
HOW TO GUARANTEE JOURNALIST'S SECURITY?

By Nuriddin Karshiboev, Tajikistan

Censorship and harassment of journalists and media are issues that are alarming not for Tajikistan alone.

"Censorship and terrible censorship exercised through destroying journalists whose reports are critical must not take place nor have the right of existence in Central Asia," states the Dushanbe Declaration on media freedom, adopted in November last year during the "Second Regional Conference on The Media of Central Asia: Present and Future". According to the observations of Marad Mamdshoev, *Asia Plus* newspaper journalist, "it is not necessary that journalists' security can be threatened by the State power. Everyone can threaten him for all kind of things." Noteworthy, there have been virtually no suits against journalists in Tajikistan. Criminal ways of punishment, blackmail, beating and even murders are more often used.

THERE ARE 50 WAYS TO HARASS THE MEDIA

However there are some evident and sophisticated methods of harassing the press and violating the rights of journalists and media. Thus according to the International Helsinki Federation serious efforts were taken last year to restrict freedom of press and media in Kyrgyzstan. In 2000, Kyrgyzstan's independent media encountered various forms of harassment: restricted freedom of journalists' movement, arrests, fines, suits and tax inspections. According to the Editors Council Chairman and the Editor of *Asaba* opposition newspaper, in Kyrgyzstan, state functionaries are only those who sue independent newspapers. As a result they win all the cases because the judicial system depends upon the State authorities.

EXTRAJUDICIAL PERSECUTION

Tamara Kaleyeva, the president of the International Foundation to Defend the Word 'Adil Soz' (Fair Word), believes that "a significant portion of the opposition media suffer extrajudicial persecution. This includes numerous tax inspections, which as a rule are followed by the expropriation of the print-run and accounting documents, and by the prevention of access to printing facilities. "Under the Kazakhstan conditions, it is difficult to guarantee a journalist's security in a legal way," believes Bigeldy Gabdullin, editor-in-chief of *XXI Vek* opposition newspaper. "All our court members are appointed by the President and can be bribed." "The majority of court decisions show that the judges see no difference between opinions and information, facts and assessments," Tamara Kaleyeva states. "The questions of guaranteeing the media and journalist security should be considered under two aspects: human rights protection activities and the activities of law-enforcement bodies," said Orifjon Azimov, the legal adviser to the National Association of Independent Media of Tajikistan. "As the law-enforcement bodies often act as a lever to pressure the media we frequently have to use

human rights crusading as a means to guarantee security of the representatives of this risky profession. Methods can vary: from solidarity actions to an information war, from educational programmes to legal support."

THE INFLUENCE OF NGOs

"As a rule the State is extremely reluctant in responding to journalists' rights violations in the country and does it only under pressure from non-governmental and international organizations," said Elena Kandybina, the lawyer of Russia's Centre for Journalism in Extreme Situations. "The legal standards providing the defense of journalists' professional rights virtually turns out to be inoperative." In her opinion, this situation makes it relevant for the journalists themselves to be more active in defending their professional rights and to exercise different programmes to make mass media workers aware of the current laws that operate in their countries. "Nevertheless the legal standards regarding freedom of speech and press must become practical rather than theoretical," stated Abdumalik Kadyrov, a Tajik media expert. "Unless and until the rule of law is guaranteed in Central Asia states and a state functionary realizes that he will never escape punishment strictly under the law the issues of guaranteeing security for journalists' activities will remain unsolved."