

**Final Pre-Election Report – July 17, 2009**  
**based on Independent Long-term Monitoring of the Presidential Elections in Kyrgyzstan**  
**on July 23, 2009**

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**The Alliance of Civic Organizations for Voter's Rights**  
**“IT IS TIME FOR MY CHOICE!”**

*The Alliance of Civic Organizations for Voters' Rights “It Is Time for MY Choice!” (hereafter referred to as the Alliance) is a public and politically impartial union of six non-governmental organizations,, which was created for the purpose of carrying out a joint nationwide civic education campaign to raise electoral awareness of citizens and to conduct independent monitoring of all stages of any elections in Kyrgyzstan.*

## **Summary of Major Observations and Conclusions**

In advance of Kyrgyzstan's July 23 presidential election, the Alliance organized a central office to conduct long-term observation of the pre-election environment and electoral processes. The observation effort involved Alliance leaders, a lawyer, two election experts, and a team of 25 independent long-term observers (LTOs) who were deployed across all regions of the country to monitor the pre-election situation.

Based on the Alliance's long-term observation findings, the organization and conduct of the presidential election campaign was carried out with large-scale violations of the Election Code of Kyrgyz Republic and does not conform to international standards and to Kyrgyzstan's international commitments. The following are the Alliance's major findings and conclusions from the pre-election period:

- During the past year, Kyrgyzstani authorities continued to suppress freedom of speech and pluralism, restricting the constitutional rights of citizens to peaceful assembly and rallies, limiting the rights of citizens to demonstrate, excluding citizens from decision making processes, and violating citizens' rights of to freedom of choice guaranteed by the Constitution of the Kyrgyz Republic.
- Analyzing the current tense situation in the country after the referendum in October 2007 on adopting a new constitution and election code, we have observed highly authoritarian tendencies, capture of the state by the president, and failure of mechanisms for developing rule of law. Mass falsifications during the referendum, followed by parliamentary elections in December 2007 and the failure of the Central Election Commission (CEC) to publish the results of both the referendum and the parliamentary elections, eroded the country's legal order, significantly decreased voter confidence in the election processes of the country, and contributed to a substantial decline of civic activism.
- In the election code accepted by the national referendum in 2007, there are no mechanisms providing for the pluralistic participation of political forces in the activities of the CEC and election commissions at the rayon and oblast level. Under the current legislation, the Chairman of the CEC is a public official appointed by the President. According to the Code, the president also appoints half of the CEC members. The second half of the CEC members are elected by the parliament. Since 71 of 90 deputies of *Jogorku Kenesh* (parliament) are representatives of the pro-presidential party “Ak Jol”, this party actually

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has the right to form the second half of the composition of the CEC. This means that *the entire composition of the CEC is formed by the President.*

- In the election code there are norms that require 1) the neutrality of the governmental apparatus and its non-interference in the pre-election competition; and 2) loyalty towards all the participants of political competition. However, there are conflicting norms that create special preferences to candidates ruling the state.
- The most recent amendments to the election code (January 2009) abolished the necessity of a court decision to include citizens on supplemental voters' lists and gave the possibility to citizens to include themselves on supplemental lists with proper identification that proves their address within a particularly precinct. This amendment gives an opportunity to citizens to include themselves to the main voters' list on election day and to fulfill their voting right.
- The following norms limiting the transparency of the election process were included to the Code:
  - Along with citizens leaving the country during election day and providing confirming documentation, workers of internal affairs, military members, and members of election commissions were given the opportunity to vote early;
  - The finger inking procedure was canceled, increasing the possibility of using 'carousel' voting and multiple voting.
- Law enforcement agencies continued persecution of dissident citizens and illegally interfered with their personal life. This, along with a negative evaluation of elections, turns out to be a destabilizing factor that creates grounds for social conflict.
- In forming the district, city and precinct election commissions, there have been vast violations of the election code. There were massive violations of the norms limiting representation of governmental and municipal workers and also representatives of one office in the composition of one election commission. By interpreting electoral laws selectively, district and city election commissions used unlawful measures to draw lots and form the commissions. Comparative analysis shows that the representation of party members from the "Ak-Jol," and "Jany Kyrgyzstan" parties and the Party of Communists in election commissions is 10 times higher than the representation of the SDPK, "Ata-Meken" and "Ak-Shumkar" parties.
- Observers witnessed a substantial number of instances of illegal interference by local government and local administration officials in the activities of independent election commissions
- Most of members of commissions from opposition parties had no choice but leave election commissions, due to threats and pressure from local authorities, law enforcement bodies, security service representatives and criminal groups. For parties loyal to the president, favorable conditions were created for gaining seats on election commissions. Representatives of opposition parties faced many barriers.
- Despite the fact that Article 28, point 2 of the election code forbids candidates from taking advantage of their official or professional status in the election campaign, the incumbent President Bakiev has recruited governors, representatives of local authorities (*akims*), state and municipal employees to work for his campaign. He also uses financial, transport, communication and other resources that are paid by state and municipal budgets. Authorities of all levels traveled to regions persuading citizens to vote for the incumbent.

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bent President, participated in election commissions meetings and organized students and workers of state organizations to vote for President Bakiev.

- State and municipal workers from all over the country who promise to vote for President Bakiev are offered raises and better pensions, while others are promised better working conditions. Human rights activists consider this an abuse of Bakiev's administrative powers during pre-election campaign and a form of concealed bribery of voters. These actions are restricted by the law as an abuse of the right to conduct pre-election campaigning.
- In order to organize and conduct meetings with voters, state and municipal financial, transportation, and communication facilities were used. Free lunches, gifts, and concerts were organized with state funding for the team of the incumbent candidate.
- Analysis of the beginning of the election campaign showed that local authorities had violated legal principles of impartiality and non-interference in the electoral process.
- Local authorities use law enforcement agencies and organized groups of citizens in order to attack the opposition candidates and disrupt their campaigning. They intimidate citizens, opposition members of electoral commissions, participants at candidate meetings, and those who let campaign teams into their homes. Threats happened everywhere, taking place on an unprecedented scale.
- State media flagrantly violated the legislation regulating the access of candidates to the media. Most of the airtime was devoted and is still devoted to the incumbent candidate Bakiev. State media violated and violates point 7 and 8 of the Copenhagen Document (1990), which provides easy access of candidates and political parties to the media. Mass media did not fulfill its legal obligation to provide balanced and impartial coverage of candidates and political parties.
- When forming the list of voters for the election, numerous violations of Articles 22 and 24 of the election code occurred, which created conditions for the falsification of election results. We should note the positive side of the work of the CEC and the whole system of election commissions, who did the proper work of checking and correcting voters' lists. However, municipal and public authorities have not fulfilled their responsibilities to create accurate voters' lists across the country, and as a result mass violations were recorded in forming voter lists.
- District election commissions are grossly violating the election code by organizing early mass voting. This mass early voting included people in special categories who are eligible, but also people who were simply forced to vote early illegally, such as healthcare, utility, and telecommunications employees. This early voting by non-eligible people is a violation of Article 41, point 1 of Election Code of KR.
- Many early voters reported that the directors of their organizations forced them to vote.. They have said that the results of their voting were reported to their supervisors, which is a violation of Article 2 of Election Code.
- The district election commissions and the CEC did not respond to apparent violations and did not take any action against the perpetrators.

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## **Introduction**

On March 20, 2009, the Jogorku Kenesh (parliament) set the date of the Presidential Election for July 23, 2009 based a decision of the Constitutional Court of the Kyrgyz Republic on the necessity to hold elections of the President before October 25, 2009. The general public in Kyrgyzstan had a mixed perception of decisions made by the Constitutional Court and the Jogorku Kenesh. A number of political parties such as the presidential party Ak Jol and the Communist Party of Kyrgyzstan fully supported these decisions. Other political parties perceived the decision of the Constitutional Court as illegitimate and considered the upcoming elections as predetermined. Ata Meken, Ar Namys, Ak Shumkar, Uлуу Birimdik parties also had the same opinion.

