



“Transparency International –
Kyrgyzstan”

PROJECT
**“MONITORING OF ADMINISTRATIVE RESOURCE
ABUSES DURING PARLIAMENTARY ELECTIONS IN
THE KYRGYZ REPUBLIC February-March 2005”**

2005

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Preface

This research project was dedicated to monitoring of abuses of the State resources and state sector (“administrative resource”) in the course of election campaign on parliamentary elections of the Kyrgyz Republic on February 27, 2005.

Our investigation was carried out during the period which is not simple for Kyrgyzstan, when revolutionary events took place in the country, one of the reasons of which was connected with the use of the administrative resource by power authorities in electoral processes.

The application of the administrative resource was stipulated by peculiarities of the democratic processes development on the post-Soviet space. It is just the use of administrative resource that violates a basic democratic principle – a principle of separation of power. It occurs because executive bodies control a process of elections to representative bodies, and as such, they receive in future an influence on representative (legislative) structures in the process of taking decisions. A solution of this problem is a priority one as it has an impact on other violations in election processes: electors’ suffrages and the right of observers, participation of mass media and political parties.

An advantage of this investigation is a comprehensive analysis of the administrative resource in its basic forms and development of practical recommendations targeted at the reduction of the administrative resource influence on electoral process.

A value of this investigation is as follows: firstly, it gives not only a “snap” of the situation existing directly during the elections period, but also gives a retrospective analysis of the situation existed before the elections, and secondly, it represents an integral system consisting of the complex political, legal, sociological and historical analysis of the situation in the country.

One of important results of this investigation is a successful approbation of the methods developed by “Transparency International” under conditions of the Kyrgyz Republic.

A development of a set of recommendations of general and legislative nature became an important result of this investigation. As we hope, these recommendations will be used for restriction of a scope of administrative resource abuses at subsequent elections.

The Final Report contains the information on conducted investigation and its detailed methodology.

Findings and recommendations of this investigation will be useful not only for representatives of state structures, but also for mass media staff, representatives of the civil society, students of higher educational institutions and for all persons interested in conduction of open and transparent parliamentary elections without the use of administrative resource.

In our opinion, this investigation represents a scientific and practical interest for sociologists, political scientists and lawyers because of its methodological approach, of its typology of the administrative resource and a juridical analysis of case-studies.

A composite author expresses its hope that all materials contained in our Report will be in demand among a broad circle of persons, interested in electoral processes and use of administrative resource.

CHAPTER 1. METHODOLOGICAL FUNDAMENTALS OF THE MONITORING PROJECT

PROJECT DESCRIPTION AND METHODS

A) Introduction

This Project was dedicated to monitoring of abuses of the State and state sector resources (“Administrative resource”) in the course of campaign on election of deputies to the Kyrgyz Republic Parliament on February 27, 2005. Abuses of administrative resource are more often acknowledged as a key category of the political corruption in the course of election campaigns, especially in the former Soviet Union countries. Such abuses undermine the attempts to regulate funds allocated for conduction of election campaigns, as well as basic democratic principles.

Abuses of administrative resource for electoral purposes on the part of political forces in power represent a serious threat for democracy. Depending on the type and way of administrative resource abuse, such abuses have a negative impact on civil freedoms and personal immunity, quality of democracy, fulfillment of state functions and distribution of resources. In the course of the project a special attention was paid to consequences of administrative resource abuses for the quality of democracy.

In the course of this Project implementation revolutionary events took place on March 24, 2005, which played a certain role in its fulfillment, as there were revealed and promulgated documents testifying to an extensive usage of the administrative resource at Parliamentary elections in the Kyrgyz Republic.

B) Project Goals and Targets

The goals of this Project are as follows:

- Study of abuses of administrative resource during the elections of deputies to the Kyrgyz Republic Parliament.
- Reveal and building of a picture of administrative resource abuses during the election campaign
- To trace and analyze separate types and forms of abuses, monitoring of television, printing mass media
- Development of recommendations of a legislative or any other nature for restriction of scope of the administrative resource abuse.

C) Project General Characteristic

This investigation was carried out in 2005 and gave a basis for development of the administrative resource typology as a basis of the current monitoring. The investigation included a study of media, analytical and expert materials, connected with conduction of election campaigns, as well as interviews with politicians, lawyers, journalists, representatives of different branches of power and civil society. In the course of this Project implementation there were revealed cases of the administrative resource usage and there were developed recommendations on their reduction.

D) Methods of Project Implementation

The proposed methods can be used for monitoring of the administrative resource of both types. But under conditions of this particular election campaign it seems to be more grounded and effective to focus attention on manifestations of the “corrupted” administrative resource, reflected in three most typical forms.

1. Institutional resource
2. Budget resource
3. Media resource

A selection of these three forms is also based on the experience of study of previous election campaigns at different level. In addition, it seems that it is just on the basis of these three forms of the administrative resource manifestation it will be possible to collect a sufficient base of a legal and procedural information for a detailed study of typical manifestations of the administrative resource.

In the course of the Project implementation there will be developed a detailed description of all categories of the administrative resource classified as phenomena, attributed to three basic forms of administrative resource. A detailed description will be made taking into account both a practice of the current campaign and an opinion of the expert community on this problem, i.e. categories of administrative resource will be not only fixed, documented and described in the course of the every day monitoring, but will be also discussed with experts with a view to identify most typical cases and to check some hypotheses arising during monitoring. It is taken into account in monitoring methods that in the course of the current monitoring there may arise such a situation under which some categories attributed to the subject of monitoring will not be manifested at all or will be manifested in such a way that there will be not enough information for conduction of the detailed monitoring. Besides, it is possible that in the course of the current monitoring there may appear such new categories of the administrative resource manifestation which have not been fixed and which have not been described before. Consequently a typology of the administrative resource will be clarified during monitoring.

It is also necessary to take into consideration a fact that monitoring of state mass media and mass media, which are under control of the State, allows to fulfill in parallel two targets at once: to collect information attributed to a manifestation of three basic types of the administrative resource on the one side, and to carry out a direct monitoring of media administrative resource as such on the other side. But in order to collect the most complete set of information on administrative resource manifestations not only at the republican level but at the local level there will be carried out a selective monitoring of separate regional and local information sources.

Three key elements make up a basis for the monitoring methods:

1. A daily monitoring of mass media with a view to identify manifestations of basic types of the administrative resource.
1. Preparation of detailed descriptions of separate most typical cases of the administrative resource manifestations at the election campaign.
2. Conduction of expert interviews with representatives of power authorities, politicians, managers of election campaigns of different candidates and parties for collection of

additions information on the nature of this phenomenon and clarification of the administrative resource usage and manifestation during elections.

E) Results

On the basis of monitoring results there were developed recommendations connected with the following basic spheres: legal definition of agitation, a prohibition of using official powers for electoral purposes, sanctions for violation of election legislation, measures on mobilization of public pressure in case of the administrative resource abuse, as well as a reform of state broadcasting mass media.

1.2. ABUSE OF ADMINISTRATIVE RESOURCE. ADMINISTRATIVE RESOURCE TYPOLOGY.

A) Role and Significance of Administrative Resource Abuses

Administrative resource is the usage by officials of by state bodies of the executive power of legal authorities with a view to obtain additional possibilities and guarantees in the process of implementation of their political interests.

It is possible to separate the following types of administrative resource, ranged according to the scale from “strict” to “soft” resources.

“Soft” resources include:

B) Institutional resource

The institutional resource includes all material and staff resources, provided for the state official position. Material state resources include a wide range of facilities from office premises, office equipment and other types of infrastructure up to transport vehicles. These facilities can be used by political forces in power for obtaining advantages over candidates from opposition, especially during the period of the election campaign. Examples of institutional resource abuses include: usage of public structures for conduction of electoral events by a party in power, usage of office premises, computers and telephones for the purposes of the election campaign, usage of state facilities for publication, storage and dissemination of propaganda materials, or usage of state transport vehicles for organization of pre-election campaign of the party in power.

State officials can also be used for carrying out of activity aimed at the direct benefit of political forces in power and in the prejudice of opposition candidates and parties. For example, ordinary state officials can be used as personnel of the election headquarters of the party or a candidate. Senior state officials being at the same time independent or party candidates at elections can also use their official position in the interests of their political party or candidates supported by such party.

C) Media resource

Mass media which are under control of the State, as for example, state television channels, can be used for the purposes of promotion of political parties or persons in power. Monitoring of mass media made a basis for the Project both directly as a source of information on abuses of administrative resource and for compilation of a list of separate typical cases of such abuses liable to a detailed analysis.

D) Budget resource

State budget funds can be used for a direct benefit of political forces in power. Ways of such usage are multiple and include: a transfer of state enterprises funds to political parties, usage of the budget funds for a direct financing of election campaigns or usage of the budget funds for bribery of the constituency.

During monitoring of deputies election to the Parliament of the country such a resource as “coercive” resource also took place, it is attributed to “strict” resources.

E) “Coercive” Resource

A coercive resource includes a possibility to use law-enforcement bodies and any other bodies authorized with powers (customs, tax inspectorate, even the National Security Council). A coercive resource can be used for the purpose of intimidation, prosecution, prevention of any activity etc. Typical cases of coercive resource abuse during election campaigns are using militia or Road Inspection staff in order to prevent the activity of the opposition. For example, Road Inspection staff illegally detained a transport vehicle of the authorized person of one of candidates to deputies, who transported transparencies and posters. An administrative case was instituted against the owner of the transport vehicle for insubordination to militia staff¹. One more case of coercive resource was used on January 10, 2005 when some unknown persons, who presented their identity cards of militia officers, captured a driver of one of candidates to deputies. According to the driver, these people tried to put stealthily narcotics to his pocket, and then they put narcotics stealthily to the car luggage rack. After search a driver was beaten, he was asked about a private life of the deputy, there were made attempts to frighten a driver².

Monitoring of a coercive resource was not carried out as it was not included into the Project targets, and it could present a danger for the organization, which carried out monitoring.

Basically this Project was targeted at monitoring of abuses of three categories of “soft” administrative resource such as:

- Institutional resource
- Budget resource
- Media resource

The administrative resource is attributed to natural and integral attributes of any State. Democratic states are based on such principle that administrative resources being an integral attribute of official positions are used for purposes reflecting public interests. In any state adhering to a conception of public interest this notion includes adherence to the principles of political equality and justice of applied procedures, which is connected both with a problem of administrative resource abuse in general and, in particular, organization of elections. In democratic states a principle of the political equality and procedural justice are fixed in a wide set of norms, rules and laws regulating a performance of official positions.

¹ “MCN” newspaper, article “Arrest not grounded by anything” as of 28.01.05.

² Article “Provocations have started”, “Res Publica” newspaper, No. 1 as of 12.01.2005. P. 8.

CHAPTER 2. LEGAL AND ORGANIZATIONAL CONTEXT

This section describes legal and organizational aspects of election campaigns in the Kyrgyz Republic.

Basic laws regulating legal principles of election and electoral procedures are Constitution of the Kyrgyz Republic, Code on Elections in the Kyrgyz Republic, which was adopted by the Legislative Assembly of the Kyrgyz Republic Parliament on April 29, 1999 and came into force by the Kyrgyz Republic Law No. 40 as of May 29, 1999, as well as other normative-legal acts, i.e. laws of the Kyrgyz Republic, regulations, resolutions of the Government, President’s decrees, resolutions of the KR Parliament, resolutions of the Central Election Commission of the Kyrgyz Republic and other normative-legal acts.

Knowledge of their suffrages by citizens and any other elections participants is inseparably linked with a general conception of execution and protection of human and citizen rights and freedoms. That is why a process of increase of a legal culture of election process participants is uninterrupted and includes matters of improvement of the professional preparation level of elections organizers, a legal enlightenment of different social categories of citizens, creation of the information educational infrastructure of the election process. An experience accumulated up to the present at conduction of parliamentary and presidential elections as well as elections of local self-government heads, taking into account challenges faced at their organization and conduction, gave additional facts for further improvement of legislation on elections. A practice shows that, unfortunately, basic participants of the election process, i.e. candidates, political parties, election commissions and judicial bodies, which had to resolve election conflicts and disputes, interpreted and applied norms of the Code on Elections in different way. In this connection a group of developers created Commentary to the Code on Elections.

A review given below relies upon, first of all, the Code on Elections of the Kyrgyz Republic, Commentary to the Code on Elections and on the legislation which is related to the sphere of activity of election commissions, candidates’ status, financing of elections and a voting procedure, which is directly connected with the Project and where it is possible to reveal abuses of administrative resource.

A special attention in this review is paid to consideration of election campaigns regulation and to a regulation in the sphere of mass media activity.

2.1 Elections of Deputies to the Kyrgyz Republic Parliament

In compliance with the new redaction of the Kyrgyz Republic Constitution deputies to Parliament shall be elected for a period of five years based on one mandate territorial constituencies. The Constitution fixed a system of elections based on the majority principle, i.e. victory of a candidate who has received the established majority of votes in one mandate constituency.

For conduction of elections one mandate and multiple mandate constituencies are formed on the basis of data on the constituency population, registered on the relevant territory, represented by executive authorities and local self-government bodies.

75 one mandate territorial constituencies are created for conduction of elections of deputies to the Kyrgyz Republic Parliament. A constituency is a territory from which a candidate (candidates) is elected to the state and local self-government bodies.

A citizen of the Kyrgyz Republic, who at the date of elections achieved the age of 25 years old, who is entitled to participate in elections and who is permanently residing in the

republic during not less than 5 recent years prior his nomination as a candidate to the deputy may be elected a deputy to the Kyrgyz Republic Parliament.

Interruptions up to six month in each year are allowed in permanent residence on the territory of the Kyrgyz Republic, which are related to a business trip abroad based on production, scientific, official and any other activity.

a) Elections dates

Deputies to the Parliament are elected for a period of 5 years on the basis of one mandate territorial constituencies. Regular elections to the Kyrgyz Republic Parliament are appointed by the Kyrgyz Republic President not earlier than 90 calendar days and not later than 75 calendar days prior the election date. Thus, elections can be held in the interval from 2.5 to 3 months, which allows to organize a full-value and fair procedure of the election process. The Constitution of the Kyrgyz Republic fixed a date for parliamentary elections. Elections are held on last Sunday of February of the fifth year of the Kyrgyz Republic Parliament term. This allows all potential candidates, being aware of a concrete date, to prepare for the next elections which are also a guarantee of a passive suffrage.

In case the President of the Kyrgyz Republic does not appoint elections of deputies to the Kyrgyz Republic Parliament within the certain period, then elections of deputies to the Kyrgyz Republic Parliament are considered to be appointed. The Central Election Commission within 2 calendar days must officially publish the date of conduction of elections of deputies to the Kyrgyz Republic Parliament in mass media and conducts elections within the period established by the Code on Elections.

A nomination of candidates to deputies of the Kyrgyz Republic Parliament starts at the expiry of 10 calendar days from the date of elections appointment. A nomination of candidates must be finished 40 calendar days before the elections date. The right to nominate candidates to deputies of the Kyrgyz Republic Parliament belongs to political parties and to citizens by means of self-nomination.

The Central Election Commission publishes lists of candidates to deputies submitted to it in mass media.

A nomination of candidates to deputies of the Kyrgyz Republic Parliament by self-nomination is made by means of submission of the application confirming his intention to be a candidate from a particular constituency to the district election committee.

b) Election Commissions

Election commissions organize a preparation and conduction of elections in the Kyrgyz Republic, they ensure the exercise and protection of suffrage for citizens of the Kyrgyz Republic.

The following commissions form a uniform system of the Kyrgyz Republic election commissions:

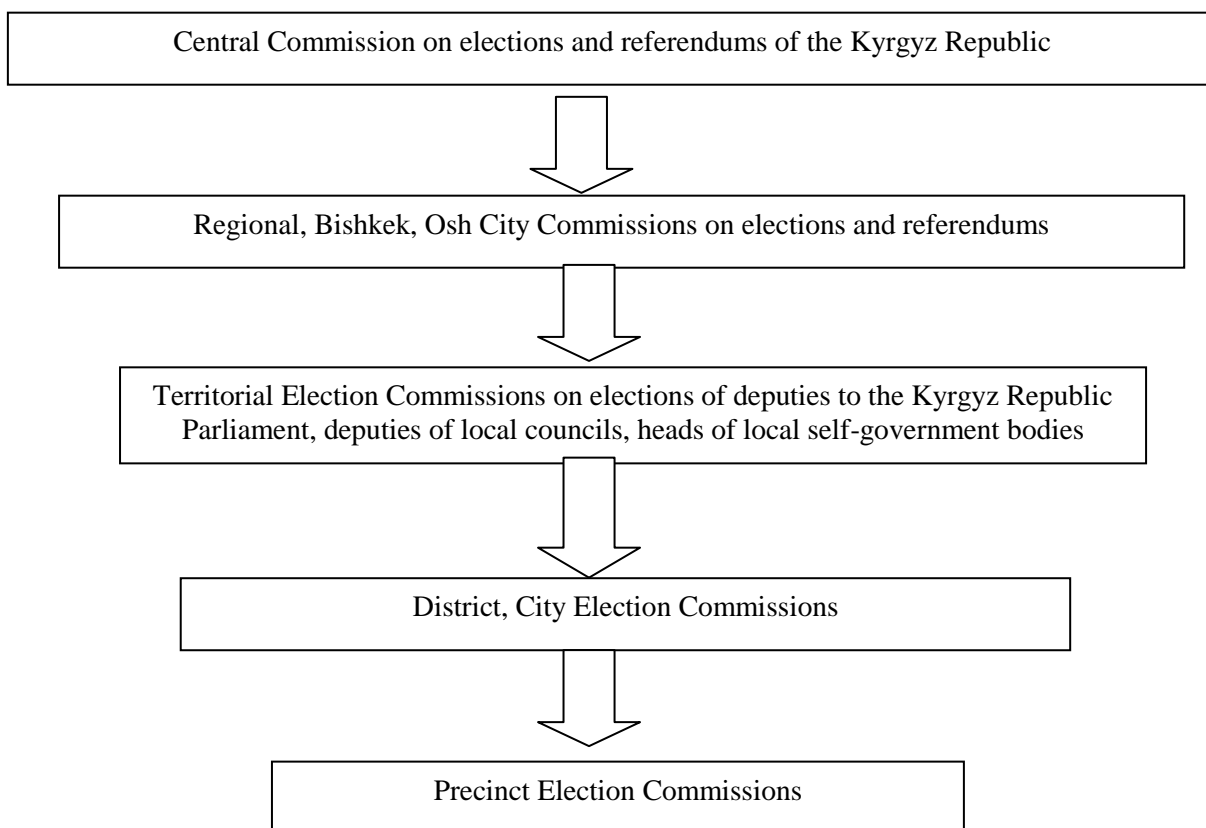
- 1) Central Commission on elections and referendums of the Kyrgyz Republic (hereinafter referred to as the Central Election Commission);
- 2) Regional, Bishkek, Osh City Commissions on elections and referendums (hereinafter referred to as the Regional, Bishkek, Osh City Election Commissions);
- 3) Territorial Election Commissions on elections of deputies to the Kyrgyz Republic Parliament, deputies of local councils, heads of local self-government bodies;
- 4) District, Town Election Commissions;
- 5) Precinct Election Commissions.

A legal status of election commissions is established by the Kyrgyz Republic Constitution, by the Code on Elections and other legislative acts of the Kyrgyz Republic.

A decision of the election commission contradicting the Kyrgyz Republic Constitution, this Code, legislation of the Kyrgyz Republic, or taken with exceeding of established powers shall be liable to cancellation by higher election commission or by a court.

State bodies, local self-government bodies, state and municipal institutions and enterprises, as well as their officials are obliged to give assistance to election commissions in fulfillment of their powers, in particular, to provide them with necessary premises, transport vehicles, communication means, technical equipment, information and materials, to give answers to requests of election commissions during 3 calendar days in the course of preparation for elections, and on the date of election or on the date following the election date – immediately.

Uniform system of election commissions in the Kyrgyz Republic³.



The Central Election Commission of the Kyrgyz Republic is formed for a period of five years in compliance with the Kyrgyz Republic Constitution and the Law “On the Central Committee on elections and referendums” (No. 14 adopted on March 14, 1997) comprising of the Chairman and 12 members with the right of the casting vote.

The Chairman of the Central Election Commission is appointed by the President of the Kyrgyz Republic with consent of the Kyrgyz Republic Parliament. He is a public official.

The President of the Kyrgyz Republic appoints a half of the membership of the Central Election Commission and dismiss them from their positions according to the procedure and in cases stipulated by the Law on the Central Election Commission. A half of its membership is elected by the Kyrgyz Republic Parliament.

The Central Commission on elections and referendums of the Kyrgyz Republic is a permanent functioning independent state body, which is not included into any branch of the

³ Chapter II, Art. 9 Commentary to the Code on Elections in the Kyrgyz Republic.

state power, it heads a system of commissions formed for conduction of elections and referendums in the Kyrgyz Republic.

Regional. Bishkek, Osh City Election Commissions and their Powers.

Regional, Bishkek, Osh City Election Commissions control the execution of provisions of the Code on Elections, legislation on elections of the Kyrgyz Republic on the territory of the region, Bishkek and Osh cities and ensure their uniform application:

- direct the activity of subordinate election commissions, distribute state monetary means among them, allocated for conduction of elections, provide control of the target usage of these funds;
- organize conduction of elections on relevant territory;
- execute any other powers in compliance with the Code and legislation on elections of the Kyrgyz Republic.

The above provisions fix a status of regional, Bishkek, Osh City election commissions.

Territorial Election Commissions and their Powers

1. The following territorial election commissions are formed for preparation and conduction of elections:

- territorial commissions on election of deputies to the Kyrgyz Republic Parliament;
- territorial commissions on election of deputies to regional, Bishkek, City Councils;
- territorial commissions on election of deputies to district, city councils;
- territorial commissions on election of deputies to city, settlement, village councils;
- territorial commissions on election of local self-government heads.

2. Territorial Election Commissions:

- carry out control of the execution of the Code on Elections, legislation on elections of the Kyrgyz Republic;
- direct the activity of precinct election committees and receive their reports;
- control a submission of electoral lists for general review;
- are present at meetings, congresses (conferences) on nomination of candidates to deputies;
- register candidates to deputies and their authorized persons, issue them certificates of the established pattern;
- organize meetings of candidates to deputies with electors;
- execute any other powers in compliance with the Code and other legislative acts on elections of the Kyrgyz Republic.

Item 1 (**Territorial Election Commissions and their Powers**) contains a comprehensive system of territorial commissions. It is very important to have a clear and distinct understanding of Territorial Election Commissions, as in separate cases functions of Territorial Election Commissions are fulfilled by relevant committees.

At conduction of elections Territorial Election Commissions, a basic function of which is a registration of candidates, definition of election results by constituencies and fulfillment of any other electoral actions, carry out a control of the execution of the Code and legislation on elections of the Kyrgyz Republic on the constituency territory, direct the activity of precinct election commissions and receive their reports.

Coordinating the activity of Precinct Election Commissions, Territorial Election Commissions supervise a submission of electoral lists for general review, consider applications and complaints on decisions and actions of Precinct Election Commissions, take decisions on such applications and complaints, dispose of monetary funds allocated for preparation and conduction of elections in their constituency, distribute a part of such funds among Precinct Election Commissions, ensure a control of their target usage on the constituency territory, control provision of Precinct Election Commissions with premises, transport, communication means, consider any other matters of logistical support of elections. Territorial Election Commissions must be provided with necessary conditions for storage of election documentation.

District, City Election Commissions and the Powers

1. District, city election commissions function in the capacity of Territorial Election Commissions on election of deputies to district, city, settlement, village councils and heads of local self-government bodies indicated in the Art. 13 of the Code on Elections.

The powers of district, city election commissions are connected with preparation and conduction of elections on relevant territory. Their powers at that can be classified by several basic spheres:

The first group of powers includes powers connected with provision of elections legality on relevant territory, consideration of complaints and applications related to decisions and actions or non-actions of precinct election commissions, adoption of decisions on such complaints and applications.

The second group of powers includes powers on guidance of precinct election commissions. These involve informing of population on addresses and telephone numbers of precinct election commissions, coordination of precinct election commissions activity on relevant territory, disposal of monetary funds, allocated for preparation and conduction of elections, their distribution among precinct election commissions, organizational and technical assistance to precinct election commissions in conduction of voting at the polling stations.

The next group of powers is connected with organization of voting papers and other documents delivery to precinct election commissions, provision of hand-over of documents related to preparation and conduction of elections to archive or higher election commission after elections.

Precinct Election Commissions' Powers

Precinct Election Commissions:

- inform population on the address and telephone number of the precinct election commission, on its work time schedule and on the date and place of elections;
- get constituents acquainted with electoral lists, accept and consider applications on mistakes and inaccuracies in electoral lists, take decisions on introduction of relevant changes;
- control observance of propaganda materials placement rules on the polling station territory;
- ensure a preparation of premises for voting, ballot boxes and other equipment;
- organize voting at the election date on the polling station;
- calculate votes on the station poll;
- review applications and complaints on violation of the Code on Elections, take decisions on them;
- ensure a hand-over of documents connected with preparation and conduction of elections, to a higher election commission or to the archive;

- fulfill other powers in compliance with the Code and other normative-legal acts on elections in the Kyrgyz Republic.

A basic load connected with a direct preparation and conduction of voting, summarizing their results is imposed on precinct election commissions, which organize voting at the polling station on the election date and calculate votes at the polling station.

For conduction of voting at the polling station election commissions ensure a preparation of premises for voting, ballot boxes and other equipment, control adherence to the rules of propaganda material placement on the territory of the polling station, review applications and complaints connected with violation of Code on Elections in the Kyrgyz Republic, take decisions on them, ensure a hand-over of documents, related to preparation and conduction of elections to higher election commission or the archive. Precinct election commissions fulfill other powers in compliance with the Code on Elections in the Kyrgyz Republic and other legislative acts on elections of the Kyrgyz Republic.

c) Preparation and conduction of elections of deputies to the Kyrgyz Republic Parliament

Preparation and conduction of elections of deputies to the Kyrgyz Republic Parliament is carried out by:

- Central Election Commission;
- Regional, Bishkek, Osh City Election Commissions – in part of their material and technical provision and solution of other organizational matters connected with preparation of elections;
 - Territorial Commissions on election of deputies to the Kyrgyz Republic Parliament;
 - Precinct Elections Commissions.

2.2 Organization, Procedure of Voting and Definition of its Results

a) Premises for voting

Premises for voting are specially equipped premises for execution of the active suffrage by citizens – the right to elect, in a building located on the territory of relevant polling station. In compliance with the Art. 37 of the Code on Elections, premises for voting must be provided free of charge at the disposal of the precinct election commission by local executive authorities. Most often premises of schools, educational and cultural institutions are used for voting. Premises for voting must, as a rule, be located in the center of the constituency for electors' convenience.

Premises for voting must be equipped in such a way that a place for issuance of voting papers, cabins and boxes for voting must be simultaneously located in the field of vision of election commission's members and supervisors.

b) Certificate of striking off the list for voting at elections

Precinct election commissions must issue a certificate of striking off the list to an elector, who applies to the commission, explaining that he will not be able to come to the polling station at the election date. This certificate can be obtained during 15-1 day before the voting date.

The Central Election Commission establishes a format of the striking off certificate. In order to eliminate a possibility for an elector to be included into different lists of electors and to vote at different constituencies for different candidates, which violates a principle of equal right, legislators foresaw a provision that a lost striking off certificate is not liable to restoration.

c) Voting paper

For elections an elector receives a voting paper, which is a document of a strict accountability, a protection level of which is defined by the Central Election Commission. A number of voting papers cannot exceed a number of registered electors by more than 0.5 per cent.

A voting paper is a document of the established form, issued to the elector for participation in voting, according to which citizens declare their will. The usage of a voting paper ensures the most important principle of the suffrage – secrecy of voting.

A hand-over of voting papers to relevant election commissions is made 10 calendar days before the voting date, and to precinct election commissions – 2-1 day before voting. A number of voting papers handed-over by a precinct election commission cannot exceed a number of electors included into electoral lists on the constituency at the date of hand-over by more than 0.5 per cent.

d) Voting procedure

Voting is the most important and decisive stage of the election process. It is just at this stage of the election campaign will of citizens of the Kyrgyz Republic is declared, and the Kyrgyz Republic President, deputies to the Parliament, deputies to local councils, heads of local self-government bodies are elected. It is very important at this stage to ensure a transparency and openness of electoral actions in order citizens can easily without anybody's pressure participate in voting. Election commissions and all subjects of the election process are obliged to ensure a free voting of electors, to exclude a falsification of election documents, to define reliably voting and election results.

A voting process is held on a calendar day off from 8 to 20 hours of local time. A precinct election commission must inform electors, included into electoral lists, on the time and place of voting not later than 10 calendar days and at conduction of prescheduled elections or at conduction of the repeated voting – not later than 7 calendar days before the voting date through mass media or by any other way.

