



**Civil movement  
"Alliance of independent observers"**

**REPORT  
on results of observation of June 9, 2019  
Extraordinary Presidential Elections  
in the Republic of Kazakhstan**

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*Elections in the Republic shall be based on free exercise by a citizen of his right to elect and be elected.*

*Election Law of the Republic of Kazakhstan*

## **Introduction. Internal political situation in the Republic of Kazakhstan before the Presidential elections**

There were significant political developments in Kazakhstan in the last six months (from January 2019). On 19.03.2019 President Nazarbayev N.A. announced his retirement and then resigned, in accordance with the Constitution, Tokayev K.K., as the Head of the Senate took over execution of President's duties. According to the legal logic there was appointment of extraordinary elections of the President of Kazakhstan, which were announced by Tokayev on April 9, 2019. This was not a surprise for the country's public.

In addition to the fact that announced on 09.06.2019 elections were sixth direct elections in a row implemented early, it had its own characteristics: use of amended legislation by authorities, novice of political process, and activation of the civil population, as follows:

### **The legislation**

During the previous two years there were few amendments to the Constitutional Law "On elections in the RK". These novices greatly tightened and even stronger regulated the process of candidates' nomination for presidency. There were additions to the existing requirements. Now a candidate for this post may only be nominated by republican level public associations (hereinafter RPA) and registered parties. A candidate must have experience of working in public service or elective office for not less than 5 years. Institution of self nomination was completely abolished. The leading role was assigned to public entities (NGO, political parties), which, in turn, during the electoral period April-May-June 2019 contributed to spontaneous association of politically active people in various groups at all levels, and there were candidates who actively had to look for NGOs. It should be noted that in Kazakhstan, registration of a new political party has too many obstacles, and since 2006 fundamentally new parties were not registered for various reasons.

OSCE in its report on monitoring of elections of June 9, 2019 wrote: "The electoral law provides technical basis for the elections. However, despite recent amendments to the legislation, most of the previous priority ODIHR recommendations (Office for Democratic Institutions and Human Rights – nt. ANN) remain unaccounted for. Serious shortcomings of the legal framework and enforcement hamper the organization of electoral process, which proves the need to bring the legal framework into line with OSCE commitments and other international obligations and standards. ... Among other things, the requirements for education, place of residence and work experience in the public service or elective public office contrary to OSCE commitments and other international standards. ... There is no order to clearly define criteria to evaluate the language skills."<sup>1</sup>

### **For the first time without Elbasy**

For the first time in independent Kazakhstan Presidential elections took place without participation of Nazarbayev N.A. The main contender was Kassym-Zhomart Tokayev (candidate of "Nur Otan" party). The other candidates were from influential circles of structures close to authorities. Under these conditions, the state election officials (the current government with its operator in the face of the Central Election Commission, headed by Berik Imashev, a relative of the first president Nazarbayev) needed to legitimize elections in front of the international community and Kazakhstani society. To achieve that goals opposition was allowed to participate in elections.

NSDP "Aqiqat" party announced a boycott of the presidential elections at NSDP party congress held on April 26. Other potential candidates from among the opposition leaders could not

<sup>1</sup> <https://www.osce.org/ru/odihr/elections/kazakhstan/422516>

find an institution from which they would be nominated for elections and some of them did not have five years' experience in civil service.

### **The candidates**

As a result, 7 out of 9 submitted candidates were registered for the elections, so the formality of conformity with conditions of competitive and alternative electoral process was followed<sup>2</sup>. And, importantly, comparatively high turnout on election day was expected, as it was held without N.A. Nazarbayev, and this has inspired hope for change in usually pessimistic mood of population. High turnout indicated either an increased public trust in the institution of elections, or about a hope of people being tired from arbitrariness of authorities.

Here is the list of candidates:

- Zhambyl Akhmetbekov - from the Communist People's Party;
- Daniya Espaeva - from the "Ak Zhol" party;
- Amirzhan Kossanov - from national-patriotic movement "Ult Tagdyry" (Fate of the Nation);
- Toleutai Rakhimbekov – from the party "Aul";
- Amangeldy Taspikhov - from the Federation of Trade Unions of Kazakhstan;
- Kassym-Zhomart Tokayev (current president of Kazakhstan) - the Nur Otan party;
- Sadybek Tugel - from the public association "Ұлы дала қырандары" (Great Steppe Eagles).

If in the previous presidential election race CEC cut off alternative (and nominated) candidates at the candidates' application review stage based on Kazakh language knowledge, but this year the scheme has become more complex, and cutting off on basis of knowledge the language was not in a big need: at least 118140 valid signatures of voters who had to sign the special sheets issued by the territorial elections commissions in support of each candidate should have been collected.

A. Kossanov previously established himself as an opposition leader, has been registered as a candidate for the presidency from movement "Jana Kazakhstan", and formally by the NGO "Ult Tagdyry". He met all the requirements of the law related to the presidential candidates and his staff on third day of data collection gathered all the signatures by regions (132 thousand signatures). This caused suspicion and criticism from skeptical opposition "old wave", which had already declared that Kossanov is authority's lobby and that he should not be trusted.

### **Increased political activity**

Why interest in the presidential campaign is still significantly increased despite general skepticism and an active boycott of the elections by known oppositionists? Social injustice led of course to the incident such as a fire in the capital, which killed five young children of Seater's family<sup>3</sup>, who huddled in a small room, the subsequent protests and rallies of many multi-children mothers<sup>4</sup>, not well-thought through actions and words of authority - all fueled public sentiments and eventually official announcement of the elections strongly politicized society. After this incident, civic activity boosted throughout the country centers and after completion of nomination process, much of the dissent and active citizens concentrated around candidate Amizhan Kossanov.

Many social movements that are only outlined their political objectives, and had no time to draw their platforms in the form of public associations, such as for example "Manifesto of the People of Kazakhstan", also decided to support Kossanov's candidacy despite warnings from all sides about

<sup>2</sup>For example, candidates are presented here: <https://ru.sputniknews.kz/infographics/20190430/10005969/kandidaty-prezident-vybory-2019.html>

<sup>3</sup> On events and family : <https://inforburo.kz/stati/pyat-devochek-pogibli-v-pozhare-v-astane-cto-izvestno-o-seme-siter.html>

<sup>4</sup> Here in more details: <https://www.currenttime.tv/a/29763745.html>

his impure political actions in the past. Even Kossanov himself and his staff did not seem to expect such a strong popular support.

### **Protests and rallies**

During the election campaign there were clearly noticeable youth protests that began from a banner at the Almaty Marathon "You cannot escape from the truth" by Asiya Tulesova and Beybarys Tolymbekov. After an unjust sentence for both, a circle of young people supporting the protest appeared in many regions. Banners began to appear without words, imaginary banners, for which police also punished youth.

All this has happened in a background of violent suppression of protests and activists of unregistered DVK party headed by M. Ablyazov, who in his public addresses disclosed the authorities and raised consciousness of many people. Ablyazov as Sadykov and most of the recent opposition leaders called completely for boycotting the elections as illegitimate initially. This fact, on contrary, had given importance to the elections itself, as an opportunity to protest legally.

Announcement of construction of nuclear power plant in Almaty region played a role in politicization of the situation. This was opposed by the environmental movement and some environmental activists across the country. In addition, the elections in Ukraine, broadcasted debates preceding success of Zelensky cheered those who still believed in integrity and cleanliness of the election authority. During election days there were a few performances, pickets against construction of nuclear power plant in Kazakhstan.

As a result, there was a division of people's views on ones who wanted political change in Kazakhstan: who are considered as more radical opposition part of the society and went out on unauthorized rallies on 09.06.2018 and those who are considered as less radical opposition part of the society who decided to protest by simply visiting the elections and voting for Kossanov or to spoil ballot by voting against all.

You can clearly observe the fact that population of Kazakhstan deemed that elections became a kind of symbol of fast transformations in the country even before they were held.

9 and 10 June protests were expressed at rallies across the country, security forces detained all activists, journalists, out in the streets. Radio Azattyq writes: "The election campaign was accompanied by protests in which participants declared the election injustice, and on the voting day hundreds of people took off to the streets in Almaty and Nur-Sultan - the capital, renamed in honor of Nazarbayev after his resignation"<sup>5</sup>.

OSCE in its report also states the facts of detentions: "On the day of elections in large cities mass arrests of peaceful demonstrators were held"<sup>6</sup>. According to the MIA on June 9 more than 500 people were detained in Almaty and Nur-Sultan, and on June 10 - 100 more.<sup>7</sup> "It should be noted that peaceful protests and protests that took place yesterday in the major cities, were suppressed by law enforcement agencies, and this has led to numerous detentions. These events are deeply undermine (authority of the government), and overreaction can significantly affect the reputation of the country", - said Tsereteli at a press conference after elections, Nur-Sultan.

### **Blocking of media, social networking**

Long before the election campaign, access to some social networks (YouTube, Telegram) interrupted for 2-3 hours every night because of blockade connected to activities of banned opposition party DVK. Mass protests of population started in April, and Election Observation Mission ODIHR itself witnesses that access to social networks was restricted or interrupted every

<sup>5</sup>Quote: <https://rus.azattyq.org/a/kazakhstan-tokayev-kosanov-election-results/29991017.html><https://www.svoboda.org/a/29991146.html>

<sup>6</sup><https://www.osce.org/ru/odihhr/elections/kazakhstan/422516?download=true>

<sup>7</sup><https://www.svoboda.org/a/29991146.html>

night. Such legal powers and sanctions, as well as their use, lead to self-censorship and restrict online political discourse, which is contrary to international standards.<sup>8</sup>

Activists, human rights activists, journalists, bloggers, photographers, operators of Internet publications and television channels were subjected to threats, detentions, courts, physical influences on the part of the authorities.<sup>9</sup>

### **The features of Kossanov's agitation campaign and his apostasy**

Amirzhan Kossanov actively conducted agitation through social network such as WhatsApp in many regions including each district. There were billboards put up in the city. There were many candidate's program publications and discussions on Facebook<sup>10</sup> and other resources<sup>11</sup>. His program was the only one that had political goals and conversions. Gradually, Kossanov which was not even known before the elections has become positioned as a symbol of society's protest moods. Support of his candidacy by the regions grew with each passing day. And many observers who observed elections day during the vote counting for the first time, noticed that piles of ballots for authorities' candidate Tokayev and opposition candidate Kossanov were roughly equal in all areas. In some regions the stack of Kossanov's votes was much higher than the stack of the authorities' candidates and observers have witnessed and recorded on video and took PEC protocols in support of this.

However, for the first time in history of independent Kazakhstan main candidate-opponent to authorities Kossanov accepted victory of the candidate from the ruling party well in advance of official announcement of the results. It happened on the day of elections, after the announcement of exit polls results on television. Activists of electoral staff of Kossanov campaign headquarters and a number of politically active citizens perceived such actions of Kossanov as a betrayal and sabotage of their campaigning and monitoring activities. And this contributed to the transformation of a fragmented civil activity into a coherent representative structure.

### **Observation as an opportunity to be active**

A lot of people mobilized wanting to become observers on Election Day regardless of their political views. Furthermore, even undergoing re-registration NSDP "Aqiqat" party which announced a boycott, decided to choose observation as a form of an **active boycott**. More information about organization of mass observation across Kazakhstan could be read in the first part of this report.

All of above has led to the fact that **observers throughout Kazakhstan have come together in teams and movements of independent observers, and in the capital they were invited to create a structure of the "Alliance of independent observers" (ANN), which should be unifying movement and the tool to ensure compliance with election legislation of Kazakhstan and changes in the election law to ensure the constitutional rights of citizens to elect and be elected.**

ANN initiators are the ones who actually prepared this report. There are already some reports about June 9, 2019 elections in Kazakhstan which authors of this report reviewed and unified in general opinion, based on democratic values, common sense and thirst for justice<sup>12</sup>, time to change the situation in the country. Many organizations and movements' reports are still in preparation stage, because there were a lot of violations, and its total count has not yet been completed, some of the movements are not completed. But ANN publishes this report, as there will be a lot of other work since there will be a lot of other work, even based on this report. Counting on all available protocols

<sup>8</sup> <https://www.osce.org/ru/odihr/elections/kazakhstan/422516?download=true>

<sup>9</sup> <https://kkassiyet.wordpress.com/projects/nethr/msdef/2019msdef/>

<sup>10</sup> For example, <https://www.facebook.com/jandossova/posts/2951884878170017>

<https://www.facebook.com/aliya.zhumabek/posts/10156471028493379>

<sup>11</sup> <https://vlast.kz/politika/33160-pluralizm-sakralnye-idei-alas-ordy-i-kurs-na-evrosouz.html><https://kursiv.kz/news/vybory/2019-05/s-chem-idut-na-vybory-kandidaty-v-prezidenty-kazakhstana> and others

<sup>12</sup> For example <https://zagranburo.org/%d0%b2%d1%8b%d0%b1%d0%be%d1%80%d1%8b-%d1%81%d1%84%d0%b0%d0%bb%d1%8c%d1%81%d0%b8%d1%84%d0%b8%d1%86%d0%b8%d1%80%d0%be%d0%b2%d0%b0%d0%bd%d1%8b-%d0%ba%d0%b0%d1%81%d1%8b%d0%bc-%d0%b6%d0%be%d0%bc%d0%b0/http://www.echo.kz/> (as of Aug 9 2019)



will be completed by September 15, 2019, which will be reflected in the subsequent version of the report. We also hope to finish work on proposals to the legislation on elections, but main recommendations were already produced by us. This report has not been financed from any sources.

We thank all those who published information in public sources and who have provided their data to generate this report. If someone, especially among observers from the regions has something to contribute, we will add this information and publish in the additional release of this report on ANN's Facebook page <https://www.facebook.com/groups/459883318162819/>. Perhaps, you would like to include names of activists of movement of observers in Attachment 2. Please, send us your acts, comments, additions by the August 20, 2019 to email: fatimasailau2019@gmail.com.

## 1 Observation of the electoral process

### 1.1 Observation as a growth factor of civic consciousness

As CEC reported on June 3, 2019 there were not many observers registered (within the limit of 50 people, 33 from foreign countries, 13 - from international organizations)<sup>13</sup> but media Spuntik News reported on election day that "Kazakhstan elections will be observed by 1 013 observers, including 866 from nine international organizations and 147 from 41 foreign states. To cover the extraordinary presidential elections journalists came from 40 countries.<sup>14</sup> And all said was only referring to international observers. Apparently, in the last week before elections there was a sharp increase in registration of this category of observers. The authorities saw intensification desires to observe and urgently created a civil platform "Amanat"<sup>15</sup> - to monitor the process of recruitment and training of independent observers. There were also observers from other government agencies: FPRK (Federation of Trade Unions of the Republic of Kazakhstan), the Communist Party (CPPK), the "Nur-Otan" party. Amanat activists informed that they recruited 11 thousand observers<sup>16</sup> and covered 100% of PECs: "In just two months, since the platform was set up we managed to gather under our auspices 16 thousand people. More than 700 NGOs throughout Kazakhstan. We managed to create a network of independent groups, non-governmental organizations. At the moment, "Amanat" has its offices in every region"- manager of the Civic Platform "Amanat" Lima Diaz said at the briefing in Nur-Sultan.<sup>17</sup> However, it is conflicting information and there is no information anywhere, which of 700 NGOs are involved in "Amanat" and being trained. For example, only in the West Kazakhstan Oblast (WKO), according to the pro-government media Amanat had 1000 observers<sup>18</sup>. There are in total 519 polling stations in WKO, and yet they then say that observers from political parties and public organizations in WKO represent the number of 100 people<sup>19</sup>. No matter how many observers authorities reported, the number of observers is not a measure of observation quality. At many polling stations, representatives of "Amanat" just sat quietly (according to information from some of

<sup>13</sup> <https://www.election.gov.kz/rus/news/acts/index.php?ID=5129> and first of all OSCE report <https://www.osce.org/ru/odihr/elections/kazakhstan/422516?download=true>

<sup>14</sup> Read further: <https://ru.sputniknews.kz/society/20190609/10445839/vybory-2019-narusheniya-genprokuratura.html>

<sup>15</sup> Civic Platform "Amanat" - association of observers, designed for the "blind", most of them went to the pro-government, "pocket" NGOs. So, on the eve of elections, their activities actively and widely publicized government and pro-government media outlets: <https://24.kz/ru/news/social/item/313683-grazhdanskaya-platforma-amanat-provodit-treningi-dlya-nablyudatelej-na-vyborakh><https://litr.kz/exclusive/living-letter/2077-missiya-%E2%80%93-nablyudatel/> / Their press conference was covered prestigious business publication <https://kursiv.kz/news/vybory/2019-06/nablyudateli-iz-amanat-rasskazali-o-zafiksirovannykh-na-vyborakh-narusheniyakh> / <https://www.inform.kz/ru/nezavisimye-nablyudateli-trebuyut-zakonnosti> - On election day was also coverage in urban and regional media: [vyborov-no-sami-zakony-ne-soblyudayut-amanat\\_a3536547](https://vyborov-no-sami-zakony-ne-soblyudayut-amanat_a3536547)

<sup>16</sup> [https://www.inform.kz/ru/11-tysyach-nablyudateley-po-vsey-strane-podgotovila-grazhdanskaya-platforma-amanat\\_a3536539](https://www.inform.kz/ru/11-tysyach-nablyudateley-po-vsey-strane-podgotovila-grazhdanskaya-platforma-amanat_a3536539)

<sup>17</sup> [https://www.inform.kz/ru/11-tysyach-nablyudateley-po-vsey-strane-podgotovila-grazhdanskaya-platforma-amanat\\_a3536539](https://www.inform.kz/ru/11-tysyach-nablyudateley-po-vsey-strane-podgotovila-grazhdanskaya-platforma-amanat_a3536539)

<sup>18</sup> <https://24.kz/ru/news/policy/item/321076-za-vyborami-sledili-svyshe-tysyachi-nablyudatelej-v-zko>

<sup>19</sup> <https://24.kz/ru/news/policy/item/321076-za-vyborami-sledili-svyshe-tysyachi-nablyudatelej-v-zko>

independent observers Amant observers were paid 5000 KZT per day) and according to many observers, and evidence of CPPK observers themselves, representatives of CPPK showed up not at the opening of polling stations but exactly at 9-00 and left at 18-00 (they were paid for the work 3000 KZT per day). Observers from "Nur-Otan" party demonstrated that they are controlling situation at the polling stations. They were going to visit each other and had to be stopped periodically. Thus, in polling station #119 "Nur Otan" party observers suddenly decided to vote on the address in which they were not even registered, but also on the adjacent polling stations #118 (the same school number 59), which was stopped by an independent observer.

