



European Network of Election Monitoring Organizations International Observation Mission Kyrgyz Presidential Election 2009	Шайлоого байкоо жүргүзгөн уюмдардын Европа тармагы Кыргыз Республикасындагы миссия Президенттик шайлоо 2009
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PRELIMINARY STATEMENT ON 2009 PRESIDENTIAL ELECTION IN THE KYRGYZ REPUBLIC

The European Network of Election Monitoring Organizations (ENEMO) fielded 20 short-term observers to monitor the 2009 presidential election in Kyrgyzstan on July 23, 2009. The short-term observers from leading election monitoring groups from 11 countries observed all stages of the voting process, including the opening, the vote, the vote count and the tabulation of results in polling stations and rayon electoral commissions throughout the country. During election day, ENEMO observers visited 210 polling stations.

SUMMARY OF FINDINGS AND CONCLUSIONS

- ENEMO concludes that, although the presidential election was conducted peacefully overall, it was negatively affected by serious violations during voting and vote counting procedures on election day. Stuffing of ballot boxes, multiple voting, abuses of the provision for early voting, and denying access to observers during crucial aspects of vote counting and tabulation at the district election commissions (DECs) will likely undermine public confidence in the election process.
- The pre-election period revealed a number of cases of organized and coordinated pressure on the electorate, especially state employees; harassment of opposition political party activists; intimidation of journalists and representatives of non-governmental organizations (NGOs); and highly unbalanced news coverage and uneven access to state media for the competing candidates.
- ENEMO acknowledges the positive role of both domestic and international observers to ensure the protection of voters' rights and the independent evaluation of the electoral process. The Central Election Commission (CEC) charged the Alliance of Civic Organizations for Voters' Rights "It's Time for MY Choice" (Alliance), a coalition of domestic election monitoring organizations, with electoral violations after a separate organization published the Alliance's pre-election observation report on the internet during the restricted five-day period

when election reports are not permitted. The accusations of the CEC were an artificial, targeted attempt to intimidate domestic observers and obstruct their work on election day, negatively affecting the transparency of the election process.

- ENEMO appreciates the openness extended by the Central Election Commission and Ministry of Foreign Affairs regarding the smooth accreditation of international observers.
- Even though the election code clearly stipulates the rights and responsibilities of international observers, some members of district (rayon) election commissions denied access to ENEMO election observers to tabulation processes at the DEC.
- ENEMO appreciates the activity and efforts of many election commission members that performed their duties professionally and in an orderly manner.
- On the one hand, recent changes to Kyrgyzstan's election legislation extended the right to vote by allowing voters to be added to the voters' list even on election day. On the other hand, the cancellation of finger-inking procedures and other checks on duplicate voting increased the opportunity for multiple voting violations.

ELECTION DAY FINDINGS

On election day, the ENEMO observers reported a number of violations that were repeated all day long across the entire country at many polling stations, as well as a number of isolated violations. The most frequent violations recorded on election day are listed below. These include the process of opening polling stations, the unprofessionalism of many precinct election commission (PEC) members, and chaotic voting processes at many polling stations. In ENEMO's opinion, some of these violations arose as a result of new features of the amended election law, such as early voting and the scheduling of election day on a working day. These new features have also provided the opportunity for a number of other violations, such as forcing voters into polling stations and ballot box stuffing by PEC members. Furthermore, many ENEMO observers were denied access to the district and city election commissions. The ENEMO observers evaluated election day processes as "bad" or "very bad" in 14.3 percent of all polling stations observed.

Professionalism of the Precinct Election Commission Members

Cases were noted when PEC members were outside of the voting premises at PEC 1055 of Bishkek, Leninski rayon. Also, the secretary of PEC 3216 in the village of Bokombaevo in Issykkul rayon did not remain at the polling station. Furthermore, in the morning there were already 26 mobile voter requests at this precinct, and they were filled out by the same pen. At PEC 3138 in Karakol, Issykkul rayon, an underage girl served as an acting PEC member. Furthermore, the PEC report on the polling station opening procedures was not filled out.

At PECs 3090 and 3091, the voters list did not have notes next to the names of those who had voted early. The ENEMO observers also noted that the precinct commissioner held the ballot box in his arms at PEC 2375 in Jalalabad, Bazarkorgon rayon. At PEC 3227 in the village of Bokombaevo, Issykkul rayon, the control lists were not filled out or signed properly, and the voters list did not have notes next to the names of those who had voted early. At PEC 3216 in Bokombaevo, both the secretary and the chairperson were absent. They arrived later in a state of drunkenness and suggested that the ENEMO observer present should gather around the table with them.

Busing of Voters

During the course of the day, voters were transported by cars to PEC 8162 in Kyzylkia, Batken rayon. Young men dressed in Ak Jol party uniforms were forcing voters into the polling station.

Violations of the Rights of Observers, including International Observers

In some cases, ENEMO observers were denied full access to monitoring all actions of the election commissions – in particular access to the main and additional lists of voters. For example, at PEC 14 in Balykchy, Issykkul oblast, the PEC chairwoman did not allow observers to review the additional voters' list. At PEC 8116 in Kadamzhajsky rayon, Batken oblast, PEC chairman K.P. Adylov ordered an observer from the Social Democratic Party of Kyrgyzstan (SDPK), D. Abdilamitov, to leave the polling station, with the excuse that there was already one SDPK observer at the PEC, even though there were multiple observers present from several other parties. In addition, the chairman spoke to observers and party proxies in a very aggressive manner, tore up official observer "acts" (written complaints) about ballot stuffing, placed the observers in a remote part of the room, and did not allow them to move across the polling station. Several ENEMO observers also reported that they were not allowed to observe the DEC's – in particular the DEC of Leninski rayon in Bishkek. At DEC 4 in Kochkor, Naryn oblast, ENEMO observers were at first denied access and, only after 20 minutes of negotiations, were they given access to the premises for observation.

