

Freedom of Speech in Tajikistan October 2013

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In October 2013, the Monitoring Service received 24 reports. Eight of them describe the factual situation in the media in the light of social, legal and political environment; three reports describe direct violations of rights of media professionals; and thirteen 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. Journalists protecting their professional rights

12 October

All media, Dushanbe

On 10-12 October, the Tajik National Association of Independent Mass Media (NANSMIT) held a seminar on the aspects of professional activities in the media. The seminar was held within the frameworks of the project "Management and safe activities in the Tajik mass media" financed by the International Media Support, Denmark.

The seminar was attended by managers and editors from Dushanbe, Khatlon province, and the cities of Tursunzade and Penjikent.

14 October

All media, Khujand, Sughd province

The Tajik National Association of Independent Mass Media (NANSMIT) held a seminar in the northern city of Khujand to discuss the issues of management and legal aspects of professional activities in the media.

According to Nuriddin Karshoboev, chairman of NANSMIT, participants received useful information to ensure professional safety through proper application of the legislation in management. Oleg Panfilov, professor of the Georgian State University was the main speaker at the seminar. Among the topics discussed at the seminar, were the following: "Practical application of the international standards of the freedom of information", "Problems related to defamation in the media", legal persecution of media professionals", "Information security in the media", "Rules of legal security for the media".

29 October

The Tajik National Association of Independent Mass Media (NANSMIT), Dushanbe

"The criminal case initiated against Makhmadyusuf Ismoilov is politically motivated and targeted to limiting the freedom of speech in Tajikistan", - said Nuriddin Karshiboev, chairman of NANSMIT.

"The verdict of the court is very tough. Ismoilov was sentenced to 11 years; I think that the lawyers will appeal against the judgment. His guilt was not proven during the court hearings", - he added

26 October

All media, Dushanbe

The OSCE Bureau in Tajikistan and the Tajik Justice Council held a seminar on the issues of participation of the media in legal trials.

Inter alia, participants learned about the order of complaints and appeals regarding the cases of protection of honor, dignity, reputation and defamation.

31 October

All media, Khujand, Sughd province

The Tajik National Association of Independent Mass Media (NANSMIT) held a seminar in Khujand, Sughd province on the topic "Management and economic aspects in the mass media".

Nuriddin Karshiboev, chairman of NANSMIT told the media that the seminar is conducted within the framework of the project "Management in the media and safe journalism in Tajikistan". The main goal of the project and the seminars is to reach economic sustainability ensuring the availability of alternative sources of information.

Rustem Safronov, deputy head of the Washington D.C. bureau of Radio Russia and the former deputy head of the Russia Today (RT) TV channel was the main trainer and facilitator at the seminar.

Participants discussed the following topics: "Successful management in the media – key to economic success", "Marketing and the mass media – an element of sustainability", "Advertisement and commercial activities in the media", "Taxation in the media", "Systematic approach to demand and supply in the media", "A medium as an economic agent", and other topics.

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

2 October

Olga Tutubalina, Asia Plus weekly, Dushanbe

Olga Tutubalina, the editor of the Asia Plus weekly received an order from the Saint Petersburg Foundation of Honor and Courage.

This award is a token of public respect to heroes and those who perfectly perform professional duties in military conflicts, as well as in peaceful time; the award is also given to citizens for their achievements in public, state, cultural and non-commercial activities.

Olga Tutubalina is the owner of other awards; in 2011, she was acknowledged as the most courageous professional in Tajikistan (according to the opinion poll conducted by the Millat weekly).

7 October

All media, Khujand, Sughd province

The administration in Sughd province conducted a seminar for journalists with the purpose of ensuring transparency in the forthcoming presidential elections.

According to www.pressa.tj, among the organizers and participants, there were representatives of the President's administration, the Tajik parliament, the Ministry of Justice, and members of the Central Commission on Elections and Referenda.

Similar events will be held in Kurgan-Tube, Kulyab and in Gorno-Badakhshan Autonomous Oblast (GBAO).

22 October

Human Rights Watch, USA

Human Rights Watch expressed concern over the persecution of the opposition activists in Tajikistan, as well as intimidation of the leaders of the opposition political parties by the authorities and attempts to get access to political dissidents residing abroad.

