

**KYRGYZSTAN:  
PARLIAMENTARY ELECTIONS  
FEBRUARY 2005**

Report  
by  
Linda Kartawich

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## Preface

Upon an invitation from the Kyrgyz authorities, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODHIR) established an Election Observation Mission (EOM) in Kyrgyzstan on 17 January 2005. The mission, headed by Ambassador Lubomir Kopaj (Slovak republic), consisted of a 12-member core team based in Bishkek, as well as 18 long-term observers (LTOs). Citizens from 17 OSCE participating states were represented.

For election day some 182 international short-term observers (STOs) from 28 countries, including representatives from the embassies, OSCE Parliamentary Assembly, EC delegation, were deployed in 91 teams. The observers were deployed in nine different areas (LTO areas) covering 7 oblasts (regions) and two cities.

On election day 2157 polling stations were established to serve approximately 2.66 million voters in Kyrgyzstan. The international observers visited some 865 polling stations.

One Norwegian LTO, Linda Kartawich, was recruited to the EOM by NORDEM. She was deployed in Chui oblast. Additionally, NORDEM recruited two STOs for the first round election on 27 February; Ingebjørg Tønnessen was deployed in Naryn oblast and Erlend Hvoslef in Osh oblast. Hvoslef was also recruited a second time to Osh oblast as STO for the repeat election.

For the repeat election on 13 March, which was held in 39 of the 75 single-mandate constituencies, the EOM recruited a total of 82 STOs from 17 OSCE participating states.

The information in this report is both based on the EOM's reports and on the observations of the Norwegian observers in their Areas of Responsibility (AoR). Their observations correspond with the EOM's findings and conclusions. Other sources are legal documents, reports and news web sites. All opinions expressed in the report are the authors' responsibility and do not necessarily reflect the view of the Norwegian Centre for Human Rights.

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# Contents

*Preface*

*Contents*

*Map of Country*

Introduction .....	5
Political background .....	5
The Akaev presidency .....	6
Political parties and candidates .....	6
Regional Aspects .....	7
The Legislative Framework.....	8
Domestic observers.....	8
The Electoral Administration .....	9
Territorial- administrative division .....	9
Composition of election commissions.....	9
Voter and Civic Education .....	10
Voter Registration .....	10
Shailoo State registration system .....	11
Candidate registration .....	11
The Election campaign .....	11
The Media.....	12
Observation on the Polling Day 27 February .....	13
Political situation .....	13
Observation of the opening .....	14
Observation of the polling .....	14
Observation of the closing and counting .....	14
Observation of the tabulation .....	14
Observation of the opening .....	15
Observation of the polling .....	15
Observation of the closing and counting .....	16
Observation on the Polling Day 13 March .....	16
Observation of the opening .....	16
Observation of the polling.....	17
Observation of the closing and counting .....	17
Observation of the opening .....	18

---

Observation of the polling .....	18
Observation of the closing and counting .....	18
The review of Complaints Process.....	19
De-registration .....	19
Conclusions and recommendations.....	20
Comments on the election observation mission .....	20
Appendices .....	21

## Introduction

OSCE/ODHIR Election Observation Mission (EOM) was deployed in Kyrgyzstan for the period 17 January – 18 March to observe the parliamentary (Jogorku Kenesh) elections 2005.<sup>1</sup> At a press conference held on 28 February 2005 in Bishkek the EOM stated the following about the voting 27 February:

*“The Kyrgyz parliamentary elections fell short of OSCE commitments and other international standards for democratic elections in a number of important areas. Despite positive aspects such as competitiveness and a calm and orderly election day, substantial shortcomings remain...”*<sup>2</sup>

On the surface the pre-election period was in general calm, orderly and well organized by election administrations, which were cooperative and their work apparently transparent. However, several shortcomings and violations during the pre-election campaign affected the election day and the post-election period.

During post-election period of 27 February, candidates filed a significant number of complaints and appeals to election commissions and courts, calling results into question. The number of public gatherings and demonstrations rose significantly among the opposition. Protest activities focused on vote buying, violations by election committees and biased decisions by courts. The repeat election on 13 March was held in 39 constituencies against this background of overall peaceful public protests.

In total 60 percent of voters took part in the voting on 27 February, and 59 percent in the second round on 13 March. Almost all parliamentary candidates who won a majority of voters in the first round were elected to the parliament after the second round. Few representatives from the opposition won seats in the country’s unicameral parliament. Even Kurmanbek Bakiev, who was one of the most popular opposition leaders, did not beat his rival in the run off polls.

## Political background

The 27 February 2005 parliament elections were the first to take place since February 2000. It was also the first parliamentary elections since the adoption of new amendments to the constitution and the election code. Major amendments, in the context of this election, included the introduction of a unicameral parliament, whose 75 deputies should be elected from single-member constituencies only.

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<sup>1</sup> In addition to OSCE/ODHIR observers, ENEMO, Commonwealth of Independent States (CIS) and Shanghai Cooperation Organization (SCO) recruited observers from their participating states to observe the parliamentary elections 2005.

