



**Office for Democratic Institutions and Human Rights
Election Observation Mission to Kyrgyzstan
Presidential Election 2005**

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EXECUTIVE SUMMARY

- One candidate has withdrawn, leaving six on the ballot on 10 July. Three nominees continued to pursue court appeals against their non-registration as candidates.
- Following the 17 June attempt by protesters to take over the Government House, Felix Kulov resigned as First Vice Prime Minister in order to participate in the electoral campaign of acting President Kurmanbek Bakiev. Offices of the public association “Mekenim Kyrgyzstan,” accused of involvement in the 17 June events, have been searched and sealed by law enforcement authorities.
- There is wide disparity in the visibility of campaigning by candidates and the extent of their campaign infrastructure. There has also been a degree of inconsistency in the approach taken towards different candidates by the Central Election Commission (CEC) in enforcing campaign rules.
- All six remaining candidates have agreed to take part in televised debates, but only two have taken up use of their allocation of free airtime on the State broadcast outlets in all available formats. Most broadcast and print media have devoted the majority of candidate-related news coverage to generally positive presentation of Mr. Bakiev.
- A degree of inefficiency and disorganization has been noted in the work of the CEC. Several important deadlines in the electoral calendar have not been followed. The acting President issued a decree obliging the state administration not to interfere in the electoral process, and calling on the CEC to ensure consistent application of the Electoral Code.
- Parliament on 30 June extended polling station opening on election day by two hours.
- The OSCE/ODIHR, in partnership with the OSCE Parliamentary Assembly and the European Parliament, will deploy over 300 observers to polling stations on election day.

I. CANDIDATES

A. Withdrawal of one candidate

Candidate Jusupbek Sharipov withdrew on 23 June, declaring his support for candidate (and acting President) Kurmanbek Bakiev. This leaves six candidates competing for the presidency in the 10 July election: Akbaraly Aitikeev, Kurmanbek Bakiev, Tursunbay Bakir uulu, Keneshbek Dushebaev, Jypar Jeksheev, and Toktayym Umetalieva.

B. Complaints and appeals against non-registration

Three nominees pursued complaints against non-registration by the CEC.¹ Gaysha Ibragimova, having failed to secure registration based on a court ruling in her favour by Pervomaysky District Court of Bishkek, had appealed to the Supreme Court on grounds that the scope of the District Court's decision should not have been limited to Bishkek City Election Commission. The Supreme Court ruled against Ms Ibragimova on 22 June. The Supreme Court heard the case later than five days after the appeal was lodged, which breaches the requirement in the Election Code, although this may be explained by the backlog of cases that had built up while the Supreme Court had been occupied and therefore not functioning for several weeks up to 13 June.

In parallel, Ms Ibragimova's representatives filed a second complaint with the Pervomaysky District Court against the CEC for not having registered her. This case was heard after the Supreme Court made its ruling in the first case. In the hearing of the second case Ms Ibragimova's representatives claimed that, under the original court ruling in her favour, Bishkek City Election Commission should have accepted signatures collected in other parts of the country. On 24 June the District Court ruled against Ms Ibragimova.

On 22 June Pervomaysky District Court ruled against the complaint by the public association "Mekenim Kyrgyzstan" regarding the CEC's decision not to register nominee Urmatbek Baryktabasov. The court found that Mr. Baryktabasov had lost Kyrgyz citizenship by acquiring citizenship of Kazakhstan. A subsequent appeal against the decision was rejected by the Supreme Court on 30 June. Pending the outcome of that appeal, the District Court adjourned the hearing of another complaint against the CEC's decision not to register Mr. Baryktabasov filed with it by a public association.

Nominee Amanbay Satybaev lodged a complaint with the Pervomaysky District Court against the CEC's decision not to register him, arguing that he been unable to collect the required number of signatures due to the CEC's late registration of his authorized representatives. The court ruled against him on 21 June. The Supreme Court on 30 June rejected his appeal against this ruling.

II. CAMPAIGN ENVIRONMENT

A. Aftermath of 17 June attempt to seize the Government House

One immediate effect of the 17 June attempt by protesters to take over the Government House in Bishkek (see Interim Report No.2) was a visible strengthening of the alliance between Mr. Bakiev and Mr. Kulov. On 18 June they issued a joint statement reiterating their commitment to their agreement, and on 20 June Mr. Kulov announced that he would be stepping down (and on 23 June that he had resigned) as First Vice Prime Minister, in order to participate in and strengthen Mr. Bakiev's campaign.²

Another consequence of the 17 June events impacting on the election environment was the search and sealing by law enforcement authorities of "Mekenim Kyrgyzstan" offices across

¹ See also Interim Report No. 2 at www.osce.org/documents/pdf_documents/2005/05/14570-8.pdf

² On 17 June Mr. Bakiev had announced that his decision to take leave as acting Prime Minister, in effect since the previous day, was rescinded, as he associated the events of 17 June in part with his absence from that office. On 18 June Mr. Bakiev reinstated his earlier decision to take leave.

the country. It was announced that an international search warrant had been issued for Mr. Baryktabasov, who was charged with offences including usurpation of power and calling for changing the constitutional order by force.