According to the Kyrgyz Republic Law No. 183 as of October 22, 2004 a special procedure of elector's finger marking is introduced in order to exclude a possibility of a repeated voting. Thus, giving a voting paper, a member of a precinct election commission marks a large finger of the elector's left hand by a special compound. And then at the entrance to the voting premises one of the precinct election commission members checks by a special device the availability of the mark. This law came into force from January 1, 2005.

But unfortunately, there are multiple cases when electors, who do not agree with conditions of all voters' marking, left a polling station without voting. Marking causes some doubt in connection with its effectiveness, because during the whole voting day some international observers repeatedly came across possibilities of using counter-technologies.

e) Procedure of prescheduled voting and voting outside voting premises

A Code on Elections of the Kyrgyz Republic stipulates a possibility of the prescheduled voting because not all citizens, who have an active suffrage, can come to polling stations on the elections day. A prescheduled voting is used only in such cases when an elector is not able to arrive on the election day at the polling station, at which he is included into the electoral list, and only if he leaves the bounds of Kyrgyz Republic. He must present relevant documents (copies of a work trip document, air ticket, visa in passport). At conduction of elections of deputies to the Kyrgyz Republic Parliament, local councils a prescheduled voting is held in the premises of the district, city election commissions. In order to preserve a secret of voting a voting paper, filled in by an elector who voted ahead of time, must be put into an envelope and glued. Two members of the district, city, and territorial election commission put their signatures on the place of gluing, they are certified by a seal of the election commission and by a signature of an elector who voted ahead of time. A responsibility for safekeeping of the elector's voting paper who voted ahead of time is imposed on the secretary of a relevant election commission.

f) Definition of voting results

A main document, which confirms electorate's will and which has a legal force is a protocol of the precinct election commission on the voting results which is made at the relevant polling station. If a protocol on voting results is made on more than one sheet, each sheet must be enumerated and signed by all present members of the precinct election commission, who have decisive votes, accompanied by affixing of a seal of the precinct election commission.

A calculation of electors' votes and preparation of the protocol on voting results is the most crucial stage of elections, a stage of fixing electors' will. A calculation of electors' votes is made by members of the precinct election commission immediately after completion of the voting time and is carried out without interruption until signing of the protocol on voting results by its members. A calculation of voting results is made openly and plainly exclusively by members of the precinct election commission at its meeting.

Some international observers point out a good organization of votes calculation procedure by election commissions. At all polling stations, where an observation was carried out, a calculation of votes was carried out maximally transparently, which allows to exclude a falsification of elections results during the calculation process.

2.3 Agitation at Elections

The State ensures a free implementation of agitation during elections for citizens of the Kyrgyz Republic, candidates, political parties, election blocks in compliance with the Code on Elections and laws of the Kyrgyz Republic.

Subjects of pre-election campaign are entitled to carry out agitation “for” or “against” any candidate. According to the Code on Elections of the Kyrgyz Republic subjects are divided into two categories:

- general (citizens of the Kyrgyz Republic, who possess suffrages, and their associations (political parties));
- special (persons directly connected with election campaign and elections commissions).

On February 2, 2005 a pre-election agitation of candidates to deputies of the Kyrgyz Republic Parliament has started.

Each candidate to deputy was allocated time for free of charge appearances and speeches by state television, radio, for joint debates and are given 1 page of typescript – for statements in State press.

Candidates use also their right to obtain at any mass media which take part in pre-election agitation, a paid airtime and printing area paid through the election fund. More than 80 mass media of the republic are entitled to highlight election campaign, which are accredited, having published their tariffs within a certain period of time established by the Code on Elections and provided them to election commissions. Lists of credited mass media were put up in Internet at the site of the Kyrgyz Republic Central Election Commission.

Mass media which did not publish their tariffs and did not inform election commission on them have the right to inform electors on actions carried out by candidates, but they do not allocate them airtime and printing area both free of charge and for payment.

The Central Election Commission creates a Working Group, which controls the observance of pre-election agitation requirements.

Pre-election agitation is carried out:

- through mass media, by means of placing agitation materials at television, radio and in regular printing periodicals;
- by means of implementation of mass events (meetings with citizens, public debates and discussions, rallies, demonstrations, processions);
- by means of issue and dissemination of agitation printing materials.

Elections of deputies to the Kyrgyz Republic Parliament in 2005 were carried out with usage of practically all ways of agitation.

a) Agitation period

A pre-election campaign starts from the date of completion of candidates registration and stops 24 hours before commencement of voting. At repeated voting, agitation is resumed from the date of the official publication of a decision on the appointment of the repeated voting and stops 24 hours before the commencement of the re-voting.

Agitation printing materials previously placed outside buildings and election premises shall be preserved at previous places on the voting date.

From the moment of candidates registration publication of public opinion polls results, forecasts of election results, any other surveys, connected with elections is not allowed. This norm of the Code on Elections pursues a purpose to provide equal conditions of pre-election agitation by candidates in order all candidates have equal period of its conduction.

A practice of elections testifies that separate candidates and periodicals do not observe the timetable established by the legislation for conduction of pre-election campaign. In particular, a pre-election campaign is carried out up to completion of the period of candidates' registration. It should be pointed out that an administrative responsibility is foreseen for the indicated violations, an administrative responsibility of not only a candidate, but of mass media, which prepare and disseminate material with a purpose to induce electors to take part in elections.

b) Agitation by television, radio, through printing mass media, agitation by means of mass events, dissemination of agitation materials

According to the requirements of the Code on Elections, the Law “On mass media” and other laws of the Kyrgyz Republic a pre-election agitation through state mass media is made on free of charge and paid basis.

As it was already stated above, candidates are entitled to carry out a pre-election agitation through non-state mass media with observance of basic principles established by the Kyrgyz Republic legislation for all participants of the election process.

The order of providing airtime for candidates at channels of TV and radio organization is regulated by the Central and Territorial Election Commissions according to the Code on Elections and Procedure of casting of lots between registered candidates in respect of free of charge airtime distribution at channels of TV and radio organizations, approved by the Resolution of the Central Election Commission No. 44 as of August 13, 2004, as well as according to the Regulations on the procedure of conduction of pre-election agitation No. 19 as of July 9, 2004.

A registered candidate is entitled to refuse from obtaining of free of charge airtime, he must notify in writing the election commission on it not later than the date of registration completion.

The existing practice shows that at conduction of pre-election agitation by TV and radio there are following types of agitation:

- speech
- interview
- press-conference
- pre-election debates
- round table meetings
- political advertising

In respect of dissemination of agitation printing materials the legislation on elections stipulates a responsibility for deliberate destruction or damage of printing agitation materials of candidates. According to the Art. 56 of the Code on administrative responsibility an imposition of the administrative penalty from 5 to 20 minimum wage amount is stipulated for such violation.

c) Inadmissibility of abuses of the right for agitation

Election commissions control the observance of the established procedure of carrying out of pre-election agitation.

At conduction of agitation abuses of freedom of mass media are not allowed: agitation, inducing a social, religious, racial, national hatred and hostility, appeals to seizure of power, forced change of the constitutional structure and violation of the State integrity, propaganda of war and any other forms of abuses of mass media freedom prohibited by the laws of the Kyrgyz Republic.

Candidates, their close relatives, authorized representatives and fiduciaries of candidates, political parties, election blocks are prohibited to bribe electors from the moment of elections appointment: to pay electors any money, to give presents and any other material values otherwise than for implementation of organizational work (being on duty at polling stations, collection of signatures and other technical work), to carry out a sale of goods by reduced price, to distribute any goods free of charge except for printing ones, including illustrative materials and signs with covers and packages, specially produced for the election campaign as well as to provide services free of charge or on preferential basis.

Candidates, their authorized persons and fiduciaries, political parties, election blocks and any other persons and entities are not entitled at conduction of agitation to give an influence on electors by means of promises to hand-over them any money or securities

(including following voting results) and other material benefits and to provide them services on any other conditions than it is stipulated by the legislation.

Candidates, their authorized persons and fiduciaries, political parties, election blocks and other persons are not entitled to be engaged in charitable activity from the moment of their nomination as candidates up to publication of election results, including activity outside a constituency in which they are nominated.

Candidates, their fiduciaries and authorized persons, other persons, political parties, election blocks, mass media, participating in pre-election campaigns have no right to allow publications which are able to cause a damage to the honour, dignity or business reputation of candidates. Mass media which allowed such publications, which are able to cause a damage to the honour, dignity or business reputation of candidates are obliged upon a demand of the candidate to publish a refutation or to give a clarification in connection with such articles or speech, which do not coincide with a reality or which distort it. Refutations or clarifications are published under a special heading either on the same type page and in the same type that was used for publishing information on which a refutation is given, in periodical publications – in the next issue, and refutations and clarifications on speeches by television and radio – in the next broadcast after date when a refutation or clarification was received.

A failure to give a candidate a possibility to publish prior the completion of the pre-election agitation campaign a refutation or any clarifications in protection of his reputation in mass media, which published information which was able to cause a damage to a candidate's reputation can be a basis for the legal liability of such mass media.

2.4 Financing of Elections

a) Financial support of elections preparation and conduction

A financial support of elections is the most important guarantee of execution of the citizens' suffrage. It is established by the Code on Elections that financing of election commissions on preparation and conduction of elections at all levels is carried out at the expense of the republican budget funds and special funds of election commissions. Financing of elections in whatever form it can be by foreign states, foreign state bodies, institutions and enterprises is not allowed.

b) Election funds

Citizens nominated as candidates create own election funds for financing of pre-election campaigns. In case of non-registration of a candidate, funds transferred to the election funds, shall be returned to organizations and persons, who made donations and transfers. Registered candidates continue maintaining of open accounts of own election funds for financing of pre-election agitation. Creation of the election fund is binding for candidates except for cases stipulated by legislation as all basic actions connected with financing of pre-election campaign must be carried out exclusively at the expense of election funds.

A candidate to deputy forms his own election fund for financing of pre-election campaign according to the procedure established in the General Part of the Code on Elections.

Election funds can be created at the expense of the following monetary means, as well as materials of agitation-information nature, which are taken into account by territorial election commission.

a) candidate's own funds, which cannot exceed a minimum wage amount by more than 3,000 times;

b) funds allocated to a candidate by a political party, which cannot exceed a minimum wage amount by more than 1,500 times;

c) donations of a natural person to the election fund of a candidate, the amount of which cannot exceed a minimum wage amount by more than 200 times;

d) donations of a legal person to the election fund of a candidate, the amount of which cannot exceed a minimum wage amount by more than 200 times.

A candidate's maximum amount of expenditures at the expense of the election fund cannot exceed a minimum wage amount by more than 5,000 times.

c) Control of spending funds allocated for conduction of elections

With a view to ensure an equality of candidates and in order to observe a procedure of election campaign financing, the provisions of the Art. 52 of the Code on Elections in the Kyrgyz Republic oblige territorial and higher election commissions to control a procedure of formation and spending finance from candidates' election funds. The Code on Elections prescribes also to create Control-Audit Group (CAG) at election commissions, a main goal of which is to control the target spending of monetary means allocated to election commissions for preparation and conduction of elections, as well as to control the sources of financing, correctness of the accounting and usage of monetary means of election funds and to check financial reports of candidates.

Control-Audit Group consists of the CAG Head, his deputy and members, appointed to the Group by the election commission. Attracted specialists of law-enforcement bodies, financial and other state bodies, organizations and institutions, including Ministry of Justice, the National Bank, and Ministry of Finance of the Kyrgyz Republic may be members of such CAG. The activity of CAG at the election commission is provided by a relevant election commission.

2.5 Responsibility for Violation of Suffrages

Persons:

1) who by means of violation, threats, forgery or by any other way preventing the execution of the right to elect and be elected by a citizen of the Kyrgyz Republic, or persons, who infringe a secrecy of voting or violating the rights of citizens to get acquainted with a list of electors or forcing citizens or hindering them from putting signatures in support of a candidate, as well as persons participating in the falsification of such signatures or bribing electors;

2) who use advantages of their official position for the purpose of election or persons who did not form and did not clarify data on registered electors in time (electoral lists) prior submission of the indicated data to the relevant election commissions, or persons who violate the rules of elections financing, including persons, who retard a transfer of funds to election commissions, candidates, political parties, election blocks; or persons who issued citizens voting papers in order to give them a possibility to vote for other persons; or persons who make a forgery of election documents, who made and issued wittingly false documents; persons who made incorrect calculation of votes or voting results, who did not submit or did not publish information on voting notwithstanding their obligations imposed upon them;

3) who disseminate a wittingly false information on candidates or who perform any other actions, discrediting the honour and dignity of candidates, their close relatives and representatives, persons, who violate the rights of election commissions members, of observers, foreign (international) observers, candidates' fiduciaries, political parties, election blocks, mass media, including violation of the right to timely obtaining of information and copies of election documents; persons, who groundlessly refuse to register observers, foreign (international) observers, candidates, authorized representatives, political parties, election blocks, representatives of mass media; persons who prevent the exercise of suffrages at

polling station; or persons, who infringe the rules of pre-election agitation conduction, including persons who carry out agitation on the day preceding a voting date or on the voting date or prevent or illegally interfere into the work of election commissions, connected with implementation of their obligations, or persons, who took away voting papers from premises for voting, or persons, who do not present or who do not publish reports on spending funds for preparation and conduction of elections, financial reports on election funds of candidates, political parties, election blocks and financial reports on spending of budget funds allocated for conduction of elections, as well as employers, who refuse to provide leaves stipulated by the law for participation in elections, shall bear a criminal, administrative or any other responsibility in compliance with the laws of the Kyrgyz Republic.

A violation of election legislation is a violation in the sphere of exercise of political rights of the Kyrgyz Republic citizens. A legal responsibility for the above indicated violations is a legal facility to ensure suffrages of citizens. The election legislation stipulates three types of responsibility:

- 1) Responsibility for suffrage;
- 2) Administrative responsibility;
- 3) Criminal responsibility.

A responsibility for suffrage may be borne by candidates, political parties, election blocks, members of election commissions, other participants of the election process.

Measures for a candidate's responsibility may be a warning, a cancellation of his registration as a candidate, acknowledgement of elections invalid.

A basis for candidates' responsibility are such violations as:

- Infringement of rules of nomination;
- Violation of rules of pre-election agitation and financing of election campaign;
- using of the official position by candidates and their authorized persons for the purpose of elections;
- Facts of bribery of electors etc.

In case of violation of election legislation by a member of election commission he must be immediately removed from participation in its work, which is also a measure of responsibility for suffrage. Violations of election legislation by a member of election commission include, for example, hindering the work of election commission, prevention a citizen of the Kyrgyz Republic to exercise his suffrage; infringement of voting secrecy.

If the above indicated violations are made by observers, fiduciaries, authorized representatives of candidate, by electors, journalists and any other persons, they must be removed from premises for voting.

Some violations are fixed in the Criminal Code of the Kyrgyz Republic (No. 68, as of October 1, 1997), such as:

- Art. 139 of the Criminal Code of the Kyrgyz Republic “Hindrance to exercise suffrage or work of election commissions”;
 - Art. 140 of the Criminal Code of the Kyrgyz Republic “Bribery of electors' votes”;
 - Art. 141 of the Criminal Code of the Kyrgyz Republic “Falsification of election documents, referendum documents or incorrect calculation of votes”.
- and several articles are fixed in the Code of the Kyrgyz Republic on administrative responsibility (No. 114 as of August 4, 1998) such as:
- Art. 49 “Non-fulfillment of election commissions' legal demands”
 - Art. 50 “Violation of rights of election commission member, authorized person of a candidate to deputy, observers”;
 - Art. 51 “Refusal to provide a leave for participation in elections”;
 - Art. 52 “Violation of conditions of pre-election agitation conduction through mass media”
 - Art. 53 “Dissemination of wittingly false information on a candidate”;

- Art. 54 “Conduction of agitation during the period of its prohibition”;
- Art. 55 “Preparation or dissemination of anonymous agitation materials”;
- Art. 56 “Deliberate destruction or damage of agitation printing materials”;
- Art. 57 “Illegal issuance of voting papers to citizens for voting”;
- Art. 58 “Non-presentation or non-publication of information on voting or election results”;
- Art. 59 “Restriction of citizens’ rights to pre-election agitation and getting acquainted with electoral lists”;
- Art. 60 “Non-publication of report on spending of budget funds by a chairman of election commission on elections (referendums).

CHAPTER 3. PRE-ELECTION SITUATION IN KYRGYZSTAN. PARLIAMENTARY ELECTIONS OF 2005

3.1 Political Situation in Kyrgyzstan

For tracing a political process and situation in Kyrgyzstan it is necessary to dwell on the matter connected with Constitutional reforms in the country. From a period of sovereignty Constitutional changes are frequent in Kyrgyzstan:

- at first there was effective a Constitution of the Kyrgyz SSR with amendments and alterations introduced in 1990-1991;
- the first Constitution of a sovereign Kyrgyz Republic was adopted in 1993;
- in 1996 there were introduced amendments and alterations adopted at referendum of 1994 (on creation of two chamber parliament) and 1996;
- following the decision taken at the referendum in 1998 there were made amendments and alterations into the Constitution of 1993;
- a new redaction of the Constitution was adopted by the decision of the referendum as of February 2, 2003
- at the present stage after the revolution of March 2005 Constitutional meetings are held in connection with changes of the recent redaction of the Constitution.

According to the amendments and alterations introduced into the Kyrgyz Republic Constitutions following the results of referendums of 1996, the President of the Kyrgyz Republic being a Leader of the State, occupied legally the first place in the system of state bodies, he became a central figure in the political system of the society. According to the evaluation of experts, changes introduced into the Constitution of 1996 realized a transition to the strong President's power⁴.

A new redaction of the Constitution of 2003 judicially balanced the interests of the President and the Parliament. On October 27, 1990 the Supreme Soviet of the Kyrgyz SSR elected A. Akayev as the first President of the Kyrgyz Republic. For legalization of his power authorities Presidential elections took place on October 12, 1991 at which A. Akayev received a majority of electors' votes.

The first elections to the Parliament of the independent Kyrgyzstan took place on February 5, 1995 There was established a quantitative ratio of deputies in the Legislative Assembly (LA) – 35, People's Representative Assembly (PRA) – 70, after referendum held in 1998 a ratio of deputies in LA – 60, PRA – 45. According to a new redaction of the Constitution of 2003 after referendum of 2003 one-chamber parliament is established and a number of deputies became equal to – 75. At constitutional meetings held in Kyrgyzstan a matter connected with increase of a number of deputies up to the present membership, i.e. 105 deputies, is under discussion.

Presidential elections on the alternative basis were held in December 1995. A. Akayev, the functioning President at that time, A. Masaliev, a leader of communists, and a former Parliament Speaker M. Sherimkulov took place in these elections. A candidature of A. Akayev received a majority of electors' votes at these elections.

Presidential elections took place on December 22, 2000. Six persons participated in this pre-election campaign, they obtained the following percentage of votes: President A. Akayev – 74.4%, a Leader of “Ata-Meken” Party O. Tekebaev – 13.9%, a businessman A. Atambaev – 6.02%, a Leader of “Narodnaya Partia” M. Eshimkanov took – 1.09%, Deputy of

⁴ Institute of Presidency/ Political Kyrgyzstan. Educational manual. B., IGUSI-KNU, 2001. c. 167.

Legislative Assembly Tursunbai Bakir uulu – 0.97%, A. Akunov, protector of human rights – 0.68%.

Parliamentary elections were held on February 20, 2000. If Parliamentary elections in 1995 were held according to the majority election system, elections of 2000 were held according to the mixed majority-proportional system. 15 seats from 60 at the Parliament of the Kyrgyz Republic were distributed in 2000 between political parties. To our opinion, such electoral system gave a possibility for political parties and their leaders to manifest activity at Parliamentary elections.

In contrast to other Central Asia countries where Presidents created “Parties of power” the President of Kyrgyzstan in 2000 did not join any party. Though power authorities made attempts to create a pro-Government election block “Union of Democratic Forces”. Parliamentary elections of 2000 showed that a Communist Party of Kyrgyzstan has a sufficient influence on electors. It obtained the largest number of electors’ votes (from 15 quotas 5 seats were received by the Communist Party).

A response of power authorities on such alignment of forces was reflected in their attempts to create pro-Government parties: “Adilet” and “Alga, Kyrgyzstan”.

According to the pre-election report of the National Democratic Institute on International Affairs (NDI) in 2000 a series of actions made by the Government, Parliament and courts resulted in restriction of competition and conduction of democratic elections. These include: 1. Restriction introduced by the Parliament into the Law on elections, which does not give a possibility to four political parties to take part in the struggle for seats in the Legislative Assembly. Some well-known political parties could not take part in elections, as the Ministry of Justice defined that there was no clear mention in their Charters that parties may participate in elections to state bodies. 2. Directly before the start of pre-election campaign judicial proceedings were started against two members of Parliament, being at the same time candidates to deputies of the new Parliament. Besides, one of them declared on his intention to take part in the forthcoming Presidential elections. 3. Three political parties which have received at first a possibility to participate in elections were checked by state authorities in connection with a correct conduction of congresses for nomination of candidates. 4. There is a free press in Kyrgyzstan. Nevertheless, mass media experience a pressure. Journalists and editors inform on threats on the part of state authorities for publication of certain information which criticizes the Government. 5. State authorities applied a Decree of 1988 which restricts a freedom of meetings in order to prohibit public meetings.

Following observation results after Parliamentary elections of 2000 NDI give recommendations for improvement of the electoral process. These recommendations include: 1. Complete participation of political parties. 2. Elimination of possibilities for judicial proceedings based on political motives. 3. Increase of judicial independence. 4. Freedom of press. 5. Access for mass media in highlighting of events. 6. Protection of the right to meeting. 7. Separation of powers of the local, state and electoral bodies. 8. A complete access to the election process. 9. Evaluation of the legislative framework of elections after their conduction⁵.

In February 2005 Parliamentary elections were held according to a new redaction of the Constitution of 2003 – according to the majority system. To our mind, a majority system deteriorated even more a shaky position as it is of political parties. It is necessary to establish a proportional system for strengthening of political parties, or at least, a combination of majority and proportional electoral systems. At present a matter on return to the majority-proportional system is being discussed at constitutional meetings in Kyrgyzstan. This will contribute, to our opinion, to the following development of political parties and democratic reforms in Kyrgyzstan.

⁵ There are less chances remained (Report of pre-election delegation of NDI USA in Kyrgyzstan)// Res Publica, February 8-14 , 2000. p. 5.

In general Parliamentary elections of both 2000 and 2005 showed that political parties do not enjoy popularity and that a domestic party system is still at the stage of its formation. At the present stage there is an imminent necessity to create a strong multi-party system with several dominating parties.

A main issue what form of state governance is necessary to select for the further democratic reforms is being discussed at the constitutional meeting in Kyrgyzstan. Opinions were divided on this issue, one group is inclined to preservation of President-Parliamentary form of governance. The second group stands for Parliamentary form of governance.

3.2 Manifestation of Tribalism, Clannishness and Regionalism, their Impact in Kyrgyzstan

Such phenomena as tribalism, clannishness and regionalism make a significant influence on the political life of Kyrgyzstan. A tribalism as a tribal-clan structuring in some way existed historically in Kyrgyzstan. During Soviet period of time this phenomenon was artificial, revolutionarily veiled, and from start of 90-s of the XX century it began to revive.

A level of political culture of the basic mass of population of the country contributes to the existence and maintaining of tribal-clan structuring. At deterioration of the social-political situation of population tribal relations were becoming a way of social, vertical mobility and stratification; at the unavailability of ideology it becomes a way of person identification at the contemporary stage.

At present tribal, clan and regional connections find their reflection in Kyrgyzstan in such aspects as staff nomination, recruitment of political elite and taking of political decisions. These relations play a significant role in the political struggle of the country.

The investigation of the problem of tribalism, clannishness and regionalism in Central Asian countries is sufficiently of current importance⁶. Analyzing publications in this sphere it is possible to separate the following aspects:

There is no consent among Central Asian researchers in definition of the notion “tribalism”. Thus, some authors regard tribalism as a usage of tribal-clannish institutes in political interests. Other authors think that tribalism is a mechanism of recruitment of staff according to the clan feature, which is evidently manifested during election campaigns. A clannishness at that is regarded as an internal ruggedness of the State machinery into organized groups of influence. There is the following classification of clans: tribal, post-Communist-Party and financial-industrial⁷.

A population itself, in particular, some Kyrgyz, infatuated with an idea of the “nation revival” regard a tribalism as a return to traditional “jurtchuluk” (community), which since olden days promoted a rallying, as well as a return to traditional “uruuchuluk” (tribal-clannish structure), they regard it as a preservation of the Kyrgyz originality by way of tribalism⁸.

⁶ Gullet D. Tribalism in Kyrgyzstan: viewpoint// Central Asia and Caucasus. – No. 2(20), - 2000. – p. 35-43; Masanov N. Kazakh political and intellectual elite: clannish attribute and inter-ethnic rivalry//Bulletin of Eurasia. – 1996.-No. 1(2). – p. 46-61; Elite of Kazakhstan and Kyrgyzstan – Central Asian tribalism ?//Central Asia: politics and economy. – 2001. – No. 1(3).-p. 12-13; Amerkulov N. Juz in the social-political life of Kazakhstan //Central Asia and Caucasus. – No. 3(9). – 2000; Dukenbaev A., Tanyrykov V. Political-administrative relations in Kyrgyzstan and Central Asia // Political-administrative relations: who is in power? – Bratislava, 2001. – p. 222-226.; Todua Z. Clans in Uzbekistan and their influence on the contemporary life of the country//From reference materials of the Information-Analytical Centre “Eurasia” (Eurasia.org.ru/main/inform.html); Niyazi A. Tadjikistan: conflict regional aspects (1990-s) – pub.carnegie.ru.

⁷ “Clans in Central Asian countries: traditions and contemporaneity”. Round table meeting//Central Asia” policy and economy. – 2000. – No. 2, p. 6-9

⁸ Djunushaliev D., Ploskikh V. Tribalism and development problems of Kyrgyzstan //Central Asia and Caucasus. – No. 3(9).-2000. – p. 146-155.

A term “regionalism” is regarded in researches as a competitiveness, a confrontation between representatives of different administrative territories. For example, as Kazakh researchers point out, “a regionalism is vividly manifested in Central Asia countries (In Kyrgyzstan – North-South, in Uzbekistan – Tashkentky and Samarkandky clans etc., in Tadjikistan – Kulyabsky, Leninabadky etc. Juz (divided into hundreds) differentiation of Kazah is in some way a regional division, comprising very often of non kindred tribes”⁹. T. Usulabiev, a famous politician in Kyrgyzstan, defines a regionalism as an ethnic regional separatism, thus identifying notions of regionalism and tribalism¹⁰; Suyunova Z. identifies such notions as blood relationships and tribalism¹¹; D. Kyshtobaev, a well-known journalist, setting examples of friendly association (of people from same area) in Russia, Ukraine, Central Asian countries and even in China, thinks, that Kyrgyzstan tribalism is not so dangerous: “Northerners and Southerners, Talas and Kemin, Chui and Naryn groups will never come to the open fight. But a concealed confrontation had always been, is and will be”¹².

Thus, notions of tribalism, clannishness and regionalism are closely connected and have a sufficient influence on the policy in Central Asian countries, including Kyrgyzstan.

Parliamentary elections of 1995, 2000, 2005 were carried out with obvious violations of legislation and were marked by evident regionalism and tribalism, by a bribery of electors, of judges, by manipulations of the Central Election Commission. A characteristic feature is when a candidate to deputy of Parliament, originating from the North of the republic, even does not attempt to be elected in the south and vice versa. At times a severe competitive struggle expanded between large tribes. In particular, a society “Saruu Urussu” was organized in Naryn Region at Parliamentary elections in 1995, one of main goals of which was a victory of candidates from saruu tribe.

As it is pointed out by a Kyrgyz researcher E.A. Mamytova, social-cultural and ethnic differences inside the Kyrgyz society have their reflection in multi-aspect political orientations of separate regions of the Kyrgyz Republic, first of all, in its northern and southern regions, which was clearly manifested during Presidential elections of 1995. 95% of population in northern regions of the republic voted for A.Akayev, whereas population in the south regions gave in average 50% of votes to a southerner A. Masaliev, a representative of the Communist Party¹³.

Rather interesting data are provided by the Sociological Service – Agency of Political Investigations (API) within the framework of the Project “Political Elites of Central Asia Countries”, which were the result of the expert polling carried out with a purpose to reveal basic tendencies of Kyrgyzstan political elite formation¹⁴.

Considering principles of aspirants selection to the Kyrgyz Republic President’s Administration, experts put a principle of a candidate’s support by financial-economic structures to the first place, the second place was given to a clannish-family factor, and the third place was occupied by a principle of a personal devotion. The following qualities

⁹ Political elite of Central Asia. Tel-Aviv: International Centre of Social-Political Researches, Central Agency of Political Surveys, 2001. p. 22.

¹⁰ Usulabiev T. North and South... This notion must be geographical but not political.//Svobodnye gory.- 1994. – February 25, No. 8. p. 3-4.

