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I. FOREWORD

The weakness of the media in Tajikistan is due to many different reasons, at the same time structural and linked to the general political, social and economic circumstances in the country: consequences of the civil war, loss of competent journalists (killed or exiled), high costs of production (price of paper for newspaper amounting sometimes to 30% of the expenses, usual high costs of TV production), self-censorship, pressure exerted on journalists and editors by politicians not used to relatively free press, ruined economy. The fact that there is presently no daily newspaper in the country speaks for itself: for economic reasons it is not likely that a daily could start up soon and become sustainable in the long run. The general bad situation of the media and journalism is at the same time appealing and perfectly understandable: no-one would probably consider that any important institution in the country (the government, the state, the judicial system, civil society) is functioning in a comprehensive way.

To function, the media requires relative understanding and acceptance of its role. Despite their contradictions and the need for a revision, the existing Constitution of the Republic of Tajikistan, laws, and legal media regulations can provide a basis for

the development of a reasonably pluralistic and free media system. But, the absence of the functioning of the judicial system makes it impossible at present to have a basis to understand and, in the absence of jurisprudence, what, for example, does "libel" mean in Tajikistan today. The same absence of clarity concerning the conditions to obtain a TV or radio license and the fear of editors to contest any refusal in Court also make it impossible to work out a basis for a coherent policy between state- and privately- owned electronic media (with the hope to turn the former into a public service).

Like the Constitution of the Republic of Tajikistan and the democratic principles contained therein, the laws on the media in the country have no deep roots, neither among the majority of media actors and politicians, nor in the society. The state itself and its functioning are still marked by their very origin: a product of the cessation of hostilities, with a Peace Agreement signed in 1997 largely based on Western inspired political models, which cannot have been assimilated in such a short time by a society which only left the Soviet Union to enter into a brutal civil war in 1992. The general weakness of the Tajik media and the fear of the journalists can only be reinforced by the

fact that the political leadership, which signed and committed itself to freedom of speech and freedom of the media, is the same leadership clearly accused to have been, just a few years ago, directly involved in numerous murders of journalists.

Time is therefore needed before any significant change can take place in the Tajik media field. Beyond the legal or technical changes that might be necessary to introduce into the media structure, the chances for future development for media and journalism will depend on the readiness of the politicians, the media actors, the representatives of various public bodies, and of the Tajik society to engage in a large debate on the role that the media should and could play in present Tajikistan.

This report is the result of a month-long research in Tajikistan by two media specialists André Loersch and Mark Grigorian, in September 2000. The objective of the research was to provide an overview of the overall media situation in the country, which could serve as a base for possible future activities of the Swiss Agency of Development and Cooperation SDC in media field in Tajikistan.

II. HISTORY

The history of media and journalism in the post-soviet Tajikistan (1991-2000) is, on the one hand, marked by a short period of relative openness that the media experienced at the time of the independence (September 1991) until the beginning of the civil war (mid 1992). On the other hand, it is also characterised by a longer period of terror for journalists and editors. Not having been in-depth and systematically studied, the first period is difficult to imagine considering that the present media situ-

ation in Tajikistan has been deeply affected by the long list of killings, tortures, arrests, exile, beatings, that many journalists suffered from during the eight years following that short opening. The Tajik media now seems still deeply conditioned by this recent past which left the journalists with a legacy of a fear that "they feel in their bones", as a Dushanbe-based editor put it during an interview. Some well-established international organizations such as the New York-based Committee to Protect Journal-

ists (CPJ) attribute, without hesitation an overwhelming responsibility to the current Tajik leadership for the terror exerted toward the journalists. But, more than three years after the signing of a peace agreement between the Tajik government and the United Tajik Opposition (UTO) under the auspices of the United Nations, no significant effort has yet been made to officially establish the responsibility for the murders of so many journalists.

War

It is a widely spread belief in Tajikistan that the media played a crucial and negative role in the starting of the civil war which, in 6 years, caused at least 50,000 dead, with some estimations going up to 150,000 victims. But, contrary to the repression which affected the journalists, this issue is unfortunately not precisely documented. Nonetheless, the importance and the influence of the political leadership -both from the government and the opposition side- attributed to media is testified by the

space given to media issues during the Inter-Tajik talks that the government and UTO initiated in 1994 under the auspices of the United Nations. A book by the Tajik journalist Oleg Panfilov, due to be published in Moscow and covering seven years (1992-1998) of events in the media field in Tajikistan, indicates that media was then in no way considered as a public space for debate or information but as a dangerous weapon, the use of which had to be negotiated in parallel to cease-fires.

During the first round of talks held in Moscow in April 1994, Oleg Panfilov recalls that the "constructive activity of the mass media in Tajikistan and its limitation in accordance with the goal of supporting the process of national reconciliation" was considered by the negotiators as a measure of trust in the process of political normalisation.

During the second round of talks in Teheran in June 1994, the opposition's representatives failed in

getting the government's delegation to accept to include in the "text on the agreement to a temporary cease-fire a point on the re-start of activities of the media forbidden by the authorities". Nonetheless, the final document contains a mention of the media, under the section dedicated to the "cessation of hostile activities" aiming at the "cessation of using all channels of information and mass media with the intention of undermining the process of national reconciliation"¹. Freedom of press, as

well as demands for liberation of the journalists from the opposition's side have also been regularly mentioned during the successive Inter-Tajik talks, as well as the right of representatives of both sides to have access to National Television. Last but not least, the lifting in August 1999 of the ban imposed on political parties and mass media, which had been imposed in December 1993, came as part of the General Agreement signed by UTO and the government in June 1997. It was "contingent on

the completion of the second stage of the military protocol, contained in the General Agreement, under which UTO fighters were to be integrated into government forces"². It is with this conceptual legacy, with the close link between the role of the media and that of political and armed forces during the conflict, that the Tajik society now faces the challenge to establish a reasonably well-functioning media system in accordance with the democratic goals proclaimed by the Constitution of the Republic.

Killing of journalists

The first years of the war constitute the darkest period for Tajik media. In 1994, the New York-based Committee to Protect Journalists (CPJ) noted that "over the past three years, Tajikistan has been the scene of one of the most brutal, yet least noticed, campaigns against press freedom in the world"³. With 27 confirmed cases of murder, the death toll of journalists in Tajikistan between 1992 and 1994 is "one of the highest CPJ has ever documented"⁴. As a comparison, "in recent years, only Algeria and the former Yugoslavia have seen comparable numbers of journalists killed because of their profession"⁵. Shot dead in front of their houses, kidnapped and then left dead in a street or in a field, most of the murders recorded by CPJ were attributed,

by people close to the victims (mainly colleagues), to paramilitaries of the People's Front of President Emomali Rakhmonov, or to armed groups affiliated to it. Even if reasons for the murders remain unclear in some cases, many of the killed journalists appeared to be Pamiri, originating from the region of Gorno-Badakhshan, often considered as an Islamist stronghold by the government's partisans and which population had fre-

quently been targeted during the fighting. A speech or an article criticizing certain political groups would be enough to provoke the death of some of the journalists, and reporting on sensitive subjects such as "the criminal and political Mafia" in Tajikistan⁶ could prove fatal.

Such a record brought President Rakhmonov the questionable honour to be classified in 1996 in the fifth rank on the "Ten Worst Enemies of the Press" annual list established by CPJ, with the names of statesmen considered accountable for "abysmal press conditions in their own countries". Mr Rakhmonov was only surpassed this year by the leader of the Algerian Armed Islamic Front Abu Abdul Rahman, Chinese President

¹ Quotations from the manuscript of Oleg Panfilov, kindly put at the disposal of the authors of the present report. The book is due to be published in Moscow. Oleg Panfilov, a Tajik journalist, lives in Moscow since 1992. On the side of the opposition, he participated as a special advisor in the 1994-1997 inter-Tajiks talks.

² "Tajikistan, Freedom of Expression still Threatened", Human Rights Watch, November 1999, vol. 11, No. 14 (D).

³ "A Retreat to Tyranny : Tajikistan Unreported War Against Press Freedom", Committee to Protect Journalists, 1994.

⁴ Ibid.

⁵ Ibid.

⁶ Case recorded by CPJ of Khushvakht Haydarsho, secretary of the editorial board of the Tajik newspaper Jumhuriyat, who was shot dead on May 18, 1994, near his home in Dushanbe. He published a series of articles on "the criminal and political Mafia" in Tajikistan.

Deng Xiaoping, Nigerian President Sani Abacha and Turkish Prime Minister Mesut Yilmaz⁷. The same year, President Rakhmonov was classified in a similar macabre list, the "hit parade" established by the French organisation Reporters sans Frontières: 14th out of 25 statesmen⁸. Interestingly enough he, nevertheless, was not the first Central Asian leader on the list, but the third: the Turkmen Saparmurat Niyazov appeared fourth and the Uzbek Islam Karimov seventh. President Rakhmonov does not appear on the last CPJ's list of the "Ten Worst Enemies of the Press" established on May 3, 2000. In the sixth position, Central Asia is, however, represented by the Kazakh President Nursultan Nazarbayev.

