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Freedom of the Press 2014 - Azerbaijan

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2014 Scores

Press Status: Not Free

Press Freedom Score: (0 = best, 100 = worst) 84

Legal Environment: (0 = best, 30 = worst) 28

Political Environment: (0 = best, 40 = worst) 34

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

Conditions for freedom of expression in Azerbaijan continued to deteriorate in 2013, as authorities imprisoned journalists and bloggers who expressed dissenting opinions and placed further limits on access to information during the year. Violence against journalists has not abated, and the media are harassed with impunity. The period surrounding the presidential election in October provided another demonstration of the regime's intolerance for diverse opinions in the media and general disrespect for freedoms of information and expression.

Although the 2000 Law on Mass Media guarantees freedom of speech and access to information, these rights are not protected in practice. The National Program for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan, adopted by the government in 2011, provided for the decriminalization of libel in 2012. Hoping to influence the process, several nongovernmental organizations (NGOs) prepared draft laws, while the government opened a public discussion. Ultimately, however, no legal changes were adopted, and defamation has remained a criminal offense, punishable by up to three years in prison and hefty fines. In May 2013, the parliament voted to extend the laws governing libel to include slander and insult on the internet. The amendments were signed into law in June by President Ilham Aliyev – against the urging of Organization for Security and Cooperation in Europe (OSCE) media freedom representative Dunja Mijatović and other media advocates. A district court in southern Azerbaijan issued the first guilty verdict in a case of online slander in August, sentencing a man to one year of community service and a fine of 20 percent of his income for one year for criticizing a bank on Facebook. The court also ordered him to issue a statement on Facebook recanting his criticism of the bank.

The government and political elite frequently use defamation charges to punish individual journalists and to stifle independent and opposition media through financial pressure. During the first half of 2013, the nonprofit Media Rights Institute (MRI) registered 36 defamation cases,

compared with 35 in all of 2012. The independent newspaper *Azadliq* was facing more than 65,000 manat (\$83,000) in fines from several pending lawsuits in 2013, including a case filed by the head of the Baku mass-transit system. In October, a district court in Baku ordered the paper's assets frozen after it failed to pay damages ordered in another lawsuit brought by a local businessman. The paper had previously seen its bank account frozen in November 2012.

Various other criminal laws, including those pertaining to terrorism, hooliganism, narcotics possession, inciting hatred, and tax evasion, are also used by authorities to suppress and punish critical reporting. Many of the high-profile cases of 2012 ended in convictions in 2013. Khayal TV executive director Vugar Gonagov and editor in chief Zaur Guliyev were charged with abuse of office and organizing mass disorder for uploading a video in March 2012 that sparked mass protests. The video depicted the mayor of Quba insulting his constituents. After being held in pretrial detention for most of 2012, Gonagov and Guliyev were convicted in March 2013 and each given a three-year suspended sentence. The journalists are believed to have suffered serious abuse, including torture, while in detention. Avaz Zeynalli, editor in chief of the independent daily *Khural*, was also convicted in March 2013 on charges of extortion, tax evasion, and failure to abide by a court decision. He was sentenced to nine years in prison in a long-running case stemming from a complaint filed by lawmaker Gular Ahmadova in 2011. The court upheld the charges against the editor even though Ahmadova herself had since been discredited and charged with embezzlement. *Khural* continues to publish online, though the print edition was forced to shut down in 2011 after authorities raided the paper's newsroom and confiscated its equipment, allegedly acting on another defamation lawsuit. *Khural* had been critical of Aliyev's policies toward journalists and the political opposition.

In addition to these convictions, authorities made new arrests and brought more charges in 2013, especially in the run-up to the presidential election. Tofiq Yaqublu, a reporter for the opposition newspaper *Yeni Musavat*, was detained in January on his way to Ismayili to cover riots that had broken out in the town. He was arrested with favored opposition candidate Ilgar Mammadov; both were charged with organizing mass disorder. If convicted, Yaqublu could face up to 10 years in prison. He remained in pretrial detention at year's end. In September, Parviz Hashimli, editor of the independent news website *Moderator* and reporter for the independent newspaper *Bizim Yol*, was arrested outside his office on charges of smuggling and illegal possession of weapons. Authorities claimed to have found a gun and several grenades in his home. Agents from the national security agency also raided the offices of both of the outlets, confiscating their equipment. *Moderator* and *Bizim Yol* are known for their critical coverage of the government and reporting on corruption and human rights abuses. Local press freedom group Institute for Reporters' Freedom and Safety (IRFS) stated that the charges against Hashimli were fabricated and were intended to intimidate critical media outlets ahead of the election. In 2013, Azerbaijan was included on the Committee to Protect Journalists' list of 10 worst jailers of journalists.

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 act on information inquiries generally do not yield any results. After Radio Free Europe/Radio Liberty (RFE/RL) published a series of investigative reports in June 2012 that implicated Aliyev and his family in large-scale corruption, the parliament 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 of that year, 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, and members' terms may be renewed indefinitely. Currently, there are only seven active members. According to a report by the International Partnership Group for Azerbaijan (IPGA), 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, despite its obligation to do so annually. The British Broadcasting Corporation, RFE/RL, and Voice of America have been off the air in Azerbaijan since January 2009, when NTRC regulations banned foreign broadcasters from accessing national frequencies. The NTRC also interferes with the editorial policies of domestic media outlets. In May 2012, the council banned all foreign television shows from Azeri channels.

