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Many recent developments in **Central Asian** states that are aimed at restricting freedom of expression and media freedoms appear to have been prompted by fear of uprisings similar to that in Kyrgyzstan in 2005 and the Andijan protests.

Media freedom is steadily narrowing in **Kazakhstan**, particularly as a result of the use of defamation laws, concentration of most media in the hands of President Nazarbayev's family and his political allies, and the new media law and other legislation. An April 2006 analysis by Adil Soz, a local media freedom NGO, showed that Kazakhstan has the strictest media legislation in the Commonwealth of Independent States (CIS).¹ In addition, pressure on the few existing independent and opposition media has increased, also characterized by threats from the prosecutor general's office prior to the December 2005 presidential elections.²

The new media law,³ which was signed into law on 5 July 2006 despite protests, gives rise to serious concern. The law, for example, makes registration for license mandatory for all media; provides for unacceptable grounds to deny registration; and prohibits a media outlet to use more airtime to broadcast in a language other than the state language.⁴ Moreover, re-registering is required for minor administrative changes.⁵ Before the new media law came into force, two newspapers, *Aina Plus* and *Alma-ata info*, were suspended for three months for having changed their thematic focus. Thematic focuses can only be changed with official approval. A similar warning was sent to *Gorod 326*.⁶

¹ Adil Soz/IFEX, Legal situation for media deteriorating; three more newspapers face continued sanctions over registration requirements, 24 April 2006, <http://www.ifex.org/en/content/view/full/73961>.

² See *Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2006, Events of 2005*, p. 225, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4255.

³ "On Amendments and Additions to Some Legislative Acts of the Republic of Kazakhstan on Matters related to Mass Media."

⁴ See amended law on Adil Soz website, <http://adilsoz.kz/site.php?lan=russian&id=444&pub=653>.

⁵ IFEX, "Free Expression Group Slams Amended Media Law," <http://www.ifex.org/alerts/layout/set/print/content/view/full/75624/>.

⁶ Adil Soz/IFEX, "Legal situation for media deteriorating; three more newspapers face continued sanctions over registration requirements," 24 April 2006, <http://www.ifex.org/en/content/view/full/73961>. Other restrictive legislation includes the January 2006 amendments to the Code of Administrative Offences, introducing new offences and sanctions under directives related to the press and information.

In **Kyrgyzstan**, on the other hand, a new law on public service broadcasting, which is generally consistent with international standards, was adopted on 8 June 2006, but it has not come into force because President Bakiev has refused to sign it into law.⁷ The new law is an outcome of cooperation with NGOs and would, among other things, help ensure pluralism of opinions, transparency and editorial independence in the public broadcast media KTR. It would also help minorities get their voices heard in the KTR, and provides for a supervisory board that would be politically independent.⁸ Instead of transforming the KTR into a public outlet, the president intends to set up a new “public” television station El TR, a move local media and human rights monitors have rejected as superfluous and as a sign of reluctance to lose control over important media outlets.

Providing for media independence was one of the priority issues on the new government’s agenda following the 2005 “Tulip Revolution,” especially transforming the state broadcast media into genuine public media. Yet, reform has been slow and recent developments give rise to concerns over possible backward steps. Such fears have been fueled also by statements from the prosecutor general who claimed at the end of 2005 that the media sought to “destabilize the situation in the country.”⁹ In January 2006, the prosecutor general issued formal warnings to editors-in-chief of the newspapers *Litsa* and *Komsomolskaya Pravda v Kyrgyzstane* for reporting on alleged government corruption and threatened to take legal action.¹⁰ In addition, the ownership status of the TV channel “Pyramid TV” remains unclear after it was changed under mysterious circumstances in December 2005.

In **Uzbekistan**, the May 2005 Andijan massacre was a further milestone in the crackdown on independent reporting and freedom of expression: in addition to silencing peaceful demonstrators, independent and other individuals critical of the Andijan incident have faced intimidation, arrests, imprisonment, physical attacks and were labeled as “enemies of the state.”