<sup>2</sup> *Press release*, Bishkek 28 February 2005. Key documents by OSCE/ODHIR in connection with parliamentary elections 2005; *Statement of Preliminary Findings and Conclusions*, 28 February 2005; *Interim Report*, 17 January-11 February 2005; *Needs Assessment Report*, 9-11 December 2004; *Press release*, Bishkek 14 March 2005.

The result of the elections would determine the balance of political forces and suggest mechanisms for the president to retain or pass on political power. The parliamentary elections were therefore expected to set the stage for presidential election, scheduled for October 2005.

## The Akaev presidency

Kyrgyzstan had a troubled transition from Soviet rule, although president Askar Akaev, who ran unopposed in 1991, has retained a relatively liberal political environment. There has been some independent media and representation of the opposition in parliament. In the eyes of the West, Kyrgyzstan was recognized as an incubator of Central Asian democracy.

The parliamentary elections 2005 were perceived in the international political context of the previous ‘velvet revolutions’ in Georgia and Ukraine. In his effort to avoid a similar development in Kyrgyzstan, Akaev emphasized his support amongst the Kyrgyz population and his defence of democracy.<sup>3</sup>

However, there has been extensive malpractice in previous elections<sup>4</sup>, and the president’s family has dominated both politics and the economy. The increasing concentration of power around Akaev, his family and his close colleagues, has led to discontent among rival elites, who wish for a higher level of participation in both the political sphere and in business. The usurpation of power and corruption in all branches of government by the ruling elite has led to a crisis of legitimacy – in the leadership, in the courts, and in the political system itself. As the leadership has gained more power, it has become more authoritarian in an attempt to defend itself from rising criticism.<sup>5</sup>

## Political parties and candidates

The election 27 February was contested by 389 of 425 originally registered candidates, both from political parties and running as independent candidates. Two parties, the pro-governmental *Alga, Kyrgyzstan* and *Adilet* nominated the majority of the running candidates (65 %).

The political party system in Kyrgyzstan is complex with some 47 political parties. Many of these have a very small membership, and are usually restricted to a specific geographical area. Given the new unicameral parliament and the removal of the party list, the key dynamics was not parties, although parties were putting forward candidates from their rank. The role of key personalities was more important, both within the governmental structures, and outside.

Most discussions of the key personalities focused on the president and his immediate family. Two of president Akaev’s children were running in the elections, his daughter Bermet Akaev in constituency No.1 in Bishkek, and his son Aidar Akaev in the

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<sup>3</sup> *Nezavisimaya Gazeta*, 28 January 2005. Akaev and his followers also repeated proclaiming the threat of a coup d’etat, of revolution being imported from outside by a “clandestine international”, or attempts by terrorists, drug runners, and other enemies to exploit the parliamentary elections either by financing the opposition or encouraging a repeat of events in Ukraine and Georgia.

<sup>4</sup> In previous observation, the OSCE/ODHIR has concluded that elections did not meet OSCE commitments, although positive steps have been observed.

<sup>5</sup> International Crisis Group, Asia Report No. 81, *Political Transition in Kyrgyzstan: Problems and Prospects*, 11 August 2004.

president's hometown of Kemin, constituency No. 57 in Chui oblast. Bermet Akaev got 45 percent of the votes on 27 February, but won against her rival Bolotbek Maripov in the second election round. Aidar Akaev won the first round with 79 percent of the votes.

Only two opposition party members won seats in the parliament on 27 February, Muratbek Mukashev and Azimbek Beknazarov – both well-known critics of the president. The remaining winners in the first round ran as independents, the majority whom were generally pro-governmental.

### Pro-government parties

- *Alga, Kyrgyzstan* was recognized as the government's main tool in its attempt to win the parliament. Although having no formal role within the party the president's daughter, Bermet Akaev, acted as a consultant to the party and was widely involved in its activities.
- *Adilet* was officially led by the head of the presidential administration, Toichubek Kasymov, but in practice led by the deputy Kubanychbek Jumaliev, a close friend of the president.
- *Moya Strana* started as pro-government, but became increasingly independent, deliberately trying to represent modernist, progressive politics with a heavy accent on economic reform. The vice premier Djoomart Otorbaev was the ideological leader of this relatively small group. The group worked predominantly on a local level, supporting candidates in the south.

### Opposition

Former Akaev loyalists were standing as candidates for the parliamentary elections and dominated the opposition leadership. 44 opposition parties composed 4-5 blocs. Although the opposition blocs decided to cooperate to attain free and democratic elections, it was not united. The parties competed with each other, and loyalties shifted fast.

#### Moderate

- *People's Movement of Kyrgyzstan (Movement)* included 9 parties, among them two communist parties. Ex prime minister and governor, Kurmanbek Bakiev, a wealthy southerner, leads the *Movement*. Of some, Bakiev was expected to be the strongest rival candidate in the presidential election 2005, scheduled for October 2005.

