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NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

Before the

**COMMISSION ON SECURITY AND COOPERATION IN EUROPE
OF THE UNITED STATES CONGRESS**

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**HEARING ON
“KYRGYZSTAN BEFORE THE ELECTION”**

Mr. Chairman and Distinguished Members of the Commission:

Thank you for this opportunity to comment on the political situation in Kyrgyzstan during the run-up to its July 23 presidential election.

Since 1996, the National Democratic Institute (NDI) has carried out programs aimed at contributing to the development of democratic institutions in Kyrgyzstan, including the parliament, civil society, media, and political parties. NDI has also been involved in observing every major election and referendum in Kyrgyzstan since the late 1990s. NDI's perspective on this election cycle is shaped by our longstanding presence in Kyrgyzstan and the relationships that we enjoy across its political spectrum, and by our institutional experience in supporting democratic elections worldwide.

Kyrgyzstan's July 23 presidential election provides an opportunity to help restore public confidence in the country's political institutions. Unlike some of its former Soviet neighbors, Kyrgyzstan still has an active, pluralist political culture and a vibrant and influential civil society. If conducted democratically, this election could be competitive, in the sense that it would give citizens a meaningful choice among alternative visions for the future of their country. This is, of course, exactly the role that a national election should play. We hope the Kyrgyzstani government, election officials, political parties, civil society and voters will seize this chance to engage constructively and democratically in an important political occasion. We hope the international community, for its part, will throw its full weight into supporting a democratic process.

Unfortunately, there are good reasons to be concerned about the conduct of this election. Kyrgyzstan has a history of flawed elections, and the rights of free speech and assembly have eroded in recent years.

Freedom House ranks electoral processes on a scale of one to seven, with one being the best score. In its 2008 *Nations in Transit* report, Freedom House gave

Kyrgyzstan a six. Nearly every major election and referendum in the country has been heavily criticized by credible international and domestic observation groups. After a 2005 presidential election that was widely judged to be an improvement, the last three nationwide polls – the national referendum and parliamentary elections of 2007, and the local council elections in 2008 – were uniformly criticized by observation groups. The Organization for Security and Cooperation in Europe (OSCE) concluded that the 2007 parliamentary elections, for example, “failed to meet a number of OSCE commitments” and “fell short of public expectations for further consolidation of the election process.” Problems have included widespread vote counting irregularities, ballot stuffing, multiple voting, and, in the case of parliamentary elections, revision of precinct level voting results at higher-level election commissions.

The parliament that was seated following the flawed 2007 elections has demonstrated little independence from the executive branch and has passed legislation that imposes new restrictions on core political rights. I will mention four examples:

1. In August 2008, President Bakiev signed a law that severely restricts the freedom of assembly. This law has been used to prevent and disperse gatherings by political activists opposed to the government.
2. The parliament also passed a revised political party law that would make it more difficult to register and operate a political party. The President vetoed the latest version of the law and requested revisions, so this issue is still pending.
3. President Bakiev signed a revised media law that imposes restrictions that may cause many small, independent broadcasters to shut down.
4. A proposed law that would prohibit NGO involvement in political activities, including election observation and issue advocacy, is still before parliament. Its consideration has been delayed, perhaps due to a strong domestic and international reaction, but it could be easily reintroduced.

There have already been troubling incidents in the lead-up to the election that deserve close scrutiny. There are reports that, in several instances, opposition supporters’ attempts to assemble peacefully have been met with intimidation and violence from local law enforcement authorities and civilian provocateurs, allegedly acting on orders from government officials. In one case, several leaders along with dozens of supporters of the opposition United People’s Movement (UPM) were arrested while attempting to hold meetings in private homes in a number of regional villages. They were detained, interrogated, and threatened with violence before being forced out of the region. NDI has heard credible first-hand reports of beatings and serious threats against citizens exercising their constitutional rights to engage in this political activity. There are also credible first-hand reports of government pressure on radio, television and print media, which will prevent fair and balanced treatment of the election campaign. Several trials are now underway in Kyrgyzstan that affect prominent political personalities who would otherwise be active in the election campaign. Politicians, journalists and ordinary citizens

engaged in political activism have been beaten, imprisoned and even killed in recent months, contributing to a climate of fear and suspicion.

