



## **INTERNATIONAL ELECTION OBSERVATION MISSION PRESIDENTIAL ELECTION, THE KYRGYZ REPUBLIC, 10 JULY 2005**

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### **STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS**

**Bishkek, 11 July 2005** – Following an invitation by the Ministry of Foreign Affairs, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) in the Kyrgyz Republic on 2 May 2005 in advance of the 10 July early Presidential Election. For observation of election day procedures, the OSCE/ODIHR EOM joined efforts with delegations from the OSCE Parliamentary Assembly and the European Parliament in an International Election Observation Mission (IEOM). The OSCE/ODIHR EOM and the IEOM observed the electoral process to assess its compliance with OSCE commitments, other international standards and domestic legislation of the Kyrgyz Republic.

This statement of preliminary findings and conclusions is issued before the completion of the election process, including the announcement of final results, the handling of possible post-election day complaints or appeals, and installment in office of the President. The final assessment of the election will depend, in part, on the conduct of these remaining stages of the election process. The OSCE/ODIHR will publish a comprehensive final report, including recommendations for potential improvements, some six weeks thereafter.

The institutions represented in the IEOM stand ready to support further the authorities and civil society of Kyrgyzstan in achieving their stated goal to conduct elections in line with OSCE commitments and other international standards for democratic elections.

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### **PRELIMINARY CONCLUSIONS**

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The 10 July 2005 early presidential election marked tangible progress by the Kyrgyz Republic towards meeting OSCE commitments, as well as other international standards for democratic elections. This was the case in particular during the pre-election period and conduct of voting, although the quality of the process deteriorated during the counting of votes. Fundamental civil and political rights, such as the freedom of expression and the freedom of assembly, were generally respected, and the improved media environment provided the field of candidates with opportunities to present their views.

There was a good measure of political will from the authorities to conduct a democratic election. This was seen in statements and commensurate actions discouraging the use of administrative resources on behalf of the incumbent and an approach by authorities that generally emphasized inclusiveness in forming election commissions.

The participation in the campaign of six candidates, with a diversity of views, provided for a choice, although in conditions in which acting President Kurmanbek Bakiev was dominant and was significantly better resourced than his opponents. An early agreement between Mr. Bakiev and Mr. Felix Kulov, while appearing to be key for stabilizing the political process, reduced to

some extent the degree of competition. Political parties had limited impact on the campaign, in view of the fact that influence of party structures in Kyrgyzstan remains fragmented.

While previous amendments to the Election Code addressed a number of OSCE/ODIHR recommendations, further improvements are needed in order to bring it more closely in line with OSCE commitments. In implementing the law, the Central Election Commission (CEC) did not fully meet the challenge of running an election on an expedited timeframe and in a fully unbiased manner within a political atmosphere that was at times uncertain and tense.

Positive aspects of the process included:

- Voters were presented with a diversity of choice, including the country's first-ever woman presidential candidate.
- Candidates were provided with opportunities to exchange views and present their messages to voters, including in a series of live televised debates.
- There were almost no discernible obstacles to campaigning, except the available resources of candidates themselves. Freedom of assembly and freedom of expression were respected throughout the election process.
- Use of administrative resources to favour the incumbent was largely absent, or unsolicited, after strong warnings were announced.
- The media operated with considerable freedom of expression and without interference, although Mr. Bakiev received considerably more news coverage than the other candidates.
- The authorities initiated a transformation of the State-funded media aimed at minimizing political influence.
- The CEC moved its offices out of the premises of the Government House, acting on previous OSCE/ODIHR recommendations and those of other international organizations.
- Lower levels of the election administration performed relatively efficiently during the pre-election period, although transparency could have been enhanced.
- There was a high level of civic participation in the elections, including in making nominations to and participating in lower-level election commissions, as domestic observers, and in highly visible voter education and mobilization efforts.
- The broadcast of candidate debates in Uzbek language on private television in Osh was a significant step in promoting the further inclusion of the Uzbek minority in the election process.