According to estimates of ANN analysts there were about 2,000 civil independent observers at the polling stations in Kazakhstan (from government, its political parties and organizations) with the exception of representatives of GONGOs - "Amanat". 2000 active people who discovered violations is a lot, but not enough to acknowledge elections invalid according to Art. 66 of the Electoral Law, p.2. Upon the proposal of relevant election commissions, based on appeals from citizens CEC can refuse to register an elected President if **in not less than one-fourth of the total number of precincts** or administrative territorial units: 1) elections were declared null and void; 2), or if in the course or during vote count or tabulation of voting results have been violations of the present Constitutional law.

Why is it important to have a large number of **trained independent observers**? The observer from the "CPPK" at the polling station #118 in Nur-Sultan for example, said bluntly that she will not sign acts of violations since this was a direct order to them. There are other evidences that pro-government observers did not sign acts of violations, they are absolutely not interested in the truth, as well as the "problem" (to be witnesses at court, etc.), it is important for them to be present at the polling stations "from this time to this" and get money or approval of the party. Pro-government observers - is a sham that hides the true state of affairs. Perhaps, they are prepared not only for "just being present", but also to counteract to independent observers. There was already information circulated for example by representatives of "Amanat"<sup>20</sup> when they poured unsubstantiated filth on independent observers: "It should be noted that the violations were committed by independent observers as well, who impeded the voting process. Many observers, for the first time took part in the election process were unprepared in terms of knowledge of the existing legislation of the Republic of Kazakhstan, as well as the rules of conduct of observers and the basic principles of electoral campaign. Cases of provocation also registered at polling stations. Such persons have used the situation for their own interests, trying to create a conflict out of nowhere. Many of them came to the polling station with pre-filled ballots and executed ballot box stuffing, while having their own video footages and distracting attention of other observers ", - the speaker said.<sup>21</sup>

On the day of elections there were about 10,000 polling stations established in the country. Only a small part of them has been "covered" by independent observers, and therefore it requires a minimum of 7,500 well-trained observers to observe 2500 polling stations (with at least 3 observers at each one) and violations must be found in all of these areas.

### 1.1.1 Direction and training of independent observers

Subconscious and conscious awareness that "we must at least do something, it is impossible to continue to live like this any longer, but to go out to the square is not safe for me and my family" pushed people to be observers on June 9, 2019. The basis of independent (from authorities) was formed from people with protest moods, but still with believing in possibility of non-violent overthrow of the existing government.

There have been regional seminars and trainings of observers initiated long before the elections by headquarters of observers across the country, including series of trainings by Dos

<sup>20</sup>[https://www.inform.kz/ru/nezavisimye-nablyudateli-trebuyut-zakonnosti-vyborov-no-sami-zakony-ne-soblyudayut-amanat\\_a3536547](https://www.inform.kz/ru/nezavisimye-nablyudateli-trebuyut-zakonnosti-vyborov-no-sami-zakony-ne-soblyudayut-amanat_a3536547)

<sup>21</sup>[https://www.inform.kz/ru/nezavisimye-nablyudateli-trebuyut-zakonnosti-vyborov-no-sami-zakony-ne-soblyudayut-amanat\\_a3536547](https://www.inform.kz/ru/nezavisimye-nablyudateli-trebuyut-zakonnosti-vyborov-no-sami-zakony-ne-soblyudayut-amanat_a3536547)



Koshim of NGO "Ult Tagdyry". Trainings were organized by Askhat Rakhimzhanov from NSDP "Aqiqat" Nur-Sultan, which were then distributed in the form of a training video. Training by groups of observer teams were active among youth independent movements such as Next.kz<sup>22</sup>, PF "Erkindik kanaty"<sup>23</sup> (headed by Elena Shvetsova, Madi Khanafiya page for the elections this year)<sup>24</sup>, NGO "Echo"<sup>25</sup> and the Affiliate Network "Echo", The "League of Young Voters" (LYV) on PF "Youth Information Service of Kazakhstan", headed by Irina Mednikova. YISK held 10 webinars in 6 cities and 2 six-hour trainings in Almaty and Nur-Sultan, they trained 90 observers in total. The journalists of the newspaper "Uralskaya Nedelya", which together with the NGO "Abyroi" organized their own independent monitoring center (CNN) in WKO (CNN coordinator Askar Shaygumarov), trained observers (lecturer Askar Shaygumarov, Isatai Utepov and Lukpan Akhmediarov).

In Semey the recruitment and training of observers was organized long before the elections at the headquarters of presidential candidate A. Kossanov. During the period from May to June 8, coordinators received applications describing the desire to be observers from more than 200 residents of Semey and the areas of the former Semipalatinsk region. Observers approached campaign office for observers' accreditation not only from suburban settlements, but also people living in remote areas, which are at a distance of 500 km or more - Ayaguz, Aksuat, and Abai district village Urdzhar village Kainar village, Sarzhal village and others. The head of the Public Association "HOUSE" M. Abenova conducted 5 workshops, in which she trained more than 120 citizens and residents of suburban settlements. To help observers, instructions, concise manuals under the law "On elections", templates of acts to register violations have been prepared. On the day of elections, a total number of 200 accreditations were issued by the NGO "HOUSE" and the branch of the NGO "Coalition for the Protection of the rights of prisoners." In Semey, observers from these organizations were "locked" in every second polling station they however managed to get the protocols from only 49 of them. In order to ensure conditions for the full access to observation to observers, heads of the respective public organizations met with representatives of TECs and PECs, and visited a number of polling stations.

Public activist Ermek Narymbaev played an important role in persuading people to become observers and in the learning process observation. He repeatedly broadcasted on Youtube channel covered the subject of observations and choices.

Independent election analyst Nurul Rakhimbek along with Foreign office of Kazakhstan opposition have compiled a very useful document "Handbook for Election Observation"<sup>26</sup>, which also helped election observer trainees.

People in all regions somehow got organized to observe, and social networks and NGOs played a biggest role in this, in terms of belief in importance of observation and in terms of further training. There was a hope for a good organization in Pavlodar oblast, but "Kossanov's campaign office actually sabotaged electoral agitation and observers had to self-organize, there were a lot of them in the beginning but many did not receive even accreditation of observers from RPA "Ult Tagdary". According to observers sabotage also was visible in Karaganda region and Ust-Kamenogorsk city. We should remark that all these are industrial and Russian speaking regions but RPA "Ult Tagdary" rather targeted Kazakh speaking population.

In Uralsk CNN managed to cover almost all polling stations in the city of Uralsk and some polling stations in the settlements of the region.

In the city of Nur Sultan same function was performed by PA "Ult Tagdyry-Astana", they covered all PECs with observers.

<sup>22</sup> <https://www.facebook.com/nassima.korganbekova/posts/1271131099700987> Mini report of Nasima Korganbekova, coordinator of Next.kz

<sup>23</sup> <https://www.facebook.com/erkindikkanaty/>,  
<https://youtu.be/YB82T5Q15NY>, <https://www.facebook.com/erkindikkanaty/posts/555557851637610>,  
<https://www.facebook.com/gauhar.arystan/posts/10214292676250500>

<sup>24</sup> <https://www.facebook.com/groups/vote2019kz>

<sup>25</sup> For example link to the trainings here: <http://www.echo.kz/174-trening.html>,

<sup>26</sup> <https://www.facebook.com/zagranburo/posts/2659901734039918>

In Atyrau almost all 100 covered polling stations were represented by observers of PA "Tauelsyzdyktany Zheltoksan".

The headquarters of the Manifesto of the People of Kazakhstan was organized in Almaty, including organization by the NGO "Coalition for the protection of prisoners' rights issues", which deployed a lot of observers in Almaty and some in Almaty region.

Representatives of LYV describe in the reports that they met at polling stations many other organizations<sup>27</sup> and this list reflects the basic strength of observers and composed of: "The League met on their polling stations 22 observer organizations, the Communist People's Party of Kazakhstan (CPPK), the "Nur Otan" party, NGO "Abay Zholy", "Erkindik kanaty", "Observers of" Amanat "<sup>28</sup> NGO "Echo"<sup>29</sup> "Ult Tagyry", "Azamattyq pikir ortalygy kogandyk birlestigi», «SDC», «Next.kz», the SCO observer mission, «Social Development Center», «Social Development Center" Trade Union Center of Almaty, "Your Choice" "Civil expertise", NGO "Coalition for the protection of rights of prisoners", "Center of innovation journalism", "Turkitildes memleketterdin yntymaktasty kenesi" candidate Taspilov's observers, candidate Ahmetbekov's observers, the OSCE, as well as journalists of «Assisted Press» and «Iran TV» observers were also among foreign young people: Association JAAK (jeune alliance des amis du Kazakhstan)<sup>30</sup>.

Many of listed public organizations provided opportunity to be observers to a wide range of observers throughout Kazakhstan, by granting observer for everyone, for example, the NGO "Coalition for the Protection of Rights of Prisoners", NGO "Tauelsizdik tany - Zheltoksan", NGO "Children of War" (Nur Sultan city), the party NSDP "Aqiqat "PA" Ult Tagdyry-Astana "<sup>31</sup>, NGO "Democracy taratu institutions" (Shymkent), PF "Shanyrak" (Semey), NGO "Abyroi" (Oral), PA "Center for social psychological rehabilitation of children and teenagers "Urker – Umyt" (Shymkent) and many others.

Among these organizations of course were representatives of the ruling party ("Nur Otan") and pro-government structures such as: CPPK, the network "Amanat", Party "Aul", FPRK.

There were rumors after elections, that those observers who during elections represented "Ult Tagdyry" or Kossanov's headquarters cannot be considered "independent observers". But here it is important to say that: 1) many did not know of any other way to become observer; 2) Kossanov's statement on elections day was absolutely unexpected for everyone, even for some members of Kossanov's campaign HQ<sup>32</sup>. It is Kossanov's indignation act against unprecedented high percentage of received votes that in particular gave rise to the movement of observers. All were deceived. On elections day all observers "from Kossanov" tried to identify violations. And after the elections they

<sup>27</sup> [://misk.org.kz/events/e9557223-ab98-47f6-bb69-5cbae7bfff5d/](https://misk.org.kz/events/e9557223-ab98-47f6-bb69-5cbae7bfff5d/)

<sup>28</sup> Civic Platform "Amanat" - association of observers, designed for the "blind", most of them went to the pro-government, "pocket" NGOs. So, on the eve of elections, their activities actively and widely publicized government and pro-government media outlets: <https://24.kz/ru/news/social/item/313683-grazhdanskaya-platforma-amanat-provodit-treningi-dlya-nablyudatelej-na-vyborakh><https://litr.kz/exclusive/living-letter/2077-missiya-%E2%80%93-nablyudatel/> / Their press conference was covered prestigious business publication <https://kursiv.kz/news/vybory/2019-06/nablyudateli-iz-amanat-rasskazali-o-zafiksirovannykh-na-vyborakh-narusheniyakh> /<https://www.inform.kz/ru/nezavisimye-nablyudateli-trebuyut-zakonnosti-> On election day was also coverage in urban and regional media: [vyborov-no-sami-zakony-ne-soblyudayut-amanat\\_a3536547](http://www.vyborov-no-sami-zakony-ne-soblyudayut-amanat_a3536547)

<sup>29</sup> <http://www.echo.kz/184-predvaritelnoe-zayavlenie-po-dnyu-golosovaniya.html?fbclid=IwAR233y8bdfsMWDGpP7i0H8iCTzM46zL20xUM0N6zeezKdsDR0jiIX0x3kpU>

<sup>30</sup> The information obtained from Gulya Dollat, Association JAAK: jeune alliance des amis du Kazakhstan: In Paris we were observers of Kazakhstan organizations, our association was officially registered in France. We were registered to observe from the organization "Echo" and Kossanov's headquarters, a huge thanks to them. To arrange an uninterrupted observation, we had 2 of the observer in the morning, one of "Echo", the other from the Civil Examinations, and two in the afternoon, from the "Echo" and from the staff of Kossanov. On calculating attended by all 3 of the different organizations. We were not trained, but read the instructions on website of Echo + experience of election observers in France.

<sup>31</sup> The results of the city of Nur Sultan Tulegenov Seitova and Ulzhan Atkov

<sup>32</sup> Lawyer from election headquarter of Kossanov – when she saw that the observers are trying to organize, said that it will support any legal, and proposed the creation of an initiative group of observers, that's where ANN began.

denounced Kossanov, but retained a desire to make elections fair. The "Kossanov's people" formed the backbone of the new movements in Nur-Sultan, Almaty, and West Kazakhstan, and other regions.

### 1.1.1.1 Organization of trainings

We listed the organizations that provided training and coordinated observers and then were engaged in data analysis:

**Table 1. The number of received reports by observers and the number of polling stations covered in the elections 2019**

Organization, association which implemented observation or oversees the organization of observers	Were observer trainings conducted during the campaign? How many were trained, in which cities?	How many and where polling stations were covered by observation. The second number - how many reports received by the organization.
NGO "Ult Tagdyry"	Dos Koshim, city: Shymkent, Nur Sultan, Almaty ...	Connection lost
NGO "Ult Tagdyry-Astana" <sup>33</sup>	Training on "NSDP Akikat" Askhat Rakhimzhanov Nur Sultan, with online broadcast 238 observers were prepared and distributed to all areas	Mr. Nur-Sultan (238-181) There are protocols - 181 No copies of the reports - 57, including: PEC protocol was not given a copy of - 39 polling stations For various reasons, no protocols in all 18 polling stations <sup>34</sup>
NGO "Coalition for the protection of prisoners' rights"	training were conducted in Almaty	More than 150 polling stations in Almaty, Semey, analysis of protocols not only from their polling stations (starting count 208)
PF Youth Information Service of Kazakhstan <sup>35</sup> The project League of Young Voters <a href="https://misk.org.kz/">https://misk.org.kz/</a> 10 webinars conducted for 6 cities and 2 six-hour training Almaty and Astana. 90 trained observers.	10 webinars conducted for 6 cities and 2 six-hour training Almaty and Astana. 90 trained observers. Observation was scheduled for 80 polling stations: 50 Almaty 10 Astana 5 - Semey Shymkent Petropavl, Karaganda.	82observer Almaty, Astana Semey Petropavlovsk Shymkent Karaganda from which Almaty worked as 60 observers Astana - 11 observers in Shymkent - 2 observer in Petropavlovsk - 3 observer in Semey - 5 observers and Karaganda - 1 observer. Received 73 protocols at the closing of polling stations and the results of the vote: 51 in Almaty, 9 Nur Sultan and 13 in Karaganda, Shymkent, Semey and Petropavlovsk <sup>36</sup> .

<sup>33</sup> The results of Tulegenov Seitova and Ulzhan Atkov

<sup>34</sup> From 18: illegally kept in observers way - station №198 - only 1.

