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2013 Scores

Press Status: Not Free

Press Freedom Score: 82

Legal Environment: 27

Political Environment: 33

Economic Environment: 22

Conditions for freedom of expression in Azerbaijan deteriorated further in 2012, as authorities continued to imprison journalists and bloggers and placed additional limits on access to information. Violence against journalists has not abated, and the media are harassed with impunity.

Although the 2000 Law on Mass Media guarantees freedom of speech and access to information, these rights are not protected in practice. The government's 2011 National Program for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan called for the decriminalization of libel in 2012. Hoping to influence the process, several nongovernmental organizations (NGOs) prepared draft laws, and the government opened a public discussion on the topic in October. However, no legal changes were enacted during the year,

leaving defamation as a criminal offense punishable by up to three years in prison and hefty fines. The number of defamation suits – and the amount of compensation demanded – significantly increased in 2012; the nonprofit Media Rights Institute (MRI) registered at least 35 cases during the year. In June, the independent newspaper Azdaliq was ordered to pay \$38,000 for allegedly defaming the head of Baku's rapid transit system, Tagi Ahmadov, who had originally sought \$255,000 in damages. In July, the opposition newspaper Yeni Musavat was ordered to pay \$64,000 in damages for allegedly insulting a cannery company, Gilan Gabala. The decision was subsequently upheld on appeal.

Various other criminal laws, including those pertaining to terrorism, hooliganism, narcotics possession, inciting hatred, and tax evasion, are used by the authorities to suppress and punish critical reporting. At year's end there were several applications pending at the European Court of Human Rights from imprisoned Azerbaijani journalists who claimed violations of freedom of expression. During 2012, a total of 11 journalists were sentenced to imprisonment on politically motivated charges such as treason, hooliganism, or violation of public order. Executive director Vugar Gonagov and editor in chief Zaur Guliyev of Khayal TV were charged with abuse of office and organizing mass disorder for uploading a video in March that sparked mass protests. The video depicted the mayor of Quba insulting his constituents. Gonagov and Guliyev remained in pretrial detention through the end of the year; they faced 10 years in prison if convicted. In August, journalist Faramaz Novruzoglu was sentenced to four and a half years in prison for allegedly using an alias in 2011 to organize an event on the social-networking site Facebook that called for riots, and for crossing the border with Turkey illegally in 2010. Novruzoglu denied the charges and claimed he was prosecuted because he had written articles that were critical of the government. The case of Avaz Zeynalli, editor in chief of the weekly Khural, continued throughout 2012. He was arrested in late 2011, not long after court officers raided Khural's newsroom and confiscated all of its equipment, alleging that Zeynalli had failed to pay court-ordered damages in a 2010 defamation case. He was charged with bribery and extortion stemming from a separate complaint filed by parliament member Gular Ahmadova and placed in pretrial detention. The trial was ongoing at the end of 2012, and Zeynalli remained in detention in restrictive conditions, even though Ahmadova had been discredited and charged with embezzlement. Khural's website remained accessible, but the print edition stopped publishing after the 2011 raid. The paper had been critical of President Ilham Aliyev's policies toward journalists and the political opposition.

The government has failed to appoint a special information ombudsman as required by 2005 freedom of information legislation, instead transferring the role 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 act on information inquiries generally do not yield any results. After Radio Free Europe/Radio Liberty (RFE/RL) published a series of investigative reports implicating President Aliyev and his family in corruption, the parliament in June 2012 passed several amendments to the Law on the Right to Obtain Information, the Law on the State Registration of Legal Entities, and the Law on Commercial Secrets. The changes, which took effect in October, allow commercial enterprises to withhold information about their registration, ownership, and structure, severely limiting the ability of investigative journalists to uncover corruption in the corporate sector 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. According to a report by the International Partnership Group for Azerbaijan (IGPA), the council is fully financed by the state and shows a clear bias toward state-owned broadcasters in licensing procedures. The process of broadcast licensing is opaque; the NTRC has not published the list of available television and radio frequencies in the past 10 years, contrary to its obligation to do so annually. The British Broadcasting Corporation, RFE/RL, and Voice of America have been off the air since January 2009, when NTRC regulations banned foreign broadcasters from accessing national frequencies. The council also interferes with the editorial policies of domestic media outlets. In May 2012, it banned all foreign television shows from Azerbaijani channels, supposedly to limit excessive foreign influence. The authorities use various other methods to censor the media, even though official censorship has been banned since 1998. For example, legal amendments adopted in 2009 restrict the ability of journalists to film or photograph individuals without their consent, even at public events.

