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Europe/Ex-USSR - Tajikistan

Absurd suit

Appeal court urged to overturn damages order

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Reporters Without Borders calls on Tajikistan's justice system to overturn a ruling against the weekly *Asia Plus* and its editor, **Olga Tutubalina**, in a case brought against them by three intellectuals over an article quoting Lenin's criticism of the intelligentsia.

A court is about to hear Tutubalina's appeal against [a 25 February decision ordering her to pay the three plaintiffs 30,000 somoni](#) (4,500 euros) for supposedly insulting the country's intellectuals in the article, published in May 2013.

"This absurd ruling is a grave threat to independent journalism in Tajikistan," said Johann Bihl, the head of the Eastern Europe and Central Asia desk. "The freedom of expression that is guaranteed by the Tajik constitution will be meaningless if a newspaper can be held responsible for the statements it quotes and if plaintiffs can be awarded damages without being explicitly attacked.

"Not only *Asia Plus* but all other critical media are being threatened anew by this political decision. We urge the appeal court to consider this case with complete impartiality and, respecting the law, to quash the damages award."

[In the offending article](#), published on 29 May 2013, Tutubalina was reacting to poet and former government opponent Bozor Sobir's repeat expressions of support for the regime after returning to Tajikistan at the president's invitation.

She began her article with a quote. "Intellectuals are not the nation's brains, they are its shit.' So said the world proletariat's guide, Vladimir Lenin, and I feel like saying the same after reading the news about the poet Bozor Sobir's return to the country..."

Three Tajik intellectuals whose names appear nowhere in the article brought a lawsuit against Tutubalina with the support of five state-funded bodies – the unions of writers, artists, composers and architects, and the Academy of Sciences – accusing her of attacking "the honour, dignity and reputation of a large social group" and causing them "physical and mental suffering."

In its 25 February decision, a court in the Firdausi district of the capital, Dushanbe, [ordered Tutubalina to publish a retraction and pay 30,000 somoni in damages](#).

[Her lawyers filed an appeal on 18 March](#) claiming that the ruling was "baseless, illegal and prejudicial to rights" and pointing out that the article did not name the three plaintiffs and that Tutubalina could not be held legally responsible for what Lenin said.

The Organization for Security and Cooperation in Europe's representative on media freedom, [Dunja Mijatovic, said](#) it was not legitimate for the plaintiffs to act in the name of a "social group" and nonsensical to claim defamation of a group that was not clearly defined.

Tajik organizations that defend media freedom have voiced concern that the ruling could have an intimidatory effect and encourage self-censorship. The National Association of Independent Media of Tajikistan (NANSMIT) described the ruling as a "blow to freedom of the media."

Asia Plus is one of Tajikistan's leading independent news outlets. As well as the [weekly](#), the *Asia Plus* group has a news agency, [a radio station](#), a TV studio and a [news website](#) that has often been blocked in Tajikistan in recent years.

Tajikistan is ranked 115th out of 180 countries in [the 2014 Reporters Without Borders press freedom index](#).