Do not let the observer to the site - №217, №239, only 2 sites

E-mail received, but did not come to feedback -№102, №104, №171, №214, №150

We could not go - №95, №163, №194

We observed before dinner, who watched the evening - is not responding - №94 account.

Do not go to feedback - monitors sites №87, №99, №173, №218, №232

No observer contact: №66.

<sup>35</sup> Information obtained from the correspondence with the organization, the following references are cited:

<https://misk.org.kz/events/55c0c514-91f5-48c1-acf5-75da1801bdef/>, <https://misk.org.kz/events/908cab5d-3e15-4ff4-a688-cc5577b00237/>, <https://misk.org.kz/events/3606dd90-22af-4872-874e-efa480e8aa7d/>,

<https://misk.org.kz/events/e9557223-ab98-47f6-bb69-5cbae7bfff5d/>, <https://misk.org.kz/events/f7aba2c4-6521-4a1f-891b-f72872d28bce/>

<sup>36</sup><https://misk.org.kz/events/55c0c514-91f5-48c1-acf5-75da1801bdef/>

Public association "Echo" and Partner network, "Echo"	Trained in Almaty, Taraz, Kostanay <sup>37</sup>	<a href="http://www.echo.kz/?start=11">http://www.echo.kz/?start=11</a>
Next.kz	17 coordinators trained (and covered by observation 86 cities and settlements) <sup>38</sup>	Polling stations covered and were crossing in cooperation by "Erkindik Kanaty", YISK, ECHO
PF "Erkindik Kanaty"	Trainings in Nur Sulatn, Almaty, Shymkent and other <sup>39</sup>	
NGO "HOUSE"	Semey, conducted 5 seminars 200 observers trained	In Semey 68 polling stations of 130 observers received 49 protocols on the results of voting.
Association JAAK	Training is not conducted only online	Polling stations abroad in Paris
Journalists newspaper "Uralskaya Nedelya" in cooperation with NGO "Abyroi"	Held 9 seminars. 300 people were trained.	All polling stations in Uralsk

Experts estimate that 90% of observers were newcomers it represents those for whom up to this election campaign monitoring process was not known, not understandable, not available. But after undergoing training they have become clear about procedures, rights, obligations, legislation.

### 1.1.2 Table of polling stations covered by observation

**Table 2 . Coverage of the polling stations by independent election observation of 2019 elections, using available data, and table will be filled as the data comes in**

Region	Total number of polling stations	Number of polling stations under OBSERVATION	Number of polling stations where there are records or copies	Organizations (Data sources)
Nur Sultan <sup>40</sup>	238	199	181	UTA, EC, NEXT
Almaty <sup>41</sup>	554	300	225	KZPZ
Uralsk, WKO <sup>42</sup>	125 Uralsk	110	81-Uralsk 27-ZKO	NGO "Abyroi", the newspaper "Uralskaya Nedelya" -
Atyrau	264 oblast 112 city	300 accreditations issued	100	Ult tagdary according to submitted to Kossanov's HQ protocols <sup>43</sup>
Semey	149	68	49	NGO "House," the NGO "Coalition for the Protection of the rights of convicts"
Aktobe	No data	No data	No data	"Parasat-Gylym" QB, Aktobe

<sup>37</sup> <https://www.facebook.com/echo.kz/posts/1040718116134327> (Taraz)

<https://www.facebook.com/echo.kz/posts/1041449856061153> (KOKSHETAU)

<sup>38</sup> [https://vk.com/wall-181434596\\_27](https://vk.com/wall-181434596_27)

<sup>39</sup> <https://www.facebook.com/erkindikkanaty/>,

<https://youtu.be/YB82T5Q15NY>, <https://www.facebook.com/erkindikkanaty/posts/555557851637610>

<https://www.facebook.com/gauhar.arystan/posts/10214292676250500>

<sup>40</sup> The results of the city of Nur Sultan Tulegenov Seitova and Ulzhan Atkov

<sup>41</sup> Almaty was summed up by Serik Abishev, Aiman Tursynkan, Timur Pochanov and provided figures after adjusting for the number of protocols from polling stations in Almaty

<sup>42</sup> Received by email

<sup>43</sup> Received by email from representative of Kossanov's HQ in Atyrau

Pavlodar region	543	80	80	Protocols and acts were submitted to regional Kossanov's campaign HQ Ult Tagdyry <sup>44</sup> , but there was not any summing or results of submissions to courts
Different parts of Kazakhstan NGO "Echo" <sup>45</sup>		170	80 <sup>46</sup>	NGO "Echo" (Observation is carried out in all 14 regions of Kazakhstan, both in urban and rural areas, as well as in the cities of Almaty, Shymkent, Nur Sultan.)
Total:	About 10000	1227	823	Will be updated

### 1.1.3 Tactical issues of organizing observation efforts

What is more important coverage or confirmed violations? Organizations that are new in independent observation had a dilemma: constant observation by one person from opening until completion of vote counting or switching people in shifts? Despite the fact that majority of observers in 2019 went through trainings (live and on-line), read instructions, and even trained other observers, on many polling stations observers chose to use shift method (one observer works in the morning, after lunch he is replaced by the second, and both go to a vote count, generally they were all newcomers). Naturally, one cannot execute full scale observation. He still gets distracted, he cannot sign act by himself, moreover, GONGO representatives are refusing.

After June 9, 2019 elections it became clear that there should be continuously recording cameras at each polling station with a "light recording system" program like "Fast video" application. If necessary, you can arrange multiple extension cords and multiple plug-in units of cameras, phones, POWER-banks. All observers should buy tripods which cost 4-5 thousand KZT. Camera should be placed near ballot box. If there is a second camera / phone with continuous recording, then it should be placed near the location where ballots are issued to voters on additional lists, so that the whole process of ballot issuing, and address certificates checking process could be recorded.

The least requirement for the number of observers at each polling station should be two. One observer records turnout with handwritten marks using envelope method, whereas the second walks around the territory of polling station and records on camera and/or telephone with camera discussions with members of PEC, and third – available for substitution in case of disturbances, absence of observers for dinner, toilet, smoke, in case of arrival mobile group and submissions to court. All independent observers must be present at vote counting.

<sup>44</sup> According to data of Pavlodar activists

<sup>45</sup> 170 stationary observers as well as 62 mobile observers were deployed on elections day from affiliate network "Echo" <http://www.echo.kz/184-predvaritelnoe-zayavlenie-po-dnyu-golosovaniya.html?fbclid=IwAR233y8bdfMWDGpP7i0H8iCTzM46zL20xUM0N6zeezKdsDR0jiIX0x3kpU>

<sup>46</sup> Approximately



It is important to consider provision of sufficient food and water during voting day: most simple option would be to bring along sandwiches, water and so on. Coordinators of "Nur-Otan" observers delivered food and drinks at least twice during elections day. Representatives CPPK and "Amanat" also received lunch packs from their respective organizations. There must be surely 2 independent observers at each polling station by at least 6-00 am, for inspection of polling station, arranging for better spots for observing, installation of cameras, monitoring opening of polling stations procedure.

In Semey, given lack of financial support, observation initially was formed based on principle of "observer – voter registered in the same district", observers were notified in advance of the need to be at the polling station no later than 6.30 am, carry accreditation, pen, paper, telephone, charger, notebook, packed lunch in case if observer will be alone.

#### 1.1.4 Support to observers

Until and during election many human rights organizations, lawyers and advocates extended support to observers on legal issues: Public Fund ‘Foundation for development of parliamentarism’ (Zauresh Battalova) with the project of Centers for legal assistance (CLA)<sup>47</sup>, lawyer Aiman Umarova<sup>48</sup>, and many other lawyers and advocates. In such a way PA “Kadyr Kassyet” still represents the cases of those who were detained or illegally taken out of the cities on June 9 -10, Kazakhstani International Bureau for Human Rights (KIBHR), other human rights activists stood out with a statement against illegal detentions. Unfortunately, observers majorly did not know about such massive facilities of legal assistance.

International organizations also provided assistance to activists and NGOs on elections by the following international donors: “European Foundation for Democracy”, “Soros Foundation”, Embassy of Netherlands, Foreign office of Kazakhstan opposition.

## 2 Revealed violations

The head of OSCE election observation mission Giorgi Tsereteli stated that the presidential elections in Kazakhstan recorded violations of fundamental freedoms.

### 2.1 Types of major violations in 2019

Observation of the electoral process (voting) was implemented according to the law on elections. There was an overwhelming amount of evidence on violations in Kazakhstan. In addition to relatively small violations such as voters not signing in the voters list also organized violations were identified. If in elections "before digital era" so called "carousel" was applied in the form of organized bussing of voters from polling station to polling station to vote multiple times, whereas now, just as in elections of 2016, fraud was implemented through targeted help from so called mini-CSCs (Citizen Service Centers). Nowhere in electronic system it is being recorded if voters who received a residence certificate at the polling station has already not voted somewhere else, moreover, voter lists are not exhibited and are not shown to observers. Thus, multiple voting is quite possible in different areas. It was clearly observed in 20% of cases at the polling stations #118 and #119 in Nur Sultan city<sup>49</sup>.

Some violations observers could prevent **in advance**, for example irregularities in composition of election commissions (PECs). Even now, you can check PEC and write a violation

<sup>47</sup> <https://www.facebook.com/zentr.prava.FRPK>

<sup>48</sup> <https://www.facebook.com/zentr.prava.FRPK/videos/2362180224026031>

<sup>49</sup> For example, the carousel in polling stations 118 and 119 of the Nur-Sultan.  
<https://www.facebook.com/jandossova/videos/3018790111479493/>



act to prosecutor and to alter composition of election commission or publication of complete data on PEC composition.

As known, election commissions are formed by maslikhats upon the proposal of political parties for a period of 5 years. The current composition of election commissions are formed in violation of these requirements, i.e. early. In addition, from officially registered 5 parties, only one the National Social Democratic Party was not able to submit their proposals as "forming" of commissions passed secretly from them.

Noteworthy the fact that on official website of Semey City Mayor in the section "For citizens" - "Elections" composition of election commissions were signed by Mayor of Semey, E. Salimov. Despite the fact that one of indicators of the legality of commission formation is a place of work, such information in Semey classified as state secret.

One of violations which observers usually do not pay attention to is the content of the protocol on election results. Mathematical errors in calculation, stamping and signing by members of the election commission are all stunning - how can such fiction be considered as election results?

The fact of ballot stuffing by chairman of PEC in Semey was recorded in two polling stations and challenged in a court. PEC in this region almost everywhere, starting with the opening of polling stations, have created intolerable working conditions for observers - refused to provide conditions for a meaningful observation, ignored acts of violations at every opportunity referring to police assistance. As a result, in many polling stations observers failed to get protocols of voting results.

It should be noted that **on the day of elections** part of violations can be attributed to so-called **"dot" violations**, such as: fake signatures of voters, ballots issuance without an identity card or absentee ballot, explicit stuffing, use of pens with erasable or disappearing ink. Violations that can be found and prevented and that can be well documented by act of violations, including presence of observers and good cooperation with legally savvy mobile groups can ensure that the results on individual polling stations could be acknowledged illegitimate and not included in total counting. Observers in Atyrau found that voter lists not updated from 2009 were sent by akimat to polling stations that had departed voters to other countries for permanent residence or deceased faces. Mess was also in the grouping of voters: "For example in the family that lived in one apartment, a member of family had to vote in one polling station whereas another had to travel to the other end of the city. Involving 2-3 trained observers on each PEC can stop mass violations. Presence of these dot violations point out that there are signs of major violations of the second type, or so called organized violations.

From flow of such small violations a picture can be drawn up that there is a commonly planned falsification of elections in which main strategist is doubtless CEC.

So, the second type of violations on Election Day includes **"latent violations"** meaning when it is difficult to catch the offenders "red handed". Offenders should be monitored at several (all) areas down to village level or geographically close polling stations or make an attempt to guess a violation by analyzing indirect information received during vote count or by already thrown in piles of ballots. Latent types of violations primarily include "carousel" in which "voters" roam from polling station to polling station their addresses are not recorded in additional lists. Time is not given for observers to verify address information and make comparison to supplementary list, and they are not allowed to inspect additional lists, with argument that the observer "interfere with the Commission". Identifying carousels implemented with use of "mini-CSC" requires either additional pool of observers, which will follow "suspicious" people (and those are many), or put cameras at entrance in absolutely all polling stations. PECs should not count total number of votes, until they have identified how many cases of such repeated voting by watching (or rather, through electronic scanning and comparison) all videos from all polling stations from a particular locality (which is extremely time-consuming). Such technologies were used at Expo, and to repeat them in electoral process is not difficult, but the number of cameras and analytical capacity will require extraordinary expenses. Or (we offer) just by electronic method (using the chip on citizens ID or otherwise enter ID number in the electronic system) to capture that a person came to such particular polling station and then it can be easily noted that a person took part in the elections just once. But certainly further voter behavior in polling

station (namely, his voters' will) should not be recorder. In such way voters will not be required any absentee ballots or address information and carousel "mini-CSC (Citizen Service Centers)" will be stopped.

Another type of latent violations not recorded by observers includes direct ballot box stuffing. Observers can be invited for "lunch" or their visibility of ballot boxes can be temporarily blocked. It can be issuing of several ballots in one hand, repeated passage of the same person using the route "receiving ballot – voting booth – ballot box" and other violations organized already by particular given precinct election commission, which is likely controlled by higher level election commissions requiring form PEC a high turnout and a high percentage of votes for government puppet.

The result of stuffing can be visually noticed later as ballot boxes are transparent and ballot box stuffing of whole packs stick together will be visible. The most obvious sign of stuffing is significantly higher number of turnout compared to other polling stations. In order to see that we can use general voting results table which was covered by observation<sup>50</sup> you see that in Nur Sultan for example majority of polling stations observed with more than 1,000 voters<sup>51</sup> (the rest - small polling stations with the number of voters up to 500 people), the turnout was on average about 40-55% and Tokaeyv got 40 to 45% of votes, and in smaller number of polling station where apparently stuffing succeeded, turnout was recorded in official protocols as more than 70% while giving Tokaeyev 75-85% of "votes". What can we say about the areas where observers were not present at all? Violations of this type of vote counting were revealed by independent observers from Almaty, their case is described below as it applies to a greater extent to the third type of violations.<sup>52</sup>

Moreover, to prevent this type of latent systematic violations which originates from turnout, instead of members of the commission for the issuance of ballots machines can be installed, which automatically issue a ballot after scanning the voters ID form and checking "from not being filled in advance". Such devices that scan IDs, passport and Individual Code (IC) are already applied in the House of Ministries in the capital, it replaces multiple pass offices. Machines for issuing ballot papers must be linked in a single data network with open source and **online counter of turnout** for each polling station in regions of Kazakhstan and foreign missions. These devices along with other methods of recording (voters passing through spinning passage or the relay gates – used for entrances to public institutions or subway, marking observers, continuous video recording of the moment when ballots are dropped to the ballot box and recording of issuance of ballots by members of commission) will raise people's confidence to turnout data, and elections in general.

The third type of violations relates to counting stage and may be called "**manipulations at vote counting**". This type of violations of criminal law in the first place done by the PEC chairman, who tends to have "pre agreement from above" on a certain percentage of votes particularly in favor of candidates from the ruling party (in our case it is Tokaeyev). PEC chairmen are trying at this stage to apply maximum efforts to "achieve desirable result":

- 1) "Getting rid" of unnecessary and very active observers, cutting short observers at the slightest provocation pronouncing loudly "you disturbing vote count";<sup>53</sup>
- 2) Not providing sufficient visibility to observers which in itself is a violation of the law, but also apply force (polling station №2 in Nur-Sultan, where observers were locked in a separate room for the rest of vote counting or station №71 of Nur Sultan, where commissioners "just made big bundles of ballots in 5 minutes and put it in bags," and then kicked out the observer from the polling station<sup>54</sup>);

<sup>50</sup> <https://drive.google.com/open?id=14WysdxBY4ooq36TOjyz8azLv6iCBHjcZM8aR-t4HLN4>

<sup>51</sup> There are many polling stations with the number of voters reach 3000, 5000 and even more.

<sup>52</sup> <https://rus.azattyq.org/a/29999295.html>

<sup>53</sup> This was an "unforgettable" experience when I had to defend my right and approach the table where vote count was implemented, to fight for the right to make foto and video recording, force to recount piles of ballots, force to take out spoilt and invalid ballots, submit several acts on violations, demand protocols with wet stamp.

<https://www.facebook.com/groups/nabludatelnyvybor/permalink/2328751543827262/>

<sup>54</sup> <https://www.facebook.com/anprigor/videos/vb.100002109940891/2438021556278152>

- 3) PEC members add a large number of ballot papers in a covered manner at the time of extracting it from the ballot box;
- 4) Manipulation when vote counting proceeds (addition of ballots from a pile of one candidate to another);
- 5) Intentionally spoiling and forging of ballots;
- 6) Forgery of protocols;
- 7) Failure to issue copies of protocols with a "wet" (blue) stamp.

