



Republic of Kazakhstan Parliamentary Elections, 10 and 24 October 1999
Парламентские Выборы в Республике Казахстан, 10 и 24 Октября 1999

**OSCE ELECTION OBSERVATION MISSION
REPUBLIC OF KAZAKHSTAN
10 and 24 October 1999
ELECTION OF DEPUTIES TO THE MAJILIS OF THE PARLIAMENT**

**SECOND ROUND
PRELIMINARY STATEMENT**

Almaty, 25 October 1999 – The Organization for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) Election Observation Mission for the 10 October 1999 election of Deputies to the Majilis of the Parliament of the Republic of Kazakhstan issues this statement of preliminary findings after the second round held on 24 October. This statement is issued before the tabulation of results for the second round elections. The ODIHR will issue a comprehensive report on the Majilis election within a month.

The Election Observation Mission wishes again to express appreciation to the Ministry of Foreign Affairs and the Central Election Commission of the Republic of Kazakhstan for their assistance and cooperation during the course of the observation.

Conclusions

In a first preliminary statement issued on 11 October 1999 before the tabulation of results, the Election Observation Mission concluded that the 10 October election marked a tentative step in the country's transition to democracy. Improvements in three areas created the potential for Kazakhstan to meet the OSCE commitments formulated in the 1990 Copenhagen Document. (1) The Central Election Commission adopted an extensive set of regulations, significantly improving the legislative framework for the election. (2) Ten political parties were registered for the party-list election and some 550 candidates for the single-mandate constituencies, contributing to pluralism. And (3), party, candidate, and non-partisan observers were accredited to monitor the proceedings in a great majority of precincts (polling stations).

However, the improved legislative and regulatory framework was severely undermined by: (1) illegal interference by executive authorities; (2) unfair campaign practices by parties most closely associated with existing power structures; (3) threats of bureaucratic, administrative, and judicial measures jeopardizing media operations; (4) bias by lower level election commissions for candidates and parties favored by regional and local officials; and (5) intimidation and obstruction of the electoral campaign of opposition parties and candidates. In particular, widespread violations during the vote count and tabulation of results for the first round were a serious setback. Most importantly, the transparency of these elections was severely compromised. Since the first round, the election commissions and courts have been unable to address these violations effectively.

The authorities of Kazakhstan could help restore marred public confidence through the urgent publication of the complete election results, including all precinct and district-level details and summaries. Should the results published to date prove inaccurate, remedies must be effective and the will of voters respected. And individuals responsible for the violations must be prosecuted.

Thus, the two-round elections of Deputies to the Majilis of the Parliament of the Republic of Kazakhstan on 10 and 24 October, while constituting a tentative step towards international standards, fell short of the OSCE commitments formulated in the 1990 Copenhagen Document. These commitments for universal, equal, fair, secret, free, transparent, and accountable elections were severely marred by widespread, pervasive and illegal interference by executive authorities in the electoral process.

The OSCE Office for Democratic Institutions and Human Rights stands ready to continue the dialogue with the authorities, the Central Election Commission, the Majilis, and the Senate of Kazakhstan, to assist in addressing the concerns and recommendations detailed in this statement and those that will be further developed in the final election report.

Developments After the First Preliminary Statement

The Election Observation Mission's first statement of preliminary findings and conclusions was issued while the vote count and tabulation of results were still underway. Since then, more endemic and serious violations and shortcomings have further marred the election.

Official protocols summarizing precinct (polling station) results were not always the ones reported to higher level commissions. Frequently, results were not entered on official protocol forms, or when protocols were prepared, these protocols were drafts and were completed in pencil. In a majority of precincts observed, commission members carried the results either to a separate room where the protocols were typed, or to the Akimat (local or regional administration) where someone else completed or otherwise "adjusted" the forms without the presence of observers. Often, Akims (administrators) were reported to have instructed election commission members that certain candidates were expected to win. The Election Observation Mission has copies of flagrantly falsified protocols.