While concerted efforts were made to improve voter lists, it became apparent shortly before and on election day that particular aspects of the revision of voter lists breached legal provisions. This included the removal of persons on the basis of their known absence from the country, despite retaining formal residence registration and outside the provisions for out-of-country voting. The objective appeared to be to increase the percentage turnout by decreasing the number of registered voters. The provisional turnout at the close of polls on 10 July was 74.67 per cent, as announced by the CEC.

The election process had certain other problematic characteristics, including the following:

- The system for the election of the president is affected by a combination of serious legal hurdles, such as the 50 per cent turnout requirement to consider the election successful,

the need for prospective candidates to collect 50,000 valid signatures in conjunction with a financial deposit, and a language test for prospective candidates.

- There were occasions of failure of the CEC to meet election deadlines, lapses in presenting clear instructions and applying regulations, and an occasional lack of transparency.
- There was a degree of inconsistency in the CEC's approach towards different candidates in enforcing campaign rules.
- The CEC was not assertive in correcting misinformation that may have hampered some candidates' signature collection efforts.
- A formalistic approach was taken in the composition of some lower-level commissions, not fully reflecting the spirit behind the requirement for inclusive representation.
- There were serious violations in a number of polling stations during the vote count, as well as cases of lack of transparency during tabulation of the results.
- Although election complaints and appeals were relatively few in number, the handling of some of these, particularly two relating to non-registration of candidates, had elements of inconsistency and lack of balance.
- The OSCE/ODIHR Interim Recommendations for the Early Presidential Election were only partly implemented.<sup>1</sup>

Election day was peaceful, and the conduct of the voting was for the most part free of serious problems. Overall, observers assessed the voting process as "good" or "very good" in 93 per cent of polling stations visited. In a fairly high proportion of polling stations the responsible PEC did not follow procedures entirely correctly, especially immediately before opening the polling stations, in posting information materials for voters, and in the consistent application of safeguards against fraud during the voting. Many of the problems may be attributable to inexperience of PEC members and insufficient training. Of greater concern were observed instances of serious irregularities, including cases of ballot stuffing and some implausible increases in turnout figures, although these were small in number. On a positive note, there were no observed cases of vote buying, which had been a serious problem in the February 2005 parliamentary elections.

The quality of the process deteriorated during the vote counting and the results tabulation phases. There were serious breaches of transparency safeguards, including a failure to announce out loud the voters' choice in 33 out of 78 counts observed. Some PECs were observed tampering with results protocols, or delivering incomplete or even blank protocols to RECs. Correction of PEC protocols without recounts took place in at least eighteen RECs/GECs.

The CEC's publication of PEC result protocols on the Internet the morning after the elections, together with the fact that domestic observers and candidate proxies were generally able to receive protocols at PEC level, constituted an important step towards enhancing transparency.

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<sup>1</sup> See "OSCE/ODIHR Interim Recommendations for the Kyrgyz Republic Early Presidential Election", 12 April 2005, at [www.osce.org/documents/odihr/2005/04/13831\\_en.pdf](http://www.osce.org/documents/odihr/2005/04/13831_en.pdf)

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## PRELIMINARY FINDINGS

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### Background

Public protests during and after the February-March 2005 parliamentary elections against electoral violations and irregularities, as well as on more general economic and political issues, led on 24 March to the ouster of President Askar Akaev. For a short period both the outgoing and the newly-elected parliaments operated in parallel. The outgoing parliament, due to the President's absence from the country, appointed Kurmanbek Bakiev, an opposition leader, as Prime Minister and acting President until a presidential election could be held. On 26 March the CEC certified the newly-elected Parliament, which confirmed Mr. Bakiev's appointment. President Akaev subsequently tendered his resignation to Parliament, which was accepted on 11 April. The new Parliament scheduled the early presidential election for 10 July, the date being subsequently confirmed by the CEC.

