



Association for Monitoring Elections and Referenda  
in the Kyrgyz Republic  
"Taza Shailoo"

December 17, 2007

**Preliminary Statement of Taza Shailoo on the December 16, 2007  
Parliamentary Elections in the Kyrgyz Republic**

**Taza Shailoo observers witnessed the widespread use of administrative resources, pressure from local officials, falsification of protocol results, ballot-stuffing and other violations, which raise doubts about the results of the December 16, 2007 elections to the Kyrgyz parliament (Jogorku Kenesh).**

The independent, non-governmental Association "Taza Shailoo" (Clean Elections) notes fundamental problems that raise concern about the electoral process and cast doubt on the democratic nature of the preparations and conduct of the December parliamentary elections in the Kyrgyz Republic.

**PRE-ELECTION PERIOD**

From November 19 through December 16, 2007, the Association conducted long-term monitoring with the aid of 17 long-term observers (LTOs), who observed the formation of election commissions, the registration of political parties, the pre-election campaign, and the activities of mass media.

**Legal Framework**

The new election code instituted a 5% national threshold and a 0.5% regional threshold for political parties to enter parliament. In both cases, the threshold is based on the total number of registered voters in the country. Several political parties disagreed with the Central Election Commission (CEC) decision that the 0.5% regional threshold would be calculated out of the total number of registered voters nationwide. According to CEC data, 2,689,000 voters were registered as of December 15, 2007. As a result, to reach the 0.5% threshold and subsequently gain seats in Parliament, a party was required to gain no less than 13,466 votes (0.5%) in each *oblast*.

For example, in the least populated region in the country, the restrictive CEC definition of the 0.5% threshold would require a political party to receive 11% of all possible votes in Talas *oblast*. Smaller oblasts such as Talas and Batken are the most contentious, with the most influential parties being the opposition party Ata-Meken and the pro-government party Ak-Jol. According to preliminary forecasts, these two parties were the most likely to gain seats in the elections.

Taza Shailoo is concerned that the narrow definition of this threshold significantly hinders the ability of political parties, particularly those with minority or strong regional support, to obtain seats in parliament. The threshold infringes on the voting rights of Kyrgyz citizens and may limit the number of political parties that will represent the

interests of the entire population to only one or two.. One of the parties appealed the CEC resolution. The courts, however, have upheld the decree so far.

Another CEC decision, Decree Number 121, introduced a special provision to allow ballots to be collected in markets around Moscow to increase the opportunity for Kyrgyz migrants there to vote. The provision raised protests from several NGOs, who expressed concern not about the actual establishment of polling stations abroad, but about the increased potential for fraud. The Decree called for polling stations in “locations of voters’ primary stay,” such as bazaars.

The Coalition for Democracy and Civil Society brought legal suit against the Decree, but the court dismissed it. The Coalition argued that voting at places such as bazaars promotes falsification of results and establishes a precedent for loose interpretation of the law. The Coalition further argued that laws in Kyrgyzstan must be applied equally both within the Republic as well as outside of the Republic.

A few days prior to the elections, the CEC issued another decision that would allow the use of a special document for voting, known as “*Talon B*.” *Talon B* coupons serve as absentee ballots which are issued primarily to students living in university dormitories. The law allows citizens to obtain absentee ballots for voting at polling stations without the residential permits known as “propiskas.” However, in order to obtain an absentee ballot in advance, a voter must apply in person at his or her polling station and provide all the necessary documents. In this case, voters received *Talon B* coupons at their places of study based on information from the Ministry for Internal Affairs. The students submitted their votes without observance of legal procedures, creating opportunities for various types of falsifications, pressure from municipal officials and also professors at the state universities.

### **Registration of Political Parties**

Only 22 out of the 101 officially registered political parties submitted the relevant documents by the deadline to compete in the parliamentary elections. Upon CEC verification of these documents, only 12 parties were determined to be in compliance with the law and officially registered. During the process of political party registration, Taza Shailoo long-term observers noted instances of bias on the part of the CEC toward some political parties. Aside from the three political parties that decided to withdraw their registration of their own free will, the remaining parties were denied registration based on the failure of their party lists to comply with Article 72, point 3 of the Election Code. This point in the law clearly outlines requirements for the percentage and position of gender, minority, and youth candidates on the political party lists. However, similar problems were observed on party lists for those parties that were registered as well as parties that were denied registration. This non-uniform application of the requirements suggests that Article 72 was not the only grounds for denial. The courts dismissed all lawsuits raised by the parties against the CEC on this matter. In several cases, the order of the candidates, not the overall percentage of protected groups as stipulated in Article 72, was considered a violation of the law. This violation was a technical error that could have been corrected if the CEC had been more willing to cooperate with political parties in trying to implement the new proportional system.

The Rodina Party, which primarily represents the minority ethnic Uzbek population, was denied registration for failing to provide sufficient proof of Kyrgyz citizenship for 16 of its

candidates. Although the party later provided proof of citizenship for these individuals, the government refused to reconsider the denial of its registration.

