

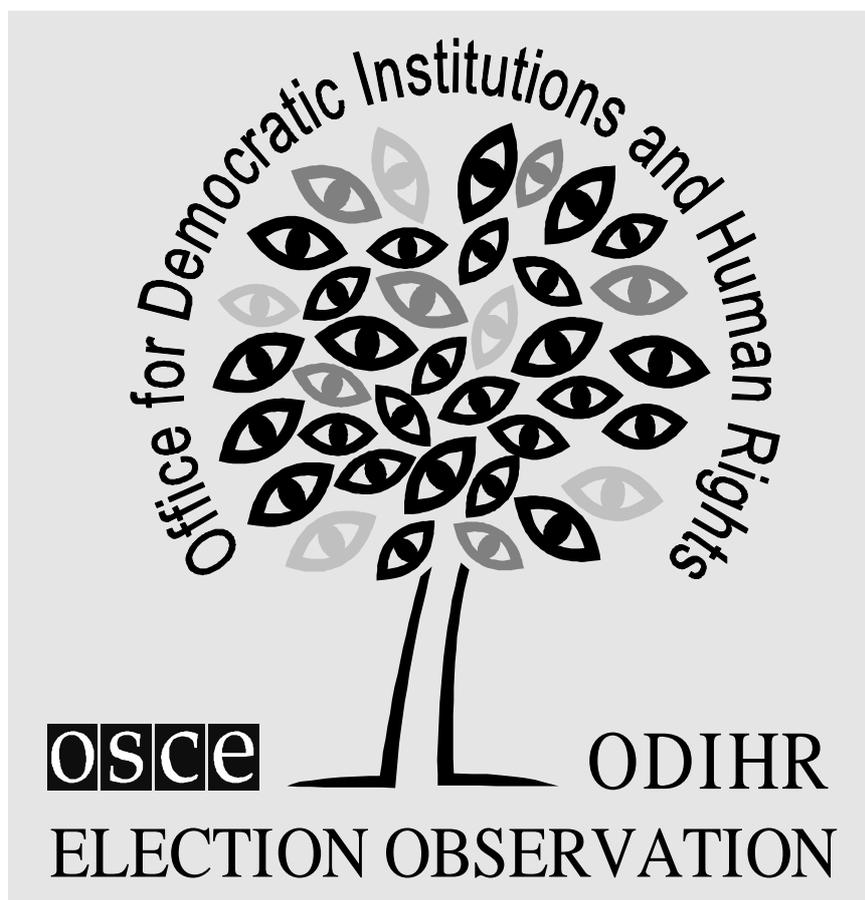


Office for Democratic Institutions and Human Rights

THE REPUBLIC OF TAJIKISTAN

**Elections to the Parliament
27 February 2000**

FINAL REPORT



**Warsaw
17 May 2000**

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THE REPUBLIC OF TAJIKISTAN

Elections to the Parliament 27 February 2000

FINAL REPORT

I. INTRODUCTION

In accordance with the General Agreement on the Establishment of Peace and National Accord (General Agreement) in Tajikistan signed on 27 June 1997, the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) and the United Nations Organization (UN) deployed a Joint Election Observation Mission to Tajikistan (JEOMT) to monitor the parliamentary elections, scheduled for 27 February and 23 March 2000. Ambassador Zenon Kuchciak, seconded by Poland, was appointed Head of Mission. The JEOMT consisted of 10 core team experts, 12 long-term observers deployed in five regional offices throughout the Republic, and 86 short-term observers.

The final report, issued by the OSCE/ODIHR, is based on the findings of the JEOMT, mainly collected during the observation of the pre-election period and during the first round of the election to the Lower Chamber (*Majlisi Namoyandagon*). After the first round, a small team remained in the country to assess the preparations and conduct of the second round. Information concerning the election to the Upper Chamber (23 March 2000) was provided by the OSCE Mission to Tajikistan and by the UN Mission of Observers in Tajikistan (UNMOT).

The OSCE/ODIHR wishes to express appreciation to UNMOT, the OSCE Mission to Tajikistan, and the Embassies of Japan, Germany, the United States, Switzerland, and the United Kingdom for their logistic and financial support. The OSCE/ODIHR is grateful to the UN Member States, OSCE participating States, and other international organizations for their contribution of long-term and short-term observers to the JEOMT.

The OSCE/ODIHR wishes to express appreciation to the Ministry of Foreign Affairs, the Ministry of Interior, the Ministry of Security, and the Central Commission on Elections and Referenda for their assistance and cooperation during the course of the observation.

This final report is also available in Russian. However, the English text remains the only official version.

II. EXECUTIVE SUMMARY

The first multi-party election in the history of Tajikistan marked an important benchmark in the implementation of the General Agreement on the Establishment of Peace and National Accord. The most significant accomplishment in this peace-building process was the inclusion of the former warring parties and others in the electoral process. However, these elections fell short of OSCE election-related commitments, namely in the important areas of transparency, accountability, fairness, and secrecy.

The preparation of the election showed positive developments. The participation of six parties as well as a number of independent candidates promoted political pluralism. In addition, all registered parties and candidates could present alternative views and conduct rallies. However, the legislative and regulatory framework for the elections was inadequate.

Campaign activities were limited, partly due to low campaign funding limits that restricted the ability of political parties and candidates to campaign effectively and also due to their inexperience.

While the State-owned TV provided free airtime to parties competing in the election, it failed to provide balanced news and editorial coverage of the campaign. In general, at national and regional levels, both publicly and privately funded broadcasters as well as print media failed to provide voters with objective information.

The pre-election period was marred by a number of violent incidents, in which 11 people (among them one prominent candidate) were killed and at least 34 more were injured. However, election day was peaceful, an accomplishment that cannot be underestimated.

On election day, some polling procedures were followed correctly, however, important provisions were violated on a large scale. For example, proxy voting was observed in more than 68% of precincts observed; voters were allowed to cast ballots without proper identification documents (67%), and voters were handed more ballots than allowed (33%). More significantly, state organs, in particular regional and local administration officials, interfered in the preparations for and conduct of the elections in a manner not foreseen in the election law. In 78% of precincts observed, regional and local administration representatives were present in polling stations.

The vote count and tabulation of results were not conducted in a transparent manner. Of greatest concern were the discrepancies noted between protocols recorded by international observers and results published by election commissions, thus undermining the process. Often, protocols were completed in pencil suggesting tampering with some results and so as to be adjusted when necessary. Representative of regional and local administration sometimes examined protocols, before submitting them to district election commissions. In a number of cases, domestic observers were not allowed to monitor the count

Parties and candidates lodged a number of complaints as a result of these violations. Significantly, however, all sides reiterated their commitment to the peace process and to solving their disagreements in the framework of the law.

III. POLITICAL ENVIRONMENT

As the Soviet Union disintegrated, a serious disagreement emerged among the political forces about the future orientation of the newly independent Tajikistan and the transformation of its political and socio-economic system. In 1992/93, this conflict escalated into a civil war from which two major conflicting camps emerged: the so called "Popular Front" with later president Emomali Rakhmonov; and a coalition of opposition parties named in 1994 the "United Tajik Opposition" (UTO). Its dominant component appeared to be the "Islamic Revival Party" (IRP) - favoring the transformation of Tajikistan into an Islamic state.

The conflict was not so much rooted in an ideological or political controversy but rather in the collusion of interests of different Tajik regional elites. Tajik society is traditionally fragmented along regional, ethnic, cultural, economic and political lines, and these different elites started clashing as soon as the centralized Soviet State collapsed. Immediately after gaining independence, the regional elites started competing to determine which faction would run and shape the newly independent country.

By the end of 1992, the “Popular Front” gained a military advantage in the civil war while most of the opposition leaders were forced into exile. The “Popular Front” rapidly became the dominant force and the former ruling elite of the Leninabad Province was excluded from power. The elite of Kuljab under President E. Rakhmonov took over state power. As a result, the regional elite of Kuljab turned into an oligarchy, thus marginalizing the other regional elites. The parliamentary election in 1995, which the OSCE refused to observe, elected candidates linked to the Kuljab elite and the Peoples Democratic Party. Approximately a quarter of the deputies were field commanders of the Popular Front, some allegedly involved in crimes during the war. As a consequence, the UTO did not recognise the government and continued the war from the Afghan territory.

After a protracted conflict, all the warring parties decided to end the civil war in Tajikistan. This political will created the preconditions for the UN to lead the inter-Tajik Talks that, in turn, led to the “General Agreement of Peace and National Reconciliation in Tajikistan”, signed in Moscow, 27 June 1997. In the General Agreement, the two warring factions agreed upon a power-sharing giving to the United Tajik Opposition (UTO) a representation of 30% in governmental structures. To implement the General Agreement, a Commission on National Reconciliation was established, consisting of an equal number of members from the government and the UTO. Although the implementation of the General Agreement took longer than agreed, Tajikistan successfully incorporated an armed Islamic opposition into the power structures.