On 18 June Mr. Bakiev issued a presidential decree obliging all levels of the state administration not to interfere in the electoral process. The decree also called on the CEC to ensure consistent application of the Election Code.

B. Campaigning by candidates

Campaigning by all candidates so far can be characterized as low-key except that of Mr. Bakiev, whose campaign is generally very visible (albeit not uniformly across the country). Mr. Bakiev has the best resourced and the best developed countrywide campaign headquarters network, whereas the regional presence of other candidates is basic or non-existent. According to the other candidates, the main cause of this disparity is financial resources.

Mr. Bakiev's campaign has so far involved rallies, which have been well attended, as well as the use of leaflets, billboards, and TV advertising. OSCE/ODIHR EOM observers in Issyk-Kul and Osh oblasts have noted that Mr. Bakiev's posters and other campaign materials have been displayed in the premises of some Precinct Election Commissions (PECs). The other candidates have been generally relying on collective meetings that are organized by the Oblast and Bishkek and Osh City Election Commissions (hereinafter OECs) and conducted by Rayon or Town Election Commissions (RECs/GECs) in accordance with a schedule confirmed by the CEC. So far these seem well attended and have seen participation of up to five candidates. A limited number of billboards for Ms Umetalieva are in evidence.

On 28 June in Tash-Komur (Jalal-Abad oblast) Mr. Aitikeev, Mr. Bakir uulu and Mr. Jeksheev arrived to attend a collective meeting, only to be informed by the GEC chairman and the mayor that they were not aware of this meeting being planned. According to the candidates a meeting in the nearby town of Mayлуу-Suu had to be cancelled for the same reason the day before. On 29 June the CEC publicly criticized the local authorities for these lapses.

All printed campaign materials must be submitted to a CEC working group for scrutiny that they do not breach the rules for campaigning. Some candidates have apparently understood this as an approval process, although that is not how it is stipulated in the Election Code. The working group recommended that Mr. Bakir uulu make changes to the materials he submitted, including removal of a photograph of the candidate with the Chief Mufti of Central Asia, which delayed the printing of his campaign materials. There appeared to be an inconsistency in the working group's approach towards Mr. Bakir uulu and Mr. Bakiev, since it did not comment on the latter's campaign materials submitted to it, which included a campaign newspaper from 15 June featuring a photograph of Mr. Bakiev with the Chief Mufti of Russia. Moreover, the OSCE/ODIHR EOM observed that campaign materials for Mr. Bakiev were distributed to the regions before 14 June, despite the indication in the required publication data that printing had been ordered for 14 June. This minor breach of campaign rules was apparently ignored by the CEC,³ but a similar breach by Mr. Dushebaev's campaign (involving an incorrect print run number) was ordered to be corrected.

³ A complaint about this had been made by nominee Nazyrbek Nyshanov.

On 23 June police searched two campaign offices of Mr. Bakir uulu in Osh oblast, allegedly for evidence of ties between the candidate and the radical Islamic group Hizb ut-Tahrir. Mr. Bakir uulu's campaign staff officially protested that the searches might have an adverse effect on his campaign and reputation.⁴

The Jogorku Kenesh (parliament) called on the presidential candidates to express their assent to the draft constitutional amendments that were confirmed by the Constitutional Council on 8 June and are now the subject of public debate. The initiative of the Speaker of the Jogorku Kenesh and Chair of the Constitutional Council Omurbek Tekebaev, this assent had to be expressed in a televised address in parliament and by signing a pledge. In deciding this, parliament had suggested debate on postponement of the presidential election to autumn 2005 if candidates did not express their support for the draft constitutional amendments.⁵ All candidates except Ms Umetalieva have signed the pledge.⁶

C. Voter education

There have been visible voter education efforts by the CEC and the NGO community, including TV commercials, billboards and leaflets that invite participation in the election, appeal to younger voters, encourage voters to check that they are correctly included in the voter lists in advance of election day, advocate against vote buying, and encourage a fair electoral contest. Many of these efforts have been sponsored by international donors.

III. MEDIA ENVIRONMENT

Kyrgyzstan's State-funded broadcasters are required by the Election Code to allocate at least one hour of free time during primetime on every working day to presenting the candidates, with at least one third of this time devoted to debates. The State-funded newspapers must grant each candidate at least one page free of charge. The State TV company *KTR* has so far adhered to the legal requirements regarding free time allocation to the candidates, as well as to the CEC for its information programmes. All candidates have expressed their intention to participate in the debates,⁷ including a final joint debate on July 8 that has been suggested by the *KTR* management in addition to the planned schedule. Only Mr. Bakir uulu and Mr. Jeksheev have taken up the rest of their free time allocation in all available formats.

Generally, in the first two weeks of the campaign there has been higher visibility of the contestants in the media. In their election reporting, most media, both electronic and print, have given Mr. Bakiev very extensive attention, overwhelmingly positive or neutral in tone, presenting him mostly in his capacity of acting president rather than as a candidate. The events of 17 June were extensively covered, including statements by the acting President.