Experienced/trained observers are needed at the polling stations to detect such manipulations and illegal actions, to prevent it and “translate” such into “legal language of violations”. The following should be done at a particular polling station to recognize elections invalid: a) continuous video recording the number of voted particularly by the ballot box and b) recording directly into the diaries of observers the number of drops in to the ballot box using envelope method. The discrepancy between the data in the diaries of observers with the official protocol can be 20-30 vote / person. Large discrepancies should raise suspicion, and observers must: a) demand to re-count ballots with obligatory announcement by chairman of PEC vote on each ballot paper, b) demand a copy of protocol with a wet stamp; c) warn members of PEC again about criminal responsibility for falsification of elections. Failure to issue protocol – is a first sign that there were violations at this PEC.

In recommendations to government, it should be noted clearly that vote counting can also be carried out with machines, but not members of PEC, followed by observers’ obligatory spot checks of machines reliability.

TECs and CEC are directly involved in further falsification of election results. In Almaty, observers said that the protocols collected at polling stations showed differences in distribution of votes between the candidates with the numbers of city territorial election commission.

Even considering presence of observers in less than half of the polling stations it is already possible to make indirect conclusions using collected protocols, as was done in the city of Almaty. Thus, according to protocols from 225 polling stations out of 554 total polling stations observers data showed that candidate of "Ult Tagdyry" Amirzhan Kossanov scored 69 669 votes<sup>55</sup> whereas all parts of the city of Almaty, the official data showed only 50 366 votes in favor of Kossanov.

The identification of such fraud from protocols of the observers is very important.

OSCE in its report on elections writes about the counting of votes in the PECs and TECs, which were monitored by international observers, "tabulation was assessed negatively in 92 1/5 of the TEC, which were followed, mainly because of a lack of transparency (in 22 TECs) as well as due to violations -in TEC 9.<sup>56</sup> ... The vote count was assessed negatively in over half of the observed cases, including cases of deliberate falsification of data that questioned the integrity of counting and announcement of the results of voting, which is required by paragraph 7.4 DokumentaKopengagenskogoSoveschaniyaOBSE1990goda. Observers were not sufficient transparency was ensured. "

Prior to elections in Atyrau there was a fact of counteracting to activities of independent observers: teachers and members of Nur Otan were coming from settlements and the regions to Kossanov’s campaign office to receive accreditation but then never showed up on election day. Several regions were left uncovered in such manner and the campaign office hence did not receive protocols from these polling stations. Such trick gave a full control of elections to authorities in several regions.<sup>57</sup>

During elections law enforcement agencies: police and prosecutor office representatives – were not monitoring the legality of conducted elections but rather protected interests of authority’s candidate – acting president Tokayev. They were not coming when called in with report on

<sup>55</sup> <https://rus.azattyq.org/a/29999295.html>

<sup>56</sup> <https://www.osce.org/ru/odihr/elections/kazakhstan/422516?download=true>

<sup>57</sup> Received by email from representative of Kossanov’s campaign office in Atyrau

violations, and police based on the polling stations were not reacting, in other words they protected existing system but not the law.

## 2.2 "Carousel" started being applied not only by pro-government forces

Observers discussed among themselves and confirmed an opinion that "carousel" which were usually organized by pro-government forces, in 2019 unexpectedly gave opposite effect. Many of those who were forced to vote at different polling stations for candidate of authority actually casted their votes not for the candidate of authorities but for Kossanov to express their oppositional views. It also can be further explained by unexpectedly high and real (rather than the declared by CEC) percentage of votes for Kossanov. Thus, government should understand that to run "carousel" in next elections is already becoming dangerous for "pre-planning" of the results for the puppet government. Therefore, new mechanisms of falsifications will be invented, and observers will have to detect and deal with it.

## 2.3 Performance and compliance with Articles of the Constitutional Law "On elections in RK"

Observers recorded many violations during these elections and all violations were documented in writing and video footages. This is not a complete list of the violations described in media and on websites (mainly violations are from the city of Nur Sultan, where observers who wrote this report are based, as well as links on publications and observers media in other regions):

**Table 3. A small list of violations in the elections presented by observers, in media and on websites of observer organizations, organizations' statements<sup>58</sup>**

Description violations indication	Articles of the Election Law	References (Most of the acts taken by) <sup>59</sup>	Source document et al. notes
		<a href="https://rus.azattyq.org/a/29999295.html">https://rus.azattyq.org/a/29999295.html</a>	
Voter coercion and restriction of freedom of choice - many, especially among civil servants, photographed to confirm the fact of voting	Article 3.	For all sites, all networks, the observers  Polling station #258 Almaty <sup>60</sup>	LYV
Double and multiple voting by the same person, issue of several ballots in one hand (in one and / or multiple polling stations) - "Carousel"	41 of n 1, n 2; Art. 42 Art. 25-3	Act number 1 to number polling station #13 Nur Sultan  Polling station #102 Almaty Polling station #226 Shymkent <sup>61</sup>	UTA  LYV EC
Issuing a ballot using address certificate and without voter identification; without any address reference, residence at another address, without absentee ballot - "Carousel"	Art. 41 n3, n 6 n 1 Art. 43 n 8 Art. 25 n 3	Act on polling station #138 of Nur Sultan Act 2 on polling station #230 Nur Sultan Act 1 on polling station #118 of Nur Sultan Act 2 on polling stations # 118 of Nur Sultan Act 1 (observer Temirov) PS #242 Almaty <sup>62</sup> , Act 3 PS #389 Almaty, <sup>63</sup> Act 1 PS# 9 Shymkent <sup>64</sup> , PS	EC, UTA UTA UTA UTA CPRC CPRC CPRC/EC

<sup>58</sup> Mainly relates to Nur Sultan since ANN who wrote this report already has such information from available acts

<sup>59</sup> [https://drive.google.com/open?id=1ye7vsfirZ\\_bE2FNXUGcw5d6vxh\\_WIDtH](https://drive.google.com/open?id=1ye7vsfirZ_bE2FNXUGcw5d6vxh_WIDtH)

<sup>60</sup> LYV Students say they came to the polls because they made the curator. Here and elsewhere in this table refer to the source: <https://misk.org.kz/events/e9557223-ab98-47f6-bb69-5cbae7bfff5d/>

<sup>61</sup> <https://www.facebook.com/gauhar.arystan/posts/10214292676250500>

<sup>62</sup> <https://drive.google.com/open?id=1Q3JdZuT1BFCTQEc66mcATyDeDPQVvV-2>

Description violations indication	Articles of the Election Law	References (Most of the acts taken by) <sup>59</sup>	Source document et al. notes
		#13 Shymkent <sup>65</sup> , PS# 226 Shymkent <sup>66</sup> .	EC
Absence of voters in voters lists	Art. 24 n 3	Act number 1 polling station #197 of Nur Sultan Polling station #84 in Almaty <sup>67</sup>	UTA ECHO
Irregularities in the voters' lists and marks of voters	Art. 41 n 4	Act number 2 to polling station #154 of Nur Sultan Polling station #298 in Almaty <sup>68</sup> Act 1 on PS #242 ( observer Danabatyrova) Almaty <sup>69</sup>	UTA ECHO CPRC
Re-issuance of ballot	Art. 41	Act number 1 to polling station #154 in Nur Sultan Act number 2 to polling station #197 of Nur Sultan	UTA UTA
Voting for another person, transfer of votes	Art. 41 para 2	Act number 1 to polling station #75 Nur Sultan	UTA
Two people in one cabin	Art. 41 f 1, Art. 42 n 1	Almaty, polling station 531 <sup>70</sup> Polling station 298 in Almaty	ECHO LYV
Restricting the rights of observers in the review, including vote counting	Art. 43 n 1	Act number 2 to polling station 137 in Nur Sultan Pollin station number 377 Almaty <sup>71</sup> Polling station № 84 in Almaty <sup>72</sup> Polling station number 1 Kostanay <sup>73</sup> Polling station number 175 Almaty <sup>74</sup> Polling station 224, Semey Polling station 229 of Zhetysai, Turkestan <sup>75</sup> Polling station 457, Uralsk <sup>76</sup> Polling station №36 in Atyrau <sup>77</sup>  And on many other polling stations	UTA ECHO ECHO ECHO ECHO LYV HHS HHS
The number of ballots does not correspond to "the number of voters by 1%"	Art. 37 n 2	Polling station 360 Almaty <sup>78</sup>	ECHO
Delays in preparation of PEC protocols	Art. 43 n 8	Act number 2 polling station 137 uch of Nur Sultan	UTA

<sup>63</sup> <https://drive.google.com/open?id=1Q3JdZuT1BFCTQEc66mcATyDeDPQVvV-2>

<sup>64</sup> <https://www.facebook.com/gauhar.arystan/posts/10214292676250500>

<sup>65</sup> <https://www.facebook.com/gauhar.arystan/posts/10214292676250500>

<sup>66</sup> <https://www.facebook.com/gauhar.arystan/posts/10214292676250500>

<sup>67</sup> 84 polling station in Almaty (KazATK) students are making a supplementary list, they are suitable for one member. It is unclear whether they are related to this polling station or

not <https://www.facebook.com/echo.kz/videos/2150178391939075>

<sup>68</sup> When voting with mobile ballot boxes revealed that 6 applications were received from dead.

<https://www.facebook.com/echo.kz/posts/1044282152444590>

<sup>69</sup> <https://drive.google.com/open?id=1Q3JdZuT1BFCTQEc66mcATyDeDPQVvV-2>

<sup>70</sup> Two people in one cabin <https://www.facebook.com/echo.kz/videos/880126218988741/>

<sup>71</sup> <https://www.facebook.com/echo.kz/photos/a.290460524493427/1044270092445796>

<sup>72</sup> 84 station in Almaty (KazATK) crowd of students again. Observers were not allowed to watch, whether those on the lists. Do not even let you go to the table commissions.

<https://www.facebook.com/echo.kz/photos/a.290460524493427/1044313572441448/>

<sup>73</sup> <https://www.facebook.com/echo.kz/photos/a.290460524493427/1044442829095189>

<sup>74</sup> <https://www.facebook.com/echo.kz/videos/401196417154286>

<sup>75</sup> Statement by Hismetov Hakimzhan Salimuly (HHS) in the Supreme Court in Annex 3

<sup>76</sup> Statement by Hismetov Hakimzhan Salimuly (HHS) in the Supreme Court in Annex 3

<sup>77</sup> Statement by Hismetov Hakimzhan Salimuly (HHS) in the Supreme Court in Annex 3

<sup>78</sup> On this site bulletins 1% less than the voters. Although it should be the other way around. Where is the missing papers? Almaty city <https://www.facebook.com/echo.kz/photos/a.290460524493427/1044023112470494>



Description violations indication	Articles of the Election Law	References (Most of the acts taken by) <sup>59</sup>	Source document et al. notes
Refusal by Chairman of the PEC to issue protocol and provide information about the results of voting (turnout)	Art. 43 n 8-1	Act number 3 polling station 197 of Nur Sultan BN act on polling station 30 Nur Sultan Polling station 63 Nur Sultan <sup>79</sup> Polling station 21 Aktau <sup>80</sup>	UTA  LYV HHS
Failure of PEC Chair to make recount based on observer requests <sup>81</sup>	Art. 43 n 7-1	Act number 1 to number 199 uch of Nur Sultan	UTA
Delay in opening of polling station	Art. 40	PS 13 Shymkent <sup>82</sup>	EC
Chairman leaving PEC premises, vote counting not according to the rules but rather according to orders from above	Art. 43 n 1	Act number 1 to polling station 199 of Nur Sultan Act number 2 to polling station 202 of Nur Sultan Polling station 52 Almaty <sup>83</sup> Polling station 331 Almaty Polling station 80 Almaty <sup>84</sup> Polling station 226 Shymkent <sup>85</sup>	UTA UTA, LYV <sup>86</sup> ECHO LYV LYV  EC
Stuffing, falsification	Art. 41	Act number 1 to number polling station 40 Nur Sultan Stuffing in polling station 541, Almaty <sup>87</sup> . Families polling station № 221 <sup>88</sup> Polling station № 152 Shymkent <sup>89</sup> Polling station 528 Shymkent <sup>90</sup> Polling station 111 Turkestan <sup>91</sup> Polling station № 90 pos. Kumshagal, Jambul. <sup>92</sup> Polling station №139 p. Aksu, Kyzylorda region №126 town of Issyk, Almaty oblast <sup>93</sup> № 396, Ili district, Almaty region <sup>94</sup> Atyrau <sup>95</sup> Polling station 251 Kyzylorda <sup>96</sup> Number 253, in Birlik settlement, Atyrau <sup>97</sup> . Act 2 Pollng station 398 Almaty <sup>98</sup>	UTA, HHS <sup>99</sup> ECHO (photo) ECHO (video) Radio Azattyq Radio Azattyq HHS HHS  HHS HHS HHS HHS HHS HHS

<sup>79</sup>LYV: chairman of the commission refused to provide information about the number of voters

<sup>80</sup>Statement by Hismetov Hakimzhan Salimuly (HHS) in the Supreme Court in Annex 3

<sup>81</sup>It was recorded a discrepancy of about 500 ballots and the number of visited polling station voters

<sup>82</sup><https://www.facebook.com/gauhar.arystan/posts/10214292676250500>

<sup>83</sup>Polling station 51, Almaty, instead of counting commission members went to dinner at 20.50 pm

<sup>84</sup><https://www.facebook.com/echo.kz/posts/1044393302433475>

<sup>85</sup>The Commission closed the polling station with the ballot papers and went to dinner

<sup>86</sup><https://www.facebook.com/gauhar.arystan/posts/10214292676250500>

<sup>87</sup>LYV: The Commission announced a boycott and did not count the votes, requests that the observers came to the table, without getting up. They are closed, the chairman resigned.

<sup>88</sup><https://www.facebook.com/echo.kz/photos/a.290460524493427/1044328009106671>

<sup>89</sup><https://www.facebook.com/echo.kz/videos/610331539442345/?t=58>

<sup>90</sup><https://rus.azattyq.org/a/29989024.html>

<sup>91</sup><https://rus.azattyq.org/a/29989024.html>

<sup>92</sup>The same place

<sup>93</sup>The same pace as on video released by Ermek Narymbaev <https://www.youtube.com/watch?v=Yw9EJzgnBaY>

<sup>94</sup>The same place

<sup>95</sup>The same place

<sup>96</sup>There, on a video released by Ermek Narymbaev <https://www.youtube.com/watch?v=MOIbOs2nGc>

<sup>97</sup>The same place

<sup>98</sup>There, on a video released by Ermek Narymbaev <https://www.youtube.com/watch?v=UKrdwi4unqc>



Description violations indication	Articles of the Election Law	References (Most of the acts taken by) <sup>59</sup>	Source document et al. notes
		and so on	CPRC
Late voter count	Art. 43 n 1	Polling station number 84, Almaty, at 20:50. vote counting has not started <sup>100</sup>	ECHO
Pressure on observers on election day, hindering the work of observers			From the words of Serik Abishev From the words of the leaders of NEXT

## 2.4 On-line reports: practice for the future

A good practice is to present current reports on turnout and violations during elections day, these reports are available from League of Young Voters (MISK)<sup>101</sup>, e.g. Vote count was done very quickly: <https://misk.org.kz/events/f7aba2c4-6521-4a1f-891b-f72872d28bce/>

Online facebook reports on specific polling stations were issued by NGO "Echo", which is reflected in the table above.

Observers may adopt the practice of LYV (YISK) which is tailoring all the data into one report online. Perhaps for that special questionnaire online forms can be used – it can be done with assistance of professional sociologists.

## 3 The results of the elections and discrepancy between the results

### 3.1 OSCE Press Conference

Already a few days after the elections OSCE held press conference in Nur Sultan which presented its report on June 9 elections. It reflects very low evaluation. "On election day, there were significant violations, including cases of ballot box stuffing, and non-compliance procedures of counting of votes, which means that an honest vote count could not be guaranteed, as required by OSCE commitments"<sup>102</sup>. In this case, it is noteworthy that the observers from the CIS countries noted "the absence of election violations"<sup>103</sup>.

