

# THE INTERNATIONAL REPUBLICAN INSTITUTE

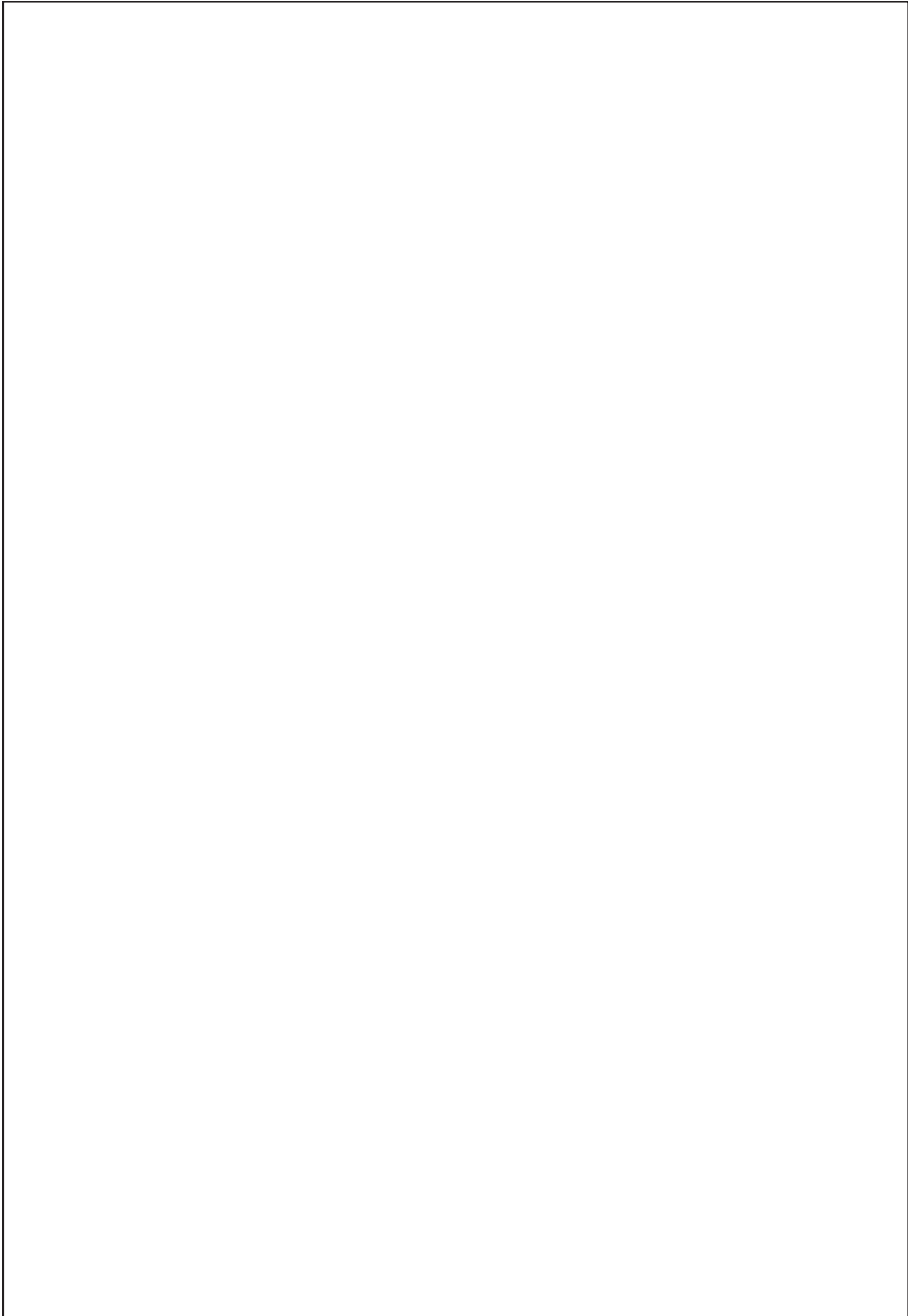


ADVANCING DEMOCRACY WORLDWIDE

KYRGYZ REPUBLIC PRESIDENTIAL ELECTION

JULY 10, 2005

ELECTION OBSERVATION MISSION FINAL REPORT



**Kyrgyz Republic Presidential Election  
July 10, 2005**

Election Observation Mission Final Report



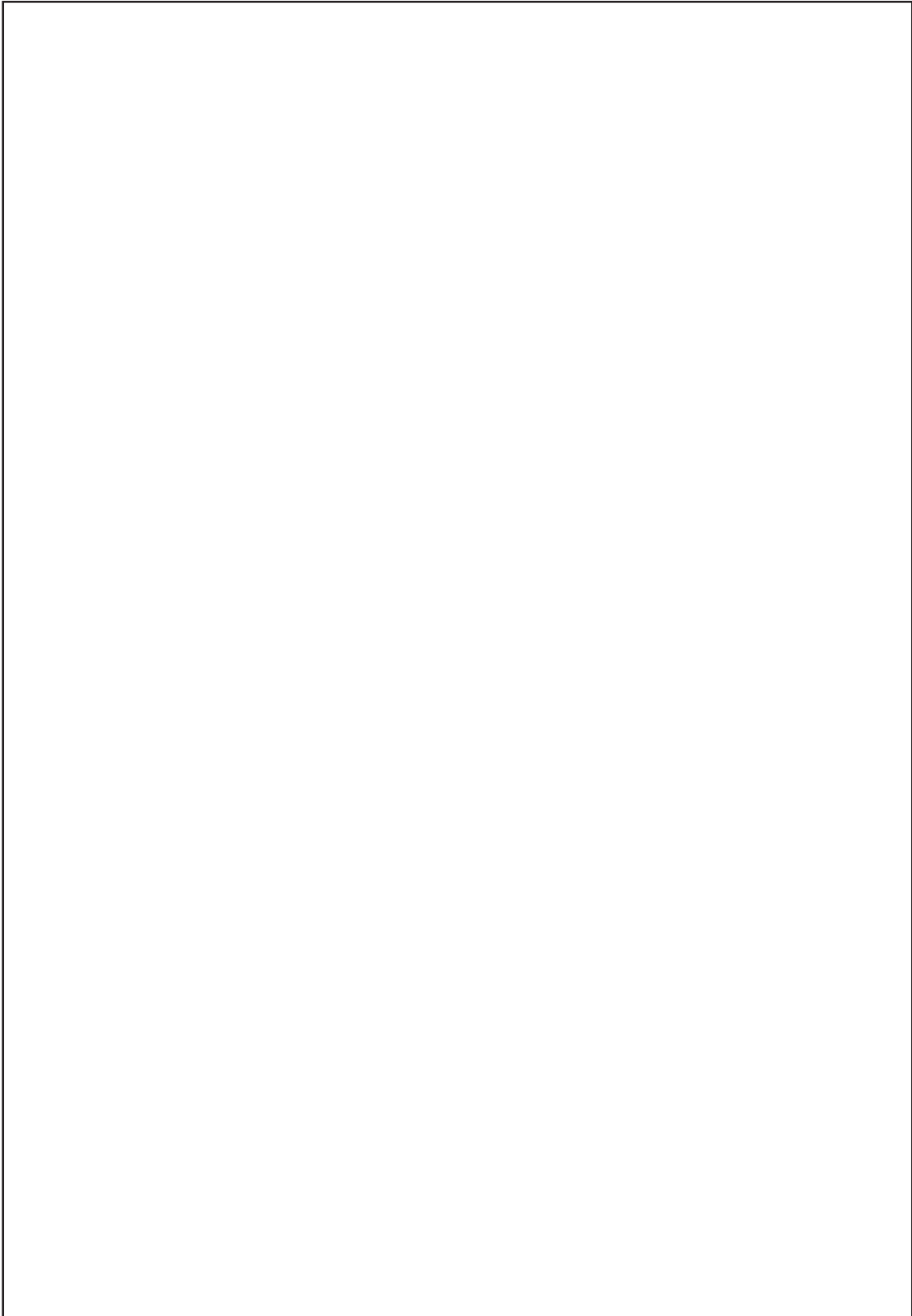
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**Executive Summary**

