



Office for Democratic Institutions and Human Rights

# KYRGYZ REPUBLIC

## PRESIDENTIAL ELECTION

23 July 2009

OSCE/ODIHR Election Observation Mission  
Final Report



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## KYRGYZ REPUBLIC

### PRESIDENTIAL ELECTION

23 July 2009

#### OSCE/ODIHR Election Observation Mission Final Report<sup>1</sup>

##### I. EXECUTIVE SUMMARY

Following an invitation from the Kyrgyz authorities to observe the 23 July 2009 presidential election and following the recommendation of its Needs Assessment Mission, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) to the Kyrgyz Republic on 8 June 2009 in accordance with its mandate. The OSCE/ODIHR EOM assessed the compliance of the election process with OSCE commitments and other international standards for democratic elections, as well as with domestic legislation. For election day observation, the OSCE/ODIHR EOM joined efforts with a delegation from the OSCE Parliamentary Assembly (OSCE PA).

The 23 July 2009 presidential election in the Kyrgyz Republic failed to meet key OSCE commitments for democratic elections, in particular the commitment to guarantee equal suffrage, to ensure that votes are reported honestly and that political campaigning is conducted in a fair and free atmosphere as well as to maintain a clear separation between party and state. The field of presidential candidates offered a genuine choice to voters and the continuing engagement of civil society provided an important element of transparency and accountability. Notwithstanding these positive elements, public confidence in the electoral process remains a fundamental challenge.

While election contestants were generally able to campaign openly around the country, the campaign was unengaging and low-key until the week before election day. It was marred by substantiated instances of obstruction of opposition campaign events as well as pressure and intimidation of opposition supporters. The increasingly strong rhetoric used by an opposition candidate closer to election day raised concern. The misuse of administrative resources in support of the incumbent President's campaign granted him an unfair advantage vis-à-vis the other candidates.

The broadcast media gave limited and unbalanced coverage of election contestants, and the state media displayed a strong bias in favour of the incumbent. It did not provide voters with sufficient and diverse information from which to make an informed choice. Broadcast media did, however, comply with their obligation to provide free airtime to candidates, mostly during genuine 'prime-time', which marked an improvement over past elections. State TV also proposed several live debates between candidates, although most candidates showed limited interest in participating.

This election was regulated by a legal framework that proclaims universal and equal suffrage, although certain gaps, ambiguities, and inconsistencies remain. Recent amendments to the Electoral Code removed important safeguards against possible multiple voting. In particular, inking of voters' fingers as well as the previous requirement of a court order to be added to voter lists on election day were abolished. Throughout the election period, legal provisions

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<sup>1</sup> The report is also available in Kyrgyz and Russian. However, the English version remains the only official version.

and election procedures were implemented inconsistently, undermining the efficacy of the legal framework.

The Central Election Commission's (CEC) work sometimes lacked transparency: meetings were not publicly announced, not all CEC decisions were made public, and information and protocols of various processes remained unobtainable to observers. However, electoral deadlines were generally respected and the CEC was active in launching national 'get-out-the-vote' and voter education campaigns. In an effort to increase transparency, the CEC published information on campaign spending by candidates.

The election administration at all levels was dominated by the pro-presidential and governing party *Ak Jol*. This raised questions about its impartiality and its independence from state authorities. Notably, the formation of Precinct Election Commissions (PECs) was problematic. Nominees from other political parties were often rejected for spurious procedural reasons not foreseen in the law; others resigned, claiming intimidation. The drawing of lots for seats on election commissions allocated to political parties and nominees from state administration bodies led to results in some districts that were statistically improbable, with *Ak Jol* winning most draws.

Despite some limited efforts to improve the voter lists, their quality and accuracy remained a concern. No national cross-checking of the voter lists was undertaken, although it was technically possible. The CEC made the voter lists available for individual scrutiny only, instead of applying the previous practice of displaying them publicly at polling stations and on the CEC website. This was not conducive to improving the quality of the voter lists.

There were a number of pre-election day complaints and appeals. These were dealt with by election commissions in a manner that was not altogether transparent or consistent. Courts often demonstrated unsound interpretations of legal provisions and applied them inconsistently. Courts generally tended to uphold the decisions of election commissions and of lower-level courts. Post-election day complaints were also dealt with in a manner that could have benefited from greater scrutiny by the CEC, courts, and other relevant state institutions.

On election day, EOM observers evaluated the opening, voting, counting, and tabulation processes as poor in a high percentage of polling stations. Overall, election day was marred by many problems and violations, including inaccuracies in the voter lists, evidence of ballot box stuffing and some evidence of multiple voting. Interference in the work of election commissions was observed, and procedural omissions or mistakes were common. The process further deteriorated during the counting and tabulation, where observers noted evidence of direct manipulation or falsification in numerous instances.

Preliminary and final results were published within the legal deadlines and PEC protocols were initially posted on the CEC website the day after election day. However, these were removed once preliminary results were announced. PEC protocols posted by the CEC differed in most cases from those obtained by EOM observers directly from the PECs on election day, including with regard to the number of ballots received or Absentee Voting Certificates used, as well as significant changes in the results. PECs were not requested to conduct recounts before changes to the protocols were made.

This report offers a number of recommendations for consideration by the Kyrgyz authorities. The OSCE/ODIHR stands ready to support the efforts of the Kyrgyz authorities, political

parties, and civil society to conduct elections further in line with OSCE commitments and other international standards for democratic elections.

## II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the Kyrgyz authorities to observe the 23 July 2009 presidential election and following the recommendation made by the OSCE/ODIHR Needs Assessment Mission conducted from 23 to 25 April 2009,<sup>2</sup> the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) on 8 June 2009 in accordance with its mandate. The OSCE/ODIHR EOM, headed by Ms. Radmila Sekerinska, consisted of 11 core team experts and 24 long-term observers (LTOs) from 21 OSCE participating States. The OSCE/ODIHR EOM was based in Bishkek, with LTOs deployed to all regions of the country. On election day, the OSCE/ODIHR EOM deployed some 200 short-term observers (STOs), seconded by OSCE participating States, who arrived just prior to election day.

For election day observation, the OSCE/ODIHR EOM joined efforts with a 28-member delegation from the OSCE Parliamentary Assembly (OSCE PA). Senator Consiglio Di Nino, Head of the OSCE PA delegation, was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator to lead the OSCE short-term observer mission.

On election day, the mission deployed a total of 277 observers from 39 OSCE participating States, who observed the opening of 107 polling stations, the conduct of voting in 1,035 of the 2,281 in-country polling stations, and the counting process in 121 polling stations. The handover of election materials and the tabulation of results were also evaluated by 83 teams in nearly all of the 56 Rayon (district) and City Election Commissions (RECs). The OSCE/ODIHR EOM remained in Kyrgyzstan until 5 August to follow post-election day developments.

The OSCE/ODIHR EOM assessed compliance of the election process with OSCE commitments and other international standards for democratic elections, as well as with domestic legislation. This Final Report follows a Statement of Preliminary Findings and Conclusions, which was released at a press conference in Bishkek on 24 July 2009.<sup>3</sup>

The OSCE/ODIHR EOM is grateful to the Kyrgyz Ministry of Foreign Affairs, the Central Election Commission, and to other state and local authorities, political parties and civil society for their co-operation. The mission also wishes to express its appreciation to the OSCE Centre in Bishkek and to diplomatic representations of OSCE participating States and international organizations in Bishkek for their co-operation throughout the course of the mission.

## III. POLITICAL CONTEXT

The President of the Kyrgyz Republic is elected for a period of five years in a nationwide election. A president can serve no more than two consecutive terms. This presidential election was the first since the election of President Bakiev in July 2005, following the March 2005

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<sup>2</sup> The report of the OSCE/ODIHR Needs Assessment Mission is available at:  
[www.osce.org/odihr-elections/37567.html](http://www.osce.org/odihr-elections/37567.html).

<sup>3</sup> The Statement of Preliminary Findings and Conclusions is available at:  
[www.osce.org/documents/odihr-el/2009/07/39015\\_en.pdf](http://www.osce.org/documents/odihr-el/2009/07/39015_en.pdf).

events that resulted in former President Akaev's ouster. The Constitutional Court ruled in March 2009 that as President Bakiev had been elected under the previous 2003 Constitution, new elections were to be held no later than last Sunday of October 2009. The *Jogorku Kenesh* (parliament) subsequently set the election date for 23 July 2009.

Following the 2007 pre-term parliamentary elections, three parties are represented in the current parliament: *Ak Jol* (71 seats), the Social Democratic Party of Kyrgyzstan (SDPK) (11) and the Party of Communists of Kyrgyzstan (8). The 2005 presidential election was assessed by the OSCE/ODIHR as having marked tangible progress toward meeting OSCE commitments. However, the 2007 pre-term parliamentary elections failed to meet a number of OSCE commitments and were considered a missed opportunity to further consolidate the election process.<sup>4</sup> In recent years, the political situation in Kyrgyzstan has remained politically tense and marked by frequent standoffs between the government and opposition parties.

#### IV. LEGAL FRAMEWORK AND ELECTION SYSTEM

Elections in Kyrgyzstan are governed primarily by the Constitution and the Electoral Code, but also by other relevant legislation. While the legal framework provides for universal and equal suffrage, certain gaps, ambiguities, and inconsistencies remain. Not all aspects of the applicable legislation meet OSCE commitments. The OSCE/ODIHR has, on numerous occasions, recommended revising the legal framework.

Over recent years, legislation has undergone a number of important changes, but little has been done to bring it closer in line with OSCE commitments. In November 2007, a new Constitution and a new Electoral Code were adopted through a national referendum following a Constitutional Court decision that ruled the adoption of the 2006 constitution unconstitutional.

