

Freedom of Speech in Tajikistan March 2013

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March 2013

In March 2013, the Monitoring Service received 21 reports. Fifteen of them describe the factual situation in the media in the light of social, legal and political environment; four reports describe direct violations of rights of media professionals; and two reports describe conflicts and accusations against the media and journalists.

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

1. Statements of public officials defining the factual status of the mass media

11 March

Shukurjon Zukhurov, Parliament, Dushanbe

At a meeting with journalists, the chairman of Majlisi Namoyandagon Majlisi Oli (the Parliament) Shukurjon Zukhurov called on media professionals to restrain from committing mistakes to avoid conflicts with the authorities.

The meeting was organized on the eve of the Tajik National Press Day.

In recent time, there have been many legal proceedings caused by conflicts between the authorities and the media. The two latest cases are judicial complaints against the TojNews information agency and the ImruzNews weekly. Experts indicate a relation between the frequent lawsuits and the forthcoming presidential elections.

11 March

Gaibullo Afzalov, chairman of Khatlon province, Kurgan-Tube

The chairman of Khatlon province Gaibullo Afzalov held a meeting with media professionals on the occasion of the Tajik National Press Day.

The official indicated a big input of journalists and appreciated their efforts in social and economic development in Khatlon province.

Eight journalists working for government and private mass media received gifts from the administration.

11 March

Kokhir Rasulzoda, chairman of Sughd province

Chairman of Sughd province Kokhir Rasulzoda held a meeting with local journalists and gave them gifts on behalf of the administration.

The official acknowledged the hard creative labor of media professionals, which has a big positive impact on political and public developments in the society.

14 March

Saimurod Fattoev, state advisor to the President of Tajikistan, Dushanbe

The state advisor to the President of Tajikistan on social development Saimurod Fattoev indicated the feasibility and timeliness of an initiative launched by the Information-Communication Council under the President.

The initiative is targeted to promoting the culture of information in Tajikistan. In his letter to the president, the official supported the Charter of Members of the National Information Community in the Tajik segment of the Internet.

19 March

Emomali Rakhmon, President of Tajikistan

The President of Tajikistan Emomali Rakhmon signed a number of laws adopted by the Parliament.

On 19 March, the President signed the Law “On periodicals and other mass media”.

The official web site of the President says that “The new media law is adopted with the consideration of contemporary challenges; it defines organizational and legal bases for printing and other mass media; it provided guarantees of the freedom of speech and regulates relations in this area”.

2. Factual situation in the media and the freedom of speech

4 March

TV Poitakht, Dushanbe

The TV channel Paitakht will resume broadcasting on 4 March. According to Abdukodir Abdukahhor, director of the TV company, the station has received necessary spare parts for the transmitter from the Ukraine.

The broadcasting was terminated on 24 February by the reason of a technical failure. There have been many speculations regarding the “relation” between the forthcoming presidential elections and the termination of broadcasting. Abdukahhor denies such a relation.

12 March

Gaibullo Afzalov, chairman of Khatlon province

On 11 March, at a meeting with media professionals on the eve of the National Press Day, the chairman of Khatlon province Gaibullo Afzalov expressed concern over unsatisfactory work of local periodicals.

The official noted that the main reason for that is the lack of financing. He called upon heads of district administration to find resources for supporting the media.

13 March

Zarif Alizoda, Ombudsman, Dushanbe

Zarif Alizoda, the Ombudsman of the Republic of Tajikistan noted in the annual National Human Rights Report that the blocking of information portals and web sites (by the Tajik communication authorities) is the violation of citizens' rights.

The Report published in March 2013, gives many examples of violations of basic rights, such as the right of free access to information.

In recent months, the Tajik communication service under the President repeatedly gave orders to local Internet service providers to block access to such web resources as Facebook, www.ozodi.org, www.news.tj, www.tojnews.tj and many others.

The report says that “the limitations in access to web sites leads domestic Internet users away from sources of information, which has a negative impact on the national information security”.

14 March

All media, Dushanbe

The Millat weekly conducted an opinion poll among its readers to define the most influential printing outlets in Tajikistan.

