

Freedom of Speech in Tajikistan, July 2012

In July 2012, the Monitoring Service received 31 reports. Fifteen of them describe the factual situation in the media in the light of social, legal and political environment; twelve reports describe direct violations of rights of media professionals; and four reports describe conflicts and accusations against the media and journalists.

I. POLITICAL, SOCIAL, ADMINISTRATIVE AND LEGAL CLIMATE IN THE COUNTRY DEFINING THE FACTUAL SITUATION IN THE MEDIA

1. Public speeches and statements of superior officials defining the factual situation in the mass media

25 July

Robert Blake, the US deputy foreign minister on South and Central Asia

According to Radio Free Europe / Radio Liberty, the US deputy foreign minister in charge of South and Central Asia stated that the situation in Tajikistan in the area of freedom of speech raises concern in Washington. The official made this statement on 24 July at the US Congress. We urge Dushanbe to respect the freedom of press and restrain from interfering in media business", - he said.

24 July

Dunja Mijatović, the OSCE envoy on freedom of speech, Vienna, Austria

On 24 July, the OSCE representative on the media freedom Dunja Mijatović made a statement expressing concern over the blocking of the Asia Plus news agency's web site www.news.tj by the Tajik communications authorities and urged the government to lift the ban from this information source and from a number of other web resources.

"The Internet must remain an open source of information, according to commitments in the area of the freedom of speech made by the OSCE member states. Although the issues of security are important, they cannot become impediments to the free information flow. There is no security without freedom in the media. People should have opportunities to receive information from various sources, and the media should have opportunities to cover any developments, even such special ones as the issues of security", - said Mijatović.

The OSCE envoy also stated that the authorities must guarantee unlimited access to the Internet, and urged to open access to www.news.tj and other sources as soon as possible.

"I have mentioned in my letter addressed to the Tajik foreign minister Khamrokhon Zarifi on 19 July that the OSCE office on the media freedom is ready to provide the Tajik authorities with an expertise on this and on other issues regarding the media freedom, including the Internet", - she stated.

26 July

European Union

The European Union shares concern expressed by the OSCE representative regarding the blocking of access to the web site of the Asia Plus news agency.

"We reconfirm our position voiced in our statement issued on 8 March 2012 regarding the blocking of a number of web sites by the Tajik authorities. We agree with the OSCE media freedom representative that the issues of security, regardless of lawfulness, should not be a basis for limiting access to information.

26 July

The US Embassy in Dushanbe

The US Embassy in Dushanbe urged Tajikistan to respect basic rights and freedoms, including the freedom of speech and free information flow. The Embassy issued a special statement regarding the situation in Khorog, the administrative center of Gorno Badakhshan Autonomous Province (GBAO).

2. Actions of public officials defining the factual situation in the mass media

5 July

Emomali Rakhmon, President of Tajikistan, Dushanbe

On 4 July, the President of Tajikistan Emomali Rakhmon signed a document containing relevant changes and amendments to the national criminal code, which decriminalize the articles on libel and defamation. This category of former "crimes" can be considered only at civil courts.

The initiative to abolish Articles 135 (libel) and Article 136 (insult) was suggested by the President at a meeting with journalists on 10 March on the occasion of the 100-th anniversary of the Tajik printing media.

Many experts say that the abolishing of criminal responsibility for insult and libel will be conducive for development of the freedom of speech and will strengthen democracy in the country.

6 July

The EU office in Tajikistan, Dushanbe

The European Office in Tajikistan appreciates the changes and amendments in the Tajik criminal code abolishing criminal responsibility for libel and defamation.

The EU office published a statement saying that the adopted measure will have a positive impact on the freedom of press and expression.

Along with that, the EU office states that Article 137 (public insult of the President and libel against him) in the Tajik criminal code still stipulates

criminal responsibility in certain cases. The EU office urges the Tajik authorities to abolish this particular Article.

In its statement, the European Union office confirms its commitments expressing its desire to continue support in the area of freedom of the media and expression.

