

**TAJIKISTAN:
PRESIDENTIAL ELECTIONS
NOVEMBER 2006**

Report
by
Kenneth de Figueiredo

Copyright: the Norwegian Centre for Human Rights/NORDEM and Kenneth de Figueiredo.

NORDEM, the Norwegian Resource Bank for Democracy and Human Rights, is a programme of the Norwegian Centre for Human Rights (NCHR), and has as its main objective to actively promote international human rights. NORDEM is jointly administered by NCHR and the Norwegian Refugee Council. NORDEM works mainly in relation to multilateral institutions. The operative mandate of the programme is realised primarily through the recruitment and deployment of qualified Norwegian personnel to international assignments which promote democratisation and respect for human rights. The programme is responsible for the training of personnel before deployment, reporting on completed assignments, and plays a role in research related to areas of active involvement. The vast majority of assignments are channelled through the Norwegian Ministry of Foreign Affairs.

NORDEM Report is a series of reports documenting NORDEM activities and is published jointly by NORDEM and the Norwegian Centre for Human Rights.

Series editor: Hege Mørk

Series consultants: Turid Wulff Knutsen, Lisa Kirkengen, Christian Boe Astrup

The opinions expressed in this report are those of the author and do not necessarily reflect those of the publisher.

ISSN: 1503–1330

ISBN 10: 82-8158-036-4

ISBN 13: 978-82-8158-036-7

NORDEM Report is available online at:

<http://www.humanrights.uio.no/forskning/publ/publikasjonsliste.html>

Preface

The Organisation for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established the Election Observation Mission to Tajikistan (EOM) in October 2006 to monitor the presidential elections in the country on 6 November 2006. The mission was headed by Mr. Onno Van der Wind (Netherlands) and the core team consisted of ten other international officers. On 13 October thirteen long-term observers (LTOs) arrived Dushanbe and were deployed in seven teams throughout Tajikistan. A total of 170 short-term observers (STOs) were monitoring on election day (E-day).

NORDEM, The Norwegian Resource Bank for Democracy and Human Rights, was asked by the Norwegian Ministry of Foreign Affairs to second one LTO and two STOs. The LTO, Kenneth de Figueiredo, was based in the southern city of Kulob, and covered ten districts (nine in the Kulob zone of Khatlon Region and one in the Qurghon Teppa zone). The STOs, Espen Eftedal Svensen and Synne Brekke, were deployed respectively to Qurghon Teppa and the Rudaki district belonging to the capital Dushanbe.

This report draws on the Norwegian observers' observation in Tajikistan, general findings by the core team and other LTOs during the pre-election period and by STOs on E-day. Other sources are the EOM's Preliminary Statement, the Short Term Observer Handbook provided by the EOM, *Tajikistan: Parliamentary Elections February 2005*, Oslo: NORDEM Report 07/2005 by Kenneth de Figueiredo, Tajikistan's law on presidential elections (PEL) and news web-sites.

The Norwegian Centre for Human Rights / NORDEM
University of Oslo
December 2006

Contents

Preface

Contents

Introduction	1
Political background	1
The Legislative Framework.....	3
The Electoral Administration	4
Voter and Civic Education	4
Voter Registration	5
Candidate registration	5
The Election campaign	6
The Media.....	7
Observation on the Polling Day	7
The review of Complaints Process.....	14
Conclusions and recommendations.....	14
Comments on the election observation mission	15
Appendices	16

Introduction

The OSCE/ODIHR Election Observation Mission to Tajikistan (EOM) was established in October 2006 to monitor the presidential elections on 6 November the same year.

Even though the EOM recognised some improvement compared with the presidential elections in 1999 (which were not observed by OSCE/ODIHR), the broad picture is that the elections were characterised by an absence of real competition and that the voters were only presented with a nominal choice. Conclusively, the elections did not fully test the democratic electoral practices described in the OSCE commitments.

The turnout in the elections was immense. Around 91% of the 3.2 million registered voters cast their votes according to the Central Commission for Elections and Referenda (CCER). Five candidates ran in the elections and the incumbent president received 79.3% of the votes, while the closest contender, Olimjon Boboev of the Party of Economic Reform (PER), got 6.2%. According to the initial report from CCER, Amir Qaraqulov from the Agrarian Party (AP) got 5.3%, Ismoil Talbakov, the Communist Party (CP) 5.1% and Abduhalim Ghaffarov from the Socialist Party (SP) 2.8%. 1.3% of the ballot papers were declared invalid.

This report presents the main findings of the EOM and the findings of the LTO and STOs seconded from Norway.

Political background

After independence from the Soviet Union a civil war broke out in Tajikistan in 1992, caused by disagreements about the future orientation of the country. The major opponents in the conflict were the Popular Front, from which the future president Emomali Rahmonov came and the United Tajik Opposition (UTO). The UTO consisted of highly different factions; the most dominant being the Islamic Revival Party (IRP), but also groups like the Democratic Party and Lali Badakhshan, a party based in the Gorno-Badakhshan Autonomous Oblast in the mountainous east of the country, were parts of this conglomerate. The war was rooted more in differences between the regional elites than in actual ideological and political disagreements.