In January 2009, amendments to the Electoral Code were adopted. These amendments *inter alia* eliminated the requirement to ink voters' fingers, which was an important safeguard against possible multiple voting. Another amendment simplified the process of adding voters to additional voter lists (AVLs), including on election day. Previously, a court decision was required for a voter to be added to the AVL on election day. After the amendments, a voter only had to present a written application and a valid identification document showing either temporary or permanent residence to an election commission. In conjunction with the lack of national cross-checking of voter lists (See Section VI on Voter Registration) and the possibility for voters to be entered on the additional voter list based on either permanent or temporary residence, these amendments severely weakened the integrity of the voter lists. They made it difficult to determine whether voters appeared on only one voter list and removed security features that could prevent voters from voting multiple times. Furthermore, measures that facilitate suffrage should be balanced against the risks of undermining the fundamental principle of equality ("one voter, one vote").

One month before election day, on 25 June, the Electoral Code was further amended by the parliament to take account of a Constitutional Court decision regarding deadlines for appeals.<sup>5</sup>

<sup>4</sup> All OSCE/ODIHR reports on the 2005 and 2007 elections as well as previous elections in the Kyrgyz Republic are available at: [www.osce.org/odihr-elections/14475.html](http://www.osce.org/odihr-elections/14475.html)

<sup>5</sup> The amendments were signed by the President on 17 July and came into force on 24 July, the day after election day. They followed the Constitutional Court's decision of 29 April 2009, which declared Articles 45.11 and 46.7 of the Electoral Code unconstitutional on the grounds of limiting the right of

Of the three parliamentary fractions, two were unaware of any changes having been discussed or voted upon.<sup>6</sup> Neither was there any information in the media regarding such changes. It is also of concern that electoral rules were changed so close to an election; this is generally inconsistent with good practice in electoral matters.<sup>7</sup>

Other new legal provisions have introduced formal limitations to fundamental rights and freedoms, such as the freedom of peaceful assembly. While the Electoral Code permits public campaigning, the Law on the Right to Assembly<sup>8</sup> requires that permission be granted by local authorities to hold outdoor meetings (apart from specially designated locations). After a request by the parliamentary speaker on 2 June 2008 for a review of the draft amendments, the OSCE/ODIHR and the Venice Commission published a Joint Opinion on 27 June 2008. It found that that the Law on the Right to Assembly “does not currently reproduce the international standards of permissible limitations of the right of assembly”.<sup>9</sup> The amendments were passed by the parliament on 13 June 2008, prior to the review being published.<sup>10</sup> Although a new draft law is being prepared, the law as it stands challenges Paragraph 9.2 of the OSCE 1990 Copenhagen Document.<sup>11</sup> The law does not justify imposed restrictions or *prima facie* interference necessary in a democratic society.

During this election, limitations to freedom of assembly set by the law led to a number of arrests, particularly in the post-election period. In addition to the requirement that permission be granted by local authorities to hold outdoor meetings, local administrations are also given the right to apply to a court with a request to prohibit such meetings or to change the conditions of their conduct. The Constitutional Court concluded that this does not violate the constitutional right of citizens to assemble.<sup>12</sup>

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legal redress. These articles stipulated that complaints on voting results submitted after election day would only be considered if they had been documented in the Precinct Election Commission’s (PEC) protocol. The Court also eliminated the three-day appeal deadline on voting results (but not on election results), as contained in Articles 54.4 (para. 2) and 55.7 (para. 1) given that they referred both to administrative and court appeals. The Court concluded that three days was not sufficient for adjudicating appeals both through election commissions and the courts. It also emphasized an additional remedy for appealing election results within ten days, as proscribed by the Civil Procedural Code.

<sup>6</sup> According to the Law on Parliamentary Regulations (Art. 104), all parliamentary fractions should have the opportunity to provide an opinion on all draft legislation before it is passed.

<sup>7</sup> See the Code of Good Practice in Electoral Matters of the Venice Commission of the Council of Europe, [www.venice.coe.int/docs/2002/CDL-AD\(2002\)023-e.pdf](http://www.venice.coe.int/docs/2002/CDL-AD(2002)023-e.pdf).

<sup>8</sup> The full title is the Law of the Kyrgyz Republic on the Right of Citizens to Assemble Peaceably, without Weapons, to Freely Hold Rallies and Demonstrations.

<sup>9</sup> See the “Opinion on the Amendments to the Law of the Kyrgyz Republic on the Right of Citizens to Assemble Peaceably, without Weapons, to Freely Hold Rallies and Demonstrations”, Opinion-Nr.: FOA – KYR/111/2008, 27 June 2008, available at:

<sup>10</sup> [www.legislationline.org/download/action/download/id/824/file/test.pdf](http://www.legislationline.org/download/action/download/id/824/file/test.pdf).

<sup>11</sup> In November 2008, the Ombudsman proposed amendments to the law, which according to the Joint Opinion of the OSCE/ODIHR and the Venice Commission appear “to seek to establish a legal framework which would permit the exercise of freedom of peaceful assembly in a manner compatible with international standards [...] Nonetheless, the Draft Law contains some potential for abuse and its practical implementation may also present difficulties.” See the OSCE/ODIHR and the Venice Commission Joint Opinion on the Draft Law on Assemblies of the Kyrgyz Republic, Strasbourg/Warsaw, 29 April 2009, available at: [www.legislationline.org/topics/country/20/topic/15](http://www.legislationline.org/topics/country/20/topic/15).

<sup>12</sup> Paragraph 9.2 of the OSCE 1990 Copenhagen Document states that “everyone will have the right of peaceful assembly and demonstration. Any restrictions which may be placed on the exercise of these rights will be prescribed by law and consistent with international standards.”

<sup>12</sup> Decision of the Constitutional Court, 15 January 2009.

Presidential elections are called by parliament four months prior to election day. To stand for election, a citizen must enjoy voting rights,<sup>13</sup> be at least 35 years old, and have resided at least 15 years in Kyrgyzstan. The president is elected under a two-round system, with a 50 per cent turnout requirement for both rounds. If no candidate wins an absolute majority of votes in the first round, the two highest-placed candidates take part in a second round. An absolute majority is required to win the second round.

The 50 per cent turnout requirement, on its own, makes repeated invalid elections possible; it also introduces an incentive for electoral malfeasance to ensure this turnout.<sup>14</sup> In conjunction with the possibility to vote ‘against all’, it allows for the possibility of a cycle of elections in which neither of the two candidates in the second round can gain an absolute majority of votes. In this context, the OSCE/ODIHR has previously suggested to remove both the turnout requirement and the ‘against all’ option.

The Electoral Code limits the right to vote of citizens serving prison sentences. The law also limits the right to stand of citizens whose previous legal convictions have not been expunged. Limitations of suffrage regardless of the gravity of the crime and without a specific court decision in this respect are contrary to paragraphs 7.3 and 24 of the OSCE 1990 Copenhagen Document.<sup>15</sup> International good practice suggests that forfeiture of political rights must be proportionate to the offence committed and that restoration of rights should be automatic after a person serves the term.<sup>16</sup> The OSCE/ODIHR has previously recommended amendment of this provision of Kyrgyz law.

In addition, some of the provisions regarding candidacy set by the Electoral Code for candidates are excessive. The requirement to collect 50,000 support signatures from voters is unduly high, given the number of approximately 2.8 million registered voters.<sup>17</sup> The legal provisions permitting de-registration of candidates on the basis of any and repeated violations of pre-election campaign rules are also problematic. Once candidates have met the legal requirements to stand, they should generally not be deregistered except for the most serious reasons. The cancellation of a candidate’s registration should be strictly limited to those cases where basic legal requirements for candidacy (citizenship, age, residence) have not been met.

## V. ELECTION ADMINISTRATION

The election was administered by four levels of election administration, headed by the Central Election Commission (CEC). There were also seven Oblast Election Commissions and the Bishkek and Osh City Election Commissions (OECs), 44 Rayon (district) and 12 City Election Commissions (RECs), and 2,330 Precinct Election Commissions (PECs), including 49 for out-of-country voting.

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<sup>13</sup> Kyrgyz legislation allows voting rights to be suspended under certain circumstances.

<sup>14</sup> Although this requirement was removed from Constitution, it remains in the Electoral Code.

<sup>15</sup> Paragraph 7.3 of the OSCE 1990 Copenhagen Document guarantees universal and equal suffrage to adult citizens. Paragraph 24 provides that “any restrictions on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of that law.”

<sup>16</sup> See also UN Human Rights Committee’s General Comment 25 and the Venice Commission’s Code of Good Practice in Electoral Matters.

<sup>17</sup> The Venice Commission recommends that the “law should not require collection of the signatures of more than 1% of voters in the constituency concerned.” See: [www.venice.coe.int/docs/2002/CDL-AD\(2002\)023-e.pdf](http://www.venice.coe.int/docs/2002/CDL-AD(2002)023-e.pdf).

The CEC is a permanent body with 12 members, appointed for a five year term. Six members are appointed by the president and another six by the parliament, where the presidential party *Ak Jol* holds the majority of seats. The chairperson is appointed by the president with the consent of the parliament. In turn, the CEC appoints the chairpersons of the OECs, which are also five-year standing bodies. This nomination procedure led to domination of higher-level election commissions by the pro-presidential and governing party. Although all presidential candidates had the right to nominate non-voting members to the CEC, only Mr. Atambaev, Mr. Sariev, and Ms. Umetalieva availed themselves of this opportunity; Mr. Atambaev and Ms. Umetalieva did so only in the last week before election day.

Lower-level commissions, i.e. RECs and PECs, were appointed by higher-level commissions. Members representing political parties as well as state and municipal workers could not exceed one-third of commission members each, with the remainder appointed from nominations made by so-called ‘groups of voters’. In general, RECs and PECs were appointed within legal deadlines and were logistically well prepared for polling.