The pressures exerted against journalists remained constant after 1994, even if in less dramatic proportions than between 1992 and 1994. The decrease may be due to the fact, stated by CPJ, that almost all independent journalists had fled the country by that time.⁹ But, even at a reduced frequency, the incidents - murders, harassment, beatings- recorded by organizations such as CPJ, Reporters sans Frontières or Human Rights Watch would be enough to keep a constant pressure on the journalists and continuously remind them of the danger of their profession. The targets would frequently appear to be either journalists having a reputation of relative independence like Mohyedin Alempour, chief of the Persian service of BBC (shot dead in Dushanbe in December 1995)¹⁰, spe-

cializing in sensitive issues like Viktor Nikulin, specialist of armed and political conflict in Tajikistan (shot dead in Dushanbe in March 1996)¹¹, or in investigations about the drug trade, like Jumakhon Hotami, Ministry of Interior Press Centre Chief who had chaired a television program called "fight against crime" (shot down in a suburb of Dushanbe in July 1999)¹². According to data of the Moscow-based organization Glasnost Defence Foundation, not one single year from 1992 until 1999 passed by without a Tajik journalist being killed. The year 2000 is no exception with at least two victims, the last being Iskandar Khatloni, a Tajik journalist living in Moscow, killed at his home by unknown men in September.

Newspapers closed, media in exile

The ban on the activities of opposition parties was imposed by the Supreme Court of Tajikistan in June 1993. Activities of groups such as the Democratic Party, the Islamic Revival Party, the National movement "Rastokhez" (Revival) and the Association "Lahli Badakhshon" were terminated. In December 1993, the registration of six newspapers of these organizations was invalidated. According to Oleg Panfilov, 19 newspapers were then forced by the au-

thorities to close down. As a result, wrote CPJ in 1994, "today, the national press in Dushanbe consists of a few state-owned newspapers, with one exception (...) The sole private

publication, the Russian-language *Biznes i Politika*, can hardly be considered a newspaper. It publishes mostly advertisements and sparse statistical information about the economy".¹³

Some media were coming out in exile, among which the well-known newspaper *Charoghi Ruz*, closed by the end of 1992, which resumed publication in Moscow. *Charoghi Ruz* came out in 1994-1995 thanks to a 90,000 U\$ grant from the National

⁷ List reproduced in a study in Dortmund University in 1999 on the situation of the media in Tajikistan : Christoph Schüpp "Studienarbeit, Medien in Tadschikistan unter besonderer Berücksichtigung der Situation von Journalisten", Universität Dortmund, Institut für Journalistik, Germany.

⁸ Christoph Schüpp, *op cit*.

⁹ "Tajikistan : Year in Review", Committee to protect Journalists, 1995, quoted in Christoph Schüpp, *op cit*.

¹⁰ Case recorded by CPJ, mentioned in Christoph Schüpp, *op. cit*.

¹¹ Oleg Panfilov, *op. cit*.

¹² Recorded in "Tajikistan, Freedom of Expression still Threatened", *op. cit*.

¹³ "Tajikistan, Freedom of Expression still Threatened", Human Rights Watch, November 1999, vol. 11, No. 14 (D).

Endowment for Democracy. The founder of the newspaper is Dodojon Atovulloev, and the Editor-in-Chief Salim Ajubov. Because they do not feel that their security would be guaranteed, they have still not yet decided to return to Tajikistan. Some

issues of Charoghi Ruz are distributed in the country, after being smuggled into Tajikistan. Several media of the Islamic Revival Party were coming out in Afghanistan (newspaper Najot, radio station Voice of Free Tajikistan) and in Pakistan

(bulletin Jaikhun). By August 12, 1999, the ban on the opposition parties and their newspapers was lifted and some of them resumed or started publication, such as Najot and Mizon (see below).

TV stations closed

On February 21, 1994, the Chairman of the Supreme Soviet of Tajikistan Rakhmonov signed a Decree of the Presidium of the Supreme Soviet of Tajikistan "On Putting in Order the Activities of Television and Radio in the Republic of Tajikistan", of which, in particular: "Pending acceptance of the mentioned law ["On Television and Radio"], suspends in the entire territory of the Republic the activities of non-state structures of television and radio". As a result, the main experiences of private television in Tajikistan (initiated in 1989 with the creation of the broadcasting company Ekran, which changed its name in 1993 to Somonen, and was followed by the launching of Dzhaikhon-oro and Temurmaliik in Khudjand) were interrupted. President Rakhmonov's decision, however,

does not appear to be strictly linked to the events of the civil-war and, according to Christoph Schüpp, could just be related to political rivalry, economy (control of the limited advertisement market by the state TV) or an attempt to stop the intrusion of Western productions broadcast by the private televisions¹⁴. Apart from some local initiatives, tolerated by the authorities, Tajikistan was then left, in terms of local broadcasters, only with the strictly government-controlled national television. For political reasons, when the news coverage of Tajikistan would not suit the government, the re-broadcasting of Russian TV channels in Tajikistan would simply be interrupted, which happened several times. As for radio, no private station had started functioning in Tajikistan until in.

Requirements of "objective" coverage of events in Tajikistan since 1992 repeatedly resulted in the termination of importing Russian newspapers into the country, and occasionally became the reason of armed skirmishes for the TV and Radio centers. On May 6, 1992, supporters of the opposition captured the television building in Dushanbe. On the same day, an attempt from the opposition to capture the radio building ended in an armed confrontation which lasted around two hours.¹⁵

¹⁴ Christoph Schüpp, *op. cit.*

¹⁵ Oleg Panfilov, *op.cit.*

III. LEGISLATION

General

Apart from some contradictory and restrictive aspects of the texts on media law, the legal situation of the media in Tajikistan also suffers from an absence of court practice on decisive issues which usually strongly determine journalism practice (like libel), as much as of a comprehensive vision of the media system. "In the last five years in the judicial practice in Tajikistan, no examination of cases of libel are known", wrote Said Yunusov in a study published in 1999¹⁶. More generally, "there is virtually no court practice of cases connected with the activities of the media."¹⁷ Such assertion might be excessive: some cases have been examined by some courts in Tajikistan, but their decisions only represent some isolated precedents, not discussed or contested in a comprehensive framework. They do not, therefore, form a basis for the development of a coherent jurisprudence. Cases like the one of Vose, described further in the section "Criminal code (libel)", only give the image of a judicial system being under the influence of politicians. This absence of a developing jurisprudence together

with the total non-existence, in some cases, of clear procedures to appeal against decisions taken by the authorities (such as the refusal to give a broadcasting license to a private television or radio) contribute to deepen the present "great gap (...) between the norms declared by the Constitution and reality."¹⁸ In theory, freedom of speech and freedom of the media are guaranteed by the Constitution. But, as far as the application of these principles is concerned, "every manifestation of disagreement with the policy of the government is being punished."¹⁹ This might take different forms: "the seizure of the issues of some newspapers, the unclear interdiction by the authorities to publish some material, physical persecution and intimidation of independent journalists."²⁰

The legal basis of freedom of speech and media activities in Tajikistan are essentially defined by the Constitu-

tion: laws "On Press and Other Media" and "On Television and Radio", together with laws "On Copyright and adjacent Rights" and "On State Secrets". The evolution of the media law since the declaration of the country in 1991 is generally perceived as a restrictive one. An in-depth analysis published in June 1999 in the state-owned newspaper *Narodnaia Gazeta*, co-signed by Djunaïd Ubodov and Bahodoor Kosimov (the latter Managing Director of the organization *Internews in Tajikistan*), gives an illustration of this evolution. Adopted in December 1990, the law "On Press and Other Media" was born, so the authors, "in a period of democratic romanticism". It "clearly forbids whatever interference from the side of acting bodies, governmental and public organs, in the activities of media (art. 36), establishing the criminal character for any violation of this fundamental principle of independence and functioning of the media"²¹. On the contrary, say the authors, the law "On Television and Radio", adopted in 1996, clearly limits in its 6th article the principle of non-interference to the only "creative

¹⁶ Said Yunusov, *Media Laws and Practice in Tajikistan*. In: *Press Laws and Practice in the Countries of CIS and Baltics*. – Glasnost Defense Foundation, Moscow, 1999.

¹⁷ *Ibid*

¹⁸ *Ibid*

¹⁹ *Ibid*.

²⁰ *Ibid*.

²¹ Djunaïd Ubodov, Bahodoor Kosimov, "Mir informatsii bez granits ?" ("World of Information without borders ?"), *Narodnaia Gazeta*, Dushanbe, 24 June 1999.

activity of TV-radio- organization”, thus providing the authorities with a “perfect legal tool” to make obstacles or to interfere in any form and by any means in the concrete activity of any “undesirable media”.²²

Reading through the legal texts concerning the media hardly reveals any idea of any comprehensive media strategy from the legislator’s side. In terms of electronic media, the texts acknowledge two forms of broadcasters: “gosudarstveni i ne-

gosudarstveni” – “state” TV or radio, and “non-state” TV or radio, with no mention of any kind of public service. The mission of the state broadcaster is roughly defined, with accent on the obligation to put on the air “official announcements, decisions of legal bodies, executive and judicial powers officially available” (article 6). The whole functioning of the state media thus appears essentially orientated towards the activities of the acting state structure, with no

larger mission, frequently devoted to public media in other countries, such as aiming to represent different points of view or to maintain a particular form or culture. In fact, the only form of pluralism established by law in the media concerns the language, article 19 of the law “On Television...” stipulates that “TV and radio companies broadcast in the state languages, and also in other languages”.

