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Freedom of the Press 2016 - Azerbaijan

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Press Freedom Status: Not Free

Legal Environment: 29 / 30 (0 = best, 30 = worst)

Political Environment: 38 / 40 (↓2) (0 = best, 40 = worst)

Economic Environment: 22 / 30 (0 = best, 30 = worst)

Press Freedom Score: 89 / 100 (↓2) (0 = best, 100 = worst)

Quick Facts

Population: 9,651,000

Net Freedom Status: Partly Free

Freedom in the World Status: Not Free

Internet Penetration Rate: 61.0%

Overview

Azerbaijan's media environment has continually deteriorated in recent years as a result of a government campaign to silence criticism and dissent. The authorities use spurious charges and investigations to imprison prominent journalists, bloggers, and freedom of expression advocates. Violence against journalists has become common, and perpetrators generally enjoy impunity.

Key Developments

- Repression of media freedom intensified in the periods surrounding the inaugural European Games, held in June, and parliamentary elections, held in November.
- Authorities particularly targeted journalists associated with the Berlin-based Meydan TV, an independent online television station, during the year.
- Two prominent journalists, Khadija Ismayilova and Rauf Mirkadirov, stood trial on spurious charges and were sentenced to seven and a half years and six years in prison, respectively.
- Rasim Aliyev, an independent reporter and acting chair of the Institute for Reporters' Freedom and Safety (IRFS), died in August after being severely beaten; it remained unclear at year's end whether the assailants' motive was connected to Aliyev's journalistic work.

Legal Environment: 29 / 30

Freedom of speech and the right to access to information are guaranteed by the constitution, the Law on Mass Media, and the Law on the Right to Obtain Information. However, these rights are severely restricted in practice. Various criminal laws – including those pertaining to hooliganism, drug and weapons possession, treason, and tax evasion – are regularly used by authorities to suppress and punish critical reporting.

Defamation remains a criminal offense, punishable by up to three years in prison and large fines. Disseminating information that damages the honor and dignity of the president can be punished with up to two years in prison, or up to five years when linked to accusations of other criminal activity. In 2013, laws governing defamation were extended to include internet content. Under the Law on Mass Media, the government can close online media outlets if they are found guilty of defamation twice in one year.

The government and political elite use defamation lawsuits as one of many legal means of punishing individual journalists and stifling independent and opposition media. The opposition newspaper *Azadliq* has been a frequent target of defamation suits in recent years, facing exorbitant fines that have contributed to its precarious financial situation. In 2015, authorities continued to initiate politically motivated defamation suits against critical individuals and publications, including *Azadliq* and the independent online television station Meydan TV.

The government has failed to appoint a special information ombudsman as required by 2005 freedom of information legislation, transferring the role instead to an existing ombudsman's office. Authorities at all levels systematically refuse to respond to information requests. Lawsuits filed by media outlets and civil society representatives over state agencies' failure to answer requests generally do not yield any results. After Radio Free Europe/Radio Liberty (RFE/RL) published a series of investigative reports in 2012 that implicated President Ilham Aliyev and his family in large-scale corruption, the parliament amended several laws to allow commercial enterprises to withhold information about their registration, ownership, and structure, severely limiting the ability of reporters to uncover corporate corruption and identify the private assets of public figures.

The government nominates all nine members of the National Television and Radio Council (NTRC), the country's media regulator, and members' terms may be renewed indefinitely. In 2015, there were only seven active members. The council has been criticized for demonstrating a bias toward state-owned broadcasters in licensing decisions, which remain opaque. The NTRC has repeatedly failed to publish a list of available television and radio frequencies despite an obligation to do so annually. The British Broadcasting Corporation, RFE/RL, and Voice of America have been off local airwaves in Azerbaijan since 2009, when NTRC regulations banned foreign broadcasters from accessing national frequencies; these services broadcast online and via satellite. The NTRC also interferes with the editorial policies of domestic media outlets. In 2012, the council banned Azerbaijani channels from airing foreign television shows.

