they did not meet any minimum international standards or OSCE commitments.

Since that time, the President has further strengthened his position gaining more control over areas traditionally ruled by so-called warlords and by a highly centralised state. He appoints all governors, mayors and judges in the country and has large support in Kulob and in the Military. In 2003 a referendum led to a change in the constitution, allowing the Rahmonov to stand as President in two more seven-year terms beginning in 2006.

Six parties are for the time being registered in Tajikistan and participate in the elections. They are:

The **People’s Democratic Party (PDP)** is President Rahmonov’s party and has all the advantages of a party in power and is the largest in parliament. Most employees and people in elected posts in the state structure are members of PDP.

The **Islamic Revival Party (IRP)** has biggest support in the rural areas. It has a widespread network of local branches and seems to have relatively many financial means. The party is considered the most powerful challenger to PDP and has met lots of obstacles from local authorities, especially in southern Tajikistan. In the later years they seem to have downplayed the religious aspects of the party.

The **Communist Party (CP)**, the once all-dominant party in Tajikistan, has now been severely reduced and stripped of their privileges. Their current economical situation makes it difficult for them to run an efficient campaign. In some areas they enjoy a co-operation with the PDP.

The **Social Democratic Party (SDP)** is lead by the former legal adviser to the president, Rahmatullo Zoirov and was founded on the remains of the Justice and Development Party, banned in 2000. It co-operates with other opposition parties.

The **Democratic Party (DP)** was once a part of the UTO. It has no special regional affiliation, but has more supporters in the urban areas of the country. The Chairman of DP, Mahmadrusi Iskandarov, was arrested in Moscow in December 2004 on the request by the Prosecutor General. He was still in detention at the time of the elections on charges of corruption, terrorism and possession of arms, and therefore the CCER refused to register his candidacy.

The **Socialist Party (SP)** has experienced a deep split since Mirhusen Narzиеv’s leadership was contested by a faction of the party. The Ministry of Justice ruled in favour of the faction, and as result Narzиеv could not register for the elections. After the split, the winning faction allegedly got closer to PDP and they registered with ten candidates.

Many of the **self-nominated candidates** in the elections have clear associations with the ruling party, PDP.

## The Legislative Framework

The parliament of Tajikistan (Majlisi Oli) consists of two chambers: The National Assembly (Majlisi Milli) with 33 seats and the Assembly of Representatives (Majlisi Namoyandagon) with 63 seats. Majlisi Oli or the upper chamber is elected indirectly. 25 deputies are elected by the local councils in the five regions of Tajikistan, while the remaining eight are appointed by the incumbent president. The election of the Majlisi Namoyandagon or the lower chamber is direct. It is based on a mixed proportional and majoritarian electoral system: 22 deputies are elected from party lists in a single nationwide constituency where a 5% threshold applies, while 41 deputies are elected in single-mandate constituencies. A candidate in the single mandate constituency must receive more than 50% of the votes to be declared the winner. If no candidates receive more than 50%, the two candidates with the most votes go to a second run-off no later than two weeks after the first round.

The elections in Tajikistan are regulated primarily by the Constitution and Constitutional Law on Elections (the election law), adopted in 1999 and amended in June 2004.

The EOM gives credit to the new improvements following the amendment of the election law in 2004. The mission specifies opening electoral commission meetings to the public, a prohibition on interference in the elections by the state structures, the possibility of opposition representation in the DECAs, improved access for candidates and parties to state radio and television, and a requirement to post results of the count in each PS. The problem, however, was that many of these new improvements were not implemented. E.g. did not any electoral commissions arrange public meetings, while many government officials were also working as election officials. The EOM also criticises the election law i.a. for not providing for pluralistic composition of election commissions, not giving access to non-partisan observers and some of the requirements imposed on candidate registration. In addition provisions on voter registration and polling day procedures are too vague.

## The Electoral Administration

The Electoral Administration is, according to the election law, independent from government bodies and divided in a three-tier system of election commissions: the Central Commission for Elections and Referenda (CCER); forty-one District Election Commissions (DECAs) and Polling Station Election Commissions (PSCs).

