

Semi-annual Azerbaijan freedom of expression report

January 01- July 01, 2012



Azerbaijan's Critical Voices in Danger

Cover photo: "You can't say this!" Azerbaijani police crack down on peaceful protest in Baku.

Photo: Mehman Huseynov, IRFS



Institute for Reporters' Freedom and Safety

For more information visit: www.irfs.org

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INTRODUCTION

1.1. BACKGROUND

The Institute for Reporters' Freedom and Safety is a local Azerbaijani NGO founded on World Press Freedom Day in 2006 by two Azerbaijani journalists, in response to growing government restrictions on freedom of expression and freedom of press.

The organization's reporting has been instrumental in bringing the issues of press freedom in Azerbaijan to the attention of relevant organizations and officials in the US and Europe. IRFS has been a member of the International Freedom of Expression Exchange (IFEX) since October 2007.

IRFS' broad freedom of expression approach, its ability to respond rapidly to even the most outrageous actions against press freedom is the DNA of IRFS' activities in Azerbaijan.

IRFS monitors and reports on violations of freedom of expression in Azerbaijan, producing statements, appeals, analyses, and daily news reports, conducting press conferences, and raising awareness of journalists' rights locally and internationally. As part of this commitment IRFS has been regularly producing comprehensive reports on the state of freedom of expression in Azerbaijan.

The current report, "Azerbaijan's Critical Voices in Danger", documents findings and outlines freedom of expression violations for the first half of 2012, i.e. from January 01 to July 01, 2012. The report provides insight into how the government continues to punish and prosecute individuals for expressing their opinions and protesting ongoing repression.

The first half of 2012 was the period of the increasingly hostile political climate to the activity of mass media outlets and civil society stakeholders.

In the past few months, dozens of journalists have been subjected to provocations, blackmailing, prosecutions, moral and physical pressure and litigations, and several media representatives have been arrested. During the reporting period the eight media representatives have been thrown to jail under various charges widely agreed by both local and international bodies to be trumped-up.

1.2. OBJECTIVES AND FOCUS

The overall objective of the IRFS Freedom of expression report is to advocate international

IRFS / Objective TV correspondent, Rashad Aliyev was injured whilst covering violent clashes between police and residents in Guba, a small town in Northern Azerbaijan. Photo: IRFS



best practices on press freedom, Freedom of Expression (FoE) and Right to Information (RTI) among key policy makers and to assess the situation of the freedom of expression in Azerbaijan. Specifically, the IRFS sought to:

- Assess FoE, RTI, media rights and capacity
- Raise awareness among local and international stakeholders on the state of freedom of expression
- Recommend concrete steps to tackle impunity and improve freedom of expression environment
- Engage the donor community to consider the recommendations.

1.3. METHODOLOGY AND STRUCTURE

This report has been prepared on the basis of the investigations, interviews, monitoring of court proceedings, desk study and media monitoring, analysis of submitted inquiries and complains, IRFS safety hotline statistics and other legally obtained information. In close consultation with local and international media experts, the IRFS staff has put together this report.

The IRFS recommendations focus on two specific areas (1) constitutional, policy and legal framework, and (2) impunity and working environment for journalists.

This report is organized in the five chapters covering the following key areas on which the IRFS is focusing: constitutional, policy and legal environment; and impunity and working environment for journalists and critical voices.

Chapters one and two deal with impunity and violence against the journalists and political use of law to silence critical voices. In addition, the chapter two presents Azerbaijan's political environment and the legal media environment with analysis and findings. Chapter three reveals the facts on prosecution of civil society stakeholders and peaceful protesters. Chapter four assesses the state of freedom of information. Chapter five focuses on the state control over the media.

Following introduction, the report cites the recommendations of the IRFS to improve freedom of expression in Azerbaijan. The last page of the report presents conclusion on the situation with freedom of expression.

RECOMMENDATIONS



Turan agency reporter Etimad Badagov was attacked by police during covering opposition rally last spring. He was wearing a vest with the word “Press” on the back, clearly identifying him as a journalist. Azerbaijani authorities should hold responsible police officers who continue to assault journalists with impunity, says IRFS”.
Photo: IRFS

2.1. RECOMMENDATIONS TO END IMPUNITY AND IMPROVE WORKING ENVIRONMENT FOR JOURNALISTS

2.1.1. FOR THE GOVERNMENT OF AZERBAIJAN:

- End all forms of impunity for killers of journalists and ensure that all cases are resolved, and all guilty parties are punished in accordance with the law.
- Detain and prosecute the masterminds who ordered the killing of Elmar Huseynov in 2005 and Rafig Tagi in 2011.
- Publish all available information related to the two murders of journalists.
- End impunity for attacks on journalists. Ensure that all cases are resolved, and the guilty are punished in accordance with the law.
- Detain and prosecute the masterminds who ordered blackmailing attack on outspoken female journalist Khadija Ismaylova in March 2012.
- Fully investigate threats against journalists and establish a protection mechanism.

2.1.2. FOR MEDIA ORGANIZATIONS:

- Media organizations should take full responsibility to care for victims of attacks in terms of initiating preventive measures, providing insurance cover, and medical coverage.

2.2. RECOMMENDATIONS TO IMPROVE MEDIA POLICY AND LEGISLATION

2.2.1. FOR AZERBAIJANI GOVERNMENT:

- To remove the article stipulating criminal responsibility for defamation from the Criminal Code of the Republic of Azerbaijan.
- Reverse the ban prohibiting foreign radio channels from broadcasting on national FM frequencies.
- Withdraw restrictive amendments to the legislation which intend to limit the activities of mass media and media representatives.
- Establish the Institution of Independent Press Ombudsman in line with international standards and to empower it with the authority of Press Ombudsman that currently belongs to the Commissioner for Human Rights.

- Set up independent broadcasting regulatory body to ensure fair and transparent distribution of TV and radio frequencies through simplified application for licenses.
- Establish new public televisions in the frequencies of the AZTV channel and its affiliates Idman (Sport)-Azerbaijan TV and Medeniyyet (Culture) TV, as well as a second and a third public radio channels in the frequency occupied by the state radio channel.
- End harassment of independent NGOs and civil society representatives, to annul the restrictive amendments made to the law on non-governmental organizations and to adopt liberal legislation regulating civil society.
- Allow the creation of an independent, non-statutory press council under the sole responsibility of media professionals, or other self-regulatory systems of media accountability.
- Review and amend media legislation to ensure it respects international principles on press freedom, in particular by abolishing restrictive amendment to the Law on Access to Information.
- Ensure transparency in media ownership structures.
- Establish an independent authority in charge of distributing government-funded advertising to media outlets in a fair manner.
- Formulate and enforce a fair government advertising policy for leveling the playing field for private and state-run media.