State-funded television and radio have allocated 83 and 84 per cent respectively of candidate-related news coverage to Mr. Bakiev, exclusively with neutral and positive references. Other electronic media have so far adopted a similar approach, devoting to Mr. Bakiev the overwhelming majority of their coverage (for example 96 per cent in *Azattyk* radio), often

⁴ Letter by the head of Mr. Bakir uulu's southern regional headquarters to the Prosecutor General and the acting Minister of Internal Affairs, 25 June 2005.

⁵ The draft constitutional amendments provide inter alia for considerable rebalancing of powers between the president, parliament and prime minister in favour of the parliament and prime minister.

⁶ Ms Umetalieva refused to sign the pledge claiming that it favours parliament over the people.

⁷ The debate format divides the candidates into pairs (assigned by lottery), who will debate on 4, 5 and 7 July.

positive in its tone, although *KOORT TV* has offered its viewers a portrayal of all candidates that is fairly balanced in tone.

IV. ELECTION ADMINISTRATION

A. PEC formation

Formation of PECs was completed by the deadline of 16 June. CEC announcements in the media had encouraged political parties, NGOs and voter gatherings to make nominations to PECs, and in most cases the local administrative bodies forming the PECs took the position not to reject any such nominees. A significant proportion of PEC members will be serving for the first time. The OSCE/ODIHR EOM did not hear significant criticism from interlocutors about PEC formation, although it observed that formation of some PECs was based on a formalistic approach not reflecting the spirit behind the requirement for diverse representation.

B. Status of election preparations

On 30 June parliament voted to extend polling station opening hours on election day by two hours. Polling stations will now be open from 0700 to 2100 hrs.

A degree of inefficiency and disorganization has been noted in the work of the CEC, in part connected to disruption arising from the 17 June events (the CEC being still partly located in the Government House at the time) and from its move to new premises

A lack of transparency has persisted, with the CEC failing to give advance notice of a session held on 23 June, and ordering observers to leave in order for the CEC to meet behind closed doors at the end of a session on 27 June. At the level of most RECs/GECs, the OSCE/ODIHR EOM has been informed that not everyone who is entitled has been informed in advance about commission sessions⁸ (these do not take place according to a regular calendar).

Important deadlines in the electoral calendar have not been followed. The format of the ballot paper should have been adopted by the CEC on 17 June, but this was delayed for unknown reasons. Ballot printing should have taken place on 29 June but started on 26 June without the required regulation signed by the CEC chairman. Not all PECs received voter lists by the deadline of 21 June.

Mr. Bakir uulu is the only candidate to have nominated a non-voting member to the CEC, and very few such nominations by candidates have been made to lower-level commissions.

C. Voter lists

Prior to the deadline for issue to PECs on 21 June, local authorities had been active in updating the voter lists, conducting door-to-door campaigns and other measures to improve voter list accuracy. However, there has not been a uniform approach, raising concerns by the OSCE/ODIHR EOM as to whether updating has been done consistently according to the applicable law and regulations. The EOM has also noted different interpretations by PECs of how to meet their responsibility to make voter lists available for “general familiarization” (some were unaware of this responsibility), and of how to make corrections to the voter list as

⁸ As required in Article 17 of the Election Code.

requested by voters during the familiarization exercise. According to the Election Code any significant correction or addition after 21 June should be entered into an additional voter list, but the EOM was informed by many PECs and other interlocutors that on the basis of further checking and corrections from voters, new voter lists will be printed before election day.

In an effort to avoid the misuse of temporary identity documents⁹ during the election, the Ministry of Internal Affairs has issued since the announcement of the presidential election, in a well-organized and accountable exercise, more than 50,000 Identification Cards to citizens who are without a passport. At its final session before election day, however, parliament deferred a decision on allowing use of these new cards as valid identity documents on election day.

According to the CEC, the number of voters registered to vote abroad is around 25,000, although at the time of writing applications from voters in the Russian Federation and Kazakhstan were still being accepted (officially the deadline for completing out-of-country voter lists was 10 June). The CEC has made available to the OSCE/ODIHR EOM the out-of-country voter list (as of 25 June). The quantity of missing data is of concern both in terms of the lists being in breach of the legal requirements for their composition and in terms of the possibility for commissions in-country to take the prescribed step of removing the voter from the list in their home precinct. Many entries are missing the voters' years of birth, or passport data, or do not indicate a sufficiently detailed address in Kyrgyzstan.

D. Complaints considered by the election administration

In the period covered by this report the OSCE/ODIHR EOM observed two complaints reviewed by the CEC working group on campaigning. As a positive development, the CEC has posted on its website an analysis of complaints it has received, although it appears to be out of date. The EOM is aware of two complaints regarding PEC composition.

V. EOM ACTIVITIES

The OSCE/ODIHR EOM is in the process of meeting again with all candidates or their representatives, and continues to meet with the government and electoral authorities and civil society representatives. It has held a further briefing for the diplomatic community in Bishkek. The OSCE/ODIHR in partnership with the OSCE Parliamentary Assembly and the European Parliament will deploy over 300 observers to polling stations on election day.

⁹ The so-called Form #9, which can be obtained in place of a passport that is in the process of being replaced.