#### Radical

- *The Civic Union for Fair Elections* included parties like *Ar-Namys*, led by Felix Kulov, a political prisoner before and during the elections, who challenged the president in 2000; *Atajurt*, formed in 2004 by the former Ambassador, Roza Otunbaeva; *Jani Bagit*, led by former foreign minister, Muratbek Imanaliev.

Other opposition parties had more of a regional focus, such as *Ata-Meken*, which in general was associated with parliamentary deputy Omurbek Tekebaev's home territory of Jalal Abad, and businessman Almaz Atambaev's *Social Democratic Party of Kyrgyzstan*, predominately based in Bishkek and Chui oblast.

### Regional Aspects

The cultural and political divide between north and south was a dynamic aspect in the political process in Kyrgyzstan. The north is closer to Russian culture and more



European, while the south is perceived as traditionally more religious, its society based on family values and kinship connections. There is a widespread perception that the two regions are political rivals rather than partners. According to ICG the north-south divide is sometimes exaggerated and sometimes manipulated by politicians, but it certainly exists in the perceptions of people.<sup>6</sup>

Although Kyrgyz ethnic (66.3%) predominate, there is a high number of national minorities in the republic, including such as Russians (11.2 %), Dungans (1.1 %), Koreans (0.4 %) and Uighurs (1.0 %), scattered throughout the north. Next after Kyrgyz ethnic, Uzbeks (14 %) predominate in the south.

## The Legislative Framework

The legal framework for the parliamentary elections includes, but is not limited to, the Constitution of the Kyrgyz Republic as amended following the 2003 referendum, and the Election Code. Since 1999, the Election Code has been amended at least 17 times. Ten amendments have been made since January 2004, including the late passage of amendments on 21 January 2005. A number of other laws have a direct impact on the elections, including the Law of Public Gatherings, The Law on Political Parties, and The Central Election Commission's regulations.

According to OSCE/ODHIR a number of the amendments represent progress towards meeting OSCE's commitments, such as use of ink to mark voters' fingers as an anti-fraud measure, a common starting date for the election campaigning for all candidates, and provisions for domestic non-partisan observation.

In its preliminary statement EOM emphasized that shortcomings remain in the Election Code. LTOs observed that these shortcomings created disputes during the election process. These shortcomings were; limitation of candidacy rights, including the possibility of suspensions or cancellation of the registration of an elected candidate; the possibility of de-registering candidates on minor technical grounds; lack of pluralism in the composition of election commissions; no clear distinction between public information and campaign material; insufficient access by observers to the entire election process; and an unclearly defined complaints and appeals process.

### Domestic observers

While the amended Election Code has improved the ability of non-partisan domestic observers to carry out their activities, article 17.4 restricts the activity of domestic groups in the pre-election period. Domestic observers are prevented from legal access to key elements of the process such as voter lists and the sessions of election commissions. In spite of the restrictions many election commissions at all levels provided NGO observation groups with access prior to election day.

Of domestic, non-partisan groups, observing pre-election activities and election days, the Coalition for Democracy and Civil Society was the most visible and active. Other

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<sup>6</sup> International Crisis Group, Asia Report No. 81, *Political Transition in Kyrgyzstan: Problems and Prospects*, 11 August 2004.

domestic non-partisan observers were the Association of NGOs, Interbilimi and the Civil Society Against Corruption.

In addition to non-partisan observers, the Election Code permit candidate observers in polling station on election day.

## The Electoral Administration

Except for some concern regarding transparency in the work of the election administration, EOM noted that overall CEC worked in an efficient manner. According to LTOs the majority of TECs were in general co-operative and well organized. However, TEC decisions did not always meet professional standards nor fully follow provisions of the Election Code. On the surface, TECs gave an impression of transparency; some however were reluctant to provide access to meetings and documents, either by referring to superior commissions (CEC, Oblast EC), or by delaying referring LTOs to other instances (e.g. CEC or court).

### **Territorial- administrative division**

According to the Election Code, election commissions shall administrate preparations and conduct of elections in Kyrgyzstan, and provide implementation and protection of electoral rights of citizens of the republic. For the Parliament elections 2005 the election administration was organized in five levels:

- Central Election Commission (CEC): Six members are appointed by the parliament, another six and the chairperson are appointed by the president;
- Seven Oblast Election Commissions (Oblast ECs) and two city commissions: Batken oblast, Jalal Abad oblast, Naryn oblast, Osh oblast, Talas oblast, Chui oblast, Issyk Kul oblast, Bishkek city, Osh city;
- 75 Territorial Election Commissions (TECs);
- Rayon, City Elections Commissions;
- 2157 Precinct Election Commissions (PECs), administered by some 27 000 PEC members.

### **Composition of election commissions**

Amendments to the Election Code provide for greater inclusiveness of TEC and PEC membership, by guaranteeing that the composition of these bodies should consist of at least 1/3 of nominees from political parties. However, political parties were overall under-represented (27.2 percent), with a clear predominance of representatives of the two pro-governmental parties *Alga, Kyrgyzstan* and *Adilet*.