Overview of the legal base

The Constitution

The Constitution of Tajikistan, like constitutions of some other post-soviet countries, contains substantial principles in terms of defense of human rights and freedoms, including the freedom of speech. At the same time, it includes grounds for restriction of those freedoms.

Article 30 of the Constitution declares that:

“Freedom of speech, press, right to use mass media is guaranteed for everyone”;

“State censorship and persecution for criticism is prohibited”;

“The list of information concerning state secrets is determined by the law.”

Common restrictions of freedom of speech are contained in article 7 (“Propaganda and actions directed to

split the unity of the state are prohibited”), and article 11 (“Propaganda of war is prohibited”). But, Said Yunusov pays special attention to article 14²³, considering that the formula of “public order” is so broad that it could be used to restrict all human rights and freedoms, including the freedom of speech. The Constitution also guarantees the inviolability of private life (article 23), a norm that may limit the freedom of the media, and does not include freedom of speech in the list of freedoms that cannot be limited by Martial Law (Article 47). The text of the Constitution does not mention the right of the people to receive information.

Law “On Press and Other Media”

The law “On Press and Other Media”, like the same laws of Kazakhstan, Uzbekistan and Armenia, was adopted in 1990 before the Soviet Union was officially dissolved by the leaders of Russia, Ukraine and Belarus. It is a replica of the Soviet law with the same name, and repeats its spirit and logic. This law was amended on 14.03.92; 01.02.96; 12.12.97 and 11.12.99. According to different analyses in Tajikistan, the amendments decreased the level of freedom of speech. According to the Article 2 of the law “On Press...”, the media in Tajikistan is free, every citizen of the country has the right to freely express his or her views and opinions, disseminate them in any form in the press and other media, and censorship is forbidden. Article

²² The article 6 of the law states that : “ Interference of governmental organs, local authorities and their acting bodies, political parties, public organisations and any citizen in the creative activity of TV-radio-organisations, together with censorship, as well as control over the ideological content of the TV-radio-programs is forbidden “. (Free translation).

²³ “The rights and freedoms of citizens can be restricted only to ensure rights and freedoms of other citizens, public order, defense of the constitutional order and territorial integrity of the republic.”

5 says that the state, the political and public organizations, as well as officials are obliged to provide information to the media. In case the state officials and public organs prevent journalists from doing their duties, force them to publish or not to publish information, they could be punished and fined (article 36).

An important element of journalism is contained in article 29, which says that a journalist has no right to unveil his sources of information, excluding the cases, when this might be requested by a court. Lawyer Djunaïd Ibodov²⁴ believes that the phrase "has no right" is too strict, and should be replaced by "may not" or "could not". This article contains also limitations. It forbids to unveil any information that can make publicly known the identity of a juvenile delinquent without his prior consent, and contains a ban to predetermine a court decision. The Law on Press contains several other limitations. Article 6, under the title "Inadmissible Abuse of Freedom of Speech", bears the key restrictions. According to that article, the media cannot publish state and other secrets; calls to coup d'état; war propaganda, violence and cruelty; racial, national, religious discrimination or intolerance; pornography, calls to commit criminal and other crimes, as well as information defaming the president and the country (such provisions are qualified by Reporters sans Frontières as means frequently used by authoritarian governments in or-

der to repress any criticisms in respect of the authorities in position²⁵). According to Nicolas Daniloff, articles of this kind (they exist in respective Armenian and Azerbaijani laws on press) are controversial, because they limit the freedom of speech, while mistakes in journalism, as well as in any other sphere of human activities, are inevitable²⁶.

The same restrictions are mentioned in article 22 of the law, according to which media containing the type of information mentioned in article 6, should be forbidden. The same article states that it is forbidden to prevent distribution of media, "including by requisitioning its circulation or a part of it". This means that, in several cases, the actions of the officials of the printing house Sharki Ozod are illegal (see below). A court can decide to close a media outlet, if the provisions of articles 6 and 22 are violated. The presence in the law of a chapter on the "Rights and Obligations of Journalists" is in itself controversial, as such rules belong more to the general understanding of the functioning of the media than to pure legislation, except the usual relevant aspects of the civil and the penal code (such as respect of the privacy or libel). Article 33 of the law also appears questionable and may become a basis for arbitrary and political decisions. According to that article, foreign journalists can be

deprived of accreditation, if they "systematically prepare and spread misinformation about the internal and foreign policy of the Republic of Tajikistan, so harming its interests".

Law "On Television and Radio"

This law, which was adopted on 14.12.96 and amended on 30.06.99, appears more restrictive for the freedom of speech than the law "On Press...". It places state- and private-TV and radio in unequal conditions, giving advantage to the state TV and radio. First of all, by giving the State Committee for Television and Radio (usually described as "Gosteleradio") the competence to give licenses to the private TV and radio stations, which are de-facto its potential competitors. In its first draft, this law was however not even taking into consideration private broadcasters. "As a result of our lobbying, we succeeded in obtaining the introduction of the status of private media in the law", says Bohodoor Kosimov from Internews²⁷.

The state TV and radio have priority in using the state wire networks (article 8), and the state has the monopoly for international activities, i.e. re-broadcasting foreign TV- and radio-stations, foreign programs, buying programs and selling them. (article 5). The social defense of the employees of state TV and radio companies are established by the law (article 31), which also clarifies the sources of financing for state companies (article 32).

²⁴ Said during a seminar on "Legislative Education of Journalists", - in Kairakkum, September 13-15, 2000.

²⁵ Reporters sans Frontières, introduction to the Annual Report, 2000.

²⁶ "Paradoxes in the Caucasus: A Report on Freedom of the Media in Azerbaijan and Armenia", by Nicholas Daniloff for the Committee to Protect Journalists, January 1998.

²⁷ Interview Cimera, Dushanbe, September 2000.

Article 3 lists the principles of activities of TV and radio stations. They are:

- objectivity of information;
- reliability;
- right of the citizens to receive information;
- free expression of (own) views and opinions;
- respect towards general norms of morale;
- strict observance of professional ethics.

Only juridical persons in the Republic of Tajikistan can be founders of TV and radio organizations (article 11). The activities of TV and radio companies can be terminated by a court, but the law does not say on what grounds, or in what cases could a court take such a decision. Control over the ideological contents of the programs is prohibited. State organs and officials, political parties and public organizations, as well as private persons cannot intervene in the "creative work" of the TV and radio organizations (article 6). The right to obtain information for TV and radio organizations and their workers is stated in article 20.

Regulations on "Order of Licensing in Sphere of Television and Radio"

Signed on 14.11.97, this is the very document according to which broadcasting licenses are given to electronic media. "Regulations on Order of Licensing in Sphere of Television and Radio" is the document which

plays the most important role in obtaining broadcasting licenses (see below the chapter "Media system", section "licensing").

Criminal code (libel)

Article 135 of the Criminal Code gives the following definition of libel: "The spreading of notoriously false information attacking someone else's honour and dignity or undermining his reputation". Court practice has not yet established a substantive definition of libel in Tajikistan. The slight information about such cases, like the one of Vose, gives more indication on the defective functioning of the judicial system in Tajikistan than it provides a base for the development of any consistent jurisprudence on this subject. Described to the authors of this report during direct interviews, the same case was also recorded by Human Rights Watch in its above-mentioned report. In 1999, the procurator of Vose, in southern Tajikistan, launched a criminal case for libel against the editors-in-chief of two newspapers which, in 1997, had published critical articles on the Chairman of the Executive Committee of Vose. The latter had then already attacked the journalists who made the articles, but the latter won the case. Despite this discharge, the editors-in-chief were then harassed, notably by the police, who tried to bring them by force to an interrogation. When both of them went to the Vose procurator's office in 1999 accompanied by a representative of the

Memorial Fund in Memory and Defence of the Journalists, they met the deputy procurator who, at the end of the meeting, according to the Human Rights Watch report "acknowledged that he was at fault and that he was only obeying the orders" of the Chairman of the Executive Committee. On January 1999, more than one year after the journalists had won their first case, they were attacked again, this time for slander, and sentenced to three years of imprisonment. They were finally liberated after letters of protest were sent to President Rakhmonov by various national and international journalist organizations.

IV. SYSTEM / STRUCTURE OF MEDIA

General

No daily newspaper, no private television broadcasting in the capital Dushanbe, no private radio in the whole country: like the entire society, the media system in Tajikistan finds itself in a difficult transitional period. The sometimes contradictory and limiting laws in vigour concerning the media, and the lack of concrete judicial cases as a basis for a further development of the freedom of the press are not the only reasons for that. In fact, a purely legal approach to the question would prove a too restrictive one to envisage action to contribute to developing the media in Tajikistan. Analyses underlining the deficiencies of the laws are of course well-founded from a theoretical point of view. For example, the observation that "the absence in the Law of norms obliging the authorities' organs and other subjects to put information at the disposal of the media can reduce to nil that same right to receive information"²⁸ is not only relevant within the Tajik context. It also fits with the path followed during the last decade by some countries in Western Europe in the sphere of the right to information, with new laws and regulations

including the obligation of the authorities to provide journalists with information on their activities. But such laws have generally been the fruits of a relatively long experience of democracy, of a concrete practice and numerous debates.