When protocols were delivered to District Election Commissions, the forms were further altered. In general, observers were denied the opportunity to witness the tabulation process at the district commission level. For one district, the Election Observation Mission has evidence of candidates with the first and third (instead of the second) highest vote-counts having been qualified for the second round. In another case, the District Election Commission Chairman resigned and filed a complaint rather than follow the Akim's instructions to falsify the results.

The Central Election Commission's regulations designed to promote the accurate reporting of results were not followed uniformly at the precinct and district commission levels. In 50 percent of precincts observed, requirements calling for multiple copies of each precinct protocol to be prepared immediately upon completion of the counting of votes, and the display of these protocols at the precinct – both instrumental to reduce opportunities for falsification – were not followed.

The Central Election Commission has received more than 400 complaints regarding these and other violations. The number of complaints filed with the courts is not known. A great majority of these complaints remain unresolved beyond deadlines imposed by law. In two districts where the results reported were contrary to evidence presented by some candidates, the courts ordered the commissions to produce the protocols from all precincts in the respective districts in order to justify the reported results. To date, the commissions have not complied with the court orders.

The Election Observation Mission has also requested from the Central Election Commission copies of a selected number of precinct protocols or district-level summaries showing the reported precinct results. The same information was also requested from certain district commissions. To date, the commissions have denied the Election Observation Mission's repeated requests.

Against this background of eroding confidence in the election process, the results of the first round were announced on 17 October. The results published lacked key information to restore confidence. Information on the number of votes cast for the losing candidates was missing, as well as district-level summaries of precinct results. Thus, the results published were based on figures provided by district commissions without any corroborating data. Furthermore, while the law provides a 60-day period within which to organize the second

round elections, the Central Election Commission ordered the second round to be held on 24 October, before the great majority of more than 400 complaints filed with the courts and the Commission could be resolved.

During the week preceding the second round on 24 October, the Central Election Commission announced improved and more transparent procedures for the second round vote count and tabulation of results. The Central Election Commission also initiated further training seminars for the District Election Commissions. These measures were designed to reduce opportunities for the falsification of results and are laudable. However, significant doubts remain regarding the outcome of the first round – both for the ten Deputies elected in the proportional party-list race and the 20 Deputies elected from the single-mandate constituencies. Moreover, those who qualified for the second round contest in the remaining 47 constituencies and who competed on 24 October, did so in an atmosphere of public distrust and skepticism.

These doubts, public distrust and skepticism about the electoral process can only be remedied by a full and immediate publication of all precinct protocols, summarized by district, for both rounds of the elections. Following this full disclosure, citizens of Kazakhstan must be provided the opportunity to challenge the results through the judicial system, their complaints considered fairly, and the court judgments enforced. In addition, all pending complaints with the election commissions and the courts must be resolved expeditiously and in a transparent manner. Article 96(4) of the election law must be reviewed by competent judicial bodies. This fundamentally unfair article prohibits all candidates who participated in an election cancelled as a result of violations to take part in a repeat contest. Finally, all those found responsible for violations and for marring the electoral process must be prosecuted accordingly. Only then can public confidence in the electoral process in Kazakhstan be restored.

The Second Round

The “transparency checklist” issued by the Central Election Commission for the second round of the elections and the training workshops organized for the election commissions had a positive impact on the conduct of the second round polling on 24 October in some districts and precincts. In others, the violations encountered during the first round were repeated. Among significant violations, in Atyrau, one of the few districts where an opposition candidate qualified for the second round, the District Election Commission Chairman initially denied international observers access to the tabulation process and refused to follow the Central Election Commission’s “transparency” instructions. Later after violence broke out in one precinct, the same observers were informed their security could not be guaranteed and were forced to leave before the tabulation of the results. In one district of Almaty, District Election Commission members were in a meeting with the Akim shortly before the tabulation of results started. Individuals with no apparent official function in the electoral process, often identified as representatives of the Akimats, were again present during polling, vote count, and tabulation of results, frequently giving instructions.

Thus, the improved procedures for the second round could not have an impact on the overall outcome of the elections.

For further information, please contact Mr. Hrair Balian, Head of the ODIHR Election Section, in Almaty (+7.3272.506204) before 26 October, or Mr. Anders Karlsen, ODIHR Election Advisor in Warsaw (+48.22.520.0600).