“It is quite difficult to define the most influential newspapers... There have been two major periods in the development of the Tajik printing media – the Soviet period and the era of independence. In the Soviet time, the most popular were Charogi Ruz, Javoni Tojikiston, Adabiyot va Sanat, Maorif va Madaniyat, Adolat, Rastokhez, Sukhan, Sadoi Shark, farkhang, and Ilm va Khayot. In the post-Soviet period, the most popular are Millat, Asia Plus, Farazh, SSSR, Charkhi Gardun, Niokh, Nerui Sukhan, Ruzi Nav, Odamu Olam, ImruzNews, and Najot.

15 March

TV Poitakht, Dushanbe

On 14 March, the Paitakht TV resumed broadcasting. The work of the TV company was terminated on 24 February because of a technical failure.

According to Abdukodir Abdukahhor, the director of TV Poitakht, the station will broadcast on weekends (2 hours in the morning and 6 hours in the evening), and during the weekdays, from 12 p.m. till midnight. This schedule will be valid until the full rehabilitation of the TV station's broadcasting equipment.

The TV station was created in 2012. At present, it covers the whole area of Dushanbe and some of suburban districts.

28 March

Samad Khikmatov, deputy chairman of the TV & Radio Committee, Dushanbe

Two TV companies – Asia (Sughd province) and Simoi Mustakili Tojikiston expressed a desire to switch to the mode of digital broadcasting.

The intention was expressed at the national conference “Transparency and the realities of transition to digital broadcasting in Tajikistan” organized by the Sodeistvie Foundation.

Samad Khikmatov, deputy head of the government TV & Radio Committee stated that at present, the country has all technical capabilities for digital broadcasting. “Those who wish to start broadcasting in digital format can approach our agency, and we will provide you with an appropriate frequency and relevant technical services”, - he said.

At present, four state TV stations broadcast in digital format: Shabakai Avval (The First Channel), TV Safina, TV Jahonnamo, and the television for children Bakhoriston.

3. Journalists protecting their civil and professional rights

4 March

ImruzNews, private newspaper, Dushanbe

The ImruzNews weekly published an official letter of protest against the verdict of the Ismoil Somoni district court. The court ruled to apply administrative punishment against 12 public officials.

The lawsuit was initiated by Rustam Khukumov, a relative of an influential Tajik public official. The complainant had troubles with Russian law enforcement agencies in relation to drug smuggling; he spent some time in custody in Russia, but eventually, was released. Both Tajik and foreign media speculated a lot about Khukumov's release from the custody and tension between diplomatic agencies of Russia and Tajikistan, which allegedly had a lot to do with Khukumov.

The statement released by ImruzNews indicates that the verdict of the judge Sherzod Nizomov is unlawful and unfair. According to the court decision, the newspaper must pay a moral compensation to the complainant in the amount of 50 thousand Somoni (more than \$10 thousand) and to apologize for a publication "defaming" certain Tajik public officials.

The newspaper states that the judge conducted all court sessions in a "unilateral" manner, considering only the claims of Khukumov, and eventually, rendered the verdict in his favor. The editor of ImruzNews Naziri Nusrat said that the repeated declines of the newspaper's claims is the evidence of the court's unfairness.

The statement also says that the sessions held behind closed doors and numerous dismissals of appeals challenges the fairness of the Tajik judicial system.

4 March

TV Jahonoro, Khujand, Sughd province

The city court in Khujand closed the administrative case against a journalist of TV Jahonoro.

The lawyer Muhabbat Juraeva who protected the interests of the TV station, told the media that the case is closed according to Article 33 of Tajikistan's Administrative Code, which says that a citizen cannot be brought to responsibility after the expiry of a three-month term after committing an offence.

On 6 September 2012, a journalist presented a TV story about a fire at the Korvon market in Dushanbe. The information was taken from the original source - a web site of the TojNews information agency.

The lawyer Juraeva repeatedly stated that the case against Mohira Vokhidova, head of the Jahonoro news unit was initiated unlawfully. The court launched investigation into the case according to Article 373 of Tajikistan's Administrative Code (dissemination of media products).

28 March

All media, Dushanbe

The Tajik Union of Journalists and the Ministry of Culture launched a professional contest "Media Against Corruption".

The contest will be conducted according to the action plan developed by the National Anti-corruption Council within the framework of the National Anti-corruption Strategy for the period of 2013-2020.

The main goals of this activity is strengthening of public awareness and changing the social behavior to prevent corruption and attract the mass media for creating a better environment for the implementation of the government's anti-corruption efforts.