In Tajikistan some legal adaptations might be needed but, more generally speaking, it is the whole social, political and economical environment in which a media system can normally function which is lacking. Beyond the legal technical problems and the general non-functioning of the judicial system, its apparent submission to the political power, it is the broad lack of discussion on the role of media which is in cause. Legality is one important concept, but so is the one of legitimacy when press comes into question. If better understood, this concept would, with no doubt, be as efficient as a new law to bring more quality into the content of the media, and more tolerance towards the journalists. Beyond the reluctance of the state apparatus to deliver licenses to private

broadcasters, one is also particularly struck by the absence of any clear vision of the media system that would be adapted to Tajikistan in the near future. All debates on media now seem to focus on the opposition between the "state controlled" media, with no reference to its possible future transformation into a "public service, and the "independent" or "private" media, based on models developed in countries with a completely different political and economic background. Very little attention seems to be paid to the pluralism of the media, and the complementary role different types of media should play. And with no broader understanding of those notions, new laws run the risk to remain empty words.

Self-censored journalism

If nothing else, the atmosphere of the Tajik capital Dushanbe gives a first indication of the psychological consequences of the civil war, with the streets rapidly emptying as dusk appears. Even if indicators show a decrease of violence in town, the feeling of uncertainty is still well spread, and so is the mistrust of the police, often considered helpless. This gen-

²⁸ Djuinaid Ibodov, Bahodoor Kosimov, " Mir informatsii bez granits ? ", *Narodnaia Gazeta*, Dushanbe, 24 June 1999, op. cit.

eral atmosphere, more incentive to a withdrawing attitude than to the taking of risks, no doubt also influences the journalists in their everyday behaviour and work, the carefulness expressing itself, in this case, in avoiding to address particular controversial or sensitive issues. "There are no courageous journalists in Tajikistan," says Galina Nazarova²⁹, National Co-ordinator of WIMCA (Women in the Media of Central Asia). "But, I cannot judge them. Our journalism needs rehabilitation. Fear broke down many of our colleagues."

There appears to be no systematically organized censorship in Tajikistan in the sense that, for example, there is no special body dedicated to reading all newspapers prior to their printing and entitled to ban any article from being published. Direct censorship occurs occasionally and is conducted by the employees of the state publishing house Sharki Ozod, which is printing almost all newspapers in Dushanbe. One case of censorship of an article in *Biznes i Politika* was recorded by Human Rights Watch³⁰, and a similar case was told to CIMERA by Mukhtor Bokizoda of the Memorial Fund in Memory and Defense of the Journalists of Tajikistan: "A story about the Prime-Minister Abdumalik Abdulzhanov was ready [to be published in *Surush*]. People from the printing house came and told the editor to take that story away from the front page. He did not. Then they took acid and erased [from the zinc forms] whatever they wanted." Human Rights Watch also reports about

occasional interruptions of programs of Russian television and radio in 1998. But even in the absence of systematically organized censorship, "journalists exercise significant self-censorship, a skill they honed in the Soviet era, because they are acutely aware that criticizing or publishing sensitive information on government figures or policy, controversial political actors, powerful war lords or drug bosses could result in reprisals. This in itself is so effective that information on these subjects rarely reaches the Tajik media."³¹ Some observers consider that self-censorship simply affects the whole information produced by the media. "All topics are self-censored," says Zuhra Halimova, Executive Director of the Open Society Institute in Dushanbe. "Newspapers write about everything, but in a very diplomatic way. The journalists are cutting edges."³²

Self-censorship naturally influences much more editors than journalists. As Zuhra Halimova puts it, "the editors are thinking and thinking again – for 100 times, probably, before publishing "sharp" material. They ask themselves, will this or that story change anything, could something happen with the newspaper, journalist or themselves, or not?". For the

editor of a private newspaper in Dushanbe, however, the question is not only linked to self-censorship: "Self-censorship is another problem. I have much more information for every issue than the one I publish. I know everything that happens. I know why the military operations have started, why RTR (Russian state television) says that Khattab is in Tajikistan³³. But, if I publish some of this stuff, none of my sources would confirm the information."³⁴ Jan Malekzade, Deputy Head of Mission for the Organization for Security and Co-operation in Europe (OSCE) in Tajikistan, talking about the weekly *Asia Plus*, often considered as one of the most serious newspapers in Tajikistan, says: "The director of *Asia Plus* is not openly critical towards the government, but he does what he can – he must manoeuvre. The editor of *Biznes i Politika* cannot put everything she wants in the newspaper because of the danger that she could be harassed".³⁵ Furthermore, the journalists would not feel supported enough to take too many risks. As Mukhtor Bokizoda puts it, not only "the journalists have no support from the government", but "they have no support either from their colleagues. All this prevents the writing of critical articles. There are no guarantees that the author of such an article would not be "liquidated"; and harassment by telephone is very frequent." As an illustration of this lack of solidarity and culture of association, it was striking to see more than thirty editors and journalists gathered in a seminar on media le-

²⁹ CIMERA interview, Dushanbe, September 2000.

³⁰ A paragraph in a story published in the November 5, 1998 issue, came out blank in all copies of *Biznes i Politika*. See: Human Rights Watch. *Tajikistan. Freedom of Expression Still Threatened*. November 1999, op.cit. **Error! Reference source not found.**

³¹ Human Rights Watch. *Tajikistan. "Freedom of Expression Still Threatened"*, op.cit.

³² CIMERA interview, September 2000.

³³ Khattab, a warlord or Arab origin is a well-known Chechen field commanders. The Russian television reported in September 2000 that Khattab had come to Dushanbe and that he would then have been hiding somewhere in Tajikistan, intending to join the Uzbek opposition. The report was immediately contested by Tajik officials.

³⁴ CIMERA interview, September 2000.

³⁵ CIMERA interview, September 2000.

gal issues, being unable to say what the case of the journalists sentenced in Vose was about³⁶ (see above "Criminal code (libel)" section).

Lack of professionalism

Self-censorship is accompanied by (and results in) low professionalism. Local media professionals and analysts are unilateral in criticizing the low level of journalism and the existing journalism education. Nazarova admits that "stories printed in the social-political newspapers are not interesting. The people do not buy them, because they are not interesting". In terms of content, self-censorship is not enough to explain the lack of substance of the information offered to the public, causing some people to rely more on external sources of information than on national media to get news on current events taking place in Tajikistan. In 1997, the Chairman of the Leninabad province made a statement which can still be considered relevant: "To get objective and accurate information, I and many friends turn to foreign broadcasters, particularly Radio Free Europe".³⁷

In September 2000, armed clashes in the Darband District, in Central Tajikistan, opposed government forces to a former opposition commander, Mullo Abdullo, and some of his supporters. From a journalistic point of view, there could hardly be at that time more actual events going on, with, maybe, the real end of the civil war being at stake. Nevertheless there was hardly any information available in the media dur-

ing this period. *Biznes i Politika* briefly mentioned that after several weeks of confrontation, the fighting had been brought to an end and that an agreement had been found with the rebel commander. In the same week, *Asia Plus* mentioned the armed clash, but as a sub-part of an entire page dedicated to the general who headed the governmental forces against Mullo Abdullo's paramilitaries. As in *Biznes i Politika*, there was no precision on the issue of the conflict and on the precise content of the agreement passed between the two sides.

Asked about the reasons for this absence of detailed information, Umed Babakhanov, Director of *Asia Plus*, mentioned two causes: the lack of professionalism of the journalists, and the non-availability of the information. From their side, journalists from the Russian service of Sadoi Dushanbe (third channel of the state television, broadcast in Dushanbe and its surroundings) explained their silence on this issue with arguments having little to do with journalism. They did not mention this event, they said, because they had no one "on the spot". Asked then if they at least had mentioned the fact that the news had been given by other media (the little information published by *Biznes i Politika* or *Asia Plus* could have been mentioned), they said they did not. Asked if they tried themselves to get more information on that, they said they had not. Asked why, they could not give a precise answer.³⁸

In reality not only more precise information on the subject could have been easily found by curious journalists, but also an interlocutor ready to give information to media was apparently available. On 14th September, BBC announced the news of the agreement, mentioning, as a source, the Iranian radio from Mashhad on 12th September.³⁹ On that day, the Iranian radio put on the air a report of a correspondent in Dushanbe who, unlike his colleagues from the Tajik media, managed to find an interlocutor to comment on the events in the person of the former opposition commander Salamsho Muhabbatov, presently "member of the government of Tajikistan". Except this example, due to the lack of training or the difficulty to find proper information, journalism in Tajikistan appears also to suffer from a lack of professional habits -including simple curiosity-, probably due to the absence of any solid journalistic tradition.

Private radios: a new opening?

Given the price of paper, the lack of potential resources from advertisements and the general low financial capacity of the potential readers, there is little chance that any daily newspaper with a significant content in terms of news and analysis can be produced soon in Tajikistan and become self-sufficient. Given the dependency of the private televisions on greetings program and the general costs of TV production, the development of televisions able to compete with the state television will also take a long time. In this overall situation, private radio might bring an

³⁶ During the seminar "Legislative Education of Journalists", - Kairakkum, September 13-15, 2000.