¹¹ Suyunova Z. Zetstvo – what does it mean? :tribalism// Res Publica (General case). – 1997. – November 4-10.- No. 34

¹² Kyshtobaev D. May be some country has friendly association (of people from same area), but we have a tribalism//Nasha gazeta. – 1996. - October 10. – p. 3

¹³ Mamytova E.A. Political elite of Kyrgyzstan // Political Kyrgyzstan: Text-book. Bishkek, KNSU, Institute of state governance and sociological surveys. 2001. – p. 46

¹⁴ Source: Political elites of Central Asia. – Tel-Aviv: International Centre of Political Surveys (ISS) Central Agency of Political Researches (APR) under the edition of Karin E., Ileulova G., 2000) – p. 56.

appeared to be important: a loyalty in respect to the existing ruling elite, an experience of public activity and a regional support.

At selection of staff to the Government and Parliament of the Kyrgyz Republic protectionism on the part of financial-economic subjects is at the first place. At that a person wishing to get into the Government must observe a principle of a personal devotion and loyal attitude to the ruling elite. Somewhat another principle is used at recruiting of staff to the Kyrgyz Republic Parliament. Besides a support of financial structures a regional belonging of a candidate plays a role of no small importance, as well as his belonging to a certain clan.

According to the experts' opinions, belonging to some clan or a family, a personal devotion of a candidate, his loyalty to the ruling elite, his professionalism are taken into account first of all at selection of staff to the judicial bodies.

At recruitment to the local state authorities and to the government circles the most important factors are: belonging to some clan or a family, protection of financial and economic structures and a personal devotion of a candidate.

Speaking about Kyrgyz regionalism it will be necessary to point out its main component: actually Kyrgyzstan consists of two parts – “North” and “South”. The Southern region covers Osh, Jalal-Abad, Batken Regions; the Northern region includes territories of Chui, Talas, Issyk-Kul and Naryn Regions. A political elite playing a key role in the state governance of contemporary Kyrgyzstan, was up to March 2005 represented by Northerners and was built up in the following way: Chui, Talas, Naryn and Issyk-Kul regions. This division was made merely geographically: two regions appeared to be separated by mountain ridges which are difficult to traverse. At present stage North and South are connected only by one motor road Bishkek-Osh. That is why political, economic and cultural relations between South and North were not always close. The economic structure, economic and political relationships, a mentality of inhabitants of South and North differ from each other.

The President A. Akayev represented the North and representatives of influential Northern clan dominated in state bodies: Sarybagysh, Kushchu, Solto, Tynai, Sayak, Saru etc. There was their own hierarchy depending on their influentiality. Representatives of southern regions are divided into two groups with names: Ichkiliki and Otuz uul, whereas they call northerners with a collective name – Arkalyks. Right up to March, 2005 representatives of southern regions were poorly represented in higher echelons of power and did not have a special consolidated idea, connected with their regional belonging. They did not manage to create a uniform regional fraction or block in government bodies. March events of 2005 resulted into a change of power, representatives of the Southern region occupied higher government positions, though according to the declaration of the acting President, Prime-Minister K. Bakiev, who represents the Southern region, he will take into account interests of both the South and the North at appointment of people on higher government positions.

Parliamentary elections and post-Parliamentary electoral situation of 2005 confirmed once more the availability of problems of tribalism, clannishness and regionalism. After Parliamentary elections there were arisen conflicts connected with their results. Meetings, pickets of adherents of candidates who were not elected, consisting basically of relatives and countrymen of candidates take place in Kyrgyzstan. These conflicts have a serious character and it is evident that power authorities cannot regulate them.

At forthcoming Presidential elections on July 10, 2005 in Kyrgyzstan it was anticipated that a regional rivalry between North and South would increase, where the North was represented by F. Kulov and the South – by K. Bakiev. But in connection with recent events F. Kulov and K. Bakiev signed an agreement according to which they were united and created a tandem. According to the agreement F. Kulov withdraws his candidature from registration for participation in Presidential elections and in case of K. Bakiev's victory Kulov will occupy a position of the Prime-Minister. This agreement, to our mind, seems to be relevant, correct and necessary, it will remove a tension and a possible conflict between the South and the North.

To our opinion, under current conditions it is necessary to return to a combined electoral system, i.e. to majority-proportional one, but with the increase of quotas for political parties. This will result, as we think, to the activation, strengthening of political parties and elimination in some way of problems of tribalism, clannishness and regionalism. An elector will vote not for a certain person, but for a political party which proposes its way of Kyrgyzstan development.

3.3 Administrative Resource at Parliamentary Elections of 2005

At gaining of the independence in such important political process as elections there was always observed the usage of administrative resource.

Parties at Parliamentary elections of 2005 played a secondary role. From 469 registered candidates only 71 candidates were put to the vote from political parties, the remained candidates were registered as self-nominated candidates. Personalities and actions of candidates were of a decisive significance.

Parties participating in Parliamentary elections of 2005 divided into pro-Government and opposition parties are indicated in Table 1. Though such division is provisional, because different trends, starting from right-radical, centrists to left-radical were represented both in pro-Government and opposition parties.

Table 1. Pro-Government and opposition parties

Pro-Government parties	Oppositions parties
1. Political Party of Unity and Development “Alga, Kyrgyzstan”	1. Political Association “Narodnoye dvijenie Kyrgyzstana”
2. Republican Party “Adilet”	2. Party “Ar-Namys”
3. Democratic Party of Women and Youth of Kyrgyzstan (Novaya sila” (former name – Democratic Party of Kyrgyzstan Women)	3. Social-Democratic Party of Kyrgyzstan
4. Party “Soglasije”	4. Party of Kyrgyzstan Communists
5. Political Party of Kyrgyzstan regions “Elet”	5. Party “Jany Kyrgyzstan” (Novyi Kyrgyzstan”
6. Party of Economic Revival of Kyrgyz Republic	6. Communist Party of Kyrgyzstan
7. Political Party of Actions “Moya strana”	

The alignment of forces at Parliamentary elections of 2005 is indicated in Table 2, and the alignment of party forces after Parliamentary elections is reflected in Table 3.

Table 2. Alignment of party forces prior Parliamentary elections of 2005

Regions	Parties											
	Alga Kyrgyzstan ¹⁵	Adilet ¹⁶	DPW&YK “Novaya sila” ¹⁷	Soglasije ¹⁸	Elet ¹⁹	PKC ²⁰ /CPK ²¹	SDP ²²	NDK ²³	PER ²⁴	Ar-Namys ²⁵	Moya strana ²⁶	Jany Kyrgyzstan ²⁷
Bishkek	5	3	1	1		1/2	1			3		
Batken Reg.	4	3				/1						
Jalal-Abad reg.	4	3						1				
Naryn reg.	1	1			1		1				1	
Osh reg.	5	4										1
t. Osh	1	2										
Talas reg.		1				1/1				1		
Chui reg.	4	3					3		1			
Issyk-Kul reg.	2	2	1	1	1							
Total	26	22	2	2	2	2/4	5	1	1	4	1	1

Table 3. Alignment of party forces after Parliamentary elections

Regions	Parties			
	Alga Kyrgyzstan	Adilet	DPW&YK “Novaya sila”	Communist Party of Kyrgyzstan
Bishkek City	4	1		
Batken region	3			1
Jalal-Abad region	4			
Naryn region	1			
Osh region	3			
Osh town		1		
Talas region				
Chui region	3	2		
Issyk-Kul region	1		1	
Total:	19	4	1	1

¹⁵ Political Party of Unity and Development “Alga Kyrgyzstan”

¹⁶ Republican Party “Adilet”

¹⁷ Political Party “Democratic Party of Women and Youth of Kyrgyzstan – Novaya sila” (former name “Democratic Party of Kyrgyzstan Women”)

¹⁸ Party “Soglasije”

¹⁹ Political Party of Kyrgyzstan Regions “Elet”

²⁰ Party of Kyrgyzstan Communists

²¹ Communist Party of Kyrgyzstan

²² Social-Democratic Party of Kyrgyzstan

²³ Narodnoye dvijenie Kyrgyzstana

²⁴ Party of Economic Revival of Kyrgyzstan

²⁵ Political Party “Ar-Namys” (Partiya dostoinstva)

²⁶ Political Party of Actions “Moya strana”

²⁷ Party “Jany Kyrgyzstan” (Novy Kyrgyzstan)

As it is evident from the Table 3, new Parliament is represented basically by pro-Government parties, opposition parties are not represented in it except for the Communist Party of Kyrgyzstan.

Political power in the person of the Kyrgyz Republic President used the administrative resource at elections of 2005 in favour of such parties which he supported. Such supported parties at the parliamentary elections of 2005 were parties: “Adilet” and “Alga, Kyrgyzstan”. Being members of these parties gave candidates, put to the vote from these parties, “a green light” and meant that they will be supported in every possible way by power by means of the administrative resource.

Party “Adilet” exists from 1999. The first chairman of the Political Council of this Party was a famous writer Ch. Aitmatov. During some period of time M. Sultanov, a deputy of the Legislative Assembly of the Kyrgyz Republic Parliament, was one of co-chairmen of this party, who at the recent congress of the party left its membership and made an opposition to the existing power. Former high rank officials: Vice-Prime Minister K. Jumaliev and Head of the President’s Administration T. Kasymov were members of this party.

It should be pointed out that after establishment of the Party “Alga Kyrgyzstan” a Party “Adilet” became less visible. At last local elections the Party “Adilet” together with the Party “Alga Kyrgyzstan” was in the lead by a number of gained places. It was evident at parliamentary elections of 2005 that the Government made a basic stake on representatives of the Party “Alga, Kyrgyzstan”. Though it is possible to regard a creation of these two pro-Government parties as an attempt of power to unite electorate of middle age in the Party “Adilet” and more young electorate on the Party “Alga, Kyrgyzstan”.

Party “Alga, Kyrgyzstan” was created on September 7, 2003 in the process of merger of four political parties: the Party of Unity and Development “Jany Zaman” (Novoje vremya), the Party of Spiritual Revival “Manas El”, Party of Kyrgyz Republic Co-operators and Party “Jany Kyimyl” (Novoe dvizhenije). A merger of these parties took place by the initiative of the Party “Jany Zaman”.

Goals of the Party: to realize a political will of compatriots by means of a broad participation in the life of society and informing of broad layers of population and state bodies on such will. Another goal – to assist strengthening of political stability, law and order, to contribute to economy raising, provision of social justice and increase of the living standards of population. A chairman of the Political Council of the party – B. Begaliev.

The Party “Alga, Kyrgyzstan” was a main instrument of the regime in the attempts of the state authorities to win the Parliament. Established by young businessmen and officials it enjoyed a support of the President’s daughter, 33 years old Bermet Akaeyva. Being put to the vote as a candidate to the deputy she did not conceal her belonging to the Party “Alga, Kyrgyzstan” and used an election fund of this Party, though she was registered as a self-nominated candidate²⁸.

As the experts point out, a problem of the Party “Alga, Kyrgyzstan”, as well as the problem of other political parties of Kyrgyzstan was connected with the fact that it had no serious program of reforms in Kyrgyzstan. All activity of the Party was concentrated on expensive advertising campaigns, which sometimes did not take into account specific peculiarities of electorate mentality. The Party “Alga, Kyrgyzstan” was basically concentrated on towns and in regional centres.

Some candidates from the Party “Alga, Kyrgyzstan” were rather popular and the initial idea – to put forward young businessmen to the Parliament could be successful. But the Party “Alga, Kyrgyzstan” was regarded, first of all, as the party of power and this fact attracted candidates to deputies. Putting to the vote from the party gave a confidence that a candidate will be elected to the deputy using the support of the administrative resource.

²⁸ Z. Sydykova. “Double standards, double moral” // “MCN” newspaper, March 10, 2005, p. 7

As for other pro-Government parties, they were not so well supported by state authorities as parties “Alga, Kyrgyzstan” and “Adilet”.

From pro-Government parties two parties were headed by governors: these include: **Democratic Party of Women and Youth of Kyrgyzstan – “Novaya sila”**, headed by T. Shailieva, Governor of Issyk-Kul region, and a **Political Party of Kyrgyzstan Regions “Elet”** which was headed by N. Kasiev, Governor of Osh Region.

The **Party “Soglasije”** headed by Sh.I.Kudabaeva, chairman of the PJSC Russian-Kyrgyz “Amanbank” and the Political Party of Kyrgyzstan Regions “Elet” were established just before Parliamentary elections of 2005 with a view to put to the vote its leader to the Parliament. The **Party of Economic Revival of the Kyrgyz Republic** is headed by the General Director of the Transnational Concern “Vosst” Ltd. **Political Party of Actions “Moya strana”**, the leader D. Otorbaev, who occupied a position of the Vice-Prime-Minister. During last elections the Party “Moya strana” overcame a 5% barrier and had its deputy by party lists in the person of Z. Kurmanov.

How effectively was used the administrative resource is possible to find out on the basis of comparison of data on a number of obtained seats in the Parliament. According to the results of the first and second rounds 4 candidates from the Party “Adilet”, 19 candidates from the Party “Alga, Kyrgyzstan”, 1 candidate from the Democratic Party of Women and Youth “Novaya sila”, 1 candidate from the Communist Party of the KR were elected, whereas none of candidates was elected from other parties- “Ar-Namys”, Social-Democratic Party of Kyrgyzstan, “Soglasije”, Party of Economic Revival of Kyrgyzstan. “Elet”, which put to the vote their representatives at Parliamentary elections.

Parties “Adilet”, “Alga, Kyrgyzstan” represent a majority in the Parliament. A specificity of Parliamentary elections in Kyrgyzstan was connected with the fact that many candidates were put to the vote as self-promoted candidates. One of the opposition leaders in one of his speech at TV channel pointed out that he was put to the vote not from the opposition party, a member of which he was, but he was put to the vote as a self-nominated candidate because he was afraid of to be persecuted by power authorities²⁹.

Thus, a struggle at Parliamentary elections of 2005 was more acute than it had been at previous elections. It can be justified by such facts as: firstly, reduction of a number of seats in the new Parliament by 1/3 from 105 to 75 seats, secondly, extension of its powers in compliance with a redaction of the Constitution of the Kyrgyz Republic of 2003.

At Parliamentary elections state authorities applied different tactics: in some cases state authorities supported some candidate in contrary to the opposition candidate; in other cases state bodies occupied a neutral position, as several candidates fought with each other, who were more or less acceptable for the state authorities. But in all cases the power pursued its own interests.

A main goal of state authorities was to form a body in which the President could control two thirds of seats in the Parliament. This could have given him a possibility of selection from several options.

The first option, change of the Constitution in order to shift a centre of power from the President to Parliament and later to find successors from a family clan in the Parliament, through whom it would be possible to continue to exercise authoritative powers.

And the second option for extension of his powers through a referendum for a next term period up to 2010.

3.4 Peculiarities of Conduction of Parliamentary Elections of 2005

²⁹ Program “Elections – 2005”. Individual speech of the candidate to deputy G. Tokombaev at the KTR TV channel. 14.02.05, 22:20.

2005 for Kyrgyzstan was marked by a revolution, which took place on March 24, 2005. It should be basically pointed out that the reasons for such revolution were: corruption in all branches of power, poverty of population, non-observance of laws, incorrect staff policy especially among the youth.

But a main reason which caused meetings and actions of protest were gross violations during elections to the Parliament of the Republic (such violations include:

- usage of administrative resource in favour of some candidates, bribery of electors;
- falsification of voting results;
- refusal to register disagreeable candidates and removal of some of them;
- suppression of opposition mass media by state authorities;
- high level of corruption in the country;
- concentration of all power in the hands of the KR President’s family members.

Parliamentary elections of 2005 were held with large violations, these violations include: refusal to register ex-Ambassadors, withdrawal of candidates disagreeable for the state authorities from pre-election rush under different “legal” pretexts, suppression of opposition mass media by power.

Refusal to register ex-Ambassadors

One of violations at the Parliamentary elections of 2005 was a refusal to register ex-Ambassadors. According to I. Kadyrbekov, a Deputy to the Legislative Assembly of the Parliament, the adoption of regulations on suffrages of Ambassadors and ex-Ambassadors on November 5, 2004 completely turned up down a notion of “extritoriality” in consciousness of Kyrgyzstani, especially of lawyers. A small comment signed by the Chairman of the Central Election Commission S. Imanbaev was published on that day in one of newspapers, the essence of which was connected with the following: territories of Embassies and Consulates created outside the Republic are not territories of the Kyrgyz Republic. And according to the Constitution and the Code on Elections a citizen of the Kyrgyz Republic may be elected a deputy of the Parliament, who besides other things, must be permanently residing in the Republic during five recent years prior nomination as a candidate to deputy. Consequently, Ambassadors and Consuls may not be registered as candidates to deputies of the Kyrgyz Republic Parliament. Hence, former Ambassadors were not registered as candidates to deputies. After application of former Ambassadors to the Committee on Affairs of State Structure, this Committee prepared a draft law in which they proposed to introduce an amendment to the Code on Elections of the Kyrgyz Republic that for state officials executing their service responsibilities in the interests of the State upon the assignment of higher officials and state bodies interruptions in permanent residence on the territory of the Kyrgyz Republic are allowed without taking into account their stay outside the republic. But deputies rejected this draft law.

The Legislative Assembly of the Kyrgyz Republic Parliament considered this draft law again and adopted the law which permits former diplomatic workers to take part in Parliamentary elections. This draft law according to the Constitution of the KR was sent to the President of the Kyrgyz Republic for signing. But legislators themselves violated a procedure at adoption of this law and it was not signed by the President. As a result several Ambassadors were officially refused from registration as candidates to deputies.

On January 6, 2005 a Territorial Election Commission on University Constituency No. 1 took a decision at its meeting on registration of R. Otunbaeva as a candidate to deputy of the KR Parliament. But on the same date the Territorial Election Commission cancelled its

decision on registration on the ground of the Art. 56 of the Constitution of the KR³⁰. According to the documents submitted to the Territorial Election Commission R. Otunbaeva worked in Great Britain as the Kyrgyz Republic Ambassador from 1998 to 2003. From 2002 to 2004 she was a special representative of the State Secretary of the UN in Georgia and arrives in the Kyrgyz Republic only in September 2004. Thus, R. Otunbaeva does not have a 5 year period in the Kyrgyz Republic and she may not be registered as a candidate to deputy.

A reason for cancellation of the decision was also a violation of the requirements of the Art. 18 of the Code on Elections of the KR which reads that a decision of the Territorial Election Commission (TEC) shall be taken by a majority of votes of the established number of the Commission members. TEC of University constituency was formed comprising of 15 members, and for decision taking it was necessary to have not less than 8 votes of the Commission members. From 11 present members of TEC 7 members of the Commission voted for registration of R. Otunbaeva as a candidate to deputy³¹.

There was no provision in the former redaction of the Code on Elections on 5 year period of residency on the territory of the country. Initiator of introduction of the second paragraph of the Art. 69 of the Code on Elections was O. Tekebaev³².

At the meeting of the Legislative Assembly of the Parliament of the KR which was held on 16-17 November 2004 a deputy I. Tokoev proposed to introduce amendments and alterations into the Art. 69 of the Code on Elections, namely, to make an exclusion for state officials, who fulfill their official duties abroad on the instructions of higher officials of the State, but this draft law was not adopted.

On the same above indicated grounds the following ex-Ambassadors as M. Sherimkulov, M. Abylov and U. Sydykov, B. Shamshiev etc. were refused in their registration as candidates to deputies.

A refusal to register ex-Ambassadors contradicts the international norm, which was acknowledged by the Kyrgyz Republic, jointing by a Resolution of the Kyrgyz Republic Parliament No. 1406-XII as of January 12, 1994 to the International Pact on Civil and Political Rights (New-York, December 16, 1996).

Withdrawal from registration of candidates

The following violation and usage of administrative resource at Parliamentary elections of 2005 was withdrawal from registration of candidates disagreeable for state authorities by means of pressure on the judicial system of the country. Separate concrete cases in Kyrgyzstan can be set as examples.

³⁰ According to Clause 1, a Deputy to the Parliament of the KR may be elected a citizen of the Kyrgyz Republic who achieved the age of 25 years old at the date of elections, who is entitled to participate in elections and permanently residing in the republic during not less than 5 recent years prior nomination as a candidate to deputy. Interruptions in permanent residency on the territory of the Kyrgyz Republic up to six months in each year are allowed in connection with a work trip abroad based on production, scientific, office and any other activity.

³¹ According to Clause 7 Decisions of Territorial Election Commission on matters connected with financial support of preparation and conduction of elections, registration of candidates, cancellation of candidates' registration, voting or election results, acknowledgement of elections as not taken place or invalid, conduction of repeated voting or re-election, cancellation of Election Commission decisions shall be taken at the Election Commission meeting by a majority of votes of the established number of the Commission members; Clause 8. Decisions of the Elections Commission on any other matters shall be taken by a majority of votes of the present members of the Election Commission.

³² According to which interruptions in permanent residence on the territory of the Kyrgyz Republic up to six months in each year are allowed in connection with a work trip abroad by production, scientific, official and any other activity.

Issyk-Kul Region, Tonsky Election Constituency No. 75. A candidate supported by state authorities and a candidate from opposition were put to the vote in this constituency. A pro-Government candidate brought a suit to the court against a candidate from opposition accusing this candidate that he illegally carried out agitation. According to the decision of Tonsky district court the suit was satisfied. The Supreme Court left the decision of Tonsky district court in force. A candidate from opposition presented a counter-claim against a candidate supported by state authorities on facts of bribery of electors.

It should be pointed out that a “disagreeable” candidate was a deputy of the previous convocation and enjoyed a large authority among electors and had all chances to be elected. A court decision caused dissatisfaction and meetings in the constituency where electors demanded a retirement of the head of local district self-government administration and demanded to withdraw a candidate, supported by state authorities, from registration. In connection with these events elections in this constituency were postponed for later period even after March revolution of 2005. This constituency is still problematic, as elections did not take place in this constituency.

Issyk-Kul Region, Tonsky Constituency No. 71. A close relative of the President was put to the vote in this constituency who brought a claim against one of main competitors – a candidate to the deputy connected with a fact of illegal agitation. Territorial Election Commission took a decision on cancellation of registration of a competitor of the close relative of the President based on the fact of electors’ bribery. In response to this adherents of a competitor of the President’s close relative organized meetings, blocked a traffic on the road. Basic requirements of the meeting participants were as follows: arrival of the President, Chairman of the Central Election Commission, to acknowledge TEC’s decision on cancellation of the candidate registration as ineligible and to restore a registration of their candidate, to put a distrust to the Governor of the region. In connection with disorders state authorities were forced to restore a candidate registration. According to the results of the first round of elections the President’s relative was not elected. And according to the results of the second round of elections a main competitor of the President’s relative won with a prevailing majority of votes.

Talas Region, Bakaiatinsky Constituency No. 55. There was published the information in many opposition newspapers that state authorities in this constituency wanted to nominate a candidate to deputy a close relative of the President. One of registered candidates in this constituency was a former Minister of the State Property Fund, a confidant of the President’s family. When state authorities understood that he will be a main competitor for the close relative of the President he was asked to withdraw his candidature, but he refused. Referring to the newspaper it is possible to put an example that as if there were negotiations between state authorities and a main competitor, that there was a threat on the part of state authorities that if the President’s relative does not take part in the elections then he will also not be elected as a deputy as the administrative resource will work against him³³.

During the election campaign there were attempts to withdraw this candidate from registration based on the complaints of electors to the Territorial Election Commission on the fact of bribery of votes by this candidate. Meetings were organized in his protection. According to the decision of Bakaiatinsky district court applicants were refused and a registration of the candidate was not cancelled. According to the results of the second round of elections this candidate did not take a majority of votes. After March events of 2005 this constituency remains to be disputable because of multiple violations.

Naryn Region, Kochkorsky Constituency No. 34 – is one of the most problematic constituencies as here three registered candidates were withdrawn from registration from six candidates (two candidates supported by state authorities, two candidates from opposition and two other candidates). One of opposition candidates brought a claim against a pre-

³³ A. Toktomyshev. Agony // “Agym” newspaper, March 18, 2005, p. 5, 8.

Government candidate in connection with a fact of electors' bribery. The court satisfied his claim. But this opposition candidate and the second opposition candidate put to the vote in the same constituency were also withdrawn from registration on the same grounds. In support of two candidates there were organized multiple meetings with a participation of 7,000 electors (differing from other regions). Meeting participants blocked all roads. The main demands of meeting participants were as follows: retirement of the Governor of the region, the head of the local district self-government body, restoration of registration of two candidatures. Even a coercive pressure was made on one of candidates withdrawn from registration³⁴.

According to the results of the second round, in which remained candidates took part, elections were acknowledged invalid as a majority of electors voted against all candidatures. After March events one of withdrawn candidates headed the Ministry of Finance. At present this constituency still remains disputable.

Naryn Region, Narynsky Territorial Constituency No. 33. Eight candidates to deputies were registered in this constituency. According to the results of the first round of elections the largest number of votes were received by: opposition candidate, the former deputy to the Legislative Assembly of the KR Parliament on one side, and the former deputy of the People's Representative Assembly of the KR Parliament on the other side.

Naryn Territorial Election Commission cancelled a registration of the opposition candidate to deputy based on the application of his competitor. A fact on violation which as if took place connected with infringement of the commencement of the pre-election agitation by the authorized person of the opposition candidate was a basis for the demand to cancel a registration of the candidate to deputy. According to the words of the candidate himself, a main reason for this case was a speech of his authorized representative in protection of the “MCN” newspaper and radio “Svoboda”. It should be pointed out that a membership of Naryn Election Commission did not meet legal requirements, because its four members were teachers of one and the same school and a director of this school was a sibling of the candidate who accused the opposition candidate in violation of the Code on Elections of the KR³⁵.

On March 9, 2005 the mentioned opposition candidate applied to Pervomaisky district court of Bishkek City with an application to cancel a decision of Naryn Territorial Election Commission, but the court refused to satisfy the application of this candidate. On March 11, 2005 the Supreme Court also refused to satisfy the application of the above mentioned candidate. According to monitoring of observers there are many violations in this constituency on the part of the competitor of the candidate, withdrawn from registration, but these facts of violations were not considered³⁶

The next violation on the Parliament election was the pressure put on Kyrgyz mass media by the authorities. The pressure on independent mass media began long before the elections in Kyrgyzstan and was intensified before the parliament elections. Thereby, “Piramida” television broadcaster company was at first unable to go on air from the 17th of March of 2004 due to the technical difficulties (transmitter combustion), and later due to administrative reasons. It is worth mentioning that first of all “Piramida” television broadcaster was a serious competitor to the national channels – KTR and KOORT, and secondly its shows often had a critical character in relation to the authorities. Different mass media expressed their opinions regarding “Piramida”, saying that its problems have to do with the upcoming parliament elections of 2005³⁷.

³⁴ “Akylbekti akylynan ajyrata jasdashy”// “Agym” newspaper, 25.02.05. p. 3

³⁵ “MCN” newspaper as of 8.03.05, p. 2. “Jalal-Aba and Naryn are in siege”

³⁶ Draft final report on monitoring of elections of deputies to Parliament on February 27, 2005 – first round, 13/2005 – second round//Coalition “For Democracy and Civil Society”.

³⁷ “Respublica” newspaper as of 13.04.05 “Who is trying to make the “Piramida” fall apart?”, Respublica as of 11.05.04 article “How long will the “Piramida” stay alive?” page 3

Internews reported that during the electoral campaign, the broadcasting of a series private television and radio companies on KTR, RTR and ORT network has been temporarily stopped in the regions of Kyrgyzstan. Based on the ruling of the National broadcasting corporation on the 28th of January of 2005, the broadcasting of private television and radio channels, renting the air time in KTR, KOORT and ORT network has been stopped from the 31st of January till the 1st of March of 2005. Internews reports that such decision can be considered to be directed at limiting the freedom of speech during the parliament elections period³⁸. The informational blockade has been extended on a series of electronically issued publications, such as: msn.kg, respublica.kg, gazeta.kg, Kyrgyz.us, ar-namys.org, kelkel.kg.³⁹

The following factors had a negative influence on the electoral process:

- Prior to the first round of elections, the signals of radio “Svoboda” have been turned off⁴⁰;
- The electric power has been turned off in Freedom House (on the 24th of February)⁴¹, the independent publication company in Kyrgyzstan, which cooperates with more than sixty Bishkek and regional newspapers, including oppositional newspapers;
- The national television was violating the laws of KR by broadcasting the information discrediting some candidates.

Despite all these actions, some opposition newspapers, have addressed the President and his administration with criticism, defending some candidates. Particularly, MSN newspaper has published information regarding the tremendous amount of properties and belongings of the President and his family in the country. The President responded by addressing the nation with the request to sue the MSN newspaper and protect him, saying that “the newspaper constantly tries to purposely poison and damage the President and his family”⁴³. The president did not sue the newspaper, saying that he will be waiting for apologies from editors. Perhaps the case would have gotten heard in court after the elections if it weren’t for the March Revolution.

