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European Network of Election Monitoring Organizations International Observation Mission Kyrgyz Republic Presidential Election 2005	Шайлоого байкоо жургузгон уюмдардын Европа тармагы Кыргыз Республикасындагы миссия Президенттик шайлоо 2005
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PRELIMINARY REPORT ON FINDINGS OF THE ENEMO OBSERVATION MISSION TO THE 2005 KYRGYZSTAN PRESIDENTIAL ELECTION

Bishkek, July 11, 2005

This preliminary report is offered by the European Network of Election Monitoring Organizations (ENEMO), a group of 17 civic organizations from 16 countries of the former Soviet Union and Central and Eastern Europe. These nonpartisan organizations are the leading domestic election monitoring groups in their countries. In total, ENEMO member organizations have observed more than 110 national elections and trained more than one hundred thousand election monitors. ENEMO seeks to support the international community's interest in and support for democracy in the post-communist countries of the Organization for Security and Cooperation in Europe (OSCE) region, to assess electoral conditions and the political environment in these countries, and to offer accurate and impartial observation reports. ENEMO international observation missions evaluate the electoral process using international standards for democratic and fair elections and benchmarks in the assessed country's legislation and constitution.

In 2005 ENEMO observed the parliamentary elections in Kyrgyzstan held on February 27 and March 13 and the presidential election on July 10. For the presidential election, ENEMO deployed 14 long-term observers to all seven oblasts in Kyrgyzstan and 26 mid-term observers in Russia and Kazakhstan to monitor the preparation and conduct of out-of-country voting. For election day, ENEMO deployed an additional 40 experienced observers from 13 countries throughout all oblasts of Kyrgyzstan and monitored the election process in more than 400 polling stations in total in Kyrgyzstan, Russia, and Kazakhstan. ENEMO received technical and financial assistance from the National Democratic Institute for International Affairs, through a grant from the United States Agency for International Development and received financial assistance for its out-of-country observation from the OSCE. ENEMO has also cooperated with the OSCE, the Coalition for Democracy and Civil Society and other observation groups.

ENEMO observation mission to Kyrgyzstan seeks to provide Kyrgyz citizens and the international community an impartial assessment of the election process in the context of the developments following the flawed 2005 parliamentary elections. This preliminary report was compiled based on observation findings compared to international standards for democratic elections and electoral legislation in Kyrgyzstan. In previous reports ENEMO

has described in more detail the pre-election period and ENEMO's findings from its long-term observation effort. ENEMO's reports on the Kyrgyzstan election are available at www.enemo.org.ua.

The ENEMO mission wants to emphasize that this preliminary report does not render a final assessment of the whole election process, since more observation of the announcement of results and challenges during the complaint period might be needed.

SUMMARY OF FINDINGS AND OBSERVATIONS

ENEMO's observations of the pre-election period and election day on July 10 show that the election process has been improved significantly compared to previous patterns of seriously flawed elections. The election environment around the 2005 presidential election was largely free of vote-buying, voter intimidation, harassment of journalists, and massive misuse of administrative resources. ENEMO commends Kyrgyz citizens for their activism in the electoral process.

Election day was peaceful and orderly in most places in Kyrgyzstan, while out-of-country voting was conducted in a less organized fashion. In a few precincts in Kyrgyzstan, however, ENEMO observers documented cases of serious fraud and violations. These included ballot box stuffing, illegal campaigning, allowing voters to vote without first checking their fingers for ink, intimidation of observers, and limited access for election observers.

ENEMO acknowledges the work of all election administration officials in organizing the presidential election in a shortened timeframe. ENEMO notes, however, that the Central Election Commission (CEC) lacked, to a certain degree, transparency and efficiency. These shortcomings resulted in the provision of inconsistent and incorrect information to candidates regarding registration deadlines and failure to meet other crucial election administration deadlines, such as for the distribution of election materials, including voter list stands, to lower level commissions. The conduct of most precinct election commissions (PECs) was evaluated by ENEMO observers as relatively good. However, some minor irregularities in the work of PECs were reported on a frequent basis.

The quality of voter lists remains a serious long-term problem, despite various efforts to update and correct them. The time and conditions for a comprehensive update of the lists have been quite limited.

The election campaign was without serious violations, and after the tension of the events of June 17, when supporters of presidential hopeful Urmat Baryktabasov stormed the presidential administration building, the situation was stabilized, campaign events were peaceful, and no violence was reported. On the national level, one candidate's campaign was far more visible than others; however, voters had opportunities to familiarize themselves with the programs of all candidates through the media, public meetings with candidates, and special election newspapers.

Kyrgyz civil society and media were very active in conducting voter education projects, get-out-the vote campaigns, and nonpartisan election monitoring.

ELECTION DAY OBSERVATIONS

The following are the most serious election day violations ENEMO observers witnessed.

