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STATEMENT OF THE NATIONAL DEMOCRATIC INSTITUTE (NDI) INTERNATIONAL ELECTION OBSERVER DELEGATION TO KYRGYZSTAN'S OCTOBER 29, 2000 PRESIDENTIAL ELECTION

Bishkek, October 31, 2000

This statement is offered by the international election delegation organized by the National Democratic Institute for International Affairs (NDI), to observe the October 29, 2000 presidential election in the Kyrgyz Republic. The statement is preliminary in nature as official results are not required to be published for 30 days, and the deadline for filing electoral complaints has not yet passed. NDI will continue to monitor the post-election situation and may provide further comments at a later date.

I. SUMMARY OF FINDINGS AND OBSERVATIONS

The October 2000 presidential election process failed to break a cycle of troubled elections in the Kyrgyz Republic. Serious flaws in the pre-election period and on election day meant that the overall electoral process fell short of international standards for democratic elections. The elections also failed to comply with the OSCE commitments to which the Kyrgyz government voluntarily agreed. Despite an adequate electoral framework and competent administrative preparedness, patterns of state-led interference and political harassment suggest an absence of political will on the part of the government to ensure that Kyrgyz citizens have the opportunity to participate in free and fair elections. In particular:

- The pre-election environment was marred by politically-motivated prosecutions and a highly questionable linguistic test for candidates that limited political choice for the voters; media groups were either intimidated or judicially or administratively prevented from covering the candidacy of opposition candidates; and civil society organizations dedicated to monitoring the electoral process were harassed and intimidated.
- Election day irregularities included substantial evidence of forged signatures on voter registries, early voting, proxy voting, ballot stuffing, campaigning during polling, and improper counting and tabulation.
- Government officials improperly interfered in the electoral process throughout the country. Numerous incidents were reported of state officials bribing or intimidating voters, particularly students; posing as non-partisan election observers; and directing polling officials both inside and outside polling stations.
- Domestic monitors of the Coalition of NGOs for Democracy and Civil Society were denied access to many polling places because of a declaration by the Central Election Commission (CEC) on the eve of the election that they were not a legally registered NGO. As a result, some Coalition monitors, even those accredited under other NGOs, were intimidated and threatened with arrest.

- Confidence in the impartial administration of the elections has been compromised by politically-motivated rulings and statements issued by the CEC, and the conduct of subordinate election commissions.

The delegation based its assessment on accepted international standards for impartial election observation and in accordance with Kyrgyz law. NDI did not seek to supervise the elections or to certify them, and did not seek to interfere in the election process. Ultimately, the people of Kyrgyzstan will determine the meaning and validity of the election and the processes that surround it.

II. THE DELEGATION AND ITS WORK

NDI is a nongovernmental organization that supports democratic processes worldwide. The Institute has conducted impartial pre-election, election-day, and post-election assessments in more than 50 countries in central and eastern Europe, Eurasia, and around the globe. The mandate of the delegation was to demonstrate the international community's interest in and support for a democratic election process in the Kyrgyz Republic; learn from the Kyrgyz people about the nature of the election process and its implications for the future development of Kyrgyzstan's democratization; and provide an impartial and accurate report of the election proceedings.

The delegation was led by Kenneth Melley, a member of the Executive Committee of NDI's Board of Directors, and included 33 observers from Armenia, Turkish Republic of Northern Cyprus, Georgia, Ireland, Israel, Turkey, Ukraine, and the United States. The members of the delegation have participated in numerous election assessments and observer delegations around the world, and several participated in NDI pre-election assessment delegations to the Kyrgyz Republic in February and September 2000.

The delegation visited the Kyrgyz Republic from October 25th until October 31st, 2000, and met with presidential candidate Melis Eshimkanov and representatives of candidates Askar Akaev, Almazbek Atambaev, Omurbek Tekebaev and Tursunbek Akunov; other political leaders including Felix Kulov; representatives of the government and the Central Election Commission (CEC); journalists; civic leaders; and representatives of the international community. The delegation cooperated with the election observer delegations organized by the Organization for Security and Cooperation in Europe (OSCE) Office of Democratic Initiatives and Human Rights (ODIHR) and with Kyrgyz non-partisan election monitoring organizations working together under the umbrella of the Coalition of NGOs for Democracy and Civil Society.

On October 27, the delegation deployed 18 teams across the country to seven regions, including Bishkek city, Chui, Talas, Naryn, Issyk-kul, Osh, and Jalal-Abad. Each team met with local governmental and electoral officials, representatives of candidates and political parties, and civic leaders. Cumulatively, the delegation observed the voting process in more than 180 polling stations, watched the vote count in selected precincts, and monitored activities in the *rayon* and *oblast* election commissions before reconvening yesterday in Bishkek to prepare this statement.

