

## MASS MEDIA, INTERNET SOURCES REVIEW FOR MAY, JUNE, JULY 2018

### **Background situation**

International organization Freedom House has released a new report, measuring the level of freedom in different countries around the world.

In this report, Belarus, Russia, Azerbaijan, Kazakhstan, Turkmenistan, Uzbekistan and Tajikistan are considered as "countries with entrenched autocracies" and not free.

According to the report, Russia and six other countries of the former USSR (Belarus, Azerbaijan, Kazakhstan, Turkmenistan, Uzbekistan and Tajikistan) had received the lowest estimates for "suppression of political rivals and persecution of independent activists and journalists who dare to speak,"<sup>1</sup>

Andrew Gilmour called for the expansion of space for civil society, as stated in the press release issued on May 16 by the UN Office on Human Rights.

On May 14-15, Tajikistan was visited by the UN delegation headed by UNGASS Assistant to the UN Secretary General for Human Rights, Andrew Gilmour.

Members of the delegation met with the Deputy Foreign Minister of the Republic of Tajikistan, Deputy Minister of Justice and Deputy Prosecutor General of Tajikistan. The UN Assistant Secretary-General for Human Rights met with representatives of public and human rights organizations and students of the Tajik State National University. Journalists were not invited to these meetings.

The UN Assistant Secretary-General stressed the need for human rights defenders, journalists, lawyers and others to have the opportunity to carry out their important work without any obstruction, unnecessary administrative checks and fear of prosecution. He urged the authorities of Tajikistan to do more and to strengthen the independence of lawyers, which will promote greater access to justice.<sup>2</sup>

Andrew Gilmour urged Tajik authorities to combat discrimination against women, youth, disabled people, as well as representatives of the LGBT community<sup>3</sup>

### **Freedom of expression situation in Tajikistan**

In 2018, 109 state-owned newspapers were registered in Tajikistan, 262 independent, 113 state-owned journals, 130 independent, 1 state-owned news agency, and 10 - independent news agencies.

According to the research data, transition new technologies led to significant decrease in the amount of people reading the newspapers. And those who read prefer entertainment and educational materials.

The media audience in Tajikistan is becoming more demanding both to form and content of information products, which is undoubtedly witnessing another growth driver for those media that are aimed at strengthening their positions in the market.

According to the information provided by the NGO "Independent Center for Human Rights" (ICHRP) over the past 10 years, large number of media have ceased their activities: Paikon, Nigoh, Vecherny Dushanbe, Crime-Info, Voice of Tajikistan, "Hafta", "Varorud", "Tojnjus" and others.<sup>4</sup>

### **Access to Justice**

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<sup>1</sup> Source: <https://rus.ozodi.org/a/29162926.html>

<sup>2</sup> <https://rus.ozodi.org/a/29230446.html>

<sup>3</sup> <https://news.tj/ru/news/tajikistan/politics/20180517/oon-sovetuet-dushanbe-ne-trogat-tadzhikskih-zhurnalstov-i-pravozatshitnikov>

<sup>4</sup> <https://www.news.tj/ru/news/tajikistan/society/20180629/ichrp-za-poslednie-10-let-v-tadzhikistane-zakrilis-bolee-20-smi>

Draft amendments to the Code on Administrative Offenses of the Republic of Tajikistan, were reviewed in April by the Council of the Lower Chamber of the Parliament of Tajikistan as proposed by the Government of the Republic.

In particular, the government proposes to impose administrative penalty for assigning secrecy to information that is not falling under this category.

Mass Media in Tajikistan, faces the "secrecy" category very often when trying to get certain information.

Hence, the case of the leader of the Tajik Youth team (KVN) Khairullo Mirsaidov, the case of Umed-88 company, connected with large embezzlements, have received "secret" status lately. Similarly with the bizarre case of 2017, when several employees, including senior officials, of the Anti-Corruption Agency were arrested. Arrested and convicted for corruption, however it is not clear what they did.