Previous elections in the Kyrgyz Republic have been assessed as falling short of OSCE commitments and other international standards for democratic elections.<sup>2</sup>

### Legal Framework

The legal framework for the Presidential elections includes, but is not limited to, the Constitution of the Kyrgyz Republic, as amended following the 2003 referendum, and the Election Code. Since 1999, the Election Code has been amended at least 18 times. The term of office of the president is five years, but the Constitution provides for an early presidential election three months from the early termination of the president's mandate. The Election Code further provides that in the event of an early presidential election the timelines in the election calendar are shortened by one quarter. The Election Code stipulates that if no candidate receives at least 50 per cent of the vote in the election, a second round must be held between the two candidates receiving the most votes.

There are serious legal hurdles in the system for electing a president. The Election Code requires at least 50 per cent turnout of registered voters in order for a presidential election to be considered successful. In case of failure to meet the minimum turnout requirement in either round, the entire election must be repeated. The law thus creates the potential for a cycle of failed elections and may be conducive to electoral malfeasance.

For the early presidential election, the turnout requirement has necessitated measures to facilitate voter turnout, including on 30 June a decision by parliament to extend polling station opening on election day by two hours, but also appeared to motivate possible malpractice in regards to voter lists, including the unlawful removal of names of voters known to be absent from precincts (see Election Administration section below).

The requirement for a nominee to obtain 50,000 signatures (approximately 2 per cent of registered voters) in support of his or her candidacy doubles the amount suggested by

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<sup>2</sup> See the OSCE/ODIHR Final Reports for the 27 February 2005 parliamentary elections, the 29 October 2000 presidential elections, and the 20 February 2000 parliamentary elections. The Final Reports are available at [www.osce.org/odihr-elections/14475](http://www.osce.org/odihr-elections/14475)

international best practice.<sup>3</sup> Together with a requirement for a financial deposit, the signature requirement is excessive, particularly in view of the shortened timeframe.

The Election Code contains a provision for a language test for prospective candidates, which the OSCE/ODIHR has previously recommended to be reconsidered.

The Election Code provides voters with the option to vote “against all” candidates. Since elections are about representation, this is an option difficult to reconcile with a standard definition of representative democracy - “against all” implies that voters may choose not to be represented at all. In the context of this presidential election it also poses a technical obstacle: if the votes cast “against all” candidates prevail, the election should be declared void and a new election should be held. In this case, the previous candidates cannot participate.

On a positive note, the Election Code provides for transparency measures, such as the inking of voters’ fingers to deter multiple voting and the use of transparent ballot boxes.

The OSCE/ODIHR has made recommendations for the improvement of the legal framework for the presidential election as part of its Interim Recommendations for the Early Presidential Election and in its Final Report on the February 2005 parliamentary elections. Although some legal changes were discussed in parliament prior to the early presidential election, these did not include any of those proposed by the OSCE/ODIHR.

### **Election Administration**

The presidential election was organized and conducted by a four-tier election administration headed by the CEC. The CEC’s composition had been changed slightly since the 24 March events, notably by acting President Bakiev’s appointment on 11 April of Tuygunaaly Abdraimov (previously a CEC member) as Chairman. Establishment of the lower-level commissions formed specifically for these elections – the Rayon and Town Election Commissions (RECs/GECs) and Precinct Election Commissions (PECs) – was accomplished on time, and with an approach commendably oriented towards diversity and inclusiveness. RECs/GECs were formed by 19 April, and although political party-nominated members comprised only 22 per cent, falling somewhat short of the provision in the Election Code that they should comprise up to one third of each commission’s membership, this circumstance was attributed by the parties to their competing priorities or to lack of time to make nominations up to the full quota. CEC announcements in the media encouraged political parties, NGOs and voter gatherings to make nominations to PECs, which were formed by 16 June, and in most cases the local administrative bodies forming the PECs took the position not to reject any such nominees.