Several non-governmental organizations (NGOs),<sup>1</sup> including some members of the Alliance, expressed their concern about the artificial acceleration of the timing of the presidential election. According to the opinion of these organizations, elections in Kyrgyzstan – as an institution that gives citizens the right to place their representatives in the government – are endangered due to the reason that election administration bodies have not been implementing their duties independently, and, therefore, they cannot provide free and fair elections in the country.

In this regard, these organizations appealed to the political forces to refuse to participate in the election until all the possible steps are taken for restoring trust of citizens in the elections themselves. Political parties and many civil society organizations agreed that conducting elections at the height of summer could result in low voter turn out, and organization of “early voting” by the election commissions could contribute to the falsification. However, opposition political parties Ak Shumkar and the Social Democratic Party of Kyrgyzstan (SDPK) decided to participate in the electoral race.

## **Socio-economic and Political Situation in Kyrgyzstan**

The upcoming elections will be held under the backdrop of a difficult socio-economic and political situation in the country. Back in February 2009, the Minister of Finance Marat Sultanov said that the losses in government revenue totaled 5 billion soms. At the same time, specialists reported the decline of production in 12 of the 17 branches of industry. This year the share of industry in GDP will decline from 14% to 8-9% by the economists. Taking into account that last year the share of tax revenues from the industry amounted to more than 40%, it is possible to predict a further decline in the income side of the country’s budget.

Events during 2008 attracted the attention of the public and human rights organizations with the adoption by the Parliament of the Kyrgyz Republic of a number of laws affecting the media, changes and amendments to Laws of the Kyrgyz Republic “On Privatization of State Property in

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<sup>1</sup> “Kylym Shamy”, Citizens against Corruption, Center “Interbilim”, the Coalition “for Democracy and Society”, Psychological Health and the Society, World – the light of the culture, Voice of Freedom, «Open Position», the League for Children’s Rights Protection”, and others

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the Kyrgyz Republic”, “On Energy”, new “Law on the Strategic Objects of the Kyrgyz Republic”, changes and amendments to the Law “On the Rights of Citizens for Peaceful Assembly, without Weapons, Freely Conducting Meetings and Demonstrations”, and the decision of the Constitutional Court of the Kyrgyz Republic on recognizing Article 11 of the Law of the Kyrgyz Republic “On the status of a capital of the Kyrgyz Republic” as unconstitutional, as well as a Bishkek City Council Ordinance that limits the rights of citizens to conduct meetings, rallies, marches, demonstrations, and pickets in Bishkek.

Human rights protection organizations are concerned about the status of law-enforcement and justice bodies in the country. The unprecedented decision of the Supreme Court's in relation to the participants of the events in Nookat where 32 people were considered guilty for committing 7 types of crimes illustrated brutal and massive repression of regular people from the side of law enforcement and judicial bodies. Information on violations of human rights on Nookat events was directed for the examination by eight special reporters of the United Nations Human Rights Council.

The existing judicial system poses distrust from the side of most citizens and human rights activists. According to the opinion of many citizens, various legal proceedings initiated against the opposition leaders and civic activists (against former Minister of Foreign Affairs - Alikbek Jekshenkulov, the leader of the Green Party Bulekbaev, the deputy of the local council Argyubaev, civic activist Ryskulov, etc.) are the evidence of using repressive measures to clean out the political space before the elections.

Norms and standards of international instruments on freedom of expression and access to information contradict to the current situation with journalists and mass media. Independent journalists - Abdyldaev, Moniev, Babakulov, Ageyeva and others were faced assassination attempts. On July 13, 10 days before the election A. Tashiev, the journalist from Nookat, was beaten up by policemen to death. Along with the criminal methods used towards independent journalists, the law enforcement bodies have been initiating lawsuits against them, which in turn have been paralyzing their work. Not only journalists but also the entire television and radio companies demoralized and even stopped covering political events in the country objectively: TV Center Pyramida, NBT, and NTS. Mass Media companies that tried to cover events truthfully were excluded from broadcast or significantly restricted their large portion of broadcasting. This was the case with radio one of the most objective radio - “Azattyk” (“Freedom”).

A wide public resonance was caused by the death of one of the most influential politicians, the former head of the Presidential Administration, Medet Sadyrkulov, which happened on March 13, 2009. Together with Sadyrkulov the head of the Institute of Strategic Studies - Slepchenko and the driver Sulaimanov were assassinated. The official version given by the authorities on the accident leading to the death of the well-known politician was not accepted by the society.

On March 19, 2009 the European Union expressed its concern in its official statement at the OSCE Permanent Council in connection with these facts, which move country backwards from its obligations under the OSCE. Despite the fact that the EU appealed to Kyrgyz authorities to conduct a thorough investigation on all incidents, those people who have ordered the assassination and performers are still not found.

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At the same meeting the EU expressed its concern on certain bills that threaten respect for fundamental human rights and freedoms, in particular the draft “Law on NGO”. The Kyrgyz Government has received a formal proposal to ensure compliance of the legislature with obligations under the framework of the OSCE.

All these processes are taking place amidst increasing external debts, rising unemployment, reduction of remittances from migrant workers, and the growth of crime and corruption. Commissioner for Human Rights, Tursunbek Akun, during the session of SDPK faction in the Jogorku Kenesh on June 25<sup>th</sup>, 2009, declared facts of rude violations of the constitutional rights of political parties during the Kurultai in Issykkul oblast on May 30-31, 2009. He reported on provocations and attacks by the local authorities against participants of a Kurultai being held that are unacceptable for a country claiming to have commitment to the democracy. Not only ordinary participants of the event but current deputies of parliament taking part in the Kurultai were abused physically and mentally by the local law enforcement bodies.

Civil society organizations, realizing the danger of these tendencies, are trying to unite together to respond to attempts of the authorities to restrict and suppress the freedom of expression, pluralism and the constitutional rights of citizens for peaceful assembly and rallies, and the removal of citizens from participation in decision-making process rights of citizens for freedom of choice.

In June, the Alliance for Civic Organizations held a conference with CEC on “CEC and Civil Society: Joint Dialogue about upcoming elections management”. The Memorandum of Joint Conditions was signed according to the results of the conference. The joint conditions are to keep and follow principles of political neutrality, objectivity, non-interference into electoral process, and to strictly keep within electoral legislation of Kyrgyz Republic. The Alliance also decided to conduct and organize election monitoring.

### **Methodology and Organization of Long-term Observation (LTO)**

The Alliance organized a central office to conduct long-term monitoring. The office consists of the Alliance members, a lawyer, two election experts, and a team of 25 independent long-term observers (LTOs) who have been conducting a long term monitoring of the pre-election situation in all the regions of the country since the beginning of the official campaign period in mid-June.

Observers were trained on the specifics of the electoral process by the leaders of the Alliance member organizations. LTOs conduct monitoring of the elections on the basis of tasks and instructions developed by the Alliance. The main legal documents used by LTOs are the Election Code and Constitution of the Kyrgyz Republic. The primary tool for monitoring is gathering information locally with indication of place, time, participants of the electoral process, and others. LTOs are required to provide only reliable information for which they bear personal responsibility. After gathering facts and information observers conduct a preliminary analysis of their reports to the compliance of their reports with the legislation of the Kyrgyz Republic.

All conclusions and assessments contained in this and previous reports (July 2 and July 10 interim reports) are made by the Alliance based on independent analysis of the legal framework

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and the actions of all participants of the electoral process, analysis and summarizing facts from LTOs of the Alliance, and also according to information observed in the mass media.

