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## Freedom of the Press 2011 - Azerbaijan

**Status:** Not Free

**Legal Environment:** 26

**Political Environment:** 31

**Economic Environment:** 22

**Total Score:** 79

The freedom of expression situation in Azerbaijan remains dire. The authorities continue to imprison journalists and bloggers who express dissenting opinions. Violence against journalists has not abated, and the media is harassed with impunity. Libel is a criminal offense, which the government frequently uses for political gain.

Various other criminal laws, including terrorism, hooliganism, drug charges, inciting hatred, and tax evasion, are used by the authorities to deal with critical reporting. Several criminal and civil lawsuits were filed in 2010 against the weekly newspaper *Khural* and its editor in chief, Avaz Zeynalli, and the paper was ordered to pay heavy fines that it could not afford. The newspaper's staff launched a hunger strike at the end of the year. In February, the editor in chief of the *Femida 007* newspaper, Eyyub Karimov, was convicted of libel in a case filed by the interior minister. He was sentenced to a year and a half of "corrective labor," and ordered to pay 15 percent of his salary to the government.

The government has failed to appoint an information ombudsman as required by its 2005 freedom of information legislation. In December, the parliament amended its constitutional law and cancelled the creation of an ombudsman. Authorities at all levels systematically refuse to respond to information requests. The government nominates all members of the National Television and Radio Council (NTRC), the country's regulatory body. Amendments adopted in 2009 restrict the ability to film or photograph anybody without the individual's consent, even at public events. In 2010, the government sought to further entrench this restriction. The government proposed amendments to the Law on Mass Media that would specifically prohibit members of the media from using video, photo, or voice recording without consent, and recommended similar amendments to the Law on Obtaining Information.

The authorities use various methods to censor the media, even though official censorship has been banned since 1998. The case against Eynulla Fatullayev, a well-known investigative and independent journalist and editor in chief of two of Azerbaijan's most popular independent newspapers, has received wide international attention. Fatullayev has been in prison since April 2007 after being convicted of civil and criminal defamation. Fatullayev had been reporting on the failure to solve the 2005 murder of his

colleague at *Monitor*, Elmar Huseynov. Six months later, he was found guilty of threatening terrorism and inciting ethnic hatred, and sentenced to a total of eight and a half years in prison. In July 2010, he was sentenced to another two and a half years on a charge of alleged drug possession inside his prison. In April 2010, the European Court of Human Rights found that the Azeri government had "grossly" restricted media freedom by imprisoning him, and ordered the government to release him. In October, the European court rejected an appeal by Azerbaijan, but Fatullayev remained in prison at year's end. Throughout the year, the authorities harassed Fatullayev's family members, as well as international and domestic journalists covering the case. In May, a Norwegian filmmaker and cameraman, who were in Azerbaijan filming a documentary about Fatullayev, were harassed and their materials seized by authorities.

The political environment in Azerbaijan is dominated by the president and the ruling party. The parliamentary elections in November marked a rise in government harassment of the media, as was the case during earlier elections. Nevertheless, reports of violence and harassment in 2010 were fewer than in 2005 – when the previous elections were held – an indication of the president's significant consolidation of power in the last five years, the weakness of the opposition, and high levels of public fear and apathy. Prior to the elections, news coverage on state and public broadcasters was highly biased, and several websites critical of the government were blocked. Journalists covering the elections were frequently harassed and detained. Several media members, including a Radio Free Europe/Radio Liberty (RFE/RL) correspondent and a journalist from the Institute for Reporters' Freedom and Safety (IRFS), were detained after witnessing electoral fraud. Some journalists also reported being removed from polling stations.

Journalists continued to face violent attacks throughout the year, particularly from authorities and often if they were reporting on antigovernment demonstrations. In February 2010, a SalamNews correspondent was beaten while taking photos for a news story. The program coordinator of the Baku-based Media Rights Institute (MRI), Khalid Agaliyev, was questioned by the police in July after the institute published a report on the legal situation of the media in Azerbaijan. Also in July, a group of journalists, including employees of IRFS, Turan Information Agency, and RFE/RL, were harassed by Presidential Administration guards while trying to cover a protest. In August, two reporters – Elmin Bedelov of *Yeni Musavat* and Anar Garayli of *Milli Yol* – were assaulted by guards while photographing houses of wealthy Baku residents. Also in August, a sports journalist for *Komanda* newspaper, Rasul Shukursoy, was stabbed two weeks after writing a critical article about football player Mahmud Gurbanov. Gurbanov had previously visited *Komanda's* newsroom in a rage, assaulting the paper's editor and damaging property.

State influence and 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 do operate newspapers as well. The broadcast media is almost entirely in the hands of the government and its allies. The authorities use economic pressure on distribution, printing, and advertising to control the print, broadcast, and online media industries. There is no effective method of distribution outside major cities. The allocation of state advertising and state subsidies is not conducted transparently. Most journalists work without employment security or contracts, and receive irregular salaries. The British Broadcasting Corporation, RFE/RL, and Voice of America were taken off the air in January 2009 as part of new NTRC regulations that banned foreign broadcasters from accessing national frequencies.

Online media has grown in recent years, including internet TV, and internet penetration has risen substantially, to 36 percent of the population in 2010. However, internet access is mostly limited to Baku and several other major cities. There were concerns that the government would introduce internet TV licensing ahead of the elections. With internet media gaining prominence in Azerbaijan, the government turned its attention to prominent bloggers. Emin Milli and Adnan Hajizade were victims of an attack in July 2009, which appeared to be an act of random violence but was reportedly staged. The two bloggers, well known for their critical posts, were subsequently convicted of hooliganism, and were jailed through most of 2010. They were released in November

pending appeal. Genimet Zakhidov, editor of *Azadliq*, was similarly convicted and jailed on hooliganism charges in 2008. He was released in March 2010. Additionally, a student of the Azerbaijan State Oil Academy was expelled in January after publishing reports online alleging bribery at the university.

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