### 3.2 Official election results

Lyazzat Suleimen, CEC member, announced official election results on June 10, 2019: Voter turnout was 77.5%. Zhambyl Akhmetbekov scored 167,649 votes, or 1.82% of the vote, Daniya Espaeva - 465 714, or 5.05%, Amirzhan Kossanov - 1,495,491 or 16.23% Toletai Rakhimbekov - 280,451 or 3.04% Amangeldi Taspikhov - 182,898 or 1.98% K.Tokayev - 6,539,715 or 70.96% and Sadybekov Tugela - 84582 or 0.92%.<sup>104</sup>

By Region official picture looks like this:

<sup>98</sup> <https://drive.google.com/open?id=1Q3JdZuT1BFCTQEcc66mcATyDeDPQVyV-2>

<sup>99</sup> Statement by Hismetov Hakimzhana Salimuly (HHS) in the Supreme Court in Annex 3

<sup>100</sup> At the station 84, Almaty, not counting of votes began at 20.50 pm

<https://www.facebook.com/echo.kz/posts/1044393302433475>

<sup>101</sup> 13 hours: <https://misk.org.kz/events/908cab5d-3e15-4ff4-a688-cc5577b00237/> 15 hours:

<https://misk.org.kz/events/3606dd90-22af-4872-874e-efa480e8aa7d/> 20 hours: <https://misk.org.kz/events/e9557223-ab98-47f6-bb69-5cbae7bfff5d/>

<sup>102</sup> <https://www.osce.org/ru/odhr/elections/kazakhstan/422516>

<sup>103</sup> <https://rus.azattyq.org/a/kazakhstan-osce-odhr-about-presidential-election/29991549.html>

<sup>104</sup> <https://www.election.gov.kz/rus/news/releases/index.php?ID=5289>

**Table 4. The official election results, according to the CEC, the number of votes<sup>105</sup>**

	Ahmetbekov JA	Espaeva DM	Kosanov A.	Rakhimbekov TS	Taspihov A.	Tokayev K.-ZH. TO.	Tugela S.	in total
Akmola.	13124	23914	45802	20165	9896	314859	2599	430359
Aktobe.	3794	42751	69472	14958	9186	340979	1680	482820
Almaty region.	10138	20508	207431	26711	8720	967042	8895	1249445
Atyrau.	1761	11126	65436	3523	4993	199718	1882	288439
IN TO	15838	51074	126339	16419	10566	580457	18102	818795
Jambul.	8341	30777	96415	21400	10757	401133	6443	575266
WKO	2854	4415	63355	2923	5159	223937	1237	303880
Karaganda region.	11454	44526	125203	21762	6299	501947	4654	715845
Kostanay region.	2025	43789	51951	14131	17854	357633	1365	488748
Kyzylorda region.	2015	16783	68804	3226	2896	299192	4333	397249
Mangistau region.	6158	12911	86958	3069	7236	147495	1827	265654
Pavlodar region.	4949	27450	63895	16923	3226	327277	2221	445941
SKO	10409	9802	32754	12963	19419	232284	1660	319291
Turkestan region.	10684	28887	178498	45055	10788	720855	3487	998254
Mr. Noor Sultan	15026	36099	91038	27307	11536	275346	8838	465190
Almaty city	39375	43489	50366	19982	30560	392167	11754	587693
Shymkent	9704	17413	71684	9934	13807	257394	3605	383541
TOTAL	167649	465714	1495401	280451	182898	6539715	84582	9216410
<b>The share of votes</b>	<b>1.8</b>	<b>5.1</b>	<b>16.2</b>	<b>3.0</b>	<b>2.0</b>	<b>71.0</b>	<b>0.9</b>	<b>100.0</b>

**Table 5. The official election results, according to the CEC, the proportion of votes<sup>106</sup>**

	Ahmetbekov JA	Espaeva DM	Kosanov A.	Rakhimbekov TS	Taspihov A.	Tokayev K.-ZH. TO.	Tugela S.	in total
Akmola.	3.05	5.56	10.64	4.69	2.30	73.16	0.60	100.00
Aktobe.	0.79	8.85	14.39	3.10	1.90	70.62	0.35	100.00
Almaty region.	0.81	1.64	16.60	2.14	0.70	77.40	0.71	100.00
Atyrau.	0.61	3.86	22.69	1.22	1.73	69.24	0.65	100.00
IN TO	1.93	6.24	15.43	2.01	1.29	70.89	2.21	100.00
Jambul.	1.45	5.35	16.76	3.72	1.87	69.73	1.12	100.00
WKO	0.94	1.45	20.85	0.96	1.70	73.69	0.41	100.00
Karaganda region.	1.60	6.22	17.49	3.04	0.88	70.12	0.65	100.00
Kostanay region.	0.41	8.96	10.63	2.89	3.65	73.17	0.28	100.00
Kyzylorda region.	0.51	4.22	17.32	0.81	0.73	75.32	1.09	100.00
Mangistau region.	2.32	4.86	32.73	1.16	2.72	55.52	0.69	100.00
Pavlodar region.	1.11	6.16	14.33	3.79	0.72	73.39	0.50	100.00
SKO	3.26	3.07	10.26	4.06	6.08	72.75	0.52	100.00
Turkestan region.	1.07	2.89	17.88	4.51	1.08	72.21	0.35	100.00
Mr. Noor Sultan	3.23	7.76	19.57	5.87	2.48	59.19	1.90	100.00
Almaty city	6.70	7.40	8.57	3.40	5.20	66.73	2.00	100.00
Shymkent	2.53	4.54	18.69	2.59	3.60	67.11	0.94	100.00
TOTAL	1.82	5.05	16.23	3.04	1.98	70.96	0.92	100.00

<sup>105</sup> <https://www.election.gov.kz/rus/news/releases/index.php?ID=5289>

<sup>106</sup> <https://www.election.gov.kz/rus/news/releases/index.php?ID=5289>

	Ahmetbekov JA	Espaeva DM	Kosanov A.	Rakhimbekov TS	Taspihov A.	Tokayev K.-ZH. TO.	Tugela S.	in total
The share of votes	1.8	5.1	16.2	3.0	2.0	71.0	0.9	100.0

According to the data of exit poll conducted by certain PA “Kogamdyk pikir Inistituty”, distribution of votes (for 350 polling stations) was as follows<sup>107</sup>: Zhambyl Akhmetbekov – 3,86%, Daniya Espaeva – 5,32%, Amirzhan Kossanov 15,39%, Toleutay Rakhimbekov – 3,03%, Amangeldy Taspikhov – 1,41%, Kassym-Zhomart Tokayev – 70,13%, Sadybek Tugel – 0,86%. None of the independent observers have seen interviewers of this PA. Official data and data of this organization is approximately the same, which shows that its affiliation with government and additional tool for pseudo democracy, since other citizens and NGOs were prohibited by law to do polling.

Kazakh Prosecutor General's Office announced on Wednesday evening, June 19, that they did not reveal any violations that could call into question the results of the past of early presidential elections. "Elections of the President of Kazakhstan were held in accordance with the current legislation", - said the prosecutor general's office<sup>108</sup>.

### 3.3 Independent vote count

Even in mid-August, the CEC did not publish data from protocols from all PECs, they had sufficient time. There are only empty answers observers receive in response to written requests.

But observers began to run their own vote count. In the first week after elections various groups of observers from Nur-Sultan, Almaty, Semey and Uralsk have collected copies of protocols from their cities, organized a collection of protocols from other polling stations and cities, opened and continued to moderate the group in facebook<sup>109</sup>. The data was unified into a single database which provided specified numbers.<sup>110</sup>

Dina Iglukova established voting map<sup>111</sup>, which clearly shows the results.

Independent observers united in data collection: inserted together data in one table.<sup>112</sup> Unfortunately, many observers expressed disappointment in Kossanov by tearing their copies of protocols.

At 16 polling stations covered by observation in Semey protocols showed that Kossanov won with a large majority.

Aiman Tursynkan made analysis on data collected on June 30, 2019<sup>113</sup>.

This part is yet to be completed and the progress is underway, since the protocols from independent observers are still coming in. It will be completed by the end of August 2019, in the second edition of the report.

<sup>107</sup> <https://www.kazpravda.kz/news/obshchestvo/exit-poll-instituta-kogamdik-pikir-za-kasim-zhomarta-tokaeva-progolosovali-7013-izbiratelei>

<sup>108</sup> <https://informburo.kz/novosti/genprokuratura-narusheniy-stavyashchih-pod-sommenie-rezultaty-vyborov-prezidenta-ne-bylo-91604.html>

<sup>109</sup> Independent observers (Almaty): <https://www.facebook.com/groups/nabludatelnyvybor/> NEXT: Alliance of Independent Monitors (ANN): <https://www.facebook.com/groups/459883318162819>

<sup>110</sup> <https://www.facebook.com/groups/nabludatelnyvybor/permalink/2314288618606888/>

<sup>111</sup> Directly to the card itself: <http://adilsailau.kz/> how it was created:

<https://www.facebook.com/groups/nabludatelnyvybor/permalink/2315050011864082/>

<sup>112</sup> <https://docs.google.com/spreadsheets/d/14WysdxBY4ooq36TOjyz8azLv6iCBHjcZM8aR-t4HLN4/edit?usp=sharing>

<sup>113</sup> <https://drive.google.com/file/d/1HE5vgeg-oWfb-gX5P1C1AMIdbWSKWSL-/view?usp=sharing>

## 4. Activities of observers after elections

### 4.1 Organization of press conferences, general statements and reports

Massive press conferences with requirements of recount were held after elections, following discovery of significant discrepancies between the official data and the data from independent observers. After elections several NGOs wrote open letter to Prosecutors General and the Supreme Court, but it did not attract any reaction.

Press conference of independent observers were in the cities of Nur Sultan<sup>114</sup> (A statement<sup>115</sup>: <http://pana-defenders.info/petitions/my-ne-soglasny-s-rezultatami-vyborov/>), youth in Nur Sultan<sup>116</sup> and observers in Almaty<sup>117</sup>Uralsk<sup>118</sup>Atyrau<sup>119</sup> everywhere were broadcasted live.

On Wednesday, June 12 government held urgent inauguration of the new president, although the actual data of elections was not supported by publication of the CEC protocol.

In Almaty, press conference was held at the premises of the Human Rights Bureau of the press center. Speakers (Serik Abishev Timur Pochanov, Ayman Tursynkan) announced main results of observation with provision of video evidence. When they showed evidence from settlements in Almaty there were attempts to prevent speakers from conveying their position. One of the present person started talking loudly claiming that the hall of press center does not meet standards and there is no sufficient ventilation and air conditioning. He was asked to leave the room and taken out of the premises. Another man, who introduced himself Kazybek, an observer from "Amanat" organization tried to challenge some of observers' claims. He was asked to limit the discussion and provide an opportunity for journalists to hear speakers and ask questions<sup>120</sup>.

There are plausible reports such as by coordinator of independent observers from the Foundation "Erkindik kanaty", Mahabbat Kuanova where facts and personal feelings of an independent observer are described<sup>121</sup>.

On July 16, 2019 a petition to Prosecutor General Nurdauletov G.D. was initiated by observers from Almaty<sup>122</sup>, signed by 210 people ( and it is only on referred site, however there are many more signatures in Facebook). This petition refers to gross violations committed during vote counting in Almaty, stating: "that 225 protocols collected from polling stations were analyzed and results show that Kossanov collected 69669 votes, however official CEC data and Almaty city TEC protocol shows that in total Kossanov gathered 50366 votes from all 554 polling stations."<sup>123</sup>

On August 10, an open people's gathering was held in Almaty. It was organized by the Coalition of Civil Initiatives for reforms in Kazakhstan, Referenda on New Constitution and parliamentary elections, in which Akikat party, "We demand reform of Ministry of Interior" movement, "Oyan Kazakhstan", multi-children mothers and others took participation.<sup>124</sup>

However, considering all that work of independent observers has not been completed.

<sup>114</sup><https://www.facebook.com/groups/459883318162819/permalink/463741617776989/>

<sup>115</sup><https://www.facebook.com/jandossova/videos/2998966926795145/>

<sup>116</sup><https://www.facebook.com/100009377441154/videos/2342311629424729/>

<sup>117</sup><https://www.zakon.kz/4973657-lipovye-nablyudateli-popytalis.html>,

<https://www.facebook.com/Serik070275/videos/2375478946060298/><https://www.facebook.com/groups/459883318162819/permalink/460648064753011/>

<sup>118</sup><https://youtu.be/EM3ZNOHOu-o>

<sup>119</sup>[https://www.facebook.com/watchparty/2526786984027145/?entry\\_source=PERMALINK&hash=ASsKR9WeEF9RX\\_XMUjEgI7\\_mW9EnBpnOOKvIoDIYRIn-tA](https://www.facebook.com/watchparty/2526786984027145/?entry_source=PERMALINK&hash=ASsKR9WeEF9RX_XMUjEgI7_mW9EnBpnOOKvIoDIYRIn-tA)

<sup>120</sup><://rus.azattyq.org/a/29999295.html>

<sup>121</sup><https://www.facebook.com/groups/1672497209702360/permalink/2406653956286678/>

<sup>122</sup><https://www.ipetitions.com/petition/President-Election-2019->

[KZ?fbclid=IwAR35gLSLwkG7UOiLRno\\_SV0xyMGh62Jmz-mayl7bY-S0SiIDWRCMgWRpjKo](KZ?fbclid=IwAR35gLSLwkG7UOiLRno_SV0xyMGh62Jmz-mayl7bY-S0SiIDWRCMgWRpjKo)

<sup>123</sup> This is mentioned above in the section: Revealed violations/Types of main violations in 2019

<sup>124</sup> <https://kaztag.kz/ru/news/izmenit-konstitutsiyu-rk-predlagaet-koalitsiya-grazhdanskikh-initsiativ-haq>,  
[https://www.facebook.com/permalink.php?story\\_fbid=2382447885417443&id=100009567645859](https://www.facebook.com/permalink.php?story_fbid=2382447885417443&id=100009567645859)

## 4.2 Filing lawsuits in courts and claims to Attorney General

The following statements have been filed to the courts, given their status as of date of this report publication:

Independent observers of Nur Sultan witnessed multiple gross violations of the law "On elections" on part of members of electoral commissions during June 9, 2019 presidential elections in the Republic of Kazakhstan. These facts were recorded on video, in presence of multiple witnesses. Those observers who disagreed with results of elections appealed to the district court of Almaty, Nur Sultan, Uralsk and other cities with statements demanding to recognize results of elections at their polling stations as not valid.

Here are a few examples, including quotes of Hismetov Hakimzhan Salimuly who has filed an application to the Supreme Court of the Republic of Kazakhstan<sup>125</sup>:

1. Marat Daribaev in a quality of observer at the polling station number 40, found on tables of PEC members many hidden papers, which were signed by members of PEC and had a mark in front of the presidential candidate Tokayev KK. On 14.06.2019 Daribaev M. lodged a complaint with the Almaty district court in Nur Sultan against illegal actions of the members of polling station number 40. However on 17.06.2019, the court refused to allow him to examine the complaint on the grounds that he had missed the deadline for lodging complaints and the complaint should be sent to the CEC. On 18.07.2019 year Daribaev appealed the refusal to City Court of Nur-Sultan which cancelled first instance court decision, but on 07.12.2019 same judge of the court of Almaty district Sheglov again refuses to consider the complaint. In his turn, Daribaev intends to appeal this definition of the court.  
Addition: <https://www.youtube.com/watch?v=7AqcnZgwOac> This video shows members of the precinct election commission №40 of Nur Sultan with signed bundles of ballot papers for Mr. Tokayev KK until the completion of voting procedure. Among members of the election commission: Alaydarova Nazikay, Aytpanova Clara Tasbolatovna, Tursynova Lazzat Aldabergenova.
2. Azhar Sultaeva also voluntarily participated as an independent observer at the polling station number 64 of Nur Sultan and witnessed with her own eyes illegal actions of PEC members. On 17.06.2019 Sultaeva filed an application to the Baikonur district court of Nur Sultan city with a complaint regarding unlawful actions by PEC. On 21.06.2019 she was also refused in further proceeding with consideration of the complaint with recommendation to contact prosecutor's office. 03.07.2019 Sultaeva appealed, but the court upheld the decision of the first instance court. 03.07.2019 Sultaeva filed a complaint with the prosecutor's office Nuriyev Sultan.
3. Court of First Instance did not address complaint of the observer Ulzhan Atken where on polling station number 134 observer issued an Act that during the vote count Chair of the PEC did not show marks on the ballots. The Court of Appeal has given additional time to eliminate non-compliance with the format of court applications (courts believe that it is illegal claimant has not stated in application ID number, address, registration, and telephone numbers, and demanded to state it, otherwise case would not be considered) 21/06/2019 of courts of first instance restored. 10/07/2019 of Saryarka District Court again refused to consider. The case is proceeding.
4. Fatima Jandossova observer at the polling station number 118 and 119 (In Lyceum #59) of Nur Sultan, demanded to annul the results of elections of the President of the Republic of Kazakhstan not only in the polling station №118 city Nur-Sultan, but also

<sup>125</sup>See Appendix 3: Full text of the statement Hismetov Hakimzhan Salimuly



throughout the city. The court refused to accept the application on grounds that Dzhandosova has no powers on rights of performance in all polling stations of Nur-Sultan. The refusal was based on a statement "there is no indication of defendant, no fully qualified name of physical or legal entity, their personal or business identification number, legal address, bank details, information of subscriber number of cellular communication and electronic address of the defendant. Demands for recount of election results as well as criminal prosecution, in opinion of applicant is not a subject to civil proceedings. On issue of bringing to justice who committed crime applicant may apply to the prosecutor's office. Appeal to the prosecutor's office has not yet been awarded any response. An appeal is not filed in connection with the change of residence.