The appointment of PECs was a major concern on several levels. The minimum number of REC and PEC members is seven but there is no instruction on how to establish the precise number of commission members and the criteria for such a decision.<sup>18</sup> RECs decided inconsistently about the number of PEC members. Secondly, the distribution of members between political parties, ‘groups of voters’, and state and municipal workers was neither clear nor consistent. Lastly, the category of ‘groups of voters’ was not clearly defined and open to abuse.<sup>19</sup> By law, any vacant commission positions were to be filled from this category. The ‘groups of voters’ became mere facades that facilitated additional party nominations.<sup>20</sup> Many political parties, but particularly *Ak Jol*, used this mechanism to place their members on election commission. The opportunity for civil society representation on commissions was therefore squandered.

In cases where nominations from political parties exceeded the one third allocations, REC and PEC members were to be chosen by drawing lots. There were serious discrepancies in the procedures applied for the lotteries and, in some cases, highly improbable statistical results.<sup>21</sup> Some RECs unilaterally decided on PEC composition. Others had a common pool of nominees from the local administration and ‘groups of voters’. In some districts, the lottery protocols or the official results published differed from the results observed by the OSCE/ODIHR EOM.<sup>22</sup> Certain nominees were also rejected on spurious formal grounds (lack of copy of passport or use of national party seal instead of regional one,<sup>23</sup> error in CV, lack of signatures or signatures in the wrong place, name not in full version, etc.).

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<sup>18</sup> On 30 June, the CEC announced that the 2,330 PECs had 20,689 members; an average of nine members per PEC.

<sup>19</sup> The sole requirement to form such a ‘group of voters’ was the gathering of a minimum of five voters from a respective constituency, with no obligation for the group to be formally registered. Their procedures for nominating commission members were not transparent. See CEC Regulation # 27 from 24 March 2009 on the Formation of Election Commissions.

<sup>20</sup> This was observed in Aksy, Batken, Issyk-Kul, Karakol, Kemin and Naryn.

<sup>21</sup> In Tong district, *Ak Jol* won 23 seats on PECs from 39 nominations; SDPK three out of 29; *Ata Meken* one out of 24; *Uluu Birimdik* and the Green Party zero out of 20 and 15 nominations, respectively. In Uzgen district, SDPK won 23 seats out of 61 nominations and *Ata Meken* won 21 out of 65. In contrast, *Ak Jol* submitted 97 applications, three were rejected and 80 won the lottery.

<sup>22</sup> This was observed, for example, in Talas and Naryn districts.

<sup>23</sup> According to the CEC Regulation # 27, dated 24 March 2009 on the Formation of Election Commissions, nominees were to provide personal data (not necessarily a passport copy) and application documents had to be stamped with a regional stamp (several political parties stated to the

The appointment process of PEC members therefore provided an opportunity to discriminate against opposition parties. It resulted in a high proportion of state and municipal workers on PECs as well as PEC members from ‘groups of voters’ apparently supportive of *Ak Jol* although they were not party nominees. In some areas, PEC members nominated by the ‘groups of voters’ and from the category of state/municipal workers were evidently appointed by local authorities and not by the RECs, often weeks ahead of the schedule dictated by the Electoral Code.<sup>24</sup> Local administration representatives who were not PEC members sometimes opened the initial meetings of some PECs (at which the PEC were to elect their chairperson and secretary) and signed their protocols.<sup>25</sup> A number of nominees or appointed PEC members representing opposition parties withdrew either their nomination or from the PECs citing intimidation.<sup>26</sup> Political party appointees to PECs who resigned or were dismissed were not always replaced by representatives of the same party, as legally required.<sup>27</sup>

*Ak Jol* and the state authorities appeared to enjoy a high level of control over the election administration. RECs seemed to answer to local administrations. Local administration officials often participated in OSCE/ODIHR EOM meetings with RECs, and REC members consulted with or sought advice from local authorities before responding to questions. In light of their dominance by *Ak Jol*, the independence of election commissions and their impartiality was questionable, and representatives of political parties, candidates and civil society expressed little confidence in these bodies.

The CEC administered the election overall within the legal deadlines but failed to ensure consistent and uniform application of legal provisions and election procedures by lower-level election commissions.<sup>28</sup> The quality of training for PEC members varied, providing inconsistent information about voter lists, early voting and mobile voting. This lack of uniform knowledge and skills manifested itself on election day by the relatively poor performance of election commissions.

The CEC was proactive in organizing voter information and ‘get-out-the-vote’ campaigns. A positive step was the Memorandum of Understanding (MoU) signed between the CEC and ‘Time of My Choice’, an NGO coalition comprising most key civil society organizations involved in elections. This MoU committed both sides to co-operating for the efficiency and impartiality of the electoral process. On the day before elections, however, the CEC took a decision asking the General Prosecutor’s Office to instigate criminal proceedings against the coalition for a report on their observation officially released six days prior to election day, but which was published on a UNDP project website two days before election day.<sup>29</sup>

CEC sessions were open to candidate representatives, mass media and observers. The CEC published the majority of its 2009 decisions on its official website but not in the CEC Bulletin

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OSCE/ODIHR EOM that their organizations had only national party stamps). Such questionable rejections occurred in Kerben, Aksy, Nookan and Uzgen districts.

<sup>24</sup> As observed in Issyk-Kul, Naryn, Tong, Kemin and Alai districts.

<sup>25</sup> This was observed in Issyk-Kul district.

<sup>26</sup> As reported repeatedly to OSCE/ODIHR observers by political party representatives in Issyk-Kul, Tong, Kadamjay, Naryn districts.

<sup>27</sup> This was observed in Issyk-Kul district. Article 16.3 of the Electoral Code requires replacement with representatives of the same party.

<sup>28</sup> As required by Article 10.1.1 of the Electoral Code.

<sup>29</sup> According to the Article 30.6 of the Electoral Code, “in the last five days prior to election day...it is not permitted to publish results of public opinion polls in the mass media, as well as forecasts of electoral outcomes and other studies associated with elections.”

as required.<sup>30</sup> Starting from 26 June until election day, the CEC generally provided the OSCE/ODIHR EOM with copies of CEC draft decisions that were to be discussed during each session.

The CEC responded to some OSCE/ODIHR EOM requests for information with significant delay or in an incomplete manner. For instance, a request on 19 June for copies of CEC and OEC protocols on signature verifications for seven potential candidates was partially responded to on 21 July, when the CEC provided copies of its verification for six candidates. Unfortunately, the CEC did not provide the data for one nominated candidate who was denied registration on the basis of insufficient signatures nor protocols on signature verification from the OECs.

The existing transparency was compromised by the ad hoc nature of CEC sessions, with agendas not being made available in advance to election stakeholders, and by CEC working groups, which were created to prepare materials and background information, not functioning in an open manner. Meetings of CEC working groups were not announced, and they often assumed responsibilities above those foreseen by the law.<sup>31</sup> On several occasions, the Working Group on Informational Disputes dealt directly with the media, on behalf of the CEC. They also once appealed directly to police to address traffic violations at a SDPK rally.

Lack of transparency was also an issue with lower-level election commissions. They regularly failed to notify higher-level commissions as well as candidate representatives, media and observers about the time and place of their sessions, thereby not ensuring access as required by law.<sup>32</sup> OSCE/ODIHR EOM observers were denied access to REC and PEC sessions, protocols and offices on several occasions, especially after election day when some of the RECs were apparently still tabulating results.

## VI. VOTER REGISTRATION

Local administration bodies compiled data of registered voters, via the *GAS Shailoo* system,<sup>33</sup> and printed voter lists generally by the 26 June deadline. The number of registered voters announced at the time was 2,700,804, in addition to some 114,000 voters registered out of country, representing a total of some 2,814,804.

Throughout the observation period, the CEC provided the OSCE/ODIHR EOM with the number of registered voters by REC, but not by precinct. The CEC should have been able to extract this data as the CEC had access to the entire *GAS Shailoo* database. While some OSCE/ODIHR EOM observers were provided these figures by RECs, not having this basic level of informational transparency raised concerns. The numbers of voters per precincts are relevant, for example, to calculate the number of ballots provided to respective precincts as well as to establish voter turnout.

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<sup>30</sup> By Article 42 of CEC Regulation No. 11 dated 19 May 2004 on CEC Rules and Regulations, all resolutions, instructions and other acts passed by the CEC are made public in the CEC Bulletin and, if necessary, in the media.

<sup>31</sup> According to the Article 33 of CEC Regulation No. 11, working groups consisting of CEC members, CEC administration, and experts can be formed to prepare items for consideration by the CEC.

<sup>32</sup> Article 17.3 of the Electoral Code.

<sup>33</sup> *GAS Shailoo* is an automated countrywide system that provides the raw data for voter lists and also tabulates election results.

By law, a citizen must be 18 years of age to enjoy the right to vote. Each voter may be included in only one voter list, which includes each voter's personal data (i.e. name, year of birth, and address). However, the unique personal identification number on each citizen's national ID card, which could be used to more precisely identify voters, is not included.

The CEC and OECs did not undertake any national or regional cross-checking of voter lists, although they had the technical capability to do so. Prior to the 26 June deadline for printing the voter lists, the CEC sent data on the 114,000 out-of-country voters to the *GAS Shailoo* district system administrators, presumably to have them removed from the in-country lists. This number had grown to 146,074 by the 12 July registration deadline for out-of-country voters. It is the understanding of the OSCE/ODIHR EOM that there was no attempt made to remove these 32,074 additional voters from in-country voter lists prior to election day.

Between 27 June and election day, PECs conducted a 'familiarization' process, where voters could individually check their data and request corrections or additions to the voter lists. These changes were made on additional voter lists rather than in the main lists. Unlike in previous elections, voter lists were not publicly displayed nor could voters check their data online. Some PECs conducted door-to-door verification of voter lists and 'updated' the lists by deleting or marking people believed to be out of the country. Certain PECs included people without checking IDs or had voters sign the additional voter lists upon registration instead of at the polls.