2.3 RECOMMENDATIONS FOR INTERGOVERNMENTAL ORGANIZATIONS, FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS TO IMPROVE FREEDOM OF EXPRESSION IN AZERBAIJAN

- Demand actions, not just words, from the Azerbaijani government to fulfill its obligations regarding press freedom, freedom of expression and human rights.
- Demand from the Azerbaijani government and law enforcement agencies to end all forms of impunity for killers of journalists and ensure that all cases are resolved, and all guilty parties are punished in accordance with the law.
- To impose sanctions on Azerbaijan for non-compliance with the obligations regarding press freedom, freedom of expression and human rights.

2.4. RECOMMENDATIONS FOR JOURNALISTS AND MEDIA WORKERS

- Always abide by the code of professional ethics
- Immediately call the IRFS hotline (+994 50 398 48 38 , +994 55 398 48 38) and inform the IRFS, civil society institutes, media and the representations of international diplomatic corps about the potential threats to your personal safety.

CHAPTER ONE: IMPUNITY FOR VIOLENCE AGAINST JOURNALISTS



Seven years on, there is still no justice for Elmar Huseynov.
Photo: TURAN

On March 02, 2005, Elmar Huseynov, founder and chief editor of the opposition weekly news magazine Monitor was fatally gunned down in his apartment building in Baku. More than seven years later, there is still no justice for Elmar Huseynov.

In the seven years which have passed since Elmar Huseynov's murder, he has become a symbol for journalists throughout Azerbaijan and the region, providing an example of the bravery of investigative journalists, who under such repressive regimes often become human rights defenders themselves. His case also serves as a constant reminder of the injustice for the victims and their families as the instigators – and often the perpetrators – of these tragic killings continue to walk free. For these reasons, IRFS dedicate this chapter of report to Elmar

Huseynov and his followers, who continue to fight for justice for Elmar and other journalists who have been targeted for their work.

Since Elmar Huseynov's murder, there have been dozens of violent attacks against journalists in Azerbaijan, including the murder of prominent journalist and writer Rafiq Tagi in November 2011. None of these attacks have been seriously investigated or prosecuted, resulting in a climate of impunity for those who wish to use violence to silence critical voices.

During first half of 2012, on 23 occasions more than 32 journalists and their close relatives (in some cases repeatedly) faced violence. In most cases the violence was aimed at impeding professional activities of journalists guaranteed by constitution. In the below-mentioned cases, no one has been brought to justice for putting pressure on journalists, injuring or blackmailing them, breaking their professional equipment (cameras) and arresting them illegally.

On January 7th Saatli district police department officer illegally detained Kur Civil Society coordinator Ogtay Gulaliyev and Turan Information Agency director Mehman Aliyev. They were arrested near Novruzlu village, which is one of the communities affected by the river flooding in May 2011. Gulaliyev and Aliyev were talking to villagers, when suddenly the police arrived and took them to police office using violence. Following 1.5 hour-long detention in Sabirabad Police Office, and Gulaliyev and Aliyev were released.

On January 18th Turan Information Agency photographer Etimad Budagov and Objective TV video operator Rashad Aliyev were detained while performing their professional duties. They were filming a protest action held by housing depositors defrauded by Gen and Kamran Construction Companies in front of the Presidential Administration building. Their still camera and video camera were seized. Both journalists were released after all of their recordings had been deleted.



The 61-year-old author died after suffering multiple stab wounds in an attack in the Azeri capital on 19 November, 2011. No one has been charged with his murder.
Photo: RFE/RL

On January 16th police used physical force to prevent Turan Information Agency employee Etimad Budagov from filming a large protest by taxi drivers in front of the Ministry of Transport. One police officer kicked the photographer and knocked him down.

During the reporting period, Azadlig newspaper employee Seymur Hazi (Haziyev), who had been abducted and beaten by unknown persons last year, was assaulted once again. He was followed by unknown persons for several days in late January and early February. On the evening of March 25th Seymur Hazi was kidnapped by masked men in Jeyranbatan settlement, beaten and then dumped, with his arms tied behind his back, in Binagadi district of Baku. On the morning of March 1, a crowd estimated at 6,000 or 7,000 massed outside the local government offices in the northern town of Guba demanding major's resignation. The rioting led to a heavy police deployment, arrests and a visit by a government delegation.



Ayna/Zerkalo journalist and IRFS staffer, Idrak Abbasov was viciously attacked by police and security guards on the outskirts of Baku on April 18, 2012. He was wearing a vest with the word "Press" on the back, clearly identifying him as a journalist.

Photo:Yeni Musavat

Police tried to disperse the protesters, detaining around 25 of them, beating others with truncheons and firing tear gas into the crowd. The government sent in riot police and interior ministry troops, and this led to more skirmishing around the town. The journalists covering the rioting were among those injured. Rashad Aliyev, Objective TV correspondent got head injury and Idrak Abbasov, correspondent of the IRFS and Ayna-Zerkalo newspaper, got an arm injury. Furthermore, Radio Liberty correspondents Javanshir Agamaliyev and Abbas Atilay, Turan Information agency correspondents Tapdig Farhadoglu and Farid Gahramanov, and Yeni Musavat newspaper photo-reporter Farahim Ilgaroglu were poisoned by the tear-gas, which was used against protesters.

On March 7th Azadlig newspaper correspondent Ramin Deko faced police pressure while preparing a report on protests near Elmlar Akademiyasi metro station against the prison abuse of prisoners of conscience Mahammad Majidli and Babak Hasanov. Deko had been taken to Police Office #28 where his camera was confiscated, and returned only after the images were deleted from the memory card.

On March 6th IRFS's Nakhchivan correspondents Elman Abbasov and Hakimeldostu Mehdiyev, and Turan News Agency correspondent Ilgar

Nasibov faced pressure as they were interviewing Popular Front Party member Sevindik Ahmadov.

Akhmedov, a resident of Nakhchivan, unable to bear a complex social situation took a large number of drugs in an attempt to commit suicide. Not a single medical institution in Nakhchivan would accept him for treatment, because he is a member of the Popular Front Party. In the end, he was placed in the Nakhchivan clinic for the mentally ill, but three days later he was evicted from there. Local journalists and human rights defenders tried to meet with Ahmadov and the chief doctor of the clinic in order to get an explanation.