During pre-election period, the Alliance focused on observing the following:

1. Analysis of changes in the Election Code;
2. The work of CEC and its activities;
3. Formation of lower level election commissions;
4. The work of government authorities on organization and conduct of the presidential elections;
5. Campaigning activities of candidates for the Presidency
6. Monitoring of voters' lists
7. Analysis of access of candidates to the Mass media during the campaigning period;
8. The accreditation process for international observers to monitor elections.

### **Analysis of Electoral Legislation of the Kyrgyz Republic**

On January 23, 2009 by Law #20 and Law #3 dated from January 10, 2009, some amendments were made to the Election Code of Kyrgyz Republic:

- An increase in the list of documents of a person's identity (beyond passports) that voters can use to be included on the main voters' list. (Article 8 of Election Code of Kyrgyz Republic).
- However, the amendments also increased the types of voters who have a right for early voting (Article 41, point 1) to include employees of law-enforcement agencies, military, members of Election Commissions. This has no justification, because according to the Article 38, point 1 of Election Code of Kyrgyz Republic, these people can vote by absentee certificate. The election experience of other countries has demonstrated that early voting is an ideal tool for different kinds of falsifications.
- Previously, if a voter was not in the main list, then, in order to add him onto the additional voters' list a court decision was needed (Article 23, point 5). This requirement was cancelled, thus allowing more people to exercise their right to vote.
- The cancellation of finger-inking of a voter's left hand while giving him/her a ballot will create more possibilities for multiple voting and falsification.
- The cancellation of the norm to conduct election on the weekend and, instead, to hold it on a working day may lead to negative outcomes regarding the employed population.

These changes were allegedly made in order to decrease violations; however, the amendments actually create favorable conditions for falsifications.

### **Election Commission Formation**

Starting from June 13<sup>th</sup> to June 20<sup>th</sup> the nomination of the candidates to PEC was implemented. 2,331 PEC with 20,689 members were formed. Twenty three political parties participated during the process of PEC forming; more then 5,800 representatives of political parties entered the PEC composition. 49 PEC are formed by the CEC outside of Kyrgyzstan.

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According to the points 3, 4, 5 of the Article 11 of the Election Code of Kyrgyz Republic, precinct election commissions are formed by higher district and city commissions; chairman and secretary of the commission appointed from the staff of the created commission. The CEC forms Oblast, Bishkek city and Osh city Election Commissions in composition of 11 members for 5-year term with a right to vote.

In accordance with the proportion Article 11, Point 5 of the Electoral Code, political parties were given a quota for 152 representatives for district and city election commissions. 240 representatives were proposed from political parties. Political parties are represented by 142 representatives according to the results of the drawing of lots and according to the information provided by the chairman of CEC. In some areas political parties have not shown activeness and have not designated to the district, consisting of municipal electoral commissions and political parties. On March 20-28, 2009, the nominations of candidates has passed in district and municipal election commissions. On March 30, 56 district and city commissions were established, consisting of 483 members, composed of 142 representatives of more than 12 political parties of Kyrgyzstan.

According to the information published in the newspaper “Chuiskie Izvestiya” (“Chui News”) on April 4, 2009, consisting of a number of district and municipal election commissions, the fact of violation of the requirements of paragraph 5 of Article 11 of the Election Code was mentioned, which states: “The state and municipal employees, employees of state and municipal institutions should not be more than one third of the electoral commission with the right to vote”.

However, the representatives of state and municipal services are more than one-third of the electoral commissions. In Chui and Panfilov District Election Commission (DEC) they represent more than 50% of the total DEC.

Moreover, Alliance observers recorded a number of gross violations while observing the formation of district election commissions. In many places, district and municipal election commissions have refused to adopt protocols on nominations, consisting of precinct election commissions on frivolous pretexts. Thus, Talas City Electoral Commission refused to political party “Ak Shumkar” in admission its protocol of nominating candidates to commissions, referring to the fact that some statements were signed before appointed time. However, the Election Code regulates only the timing of polling stations. Admission of documents from political parties “Ata Meken” and SDPK were denied as well.

Karaburinskiy, Bakayatinskiy, Talas district Electoral Commissions have not accepted the protocols of the regional offices of “Ak Shumkar” party on the nomination to the precinct election commissions only because people, who brought these documents had not had authorized documents of a political party for the documents delivery. However, the electoral legislation does not include this requirement. The Alliance informed CEC on these incidents and after negotiations with Kara-burinskiy REC it managed to include the representative of the party “Ak Shumkar” to the PEC.

According to the paragraph 5, Article 11 an election commission can contain no more than one representative from each party. In case if the number of representatives from each party goes beyond the set number, the decision is made by drawing lots.



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The protocols of the REC on the results of drawing lots were on several pages. Participants of drawing lots were forced to sign on the last page of the document as it was in Lenin DEC of Bishkek city, but protocols were given only the next day (this information was given by G. Beishebaeva on Lenin DEC, T. Moldobaeva on Alamedin DEC). In the final protocol which was received later the first page was changed and results of drawing lots were significantly different from real results which were recorded on the day of drawing lots procedure.

In many polling stations of Bishkek, Naryn, Osh Batken and other oblasts, there have been witnessed a vast violation of the drawing lots process:

- There was no certification given about the submission of candidates' documents to the election commissions.
- Some parties were banned from taking part in drawing lots for certain planned reasons
- There was no accurate line (queue) to the drawing lot
- Marked capsules were used
- Results of the drawing lot were not given instantly

Jungal District Election Commission had conducted a drawing lot, as a result of which SDPK party got 15 seats; but without any motivation the Jungal District election commission had given SDPK party 4 seats. The protocol based on the results of the drawing lot was given to the SDPK party representative Asanova by the secretary of the commission Sopuev only after 8 days. Although Asanova several times addressed and appealed to the law enforcement agencies and higher election commissions of Jungal district in accordance with Article 53, point 4 and 5 of Election Code of KR, there have been no suitable measures to deal with these violations. Hereby, in Jungal district the pro-government parties have got 100 seats, when the opposition parties SDPK and "Ata-Meken" have got one seat each.

Lenin District Election Commission of Bishkek city had given the protocol of drawing lot results just the next day. Despite the fact that the party "Ata-Meken" got 17 seats as a result of the drawing lot, they had been given only 10 seats. Similar violations were witnessed with the party SDPK.

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In spite of all members having equal rights and responsibilities both in decision making, and in participation in procedures, some members of REC were discriminated against. In Alamedin REC A. Chuitenova, one of its members was not allowed to check the properness of capsules and to check quality of received materials from political parties.

Frequently Election Commission members from opposition political parties did not participate in any Rayon or City Election Commission meetings, because they had not been notified in time about the meetings. ( Article 16, point 9 of Election Code of KR).

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The compositions of Precinct Election Commissions were published in the local press with some scheduling variance. Separate PEC lists cannot be analyzed because the information on nominees to PEC, places of their work, party belonging is not given, in other words demand on the Article 11, point 3, of the Election Code is given in formal way. ( According to “Erkin Too” Bishkek newspaper, June 24, 2009 r., page.9, by Naryn oblast, “Tenir Too” newspaper, June 25, 2009 ).

The analysis of qualitative composition of PEC shows the low level of competency of district and city commissions. Osh city Election Commission has a special status on forming PEC by Osh city. According to the Article 1, point 11, of the Election Code, Osh city Election Commission is formed by the CEC, consisting from 11 people, term of office is 5 years. The chairman of the above-mentioned Election Commission is appointed by the CEC for 5 years, which means that commission should work on a consistent and professional basis.

On June 27, in the local newspaper “Osh Shamy” the composition of the PEC, approved by the Osh city Election Commission № 11 from 23.06.09 was published. The analysis of this commission shows a terrible picture. From 82 PEC 64 have gross infringements of the demands according to the Article 11, point 5, of the Election Code of KR. One of the demands during PEC forming is: ‘state and municipal authorities cannot be more than one third of the electoral commission with a casting vote.’ In spite of this, in 59 of 89 PECs, representatives of state bodies compose 50 %, in PEC 271, 551,303, 307 and others.