III. INTERNATIONAL STANDARDS FOR DEMOCRATIC ELECTIONS

The delegation considered international standards for democratic elections and internationally accepted practices in its assessment of these elections. These standards are based on the proposition set forth in the Universal Declaration of Human Rights (Article 21.3) that "the will of the people shall be the basis of the authority of government. This will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote..."

The Constitution of the Kyrgyz Republic, as well as the electoral code and related laws, includes guarantees for democratic elections and the protection of civil and political rights. Articles 1, 8, 15, 16, and

36, among others, protect citizens' rights. These protections are reinforced by the Kyrgyz Republic's commitments as a member of the OSCE, and as a signatory to the International Covenant on Civil and Political Rights (ICCPR).

IV. THE PRE-ELECTION PERIOD

The conditions leading up to the presidential election are an important element in understanding the context of the election, and the delegation was briefed on these events by a wide range of speakers. The Kyrgyz Republic has experienced a series of troubled elections, including the October 1998 referendum, the October 1999 local elections, and the February and March 2000 parliamentary elections which the OSCE/ODIHR found to have "failed to comply with OSCE commitments." The overall political environment has been marked by a high degree of polarization and a lack of public confidence in the election process. Public protests following the parliamentary elections offer clear evidence of increasing popular discontent with sub-standard electoral practices.

To overcome public disenchantment and regain the confidence of Kyrgyz citizens in the electoral process, it was critically important that the government and electoral authorities ensure that the right of participation in genuine elections would be respected. However, attempts to address problems in the political process after the parliamentary elections, specifically through a government-initiated roundtable discussion with political parties and civic groups, failed. Recommendations made by domestic and international organizations, including OSCE and NDI, before and during the entire year's elections, as well as further commitments made by President Akaev were not implemented before the presidential elections. The most serious pre-election problems included:

Violations of the Right of Assembly. A 1988 Soviet-era decree restricting freedom of assembly was employed in the parliamentary election period to prevent political meetings and was used repeatedly in the period directly prior to the presidential election to restrict the campaigns of opposition candidates.

Violations of Free Speech. In the months preceding the presidential election, there was a marked decrease of political expression in both the print and broadcast media. Pressure from government authorities on publicly and privately-owned media was extensive. Court cases were brought against independent newspapers (*Asaba*, *Res Publica*, *Delo Nomer*) by individuals close to the government, resulting in judgments against two of the three papers. *Pyramida* television was pressured to orient its news coverage in ways that favored the government, and to cancel its political debate program, *Nashe Vremya*. Government pressure led several television stations to refuse political advertisements from opponents of the incumbent president, and state-sponsored media showed a clear bias favoring the incumbent and restricting coverage of his opponents, as evidenced by the OSCE media monitoring report and other media monitoring projects. In many cases, campaign posters and billboards promoting some opposition candidates were banned through government actions.

Violations by Election Officials. The impartiality of election administration was undermined by interference of the government during the pre-electoral process and resulted in a lack of confidence among political contestants and voters. Rulings by the CEC appear to have been politically motivated, such as the CEC's decision to censor paid political advertisements on television for opposition candidates. This, along with the location of the CEC headquarters in the White House and the location of lower election commissions in *rayon* and *oblast* government buildings, reinforced suspicions that election-related decisions were neither impartial nor independent. While the current election law provides for the possibility of balanced representation on election commissions at all levels, in practice, they were dominated by state sector employees whose independence can easily be compromised.

Barriers to Candidacy. During the pre-election period, the government implemented two barriers to candidacy that reduced the number and diversity of candidates.

(1) Linguistic Competence. The introduction of a Kyrgyz language examination for qualification of a presidential candidate – and the manner in which that requirement was implemented – appears to have violated the right of citizens to stand for public office. The Constitution requires that the President have command of the state language, but neither the Constitution nor the election law specifies how that competence should be measured. The Linguistic Commission established by the CEC failed seven candidates, several of whom were native Kyrgyz speakers, while passing the incumbent with the highest score possible. Two other candidates were disqualified after refusing to take the test. Testing standards were neither uniform nor public, and this subjective process fostered speculation that the testing and its results were politically motivated.

(2) Legal Proceedings. Several legal proceedings with apparently political timing prevented some prospective candidates from participating in the elections. One such candidate was eliminated from the race in June after being convicted of a questionable four-year old offense, which made him ineligible under the election law. Another was tried and acquitted of charges of abuse of power this August, and is currently being re-tried for the same offense.