The International Republican Institute (IRI) received funding from the U.S. Agency for International Development (USAID) to conduct an international election observation mission for the July 10, 2005, Kyrgyz Republic presidential election. IRI's 25-member delegation included representatives from Australia, Great Britain, Thailand, Ukraine, and the United States. The observers were credentialed through the office of the Ombudsman of the Kyrgyz Republic.

The pre-election period went relatively smoothly in comparison to the parliamentary election earlier in the year when there were de-registrations, harassment of independent media, and vote-buying. With the exception of the events on June 17, when supporters of an unregistered candidate took over the main government building, problems were limited to a dispute over signature collections by a would-be candidate. Largely because of the withdrawal in May of a main competitor, campaigning was subdued. With the exception of acting President Kurmanbek Bakiev, who was able to draw on significant financial and administrative resources, candidates lacked the money and manpower to undertake active campaigning. The most visible part of the candidates' campaigns was televised ads and debates. Because of laws governing media coverage of campaigning, there was little coverage of campaign activities in the mass media. Obstructions of candidate meetings did not appear to be part of a coordinated effort, but rather seemed to be the work of isolated local officials who wanted to please central authorities.

Election Day was calm, and voting was conducted in a peaceful and tension-free environment. Voter turnout was reportedly strong; calculated by the Central Election Commission (CEC) at 75 percent of the 2.56 million registered voters. This percentage seems unrealistically high given the large amount of internal and external migration that has disenfranchised voters

by displacing them from their assigned polling stations. Fluctuations in the size of voter lists on Election Day as well as busing of voters and provision of food suggest there was a concerted effort to increase voter turnout in order to secure the 50 percent turnout required by the election code.

Though acting President and candidate Bakiev spoke openly against local officials using their official status and authority to interfere in the election, misuse of administrative resources still played a role that benefited Bakiev. However, the aforementioned fluctuations in voter list numbers, as well as busing and feeding voters, did not affect the outcome of the voting which gave acting President Bakiev a resounding victory with 89 percent of the vote. Overall, polling stations performed adequately. The most notable exception was the changes polling stations made to the voter lists. Yet, most errors were due to lack of knowledge rather than ill-intent.

Based upon its observations and post-election analysis, IRI concluded that the pre-election activities showed marked improvement over the parliamentary elections. And while voting on Election Day encountered some problems, the major concern was over voter list changes that inhibited transparency of the vote count. Overall, IRI believes the July 10, 2005, balloting was an accurate reflection of the will of the citizens of the Kyrgyz Republic on Election Day.





## **I. Introduction**

The July 10, 2005, presidential election in the Kyrgyz Republic was the result of the unexpected departure from power of President Askar Akaev on March 24, 2005, which led to a change in the government's leadership. Following President Akaev's exit from power, opposition leader Kurmanbek Bakiyev became the acting president and prime minister and the leading contender for the presidency. On April 11, 2005, the parliament of the Kyrgyz Republic (Jogorku Kenesh) called for an early presidential election to be held on July 10, 2005.

To observe the election process, IRI deployed an election observation mission of 25 members, including members from Australia, Great Britain, Thailand, Ukraine, and the United States. The IRI observers traveled to all seven oblasts, Bishkek, and Osh and observed voting in more than 120 polling stations.

This report will summarize the pre-election, Election Day, and post-election findings of IRI's Election Observation Mission (EOM). This report will also make recommendations on some aspects of the Kyrgyz Republic's electoral system that need improvement.

## **II. Pre-Election Period**

For the purpose of this report, the pre-election period covers the period from the Jogorku Kenesh's April 11, 2005 declaration that an early presidential election would be held to July 9, 2005. During this time, IRI observed the candidate registration process, candidate campaigns, and media coverage of the candidates (including paid advertisements and government-sponsored debates).

## **A. Candidate Registration**

Under the Kyrgyz Republic's election code, candidate registration is a three-step process: declaration or nomination of candidacy, successful completion of a Kyrgyz language proficiency test, and collection of 50,000 signatures endorsing the candidate. There is also a registration fee of 100,000 som (\$2,500).

### 1. Nomination

By the close of the nomination period on May 26, 17 candidates had been nominated for the presidential election<sup>1</sup>. The 17 original candidates were either self-nominated or nominated by a voter group or political party. Of the 17 nominees, three were women.

Acting President Bakiev's chief opponent Felix Kulov dropped out of the race on May 12 after he and Bakiev signed a pact in which Kulov agreed to support Bakiev's candidacy in exchange for the prime minister position if Bakiev were elected.

### 2. Language Test

According to the election code, all presidential nominees must demonstrate their proficiency in the Kyrgyz language. This requirement includes the ability to read, write, and speak Kyrgyz.

The language-test portion of the presidential candidate registration process was problematic. The first issue arose when the initial tests were postponed one week because of technical difficulties with broadcasting the exam live on the state television channel KTR.<sup>2</sup>

<sup>1</sup> Nineteen candidates were originally nominated. However, two had withdrawn by May 26.

<sup>2</sup> Article 61, clause 3 of the Kyrgyz Republic election code states that the language test must be broadcast live on television.

Another problem which arose during the administration of the language test concerned the composition of the Language Commission set up by the CEC. The language commission was established with nine members, but during the testing of one candidate, Dr. Nazaraliev, only eight commission members were present. The vote of the commission resulted in a tie. The issue of resolving the tie was avoided only when Dr. Nazaraliev withdrew his nomination for other reasons.

### 3. Signature Collection

The election code stipulates that a candidate must collect at least 50,000 signatures of legal voters endorsing the candidate, with at least three percent coming from each of the seven oblasts, Bishkek, and Osh.<sup>3</sup> The shortened nomination period reduced the time available to collect signatures by one-quarter, but the number of signatures required was not proportionally reduced.

A number of inconsistencies arose during the signature collection and verification process. Several candidates complained that their representatives were not being registered as quickly as other candidates' representatives. There was also confusion about the actual deadline for signature collection. The CEC's calendar stated that the deadline was June 1. The election code stipulates, however, that the nominee has to submit signatures 38 days prior to Election Day (in an abbreviated election schedule) in which case the deadline for submission should have been June 2.