The CCER is a permanent body consisting of 15 persons, proposed by the president and elected by the Majlisi Namoyandagon. It issues regulations and clarifications of the election law and exercises control over the implementation of the law by lower-level

election commissions and it is responsible for forming constituencies and appointing members of the DEC. In addition it registers party list candidates and their proxies, accredit observers and functions and handle complaints on decisions made by lower election commissions.

The DEC's area of responsibility equals one constituency in the single-mandate election and does not necessarily coincide with any region or district borders; hence the English term "District Election Commission" can be rather misleading. The DEC has between 9 and 11 members and exercises the control over implementation of the election law and forms the PSCs in addition to co-ordinate and supervises their work. The DEC also organise nomination of single-mandate candidates to the Majlisi Namoyandagon and register them. Further, they consider complaints on PSCs and determine the result of the vote in the constituency. The DEC are also supposed to arrange meetings with the candidates and the public and issue their biography-posters.

There were close to 3000 PSCs working in these elections and the size could vary from 20 to 3000 voters. The PSCs can have between 5 and 19 members. The law does not provide for political representation in the PSCs, and the members have to be "impartial and unbiased" (article 18). Before E-day their prime task is to compile and update their voters' lists. On E-day they organised the vote, count and determination of results on the PS level.

Even though article 13 in the election law states that proposals from political parties shall be taken into consideration when appointing the DEC, in practice this is not always the case. In the constituency #41 in Khorog, e.g., none of the opposition parties, with the exception of the Communist Party, had their representatives in the DEC.

## Voter and Civic Education

There is no big emphasis on voters' education in Tajikistan. The election commissions use media to inform the voters, but most polling stations did not use the traditional invitations to the voters informing them about time and place of polling. But the limited use of media by the public does not really make it very efficient.

However, the procedures of voters' registration give the PSCs a unique contact with the voters in their precinct. Going door-to-door to register voters results in a high awareness of the whereabouts of the elections. The voters seemed also familiar to the E-day procedures.

The EOM criticised the media for little coverage of the election and a lack of analytical and critical angles. This made it difficult for voters to make an informed choice on E-day.

The PSCs seemed were trained both by the DEC and NGOs with support from IFES (International Foundation for Election Systems). In constituency #41 the local NGO Madina was the IFES counterpart and they trained PSCs in all districts in the constituency, but had some problems being allowed to do their training in the district of Roshkala.



## Voter Registration

There is no central voters' register in Tajikistan. Instead the voters' lists are compiled in the PSs and by the members of the PSCs. With the help of information from the department of interior and housing committees the PSCs base the voters' lists on door-to-door visits in the neighbourhoods in the weeks in front of the elections. Some PSCs start their list from scratch, while others use the voters' list from the previous referendum or elections as their basis. People are included in the lists if they are citizens of Tajikistan, minimum 18 years of age on E-day and have permanent or temporary residence in the given precinct.

The voters' lists are displayed in the polling stations 15 days prior to E-day, giving voters the possibility to check whether they are included in the lists and in case they are not, to register or if denied this, file a complaint. However, voters who are not in the voters' lists, but can produce ID, can be included in the lists on E-day.

According to CCER estimates Tajikistan have more than three million voters within the country, and further approximately 400 000 abroad. However, the voters abroad are not included in any voters' register if they do not register with the proper embassy or consulate. This partly explains the incredibly high turnout.

## Candidate registration

Only persons who have attained the age of 25, have had Tajik citizenship for minimum the last five years and have a higher education can run for candidate in the elections to the Majlisi Namoyandagon<sup>2</sup>. Only political parties registered by the Ministry of Justice have the right to nominate candidates for the national party lists, which gives 22 seats in the parliament. For the time being six parties are officially registered and they all participated in the contest of these seats.

The political parties can also register candidates participating in the single-mandate constituencies. Here, the candidates are nominated through a joint conference of the local party branches existing in the constituency. Self-nominees can only compete in the single-mandate constituencies. They must be backed by 500 signatures (up to 3% erroneous signatures will be accepted). Both party-nominated candidates and self-nominees have to pay a deposit worth 200 minimum monthly salaries (in 2005 app. 800 US\$) and provide a property and income statement and a mental health certificate.

The issue of the registration fee came up constantly in the LTOs' interviews with the candidates. Virtually all of them complained that it was too high, and one candidate in constituency #41, Khorog, even withdrew his candidacy because he could not find the money. Furthermore, the fee would only be paid back to the elected candidate preventing many potential candidates from running.