Violations of Free Association. The Coalition of NGOs for Democracy and Civil Society, which became increasingly active during the recent parliamentary elections, was harassed and intimidated during the pre-election period. Politically-timed judicial proceedings, threats of arrest from the City and General Prosecutors and rulings from the Ministry of Justice and the CEC questioning the Coalition of NGO's legal status, not only limited the Coalition's capacity to work, but also created an atmosphere of intimidation that adversely affected the presidential campaign. The Kyrgyz Committee on Human Rights was harassed by police and other government officials during the election period between the parliamentary and presidential elections. Its director remains outside the country because he fears arrest if he returns.

Pressure on State Employees. Pressure and intimidation of state employees, including bureaucrats, teachers, and doctors, was widely reported to NDI. Some employees were ordered to contribute to the incumbent's campaign fund. University officials were pressured to deliver student votes for the president and to watch for signs of students' support for opposition candidates.

V. ELECTION DAY PROCESSES

The delegation was warmly welcomed at many polling stations throughout the country and was impressed by the dedication of many electoral officials. Polling officials worked long hours, maintained professionalism, and in many cases conducted the voting process, the count and protocol correctly. However, the delegation also witnessed a wide variety of electoral abuses including state interference in the election process; intimidation of voters, state employees and election observers; significant violation of electoral processes; and deliberate exclusion of domestic monitors from polling stations. Some of these deficiencies are related to a need for additional training of polling officials. Many of these actions, however, are attributable to corruption in the presidential election that seriously compromised electoral processes in the Kyrgyz Republic.

Improper Interference of State Authorities – NDI received numerous credible reports of bribery and the intimidation of voters during the pre-election period, and was therefore particularly concerned about the activities of government officials on election day.

Polling station environment. Most NDI observer teams noted the presence of representatives of local or national government, collective farm chairmen and security forces at most polling places. Although Kyrgyz law requires local government to assist precinct election commissioners with logistics, the constant presence of officials engaged in conversation with voters and election commissioners, and the presence of militia members at close proximity to the ballot boxes, raised questions about the impartiality of the polling stations environment.

Vote buying. In an egregious instance of direct interference, a man who identified himself as a representative of the “White House” and who showed an identification card from the *oblast* government, approached young people outside a polling place in Talas city. With two colleagues, he distributed passports to the group and urged them to vote, signing their names on the list of additional voters. An observer then saw the same voters returning the passports to the government official and receiving money.

Voter intimidation. NDI observers saw Jalal-Abad State University students uniformly inserting their ballots unfolded into the box. The students told the observers that their professors had told them to do so, thus making their choices visible to university officials who were stationed behind the box tallying votes. In Bishkek, NDI observers saw faculty members outside polling places waiting for students who had been summoned to vote in groups. In Jalal-Abad, a team witnessed students registering with a reported university official before voting. In Kara Balta, the chairwoman of the election commission instructed voters not to fold their ballots and watched as voters deposited them in the ballot box.

Discrepancies and Forgeries – Observer teams witnessed significant discrepancies between the number of signatures of voters and the number of ballots cast.

Discrepancies in numbers. Observer teams in Susak, Osh, Jalal-Abad, and Kara Suu noticed discrepancies of up to several hundred votes between the number of signatures on the voter list and the ballots in the boxes. Observers in Susak pointed out that there were far fewer signatures than ballots, election commission members both rushed in people to sign the lists and began hurriedly signing the lists themselves. In another Jalal-Abad polling station, observers were denied access to the lists in violation of the law, once they began to complain of discrepancies in the numbers.

Forgeries. Several observer teams noticed multiple signatures on voter lists written in the same hand. In Karakol, observers saw what appeared to be forged signatures on lists in university districts. They were told that student’s passports had previously been taken by school authorities.

Illegal Voting – Observer teams witnessed some incidents of ballot stuffing and of voting without proper identification.

Illegal ballots. In Bishkek, observers saw 700 ballots already marked for the incumbent which had been discovered in one ballot box before the polls opened. In Osh, observers suspected that ballot papers had been similarly placed in a box when they found large numbers of unfolded ballots in the box. With the help of a commissioner, an NDI observer demonstrated that it would have been impossible for voters to fit unfolded ballots into this particular box.

Proxy voting. In Aravan, observers not only noticed “proxy voting”, where one person registers and votes for another, often a member of the same family, at most stations, but the election commissioner reminded voters engaged in this practice to do so out of sight of international observers. In one Kyzyl-Adyr polling station, commissioners advised 60-70 people waiting to vote without proper identification to wait to do so until international observers departed. Less serious

cases of ballot box stuffing, family voting and voting without identification in other *oblasts* also occurred.

Compromising the Rights of Election Observers -- Despite legal guarantees to ensure systematic election observation, NDI teams noted several serious violations of observers' rights under the election law.