Moreover, in the composition of election commissions, the pluralism and gender balance was not sufficient. At lower level of election commissions, there were a higher representation of women; at TEC level most chairpersons were males and secretaries females, although the secretaries seemed to dominate the work; at PEC level the majority of the commission members were women. In comparison with the overall demographic figures, the representation of national minorities were underrepresented in election commissions.

## Voter and Civic Education

According to LTOs, election commissions were in generally well trained; TECs through the Oblast ECs and the PECs through the International Foundation for Election Systems (IFES)/CEC program. However, The Coalition of NGOs complained about lack of knowledge of election procedures among PEC members.

NGOs such as the regional and local representatives of the Coalition of NGOs, the National Democratic Institute (NDI) and the International Republican Institute (IRI) provided some voter education and training on election related issues.<sup>7</sup> Training observed by LTOs was professional and informative. Also local newspapers were informative, and gave clear instructions to voters on procedures prior to and on election day.

OSCE/ODIHR EOM observers on election day told that voters in general seemed to be informed and familiar with the election procedures. Some difficulties with voting procedures, such as refusals of inking, were observed, especially among elderly people. While training on election procedures was in general sufficient, LTOs noted lack of voter education on functions of the parliament and deputies.

## Voter Registration

According to the Election Code, the basis for inclusion in the voters' list was "permanent or predominant residence" of a voter in a specific constituency. EOM LTOs and domestic observers recognized the quality of voter lists as poor throughout the republic.

In addition to EOM's statements of inaccuracy of the voter lists,<sup>8</sup> LTOs noted that a large group of internal migrants were not officially registered at the place of their new residence. According to the Election Code, they should go back home to vote. This was however not possible, as most of them did not have money to pay for the fare. For example, according to Bishkek's Center for Social Initiatives, 77 percent of people arriving to Bishkek came from rural areas in search of employment.

Other problematic groups, which were not registered on voter's list, were people living in new housing blocks built without the state's permission, and some 100 000 voters comprised of those citizens who failed to have their passports renewed or exchanged due to a recent passport reform crisis.

The lack of proper lists caused confusion, and a large numbers of voters were added to additional lists.

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<sup>7</sup> The largest and most visible NGOs, which were providing training, and observing pre-election activities and election days, are financed by USA. NDI alone has 20 centres in Kyrgyzstan.

<sup>8</sup> See enclosure to this report, OSCE/ODHIR IEOM's *Statement of Preliminary Findings and Conclusions*.

## Shailoo State registration system

To manage the voting registry at the state level and to tabulate and report election results, the CEC made use of an electronic system, GAS Shailoo. The system had 75 local stations, which were based at the TECs in the district administrations. Before the elections the EOM noted that the system appeared to need more effective tools to manage the registry of voters, including the ability and to identify multiple registrations.

The TECs in general did not have any complaints regarding the Shailoo during the election period, neither the data input of results after the counting on election day. However, in 23 percent of the cases observed, EOM observers saw problems with the functioning of the system, including data input on election day 27 February.

## Candidate registration

389 candidates contested in the elections. Originally there were 425 registered, however 23 withdrew during the pre-election period, and 12 were de-registered. According to the Election Code, candidates can either be nominated by the parties/blocs or be self-nominated, and registration of single-mandate candidates is performed by the TEC. To stand as a candidate a 30 000 Som (750 USD) registration fee must be paid.

Although women in Kyrgyzstan constitute a majority of the population, only 39 (10 %) of the running candidates were women. The majority of these women (78 %) were self-nominated. There is no legal discrimination against women presenting their candidacy for elections, however structural barriers to women's increased participation in the political process remain vast. In its preliminary statement EOM noted that structural disadvantages to women's candidacies include the fact that women's professional opportunities are largely in lowly paid professions, consequently, they were more likely to face difficulties in paying the registration fee to run for the elections.

Of the 389 candidates, approximately 88 percent were of Kyrgyz ethnicity, 5 percent of Uzbek ethnicity, and 4 percent of Russian ethnicity.

In general, the EOM noted few complaints filed during candidate registration. However, five former diplomats were denied to participate as candidates in the parliamentary elections on the basis that they did not meet the permanent, in-country residency requirement of five years prior to candidate nomination. The disqualification of Roza Otunbaeva, a former foreign minister who ran against Bermet Akaeva (the daughter of the president), raised much publicity and protests by the opposition. Otunbaeva had been Kyrgyzstan's ambassador to London and the UN's deputy to Georgia – the kind of exile that the president Akaev were perceived to employ for his political opponents.

## The Election campaign

An amendment to the Election Code prescribes a common starting date for the election campaigning for all candidates. Campaign period was officially commenced on 2

February, following the conclusion of candidate registration, and should stop 24 hour before the voting.

In its preliminary statement the OSCE/ODIHR EOM noted that several shortcomings during the campaign affected the overall conduct of the elections. Repeated warnings by high officials of the danger of potential civil war, as well as efforts to associate the opposition with extremism had a negative effect on the overall election campaign.