"The government has also limited the freedom of the mass media, whereas the state media constantly ensure Rakhmon's positive image ignoring the coverage of the opposition candidates and avoiding alternative viewpoints and criticism. The independent television does not exist in Tajikistan. The government's actions undermine the freedom of assembly and the freedom of expression, thus raising the question about its adherence to fair and impartial presidential elections", - says the statement issued by Human Rights Watch.

II. VIOLATION OF RIGHTS

1. Denial of access to information

2 October

Jamshed Marufov, editor, Radio Payvand, Khujand, Sughd province

Editor of Radio Payvand Jamshed Marufov approached the Customs Committee branch in Sughd province to receive information for his program on the topic of export and import in the region.

The journalist wanted to get the data mainly on the volumes of imported goods and customs fees for 9 months of 2013 in Sughd province. However, the head of the Sughd province Customs branch refused to provide the journalist with these data.

2. Breach of confidence during investigation and presumption of innocence

2 October

TV Shabakai Avval, TV Jahonoro, Dushanbe

The lawyers of Zaid Saidov, the Tajik entrepreneur and political opponent of President Rakhmon told the media at a press conference that they are going to apply to the Prosecutor's Office regarding the unlawful broadcasts by two state TV companies defaming their client and violating the principle of presumption of innocence.

The lawyers refer to Article 361 of the Tajik Criminal Code (disclosure of information received during interrogation and preliminary investigation.

2. Violation of the freedom of expression

1 October

Sherafgan Latipov, press center, State Road Traffic Inspection, Dushanbe

Sherafgan Latipov, employee of the State Road Traffic Inspection's press center told the media that the Interior Ministry initiated "a line-of-duty investigation" against him after he had given comments to Radio Ozodi (Radio Free Europe / Radio Liberty) about the situation in the area of traffic regulations in the capital.

III. CONFLICTS AND VIOLATIONS OF RIGHTS IN THE MEDIA

1. Protection of honor, dignity and business reputation, moral compensation

2 October

Olga Tutubalina, editor, Asia Plus weekly, Dushanbe

Inoyat Inoyatov, the lawyer of the Tajik private weekly Asia Plus and its editor Olga Tutubalina applied to the Firdausi district court in Dushanbe asking to check and reconsider the correctness of the complaints' action.

Inoyatov told the media that the court should also demand properly processed proxy6 letters from complainants - the letters confirming that the complainants have been delegated the authority to represent engineers, technicians, doctors, professors, lawyers, employees of scientific and cultural institutions, public servants, etc.

"The Academy of Sciences, the unions of writers, composers, artists and architects have no legal authorities whatsoever to institute a suit on behalf of engineers, technicians, physicians and representatives of other professions; neither do they have anything like that written in their charters. The citizens Askarali Rajabov, Khikmar Rakhmatov and Dilbar Abdieva - as individuals - also do not have such a right or authority", - added the lawyer.

7 October

Samak weekly, Dushanbe

The Firdausi district court in Dushanbe rejected the statement of claim against the Tajik weekly Samak. In June 2013, the poet and former chairman of the Tajik Union of Writers Askar Khakim applied to the court demanding moral compensation in the amount of 150 thousand Somoni (\$1=4,75 TJS).

According to Samak's lawyer, Inoyat Inoyatov, the court "shelved" the claim because it is not in compliance with formal requirements; otherwise, the claim is not supported by certain documents.

"The judge provided the claimant a chance to rectify mistakes and present the missing documents. Besides that, according to the legislation, the poet must pay a state fee in the amount of 7 percent of the amount, which he demands as moral compensation", - said the lawyer.

On 20 March 2013, the Samak weekly published an article titled "The non-problematic Tajik intelligentsia", where Askar Khakim "noticed criticism against him".

14 October

Olga Tutubalina, editor, Asia Plus, Dushanbe

On 12 October, the Firdausi district court in Dushanbe held hearings on the case of "intelligentsia against Olga Tutubalina and Asia Plus".

A representative of complainants stated that the Asia Plus weekly and its editor Olga Tutubalina should pay a moral compensation to three individuals - Askarali Rajabov, Dilbar Abdieva and Khikmat Rakhmatov; the Tajik Academy of Sciences demands official apologies.