According to the CEC website, the total number of registered voters at the opening of polls was 2,858,544. At the close of polls it increased by some 40,500 to 2,898,926. On 28 July, the CEC announced the final preliminary results with a different figure of 2,847,391 voters on the main voters list, plus 95,729 voters on additional lists; thus, a total number of 2,943,120.

## VII. CANDIDATE REGISTRATION

Twenty-two candidates were nominated by political parties or were self-nominated to stand for election. The nomination period lasted from 20 March (the day the elections were called) to 17 May 2009.

In order to be registered by the CEC, potential candidates had to collect a minimum of 50,000 support signatures from voters (some 1.7 per cent of registered voters), with a minimum of 3 per cent in each oblast as well as in the cities of Bishkek and Osh. They also had to make an election deposit of 100,000 Kyrgyz Som (some EUR 1,600) and prove their command of the Kyrgyz language, which was tested by a special commission nominated by the CEC and approved by the parliament.

The CEC registered six of the initial 22 nominees. Of the remainder, six withdrew from the registration process,<sup>34</sup> and ten were denied registration for different reasons: two failed the Kyrgyz language test;<sup>35</sup> four submitted an insufficient number of signatures by the 2 June deadline;<sup>36</sup> and three did not prove that they had paid the election deposit.<sup>37</sup> In addition, one

<sup>34</sup> Ms. Guljamila Estebesova, independent; Mr. Ismail Isakov, independent; Mr. Askarbek Istanov, independent; Ms. Damira Omurkulova, independent; Mr. Erlan Satybekov, independent; Mr. Janybek Suyunaliev, independent.

<sup>35</sup> Mr. Kutmanbek Eshenbaev, independent; Mr. Azamat Atambaev, independent.

<sup>36</sup> Mr. Askarbek Abyshev, independent; Mr. Kuttubek Asylbekov, Farmer's Party; Mr. Murat Borombaev, independent; Mr. Bakyt Kerimbekov, independent.

nominee, Mr. Akbaraly Aitikeev (independent) was denied registration for submitting an insufficient number of valid signatures.

On 19 June, the OSCE/ODIHR EOM requested from the CEC details of the signature verification process by OECs and by the CEC Working Group on Candidate Registration.<sup>38</sup> Initially, the CEC declined the request, but on 3 July agreed to provide the CEC procedures and decisions on registration and the figures for signature verification for six of the seven candidates (the protocol on signature verification for Mr. Aitikeev was not made available). The CEC did not provide figures or breakdowns for the OEC verifications. This lack of transparency undermined confidence in the election process.

OECs verified between 20-30 per cent of the submitted signatures for the seven nominees who had collected the minimum 50,000 signatures (see Annex I). The number of invalid signatures was extrapolated to the total amount, which gave the OEC an estimated number of valid signatures. All seven potential candidates were found to have met the verification requirements at the OEC level.

The CEC conducted a second verification process, taking a minimum three per cent of the remaining valid signatures, according to the decision of the Working Group on Candidate Registration from 2 June 2009 (see Annex II).

Like the OECs, the CEC extrapolated the percentage of invalid signatures to the total amount. This double extrapolation is unreasonable and led directly to the denial of registration for Mr. Aitikeev. Initially, the OECs found 8,435 of Mr. Aitikeev's 74,081 submitted signatures invalid (11.4 per cent). The CEC further verified 5,109 of the remaining 65,646 signatures (8 per cent) and found 1,405 (27.5 per cent) invalid; they consequently invalidated an additional 18,025 signatures. This left Mr. Aitikeev with only 47,521 valid signatures, 2,479 short of the required 50,000 (figures provided by CEC).

The method of 'random' verification used by the CEC treats potential candidates differently and is not statistically valid. Firstly, the sample size of three per cent may be too small compared with the overall number of collected signatures, which varied greatly for several candidates. Secondly, the sample size and the choice of regions in which to undertake verification were not consistent for all nominees. This is important, especially considering that the more localized the sample (i.e. fewer regions), the higher the chances of invalid signatures being found and extrapolated.

Within the 17 June deadline, the CEC registered six candidates: Mr. Almazbek Atambaev (independent candidate representing the United People's Movement (UPM) and Chairperson of the SDPK party); Mr. Kurmanbek Bakiev, the incumbent President of Kyrgyzstan (*Ak Jol* party); Mr. Jenishbek Nazaraliev (independent); Mr. Temir Sariiev (*Ak Shumkar* party); Mr. Nurlan Motuev (independent, aligned with the *Joomart* movement); and Ms. Toktaiym Umetalieva (independent).

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<sup>37</sup> Mr. Omurbek Bolturukov, independent; Mr. Nazarbek Nyshanov, independent; Mr. Almaz Parmanov, independent.

<sup>38</sup> This latter request was made on the basis of a "clarification" of the CEC of 21 March in which it assigned itself the task of undertaking a second control check.

## VIII. ELECTION CAMPAIGN AND CAMPAIGN FINANCING

### A. ELECTION CAMPAIGN

Overall, the election campaign was inanimate and unengaging. The election was not vigorously contested by the candidates. All six candidates campaigned throughout the country, but President Bakiev remained the most visible candidate throughout. His billboards, especially those showing him in his capacity as president, were widely displayed throughout the country. It was unclear whether these presidential billboards were financed from the candidate's campaign fund or from the state budget. Towards the end of the campaign, other candidates increased their visibility by posting billboards and posters.

The party structure of *Ak Jol* was well-resourced. The party has been active since its foundation in October 2007. It was instrumental in organizing a large-scale campaign for the incumbent. President Bakiev's campaign focused mainly on stability and the socio-economic progress made over the past four years. There was also a strong emphasis on regional stability and on Kyrgyzstan's role in dealing with international terrorism in the region.

The campaign of Mr. Atambaev emphasized the necessity of further political, socio-economic and legal reforms. He also focused on the need for increased transparency in public life. Closer to election day, Mr. Atambaev's campaign became more inflammatory. During rallies, he called repeatedly on supporters to arm themselves with axes and pitchforks to defend their electoral rights on election night at the RECs. The OSCE/ODIHR EOM observers reported such strong rhetoric from Talas, Chui, Bishkek, and Naryn.

Mr. Sariev focused on promoting the need for new people in politics and a new mentality based on universal values. His campaign message placed a strong emphasis on the rule of law, improvement of the socio-economic situation, and enhancing relations with neighbouring countries. He conducted a number of rallies across the country, and his posters and a few billboards were also visible, especially in Bishkek.

At its initial stage, Mr. Nazaraliev's campaign focused predominantly on internet and poster advertising. Later on, his campaign involved meetings with voters throughout the country. His election programme had three main aspects: improving social conditions, attracting foreign investment, and developing closer relations with the Collective Security Treaty Organization and the Islamic world.

Mr. Motuev's public appearances were rare. During one, he criticized Mr. Nazaraliev for refusing to debate with him<sup>39</sup> and also commented negatively on Mr. Atambaev's past performance as prime minister. Mr. Motuev stressed the importance of intensifying economic activity and fighting corruption. He also publicly stated that it would be a great honour for him to come second in the election to President Bakiev.

The only female candidate, Ms. Umetalieva, concentrated on socio-economic issues and the need to raise the status of women in society. She also underscored the need to protect the southern part of the country from terrorism and proposed moving the capital to the south. Ms. Umetalieva participated in public meetings organized by the RECs for candidates but her campaign was otherwise not very visible. Representatives of the incumbent or of *Ak Jol* often also participated in these meetings.

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<sup>39</sup> The two had been paired in a television debate.

The ability of candidates to compete on an equitable basis was hampered by the involvement of the local administration in the incumbent's campaign and the abuse of government resources by *Ak Jol* to promote its candidate, in contradiction of Paragraph 5.4 of the OSCE Copenhagen Document.<sup>40</sup> Offices of *Ak Jol* were often located in state institutions. Posters for the incumbent and *Ak Jol* were often seen on local administration buildings, for example, in Bishkek, Chui, Issyk-Kul and Naryn. OSCE/ODIHR EOM observers also reported support to rallies of the incumbent by local administration, including by providing transportation for rally participants, for example, from Batken, Bishkek, Chui, Issyk-Kul, Naryn, Osh, Jalal-Abad and Talas.

During the campaign, the EOM noted instances of obstruction, pressure and intimidation, in contradiction with Paragraph 7.7 of the OSCE 1990 Copenhagen Document.<sup>41</sup> OSCE/ODIHR EOM observers reported instances of obstruction at opposition party events as well as pressure on company owners and landlords not to display opposition billboards or rent office space to opposition parties. OSCE/ODIHR EOM observers also reported that voters, especially students and public sector employees, were coerced to attend rallies of the incumbent, for example, in Osh and Jalal-Abad oblasts. In some instances, such pressure included threats of job loss, for example in Issyk-Kul oblast.

Local administration staff as well as *Ak Jol* activists went door-to-door collecting names, addresses, information on which ID documents voters intend to use on election day and the number of their PEC. In some cases, they persistently requested voters to disclose their intention for whom to vote. In Bishkek, Issyk-Kul, Osh, Batken and Talas, lists were drawn up by local administration staff and *Ak Jol* supporters of those voters who indicated that they intended to vote for the incumbent.

## **B. CAMPAIGN FINANCING**

According to information provided by the CEC after the election, all candidates were within the spending limit of 50 million Som as stipulated by the Electoral Code: Mr. Atambaev spent 8,574,700 Som; President Bakiev 38,356,260 Som; Mr. Motuev 423,984 Som; Mr. Nazaraliev 1,804,381 Som; Mr. Sariiev 855,390 Som; and Ms. Umetalieva 700,755 Som.<sup>42</sup>

The CEC periodically published information on the status of candidates' campaign financing. These reporting measures on candidates' electoral spending were a positive step in increasing the level of transparency with regard to campaign finance. Nevertheless, Ms. Umetalieva complained that the CEC had no right to disclose this data without a candidate's consent.