We would like to recognize the importance and improvement made by the new law in that it requires observance of gender, national, and age balance within political parties. This requirement will allow for better representation of all groups.

### **Formation of the Election Commissions**

The law provides for the formation of lower election commissions based on nominations from meetings of voters and political parties. In general, members of election commissions representing political parties are members of Ak-Jol, Ata-Meken, the Social Democratic Party of Kyrgyzstan (SDPK), and the Asaba Party. Based on the monitoring results of Taza Shailoo's observers, a large percentage of election commission members are paid from the state budget. These government-paid employees, mostly working in educational establishments and hospitals, are vulnerable to pressure.

The legislation provides for each party to be represented by no more than one member on the election commission. Following the formation of election commissions, local administration bodies began pressuring members of the commissions, resulting in an increased number of representatives from one of the political parties in the commissions. The unbalanced ratio of government employees to political party representatives created wide opportunities for manipulation of voting results by political parties supported by local administrations. This pattern was observed throughout the country and at the commissions on all levels.

### **Training and Resources of the Election Commissions**

Based on reports from long-term observers, election commission facilities during the pre-election period were mostly limited to desks, chairs, and telephones, even a week prior to Election Day. These limited resources were a major reason that many precinct election commissions failed to complete some of the legally-required preparations and procedures.

Trainers and experts from international organizations (NGOs) and the CEC conducted trainings for lower election commission members. The training served as a good example of interactions between government and non-governmental sectors and created an opportunity for election commission members to establish "game rules" among the political parties on the election process. These were intended to help avoid later misunderstandings or disputes on Election Day when one party represents election commissions and the other represents observers.

Parties are also given the right to appoint members to serve on the Central Election Commission in a non-voting, advisory capacity. Unfortunately, this attempt to improve cooperation among parties and the CEC led to a larger problem. The process of issuing ballots was stopped after an incident with Edil Baisalov, a CEC member with advisory vote from the Social Democratic Party (SDPK). While observing the ballot printing, Baisalov took a photograph of the actual election ballot, which he later posted to his web log (blog). Baisalov explained his action as an effort to demonstrate that the ballots did not have sufficient security features and, therefore, could easily be falsified. The CEC, without any legal court decision about his guilt or whether his action violated the

law, immediately expelled Baisalov from the SDPK list and his advisory role in the CEC. The CEC also decided to destroy all of the ballots and determined that Baisalov's party would be held responsible for the full cost of reprinting the elections ballots, which came to 11 million Kyrgyz Som (\$577,000). The CEC issued new ballots on December 8, 2007.

Taza Shailoo notes its concern with the CEC decision to classify election ballots as secret. The Association believes that election ballots should be openly shared with voters and all content and security features should be made public. In previous elections in Kyrgyzstan, voters were given the opportunity to view the ballots before Election Day.

### **Use of Administrative Resources and Intimidation**

The use of administrative resources could have significantly impacted election results. Public and municipal servants were forced to campaign for the Ak-Jol Party. Long-term observers received reports of government workers who were intimidated and given the choice between joining the Ak-Jol Party or resigning from their jobs. Such instances were noted mainly in northern areas such as Talas and Karakol.

In another example, the regional headquarters of Ak-Jol in Talas city was housed in a building controlled by the regional tax administration, complete with furniture, telephone lines, and equipment. The party also was provided access to space, office furniture and equipment by other regional government agencies. Long-term observer reports note that other political parties in this region reported difficulty finding space for office rental.

At a school in the village of Tyup in Issyk-Kul *oblast*, observers saw signs posted throughout the building calling on teachers to hold meetings with parents in order to campaign on behalf of Ak-Jol. In the same oblast, observers learned that university deans had issued an order freeing students from classes in order to attend a concert by "UgutKerbeni" dedicated to Ak-Jol on December 4.

Students reported to long-term observers that the president of Talas University Askar Jylkychiev had been calling people who had decided to work as short-term observers on Election Day or had been campaigning for political parties other than Ak-Jol. During these calls, he threatened to expel them from the university.

This environment of intimidation was observed in practically all regions of the country. Taza Shailoo had to conduct additional trainings for replacement short-term observers (STOs) after previously-recruited STOs encountered threats and chose not to observe on Election Day. In Karakol city and in Moskovskaya district, representatives of the local administration threatened to fire Taza Shailoo observers from their jobs for participating in the observer trainings of our Association.

### **Pre-Election Campaign and Monitoring of Mass Media**

The Public Union "Journalists," a member of the Association, monitored the pre-election media environment under a separate project. The results of their mass media observation will be presented at a press conference on December 18.

## **THE ELECTION DAY**

On Election Day, the Association “Taza Shailoo” fielded 1510 short-term observers in 757 precinct election commissions (PECs) throughout the country. Association observers noted numerous violations of Kyrgyz legislation in polling stations nationwide.

### **Preparations for the Elections**

Many polling station officials demanded official accreditation cards from STOs even though the legislation does not require domestic observers to have such official accreditation from the CEC on Election Day.

