

FREEDOM OF THE PRESS



Azerbaijan

Azerbaijan | Freedom of the Press 2012 |

Conditions for freedom of expression in Azerbaijan remain dire, as authorities continue to imprison journalists and bloggers who express dissenting opinions. 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. Libel is a criminal offense, and the government frequently uses it in politicized ways. In the first half of 2011, there were 11 new cases filed under libel and insult provisions of the criminal code, and 27 cases from previous years were still pending. A draft bill that would decriminalize libel, prepared by the Press Council, has been awaiting discussion in the parliament for a number of years.

Various other criminal laws, including those pertaining to terrorism, hooliganism, narcotics, inciting hatred, and tax evasion, are used by the authorities to suppress critical reporting. In October 2011, court officers raided the weekly *Khural's* newsroom and confiscated all of its equipment, alleging that editor in chief Avaz Zeynalli had failed to pay damages imposed by a Baku court in a 2010 defamation case. Zeynalli was then arrested in November on bribery and extortion charges stemming from a complaint filed by a member of parliament, and he was ordered by the court to be held in pretrial detention for three months. *Khural's* website remained accessible, but the print edition stopped publishing. *Khural* has been critical of President Ilham Aliyev's policies toward journalists and political opposition.

The government has failed to appoint a special information ombudsman as required by 2005 freedom of information legislation, and transferred 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 did not yield any results. The government nominates all members of the National Television and Radio Council (NTRC), the country's regulatory body. 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 May 2011, Eynulla Fatullayev, a well-known investigative journalist and editor in chief of two of Azerbaijan's most popular independent newspapers, was pardoned and released from prison after serving four years on charges of defamation, terrorism, tax evasion, and drug possession. His case had received widespread international attention. Fatullayev had been reporting on the government's failure to solve the 2005 murder of his colleague at the *Monitor*, Elmar Huseynov, when he was arrested and found guilty of threatening terrorism and inciting ethnic hatred. He was sentenced to eight and a half years in prison. In July 2010, Fatullayev was sentenced to another two and a half years behind bars on the spurious charge of drug possession inside prison. He was freed a year after the European Court of Human Rights ordered the government to release him.

2012 SCORES

PRESS STATUS

Not Free

PRESS FREEDOM SCORE

80

LEGAL ENVIRONMENT

26

POLITICAL ENVIRONMENT

32

ECONOMIC ENVIRONMENT

22

The political environment is dominated by the president and the ruling party. The rise of protest movements across the Arab world in 2011 resonated in Azerbaijan, with protesters taking to the streets in March and April and the government responding by cracking down on demonstrators. The authorities also targeted journalists and bloggers, preventing some from covering the protests and beating those who did.

Journalists continued to experience a high level of attacks and intimidation unrelated to the protests, and one journalist, Rafiq Tagi, was killed in 2011. Tagi died in November, four days after being stabbed outside his home by an unknown assailant. Along with editor Samir Sadagatoglu of the monthly *Senet*, he had been given a four-year prison sentence in 2007 for “incitement to religious hatred” in a philosophical essay published in 2006. Despite a fatwa issued against Tagi by an Iranian grand ayatollah, and subsequent threats to his life, the authorities had refused to grant him protection. His was the first murder of a journalist in the country since Huseynov’s; both men had been penalized by the authorities for their writings, but their killings have gone unpunished.

In March, two correspondents for *Azadliq* newspaper were kidnapped and beaten one week apart, and warned to cease working for the newspaper. In September, family members of journalist Idrak Abbasov were beaten and their home was damaged by security personnel working for state-owned Binagadi Oil Company, which had been investigated by Abbasov, a member of the Baku-based Institute for Reporters’ Freedom and Safety (IRFS). Journalists are regularly harassed in Nakhchivan, an autonomous Azerbaijani exclave. Foreign reporters have also faced abuses in the country. In April, three Swedish journalists were detained during an opposition protest and deported the next day. In June, Amanda Erickson, an American freelance contributor to the *Washington Post* and the *New York Times*, and Celia Davies, a British staffer at IRFS, were severely beaten. They had intended to meet with Fatullayev following his release. Four men followed and attacked Erickson and Davies outside their apartment building in Baku. The men, who were later detained by the authorities, denied knowing or targeting the journalists.

The media have also suffered as a result of Azerbaijan’s conflict with Armenia over the disputed territory of Nagorno-Karabakh. In June, a photojournalist for the Bloomberg news agency, Diana Markosian, was denied entry to Azerbaijan. The Foreign Ministry said she did not have accreditation, but also stated that her safety could not be guaranteed due to her Armenian background. Russian daily *Izvestiya*’s correspondent Yuriy Snegirev was banned from entering Azerbaijan in July as a result of two articles about Nagorno-Karabakh that he had published 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. 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.

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