Mr. Atambaev's representatives also criticized the selection by the CEC of the bank where campaign funds were to be held; they stated that one of the CEC members was an Asia Universal Bank board member and claimed that there was a lack of transparency in the bank's selection and that no proper tender process had been conducted.

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<sup>40</sup> Paragraph 5.4 of the OSCE 1990 Copenhagen Document calls for "a clear separation between the State and political parties; in particular, political parties will not be merged with the State."

<sup>41</sup> In paragraph 7.7 of the OSCE 1990 Copenhagen Document, the OSCE participating States commit themselves to "ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution."

<sup>42</sup> As of writing, the rate of exchange is 1 EUR: 60 SOM.

## IX. MEDIA

### A. BACKGROUND

Out of over 1,300 media outlets registered in Kyrgyzstan, less than 400 outlets are active. While radio reaches a significant audience, especially in rural areas, television is the most influential source of information. Newspapers continue to have limited impact due to relatively low circulation rates and underdeveloped distribution networks.

The nationwide Kyrgyz state broadcaster, National TV and Radio Broadcasting Corporation (NTRBC), consists of First National TV and Kyrgyz Radio. Another state-funded TV channel with national coverage, *EITR*, was established in 2005 by presidential decree. The state media outlets are yet to be transformed into an independent public broadcasting service, despite a plan announced by the authorities in 2005.<sup>43</sup>

In October 2008, NTRBC ceased regular broadcasting of Radio *Azattyk* (the Kyrgyz branch of Radio Free Europe/Radio Liberty), which was leasing the frequency of the national radio for their programmes, despite previous agreements with Radio *Azattyk*.<sup>44</sup> Since being taken off the national frequency in 2008, Radio *Azattyk* is only rebroadcast via a partner network and is available exclusively in major regional centres, and only a few hours per day. This further limited the amount of information available to Kyrgyz citizens, especially in rural areas.

Despite the range of media operating in Kyrgyzstan, there are concerns about the deterioration of the media situation in recent years, in particular due to the lack of pluralism in the country's media sector and increasing violence against journalists. The OSCE Representative on Freedom of the Media repeatedly asked the Kyrgyz authorities "to do everything in their power to halt the wave of violent attacks against journalists, which is threatening media pluralism ahead of the presidential elections".<sup>45</sup>

### B. LEGAL PROVISIONS FOR MEDIA AND THEIR IMPLEMENTATION

The Constitution provides for freedom of speech and expression. Censorship is prohibited.<sup>46</sup> Articles 30-36 of the Electoral Code contain the main legal provisions for the conduct of election campaigning, including in the media. In addition, the CEC regulation "Clarifications on Informational Coverage of Elections" specified the rules for coverage of the election campaign by media outlets.

The Electoral Code entitles candidates to free airtime on state-funded TV and radio. For the presidential election, candidates were entitled to free spots of 50 seconds twice per working day on NTRBC, starting on 22 June. All candidates utilized their allotted free airtime on NTRBC to provide information on their platforms. *EITR*, however, did not fulfil its legal obligation to provide free airtime to candidates, stating that candidates had not requested free time. Most regional state broadcasters adopted a similar approach, although this appeared to be mainly due to limited broadcasting time<sup>47</sup> and a lack of interest from candidates. State-funded newspapers complied with their legal obligation to allocate at least one A4 page to materials submitted by candidates.

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<sup>43</sup> See statement of then acting President Bakiev in 2005, <http://old.president.kg/press/vistup/44>.

<sup>44</sup> The contracts for transmitting radio programmes covered the period until the end of December 2008.

<sup>45</sup> OSCE Representative on Freedom of the Media, [www.osce.org/fom/item\\_1\\_38188.html](http://www.osce.org/fom/item_1_38188.html).

<sup>46</sup> See the Law on Mass Media, the Law on TV and Radio Broadcasting, and the Law on the Professional Activities of Journalists.

<sup>47</sup> The majority of regional TV stations broadcast only a few hours per week, often outside of prime-time.

In accordance with legal requirements, NTRBC allocated a portion of free time for six debates between candidates. Candidates, however, showed limited interest in these; of six debates scheduled, only one took place. An additional debate initiated by the CEC and transmitted on NTRBC TV was a welcome opportunity for candidates to exchange views. However, President Bakiev and Mr. Atambaev chose not to take part, denying voters the opportunity to see these candidates exchange policy views in an interactive format.

The Electoral Code also allows media to sell paid time or space to candidates on equal terms. Each media outlet is obliged to publish its prices for paid advertising and submit them to the CEC within ten days of the election being announced. According to the CEC, 135 media outlets fulfilled these requirements. However, except for the incumbent, candidates did not make use of the possibility to purchase time during the campaign. Across all broadcast media monitored by the OSCE/ODIHR EOM, the incumbent's campaign bought about 9 and a half hours of advertising time. By comparison, Mr. Atambaev purchased some 7 minutes and Mr. Nazaraliev some 5 minutes.

Compliance of media outlets with legal provisions during the campaign was overseen by the CEC's Working Group on Informational Disputes. Prior to the official start of the campaign on 18 June, the CEC issued five warnings to four newspapers. The CEC received four media-related complaints from candidates during the campaign period, but did not officially react to these. On several occasions, the Working Group dealt informally with such complaints on behalf of the CEC, thereby limiting effective legal redress for the complainant; without a formal decision, the complainant was not able to challenge the outcome of a complaint. The OSCE/ODIHR EOM submitted an official request to the CEC for additional information on those warnings and media-related complaints but did not receive a reply.

### C. MEDIA MONITORING

On 11 June, the OSCE/ODIHR EOM commenced comprehensive media monitoring<sup>48</sup> of six TV channels, two radio stations, and ten newspapers.<sup>49</sup>

OSCE/ODIHR EOM media monitoring indicated that state TV and radio (NTRBC TV and Radio as well as *EITR*) did not comply with their obligation to provide voters with balanced information about the campaign, as provided for in the Electoral Code. The majority of the monitored broadcast media focused predominantly on the activities of the incumbent President and gave little coverage to campaigning activities of other candidates. This was not in line with Article 30 of the Electoral Code, which guarantees contestants equal and objective coverage in the media. At the end of June, three private TV stations suspended news coverage due to the vacation period, limiting the scope of information available to voters even further.

In their extensive coverage of the incumbent, broadcast media outlets failed to distinguish between the incumbent's official duties and his campaign activities. This gave him an advantage over his opponents. NTRBC TV devoted the majority of its coverage in its news and political programmes (some 56 per cent) to the incumbent. The majority of this coverage

<sup>48</sup> Media monitoring included quantitative and qualitative analysis of the coverage, assessing both the amount of time and space allocated to each candidate and the tone of the coverage.

<sup>49</sup> TV stations: NTRBC, *EITR*, Channel 5, *Pyramida*, NTS and NBT.  
Radio stations: NTRBC and *Radio Azattyk*.  
Newspapers: Kyrgyz language: *Achyk Sayasat* (and its successors *El Sozu and Nazar*), *Agym*, *Kyrgyz Tuusu*, *Erkin Too*. Russian language: *Slovo Kyrgyzstana*, *Vecherni Bishkek*, *MSN*, *Delo Nomer*, *MK-Kyrgyzstan*, *Reporter*.

(82 per cent) was positive in tone. In contrast, Mr. Atambaev received significantly less coverage (14 per cent) which was predominantly negative in tone. In NTRBC's current affairs programmes, Mr. Bakiev received some 80 per cent of all coverage both as President and candidate, and was covered in an overwhelmingly positive tone, while Mr. Atambaev received 11 per cent, again mostly negative.

State-funded *EITR* and private *Channel 5* shared similar approaches. They devoted some 80 and 69 per cent of the coverage, respectively, to the incumbent. Some 89 per cent of President Bakiev's coverage on *EITR* and 85 per cent on *Channel 5* were positive in tone. The current affairs programmes of these TV channels also predominantly focused on the incumbent president. By comparison, Mr. Atambaev received 8 per cent and 13 per cent on *EITR* and *Channel 5* respectively. This coverage was mostly negative in tone.

There were significant differences in the news coverage of two radio stations monitored by the OSCE/ODIHR EOM. Newscasts of state radio NTRBC focused predominantly on President Bakiev, allocating him 84 per cent of coverage, which was mostly positive in tone. By comparison, Mr. Atambaev received some 6 per cent of coverage, mostly negative in tone. In contrast, Radio *Azattyk*, provided more balanced coverage of the candidates, allocating 36 per cent to Mr. Atambaev, 33 per cent to President Bakiev and some 13 per cent to Mr. Sariev. The tone of coverage on Radio *Azattyk* was mostly neutral and negative for the incumbent president and mostly neutral for all other candidates.

Overall, newspapers and websites offered readers more diverse views than did electronic media. While state-funded newspapers focused on the activities of President Bakiev, predominantly in a positive way,<sup>50</sup> private newspapers like *Reporter* and *MK Kyrgyzstan* provided a more balanced picture. *MSN* and *Agym* also focused on the activities of the incumbent, providing only a limited amount of negative and neutral coverage to other candidates. Other newspapers, such as *El Sozu* and *Nazar*,<sup>51</sup> and *Delo No.*, favoured Mr. Atambaev, Mr. Sariev and Mr. Nazaraliev, respectively.

## X. COMPLAINTS AND APPEALS

The legal framework for election-related disputes offers different channels of appeal. Complaints can be filed with election commissions, courts, the prosecutor or police. Decisions of the district court can be appealed to the Supreme Court, whose rulings are binding and final. In the event that a complaint is filed to both a court and an election commission, adjudication by the commission is suspended until the court's final ruling. However, ambiguities remain that leave room for unclear legal interpretations by election commissions or courts. The law also entitles the complainant to choose the channel of appeal, which introduces another element of variability.

Election results can be appealed to the district court and, subsequently, to the Supreme Court. The adjudication at all levels can take up to 20 days. However, according to the Electoral Code, the Constitutional Court is to issue a final ruling on the constitutionality of elections within seven days of election day.<sup>52</sup> Decisions by the Constitutional Court are final. Thus, final election results are established before all possible appeals have been adjudicated.

