

GLOBAL INFORMATION SOCIETY WATCH 2012

THE INTERNET AND CORRUPTION
Transparency and accountability online



Global Information Society Watch

2012



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Financial support provided by

Humanist Institute for Cooperation with Developing Countries (Hivos)
Swedish International Development Cooperation Agency (Sida)



Global Information Society Watch

Published by APC and Hivos
2012

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ISSN: 2225-4625
ISBN: 978-92-95096-85-1
APC-201301-CIPP-R-EN-DIGITAL-176


Civil Initiative on Internet Policy (CIIP)

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Introduction

The overthrow of the regime of former president Kurmanbek Bakiev in 2010 led to significant changes in the political situation in Kyrgyzstan, the most important being the transition to a parliamentary constitutional system. Given that the main reason for Bakiev's removal was corruption (which included his family), the issue of corruption receives a lot of attention in current political discourse.

Corruption has received much attention online, on social networks and on news outlets. The current president, Almazbek Atambaev, has proclaimed the anti-corruption drive as a priority activity and established an anti-corruption service under the State Committee for National Security. It has already investigated several cases of corruption that were highlighted in online media coverage. Nevertheless, for the last seven years nobody has been charged with corruption. The judiciary is not independent and remains dominated by the executive branch – and because of this it takes decisions in favour of officials or those who offer bribes. This corruption affects all stages of proceedings, especially when the case concerns high-profile officials.

In 2011 the number and popularity of online news agencies increased significantly, allowing people to receive information on different events and from different points of view faster than through traditional media. Given a rapidly developing information and communications technology (ICT) sector, and the increasing penetration of the internet, especially mobile 3G services which are currently offered across the country, the government has established several online resources presumably aimed at increasing accountability and transparency. These include a portal on government purchases and acquisitions, and an “open budget” portal. Online anti-corruption services were also launched by the Ministry of Internal Affairs and the State Committee for National Security, but there is no evidence of their popularity and effectiveness.

Deaths on the road: Putting the brakes on justice

In August 2012, a traffic accident occurred that led to deaths of three young people (aged 21 to 23). Azamat Isaev, the son of the mayor of Bishkek, was responsible for this tragedy, but was hospitalised without being tested for drugs or alcohol. The incident was actively discussed in different media. Nevertheless, officials kept silent on the investigation's progress despite journalists' requests and the public's response. After a month, Isaev was charged with the fatal car accident. A month later, just before the case was taken to court, relatives of two of the three victims of the accident withdrew the charges. The trial was also later adjourned several times for numerous reasons.

During this period the court agreed to an application by the mayor for hearing the case outside of the spotlight of the media. Contradictory statements were also made by the mass media: the advocate of the accused allegedly declared that the third relative had also abandoned the case, but at the same time, the third relative told journalists that he would not abandon the case and would push through to its completion. However, after a week, the judge dismissed the case, reportedly because of the uncertainty over whether or not the third relative would continue to press charges.

In fact, the judge dismissed the case after the third relative had abandoned it, a week after telling journalists that he would pursue it to completion.

The court decision caused a wave of public indignation on social networks and forums. After more than two weeks of continuous discussions online, including calls for the removal of the mayor, Isaev appealed to the court to rescind the judgment and to pass a guilty verdict. As a result, he received a seven-year suspended sentence with probation for two years. This was in line with a vehicle violation, but had nothing to do with the deaths that the accident caused. It was the most lenient sentence he could receive under these conditions, especially given the three deaths.

Later there were several similar road accidents involving different officials and their drivers. These involved the driver of the head of the State Committee for National Security, Keneshbek Dushbaev, and the driver of parliamentary deputy Irina

Karamushkina. In both cases deaths occurred, and still none of the guilty parties was charged. In addition, there have been cases involving officials from the Ministry of Internal Affairs.

Every case causes widespread debate on forums, social networks and online news sites. But this is clearly not enough. None of the cases has resulted in appropriate punishment. The most scandalous incident – a car accident involving an official in the Ministry of Internal Affairs – attracted the attention of the prime minister due to the publicity it received online. The official hit and killed a pedestrian and fled the scene of the crime. According to witnesses, the official was drunk while driving.