On the eve of the 6 November 1999 presidential elections, President Rakhmonov and the leader of the UTO, S. A. Nuri, signed a Protocol on Political Guaranties for the Preparation and Conduct of the Parliamentary Elections. The intention of the Protocol was to improve the political environment for the parliamentary elections in the light of shortcomings noted during the preparations for the presidential elections. In the Protocol, both signing parties committed themselves to conduct free and fair parliamentary elections on a democratic basis with independent election commissions and non-interference in the election process by the authorities.

The landscape of political parties in Tajikistan is the product of competition of different regional, political and ideological forces. Following the ban of the UTO-parties in 1993, the Peoples Democratic Party (PDP), the Communist Party (CPT), the Socialist Party and the Party of Justice were the only permitted parties. After the new law on political parties, adopted in November 1998, eleven political parties were (re)registered.

However, during the course of 1999, activities of political parties were severely restricted and six of them were accused of violating the Law on Political Parties, and were suspended, banned or deregistered:

- The activities of the Party of Political and Economic Revival were suspended in April 1999.

- Jumbish -National Movement of Tajikistan was denied registration in April 1999.
- Civil Patriotic Party of Tajikistan Unity was banned in April 1999.
- Agrarian Party was banned in September 1999 due to continued political activities after its suspension in April 1999.
- The registration of the Party of Justice and Progress was cancelled in September 1999.
- Democratic Party / Tehran Platform was deregistered in November 1999 due to a name similar to another party's.

They were suspended, banned or deregistered, mainly due to alleged violations of procedural provisions when (re)registering the party. The high number of parties barred from political activities raises concerns. Although these opposition political parties were denied registration some of them were nonetheless able to register their candidates on other party lists or in the single-mandate constituency contest. As a result, voters could choose amongst a genuine and broad range of alternatives.

In August 1999, after the UTO¹ publicly announced the disbanding of its armed units, the ban and limitations on the activities of political parties and movements that were part of the UTO were lifted and the Islamic Revival Party and the Democratic Party (Almaty Platform) were officially registered.

These forces opted for democratic means rather than violence to solve their political disagreements. As a result, the political landscape of Tajikistan remains highly pluralistic and competitive. Thus, six political parties competed in the elections:

- **Peoples Democratic Party (PDP):** The PDP has its origin in the Kuljab region and was registered in December 1994² to serve as “Presidential Party” with the basic aim of securing a nationwide legitimacy overriding regional frictions and affiliation. In 1999, President Emomali Rakhmonov was elected chairman of the PDP.
- **Islamic Revival Party (IRP):** The IRP belongs to the founding organizations of the UTO. During the civil war period, the party was the leading political and armed force of the UTO and still keeps the eastern part of Tajikistan (Karateghin Valley) under the control of its field commanders. The Chairman is S. A. Nuri.
- **Communist Party of Tajikistan (CPT):** The party is (next to the PDP) the only party with an established nationwide network of party cells. Though formerly a supporter of President Rakhmonov, serious frictions appeared with the PDP in 1998 and turned the CPT into a challenger. The Chairman is Shodi Shabdolov.
- **Democratic Party of Tajikistan – Almaty Platform (DPT):** As another founder of the UTO, DPT is to a lesser extent exposed to regional affiliations. DPT finds its supporters mainly among urban populations. The Chairman is Mahmadrusi Iskandarov.
- **Socialist Party (SP):** Although the party has been playing the role of a junior partner of PDP, it is largely regarded as regionally based (Leninobod). Its former leader Kenjayev was killed in 1998. Since then, the party suffers from deep internal crisis. The Chairman is Sherali Kenjayev, the son of the deceased former leader.
- **“New Opposition”:** Under this self-chosen term, a number of smaller parties (National Movement “Jumbish”, Party of Justice and Development, Party of Justice – “Adolathoh”), participate in the political life of the country. With the exception of

¹ In late 1999, the UTO disintegrated into its parties and movements.

² It registered under the name Peoples Party of Tajikistan and renamed during its 3

nd Congress in June 1997.

the Party of Justice (registered in February 1996, Chairman Abdurahmon Karimov), these parties have not been registered or were banned by the authorities. Their leaders tried to run as candidates in single-mandate constituencies.

IV. LEGISLATIVE FRAMEWORK

A. Constitution

The Constitution of the Republic of Tajikistan, adopted in November 1994, establishes a multi-party parliamentary democracy with the separation of legislative, executive and judicial powers. The President, elected for seven years, is Head of the State and of the executive branch. The amendments to the Constitution, adopted by referendum on 26 September 1999, introduced the seven-year mandate for the presidency, a bicameral Parliament (Majlisi Oli) that comprises the National Assembly or Upper Chamber (Majlisi Milli), and the Assembly of Representatives or Lower Chamber (Majlisi Namoyandagon). The Majlisi Oli, elected for five years, is the sole body of legislative power.

B. Law on Political Parties

According to the Constitution, each citizen enjoys the right to association and “to participate in the formation of political parties, including parties with democratic, religious and atheistic character”. With regard to the controversial discussion on the secular character of the State, the mention of religious parties, included in the 26 September 1999 Amendments, was an important precondition for incorporating the Islamic Revival Party (IRP) in the constitutional framework. This amendment guaranteed the creation of religious based parties, which marked a major change with the Law on Political Parties, adopted in November 1998.

To form a political party, 1,000 persons must support its application. Each political party must register with the Ministry of Justice. Local party structures can be established in districts, cities and regions but local authorities must be informed in writing about the creation of such local branches. State authorities are obligated to provide political parties with equal access to State mass media and equal opportunities for election campaigning.

C. Election Law

The Constitution and the Constitutional Law of the Republic of Tajikistan on Elections to the Majlisi Oli constitute the legal framework for the conduct of parliamentary elections. In accordance with the General Agreement, the Commission on National Reconciliation (CNR) elaborated a new election law, adopted at a very late date, 10 December 1999, due to disagreements. Although the international community was not adequately and timely consulted on the drafting of the new election law, some recommendations made by OSCE/ODIHR and other international organizations were partially accepted, marginally improving the electoral legislation. For instance, the proportional representation in Namoyandagon was increased and the threshold to obtain seats in the lower chamber was reduced from 10% to 5% for the proportional election. The 1997 General Agreement stated that United Tajik Opposition (UTO) representatives were to be included in the Central Commission on Elections and Referenda (CCER). In addition, 20% of the seats in polling station and district electoral commissions will be secured for parties and movements of the UTO.³

³ Protocol on Political Guarantees for the Preparation and Conduct of Elections of the

Majlisi Oli, November 1999.

1. Majlisi Oli (Parliament)

The Constitution defines the powers of the two chambers of the Majlisi Oli, and establishes a direct election of the deputies to the Majlisi Namoyandagon and an indirect election of the members of the Majlisi Milli.

Certain categories of citizens are excluded from running: regular servicemen in army institutions; professional clerics; persons sentenced for serious crimes, irrespective of completion of the term of imprisonment; persons under investigation in connection with a suspected criminal offences against the constitutional order and the State security and other serious crimes.

The main powers of Majlisi Namoyandagon are the following:

- formation of the Central Commission on Elections and Referenda upon the President's proposal;
- adoption of laws by simple majority and of constitutional laws by qualified majority of two thirds of its members;
- ratification and rejection of international agreements;
- proposal on referenda;
- formation of courts;
- approval and control of the implementation of the State budget.

The powers of Majlisi Milli among others include:

- approve or veto laws adopted by the Majlisi Namoyandagon;
- form and abolish administrative territorial units;
- elect and recall chairmen, deputies and judges of Constitutional and Supreme Courts proposed by the President;
- give consent to the appointment and dismissal of the Prosecutor General and his deputies.

Joint Sessions of Majlisi Milli and Majlisi Namoyandagon are convened to approve a presidential decree declaring martial law and state of emergency ; to approve a presidential decree concerning the appointment and dismissal of the Prime Minister and other members of the Government; and to schedule presidential elections.

2. Majlisi Milli (National Assembly)

The Majlisi Milli comprises 33 members: eight members are directly appointed by the President, and 25 members are elected indirectly by the local Majlisi. In addition, former presidents of the Republic are members for life. Local Assemblies of People's Deputies nominate candidates. Candidates have to be over 35, have a higher education and to have been a citizen of Tajikistan for at least seven years. Deputies are elected by secret and simple majority vote during joint meetings of all local Majlisi congregated in five constituencies.

3. Majlisi Namoyandagon (Assembly of Representatives)

Majlisi Namoyandagon is composed of 63 deputies, directly elected by all eligible citizens in a secret ballot. The law introduces a mixed electoral system: 41 members are elected from single mandate constituencies and the remaining 22 on the basis of party lists. Every Tajik citizen who is at least 18 on election day is entitled to vote, unless serving a term in prison or having been declared incapable by court decision. Every Tajik citizen, at least aged 25 and eligible to vote, may stand as candidate for deputy of the Namoyandagon if they have been citizen of the Republic for a minimum of five years and have a higher education.

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i. Single Mandate Constituencies

Tajikistan is divided into 41 single-mandate constituencies in which one deputy is elected by a simple majority system. Candidates can be nominated by political parties (through the city/regional organs of the party) or can be self-nominated and supported by a minimum of 500 signatures. If more than 3% of a candidates' supporting signatures are incorrect, registration is denied.