The confusion over the deadline led to a court battle between the CEC and presidential nominee Gaysha Ibragimova. Ibragimova had submitted slightly fewer than 50,000 signatures on June 1, and filed a complaint against the CEC with the Pervomaysky District Court in Bishkek. The court sided with Ibragimova and ordered the CEC to accept Ibragimova's signatures

<sup>3</sup> Kyrgyz Republic election code; Article 62, clause 1.

up to June 2. The CEC accepted the signatures that Ibragimova's staff collected in Bishkek on June 2. However, the CEC invalidated 4,620 signatures out of the 52,145 that Ibragimova had collected, knocking her out of the race. Ibragimova later appealed to the Supreme Court, believing that the Pervomaysky District Court ruling should have extended beyond Bishkek. While upholding the decision, the Supreme Court failed to extend the jurisdiction of the ruling, and Ibragimova was not registered.

The Ibragimova case raised another issue with the signature collection process: the inconsistency of signature validation. Signature verification, as dictated by the CEC, requires all oblast election commissions (OEC) to verify either all or a random sample of the nominees signatures. All oblasts chose to verify a random sample. The CEC, however, did not stipulate the size of the random sample, leading to variations from one oblast to the next. Several candidates complained that the validation process was not completely fair and that a greater number of their signatures were being invalidated than those for some other nominees.

#### 4. Registration

By June 13, seven candidates were registered with the CEC: Akbaraly Aitikeev, Kurmanbek Bakiev, Tursanbai Bakir uulu, Keneshbek Dushebaev, Jypar Jeksheev, Jusupbek Sharipov,<sup>4</sup> and Toktaiym Umetalieva – the first-ever registered female candidate in the Kyrgyz Republic. *For in-depth information on the candidates, see Appendix I.*

All others were refused registration either for their inability to collect the required number of signatures or for not being citizens of the Kyrgyz Republic.

<sup>4</sup> Candidate Sharipov withdrew his candidacy on June 23 and declared his support for candidate Bakiev.

The case of Urmatbek Baryktabasov deserves special mention. Baryktabasov's registration was refused on the grounds that he was not a Kyrgyzstani citizen<sup>5</sup>. After reviewing documents obtained from the Kazakhstani government, the CEC concluded on June 13, the last day of candidate registration, that Baryktabasov was a Kazakhstani citizen. Citing Kyrgyz Republic's constitution, the CEC barred Baryktabasov from being a presidential candidate.<sup>6</sup> Though the decision was based on legal grounds, the late notification unnecessarily complicated the situation.

On June 16, Mekenim Kyrgyzstan, the nascent but increasingly visible political movement headed by Baryktabasov, filed a complaint with the Pervomaysky District Court against the CEC's refusal to register him. The hearings began on June 17 but were overshadowed by the seizure of the White House by Baryktabasov's supporters. On June 22, the Pervomaysky District Court denied the appeal of Mekenim Kyrgyzstan and ruled that Baryktabasov had lost his Kyrgyz citizenship when he became a Kazakhstani citizen in 2003.

## **B. Candidate Campaigns**

The campaign period for the presidential election began on June 14<sup>7</sup>. IRI observers attended various candidate meetings, observed candidate activity and campaigning, monitored the media for election-related material and watched the televised candidate debates.

<sup>5</sup> Article 58, clause 3 of the Kyrgyz Republic election code stipulates that a presidential candidate must be a Kyrgyzstani citizen and must have lived in the republic at least 15 years before nomination.

<sup>6</sup> According to Kyrgyz Republic's Constitution (Article 12), citizens of the Kyrgyz Republic may not be recognized as citizens by other states.

<sup>7</sup> Article 31 of the Kyrgyz Republic election code stipulates that campaigning may begin the day after the deadline for candidate registration.

## 1. Candidate Activities, Campaigning, and Meetings

To get their message to the people, most candidates relied on meetings with voters set up by oblast, rayon, and town election commissions. While these meetings represented the best opportunity for candidates to meet voters, they were not always well-coordinated (except Bakiev, who avoided such multi-candidate meetings). At least two meetings with candidates Aitikeev, Bakir uulu and Jeksheev had to be canceled due to town election commissions claiming to be unaware that such meetings were scheduled.

On June 14, IRI observers attended the first in a series of candidate discussions in Bishkek where citizens could ask questions of the candidates. All seven candidates were invited to attend, and only Bakiev was absent, although he sent a trusted agent to speak for him. Upon entering the meeting, IRI observers were handed campaign material for candidate Bakiev by candidate representatives standing at the entrance. Each candidate was given 10 minutes to speak about his/her platform, followed by questions from the audience. Candidate Umetalieva asked to be excused early from the meeting. She claimed she had to go and assist with the development of her campaign material, and noted that her voter information was not yet ready since she had waited until the legal date of June 14 to begin printing her material.<sup>8</sup>

Candidate Bakiev was much better equipped and prepared to meet with voters. His meetings featured only him, often took place in large auditoriums, and were accompanied by music.

On several occasions IRI was able to observe candidate campaigning in Bishkek. Most did little door-to-door campaigning, leaving many citizens unaware of their platforms.

<sup>8</sup> Non-registered nominee Nazyrbek Nyshanov filed a complaint with the CEC that candidate Bakiev's campaign material had been printed and distributed to the regions before June 14.

Two exceptions to this were the Bakiev and Umetalieva campaigns. IRI local staff were personally visited at home by candidate representatives of these candidates. IRI witnessed the expulsion of candidate representatives for Umetalieva from an apartment building in Bishkek, while Bakiev representatives were allowed to freely campaign throughout the same building.

## 2. Media Coverage of the Campaign

According to the election code, state-funded media were required to provide candidates with both free and paid airtime during prime time (8:30 – 10:30 p.m.)<sup>9</sup>. Each candidate was given 30 minutes of television airtime and 20 minutes of radio airtime for speeches. Candidates could purchase airtime during the 8:30 – 10:30 p.m. block for advertisements. The state-funded media also provided a debate platform for the candidates in which two candidates at a time discussed their position on pre-set topics and faced questions from voters, with a final debate open to all the candidates. Speeches were broadcast from June 27 to July 3, while advertisements were aired from June 20 to July 8. The debates ran on July 4, 5, and 7, with the final debate airing on July 8.

During the allotted times, all the candidates aired their personal advertisements. Candidates Umetalieva, Bakiev, Jeksheev, and Bakir uulu said they have worked for the citizens in the past and will continue to do so. Candidate Dushebaev, on the other hand, appealed to the voters by offering order and stability. The ad closed with a picture of Dushebaev in his militia uniform. Candidate Aitikeev's ads featured Russian President Vladimir Putin and former Ukrainian President Leonid Kuchma.

<sup>9</sup> Kyrgyz Republic election code; Article 32, clause 9.



Throughout the campaign period,<sup>10</sup> daily news reports gave unpaid airtime to Bakiev due to his position as the interim president. The election code is vague about the difference between campaigning and news coverage. Therefore, it is not clear what media outlets can and cannot say about candidates. In order to avoid violating the election code, some media outlets avoided any coverage of candidates that could be taken as campaigning for that candidate.

The lack of voter information was in part addressed by international efforts. Both the United Nations Development Program (UNDP) and USAID – in cooperation with Freedom House – printed separate special campaign newspapers that featured candidates and were distributed around the country. The candidates submitted their platform and photos, and each candidate was given an identical full-page of space to speak to the electorate. Both papers allowed the candidates to convey their messages in a combination of Russian, Kyrgyz, and Uzbek. Both included election-related information along with the biographies of the candidates. The USAID-funded paper had a circulation of 500,000, while the UNDP paper had a circulation of over 1 million.

