

facsimile

TRANSMITTAL

to: Shirley Sagawa - *Officer of the First Lady*
phone: 456-6266 fax: 454-4244
re: Appointment Request/International Visitors (6)/Kyrgyzstan
date: March 23, 1999
pages: 46

These guests are from independent newspapers representing different regions of Kyrgyzstan. They were selected for their professionalism, openness to change, and their understanding of the role of a free and responsible media. They would like to use their International Visitor Program to study ethical reporting, learn about solid investigative techniques, and discover the nuances of courage in reporting.

The guests will be in Washington and available for appointments Monday, March 22 through Friday, March 5. It would be of great value to their program to be able to meet with you while they are here.

Please contact me at your earliest convenience to let me know which date and time will work best with your schedule. This group **will be** accompanied by two escort/interpreters, Ms. Regina Kozakova and Mr. Bill Bobbitt. Thank you for your consideration of this program. I look forward to hearing from you.

*Shirley
Thank you for this
appointment. They will
enjoy it as I hope you do.*

From the desk of...
Nancy Fearheiley
Nancy Fearheiley
Program Officer
Meridian International Center
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UNITED STATES INFORMATION AGENCY Bureau of Educational and Cultural Affairs

INTERNATIONAL VISITOR PROGRAM

BIOGRAPHIC INFORMATION

The Role of Investigative Journalism A Freedom Support Project for Kyrgyzstan
These visitors are invited to the United States under the auspices of the United States Information Agency's (USIA) International Visitor Program. USIA Program Officer: Ms. Elise Wilson United States Escort Interpreters: Mr. William Bobbitt and Ms. Regina Kozakova

Program arrangements: Meridian International Center program team: Ms. Nancy Fearheiley, Program Officer and Ms. Rosemary L. Correnti, Program Associate, 1624 Crescent Place, NW, Washington, DC 20009; telephone: (202) 939-5870 or (202) 667-6670; toll-free: (800) 424-2974; fax: (202) 667-8980

March 20 - April 10, 1999

LIST OF PARTICIPANTS

Ms. Bernmet Beksultanovna BUKASHEVA
Owner and Editor-in-Chief, *Litsa* newspaper

Mr. Gennady Aleksandrovich KUZMIN
Correspondent, Head of Department, *Vecherny Bishkek* newspaper

Mr. Vadim Aleksandrovich NOCHEVKIN
Correspondent, *Delo* # independent newspaper

Mr. Yrysbek Asanovich OMURZAKOV
Correspondent, *Res Publica* independent newspaper

Mr. Kubat Tabyldievich OTORBAEV
Editor-in-Chief, *Asaba* independent newspaper

Mr. Aleksey Victorovich SUKHOV
Correspondent, *Res Publica* independent newspaper

Accompanied by

Mr. William BOBBITT
United States Escort Interpreter

Ms. Regina KOZAKOVA
United States Escort Interpreter

The Role of Investigative Journalism *continued*

PROGRAM OBJECTIVES

In this period of transition, the media plays a vital role in Kyrgyzstan. It is one of the most important and the fastest developing fields with the greatest impact on post-soviet generations. Since Kyrgyzstan's independence in 1991, many new independent newspapers and broadcast stations have been established. Old government-owned newspapers also adapted to new political, economic and informational realities. A relatively benign media law and a president convinced of the importance of a free press distinguish Kyrgyzstan from its neighbors. However, despite the dramatic growth of the media, Kyrgyzstan still has a way to go before its media can truly be termed free, independent, and responsible. The content of publications and programs of the governmental media are tightly controlled by editors and officials. The independent media, while more free and critical, is also still vulnerable to intervention from figures of authority, parliamentary deputies and business leaders, most of whom are not convinced of the need for a free press. Courts at all levels receive numerous claims against journalists and newspapers for libeling and 'insulting the honor and dignity....' Quite often journalists themselves are at fault for lack of proper training, for editorializing rather than reporting, not checking sources, etc. In the face of such problems, it is important to support the growth of the independent media by showing Kyrgyzstan's journalists how the media functions in a democratic society and what the role of investigative journalism is.

These guests are from independent newspapers representing different regions of Kyrgyzstan. They were selected for their professionalism, openness to change, and their understanding of the role of a free and responsible media. They would like to use their International Visitor Program to study ethical reporting, learn about solid investigative techniques, and discover the nuances of courage in reporting. Their specific program requests include the following.

