
ACCESS TO INFORMATION IN TAJIKISTAN: GUARANTEED BUT NOT IMPLEMENTEED

By Turko Dikaev, independent journalist, Kulyab, Tajikistan

As access to governmental sources of information tends to become more difficult in Tajikistan, voices argue that journalists, by lack of professionalism, also share their part of responsibility.

Many journalists affirm that it is more and more difficult to obtain information from state employees in Tajikistan. "Working for four years for the *Asia-Plus* Agency, I met, for the first time, with so obviously a blind unwillingness of the officials to make available necessary information", stated Mrs. Lydia Isamova, Chief of the *Asia-Plus* information service. In the opinion of journalists and some lawyers, refusal to make available any information by governmental officials is an infringement of the Law of the Republic of Tajikistan "On press and other mass media" which states that mass media have the right to obtain information from state bodies, public associations and officials. "The "playing dumb" officials break not only the above clause", said Mr. Orifdjon Azimov, adviser to the project "Legal support of the independent mass media of Tajikistan". "There is Clause 162 in the Criminal Code stating: 'Prevention in any form of the legal professional activity of a journalist... is to be penalized either with fines amounting 500 up to 800 times minimal salaries, or the guilty may be sentenced to corrective labor for a term up to 2 years'". "However, the specified clause has never been used yet. There is no judiciary practice in respect of such cases", Mr. Azimov added. "Artificial obstacles to prevent ways to governmental and other sources of information I can explain only by the arbitrariness of officials", remarked Professor Ibromkhim Usmonov, Chairman of the International Affairs, Public Associations and Information Committee of the Lower House of the Tajik parliament. "Well, the Law states that a journalist has the right 'to seek for, obtain and distribute information, be accepted by an official in connection with the accomplishment of his professional duties'", said Professor Djunaid Ibodov, a well-known lawyer in the country. "However, not a single law has clear mechanisms of how to obtain this information, as if the law-makers consciously have left loopholes for state officials for whom outflows of this or that information would not always be favorable. That is the way they are acting today."

SHARED RESPONSIBILITY

However, officials are not always deserving unconditional condemnation. "I'm a supporter of those who adhere to the position that not only officials are guilty in the troubles of journalists", said a *New Tajikistan* agency correspondent in Kulyab, Mr. Asliddin Dostiev. The Deputy Head of the city internal affairs department in Kulyab, major of militia Isropil Latipov, emphasized the following reasons for officials to conceal information from journalists: "It is just reinsurance and incompetence of both officials and journalists, narrowness of corporate officials and mistrust of the press guild." "Sometimes we are asked a certain pack of questions, but the newspapers publish absolutely different ones", said Mr. Latipov. "Too often, journalists are not able professionally to achieve the purpose, or, it happens, in order to obtain unpretentious information, they insist upon meeting with the minister, at least." Mr. Dostiev agreed with him: "I know some journalists who have not the slightest idea who is in charge of what in the khukumat (local executive body). They just go from one office to another trying to extort information on transport of the public health services curator, and so on." Mr. Dostiev considered the

obtainment of information a problem of professionalism: “I never have problems with current information obtainment from any official in the Kulyab region”, advised Mr. Dostiev.

TABOO SUBJECTS

“The society is not yet ready to become transparent and open up a game in which not all players firmly respect the rules”, believes Mr. Dostiev. Therefore, subjects prohibited for publication began to occur. These subjects are “closed” both by officials and journalists. If in any newspaper an article on one of these subjects is published, the author will at once be convicted of propagation “of provocative information” and may even be condemned, and the official who gave out the information would be ejected from his position. Orifdjon Azimov asserts that such definitions as “provocative information,” or “illegally-obtained information” included in some clauses of the Laws “On mass media...” and “On TV and Radio broadcasting” allow, if necessary, to recognize as “illegal” or “provocative” any items of negative information, or evaluation of the authorities’ activities. So, journalists do not write on the subject. It is considered that Russian frontier guards have locked the Tajik-Afghan border, that Afghani smugglers feel free in the frontier regions: hijacking, stealing cattle, taking home belongings and appropriating food products, trafficking drugs and weapons. But for publishing such news, one could at once be declared a monger of anti-Russian sentiments. Sources of information are closed on the facts that some burials of radioactive wastes “have activated” in the vicinities of several villages in the Faizabad district. In reply to questions on the state of radiation, one sees surprise in the eyes of officials of any rank: what radioactive wastes, nothing of the kind has ever been in Tajikistan! Nobody writes that, in infringement of the administrative territorial division of the country -specified in the Constitution- in the Kulyab group of districts (10 districts and one city) zonal power superstructures are established: committees, departments and divisions. Nobody writes why the Khatlon region is artificially divided into two regions, Kurgan and Kulyab. Never breathe a word of this: no one will give the slightest information or clarify the situation! No one will tell a journalist from where come drugs which appear in the country, or why the courts imprison drug addicts, practically ill people, and at the same time the main criminal - drug trafficker - who provided the condemned persons with the fatal potion, always remains “not identified?” However, journalists themselves should remember they are defenders of the interests of the society and, if officials do not readily provide them with information, then they should seek for and find it, no matter whether the authorities like it or not. There is lots of work for journalists for dozens of years: in the country, especially in distant areas where irresponsibility and permissiveness are prospering; corruption is becoming more deeply rooted, drug addiction and prostitution are increasing and with a tendency to involve more of the younger population.