

### **Will “Delo No....” Be Taken To The Court? Interview with Chief Editor Victor Zapolsky**

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A criminal case was brought by the Ministry of National Security against the popular weekly Delo No.... The Ministry accuses the paper in revealing state secrets. It is not yet clear if the case will reach the court. The Chief Editor of the paper Victor Zapolsky thinks that it is unlikely, but on August 16, the Minister of National Security of Kyrgyzstan Aitbaev stated in Vecherniy Bishkek newspaper that “..the case will definitely reach the court.”

Background Info: Delo No... weekly is a private, independent weekly covering a range of social and legal issues. One of the first independent Kyrgyz papers published in Bishkek since 1991. The founders are Chief Editor Victor and his deputy, Svetlana Krasilnikova. Has the highest circulation and is the most popular newspaper in Kyrgyzstan. In 1991 the circulation was 30,000 copies, in 1997 - 87,000 copies, in 2000 – 56,000 copies. One of the few newspapers in Kyrgyzstan, which has its own website.

Today the paper is going through hard times. On July 26, the weekly published an article of its reporter Vadim Nochevkin about the closed trial of Felix Kulov. Among other things, the article presented the account of the Deputy Minister of National Security Boris Poluektov about one of the secret agents of the Ministry. Felix Kulov was cleared of all charges and freed on August 7, 2000, but right after that, the Ministry of National Security filed a lawsuit against Delo No..., accusing the weekly in revealing state secrets.

On August 16, 2000 Victor Zapolsky, together with his deputy Svetlana Krasilnikova and reporter Vadim Nochevkin, were summoned to the Ministry of National Security for an interrogation which passed with serious violations of their human rights. According to the journalists, investigators were trying to force the journalist to disclose the source of information which is against the law. Journalists were put under an enormous psychological pressure, and as a result, after the eight hour interrogation, the deputy Chief Editor Svetlana Krasilnikova was taken to the hospital with a serious heart condition.

On the next day, the Chief Editor organized a press conference and told the journalists about the recent developments. On September 19, twenty five agents of the Ministry of National Security sealed off the building and the offices of the editorial and reporting staff. All phone calls in or out of the building were put on hold, and investigator Abdykalykov ordered a search of offices presenting the respective warrant signed by the Deputy Procurator General Kojonaliev. Asked what do they intend to find, Abdykalykov said that they were looking for materials concerning state secrets. The search lasted four hours, which could have resulted in the failure to print the paper in time.

On September 20, the newspaper published an appeal to the President Askar Akaev, which stated that: “If the persecution initiated by your administration is not stopped, the whole staff of the only remaining independent, Russian language newspaper would be forced to seek a political asylum in one of democratic countries, including Russia.”

Neither President Akaev, nor other representatives of the authorities responded to the appeal. The secretary of the Security Council of Kyrgyzstan Bolot Janyzakov said that he is not capable of following and being informed about all actions of the law enforcement agencies. The journalistic community of Kyrgyzstan did not seem to have reacted adequately either. Chief Editor Zapolsky thinks, that “...today, other independent papers of Kyrgyzstan have their own problems and he does not count on the support of other media.” The fact is, each media in Kyrgyzstan survives on its own, using its own methods.

There is a big tension on the eve of the presidential elections and media reflects this tension. Some of the media, which would not like to act according to the “big scenario”, will be left out of the presidential race like some presidential candidates.

The most popular local daily, Vecherniy Bishkek, has already changed its owners together with its content, which now reminds more of that of the state owned Slovo Kyrgyzstana. But the paper still remains popular and has the highest circulation owing to the monopoly on daily fresh news and a huge advertising market which is so important for the election campaign.....

Time will reveal the fate of the second leader in terms of circulation, the Delo No.... weekly. Perhaps it will change owners, or perhaps .....everything is possible in the country, which was used to be called an island of democracy, a former one today.

### **Interview of the Chief Editor of Delo No... Victor Zapolsky**

**Q:** How would you characterize the current situation of independent media in Kyrgyzstan?

**A:** After Osmonakun Ibraimov became the Press-Secretary of the President of Kyrgyzstan, the policy towards media drastically changed. The media was divided into “ours” and “non-ours.” The “non-ours” are subject to a big pressure from above.

**Q:** But even before Osmonakun Ibraimov was appointed to this position, newspapers like Res Publica and Asaba (both private independent Kyrgyz newspapers) were and are in conflict with the authorities.

**A:** Today the problems between the media and the authorities have a more global character. There is a tendency of abuse of power by the authorities in dealing with the independent media - they declare a war to any media which does not want to become loyal. Methods of moral and financial pressure are widely used.

**Q:** How ?

**A:** Between 1991 and 1996 there was a favorable period for the development of the private media. We did not pay the 20 % VAT and the profit tax was a mere 15 %. After 1996, the media were treated as industrial enterprises and were forced to pay a 20% VAT, 30% profit tax and 8% of other taxes. This had a an immediate negative effect on the financial well being of the media. In 1991-1996 we did not have any problems with the tax inspectors, afterwards the situation changed to the opposite. Since 1991 to 1996 we did not suffer any problems with tax inspections.

All our problems started after the second round of elections into Jogorku Kenesh-the Parliament of Kyrgyzstan in the beginning of 2000. Visiting tax inspectors imposed a huge fine on us for breaking the tax code. We know that we did not violate any laws, and the inspection and the fine, as well as their coverage in the state owned media of all of our court battles, were a well thought strategy of a structural censorship. The state media creates a negative image of our paper, questions our professionalism and competence. We are involved in several lawsuits now, and it takes lots of time and energy, especially considering that the legal system of Kyrgyzstan is far from being independent, depends on the “telephone right” and many court decisions are not adequate.

The climax of this pressure was a lawsuit launched by the authorities claiming that our weekly disclosed a state secret - a complete nonsense!

We or our newspaper do not possess any state secrets and we did not sign any non-disclosure documents. The staff of the newspaper is summoned to the Ministry of National Security and is interrogated for eight hours in a row in violation of the law. I know for sure, that during the court hearing judges are instructed from above on what and how they should proceed. I believe that there are elements of a massive, organized pressure on the “undesirable” media. And it is obvious that all these problems are connected with the opposition leader Felix Kulov. The governmental media, Kyrghyz Tuusu and Slovo Kyrgyzstana, accused Kulov in buying our newspaper. We filed a suit against the Slovo Kyrgyzstana and won the case, since the newspaper could not produce any evidence of their statement. We understand very well, that the beginning of the trade in articles is the end to an independent newspaper.

As for Kulov, we tried to protect the law and not the personality. If any of current state officials would get into a situation similar to that of Kulov, we would do everything to protect that official as well. We don't want our law to be treated like a whore. We have not seen such a violation of right to an independent opinion, violation of rights of opposition politicians and the free media even under the communist rule in Soviet Union. We are a people's newspaper and will never belong to a party, movement or a bureaucrat.

**Q:** What do you expect in the future?

**A:** Kyrgyzstan today is rapidly rolling back from its adopted democratic principles. I can not explain why this is happening. My guess is, it happens owing to an incompetent governance. It is easier to manage by force and pressure, rather than by intellect. If these tendencies are not stopped, we will face miserable times.

The tension in the society is artificially stirred by a group of people in power, and they fight a war against the undesirable media.