The IEOM did not hear significant criticism from interlocutors about REC/GEC or PEC formation, although it observed that formation of some PECs was based on a formalistic approach not reflecting the spirit behind the requirement for inclusive representation. For example, in some PECs political party-nominated members were found to be unfamiliar with their nominating body, or not attending PEC meetings. In some cases the number of PEC members from the same institution was half or more of its total membership. The CEC Chairman

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<sup>3</sup> See the “Code of Good Practice in Electoral Matters – Guidelines and Explanatory Report” of the Venice Commission of the Council of Europe, October 2002, available at [http://venice.coe.int/docs/2002/CDL-AD\(2002\)023rev-e.asp](http://venice.coe.int/docs/2002/CDL-AD(2002)023rev-e.asp)

made public statements that this situation, although not illegal, was to be avoided but apparently did not issue written instructions or recommendations to this effect.

The CEC has moved out of the premises of the Government Building, thereby acting on longstanding recommendations from OSCE/ODIHR and other international organizations. Apart from this step, the CEC has made limited progress in implementing the OSCE/ODIHR Interim Recommendations. While there were some improvements to the scope of information posted on the CEC website, increased transparency regarding the printing of ballots, and an instruction on the layout of polling stations, the CEC has not yet implemented the majority of the Recommendations, especially those focusing on transparency of the electoral administration and availability of election related information to the public.

In the work of the CEC an increasing level of inefficiency and disorganization was noted in the course of the pre-election period, only partly excusable by the disruption of the CEC's move to new premises and the reduced timeframe for the conduct of the election. The CEC gave unclear instructions on the deadline for nominees to submit signatures, to the detriment of one nominee's registration bid<sup>4</sup> and apparently did not correct through the mass media misinformation regarding the voters' right to sign for more than one nominee. The handling of preparations for out-of-country voting was problematic, including abrogation by the CEC of its own 10 June deadline for accepting registration of voters; and the acceptance of voter lists from out-of-country PECs with missing data sufficient to breach the legal requirements for compilation of the voters list. Moreover, important deadlines in the electoral calendar were not followed, such as for approving the ballot paper format, ballot printing, and delivery of voter lists to PECs. The CEC's work was not entirely transparent, including failure to give advance notice of sessions to observers and not always publishing its decisions.

The CEC used its powers to accept new identity documents issued by Ministry of Interior as voter identification. The CEC's regulation was a step towards ensuring universal suffrage, as it enabled voters to vote who may not have otherwise had appropriate ID.

During the first stage of verifying signatures submitted in support of nominees as part of the candidate registration process, working groups of the seven Oblast Election Commissions and Bishkek and Osh City Election Commission (hereinafter OECs) verified a random sample. The sample size was not stipulated by the CEC, and consequently the samples ranged from 10 per cent to 30 per cent. Each OEC appeared to apply its chosen sample size consistently for all nominees, with the exception of Batken OEC. The verification process by OECs and the CEC appeared uniformly lenient.

There was also leniency, but not wholly consistently so, in adjudicating nominees' proficiency in the Kyrgyz language, another registration requirement. Of the 13 nominees who sat the test, 12 passed; the thirteenth, Jenishbek Nazaraliev, was the subject of a tied adjudication that revealed a procedural flaw in the tests' administration, resolved only by his withdrawal and the CEC's subsequent tightening of the regulations.

Voter list accuracy was generally recognized to be one of the most problematic areas. Concerted efforts were made by local authorities, the election administration and civil society to update the lists, conducting door-to-door checking and educational campaigns encouraging voters to check

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<sup>4</sup> See reference to the case of Gaysha Ibragimova in the Complaints and Appeals section below.

the accuracy of their personal data before election day. However, there was no uniform countrywide approach, including in regard to making lists publicly available for familiarization, and it appeared that some practices breached applicable legal norms and regulations. For example, voters' names were at times deleted from the voter lists based on their *de facto* absence from their registered place of residence, rather than on the basis of formal change of residency. Ahead of election day the OSCE/ODIHR EOM observed that in Naryn oblast, Nookat (Osh oblast) and Ton (Issyk-Kul oblast) lists had been reduced by approximately 10 per cent in this way. Countrywide, the number of voters on the voter list used in reference to printing of ballot papers was 2,691,478, and the number of voters on the voter list on election day was 2,555,246.<sup>5</sup>

REC/GECs generally worked efficiently, and while they occasionally lacked transparency, no intentional obstruction to observers was noted. In the pre-election period, PECs were not always open at the times stipulated for voters to check voter lists.