5. Hismetov Hakimzhan Salimuly gathered numerous facts of violations from different observers throughout Kazakhstan submitted an application to the Supreme Court, referred to in Appendix number 3 to the present report to recognize the election results null and void.

In fact, there were many such requests to the courts on behalf of independent observers and without long sophisticated work there is no other way to accumulate all this regional data.

For example, Radio Azattyq reports that "The Coalition for protection of prisoners' rights" applied to the prosecutor's office and structures of internal affairs with 162 allegations concerning violations registered on elections day. Criminal proceedings started on 36 applications under Article 151 of the Criminal Code ("Falsification of electoral documents, referendum documents or incorrect counting of votes")<sup>126</sup>.

Courts of first instance for unjustified reasons refused even to accept practically all applications. The applicants (observers) got frustrated in objectivity of judges decided to not further appeal against courts' decisions in other instances showing distrust towards judicial system. None of the courts of first instance did accept any of the numerous complaints. One would assume that everyone who complained - illiterate people, but this cannot be true, because it is mostly people with higher education, representatives of active adult population. Many have suggested that judges dependent or not professionals.

Observers present at the elections faced direct confrontation with chairmen and members of the Commission who provoked observers for scandal, incited police, obstructed observers' sight during vote counting, although the law "On elections" states that "observer should have good observation of all procedures".

Members of election commission executed ballot box stuffing, falsified protocols, so the subjects of crime are actually election commission members who violate the constitutional law in such a way making an attempt to create constitutional disorder in the republic. These are the crimes committed with direct intent, by prior agreement of a group of state officials. Ideally, law enforcement agencies while seeing footage of fraud, should themselves initiate criminal cases.

### **4.3 Organization of communities, observers unions**

Observers' work does not stop even at this time. Several new organizations created its structures. For example ANN (Alliance of independent observers) with its center in Nur-Sultan found an NGO headed by Zhanbura Baekin, about 60 people. On 03/07/2019 in the city of Nur Sultan Coordinating Council ANN held assembly of the Association and planned to open branches in at least 9 regions of the country. The Independent electoral Commission "Azamat" (NIKA, headed by

<sup>126</sup><https://rus.azattyq.org/a/kazakhstan-observers-complaints-about-pressure/30022794.html>



Aiman Tursynkan, Serik Abishev, Timur Pochanov)<sup>127</sup>; in Oral Association "Movement independent observers WKR "Zhariya", with about 50 people led by Isatai Utepov, Lukpan Akhmedyarov, Tamara Yeslyamova); Maira Abenova, NSDP Akikat is also active in creation teams of observers in Semey<sup>128</sup>, Atyrau (for example Ayan Kospanov). League of Young Voters (headed by Irina Mednikova, active in elections since 2005) proved to be good; NGO "Echo" and their partners and organization already experienced and active in elections since 1999 led by Paul and Maria Lobachev. Youth Network «NEXT.kz» observers unfortunately (according to one of the leaders) as a result of provocations during and after elections, disbanded - they were actively tapped and during vote counting they were blocked by authorities. Movement «Oyan, Qazaqstan» established just before elections which included many youth members who represent the new wave of civil activists, such as Assia Tulesova, Asem Zhapisheva, Anuar Nurpeisov, Dimas Alzhanov, Suinbike Suleimenov Kasymhan Kapparov, Leila Mahmudova and «Respublika» movement represented by Bella Orynbetova<sup>129</sup>. There was a merger of movement "Respublika" with movement «Oyan, Qazaqstan», PF "Erkindik Kanaty" and the community of mothers of large families.<sup>130</sup>

Many of the observer organizations were amazed by the advancement of the monitoring process including collection of data. In such way in Atyrau there is a development of app underway for independent observers based on web site, with full control of electoral process, with video and photo options, with the functions of self-analysis. Protocols, data and video will be automatically highlighted on website identifying each polling stations separately.

#### 4.4 Rallies and referenda initiative

Apart from unauthorized rallies before and after elections, surprisingly so called “authorized rallies” dedicated to elections were suddenly authorized and held on June 30, 2019 in Almaty, Nur-Sultan<sup>131</sup>. In Almaty civic activist Alnur Ilyashev obtained permission to hold a rally (after 35 failed attempts since August 2018)<sup>132</sup>, whose main objective was to defend the very right to hold rallies. Independent observers were given a right to speak at the rally<sup>133</sup>. So on June 30 Serik Abishev spoke at the authorized rally in Almaty. At this rally he called for "dissolving the Central Election Commission""dissolving Majilis and Senate," to develop with participation of public new media law, laws elections and political parties".<sup>134</sup>

Sanctioned rally in Nur Sultan was just devoted to elections and ANN presented its statement at the rally<sup>135</sup>. Full text is available in Appendix 4 of this report. It included not just demands for fair elections but other political demands that can show that ANN and other independent observers can be treated as new political force.

Point of 4 of Article 11 of Constitutional law “On republican referenda endows citizens of Kazakhstan with a right to initiate referenda, and currently Alliance of Independent Observers in the capital is involving observers and other active citizens to initiate referenda with the issue like “Do you agree, for the sake of active involvement of citizens in running the state, to hold Parliamentary elections only after amending Constitutional law of the republic of Kazakhstan “On elections” and

<sup>127</sup>[https://www.facebook.com/permalink.php?story\\_fbid=2354723258189906&id=100009567645859](https://www.facebook.com/permalink.php?story_fbid=2354723258189906&id=100009567645859)

<sup>128</sup><https://www.facebook.com/photo.php?fbid=2497363140314649>

<sup>129</sup><https://vlast.kz/novosti/33885-dvizhenia-respublika-i-oyan-qazaqstan-zaavili-o-svoih-trebovaniyah-dla-nacala-obstvennogo-dialoga-s-vlastu.html>

<sup>130</sup><https://ehonews.kz/novoe-grazhdanskoe-dvizhenie-respublika-budet-borotsya-za-politicheskie-reformy/>

<sup>131</sup><https://www.facebook.com/groups/459883318162819/permalink/471772283640589/>

<sup>132</sup><https://rus.azattyq.org/a/30018892.html>

<sup>133</sup><https://www.facebook.com/groups/459883318162819/permalink/471786436972507/>

<sup>134</sup><https://rus.azattyq.org/a/30033593.html>

<sup>135</sup><https://www.facebook.com/groups/459883318162819/permalink/471064170378067/> ,

<https://www.facebook.com/groups/459883318162819/permalink/470945380389946/> , Application

<https://www.facebook.com/groups/459883318162819/permalink/471065733711244/>

law of the Republic of Kazakhstan “On political parties”? There are already instructions and samples of minutes developed for meetings in the regions.

#### 4.5 Harassment of activists of observers’ movement

On elections day there was a strong pressure on the network of youth observers Next.kz<sup>136</sup>. According to one of the leaders there was an internal split instigated from outside, moreover their web site was blocked, there was phone numbers blocking of activists which worked on collection of data causing disruption of their work, and organization seized to exist because of the lost of trust in each other.

After elections in Almaty, Serik Abishev and Aiman Tursynkan were persecuted by law enforcement agencies which according to them reflected in repeated discussions with National Security Committee. With regard to Serik Abishev provocations were associated with a sudden resurrection of his old administrative "cases" in court<sup>137</sup>, this “kicked out” the activist from the front row of observers’ army. Until now, nothing has been proved in Abishev’s case but a great discord was made which caused partially lost of trust in each other inside observers’ movement. Namely such National Security Committee’s methods of inciting activists against each other often works with opposition Kazakhstan<sup>138</sup>. But the good news is that there is a rational core of sensible people among observers that do not take for granted this kind of information.

### 5 Conclusions, demands and recommendations of the "Alliance of independent observers"

#### 5.1 Main conclusions

As a result of analysis of legislation and its changes, observation of election campaign implementation and directly of electoral process on day of voting, actions of those in power during vote counting and announcement of results the Alliance of independent observers’ analysts have come to the following conclusions, supported by a described in the present report facts and links:

The electoral system of the Republic of Kazakhstan, established in the country for the past twenty-eight years of independence, serves the interests of ruling elite and is not democratic, it does not allow any citizen to exercise their constitutional right not to be elected (passive suffrage), or to elect (or rather, to control accuracy of correct calculation of all voters’ will).

Urgent and fundamental reform is required of both electoral legislation and the system of political structure of the state, and it is required before next elections, whenever they will be appointed.

Non transparency of vote counting system and turnout in TECs and CEC creates many opportunities for falsification of election results.

Acts of numerous violations recorded by observers, each of which could be informational bomb in a truly democratic country, were not signed by chairmen and secretaries of district election commissions, were not accepted by courts, or were simply declined, Prosecutor General's Office also did not respond properly to these observers problems: first of all, it's stuffing, incorrect vote count, failure to submit protocols to observers. The obvious conclusion is that the current executive branch is fully controlled while legislative and judicial power does not allow to achieve justice and fairness in elections, which means - the power is not ready for democratic legitimacy of peaceful change, it is

<sup>136</sup> <https://www.facebook.com/zentr.prava.FRPK/posts/347480795840652>

[https://www.facebook.com/permalink.php?story\\_fbid=2392913650776420&id=100001734259584](https://www.facebook.com/permalink.php?story_fbid=2392913650776420&id=100001734259584)

<sup>137</sup> June 26: <https://rus.azattyq.org/a/30022831.html> June 19: <https://rus.azattyq.org/a/kazakhstan-observers-complaints-about-pressure/30022794.html>

<sup>138</sup> For example, such publications and disruption events <https://www.zakon.kz/4973657-lipovye-nablyudateli-popytalis.html>

not going to give up their gains and powers, it will keep defense until the last moment, creating the illusion of democracy in the eyes of the world. Actions of authorities (especially during elections) are criminal, not only in relation to today's Kazakhstan, but also in relation to future generations. Young people, absorbing wisdom of the representatives of the current government, accustomed to live by double standards and consider it possible to break the law or to invent laws that bypass the democratic principles breaking the original common sense allows manipulations for the sake of authority. Members of electoral commissions' competence in implementation of legislation as noted by many observers is very low, or they are also fulfilling someone's will, and deliberately violated the rights of observers.

June 2019 elections in Kazakhstan demonstrated that fundamental rights and freedoms of voters, observers and journalists were violated.

We think that incumbent authorities need to undertake a number of perhaps radical measures to save the country and democracy. Parliament before its dissolution must do good for the people step: implement necessary measures towards democratizations, adopt amendments to the Constitutional law of the Republic of Kazakhstan "On elections" and law of the Republic of Kazakhstan "On political parties" and then disband itself. These changes should lead to the fair and alternative elections and ability for citizens to create their parties with even 500 members and participates fully in these elections. Authorities should give agreement to conduct immediate reforms for people and truly democratic elections.

## 5.2 Demands of "ANN" on outcomes of RK presidential elections and future changes

We demand

From Parliament and new President, Prosecutor General, and Supreme Court:

### **On June 9, 2019 elections:**

1. Oblige CEC to publish PEC protocols from all polling stations in all elections and to make such a requirement in the legislation.
2. Initiate criminal cases on the facts of fraud, to punish those responsible for the 151st article of the Criminal Code, "Forgery of election or referendum documents or incorrect counting of votes."

### **On electoral process and election legislation:**

3. Before announcement of any subsequent elections to initiate change of electoral law with a broad public discussion of a draft, an association of independent observers, NGOs, proven itself in this field. The new electoral law should be fully in line with international standards and OSCE recommendations.
4. Conduct nationwide referenda on issues of introducing amendments to election law before any next elections.
5. To recruit staff members of PECs, TECs, CEC make these changes to the entire mechanism of job advertisements, selection of members and their work has been the most open, transparent, subordinate to the principles of pluralism, democracy and does not depend on executive branch. In addition, a composition of commissions at various levels should be include representatives of various parties, public associations, trade unions, representatives of observer organizations (not more than one ngo representative from each party and unions), chairman and secretary of the commission should be non-partisan.
6. Ensure synchronization of CSC residence registration to the voter lists data to ensure providing sufficient ballots to PECs and voting of a particular voter to ensure the principle of "one PIN in the electronic system = one vote", respectively, to provide all PECs with

electronic systems and high speed uninterrupted Internet with database exchange on day voting. If it is impossible to conduct such security vote then allow voting only by absentee ballot, without temporary registration through mini-CSCs. Mongolia's experience of biometric registration should be used.

7. If additional lists are not conducted electronically be sure to record addresses of registration from the address certificate. Prohibit temporary registration on elections day.
8. Extend the legislative powers of election observers by providing unobstructed ability to inspect voter lists and marks on turnout of voters, additional voter lists, ballot issuing procedures, documents and papers during the vote count from any distance, which in general will increase public confidence in elections.
9. Oblige the CEC, TECs and PECs publish all scanned protocols from polling stations in respective territories corresponding to the system, without the possibility of changes immediately after the counting of votes at a particular site. To ensure this requirement is not necessary to submit another request to the CEC or other level election commissions. Lack of published results of the voting in all areas, districts, territories of Kazakhstan should be the basis for declaring elections invalid.
10. Oblige the CEC to publish all compositions of TECs and PECs, with an indication of who sent this or that member of the Commission to be on commission board, with the publication of the work place and office, party affiliation, membership of a social organization, phones for communication. To ensure this requirement is not necessary to submit another request to the CEC or other election commission.
11. Prohibit voters photographing and video recording each other and themselves at a polling stations, whether it is voter in a booth, or a ballot dropping in the ballot box. This violates Art. 3 and 8 of the Election Law, as casts doubt on the freedom of expression.
12. Provide on-line: information on turnout at each polling station through an open source software, as well as information on the calculation of the election results.
13. Secure legislative imperative mandate and powers should not interfere. To do this, in the electoral law is necessary to prescribe functions of each mandate and responsibility for its violation.
14. To ensure right of observers bring to justice members of election commissions who is identified violating the election law.
15. It is mandatory to remove all unacceptable for democracy restrictions on candidates for deputies and presidents, first of all, the nomination of deputies by party lists (return opportunities for self nominations), and secondly, declarations requirements for non-state service worker candidates, any requirements of experience of service in state agencies, continuous residence in the country, party affiliation, level of education.

**On other laws, concerning political structuring of the country and organizing elections:**

16. Lower the threshold for registration of a political party from the 40 th. Of signatures to 500 signatures.
17. Reduce the presidential term of office to four years.
18. To amend the country's legislation in order to establish a unicameral parliament, with a part of the members of the party lists, part - single-seat constituencies. In Majilis elections to prohibit political parties to run their candidates in single-mandate constituencies.
19. According to the composition of maslikhats deputies ensure only citizens elected in single member constituencies, no party lists. Parties retain the right to nominate one candidate for each constituency.
20. To amend the legislation to ensure the development of stability: since the Constitution declares the separation of powers must be elected akims of all levels, the President, the

- deputies of Majilis and maslikhats, judges at all levels and the Chairman of the Supreme Court.
21. The right to withdraw any elected official should be regulated by the law and the relevant paragraph of the Law.
  22. During election campaign be sure to provide the same air time, publications, etc., be sure to spend more than two debates, with the mandatory participation of all candidates.
  23. Give candidates and their agents more freedom in arranging meetings with population, including, without obtaining permission of akimats, maslikhats and CEC, on the streets, squares, and only informing and requests to ensure public order and providing other support for such meetings.
  24. Oblige CEC, TECs to provide full accountability and transparency of electoral accounts of candidates: the sources of funding and costs.
  25. Prohibit candidates to comment on election results, congratulate other candidates, celebrate or participate in the Parliament before official announcement of election results, not earlier than the day after tabulation.
  26. Implement the principle of direct material liability of elected representatives, which will clear the political field from unscrupulous players. Oath of elected official of any rank must have an item on the unconditional obligation for damages caused to citizens by the decision of such elected official.
  27. Discard any blocking of web sites, Internet, except for pornographic content (especially during the election campaign, the election and just a few weeks after the elections).
  28. To ensure independence and non-biasness of police at the polling stations, so that law enforcement bodies would know and defend the right of all participants of electoral process, and not just the rights of election commissions.