The CEC also used the media to reach out to voters during the campaign period. Several CEC informational ads appeared on television, radio, and in print. The ads stressed such topics as the importance of checking the voter list before Election Day and the importance of participating in the election.<sup>11</sup>

<sup>10</sup> Both Acting President Bakiev, who was also acting prime minister, and acting First Vice-Prime Minister Kulov stepped down from their government positions in order to campaign for their joint ticket. Bakir uulu also stepped down from his position as ombudsman in order to campaign.

<sup>11</sup>Low voter turnout was a concern of the CEC. The Kyrgyz Republic election code stipulates that for a presidential election to be valid, at least 50 percent of eligible voters must vote.

### **C. Campaign Period Complaints and Appeals**

During the campaign period, candidates voiced numerous complaints about intimidation and the abuse of administrative resources. For example:

- In Osh City and Nookat (Osh Oblast), two campaign headquarters of candidate Bakir uulu were raided by police, reportedly searching for links to militant Islam.
- During a televised speech by candidate Bakir uulu in Karakol, power was cut to the station. The power was not restored until station technicians patched into an alternate source. At another voter meeting in Cholpon Ata, power was cut to the Palace of Culture for 10 minutes during candidate Bakir uulu's speech.
- Candidate Umetalieva complained that militia harassed her campaigners throughout the country.
- Candidate Aitikeev complained that he was forced to have a secret headquarters in Bishkek in order to hide from sources of intimidation.
- In Osh Oblast, a Muslim cleric was reportedly campaigning for candidate Bakir uulu during prayer services. People in positions of authority, including religious leaders, are allowed to campaign for specific candidates but not during the execution of their official duties.<sup>12</sup>

<sup>12</sup> Kyrgyz Republic election code; Article 30, clause 9.

- Representatives of candidate Bakir uulu complained to the CEC that the election officials in the south were uncooperative when it came to CEC-coordinated voter meetings. Candidate representatives cited several cases when the election commission failed to inform voters of the meetings, and when meetings had been interrupted. Instead of investigating these complaints, the CEC referred the complaints to the respective regional election commissions for investigation. Candidate Bakir uulu's campaign failed to get a response from any of the regions before the end of the complaint period.

Overall, the pre-election period showed improvements over the parliamentary elections in early 2005 when candidate deregistrations, harassment of the independent media, and vote-buying predominated. While some candidates faced impediments during their campaigning efforts, these obstacles did not appear to be the result of coordinated efforts by a central authority, but rather seemed to be the result of local officials using old methods to please the acting government. Problems were handled in a relatively transparent manner, and decisions appeared to be grounded in legal reasoning with the exception of Ibragimova's case<sup>13</sup>. The campaign period was not as active as it may have been due to the uncompetitive nature of the race and a stark imbalance in resources that favored the "governing" candidate.

One area that needs to be reviewed by both the CEC and the Jogorku Kenesh is the complaint investigation process. The CEC's working group in charge of investigating complaints did not meet the deadline for a ruling on several candidates' complaints.

<sup>13</sup> In Ms. Ibragimova's case, court rulings effectively established different deadlines for signature collection in Bishkek and the regions. There is no basis in the election code for making different deadlines.

### **III. Election Period**

For the purposes of this report, the election period encompasses the EOM's pre-election day (July 9) meetings in each oblast and Election Day observations.

#### **A. Pre-Election Meetings**

IRI observers conducted meetings on the day prior to the election with local election commissions, candidate headquarters, and media outlets in each of the seven oblasts, Bishkek, and Osh.

During the course of their meetings, IRI observers found that most election commissions, media outlets, and candidate headquarters had positive expectations of the election. However, IRI observers noted several incidents of illegal activity.

- In Talas, the campaign staff of candidate Bakir uulu expressed concern over manipulation of the voter list; they showed IRI observers a voting notification that had been issued to a dead citizen. This concern was also demonstrated by the Talas City headquarters of candidate Umetalieva, which presented another notification that had been issued to a dead citizen.
- In Naryn, the headquarters of candidate Bakir uulu alleged that many residents had debts to the electric company and that there were many pro-Bakiev electric company employees on the precinct election commissions (PECs). Bakir uulu's representatives were concerned that PEC members from the electric company would intimidate debt-holding voters into voting for Bakiev. However, when these fears were communicated by IRI

observers to the headquarters of other candidates, none of them expressed any concern over the issue.

- The Naryn City rayon election commission (REC) commissioner complained that a deficit of citizens able to serve on PECs in outlying areas made it necessary for municipal and state workers to comprise more than the one-third of PEC membership allowed by the election code.
- The campaign headquarters of candidate Bakir uulu in Karabalta (Chui Oblast) refused to allow IRI observers to enter their headquarters until the observers were able to prove they were accredited. The headquarters then went on to explain that they were being constantly harassed, getting no help from the militia and, hence, had to maintain tight security.
- In Kadamjai (Batken Oblast), IRI observers noted that the REC and headquarters for candidate Bakiev were in the same complex. Upon entering the headquarters, IRI observers also noted that two members of the REC were inside having a discussion with the director of candidate Bakiev's headquarters.
- In Osh, IRI observers noted that the headquarters of candidate Bakiev was guarded by state militia. The headquarters was in a building bearing the logos of USAID and the U.S.-based Urban Institute. Seeing these signs, voters may have thought that USAID and the Urban Institute endorsed candidate Bakiev.

- In Osh Oblast, while in a meeting with IRI observers, the oblast election commission (OEC) chairman received a call from the chairman of the Osh Oblast headquarters for candidate Bakiev, whom he openly referred to as “his boss.” The OEC chairman then relayed to the IRI observers that the caller had asked if the preparations had been made for the OEC to bus voters to the polling stations on July 10.

## **B. Election Day**

IRI observers monitored Election Day voting at more than 120 polling stations throughout the country. The Jogorku Kenesh, fearing low voter turnout, extended voting hours from the normal hours of 8:00 a.m. to 8:00 p.m., to 7:00 a.m. to 9:00 p.m. IRI observers arrived at their polling stations before 6:00 a.m. to observe the PEC’s pre-opening meeting and stayed until the early morning of July 11 to witness the vote count and transfer of ballots to the REC. The observers made observations throughout the four phases – opening, voting, vote count, and closing.

### **1. Opening**

For the most part, the opening phase went as prescribed by the election code. Most observers reported that polling stations were correctly marked and their layout was consistent with holding transparent elections. There were a number of minor offenses that could be explained more by lack of knowledge than ill intent.

- Most polling stations (PS) did not display the literature required of them by the election code (biographies of candidates void of campaign slogans as well as sample ballots void of candidates’ names).

- Ballot boxes were properly displayed, though some bore only the paper tamper-proof seal of the PEC and were left unlocked.
- Unfamiliarity with equipment was also an issue. Though most PEC members attended either the CEC training or IFES training (some attended both), operation of the invisible ink and verification equipment seemed to present some problems. In several polling stations, it was only after instruction by observers that PEC members understood how to use the equipment.
- Many polling stations did not properly fill out the protocol. Nor did they properly display the protocol on the PS's wall.
- Many observers reported that during the 7:00 a.m. playing of the national anthem signaling the opening of the polling station, all PEC members exited the polling station (PS), leaving it open with the ballots unsecured.