During the war Mr. Rahmonov came into power and the elite from Kulob, south in the country, became the most influential. The new elite thus ousted the former favourites of Moscow, the Leninabodis (from Leninabad, now Khujand in the north), from power.

The main opposition party, IRP, had their stronghold in the Rasht valley and in villages in the southern region Khatlon, where many people from this valley moved in the 1920s and 30s.

In 1997 the “General Agreement of Peace and Reconciliation in Tajikistan” was signed. The agreement guaranteed the UTO a 30% representation in the governmental structures. However, this quota has not been fulfilled and many from the former

opposition has joined the ruling party, while others have been marginalised or suspended their political activities.

After the presidential elections in 1999, which Emomali Rahmonov won by a landslide, parliamentary elections were held in 2000, which made the ruling People's Democratic Party (PDP) the biggest party in parliament (30 seats), while the Communist Party (13 seats) and the IRP (2 seats) also were represented. 18 deputies were elected as self-nominated candidates. The OSCE/ODIHR monitored these elections and concluded that they did not meet minimum international standards or OSCE commitments.

Since that time, the president has further strengthened his position, gaining more control over areas traditionally ruled by so-called warlords and by a highly centralised state. He appoints all governors, mayors and judges in the country and has large popular support, as well as support from the military. In 2003, a controversial referendum led to a change in the constitution, expanding the presidential term from five to seven years and giving the same person a maximum of two consecutive terms. As a result of the constitutional changes, Rahmonov's previous presidential terms were "cancelled" and he was allowed to stand for president in two more seven-year terms beginning in 2006.

After the parliamentary elections in 2005, the OSCE/ODIHR EOM recognised a few improvements since the elections in 2000. The broad picture, however, was that the elections failed to meet many OSCE commitments and other international standards for democratic elections.

The presidential elections 2006 were marked by split opposition parties, boycotts and withdrawals from the election process amongst the main actors on the opposition side. The Islamic Revival Party (IRP), by many observers considered as the most serious opposition party, decided not to field a candidate. The Social Democratic Party (SDP) considered the elections unconstitutional boycotted them. Also the opposition fraction of the split Democratic Party (DP)¹ joined SDP in boycotting. The pro-governmental faction of DP, however, nominated Tavarali Ziyoev as their candidate, but did not succeed in collecting the sufficient amount of signatures. The Socialist Party (SP) is also split in an opposition and pro-governmental faction. The Central Commission for Elections and Referenda (CCER) would not register the SP candidate from the opposition side, Mirhusein Narziev. Instead, the pro-governmental faction got their candidate approved.

The candidates:

1) **Emomali Rahmonov (PDP)**

Rahmonov is the incumbent president, since 1994, and the founder and chairman of PDP. He did not engage in the campaign personally, but with all the advantages of being the president and leader of the dominant party (with 100 000 members), he was by far the favourite for winning the elections.

2) **Ismoil Talbakov (The Communist Party, CP)**

One of the four CP MPs, Talbakov was a surprise candidate from the communists. The once all-dominant party in Tajikistan has now been severely

¹ After the arrest of the Democratic Party's leader Mahmadrusi Iskandarov in 2004, DP has faced many problems culminating with the split in September 2006 and the recognition of the Ministry of Justice of only the pro-governmental Vatan-faction.

reduced and stripped of their privileges. Their current economical situation makes it difficult for them to run an efficient campaign. They support the current government and has around 55 000 members.

3) **Abduhalim Ghaffarov** (SP)

Ghaffarov is the candidate from the pro-governmental faction of SP. After the deep split of SP in 2004, when Mirhusein Narziev's leadership was contested by Ghaffarov's wing, the Ministry of Justice ruled in favour of Ghaffarov's faction. As a result the leader of SP, Narziev, has not been able to register for the elections, neither in 2005 nor 2006.

4) **Olimjon Boboev** (Party of Economic Reform, ERP)

The ERP was founded in November 2005. It is a pro-market oriented party and Boboev's slogan is "Less state interventions – more market, fewer bureaucrats – more experts". The party claims to be drawing their supporters mainly from the educated elite. ERP consider itself as opposition only to the current economical policy. The party has 5012 members.

5) **Amir Qaraqulov** (Agrarian Party, AP)

Within four days from the establishment of ERP, the AP was founded. The party is pro-governmental and aims to give priority to the agrarian sphere. Most supporters live in the countryside. AP has 1270 members.

The Legislative Framework

The constitution gives the president of Tajikistan wide-ranging powers. Inter alia, (s)he appoints (and dismisses) the Prime Minister and the rest of the government, governors, mayors and all judges.

For the presidential elections there is a requirement of 50% turnout for the elections to be valid (article 66 in the law on presidential elections (PEL)). The candidate who have won more than 50 per cent of electorate votes who have participated in voting shall be recognised the elected president (art. 34). If no candidate obtains more than half of the votes, a second round should be held between the two candidates who received the most votes (art. 35).