20 July

Ramazon Rakhimov, interior minister, Dushanbe

On 20 July, the Tajik interior minister Ramazon Rakhimov told the media that his agency continues investigations of cases of assaults on journalists.

The official also noted that the ministry of interior is especially concerned about the frequent assaults on media professionals. The ministry has set up a special team to investigate such cases.

23 July

All media

According to the Asia Plus news agency, the Tajik government tax committee has increased the profit tax for certain printing outlets up to 25 percent, which can have a negative impact on them, and, accordingly, will increase the cost of printing products.

In 2009, the President ordered to decrease the income tax from 25 to 15 percent to create favorable conditions for the domestic printing media. In May 2009, the Parliament adopted relevant changes in the national tax legislation.

3. Factual situation in the media and freedom of speech

6 July

All media, Dushanbe

The European Union representation in Dushanbe appreciates the adopted amendments in Tajikistan's criminal code decriminalizing two articles previously stipulating criminal responsibility for libel and insult.

On 5 July, the EU office launched a statement saying that this measure will make a positive contribution to the respect of the freedom of the media and the freedom of expression in Tajikistan.

At the same time, the EU Delegation notes that the Article 137 of the Criminal Code of the Republic of Tajikistan still foresees criminal charges in certain cases and encourages the Tajik Government to abolish the remaining provisions and thus entirely decriminalize defamation.

The EU reconfirms its commitment to continue to support the development of media freedom and freedom of expression in Tajikistan.

21 July

Asadullo Rakhmonov, State TV and Radio Committee under the government

At a press conference hold on 21 July in Dushanbe, the chairman of the government TV and Radio Committee Asadullo Rakhmonov stated that there is no rivalry among the state TV companies.

In his opinion, the four existing TV channels are divided thematically. "Should we have two TV channels like "Jahonoro", a couple of channels like "Safina" and 5-6 channels for children, there might be a competition, and the audience would think of choosing among them. So far, the viewers have not had any alternative", - he added.

24 July

Committee to Protect Journalists, New York, USA

The New York based organization Committee to Protect Journalists issued a statement condemning the blocking of access to the leading independent news website Asia-Plus. Access has been blocked for the third time in two months. Tajikistan's Internet Service Providers are doing the blocking at the behest of the Communications Agency, which cites "technical reasons."

The Russian news agency RIA-Novosti's website has also been blocked, joining YouTube, two other Russian news sites (Lenta.ru and Vesti.ru), two news portals specializing in Central Asia (Fergananeews.com and Centrasia.ru) and the local forum Pamir-vesti.ru, all of which have been filtered and blocked in recent days.

Access to the BBC's website was blocked on 30 July and restored the next day.

"Tajikistan already came close to being added to the list of countries 'under surveillance' in our last 'Enemies of the Internet' report in March and now the government is clearly doing everything possible to make sure it is added next year, regardless of the negative impact this would have on the country's image," Reporters Without Borders said.

"By making increasingly systematic use of cyber-censorship, Tajikistan is falling in line with his Central Asian neighbour Kazakhstan and could eventually catch up with neighbouring Uzbekistan and Turkmenistan, which practice even more drastic forms of online censorship."

The management of Asia-Plus has voiced frustration with the repeated blocking and with the resulting financial losses and damage to its reputation. Its executive director said Asia-Plus would conduct no more negotiations with the head of the Communications Agency, Beg Zukhurov, because the agreements reached in the past had not been respected.

The surge in website blocking coincided with violent clashes between government forces and armed groups in Khorog, the capital of the southern autonomous province of Gorno-Badakhshan, which neighbours Afghanistan. It is very hard to establish the exact situation in Khorog but it seems

to have calmed down in the past few days and the army has begun to withdraw.

Dozens of people are thought to have died in the clashes but there is a great deal of variation in the casualty estimates.

The full text of the CPJ press release is available here: <http://www.eng.nansmit.tj/news/?id=911>

25 July
All media

The Tajik private weekly Farazh published an interview with the professor of the Tajik National University Kirinshohi Sharifzoda who contemplates the status of the Tajik mass media. In his opinion, the decriminalization of the articles on defamation and libel cannot resolve all problems media professional face.