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<sup>2</sup> Deputies for the upper chamber, Majlisi Milli must be minimum 35 years.

Working in Dushanbe before deployment to Khorog, the LTO encountered several candidates who were rejected by the DEC because of mistakes in the signature list. In constituency #3 in the centre of Dushanbe as many as four out of five independent candidates were rejected on these grounds<sup>3</sup>. In most cases the head of the household had signed for other family members, but there were also cases when persons under 18 years of age had signed and persons signing for more than one candidate. The rejected candidates complained about little assistance from the DEC in explaining the registration procedures.

There seemed to be varying practices on how the DEC's checked the candidates' applications for registering. While the DEC #3 in Dushanbe went door-to-door checking each signature, the DEC #41 only checked a random sample of signatures.

## The Election campaign

The election campaign in front of the elections was very low-key. The EOM states that the campaign was conducted peacefully and this is an improvement since last elections. On the other hand, two of the opposition candidates were imprisoned on criminal charges, preventing them to run in the elections.

Six registered parties contested on the national level. In the single-mandate constituencies PDP had candidates in all 44, IRP in around half of them, CP in 13 and the smaller parties in some. In addition some 77 independent candidates were running in the single-mandate constituencies, however, many of these were associated with the PDP.

The streetscape, at least in GBAO, one could hardly find any evidence of a campaign going on. There were very few posters or information at all and no outdoor rallies. But the candidates held meetings in public buildings etc. In other parts of Tajikistan, the main bulk of political meetings were arranged and co-ordinated by the DEC's, for which the election law also provides. In general all candidates were invited to such public meetings, but the EOM observed instances this did not happen. In the constituency #3 in Dushanbe, the DEC arranged up to three such meetings a day! In GBAO, however, the DEC #41 did not arrange such meetings at all, but they said they would assist the candidates if they took initiative to such meetings.

## The Media

The Constitution of Tajikistan guarantees freedom of speech, publishing and the right to use means of information. However, the government still imposes several restrictions on the media. In 2004 The National Association of Independent Mass Media of Tajikistan (NANSMIT) registered 204 serious instances of violations of journalists' and mass

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<sup>3</sup> One of the candidates had in addition failed to provide a correct property and income statement.

media's rights. Journalists have often limited access to information and officials refuse to provide the information necessary. Only a month before, NANSMIT stated that the conditions for freedom of speech had worsened significantly. Three non-state newspapers were prevented from using any state or private printing house in the country in front of the elections. The newspaper Ruzi Nav even printed their papers in Kyrgyzstan because of this situation, but they were stopped by the customs at the Dushanbe airport.

There are no daily newspapers in Tajikistan, but the state-owned Sadoi Mardum and Jumhuriyat printed up to three issues a week. However, the circulation of printed media is relatively low with the PDP paper Minbari Khalk as the biggest with almost 23 000 copies.

There is only one nation-wide TV broadcasting in Tajikistan. It is the State-owned Televizioni Tojikiston. It covers approximately 93% of the population and has regional offices showing local news. There are about 30 non-state local TV- or radio stations.

It is important to underline that many people throughout the country, especially in the rural areas, have restricted access to electronic media due to frequent power cuts (mainly in winter time). In the district Roshkala in GBAO e.g., many villages were without electricity since September last year. In many of these mountainous areas there are also no possibilities to receive TV- and radio transmissions, anyway.

Following the election law article 39, candidates and political parties are guaranteed equal conditions of access to the mass media. Each candidate in the single-mandate constituency has the right to 15 minutes, and each political party, 30 minutes of free airtime in State Radio or TV. The election commissions are responsible for monitoring the pre-election campaign.

The EOM states that there was in general little media coverage of the campaign and that there was a lack of analytical or critical reports and articles. This raised doubts whether most voters could get sufficient, varied information to enable them to make an informed choice. The free airtime, however, was used by all political parties and also by many single-mandate candidates.

After the elections the two state-owned newspapers refused to print the EOM's preliminary statement.

In GBAO's constituency #40 there is no local TV, thus candidates did not use their allocated airtime. In constituency #41 the single-mandate candidates from the parties (PDP, SDP and IRP) had spots on the local state TV in the campaign period. However, the transmissions can only be received in Khorog (population approximately 22 000) and in winter electricity is provided to half of the households at the time, alternating every third hour.