Regarding the recent cases, there is a case of police captain Islomov, who committed a fatal hit on a teenager in Kulyab, but for two months investigation can not bring him to justice.<sup>5</sup>

### **Criminal persecution of journalists**

Tajik authorities reacted to the statement issued by the head of the US mission to the OSCE on the investigation of the criminal case against Khairullo Mirsaidov, team leader the KVN "Tajik team". In an official statement of the RT mission to OSCE, it was reported that "Mirsaidov's criminal case has no political motivation and is instigated on the allegations of fraud".

The representatives claim that KVN team "Tajikistan team" was formed illegally and is not registered in state authorities. "In the period from 2014 to 2017 Mirsaidov used 976 thousand somoni (about \$ 110 thousand) for the team. Of this amount, according to the investigation, "300,000 somoni" disappeared ". Mirsaidov appropriated 76 thousand somoni, the remaining amount was used for other purposes," as outlined in the statement of the RT mission to OSCE.<sup>6</sup>

During the international conference on Freedom of Speech: Opportunities and Perspectives in the Region, carried out in Dushanbe on 3 of May, Chargé d'Affaires of the US Embassy in Tajikistan Kevin Covert said that Washington is concerned by the fate of the Tajik journalist. Mr. Covert urged Tajik authorities to objectively investigate Mirsaidov's case and provide necessary procedural safeguards during his trial."<sup>7</sup>

Article 189 (instigation of national, racial, local or religious hatred) of the Criminal Code of Tajikistan is excluded from the case of Khairullo Mirsaidov, head of the KVN "National team of Tajikistan".<sup>8</sup>

In mid-May, Prosecutor's Office of Sogd Province reported that the investigation of the criminal case against Khairullo Mirsaidov had been finalized and the case shall be referred to court.<sup>9</sup>

On June 8, the trial on the criminal case against Khairullo Mirsaidov was launched in Khujand, under allegations of embezzling budgetary funds, manufacturing forged documents and false denunciation. The process takes place in an open mode.

Prosecutor Raufhon Alizoda in his speech stated that Mirsaidov squandered 123 thousand somoni of budgetary funds. Khairullo Mirsaidov, in the beginning of the trial, rejected the charge

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<sup>5</sup> <https://www.news.tj/ru/news/tajikistan/power/20180417/v-tadzhikistane-za-prisvoenie-sekretnosti-nesekretnim-svedeniyam-predlagayut-vvesti-otvetstvennost>

<sup>6</sup> Source: <https://rus.ozodi.org/a/29189949.html>

<sup>7</sup> <https://rus.ozodi.org/a/29207896.html>

<sup>8</sup> <https://news.tj/ru/news/tajikistan/laworder/20180518/iz-dela-mirsaidova-isklyuchili-statyu-o-vozbuzhdenii-natsionalnoi-vrazhdi>

<sup>9</sup> <https://news.tj/ru/news/tajikistan/laworder/20180517/rassledovanie-zaversheno-delo-hairullo-mirsaidova-otpravlyayut-v-sud>

of knowingly false denunciation and partially admitted his guilt in embezzling budget funds and forgery of documents.<sup>10</sup>

The accusations brought against the journalist under Article 346 (deliberately false denunciation) were rejected by the journalist. Mirsaidov said that he has 17 years of experience in journalism, and would never say that he was asking for money without available facts.<sup>11</sup>

The statement was also made by the ex-head of the department on youth affairs of Sogd province Olimdzhon Zohidzoda, who had previously accused Mirsaidov: "I only asked him to report on the money, but did not receive a report."<sup>12</sup>

Mirsaidov accused employees of the prosecutor's office of the province - Khudoyorzoda and Kayumzoda together with former head of the department on youth affairs of Sogd province of complicity.

Nabi Tursunova, chief accountant of the Department on Youth Affairs of Sogd province, said during the trial that Khairullo Mirsaidov had a debt of over 17.6 thousand somoni. And this debt appeared in January, when Mirsaidov was already in jail.