³⁷ Nurmuhhammad Niyoz, quoted in "Tajikistan: Journalists Live in Danger And Fear", Radio Free Europe, 18 March 1997.

³⁸ CIMERA interview, September 2000.

³⁹ "Tajik rebel group agrees to integrate into government forces - Iranian radio", BBC, 14 September 2000.

enlightenment and open the door to more pluralism in the media, making available a new daily voice to the public. Radio costs are far more below those of television. There is presently no private radio broadcasting in Tajikistan, but in August 2000, the State Committee for Television and

Radio delivered its first license to a private radio. The latter was supposed to start broadcasting in Kurgan-Tyube in October 2000. Its structure will be private, but the project will be launched with the support of an external donator (Swiss agency for Development and Co-op-

eration), and OSCE will supervise the implementation of the whole process during the first two years. This precedent might hopefully be the start of a new policy of the state towards private broadcasters, some of them having in vain purchased a license for years.

Media structure

Statistics

Around 250 media outlets were registered in Tajikistan in August 2000. According to the Mass-Media Department of the Executive Apparatus of the President of the Republic of Tajikistan⁴⁰, there were among them:

- 191 newspapers
- 50 magazines
- 7 news agencies
- 19 TV stations

At the time of the writing of this report (October 2000), only one pri-

vate radio station (in Kurgan-Tyube) had received a license from the State Committee for Television and Radio.

The Mass-Media Department also stated that from all media outlets registered:

- 43 newspapers
- 4 journals
- 6 news agencies
- 18 TV stations

were non-governmental, i.e. private, or belonging to different companies (enterprises), or political parties. The

non-private newspapers also include regional, city, and district papers spread throughout the country. This data gives a general overview of the present structure of the press, their ownership, and its locations in towns or in the regions. But those figures might be subject to quick changes. During the three weeks preceding the writing of this report, at least two new publications (weekly) have been launched in Dushanbe, but without bringing any significant change to the global news offer.

Electronic media

State Television

The State Television, Tajikistan Television (TVT), has one channel, with a national audience (reaching between 70% and 80% of the population, according to various estimations). TVT is considered to be the main informational and state propaganda support. As it is hardly acces-

sible in many mountainous villages of Gorno-Badakhshan Oblast (East of the country, situated on Pamir mountains and foothills), the government installed satellite dishes to reach this area. The State television

includes also TV organizations in the centers of oblasts, and in Khorog, the center of Gorno-Badakhshan Autonomous Oblast. These are small companies, broadcasting on the frequency of the national TVT channel, usually for 1-2 hours per day, between 6 and 8 p.m. In the capital city, Dushanbe, another publicly

⁴⁰ CIMERA interview with Abdurakhmon Abdumannonov, Head of the Mass-Media Department of the Executive Apparatus of the President of Tajikistan, September 2000.

owned television is working, Poitakht, which belongs to the municipality. It is on the air for four hours per day (7 – 11 p.m.). The Russian channels ORT and RTR can be seen almost in the whole country, and are re-broadcast on the basis of an intergovernmental agreement with Russia. Uzbek state TV can be seen only in some parts of the country.

Private televisions

Around 15 private Televisions are broadcasting in different regions of the country, none of them having a national diffusion. In Dushanbe, only one private TV station, *Somonion* has received a license to broadcast. It was already issued in 1998, however the owner, Ikram Mirzoev, could only pay the fee in June 2000⁴¹. Even though his TV station is licensed to broadcast one hour per day, Mirzoev claims that *Somonion* is in fact broadcasting seven hours on Sundays, on the seventh decimeter channel. This affirmation could, however, not be checked. The authors of the reports could not manage to see *Somonion* programs, and some observers think that *Somonion* is simply not broadcasting at all, notably because of outdated equipment.

In the televisions field, the biggest diversity can be found in the northern part of the country – the Leninabad oblast. In Khujand, its capital, four stations are on the air: the local branch of TVT (see above), and three private stations: *Temurmalik*, *SM-1* and *Asia*. *Temurmalik* is broadcasting three hours per day, but the station does

not have its own production. It broadcasts pirate copies of films and concerts. Still waiting for an answer to its application, *Asia* presently works without any license. According to the Chairman of the Leninabad branch of the State Committee for TV and Radio Narzullo Dadybaev, the local authorities “friendly close their eyes on that”⁴². *Asia* is producing news, as well as several social and cultural programs.

The most popular station in Khujand is *SM-1*. It broadcasts almost 9 hours during the week, and 12-14 hours on Sundays. Its license allows it to broadcast for only 9 hours, but in this case again the local authorities close their eyes on this violation. Apart from its own programs, *SM-1* also broadcasts news of the State TV, and after 1 a.m. – *Deutsche Welle in German*. *SM-1* produces news, programs of public interest, literary and religious programs. On Sunday mornings it broadcasts a two-hours entertaining and informational program, and a weekly program is run on Thursdays about the activities of the municipality (20-30 minutes), which pays for that program.

Small TV stations are working in Leninabad oblast in the following towns⁴³:

- Ura-Tyube
- Matcha
- Nou
- Ghulakandoz
- Chkalovsk

One TV station is operation in the central part of the country, to the West of Dushanbe in the town of Tursunzoda.

In the South, in Khatlon oblast TV stations are situated in the following towns:

- Asht
- Kanibodom
- Istara
- Panjakent and
- Vorukh, which is a small enclave in Kyrgyzstan
- Kurgan-Tyube
- Kulyab
- Vose
- Vakhsh

Not all of them have licenses to broadcast (see below, section “Licensing”).

There is no private TV station in Gorno-Badakhshanskaya Autonomous Oblast, the one working in the town of Khorog being in fact a branch of TVT and is broadcasting for two hours daily on the frequency of TVT. The relatively strong media presence in the northern part of the country is due, according to local journalists, to the fact that the civil war, in general, passed by this region, and also to the fact that historically, the Leninabad oblast has always been better developed, as compared to other parts of the country. It is especially obvious in comparison with the almost non-existence of any kind of media in Gorno-Badakhshan, a remote region, which is situated in Pamir and gets isolated from the center of the country for about 6 months per year, when the snow makes the

⁴¹ CIMERA interview, September 2000.

⁴² CIMERA interview, September 2000.

⁴³ Information about the geography of the non-governmental TV stations is taken from a Tajikistan TV map, kindly provided by Christine Kiernan, Country Director of Internews in Tajikistan.

crossing of the mountain passes impossible.

The Russian military base (201st Division) rebroadcasts the Russian channel TV-6, apparently without license. For Ikram Mirzoev however, the status of the Russian base is so high that they have no need to obtain a license, i.e. the government would not reject them the right to broadcast (see below, the section "Licensing").

Financing of TV stations

Short announcements, congratulations (birthdays, other holidays) and ads (even though quite rare) constitute the main source of income for the local TV stations. Nevertheless, according to Bahodoor Kosimov "they all are self-sustainable and cover all their expenses. They have no big expenditures, however".⁴⁴ In the North, an advertising spot costs up to 10 U\$ for each broadcasting, while in the South the rate is no higher than 2 U\$. Another source of income is provided by latent advertising. According to Kosimov, the stations never sell news items, but they produce and broadcast 10-15-minute films, which positively present an enterprise or a kolkhoz.

The fee for the use of the frequencies represents a high cost. "I pay 1'200 U\$ per year, and it amounts to 60% of my annual income," says Makhmud Dadabaev, the director of SM-1. Very high for small local stations, these sums constitute another key factor for keeping them under control, because local authorities always have the possibilities to find

sponsors for obedient stations, and to close the intractable ones on the ground of non-payment. "The stations are often sponsored by wealthy people having strong a strong position in their region", says Christine Kiernan, Country Director of Internews. Usually, these people are even members of the authorities. For instance, in Anis, a small town in Leninabad oblast, the Mayor of the town himself owns the TV station. "They all are would-be independent," says Jan Malekzade, the Deputy Head of the OSCE Mission in Tajikistan. "But all TV stations are depending on local authorities". In Vose, the station is owned by the textile factory which pays the salaries of the employees of the station. The director of the factory supports the station, and the station reciprocally seems to support him, as was the case during his conflict with the local "Khokim" (Mayor of the town). The Khokim tried to close down the station, but lost three trials. As a result, he was fired.

The clue for a successful existence for non-governmental TV stations lies in maintaining good relations with local authorities. This helps them to avoid different kinds of possible pressures (direct torture, tax police, threats to take away the transmitters, etc.) As an example, it happens that "a police chief calls you and says: 'Listen, you are working because I do not interfere. You should

continue in a way that I will not be unhappy with your work'", said a journalist in a interview, on condition of anonymity.

An average monthly salary for a journalist is around 20 U\$. SM-1 pays more – \$ 40-50.

Radio

According to a survey undertaken by the Independent Center of Sociological Research "Zerkalo" in January 2000, four radio stations were available in Dushanbe. Two are Russian – *Radio Nostalgie*, and *Mayak*. Two others are different channels of the Tajikistan State Radio – *Sadoi Dushanbe* and *Radioi Tojikiston*⁴⁵.