Among more serious infractions, IRI observers noted:

- At polling station 1128 in Bishkek, military personnel were inside the PS during opening procedures. When asked why the military was present, the PEC chair responded that they were there for the security of the ballots.
- In Kant, at polling station 7118, the PEC began striking people from the voter list before the polls even opened. PEC members said they removed any person who had moved or passed away.

- At polling station 5292 in Osh City, the observer for candidate Bakiev was giving advice to the PEC chair, as well as other members of the PEC.

## 2. Voting

Voting officially commenced at 7:00 a.m., following the playing of the national anthem. Again, many offenses during the voting period appeared to be caused by lack of knowledge of the election code.

- A common report was that ink verification officers often vacated their post at the door and were also easily persuaded not to check the hands of locals who were older.
- Several observers reported cases of family members voting for another family member. Most incidents reported involved a husband voting for his wife (even though the wife appeared to be capable of voting herself).
- Some observers noted improperly sealed ballot boxes. Several lacked the seal of the PEC, while several others were not locked.

IRI observers noted a number of suspicious and/or illegal acts taking place in and around the polling stations, leading them to believe that there may have been attempts to circumvent the election code or take advantage of some of its vague passages.

- Observers at nine polling stations throughout the country – about eight percent of observed PECs – reported suspicious busing activity. Several of the observers reported that the buses were parking a distance away from the PS to remain out of sight.



Upon questioning, some drivers claimed to be working for the election commission (PEC); however, when asked, at least one PEC chair responded that transportation was requested for the mobile ballot box only. In one instance, a bus driver from a private company in Bishkek said he had been forced to work for no pay on Election Day under the veiled threat that he would lose his job if he refused. Who exactly was directing the use of transportation is unclear, and the election code is not clear as to whether or not the authorities can provide transportation directly to polling stations on Election Day. But it is apparent that some transportation workers were drafted to work against their will.

- At polling station 367 in Kara Balta, an IRI observer heard the PEC chairwoman being instructed to send vehicles to pick up voters. The IRI observer then heard supporters of candidate Bakiev saying that, “They will send voters.” Later, the same observer team witnessed busing of voters and cars being sent out to do pick ups at polling stations 368 and 355. The IRI observer team was eventually asked to leave a polling station in connection with its questions about busing.
- Some observers reported food being served on the PS premises to voters. At several polling stations, the food was being provided free to anyone who had voted (polling stations 1167 and 1168), and, in the latter instance, the food was paid for by “a rich businessman.” At polling station 3034, food was served by local leaders, and a contest was organized between the youth and older voters to see who could have a higher turnout.

It also appeared that there was manipulation of inaccuracies in the voter list in order to increase voter turnout. This was done either by “adjusting” the number of voters on the original voter list or by having people vote for absent people.

- Polling station 1206 in Bishkek started at 2,304 voters on the voter list at opening, increased to 2,320 shortly after voting started, and then decreased to 2,124 voters at closing.
- Polling station 5215 in Karasu began to strike off anyone the PEC believed was in Russia shortly after the polls opened.
- Polling station 5299 in Osh removed 219 people who had died or moved to Russia – roughly 10 percent of the number of voters on the voter list.
- Vote-buying that appeared to be taking advantage of “dead souls” on the voter list – voters who are deceased or had moved – was witnessed outside polling stations 5292 and 5390 in Osh and Nookat, respectively. IRI observers witnessed individuals at both polling stations handing voter notifications, identification, and money to multiple individuals. The observers then followed the voters into the PS as they bypassed the ink verification officer, registered (at polling station 5390 the voter was not inked when issued his ballot) and voted. When this activity was pointed out to the PEC chair at polling station 5292, the chair dismissed the report. At polling station 5390 the PEC chair immediately informed the militia to remove from the PS’s premises the men paying others to vote.

### 3. Vote Count and Closing

IRI observers noted inconsistencies during the counting and closing process, mostly due to a lack of knowledge of the proper closing procedures on the part of the PEC but also connected to attempts to change voter list numbers. In general, PECs loosely followed the steps outlined in the election code and some had serious problems filling out the protocol. The result was a decrease in the level of transparency of the PECs activities during the counting and closing process. In at least three cases, PECs relied on outside help to complete the vote count.

- At polling station 3030 in Issyk-kul, the PEC members were unable to complete the protocol without outside help. An IRI observer pointed out an error in math that brought a long night of counting to an end. Similarly, at a Talas polling station, the PEC chair needed help to be able to fill out the protocol.
- Several observers reported that PEC members did not begin to fill out the protocol prior to the tabulation of votes, as stipulated by the election code.<sup>14</sup> At polling station 118 in Kant, a blank protocol prevented observers from monitoring the number of absentee and mobile ballots that had been requested. In other cases, the enlarged protocol was not even posted on the wall for all to see as stipulated in the law.
- Observers also noted that PEC members did not count the mobile ballot box ballots separate from the stationary ballot box, as stipulated by the

<sup>14</sup> Kyrgyz Republic election code; Article 44, clause 5

election code.<sup>15</sup> At polling station 3030 in Issykkul, PEC members forgot to open the mobile ballot boxes first; therefore, there was no way of verifying if the number of mobile ballots corresponded to the number of applications filed. This leaves open to question whether there were violations during the mobile vote collection.

IRI observers also noted that there were several acts of illegal or suspicious behavior.

- As mentioned previously, at polling station 1206 in Bishkek, the voter list was reduced from 2,304 voters on the list at opening to 2,124 voters on the list at closing. The removal of 180 voters from the list conveniently brought turnout levels up to 52 percent.<sup>16</sup>
- At polling station 4066 in Naryn, IRI observers noted that the PEC chair and secretary began removing names from the voter list before the counting process began. Upon questioning the chair's activities, IRI observers were told that the chair was just trying to make the most accurate voter list possible.
- Shortly before closing at polling station 5292 in Osh, IRI observers noted that a woman who had been buying votes outside the polling station earlier in the day was now inside the polling station meeting with the PEC chair.

<sup>15</sup> Kyrgyz Republic election code; Article 44, clause 6.

<sup>16</sup> If the voter list had been left at 2,320, the turnout would have been 48 percent, leading IRI observers to conclude that pressure was being exerted from above or being self-imposed by the PEC to achieve a 50 percent turnout.

Despite the aforementioned inconsistencies and violations during the operation of polling stations, IRI observers also noted that many PEC members were doing their utmost to insure a free, fair, and successful election. PEC members were, for the most part, welcoming to IRI observers. PEC members were also making an effort to conduct voting in as transparent a way as possible, even though they themselves were not always proficient in carrying out their tasks. The fact that IRI observers were able to catalogue so many examples of PEC members' lack of knowledge, without any interference, supports this argument.

#### **IV. Post Election Analysis**

Following the election, the IRI office undertook an in-depth comparison of its election reports with the election protocols posted by the CEC on its website, [www.shailoo.gov.kg](http://www.shailoo.gov.kg). This analysis involved the accumulation of more than 2,300 protocols and comparisons of this data with the information included in IRI observer election reports.

About a week prior to the election, to the surprise of the international community whose entreaties to the CEC to update voters list had been rebuffed, about 130,000 voters were removed from the voter lists. This brought the number of registered voters down to 2.56 million. More than two million Kyrgyzstanis cast votes on Election Day, or approximately 75 percent voted, including voters added on Election Day to the additional list (about 100,000 were added).