The analysis also demonstrates a suspiciously high number of pro-presidential party representatives who gained seats by drawing lots. This is shown by the following statement of Osh city Election Commission №10 from June 22, 2009:

<b>From parties</b>	<b>Candidates joined</b>	<b>Entered the commissions by drawing lots:</b>
Ak-Jol	79	77 people or 99,9%,
Communists party	77	58 people or 79%
Jany Kyrgyzstan	73	59 people or 80%,
SDPK	77	41 people or 53%,
Ata-Meken	12	7 people or 58 %.

Out of them all, representatives in 26 PECs, and secretaries in 8 PECs were chosen from the party “Ak-Jol” (including PECs in hospitals), representatives in 4 PECs and secretaries in 6 PECs were chosen from the party of communists. Representatives from SDPK, “Ata-Meken” and Jany Kyrgyzstan parties were not given such positions.

Low professionalism is obvious in Osh city election commission chaired by Payzildaev M., who happens to be an official. Analysis of the quality of the electoral commission showed non-compliance with the requirements of the legislation as the party's representation on the commission. At the polling station #8186 in Kyzyl Kiya city of Batken Oblast according to table of the

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Precinct Electoral Commission quality, issued to the local election commission, there are 11 members of the local election commission, 7 - are members of the party “Ak Jol”, who were elected by means of voters’ meetings.

According to subparagraph “c”, of point 1, Article 12 of Election Code of the KR, election commissions can be dissolved by the Central Election Commission or the Court, if the terms of Article 11 were violated during composition of election commissions.

In Kadamjay district of Batken oblast, out of 54 representatives from SDPK, “Ata-Meken”, the party of Greens and “Uluu Birimdik”, 41 were able to become members of PEC. According to Atambaev’s authorized representative Bilalov, those people who became members of PECs are being persecuted and pressed by the local administration and the oblast department of the National Security Service led by the head of Kadamjai district administration. The pressing was stressed on the PEC members with a right to vote: Bubusara Torokulova (#116), Abdikarim Jeenbekov (#113), Buukan Nadirova (#119), Gul’jamal Abdieva (#121), Toichu Temirov (#120). Toichu Temiorv refused to be a member of PEC. He was threatened that he will not be allowed drive people, and that he will lose his land. He was also was threatened that his family will be moved out from the place they live. The representative Anvar Bilalov on June 22 appealed with this issue to Akim of Kadamjai District to Asamidin Tashev, but he did not manage to get support from him.

Given these facts, in forming the District, City and Precinct Election Commissions, there has been vast violation of paragraph 3, 4, 5, of point 5, Article 11 of the Election Code of KR. By interpreting electoral laws for their benefit, district and city election commissions used unlawful measures in conducting the drawing of lots and forming the composition. Comparative analysis shows that the representation of the party members from parties “Ak-Jol,” “Jany Kyrgyzstan” and the Party of Communists in election commissions is 10 times higher than the representation of SDPK, “Ata-Meken” and “Ak-Shumkar” parties.

- Due to threats and pressure set upon the representatives from the opposition parties SDPK, “Ata-Meken” and “Ak-Shumkar”, many people had no choice but leave election commissions.
- Parties SDPK and “Ata-Meken” got certain number of seats, but without any justification, they were given less seats than they had actually gained through drawing of lots.
- In many precinct election commissions, municipal and state officials were registered as temporarily unemployed: such as Issyk-Kul and Tashkumyr districts. In the lines of PEC #262 “Kyzyl-Alma” of Tashkumyr district, Abdukaimova T. and Torogulova M. were registered as unemployed, when in reality they are teachers of high school #11, which can be certified by an employment order #80 of 19.09.1995, and #30 of 10.09.2007. And this is not the only example of such cases.

**The procedure of forming precinct election commissions and analysis of its qualitative composition showed that there was widespread disregard for the requirements of Article 11 of Election Code of Kyrgyz Republic. The resulting composition of the electoral commissions raises doubts about the legitimacy of election.**

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## **Lists of Voters <sup>2</sup>**

On the basis of the Article 22, point 2 of the Election Code «On elections in the Kyrgyz Republic», citizens of the Kyrgyz Republic with an active voting right are included in the voter lists at polling stations on the day of elections, unless anything else was stipulated in the Electoral Code. However, while forming the voters' lists for elections of the President of the Kyrgyz Republic, numerous violations of the norms of Article 22 and 24 of the Code «On elections in the Kyrgyz Republic» took place.

In particular, in the PEC №131 of Kadamjay rayon, there were 1200 voters in the voters' list. Among them, 5 people died and 5 people left the country for permanent residence were registered in the main composition of the voters. Despite the fact that the head of the village council of Aydarken Kadirov J.B. asked the district administration of Kadamjay rayon to correct lists, PEC refused the request and returned the old list of voters. Similar facts were registered in Tash-Kumyr city. Thus, point 7 of the Article 24 of the Code «On elections in the Kyrgyz Republic» was violated. In the PEC № 3214, 3215, 3216 of Ton rayon in the voters' lists there were citizens included actually not living in the area; many students are registered in the village council, but in fact are in the cities. In these districts, there were 6 cases of violations of point 3. Article 22 of the Code «On elections in the Kyrgyz Republic» recorded.

In the PEC № 3063, 3064, 3065 of Tyup rayon in the lists there are voters who went outside the country or outside the district, and who are actually dead. The voters who voted in previous elections by a court decision are not also in the list. You can see updated lists of voters after the elections of deputies of the Jogorku Kenesh in 2007. To the question «What did you do when village district has provided you with an updated list of voters?» the chairman of the rayon election commission Kurmanaliev K. said: «Let them vote based on the old list or on additional lists». There were 6 violations of the paragraph 3 of Article 22 and paragraph 6 of Article 24 of the Electoral Code registered.

In the PEC № 2112, 2102, 2104 of Jalalabad city, many voters who have registered and reside in the electoral district were not included in the list. However, many citizens who are actually outside the country were included in the main list. There were 7 violations of the paragraph 3 of Article 22 of the Electoral Code «On elections in the Kyrgyz Republic» registered.

### **Examples of violations while forming the voters' lists:**

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<sup>2</sup> The rationale for the inclusion of citizens of Kyrgyzstan to the list of voters at a particular polling station is the fact that he resides in the territory of the polling station established by the Authority of the registration record of citizens of the Kyrgyz Republic at the place of stay and residence in the Kyrgyz Republic in accordance with the law regulating the right of citizens to freedom of movement, choice of place of stay and place of residence in the Kyrgyz Republic.

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- Inclusion of dead people in the lists of voters (these facts were recorded in many polling stations);
- Many voters who are registered to vote actually live and work in other communities (students, migrant workers, citizens in the summer pastures, etc.);
- Many voters who voted in previous elections by a court decision, has not yet included to the main list of voters. Thus, many citizens who have registered and actually residing in the respective polling stations, just not included in the voter's lists; and
- In many polling stations, despite the fact that village councils updated the lists of voters, rayon state administrations returned to the old lists of voters.

The Alliance of civic organizations is concerned about the lack of clear procedures for the organization of the voting of the electorate who are seasonally working in areas of summer pastures. The Alliance sent a letter to the Central Electoral Commission on this issue, then received the "response" (CEC № 03-1/13-584), explaining that the information on these categories of persons considered for the election of deputies of local keneshes. On questions about organization of voting for cattlemen in remote pastures the chairman of the PEC 5104 Tohtahunova B, as well as representatives of Batken Oblast Election Commission, were not able to answer.