The situation of state authorities worsened during the parliament elections period because of the Government regulation regarding the suspension of rallies in order to maintain “stability”. National state mass media concealed the information about rallies and pickets and did not allow it to go on air. The discrediting campaign of the opposition leaders had been run, and only one side of the elections campaign had been reflected. The information could only be obtained from the opposition newspapers, such as “MSN”, “Respublica”, “Agym”, “Allam”, etc.

3.5 Opposition consolidation.

Kyrgyz political opposition has never been very strong and consolidated. The opposition mainly consisted of people who were unsatisfied by the results of property redistribution, those who due to various reasons could not be trusted by the President, as well as those offering alternative models of Kyrgyz development.

When analyzing the results of parliament elections in year 2000, when the parties had an opportunity to participate in the elections under the proportionate system, it is worth

³⁸ “Obshestvennyy Reiting” newspaper as of 3.02.05 “ The broadcasting of private television and radio companies’ has been stopped in the regions of Kyrgyzstan until the 1st of March of 2005”

³⁹ “MSN” as of 8.03.05 pg.3, article “ Friends, let’s hold hands, so we don’t vanish individually”

⁴⁰ “ MSN” as of 25.02.05 “ The freedom’s mouth was closed three days prior to the elections” pg.1

⁴¹ “MSN” as of 25.02.05 “ The government of the USA worries” pg.1

⁴² “MSN” as of 18.02.05 “ In the house, built by Akaev”

⁴³ “MSN” as of 18.02.05 “Name of the slander – MSN”

mentioning the Kyrgyz opposition party “Ar-Namys” (Worthiness) – leader Kulov F. (registered 19.08.1999), which gained popularity among the population. This party was not allowed to participate in the election. According to the legislation of Kyrgyz Republic, political parties that were registered not later than one year prior to the date of elections could participate in the elections. Newly organized and popular at the time parties such as “The republic party of Kyrgyzstan” – leader Sadikova Z., “Kairan El” party – leader Sadirbaev D., also could not participate in the elections due to the same reasons.

Such opposition parties as “Kyrgyzstan party of communists” – leader Masaliev A., “Communist party of Kyrgyzstan” – leader Ajibekova K., “Ata-Meken” party – leader Tekebaev O., “Agriculture and labor party of Kyrgyzstan” – leader Sidikov U. – participated in the election process.

On one region of the republic “Kyrgyzstan party of communists” received 27,65% of electoral vote, 5 deputy mandates; Socialistic party “Ata-Meken” – 6,47 votes, 1 mandate.

The remaining mandates were given to the parties who had a loyal attitude towards the authorities and current reforms. They were: “Union of democratic powers” – 18,64%, 4 mandates, Democratic women party – 12,69%, 2 mandates, Afghanistan Veterans and participants of other local war conflicts party – 8,035, 2 mandates; Political party “My country” – 5,01%, 1 mandate.

The electoral block “Union of democratic powers” united and included the following political parties: Social-democratic party of Kyrgyzstan, Kyrgyz union party, Party of economical revival of KR. The electoral block was able to attract the voters, using some tactical tricks. In particular, very famous and respectable politicians, such as A.Aitmatov, B.Silaev, A.Erkebaev, were included into a “celebrity list”.

A.Aitmatov, B. Silaev refused their mandates immediately after the election. Some authors believe that this was directed at deceiving the voters, and taking away their right to have the people they have voted for to represent them. Referring to the experience of the parties (they also attract notable, i.e. powerful, influential individuals, for their electoral campaign in order to attract the maximum amount of voters to their side), those actions were fully reasonable. This is proven by winning of the relatively young party “My Country” (registration date: 19.11.1998). This party managed to unite famous people during the electoral campaign; their victory was also due to the active usage of the political advertisement in printing publications, television, public relations and other electoral techniques.

The parties could not establish a multiparty system with few dominating parties in Kyrgyzstan. While pro-governmental parties could create a unifying block “Union of democratic powers” during the parliament elections in the year 2000, the opposition parties could not do so.

During the presidential election of 2000, the opposition powers also could not consolidate. The main factor unifying the opposition was that it had a negative attitude towards the existing authorities and political regime. The main problem of opposition side during the Presidential elections campaign in the year 2000, was their inability to create the unified system to confront the existing government. The leaders were more concerned with figuring out the relationships within the parties and movements, as well as relationships with each other; the opposition had no leaders who could actually be considered leaders of a national level. Although this fact could be tied to those conditions, under which the opposition had to function. The authorities did not allow the opposition leaders to have an opportunity to gain a positive image in mass media, which is the primary means of attracting attention and familiarize people with the political program on the national level. Kyrgyz opposition is often criticized for the absence of definite long-term goals and clear social-economic program. The concept of alternative political course was absent, therefore opposition based its campaign on a negative slogan “against”. Opposition parties do not have a definite social base, just like all the other parties of Kyrgyzstan. One of the most important reasons for the weakness of

political opposition in Kyrgyzstan is the lack of mass support, conditioned by patriarch-servant type of political culture and customary attitude of the population towards governmental powers.

The presidential administration has done everything possible in order to prevent the creation of a wide-spread opposition coalition, which resulted in some opposition leader's getting positions in higher authoritative structures. Those who refused to cooperate, were pressured by the government. For instance, the chairman of the National party D. Usenov, chairman of “Ar-Namys” party F. Kulov, leader of DDD party J. Jekesheev were arrested. Frankly speaking, such practices relating to the opposition leaders, are daily realities of the Sovereign Kyrgyzstan. Leaders of ErK party T. Turgunaliyev and Tursunbay Bakir uulu had the same methods applied to them. The party was even forced to re-register and change its radicalism to centrism.

The political opposition parties on the parliament elections of 2005 have been presented by the following:

Kyrgyzstan party of Communists. Fourteen years after the collapse of the soviet communistic party, still retains a series of committees, supporters and can count on a certain voters' support. There are two parties: a Kyrgyzstan party of Communists, lead by A. Masaliev till his death in August of 2004, and Communistic party of Kyrgyzstan, chaired by K. Ajibekova. During the parliament elections of 2000, out of 15 places on the parties lists, got 5 places in the parliament. We think that such advantage during the elections was due to people's nostalgic attitudes towards the former regime, socio-economical stability in soviet society, and the honest image of the Communistic party. It is worth mentioning that the electorate of the communistic party mainly consists of aged people. During the parliament elections of 2005 the party along with all the other parties was not active. The party decline can be related to the situation of the communistic parties on all post-soviet area, particularly in Russia, where the authority of the communistic party has been diminished throughout the entire post-soviet area by means of discrediting the party on the official level, and resulted in losing such authoritative leaders as A. Masaliev and A. Amanbaev.

“Ar-Namys” party (“Worthiness”). The party was formed on the 9th of July and was registered on the 19th of August of 1999. Many voters are well aware of “Ar-Namys” opposition party, mainly due to its leader – F. Kulov, who was imprisoned until the events that took place in March of 2005. MIA (ministry of internal affairs) general, former vice-president of Kyrgyz Republic, former mayor of Bishkek city and governor of Chu region, former minister of national security F. Kulov was once accused in abusing his authorities. F.Kulov was found guilty by the Bishkek's Pervomay regional court for misusing the state finances in 1993-1997 when he was a governor of Chu region; he was condemned to spend 10 years in prison. Prior to that, F. Kulov was already imprisoned – Bishkek garrison court condemned him to seven years in prison, starting on the 22nd of January of 2001, after he was found guilty in abusing his authorities while being a minister of national security during 1997-1998. Opposition announced that both proceedings against F. Kulov were instituted due to the political motives. After the March events of 2005, according to the Supreme Court decision, F. Kulov was found completely innocent. He is now occupying a post of vice-premier minister and in case K.Bakiev wins the elections, he will take the post of prime-minister of Kyrgyzstan.

Social-democratic party. The leader of the party is A. Atambaev. The territory of this party's influence is usually limited by this leader's areas of support; they include areas of Bishkek and Chu regions. On the parliament elections in year 2000, he balloted and won the first and second rounds in Asanbaevsky electoral region, but according to the court decision lost to his rival. He also ran for a President post of KR in year 2000.

A. Atambaev did not participate in the parliament elections of 2005, however he supported his team-mate M.Eshimkanov, the editor of opposition newspaper “Agym”, who balloted in Asanbaevsky electoral region. The leader of Social-democratic party, chairman of

“Forum” campaign A. Atambaev was also willing to run for the post of President, but refused to do so after F. Kulov was registered as one of the candidates. Co-chairman of the party is I. Kadirbekov. During the parliament elections in 2005 he was registered as self-proclaimed and was excluded from the registration in Naryn electoral region #33. After March events of 2005 he occupied the post of transportation and communication minister. During the parliament elections of 2005, Social-democratic party also proposed another opposition leader – A. Japarov, who balloted in Kochkorsky electoral region # 34 and was excluded from the registration. After the March events, he occupies the post of finance minister.

On the 29th of December of 2004 a Memorandum of mutual understanding, cooperation and coordination in conducting honest, fair and clear parliament elections on the 27th of February of 2005 was signed by opposition powers of Kyrgyzstan (united political authorities “ National movement of Kyrgyzstan”, socio-political movement “ Ata-Jurt”, socio-political movement “Jany-Bagyt”, Public Congress of Kyrgyzstan and Civil union “ Pro honest elections”). This fact indicates that compared to the parliament and presidential elections of 2000, the opposition could consolidate, which resulted in establishment of such movements as:

Political union “ National movement of Kyrgyzstan” (NMK)

NMK was formed on the 22nd of September of 2004 as a result of merging of nine political parties (Communists party, Communistic and Republic parties, “Asaba”, “Democratic movement of Kyrgyzstan”, “Kairan El”, “new Kyrgyzstan”, “Erkin Kyrgyzstan”, “Erkindik”). In the present time, there are about 100 thousand members among NMK. The chairman of NMK is the prime-minister K. Bakiev. The reason for establishing such a movement was to provide fair and honest elections in Kyrgyzstan, creating a general position on candidates for the upcoming parliament and presidential elections.

National movement of Kyrgyzstan played a significant role in the March events of 2005, when it could concentrate all opposition and coordinate mass protests and rallies. Following the march events of 2005, K. Bakiev becomes acting as a president, prime-minister, and one of the main candidates for the presidential post.

Socio-political movement “Ata-Jurt” (“Mother Land”). It was formed on the 13th of December of 2004, chaired by ex-minister of foreign affairs R. Otunbaeva, D. Sadirbaev, A. Madumarov, O. Tekebaev and others. The main purpose of such movement, according to its articles of association, is participation in parliament and presidential elections. The movement’s priorities are creating civil and legal society, protection of poor population of Kyrgyzstan, supporting the agricultural and agrarian industries.

Socio-political movement “Ata – Jurt”, played a significant role in the March events of 2005. Its leaders chair high governmental posts, in particular R. Otunbaeva acting as a minister of foreign affairs, a. Madumarov acting as vice-prime minister, O. Tekebaev is the speaker of the new parliament; D. Sadirbaev is the deputy of the new parliament after passing on Nookensky electoral region #24.

Civil union “Pro fair elections”. On the 19th of March of 2004 M. Ashirculov, the secretary of Kyrgyzstan Security Council, a close friend of Askar Akaev, created an independent organization Civil Union “Pro fair elections”, and on the 24th of May the president of Kyrgyz Republic dismissed M. Ashirkulov from his current position. Apparently, the reason was that M. Ashirkulov’s organization included such opposition politicians as A. madumarov, O. Tekebaev and E. Aliev (“Ar-Namys” party).

At the time there were many various opinions regarding the creation of such union. Some thought that it was another presidential scenario, by which the President wants to learn the public opinion for the further development of tactics prior to 2005, and perhaps introduce a close to him person, who would later become his successor. Some thought that it was an independent game on M. Ashirkulov, who decided not to wait for the president’s choice, and push him in advance, which is why M. Ashirkulov found supporters in opposition, independent leaders under the slogan of conducting fair elections; it is highly doubted that

anyone could disagree with this. In our opinion, the creation of such union by the closest team-mate of the President and his union with opposition, demonstrates the fact that there is crisis within the authorities, the result of which is a split.

Socio-political movement “Jani bagyt” was chaired by ex-minister of foreign affairs M. Imanaliev. This movement proposed the union of Kyrgyz people for the sake of national idea “Strong Democratic Kyrgyzstan”, the gist of which is: reinforcement of the national state; the development of Kyrgyzstan as the unique cultural center; defining the priorities of the national economy; creating stable and safe living conditions for Kyrgyz populations; eliminating corruption, criminal activities and other negative actions; formation of the body of professional leaders.

According to the announcement of M. Imanaliev, socio-political movement “Jany Bagyt” entered into alliance with various opposition forces, mainly for consolidation of all political forces on three main topics and aims.

Firstly, it is conducting the honest and fair parliament and presidential elections. Second problem is protection of Constitution, in order to prevent the government from staying for another term. And thirdly, demanding the transfer of powers to be carried out according to the constitution⁴⁴.

In general, the public union “Jani Bagyt”, was against the revolutionary methods of resigning the authorities.

The parliament elections of 2005 were characterized by active participation of youth organizations. Particularly, an opposition youth **union “Kel-kel”** was formed. The government created a “clone” organization with alike name and leaders in response to opposition youth union. The youth made up unstoppable rallies throughout the entire Kyrgyzstan. Youth union “Kel-kel” was against the agitation carried out by the candidates for youth, particularly organized by them free trips to the mountains and disco clubs.

Youth movement “Birge” (“Together”). On the 9th of March of 2005, on Bishkek’s alley of youth, the presentation of Youth Movement “Birge” took place and the action “Birge against fear!” was introduced. As the leader of “ Birge” T. Shaihutdinov announced, the action was directed at preventing administrative pressure from “Alga, Kyrgyzstan” party, which pushes the members of Akaev family and others close to him. The leaders of the movement think that in that region, many serious violation of the Code of elections of KR, in particular, forcing the students to vote for the daughter of the President. At the completion of the action, which lasted only 30 minutes, its initiators were held up by the police officers and delivered to the Leninsky ROVD in Bishkek city.⁴⁵

Due to the unwillingness of the officials to accept the opposition as alternative authority and negotiate in order to find a compromise decision, the March events of 2005 took place in Kyrgyzstan.

In general, the political parties in Kyrgyzstan are created based on democratic movements and clientele (near a famous individual, popular politician). It may be said that the created parties are parties of “one individual”, where the majority unites around an authoritative figure. In general, the programs of opposition and those who support the existing regime are alike. They do not differ in ideological orientations. Basically, the Kyrgyz parties are characterized by social-democratic view of reforms, i.e. they emphasize such aspects as governmental role in regulating the economy, widening of social programs. Even parties, indicating that they act as liberal-democratic: “ Republican public party of Kyrgyzstan” – leader Tentiev J., “Agrarian party” – leader Aliev E., “ Party of Economical revival” – leader Hon V.P., etc., ascertain not the diminishing of state regulation of economy, tax cut and decrease of social programs, but the widening of social reforms. Such tendency is indicated by the attempt to attract as many voters as possible, and since the majority of Kyrgyz people need the state support, the political parties are sometimes forced to give populist announcements for attracting electoral voters.

Following the March events of 2005, the Kyrgyz opposition took over the authorities. However, we think that once again the characteristic of our opposition is stated, when it cannot unite, offer a clear socio-economic program, determine a candidate for the Presidential post. The main rivals for the presidential posts should have been K. Bakiev and prime-minister F. Kulov. However, due to the creation of tandem between the two leaders, F. Kulov decided not to run for the presidential post and was appointed as vice- prime minister. There are many candidates for the presidential post at the moment, and it may be said that there is no agreement among the opposition.

3.6 General conclusions.

In this section short conclusions are made regarding abusing the administrative resources during the parliament elections of 2005 in Kyrgyzstan; main important events in Kyrgyzstan and of preceding campaigns and elections are also described. Based on the material mentioned above, two main conclusions can be made.

First of all, a significant and systematic abuse of administrative resources in the interests of “Alga, Kyrgyzstan” and “Adilet” and their candidates in all regions of Kyrgyzstan. Based on typology used in this particular project, many cases of abusing all kinds of administrative resources have been established (media, institutional, and budgetary). Besides, during the period of electoral campaign a force administrative resource has been used as well as government interference, using the legislation in its interests.

Second of all, according to the election results, the parliament had many representatives, representing the positions of the government. It may be said that on one hand the strategy chosen by the government was successful, and on the other hand such violation of the usage of administrative resources by the government caused confrontation from the opposition side and population in general.

As a result a revolution took place on the 24th of March of 2005. At the present stage, more than 20 regions out of 75 are problematic and await the rulings of the Supreme Court.

CHAPTER 4. ALTERNATIVE INVESTIGATIONS OF THE ELECTIONS

Monitoring of electoral campaign by other organizations

OSCE

On the 17th of January of 2005, Bureau of Democratic Institutes and Human Rights OSCE (OSCE/BDIHR), Parliament Assembly OSCE and European Parliament directed an International Mission at observing the parliament elections (IMOPE) on the 27th of February, on the invitation of Ministry of Foreign Affairs of Kyrgyz Republic. IMOPE observed the elections process with the purpose of determining how it corresponds to the requirements of OSCE and international standards as well a local legislation. The mission was chaired by the ambassador Lubomir Kopay (Slovak Republic), 12 people from the main expert group headquartered in Bishkek were also included, as well as 18 long-term observers, located in seven cities of the country. 17 OSCE participating countries have been represented by IMOPE.

IMOPE met the leaders of a wide spectrum of political parties and movements, with individual candidates throughout the country, governmental officials, General attorney, representatives of Judicial authorities, non-governmental organizations, and mass media.

According to the announcement of International Mission regarding the preliminary conclusions of the observation, parliament elections in Kyrgyzstan on the 27th of February of 2005, were more competitive compared to the previous elections, however they did not fully correspond to a series of OSCE requirements and other international standards of democratic elections. The elections demonstrated individual improvements, including the fact that the voters had an actual choice among the participating candidates in many electoral regions. However, throughout the country the competitive dynamics is weakened by the widely spread corruption of votes practice, resigning the candidates from the registration, interference of independent mass media and low level of candidate's and voter's trust towards electoral and judicial organs.

According to the preliminary conclusions of OSCE, the election was characterized by a series of shortcomings, including:

- pressuring students and workers of some universities in order to gain support of certain candidates;
- distribution and public bribery of electoral votes;
- interference by some officials into the electoral process;
- fragmented process of dealing with complaints;
- inexact, badly compiled and sometimes inaccessible voters' lists, which in turn increased the discrediting attitude towards the election process;
- limited access of the voters to various sources of information was worsened by limited broadcasting of mass media and newspapers publication, as well as negative announcements of higher governmental officials directed at independent Mass media, etc.

The Mission also states that the electoral campaign was carried out without violence and in general there were few cases of systematic interference in candidate's campaigns, however there were problems with defining the electoral regions.

According to the OSCE Mission data, widely spread statements regarding the candidates' and their trustees' bribing of the voters influences the situation around the campaign. The chairman of CIK officially expressed his concern for the corruption of voters, and the observers of OSCE/BDIHR personally witnessed cases of the voters' bribery. Bribery of voters is prohibited by law: based on this 4 candidates have been excluded from the registration. Electoral commissions of various levels considered many complaints regarding

this case, however the decisions were inconsecutive and not unanimous. The observers of the Mission had visited 650 electoral regions out of 2157 regions throughout the country.

Coalition “ Pro democracy and civil society”

Coalition “Pro Democracy and civil society” is unbiased and independent non commercial organization whose main priority is uniting of efforts of initiative citizens and non-governmental organizations of Kyrgyzstan in strengthening the democracy and building of the civil society.

Coalition has a substantial experience in conducting observations in the observations during elections campaigns. Coalition observed the referendum in October of 1998, local elections in October 1999 and December 2001, parliament elections in February – March and presidential election in October of 2000, constitutional referendum on the 2nd of February of 2003, and election of deputies for regional and city kenesh on the 10th of October of 2004.

In order to conduct the election monitoring program on the 27th of February of 2005, the Coalition united the efforts of more than 170 non-governmental organizations in all regions of the Republic. Monitoring of pre-election period of the parliament election was carried out by 120 long-term observers.

On the day of election, on the 27th of February around 1735 observers of Coalition controlled the voting process and the computation of votes in 59 electoral regions. Coalition also conducted the parallel computation using the copies of official protocols of voting results in the regions.

On the day of the second election round, on the 13th of March the Coalition directed 1176 observers in order to monitor the voting process and calculate the votes in 893 regions in the electoral region. Like in the first round, the coalition performed a parallel computation of votes using the copies of official protocols of voting results on website www.2005.kg; the results were obtained by the independent observers on the electoral regions after the completion of the process of calculating the voting results.

In its preliminary conclusion on the results of pre-election period monitoring and procedures of the first elections round on the 28th of February, the Coalition indicated the general unfair and dishonest character of the parliament election of 2005.

According to the final report of Coalition, the following circumstances caused particular concern:

- the lack of equal access of various political authorities and candidates to the state press, unstoppable discrediting and slander campaigns towards the leaders of opposition parties;
- the lack of actual freedom of gatherings and rallies in the country, especially the approved anti-constitutional regulation by local regional and city kenesh, limiting and prohibiting the citizen’s right to freedom of gatherings;
- politically motivated, knowingly illegitimate and unfair rulings on the electoral arguments by the Supreme and local Courts;
- violation of the voter’s rights to get familiarized with the voter’s lists, a numerous facts of manipulation with their compilation, taking away the constitutional right to vote from a hundred thousand voters;
- a wide spread of facts of bribing the voters, pressuring of administrative organs with the purpose of influencing the will of citizens;

- one-side termination of renting FM b UKV transmitters of “Azattyk” broadcasting company – main source of reliable and truthful information regarding socio-political events for thousands of voters throughout the entire country;
- discontinuance of electricity supply to the independent typography, which lead to failure in issuance of newspapers and agitation materials, a series of opposition and independent publications, arrest of replications of some newspapers;
- not permitting observers to the electoral regions;
- facts, when the poll was not conducted;
- the voters’ lists are redundant. Many repeating last names, the lists included migrated and dead people;
- violation of marking rules;
- facts of bribery and delivery;
- conducting agitations on the election day;
- pressuring the observers;
- violation of traveling voting procedures;
- illegal distribution of electoral bulletins;
- violation of secret voting;
- violations during the calculations of votes.

The coalition states that the monitoring results of the repeated voting on the 13th of March remained the same. The organization of voting procedures for the second round of election was even worse than that on the 27th of February, and was accompanied by many cases of bribery and delivery of voters and retaining the problem of voters’ lists and their identification. Coalition carried out the process of the parallel calculation of votes and analyses of violations during the election day.

Also according to the final report, the Coalition has the reasons to suppose that the violations of electoral rights and facts of manipulating the votes had a significant influence and seriously distorted official results of the elections. The bribery of voters during the Election Day needs special attention. Throughout the history of monitoring the elections, Coalition noted such alarming factor that candidates always use an opportunity to bribe the voters. However, the past parliament elections and especially the second voting round, showed a tremendous bribery of practically entire population by the candidates and their representatives.

Internews in Kyrgyzstan

The monitoring was conducted by the Society Union “Internews” in Kyrgyzstan and “CIMERA in Kyrgyzstan” organization with the support of Safety and Cooperation in Europe organization. The monitoring period lasted 6 weeks from the 31st of January till the 14th of March of 2005.

This monitoring covered 150 printing and 34 electronic mass media in Bishkek and seven regions. It includes all governmental, non-governmental and in-plant media, presently functioning all over Kyrgyz Republic.

The technique of conducting the monitoring was based on the analyses of qualitative and quantitative indicators containing printing publications, issued in the stated period, and broadcasting of television and radio shows, aired in the stated period.

Eight hours of prime-time have been tracked daily by electronic mass media during the indicated period: television – from 17.00 till 01.00am, radio – from 07.00am till 15.00. Printing media tracked the numbers of daily, weekly, and monthly newspapers, issued in the stated period.

The purpose of such monitoring was to document the process of Mass media work during the pre-election period and determine the parameters of distributing the publication area and air time between the deputy candidates, as well as establish the participation of governmental, public and political structures during the period of pre-election agitation. The qualitative indicators were reflected in seconds for electronic and in lines for printing medias. The quantitative indicators have been established by the tone of comments in the newspapers and on air – positive, neutral, negative. The standard deviation in statistical evaluations is estimated to be 5 seconds for electronic and 10 lines for printing medias.

In order to participate in pre-election parliament campaign, the Central Election Commission of KR registered 90 various mediums of information. The monitoring project on providing information during the pre-election campaign covered 202 means of mass information.

Serious violations have been made when providing information for the parliament elections. NTRK and KOORT channels broadcasted the pre-election agitation in the evening of the 26th of February, which violates the norms of electoral code of Kyrgyz Republic, where in article 31, part 1, it says that “ the pre-election agitation has to stop 24 hours prior to the beginning of election”. Also NTRK aired the debates with participation of candidates and deputies on the 13th of March(period prohibited by the Code).

Many cases of violating the norms of pre-election agitation have been registered. “Jani Kilim” and “Jani Ordo” newspapers published the results of sociological surveys, including the names of candidates, although article 31, part 3 of the election Code of KR states that the publication of public survey results is prohibited from the moment of candidates’ registration.

During the pre-election agitation, a series of actions having a governmental and public importance took place and were broadcasted by mass media. “Vecherniy Bishkek” newspaper on the 16th of February of 2005 celebrated its 30-year anniversary (the newspaper was established in January 1974). The newspaper informed about its 30-year anniversary in its Friday edition (“Vecherniy Bishkek” from 18.02.05). During the fourth week of pre-election agitation in governmental media there were advertisements of the newspaper’s anniversary. On the 4th of March the National Forum of Kyrgyz manufacturers took place in Bishkek. The president of KR A. Akaev personally participated in the work of the Forum. This action was aired on the television and radio.

The limitation of the elections legislation is that there is no differentiation between agitation and broadcasting of pre-election process. During the pre-election agitation, a big amount of information about the candidates, often expressed in a negative tone, has been passed through mass media. Meanwhile, the voter could not distinguish between the pre-election agitation and broadcasting of elections. Such situation does not only mislead the voters, but also violates main rules of the journalist ethics.

It is also worth mentioning that creative workers of individual medias (broadcasting companies KTR, KOORT and newspaper “Vecherniy Bishkek”) often expressed their preferences to certain candidates and their pre-election programs. In publications, the usage of some newspapers for special editions (from 4 lines and up), fully or partially dedicated to individual candidates (more than 20 publications) took place.

Facts of pressuring Mass media by the authoritative bodies are registered during the pre-election period. President A. Akaev addressed people on the national television and announced his intention to sue “MSN” newspaper, accusing it in slander.

Based on the excuse of conducting an auction for the right of signing a contract for the lease of radio transmitters of SV and UKV-CHM diapason, on the 24th of February from 6 pm

the authorities prohibited “Azattyk” radio station to air information on frequencies accessible by the population during the period of pre-election. Starting from this day, the radio station’s programs were broadcasted by means of retranslation thorough radio “Almaz”. They returned to the prior frequencies on the 25th of March of 2005.

On the 24th of February the electrical power in typography of the Fund supporting mass media, this caused an extremely difficult situation with issuance of printing publications. The typography was forced to use autonomy energy supply through the portable generators. During the period from 24th of February till 27th of February(the election day), the electricity has not been restored, which is why the newspapers were printed not in the customary color, but in the black and white format. The electricity has been restored on the 14th of March – after the completion of the second elections round.³⁸

ENEMO (European network of Election Monitoring Organizations)

ENEMO is an association of non-governmental organizations from 16 countries of Former Soviet Union and Eastern Europe. This civil organizations are the leading groups observing the elections in their own countries, who observed more than 110 elections of a national character and trained more than one hundred observers. The goal of ENEMO is to support the democratic process in Kyrgyzstan, evaluate the conditions of organization and the carrying out of election campaign and presentation of objective and unbiased report on the results of observation. The mission performs the evaluation of the correspondence of the election process to the international standards on conducting the democratic elections and to the legislation and constitution of KR. ENEMO admits that it is the people of KR who will ultimately evaluate this election, expressing trust or discrediting toward its results.

During the first round of elections on the 27th of February of 2005, thirty qualified observers of ENEMO performed election observations of more than 250 electoral regions, 15 regional commissions (RC) and all areas of Kyrgyz and Central Election commission(CEC). During the second round of elections on the 13th of March of 2005, twenty observers of ENEMO performed observations of the voting process and calculation of the votes in 205 electoral regions and tabulated the protocol’s data of the regional electoral commissions I 16 RC.

ENEMO performed this mission in cooperation with the National democratic institute of international relations of USA.

According to the ENEMO observation, both election rounds were quite, however there were many violations, which significantly influenced the results of elections. ENEMO concluded that the parliament elections in Kyrgyzstan did not meet the minimum requirements of the international standards on conducting liberal and fair democratic elections.

Although the ENEMO mission mainly performed observations on the Election Day during the first and second rounds, ENEMO noted a series of factors causing concern; they took place a few days prior to the election and had a negative influence on the election process. Prior to the first round, the electricity supply was terminated to the biggest independent typography of Kyrgyzstan, while the state television, in violation of laws of KR, broadcasted discrediting information about some candidates. This tendency was also spread to the second round, where two candidates were denied in registration and excluded from the election two days prior to election. These negative factors did not give the candidates an opportunity to participate in parliament elections under fair and equal conditions.

