

**INTERIM REPORT No. 2  
27 May – 17 June 2005**

**EXECUTIVE SUMMARY**

- The Central Election Commission (CEC) has registered seven candidates for the 10 July presidential election, including acting President Kurmanbek Bakiev. There is one woman candidate. The election campaign began on 14 June.
- In reaction to the non-registration of Urmatbek Baryktabasov, on 17 June protesters stormed and briefly occupied the Government House in Bishkek, where the CEC is located, before being ejected by police. This, plus three serious violent incidents just before the start of the campaign, contributed to an uncertain security situation in the pre-election period.
- There was a degree of unclarity and inconsistency in elements of the candidate registration process, including a disputed deadline for signature collection and regional variation in the approach to signature verification.
- Formation of precinct election commissions (PECs) is underway, with active civil society involvement.
- The media environment has generally improved since the parliamentary elections.
- Implementation of the OSCE/ODIHR Interim Recommendations for the Early Presidential Election remains limited.<sup>1</sup>

**I. REGISTRATION OF CANDIDATES**

**A. Signature collection and verification**

As of 26 May, at the close of nominations to run in the 10 July presidential election, up to 15 nominees were still pursuing registration (see Interim Report No.1). In the subsequent phase of the process, nominees were required to collect a minimum of 50,000 signatures, with at least 3 per cent coming from each of the seven oblasts as well as from the cities of Bishkek and Osh, and to have these signatures accepted as valid by the Oblast and Bishkek and Osh City Election Commissions (hereinafter OECs) and the CEC. Thirteen nominees engaged in signature collection, of whom nine submitted the required quantity of signatures to all OECs.

<sup>1</sup> Available at [www.osce.org/documents/odihr/2005/04/13831\\_en.pdf](http://www.osce.org/documents/odihr/2005/04/13831_en.pdf)

Once a nomination had been made to the CEC, each nominee could begin signature collection as soon as the CEC had registered the nominee's authorized representatives. The Election Code gives the CEC up to five days to do this, and although the CEC acted within this deadline, some nominees complained that it took longer to register some nominees' representatives than those of others, with the effect of further shortening the time available to them to collect signatures.

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 problem was publicly acknowledged by the CEC Chairman, although effective remedial measures, for example through the media, appeared lacking. Several nominees or their representatives around the country told the OSCE/ODIHR EOM specifically about signature collectors for Mr. Bakiev spreading such wrong information (it is not possible to assess whether the collectors themselves were misinformed, or whether this was deliberate disinformation to the public), and this wrong information was directly stated to EOM long-term observers by one of Mr. Bakiev's district campaign team leaders.

The CEC had instructed<sup>2</sup> that OEC working groups on signature verification either verify all signatures from each nominee or verify a random sample of the signatures, and all chose the latter approach. However, the random sample size was not stipulated by the CEC, and consequently the samples ranged from 10 per cent (Issyk-Kul) to 30 per cent (Osh city and Jalal-Abad). Each OEC appeared to apply its chosen sample size consistently for all nominees, with the exception of Batken OEC.<sup>3</sup> The OECs delivered all signatures to the CEC for a further verification exercise by a CEC Working Group. From each nominee's signatures the CEC chose a sample of 2.2 percent of the total number that each OEC had certified as valid.

There was unclarity about the date by which signatures should be submitted to the OECs for the first stage of verification. The deadline as presented in the CEC Election Calendar was variously interpreted by CEC officials and OECs as either 1 or 2 June, with different interpretations by the OECs also of the time for close of submissions.<sup>4</sup> Consequently, not all nominees were able to submit all of the signatures they had collected: nominee Amanbay Satybaev's authorized representative was refused when he attempted to submit signatures to Naryn OEC at 0910 hrs on 2 June, for example. Nominee Gaysha Ibragimova, who by 1 June had submitted just under 50,000 signatures, filed a legal complaint against the CEC on this matter, and on 9 June the Pervomaysky court in Bishkek ruled in her favour that the deadline for signature submission was 2 June, ordering signatures collected for her in Bishkek that were pending submission to be accepted and verified by the responsible OEC and the CEC.