### **Election Observers<sup>3</sup>**

To clarify the rights and duties of observers, the Central Election Commission has developed a visual aid (poster). After reading the content of the poster a number of contradictions were identified. The information contained in block 2 limits the legal rights of observers and do not correspond to the subparagraph «g», point 2 of Article 18 of the Code «On elections in the Kyrgyz Republic». In the second block of this poster it is indicated that the observer can be in a place where he «may see the entire voting process, without violating the secrecy of voting».

On the basis of the subparagraph «g», paragraph 2 of Article 18 of the Electoral Code, the observer has the right to: oversee the organization and conduct of the voting, the issuance of ballots, the counting the number of citizens, included in the lists of voters, the number of ballots issued to voters, canceled ballots. He has the right to observe the counting of votes at a distance and in an environment that fosters visibility contents of the ballots, and to familiarize himself with any completed or blank ballots in the counting of votes.

Thus, the rules of subparagraph «g», paragraph 4, Article 18 of the Electoral Code «On the Election in the KR» give observers the right not only to see the voting process of the electorate, but also *directly participate* in the learning about the preparation process and organization of voting and to make appropriate conclusions on the basis of information received.

In paragraph 7 of Block 5 of the poster indicates that the observer can appeal the decision and (or) action (inaction) of the PEC to a higher EC, the CEC or the court. Such a definition could

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<sup>3</sup> Monitoring and observation is the most important guarantee of free and fair elections. During any election campaign, monitoring and observations play a vital role in ensuring the credibility of the election results. Conducting honest and fair election virtually impossible, without proper monitoring of all stages of the electoral process, especially the final stage; the counting of votes, setting the results of voting and determining the results of the election.

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lead to misunderstandings regarding Litigation the decision and (or) action (inaction) of the PEC, as the information can be perceived in such a way that the observer and/or other participants in the electoral process have an alternative, whether appeal to the higher election commission or immediately directly to the court. In accordance with paragraph 6 of Article 54 of the Electoral Code «On the Election in the KR» the order is that the «preliminary appeal to the higher election commission is a prerequisite for appeal against the decision of the precinct election commissions. The decision of the higher election commission may be appealed to the CEC or the court».

This poster was released by the order of the CEC in the publishing Ltd «Iz-Basma» Bishkek city. Under the law of the KR, selection of the printing office is done on the basis of tender. The Alliance of civic organizations appealed to the CEC to provide information on what basis the printing house has been selected, in which publication information about the tender was indicated, how many organizations took part in the tender and whether the results of the tender were approved by the resolution of the CEC.

On p.30 in the note of the instructions for observers issued by the CEC contains abolished norms for timing of appeals in the court, the voting results and election results. Reference to paragraph 3, 4 of Article 54 of the Electoral Code «On the election in the KR» is not legitimate, since in April 29, 2009 the Constitutional Court declared unconstitutional norms in paragraph 3, 4 of Article 54 of the Electoral Code «On the election in the KR» and decided to terminate them. Accordingly, the Constitutional Court of the Kyrgyz Republic canceled three days to appeal against the outcome of the vote and requirements contained in the first point of paragraph 7 of Article 55, according to which timing for complaints were not subject to extension or renewal, and after 3 days the complaint were not taken. Currently, the time allowed for appeal against the results of the voting are regulated by the Civil Procedure Code, and constitute 10 days.

On the basis of the above mentioned remarks, the Alliance of civic organizations proposed to the Central Electoral Commission to change the contents of posters and instructions in accordance with the rules of the Code “On elections in the Kyrgyz Republic”

### **Analysis of the pre-election campaign**

Pre-election campaign in the new environment has become crucial; the success of candidates considerably depends on their campaigns. The guarantee of the equality of rights for the candidates for the post of President of Kyrgyz Republic during the pre-election campaign became to be prior necessity. Today, there are still many unresolved issues, conflicts and gaps in the regulation of the institution and ensuring the equality of rights of candidates and political parties during the campaign. Legislation of Kyrgyz Republic does not regulate the legal status of the current President of Kyrgyz Republic and does not fit the composition of his powers for the period of pre-election campaign. The absence of such law has created conditions for the gross violation of Article 28, point 2 and Article 30, point 13, p. 13 of the Code “On elections in Kyrgyz Republic”.

Despite the fact that Article 28, point 2 of the Code “On elections in Kyrgyz Republic” forbids candidates to take any advantages of their official or professional statuses in the election campaign, the incumbent President Bakiev Kurmanbek Salievich, the candidate for another term of

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Presidency recruits governors, representatives of local authorities (akims), state and municipal employees to work pro his campaign. He also uses financial, transport, communication and other expenses which are paid by state and municipal budgets.

In Batken the President was accompanied by Governor of Batken Province M. Dzhumabekov, Akims of Leilek, Batken, Kadamjai districts. In Susamyr valley he was accompanied by the Minister of Agriculture Iskenderbek Aidaraliev, the governor of Chui oblast B. Kumarov and other public officials. On June 28, the heads of the village council of Kochkor E. Zhumakadyrov on behalf of the Deputy Head of District Administration R. Adysheva placed billboards advertising the candidate K. S. Bakiev. The head of district administration of Kochkor ordered 11 rural governments to establish 11 yurts in the village of Bel-Semiz before K. Bakiev's arrival to Kochkor district.

These actions of the state and municipal services are gross violations of Article 30, point 13 of the Code "On the Election of Kyrgyz Republic", which says that: "the person at the state and municipal service has no right to hold any campaign pro any candidate while they are recruited in their job or duties, as well as they are not allowed to use state and municipal resources for one's campaign". On June 30 K. S. Bakiev has awarded nine Tax Service employees and six employees of Ministry of Emergency Situations with Certificates of Honor. The Chairman of the Tax Service A. Keldibekov awarded fifteen employees with the institutional medal. Fifteen persons were awarded with the title of "Honorary Doctor of Kyrgyz Republic", and twenty-seven people were given diplomas of gratitude of Kyrgyz Republic. Several farmers and farm managers have also been awarded in all areas of the country. Starting in May the entire staff of the Ministry of Internal Affairs had started to get increased salaries which became 2000 soms more than they were; but the duration of this increase +2000 soms to the existing salary is undetermined.

The Article 36, point 3 of the Election Code of Kyrgyz Republic states: "The candidates, their relatives, political parties, authorized representatives and proxies of candidates, political parties since the appointment of election are prohibited from bribing of voters, i.e. prohibited to pay them money, give gifts, and other wealth ..."

On June 30, 2009 at the stadium of Alai district K. Bakiev as the candidate met with voters, this meeting was accompanied by a free concert of well-known artists (Kumondor and Osmonov Kyrgyzbay); local self-governments organized the transportation of people from 42 village districts from the whole region.

On July 4 in Tashkumyr town K. Bakiev held a meeting with voters; the police cordoned off the four-party approaches to the square and let only those people who had an invitation from organizational committee of political party "Akjol". After the event, meeting organizers handed out free plov and ice-cream and also caps with a logo "Bakiev". The day before the event, the advertisement was spread all over the town which invited all people to visit square. According to the advertisement this event was supposed to be devoted to the celebration of the new company "Tash Kumyr Silicone Production" which provided free bus route Shamalduu-Sai village - Kyzyl-Alma village - Tashkumyr town with returning bus by the same route; this company also provided free caps.

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## **Abuse of Administrative Resources**

The analytical review conducted as part of the election campaign shows that local authorities violated statutory principles of impartiality and non-interference to the electoral process. During the stage of collecting signatures, teachers of schools were forced by Ak Jol to collect signatures in favor of Bakiev along with their passport data and their place of residence.

The pre-election campaign of candidates started on June 18<sup>th</sup>, 2009. According to the Article 28, Point 1 and Article 30, Point 8 of the Election Code, all candidates have equal rights. Government is obliged to guarantee equal rights for campaigning to all candidates and political parties. These articles are important to ensure honest, fair and genuine elections well as guarantees equal conditions to all candidates for their competitive conduct of their campaigns. These guarantees in turn do not let falsification of voting results and give timely and full information to citizens about election programs of candidates and political parties.