There were visible voter education efforts by the CEC and the NGO community, including TV commercials, billboards and leaflets that invited voters to participate in the election, appealed to younger voters, encouraged voters to check that they are correctly included in the voter lists, advocated against vote buying, and encouraged a fair electoral contest.

### **Complaints and Appeals**

The general environment for handling complaints in the courts was affected by issues remaining from the parliamentary elections, including ongoing court cases. The Supreme Court was occupied and therefore not functioning for several weeks up to 13 June, and the backlog of cases that built up appeared to affect the prompt handling of complaints related to the presidential election: in two instances the Supreme Court heard an appeal in a case related to candidate registration in the presidential election later than five days after they were lodged, breaching the requirement in the Election Code. Delays in resolving cases have a negative effect on the election process, especially in early elections when all timeframes are shortened, and such shortcomings do not contribute to confidence in the judiciary. There was an element of formalism in the approach taken by the courts towards appeals, but also poor legal argument by complainants' representatives in some cases.

In no election related case observed by the OSCE/ODIHR EOM was there evident political motivation from the side of the court, although the courts (as well as the CEC) appeared not to take a fully balanced and consistent approach towards two of the three nominees who pursued court complaints against non-registration as candidates, Gaysha Ibragimova and Urmatbek Baryktabasov.

The complaint by Gaysha Ibragimova centred on inconsistent interpretation by the CEC and OECs of the date by which signatures in support of nomination should be submitted for verification. By the deadlines applied she had a modest shortfall of signatures, and a first instance court ruled that additional signatures could be submitted to the Bishkek City Election Commission; the ruling did not cover the other eight responsible commissions. The signature verification process up to the level of the CEC then invalidated signatures for Ms. Ibragimova in a quantity sufficient to again leave her below the threshold of 50,000. An appeal against the

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<sup>5</sup> Information from CEC documents and website.

narrowness of the original court ruling, and a separate court complaint against the actual non-registration, both failed.

The public association “Mekenim Kyrgyzstan” (which is headed by Mr. Baryktabasov) complained against the CEC’s decision not to register Mr. Baryktabasov. The district court ruled that Mr. Baryktabasov had lost Kyrgyz citizenship by acquiring citizenship of Kazakhstan (the ruling was confirmed on appeal to the Supreme Court). The IEOM is not in a position to comment on the soundness of the district court’s decision, but notes that the court appeared not to pay due consideration to the argument that the relevant Kyrgyz authorities had not received the necessary documents from Kazakhstan and consequently had not registered the loss of Mr. Baryktabasov’s Kyrgyz citizenship. Questions arise about consistent application of the law, as the court did not assess in its decision Mr. Baryktabasov’s representatives’ argument drawing attention to the apparently analogous court case (heard earlier in the candidate registration process) of nominee Kubanychbek Apasov, who was ruled to have retained Kyrgyz citizenship despite having acquired Russian Federation citizenship.<sup>6</sup>

During the candidate nomination period, the CEC did not uphold a formal joint complaint by eight nominees concerning incorrect information being spread among voters that they could sign for only one nominee. The CEC Chairman publicly acknowledged the problem, although effective remedial measures appeared lacking.

### **Political Environment and Campaign**

The presidential election was contested by six registered candidates, out of 22 nominees: Akbaraly Aitikeev, Kurmanbek Bakiev, Tursunbay Bakir uulu, Keneshbek Dushebaev, Jypar Jeksheev, and Toktayym Umetalieva. A seventh candidate, Jusupbek Sharipov, withdrew from the campaign on 23 June. The candidates were able to conduct their campaigns without obstruction and were limited only by their financial resources. Freedom of assembly and freedom of speech were respected throughout the country during the campaign.

The process of drafting constitutional amendments proceeded in the background of the presidential election. Parliament called on the presidential candidates to express their assent to the draft constitutional amendments that had been approved by the Constitutional Council on 8 June and are now the subject of public debate.