According to the LTOs, campaigning started slowly, but became more visible during the campaign period. Nevertheless, the atmosphere of the campaign period was influenced by allegations of early campaigning, some of them being brought to court in attempts to de-register candidates, mutual accusations of vote buying, and administrative support for candidates allegedly backed by the authorities.

During the campaign period, the TECs organized meetings for voters with the candidates in almost all precincts. These were generally well received by the population, and mostly organized and conducted in an unbiased way, serving to provide useful information and the possibility to compare candidates. The LTOs observed that women all over the republic dominated and were extremely active in discussions, asking the most critical questions to the candidates.

## The Media

According to the EOM's preliminary statement, most media monitored did not provide impartial and fair coverage of the election campaign. Almost all media paid extensive attention to the president, rather than the role of the parliament or the candidates.

On 22 February, the operational of Freedom House Press, the only independent printing house in Kyrgyzstan, was suspended, as electricity was cut-off by the state-controlled energy company. Two days later, the state-controlled Kyrgyz Telecom stopped broadcasting nationwide Azattyk radio (Radio Liberty), which provided a more balanced coverage of the election with a greater diversity of opinions.<sup>9</sup> These acts were met with an extensive critic among the opposition candidates and domestic NGOs.

The LTOs noted that local newspapers published the required documents on polling stations location and boundaries and the PEC compositions. They published information on election procedures, free of charge as well as paid campaign materials by the candidates. Local newspapers did however refrain from editorial reporting on the campaign and candidates, which resulted in a lack of critical reporting and debate.

In accordance to the Election Code, all candidates were provided free airtime on the KTR, the state funded television and radio broadcaster. Some candidates doubted the impact of airtime on television, and preferred direct meetings with voters; candidates observed on the KTR by the LTOs were obviously not trained to perform on television.

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<sup>9</sup> Both Freedom House Press and Radio Azattyk are financed by local US-government.

## Observation on the Polling Day 27 February

The EOM observers visited some 865 polling stations. In general they reported a calm and well organized election day all over Kyrgyzstan.

However, according to the EOM's preliminary statement, observers assessed the voting and counting as poor or very poor in a notable 11 percent of the polling stations. The main problems observed were inaccurate voter lists, the presence of unauthorized persons in polling stations or family voting. There were also incidents of vote buying, effort to pressure voters or multiple voting.

The most positive aspects according to the EOM's statement included that a high number of voters were marked with ink, the presence of candidate observers as well as the presence of domestic observers in most polling stations. The EOM observers were also able to observe the input of results to the Shailoo in 96 percent of cases, which was a positive sign of increasing transparency.

### *Election Day Report from STO Ingebjørg Tønnessen*

The STO team was deployed to the Kochkor constituency in the Naryn province (approximately three hours drive south of Bishkek). Kochkor is a district situated on the historical Silk Road, and is today an important traffic junction between the A-365 leading to China and A-367 leading to the western provinces of Kyrgyzstan. The population of the district is 55 000, and 71 % of the families are classified as poor.

### **Political situation**

Prior to the elections, the situation in Kochkor had been calm, and it had not caused any particular concern from the EOM. Six candidates had registered for the election, amongst them the former first secretary of the region (from 1961 – 1985 while Kyrgyzstan was still a part of the Soviet Union) 85 year old Usabaliev. Another important candidate was the popular Japarov from the *Social Democratic Party*.

However, less than a week before election day, the situation in Kochkor got tense. This was due to the de-registration of three candidates, amongst them the popular Japarov. Two of the candidates were deregistered because they were accused of buying votes. The third candidate (Japarov) had initiated an effort to document by filming/photographing of one of these vote-buying incidents, and was de-registered for this effort. Many people in Kochkor were dissatisfied with the decision of deregistration. Demonstrations broke out in Kochkor town, and lorries blocked the important road to China for more than 24 hours.

As a result of the unstable situation in Kochkor, the deployment of all the STOs to the Naryn province was delayed. After a while the situation in the district stabilized, and the EOM decided to carry out the deployment of the STOs as planned.

During the STO teams stay in Kochkor, there were no major incidents of demonstrations or civil unrest among the population.

## **Observation of the opening**

On election day the STO team observed the opening of a medium sized polling station. The atmosphere during the opening procedure was calm and both party representatives and independent observers were present. As far as the team could see, there were no major breaches of the election code, although there seemed to be some uncertainty concerning the order of the different steps in the pre-opening procedures.

## **Observation of the polling**

The team observed the voting in nine different polling stations. The overall impression of the voting was quite good. There were observers present in all polling stations, and the team did not observe any police or military inside any of the stations. Some minor irregularities were observed, mainly family voting. Outside one polling station the team received a complaint from a man who accused supporters of one of the candidates of buying votes with vodka. The team was not able to verify this information. Except for this one complaint, none of the observers in the polling stations had any irregularities to report. During the election day the team never observed violence, ballot stuffing or other obvious instances of cheating.

