

THE RIGHT TO WRITE: THE MEDIA VERSUS THE STATE IN KYRGYZSTAN

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Kyrgyzstan's independent press and the government have clashed. Two independent newspapers have been suspended, and a temporary new provision, 'The Order of Publishing Activities in the Kyrgyz Republic,' restricts publishers' rights.

The refusal of the Uchkun State Concern - a printing monopoly owned by the government - to print 'Moya Stolitsa - Novosti' began the confrontation between the state and the independent press. Uchkun upped the ante by suing Moya Stolitsa for the alleged publishing of "materials impairing the Uchkun reputation." In turn Moya Stolitsa has filed a suit in the city court of arbitration against the printers for not fulfilling contractual obligations. According to the newspaper's Editor-in-Chief, Aleksandr Kim, the newspaper signed and lodged a printing contract with the Uchkun State Concern's production department last December. In late January, the court of arbitration decreed to disallow Uchkun "to do any action to refuse printing of the newspaper Moya Stolitsa." At the same time, other sympathetic newspapers published contributions from Moya Stolitsa journalists, using an accompanying logo from the original newspaper. The first newspaper to offer its pages for these materials was Res Publica weekly. With support from the district court, Uchkun then refused to publish Res Publica.

Despite the government attempts to say this conflict is the result of economic considerations

- "We regret the fact that the suspension of Moya Stolitsa newspaper is due to economic disputes between the newspaper's editor-in-chief and the Uchkun Company director," runs the statement of the presidential press service - the independent media see a deliberate government policy behind these actions.

FAMILY AFFAIRS

Some believe that Uchkun's refusal to print Moya Stolitsa is a reaction to the newspaper's critical articles about the activities of Adil Toigonbayev - an "oligarch", a Kazakh citizen and Kyrgyz President Akayev's son-in-law.

"It was evident that Moya Stolitsa's latest issues encroached on sanctum sanctorum: the President's family. So what have we got? We've been closed as well," wrote Zamira Sydykova, Res Publica editor-in-chief, in Agym newspaper in January.

The situation is absurd sometimes; a four-line paragraph mentioning the President's son-in-law was blacked out in the printing shop in an article by Rina Prizhivoit entitled "Power Presses Free Press" in the Agym newspaper in February.

To a degree, some welcomed

the closures. The dramatically growing popularity of Moya Stolitsa means it is rivalling others in the advertising market. "This fact cannot be approved by others who regard themselves as controlling the advertisement market. They are happy to lose a rival because it is closed down by the government", wrote Moya Stolitsa's Rina Prizhivoit in Res Publica of 22 January 2002. However, another fact should worry all publishers; the government approved the Temporary Provision on 'The Order of Publishing Activities in the Kyrgyz Republic' on 14 January, almost simultaneously with the suspension of Moya Stolitsa. Law experts say the Provision contradicts the Constitution, the Republic's laws (such as the Law on Licensing, the Law on the Mass Media, the Civil Code and others) and a range of international treaties. The issuance of the Provision may be a harbinger of the government's disregard for the press that has already shown results in the case of Moya Stolitsa.

ONE STONE: TWO BIRDS

Journalists hold negative attitudes particularly towards the Provision's paragraph that says, 'The right to exercise ... printing of newspaper-type products is only possessed by legal entities that are engaged in printing activities and involve the State's share of property.' Journalists

interpret this paragraph as conformation of the State's aspiration to fully control the print media. The implication is particularly remarkable in the light of a broadly discussed move to have an international printing house established in Kyrgyzstan, with production activities beyond the governmental control. No less negative attitudes have been aroused by the Decree's paragraph saying, 'The Ministry of Internal Affairs must within a month exercise stocktaking and registration of printing, copying and typing equipment in the Kyrgyz Republic.'

The State faces a sort of a stalemate situation. On the one hand it has to take this type of action given the actual threat to national security that has emerged due to the growing activities of extremist organisations. The Governmental Decree's preamble directly states that the Provision has had to be

issued in order 'To prevent subversive ideological and propagandistic activities of different extremist religious centers and activation of their information influences.' The same thing is emphasized in the presidential press service statement: 'This temporary document has been issued proceeding entirely from the logic of struggle against the penetration of ideas of extremist organizations like Hizbut Tahrir. It directly follows Kyrgyzstan's commitments to the anti-terrorist coalition and international community in withstanding international terrorism.'

On the other hand it is well known that these decrees frequently can be used against others not specifically mentioned. 'The Provision issued by the Government of the Kyrgyz Republic, which restrains rights and freedoms of the citizens, fails to justify its purpose - precluding information and ideological impact

of extremist organizations - because state bodies of the Kyrgyz Republic have sufficient powers to combat these activities ... The adoption of the decree definitely violates citizens' rights to freely express their opinions and freedom of speech ... is not justifiable by the need of defensive actions in the struggle against religious extremism,' states the Analysis of Key Provisions of the Decree of the Government exercised by the non-profit International Center for Law on special interpellation from the parliamentary Legislative Assembly's Committee for Social Associations and Information Policy, chaired by Member of Parliament, Kabai Karabekov. Formerly a well-known journalist, Karabekov unambiguously expressed his opinion about the Decree during a recent television talk show, stating "It is a dangerous tendency when the Government issues a decision lying beyond the field of law."

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