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European Network of Election Monitoring Organizations International Observation Mission Kyrgyz Presidential Election 2005	Шайлоого байкоо жургузгон уюмдардын Европа тармагы Кыргыз Республикасындагы миссия Президенттик шайлоо 2005
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REPORT ON OBSERVATION OF PRE-ELECTION PERIOD

(June 1- July 7, 2005)

The European Network of Election Monitoring Organizations (ENEMO) is a group of 17 civic organizations from sixteen 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 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. For the July 2005 presidential election, ENEMO has 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 plans to bring an additional 40 experienced observers from 13 countries to be deployed throughout all oblasts of Kyrgyzstan.

SUMMARY OF FINDINGS AND OBSERVATIONS

- ENEMO's observation of the pre-election period shows positive features in terms of a lack of reports of vote-buying, voter intimidation, and harassment of journalists.
- The work of the Central Election Commission (CEC) lacks transparency and efficiency. This lack of transparency and efficiency has resulted in serious shortcomings during ballot printing and distribution, as well as providing wrong information to candidates regarding registration deadlines.

- The low level of preparedness of election commissions raises serious concerns as some significant deadlines have not been met.
- The election campaign has been without serious violations, and after the tension of the events of June 17, the situation has been stabilized, campaign events have been peaceful, and no violence has been reported. On the national level, one candidate's campaign has been far more visible than others, so far; however, voters have had opportunities to familiarize themselves with the programs of all candidates through the media, public meetings with candidates, and special election newspapers.
- There have been isolated cases of administrative resource usage for the campaign of presidential candidate Bakiev in Naryn oblast and reports that police searches have been targeted on the offices of presidential candidate Bakir uulu in Osh city and Kara Suu.
- Voters lists have been improved to certain degree; however, the time and conditions for comprehensive update of the lists have been quite limited
- Kyrgyz civil society and media are very active in conducting voter education projects and all polling station commission members are receiving training from IFES throughout Kyrgyzstan.

CANDIDATE REGISTRATION

The Central Election Commission registered seven candidates after checking the number of valid signatures submitted by nominees and meeting other legal requirements, including the passage of a Kyrgyz language test. Fifty thousand signatures, at least 3% from each oblast, were required to be submitted to respective oblast election commissions for verification. However, the responsible election commissions have not adopted a unified interpretation of the deadline for submission of signatures by candidates. The deadline June 1 was wrongly applied by election commissions, as stated by the Pervomajsky Court's decision on the appeal of nominee Gaysha Ibragimova, who was not registered on the basis of having failed to deliver the required number of approved signatures by June 1. The court ruling set the deadline for the submission of signatures as June 2 and ruled that the remaining signatures submitted by Ibragimova by this deadline should be accepted by the Bishkek city election commission and the CEC. Even though Ms. Ibragimova could not surpass the 50,000 threshold of signatures, this issue demonstrates the lack of professionalism of election commissions, and particularly the Central Election Commission, in implementing the election law and the lack of reinforcement of the court decisions, as well.

A complaint was also lodged to the Pervomajsky Court by proxies of nominee Mr. Baryktabasov, who was denied registration by the CEC on the grounds of documentation from authorities of Kazakhstan claiming Mr. Baryktabasov holds Kazakh citizenship. In

response to the CEC's decision, protests were organized by supporters of Baryktabasov on June 17. At the Bishkek protest, participants stormed the presidential administration building. The appeal court upheld the CEC's decision not to register Baryktabasov as a presidential candidate.

ELECTION ADMINISTRATION

Work of the Central Election Commission and Formation of Precinct Commissions

Despite attempts by the CEC to ensure that the electoral process accorded with Kyrgyzstan's electoral law and international standards of democratic elections, ENEMO has observed that the CEC has conducted its work in a less than transparent manner. Many of the CEC shortcomings are the result of several factors: the shortened term of the electoral process, the CEC's move from the presidential administration to a separate building, and the level of professionalism and awareness of CEC officials and personnel.

In particular, ENEMO observers were unable to attend several CEC sessions, as the time and place of the session was not made public or the observers were unable to enter the White House (Presidential Administration building), when the CEC's office was still located there. The CEC's move to its new building partially solved some of these problems, but the practice of informing representatives of the mass media and observers about the CEC sessions only at short notice remained. In addition, the CEC chair asked observers and mass media representatives to leave the session room on June 27, while the commission members continued the meeting.