*Despite the direct prohibitions by the legislation of the Kyrgyz Republic, the abuse of administrative resources reached massive proportions.*

Governors, akims, and government officials openly have been taking part in the election campaign making their visits to the regions and persuading citizens to vote for the incumbent president. They have been conducting campaigns in educational and medical institutions. They have been intimidating leaders of the budgetary state institutions and organizations to participate in campaign activities involuntarily otherwise they will be fired from their work places.

Based on the reports of the Alliance observers, the Mayor of Cholponata - N. Nasirdinov and his Secretary E. Abdyldakanova have participated at the organizational meeting of the PEC #27, which is considered to be coarse violation of the Electoral Code (Article 9, Point 4).

According to the report of our observer, all heads of various institutions and enterprises of Leylekiy rayon are divided into different villages to conduct secret local campaigning. The chairman of the Council of Elders of the Leylekiy rayon, M. Zhoroiev informed that he has to work intensively because he, together with the head of the rayon administration busy with campaigning activities of Bakiev, which violates Article 9, Point 4.

The Alliance is concerned about the active involvement of oblast and rayon administration offices in the organization of meetings of the incumbent President with voters and their mobilization of workers of different agencies, business enterprises and students. For example, on June 20, 2009 candidate Bakiev had a meeting with voters in Jalalabat City, which was held at the city stadium. Local administration in violation of the Article 5, Point 4 has mobilized all the agencies and companies Jalalabat at this meeting. All workers of the budgetary structures and students were forced to take part in the meeting with the candidate Bakiev and buy entry tickets to the stadium.

In addition, to ensure the voter turnout during the Election Day in violation of approved curricula extended schedules of educational process in high school until the day of election days (Osh, Naryn, Bishkek, and Jalalabat). Students are not allowed to go to their holidays and their final



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exams postponed for the election period, which not only violates the Article 9, Point 4 of the Election Code but also the constitutional rights of students.

Alliance observers also noted cases of campaigning at the universities and pressure on students. University administrations forced students to get registered at the dormitories and collected 130 soms from each of them. (The Osh State University, the Osh State Juridical Institute, and the Kyrgyz State National University)

Observers of the Alliance have recorded facts of violation of rights of other candidates for Presidency. For instance, the administration of Isfana, in Batken oblast actively prevented Temir Sariev, the candidate from Ak Shumkar to meet with voters. Starting from June 23, 2009 head of the local administration ordered workers of the City Administration and the rayon administration to stop people from going to the meeting with Sariev.

Some candidates have been facing difficulties with putting their billboards up. According to the candidate Nazaraliev, the advertising agency Ugut (which belong to the city authorities) denied to provide places for putting billboards. In Bishkek, all of the places are available for only one candidate.

According to the information of the LTO from Talas, on June 18, 2009 at the entrance to the village Akzhar Tasharyk voting district of Talas rayon of the representatives of the police detained 50-60 people who were wearing T-shirts with a photo of Atambaev. They were not allowed to enter the Manas Ordo Historical Complex where Bakiev was meeting with voters. Policemen twisted their hands and took them to Talas Rayon Department of the Interior Affairs. They policemen did not explain them reasons of why they took them and why did they keep them until Bakiev's meeting with voters was over.

According to the detainees - Zheenalieva Roza and Suerkulov Almanbet, the policemen were from other rayon, which means that this event was prepared in advance. Representatives of the Department of Interior Affairs drew up a report regarding this incident and without letting the detainees get acquainted with it, forced them to sign it. Policemen also warned them and told that if they ever try participating in political movements they will be detained even for a longer period of time.

## **Mass Media**

As a result of monitoring the media, one of the distinguishing features of the electoral campaign of presidential elections is the extensive use of state media in favor of one candidate: Bakiev. On the national television, which is the only television covering the entire country, the current president, and the candidate Bakiev received 80% ( 4545 seconds) of airtime, J.Nazaraliev-7% (368 seconds), N. Motuev - 4% (200 seconds), T. Umetalieva - 3% (171 seconds), opposition candidate A. Atambaev - 3% (184 seconds), T. Sariev - 3% (171 seconds) Moreover, long before the start of the campaign agitations, television started showing open agitation message programs in favor of the candidate K. Bakiev. For example, on June 20<sup>th</sup>, there was a special broadcast on the working visit of the Head of State Bakiev in Osh, where the frames have been used with slogans in support of the incumbent president in the upcoming elections.

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CEC claimed this situation to be as a pre-date campaign agitation of the candidate Bakiev; however, they have not taken any action, further allowing the candidate Bakiev to constantly abuse the public channel usage.

“EITR”: Only during the first week of campaigning, in their news reports about elections, Bakiev was given 1319 seconds. Candidate Bakiev’s air time, not including his airtime as a president, was 5032 seconds. Since then, he has got, 96% (6046 seconds), A. Atambaev 1% (70 seconds), J.Nazaraliev 1% (83 seconds) T. Sariev 1% (45 seconds) T. Umetalieva 1% (46 seconds), N. Motuev 0% (26 seconds).

Thus, the actions of the National Television and EITR grossly violated the point 16 of Article 30 of Election Code of the KR, which states that “the founders of the media, which are public authorities and local governments, which are funded wholly or partly at the expense of the republican and local budget are required to provide the candidates, political parties equal opportunities to conduct pre-election campaign.”

### **Obstacles faced by the Opposition Candidates**

On July 3, Atambaev had a meeting with voters of Cholpon-Ata city. 400-450 people came to the meeting amongst them the head of Bostery local administration Uchkurtaev Z. and his deputy Tolonov M. were attending. Interrupting the speech of the candidate, they started shouting out questions and a clash happened, but representatives of law enforcement has not reacted to it, and the voters pushed them aside, demanding not to disturb the meeting. Also 40-50 sport type of young guys posed a threat staying aside and negotiating with representatives of “Ak-Jol” party.

On July 5, Atambaev had a meeting with voters in Bozuchuk village of Issyk-Kul oblast. Before the meeting the head of district administration Irsalieva Gulnara together with representatives of district administration were sabotaging the meeting, shouting “Atambaev must leave, Bakiev should stay!” The head of local government Kupeshov, ordered his subordinates to disrupt the meeting and expel Atambaev. After that workers of rural administration started taking out inhabitants by one from the meeting. After the meeting, workers of the Motor Vehicle Inspectorate of Aksuu region stopped the buses with people, who came from the remote areas of Ak-Suu region for meeting with candidate and put the buses to the penalty parking, in the result people had to walk back dozens of kilometers to their homes.

Temir Sariev, leader of Ak-Shumkar party, and his campaign team express extreme outrage to actions of the following local government bodies of Tash-Kumyr city in Jalalabad oblast: Tash Kumyr city administration, National Security Service (herein after NSS) and Tash-Kumyr city department of financial police. On July 7, Temir Sariev has conducted the pre-election agitation in Jalalabad oblast. After the meeting with voters, at 9 p.m. agitation team was given accommodation in the private house of Niazaliev Maksat, citizen of Tash-Kumyr, 18, Frunze st. At the same time officials from the place of his work, representatives of Tash-Kumyr city administration, NSS, financial police started calling with demand to put out from home T. Sariev and his collaborator. The owner of the house was intimidated by threats; the house was surrounded with suspicious vehicles, which from time to time were leaving and coming back again. In the house very intense, negative conditions were arising. Scared relatives of the house owner were calling

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and asking persistently the candidate to leave the house. At about 11 p.m. the agitation team left the house at night staying without accommodation and sleep and was forced to go to Aksy region.