Early in the election campaign period, on 17 June, demonstrators apparently protesting the non-registration of Mr. Baryktabasov stormed and briefly occupied the Government House in Bishkek, before being ejected by police. The search and sealing by law enforcement authorities of “Mekenim Kyrgyzstan” offices across the country followed. The events of 17 June, plus three serious violent incidents just before the start of the campaign involving politicians or persons linked to them, contributed to an uncertain security situation in the pre-election period.<sup>7</sup> On 23

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<sup>6</sup> The Election Code (Art. 56.1) provides that concealing the citizenship of a foreign country is grounds for de-registration of a candidate.

<sup>7</sup> Member of Parliament Jirgalbek Surabaldiev was shot dead in central Bishkek by unknown gunmen on 10 June. On 9 June some 150 people attacked a market in the town of Karasuu, Osh oblast, as part of a dispute with Member of Parliament and local businessman Bayaman Erkinbaev, and on 13 June in Osh city, protesters against Mr. Erkinbaev clashed with his employees outside a hotel he owns, resulting in at least five people being shot, one fatally.

June police searched two campaign offices of candidate Tursunbay Bakir uulu in Osh oblast, allegedly for evidence of ties between the candidate and the radical Islamic group Hizb ut-Tahrir. Mr. Bakir uulu's campaign staff officially protested that the searches might have an adverse effect on his campaign and reputation.

The dynamics of the electoral contest had been significantly shaped by an agreement between Mr. Bakiev and another prominent political figure, Mr. Felix Kulov, that saw the latter's effective withdrawal from seeking registration as a candidate. There was a visible strengthening of this alliance after 17 June, with Mr. Kulov actively joining the Bakiev campaign. This campaign was very well resourced, its extensive infrastructure and high visibility differing markedly from that of his five competitors, who attributed this to disparity of financial resources. The other candidates, none of whom had the backing of a major political party or movement, relied for campaigning mainly on so-called collective meetings that were organized by the election administration.

Acting President Bakiev on 6 June made a statement that use of administrative resources to his advantage during the election would not be permitted, and that government officials doing so would be doing him a "disservice". This position was reiterated in an 18 June presidential decree that obliged all levels of the state administration not to interfere in the electoral process.

All printed campaign materials had to be submitted to a CEC working group for scrutiny that they did not breach the rules for campaigning. Mr. Bakir uulu was recommended by the working group to make changes to the materials he submitted, including removal of a photograph of the candidate with the Mufti of Central Asia, which delayed the printing of his campaign materials. There appeared to be an inconsistency in the working group's approach towards Mr. Bakir uulu and Mr. Bakiev, since it did not comment on the latter's campaign materials submitted to it, which included a campaign newspaper from 15 June featuring a photograph of Mr. Bakiev with the Mufti of Russia. Nevertheless, on 28 June the working group commented on an incorrect marking of Mr. Bakiev's campaign posters. After a second notification from the working group, Mr. Bakiev's campaign corrected the posters. Also, OSCE/ODIHR EOM observers in five oblasts noted that, before election day, Mr. Bakiev's posters and other campaign materials were displayed in the premises of some 20 PECs, in breach of the election code. Otherwise, there was no evidence during the campaign of unequal treatment of candidates from the side of state authorities. The CEC publicly criticized an organizational lapse by two local administrations in Jalal-Abad oblast which had resulted in the cancellation of two collective meetings with the planned participation of candidates Mr. Aitikeev, Mr. Bakir uulu, and Mr. Jeksheev.

Mr. Bakiev had the use of government vehicles during the campaign. While this is permitted by legal provisions for ensuring the security of the head of state, the use of a government helicopter to travel in certain parts of the country gave him a significant practical advantage in reaching voters, compared to his competitors.

## **Media Environment**

The general media atmosphere underwent change since the resignation of President Akaev. Previously, there had been a deficit of alternative information sources, specifically no independent television channels, and reported cases of pressure against media. After the March events a new television broadcaster, *NTS*, was launched, many media outlets began redefining

their editorial policy, and some have undergone ownership changes. However, further development in the standards of journalism would be significantly beneficial to election coverage.