Radio Nostalgie was re-broadcast in Dushanbe by radio station NiC, which was registered, had no license, but had a special agreement with the Russian 201st Division. Broadcasting was suspended by the decision of NiC⁴⁶ in summer 2000. In January 2000, *Sadoi Dushanbe* was sharing the highest popularity among listeners in Dushanbe with *Radio Nostalgie*. "The style of *Sadoi Dushanbe* is not traditional for Tajik radio," writes "Zerkalo"⁴⁷. *Sadoi Dushanbe* broadcasts "debates with listeners (...), so-called live interactive talk-shows, [with] participation of experts – politicians, economists in discussion about life in Tajik society, and modern Tajik and foreign music."⁴⁸

Sadoi Dushanbe reached 29% of popularity among listeners, and *Radio Nostalgie* 30%. The "moderately conservative" (*Zerkalo*) Russian *Mayak* came into the third position

⁴⁴ CIMERA interview, September 2000.

⁴⁵ According to the information of the Tajik Branch of Open Society Institute Soros Foundation, *Sadoi Dushanbe* is half-owned by the government and the city municipality.

⁴⁶ CIMERA interview with Zuhra Halimova, September 2000.

⁴⁷ Information and Analytical bulletin *Zerkalo* # 1, January 2000, p.11.

⁴⁸ *Ibid*, p. 11-12.

with 22% of respondents' sympathies, attracting mostly adult and aged listeners. The state radio station *Radioi Tojikiston* was laying at the bottom of the chart with 7% of listeners.⁴⁹ Two radio stations, *NiC* and *Asia Plus*, were registered in Dushanbe in 1998, but they still have not received broadcasting licenses. Both of them have already received equipment grants from UNESCO, and *Asia Plus* received a grant from the Open Society Institute to pay for the license and registration, and get some training, which has already been conducted.

Another radio station, *Homs*, founded by the UNMOT (UN Military Observers in Tajikistan) was broadcasting music, and recently stopped broadcasting.

Licensing

There is apparently no comprehensive strategy for the future development of private electronic media in Tajikistan, whether composed of a regional or national audience, which would be guiding the state policy for the delivering of licenses and distribution of frequencies. From a legal point of view, the whole procedure appears to be a pure formality. But as seen above, in practice, possibilities to broadcast sometimes seem to depend more upon the particular relations TV owners are able to establish with local authorities -even being able to broadcast without a license- than on the central government's policy. From an administrative point of view, TV stations and radios have first of all to regis-

ter. Then they have to obtain a license for broadcasting, delivered by the Committee for Television and Radio of Republic of Tajikistan. On the basis of a certificate from this Committee, they have then have to obtain a technical permit from the Ministry of Communications.

Licenses are supposed to be obtained in accordance with the "Regulation on the Order of Licensing in Sphere of Television and Radio" and they are valid for 5 years. According to the Regulations (paragraph 7) the decision about giving or refusing a license should be taken within 30 days after the request has been made. However, the same paragraph stipulates that in some cases, additional examination by experts may be needed. In such cases, the decision should be taken within 30 days after completion of the examination. So far, the practice of the Committee for Television and Radio of the Republic has been marked above all by an extreme reluctance to deliver licenses. Applicants have often been receiving evasive answers, justifying the postponing of a definitive answer by upcoming changes in the law, or no answer at all. The private company *Asia Plus*, which has a news service and a weekly newspaper has, for example, been waiting more than two years for its radio license. "We have been waiting for months without receiving any kind of answer", recalls Umed Babakhanov, director of the agency. "Then we were given stupid arguments, evoking adapta-

tions of the law which would have made the Committee unable to take any decision before those adaptations would be accomplished. And then we simply got tired of all those procedures."

Patience seems to be the first virtue for anyone having the intention to start a TV or radio station. Even though the law envisages the possibility for the applicants to contest in court a negative answer from the Committee for Television and Radio (paragraph 24), this never happens in practice. "No one applies to the court", because those who would, says Kosimov, would then face "the whole state machine working against them, and it will mean they will never achieve what they want. We must be diplomatic, and wait, wait..."

Somonion, having easily obtained a license, appears as an exception. It is generally believed that this is due to the fact that its owner, Ikram Mirzoev, had been himself an employee of the Committee for TV and Radio and had good relations with its direction. An opinion which could be confirmed by the fact that it was tolerated that he paid his license with a two-year delay, when the law clearly says that payment should be effected beforehand to receive a license. In total, despite these administrative obstacles, 19 TV stations have so far succeeded in receiving a license, not all of them using it, and none of them broadcasting in Dushanbe, with the exception of *Somonion*. According to Kosimov, the capital city would be given special attention by the government, as it

⁴⁹ Ibid. No newer polling results are available.

was not keen to be confronted there with any alternative opinion. *Radio Homs*, which had been launched by UNMOT is not on the air anymore.

The most revealing indicator on the present state of the Tajik printed press is the absence of any daily newspaper in the whole country. Most of the newspapers with information content are weeklies, with a few exceptions, such as the govern-

mental *Sadoi Mardum*, printed in Tajik, which is coming out twice a week. Other governmental newspapers are said to be willing to come out twice a week before the end of 2000. According to the information of NANSMIT (National Association of Independent Media of Tajikistan), at least 20 newspapers are regularly coming out in the capital Dushanbe. Eight of them have been founded by

state structures – the government, the parliament, several ministries, the Committee of Youth of Tajikistan. Another one – *Minbari Khalq (People's Tribune)* is founded by the ruling People's Democratic Party of Tajikistan, which is closely affiliated to the government. Two are run by opposition parties/groups, others are private.

Press

State-owned press

148 government-controlled newspapers form the state system of the press. Its structure has remained basically the same since the Soviet period. It is a pyramid with, on top, the central, metropolitan newspapers, followed by the provincial ("oblast") newspapers, the regional ones ("raion") and, at the bottom, the small municipal press (district). At the first level, there are three official governmental newspapers: *Jumhurriet (Republic)*, in Tajik; *Narodnaya Gazeta (People's Newspaper)*, in Russian and *Khalk Ovozi (Voice of the People)*, in Uzbek. One newspaper – *Sadoi Mardum (Voice of the People)* belongs to the Parliament. These newspapers publish all Presidential decrees, all bills, approved by the parliament, other official information. "Their mission is to cover the events in the republic. They publish official informa-

tion, literary works, analyses," according to Abdumannonov Abdurakhmon.⁵⁰

All oblast newspapers are state-subsidized. The state-budget subsidies are directed to them through the Ministry of Culture. Another part of financing comes from the Khukumats (regional administrations, municipalities). The Leninabad oblast administration's *Leninabadskaya Pravda* comes out twice a week, which makes it unique for the regional press, an exceptional case for the whole Tajikistan where almost all newspapers are weeklies. At a lower administrative level, the local newspapers are in principle totally funded from the local budgets. In a few regions, OSCE launched projects of rehabilitation of those local newspa-

pers, funded by external donors (see below, "activities of the international organizations").

Private media

Two relatively big press groups hold leading positions in the market of the non-governmental press in Tajikistan.

One of them belongs to Akbarali Sattorov, who owns:

- Digest-press (in Russian)
- Charkhi Gardun (in Tajik)
- Avicenna (in Russian)
- Vechernij Dushanbe (in Russian)
- Aladdin (in two languages)

The second big media owner is Sharif Hamdamov, who owns:

- Crime-Info (In Russian)
- Oila (in Tajik)
- Tojikiston (in three languages – Tajik, Russian, English)

⁵⁰ CIMERA interview with Abdumannonov Abdurakhmon, Head of the Mass-Media Department of the Executive Apparatus of the President of Tajikistan, September 2000.

Others are founded by news agencies and business companies.

The analyses of the polling center Zerkalo in January-March 2000 show that the ten most popular newspapers in the country were⁵¹:

Newspaper	Founder (Owner)
<i>Digest-press</i>	Akbarali Sattorov
<i>Charkhi Gardun</i>	Akbarali Sattorov
<i>Avicenna</i>	Akbarali Sattorov
<i>Crime-info</i>	Sharif Hamdamov
<i>Vechernij Dushanbe</i>	Akbarali Sattorov
<i>Biznes i Politika</i>	Sham company, NANT news agency
<i>Asia +</i>	Asia + news agency
<i>Oila</i>	Sharif Hamdamov
<i>Sadoi Mardum</i>	State (Parliament)
<i>Narodnaya Gazeta</i>	State (Government)

The eight first places were occupied by privately-owned newspapers, and only the last two – by state media. Akbarali Sattorov with his four newspapers in the 1st-3rd and 5th places is the doubtless leader of the press market.

Akbarali Sattorov's press group

Akbarali Sattorov graduated from the faculty of journalism in Saint-Petersburg State University in 1990. He then worked for the parliamentary *Sadoi Mardum*, where he headed the political department until 1993. Be-

cause of a too low salary, he decided to change his profession. Sattorov was then importing goods from China and selling them in the market when, as he recalls: "One day I looked around me and thought: 'Am I going to spend all my life in the market? I am a journalist, I have a profession.'⁵² So, in 1994 he bought Russian, Kazakhstani, Uzbek newspapers and started a newspaper, which consisted of articles reprinted from the foreign press "about life of popular people, high-life chronicles, interesting events, facts, family and love stories⁵³." After 6-7 months "*Digest-Press*" became the most popular newspaper in Tajikistan. "This type of digest is always popular," believes Sattorov. *Digest-Press* is printed in Russian, on 16 pages of A3 format. The declared circulation is 8,000⁵⁴.