The EOM's preliminary statement states that the PEL lacks clarity and leaves parts of the electoral process unregulated and adds that it needs to be significantly improved to satisfy OSCE commitments. This lack of clarity gives the CCER, in the LTO's opinion, undue influence and the power to regulate too much of the election process through their decrees. Seen in the light of the EOM's concern about the CCER's independence from the governing authorities, this is particularly compelling.

The Electoral Administration

The Electoral Administration works, in principle and according to the election law, independently from governmental bodies and is divided in a three-tier system of election commissions: the Central Commission for Elections and Referenda (CCER); 68 District Election Commissions (DECs) and 3042 Precinct Election Commissions (PECs) (26 of them abroad).

The CCER is a permanent body consisting of 15 persons, proposed by the president and elected by the Lower House of the Parliament (Majlisi Namoyandagon). It issues regulations and clarifications of the election law and exercises control over the implementation of the law by lower-level election commissions and it is responsible for forming constituencies and appointing members of the DECs. In addition, it registers candidates and their proxies, accredit observers and handles complaints on decisions made by lower election commissions.

The DEC's area of responsibility in the presidential elections coincides with the district borders, except in the case of Dushanbe, which has four DECs. The DEC has between 7 and 11 members and exercises the control over implementation of the election law and forms the PECs in addition to co-ordinate and supervises their work. Further, they consider complaints on PECs and determine the result of the vote in the district. The new CCER Decree #43 provides political parties and other organisations to nominate one member to every commission at both DEC and PEC level.

There were more than 3000 PECs working in these elections and the size of the polling stations (PSs) could vary from 20 to 3000 voters. The PECs can have between 5 and 19 members. The PEC shall compile voters' list for the precinct and display it for public scrutiny. They are also responsible for notifying electors about the elections and organise the voting on E-day.

The LTO had 10 DECs in his AoR. The DEC members were mostly men, 69 to 17 women. Two of the DEC chairpersons were women. Generally, the DECs were composed of members with different party affiliation, but with an overweight of PDP members. The DECs seemed to be sufficient prepared for the elections. However, there are strong ties between the DEC members and the local authorities; frequently the DEC chair, deputy chair and/or secretary held high positions within the local municipality (e.g. head of administration, head of education etc.).

The PECs in the LTO's AoR also seemed well prepared for these elections (at least until the dawn of E-day itself). The widespread confusion amongst the PEC members, as well as DEC members, about early voting and military voting, is partly explained by unclear guidelines in the PEL and from the CCER.

Voter and Civic Education

The election commissions use media to inform the voters, and most polling stations (PSs) used invitations to the voters informing them about time and place of polling. There were also information clips on TV on how to vote etc. But the limited use of

media by the public does not really make it very efficient. However, the procedures of voters' registration give the PECs a unique contact with the voters in their precinct. Going door-to-door to register voters results in a high awareness of the whereabouts of the elections. However, the close contact between voters and election commissions could lead to an undue pressure on the voter to participate on E-day.

The EOM criticised the media for little coverage of the election campaign and raised doubts whether voters received sufficient information to make an informed choice.

The chairperson, deputy and secretary of the DEC in the LTO's AoR all went to a two-day seminar arranged with the help of IFES (International Foundation for Election Systems). The seminar provided training for the DEC-members. The DEC then trained the PECs. However, considering the massive failure of the PECs to follow the prescribed procedures on E-day, it can be raised doubts about how efficient these trainings have been.

Voter Registration

There is no central voters' register in Tajikistan. Instead, the voters' lists are compiled in the polling stations (PSs) and by the members of the precinct election commissions (PECs). The voters' list should be based on data supplied by local civil register departments or the voters' list used in last elections and checked by the PEC members by door-to-door visits. However, all the PECs the LTO met with, claimed they made their VL from scratch, solely by door-to-door visits in the neighbourhoods in the weeks before the elections. People are included in the lists if they are citizens of Tajikistan, minimum 18 years of age on E-day and have permanent or temporary residence in the given precinct.

The voters' lists are displayed in the polling stations 15 days prior to E-day, giving voters the possibility to check whether they are included in the lists and in case they are not, to register or if denied this, file a complaint. However, voters who are not in the voters' lists, but can produce ID, can be included in the lists on E-day (PEL article 30).

Voters abroad are not included in any voters' register if they do not register with the proper embassy or consulate. Article 21 in the law on presidential elections states that "In voters' lists of polling stations, those citizens shall be included *who in the moment of compiling the list of voters live in the territory* of the relevant polling stations on permanent or temporary basis" (the author's emphasis). This partly explains the incredibly high turnout.

Candidate registration

The law on presidential elections states that a Tajik citizen can be elected president if (s)he is not under 35 years of age, knows the state language (i.e. Tajik), has lived in Tajikistan at least ten years and has electoral rights (article 1). In order to submit their

candidacy, the nominee has to present supporting signatures of 5% of the registered voters. This equals around 160 000 signatures.

Five candidates met the requirements, while the nominee from the pro-government faction of DP, Tavarali Ziyoev, failed to obtain the sufficient signatures.