## Observation on the Polling Day

Even though the EOM characterised the election day as calm and peaceful, the polling was tarnished by large-scale procedural irregularities: Proxy voting was widespread, ballots were not adequately controlled or accounted for. But most of all, the counting

process was of big concern. As many as 53% of the polling stations in which counting was observed were rated as “poor” or “very poor” by the OSCE/ODIHR observers.

## **Election Day Report from Shahrinav, by STO Irene Graff**

### **Background Information**

Shahrinav district is a largely rural area about 40 minutes drive west of Tajikistan’s capitol Dushanbe. The population consists of a majority of Tajiks, but there is also a large minority of Uzbeks living in the area (approximately 37%).

The number of registered voters in Shahrinav district was about 86 000. The number of polling stations in the district was 41. There were two candidates contesting the district’s single mandate seat: Jamolov Abdulhamid Hafizovich from PDP and Juraev Gado from CP.

The STO-team was comprised of Jim Morrison from the United Kingdom and Irene Graff from Norway. The day before election day, the team made itself acquainted with the district, identified polling stations, and sought a meeting with the chairperson of the District Election Commission (DEC), Mr Mamadkul Rakhimov. The team had been informed during the regional briefing that Mr Rakhimov was a member of PDP. When the team arrived at the DEC, they were informed that Mr Rakhimov temporarily was away. However, the team had a friendly conversation with two other members of the election commission, and met Mr Rakhimov briefly on the way out.

### **Election Day**

#### *Observation of the opening*

The team observed the opening of polling station no. 4, at Dehkan Farms Association. Everything went according to the rules; the atmosphere was good, all the election material was present, the ballot box was sealed, the voting booths were in order, the ballots were counted, and the polling station opened on time at 06:00 hrs. The team stayed on for about half an hour after the opening to observe the voting, which also took place according to the rules and in an orderly manner. No irregularities were observed.

#### *Observation of the polling*

The team visited altogether 11 polling stations in Shahrinav district. In general, the polling was conducted in a satisfactory manner, though the team observed several minor violations of the election rules. No grave electoral violations were observed. No PSC members or partisan observers reported any violations. There was an amicable atmosphere in all the polling stations, and all PSCs were co-operative. Almost all PSC members had reported for work, and a majority of the PSCs had female members. Nor did the team observe any intimidation or campaign activities in or outside the polling stations.

Shahrinav, however, was no exception to the very common practice of family voting in Tajikistan. In practically all polling stations family voting was either directly witnessed by the team or observed by multiple signatures in the voters’ lists. Moreover, several voters did not produce acceptable identification documents, but were allowed to vote only by showing their “invitation to vote” (a small piece of paper with the voter’s name, voter registration number, and the name and address of the polling station). Though the voting in most places took place in an orderly manner, the situation in the two polling

stations visited by the team at lunchtime (a peak hour), was very chaotic. There were too many voters queuing inside the polling stations, and in one polling station the rule of secret vote was not observed: Voters, not wanting to queue to get into one of the voting booths, were standing around everywhere filling in their ballots. Moreover, in about half the polling stations police and army officers were observed outside the polling stations. However, they seemed to be acting as guards and controlling the queues, and did not interfere in the electoral process.

#### *Observation of closing and counting*

The team observed the closing and counting at polling station no. 9, which was at School no. 1 in Shahrinav. The polling station was closed on time at 20:00 hrs and no voters were turned away before closing. The problems started when the counting began. The PSC checked the voter list and announced that over 1 300 of the 1 460 registered voters had voted. However, when the commission started to take the ballots out of the envelopes, they did not put aside ballots that had fallen out of the envelopes or empty envelopes found in the ballot box. When the commission started organizing the count according to the different types of ballots, parties and candidates, several of the commission members were not able to follow the procedure, and recounting had to take place several times. Nor had the chairperson of the PSC understood that “votes against all” were to be counted as valid votes. However, the PSC laid down their best efforts, and was finally able to round up the counting at around 01:00 hrs. The STO-team was of the opinion that the irregularities that occurred were due to lack of proper training, insufficient preparations and tiredness. The team did not observe anything indicating a deliberate intent to compromise the integrity of the election process.