The chief doctor refused to give any explanation. IRFS's Nakhchivan correspondents Elman Abbasov and Hakimeldostu Mehdiyev, and Turan News Agency correspondent Ilgar Nasibov faced pressure as they tried to interview Sevindik Ahmadov in the yard of the clinic. An unknown person pretending to be a guard threatened the journalists and demanded that they leave the yard. He threatened them that if they didn't leave the yard they would face problems and the journalists decided to leave the area.

On March 7th, just a day ahead of International Women's Day, investigative journalist Khadija Ismayilova who runs the After Work Radio Liberty radio show and has conducted numerous investigative reports into corruption by high-level Azerbaijani officials, received a threatening letter containing very intimate pictures of her, a direct attempt to stop her latest investigations. Khadija's responded through an open letter on her Facebook page vowing not to stop her journalistic activities. Subsequently, the perpetrators continued their smear campaign against Ismayilova, posting intimate video clip with scenes from the journalist's private life on a phony website, which had been set up to suggest a non-existing affiliation with the opposition party.

The official newspaper of the ruling party - Yeni Azərbaycan – published a long article against Khadija Ismayilova and other RFE/RL employees. Officially, however, the authorities condemned the blackmail. “The right to privacy for every citizen is guaranteed by the Constitution and no one can intrude into another citizen's life,” the Chief of the Presidential Administration's Public Policy Department Ali Hasanov told APA.

The next day Baku Prosecutor's Office opened a criminal case under Article 156 (Infringement of inviolability of the private life).

On April 26, the Prosecutor's Office released a statement contesting Ismayilova's claims. However, this shed little light on the progress of finding the perpetrators. Instead, it listed the names and addresses of those who had been interviewed in connection with the case – namely the journalist's family and friends.

According to the Prosecutor's Office investigation is in progress.

Khadija Ismaylova believes, however, that investigating agencies, in addition to the newspapers “Yeni Azerbaijan” and “Iki Sahil”, have connections with those behind the blackmail threat. According to Ismaylova, the orders behind these acts comes from the Presidential Administration.

On March 6th Said Abbaszade, a six years old son of IRFS and Ayna-Zerkalo newspaper journalist Idrak Abbasov, was hit by a car near the kindergarten #313 in Sulutapa settlement. The driver, 23 years old, allegedly responsible for the accident was detained and taken to the Binagady Police department #40. Following short detention, the driver was released. Idrak Abbasov considers this action to be politically motivated.

On March 26, the director of the Baku Information Agency, Sudeyf Mejidov, the agency’s executive director, Vasif Sadikhbayli, and operator Ilham Rasulzade were detained by Salyan district police for filming the illegal collection of bribes at a radar checkpoint.

Mejidov, and Rasulzade traveled to Salyan to investigate reports that persons in plain clothes had been installing radar devices on the main road and collecting money from drivers. When journalists started to film the plain-clothed men stopping cars and demanding money from the drivers near the radars the men approached them and asked whether they had permission to film. Then they called the Salyan Police Office. The police arrived and took the journalists to Salyan Regional Police Office. However, the journalists had managed to remove the cassette from the camera by the time the plain clothes men approached us. After keeping journalists for 12 hours the police returned their equipment and released them. The journalists called the 102 police hotline and provided information about the incident.

On March 28th Musavat newspaper correspondent in Balakan region Akif Mammadli was summoned to the Department on Fight against Drugs of Balakan Regional Police Office where he was questioned for 2 hours. According to Yeni Musavat newspaper editor-in-chief Rauf Arifoglu, Mammadli had written several critical articles on situation in Balakan and in particular, on drug trafficking in the same region. The journalist faced intimidation from police officer Mahiyaddin Musayev who demanded from journalist to stop his investigations.

On April 2nd Turan Information Agency photographer Etimad Budagov and RFE/RL reporter Nushabe Fatullayeva faced physical pressure while filming the demolition work at 20 Shamsi Badalbayli street in Baku. Etimad Budagov and Nushaba Fatullayeva were attacked by Baku Executive Power Secretariat head Zulfali Ismayilov and his 20 workers following a clash between the residents and persons carrying out demolition. No one was brought to justice for the incident.

On April 4th a voice recorder, video and still cameras were confiscated from IRFS correspondents in Nakhchivan Hakimeldostu Mehdiyev and Elman

Abbasov at the Sadarak Customs and Border Crossing Point. On the next day the police returned the equipment in damaged condition.

On April 8th Kur Civil Society coordinator and Transparency magazine editor-in-chief Ogtay Gulaliyev, was detained by police at the Sabirabad region while he was meeting with citizens of Minbashi village. Next day, Sabirabad Regional Court charged Gulaliyev with swearing in a public place, and sentenced him to 12 days in jail under Article 296 (minor hooliganism) of the Code of Administrative Offences. Later on a criminal case was launched against Gulaliyev under the Article 220.2 of the Criminal Code (Appeals to active insubordination to legal requirements of representatives of authority and to mass disorders, as well as appeals to violence against citizens). On June 13th Sabirabad Regional Court released Gulaliyev on police bail.

On April 18th IRFS/Ayna Zerkalo journalist Idrak Abbasov was brutally beaten by employees of the Azerbaijan State Oil Company (SOCAR) while filming demolition work in a residential area close to one of Baku's numerous oilfields. Behind the demolition is the powerful state oil company SOCAR, which says the housing is illegal; the residents say they bought the land in good faith. When Abbasov began filming, SOCAR employees violently assaulted him, breaking two ribs, damaging his eyes, and leaving him unconscious for multiple hours with prolonged head trauma. He was in hospital for almost a month and the full extent of his injuries remains unknown to date. According to eyewitnesses, the police looked on during the beating. The other journalists at the demolitions, including Gunay Musayeva of Yeni Musavat newspaper and two IRFS cameramen, have spoken about the chaos at the scene. Musayeva was also attacked by guards but did not require hospitalization; the taxi the cameramen arrived in had its windscreen broken, but the men were unhurt. A statement issued by the local EU delegation in response to Abbasov's assault declared the incident "yet another example of unacceptable pressure [to which] journalists in Azerbaijan are exposed".

SOCAR launched an independent investigation commission and released a report at the end of May, which concluded that (i) Abbasov had not been wearing a press jacket and that (ii) he had provoked the fight, supported by fellow villagers. Both conclusions contradict photo evidence and witness testimonies, and have been deemed tantamount to a smear campaign.