The political environment is dominated by the president and the ruling party. In spring 2012, demonstrations broke out in Baku before and during the Eurovision Song Contest, which the country hosted in May. Journalists and activists launched the Sing for Democracy Campaign, using the contest as an opportunity to bring international attention to rights abuses in Azerbaijan. Authorities attempted to prevent media workers from documenting the protests, and several journalists were detained and charged with serious offenses as a result of their efforts. In April,

Idrak Abbasov, a journalist for the independent newspapers Ayna and Zerkalo, was severely beaten by employees of the state oil company SOCAR while filming the demolition of residential buildings on the outskirts of Baku. Human rights groups had warned that property rights were being violated in connection with the massive preparations for Eurovision and other construction projects. Police began an investigation into the beating, but failed to identify suspects by year's end. In another case, multimedia journalist Mehman Huseynov was charged with hooliganism, which carries up to five years in prison, for getting into an argument with a police officer who was blocking him from photographing a protest in Baku in May. An eyewitness reported that police officers destroyed Huseynov's camera after he swore at them. Prison conditions remained dire for journalists, with routine ill-treatment and denial of medical care, leading the Council of Europe to adopt a resolution calling for the release of political prisoners in June. Editor in chief Hilal Mammadov of the minority-language newspaper Tolishi Sedo, who was arrested in June on charges of high treason and inciting hatred, reported inhuman treatment and torture in custody, but his complaint was rejected. While no journalists were murdered in Azerbaijan in 2012, impunity for past cases of murder or serious physical attacks remained the norm.

In recent years, the government has significantly increased its monitoring of internet activity and its harassment of social-media activists and online journalists and bloggers. Social-media platforms such as Facebook and Twitter are often used to air critical opinions of the government, and Azerbaijan's vibrant blogosphere has become a forum for government critics to voice their opposition and illuminate subjects that are often ignored in the mainstream media. As the country prepared to host the 7th Internet Governance Forum in November 2012, President Aliyev claimed publicly that the internet in Azerbaijan is "free" because the government does not engage in censorship of content, as in some other countries. While content blocking is relatively rare in Azerbaijan, authorities frequently use other methods to intimidate activists and journalists who express criticism online. In March 2012, Khadija Ismayilova, an independent journalist and contributor to RFE/RL's Azeri service, became a victim of attempted blackmail when she received an anonymous letter threatening the release of a video of her having sex with her boyfriend if she did not stop her investigative reporting on the president's family. Ismayilova exposed the blackmail attempt on her social media accounts, and one week later the video was posted to a fake news site whose web address falsely indicated a connection to the opposition Musavat party. The police launched an investigation that – according to the journalist – focused more on her private life than a genuine search for the perpetrators. In April, the prosecutor's office issued a statement that revealed

little progress on the case, but provided the names and personal information of those who were interviewed during the investigation, mostly Ismayilova's close friends and family. Through her own investigation, Ismayilova discovered that the video had been filmed with hidden cameras that were installed inside her apartment with the help of a telephone company.

Journalists are regularly harassed in the autonomous exclave of Nakhchivan, which is separated from the rest of the country by Armenia. The media have also suffered as a result of Azerbaijan's conflict with Armenia over the disputed territory of Nagorno-Karabakh. In August 2012, former military officer Ramil Safarov, who had been convicted of murdering an Armenian officer at an international training camp in Hungary in 2004, was allowed to return to Azerbaijan, where Aliyev granted him a pardon. State media initially celebrated the hero's welcome he received with extensive coverage of his appearances at official events. However, the coverage halted abruptly due to international and domestic criticism of the fanfare, and Safarov disappeared from the public spotlight. Foreign reporters have faced abuses in the country. In May 2012, a group of Norwegian journalists were held at the airport in Baku and harassed in connection with a series they recorded during the Eurovision Song Contest that the Azerbaijani authorities found offensive.

State dominance of the media continues to harm diversity and pluralism. Ownership of print outlets is reserved mainly for government officials or the ruling party, although several opposition parties operate newspapers as well. The broadcast media are almost entirely in the hands of the government and its allies, sometimes through nominal intermediaries; no verifiable information is available on the real owners. The authorities use economic pressure on distribution, printing, and advertising to control the print, broadcast, and online media industries. In early 2012, newspaper kiosks owned by the Qasid and Qaya distribution companies were suddenly removed from the center of Baku and replaced with booths that offered other types of consumer goods and only small stands for newspapers. The owners of the new booths are unknown. Restrictions on distribution have negatively affected some independent publications with high circulation, such as *Yeni Musavat* and *Azdaliq*. There is no effective method of distribution outside major cities. Opposition outlets are also subject to economic pressure related to the enforcement of libel judgments. In November 2012, a court decision linked to one of several libel cases against *Azdaliq* froze the paper's bank accounts despite its filing of an appeal, which usually suspends implementation of such actions. The owners of *Azdaliq* claimed that the payment of hefty fines and damages in defamation cases had left it in a

precarious financial situation. State advertising and state subsidies are not allocated transparently. Most journalists work without employment security or contracts, and receive irregular salaries

Online media, including internet-based television, have grown in recent years, as has internet penetration, which reached 54 percent of the population in 2012, according to government statistics. However, internet access is mostly limited to Baku and several other major cities.