<sup>50</sup> For example, *Slovo Kyrgyzstana* devoted over 90 per cent of its campaign-related coverage to the incumbent. A similar trend was observed in the private newspaper *Vecherniy Bishkek*.

<sup>51</sup> These were established after a split in the *Achyk Sayasat* newspaper during the election period.

<sup>52</sup> According to Article 14 of the Law on Constitutional Court.

Courts often demonstrated unsound interpretations of legal provisions and did not apply them consistently. In particular, district courts in Batken, Bishkek and Nookan rejected several complaints on jurisdictional grounds, arguing that REC decisions must first be appealed to higher-level commissions. The law, however, foresees both avenues, at the discretion of the complainant. The only exceptions are in cases of appeal of PEC decisions, which can only be appealed to higher-level commissions.<sup>53</sup> On election day, however, the majority of PEC decisions on electoral violations were directly appealed to the CEC, which is not foreseen by the law. Nookan and Bishkek district courts also rejected complaints due to their inadmissibility.<sup>54</sup>

Further inconsistencies arose from different deadlines on adjudication of complaints. For instance, the law is silent on deadlines for lodging appeals during the election process, except in cases related to voter lists. The Electoral Code and the Civil Procedure Code also contradict each other with regard to appeals on election results. The Electoral Code provides for a three-day deadline, while the Civil Procedure Code foresees a ten-day deadline. This, too, was interpreted inconsistently: the Constitutional Court quoted provisions from the Civil Procedure Code in its 29 April decision when referring to appeals of election results. In its official statement, however, the CEC also referred to the same provisions. Yet, in practice, it applied the three-day deadline.<sup>55</sup>

In total, there were some 29 appeals received by district courts nationwide, the majority of which were not accepted on grounds of inadmissibility due to jurisdiction or other technicalities. Many appeals were subsequently dismissed. While complaints were considered in a timely manner and generally in line with procedures, a number of court decisions lacked sound legal reasoning. This was particularly notable for decisions of district courts and the Supreme Court regarding the non-registration by the CEC of a presidential nominee. On another issue, the decision of a district court in Bishkek on early voting raised concern, particularly with a view to the irregularities observed during early voting, when the court interpreted Article 41.2 of the Electoral Code broadly, extending the right to early voting to medical personnel, without providing sound reasoning. It is notable that the Supreme Court in all instances upheld the decisions of lower-level courts.

From the start of the election process until election day, the CEC received some 80 complaints on decisions and actions of election commissions and other state bodies, as well as on illegal campaigning. The CEC's handling of complaints and its decision-making were not always consistent. Only some complaints were considered in open sessions, others were dealt with by the working groups of the CEC. This undermined the transparency and credibility of the appeals process. In addition, not all complaints and concomitant decisions were open to public scrutiny. By law, only those decisions formally taken at CEC sessions have to be published. For example, the CEC issued a warning to Mr. Atambaev for offensive campaigning against the incumbent, while forwarding two complaints alleging derogatory campaigning against Mr. Atambaev by a newspaper and a representative of Mr. Sariiev to the General Prosecutor's Office without issuing a warning. Other decisions taken by the CEC regarding complaints included tasking the General Prosecutor to remove a campaign billboard for President Bakiev

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<sup>53</sup> See Article 54.6 of the Electoral Code.

<sup>54</sup> According to Article 256 of the Civil Procedure Code, the right to launch election-related suits in district court belongs to any subject of the election process, including voters who consider that their electoral rights have been violated.

<sup>55</sup> According to the CEC, the deadline to appeal election results was 14:00 on 30 July, three days after the determination of results by the CEC (at 14:00 on 27 July).

and some posters that did not meet legal requirements regarding print data or ordering new lotteries to decide on PEC members in Talas and Sokoluk RECs.

## **XI. PARTICIPATION OF NATIONAL MINORITIES**

The Constitution guarantees national minorities the right to preserve their mother tongue, culture and traditions. The constitution and legislation also protect individual rights and freedoms, regardless of race, nationality, language and religion.

Kyrgyz are the majority national group in the country, comprising some 70 per cent of the population. According to the National Statistics Committee (2008), the following national minorities live in Kyrgyzstan: Uzbeks (15 per cent), Russians (9 per cent), Dungans (1 per cent), Uigurs (1 per cent) and other nationalities (4 per cent).<sup>56</sup> The Electoral Code stipulates that no less than 15 per cent of political party lists for parliamentary elections should include citizens representing different nationalities. At present, about 20 per cent of the parliament's deputies represent national minorities.

All presidential candidates were Kyrgyz; fluency in the Kyrgyz language was a requirement for candidates. Most candidates called for inter-ethnic harmony as a prerequisite of the country's peaceful development. They underscored good-neighbourly relations and regional co-operation as having a positive impact on inter-ethnic relations in Kyrgyzstan.

Live addresses by the candidates, followed by questions and answers, were broadcast nationally in both Kyrgyz and Russian. They were also re-broadcast in Uzbek by a private TV channel in Osh (TV Osh). This contributed to raising awareness among the Uzbek population on election-related issues and their further inclusion in the election process. Election materials, however, were only provided in Kyrgyz and Russian.<sup>57</sup>

## **XII. PARTICIPATION OF WOMEN**

In conformity with the Constitution, both genders enjoy equal rights, freedoms and opportunities. Following changes in the Electoral Code introducing quota requirements for parliamentary elections, 23 women were elected to the 90-member parliament in the 2007 parliamentary elections (25 per cent). In the Constitutional Court, three of nine members are women. Women are otherwise under-represented in decision-making posts. Of 23 members of government, only three are women. Women, however, tend to be very active in civil society, and numerous NGOs are headed by women or have a largely female membership.

Ms. Toktaiym Umetalieva was the only female candidate to stand in the presidential election. She won 25,096 votes (1.08 per cent), coming in fourth place out of six. Her platform focused on increasing the role of women and emphasized the necessity for improving conditions to ensure full gender equality.

Of 13 CEC members, only three were female. The CEC chairperson and the overwhelming majority of OEC and REC chairpersons were men. More than half of PEC members were

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<sup>56</sup> Information available at [www.stat.kg](http://www.stat.kg).

<sup>57</sup> The UN Human Rights Committee's General Comment No. 25 (1996), paragraph 12 states that "information and materials about voting should be available in minority languages."

women (10,731 out of 20,689). More than half of the PECs visited on election day were headed by women.

### XIII. DOMESTIC AND INTERNATIONAL OBSERVERS

The Electoral Code grants candidates, political parties and non-governmental organizations the right to observe elections. Upon receipt of an official invitation, international observers are also entitled to observe elections.

Political parties and candidates fielded observers during election day, including during the vote count and the tabulation of results. However, on the afternoon of election day, the UPM took a decision to withdraw its observers as well as commission members, alleging election violations. This significantly curtailed the opposition's ability to scrutinize the remainder of the voting, counting and tabulation.

Civil society was very active in election observation, increasing the transparency of the election process to some extent. The 'Time of My Choice' coalition, composed of a number of NGOs with a long-standing record in election observation,<sup>58</sup> deployed 25 long-term observers and some 3,000 short-term observers to monitor election day procedures in about 1,500 polling stations. A new NGO, 'For Fair Elections', created in May 2009, also participated in election day observation and purported fielding some 2,000 STOs. Both 'Time of My Choice' and 'For Fair Elections' published interim and final reports.

While 516 international observers from 48 countries were accredited for this election, the CEC did not accredit the Norwegian Helsinki Committee (NHC), stating that the NHC had no official registration in Kyrgyzstan.

### XIV. ELECTION DAY

#### A. EARLY VOTING

The Electoral Code entitles certain voters to vote early during the nine days prior to election day. These include Kyrgyz citizens leaving the country on election day, employees of internal affairs bodies and military on duty on election day, and election commission members. Early voting is to take place at the RECs. The early votes are to be transferred to the relevant PECs the evening before election day.

RECs, which organized early voting, generally did not respect procedures. The OSCE/ODIHR EOM observed instances of group voting,<sup>59</sup> and some RECs did not create special voter lists for early voting as required by law.<sup>60</sup> Voters voting early have to sign the envelope containing their ballot, thereby making it possible to attribute their vote and endangering the secrecy of the vote. The set-up for voting in the RECs did not ensure that voters could mark their ballots in secret; ballots were not stamped before being issued to voters (thus making them invalid);<sup>61</sup>

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<sup>58</sup> It included *Taza Shailoo*, the Coalition for Democracy and Civil Society, *Interbilim*, Citizens Against Corruption, *Shoola-Kol* and the Association of Centres for Civil Society Support.

<sup>59</sup> In the Oktyabr and Sokuluk RECs.

<sup>60</sup> Karakol and Sokuluk RECs.

<sup>61</sup> Sverdlovsk REC.

and early ballot envelopes were not sealed, stamped and signed, as required by law.<sup>62</sup> Health department and state sector employees were allowed to vote early in Bishkek and Talas, in contravention of the law. The OSCE/ODIHR EOM observed police voting supervised by a superior officer in Issyk-Ata.

On 17 July, the NGO coalition 'Time of My Choice' stated that public health care workers, employees of Kyrgyztelecom, the railway station company, the postal service and the mobile telephone company "Katel" were allowed to vote early and were being supervised by their superiors in their early voting in the Sverdlovsk REC in Bishkek. They requested the CEC to annul these votes; to the knowledge of the OSCE/ODIHR EOM, the CEC did not respond to these allegations. The coalition sent the complaint to the district court, but it was rejected.

On 21 July, the CEC decided to annul 53 ballots cast during early voting in an out-of-country polling station in Russia, because early voting was not foreseen for out-of-country locations.