On May 10th Radio Liberty correspondent Javanshir Agamali faced pressure by plain-clothed persons, while performing his professional activity covering the protest action against the Flower Festival. His camera had been confiscated and the footage on the protest action was deleted.

On May 12th journalist Tahmina Tagizade was called to Ganja City Police Office. Tagizade was stopped by police while she was interviewing residents of Nizami street in Ganja city, whose were being demolished. She was released after a brief interrogation. The police threatened Tagizadeh with possible

arrest if she did not stop covering the evictions.

A group of journalists faced physical pressure by the police and plain clothed police agents while performing their professional duties covering opposition rally on May 21st. The police also used pressure on the journalists filming the demonstration. A photographer and operator of Objective TV, Mehman Huseynov and MirRahim Hasanov were assaulted, and their video and photo cameras were damaged. Furthermore, foreign media representatives, who were covering the event, also faced violence; a plain-clothed police agent hit Steffen Haufe, a German photo-reporter who had come to Baku to report on Eurovision 2012 Song Contest.

Vafa Nagi (Nagiyeva), IRFS and Objective TV correspondent, was subjected to insult followed by physical attack on her way home (approximately at 9.30) on May 23 in Yasamal district.

A young man called Samir first insulted Nagiyeva. When she asked him why he had insulted her, he suddenly attacked her, causing her mobile phone and bag to fall to the ground. Nagi says that she is at a loss to understand the reasons behind this assault. Running from his kicks and blows, Nagi was hurrying home, when she remembered that her mobile was still on the ground. She went back to retrieve it, and was attacked again. Yasamal District Police Office #28 is investigating the case.

During the May 24th picket by Public Chamber, police and plain-clothed agents prevented journalists from carrying out their professional activity. Public Chamber activists were forced into police cars and buses, and taken away when they tried to approach the Public TV building. Police officers and plain-clothed agents behaved aggressively towards protesters.

During the picket, Gundalik Telegraf newspaper reporter Bayram Isgandarli was detained. The police interfered with the work of Turan News Agency reporter Etimad Budagov, Objective TV correspondents and other media representatives. Representatives from various international organizations were present as observers. International journalists were also there, filming the events. Public TV employees filmed from inside the building.

The picket was planned in protest against Public TV's violation of the principles of political pluralism and freedom of expression.

On May 25th gunxeber.com website correspondent Anar Garayli was sentenced to 10 days in jail. He was detained by officers from Nasimi District Police Office on May 22nd. Garayli was taken to Nasimi District Court, where he was sentenced to 10 days in jail under Article 306 of the criminal code (violation of the social order and resistance to the police). Two days later he was released following the ruling of the Court of Appeals. The journalist was arrested simply for wearing a "Sing for Democracy" campaign t-shirt.

CHAPTER TWO: POLITICAL USE OF THE LAW TO SILENCE CRITICAL VOICES

The Azerbaijani government has developed sophisticated judicial machinery that stifles critical and independent reporting.

Do not stay silent, say young protesters during opposition rally on April 8, 2012.
Photo: IRFS

During the reporting period amendments were made to the legislation to restrict the freedom of information and expression.



On July 6, Azerbaijan President Ilham Aliyev signed into amendments to the law limiting disclosures by corporate entities, adopted by Parliament on June 12. Strongly criticized by pro-transparency activists, the changes will curtail public access to information about the ownership of commercial entities, the amount of their charter capital, ownership structure, and other similar data.

The amendments to a 2005 law on commercial information that will bar government officials from distributing information about companies if doing so “contradicts the national interests of Azerbaijan in political, economic, and monetary policy, the defense of public order, the health and moral values of the people, or harms the commercial or other interests of individuals.” The reforms also would make release contingent on permission of all individuals named in the records.

A THROWBACK TO SOVIET PERIOD

On June 1 Milli Majlis (Parliament) revealed new draft amendments entailing restrictive provisions to the law “on access to information”, which came at the President’s initiative. The amendments were sent to Parliament without public disclosure, and the full texts remain unavailable. On June 12th 2012 the Azerbaijani Parliament (Milli Mejlis) adopted amendments to the laws “On the right to obtain information”, “On the state registration and state registry of legal entities” and “On the commercial secrets”.

The amendments extend the scope of the “legitimate public interests” protected in the in Article 3 of the Constitutional Law of the Republic of Azerbaijan on Regulation of the Exercise of Human Rights and Freedoms, and use language that avoids precision and clarity. The amendments to the law “On state registration and state registry of legal entities” will make secret the registration information of commercial legal entities (i.e. information about the founders of commercial legal entities and their shares in the charter capital). This information shall only be disclosed based on an inquiry to the courts and investigative bodies, to the subjects of operational-search activities in cases specified by law, and to financial monitoring bodies in the cases and manner specified by the Law of the Republic of Azerbaijan “On the struggle against legalization of funds or other property obtained through criminal means and the financing of terrorism”. According to the bill, this information can only be disclosed to relevant bodies, lawyers, and third parties following the consent of the information owner. Amendments will be made to the law “On commercial secrets”, which will deem such information secret.

On July 6, the president signed the decree to implement the amendments in three months.

These amendments can be viewed as an action by the Azerbaijani government to reject the obligations it has previously undertaken before the Azerbaijani

people and international community to fight corruption.

The above-mentioned restrictive amendments are contrary to the Article 10.2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary). The new amendments to Azerbaijani legislation have provisions different from those stated in this article of the convention: this is why it can be deemed an act of restricting the freedom of information.

When the amendment to law “On commercial secrets” officially takes effect, the information about the founders of commercial legal entities and their shares in the charter capital will be considered confidential. Such information shall only be disclosed based on an inquiry to courts and investigative bodies. This amendment contradicts the provisions of the UN Convention against Corruption, and the UN’s Global Counter-Terrorism Strategy.

These amendments increase restrictions on the freedom of information and breach the principles transparency and public control over the activity of legal entities. From this point on it will be difficult for journalists to investigate instances of corruption, as any of such journalists may face punishment under new amendments to the legislation.

LEGAL PRESSURE ON CRITICAL VOICES

Journalists, bloggers, activists and ordinary citizens in Azerbaijan continue to face imprisonment for voicing opinions critical of the authorities. The judicial system is used to silence critical voices. The IRFS has monitored 15 judicial proceedings; in two cases journalists were deprived of freedom, in three cases newspapers and in one case a journalist was sentenced to huge fines. In nine cases none of journalists’ appeals were granted.