Precinct Election Commissions (PECs) were formed within the timeframe outlined in Kyrgyzstan's electoral code. Political parties, which are allotted one-third of PEC seats, were quite passive in nominating commission members to PECs. As a result, the principle of equal representation in election commissions has turned out to be a mere formality. A significant number of election commission members have very little experience as commissioners, and the level of their professional preparedness remains quite low.

Production and Distribution of Ballots

Several problems with the printing and distribution of ballots have emerged. The CEC did not approve ballot template design within the timeframe provided for in the electoral law. Moreover, the printing of ballots began before the CEC chair signed the appropriate decree allowing the printing to begin. As of the time this report was compiled, the CEC had not officially announced the number of printed ballots and absentee ballot blanks. Combined, these issues raise serious questions concerning the CEC's ability to control and secure the ballots.

Several members of the CEC reported at a session of the CEC held on July 5 that 15,000 ballots, which presumably were to be distributed to precincts in the Sverdlov Rayon of

Bishkek, were discovered in the CEC building. However, it turned out that the rayon election commission had not asked for this many ballots. These ballots were destroyed, without an appropriate decision of the CEC, in the presence of several CEC members and national security service representatives.

The number of ballots issued for out-of-country voting also raises concerns. According to information issued by the chairman of the CEC on July 5, 50,000 ballots have been transferred to out-of-country precincts. Nevertheless, the Kyrgyz Ministry of Foreign Affairs requested the CEC to issue additional ballots for out-of-country voting. The number of voters contained in voters lists abroad is less than 30,000.

VOTERS LISTS

ENEMO observers have noted the intense work that has been undertaken to verify and amend voters lists during the current election, unlike during the parliamentary elections. Not only have city and regional state administrations been interested in this process but also local NGOs and candidates' staff. The opportunity to check the information in voters' lists by voters has had a positive effect on the process. The number of voters in the lists in some areas has changed significantly in comparison with the parliamentary elections:

- In Jalalabad city, the list decreased by 40 percent in comparison with the original list. 600 "dead souls" have been removed;
- In Talas city, the voters list increased by up to 12,000 voters;
- In Balykchy, Issykkul oblast, 8,162 people were removed from the list of 32,000 voters.
- Kyrgyz citizens who are currently in Russia and Kazakhstan are being removed from the voters lists in Osh oblast.

In some oblasts, voters have not been very active in checking their names on the voters lists. For instance, at Jalalabad city precinct #94, approximately 20 people out of 1,164 voters have come to check their data.

In spite of the work undertaken to improve the quality of voters' lists, many long-term problems remain due to the high-level of internal and external migration. Problems associated with the timing of the election, and specifically with ensuring that the population that is currently residing on summer pastures is able to vote, remain unresolved. The CEC has planned transportation for voters from pastures to precincts, but no final decision has been made as the funding for this transportation has not been budgeted.

The question of proper identity documentation is a concern in every region, due to a shortage of new passports. For example, 1,287 voters out of 9,507 voters of Arslanbob

village, Bazarkorgon rayon, Jalalabad oblast have no passports. Identification cards have been issued to people whose passports have expired but were unable to receive a new passport before the election.

OUT- OF-COUNTRY VOTING

The process of out-of-country voting at Kyrgyzstan's embassies, consulates, and an additional polling stations in ten Russian cities with Kyrgyz communities raises serious legal, procedural and organizational concerns. ENEMO observers in Kazakhstan (Almaty and Astana) reported that polling stations have been formed and commissioners trained. As of June 30, 630 voters were registered in Astana and 2,700 voters were registered in Almaty. However, election materials have not been delivered and the location of a polling station, planned to be organized in an Almaty market place, has not been identified yet.

In Russia out-of-country voting should be organized in 11 cities with large Kyrgyz communities (Moscow, St. Petersburg, Ekaterinburg, Rostov na Donu, Samara, Orenburg, Chelyabinsk, Irkutsk, Kazan, Krasnoyarsk, Novosibirsk). Voter registration and an information campaign have been carried out by the staff of the Kyrgyz embassy and consulates and diaspora representatives. ENEMO observers reported that in Moscow four polling stations will be set up: one at the Kyrgyz embassy and three at marketplaces (two of these locations have not yet been identified). By June 10, 5,000 Kyrgyz voters were registered and an additional 3,000 were added by July 4. Some critical election materials have not been delivered to Moscow.