However, two months later, the criminal proceedings were terminated due to the “absence of *corpus delicti*” (proof that a crime has been committed) and the offender continued to work in the ministry. After intense discussions of the case online, and a meeting between the prime minister and minister of Internal Affairs, the prime minister ordered that the case be investigated, and the official involved in the accident dismissed. Nevertheless, it was later revealed that the official had resigned instead.

The role of ICTs in new approaches to transparency

In March 2012, a new anti-corruption agency called the State Service for Combating Economic Crimes was established. This replaced an agency called the Financial Police that was ironically considered the most corrupted government body by the prime minister. During almost 20 years of activity by the Financial Police, there were no disclosures of cases of corruption. Yet most of the staff in the agency were taking bribes for small violations and sheltering dodgy business deals.

An open announcement was made to fill the posts in the new service. The selection committee consisted of representatives of the government, civil society and the business sector. Email addresses were also created where people could submit information about candidates’ offences. Every piece of information was thoroughly investigated, and based on the results of the investigation, candidates could be disqualified. During the selection period, 37 emails were received and 35 candidates were disqualified due to the information contained in the emails. After every stage of the process, the government’s official site and online news agencies published all the results of the stage for each candidate. At the beginning of the call the candidates were tested using a computer programme and the results were broadcast on TV, making the process

as transparent as possible. Fourteen of 20 relatives of members of parliament did not pass the test.

After the results of the tests were published online, pressure on the selection committee members started when they received phone calls from relatives of those tested with requests to alter the results of the tests. Some members of parliament claimed that the competition was a violation of human rights and called for the nullification of the results of the test. There were also calls to declare the new service unlawful. However, the service was created and started its work. During the first three months of its activities it discovered violations amounting to KGS 290 million (approximately USD 6.2 million).

It was proposed that the same process be followed in the selection of judges for the Supreme Court, which is also considered to be one the most corrupt state structures. In contrast to the selection process for the State Service for Combating Economic Crimes, where the selection committee included representatives from the government, business sector and civil society, the selection committee for the judges of Supreme Court was formed by the judiciary, parliamentary majority and parliamentary opposition. The selection process involved three stages: in the first stage they checked the legal and other documents of candidates, their property and holdings, and criminal records. In this stage they also investigated all complaints about candidates that were received, including via email or online. From the final list of candidates more than 20 appeared to have made judgments that were in violation of legislation – suggesting they were either unskilled or corrupt.

However, it is important to note that the official investigation in the first stage was very basic and subjective. For example, the information on the candidates was discovered as a result of an independent investigation conducted by an NGO.

The second stage in the process aimed to reveal the professional knowledge and moral standards of the candidates. One of the tools was a computer test to check the competence of candidates in different fields of law. In this case, however, the questions for the test were made as simple as possible, and the average score was 9.15 out of 10 – almost all candidates easily passed.

Due to the automated system of scoring, all results of the selection process were shared online, including detailed information on the scores given to candidates by members of the selection committee.

The third stage involved voting by members of the selection committee for candidates who had

reached the final stage. This was potentially the most subjective stage in the selection process and it proved to be so. According to the results of the voting, many on the selection committee voted for the candidates who had the lowest scores, and the most competent candidates according to the scores were not voted for. Because of this, despite the use of ICTs and wide and immediate online coverage, the selection process was as subjective as before, and, as a result, subject to corruption.

Given the above, we can say that in Kyrgyzstan there are two different tendencies when it comes to using the internet in the struggle against corruption. One of them is the struggle that comes from the community push for change and for the state to react to events that receive coverage online – including on social networks, discussion forums and online news sites. At the same time, state institutions actively use ICTs in their activities to demonstrate transparency and the absence of corruption.

Nevertheless, all these efforts are useless without the effective oversight of civil society. The two cases involving the selection of candidates discussed in this report suggest this. In the first, the application of ICTs was successful, but in the second, it was not. Therefore we can conclude that the internet is only a tool that can be used in the fight against corruption, but that on its own it is not sufficient to be successful in the fight against corruption.

Action steps

- ICT and civil society activists should use online platforms for discussions more actively, organising events that can help to force state bodies to take measures against corruption.
- Create specialised online resources aimed at providing facts on corruption and supporting a citizen-led campaign against corruption. Monitor all investigations of cases of corruption and cover all violations made during the process.
- State bodies should investigate all instances of corruption reported in the media, and in doing so demonstrate the state's firm commitment to fighting corruption. ■