All candidates had a right to free airtime and print space in the State-funded media, in amounts set out in the Election Code, to present their platforms. Generally, the State-funded television and radio broadcaster *KTR* adhered to the legal requirements regarding candidates' free time allocation, as well as broadcasting CEC information programmes and the nominees' language proficiency tests. All candidates participated in three live televised debates, each of which paired two candidates. However, two candidates, including acting President Bakiev, did not appear at a final joint debate aired on July 8. This was a missed opportunity for the electorate to hear the views of all candidates, as well as the opportunity of other candidates to contrast their views with those of Mr. Bakiev.

An obstacle to improved election-related reporting remained in the form of the CEC's strict interpretation of the media's role in providing information about contestants and campaigning on their behalf, which appeared to discourage commentary and thorough critical analysis.

Campaign coverage by the media monitored by the OSCE/ODIHR EOM was characterized by very extensive reporting of Mr. Bakiev's activities, presenting him mostly in his capacity of acting President rather than as a candidate, while other candidates were given limited attention in the election related news coverage of most media.<sup>8</sup> The State-funded television and radio allocated 83 and 85 per cent of their candidate-related news coverage respectively to Mr. Bakiev, exclusively with neutral and positive references.<sup>9</sup> The week before the election, State-funded television screened two special feature programs including Mr. Bakiev. Private electronic media also devoted to Mr. Bakiev the overwhelming majority of their candidate-related news coverage (for example 84 per cent on *NBT TV*), and although the private media presented critical remarks, coverage was more often positive in its tone.

The print media offered a wider range of information but also gave a very unbalanced picture of the candidates, with preferential treatment of the acting president both in terms of space and tone, and little coverage of the others.

The OSCE/ODIHR EOM did not observe any violation of the campaign silence period.

### **Participation of Minorities**

All six presidential candidates are from the majority Kyrgyz community, which comprises around two-thirds of the population of Kyrgyzstan. Nominees were required to pass a proficiency test in the Kyrgyz language.

Issues relating to national minorities did not feature in the campaign, with none of the candidates making contentious or divisive comments about ethnic relations in the country. On the contrary,

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<sup>8</sup> The OSCE/ODIHR EOM monitored six televisions, two radio stations and twelve newspapers, using qualitative and quantitative analysis, from 26 May to 9 July.

<sup>9</sup> News coverage relating to Mr. Bakiev's capacity as acting President was 60 per cent of his total coverage on State-funded television and 52 per cent of his total coverage on State-funded radio.

all candidates called for inter-ethnic harmony and inclusiveness as essential for the country's stability.

National minorities featured in the membership of lower-level election commissions, although at times appropriate national minority representation was not fully achieved. In certain locations in Osh region with a large Uzbek population, PECs took the initiative to display polling station instruction materials in the Uzbek language as well as in Kyrgyz.

Candidate debates were broadcast in the Uzbek language on private television in Osh. This constitutes a significant step in promoting the inclusion of this group in the election process.

### **Participation of Women**

There was one woman among the six candidates, Toktayym Umetalieva, the first time there has been a woman registered to run for president in Kyrgyzstan. Two other women were nominated but did not pass the signature collection/verification stage.

The level of women's representation in the upper levels of the election administration was not particularly high. There are only three women among the 13 members of the CEC, and only one of the nine OEC chairpersons is a women. Women were much better represented in the election administration at the REC/GEC level (36 per cent) and PEC level, including almost 40 per cent in the position of chairperson.

### **Domestic Observers**

There was notable civil society involvement in the elections, with nongovernmental organizations making nominations to and participating in lower-level election commissions, and cooperating in highly visible voter education and mobilization initiatives. The most extensive domestic observation effort was by the Coalition for Democracy and Civil Society, which had 150 long-term observers and deployed around 3,000 short-term observers to 1,500 PECs on election day.

Domestic observers were present in 88 per cent of polling stations visited by the IEOM during voting and during 93 per cent of counts.