Ballot Box Stuffing

ENEMO observers registered serious isolated incidents of ballot box stuffing, mostly in Jalalabad and Issyk-Kul Oblasts:

- ! PEC 2010, Suzak Rayon, Jalalabad Oblast: After the closing of the precinct, a member of the PEC unsealed the ballot box and stuffed a number of ballots into it;
- ! At the same PEC during the vote count, the chair of the PEC stuffed an additional 150-200 ballots into the stack of ballots from the ballot box. The ballots had been marked for Kurmanbek Bakiev;
- ! PEC 2126, Suzak Rayon, Jalalabad Oblast: Ballots were seen folded together lying in the ballot box, as though inserted together; and
- ! PEC 3184, Kyzylsu Village, Jety Oguz Rayon, Issyk-Kul Oblast: ENEMO observers registered ballot stuffing.

Restricted Access of Observers

While ENEMO observers were allowed into most polling stations, in a few cases, ENEMO observers were impeded in carrying out their responsibilities as international observers:

- ! At PEC 6012, Manas Rayon, Talas Oblast: a conflict between ENEMO observers and a policeman took place. The policeman was under the influence of alcohol. The policeman denied access to the polling station and threatened ENEMO observers;
- ! PEC 2093, Jalalabad city: ENEMO observers were provided with limited access to the vote count, since they were seated more than three meters away from the actual place of the vote count; and
- ! PEC 170, Karasuu Rayon, Osh Oblast: ENEMO observers witnessed ballot box stuffing. Local police were called to the polling station after Bakir uulu observers filed an official complaint, which the ENEMO observers witnessed. ENEMO observers were later followed and intimidated by a group of unknown individuals.

Illegal Campaigning

ENEMO observers noted several examples of illegal campaigning on election day:

- ! PEC 138, Karakol city, Issyk-Kul Oblast: representatives of the Bakiev campaign conducted illegal campaigning near the PEC; and
- ! PEC 3212, Jety Oguz Rayon, Issyk-Kul Oblast: A woman came to the PEC and campaigned for Bakiev.

Unauthorized Representatives at Polling Stations

Throughout election day, ENEMO observers noted representatives of local authorities and security forces present at polling stations, without the express permission of the PEC. This seemed to be at the initiative of local authorities and not centrally organized.

- ! PEC 138, Karakol city, Issyk-Kul Oblast: State authorities were present at the PEC;
- ! PEC 4043, 4051, Naryn Oblast: Local authorities and police officials were present at PECs;
- ! PEC 2131, Jalalabad Oblast: A member of the local akim, the local government authority, was present; and
- ! PEC 90, Issyk-Ata Rayon, Chui Oblast: two members of the militia were monitoring voting;
- ! PEC 59: The director of the school in which the precinct was located was present at the precinct throughout election day and took part in the vote count;
- ! PEC 473, Uzgen, Osh Oblast: the mayor of Uzgen was present at the precinct; and
- ! PEC 2030: Representatives of law enforcement bodies were present at the precinct and watched the vote count.

Vote Counting

At more than half of the precincts ENEMO observed, the process of vote counting was implemented in accordance with the legislation of the Kyrgyz Republic. However, there were irregularities at 41 percent of the precincts monitored by ENEMO observers during the voted count, and 23 percent of these precincts had gross violations of the Electoral Code. Most of the violations were related to commissions not following the procedures for vote counting, not including all commission members' signatures in the protocol, filling in protocols with pencil or only after arriving at the rayon commission. ENEMO observers evaluated the process of vote counting and turning in protocols at the rayon election commissions as poor, at 14 percent of RECs, and very poor, at 18 percent of RECs.

Generally the counting process proceeded in accordance with Kyrgyz election legislation; however, in some cases protocols were filled in incorrectly:

- ! PEC 3184, Jety Oguz Rayon, Issyk-Kul Oblast: PEC members filled out the protocol without conducting an accurate count;
- ! PEC 3063, Tyup Rayon: PEC members filled out one protocol, while members of the regional election commission (REC) filled out another for the same precinct. The information in the two protocols was not in agreement; and,
- ! PEC 57, 69, 105, Uzgen, Osh Oblast: PECs delivered partially completed protocols to the regional commission.

- ! PECs 59 and 134:., Changes to the voter lists were made in pencil ;
- ! PEC 57, Osh Oblast: The chairman of PEC 57 delivered blank protocols to the REC.
- ! PEC 171, Nookan rayon, Jalalabad oblast: The PEC delivered a protocol completed in pencil to the Nookan REC. The protocol was rewritten at the REC.
- ! PEC 2030: The protocol turned in to the REC only included the number of voters and number of received ballots; the rest of the information required on the protocol was filled in at the REC.

Organized Transport of Voters to Polling Stations

Throughout election day, and primarily in Bishkek, ENEMO observers witnessed transportation of voters to polling stations, organized either by the CEC or local authorities. The Kyrgyz electoral code is not clear on the legality this practice. However, for practical purposes, this practice raises concerns about potential voter coercion. When asked, some members of PECs were evasive about the organization of this transportation.