At one of the hearings, Khikmat Rakhmatov stated that he is not familiar with the contents of Tutubalina's article, but he "feels humiliated by the word "shit" in the article". "I am concerned - because it touches upon my honor and dignity", - he said. - "Yes, I am aware that my name is not mentioned there [in the article], and the whole story is about the arrival of Bozor Sobir [the poet] to Tajikistan".

Answering the question of the lawyer regarding the definition of the word "intelligentsia" and "what he [Mr. Rakhmatov] has do with intelligentsia?", he responded that "he came to the hearings, not to an exam...

Another complainant, Askarali Rajabov told the court that "he belongs to intelligentsia and this is enough". "My honor and dignity are affected!" - he said.

The lawyer reminded the judge that the president of the Tajik Academy of Sciences and the chairman of the Union of Writers have not attended the hearings. (that was the fourth court session when the persons mentioned above did not attend).

2. Обвинение в вымогательстве и мошенничестве

29 October

Makhmadyusuf Ismoilov, freelance journalist, Asht district, Sughd province

The Asht district court in Sughd province started hearings on the case of Makhmadyusuf Ismoilov, freelance correspondent of the Nigokh weekly.

Ismoilov is being charged on the accusations of extortion (Article 250 of the Tajik Criminal Code). He is also accused of “embezzlement and fraud committed against individuals abusing of power”.

On 29 October, the court sentenced Ismoilov to 11 years in prison; the court also obliged the convict to pay more than 5 thousand Somoni (more than \$1 thousand) to the complainants, to reimburse their losses.

The journalist’s lawyer Sadriddin Saidov told the media that the defence does not accept the court’s verdict considering it poorly grounded. “The verdict is based on allegations, and the collected evidence does not prove the guilt of the defendant. We are going to appeal against the verdict at the Sughd province court”, - he added.

3. Defamation, business reputation

29 October

TV Safina, TV Jahonnamo, TV Shabakai Avval, Dushanbe

The Ismoili Somoni district court in Dushanbe started hearings on the lawsuit lodged by the Islamic Renaissance Party (PIRT) against three state TV stations - TV Safina, TV Jahonnamo and TV Shabakai Avval.

The Party accused the TV stations of broadcasting programs defaming the reputation of PIRT.

Initially, the court obliged the State Broadcasting Committee to prepare its response to PIRT and to explain the actions of the three government TV stations.

PIRT’s lawyer told the media that the Party has presented sufficient facts and evidence confirming that the state television intentionally defames reputation of the influential opposition party.

On 29 October, the court dismissed the claim explaining that the programs broadcast by the government TV stations were produced by freelance journalists who do not work officially for the state television. The judge said that the TV programs were financed by local administrations.

The PIRT’s lawyer told the media that the Party is going to appeal against the court’s decision.

Initially, the Islamic Renaissance Party applied to the court on 19 September. In its statement the Party said that “with the beginning of the election campaign, the State Broadcasting Committee conduct propaganda against PIRT actively using technical resources of the government TV stations. PIRT asked the defendants to apologize officially for the information campaign which defames and discredits the Party.

4. Plagiarism

22 October

Ilkhomjon Khamidov, deputy dean of the journalism faculty, Tajik National University, Dushanbe

Activists of social networks accused Ilkhomjon Khamidov, professor of the Tajik National University of plagiarism.

On 19 October, Khamidov, the deputy dean of the journalism faculty published an article on the web site of Asia Plus news agency titled “Why do I vote for Emomali Rakhmon?”

Users of Facebook found “stolen segments” in Khamidov’s article. The professor used pieces from the speech of the Ukrainian President Victor Yanukovich (the speech was made in 2009). The Tojnews agency also published a reference to the original source - the speech of Victor Yanulovich.

5. Violation of ethical standards

7 October

All media, Dushanbe

The Tajik Media Council named the media outlets, which frequently violate ethical standards.

According to the Council’s observations and assessment, the main violators are the newspapers Charkhi Gardun, Zan va Mard, Oila, Muhabbat va Oila, and Mushfiki.

The Council also named other printing outlets - those who sometimes ignore the ethical principles. Among those are Naradnaya Gazeta, Minbari Khalk, Farazh, and Samak.