Sharifzoda noted another problem – the absence of sizes of penalties in the Tajik legislation, which public officials use for their own benefit.

4. Journalists protecting their civil and professional rights

4 July
OSCE, Dushanbe

On 2-3 July, the OSCE office in Dushanbe held the Sixth Annual human development preparatory meeting.

The issues of freedom of speech and new mass media, freedom from tortures, freedom of religion, freedom of expression, access to justice, human rights, democratic elections standards and other topics were discussed at the sessions.

25 July
All media, Dushanbe

The Tajik Union of Journalists, the Tajik National Association of Independent Mass Media, the Tajik Media Alliance, the Media Council, public organizations Indem and Oriyono Media issued a joint statement calling on the media and journalists to restrain from publications containing information that is not properly verified – regarding the military clashed in the Tajik city of Khorog, administrative center of Gorno Badakhshan.

“Certain web sites and blogs try to add local and religious flavor to the developments in GBAO, which could create grounds for negative consequences in the country. Tajikistan is our common home, and Badakhshan is its integral part”.

The media organizations also expressed concern over the limited access to the web site belonging to the leading Tajik information agency Asia Plus.

It is also mentioned in the statement that the Tajik law enforcement agencies – the National Security Committee, the Interior Ministry and the Prosecutor General’s office – should create a joint press center to disseminate objective information about the events in GBAO.

II. VIOLATIONS OF RIGHTS IN THE MEDIA

1. Impediments to professional activities

4 July
Asia Plus, Dushanbe

A Tajik-Russian investor applied to the President of Tajikistan and to the Tajik judicial bodies soliciting support in a business matter. The investor accuses the governor of Tojik Soidirot Bonk (one of the Tajik banks) of misappropriation of a big business venture, which they founded together.

The Asia Plus correspondents contacted the governor of Tojik Soidirot Bonk, but he refused to answer any questions.

27 July
Asia Plus, Khorog, GBAO

The governor of Gorno-Badakhshan Autonomous Province Kodir Kosim did not allow the correspondent of the Asia Plus weekly Ramziya Mirzobekova to participate in the work of the special commission, which tries to establish the number of victims among civilians in Khorog. The commission was created on 25 July.

“The official personally told me that I am now welcome in this commission”, - said Mirzobekova. It should be noted that the Asia Plus correspondent was elected by local residents since the composition of the commission was defined at a municipal meeting of public activists.

2. Ungrounded requirements on censorship

17 July
Beg Zukhurov, head of the government communications service, Dushanbe

Head of the Tajik government communications service Beg Zukhurov told the Asia Plus information agency that he intends to create a public organization to monitor publications in the Internet to control the contents in terms of morality and national security.

Zukhurov said that the organization, which will be registered at the Ministry of Justice, will comprise of volunteers, among whom there will be local journalists.

Zukhurov noted that the public organization will have no affiliation to the state communications service. He clarified that his agency is the

initiator of creation of such an “inspection group” to trace online “libelous” and “defamatory” materials.

Zukhurov also noted that some online publications contain indecent comments and words insulting the Tajik supreme authorities. “The volunteers from this public organization will trace and detect the authors of these comments”, - said the official.

17 July **Tajik Association of Internet Providers, Dushanbe**

The Tajik National Association of Internet Providers expressed serious concern over the initiative on the creation of a special online monitoring group.

“It turns out that Tajikistan introduces censorship in the Internet”, - said Parvina Ibodova, chair of the Association. She considers that the initiative is unlawful since the Tajik Constitution prohibits any censorship.

“The head of the communications service says that the group will be created to prevent libel and insult of high-ranking officials. However, such actions can be taken only after a relevant judicial decision. Moreover, how young technicians will define what is a libel and what is not?”, - Ibodova added.

3. Unlawful limitation of access to information

24 July **www.news.tj, Asia Plus, Dushanbe**

On 23 July, the Tajik government communications service ordered all domestic providers to block access to the web site www.news.tj belonging to the leading information agency Asia Plus.