In order to be elected on the first ballot, a candidate must secure a majority of more than half of the votes cast. If the turnout is less than 50% of the registered electors, the election is deemed invalid. If none of the candidates secures sufficient votes to win in the first ballot, a second round takes place within two weeks. The two candidates who received the highest number of votes compete for the second round. The candidate obtaining more votes is elected in the second round if more than half of the registered voters participate. If no one is elected in the second round, the election is deemed not held.

Should the election be determined not to have been held or invalid, a repeat (new) election must take place within two months. The same polling stations and voter lists are used. However, candidates registered for the initial election are not allowed to contest the repeat election.

ii. Proportional Representation

The remaining 22 party seats, distributed by a proportional system, are disputed in a single republican constituency. Only political parties that are registered by the Ministry of Justice before the announcement of election day can participate. The political party lists should not contain more than 22 candidates. The law establishes a 5% threshold for political parties to be represented in the Assembly. The law provides the possibility for a candidate to run in both single-mandate and proportional elections.

V. ELECTION ADMINISTRATION

The elections are administered by a three-tiered system of election commissions, of which only the Central Commission on Elections and Referenda (hereinafter CCER) functions on a permanent basis. The lower level commissions include the District Election Commission (DEC) and the Polling Station Election Commission (PSC). The DEC's and PSC's function from the date of formation (29 December 1999 and 12 January 2000) to the announcement

of the final results. According to the election law, all commissions are independent from government organs.

Election Commissions	Appointed	Members
CCER	Permanent, proposed by President, elected by Majlisi Oli	15
DEC	2 months before election day, upon proposal of the local legislative	Not less than 9-11
Polling Station Commission	45 days before E-Day	more or less 5-19 ⁴

A. Central Commission on Elections and Referenda (CCER)

The CCER consists of 15 members appointed for five years and functions with its own staff. Members are nominated by the President and confirmed by the Namoyandagon. As foreseen in the General Agreement, 25% of the members (four members) was appointed from the UTO in December 1999. The CCER organizes the conduct of the elections to the Majlisi Oli and exercises control over the implementation of the election law by lower level commissions. It issues regulations and clarifications of the law that are binding throughout the Republic. The CCER also forms the single mandate constituencies, ⁵ appoints the DECs, designs the ballots and protocols, prints the ballot papers for the all-republican constituency and, summarizes the national election results. It registers the elected deputies and calls for a second round of the vote or for repeat elections, if necessary. The CCER can overturn a DEC decision found to be in contradiction with the election law autonomously or upon request from the Prosecutor General.

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Though the CCER is a permanent body, in practice all members do not regularly participate in its sessions or in its daily work. Decisions are sometimes taken without the necessary quorum. Only a minority of the CCER members actually have some judicial experience. In addition, the CCER did not have sufficient resources to administer the elections properly.

B. District Election Commissions (DEC)

DECs were set up in all 41 single-mandate constituencies, consisting of a chairman, a deputy and a secretary and no less than six members. DECs are formed by the CCER “upon suggestion of the local executive organs taking into consideration proposals from political parties”.

The DEC controls the implementation of the election law and supervises the work of the PSCs in the constituency, including complaints over the activities or decisions of the The DEC is in charge of registration of candidates in the single-mandate constituency, accreditation of proxies and observers of candidates, printing of ballots for single mandate constituencies and their delivery to the polling stations. It is also responsible for finalizing the results in the constituency. In addition, the DEC is responsible for arranging candidate meetings with voters and issuing posters with candidates’ biography, which gives them the opportunity to control campaign activities.

PSCs.

⁴ The DEC can increase this number whenever deemed necessary.

⁵ The constituencies can have a difference in number of voters ranging up to 20% in remote areas.

Although proposals from all registered political parties should be taken into account when forming DEC's, participation of non-governmental parties in the DEC's and PSC's was not adequate. However, the political parties did not properly use this provision and sometimes missed the deadline for presenting their candidates. Consequently, most of DEC's included personnel from local and regional administration officials (Hukumat) or from institutions controlled by the Hukumat. On several occasions, the head of the local Hukumat was running as a candidate and one of his/her deputies chaired the DEC (or vice versa). Likewise DEC's depend on the local Hukumats for logistic arrangements.

The JEOMT observed the existence of an election administration body between the CCER and the DEC's, operating in the oblast level, which is not referenced in the election law. This ad hoc provincial body transferred the results to the CCER and, in so doing, took over the DEC responsibilities. In the Leninobod and Khatlon provinces, this body, described as an advisory or expert unit, interfered with the administration of the elections.

C. Polling Station Commissions (PSC)

There is no provision in the election law to secure a representation of all political parties on PSC's. Non-government parties complained of exclusion from the PSC's.

The PSC's were set up 45 days prior to election day. The PSC's are responsible for compiling, updating and displaying the voter lists.

VI. REGISTRATION OF CANDIDATES AND VOTERS

A. Registration of Candidates

1. Single Republican Constituency

Only political parties that are registered with the Ministry of Justice before the announcement of the election date are allowed to nominate candidates to the all-republican constituency. Six political parties qualified under this provision and nominated 108 candidates:

- Peoples Democratic Party (21 candidates)
- Communist Party (20)
- Islamic Revival Party (15)
- Democratic Party of Tajikistan (19)
- Party of Justice (15)
- Socialist Party (18)

Political plurality in this election contrasted sharply with the limited choice available to voters during previous elections. This marked an improvement in the democratic development of Tajikistan.

2. Single Mandate Constituencies

The registration of candidates for the 41 single-mandate constituencies was officially finalised on 6 February. Out of 276 nominees, 225 candidates were registered and 191 remained on the ballot on the day of election. However, some trends during the registration

of candidates and the campaign period raise concerns. In four Dushanbe constituencies, 19 out of 31 candidates nominated were denied registration (61%), allegedly as a result of irregularities in their nomination petitions. By contrast, in the remaining 37 constituencies throughout the country, only 32 out of 245 nominated candidates were rejected (13%).

A frequent reason for denial of registration was an allegedly excessive number of invalid signatures on the petitions submitted to the DEC. A candidate must be refused registration by the DEC if more than 3% of the submitted signatures are incorrect. DEC are responsible for checking all or part of petitions. Due to lack of CCER instructions, DEC interpreted and applied this provision in different ways. While some DEC considered the total number of provided signatures as the basis for the 3%, others calculated the 3% only from the first 500 signatures. Consequently, they denied registration when 16 signatures or more were incorrect, even though the candidate provided two or three times more than the required number of 500 signatures.

The lack of regulation and uniformity in the implementation of this provision gave the opportunity to bar certain candidates from running in the single-mandate constituencies based on arbitrary decisions.

B. De-registration of Candidates

Article 33 of the election law bars from candidacy, inter alia, military personnel and persons convicted of or under investigation for criminal offense against the constitutional order, state security and grave crimes. The law does not define a grave crime. This provision was subject to different interpretations and non-uniform implementation.

Six candidates were deregistered before the first round of election. All were considered close allies of Gen. Suhrob Qosimov, commander of a Ministry of Interior special brigade and prominent field commander of the Popular Front. Some of the de-registration decisions were taken upon request of the Prosecutor General for candidates under criminal investigation, or members of the military. In addition, one candidate (Khojamaston, constituency # 28), elected in the first round with 67% of the votes, was deregistered due to alleged criminal involvement. A candidate from the Communist Party of Tajikistan (CPT) was also deregistered before the second round.

C. Complaint Procedures

The Law authorizes subjects of the electoral process to file complaints with election commissions and courts at all levels. The processing of the complaints by election commissions was mainly non-transparent and did not follow an established and uniform procedure. The JEOMT had access to court hearings of election related appeals. In general, the courts ruled in favor of upholding election commission decisions.

A considerable number of complaints filed with the CCER about decisions of lower level election commissions were addressed without a written decision, and complainants were notified orally. Furthermore, the processing of complaints did not take place during CCER sessions and decisions were not formally reported to members of the CCER. Decisions on complaints in lower level commissions were also often taken without quorum.

The main subjects of the complaints were non-registration of self-nominated candidates due to allegedly incorrect signature lists and undue influence on candidates or voters by local authorities.

D. Voter Registration

As Tajikistan experienced several waves of internal displacement during the last years, updating the voter registers was of particular importance. Voter lists were compiled by polling station commissions, at times involving other officials as well. Commonly, PSC personnel (or others) would go from house to house and list persons who have permanent or temporary residence in the territory of the polling station. Voter lists then are displayed publicly 15 days before the election and voters are invited to check the accuracy.

Art. 24 of the election law and Art. 21 of the Act “on the passport system” state that a voter is registered according to the place of residence (permanent or temporary) indicated in the passport (ID card) by the respective division of UVD (*Upravlenie Vnutrennih Del*). As temporary residence for less than six months does not require registration, the actual place of residence of many citizens (especially in Dushanbe) might be different from that indicated on the passport. The common practice is to include these citizens in the voter list of their actual residence, proved by a document, issued by the “ *upravdom*” (person keeping the house-book) or witnessed by relatives hosting them. Such voters, estimated at 100,000 persons in Dushanbe alone, are not properly registered and therefore could possibly be included in two voter lists and vote more than once.