## **B. OPENING AND VOTING**

On election day, EOM observers observed voting in over one third of polling stations. Election day proceeded with numerous problems and violations, including evidence of ballot box stuffing, problems with voter lists and evidence of some multiple voting.

EOM observers assessed the process of opening polling stations as bad or very bad in 22 per cent of observations. Several procedural errors were observed. PECs for example did not open early voting envelopes in the presence of other PEC members in 23 per cent of cases, and did not properly fill in protocols in more than half of the polling stations visited.<sup>63</sup> Unauthorized persons were seen in nearly half of polling stations visited; in some cases, they were observed directing the work of the PEC. In a number of cases, EOM observers were prevented from observing the opening procedures.

The voting process was assessed as bad or very bad in 11 per cent of polling stations observed. EOM observers reported that voters did not always mark their ballot in secret (in 14 per cent of observations), and ID documents were not properly checked (8 per cent). EOM observers directly observed ballot box stuffing in 54 instances, many in Osh region. In 14 per cent of observations, EOM observers noted identical signatures on the voter lists. In Osh region the numbers of signatures on the voter lists often did not correspond to the number of voters who had supposedly already voted. Multiple or proxy voting was observed in 6 per cent of polling stations visited.

Procedures were often not followed. The Absentee Voting Certificate (AVC), for example, was not always retained in 6 per cent of polling stations visited, and police were observed handing out AVCs indiscriminately to voters in Bishkek city centre. As AVCs can be used to vote anywhere in the country, this opened the possibility of multiple voting. Open vote-buying was directly observed in 3 instances. EOM observers noted high numbers of names on the Additional Voter Lists nationwide. Again, unauthorized persons were noted (24 per cent of cases), including directing the process in some cases. Candidate representatives for

<sup>62</sup> Pyervomaiski REC.

<sup>63</sup> Other procedural irregularities included not announcing the number of voters on the voter list (20 per cent), not announcing the number of voters on the additional voter list (28 per cent), not announcing the number of ballots received by the PEC (16 per cent), not recounting the number of ballots received (42 per cent), and the chairperson not ensuring the secrecy of the votes cast by early voting (18 per cent). Numerous polling stations observed were missing the poster giving information about the candidates contesting the election. All of these measures are legally required.

President Bakiev were present in 76 per cent of polling stations visited and for Mr. Atambaev in 64 per cent; domestic observers were present in 80 per cent. EOM observers were obstructed in observing the voting process in 5 per cent of cases.

In Balykchy, supporters of Mr. Atambaev attempted to enter a polling station to protest against alleged fraud, and police tried to prevent their attempts. Tear gas was allegedly used in the ensuing skirmish. Some 20 UPM activists and two SDPK deputies were arrested. Mr. Atambaev held a press conference on the afternoon of election day claiming mass violations and warning the CEC that certification of the results could lead to mass protests. During the course of the day, leaders of the NGO coalition 'Time of My Choice' were called by the prosecutor for questioning over the CEC's decision of the previous day.<sup>64</sup>

### C. COUNTING AND TABULATION

EOM observers observed closing and counting in 121 polling stations and tabulation in the majority of RECs. The counting process saw a further deterioration, with EOM observers evaluating it as bad or very bad in half of observations. Generally, the counting process finished very quickly, but observers noted that procedures were not followed. In more than half of observations PECs had problems filling in the protocols; in 29 per cent of observations PECs filled them in with pencil, which is prohibited by law, and in 28 per cent of observations protocols were only filled partly before being signed by PEC members.<sup>65</sup>

In some cases, the number of votes for the incumbent was established by subtracting the number of votes gained by other candidates from the total number of votes. In two cases, the PEC did not engage in a count; they simply packed up all materials and made up the figures. Unauthorized persons were present in the polling station in more than half of counts observed. In 12 per cent of PECs observed, someone other than the PEC chairperson or secretary was directing the work of the PEC. Transparency was undermined during the counting process, with EOM observers prevented from observing in more than one fifth of counts observed and the poster-sized protocols not displayed in almost one third.

The tabulation process was assessed as bad or very bad in almost three quarters of cases observed. Unauthorized persons were observed in almost half of the RECs visited. More than half of the RECs were not able to conduct tabulation, stating that the *GAS Shailoo* system was not working. When contacted about these issues, the CEC informed the OSCE/ODIHR EOM that there were no problems with the *GAS Shailoo* system.

In about half of RECs visited, EOM observers were prevented or obstructed in their observations. In a number of cases, EOM observers were openly told to leave or were not allowed to see entry into the *GAS Shailoo* electronic system, thus preventing them from properly evaluating the process. In many cases where the *GAS Shailoo* system was allegedly not working, RECs instructed PECs to leave the voting materials, stating that the REC would enter PEC voting results later without the PEC's presence.

<sup>64</sup> On the day before elections the CEC asked the General Prosecutor's Office to instigate criminal proceedings against the coalition for a report officially released six days prior to election day, but which was published on a UNDP project website two days before election day (see also Section V on Election Administration).

<sup>65</sup> During observation of the tabulation process at the RECs, OSCE observers found that 62 per cent of PEC protocols were not filled out in ink or signed.

In cases where protocols were entered in the system, EOM observers noted that PECs frequently corrected or changed protocols, including forging of signatures on protocols in some instances. In 80 per cent of cases, RECs did not call for recounts as required by law when errors were discovered with the control equations in the protocols but instead made changes to the protocols.

## **XV. POST ELECTION DAY DEVELOPMENTS**

Following election day, the two SDPK deputies arrested in Balykchy on election day were released, along with two other activists. The remaining 19 activists were charged *inter alia* with overthrow of the constitutional order and faced up to 20 years in prison for their actions. On 25 July, the Balykchy City Court released five of them against a written undertaking not to leave and ordered to keep the others under a two-month arrest, until the completion of the investigation.

Mr. Atambaev convened a press conference on 28 July, where he declared that he did not recognize the election results and stated that as of 29 July popular demonstrations would commence throughout the country. He stressed that these demonstrations were not the initiative of the UPM, but of the people. However, the next day, Mr. Atambaev announced that the UPM's decision on organizing a march from Bishkek to Balykchy in support of those arrested had been cancelled. He explained that this decision was taken in order not to put participants into danger, since they expected a strong response from law enforcement forces.

A number of public rallies took place on 29 July to protest against the election results. They were dispersed by police, followed by further arrests and court trials. In Bishkek, 67 rally participants were detained and most of them were sentenced to 3 to 15 days in prison or fined.

Four human rights activists protested in front of the government building on 30 July, demanding release of those arrested on 23 July in Balykchy. They were arrested and a Bishkek district court fined them 1,500 Som each. On 31 July, the same activists protested again by chaining themselves to the fence of the government building. They were again arrested, taken to the district court, and fined between 500 – 2,000 Som each.

Some 144 complaints were lodged with the CEC on election day and afterwards regarding electoral violations and the election results. After considering these complaints, the CEC annulled voting results in five PECs for procedural violations. Over 70 complaints were dismissed as ungrounded, 39 were not considered for various technical reasons, and 26 cases were forwarded to the General Prosecutor's office for investigation. It is unclear which steps the Prosecutor's office has taken to investigate the complaints forwarded to it by the CEC. As during the pre-election period, the CEC handled complaints inconsistently and not always in open sessions, undermining transparency and credibility of the appeals process.

One formal challenge to the election results was submitted to the Constitutional Court. The Court decided on 29 July not to admit the appeal of Mr. Beshimov, a parliamentary deputy from SDPK, to recognize the election results unconstitutional. The Court argued that the Electoral Code obliges the CEC to submit the final election results to the Constitutional Court for review. The Court stated that thus the CEC is the only institution entitled to challenge the constitutionality of an election. This appears to be an unsound interpretation of the law, since the law does not forbid other subjects to challenge the constitutionality of an election process. It would mean that the institution tasked with administering the elections is the only one able

to request adjudication on their constitutionality, indicating a potential conflict of interest. Moreover, Article 14 of the Regulation of the Constitutional Court provides the right to address the Constitutional Court, among others, to members of Parliament or individuals, should their constitutional rights be violated.

## XVI. ANNOUNCEMENT OF ELECTION RESULTS

Throughout election day, the CEC announced turnout figures. At 09:00 hours, turnout was 10.88 per cent; then jumped to 46.46 per cent at 12:00 hours, and to 61.88 per cent at 15:00 hours. By 18:00 hours, the turnout figure given was 72.95 per cent and reached 79.38 per cent at the close of polls at 20:00 hours.

Preliminary results based on results from about half of the polling stations were available in the morning of 24 July on the CEC website. In a positive change to the practice applied during the 2007 parliamentary elections, the CEC posted individual PEC results protocols online as they were entered into the *GAS Shailoo* system. However, on 27 July, the protocols were not accessible online anymore and on 28 July, the CEC removed the link to the *GAS Shailoo* system from its website. The OSCE/ODIHR EOM compared the protocols posted by the CEC between 24 and 27 July with those given to observers by PECs on election day and found that the majority were different regarding several figures. Those differences included different numbers of ballots received or Absentee Voting Certificates used as well as significant changes in the results, such as alterations in the number of votes received by different candidates, differences in the numbers of ballots received by the PEC and differences in the number of Absentee Voting Certificates. It is of concern that such changes were made at REC, OEC or CEC level and that PECs were not requested to conduct recounts before any changes to the protocols were made, as required by law.

Final preliminary results were announced by the CEC on 27 July, stating that President Bakiev had received 76.43 per cent of the vote, with a turnout figure of 79.13 per cent. The CEC passed its decision to the Constitutional Court, which pronounced the election constitutional on 30 July. The CEC declared Mr. Bakiev as the newly elected president the same day. Official results were published on 31 July in the *Erkintoo* state newspaper and in other media, but did not include all the counting protocol data required by law.<sup>66</sup> Although this information was provided to the OSCE/ODIHR EOM upon request (see Annex III), it was not publicized.