The Law on Grants and the Law on Nongovernmental Organizations restrict the ability of local nongovernmental organizations (NGOs) – including media rights groups – to receive grants and foreign funding. In April 2014, authorities launched a criminal case against several local and foreign NGOs on charges of abuse of power, forgery, and tax evasion, freezing the bank accounts of more than 30 organizations. Azerbaijan's leading media watchdogs, the Institute for Reporters' Freedom and Safety (IRFS) and the Media Rights Institute, were implicated in this case and faced extensive pressure and harassment as a result. Security forces shuttered the Baku office of IRFS in August 2014, seizing property and equipment as part of the broader criminal investigation. One of the most prominent IRFS projects in Azerbaijan was Obyektiv TV, an online news channel

providing daily coverage of stories related to human rights; the channel ceased operations after the raid on IRFS, which later resumed activities from outside of the country. The Media Rights Institute announced its closure later that month, citing significant pressure from the authorities. The International Research and Exchanges Board (IREX) also ceased operations in Azerbaijan in 2014, following a raid on its office, seizure of equipment, and a freezing of assets.

Political Environment: 38 / 40 (↓2)

Azerbaijan's political environment is dominated by Aliyev and leaders of the ruling party, who exercise extensive control over the news and information content of state-run and state-friendly outlets. Several independent outlets – including Mediaforum.az, Meydan TV, and RFE/RL – have closed their Baku offices in recent years due to government pressure or threats, with some choosing to operate from abroad. Local media reported increased editorial pressure in the run-up to the November 2015 parliamentary elections, during which most outlets granted disproportionate coverage to the ruling party. In a report published in November, IRFS estimated that only 10 percent of Azerbaijan's 70 online news outlets could be considered independent, and noted that the editorial policies of several semi-independent platforms had shifted toward a progovernment stance in recent years. Ruling officials reportedly use some online news platforms to smear and harass critics and opposition members.

Although official censorship is prohibited by law, authorities use various methods, including contradictory legislation, to censor the media. For example, legal amendments adopted in 2009 restrict the ability of journalists to film or photograph individuals without their consent, even at public events.

In recent years, the government has increased its monitoring of internet activity and harassment of social-media activists, journalists, and bloggers. Media freedom watchdogs have expressed particular concern about surveillance of journalists' internet and telephone communications. While official blocking of content is relatively rare in Azerbaijan, authorities actively use offline intimidation to deter online criticism, and some technical interference has been attributed to state agencies. In 2013, authorities reportedly blocked an image-sharing website where leaked documents from the state security services had been posted. Independent media outlets, including *Azadliq* and RFE/RL, have reported denial-of-service (DoS) attacks in the past. In November 2015, a fire at Delta Telecom, Azerbaijan's main internet backbone provider, led to a nationwide internet blackout for several hours. The incident illustrated the risks associated with concentrated control over internet services. Both Delta Telecom and its main competitor, Azer Telecom, are controlled by government-friendly entities.

Following a spate of arrests and convictions, eight journalists remained behind bars at the end of 2015: Nijat Aliyev, Araz Guliyev, Parviz Hashimli, Seymur Hezi, Khadija Ismayilova, Hilal Mammadov, Rauf Mirkadirov, and Tofiq Yagublu. At least five bloggers also remained imprisoned at the end of the year: Abdul Abilov, Faraj Karimli, Omar Mammadov, Rashad Ramazanov, and Ilkin Rustamzade. Prison conditions are dire for journalists and for political prisoners in general; ill-treatment and denial of medical care are routine.

Ismayilova, a contributor to RFE/RL who gained renown for exposing corruption among Azerbaijan's ruling elite, stood trial from August to September 2015. Security forces arrested Ismayilova in 2014, following an extensive campaign of harassment by the government. She initially faced charges of inciting a former colleague to attempt suicide, but authorities later expanded her case to include charges of embezzlement, illegal entrepreneurship, tax evasion, and abuse of power. In September, a Baku court sentenced her to seven and a half years in prison for the latter offenses, but dismissed the incitement charge after the accuser withdrew his complaint.

Mirkadirov, a correspondent for the Russian-language *Zerkalo* newspaper, stood trial from November to December. Mirkadirov was arrested in Turkey in 2014 and deported to Azerbaijan, where he was charged with espionage. Officials based the charge on his travels to Armenia, Georgia, and Turkey, accusing him of revealing Azerbaijani state secrets to Armenian authorities. In December, a Baku court sentenced Mirkadirov to six years' imprisonment.