On January 23rd Yasamal District Court judge Elchin Gurbanov partially granted the lawsuit brought by businessman Anar Mammadov, the son of Transport Minister Ziya Mammadov, against the Yeni Musavat and Azadliq newspapers. According to the decision, the newspapers were each fined 4000 manats (1 manat equals to approximately 1 Euro) and were demanded to give a retraction. Mammadov appealed to the court citing humiliation of his honor and damage to his business image in the article titled “Kamaladdin Heydarov’s bear eaten” (published in Azadliq on 1 July, 2010 and in Yeni Musavat on 2 July, 2010), and in the article titled “Sheikh drives Anar Mammadov out of Dubai”

(published in Yeni Musavat on 14 September, 2010). He demanded 250,000 AZN from each newspaper in compensation.

On January 23rd Narimanov District Court under judge Sevinj Guliyeva partially granted the lawsuit brought by Baltika-Baku LLC director Adam Tlekhuray against Khural newspaper editor-in-chief Avaz Zeynalli. According to the decision, Avaz Zeynalli and Khural newspaper were demanded to apologize, to publish a retraction and together pay a total of 50 000AZN in compensation.

On January 24th Nasimi District Court under presiding judge Elman Ahmadov denied the appeal by Democrat newspaper editor-in-chief Mustafa Hajibeyli, which was targeted against the Nasimi District Prosecutor's office, for its refusal to launch a criminal case against the deputy chief of Nasimi District Police Office, Suleyman Nematov. Democrat newspaper editor-in-chief Mustafa Hajibeyli was detained at the Public Chamber's April 2nd 2011 protest, taken to Nasimi district police department, and physically assaulted by deputy chief Suleyman Nematov.

On January 27th two hearings were held on the case of Khural newspaper editor-in-chief Avaz Zeynalli in Baku Appeals Court. The first hearing was presided over judge Abdin Abdinbeyov, who denied Zeynalli's appeal against the extension of his prison term. In the second hearing judge Mirpasha Huseynov denied Zeynalli's appeal asking to replace his pre-trial detention with house arrest.

On February 22nd the Supreme Court of Azerbaijan, under judge Ilham Jafarov, held a court proceeding on the appeal filed by IRFS correspondent to Nakhchivan, Hekimeldostu Mehdiyev, against the Nakhchivan Supreme Court's November 10th 2011 decision. The appeal was denied. According to the criminal case launched against IRFS correspondent to Nakhchivan Hakimeldostu Mehdiyev under Article 189-1.1 of the Criminal Code (diverting electricity supplies), Sharur District Court demanded that he pays a 1000 AZN fine on September 22th 2011. Nakhchivan Supreme Court upheld this decision.

A criminal case was opened against Bakhtiyar Hajiyev in the January of 2011. At that time, he signed a statement of commitment not to leave Ganja city. At the beginning of February 2011 his pre-trial detention was replaced with release under police bail. On March 4th 2011 Hajiyev was sentenced to one-month's pre-trial detention. On May 18th 2011 Nizami District Court of Ganja city sentenced Bakhtiyar to 2 years in jail under Article 321.1 of the Criminal Code (military service evasion). Human rights organizations believe that Hajiyev, who ran for the Parliament in 2010 elections, was arrested for his activity on social networking sites and his support of the March 11 Great People's Day campaign. Hajiyev's July 6th 2011 appeal against this decision was denied. On December 6th 2011 the Supreme Court upheld this decision.

During his detention, Hajiyev made several attempts to appeal his sentence and be released on parole. On July 5, 2011, Hajiyev lost his appeal before the Ganja City Appeals Court. On December 6, 2011, the Supreme Court also rejected his appeal. Hajiyev did not appear at the proceeding. The presiding judge said that Bakhtiyar did not want to participate in the trial; however, Hajiyev's lawyer indicated that his client wished to participate in the trial and had sent a telegram to the court the day before with his request. Bakhtiyar Hajiyev was denied parole on three occasions: December 30, 2011; February 27, 2012; and March 29, 2012.

On June 4, 2012, the Supreme Court of Azerbaijan ordered Bakhtiyar Hajiyev to be released nine months before the completion of his sentence. The court released Hajiyev early for good behavior; however, the release is conditional and he may not leave the country for nine months. His release comes two days before U.S. Secretary of State Hillary Clinton is scheduled to meet with Azerbaijani President Ilham Aliyev in Baku and three weeks after a bi-partisan group of five U.S. Senators urged President Aliyev to facilitate Mr. Hajiyev's release.

In a statement following his release, Mr. Hajiyev pledged to continue his work advocating for democratic reform in Azerbaijan.

In March 2012, the Khirdalan city court sentenced online journalist Ramin Bayramov, the editor of the Islamazeri.az website, to 18 months in prison on charges of illegal possession of drugs and firearms. Namely, the prosecutor's office charged Bayramov under criminal code articles 228.1 (Illegal purchase, transfer, selling, storage, transportation or carrying of fire-arms, its accessories, explosives and supplies (except for the smooth-bore hunting weapons and its ammunition) and 234.1 (illegal purchase or storage of narcotics or psychotropic substances in a quantity exceeding necessary for personal consumption, with no intent to sell).. Prior to his conviction, Bayramov had been detained since 11 July 2011.

On April 11th, Baku Appeals Court under presiding judge Tofiq Samadov heard Yeni Musavat newspaper's appeal against the 18 November 2011 decision by Sabail District Court on the newspaper's lawsuit against the Ministry of Defense. The appeal was not granted.

On April 10th the Supreme Court of Azerbaijan heard the appeal filed by Khural newspaper reporter Aydin Janiyev against Shirvan City Appeals Court, which had denied his motion to launch a court investigation into his case. The appeal was denied.

On April 11th, Baku Appeals Court heard Yeni Musavat newspaper's appeal against the 18 November 2011 decision by Sabail District Court on the newspaper's lawsuit against the Ministry of Defense, the newspaper's lawyer Vagif Huseyn reported to IRFS. The appeal was not granted.

The lawsuit was brought following a statement last September by the Ministry of Defense regarding an article titled “Turkish students are hurt at military school.” The Ministry claimed that the article had been published by Yeni Musavat newspaper on behalf of the Turkish Embassy and Anadolu Agency. The newspaper denied ever publishing the article, and case materials suggest that neither the Turkish embassy nor Anadolu Agency ever issued such a statement. The newspaper claims that the Defense Ministry is trying to discredit the newspaper, and appealed to Sabail District Court, demanding 50 000 AZN in damages.

