

KYRGYZSTAN'S MASS MEDIA RE-REGISTRATION PROCESS IS OVER

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The media re-registration launched in April by the Ministry of Justice reduced the number of organisations from more than 600 to around 150. The process marked the first ever court action filed by the media against the Ministry.

In April 2001 Kyrgyzstan's Ministry of Justice announced the re-registration of political parties and media organisations, to be completed by July 1, 2001. During this period the Ministry registered 16 new media organisations. However on June 20 the Ministry rescinded their registration. The managers of *Moya stolitsa*, *Agym*, *Techenie* and *Zholtigen*, four newspapers amongst the 16 medias organisations, filed actions in the Bishkek city arbitration court against the Ministry of Justice, demanding cancellation of the, in their opinion, wrongful decision by the Ministry of Justice Board to rescind state registration. Ministry of Justice representatives had said that re-registration was necessary because numerous media organisations had infringed the current legislation, and also because many organisations existed only on paper.

NO MORE VIRTUAL MEDIA

Only the four above-named newspapers and some international organizations were especially concerned either about the re-registration process, or the negation of 16 newspapers' registration. Newspapers that had filled in their documents for registration in due time had already received new certificates. Some of the other media organisations from amongst the 16

who decided to not clash with the Ministry of Justice and to wait instead until October 1 have received their registration certificates. The re-registration deadline of July 1 was prolonged because of summer holidays and the temporary absence of managers of some of the media organisations, and October 1 was set as the new deadline. The total number of media organisations registered during the period April to October 2001 decreased from more than 600 to 147. 32 of these are electronic and 115 are print media enterprises. Erkinbek Mamyrov, the Deputy Minister of Justice, explained the decrease in number of registered media organisations because many existed only nominally, so that after re-registration the Ministry has got the real number of active media organisations. As to media organisations not re-registered in good time, they, according to Erkinbek Mamyrov, "will be appropriately sanctioned, deadline included." After October 1, these media organisations have no right to produce editions, but still have the chance to be re-registered. According to the Ministry of Justice registration department, about 30 media organisations filled in re-registration documents, but no one has seen their representatives in the department ever since. In the opinion of Erkinbek Mamyrov, re-registration process has

ended normally, except for some newspapers.

FREEDOM OF SPEECH

Local journalists and experts have given both political and economic reasons for the re-registration and then cancelled registration of 16 media organisations. Representatives of some international organisations consider the six-month moratorium on the creation of a new media organisation a direct infringement of freedom of speech in the Kyrgyzstan. Lawyers for *Internews*, who work in the media sphere, called the Ministry of Justice's decision to cancel registration and the interdiction of registration of new media organisations as "actions having no legal base." At the moment the re-registration was announced the two most popular private newspapers with large circulation figures, the opposition weekly *Asaba* (circulation of 30,000) issued in Kyrgyz, and the daily *Vecherny Bishkek* (circulation of about 50,000) issued in Russian, were fundamentally changed. The *Asaba's* four lawsuits resulted in its bankruptcy in July 2001. In April *Vecherny Bishkek* appointed a new Chief Editor, and a number of journalists and employees left the newspaper. Earlier, *Vecherny Bishkek's* shares have been redistributed, with the controlling bloc of shares passed to the Kyrgyzzalko Company, the chief of which is a close friend of the President's family. Thus, the opposition newspaper *Asaba* has been removed from the media market, and

the popular *Vecherny Bishkek* “has confirmed its loyalties.” The professionalism and ambition of the Chief Editors of both papers prevented them from surrendering and fading into the background. Melis Eshimkanov, *Asaba*’s Chief Editor, and Alexander Kim, Chief Editor of *Vecherny Bishkek*’s for many years, decided to set up two new newspapers, *Agym* and *Moya stolitsa*. However, since the beginning of the re-registration process neither newspapers has been issued yet. According to the newspapers’ representatives, the re-registration process was initiated with the aim of preventing access to the market for the new media organisations, who represent potential competition to state-controlled media (both from an economic point of view, and in view of their possible influence on public opinion). However, *Moya stolitsa*’s employees have found a way out of the situation. Having filed an action against the Ministry of Justice they began collaborating with an existing private

newspaper, *Advokat* (The Lawyer), and started publishing their articles in its pages. The Bishkek city arbitration court started its examination of the newspaper’s claim against the Ministry of Justice several times, but each time postponed the sessions, until it finally announced on July 30 that the case should be passed for consideration to the Civil Court.

ILLEGALITY NOT PROVED

All the reasons given by the media organisations as to the unlawfulness of the Ministry of Justice’s actions have still not been legally proved. It is an assumption that the re-registration process was prompted by the authorities’ desire to defend the media under its control from competitors in the media market. At present the fact is that for the first time media organisations tried to question the legality of the Ministry of Justice’s actions, but failed. According to Nadezhda Alisheva, an *Internews* lawyer, if the media keep litigation with the

Ministry of Justice in the common law court then the case may last for no less than 5 years. Rina Przhivoit, a *Moya stolitsa* editor confirmed that they are going to file the action in the common law court. She also confirmed that on October 1 they have filled in registration documents for registration for another newspaper, the name of which includes the words “Moya stolitsa,” but with the supplement “Novisti” (News). Therefore *Moya stolitsa*’s journalists have decided to register their newspaper by all means possible, as well as reserving the right to continue their lawsuit against the Ministry of Justice on behalf of the already registered newspaper. According to Erkinbek Mamyrov, the *Agym*, *Zholtigen* and *Techenie* newspapers have withdrawn their claims against the Ministry of Justice. Melis Eshimkanov confirmed that these three newspapers have already received their registration certificates and are in process of preparing editions for publication.