The 24 February 2006 government regulations represent a new tool in the obstruction of free reporting. They allow the Foreign Ministry wide discretion to issue formal warnings to foreign correspondents, revoke their accreditation and visas, and to expel them.¹¹ The new regulations prohibit Uzbek citizens from working for foreign state-funded media without Foreign Ministry accreditation and bar foreign correspondents from “interfering in the internal affairs of the Republic of Uzbekistan,” among other things.¹²

Many government critics, human rights defenders and journalists have fled the country while several international press agencies have been forced to close their Uzbek bureaus, including Internews, BBC World Service, and Radio Free Europe/Radio Liberty (RFR/RL).¹³ In March

⁷ Article 19, “Kyrgyzstan: New Law on Public Service Broadcasting 12 July 2006,” letter to President Kurmanbek Bakiev, <http://www.article19.org/pdfs/letters/kyrgyzstan-new-psb-law.pdf>.

⁸ Article 19, open letter to President Kurmanbek Bakiev, 12 July 2006, <http://www.article19.org/pdfs/letters/kyrgyzstan-new-psb-law.pdf#search=%22Law%20on%20public%20service%20broadcasting%20Kyrgyzstan%22>.

⁹ Freedom House, *Freedom of the Press, Country Report 2005*, <http://www.freedomhouse.org/template.cfm?page=16&country=6996&year=2006>.

¹⁰ Committee to Protect Journalists (CPJ), “Prosecutor threatens legal action against two editors,” 12 January 2006, <http://www.cpj.org/news/2006/europe/kyrgyz12jan06na.html>.

¹¹ Posted at the website of *Gazeta,uz*, <http://www.gzt.uz/cgi-bin/politics.cgi?lan=r&id=45&pid=0>.

¹² CPJ, “Uzbekistan targets reporters for German broadcaster,” 16 March 2006, <http://www.cpj.org/news/2006/europe/uzbek16mar06na.html>.

¹³ IHF, *Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2006, Events of 2005*, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4255.

2006, a reporter of the German broadcaster Deutsche Welle was stripped of accreditation for alleged “inaccurate” reporting, and others were warned.¹⁴ In June, the presidential administration pushed through a dismissal of six journalists working for state-owned news media for freelancing for independent or foreign media.¹⁵ Journalists fired for working for independent or foreign news media are blacklisted and are virtually unable to get any other work.¹⁶

Individual journalists continue to be harassed. Nosir Zokirov, a former correspondent for the Uzbek service of RFE/RL served six months in prison after an unfair trial. Dadakhon Khasanov, a dissident poet and singer, was sentenced to three years conditional deprivation of liberty on 8 September for “endangering the President of the Republic of Uzbekistan,” “violating the constitutional system of the republic of Uzbekistan” and “the production or propagation of materials which contain a threat to public safety and to social order.” The trial was held behind closed doors and it appears that Khasanov was put under pressure to dismiss his defense lawyers.¹⁷ The charges stem from a song Khasanov wrote and recorded in commemoration of the Andijan massacre.¹⁸

Turkmenistan has been called by Reporters Without Frontiers as one of the worlds “black holes” for news where “privately-owned media is not allowed and freedom of expression does not exist.”¹⁹ Nevertheless, Turkmenistan’s president, Saparmurat Niyazov, still complained on 1 September 2006 that state radio and television are not responsible enough, despite having been reprimanded several times in the past.²⁰

The country’s opposition activists are either exiled, in prison or in forced psychiatric detention, as the case of 70-year-old Kakabai Tedjenov, a vocal critic of President Niyazov’s administration, demonstrates: he has been forcibly confined in a psychiatric hospital since January 2006 under charges that remain unknown. The IHF has evidence that he is often held in inhuman conditions and moved from one psychiatric hospital to another.²¹

RFE/RL reporters, who are virtually the only sources of uncensored information, have been singled out for serious harassment. Two of them were arrested in March and were released only

¹⁴ CPJ, “Uzbekistan targets reporters for German broadcaster,” 16 March 2006, <http://www.cpj.org/news/2006/europe/uzbek16mar06na.html>.

¹⁵ Reporters Without Frontiers/IFEX, “RSF condemns the dismissal of six journalists from state-owned news media,” 2 August 2006, <http://ifex.org/eng/content/view/full/76102/>.

¹⁶ Ibid.