The process of signature verification both by the OECs and the CEC was transparent, although there was a low presence of nominees' authorized representatives to observe the process. The verification process at both levels also appeared uniformly lenient. Despite invalidation of signatures in varying amounts for all nominees, the only nominee not to

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<sup>2</sup> CEC Regulation on signature collection and verification. Verification is according to 37 criteria (specified in Attachment 5 of the Regulation). Main reasons for invalidation included: signatures made by another person; signatory's name or address absent; no full date of birth if signatory was 18 this year; signatory younger than 18.

<sup>3</sup> EOM analysis of the protocolled figures shows that Batken OEC checked 23 per cent of signatures for Ms. Ibragimova, Mr. Sharipov and Ms. Umetalieva, but 28 per cent of signatures for Mr. Jeksheev.

<sup>4</sup> For example, Issyk-Kul OEC set the deadline for submission of signatures as 1700 hrs on 1 June, while Naryn and Jalal-Abad OECs set the deadline as 0000 hrs on 2 June.

surpass the 50,000 signature threshold following the verification exercise was Ms Ibragimova, for whom the verification of samples by OECs and the CEC led to invalidation of 4,620 of the 52,145 signatures she submitted.

## **B. Conclusion of language tests**

The process of testing nominees' proficiency in the Kyrgyz language continued up to 4 June. Of the 13 nominees who sat the test, 12 passed.<sup>5</sup> Two nominees, Nazyrbek Nishanov and Amanbay Satybaev, were allowed to sit the language test on 4 June despite it already being clear by that point that they had not gathered the minimum number of signatures. However, the same opportunity was refused to the similarly situated nominee Kubanychbek Apasov.

## **C. Registration of candidates by the Central Election Commission**

The CEC has registered seven candidates: five on 11 June (Tursunbay Bakir uulu, Keneshbek Dushebaev, Jypar Jeksheev, Jusupbek Sharipov and Toktayym Umetalieva) and two on 13 June (Akbaraly Aitikeev and Kurmanbek Bakiev). Mr. Dushebaev and Mr. Jeksheev are political party nominees, and the others are either self-nominated or voters' group nominees.

The CEC on June 13 formally refused registration to five nominees who had failed to collect the necessary number of signatures: Kubanychbek Apasov, Gaysha Ibragimova, Nazyrbek Nyshanov, Damira Omurkulova and Amanbay Satybaev.<sup>6</sup>

Following discussion at both the 11 and 13 June CEC sessions, nominee Urmatbek Baryktabasov was refused registration on the grounds that he was found to be a citizen of Kazakhstan, as confirmed in documents the CEC had received from the government of Kazakhstan. Mr. Baryktabasov's authorized representatives denied this.<sup>7</sup> CEC chairman Tuygunaaly Abdraimov positioned himself strongly in favour of refusing Mr. Baryktabasov's registration, three times during the discussion reading aloud the oath of allegiance Mr. Baryktabasov was asserted to have given when receiving citizenship of Kazakhstan.

Candidates are required by law to leave state or government office during the campaign, although this provision does not include the Prime Minister, and an incumbent President is explicitly exempt. Mr. Bakiev nevertheless announced that during the campaign period he would take a vacation as the acting Prime Minister (but would continue as acting President). Mr. Bakir uulu temporarily stepped down from his post as national human rights Ombudsman.

## **D. Complaints and appeals**

On 16 June the public association "Mekenim Kyrgyzstan," which is headed by Mr. Baryktabasov, lodged an appeal with the Pervomaysky District Court against the CEC's decision not to register him, and the court began hearing the case on June 17. That same

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<sup>5</sup> The case of Jenishbek Nazaraliev, who subsequently withdrew, is described in Interim Report No. 1

<sup>6</sup> Two other nominees out of the 15 whom the CEC had indicated may have still been actively pursuing registration as of 26 May - Omurbek Bolturukov and Dastan Sarygulov – dropped out without taking further part in the process.

<sup>7</sup> Having citizenship of another state is not stipulated in the Election Code as one of the bases for refusing registration, but hiding citizenship of another state is listed in the Election Code as a reason for de-registering a candidate. Kyrgyzstan does not recognize dual citizenship, but the holding of a second citizenship by a Kyrgyz citizen is not expressly prohibited.

morning several hundred well-organized demonstrators, apparently supporters of Mr. Baryktabasov, gathered outside the Government House, and then stormed it. They were ejected within an hour by police, who then used teargas to disperse the demonstrators from in front of the building. Ten police officers were reportedly injured, as were a number of demonstrators. It was announced that police were seeking Mr. Baryktabasov in connection with these events. The OSCE/ODIHR EOM also observed protests in support of Mr. Baryktabasov in Balykchy and Karakol (Issyk-Kul oblast) and Naryn and Kochkor (Naryn oblast) on 17 June.