"He had debts since January this year. I looked through all the receipts, and it turned out that the sum of Mirsaidov's debt is 17,660 somoni," Nuri Tursunova said. According to her, before the arrest, Mirsaidov had no debts. The head of KVN team constantly provided reports after trips and participation of the KVN team in the games and timely repaid the debt, Nabi Tursunova stated.<sup>13</sup>

The trial was attended by representatives of international organizations (European Union, US Embassy in Tajikistan) and civil society.

On July 11, the Khujand City Court sentenced Khairullo Mirsaidov to 12 years of imprisonment in a high-security prison colony.

A well-known journalist was found guilty of misappropriation or embezzlement of 123.9 thousand somoni (13.5 thousand dollars), which he must compensate, in a knowingly false denunciation and forgery of documents. In addition, the ex-head of the KVN team of Tajikistan is prohibited from engagement in public activities for 2 years after serving his sentence.<sup>14</sup>

According to experts, 12 years of imprisonment for economic crime is too harsh of a punishment, and proves that the case is politically motivated.

According to one of the experts, "this verdict is a disaster for freedom of speech, and in general for the image of Tajikistan. After this, I'm sure, the percentage of brain drain from Tajikistan will increase; if before there was a hope that we can make positive changes, maybe development, now many Tajiks, especially young people, will lose hope and will look for ways to leave the country. This verdict is a signal that journalists should shut up, not to remain silent, but specifically to shut up. And allow authorities to do what they wanted ...

This verdict is a powerful blow to the rating of Tajikistan at the international level, since international institutions, give rating scores not for our beautiful mountains, but for how we treat our citizens."<sup>15</sup>

Europe and the United States condemned harshly the decision of the Tajik court against Khairullo Mirsaidov.

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<sup>10</sup> <https://rus.ozodi.org/a/29280391.html>

<sup>11</sup> <https://www.news.tj/news/tajikistan/laworder/20180608/hairullo-mirsaidov-ya-proshu-nakazat-vinovnih>

<sup>12</sup> <https://www.news.tj/ru/news/tajikistan/laworder/20180612/tadzhikskie-kvntshiki-vistupili-na-sude-po-delu-hairullo-mirsaidova>

<sup>13</sup> <https://rus.ozodi.org/a/29306405.html>

<sup>14</sup> <https://ru.sputnik-tj.com/main/20180711/1026069293/tajikistan-kvn-hayrullo-mirsaidov-tyurma-prigovor.html>

<sup>15</sup> <https://news.tj/ru/news/opinion/20180711/eto-signal-chtobi-zhurnalisti-zatknulis-kak-v-tadzhikistane-otreagirovali-na-prigovor-mirsaidovu>

In a joint statement by the embassies of the United Kingdom of Great Britain, Germany, France, the United States of America in Dushanbe and the EU Delegation to the Republic of Tajikistan as of 11 July general grave concern is expressed in relation to the trial of the independent journalist Khairullo Mirsaidov and the verdict issued against him.

The diplomatic missions are sure that the court's verdict does not meet the interests of Tajikistan itself and detracts the international support for the implementation of the country's political goals and development plans.

The OSCE Representative on Freedom of Press, Harlem Desir, demanded that Tajik authorities immediately release Khairullo Mirsaidov.<sup>16</sup>

Representatives of civil society and mass media of Tajikistan made an open statement to the Prosecutor General of Tajikistan with a request to protest against the judicial act of Khairullo Mirsaidov.<sup>17</sup>

On July 12, 2018, Khairullo Mirsaidov's family transferred 124,000 somoni (more than 13 thousand dollars) to the state in compensation of the damage determined by the investigative bodies. This does not mean that Khairullo Mirsaidov, his family and the side of the defense plead guilty of committing crimes, incriminated to Khairullo Mirsaidov.<sup>18</sup>