¹⁷ Prima-News, “Dadakhon Khasanov sentenced to three years conditional deprivation of freedom,” 13 September 2006, <http://www.prima-news.ru/eng/news/news/2006/9/13/36731.html>.

¹⁸ CPJ, “Government continues harassment of independent journalist,” 2 August 2006, <http://www.cpj.org/news/2006/europe/uzbek02aug06na.html>.

¹⁹ Reporters Without Frontiers, “*Worldwide Press Freedom Index 2005*, North Korea, Eritrea and Turkmenistan are the world’s “black holes” for news,” http://www.rsf.org/rubrique.php3?id_rubrique=554.

²⁰ RFE/RL, “Turkmen President Criticizes State Media,” 1 September 2006, <http://www.rferl.org/featuresarticle/2006/9/EFE0A3E1-DAC7-4BE6-983B-E838C851676B.html>.

²¹ IHF, “Turkmen Dissident Remains in Forced Psychiatric Detention Despite International Appeals,” open letter to Karel De Gucht, OSCE Chairman-in-Office, 30 August 2006, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4293. See also the IHF open letter to all OSCE delegations on 13 February 2006, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4197.

after being coerced to confess being traitors and fomenting interreligious hatred.²² In June, another RFE/RL correspondent and a human rights defender, Ogulsapar Muradova, was arrested together with other human rights activists and sentenced to a six-year prison term on 25 August in a few-minute show trial²³ for illegally possessing ammunition.²⁴ She died in custody in September, less than a month later, under suspicious circumstances that the Turkmen authorities have yet to explain.²⁵

With the presidential election approaching in **Tajikistan** in November, and following the 2005 popular uprisings in Kyrgyzstan and Andijan, the Tajik government has increasingly tightened its grip on media reporting both by local and foreign media outlets in the past eighteen months. At this writing, the latest move was to reject the BBC's application for a broadcasting license. The 2005 law On Licensing Certain Types of Activities has been used to both keep foreign broadcasters out of the country and to create significant obstacles for the registration of local broadcast media. What is more, new restrictions on independent media appear to be in the pipeline: in June, the Ministry of Culture announced legal amendments which require re-registration of all non-state media²⁶ – a measure that could serve as a means to close down independent outlets.²⁷

Since the 2005 election victory of President Rahmonov's People's Democratic Party – which monitors characterized as tainted – authorities have also cracked down on political opponents. The death of an IRP activist, Sadullo Marufov, in custody on 4 May 2006 under suspicious circumstances raised new questions about the personal security of political opponents. The IRP itself claims that many of its members have been illegally detained over the past two years. Also other opposition politicians have faced threats when addressing corruption and other abuse.²⁸

In **Belarus**, the independent media suffers from administrative harassment, economic pressure, and defamation charges, which lead to widespread self-censorship. Open discussion of issues of public importance is impossible and access to information is seriously hampered. The continuously shrinking freedom of expression was demonstrated again around the March 2006 presidential election: thousands of individuals were arrested, among them dozens of journalists, and summarily tried, and sentenced to up to 15-day arrests for alleged "hooliganism" or "using obscene language" in public.

Vaguely defined legal regulations, including amendments to the Criminal Code that came into force in January 2006, and criminal and civil defamation provisions, have a chilling effect on genuine journalism: for example, "fraudulent representation of the political, economic, social, military or international situation of [...] Belarus" is regarded as "discrediting" Belarus and carries imprisonment for up to two years. Defamation provisions provide special protection to the

²² RFE/RL, "Turkmenistan: The Harrowing Experience Of A Detained Journalist," 22 March 2006, <http://www.rferl.org/featuresarticle/2006/03/840c1c7d-92ff-4780-843a-9598b8549963.html>.

²³ See IHF intervention on the independence of the judiciary and the right to fair trial, p. 25.

²⁴ RFE/RL, "RFE/RL Turkmen Correspondent Sentenced to Six Years in Prison," 25 August 2006, <http://www.rferl.org/releases/2006/08/433-250806.asp>.

²⁵ IHF, "Imprisoned Turkmen Journalist and Human Rights Defender Dies in Custody," 14 September 2006, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4302. See also the IHF intervention on human rights defenders, p. 30.