On April 12th Nasimi District Court under judge Emin Mehdiyev held a hearing on the motion filed by the Anti-Corruption Office, seeking to extend the prison term of Avaz Zeynalli, editor-in-chief of Khural newspaper. Zeynalli’s prison term was extended for another month by the decision.

On May 1st Yasamal District Court under judge Anar Rzayev held a hearing on the lawsuit by Azadlig newspaper correspondent Natig Gulahmadoglu (Adilov) against Lider TV and Afra Hotel. The judge rejected Adilov’s lawsuit and required him to pay 150 AZN for forensic costs. A secretly recorded videotape of Gan Turali and Natig Adilov taken in a hotel room during a training course in Oguz was broadcasted on Lider TV on April 2011. Natig Adilov appealed to Yasamal District Court with a lawsuit against Lider TV and Afra Hotel requesting financial compensation of 100,000 AZN from each of them, for the humiliation of his personal dignity, and interference in his private life and freedom of expression.

On May 17th Lankaran City Court has fined Azadlig newspaper correspondent Ramin Deko (Jabrayilov) to 3000AZN following a defamation lawsuit. The defendant himself was informed about the decision on May 29th. The court decision stated that Ramin Deko must apologize to MP Novruzali Aslanov and provide a retraction of his article. It followed; “Ramin Deko shall be fined 3000 manats, which amount shall be given to Umid charity society based in Bina settlement of Khatai district. In addition, Novruzali Aslanov will give 200 manats in compensation and Ramin Jabrayilzade will pay 89 manats in compensation for the expert examination charges.” MP Novruzali Aslanov appealed to Lankaran City Court, accusing Azadlig newspaper correspondent Ramin Deko (Jabrayilov) of defaming his personal dignity and reputation, claiming that his business and political reputation was damaged in the article titled Fizuli Alakbarov buys Ivanovka houses for 80 000 manats printed in the October 26th 2011 issue of Azadlig newspaper #249(4700). He demanded the journalist to make an official apology. He also asked the court to charge the journalist under Article 147 (libel), to fine him 10 000 manats as compensation for psychological damage, and to give that amount to an orphanage in Baku.

On June 12th Binagady District Court sentenced the Iranian Sahar TV correspondent in Azerbaijan, Anar Bayramli, to 2 years in jail. Bayramli was detained on February 17th by officers from Binagadi District Police Office #4,

who reportedly found 0,0387 grams of heroin in his pockets. He was charged under article 234.1 of the Criminal Code (illegal manufacturing, purchase, possession, transportation, transfer or selling of narcotics, and psychotropic substances).

On June 13th Sabirabad Regional Court under judge Firdovsi Aliyev ruled for the release of Kur Civil Society Staff coordinator Ogtay Gulaliyev, Gulaliyev himself reported to the Institute for Reporters' Freedom and Safety (IRFS). Kur Civil Society coordinator and Transparency magazine editor-in-chief Ogtay Gulaliyev was detained on April 8th in the village Minbashi of Sabirabad while he was carrying out a monitoring, and sentenced to 12 days of administrative arrest. On April 19th a criminal case was opened against him under Article 220.2 (inciting riots) and Sabirabad Regional Court sentenced him to 2 months of pre-trial detention.

On June 14th Yasamal District Court under judge Elchin Gurbanov held the final hearing on the lawsuit brought by Baku Metro head Tagi Ahmadov against Azadlig newspaper. In his lawsuit Ahmadov claimed that his honor and dignity had been insulted by the newspaper, and demanded compensation for psychological damage. Yasamal District Court ruled that the newspaper must publish a retraction and pay 30 000 manats to Tagi Ahmadov in compensation. Baku Metro head Tagi Ahmadov had appealed to Yasamal District Court against Azadlig newspaper, claiming that his dignity, honor, and business reputation were insulted in an article titled "Tagi Ahmadov appropriated 5 kopecks", which noted that after the metro fares had been raised to 20 kopecks, it became impossible to use 5 kopecks previously loaded into metro cards. Ahmadov asked the court to require the newspaper to issue a retraction and to pay 200 000 AZN in compensation.

On June 19th Shirvan Appeals Court under judge Ismayil Ahmadov held a hearing on the appeal filed by Khural newspaper correspondent Aydin Janiyev against the ruling by the Lankaran City Court. His appeal was denied. Janiyev was arrested on September 7th 2011 following a lawsuit by religious followers of Sarpakaran village in Lankaran region. He was charged with breaking the windows of the village mosque and insulting the religious followers, and sentenced to 12 days of administrative arrest. Later a criminal case under Article 221.2.2 (hooliganism committed with resistance to the authorities acting to protect social order or to prevent the infringement of a social order, or with resistance to another person) was launched against Janiyev, and on September 20th Lankaran City court sentenced him to 2 months of pre-trial detention. On November 21st he was sentenced to 3 years in jail.

CHAPTER THREE: DETENTION AND PERSECUTION OF HUMAN RIGHTS DEFENDERS AND MEDIA WORKERS

In Azerbaijan, journalists have been imprisoned on fabricated, politicized charges--ranging from hooliganism and drug possession to incitement to mass disorder--that stemmed from their work.

Right now, there are eight journalists in prison under various charges widely agreed by both local and international bodies to be trumped-up:

1. Avaz Zeynalli, editor in chief, Khural newspaper
2. Aydin Janiyev, correspondent, Khural newspaper
3. Zaur Guliyev, correspondent, Khayal TV
4. Vugar Gonagov, correspondent, Khayal TV
5. Ramin Bayramov, editor-in-chief, "islamazeri.az"
6. Hilal Mammadov, editor-in-chief "Tolishi Sado"
7. Anar Bayramli, correspondent, Iranian Sahar TV
8. NIjat Aliyev, editor-in-chief, azadxeber.az



Tensions between Iran and Azerbaijan have risen this year, with each side accusing the other of meddling in its affairs. A journalist Anar Bayramli is one of those journalists who felt victim to deteriorated relationship between two countries.
Photo: IRFS

In March 2012, the Khirdalan city court sentenced online journalist Ramin Bayramov, the editor of the Islamazeri.az website, to 18 months in prison on charges of illegal possession of drugs and firearms. Namely, the prosecutor's office charged Bayramov under criminal code articles 228.1 (Illegal purchase, transfer, selling, storage, transportation or carrying of fire-arms, its accessories, explosives and supplies (except for the smooth-bore hunting weapons and its ammunition) and 234.1 (illegal purchase or storage of narcotics or psychotropic substances in a quantity exceeding necessary for personal consumption, with no intent to sell).