### 5.3 Proposals to authorities for more effective organizing of elections

**To prevent massive carousels**, organized with help of mini-CSC or other means, it is proposed to register voter turned out at a certain given polling station by electronic method - and then everywhere it will be noted that a person took part in elections, and only once. Future behavior on polling station (voters' will) of course should not be recorded. Then they will not be required any absentee ballots or address information. Details of the proposal - in paragraph 2.1. of this report.

Instead PEC members vote counting at the PECs may also be done by automated machines followed by selective counting reliability checks of the system by observers.

Many proposals set out in the requirements, para. 5.2. of this report.

### 5.4 Suggestions for NGOs and independent observers

At home and abroad in all 232 territorial election commissions (TECs) and 9,968 Precinct Election Commissions (PECs). To provide necessary and sufficient observations to declare elections illegitimacy, you have to recruit 7500 independent (from the authorities) observers for 2500 polling stations (3 persons for each). This is the most important task.

To ensure implementation of such mass observation efforts, a number of independent organizations should be created that seek funding from private individuals and international organizations for the training of future observers and establishment of standards for supervision, in addition to compliance with legal requirements, automation of observation processes.

Two months before elections be sure to agree common format for monitoring and coverage of polling stations by different organizations, to provide observers to 2-3 at each polling station.

Develop a Code of independent observers (KNN), which can be endorsed by a variety of organizations, KNN should specify the principles for observers, the Inter-Organization, coordination during ELECTIONS between elections, the exchange of data, creation of a unified system of registration of the results and the type of violations and other issues.



Check the PECs and record violations, if any, by issuing an act, write to the prosecutor and to achieve altering the composition of the Commission or the publication of the complete data. Try to enter as representative of observer organization in the compositions of PECs and TECs in all regions, areas, districts and areas.

In addition to monitoring the PEC during election observation to ensure the procedure of counting of votes in all 232 territorial election commissions.

## 6 Attachments

### Attachment 1: Suggestions and recommendations on amendments and additions to the RK law "On elections " by chapters

This attachment is updates and will be completed by the end of September.

#### Chapter 1. General Provisions

##### Article 3 Principles of electoral rights, Article 8 Secrecy of voting

Points on secrecy of voting. Add paragraph on banning photographing and filming by voters, as well as transfer photos and videos from the areas where the visible fact of voting and the fact of voters' will expression.

##### Article 4 Universal suffrage

Remove from paragraph 3 of Article 4, "citizens found incompetent by a court, as well as those held in places of deprivation of liberty by a court judgment do not participate in elections." - the words "and also contained in prison upon conviction". Since now many people are in prisons are citizens who are unjustly convicted. And at other times, convicted people can also vote secretly, at specially organized polling stations. Thus, OSCE in its report also mentioned the lack of "Citizens found incompetent by a court, and all persons serving a prison sentence, have been deprived of electoral rights, contrary to international standards"<sup>139</sup>.

Since it is not clear Article 4 paragraph 3 of article, it is a passive or active suffrage, then needs to be clarified.

Clarify paragraph 4 of Article 4: for example, an administrative fine for violation of traffic rules or some minor criminal record, for example, for the organization of meetings and other political, non-criminal reasons - not to include in this article as it becomes discriminatory in relation to the right to be elected. The use of this discrimination was clearly seen in relation to opposition activists in 2016, when a few weeks before the elections, activists quickly began facing fining for violating traffic rules and trials for minor administrative cases and so on.

##### Article 7 Indirect electoral right

Remove point about the Senate and abolish Senate itself as a government agency. That is to amend the Constitution.

##### Article 9 Electoral systems

Settle in this item 1. Deputies of the Majilis are elected both on party lists submitted by political parties and by the territorial single-mandate constituency.

Please add point 2) para 1, the word "primary" and point 2) para 3.

2) The candidate deemed elected:

- collected more than fifty percent of voters (electors) who have taken part in primary voting;

Define the term "primary voting" - as the first round.

<sup>139</sup> <https://www.osce.org/ru/odihr/elections/kazakhstan/422516>

Add: para 1-1 with words. The party list of candidates is to be built on a hierarchy starting with the candidates of the party who has advantage of entering the Parliament in case of parties entering parliament, this list cannot be changed until the next election, but only in death or loss of capacity of the candidate.

Amend para 2. Maslikhat deputies elected on a territorial single-mandate constituency.

(Now: 2. Maslikhat deputies are elected on party lists submitted by political parties, according to the territorial constituency.)

## **Chapter 2 Electoral bodies**

### **Article 10 Electoral bodies, its system and terms**

Para. 3 It is not clear the meaning of "form" in the context of the Article. Maybe change to "provide data to calculate"? All commissions must be accountable to the maslikhats and the Majilis, in accordance with its name and purpose.

(Now: 3. Territorial election commissions are formed by the Central Election Commission and precinct election commissions – by corresponding territorial election commissions.)

Para 3. Section: Composition of election commissions, except for the Central Election Commission, formed by the respective maslikhats.

Change to: Composition of the territorial and precinct election commissions shall be approved by the respective maslikhats. Candidates in the territorial and precinct election commissions are recruited through labor exchange and ads on the websites of tmaslikhats and Majilis of the Parliament, respectively, no later than 3 months before the date of the regular or special election.

3. Paragraph II: The term of office of election commissions shall be five years.

Change to: The term of office of the territorial and precinct election commissions will expire 3 months after completion of the counting procedures, including all judicial and other proceedings for the election of polling stations within the competence of the electoral commissions, in accordance with the electoral districts and territories.

~~Delete P 3. Sections: members of territorial and precinct election commissions are elected by the corresponding maslikhats based on proposals by political parties.~~

~~Each political party has the right to propose one candidature to the corresponding election commission. A political party may submit to the election commission candidates who are not members of this political party.~~

~~In the absence of proposals from political parties within a maslikhat period which shall not be less than fifteen days before the date of formation of election commissions and maslikhats shall elect the election commission on the proposal of other public associations and superior election commissions.~~

~~Persons proposed to the Election Commission shall make a declaration to participate in its work. The chairman, vice chairman, secretary of the election commission shall be elected at a meeting of the election commission.~~

~~Formation of a new composition of election commissions shall commence no later than two months and not later than three days before the end of the term of office of election commissions.~~

~~The bodies forming election commissions shall have the right during the term of office of the election commission to make changes in their composition.~~

**Complete** para 4 and remove the word "formation", "composition and" correct "location" to "location":

4. Decisions of **maslikhats and Mazhilis** on formation of election commissions, the location reported by the media in accordance with the location of the territory of the election commission and **on the websites of the maslikhats and the Majilis of the Parliament, respectively, no later than 2 months before election day.**

**Complete** para 6:

6. No interference in the work of election commissions in the exercise of their powers, **but during election campaign and election process, during voting and counting of votes, representatives of public organizations, political parties and observers can ask questions and receive detailed answers and evidence of election commission members regarding elections, while not interfering with the voting process and not clarify the question of expression of a particular person vote for a particular ballot.**

**Amend** para 7:

7. Activities of the Election Commission may be terminated **only after the term of responsibilities** ~~by the decision of the body forming the election commission~~ or a court decision on the basis of the statement of the Central Election Commission.

**Complete** para 7:

8. A member of the election commission shall not be deprived of authority, except in cases specified by paragraphs 6 and 7 of Article 19 of this Constitutional Act.

## **Chapter 2 Election bodies**

### Article 11 Central Election Commission of the Republic of Kazakhstan

**Complete** Para 2:

Vice-President and Secretary of the Central Election Commission shall be elected at the meeting of **Election Commission members by a simple majority.**

**Exclude** Para 5 and 4-1:

~~4-1. The Central Election Commission has the responsibility of subordinate organizations, whose role is to promote the organization of the territorial election commissions, and providing in its electoral activities of creation, development, implementation, maintenance, administration, operation and system maintenance facilities information and communication infrastructure, Internet resource as well as logistics.5. The cost of maintaining the Central Election Commission and its personnel are covered from the state budget. This is already stipulated in Article 33~~

Insert paragraph:

This is already stipulated in Article 33

## Article 12: Responsibilities of Central Election Commission of the Republic of Kazakhstan

**Exclude p.1)** – Here are only courts, prosecutors and police should ensure and enforce law

~~1) Ensures implementation on the territory of the Republic control for implementation of election legislation, provides for its unified approach, and while using its competencies takes decisions obligatory on the whole territory of Kazakhstan~~

Or to replace with principle which should the CEC be guided by: the principles of law order, justice, equality of opportunities for all candidates and others

**Add p 2):**

Heads the organization and conduct of Referenda

**Exclude p 2 -1)**

~~Considers the issue about allowing access of political parties to participation in elections part of deputies of Majilis of Parliament and Maslikhat deputies, elected on party lists.~~

**Add p.5):** Provides with technical opportunities for electronic voting and voting on biometric data

**Amend p 6)** establishes the format and text of a ballot for voting on elections of the President and deputies of the Majilis of the Parliament – to remove word “**text**”. Text should be approved by Maslikhats, Parliament, President

**Add p 6-2):** Same as p. 6) 6-2). But for electronic voting, also for CEC provision of voting on principle 1 ID number = 1 vote, without repetition somewhere in the country or abroad.

**Add p.9) p.10):** on Referenda.

**Possible to be done by other bodies:** 14) appoints sequential and extraordinary elections to Maslikhats

**Add p. 14-1):** Appoints Referenda

**Exclude p 15), 16)** – This can be done by domestic and regional election commissions. Only the mechanism of informing about elections needs to be well thought through

**Add 16-1) at the end** – including protocols of all PECs inclusively

**Replace 16 -2)** maintains unified electronic Citizen Registry – voters of the Republic of Kazakhstan, replace with “maintains unified electronic Registry of polling stations in Kazakhstan, 1,5 hour before elections makes an extract of distribution of citizens by polling stations and makes lists of citizen voters by polling stations throughout Kazakhstan

**Add 16-4) add at the end** – places video and printed materials at its website.

**Not clear which bodies, and for what purpose: 16-5)** create consultative bodies



Add 16-6) with Referenda in the list

**Explain the point, it is not clear – what kind of subsidiary organization 16 -7)** procures goods, work, services on creation, development, introduction, maintenance, administering, operation, systematic and technical servicing of objects of informational communicational system, Internet resource and material-technical provision for electoral activity from subsidiary organization which is then subjected by the latter to state management;

**Add 16-10 and so on)** approves instruction for TEC and PEC members regarding the conduct towards observers and voters

#### Article 13. Territorial Electoral Commissions

P 2) add about Referenda

P 2,1) Add with words “not less than” – for representation of all desiring parties and movements

**The following recommendations are extracted from the chat of independent observers**

#### Article 19. Status of election commission member

P.9 exclude the word “ for the exception of creating polling stations, herewith foreseen by the Article 23 point 3 of the present Constitutional law” and include wording “one military unit”.

#### Article 20-1. Observers of political parties and other public associations, non commercial organizations of the Republic of Kazakhstan

P.1 add with the following words “In military units and camps observers are let to the polling stations on pre-agreed with its management route towards the voting place

#### Article 23. Establishing of polling stations

P.1 add with the following wording “There should be no polling stations established on a territory of military unit, except military units and camps located more than 40 km to closest polling station”. There should be no polling stations established at all enforcement structures for the exception of military units.

P.3 the word “in military units” replace with the following wording “in military units, and camps located 40 km to the closest polling station”.

Point 4, wording “commanders of units” replace with the following wording “commanders of the military units and camp, head of units located more than 40 km to the closest polling station”.

#### Article 24. Voter (elector) lists

Point 7. Exclude word “located in military units”

#### Article 25. Inclusion into voter (elector) lists

Point 4. Exclude word “located in military units”

## Article 27. Pre-electoral agitation

P.4.2 to keep unchanged

Work on proposals to Kazakhstan Law “On elections” is continuing. Send your proposals to [fatimasailau2019@gmail.com](mailto:fatimasailau2019@gmail.com)

## **Attachment 2. Some activists of the number of observers who have shown themselves in the election campaign in June 2019 (can be omitted from the final version of the report)**

Some of activists of the movement of observers who have showed activeness during elections and after (we apologize in advance, is someone is not mentioned, you can add activists and their achievements by sending info to the : [fatimasailau2019@gmail.com](mailto:fatimasailau2019@gmail.com))

### **Noor Sultan**

Serik Yergali - issue of accreditations from Ult Tagdary Astana, organization of the Alliance of Independent Observers

Tulegen Seitov - counting protocols observers, participated in the analytical report

Ulzhan Atken - counting protocols of observers, preparation of organizational statutes, fundraising

Nurlan Iskaliev - development ANN statute, drafting all legal documents, assistance in registration, recruiting of observers, organizing observation in Atyrau

Fatima Jandosova – single unified count on protocols observers, writing this analytical report, development of ANN statute

Askhat Rakhimzhanov (NSDP) - training, organization of mobile groups, issue of accreditations

Anatoly Logunov – typing out protocols and sorting Ermek Narymbay data.

### **Almaty**

Aiman Tursynkan - organization observers from the Manifesto association "Coalition for Protection of prisoners' rights" NGO "Abay Zholy" - summing up election results protocols;

Serik Abishev (mobile group of NIKA) - training, tabulation protocols, creating NIKA;

Timur Pochanov (mobile group by NIKA) – training, tabulation of protocols and drawing results;

Togzhan Kozhalieva, Meyram Tleukhan NGO "Abay Zholy" - observation and organization of further civic initiatives

Batyr Adaybaev - NGO "Abay Zholy Ulttyk kyndylyktar mektebi"

Dinara Tsishevskaya (observer from the NGO "Abay Zholy») - the collection and entering data from protocols Almaty, Taraz and Zhambyl oblast

Dina Iglíkova - compiling election results map in Kazakhstan

Irina Mednikova - creation of the League of Young Voters

Elena Shvetsova – NGO “ECHO”, PF “Erkindik Kanatty”

Margulan Seisenbay – organizing observers from businessmen, collection and counting of votes on 20 protocols from Almaty<sup>140</sup>

Daniyar Sabitov – “Kok Team”, organization of groups on monitoring in Facebook “Observers’ of Presidential Elections in Kazakhstan”<sup>141</sup>

### **Uralsk**

Lukpan Akhmediarov, Tamara Yeslyamova – Newspaper “Uralsk Week” , organizing of general observation throughout the city and region

Isatai Utepov, Aisautov Maksat, Askar Shaygumarov – PA “Abyroy” conducting trainings of observers, collecting data.

<sup>140</sup> <https://www.facebook.com/photo.php?fbid=10218477736609163&set=a.2822493415940&type=3>

<sup>141</sup> <https://www.facebook.com/groups/nabludatelnyvybor/>

## **Semey**

Maira Abenova Chairman of "House" – organization of general observation through the city and region

Rollan Mashpiev Branch Director of the PA "Coalition for the Protection of the rights of convicts" in Semey – issue of accreditation to observers.

## **Shymkent**

Gaukhar Arystan – training of observers, report on Shymkent

Galymzhan Orazymbet, Rustem Ashetayev – observation, organizing

## **Pavlodar**

Ardak Makatov, Botakoz Utegenova – training of observers, organizing of observers for further actions in Pavlodar and Nur Sultan

## **Aktau**

Representatives of Kossanov campaign office.

## **Atyrau**

Representatives of Kossanov campaign office

Ayan Kospanov – organizer, observer

## **Abroad**

Ernek Narymbaev – primary bright call for observation, online training of observers, collection of protocols

Nurul Rakhimbek – development of manual for observers “Handbook for observers”, report of elections from Foreign office of Kazakhstan opposition<sup>142</sup>

Anatoly Chernoussov – collection of protocols from many polling stations, observation in Prague

And many others!

<sup>142</sup> <https://www.facebook.com/zagranburo/posts/2659901734039918>

### **Attachment 3. Statement by Hismetov Hakimzhan Salimuly to the Supreme Court of the Republic of Kazakhstan**

The Supreme Court of the Republic of Kazakhstan  
Nur-Sultan (Astana)  
010000,39 Kunaev Str.  
7 (7172) 74-75-85, 74-75-90

#### **The applicant.**

Name: Hismetov Hakimzhan Salimuly  
PIN: 660303301369  
Date of birth: 03/03/1966,  
Address: Republic of Kazakhstan, Atyrau, 17 Momyshuly Str, apt.9  
Tel .: 8 (7122) 282924, mob.87013039620

#### **Defendant:**

SI "the Central Election Commission of the Republic of Kazakhstan"  
BIN 940740000892  
Address: Nur-Sultan, 4 Beybitshilik Str.  
Tel .: +7 (7172) 75 13 39

In order to claim 9 of Article 616 of the RK Tax exempt from state fees  
Jurisdiction: Art. 28 RK GIC

#### **STATEMENT**

***"The requirement to recognize the decision of the CEC №42 / 277 from 10.06.2019 invalid, illegal and violates the rights of the Republic of Kazakhstan citizens."***

Central Election Commission of the Republic of Kazakhstan issued Decree №42 / 277 which is officially recognized by the President of the Republic of Kazakhstan elected by the people as a result of national elections, Mr. Tokayev KK

I Hismetov Hakimzhan Salimuly, a citizen of the Republic of Kazakhstan, strongly disagree with this Regulation, I consider it illegal and subject to cancellation considering set forth below the massive criminal violations committed during the elections.