³⁸ Final report of monitoring the broadcasting of pre-election campaign in mass media of Kyrgyz republic (parliament elections) February-march of 2005, conducted by Internews with support of CIMERA

Based on their observations of the election processes on the 27th of February and 13th of March of 2005, ENEMO pointed out an entire system of violating the rules of pre-election agitation, interference of local authorities into the election process, delivering the voters on buses to the regions, bribing of voters, badly compiled lists of voters and poor organization of the election process by the election commissions.

ENEMO mentions the positive role of active local organizations of the civil society, instructing and informing the voters and performing unbiased monitoring of elections. ENEMO also highlights the positive initiatives of RC, for instance, the usage of non-washable ink, and publication of all protocols of election regions on official RC web-site.

Some of the most typical violations, pointed out by ENEMO while conducting both rounds of election, are as follows:

- illegal agitation;
- voter's bribery;
- delivering voters on buses;
- interference of state and local authorities
- infliction of fear on voters;
- procedural violations on the election regions
 - badly compiled lists of voters
 - distribution within the election regions and their readiness
 - usage of non-washable ink for marking of voters
- access of the observers. ENEMO also offered some of their personal recommendations, which were included in the report of the association.

Having familiarized with the monitoring of the above mentioned organizations, it may be said that the results of observations of the organizations are alike in all spheres of election process; the observers from the Union of Independent States positively evaluated the election results.

CHARTER 5. MONITORING RESULTS AND THEIR ANALYSIS. EXPERT INTERVIEWS.

5.1 MONITORING MASS MEDIA

Abusing the media administrative resource

The monitoring of means of mass media made up the basis of the project as a source of information on abusing administrative resource and for compiling a list of individual typical cases of such abuses, requiring a more detailed analysis. Monitoring of mass media was chosen as the main component of the project since, in our opinion, it is them that play a dominating role in the Kyrgyz elections (look below). Daily monitoring of mass media was performed in the period from the 1st of January of 2005³⁹ till the end of election campaign (27th of February of 2005). The following data has been gathered by means of monitoring of mass media:

- Direct (primary) information on abusing the media resources controlled by the government mass media
- Reports (secondary data) on abusing the institutional, budgetary and media resources, published in controlled by the government and private mass medias.

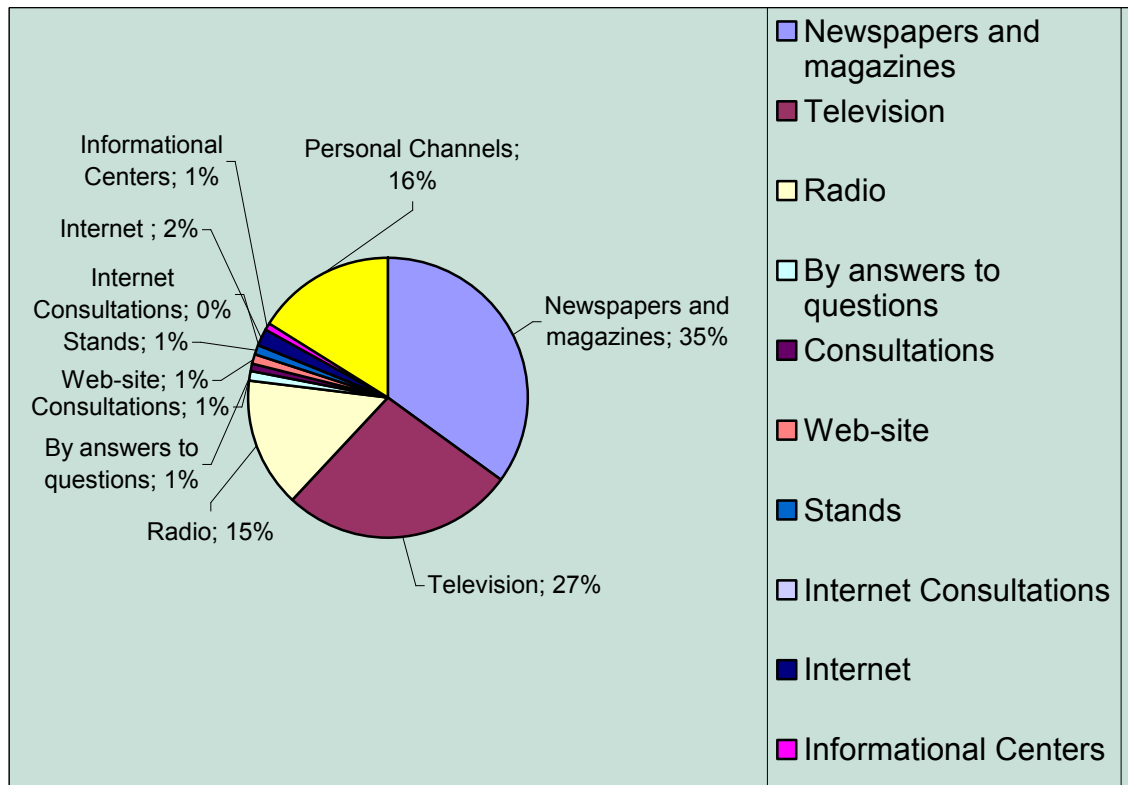
The following mass medias have been selected as sources of information: two television channels, controlled by the authorities (KOORT, KTR) and besides, two Russian channels by which the candidates advertisement campaigns have been monitored (ORT, RTR), twelve newspapers (half of which are of an opposition character), two Internet sites have also been used (official site of RC and KR and a private site). The selected mass media have made up the representative group of informational sources, which differed in form of ownership (governmental and private), positions occupied by their publications, and the audiences, although all of them distributed their operations on the national level. This sample was considered to be optimal for performing the main media-monitoring tasks (collecting the data published by the government media relating to abusing the media resources), and for using the wide sphere of informational sources in order to obtain data on the abuse of administrative resources of all types.

Television

Television is considered to be the most important way of informing the voters of the election campaigns in Kyrgyzstan as well as one of the main means of abusing the administrative resources for electoral reasons. Based on results of a survey conducted by T-Kyrgyzstan in May-June of 2004 within the framework of “Access to Information” project, two main channels of obtaining information are prevailing as sources of information – TV and newspapers. Radio is on the third place, personal channels (such as friends, acquaintances, gossips) – on the fourth. The remaining channels are practically irrelevant in the deciding process. Look at graph 1.

Graph 1. Main sources of information on the governmental activities

³⁹ Monitoring of television programs was performed from the 2nd of February till the 14th of March of 2005



Besides, thesis regarding the dominating of television as an informational source is proved by the four following factors: television audience coverage, high ratings (number of watchers) of programs (particularly news) of the government channels, high level of trust towards certain programs, and survey results regarding the sources of information based on which the voters make their choice.

Within the framework of the project, the following approach for performing the monitoring has been selected. Monitoring staff kept daily tables recording the reports of mass media information, which were being observed, relating to the political parties and candidates:

1. Materials, reflecting possible cases of abusing the administrative resources or reports of such abuses, corresponding to the general criteria. Cases of such materials have been sorted and classified by parties and candidates, in the interests of whom they could have been published.
2. Cases governmental authorities addressing the public with their opinion regarding the elections, parties, and candidates.
3. Cases of emergence of a party or a candidate for the political advertisement, agitation announcement during the free air time, provided by the legislation, or in connection with the official information on the development of election (for example, the poll of the free air time), or in general.

Such cases have been classified by reminder or emergence of a certain party or a candidate in the message. At the end of each week, analyses of the reporting tables are conducted with a more detailed classification on cases of abuse, determined according to the techniques accepted within the framework of the project (subsections of typology of abuse). Cases of abusing the administrative resources have been selected, which according to the analyses have precisely suited the typology. Based on this approach, the cases have been classified into the following types:

1. Abusing the media resource;
2. Reports on abusing the institutional resources;
3. Reports on abusing the budgetary resources.

Obviously, the monitoring of mass media became the most suitable means of gathering information on abuse of the media resources. The result has been achieved by three methods:

1. data about the amount of mentioning of political parties and the candidates throughout the election campaign, have been used to evaluate the degree of unequal relationship to them
2. Individual materials, published by mass media, have been classified as abusing of media resources according to the typology, accepted within the framework of the project.
3. In case on certain days the contents of all programs, relative which the monitoring has been performed, mentions only one or two parties, all such reports were classified as cases of unequal attitude of mass media according to the techniques of the project.

Considering all the facts mentioned above, it is worth mentioning, that monitoring concentrated on the news and analytical programs, however, the general viewing of other television shows during the election campaign showed that in many cases the information regarding the election had a subjective character. Nevertheless, there is a high probability that there was no direct influence from administration of the television companies and such messages did not reflect the political views of the channels, which is why such cases were not classified as abuse of media resources.

The quantitative data should be accurately interpreted at this stage of the project realization. The aim of mass media monitoring was not investigating all cases of abusing the administrative resources and getting a representative sample of such cases. The task was to get a general picture of abusing the media resources in programs, which were expected to provide more honest and unbiased presentation of information, as well as collecting data on abuse of other types of administrative resources in degree in which they were reflected in mass media.

There are state and private broadcasting channels in Kyrgyz Republic. Private channels either broadcasted entertainments shows, or general information about the election campaign. There are no channels in the Country that could be considered independent.

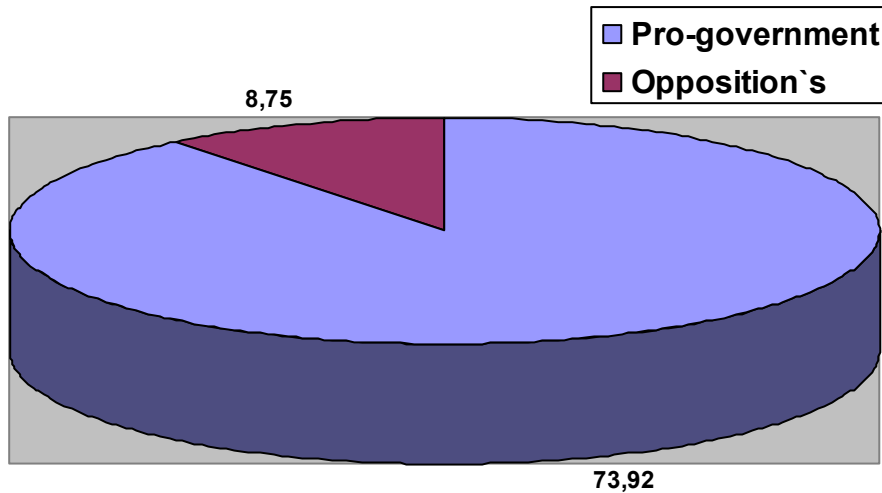
Therefore, the monitoring was mainly concentrated on two television channels, such as KTR and KOORT.

KOORT

During the period from 02.02.05 till 27.02.05 KOORT had been daily monitored.

Based on the monitoring results, the following tendency has been identified: in analytical programs and news blocks, KOORT positively broadcasted those candidates and parties, that were in one way or another supported by the authoritative structures. Look at Graph 2.

Graph 2. Frequency of mentioning on KOORT channel (number of mentioning in minutes)



Among the parties “Alga Kyrgyzstan” was shown from positive side in all four reports. In the mentioned reports are used only positive characteristics. Citation: “Party “Alga Kyrgyzstan” has a strong program, and did a lot of things. Candidates of the party are monitored and they are going to do their best.” The report emphasized the “team” spirit of this party, its successes in Bishkek, and the support of voters.

Besides that the candidates of this party are always shown from positive side.

In informational and analytical reports the mentioned candidates are shown very often sometimes from 6 to 7 times. In the news blocks they are shown on the meeting with the candidates, who support them, thus emphasizing their activity, the work that was done.

All the mentioned candidates which are supported by the government were shown close-up, and in real-time mode. It was noted that they already did some positive work for their voters while they were in their previous place of work and would do more if they were in the parliament, where they will also advocate the interests of the voters. All the voters who were shown on television appreciated the professional activity of these candidates in the previous place of worked and their potential as a member of the parliament. The journalist of KOORT in their reports used only positive words about these candidates.

At that very often was used not only an overt but also covert advertisement – for example, the citation, “many voters have already made a decision”, or a mention about the activity of young members of the party “Alga, Kyrgyzstan!”. (in this case it was a partnership relations of members Alga Kyrgyzstan with a Dutch organization, which works with children)

Besides that, in agitation period every day before the news block, “Conversation at bottom”, program “Apta” and other programs, which bring together a big auditorium, there was shown a preview trailer of the newspaper “Vecherni Bishkek”, which can be considered as an active covert advertisement in favor of the Chief editor.

In some cases there was observed the use of administrative resources in favor of some candidates – the daughter of the President of KR. In the news at 20.30 on 10.02.05 there was shown a charitable activity of the President’s wife. She gave to children in a village gifts etc. (Though a charitable activity of the relatives of the candidates is prohibited during the pre-election campaign).

Besides that, the journalists of KOORT showed show on television only the daughter of the President. None of her opponents was shown during the discussions, neither during the meetings with the voters. In contrast, her opponents almost always were shown in disadvantaged position. Thus were used a covert advertisement against her opponents – there was shown only one candidate, as if he told about his failure to be registered. Direct speech of this candidate was not shown. His pre-election program was not made public. Never was made public the pre-election program of the opponents of the President’s daughter.

The other candidate-opponent (who was shown a little bit) “upset the voters when he said that the member of the parliament is not committed to report before the people”. It means that there is made an artificial confrontation between the candidates in Universitetskii constituency. Speaking about her opponent in the program “Press-review” on 25.02.05 at 21.05 was read an article “AiF-Kyrgyzstan”, (message to the newspaper “our hero can not give anything to the electorate, his suggestion to decrease the amount of ministries etc. -is lie, slogan and nonsense”, “the son of former communist”).

Also the candidate who had a critical point of view towards the government, were shown from a negative side. Particularly, they were shown in a disadvantaged perspective.

For example, in one of the negative reports about the opposition candidate, she stutters, not confident, can no answer to the questions about her participation in adoption of laws. There was shown a negative information from the voters – citations of the voters: “If the other voters from other constituencies should not vote for her, because she is going to do nothing”, “In five years of her work as a member of the parliament we could not find her” etc. Some of the journalists said that she is uncertain that she will be elected in her constituency and that is why she came to another one. Citation “She tried to cope with the problems of the electors, but to all appearances her attempt to win in the other constituency failed”. The journalist were responsible to abstain from comments about the speeches of the candidates but in reality there was a violation.

In cases with other opposition candidate, there was also a negative presentation of the information – they showed the displeased representatives of the electorate. Thus in case with one opposition candidate the journalists directly blamed him not to fulfill all his previous promises that he made. Also that instead of that he was only increasing the profitability of Promstroibank. Also were shown the voters, who criticized him for not doing anything in 10 years, did not meet with the voters etc. There was also made public an information (article in Kyrgyz), where were noted nationalistic incentives of this candidate, and thus it could negatively result on his image among the non-kyrgyz population. In case with the relative of one of the candidates was used a criminal “incentive”. News of 23.02.05. at 20.30 showed a report, where the law enforcement agency found a counterfeit currency in the head-quarter of the leader in Jalal-Abad. The relative of this candidate “manage the production of counterfeit currency”.

Thus, it can be noted that the television channel KOORT was an evident supporter of the candidates who were supported by the government. It can be classified as the abuse of media resource through unequal treatment of the candidates and parties by the biased Mass-media which is controlled by the government. Unequal treatment of the candidates was reflected in the activity of the party “Alga, Kyrgyzstan!” and candidates, who are its members or have a close relations with it. (it is worth to mention that the activity of other parties was actually not illustrated). The biased relation of Mass-media to candidates became apparent in the predominance of positive or negative information about the candidates or parties, as it was mentioned above. Also was used a covert advertisement.

Consequently the abuse of media resources (TV channel KOORT) was persistent throughout the whole agitation period and almost always this channel was on the side of “Alga, Kyrgyzstan” and its candidates, who have a direct or indirect relation. Pro-government media prevented the opposition candidates from adequate use of information resources on TV channel KOORT.

Comment: The programs of KOORT were monitored only in prime-time from 18:00 to 22:00, as this is a time for most of the audience to watch TV.

There was conducted a active PR – campaign, before the second round, for the support of women in this election to the parliament – and one of them was a daughter of the President,

Bermet Akaeva. There was criticized the opposition for not participate in the second round. There were criticized such organizations as OSCE.

On 7th of March at 21.05 there was shown a documentary film, 20 minutes, which showed the members of opposition in a very negative perspective.⁴⁰ It showed that the brother of Bakiev in his headquarter produces counterfeit currency.

The party “Alga Kyrgyzstan” was shown in a positive light. Mother of B. Akaeva the wife of the President violated the Code about the elections, which prohibits charity during the election campaign by the relatives of the candidate, and in charitable purposes visited the family, which was granted with an apartment.

The agitation activity of the opposition candidates was constantly illustrated from the negative side. The journalists who were supposed to be neutral, were negative about the opposition candidates in the news block (one of these opposition candidates was the opponent of President’s daughter).

KTR

In the period from 2.02.05 to 27.02.05 the TV channel was monitored every day.

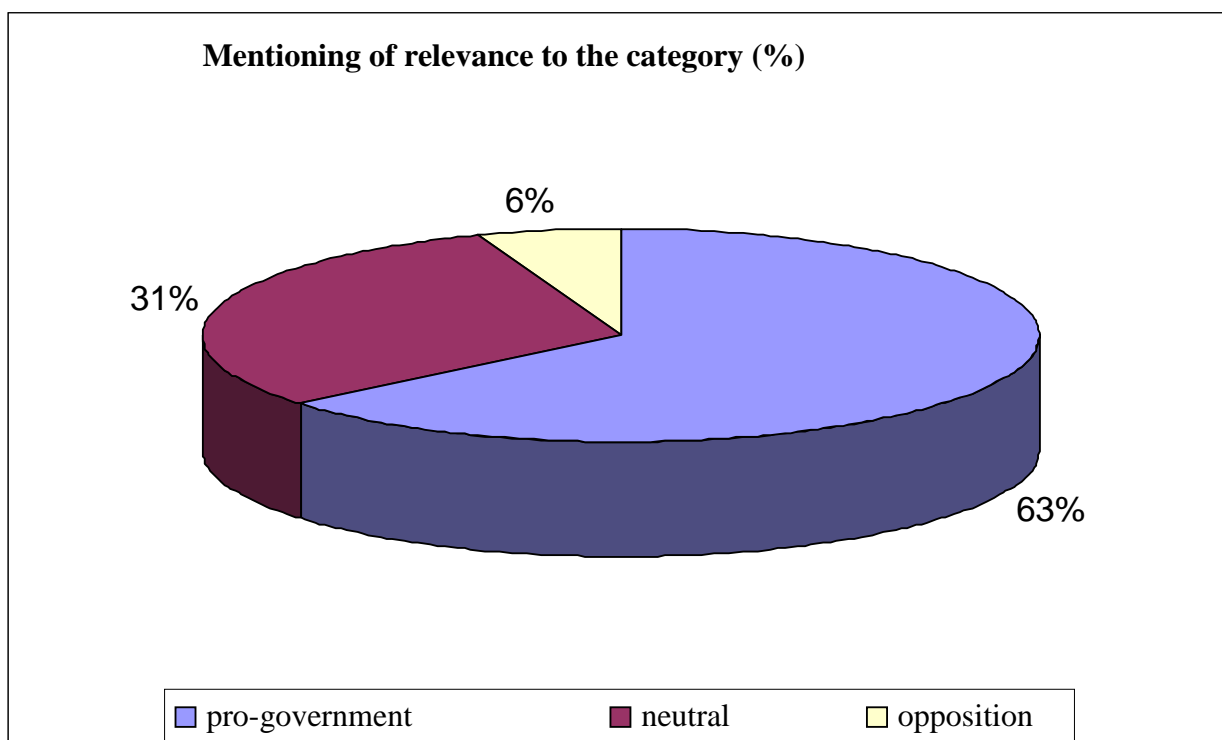
The covered programs on KTR:

1. “Shailoo-2005”. General ranges of programs about the organization and conducting of elections with the participation of Central Election Committee.
2. “Shailoo-2005”. Individual statements of the candidates.
3. “Shailoo-2005”. Television debates of the candidates in constituencies, which are located in Bishkek, Chui oblast.
4. “Shailoo-2005”. Trailer of the candidate, which motivates to vote.
5. Information program “Ala-too”.
6. Information and analytical program “Jetigen”.
7. Talk-show “Sides”.
8. Talk-show “Top-tash”.
9. Commercial channel “Arnoo kontserti”. (Concert by request)
10. Program “Sayasat” (analytical, but was show in special cases, for example the criticizing of newspaper MSN etc.)
11. “Legal culture in pre-election agitation” (also had single-serving character, for example the criticizing of meetings).

The trailers: there prevailed the trailers in Kyrgyz language, the length of the trailers up to 1 minute, some of the candidates used the material in their trailers which showed what they did when they were in the government. Each candidate was provided with 10 minutes for statement, and also the time for debates. The television debates were built on the following basis: 1) arguments, 2) question to each other, 3) question of the journalist, 4) agitation for oneself.

Graph 3. Mentioning of relevance to the category (%)

⁴⁰ Documentary film “The Kyrgyz opposition is changing the profession” of 07.03.05.



This figure shows, that the pro-government candidate prevails the rest of the candidates – 63%, then the neutral – 31% and opposition candidates constitute the smallest share – 6%.

For the motivation of voters, there were created motivating trailers, with such slogans: “See, your vote can make a difference”, “Mark. We are for fair elections”, “Mark. We are for open and pure elections”, “Do not remain behind. Vote”, “Our choice – work and prosperity”, “We build our life on our own”, “We are for fair elections”, “Your vote – your choice”, “Your choice – your future”, “Our choice is peace and stability”, “Our choice - confidence in tomorrow” in Kyrgyz and Russian languages.

There were also created and shown the training, explaining trailers. On KTR was shown a program “Legal culture and pre-election agitation”. In the program participated the Chair of Supreme Court and minister of internal affairs, and called to vote peacefully, because some of the candidates were not registered and their supporters organized meetings.

Through all the pre-election campaign on KTR periodically was broadcasted a program “Shailoo-2005”, where participated the members of Central Election Committee. According to the representatives of Central Election Committee, the main reasons of non - registration of the candidates were the following: 1) refusal for registration of ex-ambassadors, 2) oneself refusal, 3) late submission of documents, 4) transfer to new place of work, 5) noncompetitive due to lack of financial resources.

In the end of monitoring the following tendencies are traced:

1. The television channel KTR showed positive information about the reforms in Kyrgyzstan.
2. A lot of significant social projects were implemented during the election campaigns. A lot of events were conducted, throughout the country. For these projects were used

the resources from the state budget (conducting the meeting of aksakals, an event for young people “Men Kyrgyzstan”. Also on television was showed the president laid the foundation of first hypothecary house, there was conducted Kurultai (assembly) of peoples of Kyrgyzstan and announced a strategy “Clean Kyrgyzstan”, which consists of five items: “Clean nature”, “Clean technology”, “Clean hands”, “Clean elections”).

3. Frequent trailers of candidates who are supported by the government.
4. It is worth to mention that during the elections campaign, on KTR the informational and analytical programs did not take a side of any candidate. But also it can be noted that there was a covert advertisement, especially through the relatives of the candidates, particularly the advertising the firms, organizations, newspapers and also the covert advertisement was used where were mentioned the problems, which pushed the listeners to vote for the candidate who promised to solve them. The following problems were mentioned the most: gender equality, reforms in education, hypothecary housing, industrial development.

During the election campaign on KTR was observed a dissemination of negative information about the opposition party “Ata-Zhurt”, and opposition newspaper “MSN”.

There was conducted a negative agitation about the opposition candidates closer to the elections. One of the candidates was blamed, that workers of his headquarter were involved in production of counterfeit currency, the other candidate was shown in a negative light through the voters, who expressed their opinion, that while he was a member of the parliament he did not fulfill his promises thus motivating people not to vote for him.

Since 3rd of February 2005, there was officially started an agitation for the second round. The TV channel KTR in informational and analytical program constantly disseminated the information about the results of first round. None out of 41 women passed the first round. On KTR were shown candidates – women, who did not pass the first round, who called to vote for women in the second round. Even such people as President, civil-servants – first deputy of the director of president’s administration, press secretary called people to vote for women. There was also conducted a round table with participation of women with the calls to vote for women. It is fair to consider that there was a propagated a necessity to support the remained three women. It can be considered as a covert advertisement, which was conducted for the support of women among whom was the daughter of the president. At that there was conducted a constant negative treatment of the opposition candidate, particularly, the ex-prime minister. There also appear a report about the necessity to keep peace and stability. There were expressed opinions, that the life is getting better and thus it is not necessary to change anything. This all can be considered as a covert advertisement.

Press

The press publications, especially newspapers, traditionally are considered the second source of information after the television. Within the framework of monitoring were chosen only national newspapers, with big circulations and in demand, while the publications of thematic and entertaining character were excluded:

The following daily publications were chosen for monitoring:

- “*Vecherni Bishkek*”;
- “*Obshestvenni reiting*”;
- “*MSN*”;
- “*Slovo Kyrgyzstana*”;
- “*Kyrgyz tuusu*”;
- “*Erkin Too*”;
- “*Chui bayani*”;
- “*Respublika*”;

- “Delo #”;
- “Analitika”;
- “Agym”;
- “Aalam”.

Half of these publications are pro-governmental.

Russian newspapers				Kyrgyz newspapers			
Pro-government		Opposition		Pro-government		Opposition	
1	“Vecherni Bishkek”	1	“MSN”	1	“Erkin Too”	1	“Agym”
2	“Slovo Kyrgyzstana”	2	“Respublika”	2	“Chui bayani”	2	“Aalam”
		3	“Analitika”	3	“Kyrgyz tuusu”		
		4	“Obshestvenni reiting”				
		5	“Delo #”				

In light of this, in particular in regards to these publications there was conducted a monitoring of abuse of media resources, and the rest of publications were analyzed in regards to the articles about the abuse of all types of administrative resources. It is worth to mention that the selection was made with a purpose of reflecting the wide spectrum of political views, from pro-government “Slovo Kyrgyzstana” to opposition “MSN” and “Respublika”. Probably, some private newspapers could be under the control of the state, however this level of analysis exceeds the framework of this project. Thus, the only type of information, in regards to which was conducted a monitoring of private publications, was the information about the abuse of administrative resources.

It is worth to mention, that on 22nd of February the activity of the only one independent publishing house “Freedom house” in Kyrgyzstan was stopped in result of turn off of electricity by the state energy company. This publishing house provides services to more than 60 Bishkek and regional newspapers, including the opposition newspapers “MSN” and “Respublika”. Despite that, the production was restarted with the help of electricity – generators, which were provided by the US embassy in Bishkek, but the volume of publishing decrease by 70%. This influenced the process of election campaign.

Monitoring excluded those articles, which were printed on right of agitation advertisement and were funded from the sources of election fund of the candidates.

Comment: national radio “Azattyk” (Freedom) broadcasted in Kyrgyzstan from Germany presented a balanced coverage with a wide variety of opinions, but on 24th of February the state company “Kyrgyztelcom” stopped the broadcasting of this radio station without a preliminary notification. Consequently in the end of election campaign and during the important public protests in rural areas the national broadcasting of “Azattyk” was stopped, except some towns. This limited the access of voters to independent source of information in critical moments of election campaign. Refusal to provide this radio station with FM and AM frequencies influenced the receiving of reliable information about the social and political events by hundreds thousands voters of the country.

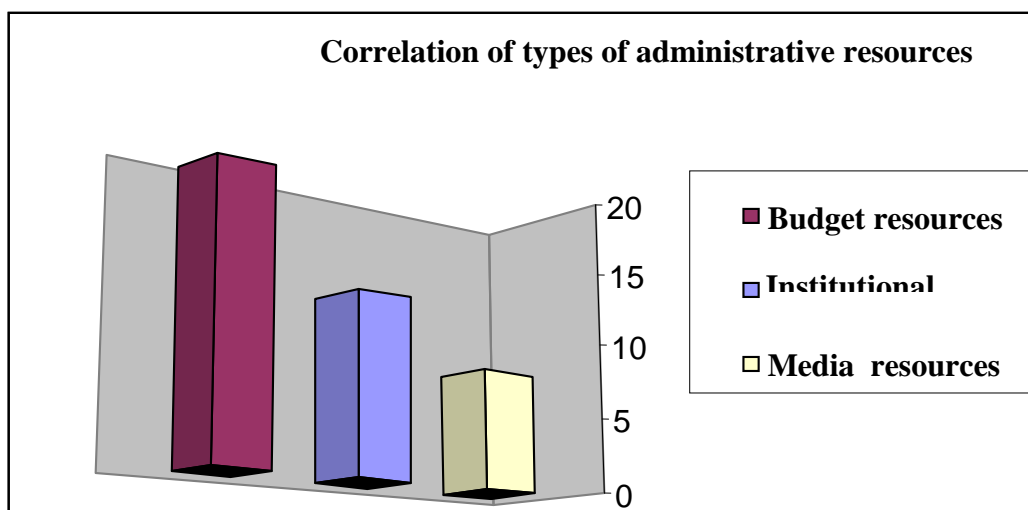
Comment 2: Internet

Due to some factors, including the data of our survey, (see Figure 1) Internet can be considered as the least influential mass-media in Kyrgyzstan. However, as it was expected, the Internet could be a potential source of information, in regards to the abuse of administrative resources or agitation arrangements, when could be such abuses. (The official

web-site of the Central Elections Committee and some opposition web-sites were used during the monitoring.)