Conversely, voters who have been omitted from the voter list can be included in the supplementary list on election day upon presentation of identity documents. No proof of residence is required. The old law on elections to *Majlisi Oli* required proof for both the person’s identity and place of residence.

On election day, in some 11% of the observed polling locations, voters were added to supplementary lists. In only 50% of these cases, the identity and residence of voters were properly checked.

VII. Campaign

A. Campaign Financing

Political parties and candidates are only allowed to use campaign funds from an election fund established by the CCER. In January 2000, the CCER provided each political party with USD113 (200,000 Tajik Roubles) and each candidate with USD23 (40,000 Tajik Roubles). Parties and candidates protested against these low limits, which made a substantial campaign impossible. The CCER eventually decided to allow parties and candidates to use their own funds for political campaign activities. It adopted a recommendation allowing each party to spend up to USD2,272 (4 million Tajik Roubles) and each candidate, registered in a single-mandate constituency, up to USD284 (0.5 million Tajik Roubles) from their private funds. Although the recommendation was a positive step for more realistic campaign spending limits, it contradicted Article 9 of the election law, which forbids political parties and candidates to spend their own funds for this purpose. Moreover this decision, only three weeks before the election, did not help political parties and candidates to properly plan and prepare their election campaign.

Another campaign financing issue was the disclosure of candidate expenditures. The CCER did not address this problem.

B. Election Campaign

The parliamentary elections campaign period was marred by a number of violent incidents, during which 11 people lost their lives and at least 35 were injured. One PDP candidate, Dzhabirov, Deputy Security Minister, died in a bomb attack. The Mayor of Dushanbe and a prominent political leader, Ubaidullayev, was also injured during the same incident.

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While some of these violent incidents may not be linked to the elections, they nonetheless contributed to an atmosphere of insecurity and tension. As of this writing, no one has been arrested in relation with these incidents.

In general no violence was reported during party rallies, except for a shooting incident between militia members and Nuri's bodyguards. Nonetheless, the level of campaigning was low with only a few meetings and rallies. In addition, few election campaign materials as posters and leaflets were in public view. The limitation of funds obviously played an important role in this along with the lack of experience of candidates and political parties.

The JEOMT received only few complaints from political parties or candidates concerning campaign obstruction or illegal campaigning. However, close to election day, reports of Hukumat officials endorsing publicly certain candidates or the PDP reached the JEOMT from several districts. On 25 February, chairs and key members of nearly all polling station committees in Qumsangir (Constituency #33) were instructed by the deputy head of Hukumat and a commander of the Tajik Border Forces (TBF) to secure an 80% outcome in favor of candidate Sul-ton Valiev as well as to hand in PSC protocols completed in pencil only. The JEOMT received similar reports from several other districts in the Khatlon region, including Kolkhozobod (Constituency #30), Vakhsh (Constituency #32) and Kulob (Constituency #37). These reports were accompanied by a multitude of allegations of local authorities and, in some cases, TBF units engaged in intimidation of and threats against opposition candidates in order to force them to withdraw from the race. In Dushanbe on 25 February, the Rais (head) of the Oktiabr district Hukumat was illegally given airtime on local television after his own withdrawal of candidacy and in order to support an independent candidate affiliated with the PDP.

In spite of the violence and few cases of intimidation, opposition parties were able to campaign throughout the country.

VIII. MEDIA ENVIRONMENT

A. Structure of Print and Electronic Media

Nineteen electronic and around 425 print media companies are registered in Tajikistan. Of these 14 broadcast media outlets and 245 newspapers actually operate. Due to poor

⁶ Chronology of incidents during the pre-election period:
2 February: Bomb explosion in a public bus in Dushanbe, killing seven persons and injuring some 30 more.
5 February: During a party rally of the IRP a bodyguard of S. A. Nuri killed two police officers, when they tried to disarm him.
7 February: Three bombs exploded in the center of Dushanbe causing no damage.
16 February: A radio-controlled bomb blew up the car of Dushanbe City mayor [redacted], M. Ubaidullayev. While the mayor suffered minor injuries, the driver of the car as well as [redacted] Jabirov, Dep. Minister of Security and PDP candidate to the Lower House, were killed.
23 February: Shooting incident between armed groups in front of the Presidential Palace, injuring two civilians.
25 February: Bomb explosion in the office of Jamolikkin Mansurov, self-nominated candidate in Hissar, injuring three people.

economic conditions, daily newspapers do not exist in the country, they are published only once a week. As such, television is the main information source. Only the State-funded Tajik television and radio have the capacity to broadcast in almost all parts of the country. Furthermore, approximately 78% of the population regularly watch the Russian television channels ORT and RTR.

As a result, the State-owned television is the most influential source of information, with its prime time news (*Akhbor*) broadcast in Tajik, Russian and Uzbek languages. No private radio stations operate in Tajikistan. Two non-governmental broadcasters, Asia Plus and Radio Nic, have been waiting for their licenses more than a year.

The JEOMI monitored the State-owned Tajik TV prime-time news and the allocation of free time to political parties and candidates, six “national” newspapers, three State-funded newspapers – *Jumhuriat* (The Republic), *Sadoi Mardum* (The Voice of People) and *Narodnaia Gazeta* (The People’s Newspaper), and three independent newspapers *Vechernij Dushanbe*, *Biznis i Politika* and *Asia Plus*.

B. Legal Framework

Freedom of speech is guaranteed by the Tajik Constitution (Art. 30). In addition, according to the law “On Press and Mass Media”, media are free in Tajikistan. Censorship of mass media is forbidden. The regulatory body, which oversees the work of media including issuance of license, is the State Committee for Radio and TV. The Head of the Committee is appointed by the President and is, at the same time, directly responsible for the Tajik State-owned television.

According to Article 12 of the election law, the CCER specifies the regulatory framework for mass media and monitors their conduct during elections. All registered political parties and candidates have an equal right to use the mass media for the election campaign and can broadcast one advertisement on television and radio free of charge. In January, the CCER issued a resolution allocating 10 minutes on television to each party and five minutes to each candidate. In addition, 15 minutes were allocated to round tables between candidates. Candidates had also the right to publish up to eight pages in State newspapers. However, the CCER resolution did not outline any procedure to allocate broadcast time, done on the basis of the order in which the requests were received.

C. Political Advertisements on State-owned Television

During the period of 16 days prior to the elections, the State-owned television devoted more than four hours and 20 minutes to political parties, candidates or their proxies to make their presentation to voters. While each party was able to broadcast at least one advertisement on television, this was not the case for all candidates. About 39% of the total time was allocated to PDP representatives. In contrast, the IRP received just over 30 minutes (14%) and the Communist Party only 13 minutes. Independent candidates competing in the single-mandate constituencies were allocated about 50 minutes (20% of the total time).

There was no indication that any of the parties or candidates were refused broadcasting. However, although all political parties expressed interest to participate in a television debate, only three representatives (DP, CPT, and Party of Justice) accepted an invitation for the first round table discussion organized at the Tajik television. The CCER then instructed

State-owned television that unless all six registered political parties participate, there would be no debate. As such, political party debates did not take place on State-owned television.

D. Political Advertisement on Private Television

Neither the election law nor the CCER resolution provides guidance on the rights and duties of private broadcasters during the campaign, including paid political advertisement. Nonetheless, several private television stations covered the election campaign and offered candidates the opportunity to have one free campaign presentation during prime time. For instance, SM 1 (Khujand), in co-operation with Internews, allocated time for television debates between candidates.

E. Election Campaign on State-Owned Media

The State-funded Tajik television failed to provide unbiased and objective information. The election campaign was hardly mentioned on prime time news. The State television dedicated less than one hour to cover the political activities (53 minutes and 3 seconds). Nonetheless, the ruling party was omnipresent and the rest of the political spectrum almost absent from news programs. The airtime was divided between covering the activities of the President (47%) and government representatives (53%). The Tajik television did not provide voters with enough information on political contenders and their platforms.

Plurality of views in the print media was also limited and, in general, newspapers supported the ruling party. Owners and editors did not dare to criticize the ruling powers, concerned that their newspapers could be closed down or denied access to state-controlled printing houses. The State-funded newspapers *Jumhuriat* (The Republic), *Sadoi Mardum* (The Voice of People) and *Narodnaia Gazeta* (The People's Newspaper) dedicated almost 70% of space to cover activities of the President, government and PDP, ignoring the activities of other parties and political actors. Only few candidates and parties used the opportunity of free advertising in State-owned newspapers. No complaints were reported on denial of access to newspapers. However, an edition of the newspaper *Sadoi Konibadan* (owned by the local Hukumat in Konibadan), announcing the rally of Nuri, was destroyed. The private television station Anys also faced difficulties when reporting about this rally.

Sadoi Mardum (The Voice of People), a Tajik-language newspaper with a circulation of 12,000, was founded in 1990 reflects the views of the Parliament. The newspaper devoted 27% of its coverage to the President, about 23% to the Government, and 18% to the ruling Peoples Democratic Party. Although significant amount of space was given to independent candidates running in the single-mandate constituencies (29%), it largely ignored the whole opposition.

