

**Public organisation Bureau on Human Rights and Rule of Law**

**MASS MEDIA REVIEW FOR THE PERIOD**

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**Law suits against Mass Media**

In April LLC Vecherniy Dushanbe had published an article on its web page “He just grabbed me by the throat”: a young designer disclosed violence at the workplace.”[[1]](#footnote-2) In the interview Parvin Jakhongiri talks about her collaboration with Tokhir Ibragimov, who runs Tajikistan Fashion Week. Parvin Jahongiri herself addressed the editorial office with a request to publish the article about the incidents of violence. In the interview, she said that she had been subjected to psychological and physical violence at the workplace by Tokhir Ibragimov. As proof she provided the editorial office with screenshots of business correspondence.

The author of the article, Zulfiya Golubeva a journalist working in LLC Vecherny Dushanbe, outlined the various opinions of different stakeholders and independent experts in the article. The article had triggered massive response in Tajik segment of Internet, especially in social networks after being published on the website.

The corresponding video was posted on the YouTube channel and social networks and triggered a wide public response.

Tokhir Ibragimov lodged a lawsuit against Parvin Jakhongiri, demanding retribution of honour, dignity and business reputation, as well as compensation for moral damage caused as a result of humiliation. T. Ibragimov insists that the information provided by Parvin Jakhongiri within this publication in Vecherny Dushanbe is false.

The article posted on Vecherka website notes that Parvin Jakhongiri's lawyer, Gulchekhra Kholmatova, head of the NGO “Mir Prava”, chose her own line of defence and Parvin Jakhongiri raised an objection during the trial, proposing to name Vecherniy Dushanbe "as a respondent, since information compromising the honour, dignity and business reputation of Tokhir Ibragimov was disseminated through the media, that is, through the Vecherny Dushanbe. Subsequently, Parvin Jakhongiri withdrew this objection, but during the following court session the judge ruled to consider Vecherniy Dushanbe jointly with Parvin Jakhongiri as a co-defendant in this claim.

On October 13, Tokhir Ibragimov filed an additional lawsuit demanding to publish a refutation of the article on the Vecherny Dushanbe web page.

The interests of "Vecherka" were represented by the lawyer from the NGO "Independent Center for the Protection of Human Rights" Sharipov Abdurakhmon.[[2]](#footnote-3)

On October 28, the court ruled to partially satisfy the claims of Tokhir Ibragimov, obliging Vechorka and Parvin Jakhongiri to compensate Tokhir Ibragimov for moral damage in the amount of 2 thousand somoni each. Also, "Vecherka" was ordered to remove the article from the web page and publications from all platforms. Parvin should post a retraction on social media in three languages.

Gulnora Amirshoeva, editor-in-chief of Vecherka, noted that they had not yet received the court's decision, so they had not yet made a decision to appeal.[[3]](#footnote-4)

In October, another lawsuit against mass media was completed.

On July 21, 2020, the Acting Head of the Bureau of Radio Ozodi in Tajikistan, Muhammadrafo Rakhmatov, requested public organisation "Independent Center for the Protection of Human Rights" to provide him with legal assistance being a co-defendant in a civil dispute, lodged with Firdavsi district court in Dushanbe against the Bureau of Radio Ozodi. The organisation assigned the lawyer Abdurakhmon Sharipov to protect the rights and interests of the Radio Ozodi Bureau in the Republic of Tajikistan and provide legal representation in the court.

The lawsuit was filed by lawyers ... against the defendant - Komil Maksudov, the father of the injured minor child, and since Radio Ozodi had published an article about him on its web page, it was indicated as a co-defendant in the lawsuit related to the protection of honour, dignity and business reputation, as well as compensation of moral damage.

According to Abdurakhmon Sharipov, one of the plaintiffs indicated that the journalist, cited her name without her consent and posted audio recording where she refused to comment, this article was also posted on the Facebook social network indicating her name, surname and position along with the audio recording. According to the plaintiff, this undermined her honour, dignity and damaged her business reputation, hence she had suffered moral damage.

On October 21, the court announced its decision, which refused to satisfy the claim ... against the defendant Komil Maksudov and the co-defendant of the Radio Ozodi Bureau in the Republic of Tajikistan on the protection of dignity, business reputation and rejected the pledge to compensate the moral damage indicating that the claims were ungrounded.

The plaintiffs stated that they did not agree with the decision of the court and would appeal it on appeal in the Dushanbe City Court.[[4]](#footnote-5)

**Accreditation of journalists representing foreign Mass Media**

The accreditation of journalists working for foreign media in Tajikistan remains a subject of ongoing controversy. Media experts consider the denial of accreditation as an instrument of putting pressure on independent journalists, increasing the level of self-censorship. The authorities explain their refusal by the strive to maintain stability in society.

Anushervon Aripov, a correspondent for the Nastoyaschee Vremya TV channel, is another journalist, who was refused by the Tajik Foreign Ministry to extend his accreditation (approx. - in August). The reason for this was his recent material on the visit of the President Emomali Rahmon to the house of peasants, which experts assessed as part of the election campaign.