Trimming of the lists continued on Election Day in a non-transparent manner. IRI's analysis was originally undertaken in order to see if those Election Day cuts had been made in order to increase turnout. Yet, when IRI compared CEC protocols with the reports of IRI observers, IRI saw that there was wide variance in the recorded number of voters on the official protocols because there were both subtractions and additions to the voters list.

However, the number of voters at the start of voting corresponded to the number at the end of Election Day. IRI concluded that during the day there was an attempt to reduce the number of voters on the voter list, but then, when it was apparent that voter turnout was going to be high enough, there was a counter-effort at night to add voters back in order to compensate for the initial cuts. For example, at polling station 1185 in Bishkek, during voting IRI recorded 1,438 voters on the list, but the CEC protocol posted on the website cited 2,483 registered voters. The back and forth on the size of the voters' list led to confusion on the part of observers. As EOM co-leader Michael Trend noted to the media, "If you start with a figure, you really ought to stay with it."

In conclusion, changes in the voter lists both before and during Election Day contributed to a surprising, if not unbelievable, result. As was mentioned in a press conference the day after the election, if one considers the significant amount of internal and external migration that had displaced voters from their voting stations, the real turnout was not 75% but at least 90%.

Concerning the CEC's official website, IRI noted the following:

- The site listed 2,308 protocols, meaning that there were 124 extra protocols, with some polling stations having more than three. In Jalal-abad Oblast, the Tashkoomirskaya Rayon had 10 polling stations but 24 protocols posted on the CEC website. There should have been 2,181 protocols for the 2,181 PS within the Kyrgyz Republic.
- There were no protocols for overseas voting made available through the website. All results for overseas voting were added to the results of the

Pervomaysky district in Bishkek, without explanation.

- There were no definitive final results posted on the CEC's webpage.

Though the implementation of the shailoo webpage system is a major step forward for the Kyrgyz Republic's election system in terms of transparency, it needs improvement. Inconsistencies in the posting of results and the existence of multiple protocols without explanation reduced transparency and made it unnecessarily difficult to ascertain election results.

## V. Findings and Recommendations

**Finding 1:** The abbreviated registration period was not reflected in a reduction in the number of signatures required by a nominee for president of the Kyrgyz Republic. This issue put nominees with smaller staffs and fewer campaign resources at a disadvantage.

**Recommendation 1:** Signature collection requirements should be reduced by one-fourth in the case of early elections<sup>17</sup> or removed altogether from the election code. If the signature requirement is to remain in place, the CEC should stipulate a country-wide standard for the validation of signatures by subordinate election commissions. In general, the candidate registration process is overly complicated. The CEC and the Jogorku Kenesh need to examine if all the requirements are relevant and serve the right purpose.

**Finding 2:** Despite clear statements by Acting President and candidate Bakiev against the misuse of administrative

<sup>17</sup> Article 58, clause 6 of the Kyrgyz Republic election code stipulates that in the case of early presidential elections, all deadlines are shortened by one-fourth.

resources, their misuse remained a problem. Intimidation of candidate representatives and campaigning by persons in positions of authority were the most numerous complaints. Whether these activities were initiated by individuals or directed from above is unclear; however, their occurrence indicates an overall lack of enforcement of the Kyrgyz Republic's laws regarding the misuse of administrative resources.

**Recommendation 2:** The government needs to continue to make statements that the misuse of administrative resources will not be tolerated. To demonstrate its commitment to this issue and to discourage possible violators, the government needs to prosecute individuals who misuse administrative resources in a swift and transparent manner. In addition, vague laws in the election code that provide loopholes for the misuse of administrative resources need to be clarified and strengthened. *See recommendation 5 for more details.*

**Finding 3:** Mass media coverage during the campaign period was overwhelmingly dominated by candidate Bakiev as a result of his role as acting president and head of the government. Due to concern over violating the election code, many media outlets paid little attention to the other candidates, aside from the time required by the election code.

**Recommendation 3:** In order to ensure more equal coverage of candidates during a campaign, the election code should clarify the differences between campaigning for a candidate and covering a candidate's activities for the purposes of informing the public.

**Finding 4:** The inaccuracy of the voter list remains the most serious obstacle to free and fair elections in the Kyrgyz Republic. Voter lists were changed on Election Day by polling station workers in what appeared to be a concerted effort to meet the 50 percent turnout requirement. In addition, using voter



notifications of “dead souls,” some individuals voted multiple times

**Recommendation 4:** The voter list needs to be updated. The government and the Jogorku Kenesh need to push for a current and accurate voter list in order to demonstrate their commitment to conducting transparent elections. Furthermore, changes to the voter list must be made in a transparent way and in accordance with the election code, which states that any alterations must happen before Election Day and in coordination with local authorities. Given the large number of Kyrgyzstanis who no longer live where they are registered to vote, the Jogorku Kenesh might want to consider removing the 50 percent turnout requirement since it creates temptation to manipulate the lists to assure turnout.

**Finding 5:** The transportation of voters to and from PS needs to be addressed. The lack of transparency as to who was providing the transportation and the source of its funding raised suspicions. Similarly, the provision of food and refreshment outside PS led to the similar distrust.

**Recommendation 5:** The election code should be amended so that transportation to polling stations can only be conducted by local and/or municipal authorities<sup>18</sup>. Or, transportation of voters to polling stations by local authorities should not be allowed at all in order to avoid confusion. In regard to the provision of food outside the PS, any activity not directly related to the balloting process should not be allowed to take place on PS premises.

**Finding 6:** Failure of PECs to follow the election code occurred too often. PEC members’ proficiency at administering

<sup>18</sup> Article 40, clause 14 of the Kyrgyz Republic election code states only that on Election Day state organs and local governments must ensure the uninterrupted operation of public transport, but it does not comment on the issue of transporting voters to and from polling stations.

elections should be further improved in the areas of competence and independence.

**Recommendation 6:** The current composition of PECs, as directed by the election code, is partly to blame for the PECs' lapses during Election Day. The election code needs to be amended in order to increase the PECs' independence and competence. Changes that could improve the work of the PECs include: a greater role for superior election commissions in the nomination and confirmation of PEC members, increased membership of political party and candidate representative membership in the PEC, an increased level of training courses for PEC members, and financial compensation for PEC members that reflects the importance of the role they play in ensuring free and fair elections.

**Finding 7:** The CEC's web-based shailoo system is a major step forward in publishing election results. But it still suffers from several problems, including: posting of multiple protocols, the absence of protocols from overseas voting, the addition of overseas voting results to the results of a district in Bishkek without explanation, and the absence of definitive final results all diminish the system's credibility and transparency.

**Recommendation 7:** The shailoo system needs to be expanded to include the following: an additional section for posting the results of overseas voting, an enhanced error-checking apparatus to ensure that protocols that are posted are final and correct, and a posting of final results for each election commission level.