As noted above, nominee Gaysha Ibragimova filed suit against the CEC over its interpretation of the signature collection deadline, with the Pervomaysky District Court ruling in her favour. After failing to secure registration, she appealed the district court ruling to the Supreme Court on grounds that its scope should not have been limited to Bishkek City Election Commission.

Among the few other complaints to the CEC in the period covered by this report were allegations of misinforming voters about signature collection, use of administrative pressure by some of the nominees, and early/illegal campaigning. The CEC Working Group on Campaigning issued a warning to “Mekenim Kyrgyzstan” for violating the timeframes for campaigning.<sup>8</sup>

## II. ELECTION ADMINISTRATION

The CEC has still not completed its move to premises separate from the Government House and continues to hold its sessions there, creating problems for observers and media to have advance notice of and access to CEC sessions. The CEC also continues to work in a non-transparent manner in some respects.<sup>9</sup> One CEC member, Akylbek Sariev, made an oral complaint on 3 June against the Chairman that the CEC is in breach of its own regulations by not taking all decisions in open session. The OSCE/ODIHR EOM has found the work of OECs to be generally efficient and open, with the exception of Issyk-Kul OEC, where there has been a delay in providing legitimately requested information to EOM long-term observers.

The deadline for formation of PECs was 16 June. Civil society groups took an active role in PEC composition, including through the nomination of members. In Naryn, the regional branch of the Coalition for Democracy and Civil Society successfully lobbied the town council to exclude from the town’s PECs those who had been accused of electoral violations as PEC members during the February-March parliamentary elections.

The CEC on 25 May issued a regulation on voting in the presidential election by Kyrgyz citizens out-of-country. Compilation of voter lists abroad and formation of polling stations (38 in total – 28 in embassies and consular offices, and an additional 10 in cities of the Russian Federation), was to be completed by 10 June, but is reportedly delayed. Through the Ministry of Foreign Affairs, data on the out-of-country voter list is to be passed to the electoral authorities so that those voters can be removed from the voter list in their place of registered residence in Kyrgyzstan. The regulation also provides the possibility to be added to

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<sup>8</sup> Mekenim Kyrgyzstan has emerged as a visible force, although it presents itself as a social movement rather than a politically-oriented organization. It is engaged in large-scale advertising in Bishkek and the regions, including events sponsorship, and it publishes its own newspaper, *Meken*.

<sup>9</sup> See Section V, Implementation of Interim Recommendations, below.

the voter list at an out-of-country polling station on election day; in such circumstances exclusion of such voters from the relevant voter lists in Kyrgyzstan will not take place, with implications for the accuracy of the number of registered voters. If additional ballot papers are needed above the surplus provided to polling stations abroad (0.5 per cent more than the number of registered voters), a facsimile of the ballot paper may be sent by fax or e-mail. This deviates from ballot paper security measures provided in law, and it is still unclear what control mechanisms the CEC will put in place to avoid possible abuse of this provision.

### III. PRE-CAMPAIGN ENVIRONMENT

The election campaign started officially on 14 June. In addition to the attempt to seize the Government House on 17 June, the pre-campaign environment was marked by three serious incidents of violence on 9-13 June which, while apparently not directly related to the presidential election, involved politicians or persons linked to them. 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 Kara Su, 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. On 13 June a CEC lawyer was assaulted by unknown persons outside the Government House.

The occupation of the Supreme Court by supporters of some parliamentary election candidates who are protesting Supreme Court decisions relating to constituency election results ended on 1 June. The occupiers were ejected by force by another group of civilians, who immediately handed control of the building to police. However, the court initially could not fully resume its functions: the original occupiers remained camped outside, and despite the continued presence of national guardsmen at the scene, these protesters barred entrance to judges and staff who dealt with election-related court cases. Eventually, those judges and staff gained entrance to the building under police escort on June 13.