Currently, the Ministry of Foreign Affairs has not extended the accreditation of eight Radio Ozodi journalists who are deprived of the opportunity to work. Some employees of the organisation received accreditation for a few months only, which contradicts the legislation of Tajikistan.

“This method is aimed at influencing the content of independent media, but this is not the right decision. In countries that are called democratic, the institution of accreditation does not exist at all. The main function of this tool is control. In the case of Tajikistan, there is no benefit from this, except for the deterioration of the country's image at the international level, ”said Irshod Sulaimoni, board member of the Tajik Media Council.

Back in October 2019, NANSMIT and Tajik Media Council called the actions of the authorities contradicting the norms of paragraph 21 of the current Accreditation Regulation, which states: “Foreign correspondents have the right to freely transmit their materials, radio, video and television information, without any censorship. " The statement noted that the current Regulation on the accreditation of foreign media correspondents in Tajikistan is outdated, and refers to the norms of the old Law on the Press. Journalistic organisations urged Tajik authorities to revise this document, which was approved by the Government of the Republic of Tajikistan as of January 27, 1995 N 108, and to bring this by-law in line with international obligations and the norms outlined in the national legislation. However, no official response followed this statement.[[5]](#footnote-6)

**Assault of the journalist**

The investigator involved in the case of the assault on the journalist Avazmad Gurbatov (Abdullo Gurbati) suspended the period stipulated for the preliminary investigation due to the failure to identify the person to be charged.

The assault took place on May 11 in the proximity of ​​the capital's wholesale and retail clothing market "Korvon". There he was attacked by two unknown persons and severely beaten. On May 14, Avazmad Gurbatov was interrogated regarding the attack. On May 15, the Ministry of Internal Affairs, published information on its web page indicating that the criminal case was initiated ass a result of this attack under the article “hooliganism”, and Avazmad Gurbatov was considered a victim. On the same day, May 14, due to numerous threats against Avazmad Gurbatov by phone by unknown persons, the lawyer demanded to investigate the identity of those who threatened and their connection with the attack.

On May 29, another assault against the journalist took place on the territory of Uyali jamoat in the Khuroson district, while he was preparing to film another video report. He was beaten by three previously unknown persons. The identity of the three attackers in Khuroson district on May 29, 2020 was identified by the police. By the rulings of the Khuroson district court as of June 2, 2020, they were found guilty of committing an administrative offence violating Article 460 of the Administrative Code, each was sentenced to a fine of 10 indicators for calculations (580 somoni) in favour of the state. After bringing those responsible for the incident in Khuroson to administrative responsibility, Avazmad Gurbatov refused further appeals.

According to lawyer Abdurakhmon Sharipov, as per the decision of the investigator of the Investigation Department of the Ministry of Internal Affairs of the Republic of Tajikistan the preliminary investigation was suspended due to failure to identifying the person to be charged with the attach on the journalist near the Korvon clothing market on July 15, 2020.[[6]](#footnote-7)

**Convicted journalist**

Journalist Daler Sharifov, who is serving a sentence for inciting ethnic, racial or religious hatred, was denied parole in September.

Daler Sharifov's father Abdumannon Sharifov told Radio Ozodi that last month (note - in August) they filed a petition for the journalist's parole due to his deteriorating health condition.

The head of the Main Directorate for the Execution of Criminal Sentences (GUIUN) of the Ministry of Justice of Tajikistan, Mansurdzhon Umarov, told Radio Ozodi on October 22 that the colony's management provided the General Prosecutor's Office and the court of the Shokhmansur district with a positive description of the convicted Daler Sharifov. According to him, the decision on the early release of Daler Sharifov or his transfer to a colony-settlement will be made by the prosecutor's office and the court. The head of GUIUN added that the decision will be made within 10 days.[[7]](#footnote-8)

In April 2020, the Shokhmansur district court of Dushanbe sentenced the journalist to one year of imprisonment in a general regime colony. He was found guilty under Article 189 ("Incitement of national, racial, regional or religious hatred") of the Criminal Code of Tajikistan for mentioning in his book the ideologists from the organisation banned in Tajikistan.

Human rights activists believe that the persecution of Sharifov, who has frequently covered human rights and religious issues and criticised government policies in these areas, looks like retaliation for his journalistic work.[[8]](#footnote-9)

**Internet Black Out**

On the evening of September 16, access to the Internet in Tajikistan was blocked for one hour (from 19:40 to 20:50). There was no mobile, broadband or wireless internet throughout the country. Users also complained about poor connection quality. The Communication Service of Tajikistan informed "Asia-Plus" that there were technical failures. One employee from a mobile company said that “You need to contact the Communication Service, not the mobile companies. Since we do not have an alternative channel, all companies purchase the Internet from the Service through the UCC. Previously, each company could decide for itself. And now we have no answer, we do not know the reason. But at the same time they must answer to the subscribers, counting their losses."[[9]](#footnote-10)

According to an expert in the IT field, “From the very beginning the creation of the UCC, experts warned that it was a wrong decision. Mobile companies and other operators should have an alternative ... "[[10]](#footnote-11)

Representatives of several mobile companies in Tajikistan also stated that the interruptions in the Internet connection were not related to their activities.