## **Observation of the closing and counting**

The counting process was observed in a polling station with a little less than a thousand voters. There were several observers present at the counting, and the STO team as well as the other observers got a good overview of the process. The members of the PEC conducted the counting in an orderly manner, and there were no major disagreements among the members (or the observers) regarding the different ballots. Two missing unused ballots were the only problem observed during the counting. Unfortunately, the STO team was not able to identify how this problem was solved in the end. The result of the counting in the polling station was that a clear majority of votes was marked with the alternative “against all candidates”. All the members of the PEC signed the protocol, and copies of the protocol were issued to the STO team and to the other observers.

## **Observation of the tabulation**

The STO team followed the protocol to the TEC. Although there were several PECs and observers queuing up outside the room of the TEC, the situation inside this room was calm. As far as the team could observe, no irregularities occurred during the tabulation of results into the electronic Shailoo system.

The result of the counting in Kochkor was more than 60 percent “against all candidates”, which meant that there would be a re-election. This result can most likely be explained by the incidents of de-registration of candidates prior to election day.

### *Election Day Report from STO Erlend Hvoslef*

The STO team were deployed in Uzgen and Kara Kuldsja in Osh oblast. The day before the election, the team visited approximately 10 polling stations. The same number was visited on election day.

## Observation of the opening

The STO team started to observe the opening procedures at about 07.15 in one of the larger polling stations nearby in Uzgen city. The opening procedures was quite slow, and the PEC members did not seem on top of the situation; there were a number of unauthorized spectators inside the station; the control sheet was only put inside the stationary box; A15 to A24 in the opening form was not carried out; information-material was situated inside the polling station, but hidden behind curtains.

The polling station did not open before approximately 08.20. By this time a lot of people had gathered outside the polling station. Despite the extensive queue, the atmosphere was calm.

## Observation of the polling

The STO team started to observe polling stations nearby Uzgen city before travelling to the more distant region-centre in Kara Kuldsja. The team did not observe any problems with any of the stations visited nearby Uzgen. In Kara Kuldsja the situation was slightly different.

In a polling station in the middle of Kara Kuldsja city the STO team observed a very special situation and stayed here for nearly two hours. Even before entering the polling station one of the local observers reported several problems in the course of the day. Despite the heated atmosphere, the team could not see any faults in the actual voting procedures.

A local observer from the party *Alga, Kyrgyzstan* reported that the opening procedures were not finished before 09.15. One of the problems was missing materials in the safe (voter lists and stamp). The observer also told that four people earlier that day had entered the station without adequate papers and were, as far as she could determine, intimidating voters.

Furthermore, observers told that several persons were not allowed to vote, because they could not present a valid passport. When the STO team entered the polling station there were a lot of unauthorized people present, who were screaming, shouting and quarrelling. People were entering the localities both by the entrance door and by the exit-door. Two candidates, who were not supposed to be there, came in to try to quell the people. Two policemen also tried to achieve normal conditions, without managing to do so. The chairman of the commission left the polling station just after the STO team arrived and did not return before the STOs left the polling station.

In Kara Kuldsja the STO team visited two other polling stations where local NGOs reported several instances of multiple voting. They also told that the control at the entrance was insufficient. Although observers from Enemo told that there had been a lot of quarrelling in one of the polling stations, the STO team did not observe any wrongdoings.

In general, the actual voting procedures were sufficient in all polling stations visited by the STO team. Exceptions were the availability of information-material. The STO team seldom saw the material inside the polling stations. Normally the material was situated in the hall leading up to the stations. And only in a few places the protocol with the right numbers filled in had been hung up on the wall.



## Observation of the closing and counting

The STO team followed the closing and the counting procedures in a village nearby the city of Kara Kuldsja.

Everything was done according to the rules, and the team could not see any faults or deliberate wrongdoings. The station closed at 20.00 and the counting started immediately. A lot of observers demanded that the commission did the counting transparent and fair. There were some discussion regarding some ballots. Some of the observers thought that these ballots should be maculated, however this was overruled by the commission.

The STO team received a signed copy of the protocol and followed it to TEC. Soon after arriving at TEC, the numbers of the protocol were thoroughly controlled. The chairman found some faults in his numbers. Many other chairmen had the same problem. As far as the team could see, the faults were not deliberate, but most likely due to a rather complicated form.

## Observation on the Polling Day 13 March

According to the Election Code, candidates will be elected if they receive at least 50 percent of the votes cast in the constituency. If no candidate in a constituency receive an absolute majority, a second round of elections should be held two weeks later. On 13 March there was a re-round in 39 constituencies.

In its press release on 14 March, the OSCE/ODIHR EOM stated that the election showed some technical improvements over the first round, but significant shortcomings remained. In certain polling stations, some observers had been restricted in ways preventing them from thorough observation. Furthermore, vote buying and groupings of unidentified individuals appeared to co-ordinate outside of polling stations, and allegations of voters being transported to more than one polling station was reported to the EOM observers.

### *Election Day Report from STO Erlend Hvoslef*

The STO team was deployed in part of Osh city and Aravan region in Osh oblast. The two candidates were connected to the pro governmental party *Alga, Kyrgyzstan*. On the last day before the election, the team visited approximately ten polling stations. On election day six stations were observed for approximately 60-75 minutes each.