Meanwhile, citizen confidence in Kyrgyzstan's election procedures is low. During the past three weeks, NDI conducted focus group discussions with Kyrgyzstani citizens and found that respondents generally do not have faith in the transparency and fairness of elections in Kyrgyzstan. Some expressed a reluctance to vote, because they believe the results to be predetermined. This suggests that, barring some extraordinary measures to *build* confidence, voters may be skeptical of the results when they are announced on July 24, or thereabouts. The likely consequence of skepticism about electoral results is a government with a weak mandate, which at best will have difficulty responding to citizens' needs and cooperating with international partners and at worst will resort to harsh repressive measures at home to impose compliance.

For the coming election, NDI aims to support greater transparency in the electoral process through domestic and international election monitoring. With funding from the United States Agency for International Development (USAID), NDI will provide assistance to a domestic campaign that will monitor the pre-election, election day, and post-election periods. NDI's partners, an alliance of Kyrgyzstani NGOs, will mobilize more than 2,800 observers on election day to cover approximately 60 percent of the nation's polling stations, as well as several district election commissions. NDI will bolster domestic monitoring efforts by supporting a small international observer mission by the European Network of Election Monitoring Organizations (ENEMO), a coalition of 19 nonpartisan election monitoring groups from the former Soviet Union and Eastern Europe. Lastly, with funding from the National Endowment for Democracy (NED), NDI and IRI are helping political parties from across the political spectrum to train their own partisan pollwatchers.

Unless significant steps are taken *before* July 23 to demonstrate transparency and fairness, public confidence in the outcome will be jeopardized. There are four key areas in which the government of Kyrgyzstan could take steps that would improve the electoral environment and go a long way toward rebuilding faith in the process.

1. The government of Kyrgyzstan should provide conditions for balanced media coverage of the entire electoral process.

This election provides an opportunity for the government to allow state-owned and independent media access to all aspects of the campaign, voting, counting and tabulation, and post-election procedures, without interference or harassment. The media should be allowed and encouraged to provide voters with information adequate to making an informed choice. Finally, the government should allow Radio "Azattyk" (the Kyrgyz Service of Radio Free Europe/Radio Liberty), one of the few independent and unbiased news services, to resume broadcasting in the regions on the state radio frequency.

2. The government should respect and protect the rights of domestic and international election observers.

The government and, specifically, election commissioners should ensure that domestic and international observers have full access to pre-election, election day, and post-election processes, as required in Kyrgyzstan's own election code. Observers should be accorded the freedom of movement and access required under the law on election day to observe all aspects of the election process in individual precincts and in higher election commissions without harassment or intimidation. The government should ensure that the pending draft law on regulating NGOs in Kyrgyzstan is not used to impede domestic or international election monitoring efforts.

3. The government should uphold the right of candidates to campaign.

Partisan use of administrative resources during the campaign period or on election day must be prohibited. The judicial process should not be used as a tool to keep opposition politicians from participating in the election. When the official campaign period begins, all candidates must be allowed to campaign without interference or harassment, and on equal grounds. Lastly, the government should ensure that the current Kyrgyz law restricting the right to assembly is not used to limit candidates' right to campaign and reach out to voters.

4. The government should strictly enforce impartial and transparent election administration and adjudication.

The government should ensure that election commissions are independent and include opposition representation at all levels. The CEC must ensure that local governments verify the accuracy of voter lists and post them at precinct election commissions, as required by law. Before election day, the official electronic vote tabulation system, known as the Shailoo State Automated System, should be checked to ensure that it functions properly and accurately. On election day, the government should ensure that official protocols are posted at each individual precinct and published in state newspapers to ensure that all voters and monitors have access to that information. Tabulation results should then be published *by precincts* in a timely manner. Finally, electoral violations or complaints should be adjudicated fairly and without administrative interference or pressure.

Progress in these four areas would contribute to public confidence not only in electoral procedures, but also in the government and policies that emanate from them. Conversely, little or no progress would contribute to the growing disconnect between the government and the people of Kyrgyzstan.

Right now, a robust international defense of democratic rights is necessary to help prevent the latter outcome. Some have speculated that uncertainties over the fate of the Manas air base have discouraged U.S. officials from engaging in public or private diplomacy in support of a democratic election. NDI's view is that only a democratically-elected government will be a reliable partner to the United States over the long-run, so

support for a genuine process in July may be at least as valuable an investment as negotiations over the status of the base.

NDI hopes that Members of Congress and representatives of the U.S. government will take every opportunity to raise these recommendations with their Kyrgyz interlocutors and to hold the government accountable to its OSCE and other international commitments.

NDI appreciates the efforts of Congress to support the people of Kyrgyzstan in establishing a full democracy, the rule of law, and respect for political and civil rights. We value the role of this Commission in defending human rights and respect for all elements of the Helsinki process.

Thank you, Mr. Chairman and Members of the Commission.