1. Meetings to learn about the importance, mechanics, difficulties, and responsibilities involved in investigative reporting.
2. Meetings to discuss the Freedom of Information Act, Privacy Act, and the First Amendment. Additionally, they would like to learn more about objectiveness and responsibility of journalists under the conditions of free speech and in free markets.
3. Meetings to discuss on and off-the-record information, official and non-official sources, the two-source rule, checking sources, and cross checking information.
4. Discussions that will teach and reinforce ethics in reporting and focus on journalistic standards. Helping them gain an understanding of developing relations with sources would also be of value.
5. Discussions regarding media-government and media-community relations.
6. Appointments with media support foundations and professional organizations for journalists.
7. Meetings to discover how the press handles the coverage of scandals.

The Role of Investigative Journalism

PROGRAM OBJECTIVES *continued*

8. Appointments to look at the technology used in the journalistic investigation of corruption, organized crime, and the narco-business world.
9. The work of police, prosecutors, courts and the penitentiary system in assisting investigative reporters.
10. Appointments to learn about the role of journalism in democracy.
11. Additional topics of interest include the media and reporting on race discrimination and women and children's rights.

Shirley
This is the participant who made the request. The next p. is some info on the 2 part of the group.

printing house, Uchlan, is the only newspaper publisher in the country. Thus, the Government could be in a position to control or pressure the independent newspapers, although there were no reports of such pressure during the year.

One of the main writers

Krysbek Omursakov, a journalist for Res Publica, who had been sentenced in 1996 for libeling President Akayev, was sentenced for libel again in May 1997, after writing a series of articles on privatization. He was released on bail in June 1997, but the charges remained in force. He was sentenced in September 1997 to 6 months in a prison colony; he appealed the verdict but was found guilty in November 1997. He was then released under a presidential amnesty. The Supreme Court found him guilty on January 20, according to the Civil Code, not the Criminal Code and sentenced him to pay a fine equal to 100 times the minimum monthly salary (about \$600), but the provision of amnesty exempted him from having to pay. Omursakov returned to work at Res Publica during the year.

In March 1997, the newspaper Kriminal was closed as the result of a trial initiated by the then Prime Minister: The newspaper was sued after publishing an article that accused the Prime Minister of constructing a huge house for himself. In May 1997, Zamira Sadykova, Aleksandr Alyanchikov, Bektash Shamshiyev, and Marina Sivasheva of Res Publica were convicted of libel against Dastan Sarygulov, the head of the gold mining concern, Kyrgyzaltyn. Sadykova and Alyanchikov received 18-month sentences; Shamshiev and Sivasheva were fined and barred from working as journalists for 18 months. After an appeal, the court suspended Alyanchikov's sentence, although his 18-month ban on journalistic activity remained in effect and overturned Shamshiyev's and Sivasheva's sentences. The court did not overturn Sadykova's sentence but had her moved to a more lenient place of detention.

All media must register with the Ministry of Justice and wait for ministry approval before beginning to operate. The media law states that the registration process will take 1 month. During the year, there was one report concerning a media organization that could not register in a timely manner. The owners of Asaba, having filed documents in June to register another newspaper in Russian, were unable to do so until December.

During the first half of the year, all television and radio stations were

had published articles critical of the Government. The staff and supporters of Asaba organized a peaceful demonstration on August 15 to protest the Government's action, but the MVD did not change its decision to evict Asaba. The newspaper continued to publish from the editor's home until moving into new offices at the end of September. Asaba also reported ongoing problems with the tax authorities that were not resolved by year's end.

On September 21, a member of the Legislative Assembly of Parliament, Ishenbay Kadyrbekov, brought suit in the Laninsky regional court in Bishkek against a journalist, Kalen Sydykova. Sydykova was charged under Article 18 of the Civil Code for her publication of an article entitled "Crime in Parliament or Ventures of Presumptuous Members of Parliament" in the newspaper Kymysh Jana Jaza (Crime and Punishment) on June 11. She was accused of harming the dignity and honor of a Member of Parliament (M.P.) and the statements in her publication were considered to include "rude insinuations and defamation." The M.P. claimed \$50,000 (1 million soms) in compensation. At year's end, the rayon court found Sydykova not guilty, but the case was being appealed to a higher court.

Female guest

In September Bermet Bukasheva, the chief editor of the newspaper Litsa, was charged with defaming Minister of Finance, Talaipek Koichumanov. Bukasheva was found guilty in September, fined \$500 (10,000 soms), and ordered to print a retraction. She intended to appeal this decision to the city court; however, Koichumanov (who is no longer Finance Minister) agreed not to press for the fine and retraction, if Bukasheva did not appeal the case.