During the monitoring of press was observed a tendency of abuse of various administrative resources. The most often cases of abuse were related to budget resources - 19 cases. On second place were institutional resources – 12 cases and on third place were media resources – 8 cases.

Graph 4. Correlation of types of administrative resources (press in Russian).



1) Budget resources

One of the cases of use of budget resources can be considered the case, when one of the candidates to Jogorku Kenesh invited to dinner the elders of one of the districts of the capital during the Kurman ait, and gave as a gift the wheelchair to the needy. This action is related to misuse of budget resources and can be classified as direct distribution of financial resources to the voters.

One of the apparent cases of budget resource misuse is considered a direct distribution of resources by the non-specified item of the budget. The prime-minister transferred a big amount of money to his son's account who was a candidate.⁴¹

One of the candidates from Talas constituency #55, the director of the department of medical provision laid under tribute the firms, which supply medication. Through his subordinates he gives gave order to distribute medication among the population of the constituency for free. Those who did not follow the orders later had problems with getting licenses which are issued by that department.⁴²

The trustees of one candidate tried to bribe the voters with a “prods” (a package of sugar, macaroni and flour).⁴³ Also in Kemin rayon local population were bribed (up to 1000

⁴¹ Article “Tanaev also has children”, newspaper “Respublika” #2 of 19.01.2995, p. 1

⁴² Article “Can the political body come to life?” newspaper “MSN” #13 of 04.02.2005, p. 2

⁴³ Article “I do not take sop” newspaper “MSN” #15 of 09.02.2005

soms for each person). This case can also be classified as bribing of the voters (article 140 of Criminal Code of KR).

Before the elections in some of the villages were set electrical transformers, roads were repaired etc., which can also be classified as a budget resource misuse.

There were some cases when some of the candidates published agitation materials without date line (producer, date of production, quantity, address of printing house, name of the customer), which probably was done at the expense of resources, which were not included in election fund.⁴⁴

In Universitetski constituency, where the daughter of the President was running for the place in the parliament, all the teachers in the university received a premium at the rate of 700 soms, and the stipend of the students was increased to 15 %.

Besides that, during the monitoring the President of KR, prime-minister of KR, other officials were speaking in public about the necessity of increasing the stipend of the students, pensions, salary, and also building new schools, hospitals, transformer substation, power line, roads etc. Very often these cases were referred to the activity of “Alga Kyrgyzstan!”. These cases became frequent in the period of election campaign.

During the election campaign, very often there occurred unexpected budget allocations without clear reasoning and approval (payment of stipend “Jetkinchek”, “Ymyt”, fringe benefits to veterans, charitable campaign, building new houses for civil servants, the increase of stipend up to 30%).

Thus, the above mentioned cases of budget resources misuse are considered the major category of administrative resources, which can be use for creating electoral advantages for the parties and candidates. Elections code of KR determines the limited amount of allocated resources for election campaign at the rate of 500 thousand soms.

According to paragraph 13, article 51 of Elections code of KR, from the moment of elections fund establishment and till the day of elections, certain commission is responsible for making public the information about the receipt and expenses of resources of election fund”, but none of the candidate followed the rule.

2) Institutional resources

The current politicians can use the institutional resources, which are at the disposal of executive bodies and used for their own interest during the election campaign.

Members of Legislation Chamber of Jogorku Kenesh, had a privilege to use the office cars during the election campaign.⁴⁵

There were some cases with institutional resource in Universitetski constituency #1 in Bishkek. There were agitations in favor of certain candidates (for example, the administration of National University in favor of B. Akaeva, the daughter of the President). These cases violate article 34 of the Elections code, which guarantees the use of state offices for meetings with voters on the basis of equal opportunities.⁴⁶

According to “MSN” the student of different universities of the capital were involved in gathering of signatures in favor of President’s daughter.

⁴⁴ Article “You do not need enemies with such brothers” newspaper “MSN” #15 of 09.02.2005

⁴⁵ Article “How much horse-power do the deputies have?” newspaper “Vecherni Bishkek” #9 of 18.01.2005, p.4

⁴⁶ Paragraph 3, article 34 Elections code “Agitation through mass arrangements” p. 129

The case with Ombudsman can also be referred to institutional resources misuse. The Ombudsman declared that the Central Elections Committee tried to exclude his representatives from monitoring of elections. Particularly, the workers of Ombudsman's institute were not allowed to check the list of students who live in the dormitories of National University.

The cases with institutional resource misuse were done not only in Bishkek, but also in other regions of the country.

For example, the workers of one firm were forced to go to Talas oblast and agitate for one of the candidates.

Besides that, there was put a pressure on some of the candidates by the executive bodies. (The governor of Issyk-Kul oblast on 11.02.05 invited one of the candidates and asked her to stop her campaign. After that discussion the candidate felt bad and needed an ambulance. Later the candidate was not able to continue her campaign. According to the journalists⁴⁷, the governor of Issyk-Kul oblast was interfering into the election process by preventing from exercising the rights by force. The head of President's administration several times invited one of the candidates and “explained” that, in constituency #55 the sister of President's wife was going to be a candidate, and he had to stop his campaign in her favor (however, he did not stop his campaign and she refused to run her campaign.)⁴⁸

The governor of Toguz-Torouuzski rayon in Jalal-abad oblast interfered into the election process. In the same constituency, the cars of this candidate were stopped several times and thus meeting with the voters were disrupted.⁴⁹

One of the main moments which influenced the election campaign, was the refusal to register the former diplomats as candidates.

On 6th of January 2005 OIK in Universitetski constituency #1 decided to register R. Otumbaeva as the candidate to the parliament. The same day OIK declined its decision. The reason for this decision was article 56 of the Constitution of KR and paragraph 1 article 69 of Elections code. Application of Elections code deprived five former diplomats from the right for registration due to the requirement about residency (residential qualification), despite the fact that the diplomat who was assigned by the government to work in foreign country, and represents the interests of the country on international arena, and he goes to a certain country of his own free will.

Also, the leaders of the opposition were called to administrative account for organization of meetings⁵⁰. They were blamed for breaking the driving rules, disobedience to public agents, breaking the rules of organizing the meetings and demonstrations. However, these meetings were organized for advocacy of diplomats' rights. On the day of elections, 27th of February in Alykul constituency #68 (despite the prohibition for organizing the agitations on the day of election) the public agents agitated for one of the candidates. Also in Kemin rayon, on that day the head of ayil okmotu (village board) brought the voters to polling station.

3) Media resource

According to Internews, in the regions of Kyrgyzstan was stopped a broadcast of some private tele- and radio- companies (KTR, RTR, ORT). On the basis of order of National teleradiocorporation of 28th of January 2005, from 31st of January to 1st of March 2005 the broadcast of some private tele and radio channels, which rent the airtime on KTR, ORT, RTR

⁴⁷ Article “Ambulance for the candidate” newspaper “MSN”, #17 of 15.02.2005, p.2

⁴⁸ Article of “MSN” #17 of 15.02.2005, p.2

⁴⁹ Article “Deputy of the akim resigned” newspaper “Respublika” #9 of 16.09.2005, p.1

⁵⁰ Article “The pressure of the judge is increasing” newspaper “MSN” #8 of 25.01.2005, p.1

was stopped. According to Internews, this decision was made for limitation of freedom of speech during the elections to the Parliament of KR.

Most often abuse is considered the one-sided approach to coverage of candidates in pro-government newspapers, but also it is worth to mention the tendency of covert and open negative advertisement of opposition candidates. In relation to the candidates from opposition parties and movements, is often used the information about their unsatisfactory past. Thus in regards to one of the candidates, the ex-prime-minister, it was said that during his work as a prime minister the economy decreased for 15%. His activity was remembered as a complete absence of creative ideas and innovative methods. One of the candidates was also criticized, who was a former diplomat.⁵¹

At the same time the candidates of the party “Alga Kyrgyzstan!” in pro-government newspapers are “presented” only from the positive side. In the articles of the journalists about the activity of the party “Alga, Kyrgyzstan!” is mentioned her contribution to repairs of houses in the capital, construction of playgrounds etc., i.e. high frequency of candidates’ and parties’ appearance.

One of the violations of the Elections code and media resource abuse was a pre-scheduled agitation on television and in press.

Besides that, in some of the region of Kyrgyzstan were organized meetings and demonstrations related to disagreement of the population about the registration process. Some of the candidates were not registered (Naryn, Issyk-kul, Jalal-abad and Talas oblast). According to opposition journalists, all these demonstrations were related to the use of administrative resource by the government officials.⁵²

Press (in Kyrgyz language)

Monitoring of Kyrgyz newspapers is divided into three periods, before, during and after the elections.

There were analyzed the following newspapers:

Pro-government: “Erkin-Too”, Chui bayani, Kyrgyz – Tuusu;

Opposition: “Agym”, “Aalam”.

According to the results of monitoring there can be mentioned the following moments:

1. Before the official announcement of agitation in the newspapers were printed the articles, which can be considered as “covert” advertisement, and it violates paragraph 1, article 31 of Elections code.
2. Opposition newspapers, mostly illustrated the instable situation in the republic, while the pro-government newspapers presented the positive data about the reforms in Kyrgyzstan.
3. The opposition newspapers were critical about most of the candidates who were supported by the government, while the opposition candidates were illustrated in positive light.
4. Pro-government newspapers talked a little about the election campaign. Mostly were printed the articles about the opposition in general, and a negative advertisement about the candidates and representatives of opposition.
5. Opposition newspapers were critical about most of the candidates who were supported by the government, while being non-sequent. Particularly, the newspaper “Agym” printed negative information and paid positive information about these candidates.

⁵¹ Article “With such faces to opposition?” newspaper “VB” of 11.02.2005, p.5

⁵² Article “Anger of people” newspaper “MSN” #22 of 25th of February, 2005, p.8

Monitoring of newspapers from 5.01.05 to 2.02.05 (period before the official announcement of agitation).

Budget resource: In this period, according to Media, the salary of workers in the field of culture and the stipend of students was increased up to 15%.

Media resource: It is worth to mention that most of the candidates started to agitate earlier, before the official announcement. Media started to publish the articles about the heads of agencies who were candidates to the parliament.

Also in the pro-government newspapers was observed the predominant illustration of parties, which were supported by the government: “Adilet”, parties of women and youth “Novaya sila”, “Alga Kyrgyzstan”.

Institutional resource: The signatures of the students were collected for the support of candidates in Universitetski constituency #1 (daughter of the President). According to the students, who collected these signatures, this process was initiated from above.

There were the facts of civil servants’ speech of criticizing the opposition and support of some candidates, and parties.

Monitoring of newspapers in Kyrgyz language from 2.02.05 to 27.02.05 (date of official announcement of pre-election agitation).

Relying on the information of the newspaper “Agym”, it can be noted that there were violations related to provision of placement to opposition candidates (#54), statements about the violation of laws in the period of elections (#21). Some of the candidates were blamed for charity, which violated the article 36, paragraph 5 (#14) of Elections code.

In the mentioned period was widely used the **budget resource:** In constituency #21 one of the candidates, who was supported by the government with 5 million soms set up 23 transformers and distributed winter clothes.⁵³

In Karaburin constituency #57 the opposition candidate was blamed for distribution of 100 soms for each person in the bazaar by his representatives, and also distribution of coal. Though the opposition newspaper says that his opponent (candidate, supported by the government), distributes tea-pots, candies, promise to build a mosque, also distributes food. Local authorities, according to the newspaper, do not pay attention to it.⁵⁴

In Talass constituency #55 was a struggle between the member of Assembly of Peoples Representatives (APR) of the Parliament and opposition candidate, who is in the “black-list” and the speaker of Assembly of Peoples Representatives, who is in the “white-list” of the government. The resident of village Manas claimed that on 19th of February the agitators offered her 500 soms if she votes for the speaker of APR. Also the representatives of the speaker promised to cover the debt for electricity at the rate of 500 soms, if they vote for the candidate who is supported by the government.⁵⁵

In Bakaitinski constituency #55 the candidate, general director of Department of provision and medical equipment of Ministry of Health of KR distributed the medication for ill people. In Asambai constituency #6 the candidate who was supported by the government distributed 300, 400 soms.⁵⁶

⁵³ Article “Taiir menen Tktosundun karsmashi Totogul menen Kerimbaidin karmashindai bolup turu.”// newspaper “Agym” of 15.02.05. p.1

⁵⁴ “Karaburadagy “kara” tehnologiya, “kara shailoo” jana “Taza Kyrgyzstan”” // Aalam 22.02.05 p.1

⁵⁵ A. Sakymbaeva “Talastyn “taza koldory””// Aalam. 22.02.05 p.1

⁵⁶ S. Maksutova “Akchanyyn kulu, talapkeledin pulu”// Erkin-too 25th of February, p.11

Institutional resource: Support of the government and provision of advantageous position during the election campaign, provision premises, involvement of civil servants in pre-election agitation were observed in Issyk-kul oblast in constituency #72.

In constituency #61 in Central Election Committee was drew up an act, which claimed that if the voter will not vote for the certain candidate, than he will pay two times for electricity debt.

The head of Toktogul district department of education stated in his article that he was under the pressure and he was dismissed from his position because he did not agitate for the candidate, who was supported by the government, and was the head of President’s administration.⁵⁷

In another article addressed to the President A. Akaev, the resident of Toktogul rayon (160 people) says that the head of President’s administration, dismissed some officials from their positions, for example director of district statistical committee, head of district department of internal affairs and replaced them by more loyal people.⁵⁸

According to opposition, the elections were unfair. One of the opposition leaders claimed that the government prepared for the elections six months earlier.⁵⁹

One of former diplomats, in his interview for BBC, explains the reason for not being registered in the constituency, where was the daughter of President as the candidate.⁶⁰ The ex-ambassador was not registered in constituency #61. Central Elections Committee explained this relying on the article #69 of the Elections code. Ex-ambassador thinks that she was not registered because she supported the opposition leader.⁶¹

According to the journalist of opposition newspaper, the future parliament will be a “pocket” parliament.⁶² There are some rumors that in the past the parliament predominated “needed” candidates of White House. According to the journalist, there exists “white list” of candidates who are supported by the government.⁶³

The questioning, which was conducted by newspaper “Agym”, director of Bishkek bureau of radio “Azatyk” informs about the misuse of administrative resources. “If the opposition candidates are running the election campaign within the law, then the pro-government newspapers are running the campaign with violation of law.”⁶⁴

In order to support the pro-government candidate, speaker of APR of Jogorku Kenesh 271 residents of Talas arrived at Bishkek. Among them are vice-president of National Academy of Science, rector of Bishkek University, businessman and others for agitation.⁶⁵

In general, the opposition newspapers emphasize the fact that authorities put pressure on the opposition candidates.

Coercive resource. On 21.02.05 was a trial in Bakatiski constituency #55, and the opposition candidate was not dismissed from the election campaign despite the efforts of officials from President’s administration.

On 23rd of February 2005, when he was coming back from the trial on his car, there was an attempt of assassination, according to the journalist of pro-government newspaper “Agym”. This attempt, according to the journalist was a caution of his opponents.⁶⁶

⁵⁷ K. Ockonbaev “Asked to work and dismissed form work”

⁵⁸ “Who is going to stop Kasymov?” // Agym, 18.02.05, p.10

⁵⁹ A. Atanbaev “Oppositsiya biilik uchun karmashyp jatat degenderge tan kalam” // Agym, 4.02.05. p.7

⁶⁰ R. Otumbaeva “Kyrgyzstanda “mamyk” revolutsiya biship jetildi” // Agym 4.02.05, p.8

⁶¹ Agym, 08.02.05, p.2

⁶² Zh. Zarylbekov “Zholgugun zharganat”// Agym, p.3, 11.02.05.

⁶³ Zh. Zalykbekova “Akaevdin yyl-kyzy, Bakiev ozu, eki inisi zharyshka chyktu” // Agym, 08.02.05, p.3

⁶⁴ Questioning // Agym 08.02.05, p.2

⁶⁵ A. Sakybaev, “Talastyn “Taza koldoru”// Aalam 22.02.05. p.1

⁶⁶ E. Pirimov “R. Jeembekovga kol salyndy” // Agym, 25.02.05. p.2

According to the opposition candidate from Kochkor constituency on 21.02.05, in the evening in village Kochkor a man in military uniform approached him and sprinkled with something. He came to consciousness in the morning.⁶⁷

Media resource. In state newspaper “Kyrgyz – Tuusu” was printed an article, which was written on the basis of information, which was given by the colonel of militia. He blamed the brother of ex-prime minister for printing counterfeit currency at the rate of 500 soms.⁶⁸

In the state newspaper were negative opinions about the opposition in general and some opposition candidates. Particularly, one candidate said that he was dismissed from the campaign on the basis of articles 36, 56 of Elections code.

There were demonstrations with the purpose of reconsideration of the court’s decision, as it was mentioned in the newspaper “the demonstrations which were conducted, was the will of the voters or they were bribed?”⁶⁹

Monitoring of the newspaper in Kyrgyz language after 27.02.05.

Budget resource:

The representatives of the President’s son who is a candidate in Kemin constituency #57, distributed meat and alcohol. Also the representatives of the candidate promised to cover their debts on electricity.⁷⁰

Three candidates went to Supreme Court with 22 actions of violation which were made by the candidate who passed to parliament. There such violations as: bringing the voters to polling station, distribution of money, in the list were included the voters are already not alive, or those who do not live in this constituency. It is worth to mention that the victorious candidate is representing “Alga, Kyrgyzstan!”⁷¹

Coercive resource. Pro-government candidate the former member of APR of Jogorku Kenesh in Asanbai constituency organized a tea-drinking, where also participated a member of work-group of city elections committee, the Head of Kok-Jar village-board, which is forbidden by law. The member of work-group of city elections committee announced in tea-drinking that this candidate did not do anything when he was a member of the parliament. After that he was asked to leave and several people beat him.⁷²

According to the representatives of one candidate in constituency #27 in Bazar Korgon – Suzak, were violated the rights of their candidate because the opponent of the candidate is the citizen of Uzbekistan, but he has a passport of Kyrgyzstan. For the request of Jalalabatd department of internal affairs to the passport department of Internal affairs in Andijan oblast, there was found out that “Hakimov is the actual citizen of Uzbekistan”. There was a trial on this issue in Suzak district court, but the judges were forced to make a decision in his favor. Commission was sent to Hanabat from the Central Elections Committee, there was drew up an act and the case was sent to Supreme Court.⁷³

Institutional resource. According to the opposition newspaper, the prime minister organized a meeting with all the ministers and governors, where he decisively talked about the elections technologies in second round. He gave an order that the candidates who are supported by the government must seat in the parliament, otherwise they will be dismissed from their positions.⁷⁴

⁶⁷ “Akylbekty akylynan azhyryt zhazdashty” // Kyrgyz tuusu, 22.02.05, p.1

⁶⁸ V. Ruzanov “Bakiev kandai achga ba” // Kyrgyz tuusu 22.02.05, p.1

⁶⁹ S. Sarieva “Shailoochular demilgesibi zhe...?” // Erkin-too, 25.02.05. p.8

⁷⁰ A. Toktomushev “Akkan suu” // Agym 11.03.05

⁷¹ “Shailoo – sheit, ketkendi da shailat” // Agym 18th of March, 2005, p.3

⁷² A. Saparbek kyzy, G. Chortonova “Sh. Sadybakasovanyn kishileri mene jumshalgan” // Agym 11.03.05 p.4

⁷³ “Jogorku sot kimgе ishenet?” // “Agym, 01.04.05, p.3

⁷⁴ “Tanaev shailoonui 2 turunun oturu boyunchа gubernatorlor, ministerler menen tort saat shybyrashty” // Agym 4.03.05, p.3

According to one of the leaders of communist party, the administration and executive body forced everyone to work for them⁷⁵

On 14th of March the information agency “Aki-press” the head of coalition “For democracy and civil society” declared that the second round was conducted with a lot of violations. There were a lot of violations of constitution, the rights of voters etc. For example in Universitetski constituency #1 all the civil servants were forced to work for President’s daughter. All the students in National University were forced to vote for her. The administration of the university intimidated to take measures if anyone would do the opposite.⁷⁶

On 22nd of March there were peaceful demonstrations against the seizure of power in Osh and Jalalabad. Civil servants were forced to participate in the demonstrations. According to the opposition newspaper one of the students started to shout “impeachment”, “we do not trust this government”. Immediately there was put a pressure on him. There also could be heard such slogans as “Down with Akaev”.⁷⁷

According to the opposition newspaper, the head of Sverdlovsk district state administration of Bishkek was dismissed from his position because the son of the prime-minister did not pass to the parliament from this constituency.⁷⁸

In Toktogul constituency one of the candidates, declared that he had a victory in the first and second rounds. In the first round after 12 o’clock, 4 polling stations, and all his representatives were locked in one cabinet and the elections committee was working in the other cabinet for the candidate who was supported by the government. At that night they made 1500 votes and in the morning at 10 o’clock they brought the ballots to Central Elections Committee. On the second round the number of votes was increased to 3000 (in the first round were registered 31 222 voters, in the second round 34 650 voters). In the list were included additional students, those who did not live in Toktogul for more than 5-10 years, and also 2000 of voters from Karakol, Tashkomur, Kaskata⁷⁹. This candidate claims that in the morning after the elections he announced that he got 51,4% of votes, and in the afternoon he said that they will be the second round. As a result of second round he did not pass. He blames his opponent in use of administrative resource.⁸⁰

According to one of the candidates, the elections were not fair. There was bribery, use of force, administrative resource. According to the announcement of the same candidate one of his opponents was a member of clearing agency. This candidate sent the members of tax agency and they fined him -130 thousand soms. Though the judge justified him, claims that he had a moral damage⁸¹

Media resource. There were publications in the newspapers about the necessity of supporting women in second round. If in the second round were only pro-government candidates-women, it can be considered that there was a covert advertisement of the candidates supported by the government.⁸² In the state newspapers were printed the statements of famous women with call for voting for women-candidates, which were in the second round.

Conclusions of monitoring of Media as a whole.

As a result of project’s work there were obtained the results related to the misuse of administrative resources and data about other types of abuses. In the process of studying some

⁷⁵ M. Sabyrov “20 ayal Akaev presidentikten ketpese ozubuzdu ortoibuz deshti” // Agym, 11.03.05, p. 2-8

⁷⁶ S. Maksutov “Bayagy Baisalov “bazary”” // Erkin-Too, 15th of March, 2005 p. 5

⁷⁷ A. Aidaraliev “Osmonakundun scenarii “oiron” boldun” // Agym, 23rd of March, 2005.

⁷⁸ “Bilik koldun kiri, andan koro birikile!” // Agym 18.03.05, p.3

⁷⁹ “T. Madiyarov. “Birinci Turda da, ekinchi turda da deputat bolgom” // Agym 18.03.05, p.8

⁸⁰ T. Madiyarov “Sot deputattik mandatymdy kaitarip berebi dep ishenem” // Agym, 5.04.05, p. 4

⁸¹ T. Bapanov “Chyngyz Aitmatov menen uch ired soiloshtum” // Agym, 1.04.05, p. 7

⁸² Tentimishev M “Parlamente ayalzat az” // Kyrgyz- tuusu, 4-7 of March, 2005, p.3

cases there was conducted a detailed analysis of violations of elections legislation and mechanisms of functioning of normative acts and law-enforcement system in Kyrgyzstan.

As a result of this monitoring there was determined the following:

1. Media resource abuse had a systematic character during the whole election campaign; almost all of them were done in favor of the party “Alga, Kyrgyzstan!” and candidates, who are loyal to the government.
2. Abuse of institutional resource also had a big scale. It was the participation of state officials in election campaign and use of public constructions and places for agitation purposes, and creating artificial obstacle for the opposition candidates.
3. There were cases when the resources of the budget were misused (according to the mass-media), particularly it was tampering with voters. It violated the principle of fair and equal competition, and the legislation of Kyrgyz Republic.
4. In addition to types of administrative resource abuse, mentioned in the typology, on which was relying the project, thanks to monitoring there were found out “tougher” administrative resources, the abuse of which was also widespread. In practice, very often was used a coercive resource.
5. As the result of analysis of some typical cases there were detected direct violations of national elections legislation, especially those which are referred to illegal agitation and use of official power in electoral purposes.
6. The Supreme court of KR, left in power the decision of first degree of jurisdiction about the refusal for registration of candidates in some of the constituencies, which some of the analysts consider illegal and unfair.

In the process of realization of the project there was conducted an analysis of abuse of various types of administrative resource in accordance with the Elections code of KR. The result of this analysis were developed a range of recommendations about making the changes and supplements to Elections code of Kyrgyz Republic.

5.2 EXPERT’S INTERVIEW

The workers of the “Transparency International - Kyrgyzstan” (TI - Kyrgyzstan) had held a number of interviews. The major purpose of holding such interviews was the collection of more detailed information on the method of organization and holding of the election campaigns in the Kyrgyz Republic.

There were 8 persons questioned as experts within the framework of this project: the journalists, deputy candidates (those who lost in the first round of elections), director of the consulting agency, one of the workers who worked on the project, one of the observers at the elections, jurist.

The experts represented both the non-governmental, oppositional and independent (centrist) views.

The advantage of the interview over the other components of the monitoring is that they allow “to look from inside” at the combined ways of abusing the administrative resource and appraise the relative significance of the various types of abuses.

The list of questions was directed predominantly to the clearing up of the following issues:

The sources of financing the elections funds.

The targeted money (the money which is the personal money of the candidates and which is designed for the concrete purposes), the veiled money, sponsorship help, contribution of the

members of the tribal groups referred to such sources by the experts. In some cases, as was indicated by the oppositional experts, the state mechanisms were used as well (for one of the candidates who was nominated on the South Region, is the husband of the Minister of Labor and Social Security and who was had given the pensions and benefits up to the end of the year and despite the fact that his opponents had handed in the application, no response followed. This fact was also made public in the press⁹¹). (The other candidate used the money of the Social Fund for his election campaign).

The Expending of the Election Money.

Practically all the questioned experts had acknowledged that the deputy-candidates used other means as well, except for the officially approved election fund which did not exceeded, in compliance with the acting Code on elections, 5 thousand minimum salaries (500000 Soms). Some experts noted that the existing maximum value of the election fund was not sufficient, (since the cost of the printing services, the development of the preview trailer and other agitation materials was very expensive) and it should be increased, including that also for the reduction of corruption.

The structure of the expenditures for holding the election campaign

The majority of questioned experts noted that the money from the election fund of candidates were spent mainly for bribing voters – in this or that form – from the direct distribution of money, food products packets, etc., up to bribing them in the indirect form – the installment of transformers, road repairs, and so on. Only two experts acknowledged that the informational agitation with the help of mass media, leaflets, etc., was great. As the possible explanations the experts mentioned, firstly, the complicated economic situation in the country, and, secondly, the peculiarities of the mentality of the voters for whom the personal contact with the candidate is primarily important and already then his program, etc. The personal peculiarities of candidates, their knowledge of psychology and the ability to work with the various groups of voters play not the last role here as well.

The abuses of the administrative resources in favor of separate parties

The experts determined the use of the administrative resource at the 2005 parliamentary elections in Kyrgyzstan.

All the experts noted the cases of abuses of the administrative resource. They gave the examples of the abuses of the various types of resources – the cases of the complex administrative resource (the use of the combination of all the three types of the administrative resource – the institutional, budgeting, media in the University District No.1) and prevalence of one type. The former status of the candidate played not the last role in this. Practically all the experts noted its influence on holding the election agitation. Its influence was different: from using the institutional resource by separate candidates (using the premises, employees of the state and budget organizations, etc.) up to using for their purposes the information on the socio-economic activity of this or other district (information on the plan works for improving the infrastructure being implemented at the state expense or at the expense of the municipal money may be used for own purposes and the information on the present or past activity of own state body may be used for the purpose of the agitation and information). The experts had

⁹¹ The MSN, No.27 dated 10.03.05, the article “Here is the democracy for you”, page 2.

also mentioned the cases of using the budget resource in separate districts where the citizens were offered as payment for their vote for certain candidates the (paid) receipts for using the electric power. (This information has also been confirmed by the information in the press)⁹²

Some experts expressed the opinion that the abuses by practically all the types of the administrative resource were implemented predominantly in favor of the “Alga, Kyrgyzstan!” Party. This is both the intensified frequency of occurrence of mentioning their candidates in mass media, and use of the institutional resource (provision of premises, using employees, etc.).