Jumhuriat (The Republic), established in 1925 as a Tajik-language paper with a circulation of approximately 10,000, reflects the views of the Government. It usually prints official information and documents from various Ministries. Almost 26% of its election news was about the President, 26% about the Government, and 10% the PDP, uniformly positive in their content. The opposition candidates received 14% coverage, divided between IRP (7%), SP (4%), Adolathoh Party of Justice (1%), DPT (1%) and CPT (1%). Independent candidates received 24%, mostly neutral or positive coverage.

Narodnaya Gazeta (The People's Newspaper) is a Russian-language joint publication of the Parliament and the Government, with a circulation lower than *Sadoi Mardum* or *Jumhurriat*. The paper devoted almost half of its coverage (44%) to the President, 15% to the Government and 16% to PDP with only positive information. In contrast, opposition parties and candidates received 20% of negative coverage (mainly IRP).

F. Independent Newspapers

The private press is not under a legal obligation to remain neutral during an election campaign unlike the electronic media.

Vechernij Dushanbe, *Biznis i Politika* and *Asia Plus*, the only independent newspapers with significant circulation and political coverage, were overwhelmingly pro PDP. During the monitoring period, no critical information was published about the ruling powers and more than 2/3 of the coverage was dedicated to the President's or Government's activities. Though, *Asia Plus* and *Vechernij Dushanbe* published the political platforms of all six registered parties. In addition, one week prior to the elections, several newspapers published the answers of the six registered political parties to six key questions regarding the elections.⁷

Vechernij Dushanbe is the largest circulation newspaper distributed throughout the country, except the Pamir region. The paper openly supported the President and Government (64% of the total space).

Biznes i Politika, a Russian-language nationwide weekly with a circulation of around 10,000 until recently, was forced to reduce its circulation due to financial problems. The weekly supported the President and Government, devoting almost 90% of its coverage to the ruling party. Opposition parties and representatives (mainly CPT and IRP) received only negative coverage.

Asia plus, founded shortly before the parliamentary elections, belongs to the news agency *Asia plus*. As with other commercial/independent publications, it did not cross the line regarding campaign coverage. This paper backed the President and the State administration with almost 70% of positive coverage. But unlike other newspapers, *Asia plus* provided some neutral information on representatives of CPT, IRP and DPT.

G. Self-censorship

Self-censorship is a common feature among Tajik journalists who tend to adjust their comments to what is considered acceptable by the authorities. The authorities seem to give "friendly advice and make recommendations" on media coverage. Further, the absence of private printing companies forces the private media to print their newspapers in State-controlled printing houses.

IX. VOTER EDUCATION AND TRAINING OF ELECTION OFFICIALS

From the start of the pre-election period in early December 1999, several international organizations were engaged in a broad range of voter education and election administration

⁷ Project funded by International Foundation for Election Systems and the United States Agency for International Development.

training activities. The CCER initiated a limited number of voter education activities on its own, as it remained under-staffed and under-financed throughout the election period. Instead, the CCER co-operated with international organizations in joint voter education projects. In addition, election commissions at all levels held training seminars for commission members.

Tajik television broadcast a series of voter education and information programs (Election and Society, Election and Youth or Man and Law) to explain the new provisions of the election law and to inform citizens about the election process. However, on several occasions, President Rakhmonov was shown during such programs.

The main international organizations coordinated their voter education and training activities and exchanged ideas and experience during weekly Election Focal Point Meetings throughout the election period. One such coordinated activity was the informative and well-distributed IFES/UNMOT booklet “50 Questions and Answers about the election law”.

A. OSCE Mission to Tajikistan

The OSCE Mission to Tajikistan focused on the participation of women in elections and conducted more than 100 voter education and democracy seminars throughout the country. In cooperation with the Open Society Institute and Internews Network, the Mission also organized three workshops for journalists from print and electronic media, highlighting the role of the media and journalists in the electoral process.

B. UNMOT

The Civil Affairs Department of UNMOT launched a nationwide voter/public information seminars and workshops in the regions (partly in co-operation with the CCER), targeting actors in the electoral process, including DEC officials, Hukumat employees, journalists and police. From December 1999 to election day, UNMOT conducted more than 15 seminars of this kind as well as a series of 15 mobile voter information seminars in the southern Khatlon region. In addition, twenty 30-second spots on voter conduct during election day were broadcast on national television during the week prior to the elections. The four main messages were: no proxy voting; the need for personal identification document; the secrecy of voting; and the importance of voting as the most important democratic right.

UNMOT voter education booklets and posters issued and distributed jointly with the CCER were present in polling stations on election day.

C. International Foundation for Election Systems (IFES)

IFES launched a voter education project through the mass media, distributed posters and brochures, and organized events such as political party round table discussions and seminars for domestic partisan observers. Six radio spots and five television spots were broadcast on national and regional media during the last two weeks preceding the elections. In cooperation with the CCER, IFES issued and distributed 3,000 copies of a manual on guidelines for polling station officials. The IFES manual reached polling stations during the week before the elections and was reported present and in use in nearly 80% of the polling stations visited by international observers on election day.

D. United States Agency for International Development (USAID)

USAID supported Counterpart Consortium (CC) organized seminars for public/voter education, domestic NGOs, and volunteers from local government and electoral commissions. Other CC workshops focused on the participation of women in government.

X. POLLING AND COUNTING

On election day, 47 short-term international observer teams were deployed throughout Tajikistan covering 37 out of the 41 single mandate constituencies. For security and other reasons, observers were not deployed to two constituencies: Hisor (Constituency #7), Faizobod (Constituency #11). These JEOMT observers monitored the opening in 47 polling stations, the voting in 375, and the closing and the vote count in 41. As a result, the mission visited more than 15% of the total 2,761 polling stations for the parliamentary elections.

Throughout election day, the voting and vote count took place without any security incidents reported.

A. Voting process

1. Opening Procedures

In general, opening procedures were followed and only minor irregularities were reported. However, a disturbingly high number of PSCs (27%) were not in quorum during the sealing of ballot boxes and the opening of polling stations. A significantly high number (21.8%) of Hukumat representatives was present during the opening of polling stations, though in general they did not interfere in the work of commissions. Nonetheless, opening procedures were assessed positively.

2. Voting

Voters had unhindered access to polling stations on election day and hardly any active campaigning in and around polling stations was reported. However, the polling station layout did not always allow for proper voting, counting procedures, and easy observation (size of polling stations, power cut, etc.). As a result, the secrecy of the vote (ballots marked outside the booths) was repeatedly violated and election commission members had to perform in very difficult conditions.

Candidate or party proxies were present in 90% of polling stations visited during the poll. However, these partisan observers were very often poorly trained and did not know their rights and duties.

Hukumat staff were present in more than 75% of visited polling stations. Some even wore accreditation issued by the DEC. However, in only few instances they clearly intervened and administered the process instead of the election commissions. In addition, local dignitaries, including mayors or heads of Jamoats (local community representatives) or Kolkhozes (agricultural cooperatives) were present along with candidates themselves, in 31.4% of the polling stations visited.

The main infringement of the law during polling was a massive level of proxy voting (78%), confirmed by a multiplicity of identical signatures on voter lists. Proxy voting was also facilitated by commission members issuing more than one set of ballots per voter (43% of polling stations visited). On only a few occasions, commission members tried to prevent proxy voting. Likewise, group voting occurred frequently - in 42.8% of the polling station visited.

Open voting, recorded in 12% of polling stations visited, was caused mostly by frequent power cuts and overcrowded polling stations. In some instances, observers noted voters marking ballots not only outside the ballot booths but also outside the polling station. Group voting occurred frequently - in 42.8% of polling stations visited.

In 60% of polling sites visited, IDs were not properly verified. The invitations to vote were widely perceived and used as proper ID.

The number of ballots given to voters varied from one constituency to another due to the administrative subdivision of the country and due to the holding of local elections. In some polling stations, the numbers of ballots issued to voters was incorrect. In the military polling station No. 144 in Rohi Ohan (Constituency #3), the chairman told observers that there should be no ballot for the rayon council and for the first two hours of the poll approximately 230 voters voted without this ballot. At 8 o'clock the DEC chairman arrived with the rayon ballots which had been misplaced.⁸

Other polling stations ran out of one of the ballots during the day and carried on issuing fewer than the required number of ballots to voters for several hours. The shortage of ballots was caused by an insufficient number of ballots issued to the commission or by the large number of voters on supplementary lists. Another explanation was the high frequency of proxy voting and an improper record of ballots kept in the polling station. As to the latter, observers in some instances reported a mismatch between the number of received ballots, the given turnout by the time of visit, and the number of unused ballots.

The use of mobile ballot boxes revealed an absence of uniform procedures. In 29% of the polling station visited, more ballots than the number of applicants were taken out with the mobile ballot box. In 17.5%, observers (including domestic) were not allowed to follow and monitor voting by mobile ballot box. Similarly, some chairmen openly stated that at the end of the poll they would make a list of voters who had not voted and visit them with the mobile ballot box. This raises serious concern regarding the misuse of the mobile boxes.