Even before the campaign period, the Alliance asked the CEC to take effective measures to avoid arrest of agitators, conducting meetings with voters, as it was during the elections of 2008. The CEC has not taken effective measures. The inaction of the CEC to ensure equal conditions for candidates has resulted in the incident.

On July 14, Leninsky district court of Bishkek sentenced to 15 days of the arrest two trustees of presidential candidate A. Atambaev, B. Kalpetov and M. Toktoshev, who were accused of rioting during the meeting of the candidate with the voters near the commercial market «Bereket» in Bishkek. The defense argues that a group of women, pre-prepared by the authorities provoked the conflict, but those who were found guilty only tried to prevent it. The court condemned the trustees of Atambaev A. despite the fact that even before the campaign the Alliance had requested the CEC to take effective measures to avoid arrest of agitators, conducting meetings with voters, as recorded in the previous local elections, the CEC, however, has not taken any action. The inaction of the CEC to ensure equal conditions for candidates has led to repeat the situation of violation of rights of rights of citizens for freedom to conduct campaign events with voters, which is guaranteed by the Article 34 of the Electoral Code “On Elections in the Kyrgyz Republic.”

Employees of the MIA of the Leninsky rayon of Bishkek city violated a number of articles of the Electoral Code and thus the right of voters to obtain information about a candidate. The conclusion on the arrests is: employees of the MIA of the Leninsky rayon of Bishkek city violated a number of articles of the Electoral Code and thus the right of voters to obtain information about a candidate.

### **Evidence of Pressure and Intimidation**

During the formation of precinct election commissions, observers of Alliance reported numerous cases of refusal of the registered membership of PEC. They noted facts of the intimidation and pressure, as on the candidates and on the members of precinct election commissions from law enforcement officials, representatives of local authorities and criminals. 48 candidates of Issyk-Kul Oblast out of 144 refused to work in PEC from SDPK at last moment.

The head of Bozterinskiy Rural Administration Z. Uchkurkaev invited PEC member Ryskan Bayzakova and said that Bakiev will become a President anyways, so if she would not write the denial of membership, she will be included into blacklist. R. Bayzakova wrote her denial in membership of the Precinct Electoral Commission.

25.06.2009 in Jety-Oguz rayon Kabak village, the representative of aiyl okmotu together with the deputy of the local Kenesh B. Bunebaeva came to women agitators, Kyzaeva K., Z. Koleeva, M. Abdraimova, of the candidate A. Atambaev, and they required the agitators to withdraw from agitation and demanded to stop work at the campaign office. In doing so, they threatened the women in the event of a refusal to throw them a drug-anasha and hand over to police and destroy

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them.

In the morning of 26.06.2009 the precinct police officer of Jety-Oguz Abdraimov Yntymak came home to Kyzaeva Clara, searched the house and threatened her children.

Aiyl okmotu (Village Council) also put pressure as well. Ainagul Janboeva, the executive Secretary in Bosteri village came home to Malaeva Irina and threatened her to cause problems with the registration of the pension, due to pressure Malaeva renounced her membership of the PEC. A. Janboeva also invited Matkerimova Irina, the member of PEC and said her that she “will sing their song and dance to their tune”.

The same facts have occurred in the Ton area of Issyk-Kul Oblast, but 70 teachers in the local rayon state administration was able to defend a member of the REC from SDPK, who was threatened with dismissal.

There were also pressures on the candidate in precinct election commissions by unknown people. Two guys went to candidates for membership in the PEC Dadajanova F.A and Kasabekova J.K., made them to get into the car and were forced to write statements of conscientious renounce to serve as members of the local election commission, these women were threatened that their cases are in State Committee of National Security, and they renounced their membership. After such threats in just one village Bosteri, 6 persons: from the party “Uluu birimdik” - Kasabekova J., Chokmorova G., Malaeva I.; from the Socialist Party “Ata Meken” - Dadajanova F., Isaliev S., Ibraeva Z. refused from their membership of the precinct election commission.

According to our observers in Leylek District candidates in the PEC from the opposition parties also refused to participate in the drawing of lots. Similar cases have occurred, both in the northern regions of the country and in the south ones.

**These actions represent unprecedented pressure on participants in the electoral process, which may raise doubts as to the legitimacy of the election and its outcome.**

According to human rights defender Akunov Kalybek, on July 14 GKNB officer of Naryn oblast Karataev Aden called him, the Director of Public Foundation “Bektemir Akun,” and invited him to the office, when Akunov requested agenda, he appointed a meeting at the local Philharmonic in a neutral territory. He then asked the following questions: How long have you been involved in politics? Which party do you belong to? In the case of riots after the presidential election, will you participate in them? (unofficial translation). Previously, they did not know each other.

According to long-term observer of Bishkek, Abdylbaeva Nargiz, she was invited to the Human Resources Department by her place of work (Institute named after Arabaev). There she waited by an employee of GKNB: Akun Erkin Tolupbekovich business card number 01451. He asked such questions as where does she from and what does she do for now. Then the employee of GKNB warned Abdylbaeva that if after the elections there will be riots, demonstrations, she will be the first in the list of suspects. This kind of bullying of Kyrgyz people is happening everywhere by the officials of GKNB. In particular, they are trying to assert illegal influence on young people.

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On July 16, while observing early voting, a group of people from rayon akimiat with the colonel of militia, who refused to tell his name, put physical pressure on the observer from the Alliance of Civic Organizations Nazgul Keldibekova. The events were happening before the eyes of voters. One of the observers from the Alliance met in the corridor the chairman of DEC, which, together with the head rayon administration, gave the order to move voting on the fourth floor. At that time, Nazgul Keldibekova was taping violations on her digital camera. An unknown man pulled the camera from Nazgul and dragged her by the hair. Another observer Djurabaeva G. hurried to her defense. The man gave the order to detain all observers. Militia men who were near did not introduce themselves and led observers to the first floor to the premises of the headquarters of «Ak Job», accompanied by swearing and threats. They took the observers phones, looked over personal belongings, and photographs in the bags of women. They kept the observers locked up for about an hour until human rights activists and international observers came. The militia people did not return the camera to the owner.

### **Interference with the activities of election commissions<sup>4</sup>**

On July 3<sup>rd</sup>, at 13:00, a long-term observer of the Alliance has witnessed the meeting of the chairmen and secretaries of district election commissions of Sverdlovsk district of Bishkek, conducted at the conference room in Pervomaysky rayon state administration, under the chairmanship of vice-mayor of Bishkek Zamira Bekboeva and Deputy Head of State Administration Krasnikova; also according to the information of the long-term observer, a similar event with the chairmen and secretaries of district election commissions of Pervomaisky district is scheduled for 14:00 hours. An independent observer of the Alliance, without reason, was removed from the conference hall, and international observer from OSCE Kahe Inaishvili was refused to participate in this event.

Early voting is currently taking place at district election commissions; this opportunity was used not only by the ordinary citizens that have a right to do it in certain circumstances, but also illegally by employees of such public establishments as:

- “Kyrgyztelekom” (National Telecommunication),
- “Kyrgyztemirjolu” (Kyrgyz Railroads),
- Medical establishments,
- Bishkek city Central Heating
- Kyrgyz mail services
- Employees of the mobile phone services “Katel, and other similar establishments (point 1 Article 41).