According to the law, five of the six candidates were not entitled to a return of their 100,000 Som electoral deposit due to not achieving the 15 per cent threshold set by law.<sup>67</sup> Thus, only President Bakiev will have his electoral deposit returned.

## XVII. RECOMMENDATIONS

The following recommendations are offered for consideration by the relevant authorities of the Kyrgyz Republic, political parties and civil society, with a view to supporting their stated efforts to improve the electoral process and to conduct elections in line with OSCE

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<sup>66</sup> According to Article 48.4 of the Electoral Code, a respective election commission shall publish data contained in the protocols on the voting results of the directly subordinate election commissions on which the basis the electoral outcome was established, in the mass media.

<sup>67</sup> According to Article 63.3 of the Electoral Code.

commitments and other international standards for democratic elections. All outstanding recommendations made in previous OSCE/ODIHR reports should be seriously considered. They remain fundamental to improving the electoral process in the Kyrgyz Republic. The OSCE/ODIHR stands ready to assist the Kyrgyz authorities and other stakeholders to further improve the electoral process.

**A. GENERAL**

1. Additional efforts could be made to ensure transparency of the election process at all levels and to ensure confidence in the election process by all stakeholders. In view of the serious problems observed on election day and especially during the tabulation of results, the failure of the CEC and lower level election commissions to ensure compliance with the law should be addressed.

**B. LEGAL**

2. Serious consideration should be given to amend the election legislation in order to bring it closer in line with OSCE commitments.
3. Candidate registration requirements should be amended so as not to unduly limit the right of citizens to seek public office. In particular, lowering the number of support signatures required for registration could be considered to ensure consistency with international good practice. Verification mechanisms could be more clearly delineated, treating all nominees equally.
4. Consideration could be given to removing the possibility to vote ‘against all’ and the 50 per cent turnout requirement, as they can lead to a cycle of failed elections.
5. Constitutional principles, OSCE commitments and international standards ensuring the right to peaceful assembly should be fully taken into consideration during the current effort to prepare a new draft Law on the Right to Assembly.

**C. ELECTION ADMINISTRATION**

6. The composition of election commissions at all levels should be revised so as to ensure broader and equitable representation of election stakeholders and to avoid the domination by one party interest. This would increase confidence in the process. Nominations could be limited to those actors contesting a respective election. The number of PEC members should be clarified and the process of appointment could be clarified and simplified.
7. All commission resolutions, instructions, decisions, protocols and other normative acts could be publicly accessible in order to ensure accountability and transparency.
8. Legal provisions and election procedures should be uniformly and consistently implemented. Higher-level election commissions should be proactive and manage the activities of lower level commissions throughout the whole electoral cycle, especially in case of election day irregularities.
9. Consideration should be given to developing a reliable, efficient system of civil registration as the basis for voter registration. As a minimum, the system of voter

registration should be revised and updated to allow for the possibility of identifying double entries and ensuring their removal from the system.

10. The unique personal identification number could be included in the *GAS Shailoo* system and on voter lists to prevent duplicate entries.

#### **D. POLITICAL**

11. Sanctions should be introduced for misuse of administrative resources in favour of a candidate to ensure that state structures serve as guarantors of equal opportunities for all candidates during the election campaign.

#### **E. MEDIA**

14. Greater efforts by the state media could be made to provide impartial and balanced information on candidates and political parties in its news and current affairs programmes.
15. State media should distinguish clearly between the activities of the incumbent president and his/her activities as a candidate. Coverage of the incumbent should not unduly disadvantage or limit coverage of other candidates.
16. In order to ensure the independence of state broadcasters, the transformation of state media into a public service broadcaster should continue, taking care to ensure the independence of those media outlets.
17. The Electoral Code could more clearly stipulate the minimum amount of free time to be allocated by broadcast media. Allocation of free time in regional media could also be clarified in the law.
18. Consideration could be given to establishing an independent regulatory body that ensures respect for media-related provisions of the Electoral Code during the campaign, including equitable news coverage of election contestants on state-owned or state-funded media. This could include systematic media monitoring.

#### **F. COMPLAINTS AND APPEALS**

19. A comprehensive review of the provisions regulating complaints and appeals of election results should be conducted to ensure proper legal redress. Consideration could be given to shortening the deadlines for appealing election results to higher-level courts.
20. Provisions in the Electoral Code and the Civil Procedural Code regarding deadlines on election-related disputes should be harmonized to remove existing discrepancies.
21. To increase transparency and confidence in the dispute resolution process, all complaints should be considered by the CEC in public meetings, and all CEC decisions on complaints should be made public.

22. It would be appropriate if the Constitutional Court confirmed the constitutionality of an election only after all deadlines and channels for appeals adjudication have been exhausted. Relevant legal provisions should thus be consolidated.

**G. PARTICIPATION OF NATIONAL MINORITIES**

23. The CEC should consider the possibility of preparing and distributing election-related information and materials in the Uzbek language in the southern regions of Kyrgyzstan.

**H. ELECTION DAY PROCEDURES**

24. The reintroduction of the inking of voters on election day should be considered as a security measure to prevent possible multiple voting.
25. The simplified procedure for adding voters to an additional voter list on election day should be reconsidered. It is reasonable to close voter lists some time prior to election day in order to ensure the integrity of voter registration.
26. While the intent to enfranchise voters through special voter lists, early voting, absentee voting, and mobile voting is understandable, these processes could be more tightly delineated and controlled to decrease the possibility for multiple or supervised voting.
27. Article 41.4 of the Electoral Code endangers the secrecy of the vote for early voters. Voters have to sign the envelope containing their ballot; it is therefore possible to attribute their vote. Consideration could be given to introducing a double envelope system to ensure the secrecy of the vote.
28. *GAS Shailoo* administrators would benefit from having additional qualified staff during tabulation entry.
29. All protocols should be publicly posted at all levels of the election administration, both in publicly accessible areas and on the internet until for instance the announcement of the final results.

## ANNEX I: VALID SIGNATURES AFTER THE OEC VERIFICATIONS

*(information provided by the CEC)*

Region	Aitikeev	Atambaev	Bakiev	Motuev	Nazaraliev	Sariev	Umetalieva	
Bishkek city	Information not provided	28,987	103,261	29,135	35,799	31,367	12,601	
Osh city		15,793	60,156	2,526	4,363	1,920	5,073	
Chuy		21,981	267,311	2,139	16,710	34,188	6,891	
Talas		18,296	68,591	1,527	1,766	4,042	9,362	
Issyk Kul		31,579	117,301	2,417	6,889	7,005	2,917	
Naryn		18,843	60,463	1,799	3,205	5,732	4,641	
Osh		15,086	209,845	2,333	4,632	1,617	5,113	
Jalal Abad		14,892	165,746	2,683	3,418	3,335	2,863	
Batken		3,082	130,543	7,578	2,078	2,920	4,005	
Kyrgyz Republic		65,646	168,539	1,183,217	52,137	78,860	92,126	53,466

**ANNEX II: VALID SIGNATURES AFTER THE SECOND VERIFICATION PROCESS, CONDUCTED BY CEC**

Region	Atambaev %		Bakiev %		Motuev %		Nazarialiev %		Sariev %		Umetalieva %	
	Checked	Invalid	Checked	Invalid	Checked	Invalid	Checked	Invalid	Checked	Invalid	Checked	Invalid
Bishkek city	0	0	3.3	11.1	0	0	0	0	8.8	1.2	0	0
Osh city	11.6	6.5	7.9	8.7	0	0	0	0	0	0	0	0
Chuy	5.9	3.8	0.8	4.2	0	0	14.1	0.6	0	0	0	0
Talas	0	0	2.1	0.1	0	0	0	0	0	0	0	0
Issyk Kul	0	0	2.1	1.7	41.3	1.3	0	0	0	0	0	0
Naryn	5.3	1.5	2.7	6.7	0	0	0	0	0	0	19.9	5.6
Osh	0	0	3.0	1.7	0	0	0	0	0	0	0	0
Jalal Abad	0	0	0.6	2.3	37.2	1.8	0	0	0	0	0	0
Batken	39.3	5.2	2.4	1.8	0	0	0	0	0	0	18.7	4.6
Kyrgyz Republic	3.1	4.6	3	4	3.8	1.5	3	0.6	3	1.2	3.1	5.1

**ANNEX III: FINAL OFFICIAL ELECTION RESULTS**

		%
1. Number of voters in the main voter lists at the end of the voting	2,844,071	
1a. Number of voters in the additional voter lists	95,342	3.35%
2. Number of ballots received by PECs	2,862,856	
3. Number of ballots given to voters for early voting	125,404	
4. Number of ballots given to voters in polling stations on election day	2,136,262	
5. Number of ballots given to voters for mobile voting on election day	66,403	
6. Total number of voters who participated on elections	2,328,069	
7. Number of unused ballots	534,730	
8. Number of ballots in mobile boxes for voting	66,400	
9. Number of ballots in stationary boxes for voting	2,261,668	
10. Number of valid ballots	2,297,730	
11. Number of invalid ballots	30,338	
12. Total number of voters who participated on elections	2,328,068	79.13%
	Atambaev	195,291
	Bakiev	1,779,417
	Motuev	21,754
	Nazaraliev	19,198
	Sariev	149,658
	Umetalieva	25,096
14. Number of voters who voted "against all candidates"	107,317	4.61%
15. Number of AVCs received by PECs	234,074	
15a. Number of AVCs distributed by PEC to voters on election day	23,989	
15b. Number of voters who voted with AVC at polling stations	17,645	
15c. Number of unused AVCs at polling stations	204,139	
16. Number of lost ballots	1	
17. Number of ballots exceeding received amount of ballots	0	
18. Number of spoiled ballots	57	
<i>Information provided to the OSCE/ODIHR EOM on 11 August 2009 by the CEC.</i>		

## ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it coordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international standards for democratic elections and national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect human rights and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website ([www.osce.org/odihr](http://www.osce.org/odihr)).