Tajik Ombudsman Zarif Alizoda said during the press conference held on July 19 that Khudjand city court, which will shortly receive cassation appeal on the case of Khairullo Mirsaidov will consider the verdict against him, and should take into account that Mirsaidov had fully repaid the damage in the amount of 124 thousand somoni.<sup>19</sup>

On 20 July, press release was distributed in Geneva, in which two United Nations human rights experts: Mr. David Caye, special rapporteur on the right to freedom of opinion and expression and Michelle Forst, special rapporteur on the situation of human rights defenders, urged Tajikistan to revoke the conviction and sentencing of journalist Khairullo Mirsaidov, calling it a clearly targeted measure against journalism and the public's right to information, noting that Mirsaidov's conviction proves that the authorities are cracking down reports of corruption, not corruption itself.<sup>20</sup>

## Events

In Bokhtar city (Kurgan-Tube) on April 23-24, a two-day seminar "was organized by the United Nations Development Program with the assistance of the Supreme Court of the Republic of Tajikistan and financial support from the Ministry of Foreign Affairs of Norway on the topic of Access to Legal Information".

The purpose of the event was to establish dialogue between courts and mass media.

Candidate of philosophical sciences of the Institute of Philosophy of the Russian Academy of Sciences Sergei Chizhkov was invited as key note speaker for this event.

Representatives of city and district court from Khatlon province and journalists working in the province took part in the seminar.

When opening the seminar, director of the Training Center for Judges under the Supreme Court of the Republic of Tajikistan Solekh Zavkizoda noted that the subject of the seminar is very relevant, since "access of the media to judicial information is an important part of journalists' work in informing the society. And that there are all the conditions, including legislative norms to strengthen the dialogue between the judicial system and the media." Zavkizoda expressed the

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<sup>16</sup> Source: <https://rus.ozodi.org/a/mirsaidov-sentenced-12-years-prison-/29356817.html>

<sup>17</sup> Source: <http://www.news.tj/ru/news/tajikistan/laworder/20180725/grazhdanskoe-soobtshestvo-i-smi-prosyat-genprokurora-tadzhikistana-virazit-protest-na-reshenie-suda-po-delu-mirsaidova>

<sup>18</sup> <https://rus.ozodi.org/a/29367726.html>

<sup>19</sup> Source: <http://www.news.tj/news/tajikistan/20180719/ombudsmen-tadzhikistana-kassatsionnii-sud-dolzhen-uchest-cto-mirsaidov-vozmetil-utsherb>

<sup>20</sup> Source: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23390&LangID=E>

hope that "after this seminar the representatives of the courts will establish contacts with journalists working in the province and will fruitfully cooperate in the future."<sup>21</sup>

## **Internet**

Owners of shopping centers and restaurants reported that representatives of the Agency on Communications demanded from them to obtain permission from this agency to sell or use WiFi routers in their venues.

By the decision of Beg Sabur, head of the Agency on Communication, such inspections are carried out since April 11 in shopping centers, markets, gas stations, restaurants and catering facilities.

The purpose of the audit is to ensure compliance with the requirements set forth in legal acts in the field of communications, and in case of violations, inspectors are allowed to fill in protocols and other acts that must be submitted to the Agency on Communications for action. The decision also notes that this activity is under personal control of Beg Sabur.

Anonymous representative of Tajik Agency on Communications reported on April 16, that the decision was made in accordance with the Law on Communications. According to him, this was done with the aim of streamlining the use of wireless communication. Representatives of the working group record the numbers of WiFi-devices and explain this by "security measures".

Gafurdjon Irkaev, chairman of the Association of Mobile Operators of Tajikistan, said that the Agency on Communications Service has a legitimate right to organize checks in the communications sector, however, this check is more justified by economic reasons. He noted that the introduction of a special permit for the use of WiFi services will affect the level of prices when providing communication services, since now any businessman must necessarily purchase a special permit, paying fixed amount to the budget of the Agency on Communications. "This fee introduced as a license for WiFi will, ultimately, affect the cost of the Internet in Tajikistan," said Irkayev.