²⁶ To laws "On Printing and Other Media" and "On the Publishing Business."

²⁷ Eurasia.org, "Tajik Government 'Tightening the Screws' on Independent Media," 25 August 2006, <http://www.eurasianet.org/departments/insight/articles/eav082506a.shtml>.

²⁸ Eurasia.org, Sue Simon, "President Rahmonov is Taking No Re-election Chances," 17 May 2006, <http://www.eurasianet.org/departments/civilsociety/articles/eav051706.shtml>.

president with a maximum prison sentence of five years in prison, or forced labor.²⁹ Further, anti-terrorism amendments prohibit the use of mass media for distribution of information that can be used to justify terrorism. Most importantly, while the legislation already provides for unacceptable limitations, the practice is even more restrictive.

As a result of continued harassment, Andrei Shentarovich, editor of the critical weekly *Mestnaya Gazeta*, left Belarus in late March 2006 for Ukraine after being subjected to constant harassment by the authorities. His weekly, in operation since 2001, was one of Belarus' few remaining independent newspapers. Shentarovich was arbitrarily arrested on 18 March, a day before the presidential election, charged with "hooliganism" and sentenced to three days in detention in a summary trial. He had published articles denouncing corruption and was recently hindered from publication.³⁰

Recommendations

1. To the government of **Kazakhstan**:
 - Promptly propose amendments to the media law adopted in July to bring it up to par with international standards for freedom of expression. In the meantime, the execution of the law should be suspended;
 - Take swift steps to move defamation provisions from criminal law to civil law and amend them so as to ensure that the sanctions for defamation or libel are proportional to the harm caused. The laws should entail the principle that public officials must be able to endure more criticism than ordinary citizens.
2. To the president and the government of **Kyrgyzstan**:
 - The president should sign into law the legal act on public service broadcasting, adopted on 8 June 2006, because it is generally in line with international standards and would bring about important improvements to the public broadcasting system in Kyrgyzstan, as well as serve to increase media pluralism;
 - Refrain from all attempts to retain or gain influence on publicly funded media, in accordance with their public statements following the 2005 change of government. They should publicly promote pluralism of opinions, transparency and editorial independence in the public broadcast media.
3. To the government of **Uzbekistan** and the presidential administration:

²⁹ For more details, see information from the Belarusian Helsinki Committee in IHF, *Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2006, Events of 2005*, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4255, and IHF/BHC, "Freedom of Expression in Belarus, Contribution by the International Helsinki Federation for Human Rights and the Belarusian Helsinki Committee to the second Supplementary Human Dimension Meeting on Freedom of the Media, Protection of Journalists and Access to Information," 13-14 July 2006.

³⁰ Reporters Without Frontiers, "RSF backs independent newspaper editor who has sought asylum in Ukraine," 16 June 2006, <http://ifex.org/en/content/view/full/75100/>

- Lift the 24 February 2006 government regulations – and other restrictive regulations and practices – which serve as tools to obstruct free reporting, and stop interfering in the operation of the public broadcasters;
- Allow foreign media outlets to open bureaus and journalists to operate freely in Uzbekistan without administrative and other obstacles such as inadequate licensing and registration policies.

4. To the government of **Turkmenistan**:

- Immediately and unconditionally release Kakabai Tedjenov who is being held in forced psychiatric detention for political reasons;
- Conduct an independent investigation into the death of RFE/RL journalist and human rights defender Ogulsapar Muradova, and release immediately her co-defendants Annakurban Amanklychev and Sapardurdy Khajiev;
- Initiate legislative changes to ensure freedom of expression and provide a basis for an independent media landscape in Turkmenistan.

5. To the government of **Belarus**:

- Stop the harassment of the independent media, and relax the legislation concerning the media, beginning with the removal of the criminal defamation provisions.

6. To the **OSCE**:

- Continue close monitoring of media freedoms in the Central Asian participating States and enter into regular bilateral discussion with their governments in order to put an end to the steadily narrowing scope for freedom of expression and media freedom in those countries;
- With regard to Turkmenistan, the OSCE Chairman-in-Office should take up the case of Kakabai Tedjenov in bilateral discussions with the relevant Turkmen authorities and push for making information on the case more readily accessible.