Prior to his conviction, Bayramov had been detained since 11 July 2011.

Khural newspaper correspondent Aydin Janiyev was arrested on September 2011 and on November 2011 Lankaran City Court sentenced him to 3 years in jail under Article 221.2.2 (hooliganism committed with resistance to the authorities acting to protect social order or to prevent the infringement of a social order, or with resistance to another person). On June 19th 2012 Shirvan Appeals Court upheld this decision.

Khural newspaper editor-in-chief Avaz Zeynalli was arrested on October 2011. He is charged under Article 311.3.3 (taking a large bribe) and Article 311.3.4 (extortion). In addition to these charges, he has later been charged for tax evasion. His case is still under consideration.



On 13 June 2012, multi-media journalist Mehman Huseynov was released after one-day detention and charged with “hooliganism committed with resistance to representative of the authority”, a charge punishable by up to 5 years imprisonment.
Photo: IRFS

Iranian Sahar TV correspondent in Azerbaijan Anar Bayramli was arrested on February 2012 and on June 2012 Binagady District Court sentenced him to 2 years in jail under Article 234.1 (illegal purchase or storage of narcotics or psychotropic substances in a quantity exceeding necessary for personal consumption, with no intent to sell).

Vugar Gonagov and Zaur Guliyev, executive director and editor-in-chief of Khayal TV based in Guba were arrested on March 13, 2012. They were accused of provoking the mass riots that broke out two weeks earlier on March 1, after the posted online a video of regional governor

Rauf Habibov making derogatory remarks about local citizens. Thousands of protesters, including opposition and youth activists, demonstrated in Guba on March 1, 2012 demanding the Khabibov’s resignation, as a result of his comments. Criminal proceedings have been filed against them under Article 233 (Organization of actions promoting infringement of a social order or active participation in such actions) and Article 309 (excess of official powers). The investigation is ongoing.

Azadxeber.az website editor-in-chief Nijat Aliyev was detained on May 20th 2012 and on the next day he was sentenced to 2 months of pre-trial detention. He is charged under Article 234.1 of the Criminal Code (illegal manufacture, purchase, possession, transportation, transfer or sale of drugs, and psychotropic substances). The investigation is ongoing. Gonagov and Guliyev remain in custody awaiting trial – no date has yet been set by the authorities.

On June 21st 2012 Tolishi-Sado newspaper editor-in-chief Hilal Mammadov was detained. On June 22nd Nizami District Court sentenced him to 3 months of pre-trial detention. He is charged under Article 234.4.3 of the Criminal Code (illegal manufacture, purchase, storage, transfer, transport or sale of drugs and psychotropic substances in a large quantity). The investigation is ongoing.

On June 13th, IRFS photo-video journalist and Azerbaijan Youth Media Center member Mehman Huseynov, 23 years old, was summoned to the Sabayil District Police station and taken into police custody for 48 hours after three hours of questioning. He was accused under Article 221.1 of Azerbaijan’s Criminal Code – Hooliganism. The charges against Mehman stem from a verbal disagreement that he had with police at an unsanctioned protest in front of the Baku Mayoral Office on May 21. Mehman was at the event carrying out his professional duties when police used force against both protesters and journalists, including Mehman and other IRFS employees. Police broke the camera that Mehman was using at the event. The current status of the incident is that Mehman has been charged with hooliganism but so far spared pre-trial detention.

CHAPTER FOUR: FREEDOM OF EXPRESSION ONLINE

Currently, approximately 1/3 of the population¹ has access to the internet, making it a key platform for information exchange. According to the OpenNet Initiative, Azerbaijan's internet is "largely free from direct censorship"². Nonetheless in the past year with protests inspired by the Arab Spring and then the Eurovision Song Contest, the situation requires immediate attention and action. Realizing its potential for political mobilization, the Azerbaijani government is expanding methods to control, shape and monitor digital media content. While the government does not typically restrict internet access, it has repeatedly blocked some websites featuring opposition views and intimidated the online community through its harsh treatment of so-called "cyber dissidents".

Harvard alumni and a co-founder of March 11, 2011 Protest Day page on Facebook, Harvard alum Bakhtiyar Hajiyev was jailed for nearly 2 years for evading military service before an amnesty. The authorities initiated criminal proceeding in absentia against another co-founder of Protest page on Facebook, Strasbourg-based activist Elnur Majidli. When he uploaded 20 videos on Youtube exposing illegal acts in the region of Ujar, human rights activist and blogger Taleh Khasmammadov was arrested and now faces possible 15 year sentence under charges widely agreed to be trumped-up.

In February 2012, the Ministry of Justice issued a warning to IRFS citing the dissemination of "biased" information via www.nakhchivan.org.az. A month later, IRFS Chairman received an email from director of Network Technologies (company selling az domains) where she mentioned pressure from the authorities and asked IRFS to stop using the nakhchivan.org.az domain.

On 1 March 2012, residents of the northern Azerbaijani town of Guba gathered to protest against a local official who insulted the local community. News of the alleged insult spread after a video was posted online. Following the protests, some of which led to attacks on properties owned by the governor, internet cafes were searched in an attempt to discover who posted the video. As a result, Vugar Gonagov (Khayal TV executive director), Zaur Guliyev (Khayal TV editor-in-chief) and the owner of MMM internet are now behind bars.

In addition to harassing and arresting youth involved with organizing the demonstrations, police questioned a number of online activists in connection with their Facebook activities. These cases signaled an alarming new strategy on the part of Azerbaijani authorities.

These events demonstrate the pivotal role the internet is currently playing in Azerbaijan's civil society activism, primarily in the capital but also, to a lesser degree, in towns outside Baku. Its role has grown significantly in the last 18 months, with the advent of cheaper smart phones and 4g services. It

¹ http://www.freedomhouse.org/sites/default/files/inline_images/Azerbaijan_FOTN2011.pdf

² <http://opennet.net/research/profiles/Azerbaijan>

is increasingly becoming an important means of communication for activists and a vital news source, particularly given the lack of pluralism in the country's media³. In addition to government pressure, several state-controlled television stations also ran campaigns against social network sites, broadcasting interviews with psychologists and internet experts arguing that online activities could have a detrimental effect on Azerbaijan's image and pose a threat to the country's security. There is a restriction on the sale of "az" national domain to physical and legal entities. The Ministry of Communication and Information Technologies owns the monopoly on sale of the domain.