As there was no DEC-team assigned to Shahrinav district, at around 01:00 hrs the STO-team went to the DEC office to observe the reporting of results from the different PSCs in the district. As far as the team observed, the protocols and materials from the polling stations were carefully checked upon arrival, and accurately entered in the tabulation of results. In the few cases observed of discrepancies these were resolved by recounting the ballot papers to the satisfaction of all present. The integrity of the process appeared sound, the atmosphere was relaxed, and chairman Rakhimov was in control.

## **Election Day Observation Report from Jabbor Rasulov, by STO Jeremy Franklin**

### **Background information**

The STO team was deployed to the electoral district of *Jabbor Rasulov*. The district is situated in the northern part of Tajikistan, just south-west of the city of Khujand (formerly Leninobod). The electoral district, which is administered by DEC #16, comprised some 70,000 voters which voted in 54 polling stations. The DEC was located in the settlement of *Proletarsk* where approximately 90 percent of the population is of Uzbek ethnicity. In order to make up the sufficient number of voters required for each single-mandate district (SMD), 16 polling stations from a neighbouring district were included in Jabbor Rasulov electoral district.

When visiting their AoR the day prior to election day, the STOs learnt from the DEC Chairman that four out of six candidates registered for the SMD race remained on the ballot. The four candidates included one from the PDP, one from SDP (opposition) and two self-nominated candidates.

The STOs were approached by the SDP candidate the same day, who alleged that he had encountered several obstacles to his campaign, including police evicting him from the premises where he the previous day had conducted a meeting with his electorate.

The team was designated a DEC team with the purpose of observing and taking down the incoming results at the DEC after the polls had closed. Therefore, the team only conducted limited observation on polling day before leaving for the DEC at 19:30.

## Election Day

### *Observation of polling*

Towards the end of polling day, the STO team visited two polling stations in Proletarsk. Although voting was conducted in an orderly and calm atmosphere, the STOs noted rows of identical signatures in the voter lists in the first polling station they visited. Family voting was also observed. Observers from the PDP, CP and IRP were present, but did not express any dissatisfaction with the process. No unauthorized personnel was seen and the layout of the PS secured the secrecy of the vote in a sufficient way.

At the next polling station visited no voters came to vote during the time the observers were there. The team immediately noticed the lack of ballots for the parliamentary vote; only ballots for the raion (district) and oblast (region) elections were readily available. When asked where the missing ballots were, the PSC Chairman was quick to fetch more from the safe, after which he reprimanded his other colleagues on the PSC for not having made available more parliamentary ballots. Incidentally, most questions to the Chairman were answered by a representative from the local authorities, the *Hukumat*. The latter's presence was clearly unauthorized and the STOs were under the impression that this person was directing the work of the PSC.

Party observers from PDP, CP, IRP and SDP were present. The latter observer stated he was contemplating drawing up a complaint regarding multiple voting, which he had observed numerous instances of at this polling station. Indeed, when shown the voter lists series of identical signatures again appeared, sometimes numbering as many as eight in a row.

The STOs' overall evaluation of this PS was poor, also because the polling station officials seemed to be intimidated by the presence of the official from the local authorities.

### *Observation at the DEC*

As the team was supposed to be at the DEC before 20:00, it did not observe the closing and counting at a polling station. Upon arrival at the DEC, only five out of ten DEC members were present. Two members arrived only two hours later, while two, including the Deputy Chair, had been sent to a neighbouring district to receive and tabulate the results from the 16 polling stations located there. The remaining one member was absent due to illness.

Although the STOs had met the DEC Chairman and some of his colleagues the previous day and informed him about their plans for staying at the DEC throughout the evening of election day and the night of 28 February, the Chairman was initially very sceptical towards the presence of the STOs. The DEC Secretary initially refused STOs to enter the small operations room, but after some coaxing the team was given access and were able to copy down the results from the incoming PSC protocols.