The significance of the last changes in the Code on Elections, the drawbacks of the acting legislation on elections.

In the experts’ opinion, the following refer to the last significant changes: the introduction of the marking, transparent ballot-boxes and the reduction of the time periods of consideration of the court cases as well. Though all these changes refer, no doubt, to the positive results, as practically all the experts noted, however, some of them note that the introduction of the marking produced no results since bribery was implemented at the constituencies prior to the elections day. The experts related the following to the drawbacks of the acting legislation on elections:

- the insufficient clearance of the legal status of the diplomatic workers of the country and noted the necessity of changing these items, etc.,
- the necessity of introducing the item on receiving the electronic version of the lists of voters,
- and the necessity of introducing the monitoring of the register of voters as well,
- in the experts’ opinion, it is necessary to go not to the “own districts” but on the method of the accidental casting of lots to run to be put to the vote in other districts.

The most successful strategies of the deputy candidates.

In the experts’ opinion, the most successful strategies of the deputy candidates mainly are associated with their personal peculiarities (the orator’s skill, ability to socialize with voters, care on the issues of district in the past). The strategies developed by the political technologists and teams of this or that deputy, in the experts’ opinion, occupy the second place.

5.3 ANALYSIS OF THE SEPARATE TYPICAL CASES

The efficiency of state as a whole depends on the cooperation of its various branches, in particular, of the legislative and executive power, which participates in forming and implementing a policy. The cooperation and responsibility of the branches of power for the policy pursued by state depend on the actions of the separate politicians, presented in the state bodies, the political motives of whom are determined by that which ways the politicians receive power and hold it.

⁹² “The social rating”, No.9 dated March 11, 2005. The article “The Akayevs: the NEXT generation” page 9.

As political scientist A.Lowenthal notes, “The efficient democratic ruling implies the existence of the political parties which effectively respond and express the social interests”.⁹³

In reality, the parties in Kyrgyzstan do not play any such significant role. Many politicians come to power and hold it staking on their personal popularity.

The attempt to create the party of the new type was the creation of the “Alga, Kyrgyzstan!” Party.

The “Alga, Kyrgyzstan!” party represented the main instrument of the regime in its attempt to conquer the Parliament. Founded by the young businessmen and office-workers, it, evidently, was the Bermet Akayeva’s creation. Bermet Akayeva, possibly, was inspired by the example of the similar “party of power” in Russia – the “Unified Russia”, and even to the greater extent by the example of Kazakhstan where the President’s daughter Dariga Nazarbayeva had created her own party, although she had done this in the much more open way than Bermet Akayeva. Intended first as the party of the support for the young ambitious politicians, gradually the Alga, seemingly, degenerated in the typical party of the support for the regime, having lost the orientation for the young and advanced people which it might have preserved. It has not yet prepared the serious program, and instead of this it concentrated on the expensive advertising companies and pretentious presentations. The Alga held these PR actions invented by the non-Kyrgyz PR persons – they are directed to the young people, although the youth does not vote and the old men do like these actions.

Some candidates of the Alga Party were quite popular and the initial idea- to nominate the young business-oriented candidates – might have had a considerable success. The issue, evidently, is in that the Alga was inevitably considered simply as the party of power, and that attracted a lot of people far from the initial model. Many such members did not have the real interest in the success of the party.

As one of the figures of the opposition notes: “The people understand the Akayev’s sun is in its decline and they will think still on that whether to vote for him or not. Somebody could be elected to the Parliament with the help of the Alga and then get rid of Akayev”.

The “Alga, Kyrgyzstan!” party, which had become the party of power, started being firmly supported by the authorities in period of the election campaign at all the levels. It is precisely in support of this party and candidates of it that there was widely used the administrative resource.

Except the nominees of this party, both the representatives of other parties and self-nominees as well were striving to become the deputies.

Of interest is the fact referring to what motives inspired the candidates to nominate their candidatures to the deputies of the Parliament. It is possible to suggest that they are, at least, the three. These are the motive of the prestige, protective motive and motive of the personal corporate development.

The motive of the prestige is characteristic in the majority of the people who have socially established themselves. Being not elected to the Parliament for them is not simply the evidence of the loss of their prestige but a certain wounded feeling of the total self-establishment, uncertainty in that they are lucky in everything. Such candidates contributed the excess resources to the elections in order to have their 100% guarantees.

The protective motive is linked with the desire to receive the deputy immunity and acquire the political influence, which is the same thing in this country. This motive is especially intensified in case court proceeding have been started against the candidate or it has become widely known about it.

The motive of the personal corporate development is linked with the desire to raise one’s status, grow up socially, to bring one’s business to a new level.

Of course, in each of the candidates there are present all these motives but at the same time one is the domineering after all.

⁹³ Lowenthal A.F. *Battling the Undertow in Latin America// Consolidating the Third Wave Democracies.* 59

The conclusion may be drawn on that all the indicated types of motivation were linked with using the administrative resource.

For the more detailed analysis as the most typical or indicative there were several cases selected several cases of the abuses of the administrative resource. They may be subdivided into the three categories: the cases of the abuse of the media administrative resource, the abuse of the institutional resource, the abuse of the financial resource.

In the course of the carried out analysis it was revealed that these cases are the violation of the voting legislation. They demonstrated the influence of the state control over the TV casting, use of the advantages of the working status, one of these cases of the abuses had revealed the considerable financial consequences of the abuses of the institutional resource at the local level.

The consideration of the above cases witnesses also on that the election commissions did not respond or reject the cases of the violation of the rules of holding the election struggle.

One of the major subjects of the regional shadow policies are the clans. It is precisely through the clannish links there's implemented the mobilization of their adherents. Both the dependent and oppositional politicians addressed to the clans for the support. The peculiarity of the election campaign in the South Kyrgyzstan was that the candidates struggled not so much for the separate votes of the electors as for the influence on the main clans. As a consequence it is precisely the clannish communities that constitute the basis for the electorate of the candidates. Simultaneously, it is necessary to take into account that clans are connected between themselves by the specific system of interrelations, there's a concealed competition held between them. The Kyrgyz clans are evenly settled throughout the whole territory which only intensify the competition between them. Therefore, the participation of the clans in the election campaigns still more heated the situation. In order to surmount the influence of the tribalism factor it would have been better to start forming the Parliament according to the party list. But since all the 75 deputies were elected in the single member constituencies they were compelled to apply for the support to their relatives and go precisely to those constituencies where their clan was domineering. Since the past Parliament elections were held with no party list, the elections did not promote to the formation of the single political space but vice versa, it had cracked the country.

The situation was becoming still more complicated by the fact that the deputy candidates on the strength of the specifics of the region (of the strong tribal and clannish relations) extensively used the family resource not so much before the elections or during the elections but after announcing their results as well. In this way, the adherents of the candidates who had lost organized meetings (bringing together at them the maximum possible number of representatives of this or that clan), pickets in support for them, providing pressure on the election committees, bodies of the state power (state administration) and courts, took the judges hostages, threatened the self-burning acts, etc.

That is, the situation with determining the results of the elections escaped the legal context, which promoted to the destabilization of the situation in the country and served as one of the causes of the events of March the 24th that led to the overthrow of President A.Akayev.

The described cases of the abuse of the administrative resource have identified the illegal methods of holding the election campaign. These cases were typical and they were not the single violations.

The analysis of the typical cases of the abuse of the administrative resource became one of the major sources of formulating the recommendations.

The abuses of the media resource at the Republic level

Case No.1

(The “Alga, Kyrgyzstan!” party).

Description

In period of the election campaign there started being intensively published the materials about the “Alga, Kyrgyzstan!” party in the news and analytical transmissions and in the printed mass media as well.

The situation lying in the basis of this case is linked with that still in period prior to appointing the official election agitation (February 2) in the pro-government mass media (The “Slovo Kyrgyzstana”, “Vechernyi Bishkek” dailies, KOORT, KTR TV Casts, etc.) there started the PR-action, which was aimed at creating the positive image of this party. There were published only positive actions in the multifarious articles and commentaries, which were implemented by the members of the “Alga, Kyrgyzstan!” party. In this way, it was noted that the representatives of this party are engaged in the improvements of the city, in organizing the children’s playgrounds, holding the subbotniks, repairing roofs, installing the transformers, etc.

(The activities of the other political parties were not practically the subject of publishing or they were the subject for publishing in the negative.)

This abuse can be considered as the illegal election agitation on account of the fact that:

- The articles were published (the TV commentaries, respectively, were transmitted) prior to the beginning of the official election campaign on TV and in press;
- Many commentaries were transmitted in the news and it was hardly possible that they were paid from the election fund of the “Alga, Kyrgyzstan!” party.

In period starting from February 2 () the start of the official election agitation the situation did not undergo special changes either since in the official (pro-governmental) mass media there as before implemented the publicity of only one party – the “Alga, Kyrgyzstan!”.

In conformity with the monitoring held by the Internews, during the whole election agitation on the KOORT TV channel there was the publicity of the political party “Alga, Kyrgyzstan!” (1871 seconds in the air), the publicity of the “Vechernyi Bishkek” daily (6192 seconds) and the “Bishkek Times” daily. (These newspapers are included jointly with the KOORT media holding). The remaining political parties and trends were not practically the subject of publishing or they were predominantly in the negative. In this way, on February 26 from 22 hrs. 28 min. up to 22 hrs. 44 min. of the Bishkek time on the NTRL TV channel there was shown the TV film named “Top secret: the Kyrgyz opposition changes its profession” (960 seconds in the air), in which the deputy-candidates – the famous politicians were shown as the oppositionists towards the Akayev power regime.⁹⁴

In that way, there is the direct evidence of the increased frequency of the emergence of separate candidates and parties and the violation of the media and electoral legislation – the uneven distribution of space and time in the state and state-controlled mass media, and the concealed publicity in support of separate candidates and parties as well.

The concealed publicity in support of separate candidates was sufficiently active both in the first, and the second rounds of the elections. (Prior to the second round of the elections there actively were distributed the materials associated with the necessity of women-deputies

⁹⁴ The monitoring was held by the Social Association “Internews” in Kyrgyzstan and the Swiss non-commercial organization (CIMERA in Kyrgyzstan (SIMERA in Kyrgyzstan) with the support of the Organization on Security and Cooperation in Europe (OSCE)

being present in the Parliament. It is worth noting that 3 women-deputies left for the second round of the elections were either the members of this party, or “did not conceal their links with it”.)

It may be noted that in the developed typology of the abuses of the media resource in this case (by the PR-materials of the “Alga, Kyrgyzstan!” party) there’re are available practically all the moments: the increased frequency of the emergence of separate candidates and parties, increased frequency of mentioning separate candidates and parties in the news programs, disproportionate focusing in the transmissions from the sporting, social and cultural arrangements of the representatives of separate candidates and parties, that is, the “Alga, Kyrgyzstan” had used the administrative resource.

Legal Analysis

This situation comes within Point 2 of Item 33 of the Code on the elections of the Kyrgyz Republic “Holding the agitation through the mass media”. “The periodicals independently of their form of ownership who had provided the printing space to candidates are obliged to provide the printing space to other candidates on the same conditions (the same prices, time to go on the air, time volume and other conditions) in the nearest time on the air”. But these Items of the Code had not been implemented in practice, and the situation was becoming still more deteriorated by that that there was not available any independent TV.

Conclusions:

The monitoring indicates to that this case is not the single but typical violation, characteristic of the course of the electoral period of the 2005 Parliament elections. The mass media monitoring has fixed the total predominance of the information on the “Alga, Kyrgyzstan!” party on the TV channels KOORT and KTR during the whole period of the election campaign.

The monitoring has also shown the systematic subjective publishing on the activity of parties: the activity of the “Alga, Kyrgyzstan!” party was the subject for publishing only in the positive key and the whole information on the opposition parties and candidates was mainly of the negative character. The subjects on the “Alga, Kyrgyzstan!” party, candidates of this party predominated on the above TV channels during practically the whole news, informational and analytical transmissions.

Although it is impossible to say that any positive information on the “Alga, Kyrgyzstan” party was the unambiguous publicity, there exist certain reasons for the consideration of that case as the typical example of the abuse of the media resource: the positive commentaries on the “Alga, Kyrgyzstan” party were mainly implemented in the news programs of the prime-time and in the analytical programs at that time as well.

The news programs and the information-analytical transmissions were the typical examples of the concealed agitation in favor of the “Alga, Kyrgyzstan” party, which was held through the two TV channels – the KTR and KOORT.

Case No.2 (The K.S.Bakiev’s anti-publicity)

Description

In the news and analytical transmissions and in the printed mass media there started being placed the materials, which aimed at the discrediting of the deputy candidate K.Bakiev. It was underlined in these materials that the indicated candidate has no clear electoral

program, his work in the position of the Prime-Minister is appreciated as quite negative.⁹⁵ It was indicated that he was unable to compete with entrepreneur who was also the deputy candidate, etc.

It was also noted that all the office workers offended by the former authorities had gone to opposition who manifested the negative qualities in their former positions, and Bakiev K.S. – is one of them.⁹⁶

All the indicated materials started being placed in the mass media still prior to the start of the official election race (February 2) but especially frequently such materials started to appear directly prior to the elections.

In particular, the film “The Kyrgyz opposition changes its profession”⁹⁷ was shown where the opposition representatives were shown in the quite unattractive condition. The journalists who were to be emotionally neutral responded on the figure of the opposition in the following way: “One half of the opposition – are those occupying the back benches, that is, the former office workers dismissed for the bad work, and the second – is working off the foreign grants. The opposition lacks patriotism”, etc.

In the course of the investigation the deputy candidate Bakiev K. himself was interviewed who confirmed the facts of the wide use of all the kinds of the administrative resource against him. He noted that the authorities systematically created favorable conditions for his opponent, organized constant pressure on Bakiev by the forces of the internal affairs and state structures and also falsified the documents (information on the bad money).

The brightest example of discrediting Bakiev K.S. was the information on that in his brother’s headquarters there was being issued the bad money. In the TV commentary there was shown the close-up of the bad money which was printed on the equipment placed in the election headquarters of this candidate’s brother, it was also told that the workers of the Public Prosecutor’s Office had brought the action against this fact. But no facts proving this, and materials of the investigations were submitted neither in the state, nor private sources of information until now. We suppose that this information was specially prepared for creating with the voters the negative attitude towards the indicated deputy candidate.

The commentary on printing the bad money was shown on KTR TV channel as well and it was published in the printed mass media, (moreover, prior to several days before the elections) with providing no proof. In this case it can be considered the means of using the media resource by the authorities against the oppositional candidate.

Legal Analysis

The wide use of the mass media possibilities in forming the negative image of oppositional candidate is the consequence of applying the administrative resource.

In connection with that the negative materials on the oppositional candidate were placed on the state TV channel (and on the private as well but with a certain share of the state participation), and in the newspapers as well where the state participation was also sufficiently strong it is possible to make the conclusion that on the use of the administrative media resource.

The placing of the materials on the issue of the bad money comes within Point 6 of Item 36 of the Code on the elections of the Kyrgyz republic. In conformity with this point “The mass media, participating in the election campaign, has no right to allow the publications able to cause damage to the honesty, dignity or business reputation of candidates. The mass media that allowed the publications able to damage the honesty, dignity or business

⁹⁵ The article “With such persons – to go to the opposition?” The Vechernyi Bishkek dated 11.02.05 page 5

⁹⁶ The article “The organization of the dismissed chiefs” – The star disease of the opposition” The Vechernyi Bishkek dated 05.01.05 page 4

⁹⁷ The KOORT TV channel 07.03.05 at 21.05

reputation of candidates on the candidate's demand is obliged to publish the refutation or give explanations on the article or speech which do not correspond to reality or distorting it”.

In our opinion, this information touches the honesty and dignity of this candidate.

The publications are able to damage the honesty, dignity or business reputation of candidate only in case of their inadequacy to reality, that is, the fallaciousness of these data. In conformity with that the subjects of the agitation activity are given the right to carry out the agitation against candidates, there may be published in the mass media the materials which correspond to reality but which dishonoring the candidate. Therefore, the data on the protection of the honor, dignity and business reputation may not be acknowledged as justified if the data corresponds to reality. The data which does not correspond to reality, that is, the dishonoring, is the data which belittle the honesty, dignity and business reputation of candidate in the public opinion from the point of view of observing the acting legislation or moral principles.

But no proof or results of the investigation which would have confirmed the fact of issuing the bad money were provided, and further on this topic (after the first round of elections and K.Bakiev's loss) ceased to be published in the mass media at all. Therefore, the indicated situation may be referred to the case of the abuse of the administrative resource on the part of the authority as relates to the oppositional figure.

Conclusions:

The monitoring of the mass media indicates to that this case is the typical violation and use of the administrative resource. The mass media monitoring has fixed the general prevalence of the negative information on this candidate in all the pro-government mass media, moreover, with no proof of being guilty on his part. The negative subjects prevailed during the election campaign on the indicated TV channels (the KTR and KOORT), moreover, during the news and information-analytical transmissions where there should have prevailed the neutral tone and printed mass media as well.

In this way, in the indicated case there was violated the legislation on elections.

The abuse of the institutional resource

Case No.3

Description

The abuse of the institutional resource was manifested in the district No.61 mainly in the attraction of state employees and employees of the budget organizations (teachers, physicians and workers of other structural units) as propagandists during their working time. The above workers were attracted under the threat of being sacked, having the electric power cut out, etc., in case the needed candidate was not elected.

In the Issyk-Ata electoral constituency No.61 the former Akim of the Alamudun District received a huge help and support from the side of the people of the authority.. In this way, the woman in charge of the district department of education in the Almaluu Village held the session with teachers and demanded that they held the agitation in favor of this candidate.

The Director of the Alamudun Center of the family medicine, being the member of the district election committee, using her working position, roused scandal to the medical workers who disagreed to hold the agitation in favor of this candidature.

The Director of the Secondary School and teacher of the same school, being the deputies of the Ayil Kenesh, openly held the agitation. These people visited the homes of the Village inhabitants and distributed the agitation materials and calendars with the depiction of their candidate.

The inhabitants of the Tash-Moinok, Koi-Tash Villages were indignant with the impudent actions of the leaders of the district organizational structures (the RES, RaiONO, schools, hospitals and other state organizational structures) who held the open agitation for the indicated candidate and with that the workers of these bodies intimidated the population by that they would cut out the electric power or sack those who would not have supported him.

On the elections day in the Tash-Tyube, Archaly, Baitik, Chon-Tash Villages the adherents and relatives of the candidate using their working transport vehicles which belong to the Alamudun District Administration delivered the voters to the place of voting, simultaneously, they held the agitation although such actions are prohibited by the electoral legislation.

Making speech in front of the voters of the International Village a candidate promised that in case he would have been elected the deputy to repair the school, kindergarten, install two transformers and does many other things, which is also the violation of the legislation.

This candidate was the Akim of the Alamudun District in the past but was dismissed from this position by the decree of the President of KR dated January 14, 2005 since he was nominated the deputy candidate of the Jogorku Kenesh. Despite this, he systematically held meetings in his headquarters of his former subordinates and leaders of the state organizational structures where he gave them the instructions to hold the agitation in favor of his candidature. Through the Heads of the Ayil Okmotus, head masters he made the state employees and employees of the budget organizations (teachers, physicians, electricians, workers of the bodies of local government to agitate for him.

On the elections day openly, in the impudent way the adherents of this candidate using the transport vehicles which belong to the state bodies implemented the delivery of voters to the place of elections, the voting for several persons was permitted, the multifarious voting of the same person was allowed.

Having suffered the fiasco in the first round of the electoral race, the authorities started still harder to press on their subordinates. Not only the leaders of the average position started being engaged in the illegal agitation but the leaders of the higher rank started to join such agitation. In this way, on March 3, 2005 inside the building of the Alamudun State Administration the Governor of the Chui Oblast held his persona; talk with each Head of the Ayil Okmotus, head masters, chief physicians, etc.

During this talk he threatened to dismiss them from work, impose penalties if on the results of the second round the candidate needed by the authorities was not elected.⁹⁹ In this way, there's direct evidence of the multifarious violations of the Code on elections and striving to do the utmost to elect the candidate needed by the authorities.

Legal Analysis

Providing wide opportunities to the citizens, candidates, political parties, electoral blocks and other subjects with the agitation activity to freely and unimpededly hold the agitation in the prescribed forms, the Electoral Code emphasized the category of persons and organizations who are prohibited or whose agitation activity is limited.

In compliance with Point 6 of Item 30 when implementing the elections the members of the election committees, judges, state and municipal employees, members of the charitable, religious organizations, workers of the law-enforcement, tax, customs and financial bodies and servicemen when the latter are implementing their duties may not participate. The exclusion from among the subjects of the agitation activity of the state and municipal employees aims at providing the equal conditions and exclusion of the possible pressure on the part of the bodies of the state power and bodies of the local government. Their

⁹⁹ The “MSN” dated 10.03.05 “The Honest Elections in the Alamudun way”, page 7.

participation may seriously influence on the will of the citizens. In compliance with Points 1 and 2 of Item 28 of the Code on the elections the candidates have no right to use the advantages of their position and working status, therefore, the participation in the agitation of the state and municipal employees is prohibited. Despite the prohibition of the state and municipal employees to participate in the agitation activity this happened in the indicated district practical on the permanent basis.

The advantages of the position status were also widely used. The attraction of the persons who are the subordinates or otherwise subordinated by work, of the other state employees for implementing the activity which promoted to the nomination and (or) election during the working time refer to such advantages.

It is also prohibited to use the working transport vehicles for the purposes of the agitation which promote to nomination – Point 4 Paragraph 2 of Item 28. It is prohibited to use the premises, telephone or other communication for implementing the activity which would promote to election, - Points 2, 3, 5 Paragraph 2 of Item 28.

Despite the indicated items of the Code on the elections the candidate in this district widely used the advantages of his working position and violated the principle of the equal rights and provision of the just elections.

In violation of all the indicated requirements of the electoral legislation on the territory of the Issyk-Ata electoral district No.61 the authorities throughout the territory used the administrative resource for the purpose of providing pressure on the voters and in that way preventing the implementation by the citizens of their electoral rights for freedom of will and implementing their rights.

Conclusions:

In the Issyk-Ata Electoral District No.61 in the course of the electoral campaign there happened the abuse of the administrative institutional resource practically on all the “floors” of the state organizational structure, - from the governor of the oblast up to the head masters up to the leaders of departments of education, medicine, etc.

The various kinds of the administrative resource were widely used – the agitation on the part of the state and municipal employees, use of the state premises, infrastructure, transport, personal time of the workers of the budget organizational structures in favor of the indicated candidate, blackmailing as refers to the workers of the budget organizations.

All the multifarious cases of the abuse of the institutional administrative resource were in no way cut short.

The Abuse of the budget resource

Case No.4 (The “Alga, Kyrgyzstan!”)

Description

Those forces that wanted to strengthen their authority in Kyrgyzstan (President Akayev’s family and his entourage) tried to provide themselves the support of voters, and it is suitable to implement through the political parties as the structures mediating in the interrelations between the state and its citizens which promote to articulating the interests of the large groups of population.

In connection with that in Kyrgyzstan as a whole (the Bishkek City is not the exclusion as well) there exist the issues with the insufficient financing of the infrastructure, the “Alga, Kyrgyzstan” party has put forward the slogan “For the clean, light and secured

town!”. In order to realize this slogan the alga followers were engaged in building the children’s playgrounds, repairing roofs¹⁰⁰, at the same time, the financing of the indicated objects was implemented not long before the elections and with the money from the city budget which may be considered the use of the administrative resource. All the indicated actions were followed by the mass media active publishing on their activity, with emphasizing that the parliament deputies of the past convocations and deputies of the city council haven’t done as much for the city as was done by the “Alga” representatives.

In this way, the “Alga” party has installed six new transformers in the city¹⁰¹ Lenin District. Their cost constitutes together with the installation minimum 1902 USD, maximum - 9512 USD each, that is, totally from 11412 USD up to 57072 USD or 467892 to 2339952 Soms was spent. We sent the inquiring letter to the Lenin Akimiat which re-sent it to the RES. On the inquiry we were informed that the installation of the transformers in the city Lenin District was implemented in conformity with the Schedule. But, in our opinion, the installation of the transformers was carried out especially before the elections and was widely published in the mass media as the result of the activity of the “Alga, Kyrgyzstan” party.

Thanks to the Head of the Oblast department of the people’s education (to the “Alga, Kyrgyzstan” party) prior to the elections from the former Governor of the Ysyk-Kul Oblast the oblast sporting school was provided the financial support in the amount of 100 thousand Soms from the budget of the Oblast¹⁰².

The indicated provisions of the budget money were implemented in period of the election campaign with no clear justification of the necessity of its use precisely in this period. That is, the representatives of the “Alga, Kyrgyzstan!” party widely used not only the media but also the institutional and budget resources for strengthening their positions before the elections.

Legal Analysis

In accordance with Point 5 of Item 36 of the Code on the elections of the Kyrgyz Republic “The candidates, their fiduciaries, political parties, electoral blocks and other persons have no right to be engaged in the charitable activity, including the one beyond the limits of the electoral district in which the candidate was nominated”.

For the purpose of providing the truly free and just elections, the choice realized by the citizens of their representatives the legislation on the elections prohibits the candidates, their fiduciaries, political parties, electoral blocks and other persons from the day they nominated candidates up to publishing the results of the elections to be engaged in the charitable activity.

In accordance with Item 8 of the Code on the elections, under the charitable activity one should understand the volunteer activity of the citizens and legal entities on the disinterested (free or on the privileged conditions) transfer to the citizens or legal entities of the property, including money, work performance, provision of services. The implementation of the charitable activity, firstly, may essentially distort the will of the citizens and, secondly, it violates the principle of the equality of candidates which may be used for the factual bribery of the votes of the voters.

The installation of transformers, repair of roofs, construction of the children’s playgrounds come within the notion of the charitable activity, therefore, the actions of the “Alga, Kyrgyzstan!” party are the violation of the acting Code on the elections.

The provision of the budget money by the Governor of the Issyk-Kul Oblast not long before the elections may be considered as the charitable activity.

The indicated actions of the representatives of the “Alga, Kyrgyzstan!” party and those of the Governor of the Issyk-Kul Oblast are the violation of the Code on the elections but no

¹⁰⁰ The Vechernyi Bishkek dated 07.02.05 the article “This is our territory”

¹⁰¹ The Vechernyi Bishkek newspaper dated 01.02.05 the article “Let it be the light!” page 4

¹⁰² The “MSN” newspaper dated 20.04.05 the article “Today with the Red, tomorrow – with the White” page 15

actions on the part of the Central Electoral Committee (CEC) followed. This confirms the fact of the dependent positions of the “Alga” party and the desire to elect its representatives to the Parliament.

Conclusions

This case is the typical example of the abuse of the administrative resource in the interests of the “Alga, Kyrgyzstan!” party. The election of the candidates of this party at the Parliamentary elections the authority implemented the various actions, including those with the provision of the budget money, which, no doubt, influenced on the choice of the voters and was the violation of the acting Code on the elections of the Kyrgyz Republic.

The actions of the “Alga, Kyrgyzstan!” party were published as positive and they were not considered neither by the CEC, nor by mass media as the one that violate the acting electoral legislation.

Case No.5

The abuse of the budget resource (B.Akayeva)

Note: This case combines the elements of the abuse of all the kinds of of the administrative resource: the media, institutional and especially the budget resources.

Description

After the events of March the 24th there started being strengthened the interest in the society to that how the electoral campaign of the candidate on the University District No.1 President Akayev’s daughter – B.Akayeva was implemented.

In the course of the monitoring and analysis of the documents the following picture was received. B.Akayeva widely used all the administrative resources – the institutional, budget and media.

A) The abuse of the media resource

In this way, in the mass media there was carried out the widescale PR activity of the indicated candidate. On all the TV channels and in the pro-governmental newspapers there was carried out B.Akayeva’s strengthened publicity. For one, on the KOORT TV channels B.Akayeva was shown for 2339 seconds (the 12.1% time), on the KTR TV channel – for 350 seconds (5.7%), on the “Pyramid” TV channel – 1036 seconds (34%), simultaneously all these materials were shown in the news materials.¹⁰³

On the acting legislation, the mass media editors are obliged to observe the rule, according to which the news on implementing the election actions should be given in the information TV- and radio programs, news publications in the printed periodicals by the separate information block, with no comments, in the form of the objective information on the events that took place in the course of the election campaign, with no silencing the information on the really occurred election actions of some candidates in favor of the information on the other candidates. In such information blocks there should not be any preference to some of the candidates, political parties, electoral blocks, including – on the

¹⁰³ The monitoring of the publishing of the election campaign in the mass media of the Kyrgyz Republic (the elections to the Parliament) February – March 2005. The monitoring was carried out by the OO “Internews” in Kyrgyzstan” and Swiss non-commercial organization “CIMERA in Kyrgyzstan with the support of the Organization on the Security and Cooperation in Europe (OSCE)

time of publishing (TV casting) their election activity or volume of the printed space given for such news.