The JEOMT received substantiated complaints from all five regions of the Republic that election commissions obstructed the work of observers. In several cases, observers were denied access to polling stations located in military barracks and hospitals. In some cases, observers were expelled from polling stations during the vote, the count and the tabulation of results. The JEOMT received reports of domestic observers, expelled from polling stations shortly before the opening of ballot boxes from all four constituencies in Dushanbe as well as from several constituencies in the Leninobod and Khatlon regions. In polling station No. 65 in Oktiabr (constituency #2) in Dushanbe, the JEOMT collected evidence indicating that ballot stuffing took place after the expulsion of opposition observers. Although approximately 900 voters had cast ballots at 19:00 when the international

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In spite of this shortage, the turnout of the polling station 144 in DEC 3 reached 100% in all four elections.

observers left the polling station, the final results recorded additional 300 votes, giving a 100% turnout.

However, international observers were in general well received at polling stations. Any difficulties that international observers experienced were due to some election officials not being familiar with the CCER resolution on the status of observers. In Khojamaston (constituency #28) and Kulob (constituency #37), international observers were denied access to the DEC.

B. Counting Process

The legal provisions are inadequate for a transparent and uniform vote count. In addition, PSC chairpersons and members lacked an understanding of basic counting procedures and provisions.

In most cases, the number of ballots received by the PSC were not recorded in the protocols and the number of ballots issued to voters not established prior to the opening of the ballot boxes by counting the number of signatures in the voters' lists. Control was not possible without these two figures against which the number of ballots found in the ballot box can be verified. In fact, the number of ballots issued to voters was usually assumed to be identical to the total number of ballots found in the ballot box. In some cases, this number substantially differed from the number of issued ballots and was changed to match with the number of signatures on the voter list.

Similarly, the number of voters who had voted by mobile ballot box was in general not announced prior to its opening and mixing with the content of the ordinary ballot box. Without this safeguard, the mobile box voting was subject to misuse.

In 27% of polling stations visited, election officials did not count and invalidate the unused ballots before the opening of ballot boxes. In addition, some PSC chairmen were instructed to either take the unused ballots to the DEC where these would be destroyed or to give them to neighboring polling stations.

A range of major violations of the law were witnessed during the count. Some of these appeared to be deliberate cases of fraud, some were due to lack of proper training and understanding of procedures, others due to illegal instructions issued by DECs or Hukumats.

- In 46% of polling stations visited during the count, protocols were not completed correctly;
- In 22%, indications of arbitrary results entered on protocols;
- In 12.2%, observers were not provided copies of protocols;
- In 9.8%, Hukumat or police interference in the count;
- In 7.3%, attempts to prevent observers from monitoring the count.

Nonetheless, observers assessed that the counting procedures were followed in 68.29%, and the count took place in an efficient and organized manner in 78.6%.

C. Tabulation of Results

Some DECs performed well during the tabulation of results, but in general observers assessed the process as non-transparent and subject to major violations. Though the CCER

never published a consolidation of polling station results, the JEOMT could compare the official DEC protocols with those collected by observers on election day. In almost 90% of the constituencies, at least one copy of polling station protocols, certified in most cases by the PSC chairman, and of DEC protocols were collected by the JEOMT.

1. Protocols Filled in Pencil and Interference by Local Administration

In more than half of the constituencies where observers were present, polling station officials were instructed to deliver the protocols with the results completed in pencil. This opened the potential to change the protocols during transportation to the DEC or at the DEC.

In some constituencies, there was no clear distinction between the election commissions and the local administration. Observers reported that election officials often had to go first to the offices of Hukumat officials or of local Jamoats before submitting the protocols to the district commissions.

2. Manipulation of Invalid, Spoiled and Against-all Votes

While party ballot protocols obtained by the JEOMT and certified by polling station chairmen show votes cast “against all”, official DEC results omit the “against all” vote in the following constituencies: Markazi (Constituency #1), Rohi Ohan (Constituency #3), Ghafurov (Constituency #14), Panjakent (constituency #21), Uro-Teppa (Constituency #23), Qurghon-Teppa (Constituency #26), Kokhozobod (Constituency #30), Qabodiyon (Constituency #31) and Voseh (Constituency #39). The same was done for the invalid votes. For example, in Yovon (Constituency #29), the total number of invalid votes in the DEC protocols is smaller than the number recorded by JEOMT observers in two polling stations of the same constituency. Discrepancies were also noted between the telegram sent by the DEC to the CCER on election night and the official consolidated results issued by the CCER few days later. In Yovon again, in the DEC telegram, the number of invalid votes was 3,335 and the vote against all 1,604. However, the CCER official results tabulated only 6 invalid votes and 3 against all.

Yovon # 29	According to the election night telegram to CCER	Official result according to the DEC #29 protocol	Changes
PDP	18,204	24,034	+5,830
Invalid	3,335	6	-3,329
Against all	1,604	3	-1,601

The tabulation of the single-mandate ballot was marred by the same omissions as the tabulation of the party ballot. In several districts, observers recorded a normal distribution of invalid or against all votes but the official CCER result showed zero. When compared with the JEOMT copies of PSC protocols, all certified by the signature of polling station chairpersons, inconsistencies are shown in seven constituencies (Frunze #4, PS #167; Tursunzoda #5, Qurghon-teppa #26, PSC #13; Bokhtar #27, PSC #2; Yovon #29, PSC #53; and Vakhsh #32, PSC #12 and Qabodiyon #31).

3. Alteration of Party Results

The JEOMT also verified the certified protocols copied by observers in polling stations against the results reported in DEC protocols. In most cases, results were correctly reported without any alterations. However in Khorog, significant changes were made in polling station protocols. In polling station No. 8, the number of votes for all political parties were reduced while the votes for PDP were increased from 491 to 2,306. These alterations were reproduced in polling station No. 9 where the PDP officially secured 1,502 votes against the earlier reported 618.

Khorog	Polling station no. 8			Polling station no. 9		
	Recorded by JEOMT in PS	Official result, according to the DEC	Difference	Recorded ⁹ by JEOMT in PS	Official result, according to the DEC	Difference
PoJ	43	13	-30	39	4	-35
DPT	159	22	-137	190	20	-170
CPT	821	221	-600	690	90	-600
IRP	144	14	-130	72	2	-70
SP	25	15	-10	19	4	15
PDP	491	2,306	+1,815	618	1,502	+884

These figures confirm the illegal manipulation of figures at the DEC level. In addition, photocopies of ballot papers with a slightly different format were found in Badakhshon region. They were pre-marked for the PDP with a cross and had an official stamp from the GBAO Hukumat. These ballot papers slightly differed in size and design. In addition, the text on the ballot was different.

A telegram, sent to the CCER by the DEC No. 23 of Uro-Teppa, certifies that the DEC tabulated results of polling stations differ from the results delivered by the Leninobod Oblast Hukumat. This telegram is another evidence of manipulation. The PDP is credited with 33,656 votes by the CCER instead of 9,656 reported on the DEC telegram ; the Communist Party lost 15,000 votes (from 35,563 to 20,563), and the IRP 7,000 (from 8,375 to 1,375). The alterations apparently occurred during the reporting of the results.

⁹ The JEOMT copy of the party results in PSC No. 9 (chairman.

Khorogh city) is certified with the signature of the PSC

Party	According to the telegram from DEC #23	Official result reported by the CCER	Changes
No. of voters	74,199	74,199	0
No. of ballots issued	68,662	68,662	0
PoJ	9,601	9,601	0
DPT	1,610	1,610	0
CPT	35,563	20,563	-15,000
IRP	8,375	1,375	-7,000
SP	1,041	1,041	0
PDP	9,656	33,656	+24,000
Against all	N/A	-	
Invalid	N/A	816	

Finally, in Voseh (constituency # 39) and according to the final results announced by the CCER, votes were almost evenly distributed among the Communist party and the PDP and no invalid or against all votes were reported, which is statistically very dubious.

While the scale of manipulation of results is impossible to calculate, nonetheless a pattern emerges:

- the results were tampered with at all commission levels – PSC, DEC and CCER; and
- all manipulations verified by the JEOMT seem to benefit the ruling party (PDP).

D. Run-off Elections, 12 March 2000

The election on 27 February produced a winner in 27 out of 41 single-mandate constituencies. The CCER declared elections invalid in three constituencies, Khojamaston (Constituency #28), Khorog (Constituency #41) and Kofarnihon (Constituency #10). Repeat elections in these constituencies were scheduled for 23 April. In (constituency #28), the winner was de-registered by the DEC on the initiative of the Prosecutor General, while in constituency #10 major irregularities led to the invalidation of the results. The DEC protocols of both constituencies displayed obvious arithmetical errors.

On 12 March, run-off elections were held in 12 single-mandate constituencies. Three candidates withdrew from the race and one was de-registered before the run-off election day. Undue pressure exerted by representatives of local authorities was reported in three of these cases. In addition, the opposition complained about undue influence on local officials and voters between the two rounds. The arbitrary replacement of commission officials also raised concerns even though this possibility is stipulated in the law.