A campaign against freedom of expression advocates has accompanied the crackdown on journalists. Many activists have faced politically motivated prosecution, and some have fled the country or gone into hiding out of concern for their safety. In April, a Baku court convicted human rights defenders Intigam Aliyev and Rasul Jafarov for a range of offenses, including illegal entrepreneurship, tax evasion, and abuse of office. In August, the Supreme Court upheld the conviction of Anar Mammadli for similar crimes. Human rights defenders Arif and Leyla Yunus, imprisoned in 2014 for a similar set of offenses, continued to appeal for dismissal of all charges in 2015. Both faced severe health problems in prison, and were successful in petitioning for release to seek medical care. An appeals court in Baku released them in November and December, respectively, and converted Leyla's eight-and-a-half-year sentence into a suspended one. Treason charges in a separate case against the couple were outstanding at the end of 2015.

IRFS director Emin Huseynov, one of Azerbaijan's most vocal freedom of expression advocates, acquired permission to leave the country in June. After the closure of his organization's offices, Huseynov had spent nearly a year in hiding at the Swiss embassy in Baku. Before his departure to Switzerland, authorities compelled Huseynov to renounce his Azerbaijani citizenship, rendering him stateless.

Authorities have arbitrarily issues travel restrictions to pressure critical journalists. Photojournalist and blogger Mehman Huseynov remained under a travel ban in 2015, unable to leave the country due to a politically motivated charge of hooliganism. Huseynov has reported that officials seized his identity card in 2014, threatening his access to public services. Reporters working with Meydan TV reported facing travel restrictions in 2015, among other forms of harassment.

Threats and physical attacks against journalists continued in 2015, and impunity for past cases of violence remained the norm. Rasim Aliyev, an independent reporter and IRFS acting chair, died in August after being severely assaulted. The attack was reportedly connected to a soccer player that Aliyev had criticized on Facebook, but details of the case remained unclear at year's end, as Aliyev had reported receiving death threats prior to his social media post. Separately, the 2005 murder of *Monitor* magazine editor Elmar Huseynov and the 2011 murder of prominent journalist and writer Rafiq Tagi remain unsolved.

The government denied entry to a number of foreign journalists seeking to cover the European Games in June 2015, among them a reporter from the British newspaper the *Guardian*. In the aftermath of the event, pressure escalated against journalists associated with Meydan TV. In June, the outlet's director, Emin Milli, reported receiving threats in connection with critical coverage of the European Games. In July, authorities prevented four Meydan TV from leaving Azerbaijan, claiming that they were on a travel blacklist. In September and October, a number of the station's journalists were briefly detained and questioned about its operations. In September, Meydan TV contributor Shirin Abbasov was sentenced to 30 days of administrative detention for allegedly resisting police. Authorities also harassed the relatives of several Meydan TV journalists during the year.

Economic Environment: 22 / 30

Print and broadcast media are almost entirely in the hands of the government and its allies, sometimes controlled through nominal intermediaries. The lack of laws to facilitate transparency in the private sector makes it difficult to identify the true owners or beneficiaries of news outlets.

There are nine national television stations, including a public broadcaster and three other state-run stations; more than a dozen regional television stations; and 26 radio stations. More than 30 daily newspapers are registered, and the opposition papers *Yeni Musavat* and *Azadlıq* are the most widely read.

The handful of independent and opposition media outlets that continue to operate are struggling for survival. The authorities use economic pressure on distribution, printing, and advertising to control the print, broadcast, and online media industries. In 2014, *Zerkalo* announced that it would cease publication of a print edition due to financial losses caused by state control of the advertising market and distribution networks. Opposition newspapers were hit particularly hard by the removal of newspaper kiosks owned by the Qasid and Qaya distribution companies from central Baku in 2012. Opposition outlets are also subject to other forms of economic pressure, including exorbitant fines resulting from defamation suits. The allocation of state advertising and state subsidies is not conducted transparently. Most journalists work without employment security or contracts, and receive irregular salaries.

Online media, including internet-based television, have grown in importance in recent years. Close to 77 percent of the population used the internet in 2015, although access remained concentrated in Baku and other major cities. Blogs and social-media platforms such as Facebook and Twitter are widely used for sharing critical opinions on the ruling elites and illuminating subjects that are often ignored in the mainstream media, but the government has countered such activity by criminalizing defamation online, prosecuting bloggers and activists, and harassing online outlets.

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