Another issue is cyber terrorism. If previously hacker attacks were only against websites of critical and independent media, now hackers start targeting state-controlled media.

On 16 January computer hackers launched an attack on fifteen internet sites in Azerbaijan, mainly official websites of state bodies, including: the Constitutional Tribunal, Interior Ministry, as well as the Ministry of Education, Communications and Information, State Security Service, the ruling New Azerbaijan party, and pro-government media outlets. After hacking into the websites, the individuals posted messages promoting the wearing of hijabs (head scarfs) (last year, the Azerbaijani Education Ministry banned hijabs from the country's schools) and criticizing Baku for its cooperation with Israel and corruption. The hackers called themselves the Azerian Cyber Army and warned that Azerbaijani authorities would share the fate of former Arab dictators.

The hackers who destroyed edu.gov.az and vet.edu.gov.az websites of the Ministry of Education placed former Islam Party chairman Movsum Samadov's opinions on hijab (headscarf) ban on the websites.

Meanwhile, the Trend news agency's site was also hacked after an item critical of Azerbaijani-Israeli relations was posted on the site.. Hackers also attacked the websites of the State Support Fund for NGOs (cssn.gov.az) and Absheron Regional Executive Power (absheron.gov.az).

In response, on 17 January, a group of Azeri hackers known as Pirates Crew posted a list of Iran-based websites it claimed to have hacked in retaliation for the Azerian CyberArmy attacks. (Relations between Azerbaijan and Iran, home to a large Azeri minority, have been strained over Baku's closure of mosques and restrictions on the wearing of headscarves).

"Iranian hackers" attacked the websites of the Azerbaijan State Television & Radio Company, AzTV, and Azerbaijani Airlines (AZAL) on 22-23 February. In the overnight attack the hackers replaced AzTV website homepage with the message "Life is a game. Game is over!" Hackers posted a different message in English on the AZAL website - "Hacked By Cocain Warriors from persia" (sic). On the same night, the Sport Azerbaijan and Culture TV channels also were hacked. Azerbaijan authorities believe these attacks are organized inside Iran.

³ International Partnership Group on Azerbaijan report "Running Scared"

CHAPTER FIVE: STATE CONTROL OVER THE MEDIA



Via flashmob action, Azerbaijani youth protest against state pressure on independent print media. Photo: IRFS

The political climate in Azerbaijan remains hostile to the activity of mass media outlets and citizen journalists. Government legislation poses a serious threat to access to information and to the dissemination of information. As a result, Azerbaijani citizens and the international community are unable to access reliable, comprehensive, and objective news on human rights issues relevant to Azerbaijan. Moreover, the government's attitude towards independent journalism discourages and disempowers citizen journalists. Due to this weakness, Azerbaijan is overly reliant on government sources for information, and the population is under-informed about matters of public interest. Traditional radio and television broadcasting is under strict government control, and all radio and television companies serve the government in various ways. In 2009, the Azerbaijani government placed a ban on the broadcast of Radio BBC, Radio Liberty and Voice of America on local FM frequencies. These radio stations were the only ones that ensured political pluralism for Azerbaijani citizens.

It is impossible to obtain a license for broadcasting in Azerbaijan, despite the fact that there are a sufficient number of available frequencies. Censorship is applied to both radio and television broadcasts in Azerbaijan, and citizens are unable to access complete and balanced news and information.

The circulation levels of the four non-government-sponsored newspapers that seek to provide political pluralism are low, and they reach less than 3 percent of the population. The state economy has been monopolized by a small number of oligarchs, which limits the advertising market, and constitutes another obstacle in the development of the media in Azerbaijan. Even medium-sized entrepreneurs refuse to advertise in the independent and opposition media for fear of angering the authorities.

AZTV TV channel, which was officially transformed into closed Joint Stake Company in 2005 is still financed from the state budget, and its affiliate Idman-Azerbaijan TV channel have not been abolished yet. On the contrary, the JSC was expanded and was entitled to broadcast Madaniyyat (Culture) and Idman-Azerbaijan (Sport Azerbaijan) TV channels. In the meantime, one of the obligations of Azerbaijan before the Council of Europe is to liquidate AZTV TV channel.

In the recent period a number of what is supposed to be press kiosks but in reality beautiful sales booths were placed in Baku. The booths sell all kinds of food and consumer goods except for newspapers. There are small newspaper stands beside these booths. The information about the owners of these sales booths is kept secret. The places where these booths are located were previously occupied by newspaper booths of Qasid and Qaya distribution companies.

In the recent 2-3 months newsstands belonging to Gasid JSC have been massively removed from the streets of Baku. Furthermore, Gasid and Gaya distribution companies are deprived from subscription revenue. According to Gaya Distribution Company director Khanhuseyn Aliyev, all the state agencies and organizations have been unofficially ordered to subscribe to newspapers via Kaspi Distribution Company. Restrictions on the press distribution seriously affected the sales incomes of some high-circulation newspapers such as Yeni Musavat and Azadlig. The monopolization of all forms of press distribution (mobile sales, kiosks and subscription) will allow the government to easily prevent the sale of certain newspapers and/or magazines. The same scenario was applied back in 2000-2001 when, press distributors taken under state monopoly refused to sell Monitor magazine without providing any reason.

CONCLUSION

The Azerbaijani government has developed sophisticated judicial machinery that stifles critical and independent reporting.

The authorities continuously resort to violence, abductions, torture, beatings and the illegal detention of journalists in blatant violation of international human rights and freedom of expression standards. Such practices have led to an increasing sense of insecurity and a high incidence of self-censorship within the media community.

Recently changed legislation fails to adequately protect journalists and do not reflect the country's international commitments in terms of freedom of expression and human rights. Defamation is still criminalized.

The government's tight control over print, broadcast and Internet media severely restricts the growth of the independent media as a critical source of information. Restrictions on advertising revenue, printing and distribution, as well as an acute lack of private investment, suffocate the handful of relatively successful independent publications.

The overall environment in which the Azerbaijani media currently operates prevents it from holding those in power to account; nor does it provide citizens with quality independent news reporting. When the media is unable to fulfill such intrinsic functions, society cannot properly voice its concerns or canalize its discontent through peaceful, institutionalized means. Until this fundamental right is guaranteed, a more democratic Azerbaijan remains a distant prospect.



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