- **Observers in PEC #4042 in Naryn district**

One of the main opening procedures at each polling station should be the random distribution of responsibilities among PEC members through the casting of lots. This particular procedure is intended to significantly decrease the possibility of pressure on and violations by PEC members. The violation of this basic procedure was observed throughout the country, including in the following locations:

- **PEC #156 in town Kyzyl-Kiya**
- **PEC #4029 in Naryn district**

### **Mobile Voting**

While previous legislation allowed voters to submit requests for mobile voting on Election Day, the new electoral code requires that voters submit applications to vote from home before 6.00pm on the day before the election. Despite this legal change, Taza Shailoo noted that in a significant number of PECs around the country, the number of people using the mobile voting provision exceeded the usual number of voters in previous elections and referendum. In some PECs, this number reached 30% of the total number of the registered voters in each polling station. The pattern of unusually high mobile voting requests seemed to be concentrated in certain regions, for example:

- **PEC #1130 in Bishkek City.** 805 voters were registered for mobile voting out of 2370 total voters on the list for the polling station. Most of these voters were from a government hospital that had previously been a special closed polling station.
- **PEC #4037 in Naryn district.** 345 voters were registered for mobile voting out of 1584 on the voter list.

These kinds of case were observed in all regions of the country, but particularly in the north of the country.

### **Early Voting**

Early voting is possible only if a particular voter is out of the country on the Election Day and he or she provides a copy of the order from his or her place of work, as well as travel tickets out of the country. Taza Shailoo observers reported early voting figures in some areas which were much greater than the average in the rest of the country and exceeded the figures for those locations in previous elections and referendum. Such instances of this pattern include the following:

- **PEC #7093 in Issyk-Ata district.** Out of 1184 names on the list, 83 were early voters.
- **PEC #155 in Karakol City.** Out of 1453 voters, 155 were reported to have voted early.

Taza Shailoo observers also noted polling stations in which the number of registered voters violated the 2500 maximum established in the new Electoral Code, including:

- **PEC #5353 in Aravan district.** 2744 voters were registered on the main voter list.
- **PEC #7275 and PEC #7274 in Moscovskaya district.** These polling stations included 2568 and 2555 on the respective voter lists.

### **Pressure on Observers**

Taza Shailoo observers both witnessed and experienced numerous instances of pressure and intimidation in polling stations throughout the country on Election Day. Most frequently, university heads and professors were observed pressuring their students and state officials were seen intimidating members of the local community. The following cases illustrate a few such examples:

- **PEC # 3062 in Shaty village of Tyup.** The chair of the local government openly intimidated the observers and threatened to take away their lands possessed in the village if they did not leave the polling station.
- **PEC #155 in the town of Kyzyl-Kiya.** An observer was intimidated by the president of his university and told that he would be expelled if he did not leave the polling station immediately.
- **PEC #5306 in Osh City.** An observer was intimidated by the law enforcement authorities.

### **Ballot Stuffing**

Observers reported multiple cases of ballot-stuffing in every oblast in the country. This particular violation has a significant impact on the credibility of the election results.

- **PEC #1087 in Bishkek City.** Observers recorded cases of ballot-stuffing by PEC members.
- **PEC #159 in the town of Kyzyl-Kiya.** Observers noted ballot-stuffing by the PEC members.
- **PEC #108 in Talas city.** PEC members introduced ballots of unknown origin to the pile during the vote count.

Observers also reported episodes in which political parties made agreements to divide the unused votes at the end of the vote counting process.

- **PEC #110 in Talas City.** Political party members within the composition of PEC divided ballots between themselves, put marks on them and threw into the ballot box.
- **PEC #7122 in Kant city.** Observers were able to prevent this action only by a collective effort.

These kinds of cases were observed in all of the regions, though reports were most numerous in Talas oblast where the voter turnout was low. This was also the least populated region and the hardest place for parties to overcome the 0.5% threshold.

### **Vote Counting**

The relatively calm voting process during Election Day finished with massive violations during the vote count and tallying at the district election commission level. PEC members directly requested that observers “close their eyes” to the changing of election results, justifying their actions by saying that “it was an order from the top.” In PECs where one of the opposition parties received the majority of the votes, protocols were often not signed by PEC chairs. They also refused to sign the copies of the protocols filled out by the observers.

- **PEC #112 in Talas city.** The protocol was not filled out at all. In this region there are many cases when the copies of the protocols were not signed.
- **PECs #4111, #4112, #4113 in Jungal district.** The PEC members refused to sign any copies of the protocols.
- **PEC #100 in the town of Kyzyl-Kiya.** The protocols were not filled out at all by PEC members.

The latest information received from observers at the City Election Commission in Talas City reported that district election commission members added 2000 additional votes for the Ak-Jol Party above what the party actually received.

These are the preliminary results of Taza Shailoo’s observation based on the reports of its short-term observers received as of Monday morning following Election Day. Other findings and conclusions will be included in a more comprehensive final report.