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<sup>4</sup>According to the Article 9, point 3, of the Election Code, the legal status of election commissions is stated by the Constitution of Kyrgyz Republic, Law on CEC, Election Code of KR. During Elections preparations and conduction election commissions are independent from state and municipal authorities within the range of their competency. Interference from the side of state and municipal authorities to the work of election commissions is not allowed

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Moreover, these employees came to the early voting along with their bosses, who control every employee's vote. Many voters then said that their bosses will get the information about their voting from the CEC. Hereby, observers have witnessed such violations as:

- The ballots did not have the stamps of the election commissions (point 9, Article 39).
- The number of early voters and ballots distributed to them was not announced; the chairman of the Sverdlovskiy district commission ignored the claim of the observers to voice the number of ballots (point 2, Article 41).
- The voting was held with the main list of voters. The list for the early voters was not composed.
- There were cases of voters voting with the photocopies of their passports or with driver's licenses, which can be used only for the main list of voting on the day of actual voting.
- There was no specific place provided for voting; people were wandering around with the ballots in their hands; there were no seats, even no benches provided for voters to sit, so the everybody waited in long lines. The room was crowded, some voters stayed in the room for almost 4-5 hours; voters said that they had been sent to vote by their supervisors, although they didn't want to vote – their supervisors said that the CEC will send them information whether or not their employees voted (point 4 and 2, Article 37).
- Military servants and employees from the Ministry of Internal Affairs complained at the bad preparation of the early voting and at not providing the opportunity of secret voting. Voters got the ballots not at the place of marking the early voters, but they were distributed at a common crowded table, which wasn't enclosed, where they had to mark their choice (Article 6).
- In Sverdlovskiy district Akimiat (administration) there was presented an order of the Minister of Health №119 of 07.07.09, and the order of the Medical Insurance Fund head №479 of 29.06.09, which had nothing to do with voting.

One of the most egregious violations of early voting is that the some voting was organized by many employees of Akimiats (administrations) along with their supervisors from the district administration. In particular, the head of the Sverdlovskiy district administration Ch. Chilebaeva, who regulated all of the medical servants and gave recommendations to the chair of the Sverdlovskiy district election commission G. Umetalieva.

Based on the above violations, the Alliance of Civic Organizations thinks that the votes gained by big violations of the Election Code are illegitimate (point 4, Article 46), and claims the Central Election Commission to annul the results of the early voting of 15, 16 and 17 of July, 2009, and call to responsibility the election commission heads that violated the Election Code of KR.

The National Guard, Convoy services, military men from Bishkek military units, and the law enforcement agencies had to vote with presence of their Ministry orders, in case if on the 23<sup>rd</sup> of July they will be changing their place of dislocation or working the whole day. However, the request of the long-term observers to show the Ministry orders was rejected by the election commission chairmen. However, they kept saying that they came to vote on their own decision, but later one of the officers, in a private talk with an observer, confessed they had been forced and added that he has very little money left till his retirement, and he doesn't want to risk it all by voting for a preferable candidate.

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**The Alliance of Civic Organizations evaluates these facts as the unlawful interference of government and local administration in the activities of independent election commissions**

**The organizing and conduct of the election campaign was carried out with vast violations of the Election Code of KR, and it did not conform to international standards and the international commitments of Kyrgyzstan.**

## **Recommendations**

### **To the President of Kyrgyzstan:**

- to demonstrate the political will and require all participants of the electoral process steady compliance with the Constitution and electoral legislation during the presidential election

### **To Central Election Commission:**

In order to increase confidence in the work of the CEC and the election commissions and the institution of elections as one of the fundamental principles of democracy in general, the Alliance of Civil Organizations recommends:

- To adhere strictly to the Election Code of the Kyrgyz Republic and other legislative acts regulating the electoral process
- To take strict measures against violators of the Electoral Code, identified in this report
- To ensure the independence of election commissions and to take actions against those officials in the Report, who interfered in the work of election commissions.
- To evaluate actions of the presidential candidate Bakiev, who is using administrative resources to conduct his campaign in violation of s.p.1 and 2 Art.28 of the Electoral Code
- To take measures against the state media as the main body responsible for organizing the electoral process who do not meet the requirements of the Electoral Code in part to ensure equal conditions for all candidates and give them equal air time and print space
- To develop and approve a document that defines a single procedure for obtaining ballot of absentee and ensure the uniform application of it
- To provide information on measures taken in respect of the representatives of election commissions for violating the approved procedure for the draw (chairpersons of Jungal-skii REC, Alamedin REC, Osh CEC, and REC of Lenin rayon of Bishkek city), as well as measures in respect of Chairpersons of Bakai-Ata and Talas RECs, who unreasonably refused to accept documents from candidates for the election commission on made-up pretexts;
- To ensure adequate publication of compositions of precinct election commissions, including information on the subjects of the nomination, the ground work and party affiliation of the committee members
- To cancel the results of early voting in Bishkek city RECs

### **To Minister of Internal Affairs, the Prosecutor General, and the Chairman of the Supreme Court**

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In accordance with the Election Code, the members of internal affairs bodies have no right to interfere in the electoral process. However, in violation of the requirements of the Election Code our observers have recorded numerous violations everywhere. The Alliance of Civic Organizations in connection with the findings demands:

- To take actions against members of law enforcement agencies and local governments who do not meet the requirements of the Electoral Code, in part to ensure equal conditions and security of the campaign events for all candidates and does not effectively counter the provocative actions of individual citizens (against Lenin rayon RDIA of Bishkek city, in which women - provocateurs attacked agitators of the candidate for the Presidency of the KR)
- To take action in respect of Sverdlovsk RDIA, which took part in the incident on 16.07.09 at about 16.00 in the Sverdlovsk rayon state administration associated with threatening and robbery of the observers from the Alliance by militia members.
- To identify and make arrangements for staff members on polling day;
- To ensure equal security on meetings with voters of candidates for the post of President of the KR
- To take measures with respect to the representative of Bostery village administration Z.Uchkurkaeva, who intimidated PEC member Baizakova by enforcing her to withdraw from election commission membership;
- To take measures against the Secretary A. Janboeva from Bozteri village, who intimidated members of the PEC Malaeva I. and Matkerimova I;
- To take action against the Chief of Regional Department of Internal Affairs of Talas Oblast in regard with abuse of power and interference in the electoral process, in violation of Article 9, point 4 of the Electoral Code;
- To take action against the Chief of Rayon State Administration of Isfan city, who actively disturbed the candidate meeting of T.Sariev with voters.
- To report on the measures taken.

**To the Chairman of GKNB:**

- To report on the measures taken against the staff of GKNB, who pressured and threatened human right defenders, independent observers and commission members from opposition parties, as well as against those who were impeding the agitation process



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**The Alliance for Civic Organizations for Voter’s Rights**  
**“IT IS TIME FOR MY CHOICE!”**

*The Alliance of Civic Organizations for Voters’ Rights “It Is Time for MY Choice!” (hereafter referred to as the Alliance) is a public and politically impartial union of six non-governmental organizations,, which was created for the purpose of carrying out a joint nationwide civic education campaign to raise electoral awareness of citizens and to conduct independent monitoring of all stages of any elections in Kyrgyzstan.*

**Members of the Alliance:**

- Ø *The Association of Civil Society Support Centers (ACSSC);*
- Ø *Human Rights Protecting Center “Citizens against Corruption” (CAC);*
- Ø *International Center “Interbilim” (Interbilim);*
- Ø *Public Union “Coalition for Democracy and Civil Society” (Coalition);*
- Ø *Association “Taza Shailoo” (Taza Shailoo);*
- Ø *Public Union “Shoola Kol” (Shoola Kol).*

**Main objectives of the Alliance:**

- Ø *Conducting joint information campaigns to increase the civic activism of voters and their participation in electoral process;*
- Ø *Civic education of voters;*
- Ø *Long-term and Short-term independent monitoring of elections;*
- Ø *Leading electoral disputes in courts to protect voters’ rights;*
- Ø *Development of recommendations on improving the electoral process in Kyrgyzstan.*

**Final goals of the Alliance:**

- Ø *Increasing legal awareness of participants of the electoral process*
- Ø *Promoting the idea that elections are one of the main attributes of building a genuine democracy that truly guarantees the rule of people;*
- Ø *Advancing the electoral system in Kyrgyzstan.*

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