THE CAMPAIGN AND MEDIA ENVIRONMENT

The election campaign has been without serious violations, campaign events have been peaceful, and no violence has been reported. On the national level, the density of candidates' campaigns has been low, although some candidates have been active in some regions than others. Bakiev's campaign has been far more visible than that of the other candidates, so far. Voters have had opportunities to familiarize themselves with the programs of all candidates through the media, public meetings with candidates, special election newspapers published by the CEC, and televised debates.

The media environment in the pre-election campaign period has greatly improved compared to the media environment during the February and March parliamentary elections. ENEMO observers have not recorded any cases of pressure on the media, license withdrawals, complaints, threats or assaults on journalists. State media, as is provided in the election law, has provided free broadcasting time for campaigning to all candidates and for candidate debates.

Both state and private media, in general, provide unbiased and comprehensive information about the election process. However, it is clear that there is a preference by

the media to cover Bakiev's activities, mostly from a positive or neutral viewpoint. This is partly explained by the fact that Bakiev continues to carry out his presidential responsibilities, as well as the limited campaigns of other candidates. For example, on June 26, Kyrgyz State Television and Radio repeated its broadcast of the Presidential Cup kickboxing competition, which was first shown on June 6. President Bakiev presented the cup to the winner of the competition.

There were also violations connected to the publication of public opinion survey results. Chapter 6, article 31, clause 3 of the election code states, "It shall be prohibited to publish in mass media the results of public opinion polls, forecasts of election results, other research materials in connection with the elections from the moment of candidates' registration." On this account, the CEC issued an official warning to the Independent Bishkek Television, which broadcasted over several days the results of a telephone survey asking respondents' presidential candidate preferences. In a similar way, the web site of the State Information Agency "Kabar" surveyed visitors' presidential candidate preferences.

ADMINISTRATIVE RESOURCE USAGE

Unlike during the February and March parliamentary elections, the use of administrative resources has not been reported on a large-scale. Observers have reported only isolated cases of possible abuse of state resources. In some instances, such as in At-Bashy rayon, Naryn oblast, where misuse of state resources have been drawn to the attention of local authorities, the authorities have taken measures to correct the situation. In At-Bashy, the rayon administration removed Bakiev campaign materials from the administration building. Some candidates have claimed that their campaigns have been pressured by state authorities.

The chairmen of the Bakir uulu headquarters in Karasuu, Osh Oblast and Osh City reported that on June 22 and June 23, members of the Militia's Ninth Division (the terrorism and extremism unit) visited their offices in Jalalabad and Osh and demanded the addresses of all Bakir uulu campaign offices in the region. A Bakir uulu activist was temporarily detained in Mirmahmedova village, Nookat rayon, Osh Oblast. The militia also searched the activists' house. The Bakir uulu campaign headquarters has appealed to the prosecutor's office.

Presidential candidate Toktaim Umetalieva reported that some of her campaign materials were not allowed to be posted in areas of Jalalabad where campaign materials for Bakiev had already been posted.

While university students faced a tremendous amount of pressure from state authorities during the parliamentary elections, widespread intimidation of students has not been reported during the presidential campaign. Some university students, including students at Bishkek's Agrarian University and Humanitarian University, have reported that they

are not being pressured to support a certain candidate; however, these students have stressed that their deans openly support Bakiev's candidacy.

VOTER EDUCATION

Local nongovernmental organizations (NGOs) have been very active in conducting voter education and awareness campaigns both in the media and in communities across Kyrgyzstan. Some examples are listed below:

- The civic youth movement "Kel-Kel" is holding a series of concerts to encourage young voters to participate in the election;
- Seven leading NGOs have formed a civic campaign titled "I am for fair elections!" and have carried out voter education projects, including a campaign to urge voters to check their names on the voters lists; and
- The Coalition for Democracy and Civil Society has been conducting long-term observation and checking the accuracy of the voters lists.

In addition, several international organizations have provided extensive financial and technical assistance to local groups and the Kyrgyz election administration in the conduct of the election.

CONCLUSION

With only a few days before the July 10 election, the ENEMO observation mission urges the Central Election Commission to promote increased transparency by:

- publicly announcing the total number of ballots printed, the number of ballots distributed for out-of-country voting, the total number of absentee voting certificates issued and the total number of early votes cast;
- publicly announcing the total number of voters on all voters lists, including separate numbers on out-of-country voters lists and providing public access for an examination of the accuracy of voter lists;
- publicly announcing the dates, time, and agenda of all CEC meetings; and
- allow domestic and international non-partisan observers unhindered access to all stages of the election process and relevant documents.