## Appendix I

### Biographies of Presidential Candidates



**Kurmanbek Salievich Bakiev** (pronounced Koor-man-bek Back-ee-yev), was acting president and prime minister of the Kyrgyz Republic from March 25, 2005 to August 14, 2005, when he was inaugurated as the country's second president. Bakiev was born in Masadan village in Jalal-abad in 1949 and graduated as an electrical engineer from Kuibyshev Polytechnic Institute (Russia) in 1972. Bakiev served as governor of two oblasts and then served as prime minister under President Akaev from December 2000 to April 2002. He was a member of parliament from October 2002 to March 2005. He lost his bid to get re-elected in February's tainted parliamentary elections. He went public with complaints about cheating and violations by his government-backed opponent. The disputed loss, coupled with Bakiev's leadership of the dominant opposition bloc, pushed him to the forefront of the Kyrgyz Republic's opposition movement, which then chased President Akaev from power.

After agreeing with Felix Kulov on May 12 to run in tandem for the presidential election, Bakiev was the only serious contender for the presidency. The agreement created a political partnership between the two influential politicians and provided wide powers to Kulov, who is expected to be appointed prime minister.

Bakiev showed political skill by convincing key politicians from the north and south of the country to join his acting government. This put him in a strong position, but keeping this broad coalition together until the election was a difficult task. Two of his vice prime ministers, Madumarov and Usenov, publicly criticized the

agreement with Kulov, and there was continued sniping about the influence of Kulov and his team.

Bakiev is widely respected as a professional and competent politician. Though he served under Akaev, he is not perceived as a compromised politician. He is seen as a pragmatic, who is comfortable dealing with economic matters and who wants to further the Kyrgyz Republic's development as a market economy and democracy. He says, "If people live well, the government is good." By his own account, three of four Kyrgyzstanis live in poverty.

In his stump speeches, he emphasized hydroelectric power and water resources, mining, agriculture, and manpower as the country's key resources. His program did not differ radically from that of his predecessor in the White House, but Bakiev is promising to deliver. He says life for the average citizen should improve within two to three years. His campaign slogan was: The future of our country is in work and unity."

Before closing the agreement with Kulov, Bakiev was criticized for being a weak leader, for leading a government with no authority, and for making questionable appointments. Bakiev, however, made a point of saying that he would curb the use of administrative resources in the election, something that has marred past elections.



**Tursunbai Bakir uulu** (pronounced Tour-son-bye Back-ear Oo-loo), has served as ombudsman of the Kyrgyz Republic since November 2002, a position appointed by parliament and responsible for protecting human rights. He was born in Kara-Suu city in Osh Oblast, in 1958. Bakir uulu graduated from the history department of Kyrgyz State (now National) University in 1984 and completed his post graduate studies at the Kyiv State University in 1990. In 1992, he became one of the leaders of the Erkin Kyrgyzstan Progressive-Democratic party. In 1995, he was elected to parliament. He ran in the 2000 presidential election. Officially, he won only one percent of the vote, but he claims that election violations robbed him of his rightful share. Bakir uulu is known as a religious politician. In his speeches, he underscored the importance of the country's Islamic heritage, though he says he supports a secular government. He pushed a faith-based program. Bakir uulu was the most serious contender to Bakiev since he is well known throughout the country as ombudsman, and this position gives him representation in all major regions of the country.



**Jypar Jeksheevich Jeksheev** (pronounced Ja-par Jek-shey-ev), has been chairman of the Democratic movement of Kyrgyzstan party (DMK), since 1993. He was born in Taldy Suu village in Issyk-Kul oblast in the Kyrgyz Republic's north in 1947. Jeksheev graduated from the Bishkek Art College in 1971 and from the Institute of Art in 1986. In 1989, Jeksheev organized the Ashar Movement, one of the first opposition groups in the Kyrgyz Republic, to defend the rights of Kyrgyzstani squatters. In 1990, DMK played a significant role in bringing down First Secretary of the Communist Party Absamat Masaliev and then getting Askar Akaev elected as president of the Kyrgyz SSR. Jeksheev was a member of parliament from 1995 to 2000. Jeksheev is seen as a veteran defender of democracy and promoter of the rights of the Kyrgyzstanis, including replacement of Russian with Kyrgyz language. DMK was until recently one of the nine parties in the People's Movement bloc headed by Bakiev. But Jeksheev withdrew DMK from the People's Movement because he said there was no change from the Akaev period. He was particularly critical of Bakiev's personnel appointments. "Bakiev is the new Akaev," he said at a campaign rally in mid-June.





**Toktaiym Jumakovna Umetalieva**

(pronounced Tock-tay-eem Oo-met-a-lee-yeve) was the first woman to run for president of the Kyrgyz Republic. Now 43 years old, she was born in the village of Leninpol in the Talas Region, the daughter of a miner. She is an energetic woman and comfortable in front of audiences. She graduated from Kyrgyz

National University then worked there as a physics instructor for 15 years before devoting herself full-time to being a social activist. In 2000, she became head of The Association of Non-Governmental and Non-Commercial Organizations, which has worked in the fields of gender equality, rights of prisoners, and electrification. Her platform was socially-oriented with particular attention paid to youth, women, and equality. In her speeches, she underscored the Kyrgyz Republic's sovereignty in making decisions about its future. During the Akaev years, her NGO was widely seen as being associated with the government, and during the months leading up to March 2005, she criticized the U.S. for interfering in the Kyrgyz Republic's internal affairs.



**Akbaraly Ysyralievich Aitikeev,** (pronounced Ak-bar-ali Eye-tee-kay-yev) has served as leader of the obscure People’s Welfare Party since its founding in 1996. He was born in Tash-Komyr city in Jalal-abad Oblast in 1958. He graduated from Kyiv Polytechnic institute in 1981. Aitikeev served as advisor to the first vice prime minister

from 2000 to 2002. Aitikeev is quite unknown in the Kyrgyz Republic, and his People’s Defense Party has been very passive. He is a businessman whose official title is vice president of the Union of Industrialists and Entrepreneurs, a powerful lobbying organization in the Commonwealth of Independent States (CIS) dominated by Russia and Ukraine. He has strong ties to Russian industrialists. Newspapers have touted him as the “Putin of Kyrgyzstan,” but he shied away from the moniker, preferring to call himself a reformer and new generation politician. Aitikeev pushed for economic development. In stump speeches he promised to build a new factory in every oblast.



**Keneshbek Asanbekovich Dushebaev**

(pronounced Kan-ee-bek Doo-shye-bay-yev), was born in 1957 in the village of Burulda in Chui Oblast in the north of the Kyrgyz Republic. He hails from the same region as former President Akaev and served as the former president’s last minister of internal affairs. On March 24, he made a pledge not to open fire on peaceful demonstrators who were gathering in Bishkek. Dushebaev lost his position in the wake of the collapse of the Akaev government and soon started a political party called Akikyat or Justice. He is a career law enforcement person, having started his career in the USSR Ministry of Interior ranks in the mid-1970s. In his various postings, he has served throughout the Kyrgyz Republic. Dushebaev has said an “absence of fairness” led to the ousting of President Akaev and has called for a constitutional referendum. Nevertheless, in many observers’ eyes, he is still connected to the former president. He denied involvement in the June 17 disturbances in which protesters of an unregistered candidate briefly took over the White House.



