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## NEED MONEY? SUE JOURNALISTS

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By Cholpon Orozbekova, journalist, *Asaba*, Bishkek, Kyrgyzstan

**Kyrgyzstan's state functionaries and deputies have found an easy way to make money by suing journalists to the amount of up to one million U\$.**

This was the reason for Kyrgyzstan journalists approaching the parliamentary Legislative Assembly at the beginning of this year with the request to stop the "million madness". The journalists believe that the many-million suits against the media are "nothing, but strangling freedom of speech and openness in the republic". The latest trial that evoked public response was against the Kyrgyz-language *Asaba* newspaper. MP Turdakun Usubaliev sued the newspaper for 50 million soms. He said: "*Asaba* victimized me for eight years by insulting my dignity and disseminating false information. As a result, my wife has fallen ill due to nervous shocks and sufferings". Melis Eshimkanov, oppositionist and the newspaper's publisher, called this trial "the trial of the century".

### **“ALLAY THE APPETITE OF THE FUNCTIONARIES”**

The opposition politician believes it was not the will of the old and respected deputy to sue him. "It is a political order that some White House functionaries need as they are not happy with my political opinions." The newspaper has lost a 5-million soms trial in the district court (about U.S. £100,000). MP Kabai Karabekov, former journalist with the *Vecherni Bishkek* newspaper, wants to amend Kyrgyzstan's laws. "As per the current laws, plaintiff and defendant do not have equal rights", he said. "The defendant is sued on all claims of the plaintiff even if they have nothing to do with the case. Now we have secured the guarantee that the plaintiff is obliged to justify the moral compensation sum. But, this is not enough. The plaintiff pays 10 soms duty to the State. The law should be amended in terms of making this sum 10 percent of the sum sued. This mechanism would help to allay the appetite of our offended and insulted functionaries."

### **MORAL COMPENSATION HARD TO FIX**

Last year, MP Tursunbai Bakir sued three newspapers in parallel: *Asaba*, *ResPublica* and *Kyrgyz Ruhu*. Tursunbai Bakir said: "They insulted me. I'm a tranquil man and I have been patient for a long time. However, my mother fell sick due to suffering. I have sued them for 1 million soms (approx. U.S. \$20,000). Where did I get that sum? Every article lowered my reputation, insulted me before the voters, made my family suffer. So this is the result: my mother is ill; we still have to go to hospitals." Parliamentary Legislative Assembly Vice-Speaker, Omurbek Tekebaev, who has initiated the bill on Honour and Dignity Protection (not yet signed by the President), feels moral compensation to be a subjective matter. "Everyone has the right to define moral damage; it is a legal standard with civilized nations. You spit in someone's face, but he keeps on eating; another one would want to reply in an adequate manner and stand up for himself. So, the moral damage compensation sum should not be limited." Thus believes this well-known politician who loves to sue journalists. He has great

experience, having several times sued for 1 million soms the *Vecherni Bishkek* and *Delo No.* newspapers which could hardly find peaceful solutions.

## **TWO YEARS OF PROCEDURE**

MP Dooronbek Sadyrbaev spent two years suing the *Nasha Gazeta* newspaper. He accused the newspaper of divulging family secrets and insulting the family dignity and claimed 1 million soms. "It was a criminal case, but it was, nevertheless, conducted as a civil one", the MP emphasized. "It is a governmental newspaper and has consulted the Prosecutor General himself. After two years I won the case and handed over the 10,000 soms (approx. U.S. \$200) compensation to the mental hospital. The confrontation between the Kyrgyz Republic's National Security Ministry (NSM) and *Delo No.* newspaper has lasted for seven months. The article reported that, some time ago, Poluektov, the National Security deputy minister, confiscated non-ferrous metal reserves from a company. The metal was then sold by its workers (i.e. employees of the Ministry of National Security) and the money disappeared. The newspaper won the trial in the district court. However, NSM initiated a criminal case against the newspaper. *Delo No.* was said to have divulged a state secret by reporting on a closed court session in the Gen. Kulov case. "Well, we were not allowed to that session, but we learned what was spoken about", said Svetlana Krasilnikova. "It is a journalist's catch; it shows our professional level. We will not name our source. A journalist cannot divulge a state secret when he does not hold it. Policy stands behind this case; they want to close us down." A week ago, Gen. Poluektov took part in the parliamentary state security committee session and proposed to amend the media law and the Criminal Code. The essence of this proposal is to make a journalist criminally responsible for divulging state secrets. Fortunately, deputies were against this. "We will never allow this. The parliament will be flatly against it", said MP Adaham Madumarov.