The observation of the second round confirmed the first-round patterns relating to proxy voting, lack of ID verification, presence of unauthorized personnel inside polling stations and improperly filled protocols. A new irregularity was the early closing of polling sites after all voters had voted. The count started before all polling stations had closed.

E. Election to the National Assembly (Majlisi Milli)

On 23 March, indirect elections for the National Assembly were held in five constituencies, which encompass all five regions – Mountainous Badakhshon, Khatlon and Leninobod oblasts (provinces), Dushanbe City and districts of the republican subordination.

The local Assemblies of People's Deputies nominated candidates during sessions held on 11 – 14 March. In all regions, five candidates were nominated, corresponding to the number of deputies to be elected in each region. The Members of the National Assembly were elected at the joint sessions of all local assemblies of each region through secret voting. Thus, political competition did not exist. Out of 25 elected Members of the National Assembly, 20 are members of the PDP, and 19 are heads of regional, district and city Hukumats. In accordance with the law, on March 20, President E. Rakhmonov appointed eight Members of the Majlisi Milli, most of whom are linked to the Hukumats, and two represent the economic sector. The Prosecutor General was also nominated.

The composition of the Majlisi Milli further strengthened the position of the PDP and the President in the Parliament.

XI. FINAL RESULTS

A. Results Based on Party Lists (Single-Republican Constituency)

The official results of the party list vote was published in the organ of the Majlisi Oli, *Sadoi Mardun* on 8 March 2000. The results were not published with constituency or regional details, nor with any information on the number of invalid votes. The results published were as follows:

Party number	Name of party	Number of votes	Percentage	Seats
1	Adolathoh (PoJ)	35,414	1.32	0
2	DPT	94,963	3.54	0
3	CPT	547,076	20.39	5
4	IRP	196,105	7.31	2
5	SP	37,728	1.22	0
6	PDP	1,741,540	64.91	15
	Against all	22,322	0.83	
	TOTAL			22

Thus, 2,683,010 voters or 93.36% of the electorate took part in the elections and three parties passed the 5% threshold – the CPT, the IRP and the PDP.

The published results are based on a detailed transcript from the DEC protocols, a copy of which was given to the JEOMT by the CCER a week after the elections. The transcript has several errors, deriving partly from basic errors in the official DEC protocols, and partly from simple miscalculations during the tabulation at the CCER. All findings outlined below have been brought to the attention of the CCER.

The official results from Kofamihon (Constituency #10) and Khojamaston (Constituency #28) show both in the original protocols and in the CCER tabulation a higher number of total ballots found in the ballot boxes than the number of ballots issued to voters (respectively 338 and 2,558 ballots more). Elections in both constituencies were later declared invalid.

The CCER mistakenly recorded the number of votes for the IRP in Mastchoh (Constituency #18) as 12,070. When the JEOMT checked the original protocols, the figure given in letters showed two thousand and seventy – 2,070. This additional 10,000 votes attributed to the IRP was not corrected before the official results were published (IRP should be down from 7.28% to 6.83%).

The CCER recorded the subtotal of votes for the PDP in the Leninobod oblast as 548,382, 44,209 more than can be established from the DEC protocols (504,173). Since the final result of the PDP vote was established by adding the subtotals per region, the error was repeated in the total sum. Instead of 64.91%, the PDP should have been credited for around 63.35%.

B. Single-Mandate Constituency Results

For the 41 single-mandate constituencies, 27 deputies were elected in the first round. A second round was necessary in 11 constituencies and elections were declared invalid in three other constituencies. In Khojamaston, repeat elections were conducted on 23 April where the only candidate (PDP) won 90% of the votes. No date has been set yet for the two remaining constituencies (Khorog and Kofamihon).

According to the CCER, out of the 39 elected Members of Parliament, 21 belong to the Peoples Democratic Party, eight to the Communist Party and 10 are non-affiliated.

Thus, the results from the single-mandate and party list elections give an absolute majority to the PDP with 36 deputies, 13 seats to the CPT, and two to the IRP.

XII. RECOMMENDATIONS

The OSCE/ODIHR stands ready to continue cooperation with the Parliament, the Government and other relevant authorities of Tajikistan with a view to addressing the concerns and recommendations contained in this report. A variety of measures will be necessary in order to establish confidence in the electoral process in Tajikistan.

A. General

- Article 28 of the election law stipulating that only a person with “higher education” can be elected to the two chambers of Parliament contradicts article 7.5 of the Copenhagen document according to which “participating states will respect the right of citizens to seek political [...] office [...] without discrimination”. This provision introduces discrimination and therefore should be abolished.

B. Election Administration

- The appointment of the Central Commission on Election and Referenda as well as of election commissions at lower levels does not provide sufficient guarantees for their

independence and neutrality. All political parties must be represented in all election commissions and the law should reflect this requirement. Alternatively, independent and professional personnel could be appointed to conduct the elections in an unbiased manner.

- In order to avoid any conflict of interest, an individual's membership in an election commission should be terminated if he or she is nominated as a candidate. The provision should likewise exclude candidates for local elections from membership on election commissions.
- The tasks of election commissions, central State organs, and local administration in the election process should be defined clearly. In addition, sanctions should be established in case of undue interference with the election process.

C. Registration of Voters and Candidates

- Article 35 of law should be reviewed and clarified as to avoid arbitrary decisions during the signature verification for the registration of candidates. The registration should not depend on a sampling of invalid signatures, but on the number of valid signatures submitted and verified in a transparent and uniform manner. Alternatively, candidates could be required to pay a deposit, reimbursable upon a minimum of support gained during the elections. This deposit would allow the elimination of frivolous candidates.
- Voter lists should be reviewed and mechanisms put in place in order to limit double registrations and curb the possibility to vote more than once.
- A deadline in advance of election day must be established for the withdrawal of candidacies. For instance, the printing of ballot papers could be an appropriate deadline.

D. Election Campaign

- In principle, the provision according to which the CCER provides all parties and candidates with equal financial resources for campaigning has positive aspects. However, the permissible level of campaign funds should be raised to an acceptable level for conducting a sound political campaign.
- Article 9 of the election law should be amended in order to permit political parties and candidates to use their own funds for campaigning. However, full transparency of the origins of the funds should be guaranteed so that the authorities can verify that the funds do not derive from criminal activities. Candidate resources should be subject to proper and transparent accounting procedures and appropriate restrictions on donations. Mechanism of control and sanctions should also be established for candidates who overspend.
- The provisions on access to media (Art. 39) as well as the resolution of the CCER on this issue are unclear and incomplete. The allocated time to political parties is insufficient and should be augmented.

- The order of appearance on free broadcasts should be drawn by lot so as to guarantee equality between all candidates.
- The role, rights and obligations of private broadcasters should be clarified during an election campaign. Provisions should be made for media outlets to offer paid political advertisement to candidates or political parties.
- The State media must show complete impartiality in their coverage of the campaign; they must refrain from campaigning for or against any party or candidate.

E. Voting Process

- The system of crossing names on ballot papers should be replaced by a checkmark against the name of the candidate chosen. This would lower the number of spoiled ballots and speed the process.
- The massive level of proxy voting and improper ID verification must be addressed through a voter education program.
- Security measures for sensitive election materials should be strengthened. The printing and distribution of ballots to the DEC's must be centralized by the CCER for all elections.
- A proper record of the total number of ballots issued to PSCs should be kept not only at the DEC but also at the PSC. The number of received ballots must be counted and checked against this record prior to the opening of the polling station and entered into the protocol.
- Provisions concerning early and mobile box voting must be improved in order to increase transparency. The process by which the mobile ballot box is used should be closely regulated. The CCER must take actions to prevent the mobile ballot box from being used to harvest votes. The CCER should and to secure uniform and transparent procedures for the sealing and use of the mobile ballot box. Certain restrictions should apply in the use of the mobile box. Observers should enjoy the right to follow the mobile ballot box.
- Provision should be made for non-partisan domestic observers. They should enjoy the same rights and obligations as partisan domestic and international observers. Furthermore, observers should be able to freely monitor the entire polling day and sanctions should be foreseen in case of interference with the work of observers.
- The presence of unauthorized personnel, in particular representatives of local authorities, in polling and counting premises should be strictly prohibited.

F. Counting, Tabulation, Publication of Results

The election law does not provide sufficient provision to guarantee the accuracy and transparency of the counting, the tabulation and publication of results.

- Counting : all observers, present in a given polling station, must be allowed to monitor the count. Polling station commission members should announce how each ballot is marked so as to facilitate the observation of the count.