OUT-OF-COUNTRY VOTING

The ENEMO mission observed voting of Kyrgyz citizens on election day in precincts established by the CEC in Russia and Kazakhstan. ENEMO deployed 26 observers in Russia and Kazakhstan in the pre-election period and on election day. Most violations observed had the same character as violations observed within Kyrgyzstan and can be attributed to shortcomings at the PEC level, often due to inadequate preparation time. Uncertainties and gaps in the Kyrgyz election law facilitated contradictory instructions from different government bodies and created an unnecessarily chaotic voting process.

ENEMO observers reported that representatives of Russian security forces near precincts confiscated passports of Kyrgyz citizens who lacked the requisite Russian residency permit, a practice which may have deterred Kyrgyz citizens from exercising their right to vote. This occurred in Moscow, Saint Petersburg, and Yekaterinburg. The Kyrgyz government eventually reached an agreement with the Russian authorities to stop this practice. In addition, representatives of the Russian traffic police, who were guarding a polling station at the Cherizovsky market in Moscow, demanded payment from PEC members in order to escort them to the polling station.

In Yekaterinburg, Russia, polling station commissioners were instructed on election day by the CEC to open a second polling station. The PEC in Yekaterinburg had formed a single voter list and was uncertain how to fill out the protocol.

ENEMO observers noted with concern that polling stations in Kazakhstan and Russia received ballots far in excess of the number of voters registered at those precincts. In Novosibirsk, Russia, the number of voters on the voters list was 566, while the number of ballots received by the PEC was 4,229. Also, in Moscow at PEC 1162-2, voters were allowed to vote when they presented only photocopies of identification. This practice was observed at other polling stations in Russia and Kazakhstan.

WORK OF ELECTION COMMISSIONS

During the preparations for the Kyrgyzstan presidential election, much attention was paid to the training of election commission members. However, the performance of election commissions still fell well short of expectations. ENEMO observed the following violations:

Almost all polling stations were opened on time, but at many stations, commission members did not draw lots to determine each commissioner's responsibility on election day, or the process was conducted in the office of the PEC chairman in the absence of observers (Naryn Oblast, Narynskii Rayon, PEC 4042; Jalalabad Oblast, Nooken Rayon, PEC 2166). The number of voters and ballots distributed to precincts was not consistently announced and included in the enlarged copy of the protocol posted at polling stations (Jalalabad Oblast, Nooken Rayon, PEC 2166). Pencil notes, for instance, "gone to Bishkek," "soldier," and "in hospital," were filled in by voters' last names on some voter lists (Naryn Oblast, Narynskii Rayon, PECs 4037, 4040, 4042, 4043).

CEC informational posters about candidates were absent at many polling stations, up to 15 percent of all precincts monitored by ENEMO observers. Sample ballots were also missing in 39 percent of all precincts visited by ENEMO observers. Precinct election commissioners explained the absence of these materials by stating they were following an order from their rayon election commission, which claimed the order came from the CEC.

The work of the CEC was more open than in previous pre-election periods, but some CEC members made remarks not compatible with their status as impartial commission members. For example, during a live broadcast from the CEC informational center, CEC member Bolot Nurbaevich Malabaev stated that the Kyrgyz people made their choice on March 24-25, and now voters are just confirming that choice. Such statements are not impartial and can influence voters. Before the CEC moved from its old location in the presidential administration building, it did not provide unhindered access of observers to its meetings and did not disclose the time and agenda for its meetings and other important election administration information.

CONCLUSIONS AND RECOMMENDATIONS

ENEMO recognizes that improvements were made in the electoral process in a short time. Many challenges lie ahead for Kyrgyzstan's citizens and their elected representatives, however, if they are to conform fully all electoral practices to international standards. In order to improve the democratic election process in Kyrgyzstan, ENEMO makes the following recommendations:

- ! Adopt a new election code to bring the election legislation of Kyrgyzstan in line with democratic principles, amending, for example, the candidate registration requirements (e.g. abolishing the Kyrgyz language test), clarifying the campaign rules, shortening the time period for the ban on the publication of opinion polls;
- ! Establish clear rules for out-of-country voting, and ensure that such voting is controlled by the CEC;

- ! Introduce a new system of voter registration; allowing systematic, regular and flexible updates of voter lists ahead of elections;
- ! Allow domestic and international non-partisan observers unhindered access to all stages of the election process and relevant documents;
- ! Provide more systematic training of election commissions; and
- ! Increase transparency of election commissions, including the Central Election Commission.

ATTACHMENT A ELECTION DAY EVALUATION

OBSERVERS EVALUATION					
Procedure	PECs covered	Grade			
		Very Good	Good	Bad	Very bad
Opening	33	55%	24%	3%	18%
Voting	400	67%	22%	2%	10%
Counting	40	55%	15%	18%	23%
REC	22	64%	5%	14%	18%