Ballot Stuffing

At PEC 8159 in Kyzylkia, Batken oblast, ENEMO witnessed ballot stuffing by PEC members. The official written acts of domestic observers were torn up and destroyed by both the chairperson, Midimova Venera Abdramovna, and the secretary, Ushtarova Arapat Sarymsakovna. Later, these PEC members threatened the observers with expulsion from their college (the observers appeared to be students of the same college in the polling station building). At PEC 120 in Naryn, local observers filed an official act regarding the stuffing of two ballots in the ballot box by the members of the election commission. Members of the precinct commission accused the observers of drunkenness, and the district election commission sent representatives of law enforcement bodies to the given polling station. Later, the observers were allowed to remain at the polling station.

Violation of Voting Secrecy

At PEC 86 in Talassky rayon, Talas oblast, the chairman of the rural government, Abdulgaziev, pointedly observed the actions of voters in the voting booth and observed how they voted, which is a violation of the election code.

Presence of Unauthorized Persons at the Polling Stations

At PEC 3216 in the village of Bokombaevo, Issykkul oblast, the head of the administration of Tonski rayon was in the polling station and asked domestic and international observers about whom they represented. The public prosecutor of the rayon came later and asked about the number of votes cast. In addition, the owner of the building came later to find out about the number of votes cast.

Problems with Voters Lists

At PEC 8164 in Kyzylkia, Batken oblast, 200 people had already been registered on the additional list in the morning. The PEC Secretary Ismailova Matljuba Mamdzhonovna asked the ENEMO observer not to report on such a high number of voters on the additional list. The ENEMO observer noted discrepancies between the census-based list and that used on election day, which included voters who had arrived from Russia and Kazakhstan and names of people that left the country a long time ago, but were now present on the voters list. Also, a considerable number of voters voted with the reference papers from their place of residence, which is not a valid form of identification according to the election code. In PEC 133 and 134 in Naryn oblast, voters were permitted to vote with self-written declarations of their address.

At PEC 1152 in Bishkek, October rayon, people from the microrayon Tunguch were not included in the main list of voters despite the fact that they were registered in the area. In addition, observers noted that the chairperson assistant of the DEC voted two times, once at PEC 1152 and once at 1553.

At PEC 8155 in Kyzylkia, Batken oblast, the turnout by 3 p.m. was 96 percent. Several cases were noted in which the voters list had signatures for voters who had not yet taken part in voting. The ENEMO observer witnessed five such cases in which voters found their names on the voters list but discovered another signature instead of theirs.

Vote Count Process

When PEC 185 of Alamudun rayon in Chui oblast was declared closed, members of the commission left and came back when the vote counting began. The counting process was carried out chaotically and with violations of the election code. The vote count was not transparent, and the protocol was filled out in a separate room by the commission chairperson Abdullaeva Salatubi Bahirdinovna. At PEC 132 in the village of Dzerzhinsky in Bazarkorgon rayon, Jalalabad oblast, the protocol was not filled out.

One special difference of this election from others was the considerable number of early voters, since the election was carried out for the first time on a work day (Thursday).

ENEMO believes that the decision to hold the elections on a work day could have affected free will of voters to carry out their constitutional right to suffrage, because the

polling stations were open from 8 a.m. until 8 p.m., and the general working hours of citizens of Kyrgyzstan are from 9 a.m. to 6 p.m. First, working voters may have needed to leave their work early to vote. Secondly, they may have been subjected to pressure by their supervisors.

Observers reported that early voting was permitted for workers with a 10 hour work day, which is not one of the conditions for early voting. The ENEMO observers noticed that there were cases when the voting premises had not been properly prepared for election day. In addition, there were repeated cases when the early voters were not marked on the main lists of voters, which is a violation of the election code.

CONCLUSIONS AND RECOMMENDATIONS

ENEMO offers the following key recommendations:

- The electoral process in Kyrgyzstan would benefit from providing all candidates and political parties equal conditions, particularly with respect to equal representation of candidates and political parties on election commissions at all levels, equal access to the media, and balanced media coverage.
- All complaints of voter fraud should be vigorously investigated and impartially resolved.
- The protocol data from all precincts should be published in a timely manner on the CEC's website.
- The principle of "one voter, one vote" needs to be ensured by adding provisions against multiple voting (updated voters lists, limited early voting, indelible inking of fingers).
- The organization of Kyrgyzstan's elections needs further improvements, such as comprehensive training of election commission members, a centralized and regularly updated voter registry, clear procedures for calling elections, and a fixed date and year for elections.
- Freedom of speech and assembly should be guaranteed for all citizens of Kyrgyzstan.
- The impartiality of state and local authorities during the election campaign, preparation, and conduct of elections is a precondition for free and fair democratic elections.

This report was written in English and remains the only official version.

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European Network of Election Monitoring Organizations (ENEMO) is a group of 19 civic organizations from 17 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 200 national elections in their countries, monitored more than 100 elections abroad, and trained over 200,000 election monitors.

Since 2004 ENEMO has conducted multiple international election observation missions to Ukraine, Kyrgyzstan, Kazakhstan, Georgia and Albania. In 2005 and 2007 ENEMO deployed in Kyrgyzstan limited observation mission for parliamentary elections and full-scale observation mission for early presidential elections.

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