But in case with B.Akayeva all the materials on TV were shown only in the positive key, moreover, in the news blocks her opponents were shown from the negative side, that is, the indicated legislation was violated.

B) The abuses of the institutional resource.

The institutional resource was also widely used. According to the letter of the engineer of the OJSC “Severelektro” in the newspaper “The Social Rating” the workers of the energy holding “Severelektro” were compelled to agitate for her under the pressure of the administration and by the threats of being dismissed. The workers were compelled to vote at the constituencies of her district, although they reside and have the state registration in other districts of the city.. One of the organizers of these actions was the financial director of this energy holding who is the protégé of the former Prime-Minister.

In conformity with the information of the Acting General Prosecutor of the Kyrgyz Republic made public on 22.04.05 at the session of the Parliament and later on in front of the journalists there was found the archive of President Akayev, in which were contained the documents on the amounts which were directed to the election funds of the deputy candidates and measures on the counteraction to the undesired candidates at the elections.

In this way, on the University District of the city the opponent was the leader of the “Ar-Namys” opposition party. In the discovered documents there were contained the measures on neutralizing this candidate undesired by the authorities – “to prevent providing the premises for meetings and distribution of the agitation material, to use the whole administrative resource for counteracting the candidate (including the law-enforcement and fiscal bodies)”¹⁰⁴.

There were also used all the budget organizations located in this district – schools, centers of the family medicine, quarterly committees, motor transport enterprises, the Mining University, etc., that is, the institutional resource was widely used by the President and entourage for the election of B.Akayeva to the Parliament.

In advancing B.Akayeva to becoming the deputy there also took part the Commander-in-Chief of the National Guard who put his signature on Sunday for receiving the 26 present sets and material support to the Afghan Veterans¹⁰⁵, that is, there was also used the institutional resource.

C) The abuse of the budget resource

After the March events in mass media there started appearing more often the materials which witnessed on the availability of the documents confirming that she had bribed the electorate. In the speech of the Acting General Prosecutor of the Kyrgyz Republic on 22.04.05 it was noted that her electorate fund exceeded the established size by 24 thousand Soms¹⁰⁶ (that is, the excess constituted 4,8%), although, in accordance with the Code on the elections (Item 51 “The Electorate Funds”), the excess of the electoral fund is more than by 0,5% is the basis for canceling the registration of the deputy candidate.

In conformity with the information received by our workers from her opponents – deputy candidates on the same electoral district B.Akayeva bribed the electorate of the

¹⁰⁴ The information of the Acting General Prosecutor on the task of the Parliament Outgoing # 1 – 15/8 – 05 pages 11-12

¹⁰⁵ Ibid.

¹⁰⁶ The newspaper “Vechernyi Bishkek” dated 25.04.05 the article “The disclosures continue” page 4

University District, moreover, in the more extensive scales than it was made public by the Acting General Prosecutor.

Moreover, this bribery was implemented in the various forms – from the direct distribution of money to the inhabitants of the University District of the City on March 13, 2005 (during the second round of the Parliamentary elections) up to providing the sponsorship help to the students’ discothèques and students’ trips to the mountain ski bases for relaxation (16000 Soms was paid for 8 buses). There were also held the various competitions for students. (“The Miss of the students’ small town of the KNU-2005”, Competition for the best room in the students’ hostel, etc.) for which 43020 Soms was spent.

There were also concerts held on March 8 and 12 – the last day before the second round of the elections – for which 355658 Soms was spent, in order to pay for the fourchettes and discothèques 267565 Soms was spent.

On the statement of the witnesses interrogated by the General Prosecutor’s Office, the following presents were made to the students’ hostel: 8 electric ranges, 2 sets of the soft furniture, carpet, color TV set with the connection to the cable TV. There was also given 200 Soms in the form of the scholarship and 500 Soms to students on the elections day. Each room was given a present on March 8.

One of the witnesses also told that the voters were given “the sets” 1 kilo of flour, 1 kilo of rice, 1 bottle of vodka to each. The “smaller” voters were given 500 Soms each, and the quarterlies received 1000 Soms each.

Another witness stated that on the elections day in front of the electoral constituency No.1016 he was approached by and given 100 to 200 Soms.

The data of the statement by the witnesses may be considered true since it was selected by the investigating bodies with warning on the responsibility for giving the false statement.

In conformity with the publications placed in mass media money was given in order to make payments to the Veterans of the Great Patriotic War (6000 Soms), to the Afghan Veterans (22934 Soms), poor inhabitants of the small working town district (for the 7 medicinal sets for 400 persons 12575 Soms was spent). 2600 Soms was given provided for the medications for the Osh market district, 123260 Soms was given for the lubricating materials and for the payments to drivers, the printout of the photos of the voters’ meetings cost 12621 Soms, simply for bribing voters (929485 Soms for bribing the inhabitants of the University district), for making payment for the mineral water at the discotheque in the Club “Emporio” 5625 Soms, 7200 Soms – in the club “Fest”, 5600 Soms in the “Pharaon”¹⁰⁷ disco-club.

Totally, according to the documents we have at our disposal, **929485 Soms** was spent **for the bribery of the inhabitants of the University District.**

Besides, according to the documents we have at our disposal, **the Chairmen and Secretaries of the District Electoral Committees were bribed.**

In this way, the Chairmen of the 17 Constituencies were paid US\$ 200 each which constituted US\$ 3400 and Secretaries US\$ 100 each which constitutes US\$ 1700. Totally, only for the direct bribery of the members of the electoral committees the amount of US\$ 5100 was spent. The members of the 17 district committees were paid 1000 Soms each which constituted 221000 Soms. Apart from this, the amount of US\$ 500 was paid to the Chairman, US\$ 300 – to the Secretary and 9 members – US\$ 100 each which constituted the amount of US\$ 1700.

The expenses for the printing products constitute 227100 Soms, for the special actions – 609830 Soms.

¹⁰⁷ The newspaper “MSN” dated 22.04.05 “How B.Akayeva purchased the place in the Parliament” page 7

The other expenses which include payments to the drivers, purchasing the stationeries, etc., constituted 64507 Soms.

Only for the agitation the amount of 895070 Soms was spent, **which exceeds the size of B.Akayeva’s total electoral fund by 395070 Soms.**

Most obviously, initially B.Akayeva’s team planned to win the elections from the first round; one can judge of this at least by that from her electoral fund there was spent 470 thousand Soms with the maximum permitted amount, as was already mentioned, of 500 thousand Soms. It is clear that to win the second round of elections with the remaining 30 thousand Soms was unreal. And then the scheme on financing B.Akayeva’s election campaign on the part of the “Alga, Kyrgyzstan” party was being started, moreover, this was done officially.

According to the receipts we have at our disposal, the sum of the costs over the period from March 2 through 15 (before the second round of the elections) constitutes **4001750 Soms (approximately US\$ 97600) that is exceeds the amount of the electoral fund by 3501750 Soms (which exceeds 7 times the size of the established electoral fund).**

Almost all these documents were confirmed by the testimonial evidence in court (for one, by the bus drivers, etc.)

What is more, practically all these amounts were spent for bribing the voters. In aggregate, there was spent 4,67 mln. Soms (470 thousand Soms from her electoral fund + 4,2 mln.Soms from the mutual help fund.) We note that here the amount of the financing of the “Alga, Kyrgyzstan!” party is not yet taken into account. In this way, B.Akayeva’s team spent minimum 22 times more.

Apart from this, on March 4, 2005 there was produced 20 thousand copies of the agitation materials (invitations) and 5 thousand post cards devoted to the 8th of March. These printed materials were paid for at the expense of the special electoral fund of the “Alga, Kyrgyzstan!” party. The court later on considered this circumstance the violation of Point 10 of Item 51 of the Code on the elections.

Many persons who in this or that way participated as fiduciaries, cashiers, agitators, etc., after the March events and the activity of the General Prosecutor’s Office escaped from Bishkek and the country in general.

B.Akayeva’s opponents collected all the materials which confirm the facts of the multifarious violations committed by the indicated candidate and addressed to the CEC with a complaint and then having waited for no timely consideration of it on the part of the CEC, applied to the court but with no special results since at that time (prior to the March events) the judicial system of the country was dependent on the certain governing circles.

On May 16, 2005, the CEC of KR (after the 2 months’ break and past March events) nevertheless adopted the Resolution No.119 on the recognition of the results of the Parliamentary elections on the University District No.1 as being ineffective.

In accordance with Points 25 of Item 25 of the Code “On the elections in the Kyrgyz Republic” the Central Electoral Committee had listened to the information of the Working Group of the CEC that checked the multifarious applications of the rival-candidate B.Akayeva to the deputies of the Parliament of the Kyrgyz Republic on the University District No.1 and voters on the essential violations of the standards of the Code on the elections at a number of the electoral districts (the agitation on the voting day, interference with the activity of the electoral committees, delivery and bribing of voters, violation of the voting order, etc.) and also considered the letter of the Acting General Prosecutor of the Kyrgyz Republic in which there were reflected the facts of the violation of the electoral legislation revealed in the course of checking by the workers of the General Prosecutor’s Office.

It has been established that in the course of the election campaign there were cases of spending the money apart from the electoral fund of the deputy candidate to the Parliament of the Kyrgyz Republic B.A.Akayeva.

Apart from this, the fact of the abuse of the right to holding the election agitation on the part of the fiduciaries and authorized representatives of the candidate Akayeva B.

Estimating the statement of evidence and the submitted documents the court (which took place on June 13, 2005) has come to the opinion that for the purpose of the agitation of the deputy candidate to the Parliament on the University District No.1 Akayeva B.A. money were provided from one source apart from her electoral fund which was directed for bribing the voters, agitation on the voting day, delivery of the voters to the districts, organization of the free entertaining actions. In accordance with Point 2 of Item 56 of the Code on the elections of KR the indicated facts is the violation which influence on the will of the voters. The money was received by the members of the “Alga, Kyrgyzstan!” party that was engaged in the agitation in favor of Akayeva B. The complicity of Akayeva B. to the agitation by the “Alga, Kyrgyzstan” party in her favor is confirmed by the fact that the members of this party were her fiduciaries and Akayeva herself provided consultations to the party and was the advisor.

The facts of bribery of the voters of the University electoral district No.1 by the representatives and fiduciaries of the candidate Akayeva B. **have also been confirmed.**

The Central Committee on the elections and carrying out the referendum of the Kyrgyz Republic has decided:

- a. To recognize the results of the elections of deputies to the Parliament of the Kyrgyz Republic on the University Electoral District No.1 as ineffective in accordance with Points 2, 3 of Item 56 of the Code “On the elections in the Kyrgyz Republic”.
- b. To cancel the decision of the district electoral committee on the University electoral district No.1 on the establishment of the results of elections of the deputy of the Parliament of the Kyrgyz Republic dated March 14, 2005.
- c. To cancel the decision of the CEC of the Kyrgyz Republic on the registration of Akayeva B. as the deputy of the Parliament dated March 26, 2005.
- d. To deprive the authority of the deputy of the Parliament of the Kyrgyz Republic Akayeva B.A.

In view of the multitude of the indicated violations and their spread throughout the electoral district the court considered it necessary to recognize them referring not to certain electoral districts but as a whole on the district which provided the basis for recognizing the results of the elections to be ineffective as a whole on the district.

Yet a month prior to holding the elections all the staff teachers and laboratory assistants of the Kyrgyz National University were paid the premium in the amount of 700 Soms and since the number of the indicated categories of workers constitutes around 1000 staff teachers and 375 laboratory assistants, then the amount of payments constitutes approximately 962500 Soms or US\$ 23475, moreover, the payments of the premiums were not carried out prior to that moment for 10 years which can also be considered the demonstration of the budget resource. In Kyrgyzstan, the level of the minimum monthly salary payment constitutes 100 Soms (US\$ 2,4). Therefore, the payment of the premiums in the above indicated amount also constitutes the big amount for the budget and also the average teacher’s salary payment constitutes approximately 1450 Soms which constitutes US\$ 35.

In order to confirm this fact we held the blitz-questioning of a number of teachers which also confirmed the cases of the administrative pressure on the part of the leadership of the University on the young teachers and laboratory assistants for the purpose of their participation in the agitation and other election activity in the interests of the indicated deputy candidate. The cases of threats and intimidation were also used towards the students of this University.

Apart from the indicated use of all kinds of the administrative resource, there was also violated the Code on the elections. In this way, according to the information of the

ENEMO (The European Network of Organizations on the Monitoring of the Elections) observers, on the voting day in the electoral district No.1 in the living quarters the “from door to door” agitation campaign was carried out where the groups of young people had the red arm bands with the letters DND which is the sign of support of the candidate Akayeva. Moreover, in the electoral district No.1 the voters of the both candidates violated the law having brought the special invitation cards of the candidates to the electoral districts and showing them to the people inside the electoral district.¹⁰⁸

In this way, the elections at this electoral district could hardly be considered honest, open and transparent as was mentioned by B.Akayeva in her interview.

Legal Analysis

In compliance with the Code on the elections (Item 36) for the purpose of providing the free and just elections, realized election by the citizens of their representatives, the candidates, their fiduciaries from the day of nomination of candidates and up to publishing of the results of the election are prohibited to carry out the charitable actions. Since the implementation of the charitable activity may distort the will of the citizens and violates the principles of equality of candidates which may be used for the factual bribing of votes which is the mostly spread illegal acting which violates the voting rights of the citizens which encroaches on the principles of the just and free elections. In compliance with Point 3 of Item 36 of the Code on the elections it is prohibited to implement bribery from the day the elections were fixed.

The indicated candidate in her election activity violated not only the Code on the elections but also the Criminal Code, in particular, her fiduciaries were engaged in the bribery activity with voters. In compliance with Item 140 of the Criminal Code of the Kyrgyz Republic “The bribery of the voters’ votes” the bribery of the voters’ votes by the deputy candidate is punished by the penalty in the amount of 500 to 1000 minimum salary payments or by the custodial coercion from 2 to 5 years. The bribery is interesting for us because it became possible at the expense using the budget money.

In compliance with Point 1 of Item 56 of the Code on the elections of KR the registration of candidate may be cancelled in case the latter exceeds the expenses of his electoral fund by more than 0,5% of the established amount.

She also used the institutional administrative resource, in particular, she had attracted the state employees and employees of the budget organizations for implementing the activity promoting to the nomination and election. In this way, the employees of the budget organizations were attracted for collecting the signatures and holding the agitation, according to the letter of the “Severelektro” workers to the newspaper “The Social Rating”, from January they were not implementing their direct working duties but were compelled to be engaged in the elections, although, according to Item 28 of the Code on the elections the candidates are prohibited to attract the state employees and persons who are in the working dependency to similar activity.

Conclusions:

In this district in period prior to the elections the deputy candidate B.Akayeva widely used all kind of the administrative resource – the budget, institutional and media.

The majority of the “dirty” work on the agitation, bribery, etc., in the University district No.1 was done prior to the elections and on the very voting day there were not too many violations.

¹⁰⁸ The ENEMO Statement on the Elections to the Parliament of the Kyrgyz Republic page 3

The fiduciaries of B.Akayeva widely used such illegal methods as the bribery of the electorate and workers of the electoral committees, compulsion of the workers of the state and budget organizations to the agitation activity in her favor.

There were violated the Items of the Code on the elections of the Kyrgyz republic on the agitation and publishing on the candidate in mass media.

Apart from this, there were used the various methods against her competitors-candidates on the same electoral district.

In this way, this case demonstrates not only the abuse of all kinds of the administrative resource by the President's daughter but also the huge scales of the corruption.

There were a lot of violations and abuses during the elections but neither the CEC, nor any other organizational structures took any measures to stop them. The elections in this district to some extent also promoted to the formation of the social discontent by the results of the elections and their revision.

Since the results of the elections to the Parliament were declared by President Akayev as honest, corresponding to legislation, etc., then with the existing violations this served the mechanism for the emergence of the actions of protest which in the long run led to the events of March the 24th and overthrow of A.Akayev's regime.

CHAPTER 6. CONCLUSIONS AND RECOMMENDATIONS

Questions of forming of a democratic state are associated with parliament functioning. At the beginning of XXI century the most “legitimate” political decision is transfer from the system of the presidential government to the parliamentary republic. Tenures at the top of executive power as premier are limited in no way at such type of government. There is one question such as how do we provide the constant loyal parliamentary majority for government formation? Mostly for this it is used such method as administrative resource.

The conducted monitoring has demonstrated that the administrative resource was widely used during past parliamentary elections. For that the power used different mechanisms such as power influence, institutional resource, piar – techniques (media resource), budgetary payments were also dated often for this event.

The leading role of the President and his administration produced conditions for abuse of the administrative resource in general and during election campaign particularly. Many cases of abuse were of combined character.

Overwhelming number of cases of abuse of the administrative resource were in the interests of the party “Alga, Kyrgyzstan” and its candidates.

Considered and analyzed separate cases of abuse have revealed direct infringements of the Code on elections of the Kyrgyz Republic and the country legislation. Election committees of all levels were not able to provide observance of election legislation concerning counteraction abuse of the administrative resource as they didn’t answer complaints or refused consideration of reasonable complaints or couldn’t initiate court examinations on complaints.

Mass-media were often first of all as mean of impact on electorate and as mechanism of carrying out the definite politics. Thus television was the mean of formation of negative image of representatives of electorate opposition and also formation of positive image of the party “Alga, Kyrgyzstan” and its candidates. Mass-media press was also enabled for those purposes. Mass-media in opposition revealed cases of abuse of the administrative resource and were engaged in promotion of opposition candidates at the political scene.

During the election campaign opposition candidates demonstrated nonessential infringements which were causes for withdrawal from pre-election race. While neither DEC nor CEC “observed “illegal actions or infringements of legislation from the direction of “governmental” candidates as double standards were observed. International and local observers noticed many cases of abuse in past parliamentary elections.

Thus the main factor enabling abuse of the administrative resource to play so key role in Kyrgyzstan is the possibility of the President and his administration to use resources of the executive power which are contrary to base principles of democracy including use of the administrative resource for elective process management. Availability and preservation of such possibilities are evidence of lack of aspiration for ensuring the real separation of powers as stipulated by the constitution of the Kyrgyz Republic. And until this problem could be solved the problem of abuse of the administrative resource during elections will be so serious irrespective of other reforms realization.

Based on carried out research we suggest considering the possibility of the following reforms realization and acceptance of recommendations listed below.

RECOMMENDATIONS:

General recommendations

For holding of fair and transparent elections it is necessary to make the following alterations:

1. For realization of voting rights of diplomatic personnel it is necessary to propose relevant amendments in the code on elections. Based on item 1 Clause 69 of the Code on elections they were refused to register as candidate deputy on the basis of residential qualification. But because of they stayed abroad and fulfilled their official duties representing interests of the country, this standard on continuous residence during last 5 years in Kyrgyzstan must not apply to them and taking to account the exterritorial principle they should have the right to be put to the vote in the Parliament. The process of candidates' registration must be devoid of unreasonable restrictions; it is necessary to provide easy and equal access of citizens of Kyrgyzstan to the possibility to be elected.

To make a suggestion: to exclude Item 1 Clause 69 of the Code on elections (residential qualification).

2. To increase pluralism in membership of election committees so that representatives of different parties, NGO etc. will be really included in them. Since the considerable part of these committees included State employees of organizations sponsored from the state budget.

TI – Kyrgyzstan proposes to make alterations in item 18 Clause 58 of the constitution of the KR to form 1/3 of election committees according to proposal of public organizations.

3. To simplify the accreditation process for international observers. It must be devoid of restriction from the direction of government and should be not carried out through official invitations. At present this process is bureaucratized and selective too much.

It is suggested to make the following alterations in the Provision on status and authorities of foreign (international) observes in elections in the KR – to exclude participation of the Ministry of Foreign Affairs in accreditation and to render this function under the jurisdiction of the Central Election Committee.

4. All subjects of the elective process should conform to the rules on election campaign including prohibition of election campaign on the day of elections. It is necessary to fulfill strictly sanctions and penalties for infringement of rules of election campaign at the day of elections according to Clause 31 of the Code on elections and Clause 54 of the Code on management responsibility.
5. The procedure of administration of complaints and consideration of applications should be efficient, unprejudiced and carried out in proper time. The judicial system should function independently as during monitoring it was determined that in our opinion the judicial system pronounced unfair judgments on applications of opposition figures regarding violation of the code on elections that has served as one of causes of protest actions. Consequence of that is capture of building of the Supreme Court of the KR.

6. It is suggested to establish special-purpose courts on election matters in compliance with Clause 79 of the Constitution of the KR. Annually courts investigate about 50 thousands of cases but they influence on all country judiciary. Therefore it is advisably to institute special-purpose courts on election matters with participation of community (assessors or jury in People's Court).
7. To consider the possibility of making alterations in legislation, determining exhaustive list of actions for which the observer can be removed from election district.
8. With a view to avoid critical conflict it is suggested to hold elections throughout multi-mandatory districts.
9. For holding of election it is suggested to make alteration in the Constitution and the Code on elections, on holding of elections according to party lists.
10. To strengthen openness and transparency of funding sources of the election campaign and their expenditure, accountability to the community after elections completion. As after elections summary not all deputies have rendered an account on expenses from their election fund (they must give a report during 20 days after the day of elections in compliance with Clause 51 of the Code on elections) and also on sources of Cash Receipt of this fund. Therefore it is necessary to introduce tight control and sanctions because of non-submission of this information to the extent of rejection of candidate recognition as the elected deputy. To supplement this Clause regarding methods of providing the financial information, that is of considerable interest of Mass-Media, NGO and the civil society as a whole.

As information content on explicit costs of 75 deputies of the parliament is very large then it is suggested to allocate operating statements of deputy candidates on the site of the Central Election Committee in order that every citizen would have the possibility to acquaint with this information. Alternative variant would be edition of the special governmental information bulletin on financial flows according to election funds of every candidate.

Recommendations on kinds of the administrative resource

Budgetary resource

1. Because of bribery of electorate's votes was widely used at this election such as direct money distribution among electorate and spread of goods and services in spite of availability of Clause 140 of the Criminal Code of the KR (foreseen sanctions as penalty from 500 to 1000 minimal monthly salaries or deprivation of liberty from 2 to 5 years for this act) nobody was brought to the criminal liability. Therefore it is necessary to make the liability as clear and excluding different interpretations. In our opinion in case of bribery the opponents and applicants should simultaneously submit two applications one of which must be submitted in the order of the private prosecution and other as general civil order. If indictment will be proved in the private order then there are automatic removals of candidature from pre-election race.

2. As cases of charitable actions by relatives or authorized delegates (even wife of the President Akaev carried on this activity) were revealed during monitoring (although there is Item 5 Clause 36 of the Code which forbid the charitable activity during elections) then it is necessary to introduce liability for that since there are no such sanctions in the Code but there are sanctions in the administrative code. Therefore it is

necessary to introduce the institute of public control of charitable activity at the period of elections. It is suggested to establish the Supervisory Board under the CEC on control of the charitable activity and application of the administrative resource by deputy candidates and to make proper alterations in Item 5 Clause 36 of the Code on elections in the KR.

3. As a result of that during monitoring there was revelation of cases of mention on abuse of the budgetary resource as funds distribution among family's members and relatives from the budget of departments for agitation, bribery etc. it is necessary to strengthen liability of officials for such unlawful acts. Although there is item 305 of the Criminal Code of the KR, which prohibits the exceeding one's official commission and stipulates for liability as deprivation of liberty from 4 to 8 years. The Office of Public Prosecutor must keep track of all cases of budgetary payments during the election campaign. It is necessary to implement procedures of weekly report of all budget organizations to the supervisory board using broad coverage in mass-media.

4. Although the election committee has to send weekly to mass-media the information on funds receipt in the electoral fund of candidates in compliance with item 51 of the Code on elections, the monitoring has shown that this didn't take place. Therefore mass-media must send inquiries to election committees and inform the public on results of their inquiries.

Institutional resource

1. During the last parliamentary elections the most frequent cases of the institutional resource were cases of state officials' intervention in electoral process. Thus many state officials interfered in the agitation process, agitating for one or another deputy. This interference was revealed at all power levels – from the President to employee of the local administration. Although it is prohibited for state officials to participate in agitational activity or to interfere in the process of nomination in compliance with item 30 of the Code on elections. Therefore it is necessary to consider the possibility of dismissal of these state officials and to make alterations in the Law “On Public Service” based on participation in agitational activity and interference in it for dismissal. Also it is necessary to specify agitation criteria and to strengthen penalty provisions right up to official dismissal of state and local government employees.
2. The second aspect of use of the institutional resource was pressure on disagreeable candidates from the direction of officials purposely to withdraw a candidate from the race. Although item 139 of the Criminal Code of the KR prohibits preventing from implementation of their universal suffrages this was not applied in practice. Therefore it is recommended to introduce the institution of social control of such events using published announcement in mass-media and using penalty provisions for officials interfering in the electoral process.
3. The next aspects was the following: the usage of state officials and employees of budget organizations for purposes of the agitation for definite candidates and the activity promoting their nomination and election and also the usage of premises of state structures, communications facilities, transport and so on in favour of certain candidates. Although Clause 28 of the Code on elections prohibits such activity, there are no any precise sanctions and they must be introduced. That resulted in

mass abuses. There is the possibility of introduction of the social control and sanctions for State employees, right up to dismissal also.

4. The next aspect was pressure on disagreeable candidates through the usage of the judicial system. Many candidates were withdrawn from the pre-election race by way of the court. This was connected with the factor that judges and the judicial authority are dependent on the executive power as they were appointed by the president and subordinated to him. The judicial system was financed through the government and the Supreme Court of the KR was financed through the President’s administrative department.

In this connection we recommend to make alteration in the constitution of the KR in order that the judicial authority would have independent budget and judges would promote and withdraw by the independent National Committee on justice matters with participation of the civil society.

Media resource

1. High frequency of mention/ appearance of individual candidates was one of the most commonly used abuse by the media resource. Although in compliance of Clause 32 of the Code on elections, tele-radio companies giving on-air time to candidates are obliged to give on-air time to other candidates under the same conditions as well as published mass-media are obliged to provide with printing area under equal conditions.

Also according to the Provisions of the Central Election Committee on July 9, 2004 “On procedure of the election campaign”, mass-media whose founders (co-founder) are public authorities of the local government or their entities in charge and enterprises financed completely or partially at the expense of funds of the republican or local budget and also mass –media which have preferences on discharge of taxes and on compulsory payments must provide candidates with equal possibility for the election campaign. But this provision had been violated constantly by state mass-media (KTR). One of mechanisms of this problem solving is establishment of the social control mechanism. For example representatives of NGO would keep track frequency of appearance of advertising and agitational materials in state mass-media and would apply to the Central Election Committee for taking proper measures.

2. It is suggested to introduce the Law “On political advertisement”, which could regulate relations originating in the process of the advertisement use, could define the concept “political advertisement” and restrict the role of officials in the process of political figures promotion.
3. It is necessary to differentiate precisely in practice such concepts as information on activity of candidates and agitation in mass-media. As information messages in mass-media on activity of candidates/parties were often agitational materials (for example, information on the party “Alga, Kyrgyzstan!” or information on daughter of the President) both during the election campaign and before it. *It is suggested to show in information materials that these are agitational “piar” materials.* And in case of archival materials demonstration it is necessary to mention about this by note “archive”.

4. In order to exclude the possibility of court actions of journalists by officials concerning publication of critical materials (how it was with the newspaper MSN and the President Akaev) it is necessary to implement a law on public figure, prohibiting political leaders and officials to register claims against mass-media in the court during course of their duty. We suggest to introduce the following supplements in Clause 18 of the State Control of the KR: “Officials and also persons whose activity is of social-significant interest, have a right to bring an action concerning demand of refutation of the data, discrediting their honour, dignity or business reputation if they will prove unlawful intention from the direction of mass-media or journalists.
5. The State tele-radio company must be reformed into the public television and the Law “On broadcasting” must be passed.
6. It is recommended to separate state mass-media from the state and to make them as independent.
7. It is suggested to extend a term of mass-media registration to 20 days in Item 11 Clause 31 of the Code on elections.
8. Also it is suggested to make alterations in Item 3 Clause 31 of the Code on elections concerning prohibition of mass-media publication of the information regarding results of public opinion poll, election results forecast and other research connected with elections 10 days prior to the day of voting. This norm restricts essentially the civil law to freedom of ideas, speech and is directly contrary to Item 9 Clause 16, Clause 36 of the Constitution of the KR. Besides the point at issue regarding whether one or another statement in mass-media will be considered as the election campaign or desire result forecast.

Abbreviations used in the text:

KR – the Kyrgyz Republic

Parliament of the KR – Jogorku Kenesh of the Kyrgyz Republic (Parliament of the KR)

CEC of the KR – the Central Election Committee of the Kyrgyz Republic

DEC – District Election Committee

LEC – Local Election Committee

Mass-media – mass-media

OSCE - Organization on Security and Cooperation in Europe

ENEMO – European Network of Election Monitoring Organizations

VPT – Voluntary People’s Team

AR – Administrative Resource

IR – Institutional Resource

BR – Budgetary Resource

MR – Media Resource

KNU – Kyrgyz National University