His next newspaper was *Charkhi Gardun* (Wheel of Fortune). It is also an example of market-oriented entertainment medium, in Tajik. *Charkhi Gardun* prints stories concentrating on moral and family problems, love stories. But, according to Sattorov, this is only a part of the contents of the newspaper. He says that the main goal of *Charkhi Gardun* is to inform the society about the cultural life of the country. The love stories and dramas are needed to attract the attention of the readers and make the newspaper financially viable. *Charkhi Gardun* appears on 16 pages of A3 format. The declared circulation is 2,500.

The same combination of commercial approach with the aims of traditional press was applied to Sattorov's next newspaper: "*Avicenna*". "The aim of that newspaper is to provide medical information, medical education," explains Sattorov. "To attract readers, we print crosswords, puzzles, logical games and problems. The newspaper is so popular that people keep calling us from hospitals, asking, whether the medicines they were given are good for them or not." Officially, *Avicenna* is a supplement to *Charkhi Gardun*. It is printed in Russian on 16 pages of A3 format, its declared circulation is 2,500.

Sattorov's only newspaper presenting a content closer to the informative role of the press is *Vechernij Dushanbe*. He bought that newspaper in 1998 after Javokhir Kabilov, the then editor of the newspaper (called at that time *Vechernie Vesti*), was forced to emigrate. *Vechernij Dushanbe*, declares its owner, is pro-presidential: "I am financing this newspaper and, therefore, I decide, which party or political figure it will support". It is in Russian, has 16 pages of A3 format, and its declared circulation is 2,500. Sattorov's most recent newspaper is *Aladdin*, for children. It contains puzzles, games, logical problems, easy crosswords for children, entertaining materials. *Aladdin* is printed on 16 pages of A3 format. The declared circulation is 2,500. Sattorov presents himself as a pure businessman. "Before opening a new newspaper, I must be sure that it has at least 2,000 potential

⁵¹ See Zerkalo # 1-3, 2000. The aggregate ratings of newspapers are determined by calculating the average ratings for three months altogether.

⁵² CIMERA interview, September 2000.

⁵³ Zerkalo, # 1, p.9.

⁵⁴ "The owners of the commercial newspapers will never declare their real circulations. They put lower figures in the newspapers to avoid taxation problems," according to Galina Nazarova.

readers”, he says, adding: “I am doing business on information. I do not care, who will occupy the ministerial posts. I have no political interests. I am interested in money, bread. I have 120 employees, and I must think about them.”

Sharif Hamdamov’s press group

Crime-Info: This newspaper prints criminal chronicles, long stories about bloody murders and rapes. It also contains a question-and-answer page where attorneys answer the questions of the readers. Another three pages are dedicated to private announcements. The newspaper also publishes horoscopes, tests and crosswords – an important set of entertaining materials. Though *Crime-info* is published in two languages, Russian is more popular. Many stories are reprinted from the Russian press. The newspaper is printed on 16 pages of A3 format. Its declared circulation is 3,000 but, according to the owner, the real figure would be 21,000.

Oila (Family) is out of politics. “This newspaper is the carrier of melodrama, soap operas,” says Galina Nazarova. “This makes it popular mostly among women. It is constantly publishing family issues”. It is printed in Tajik, also on 16 pages of A3 format. Its declared circulation is 2,000 but, according to the owner, the real figure would be 18,000.

Tojikiston was founded by the law-enforcement agencies of Tajikistan in 1997 and Hamdamov was the editor. The newspaper was focusing on crime. After three-years’ work,

Hamdamov became disappointed with the little support that the founders of the newspaper were providing and decided to separate from them. So, in 2000 *Tojikiston* was re-registered with new founders but with its old name. It is printed in three languages: Tajik, Russian and English, on 16 pages of A3 format. Its circulation is not declared. According to the owner it is 6,000. He says it used to be 12,000 when *Tojikiston* belonged to the law-enforcement bodies, because the latter were buying half of the circulation.

Owners of both media groups are making business with tabloid press. But both have one “serious” newspaper, which should satisfy more sophisticated audience. While *Vechernij Dushanbe* is one of the most popular newspapers in the country, *Tojikiston* is relatively new (the first issue of the renewed formula was printed on September 8, 2000), and it intends to attract the expatriate community’s attention. “We would like to inform our readers in their own language,” says the Editor’s Note in the first renewed issue⁵⁵. However, *Digest-Press*, *Avicenna*, *Crime-Info*, *Charkhi Gardum* are not pure tabloids. They lack original materials, they are not focused on Tajik life and Tajik characters, most of the stories being taken from the Russian press.

Newspapers with political content

Biznes i Politika generally benefits from a good reputation. “It is a good

newspaper,” says Galina Nazarova. “It has its own identity. It does not reprint articles from Russian press. Their own material is of high quality. It differs from other newspapers in the country both by style and content. People read it.” Mukhtor Bokizoda, the Chairman of the Fund for Memory and Defense of Journalists’ Rights⁵⁶, agrees with Nazarova: “Biznes i Politika gives interesting information. Sometimes it also raises serious problems.” *Biznes i Politika* comes out in Russian on 4 pages of A2 format. According to the editor, its real circulation is about 5,000⁵⁷.

Asia Plus was founded by the news agency of the same name. *Zerkalo* describes *Asia Plus* as an intellectual edition⁵⁸. Nevertheless, the news presented, which is of a social and political nature, only represent 5 or 6 pages of the newspaper’s total of 16. The other pages are filled with announcements, ads, and tabloid-style articles about, for example, dogs that were sent to the outer space and returned to Earth as men, or two lesbians who will give birth to children of two gays⁵⁹. *Asia Plus* is published in Russian, it is printed on 16 A3 pages. Its declared circulation is 1,500 copies.

On the political parties’ side, *Najot* is one of the oldest opposition newspapers in the country. Founded in 1991 by the Islamic Revival Party, it was banned on June 21, 1993 according to a decision of the Supreme Court of Tajikistan⁶⁰. It then came out in exile, in Afghanistan, from December 1994 until 1997⁶¹. It resumed its publication in Tajikistan in Novem-

⁵⁵ *Tojikiston*, September 8, 2000, # 33 (167).

⁵⁶ CIMERA interview, September 2000.

⁵⁷ CIMERA interview, September 2000.

⁵⁸ *Zerkalo* # 1, 2000, p.10.

⁵⁹ See *Asia +* # 34, from September 15, 2000.

⁶⁰ Oleg Panfilov, op. cit.

⁶¹ CIMERA interview with Mukhiddin Idizoda, Editor-in-Chief of *Najot*, September 2000.

ber 1999 after the ban had been lifted in August of the same year. In August 2000, the state press distribution agency refused to sell *Najot*, because it is not printed in Sharki Ozod, the government-controlled printing house. Mukhtor Bokizoda states that *Najot* is printed in a private printing house. This fact is not mentioned in the newspaper because the editors allegedly fear that such a mention would attract a tax inspection of this company, in an attempt to find a way to interrupt the publication of this opposition newspaper. Mukhiddin Idizoda, the editor, is said to be constantly intimidated. He received threatening telephone calls announcing that his wife would be raped and his children killed. He informed Said Abdollo Nuri, the leader of the Islamic Revival Party, but the latter allegedly did nothing to guarantee his security. "I am scared, I will leave the country," says Mukhiddin Idizoda.

Mizon is a newspaper founded by the news agency of the same name, and its first issue was published on September 7, 2000. According to Asadullo Valizoda⁶², the founder and Editor-in-Chief of the agency and newspaper, it has the intention of being critical in respect of the powers, whatever their political orientation. Some sources indicate that *Mizon's* position would be close to those of the Islamic Revival Party. *Mizon* comes out on 8 A3 pages and with a declared circulation of 1,500. According to Valizoda, the real figure would be higher than 2,000.

Economy of the newspapers

The competition among editors is not the only factor which explains the general lack of information on the financial resources of the media in Tajikistan. The regular tax inspection visits after publication of material unpleasant to the authorities obviously only reinforces the mistrust of the media-owners in giving precise figures. Nonetheless, the few partial elements gathered during this enquiry indicate that, from an economic point of view, the newspapers in Tajikistan can be divided into three groups. The first group consists of governmental press – *Sadoi Mardum*, *Jumhurriet*, *Khalk Ovozi* and *Narodnaya Gazeta*. The state covers all their expenses. "None of them corresponds to any popular demand," writes Gulchekhra Mansurova, "as they primarily publish resolutions, government decisions and official chronicles, and cannot afford to "improvise" and thus improve their content. With their miserable circulation of 700 to 2,000 copies, 75% of circulation is secured by subscriptions sold to state bureaucrats, and only 25% goes into retail. According to the Chief Editor of one of these papers, the cost of printing them would be 4 times higher than the wholesale selling price."⁶³

"The independent and state newspapers are not in equal conditions," says the editor of a private newspaper. "The governmental newspapers are completely financed by the state,

therefore they have no problems with the rise of prices of the printing services or taxes. One of the state newspapers – I do not want to name its title – owes the printing house about 1.5 billion rubles (about 680,000 U\$). Our newspaper would be immediately closed if I had only a 300,000 rubles debt (about 140 U\$)."