Mobile operators are reluctant to participate in a formal conversation regarding this topic, saying that such a conversation may trigger problems for them in the future. None of the cellular operators providing Internet services have posted any statements on this matter and have not apologised to their subscribers.

However, a spokesman of one of the mobile companies told Radio Ozodi that "companies will never turn off the Internet of their subscribers." “Ask the sector regulator in Tajikistan, who is both a controller and seller, the owner of the Internet market in Tajikistan - the Communications Service and its subordinate organisation Tajiktelecom,” indicated the source.

Radio Ozodi was unable to receive comments regarding the incident from the Communications Service.

In Tajikistan, since 2018, Tajiktelecom has been the only supplier of Internet traffic for providers and cellular operators in the country, and all mobile operators are forced to buy Internet from this state-owned communications operator.[[11]](#footnote-12)

Meanwhile, according to calculations of the NetBlocks Cost of Shutdown Tool (COST), economic losses due to the Internet shutdown during the specified time can reach more than $ 84,825.[[12]](#footnote-13)

Representatives of civil society and media sent a letter to the Communication Service of Tajikistan with a request to clarify the situation with the Internet shutdown throughout the country. The appeal notes that the failure to inform about the disconnection, and then the failure to explain the reasons for the disconnection violates a number of human rights, both international and national legislation. “Access to the Internet should be considered a basic human right and should not be restricted,” the appeal says. The appeal was signed, in particular, by the NGO "Independent Center for the Protection of Human Rights", the NGO "Dunoyi Hukuk", lawyers A. Sharipov, Ilkhom Abidov, NANSMIT and others.[[13]](#footnote-14)

**Legislative amendments**

On October 14, the Lower Chamber of the Parliament of Tajikistan approved the amendments proposed by the Government of the Republic of Tajikistan to Administrative Offences Code of the Republic of Tajikistan.

According to the Minister of Justice of the Republic of Tajikistan Muzaffar Ashuriyon, the amendments are aimed at humanising the laws of the country, the amendments provide for the introduction of administrative punishment for actions aimed at inciting national, racial, parochial or religious hatred or discord, humiliation of national dignity, as well as promoting exclusivity of citizens according to their religion, national , racial or regional affiliation.

If these actions are committed publicly or using the media, the fine imposed will vary from 50 to 100 indicators (1 indicator 58 somoni) for calculation or administrative arrest for a period of 5 to 10 days.

Until the amendments come into force, such actions lead to a term of up to five years in prison.

The minister noted that if the persons who were brought to administrative responsibility for the above-mentioned acts, within a year after the punishment, commit similar offences, in that case they will be criminally liable and they can be imprisoned for a period of 2 to 5 years..[[14]](#footnote-15)

1. Source: <https://vecherka.tj/archives/43467> [↑](#footnote-ref-2)
2. Source: <https://vecherka.tj/archives/47373> [↑](#footnote-ref-3)
3. Source: <https://asiaplustj.info/ru/news/tajikistan/laworder/20201027/vechyorka-proigrala-sud-i-dolzhna-viplatit-2-tis-za-moralnii-utsherb> [↑](#footnote-ref-4)
4. Source: <http://ichrptj.org/ru/blog/sud-otkazal-v-udovletvorenii-iska-protiv-radio-ozodi> [↑](#footnote-ref-5)
5. Source: <https://rus.ozodi.org/a/30773829.html> [↑](#footnote-ref-6)
6. Source: <http://ichrptj.org/ru/blog/sledstvie-o-napadenii-na-gurbati-priostanovleno> [↑](#footnote-ref-7)
7. Source: <https://rus.ozodi.org/a/30908902.html> [↑](#footnote-ref-8)
8. Source: <https://rus.ozodi.org/a/30846218.html> [↑](#footnote-ref-9)
9. Source: <https://asiaplustj.info/ru/news/tajikistan/society/20200917/tehnicheskie-sboi-pochemu-otklyuchali-internet-po-vsemu-tadzhikistanu> [↑](#footnote-ref-10)
10. Source: <https://asiaplustj.info/ru/news/tajikistan/society/20200917/tehnicheskie-sboi-pochemu-otklyuchali-internet-po-vsemu-tadzhikistanu> [↑](#footnote-ref-11)
11. Source: <https://rus.ozodi.org/a/30843458.html> [↑](#footnote-ref-12)
12. Source: <https://asiaplustj.info/ru/news/tajikistan/society/20200917/tehnicheskie-sboi-pochemu-otklyuchali-internet-po-vsemu-tadzhikistanu> [↑](#footnote-ref-13)
13. Source: <https://asiaplustj.info/ru/news/tajikistan/society/20200919/grazhdanskoe-obtshestvo-prosit-sluzhbu-svyazi-razyasnit-situatsiyu-s-otklyucheniem-interneta> [↑](#footnote-ref-14)
14. Source: <https://asiaplustj.info/ru/news/tajikistan/power/20201014/v-tadzhikistane-smyagchili-nakazanie-za-vozbuzhdenie-natsionalnoi-vrazhdi> [↑](#footnote-ref-15)