The EOM criticises the requirement of the high number of signatures for the candidate and sees it as a significant obstacle to standing in the elections. On the other side, the EOM cast doubts over the high number of signatures collected. The six nominees presented a total of 1 514 117 signatures, which is more than 47% of the registered voters (a voter can only sign for one candidate). Seen in the light of the narrow time frame and the weak presence of some of the parties in the districts this high number of signatures seems implausible.

In the LTO's AoR party officials, even in smaller towns, informed the STOs that the numbers of signatures they had collected, usually amounted to almost exactly 5% of the local number of voters. Only the PDP, in all places, came up with figures that were far above the required number. Even in the districts where AP and PER have only ten to twenty members and the SP were not represented they allegedly managed to collect thousands of signatures.

The biggest mystery was how the Socialist Party managed to collect all the signatures. After three weeks the LTO team finally found the head of the party, but, alas, he as well as the members in Kulob zone (more than 100) are true to the opposition SP candidate Narziev and are unaware of anyone following Ghaffarov's pro-governmental faction. In the district of Baljuvon, e.g., the signatures for Ghaffarov were collected by a party representative from Qurghon Teppa. On top of that, the SP in Kulob held a conference around 20 October where they decided to vote in favour of PDP's Emomali Rahmonov!

Nobody on the local level checked the validity of the collected signatures. Only a sample of close to 100 000 of the signatures were verified by the CCER, but they did not take action against missing data and identical signatures.

The Election campaign

The election campaign for these elections was virtually invisible. The main event was a tour with the four challenging candidates and a proxy of the incumbent president, arranged by the election administration. President Rahmonov did not engage in the campaign at all.

In the LTO's AoR it was difficult to find any traces of upcoming elections at all. The streetscape of Kulob and the villages was devoid of political posters and other campaign paraphernalia. Only the PSs had the official posters of the five candidates on display. Sporadically one could also find the official poster of President Rahmonov on other buildings, both private and official, as well, most noticeably on the front door of the town prosecutor of Kulob.

Only PDP arranged sporadic meetings with the voters and allegedly also CP had some smaller arrangements in AoR. Representatives from PER and AP said they would campaign only if they heard anything from their headquarters in Dushanbe, however,

there were no signs of that. The only big campaign arrangement was a meeting in the palace of culture in Kulob, with the four candidates mentioned above and a proxy of the president. Around 500 people attended, most of them were invited.

The lack of campaigning inevitably led to the impression that there were no real alternatives amongst the opposition candidates. The voters, and sometimes even party members(!), were left with too little knowledge about the candidates' platforms to make an informed choice.

The Media

Tajikistan has a lot of media outlets. With 300 registered newspapers, 16 local television stations and two national state-owned TV channels one could assume the media plurality is secured. However, the government still imposes several restrictions on the media. In 2004 The National Association of Independent Mass Media of Tajikistan (NANSMIT) registered 204 serious instances of violations of journalists' and mass media's rights. 9 October, less than a month before the elections, several news web sites about Tajikistan and Central Asia, were made unavailable in Tajikistan for one week.

There are no daily newspapers in Tajikistan, but the state-owned Sadoi Mardum and Jumhuriyat have up to three issues a week. However, the circulation of printed media is relatively low with the PDP paper Minbari Khalk by far the biggest with 24 000 copies.

In 2005 the state owned TV channel Safina became an addition to TVT as the only national broadcaster in Tajikistan. There are about 30 non-state local TV- or radio stations. It is important to underline that many people throughout the country, especially in the rural areas, have restricted access to electronic media due to frequent power cuts (mainly in winter time). In many of the mountainous areas there are also no possibilities to receive TV- and radio transmissions.

In the preliminary statement the EOM states that the general lack of analytical and critical journalism could indicate self-censorship and pressure on journalists. The little coverage of the election campaign and the frequent media appearance of the incumbent raise doubts whether the voters received sufficient information to make an informed choice.

On the local level and in the LTO's AoR, the media played a very minor role in the election campaign. However, the district newspapers, which can be found in all the districts of Tajikistan, serve as an important vehicle of information for the DEC. In these papers the DEC announces the location of all PSs in the district and informs the voters of their PS. Also the members of the DEC and PECs are announced here.

Observation on the Polling Day

Even though the EOM characterised the election day as calm and peaceful, and voting in as many as 80% of the polling stations visited were assessed positively, E-day was also

tarnished by large-scale procedural irregularities: Proxy voting was observed in 19% of PSs, family voting in 10%, multiple voting in 7% and identical signatures in the VLs in as many as 49%. There was also weak control with voters' ID. In addition, the tabulation process lacked transparency.

In Tajikistan the PSs are (according to the PEL article 29) open in total for 14 hours on E-day, from 6 a.m. to 20 p.m. Since neither the PEL nor any CCER decrees describe the opening procedures this was done in diverse ways in the PSs throughout the country. ID was not compulsory if at least two of the PEC members could identify the voters, and in many PSs, especially in rural areas, there was no ID check at all. In Tajikistan, they practice negative voting, i.e. the voters strike out the candidates they do not want to vote for and leave the candidate of their choice unmarked. The counting is done by the PEC in the PS. In the PEC manual it is explained that the PEC have to count the number of signatures in the VL before opening the ballot box(es). After opening the ballot boxes the ballots are supposed to be counted face down first to see if the numbers of ballots correspond to the number of signatures in the VL. However, these procedures were generally not followed.. Instead, the PECs usually skipped counting signatures and went straight to counting the ballots by candidates. Ballots which had all candidates crossed off were according to the PEC manual to be considered as invalid. After the counting and filling out of the protocols, the PECs were to bring all the election material to the DEC, where the results were compiled.