The first results arrived at around 22:00. However, this PSC had firstly used the wrong protocol form to record results for the parliamentary vote, and secondly, it had completed the protocol in the Uzbek language and not in the Tajik state language. The latter was a recurring problem since the vast majority of the district's population was ethnic Uzbek.<sup>4</sup>

Throughout the night STOs noticed that many PSCs arrived with protocols either completed in pencil, or not filled in at all. These 'empty' protocols did however bear the signatures of the PSC members, also of those not present at the DEC. All incomplete protocols were completed at the DEC, sometimes under the supervision of a DEC member. Most likely the polling station officials were reluctant to fill in the protocol at the PS premises in ink because they were afraid of making mistakes.

The DEC consistently failed to check whether the PSC protocols reconciled. The commission members were only interested in individual results for the parties and candidates. Thus, there were numerous precincts where the number of ballots received, the number of voters on the voter lists (including those added on election day) and number of ballots given to voters was the same, supposedly demonstrating a 100 percent turnout! There were also instances where the sum of valid and invalid ballots did not equal the number of ballots in the ballot box.

In precincts where the opposition candidate and parties had done well, PSC members were thoroughly questioned about the correctness of the results. The DEC members also tried to conceal these figures from the STOs, as if they were not for the eyes of the international observers.

The team was made aware of that the DEC consistently treated votes against all candidates as invalid votes. The STOs raised the question how these 'against all' votes were recorded and were answered that they were to be counted as invalid votes. The DEC continued to discuss the issue some time after the STOs raised it, but failed to change its practice.

The DEC Secretary convinced most PSCs that they had made a mistake by counting these votes separately. Indeed, the column in the protocol where the number of 'against all' votes was to be recorded was simply cancelled by the Secretary by drawing a line through it. The figure recorded by some PSC was consequently never entered into the DEC's tally sheets.

PSC were taken into the operations room one at a time. The results were copied over to a large hand-drawn tally sheet to be used when summarizing the results for the election district. The DEC also calculated the results in percentage, but as this proved to be time-consuming, PSCs waiting in line were told by the most influential DEC member (a regular DEC member) to do these calculations themselves before handing over the protocols and the voting material.

Around 04:00 the mayor of the local neighbourhood entered. He immediately took place behind the table in the operations room and started taking down results from the tally sheet. All DEC members acted very servile towards this person, praising him and providing him with whatever he needed. The 'dignitary' later took with him one tally sheet to the adjoining room where he continued taking down figures.

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<sup>4</sup> Ballot papers were, however, also printed in the Uzbek language and issued to districts with large Uzbek populations.

Several police officers were in and out of the DEC premises, some just hanging around for a couple of hours. They did not interfere in the process. Neither did their presence seem to be intimidating in any way.

When the STOs left the DEC at 08:00, about 30 out of 38 polling stations in the Jabbor Rasulov district had handed in their results and election material. It was unknown when the results for the additional 16 polling stations outside Jabbor Rasulov would arrive.

Preliminary results showed that the President's party, PDP, won a landslide victory in Jabbor Rasulov. Regarding the SMD race, the PDP candidate garnered a majority of the votes. The opposition candidate from SDP was victorious in only two precincts.

## **Election Day Report from Khorog, by LTO Kenneth de Figueiredo**

### **Background Information**

As mentioned earlier the LTO team covering Gorno-Badakhshan were deployed to the region quite late due to bad weather and avalanches. Once in the region capital, Khorog, the team's movements were also limited; the area of responsibility was vast, roads bad and danger of avalanches was always present. GBAO is scarcely populated and even though the area constitutes almost half of Tajikistan, it has only two constituencies (#40 and #41) with around 50 000 voters each.

The area is popularly known as Pamir or "the roof of the world" and stands apart from the rest of the country culturally and historically. While the major part of the population in Tajikistan is Sunni Muslim, most people in GBAO are so-called Ismailis, a Shia branch of Islam and the languages native of the region are different East-Iranian dialects in contrast to the West-Iranian Tajik. In the east of the region there are also some Kyrgyz living.

Politically GBAO is more like the rest of Tajikistan with PDP as the by far most dominant party. However, IRP was only recently established in the region and is very small, this is probably connected with the party's roots in the more conservative Sunni areas of the country, while the Ismailis are considered more liberal. The main opposition party in this region is SDP. The Communist Party did not participate in the single-mandate elections due to an ongoing "cleansing process" in the party. The Democratic Party and the Socialist Party did not run either.