The second group consists of non-governmental newspapers with political content: *Asia Plus*, *Biznes i Politika*, *Vechernij Dushanbe*, *Najot*, *Mizon*, *Tojikiston*. None of these newspapers is self-sufficient. *Najot* is financed by the Islamic Revival Party; *Mizon* is said to be financed by the same party though some observers claim that the source of their finances come from the information agency of the same name. *Asia Plus* benefits from a grant from the US Embassy which helps it to survive. Otherwise, it is financed by its news agency. *Vechernij Dushanbe* and *Tojikiston* are financed from the income that their owners gain from the tabloids of those media groups. Sharif Hamdamov says about *Tojikiston*: "We are trying to develop a social-political newspaper for the elite. It is not self-sustainable, and will never be. We are printing it on the income from two other newspapers – *Oila* and *Crime-Info*." The main sources of the financing of *Biznes i Politika* remain unclear.

The third group is formed by "tabloids", which are income-generating enterprises and, as seen above, sometimes contribute to helping the newspapers with political content to survive. Their main source of income

⁶² CIMERA interview, September 2000.

⁶³ Gulchekhra Mansurova. "The Market Economy and Mass Media in Tajikistan", CAMSP, www.camsp.osh.kg/pechbilleng/pubister4.htm

comes from street-sales. Some financing comes to the newspapers from advertising. However, there are very few advertisers in the country. "There are almost no advertisers because there is no production – the country is in a deep economic crisis," says an editor. "The potential advertisers, in their turn, are afraid of making their names known because they are scared of the racket and of the taxation office. But, mostly of the racket. The international agencies are the biggest advertisers. In fact, they are publishing announcements but, they are doing that openly, with no fear. Others are avoiding." Presently, the price of one square centimeter of advertisement in a newspaper costs around 200-300 Tajik rubles (9.5 – 14 cents), depending on the newspaper. As an exception, *Asia Plus*, according to the estimations given by its director Umed Babakhanov, would have benefited from advertisements amounting to 40% of the income of the newspaper in September. But, underlines Babakhanov, this especial high proportion is due to the particular situation of Dushanbe, with the presence in town of numerous international organizations, whose announcements constitute the biggest part of all the advertisement income of the newspaper. The budget of a private weekly, due to start in Khudjand with the support of OSCE, confirms the general low potential of advertisements in the country. OSCE representatives, in the best case, do not expect more than 5% of the income of the newspaper from advertisements⁶⁴. And the budget for the

first year of functioning of this newspaper only foresees advertisement income as 2% of the total budget.

Latent advertising constitutes a bigger source of income. It is widely used and it takes the form of articles published in a newspaper and positively describing either a personality or an enterprise. An editor says: "Usually, I go to the director of a big enterprise and tell him: 'Listen, your enterprise has to tell the people of Tajikistan about your problems, your everyday life and (if there are some) achievements. You pay for the space in the newspaper.' Usually, I do not name the price, they pay as much as they want." Reliable sources say that a newspaper like *Biznes i Politika*, a private newspaper in Dushanbe, would charge \$ 50 for 1/4 of the newspaper's page (equal to one A4 page). The fees for latent advertising are usually paid in cash. According to a reporter from *Vechernij Dushanbe*, only the editor and the owner are entitled to decide the publication of latent advertising, the journalists having only the possibility to bargain the prizes with the "customer". The editor of another newspaper says that the income from latent advertising is paid to the employees of the newspaper as a premium every three months. In non-governmental controlled press the fees are generally used to pay salaries which usually are higher than in the state-controlled press (on an average 50,000 rubles /approxi-

mately \$ 24/ in private press vs 30,000 /about \$ 14/ in governmental press).

All newspapers buy paper from intermediary private companies. The price mentioned by editors varies from \$ 650 to \$ 1.000 per tone. The high price of the paper available in Tajikistan -which does not produce any- is a big obstacle for any development of the press in the country, and the possible transformation of any of its weeklies into dailies. According to Umed Babakhanov, the price of the paper alone would represent 30% of the expenses for *Asia Plus*. In the budget of the weekly OSCE is planing to support in Khudjand, this cost represents around 20% of the expenses of the budget for the first's year functioning.

Almost all the newspapers are printed in the biggest printing house in Dushanbe – *Sharki Ozod*. The 14-storey building, where most of the newspapers are situated, belongs to the *Sharki Ozod* Publishing House. This system of gathering in one place the redaction of newspapers and a big publishing house to print them was established in the 1970s, and such buildings were then constructed in many republics of USSR.

64 CIMERA interview with Sebastien Trives, Head of OSCE Khudjand Field Office, September 2000.

V. ACTIVITIES OF INTERNATIONAL ORGANIZATIONS

The American organization Internews, the Open Society Institute (OSI) and the Organisation for Security and Co-operation in Europe (OSCE) appear to be the most regularly active organizations in media support in Tajikistan, with activities already or potentially influencing the media structure in the country. Together, they organized different seminars on legislative issues for journalists.

Internews, which started its activities in Tajikistan in 1995, concentrates on its usual activities: support for private television with training seminars including all professional aspects of TV's work, from management to journalism. Internews is also investing a lot of effort in respect of the legal plan, actively lobbying to bring changes in the "Law on Television and Radio" and other legal texts about media, strengthening the position of the private electronic media, and organizing seminars on legal issues for all journalists, including those working for state media. Feeling the need for a more substantial training program, and willing to organize longer seminars, Internews is planning the opening of a school of journalism next year, in collabo-

ration with OSI. Internews does also distribute some limited grants for equipment for TV stations.⁶⁵

Also involved in journalists' training, OSI is paying particular attention to printed and radio journalism in order to be complementary to Internews. Present training activities mainly consist in sending journalists to be trained abroad, even if, so Zuhra Halimova, Executive Director for OSI in Tajikistan, it is not always easy to find candidates with a sufficient level of English language to really benefit from such an experience. Occasionally, OSI also gives some grants as it did, for example, to the Union of Journalists, to have texts translated such as the Charter of freedom of press, some laws, or a manual for journalists. For next year, OSI is planning to organize training, possibly in collaboration with BBC, for radio producers. Together with Internews, OSI is also willing to start a school for journalists in Tajikistan, possibly with four-month sessions per year, as well as special training for "rural newspapers".⁶⁶

Apart from the organization of seminars on different issues for journalists, OSCE has been developing these last years a concept of "rehabilitation" of district "community" newspapers, particularly in Southern Tajikistan (details in the annexed report on the SDC financed media projects in Tajikistan). Owned by the local authorities, the newspapers rehabilitated within the framework of those projects were a legacy of the old Soviet media structure in Tajikistan. Initially motivated by the idea of providing information to the readers of some areas cut off from the Dushanbe's media during the period of elections (1999 and 2000), those rehabilitation projects did not bring any particular change to the general media structure in the South. They, nevertheless, sometimes filled a complete gap of local news and allowed journalists from those areas to get back to work, even in a very limited framework. For the future, OSCE has decided to actively support the development of private media. In Kurgan-Tyube, south of Dushanbe, it will launch a private TV-radio company (the radio part being financed by the Swiss Development and Co-operation office from

⁶⁵ CIMERA interview with Christine Kiernan, Country Director, and Bahodoor Kosomov, Managing Director Internews, Tajikistan, September 2000.

⁶⁶ CIMERA interview with Zuhra Halimova.

Dushanbe). The structure of the company is entirely private, but a contract will link the Director to OSCE during the whole period of the project. During that time, the functioning of the company will be entirely financed by an external donor, with the aim to give enough time to the station to become self-sustainable. As an implementing agency, the OSCE will have a co-responsibility in the editorial content of the programs, and will exert an overall financial control on the management of the station. The radio part of this project will be of particular interest, for different reasons. First of all, the Kurgan-Tyube radio station will be the first local private radio ever working in Tajikistan. Then, taking into consideration the particularly difficult economic situation of the country, radio represents probably the easiest way to establish a new offer in terms of news among the public.

In the northern part of the country, OSCE is going to implement other projects with the aim to directly support the creation of private-owned media. Two projects are foreseen: the creation of a weekly newspaper and of a press agency in the Leninabad area (Khudjand). The same structure will be put in place, as for the TV-radio in Kurgan-Tyube. The donor will be external (the Dutch Government in the case of the newspaper) and OSCE will be the implementing agency. For the newspaper, the project includes a financial control on the part of OSCE, which will report to the donor on a quarterly basis. The editorial line will be determined by an agreement signed between the newspaper and OSCE, including a series of commitments from the newspaper to respect certain standards in terms of content and management of human resources. The news agency will be

working on the model of *Asia Plus* information bulletin: three times per week, with news in English, Russian and Tajik, aiming at providing presently non-existent information about Leninabad oblast. In the future, the agency will try to have correspondents in the whole region of the Fergana Valley, including Uzbekistan and Kirgizstan. The weekly newspaper to be started in Khudjand will be a generalist one, trying to bring quality news, information and analyses in the region. It is interesting to note that all persons in charge of these projects for OSCE placed accent on the necessity to have an everyday presence in the redaction, whether in the radio, the agency or the newspaper, in order to ensure an optimal follow-up as well as providing permanent training on the spot.