

## **Kyrgyzstan: 'Libel' Paper on its Knees**

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Moya Stolitsa Novosti loses all its assets as courts impose damages in cases widely seen as politically motivated.

An independent newspaper in Kyrgyzstan is facing collapse after a sustained attack which opposition figures say is part of a campaign to stamp out voices critical of the government.

On May 23 the authorities impounded the entire print run - 15,000 copies - of the latest edition of Moya Stolitsa Novosti. Three days later, bailiffs sent by a court in Bishkek seized all funds and property belonging to the title. It is no longer able to publish, although it has continued to appear in an internet edition at <http://www.msn.kg>.

Court officials ordered both seizures to pay for some of the damages incurred in a series of libel cases which Moya Stolitsa Novosti has lost in recent months.

The title has had 37 lawsuits brought against it in the one and a half years it has existed, and 28 cases have been tried in court so far. Political editor Rina Prizhivoit told IWPR that judges have to date fined the newspaper three million soms (71,000 US dollars). Journalists working on it have been ordered to pay a total of 100,000 soms for their individual roles.

Plaintiffs in these cases have ranged from senior government officials and major companies to private citizens. That suggests that the newspaper makes it its business to libel all and sundry, or else that it has powerful enemies. The evidence indicates that the latter is true.

The newspaper was set up in late 2001 by a team of journalists who left popular daily Vecherny Bishkek when the government forcibly bought it out in 1999. Moya Stolitsa Novosti became known as one of the very few titles critical of the government. Its particular focus on official corruption - a sore point with the government - brought swift retribution.

After running articles critical of the government and relatives of President Askar Akaev, it found itself unable to publish in January-May 2002 because the state-owned publishing house Uchkun refused to print it. The ban was only lifted after an outcry from local and international human rights organisations.

Other forms of pressure have been uglier. In January 2003, reporter Alexandra Chernykh was beaten up by unknown assailants, in an attack Human Rights Watch described as "the latest in a series of retaliatory measures against independent and outspoken media".

Moya Stolitsa Novosti's accounts and assets were frozen in January when a court ruled against it in a libel case brought by Prime Minister Nikolai Tanaev because of an article critical of his record. The International Federation of Journalists condemned the ruling as an act of "judicial persecution".

However, the title was able to continue publishing under a contractual leasing arrangement with another independent newspaper, Advokat.

From a legal point of view, the May 26 seizure of assets was ordered to reclaim costs of about 500,000

soms, previously awarded to the prime minister, as well as 550,000 soms payable in damages to two commercial firms. The print run was impounded to pay damages in a separate case involving a private citizen, Alexander Yeliseev.

But Moya Stolitsa Novosti's chief editor Alexander Kim says both moves are the direct result of a series of articles about corruption in the upper echelons.

"The authorities clearly do not like it when our journalists provide economic and political analysis and report on dubious deals involving high-ranking officials," Kim told a press conference on May 23.

Prizhivoit agrees, "Corruption does enormous damage to the country's economy, and articles about the subject cause considerable annoyance to the country's leadership."

Opposition deputy Adakhan Madumarov is in no doubt that this is the case, "Last time the authorities used the simplest method for suppressing an independent newspaper - they used a publishing house that was under their control. But that did not have the desired outcome."

"Now they have selected a more refined method - they bring lawsuits," continued Madumarov, commenting that courts in Kyrgyzstan are financially and politically dependent on the executive.

The use of the judicial system as a proxy for direct state action has been widely criticised by international organisations monitoring curbs on the media in Kyrgyzstan. As the US State Department's human rights report for 2002 puts it, "The government, acting through compliant courts, used the prohibition of material that encroaches on the honour and dignity of a person to harass and apply pressure on the independent media."

Use of libel allows the government to remain at a convenient distance from legal proceedings and thus from accusations that it is applying political pressure. Interviewed by RFE/RL, the deputy head of the National Security Service Boris Poluektov concentrated on the technical legality of the latest action, "As far as I know, there have been several law suits against this publication, and it lost them, so by law all of its property or assets should be seized."

The libel actions brought by the prime minister and other big-name plaintiffs centre on articles containing politically sensitive material. Tanaev was awarded 500,000 soms for the article about him, and the same amount of damages were handed to a company whose commercial activities came under scrutiny in a Moya Stolitsa Novosti article.

Perhaps the oddest case concerns a private individual, Akin Toktaliev, who sued Moya Stolitsa Novosti late last year after it carried an article criticising the government for planning lavish celebrations in 2003 to mark 2,200 years of Kyrgyz nationhood. Toktaliev felt that this was tantamount to questioning whether the Kyrgyz nation was indeed that old, and that it thus impugned his honour as a Kyrgyz.

Multiple legal actions brought by both heavyweight political figures and apparently random representatives of the public have become a familiar consequence of stepping too far out of line in reporting on the Kyrgyz leadership. The ResPublica newspaper has annoyed the government intensely in recent years, but its periodic spells out of action have resulted as much from Yeliseev's libel actions as from direct government intervention.

The leading Kyrgyz-language independent newspaper, Asaba, was publicly reviled by the government for its coverage of the president and his family, but again its closure in 2000 was result of legal action rather

than an outright ban.

Now the head of the Public Association of Journalists, Kuban Mambetaliev, says he thinks it may be Moya Stolitsa Novosti's turn. "We may lose one of the leading publications which has fearlessly covered cases of abuse by the authorities," he said.

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