Amendments to the Law on Nongovernmental Organizations – signed by Aliyev in March 2013 – raised concerns among local and international free expression groups over the excessive restrictions they imposed on the activities of civil society organizations, including a requirement to inform authorities about funding or donations in excess of 200 manat (\$250). Organizations that fail to comply with the requirements could face exorbitant fines and confiscation of property. The changes could impede the ability of local media rights organizations to conduct their advocacy and support work.

The political environment is dominated by the president and the ruling party. In 2013, political influence over the media was especially heated ahead of the presidential election. According to media monitors, attacks on and intimidation of journalists ultimately limited coverage of the campaign. Opposition candidates received insufficient access to the media, while coverage of the incumbent president was overwhelmingly disproportional. Free or paid airtime was offered only through the public broadcaster, the sole station to provide any coverage resembling a debate. The weekly roundtable talks broadcast by the station offered candidates inadequate time to present their platforms, and when they were allowed to speak, their statements were subject to official censorship. After one particularly controversial discussion concerning the offshore assets of the president and his family, the leading opposition candidate was given a stern warning for violating Article 106 of the constitution by insulting the honor and dignity of the president.

The authorities use various 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.

In recent years, the government has increased its monitoring of internet activity and harassment of social-media activists, journalists, and bloggers. Media watchdogs have expressed particular concern about the government's surveillance of journalists' internet and telephone communications. Aliyev has boasted publicly that the internet is "free" because the government does not censor content; while content blocking is relatively rare in Azerbaijan, authorities actively use offline intimidation to deter online criticism. Despite the absence of an official online censorship policy, authorities in 2013 reportedly blocked at least one image-sharing site where leaked documents from

the state security services had been posted. Independent media outlets, including *Azadliq* and RFE/RL, as well as advocacy groups such as IRFS also reported denial-of-service attacks during the year. RFE/RL's Azerbaijani-language service – which has been broadcasting via satellite since it was banned from local frequencies in 2009 – reported multiple cases of interference during its weekly newsmagazine program in 2013. When the broadcast switched over to a different satellite and channels to avoid the static, the U.S. International Broadcasting Bureau documented similar interference. At least two opposition-affiliated programs broadcast on different satellites reported similar transmission interference during the year.

No journalists were murdered in Azerbaijan in 2013, but impunity for past cases of murder and serious physical attacks remained the norm. Eight years after the 2005 murder of Elmar Huseynov, editor in chief of *Monitor* magazine, the case was still unsolved. The general prosecutor claims that Huseynov was killed by unidentifiable "forces interested in the destabilization of Azerbaijan on the eve of the 2005 parliamentary elections." The 2011 murder of prominent journalist and writer Rafiq Tagi also remained unsolved. Prison conditions are dire for journalists, with routine ill-treatment and denial of medical care.

Other types of harassment occur regularly. The progovernment media pursued their smear campaign against investigative journalist Khadija Ismayilova in 2013. Ismayilova, a contributor to RFE/RL whose reports have focused on government corruption – particularly within the presidential family – had been a victim of attempted blackmail in 2012 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 secret business dealings of president's family. The video was released after Ismayilova went public with the threat. The police launched an investigation that, according to the journalist, focused more on her private life than on a genuine search for the perpetrators. Her own research, meanwhile, revealed that the video had been filmed with hidden cameras installed inside her apartment with the help of a phone company. In July 2013, a second intimate video of Ismayilova – apparently recorded at a different time – was published on another progovernment website. In August, a newspaper associated with the ruling Yeni Azerbaijan Party (YAP) published a slanderous article revealing personal details about her family and making false claims that she has ethnic Armenian heritage, apparently attempting to characterize her as a national traitor.

Journalists are regularly harassed in the autonomous Azerbaijani exclave of Nakhchivan, where website blockages are common. The media have also suffered as a result of Azerbaijan's conflict with Armenia over the disputed territory of Nagorno-Karabakh. In August 2013, the government published a list of 335 foreign nationals – including 67 journalists – who were barred from entering the country because they had visited the disputed territory. In another restriction on movement, the Azerbaijani photojournalist Mehman Huseynov was prevented from travelling to Norway to receive an award in June.

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 selling other types of consumer goods with only small stands for newspapers. The owners of the new booths have not been disclosed. Meanwhile, restrictions on distribution have negatively affected some independent publications with high circulation, such as *Yeni Musavat* and *Azadliq*. There is no effective method of distribution outside major cities. According to the media watchdog Index on Censorship, 42 percent of Azerbaijanis are now without access to press kiosks. Opposition outlets are also subject to 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 recent years, and internet penetration has risen substantially, to 59 percent of the population in 2013. However, internet access is mostly limited to Baku and several other major cities. Social-media platforms such as Facebook and Twitter are often used to share critical opinions of the government, and Azerbaijan's vibrant blogosphere has become a conduit for government critics to voice their opposition and illuminate subjects that are often ignored in the mainstream media.

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