Turakhon Jalolov, Tajik entrepreneur who sells WiFi equipment, said that his store was checked and he was instructed to get a permission within set period of time. "Today not only mobile phones, but also all home appliances - televisions, washing machines support WiFi. Before such permission was not needed, but now it takes a considerable amount of time for entrepreneurs to get one," he said.

Some restaurants in the capital, were also checked by the staff of the Agency on Communications. In the regions, such inspections have not been launched yet. To date, the use of WiFi in organizations and public places is commonplace.<sup>22</sup>

The Agency on Communication Under the Government of Tajikistan has disabled the Internet Association TARENA, which was created to facilitate access of students, teachers and scientists to Internet, according to the report of Ozodi radio.

The main purpose of the Association is to provide research and educational institutions with information services based on Internet technologies. TARENA Internet site was created under the Virtual Silk Route project of the NATO Scientific Committee, which covers a number of states in Central Asia.

The association itself reported that representatives of the Agency on Communication had disabled the Internet and sealed the equipment.

Internet access services provided by TARENA Association can be divided into two main groups: access via dedicated lines using ADSL technology and wireless technology. According to the representatives of this organization, they were not explained on the reasons for disabling the

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<sup>21</sup> Source: <https://www.news.tj/ru/news/tajikistan/society/20180423/dostup-k-sudebnoi-informatsii-obsuzhdayut-v-bohtare>

<sup>22</sup> Source: <https://rus.ozodi.org/a/29172030.html>

internet. Now many researchers of the Academy of Sciences and higher education institutions of Tajikistan do not have free access to Internet, which was provided by TARENA.<sup>23</sup>

### **Mobile communication**

In the beginning of this year, Agency on Communications of Tajikistan had introduced a fee for Tajik mobile operators for each inactive SIM card in the amount of 20 dirams per quarter.

A source in one of the companies noted that "The thing is that mobile companies are buying numbers from the Agency on Communications. If the client has ceased to use the SIM card, it is either resold or it remains inactive on the balance of the mobile company. And just due to the fact that it is inactive, we pay the Agency on Communication 20 dirams for each sim card per quarter. "

In January 2016, Tajikistan had more than 11.2 million mobile subscribers. After re-registration in the summer of 2017, active SIM cards totaled 6.1 million.

Mobile companies must pay 20 dirams each quarter for 5.1 million inactive SIM cards. It is 1,020 million somoni per quarter, per year - 4.08 million somoni.

The Agency on Communication argued that this decision was taken due to the maintenance of inactive SIM cards, but did not explain what is meant by "maintenance".

To recall, back in 2015, the Agency on Communications had introduced a monthly subscription fee for the use of a mobile phone number of 80 dirams. This fee is paid monthly by subscribers.<sup>24</sup>

The Tax Committee of Tajikistan confirmed that in the first quarter of 2018, Internet providers and cellular companies in Tajikistan had faced millions of losses, in this respect the national budget had lost about 115 million somoni (about \$ 13 million) in taxes. Previously, these companies transferred up to 1 billion somoni to the budget through taxes. The plan on tax collection is not fulfilled in 8 cities and districts of the country, including three districts of the capital.

In February this year, tax authorities of Tajikistan reported that the tax debt of mobile operators Beeline and Tcell in aggregate is about 100 million somoni. According to tax officials, the debt of "Tacom" company, providing mobile services under the Beeline brand, in the beginning of the year was 79 million somoni, the company "Indigo-Tajikistan", operating under the trademark Tcell, is indebted by 18 million somoni.

The cellular companies complain that over the last two years due to high taxes and "initiatives" of the Agency on Communications under the Government of Tajikistan they had faced huge losses.

In April, the information was issued that holding company VEON Ltd. (Vimpelcom Ltd.), which owns Russian VimpelCom (Beeline brand), is selling its unit in Tajikistan - Tacom LLC, a wholly owned subsidiary of Beeline in Tajikistan, ZTE Mobile.