Restrictions on election observers. Although many precinct election commissions accommodated observers, some teams encountered significant problems. In clear violation of the law, domestic and international observers were often instructed to sit at a distance from voting or counting processes, making it impossible for them to observe accurately. NDI is particularly concerned about a CEC email that instructed local commissions to prevent some monitors from observing the process of entering votes into the computer at *rayon* election commissions. In Bishkek, Jalal-Abad, and Osh international observers were not able to watch this critical step, despite provisions in the electoral code granting observers full access to all stages of the process.

Access to polling stations. Many domestic observers were denied access to polling stations although they had accreditation from properly registered NGOs. The CEC instructed local officials to deny entry to observers from the Coalition of NGOs for Democracy and Civil Society, and issued a permissive clarification too late to reach all precinct commissions. As a result, non-partisan monitors were unable to observe early voting and in some instances, were prohibited from polling stations for the entire day.

Early Voting and Inflated Voting Figures – Observers noted significant early voting. In the Talas *oblast*, observers noted many precincts where the total of votes cast by voters who voted early ranged between seven and fifteen percent, a figure that is highly unlikely under normal circumstances. In Bazar Korgan, in nine precincts, a total of more than one thousand voters voted early. Observers also noted suspect figures for very high voter participation rates. For example, in Kara-Balta, in the last two hours of the precinct's opening, more than 700 voters were alleged to have voted – an average of one voter processed every ten seconds.

Campaigning During Polling – Although the election law prohibits campaigning on election day, campaigning on behalf of the incumbent – both inside and outside polling stations – was widely observed. Specific incidents included village leaders leading prayers for the president's success outside polling places throughout the Bazar Korgan and teachers advocating for Akaev outside precincts in Aravan. In approximately eight out ten precincts visited by one observer team in Kyzyl-Adir, campaigning for the incumbent took place outside the polling station.

Improper Counting and Tabulation – Many precinct commissions worked diligently to conduct the count according to law. However, NDI observer teams noted several instances in which protocols were changed at the *rayon* election commissions.

In Kara Balta, a precinct chairman told the other commissioners to use pencil because the protocols would need to be changed at the *rayon* level. Officials were then observed delivering the protocol to the *rayon* office marked in pencil.

Observers in Jalal-Abad saw blank signed protocols delivered to the *rayon* commission, and numbers erased with "white out". In Naryn, Osh and other *oblasts*, protocols were written in pencil and openly changed at the *rayon* level. In many of these cases *rayon* commissioners could have been correcting arithmetic mistakes; however, tampering with protocols for any reason, facilitates the most serious form of election fraud. This further underscores the importance of granting all observers full access to the tabulation process including entering figures into the computer.

VI. CONCLUSIONS

The delegation is deeply concerned that the deliberate patterns of interference and intimidation that characterized this election have compromised the future of the democratic process in the Kyrgyz Republic. Systematic actions by the government to influence the electoral process have meant that Kyrgyz citizens have been deprived of a measure of their essential rights to vote and participate freely in the political process.

However, the delegation noted that significant numbers of Kyrgyz citizens continue to turn out to vote, and growing numbers of citizens have undertaken to monitor elections even when – as in this week’s presidential elections – they are obviously flawed. These simple actions offer hope for the future of Kyrgyz democracy.

Genuine democratic elections require deliberate, concentrated political will that will be evident only when the government of Kyrgyzstan fulfills its international and constitutional commitments to protect and promote civil and political rights for all its citizens. The prerequisites for political progress, and the necessary requirements for meaningful elections, are guaranteed rights of free expression, assembly, and participation, as well as personal security, equality before the law, and due process. If or when they are respected, political parties can begin to function in the Kyrgyz Republic and provide avenues for Kyrgyz citizens to design their own political futures.

When public confidence in elections and political processes is damaged by a series of problematic elections, the government and parties associated with it have a special responsibility not only to ensure that the process is administratively correct and that minimum international standards are met, but that the process is free from even the perception of partisanship and corrupt practices. In such situations extraordinary steps are necessary to begin to regain the public’s trust. Moreover, rebuilding public confidence requires political solutions as well as legal remedies, especially where confidence in the independence of the judiciary and due process have been undermined. The delegation expresses its disappointment that previous recommendations to improve the electoral process have not been implemented by the government. NDI remains ready to work with all participants in the political process to rectify problems identified in this and previous reports.

The delegation would like to express its sincere appreciation to government and electoral officials, candidates and party representatives, members of the media, other political and civic leaders, and representatives of the international community with whom it met. Had these individuals not taken time at this important moment to meet, provide information and share their views, the delegation could not have completed its work.