The Constitutional Council on 9 June approved draft constitutional amendments prepared and submitted by its Working Group. These were to be published for an apparently open-ended period of public discussion.

On 13 June all nominees and registered candidates were invited to sign a “Charter of Accord” committing themselves to conducting a fair electoral race, on the initiative of the OSCE Chairmanship and the CEC. Four of the by then five registered candidates did not attend, however, and some of the invitees present criticized the initiative. Six nominees have signed, including Mr. Bakiev, Mr. Sharipov, and Mr. Aitikeev; the other three signatories are not registered candidates. An earlier initiative by the so-called “Presidential Hopefuls’ Club,” initiated by Ms Umetalieva, was signed by all nominees who are now candidates (and a number of other nominees).

Mr. Bakiev made a statement on June 6 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.” The statement was broadcast on *KOORT TV* (the country’s second most widely-available TV channel) and was covered by several print media outlets, but was not broadcast on the countrywide State channel KTR.

#### IV. MEDIA ENVIRONMENT

The general media atmosphere has undergone some change since the ouster of President Askar Akaev in March. 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, and many media outlets began redefining their editorial policy,

In the aftermath of the March events, the most visible continuing problem - the high degree of political influence on the editorial policy of State-funded media - has been criticized by civil society and has gradually become one of the key issues for the acting authorities. With the apparent purpose of adopting modern and transparent legislation regulating public service media and general broadcasting conditions, initiatives have included establishment of a Working Group on reform of State-funded media, discussion on the draft laws in parliamentary committee, and a well-attended NGO-organized Media Forum on May 31.

On 26 May the OSCE/ODIHR EOM commenced monitoring of six TV channels, two radio stations and twelve newspapers (both Kyrgyz and Russian-language).<sup>10</sup> The OSCE/ODIHR EOM media monitoring will evaluate whether the media provide impartial and balanced coverage of the contestants and other aspects of the political and campaign environment. Media coverage of the electoral process up to the start of the campaign has been low-key, with limited coverage of the potential candidates. The State-funded media devoted the bulk of its news to covering activities of the authorities, including acting president and presidential nominee Mr. Bakiev, predominantly of a positive or neutral character.

The state-funded television channel KTR fulfilled the Election Code requirement for live broadcasting of nominees' language proficiency tests. KTR has also introduced a number of discussion formats on parliamentary, political and social matters, including a joint programme with *Azattyk* radio. In addition, KTR has devoted a special information programme for the CEC to explain certain electoral procedures. In accordance with the Election Code, on 15 June the CEC allocated free time on KTR to all registered candidates through a lottery.

#### V. IMPLEMENTATION OF INTERIM RECOMMENDATIONS

Implementation of the OSCE/ODIHR Interim Recommendations for the Early Presidential Election continues to be limited. As noted above, the CEC has not fully moved to separate premises, is not holding all discussions in open session, and has not published the complaints register on its website. The CEC is not holding regular sessions at pre-scheduled times, and is not giving advance public notice of the holding of sessions. Its instruction for signature verification did not stipulate a uniform procedure (see above). Positive steps noted in this reporting period were on the updating and display of the voter lists, and on announcing (although not formally instructing, as recommended) that employees of the same institution should constitute no more than one-third of an election commission's members.

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<sup>10</sup> The media outlets are: *KTR, KOORT, NBT, NTS, Piramida, Osh TV* (TV channels), *KTR, Azattyk* (radio stations), *Aalam, Agym, Argumenty i Fakty, Delo Nomer, Erkin Too, Komsomolskaya Pravda, Kyrgyz Ruhu, Kyrgyz Tuusu, MSN, ResPublica, Slovo Kyrgyzstana, Vecherniy Bishkek* (newspapers)

## VI. EOM ACTIVITIES

The OSCE/ODIHR EOM continues to meet with government and election authorities, nominees/candidates or their representatives, civil society and media representatives. The 26 long-term observers are following closely the work of the electoral authorities in the regions, including the signature verification process, the formation of PECs, and voter list updating.

For election day on 10 July the OSCE/ODIHR will be joined in an International Election Observation Mission (IEOM) by delegations from the OSCE Parliamentary Assembly and the European Parliament. Mr. Kimmo Kiljunen of the OSCE Parliamentary Assembly has been appointed by the OSCE Chairman-in-Office as Special Co-ordinator of the short-term observers.