Owners of VEON were forced to leave Tajikistan due to two circumstances: on the one hand, low profitability, on the other - high taxes. VEON faced not only tax, but also regulatory difficulties. In addition, there were problems with the withdrawal of the profit from the country.

"To work in any country, it is necessary to have basic economic conditions that foster the development of business, if there is no opportunity to develop, such business does not make any sense," noted Veon.<sup>25</sup>

The Beeline brand remains in the local cellular and Internet market, as it demonstrates rather high indicators and does not require making drastic changes to the activity.

The purchase of the full block of Beeline-Tajikistan shares by previously unknown ZET-mobile, has generated a lot of rumors and unrest not only in Tajikistan, but also in Russia.

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<sup>23</sup> Source: <http://vecherka.tj/?p=29252>

<sup>24</sup> Source: <https://www.news.tj/ru/news/tajikistan/economic/20180418/za-kazhduyu-neaktivnyuyu-sim-kartu-sotovie-kompanii-platyat-sluzhbe-svyazi>

<sup>25</sup> <https://rus.ozodi.org/a/29180435.html>

At the moment there are 4 mobile operators in Tajikistan: Babilon-Mobile, TCell, each has more than 3 million subscribers, MegaFon-Tajikistan (about 2 million) and Beeline-Tajikistan.

VEON's departure from Tajikistan is not the first time foreign mobile operator left the country. The holding became the third foreign firm that left Tajikistan's mobile market, after TeliaSonera and TK-Mobile.

In 2017, the Swedish "TeliaSonera" sold all the shares of its cellular operator TCell to the Aga Khan Fund and left the Tajik market.

Then representatives of Telia spoke about 155 million somoni, which were demanded by the fiscal bodies of Tajikistan. This amount "accumulated" after the audit conducted for the period May 2015 - June 2016.

Similar claims, and even more remarkable, similar amount, was billed by the Tax Committee to Russian mobile operators Beeline and Megafon.

As for "TK-Mobile", which had only 10,000 subscribers, it reported that it has no opportunity to collect debts from the Chinese "ZTE Mobile" and officially declared itself bankrupt in April. "TK-Mobile" asked its subscribers not to make any payments and use the services of other cellular operators.

"Unfortunately, today many firms in the post-Soviet space have to work outside of a free market economy, but interact with local elites." In this format it is very difficult to calculate risks and clearly understand whether it is worth working at all, "expert notes.

High tax burden and a complex taxation system, according to the holding itself, forced Beeline to work in austerity mode: completely abandon outdoor advertising and advertising through mass channels, reduce staff by 40%.

Experts called Beeline one of the major investors in Tajikistan's economy. Over the last decade, Beeline has invested more than a billion somoni in the Republic. In addition to direct expenses in its own infrastructure and payments to the budget of Tajikistan, VimpelCom's investments contributed to the development of business in Tajikistan: the "stripy" acted as clients within various social projects partnering with local organizations, thereby supporting local business.<sup>26</sup>

## **Writers Union**

The Union of Writers of Tajikistan had initiated two years ago "cleansing" of its members out of "casual" writers, to this end a working commission was set up to analyze the artistic value of the works and professional level of about 400 members of the Union.

In 2016, one and a half year moratorium was declared for admission of new members. According to the management of the Union, the decision was made to purge the Union of "casual and non present writers" who joined the organization mainly from 2010 to 2015.

"Cleansing" in the WU of Tajikistan had caused ambiguous reaction among the creative intelligentsia. Some admitted that there are a lot of random people in the writers' association. "But every writer can find errors in their works". Some excluded members are not satisfied with the decision of the WU.<sup>27</sup>

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<sup>26</sup> Source: <https://ru.sputnik-tj.com/analytics/20180416/1025319229/nalogi-veon-mobilnyy-operator-tajikistan-vimpelcom.html>

<sup>27</sup> Source: <https://rus.ozodi.org/a/29186409.html>