## Appendix II

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For Immediate Release  
July 11, 2005

### **IRI's Preliminary Statement on the July 10, 2005, Presidential Election in the Kyrgyz Republic**

**Bishkek, Kyrgyz Republic** – The International Republican Institute's (IRI) election observation delegation has determined that the July 10 presidential election demonstrated measurable progress in Kyrgyzstan's democratic development. Improvements in election administration contributed to increases in transparency and fairness. In addition, unprecedented voter education efforts and widespread distribution of candidate information resulted in vast increases in the amount of information available to voters on candidates, issues, and electoral procedures. Some administrative issues, particularly the voter lists, must be addressed by the government. In addition, the use of administrative resources to increase voter turnout must also be addressed. However, the elections were a significant improvement over the parliamentary elections of February and March 2005, and provide an important example in democratic development for other countries in the region.

## **I. BACKGROUND**

IRI fielded a 25-member delegation representing a number of political parties in the United States, Europe, and Asia and composed of election experts who have observed multiple elections in numerous countries around the world, including: Ukraine, Russia, Belarus, Georgia, Azerbaijan, Romania, Kazakhstan, Macedonia, Indonesia, Afghanistan, Albania, Thailand, Croatia, Uzbekistan, Moldova, and Kyrgyzstan. The delegation co-chairmen are The Honorable Michael Trend, former member of parliament of the United Kingdom and vice chairman of the Westminster Foundation for Democracy, and The Honorable Surin Pitsuwan, member of Thailand's parliament. IRI deployed observers to each of Kyrgyzstan's seven oblasts monitoring more than 100 polls in Batken, Bishkek, Chui, Issyk Kul, Jalal-Abad, Naryn, Osh, and Talas.

## **II. FINDINGS**

Several positive trends the delegation highlighted in the conduct of elections in Kyrgyzstan are:

1. Rights of election observers were generally acknowledged and respected;
2. The election was held in a peaceful and calm atmosphere;
3. Government interference in media coverage of the campaign was reduced;
4. Freedom of assembly by candidates and campaigns was respected by the interim government; and
5. Nearly two million copies of candidate information materials were distributed, and nationally televised candidate debates were held for the first time since independence.

Notwithstanding the above-referenced positive trends, IRI's observation noted several areas in the electoral process which are in need of improvement:

1. Voters lists continue to contain considerable inaccuracies that provide the opportunity for manipulation;
2. IRI observers noted attempts to inflate turnout via manipulation of mobile voting and altering election results during tabulation;
3. The election law is unclear with regard to the legality of transporting voters to polling stations;
4. Reports of isolated vote buying continue to be problematic in some regions of the country; and
5. The Supreme Court was unable to hear cases for much of the pre-election campaign period because of its occupation by demonstrators, and the lower courts continue to be plagued by a lack of professionalism. As a result, the courts in general were not in a position to provide legal recourse in upholding voter and candidate rights.

### **III. SUMMARY**

In summary, an election is evaluated both on Election Day, as well as throughout the actual campaign period. In both cases, IRI has found that the Kyrgyz Republic has improved its ability to conduct transparent national elections, and has taken measurable steps forward in its quest for democratization. However, the newly-elected government must commit itself to continued improvement in the areas set forth in this document if it hopes to fulfill the Kyrgyz people's aspirations for even higher standards of democracy, as well as to fully meet international standards for electoral processes. IRI will issue a full report on the findings of the delegation.

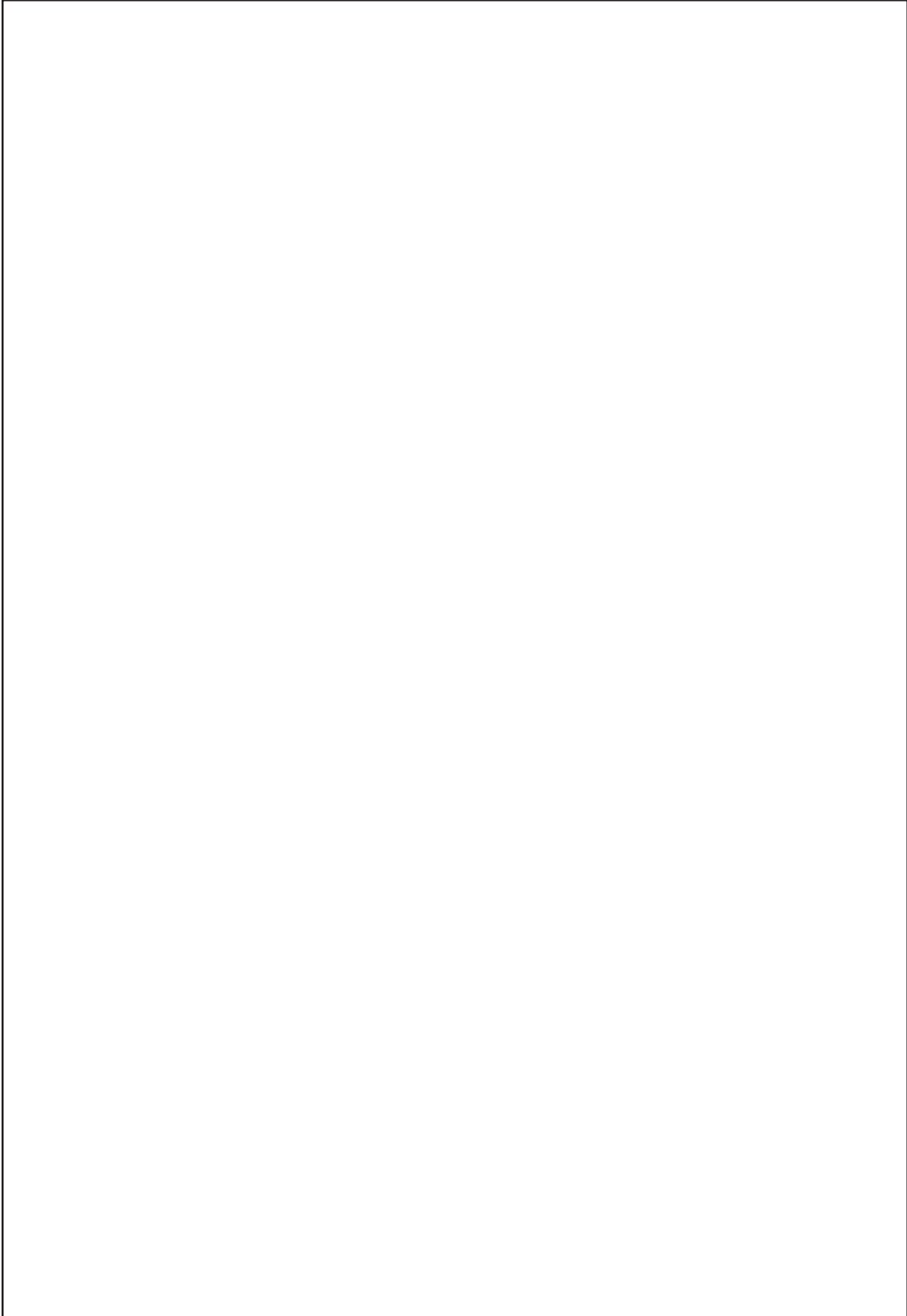
IRI opened its Bishkek office in 2003, although it had previously conducted programming in the Kyrgyz Republic from

1991 to 1994. IRI provided extensive training to campaign staffs and parties on techniques for conducting nationwide door-to-door campaigns. In addition to providing training and technical assistance, IRI's office in Bishkek monitored preparations for the administration of elections, as well as the conduct of the campaigns by the various candidates.

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