On October 19, the Minister of Justice suspended three newspapers: Kartama-Digest (the successor to Kattama); Limon; and Pajshamba (a supplement to Asaba) for pornography as a result of pressure from an M.P. and from the public. Kartama-Digest had published only one issue and was closed before the case was filed. A recently established Morals Commission accurately charged that these newspapers contained material that was pornographic or offensive to the public taste. However, other equally pornographic publications were left alone, suggesting that the case against Limon (linked to Akipress) and Pajshamba (linked to Asaba) may have been politically motivated. Both Limon and Pajshamba have reached an accommodation with the Ministry of Justice. Limon will continue to publish, although it will eliminate its pornographic content. Pajshamba published one

facsimile
TRANSMITTAL

to: Shirley Sagawa, Office of the First Lady
fax #: 456-6244
re: Visit of Kyrgyz Journalist Delegation
date: March 24, 1999
pages: 4, including this cover sheet.

Dear Ms. Sagawa;

Again, I would like to reiterate our thanks for your flexibility in meeting at short notice with this group of journalists representing independent media in Kyrgyzstan. Of the former republics of the USSR located in Central Asia, Kyrgyzstan is considered to have progressed more toward open democracy than others. However, political power is still quite centralized with a strong presidency, and much of the media is still state controlled.

These journalists, who represent independent newspapers that are trying to express independent views, are being sponsored by the U.S. Information Agency for a three week visit to the U.S. to examine investigative journalism, journalistic ethics and the role of the media in our country. After a week in Washington, DC, they will visit Cincinnati, Ohio; Freeport, Illinois; Salt Lake City, Utah; and San Francisco, California before returning to their country via New York City. We hope they will also gain a flavor of America.

I am enclosing a few pages from the State Department's 1998 Human Rights Report on Kyrgyzstan, which mentions several members of the group. In our opening meeting, Mr. Omursakov requested, if at all possible, an opportunity to thank the First Lady, as well as others--such as human rights groups and members of Congress--who supported him while he was in prison.

I hope I will have the opportunity to meet you tomorrow.

Sincerely,



Elisabeth (Elise) Wilson

From the desk of...

Elise Wilson
Program Officer
USIA Office of International Visitors
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Washington, DC 20547

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There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits unlawful entry into a home against the wishes of the occupant and states that a person's private life, privacy of correspondence, and telephonic and telegraphic communications are protected. The law and procedures require the General Procurator's approval for wiretaps, searches of homes, interception of mail, and similar acts. A change in the law in 1995 weakened these protections by allowing the procurator to give approval for searches over the telephone; thus no written proof exists to verify that the search was approved. Furthermore, in certain cases, law enforcement officers may first carry out a search and then get approval within 24 hours. If approval is not given, any evidence seized is inadmissible in court.

Organizational structures responsible for violations during the Soviet era have remained largely in place; however, there were no reports of violations of citizens' privacy. There were concerns by citizens active in politics or human rights issues that the privacy of their communications was violated, but evidence to that effect is not available.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for certain freedoms of speech and of the press; however, the Government at times infringed on these rights.

The 1992 law on the mass media provides for freedom of speech and the mass media, and outlines registration procedures. It identifies prohibited material: Government and commercial secrets; material advocating war, violence or intolerance toward ethnic or religious groups; desecration of national norms, ethics, and symbols, such as the national seal, flag, or anthem; pornography; and encroachment on the honor and dignity of a person. Two new laws, "On Guarantees and Free Access to Information" and "On the Protection of the Professional Activities of Journalists," were adopted in December 1997. One newspaper was closed by the Government during the year, but no electronic media were closed. No journalists were arrested or imprisoned as a direct result of journalistic activities, although several faced civil "honor and dignity" charges in court cases brought by parliamentarians or other public figures.

Libel is a criminal, not a civil action. The Government attempted at the end of 1997 and early this year to amend the Criminal Code to remove libel; however, its efforts were defeated in Parliament by an overwhelming majority. As a result of the October 17 referendum, the Constitution now includes language that precludes Parliament from passing laws that infringe on free speech. However, it remains unclear whether there will be implementing legislation for this amendment.

There are approximately 40 to 50 independent newspapers and magazines, including some with local, not national, standing. There are also several hours daily of independent television and radio broadcasting. However, state television, radio, and government newspapers receive government subsidies, which permit the Government to influence media coverage. Additionally, the State's printing house, Uchlan, is the only newspaper publisher in the country. Thus, the Government could be in a position to control or pressure the independent newspapers, although there were no reports of such pressure during the year.