The Ministry of Culture invites legal entities (TV and radio companies, news agencies, creative unions, etc.) and freelance correspondents working for electronic and printing media.

Materials on 13 thematic nominations printed or broadcast in Tajik and Russian languages from 1 February 2013 to 1 February 2014, can be presented to the jury.

28 March

All media, Khorog, GBAO

The Tajik Union of Journalists and the Independent Media School "Tajikistan - XXI Century" held a seminar "The mass media and child's rights" in the city of Khorog, the administrative center of Gorno-Badakhshan. The seminar attended by 15 media professionals from state and private institutions is funded by UNICEF.

Participants exchanged their experience and ideas in the area of public awareness on the issues of child's rights. They also indicated the necessity of strengthening professional skills, studying legal and moral aspects of problems in that area, as well as the need of better cooperation between the media, government agencies and the civil society.

II. VIOLATION OF RIGHTS

1. Appeal from judgment

7 March

ImruzNews weekly, Dushanbe

On 7 March, the private weekly ImruzNews presented an appeal against the decision of the Ismoili Somoni district court on the claim of Rustam Khukumov who demanded a moral compensation from the newspaper in the amount of 50 thousand Somoni.

The editor of ImruzNews Naziri Nusrat told the media that the newspaper requires the recall of judgment with further reconsideration in a court of upper authority.

In October 2012, ImruzNews published an article titled “Khukumov and Bakiev are a real headache for their fathers”. In January 2013, Khukumov approached the Ismoili Somoni district court with a complaint demanding a moral compensation from the newspaper. Khukumov also demands a public apology from ImruzNews.

2. Accusation of defamation

Mapm, 14

ImruzNews weekly, Dushanbe

On 14 March, the economic court in Dushanbe started investigation into the complaint of the Tojiron company against the ImruzNews weekly and the lawyer Faizinisso Vokhidova for libel.

Journalists were allowed to attend court hearings.

At the hearings, Vokhidova stated that the investigation of this case in the economic court contradicts the provisions of Article 32 of Tajikistan’s Law on Economic Courts, but the Dushanbe city court ignored her statement.

19 March

Nigokh weekly, Dushanbe

The rector of the Tajik National Arts Institute Asliddin Nizomov demanded a moral compensation in the amount of 60 thousand Somoni for libel and insult from the Nigokh weekly and six professors who formerly worked at the Institute.

On 15 March, the Firdausi district court started hearings on the case. However, the claimant stated that he will be satisfied if the professor present their apologies in the newspaper, and is would be ready to recall his complaint.

On 13 February 2013, Nigokh published an article titled “Brain drain from the Arts institute”, which was seen as insulting by the rector.

3. Denial of accreditation of a foreign medium

28 March

Abdukayumi Kaiumzod, Radio Ozodi, Dushanbe

The Tajik Foreign Ministry denied accreditation of Abdukayumi Kaiumzod, correspondent of the Tajik service of Radio Free Europe / Radio Liberty (Radio Ozodi).

The journalist told the Nigokh weekly (#1, 27.03.2013) that the problem emerged last year. Initially, the Ministry provided him with a short time accreditation (for three months), but later, officials did not prolong the accreditation. Kaiumzod says that he is not aware of reasons for such decision, but he keeps working for Radio Ozodi.

III. CONFLICTS, ALLEGED VIOLATIONS, ACCUSATIONS AGAINST THE MEDIA

1. Accusation of defamation

13 March

ImruzNews weekly, Dushanbe

The Tojiron company applied to the Supreme Economic Court with a complaint against the ImruzNews weekly and the lawyer Faizinisso Vokhidova demanding 50 thousand Somoni from the lawyer and a symbolic amount of 1 Somoni from the newspaper as a moral compensation for libel.

An article published by Nigokh (#40, 11.03.13) says that Tajik officials somehow demand this particular amount – 50 thousand Somoni – as a moral compensation, wishing to intimidate or destroy a medium or punish a journalist or a lawyer.

28 March

ImruzNews weekly, Dushanbe

At the first court hearing on the complaint of the Tojiron company against the ImruzNews weekly and the lawyer Faizinisso Vokhidova, the judge Azizbek Sharbatov suggested for the parties to find an amicable agreement.

Vokhidova told the media that the plaintiff's attorney rejected the offer of the judge saying that "the matter concerns a deliberate dissemination of information defaming the company's business reputation".