Election Day Report from Rudaki, by STO Synne Brekke

The team was assigned to observe in Rudaki, district election commission (DEC) number 11. It is located east, south and west at the outskirts of Dushanbe, and has 128 polling stations/ precinct election commissions (PECs). The area is quite rural, and in some places mountainous. On 5 November, the day before election day (E-day), the team visited the DEC and some of the polling stations. They were fully prepared and equipped for election, but none reported of any early voting.

Observation of the opening

The team visited polling station number 37, a middle-sized polling station with 1864 registered voters in the village of Ispechak. The PEC seemed well prepared, and they opened at 6 am sharp. The PEC chairman instructed the PEC members not to necessarily check the ID of the voters, as they allegedly knew all the voters personally. Apart from that everything went smoothly, according to regulations, and the first voter entered when they had opened.

Observation of the polling

The team visited 8 polling stations during E-day. The secrecy of the vote was assured at all polling stations visited, as polling booths were solidly closed and used by all voters observed. Some polling stations were more orderly than others; they kept the cue of voters outside, and had clearly divided tasks between the PEC members. Others were more chaotic, seemingly due to a lack of training of the PEC members. In one polling station the team observed serious violations of the rules when they entered, as they witnessed several men, each putting a pile of ballots into the ballot box. When confronted with this incident, the PEC chairman claimed the men were helping other voters with putting their ballot into the box. In this particular polling station there was overcrowding, and the PEC members seemed to have no control over the ballots and the

voters list (VL). Voters were constantly entering, grabbing a ballot and taking it into the voting booth. In several instances more than one voter was inside the voting booth at the same time. This polling station was not typical for the polling stations visited, though, and in general the PEC members were instructing voters to enter into the voting booth alone. A more general trait was that voters brought more than one voting certificate, attempting to do proxy voting. Some were instructed by PEC members “not to show more than one voting certificate while the observers were present”. The team observed identical signatures in the VL at all polling stations, and some places people signing several times in the VL. Another general trait observed was that voters were not asked to show ID.

A big majority of the voters observed were male. The team did not observe any female voters before 9 am. Participation on election seemed ceremonial, and election day was held on the constitution day, which is a national holiday. There were probably more posters in Dushanbe reminding people about the constitution day than posters reminding them of election day.

The highest turnout was according to most polling stations between 6 and 10 am, but the team did not witness long cues at any point of the day. Some small polling stations closed early. The team entered one polling station at 3.45 PM, where the PEC was already finished counting, filling out the protocol and sealing the VL and ballots. They said they had closed at 3.15 PM, since 100% of their voters already had given their votes. This was in a mountainous area, and they claimed the surrounding polling stations also were finished and closing up, so that they could take the result together to the DEC.

Observation of the closing and counting

The team observed closing and counting at polling station number 2, close to the DEC in the village of Somoniyon. The polling station closed at 8 PM sharp. The counting was not done according to the procedures described in the law, apparently due to lack of knowledge of these procedures. The PEC members simply emptied out both the mobile and the stationary ballot box on the table, and started piling them according to candidate. They then counted the ballots given to each candidate, and filled in the protocol. The number of ballots was not checked up against the number of signatures in the VL in order to reconcile. A woman presenting herself as an observer from the PDPT (People’s Democratic Party of Tajikistan) was actively taking part in the process, directing the PEC members. All ballots filled out erroneously, including those given against all candidates, were counted as invalid. The whole counting procedure took less than 45 minutes. In this polling station, president Rahmonov received 90 % of the votes.

Observation of the tabulation

After the counting, the PEC chairman and secretary brought the result to the DEC. The team was permitted to enter and observe while the result was tabulated. The PEC was rushed through the process and allowed to bypass the cue of other PECs, apparently because the DEC wanted the process to go fast as observers were present. The whole process took 15 minutes. The result from the PEC was correctly filled in, but by using pencil. The DEC informed that by 21 PM around 30 PECs had brought their result already, which indicates that many of them had closed too early.

Election Day Report from Qurghon Teppa, by STO Espen Eftedal Svensen

The STO Espen Eftedal Svensen was deployed to the town of Qurghon Teppa (Russian: Kurgan Tyube) in the Khatlon province. The province is south of the capital Dushanbe, bordering Afghanistan in the south-western part of Tajikistan. Qurghon Teppa is the regional (oblast') centre of Khatlon.