Yrysbek Omursakov, a journalist for Res Publica, who had been sentenced in 1996 for libeling President Akayev, was sentenced for libel again in May 1997, after writing a series of articles on privatization. He was released on bail in June 1997, but the charges remained in force. He was sentenced in September 1997 to 6 months in a prison colony; he appealed the verdict but was found guilty in November 1997. He was then released under a presidential amnesty. The Supreme Court found him guilty on January 20, according to the Civil Code, not the Criminal Code and sentenced him to pay a fine equal to 100 times the minimum monthly salary (about \$600), but the provision of amnesty exempted him from having to pay. Omursakov returned to work at Res Publica during the year.

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During the first half of the year, all television and radio stations were to be registered (licensed) with the newly established National Agency for Communications (NAC) or reregistered if they had a registration with the NAC's predecessor, the Committee on Frequencies under the Prime Minister. The NAC requires extensive paperwork for registration, including copies of documents on education and training received by the staff, and specifications of the equipment used.

Many independent television and radio stations have received licenses. Among them were Pyramid, Independent Bishkek Television (NBT), *Vostochnaya Strana* (VOSTT), Asia Center, Open Channel, and Europa Plus. The registration fee ranges from approximately \$500 to \$1,000 (10,000 to 20,000 som). Licenses issued are valid for 3 to 7 years (the duration of validity was determined by the NAC based on its evaluation of a company's viability). Other independent television and radio companies are in the process of reregistration, including Osh Television, Mezon Television, Radio Almaz stations in Bishkek and Osh, and several others.

There are two television stations in Osh that broadcast in Uzbek: Osh Television (some programs) and Mezon Television (all programs). The latter was founded by the Mezon Uzbek Ethnic Center to serve the needs of the large Uzbek population of Osh.

Licensing has been complicated for nongovernment broadcasters. In August the NAC notified licensees of a new government provision. Entitled "Provisions on Licensing Activities in the Area of Communications in the Kyrgyz Republic, Article 33," it provides that those holding licenses pay for all expenses connected with carrying out supervisory functions under the license agreements. Additionally, since mid-August the nongovernment electronic media began receiving standard notices from the NAC, signed by its director Orozaly Kaiykov, stating that the obligation to broadcast in the state language was not being fulfilled and that broadcasters were relying mainly on foreign music and programming. Despite an extended series of meetings since September between the NAC and media officials, these issues, which the media view as a form of censorship, were not resolved by year's end.

On August 15, with only 1 month's notice, the independent Kyrgyz language newspaper *Asaba* was evicted from its offices after renting space there for 32 years. The building now belongs to the MVD. According to reports in other independent newspapers, *Res Publica* and *Vecherniy Bishkek*, the primary reason for the eviction was that *Asaba* (an opposition newspaper) had published articles critical of the Government. The staff and supporters of *Asaba* organized a peaceful demonstration on August 15 to protest the Government's action, but the MVD did not change its decision to evict *Asaba*. The newspaper continued to publish from the editor's home until moving into new offices at the end of September. *Asaba* also reported ongoing problems with the tax authorities that were not resolved by year's end.

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The Morals Commission, a presidentially appointed body of newspaper editors, university rectors, religious leaders, and public figures, was tasked with reviewing the print and broadcast media as well as videos and other activity to determine whether the content is pornographic or violent in nature. Upon finding that an item was pornographic, the Commission was charged with requesting legal action be taken against organizations and individuals violating its "decency precepts." The Morals Commission was closed by presidential decree in January 1999.

In December Parliament passed a new law on advertising which limits the amount of advertising to 20 percent in the print media and to 25 percent in the broadcast media. This legislation will affect the revenue of the independent media; therefore, a lawsuit is being prepared to test its constitutionality.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides citizens with the right to assemble freely; however, while the Government generally respects this right, officials, including those at local levels, sometimes use regulations that require registration of rallies and demonstrations to inhibit this right.

Permits are required for public marches and gatherings but are routinely available. Rallies and demonstrations are held regularly in front of the Government Building and in other places. In the summer, while adopting changes to the pension law, elderly persons held several demonstrations to protest a proposed increase of the pension eligibility age for both men and women. This proposal was coupled with cuts in payments to working pensioners. In 1997 and 1998, some peaceful protests took place outside the President's office, mostly consisting of pensioners protesting late pension payments and market vendors protesting tax enforcement. In August supporters of the *Asaba* newspaper demonstrated for several hours at the White House (the central facility for the operation of the executive branch) without incident to protest the eviction of the newspaper from its quarters in an MNB-owned building. The newspaper successfully located new facilities and is still in operation. The law requires official written permission for holding assemblies, rallies, and demonstrations. Persons who seek permission to demonstrate against the wrongful actions of authorities always must ask permission from those same authorities.