- The signature of voters on the voter list must be counted before opening the ballot box. The simultaneous count of multiple votes must be prohibited.
- The total number of ballots found in the ballot box should be systematically checked against the number of ballots issued to a polling station and recorded in the protocol. In addition, the total number of ballots contained in the mobile box should be counted separately and checked against the list of voters who had asked for the mobile box.
- Ballot papers could be distributed in stacks of 100 with counterfoils. This measure will make the duplication of ballots difficult and render the vote count easier, quicker and more accurate. It will also facilitate the checking procedures: the number of issued ballots against the number found in the ballot box.
- Protocols: Protocols must be completed and signed in pen. Polling station commissions must produce as many signed copies of the protocol as observers request. Polling commissions should be compelled to give a signed protocol to each observer.
- Tabulation of results: a majority of district commission members should be present during the tabulation of results and remain in session until the completion of the reporting process. The location where the DEC tabulates the results should be publicly announced and proper arrangements for observer access and conduct of their duties made well in advance.
- Transfer of protocols: the transfer of results from polling stations to the DEC and from the DEC to the CCER must be improved and any contact with regional and local administration must be prohibited.
- Publication of results: the CCER should publish the consolidated results of the voting per polling station and per district giving all necessary details for a fully transparent election. This will allow observers to verify the results against protocols obtained in polling stations. Likewise, polling station results should be displayed at each polling station immediately after the completion of the count and published in local newspapers to enhance confidence in the process. The CCER should be obliged to publish the results of all polling stations in a countrywide newspaper by a fixed deadline.

G. Post-election Period

- Repeat elections: election commission members must not be replaced for the second round or for a repeat election unless they have breached the law. Likewise, candidates in the main election must not be prevented from running in repeat elections. For both election commission members and candidates, the law should clearly define the circumstances under which they are not allowed to participate in second rounds and repeat elections.
- The complaint procedure must be improved to enhance transparency. All complaints should be documented, filed and addressed according to the law. The outcome of complaints must be notified, in writing, to the complainants. The complainant must be informed about the possibility to appeal the decision.

- Violators of the election law must be prosecuted in accordance with the law.

These recommendations must be considered in conjunction with the OSCE/ODIHR comments and recommendations submitted to the authorities of Tajikistan in early December 1999.

ANNEX
Consolidated Results Per Constituency

City of Dushanbe

DEC	Name	Electors	Ballots issued	Votes cast	Check	Invalid	JP	DP	CP	IRP	SP	PDP	Against	Votes - Ch.
1	Markazi (Centralniy)	60104	51148	51148	51148	206	0	1578	7672	672	2608	38412	0	0
2	Oktiabr (Oktiabrskiy)	61426	49593	49549	49548	2665	846	4381	5149	1673	682	33071	1081	1
3	Rohi Ohan (Zheleznod.)	60053	52126	52126	52126	0	261	2083	6307	4745	626	38104	0	0
4	Frunze (Frunzenskiy)	60656	52151	52151	52151	1013	554	2276	7161	2419	1483	36919	326	0
	Total Dushanbe	242239	205018	204974	204973	3884	1661	10318	26289	9509	5399	146506	1407	1
			Percentage			1.89	0.81	5.03	12.83	4.64	2.63	71.48	0.69	

Cities, Rayons RJ

DEC	Name	Electors	Ballots issued	Votes cast	Check	Invalid	JP	DP	CP	IRP	SP	PDP	Against	Votes - Ch.
5	Tursunzoda	77281	73771	73771	73771	958	170	572	12349	5511	161	53375	675	0
6	Shahrinav	72783	63727	63727	63513	2254	925	3053	25345	5238	997	24853	848	214
7	Hisor	77061	63158	63155	63155	4692	1104	1980	26972	8193	1468	17604	1142	0
8	Somoni	69352	69352	67586	67586	1065	682	6043	5382	862	1471	51500	581	0
9	Lenin (Leninskiy)	84884	77002	77002	77002	1074	679	4825	7930	3409	2727	55104	1254	0
10	Kofarnihon	85118	78790	78784	79122	5701	1485	5071	8771	19967	1039	35682	1406	-338
11	Faizobod	80775	80708	73090	73090	3223	672	3011	8163	20119	446	36915	541	0
12	Gharm	81561	81242	81242	81182	145	390	15096	1605	11469	260	50030	2187	60
	Total Cities, Rayons RJ	628815	587750	578357	578421	19112	6107	39651	96517	74768	8569	325063	8634	-64
			Percentage			3.3	1.06	6.86	16.69	12.93	1.48	56.2	1.49	

Leninobod

DEC	Name	Electors	Ballots issued	Votes cast	Check	Invalid	JP	DP	CP	IRP	SP	PDP	Against	Votes - Ch.
13	Khujand	78314	77120	77120	77120	505	1361	7143	17057	1586	1042	47003	1423	0
14	Ghafurov	73659	70976	70976	70976	4924	702	1894	15574	531	614	46737	0	0
15	Urunkhojaev	72580	68167	68167	68167	4039	700	2151	15424	389	343	45121	0	0
16	Jabbor Rasulov	68895	66185	66185	66185	2040	1126	3242	18549	2684	1640	35565	1339	0
17	Asht	55505	47079	47079	47079	3011	582	1740	26594	1841	701	12034	576	0
18	Mastchoh	63000	54303	54303	64303	2256	1144	1650	7072	12070	1144	38294	673	-10000
19	Konibodom rayon	84568	83200	83200	83200	207	135	3000	38847	186	230	40393	202	0
20	Isfara	100808	90510	90506	90506	5413	1465	2828	30294	24145	910	24222	1229	0
21	Panjakent	78319	75645	75645	75645	0	1410	1614	10658	908	529	60526	0	0
22	Ayni	61226	57327	57327	57327	126	405	431	11241	576	1916	42568	64	0
23	Uro-Teppa	74119	68949	68662	68462	816	9601	1610	20363	1375	1041	33656	0	200
24	Ghonchi	73107	67972	67972	67972	1494	2651	1760	23313	4328	581	33845	0	0
25	Nov	67346	64398	64398	64398	1526	684	2756	11003	2069	968	44209	1183	0
	Total Leninobod	951446	891831	891540	901340	26357	21966	31819	245989	52688	11659	504173	6689	-9800
			Percentage			2.92	2.44	3.53	27.29	5.85	1.29	55.94	0.74	
			CCER	891540	26357	21966	31819	245989	54757	12627	548382	6689	948586	
			Percentage		CCER	2.46	3.56	27.59	6.14	1.4	61.5	0.75		

Khatlon

DEC	Name	Electors	Ballots issued	Votes cast	Check	Invalid	JP	DP	CP	IRP	SP	PDP	Against	Votes - Ch.
26	Qurghon-Teppa	59568	57007	57007	56755	1519	157	322	6234	1508	141	46874	0	252
27	Bokhtar	65898	65848	65848	65838	1658	638	1529	6386	4690	351	49305	1281	10
28	Khojamaston	71027	68373	68373	70931	3837	189	440	4956	2803	456	58250	0	-2558
29	Yovon	70336	64677	64649	64649	6	8	2381	27050	9739	1428	24034	3	0
30	Kolkhozobod	65091	64286	64286	64286	0	720	706	9787	3086	645	49342	0	0
31	Qabodyion	81997	73949	73949	73949	198	295	585	5105	3030	1436	63300	0	0
32	Vakhsh	67601	58602	58602	58602	1423	915	166	22500	12627	17	20276	678	0
33	Qumsangir	67517	67186	67186	67186	771	73	56	4050	13686	92	47681	777	0
34	Farkhor	68866	67120	67120	61089	0	80	173	18023	1142	56	41615	0	6031
35	Moskva (Moskovskiy)	65901	65901	65901	65901	951	47	61	1457	65	56	63264	0	0
36	Danghara	60512	58728	58728	58728	802	56	81	5124	106	72	51698	789	0
37	Kulob	71987	67836	67482	67482	4319	1476	777	11254	543	434	47825	854	0
38	Mu'minobod	60151	59288	59288	59288	2173	251	957	7030	435	222	48120	100	0
39	Voseh	72576	70629	70629	70629	0	0	0	35315	0	0	35314	0	0
	Total Khatlon	949028	909430	909048	905313	17657	4905	8234	164271	53460	5406	646898	4482	3735
			Percentage			1.95	0.54	0.91	18.15	5.91	0.6	71.46	0.5	

GBAO

DEC	Name	Electors	Ballots issued	Votes cast	Check	Invalid	JP	DP	CP	IRP	SP	PDP	Against	Votes - Ch.
40	Vanj	50445	49611	49611	49611	541	157	1998	7418	2031	154	36899	413	0
41	Khorugh	51772	49480	49480	49130	863	367	1986	6592	542	351	37732	697	350
	Total GBAO	102217	99091	99091	98741	1404	524	3984	14010	2573	505	74631	1110	350
			Percentage			1.42	0.53	4.03	14.19	2.61	0.51	75.58	1.12	

	TOTAL:	2873745	2693120	2683010	2688788	68414	35163	94006	547076	192998	31538	1697271	22322	
	TOTAL CCER	2873745	2693120	2683010		70587	35414	94963	547076	196105	32728	1741540	22322	
	PERCENTAGE:					2.57%	1.33%	3.49%	20.51%	7.28%	1.19%	63.03%	0.83%	
	PERCENTAGE CCER:					2.63%	1.32%	3.54%	20.39%	7.31%	1.22%	64.91%	0.83%	

Party	Votes	Votes/"price"	Correction	Seats
PDP	1697271	15 + 0.31993		15
CPT	547076	4 + 0.93802	+ 1	5
IRP	192998	1 + 0.74204	+ 1	2
Total	2437345	20	+ 2	22

The "price" of 1 seat is: 110,788.41 votes