Zebo Tajibaeva, executive director of Asia Plus told the media that the agency did not receive any official notification; they only had an SMS message.

Commenting on that, the chair of the Tajik Association of Internet Providers Parvina Ibodova said that the regulator, i.e. the communications service under the President ordered to close access by “technical reasons”.

25 July **www.news.tj, Asia Plus, Dushanbe**

Several Internet service providers have unblocked access to the Asia Plus’s web site www.news.tj

Previously, the government communications service explained that the access was blocked by technical reasons. However, the media community is confident that the authorities are hiding the truth about the military operation in Gorno Badakhshan.

Experts and human rights watchdogs interpret the hasty actions of the authorities as a serious violation of the basic constitutional right – free access to information. Moreover, this has led to panicking and dissemination of various rumors about the events in that region.

26 July **Youtube**

Several Internet service providers in Tajikistan have blocked access to YouTube, the biggest video hosting service.

According to the local Internet service providers, the order came from the government communications service.

Prior to that, the Internet service providers blocked access to several local web sites belonging to the Tajik and foreign information agencies.

4. Ungrounded limitation of access to information

5 July **All media, Dushanbe**

In March 2005, the Tajik President Emomali Rakhmon issued a decree obliging all ministries and government agencies to conduct regular monthly press conferences. This measure was targeted to ensuring transparency of the state agencies’ activities and better access of the media to official sources of information.

In September 2011, amendments were introduced to the President’s decree, according to which heads of government agencies must meet with the media only twice a year.

Many experts consider that these arrangements are having a negative impact on the situation in the area of freedom of the media.

23 July **Ministry of Energy and Industry, Dushanbe**

At a press conference held on 23 July in Dushanbe, the Tajik minister of energy and industry refused to provide a comment about the situation at the Roghun hydropower plant. He stated that his agency is involved only in the issues regarding the project design documentation.

According to the Avesta news agency, all construction works at the Roghun hydropower plant are frozen.
<http://www.avesta.tj/rogun/13259-stroyka-veka-rogun-prevrashaetsya-v-sekretnyy-obekt.html>

Many contractors who worked at the object have been “sent on leave”. The official structures do not provide any comments although they repeatedly promised to ensure transparency in everything, which concerns the Roghun plant.

The minister suggested journalists to approach the joint stock company “Roghun HPP”.

III. CONFLICTS, VIOLATIONS, ACCUSATIONS

1. Demands to refute incorrect information

2 July

The First State TV Channel, Dushanbe

The Mayor’s Office filed a case against the First Tajik TV Channel for a program criticizing the municipal administration (Asia Plus, #50, 2 July 2012). According to the Mayor’s Office press secretary Shavkat Saidov, the TV Channel was biased in the covering of municipal problems ignoring refutations presented by the administration.

2 July

All media

The Tajik Interior Ministry demands the media to restrain from publishing non-verified information (Imruz News, #111, 2 July 2012).

The ministry says that some of the recent publications with ungrounded allegations might impede proper investigation of the assassination of Kholmumin Safarov, who was a relative to the President Rakhmon.

4 July

The Najot weekly, printing body of the Tajik Islamic Renaissance Party, Dushanbe

The Najot weekly, the printing body of the Tajik Islamic Renaissance Party (PIRT) (#27, 4 July 2012) published an article “Religion and politics have always been together”. The article was published in response to another publication in a district newspaper Nasimi Ifsara (#19, 25 May 2012).

The Najot weekly says that the article in Nasimi Ifsara is written in a “communist style” and contains a number of poorly justified accusations against PIRT and its leaders. The authors state that the article instigates hatred to Islam. Quoting segments from the original publication, the authors note that “PIRT does not help any development, but only criticizes shortcomings in the government”.

In response to these accusations, the Najot weekly states that the Islamic Renaissance Party has an intention to change the socio-political situation in the country for the better instead of praising the authorities – like the others do.

It is also noted in the article that similar publications appear in the media time and again sowing the seeds of hatred in the Tajik society.

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