PDP, SDP and IRP ran in both constituencies and one independent in constituency #41. In both constituencies self-nominees withdrew their candidacy only a few days before Election Day and were crossed out on the ballot papers.

The main source of concern for the opposition in constituency #41 was the fact that the PDP candidate was the head of the education department in GBAO. And since probably more than 90% of the PSs are situated in schools and the vast majority of the PSC members are teachers and headmasters they feared the candidate would have undue influence over the PSCs.



## Election Day

### *Observation of polling*

Polling went by peacefully, but with some irregularities. Despite assurances from DEC #41 that police would not be present in the polling stations, we encountered uniformed police in virtually every PS visited. Representatives from the Secret Service, still popularly known as KGB, were also frequently present. In one case the police asked the LTO to step back from the table with voters' lists and ballot papers, but the PSC chairman intervened. Generally, the local party- and candidate observers had worse working conditions than the internationals. They were often assigned to one part of the PS without any overview and possibilities to do a thorough observation.

The Mayor of Khorog and some of his companions made visits to several PSs during E-day.

Some PSs were overcrowded and the team observed several cases of multiple voters in the polling booths. Voting was mostly done in appropriate polling booths, but in a couple of places, when the electricity was cut (alternately three hours on and three hours off) the booths were too dark and some had to vote in the open. There were also instances of several identical signatures in the voters' lists. These cases were typically the same signature for all the family members. This indicates that one family member signed for the rest of the family, rather than an "outsider" signing for them. The PSC members, however, explained that people from the same family have the same handwriting! Hardly any voters showed ID.

### *Observation of closing and counting*

The PS chosen for closing and counting was situated in a school in Khorog. By the time of closing there almost broke out a fight between an unauthorised, drunk person present (identified from a reliable source as being "one from the Mayor's gang") and an IRP observer. The former obviously provoking and trying to block the view of the latter. The PS was overcrowded and the ballots were taken into another room to be counted. Only one observer from each party or candidate was allowed access. However, there were several unauthorised persons present, two representatives of the Secret Services, one uniformed police and the head of Jamoat<sup>5</sup>. The latter was obviously leading the operation and he was filling out the protocols.

The counting was extremely chaotic. All the ballots were put on a table and all four different ballot papers (two for the parliamentary elections and two for the local elections) were counted simultaneously. There were no votes to deem invalid ballots and it was difficult to detect a system in the counting at all. Since all the ballots are very similar it was difficult for the observers to follow the count. It was especially hard for the domestic observers who were not free to move around the table as the internationals, but were assigned to seats from where it was impossible to see the differences between the ballots.

When the counting was finished, the results were announced and the local observers went home. However, the protocols were not filled out until the party- and candidate observers had left. And importantly, the protocols had been signed by the PSC *before* they were filled out. When the protocols were partly filled out, the PSC suddenly

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<sup>5</sup> The jamoat is a lower administrative division. One hukumat, or district, consists of several jamoats.

retreated with the protocols to the headmaster's office<sup>6</sup>, denying the LTO team access to the room. After having waited outside the office a long time, listening to heated discussions from the inside, the PSC Chairman finally came out and showed us the protocols. They were only partially filled out and some of the data did not coincide with the results loudly announced in front of all the observers. The independent candidate got around 20% less votes according to the protocols than announced and there were no votes against all<sup>7</sup> in the single-mandate election as to several earlier that night. Making these changes, the PDP candidate received the required 50% of the votes + 6. When the team asked about this, the heated discussions went on in the closed room. Suddenly and without a word to the LTOs, the PSC chairman and the KGB agent went hastily to a car with the election material and drove away. The LTO team followed and the "car chase" ended at the Town Election Commission<sup>8</sup>, outside the building the LTOs saw the protocols and they were still not fully filled out. The PSC chairman, at this point obviously irritated at the persistent observers, slammed the gate in the LTOs' faces and the team decided to leave.

#### *Observation at the DEC*

At around 3:00 A.M., the team visited the DEC, but they had not received any protocols yet. At 12:30 P.M. the next day, they were still waiting for the first protocols. At around 16:00 P.M., the team visited the town election commission (the LTOs visited also at 13:00 P.M., but they found only a sleeping person in the office) and it turned out that all the parliamentary protocols were still there. The ballots were all crammed inside plastic bags seemingly without any system at all. The LTO team got access to the protocol from the PS they observed the count and now it was completely filled out.