The right to challenge the CEC citizens are provided by resolutions p. 9 art. 20 of the Constitutional Law "On elections in the Republic of Kazakhstan" ("Election Act"), as well as Art. 286 SPK RK. According to p. 9 art. 20 of the Law on elections, the decisions and actions (inaction) of an election commission can be appealed to a higher election commission and (or) to the court within ten days from the date of the decision or action (inaction). In accordance with Art. 286 Code of Civil Procedure of RK citizen, believes that the decision, action (inaction) of the state body, Election Commission, their officials violated the right to elect or be elected, to participate in elections, a referendum, have the right to make a written statement to the court. I am firmly convinced that my right to vote, provided by para. 1, Art. 4 of the Constitution, has been violated by many polling stations, which is headed by the CEC within the territory of the Republic of control over the implementation of the election (Art. 12 of the Electoral Act) legislation. Due to the negligent and gross improper performance of the CEC of their duties to monitor the voting process, I, a citizen of the Republic of Kazakhstan, have absolutely no idea who really was legitimately elected by the citizens of the Republic of Kazakhstan to the post of President of the Republic of Kazakhstan, whether my voice was changed, or the election was carried out as a result of mass ballot stuffing, gross fraud and numerous other violations.



Accordingly, the CEC does not exercise control properly, who allowed numerous serious violations in the voting process, thus violating my constitutional right and the right of all citizens of the Republic of Kazakhstan, on an objective and fair democratic elections of the president.

**The essence of the violation of my rights, freedoms and interests, the circumstances of these violations and evidence confirming their full quote below.**

On most sites during voting there were gross violations:

1. The massive introduction of fictitious entries in ballots and mass ballot boxes stuffing in violation of para. 1, Art. 5 of the Election Law, which clearly stated, "the voters participate in the presidential elections on equal basis and each of them has one vote, respectively, on one ballot." However, despite the presence of only one vote in the election observers recorded in a video adding a lot of fake entries in ballots and ballot box stuffing with multiple ballots on the part of members of the election commission, and other citizens under the supervision of the first.

To give just a few examples:

**Example №1:** [? //Www.youtube.com/watch v = 7AqcnZgwOac](https://www.youtube.com/watch?v=7AqcnZgwOac) In this video members of the precinct election commission № 40 Nur Sultan signed bundles of ballot papers for Mr. Tokayev KK until the completion of the voting procedure. Among the members of the election commission there are Alaydarova Nazikay, Aytpanova Clara Tasbolatovna, Tursynova Lazzat Aldabergenova.

**Example №2:** [? //Www.youtube.com/watch v = 5O4\\_OKNq960](https://www.youtube.com/watch?v=5O4_OKNq960) On this video a member of the precinct election commission №111 Turkestan Mr. Muratbek Konakbaev Agabekuly put a check on the many papers sitting at a table. In his defense, he said he voted not only for Mr. KK Tokaev, but for a couple of ballots tick Kossanov A.S. candidate .

**Example 3 №:** [? //Www.youtube.com/watch v = Yw9EJzgnBaY](https://www.youtube.com/watch?v=Yw9EJzgnBaY) In this video all the members of the precinct election commission are engaged in a massive ballot box stuffing.

**Example №4:** [? //Www.youtube.com/watch v = 1ROEu8nss9E](https://www.youtube.com/watch?v=1ROEu8nss9E) At this video divisional members of the polling station №139 v. Aksu Kyzylorda region together produce ballot box stuffing. Despite observation of the observer filming this video, one of the members continued to stuff the ballot box. This citizen is clearly not aware that he was committing a crime, a crime against their own people.

**Example №5:** [? //Www.youtube.com/watch v = -r67aOzisuU](https://www.youtube.com/watch?v=-r67aOzisuU) On this video is embodied as a citizen Makasheva Bakhyt Iskakovna at the polling station №126 of Issyk tried to throw 8 ballot. Accordingly, members of the polling station grossly disrupted electoral law.

**Example №6 :** [? //Www.youtube.com/watch v = fO\\_nExfmWEo](https://www.youtube.com/watch?v=fO_nExfmWEo) On this video a woman throws in the ballot box two ballots at the polling station №396 in Ili district, Almaty region. In her defense, she says that threw in ballot on behalf of her daughter. Meanwhile, p.1 art. 41 of the Election Law stipulates that each voter (elector) shall vote in person. Accordingly, members of the commission of the polling station also grossly violated the requirements of the election legislation.

**Example №7:** [? //Www.youtube.com/watch v = MOnlbOs2nGc](https://www.youtube.com/watch?v=MOnlbOs2nGc) In this video seven cases of ballot box stuffing by members of the election commission. Note that in the executing of this wrongful act all the members of the precinct election commission were involved.

**Example №8:** [? //Www.youtube.com/watch v = UKrdwi4unqc](https://www.youtube.com/watch?v=UKrdwi4unqc) On this video citizen Zhetiruova Alima Torebekkyzy IIN 801030402046 took 5 ballots and went towards the space provided for voting. Consequently, some of the members of the commission gave her 5 ballots, thereby grossly violating election laws.

**Example №9 :** [? //Www.youtube.com/watch v = 2CkvI-yWXIU](https://www.youtube.com/watch?v=2CkvI-yWXIU) On this video two women were having in the hands 6 ballots. Observers have photographed that ticks were marked in favor of Mr. Tokayev KK. Consequently, some of the members of the Commission violated legislation on elections.

**Example №10:** [https://www.youtube.com/watch?v=axDAE\\_jit\\_I](https://www.youtube.com/watch?v=axDAE_jit_I) On this video a woman turned out to have two ballots. Consequently, some of the members of the Commission flagrantly violated legislation on elections.

All of the above examples - only a small share of massive, flagrant violations of the election legislation in different regions of the country.

2. Violations in the procedure of counting of votes and announcement of results.

In accordance with p. 1 art. 43 of Election Law

*"Tables, for counting of votes are placed in the premises so as to provide an overview of the actions of members of the precinct election commission on the part of everyone in the room faces. Proxies and observers present during the vote counting, watch the counting of votes at a distance and in conditions providing visibility of marks on the ballot. When counting the ballots, the chairman of the commission or a certain member of the commission shows present the ballot and announce the will of the voter".*

According p. 8 art. 43 'the Election Law'

*"Copy of the protocol immediately posted at the polling station in a specially designated place for public inspection and is located in a room for two days. At the request of persons present during the counting of votes, he is issued a copy of the record, certified by the signatures of the chairman and secretary of the commission and the seal of the election commission ".*

Despite the imperative of the above rules, the electoral commission massively violated these requirements. In this case, such claims of vote-counting procedures are designed to provide transparency and openness of the election to establish the true will of the people of Kazakhstan (para. 1, Art. 20 of the Election Law).

As evidence of violations of the Election Law and below are some examples:

**EXAMPLE 1 №:** <https://www.youtube.com/watch?v=PV16jKyH3n4> On this video observers were refused a copy of the protocol. Consequently, the chairman of the precinct election commission № 21 in Aktau grossly violated the Election Law.

**EXAMPLE 2 №:** <https://www.youtube.com/watch?v=saZzoLtgKIU> In this video observers are at a distance and in conditions not providing visibility of marks on the ballot. Consequently, the vote counting process was broken in the 229 area in Zhetyesai.

**EXAMPLE 3 №:** <https://www.youtube.com/watch?v=O6nbK7dHeiU> In this video observers are at a distance and in conditions not providing visibility of marks on the ballot. Consequently, the vote-counting procedure was violated at this polling station.

**EXAMPLE 4 №:** [https://www.youtube.com/watch?v=F\\_Yz5nyFT4](https://www.youtube.com/watch?v=F_Yz5nyFT4) In this video embodied that observers are at a distance and in conditions not providing visibility of marks on the ballot. Consequently, the vote-counting procedure was violated at this polling station.

**EXAMPLE 5 №:** <https://www.youtube.com/watch?v=HmYniYTD8-Y> In this video sealed, chairman of the precinct election commission without counting, and announcing the results and not posting the protocol, took ballot papers and left in an unknown direction. It is noteworthy that this breach occurred in front of the eyes of the police, which had not prevented the commission of the wrongful act.

**EXAMPLE 6 №:** At the station №36 in Atyrau, where I personally was an observer as there were violations of the next character. In the beginning, we, the observers, were not allowed to check the number of ballots. By 6 am everything was counted and distributed among the members of the commission without us. We are only acquainted with the act during the ballot counting all the ballots were quickly scattered throughout the stacks between commission members without showing us every ballot. Copy of the protocol for counting of votes was not given to us, but only hung on the stand and we were offered only to photograph it. Kossanov on this polling station scored 424 votes and 246 votes were scored by Tokayev. When counting of unused ballots proceeded we were not

given a clear test their quantity i.e. counting procedures had been violated. There is video footage of the vote count process.

**EXAMPLE 7 №:** [//yadi.sk/i/1d20PKth7wkFDw](https://yadi.sk/i/1d20PKth7wkFDw) At the polling station №253, in the village of Birlık, Atyrau, the observer was my brother Hismetov Baurzhan. He, together with other observers were carefully counting ballots dropped into the ballot box. According to their calculations it appeared that the total number of 485 ballots were cast in the ballot box. When the votes were counted observers were not given the opportunity to photograph and precisely control the layout of each ballot on the candidates. When all the ballots have been placed in the stacks for each candidate, my brother asked the President of the Commission which is Kossanov's pack. He pointed to a stack that was by far more than Tokayev's stack. When protocol was filled Kossanov got 318 votes, but for Tokayev chairman of the commission Kohaeva Lyazat, after 15-20 minutes of thinking, took the figure literally from the ceiling, indicated 620 votes, which cannot be true. Not difficult to even figure that out on video, it's a minimum of 450 votes more than it actually is. After that the whole Commission quickly gathered all the paperwork and tried to leave quickly, without even trying to give any explanation for this fact of inflation of figures. Observers could hardly beg for permission to photograph the vote count protocol.

And in this case, there is a gross violation of counting procedures, a clear falsification when drawing up the protocol.

Everywhere there were cases admitted of understating the number of votes for Kossanov and inflating the number of votes for Tokayev. And at times it was done in a very blunt and unceremonious manner.

Totally did not allow observers to come to close distance to see how many ballot papers issued to each voter in the vote counting.

In many polling stations, during vote counting observers were not allowed to come to the close distance to see the ticks on each ballot and the observers will of the voter was not announced.

Did not let us approach the ballot box at a distance allowing to see how many ballot papers in the ballot box dropped.

In some areas, observers simply not permitted on polling stations under false made up reasons (doubting observers photos in IDs).

At many polling stations, did not even allow to switch on a video camera.

In many regions, observers were not given vote counting protocols.

The election results in all these areas I demand to cancel and considered null and void.

In Almaty, out of 554 polling station only two hundred polling stations issued protocols to observers, Kossanov scores more votes more than on all polling stations of Almaty as was reported through false conclusions of Almaty Territorial election commission.

Almaty TEC, as well as all other TECs in the Republic did not publish reports on all polling stations of the city, therefore, the CEC data on Almaty should be considered invalid.

According to Mangystau region picture is the same: protocols have not been published for the whole region. So is in Almaty, the numbers of sites where observers received protocols have a very sharp with information released by CEC on Mangystau region, namely, the Central Election Commission of Kazakhstan and Mangystau TEC artificially understated the number of votes for Kossanov, and raised the number of votes for Tokayev, using the advantage protocols were not published for the whole region.

In some areas, the Commission of PEC refused to conduct vote count, and many other polling station refused to conduct a recount of votes. By violating p. 10 Article 20-1 of the Election Law, the police physically did not let the observers into the building of local government offices that housed the territorial election commission, preventing observation of protocols transmission' procedure from PECs to TECs. This application is attached with 180 videos made by observers from all regions of Kazakhstan. They clearly demonstrate the pervasive and systemic falsification and gross violations of the election legislation.

CEC has not yet posted anywhere in the free access to the public, the exact details of the voting results for each polling station, which also is a gross violation of the electoral law.

As a result, we observers and the people of the Republic of Kazakhstan, can not possibly make an accurate verification of the voting results. Substantially all of the protocols that are in the hands of the observers, by a wide margin show Kossanov's lead in the race. And I put under a very big doubt CEC election results.

In order to ensure the right to request action under this application we ask to demand from the CEC certified copies of all votes counting l protocols across RK from 9,741 polling station in duplicate (for the Supreme Court and claimants).

These violations it is only a small share of all the violations in Kazakhstan. A very large number of video evidence is available on the hands of the observers. There are a variety of oral evidence of such violations.

All of the above legal and objective evidence of the illegality of the Decree №42 / 277 from 10.06.2019 issued by CEC and sufficient for the recognition of the election results illegitimate.

In view of all stated above, an guided by p. 9 art. 20 of the Electoral Law, and Art. 286 GIC RK

### **I ASK THE COURT**

Recognize the decision №42 / 277 from 10.06.2019, the State Institution "The Central Election Commission of the Republic of Kazakhstan" – as illegal in view of numerous violations, dirty fraud and manipulation of election results.

applications:

1. copy of ID card;

Signature: Hismetov Hakimzhan Salimuly

## Attachment 4. Statement of the Alliance of Independent Observers June 30, 2019

### ALLIANCE of INDEPENDENT OBSERVERS REPUBLIC OF KAZAKHSTAN STATEMENT AT RALLY OF 30/06/2019

06/30/2019

Nur Sultan city

Dear citizens of Kazakhstan!

Starting from March 19, 2019 we live without a certain power, or rather, with the government, which came to govern the state without the involvement of citizens. According to article 33 of the Constitution citizens have the right to participate in state affairs directly and through their representatives.

Social and political crisis was highlighted especially during the presidential elections in the Republic of Kazakhstan June 9, 2019. These elections were held illegally and unfairly in relation to the constitutional right of citizens to participate in state affairs directly and through their representatives.

The number of violations, ballot stuffing, which made members of precinct and territorial election commissions, blatantly violating the criminal law of Kazakhstan, it is obvious, the election should be declared illegitimate. CEC data, and data collected by independent observers differ so much that, even if we recognize the elections as valid and legally correct to count the votes at each site, the CEC will have to announce a second round of elections.

Primary candidates for the president's A.Kossanov and K.Tokaev scored protocols available to ANN respectively - 45% and 40%.

We have enough arguments and evidence of violations, but the courts rejected the application throughout the country and did not consider the case and, if considered, the requirements of the voters and observers judges and prosecutors simply ignore. Thus, the current authorities have demonstrated clear arbitrariness in compliance with the Constitutional Law of Kazakhstan "On Elections in the Republic of Kazakhstan." This state of affairs in the electoral system clearly shows that the current officials of state had seized power and control without the participation of citizens - is not fair and does not legally protects through the CEC their bastions, illegally erected between the government and the people.

#### **national issues**

There is clear crisis and it is not only in the political sphere, but also in socio-economic terms. Public bodies operating in fire fighting mode. It should be particularly noted that headed by the former President the Security Council proved that it is not able to maintain security of citizens and the state. Events in Aris city on 26/06/2019, the proof of that. The Security Council is not fair, non-democratic body, the state agency represents the preservation of authoritarian dictatorship and not the preservation of life and safety of citizens.

Further it can not continue like that! We must not allow further governance without the participation of citizens.

#### **REQUIREMENTS**

We demand to dissolve the Security Council of Kazakhstan!

Instead, it offer to the society to create a People's Council, which will be the interim body to ensure the participation of citizens in government. This Council should be from top to bottom their structural subdivisions. Work on the board involves participation of activists on a voluntary basis. Council should be created from the representatives of political, social and ethnic organizations, and trade unions.



Accordingly, there will be changes in the law on elections, the participation of citizens, and that is the People's Council shall be the coordinator of these changes.

**We demand the dissolution of both houses of parliament and the resignation of the current President!**

**We demand release of political prisoners! First of all, Aron Atabek Max Bokaev, Mukhtar Dzhakishev, which should become part of the People's Council.**

Translated and edited by Nurul Rakhimbek, for any questions regarding the text please write to [nurul.rakhimbek@gmail.com](mailto:nurul.rakhimbek@gmail.com)