Observation of the opening

The team observed the opening in a polling station in the centre of Qurghon Teppa. The polling station, like all the about 30 polling stations visited by the team two days prior to e-day and during e-day, was ready for polling, and had received all the necessary materials. The first voter, an 18-year-old student who voted for the first time, did not have an ID card/passport and did not sign the protocol upon receiving the ballot paper. This served as an indication of all the procedural irregularities the team witnessed during the election day. For the duration of the team's 40 minutes long stay at the polling station, fewer than 20 people showed up to cast their ballots.

The head of the administration of the Khatlon oblast' authorities showed up just after opening of the polling station to inspect the procedures. This man reprimanded the PEC chairman for allowing OSCE observers to stand next to the table where the protocols (voter lists) were signed and ballot papers handed out. The official was of the opinion that the observers should stay in their designated seats. This made the PEC chairman uncomfortable, and he tried via the team's interpreter to make the observers move away from the table. This was kindly but firmly rejected by the team, on the basis of the observers' right to move freely and observe the whole process. The official told the PEC chairman that he would make a note of the way the PEC conducts its business regarding the observers.

Observation of the polling

The team was well received in all the 15 polling stations it observed during e-day. Only in one station did the team encounter lack of co-operation, where a PEC chairwoman did not want to allow the team members to approach the table with the protocols and the unused ballot papers. After a discussion about the electoral law and the observers' access to the process, the team was allowed to look at the protocols.

Some general observations were made in every polling station:

1. The polling stations were busy before lunchtime, but not overcrowded and without queues. After lunch, there were hardly any voters casting their ballots. All the same, the turnout in most polling stations was well above 90 per cent, sometimes lacking just a few votes from reaching 100 per cent. The alleged high concentration of voters voting in a limited amount of time, without creating any logistical challenges, casts a doubt over the overall turnout on election day in the area observed by the team.
2. In all polling stations observed there were numerous identical signatures in the protocol. The team observed identical signatures connected to the same family names, indicating that one person in a family voted for or at least signed for everybody. The team did not observe the same signatures recorded on behalf of

different families. The large amount of family voting distorted with the actual turnout, and undermined the principle of one man – one vote.

3. A large number of voters turned up with several invitation papers to vote – for themselves and for family members and/or relatives/friends. They were usually told by the PEC members to come back to vote again after the OSCE team had left. In one case, a person cast two votes in front of the observers. However, in most ballot boxes observed there were small stacks of ballot papers indicating that several ballot papers had been folded together and cast at the same time. The stacks seemed to contain from two to six-seven ballot papers in one.

4. An ID card was in many cases not produced by the voters. A few people were turned away, probably because of the team's presence. The law allows for a person to vote without an ID card if the voter's ID can be confirmed by two PEC members. This happened all the time, but there was no record kept, and voters were allowed to vote without a written confirmation of their ID. If the PEC had signed a confirmation of a voter's ID, it would have improved the accountability and accuracy of the procedures.

5. There were hardly any domestic observers present at any of the polling stations. The few that were present, sat at their designated tables, often too far away to observe the procedures properly. No observers had anything to say about the procedures or on the elections as a whole.

6. There was an atmosphere of control and a sense of fear among election officials, different from other elections observed by Mr. Svensen in the CIS area. The STO got the impression that election officials were held accountable to administrative officials on different levels, and that this influenced their work. The preparations for e-day seemed perfect, but everything deteriorated during e-day. During E-day the election officials seemed very eager to ensure a high turnout, and the appropriate result, meaning an overwhelming victory for the incumbent. The by-the-book-preparations in each polling station before e-day is in strong contrast to the lack of proper procedures on E-day, and indicates that the PEC members were expected to prepare properly, but allowed to disregard procedures on E-day as long as the turnout was good.

7. In addition to police in uniform being present outside and sometimes inside most polling stations, the Ministry of Security had their smartly dressed representatives in most polling stations. These representatives followed the team around, listened in on the team's conversation with the PEC members. Sometimes they tried to conceal their identity, posing as PEC members.

Observation of the closing and counting

The closing was observed in a village outside Qurghon Teppa. Almost all procedures for a proper counting were violated, leaving no faith in the final result: Signatures in the protocol were not counted, the total number of ballots cast were not counted, the ballots cast for the incumbent were not counted, there was no debate in the PEC about the invalid ballot papers, the protocol was not displayed and the ballot box had a significant number of ballot papers folded together in stacks of five to eight. This trend increased towards the bottom of the pile (i.e. from the top of the box), possibly indicating ballot stuffing late on e-day to ensure a high turnout. According to the PEC, there were only eight – 8 – unused ballots out of some 700 ballots. On top of all procedural errors, the PEC made a simple mathematical mistake when filling in the protocol. However, no one

seemed to catch the mistake and no one objected to the chairman's final calculation of the incorrect numbers.

The team was allowed access to the whole process and could see each ballot. The other (party observers) present sat too far from the counting table and did not seem to be interested in the process.

Observation of the tabulation

The tabulation was done on a home-made irregular spreadsheet – with pen, not pencil – but no official protocol was filled in and there was no computer for registering the results. This allows for possible tampering with the results at a later stage. This leaves no faith in this part of the process, either. The mathematical mistake in the PEC's protocol was seen by a DEC member but she was instructed by the chairman (in Tajik) to wait until the observers had left.