Due to few observers for the second round, the STOs were asked to stay longer in each station applying a different method than in the first round; Observers were asked to report general impressions from the polling stations visited, because there would be too few forms to make reliable statistics.

## Observation of the opening

On election day at about 06.45 the STO team observed opening procedures at one of the larger polling-station in Osh city. The opening procedures were quite efficient, though some heated discussions between one candidate observer and the chairman were observed. Prior to opening, the chairman threatened twice to expel this particular

observer. The observer felt the chairman's vision of the procedures was limited. She wanted the chairman to rearrange parts of the room. The chairman eventually made some changes in an effort to meet with her requirements. The station opened on time.

One local observer complained about the location of this particular polling station. The station was located at the headquarters of one of the candidates to the parliament. A big poster with the name of this candidate was placed above the entrance of the polling station.

## **Observation of the polling**

In general, voting procedures were, as far as the team observed, done according to rules. One local observer did complain about 15-20 elderly sitting outside drinking tea and eating bread. He thought their presence could make a pressure on the voters. However, another possibility was that the elderly were simply celebrating the day.

From the LTOs in Osh city the STO team was informed about complaints from local observers in one of the polling stations. Approximately 60 persons had been transported to the polling station in minibuses. They had been celebrating in the street outside the station. Local observers could not tell if this had been done to get voters to vote for one of the candidates or as a gesture to help people get to the polling station. In this station local observers said that they accepted old Soviet passports as ID, although these passports were illegal to use after July 2004.

Furthermore, in another polling station one of the candidate observers told us that the chairman had prohibited filming inside the station. Except from the discussion about filming, local observers told us that everything had been calm and quiet and was done according to rules. This station was one of few stations with a protocol on the wall with the numbers filled in.

Updated voter's list was used and additional lists were comparatively short. Impression was that inaccuracies were minimal. There were some inconsistencies with inking procedures. In one PEC the inking was done randomly on either left or right – sometimes both fingers. Very occasional incidents of family voting were observed.

## **Observation of the closing and counting**

There were a lot of people outside the polling station were the STO team observed the closing and counting. Most of the people were waiting for the counting to start, but some were late voters. Two or three people were turned away at the door. One of them was prohibited from entering the station because he was drunk. In the last 15 minutes before closing, several people were not inked properly.

The station closed at 20.00 and the counting started immediately. The counting was done very efficient and almost without interference from local observers, and finished by 23.00. At about midnight the protocol was transported to the TEC in Aravan.

The STO team was given a signed copy of the protocol and followed it to the TEC. The chairman and the secretary waited for approximately two hours before they could get the protocol controlled. The chairman found some faults in his numbers. Many other chairmen had the same problem. The faults were apparently not deliberately done, but rather due to a complicated form.

*Election Day Report from LTO Linda Kartawich*

The LTO team observed polling stations in the constituency Ysyk-Ata in Chui oblast where the oppositional candidate Kulmurzaev Turgunbek ran against pro-governmental candidate Avasbek Momunkulov. The voting was held against the background of Kulmurzaev claiming Momunkulov for violations such as vote buying; the pre-election atmosphere was tense and the public interest of the outcome was high.

## **Observation of the opening**

The opening procedures seemed to be in accordance with prescribed procedures. However, the PEC chairman did not announce the procedures step by step, which created confusion among observers and uncertainty concerning the order of the procedures. Candidate observers and non-partisan observers were restricted on their position in the polling station. Only the OSCE/ODHIR observers were given access to observe the opening process in a meaningful manner. Police and unauthorized persons were present, such as the head of the school where the polling station was situated.

## **Observation of the polling**

The atmosphere and quality of the organization and the voting procedures varied significantly between polling stations. Whereas most polling stations were calm and well organized, PECs in some polling stations performed voting organization in a biased manner, especially with regards to access of observers to the process, and the presence of police or other unauthorized persons in and around the polling stations. Additionally, domestic non-partisan observers often were passive and seemed intimidated.

In one polling station the chairwoman from the TEC, a representative from the CEC and the police were present to solve a conflict raised by a candidate proxy accusing the PEC of violations. The turnout in this specific polling station was almost 90 percent at 16:00, and it seemed as the polling was being closed about that time; the PEC disappeared and a lady started to clean the floor. However, after a while the polling station was reset to normal polling conditions.

## **Observation of the closing and counting**

The LTOs observed the closing at the same polling station that they observed the opening. Unauthorized persons were still present, and the counting was performed in a biased manner. The LTOs observed a PEC member signing empty spots in the voter's list, while another member was trying to cover her acts. The LTOs were denied to check the signature on the voter's list.

During the counting all observers were told to keep a distance from the table where counting took place. Only the OSCE/ODHIR observers were given access to thorough observation. According to candidate Kulmurzaev's observers, the number of ballot papers counted by PEC did not match with the numbers of persons who voted during election day. However, the chairman ignored the observer's complaints, and delayed the transportation of protocols to the TEC by inviting unauthorized persons to a separate room in the building.