### **Election Day & Vote Count**

IEOM observers assessed the voting process as "good" or "very good" in 93 per cent of polling stations visited. Specific problems that were observed in a higher proportion of polling stations, but were not necessarily considered to have negatively affected the overall evaluation of the voting process, included:

- Unauthorized persons present in 19 per cent of polling stations, which included the unauthorized presence of police in 13 per cent of polling stations.
- Procedures for mobile voting were assessed negatively in 44 percent of observations. Problems including lapses in applying the required security measures and maintaining secrecy of the vote. There were at least two observed instances where the regulation was breached that mobile voting only be provided to those who had requested it in advance.

A few observations were of serious concern, including instances of apparently deliberate wrongdoing by PEC members, mostly in RECs in Osh oblast. There was evidence of ballot stuffing seen during observation of both voting and counting at PEC 10 of Kara Kulja REC. An attempt at ballot stuffing was directly observed at PEC 8 of Suzak REC. In four PECs members were observed instructing voters for whom to vote. In another four instances, observers were made aware that a PEC had prevented violations only because of the observers' presence. An attempt at multiple voting with the connivance of a PEC member was observed at PEC 400 of Nookat REC.

Implausible turnout figures were noted in a few instances. For example, figures given to IEOM observers by the chairman of PEC 8013 of Leylek REC showed that at lunchtime turnout had jumped by 630 voters in the space of 50 minutes.

It was clear that, countrywide, PECs were using two figures for the numbers of registered voters: the numbers on the actual voter list for the precinct, and a lower figure arrived at after voters who were annotated in the voter list as absent had been deducted. It was the latter figure that was generally recorded in the results protocol as the number of registered voters. There was widespread evidence that the RECs/GECs had used the latter figure also as the basis for allocating ballot papers to PECs. As the nationwide total of ballot papers printed had been based on the number of voters recorded in voter lists, a serious question arises as to the whereabouts and proper accounting for the apparent surplus of ballot papers retained at RECs/GECs.

The quality of the process deteriorated during the vote counting and the results tabulation phases. Counting was assessed as bad or very bad by IEOM observers in nearly 35 percent of the polling stations where it was observed. There were serious breaches of transparency safeguards, including a failure to announce out loud the voters' choice in 33 out of 78 counts observed. A significant number of PECs appeared to have difficulty completing protocols, and in six PECs IEOM observers saw tampering with results protocols. In 16 per cent of cases observed, protocols were not filled out in ink, with some being filled out in pencil and others being submitted incomplete or blank but signed to the RECs/GECs. It was observed that PEC representatives made changes to completed and signed protocols without recounts after their delivery to nearly a quarter of RECs/GECs (18 of 56).

***This statement is also available in Russian.  
However, the English version remains the only official document.***

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## **MISSION INFORMATION & ACKNOWLEDGMENTS**

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Mr. Kimmo Kiljunen (Finland), Head of the OSCE Parliamentary Assembly (OSCE PA) delegation, was appointed as Special Co-ordinator by the OSCE Chairman-in-Office to lead the short-term observers. Mr. Albert Jan Maat (Netherlands) headed the delegation of the European Parliament. Ambassador Lubomir Kopaj (Slovak Republic) is Head of the OSCE/ODIHR Election Observation Mission (EOM).

This statement is based on the election preparations and campaign observations of 17 election experts of the OSCE/ODIHR EOM based in Bishkek since the beginning of May and 26 long-term observers deployed in all seven regions of the country for six weeks prior to election day. The statement also incorporates the election day findings of 299 short-term observers, including 21 from the OSCE PA and 9 from the European Parliament. Observers represented 43 participating States, the highest number recorded for an IEOM. Observers reported from some 1,300 polling stations out of a total of over 2,150 countrywide.

The IEOM wishes to express appreciation to the Ministry of Foreign Affairs, the Central Election Commission, and other authorities of the Kyrgyz Republic for their cooperation and assistance during the course of the observation. The EOM is grateful to the OSCE Centre in Bishkek, resident embassies of OSCE participating States and other international institutions for their cooperation and support.

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