Election Day Report from Kulob, by LTO Kenneth de Figueiredo

LTO team 5 covered ten districts; nine in Kulob (Russian: Kulyab) zone and one in Qurghon Teppa zone. The districts were a mix of mountainous areas (Shurobod, Muminobod, Khovaling, Baljuvon and Temurmali) and lowland cotton growing areas (Kulob, Vose, Hamadoni, Farkhor, and Panj in Qurghon Teppa zone). The team was based in Kulob, which is the fourth largest city in Tajikistan.

Politically the area is recognised as the heartland of PDP support and is also the home region of the incumbent president, Emomali Rahmonov.

This section is based on the reports LTO 5 received from eleven STO teams in eight of the districts in AoR (due to logistical reasons Baljuvon and Panj were not covered on E-day).

Observation of the opening

Neither the PEL nor the instructions given by the CCER outline any opening procedures on E-day. Thus, the PECs show a variety of conducts. The most compelling is that most PECs did not count the ballots received before the voting started. This often lead to problems at the closing time and often ballots could not be accounted for, which again lead to a rather creative entering of the protocols.

The STOs also observed a variety of sealing, and some times not sealing, of the ballot boxes.

Observation of the polling

The polling was generally conducted in a peaceful and orderly way. However, all the STO teams reported on a whole series of breaches of conduct.

Unauthorised people were present in many of the PSs. Amongst them were security people and employees of the intelligence structures as well as representatives from the local authorities. In a couple of PSs there were also so-called agitators. They were not members of the PECs, but had as their task to check the VLs for persons who had not voted yet, then go to their houses and remind them to vote. In this way, the PECs insured

a high turnout in their precincts. In the days before E-day, the LTO saw applications in Khovaling and Vose DEC from staff of the Regional Government of Khatlon, to get accreditation as observers, even though the PEL does not provide for non-partisan domestic observation.

The turnout in these elections was striking. Even very early in the day the turnout was in many places 70-90%. The high influx of voters to the PSs in the morning hours this turnout would require stands in contrast to the STOs' reports, which did not describe crowding in the PSs. Indeed, many PSs closed long before the prescribed closing time at 20:00 hours, because "everyone have voted". In Temurmaliik one PS closed as early as 10:25(!) and the STOs in that district also encountered a woman who tried to vote at 16:00, but was denied her vote since the PS had closed. Also in Muminobod several PECs went to the DEC with their protocols before 20:00.

All the STOs reported on proxy voting, group voting and several identical signatures in the VLs. In one PS in Kulob, the PEC members explained to the LTO that usually the "head of the family" signed for all the family members, but they insisted on that they all got their own ballots and voted by themselves. However, the STOs reported on several instances of voters voting with many ballots, voters voting multiple times and voters showing up with several invitations in their hand. Voters' ID were not shown in several PSs.

In general, the information posters from the candidates in the PSs had been taken away in front of E-day. In a couple of PSs, however, STOs witnessed posters of the incumbent president and PDP propaganda inside the voting booths.

Even though the law provides for domestic observers, the STOs did not encounter many of them. The ones around were almost exclusively from PDP and CP.

Observation of the closing and counting

In general, the STOs reported about counting not being orderly. Signatures in the VLs were not counted, and since the number of ballots received were not counted in the morning, the counting process was made difficult. The ballots were not first counted face down to get the overall number of ballots. Instead, ballots from mobile and stationary boxes were all thrown together on a table and immediately divided according to candidates. The ballots were also not read out loud as described in the CCER instructions. None of the STO teams experienced any disputes amongst the members of the PECs. The PECs generally found it difficult to fill out the protocols and there were some instances of protocols only partly filled out and/or filled out in pencil.

There were no reports of changes in VLs, no disputes and the observers were allowed to copy the results. No PEC members were excluded from the process.

Observation of the tabulation

In the LTO's AoR there were four designated DEC teams. However, the DEC team in Kulob was not given the opportunity to watch the tabulation since the DEC insisted that the team should sit in a place from where it was impossible to see what was going on.

In general there were no transport problems from the PECs to DEC on election night. And the tabulation in the DEC was done mostly in order of arrival, except in Shurobod where they processed the most far away PSs first. In one Khovaling the DEC decided not to start tabulation until all PSs had delivered material. STOs did not observe tabulation there.

The STOs noticed several instances of PEC protocols being altered or finished by PEC members in the location of the DEC's.

There were no uniform tabulation sheets used in the DEC's, they were all developed by the appropriate DEC.

No other international observers and only a very few domestic observers followed the tabulation process.

In Vose and Kulob, and most likely the other DEC's in Khatlon, the DEC transported all material to the regional level in Qurghon Teppa. There was no observation of transfer of results to the CCER.

The review of Complaints Process

The election commissions and the courts are handling election disputes. The Civil Procedure Code gives citizens the right to file complaints concerning violation of his or her electoral rights to election commissions and to municipal or city court. The complaint has to be decided on within three days from the day the complaint was submitted.

Complaints against a decision of a PEC or DEC can be appealed to higher-level election commissions or be submitted to court. A complaint against the CCER must be filed to the Supreme Court.