The result of the counting showed a significant high number of votes in favor to pro-governmental Momunkulov. The LTOs escorted the protocol to the TEC, where they were welcomed to observe the input of result into the Shailoo.

## The review of Complaints Process

According to the OSCE/ODIHR EOM the amended Election Code failed to establish a clearly defined complaints and appeal process with a single hierarchical structure of responsibility. Not surprisingly, this resulted in a substantial number of complaints regarding vote buying being sent to various authorities, including the prosecutors' offices.

Court cases in almost all constituencies, some of them monitored by the LTOs, showed great reluctance by district courts (and TECs) to consider complaints that might result in the de-registration of candidates. Most claims were rejected on the level of the district courts and referred to the Supreme Court by the claimants. In most instances, the Supreme Court overturned district court decisions, and in some cases de-registered candidates on minor allegations. Court proceedings showed that opponents in court had very different opportunities, the assessment of witnesses and evidence was biased and witnesses of opposition candidates seemed intimidated and afraid to speak out.

In the post-election period of the 27 February polling, the LTOs noted a significant number of complaints by several of the candidates who lost, some of them filing complaints to court and to the CEC, some inspiring or organizing protest rallies. Most candidates the LTOs met with showed a lack of confidence in the system and a tendency to resort to alternative and informal means of solving election related problems. Protest activities were generally non-violent, and no incommensurate or violent interference of security forces was observed. Protests focused on vote buying, authorities supporting pro-government candidates and interference of officials in the election process, distrust towards governmental authorities, as well as alleged violations by the TECs and biased decisions made by district courts as well as the Supreme Court.

### De-registration

In its preliminary statement the EOM noted that provisions for de-registration of candidates were applied inconsistently and disproportionately, often on minor technical grounds. Additionally, the Election Code appeared to be less stringently applied to candidates that were perceived as favored by the authorities.

Less than a week prior to the 27 February elections, de-registration of three candidates in Naryn oblast raised public protests, and the local residents blocked the main road. The protests were followed up in Issyk-Kul oblast. As a consequence, the election in the region was delayed. The atmosphere, however, calmed down. Against this background lots of voters voted "against all candidates" in constituency Ton (Issyk-Kul oblast) and Kochkor (Naryn oblast). The opposition in Bishkek and Chui oblast later referred to these demonstrations in a supportive and inspired manner.

Prior to 13 March polling, court cases resulted in de-registration of two candidates in Chui and Naryn. As a consequence, the CEC postponed the second election round to 20 March in these constituencies. The de-registrations raised protests and public gatherings among the opposition and non-violent demonstrations followed.

## Conclusions and recommendations

The OSCE/ODHIR EOM concluded that the 27 February 2005 parliamentary elections in Kyrgyzstan was more competitive than the previous elections. However, it fell short of the OSCE commitments and other international standards for democratic elections in a number of important areas.

In addition to the EOMs conclusions and recommendations<sup>10</sup>, the LTOs recommended:

- A more extended and efficient voter education, especially regarding the functions of the parliament and deputies, should be encouraged, thus reducing the expectations and feasibility of vote buying and local focus of both candidates and voters;
- More efficient and proper voter registration and increased opportunities for voting by the great number of internal and external migrants;
- Remove restrictions on media reporting, and facilitate the development of independent central and local media.
- Improvement in the approach towards gender issues.

Positive aspects of the election process noticed by the EOMs are supported by the LTOs direct observations, including:

- Competitive races in many constituencies;
- A relatively well-developed civil society was active in, and contributed to, the electoral process;
- The TECs and the PECs worked efficiently;
- Voter meetings organized by TECs were popular with voters and featured considerable voter interaction with candidates, often led by women;
- Transparency measures at polling station level, including marking voters with ink as an anti-fraud measure.

## Comments on the election observation mission

Two out of twelve positions in OSCE/ODHIR EOM core team to the parliamentary elections in Kyrgyzstan were possessed by women, the political analyst and the logistic officer (who functioned more as an assistant for the logistic senior officer). Additionally, core team members had an assistant each, only young females. A gender analyst was seconded only for three weeks, and there was no focus on gender issues before or after her participation.

The lack of gender perspective and gender balance in the EOM does not correspond with OSCE's effort to enhance equality between women and men by mainstreaming gender issues into all areas of its work. Neither does it correspond with the overall policy of ODHIR being an advocate of equality and democratic principals. On this ground, the

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<sup>10</sup> See enclosure to this report, OSCE/ODHIR IEOM's *Statement of Preliminary Findings and Conclusions*.

LTO recommends ODHIR to improve gender equality in its own organization, and be a role model for institutions that are being monitored.

However, the core team included their assistants, and long-term observers seemed to be highly qualified and dedicated people who did their utmost for the mission to succeed.

## Appendices

(Not published in the web edition)

1. OSCE/ODHIR Statement of Preliminary Findings and Conclusions.