## The review of the Complaints Process

The election commissions and the courts are handling election disputes. The Civil Procedure Code gives citizens the right to file complaints concerning violation of his electoral rights to election commissions and to municipal or city court. The complaint has to be decided on within three days from the day the complaint was submitted.

Complaints against a decision of a PSC or DEC can be appealed to higher-level election commissions or be submitted to court. A complaint against the CCER must be filed to the Supreme Court.

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<sup>6</sup> The headmaster (who withdrew from the parliamentary elections early in the race, allegedly because of lack of means) was himself present and he was also a PDP candidate for the local elections. Also one agent from the Secret Services was present in the office.

<sup>7</sup> In Tajikistan they have a "negative" voting system where the voter cross out the names of the candidates they do not want leaving one. If the voter cross out all the candidates, the vote should be considered valid and should be recorded in the "vote against all candidates" box in the protocol.

<sup>8</sup> This is an election commission for the local elections, all districts have one of these commissions, but it also functions as a collection point for the parliamentary ballots before they are sent to the DEC.

As of 24 February the CCER had received 22 complaints concerning candidates' registration. Of these only three were decided in favour of the complainants. Another 19 complaints were forwarded by the CCER to other state organs.

The EOM states in its preliminary report that the legal provisions on resolving complaints are too vague and that the interpretations of these provisions by the CCER and the Supreme Court seemed arbitrary.

Many of the LTOs' interlocutors expressed an unwillingness to file complaints on the elections because of lack of trust in the election commissions and the court system.

## Conclusions and recommendations

The EOM states in the preliminary conclusion that the elections failed to meet many OSCE commitments and other international standards for democratic elections. Also serious shortcomings inconsistent with the national legislation were observed. Irregularities were especially severe on election day. However, some positive elements were also mentioned.

On the positive side the elections were conducted peacefully with as many as six parties contesting, offering the voters a wide variety of choices. Further the election law had some improvements and state media was reasonably balanced.

On the negative side the election commissions were not sufficiently inclusive and pluralistic and their work should have been more transparent, especially concerning the complaints process. The election campaign was to a large extent controlled by election officials and government authorities, rather than the candidates themselves and the many arrests of opposition politicians over the years and especially the two just before the elections tarnished the whole campaign. The EOM also mentions that the efficient closure of four independent newspapers shows a pattern of official inference.

The election law is rather vague on polling and counting procedures, and these should be clarified by the CCER. It would also be a good idea to distinguish the different ballot papers (because of local elections at the same time, there were up to four different ballot papers in the ballot box), with different colours on the paper. All types of ballot papers looked almost identical, making it difficult to follow both for the people counting and the observers.

The working conditions for national observers should be improved. They should have access to freely observe in the PSs and not just be assigned to sit in one end of the room where there is no overview at all. This is particularly important during the counting process.

Arranging elections in mid-winter is a logistical challenge, especially in the mountainous regions of the country. In GBAO, most of our interlocutors expressed a wish for the elections to be conducted in another season. This would facilitate both the campaign and the practical arrangements in connection with the elections.

## Comments on the election observation mission

The EOM to Tajikistan was very well organised, with highly competent people in all positions. The core team provided good briefings and managed to include the LTOs in all aspects of their work. This led to a very good and relaxed working atmosphere.

The logistical challenges the EOM could expect to meet in a country like Tajikistan were solved in a satisfactory way.

The LTO team had problems being deployed to Khorog in GBAO due to bad weather and avalanches. Since the plane only can go there in clear weather, we could not rely on this mode of transportation. The solution was to go by vehicles with escort from the Department of Emergency, an arrangement which worked well.

The STO reporting forms used by this EOM showed improvements from earlier OSCE/ODIHR reporting forms the LTO has experienced. Noticeably, the forms clearly distinguish between first hand data (observed by the observer) and second hand data (information received from the chairman of the PS etc.). This has not always been the case in earlier EOMs. However, there is still room for improvements in the forms.

## Appendices

(These are not published in the web edition)

- 1. OSCE/ODIHR's statement of preliminary findings and conclusions**
- 2. Post-election statement of DP, CP, IRP and SDP**
- 3. Copy of observers' reporting form**