Only one complaint was filed with the CCER and none with the DEC's during the pre-election period and E-day. The Socialist Party (anti-government branch) complained to the Supreme Court about CCER registering Abduhalim Ghaffarov as the SP candidate. The Supreme Court, however, decided against the complainant.

In the LTO's AoR there were no reports of complaints at all. Reasons for this can be low confidence in the complaint procedures and the huge distance between the president and the other candidates making any complaints just cosmetic, not changing the result. This low confidence is connected with the President's role in appointing judges and prosecutors. The best illustration of this is probably the campaign poster of Rahmanov posted on the front door of the Kulob City Prosecutor's Office. Whether the intention was to discourage potential complainers is unknown, but it can certainly have this effect.

Conclusions

The EOM states in the preliminary conclusions that the presidential elections failed to fully test many OSCE commitments outlined in the 1990 OSCE Copenhagen Document. The reason was that there was a lack of genuine choice, real competition and pluralism. However, the elections mark some improvement compared with the presidential elections in 1999.

On the positive side, the pre-election period and e-day went by calmly and peacefully. The EOM also recognised the efficient work of the election administration and the inclusion of political parties in DEC's and PEC's. Also other of the numerous CCER decrees adopted were evaluated as a positive supplement to a rather weak election law.

On the negative side, the campaign was virtually invisible much because of no real challenger to the president and Rahmonov's choice of not participating in the campaign. The election legislation needs further improvement and the EOM is concerned about the CCER's independence from the governing authorities. Also the governmental control of most of the media in the country is a cause of concern. The requirement to have 5% of the voters' supporting signature is also criticised of being an obstacle to having a plurality of candidates in the race, at the same time the EOM cast doubts on whether all the five candidates really could have attained the sufficient amount of signatures. The conduct of the election commissions on E-day itself was also harshly criticised.

The LTO's findings are very much in line with the EOM's preliminary statement. Since the LTO also observed the parliamentary elections in 2005, the severe discrepancy in the way signatures for presidential candidates are checked (or actually not checked at all (at least on local level)) and the extreme thorough check the single-mandate candidates are met with in the parliamentary elections were striking. This is not logical and the same rules should apply.

All the trainings the DEC's and the PEC's went through seem rather in vain in the light of the almost total collapse of prescribed proceedings in the PEC's on E-day. Since all the PEC's had the manual from CCER and had been trained (at least parts of the PEC's) this collapse could hardly be coincidental. In an authority-abiding (or fearing) country as Tajikistan it seems implausible that the PEC's would have allowed this if they had strict orders from higher levels to follow the rules.

Comments on the election observation mission

Already in the OSCE/ODIHR Needs Assessment Mission (NAM), doubts were raised about the value of deploying STOs to these elections. The reasons were concerns about the lack of genuine competition between the candidates and a credible media environment which would be able to provide the voters with an informed choice. However, the EOM decided to go ahead with STOs due to interest of the political parties and the hope that the elections would offer voters a degree of choice. Looking back, and from an LTO's perspective in the field, one can not help doubting whether this decision was right. The LTO's interlocutors from AP, PER and partly CP, seemed quite disinterested in taking part in the elections at all. There were no evident efforts done by the representatives, especially from the two former parties, to campaign or even convince others of voting for them. AP and PER politicians on the local level could seldom even explain their own programme to the LTO. One inevitably wonders why these parties were founded only one year before the elections. The state (or total lack) of SP in the LTO's AoR has already been mentioned.

The Division of AoR between the LTOs should be worked with more thoroughly, and in co-operation with local staff who knows the local conditions (political divisions, infrastructure etc.)

The STO observation forms should include information on party observers. Many PECs had few members from the political parties, and OSCE should encourage use of domestic observers.

On E-day the STOs had only three different fax numbers to use on E-day. With more than 50 STO teams, this is not sufficient. The faxing is also problematic since most places do not have an inter-city line, which means that you have to call through a local operator to send the fax. One solution could be, as LTO 5 did, to scan E-day forms and send them by e-mail. This was very efficient and both the LTO team and the STO teams saved valuable time on a hectic e-day. At least there should be more faxes available in Dushanbe on E-day and different teams should be allocated different faxing hours.

Appendices

Abbreviations

AP	Agrarian Party
CCER	Central Commission for Elections and Referenda
CP	Communist Party
DEC	District Election Commissions
DP	Democratic Party
EOM	Election Observation Mission
ERP	Party of Economic Reform
IFES	International Foundation for Election Systems
IRP	Islamic Revival Party
LTO	Long-term observer
NANSMIT	National Association of Independent Mass Media of Tajikistan
OSCE/ODIHR	Organization for Security and Co-operation in Europe
PDP	People's Democratic Party
PEC	Precinct Election Commissions
PEL	Law on presidential elections
PER	Party of Economic Reform
PS	Polling station
SDP	Social Democratic Party
SP	Socialist Party

STO	Short-term observer
UTO	United Tajik Opposition
VL	Voter list

OSCE Election Observation Mission: Statement of Preliminary Findings and Conclusions

(Not included in the web edition)