

# *Azerbaijan*

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## **FREEDOM OF WORD AND MASS MEDIA IN AZERBAIJAN**

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### **Mass Media's influence on society**

The number of newspapers in Azerbaijan is currently no more than 180-200 names. The authorities talk about over 3 thousand officially registered newspapers, but no 3 thousand newspapers are released. According to the periodicity, published newspapers are divided into daily, weekly and those which are released 3 days a week. The daily newspapers comprise 30-40% of the press market. The total monthly edition of all newspapers is no over 4.5 million copies within a month or 0.5 of a newspaper per capita within a month. This is a stable figure over the last 5 years. According to the political status, the newspapers are divided into governmental, pro-governmental, oppositional and independent ones. The independent newspapers total about 0.6%, oppositional – 4%, governmental and pro-governmental - 95.4%. The newspapers are mostly spread in the capital – Baku, much less in big cities like Sumgayit and Ganja. A small segment is observed in district centers. The newspapers practically do not reach the villages. The oppositional press is mostly spread in Baku and Sumgayit.

The television was and remains a basic information source for the population. It comprises 98% of information area. There are one state, one public and 4 private TV and radio companies (one more was added on September 14 of 2007) among those that inform the whole country. 6 regional TV and radio companies operate within the country. The cable broadcasting companies only retransmit the telecasts of the local and foreign TV channels. In spite of the various forms of property, all the TV and Radio companies are under the political and financial control of the executive power. The attempt of the private TV and Radio Company ANS to operate independently was unsuccessful. The operation of the mentioned company was halted in 2006. The operation was recommenced after tedious negotiations with the participation of the western intermediaries. The oppositional representatives disappeared from the TV and Radio air of ANS over the past months and the criticism concerning the highest ranks was softened. In general, we assume that the informational retrieval of TV and Radio companies is unbalanced, non-objective, biased and spread information satisfying the authorities.

Taking into account that the TV and radio air is the basic source (practically the only) of information for the citizens, we may assume that a total control over the informational field was set in the country. It means that the officials control the public conscience and manipulate people by misinforming them.

The monitoring conducted by the Fund of Najaf Najafov and “Yeni Nesil” union on the broadcast of the TV and Radio companies during the elections of 2003 (presidential) and 2005 (parliament), showed that all the TV and Radio companies widely supported the candidates

represented by authorities and took an active part in the campaign for the discredit of the opposition.

The coming 2008 is a year of presidential elections. The authorities have already started undertaking measures to restrict the spread of oppositional and independent printed Media. For example, they hinder the street trade of newspapers in the capital and their delivery to the regions.

This policy has been widely used from 2005

-after the latest parliament elections of 2005, the representatives of opposition and human rights defenders disappeared from the TV and Radio air.

- Propaganda campaigns are regularly conducted against opposition in the TV and Radio air

Taking the experience of the previous elections into account we may predict:

- The chances of the opposition to use the TV air compared to the previous elections will be more restricted during the course of 2008 campaign

- The policy on misinforming of the community by the officials will be strengthened

- Rude discredit of opposition and civil society

### ***The deprivation of freedom through defamation***

To this day, seven journalists have become victims of the campaign against independent Mass Media, imprisoned on dubious charges. Four of them – Eynulla Fatullayev, Faramaz Allakhverdiyev, Rovshan Kabirli and Yashar Agazade - were convicted on articles 147 and 148 (national laws concerning slander and insult) of the Criminal Code of the Azerbaijani Republic. Samir Sadagatoglu and Rafiq Tagi were convicted on charges of inciting inter-religious violence. Sakit Zakhidov was convicted of illegal storage of drugs. Eynulla Fatullayev was accused of terrorism and tax deviation after the international campaign in his defense was started. About 10 more well-known journalists have conditional judgments on articles 147 and 148 of the Criminal Code of the Azerbaijani Republic and risk being thrown in jail each day.

Mushfig Huseynov, a correspondent for the opposition newspaper “Bizim Yol”, was arrested on July 23<sup>rd</sup> on charges of extorting a state official. That was not the first arrest of such type in Azerbaijan, but Huseynov’s case had been broadly used in order to discredit the entire journalist community in front of local and international society, preventing the release of arrested journalists before the court’s decision was brought to power.

### ***The impunity of physical attacks on journalists***

Many journalists have received ominous communiqués that threaten murder and/or physical attack after the assassination of Elmar Huseynov. Huseynov, as the senior editor of the popular weekly edition Monitor, was killed at the entrance of his own house on March 2 of 2005. Huseynov’s case was considered by the officials to be “a terrorist act” and his assailants have yet to be uncovered. For example, Fikret Huseynli from the “Azadlyq” newspaper was kidnapped and beaten by people as yet unknown, while Rustam Mikaylov and Farid Teymurkhanli from the “Zerkalo” newspaper, Idrak Abbasov from Ayna, Ramiz Najafov from “Boz Gurd”, Sarvan Rizvanov from the TURAN information agency were beaten by the policemen. Bakhaddin Gaziyeu, from “Bizim Yol” newspaper, was kidnapped by unknown

assailants, ferociously beaten, and now remains seriously physically disabled for the rest of his life. Alim Kazimli, the press photographer of the “Yeni Musavat” newspaper, stayed for 6 months at a hospital before passing away as a result of a violent confrontation with policemen.

Uzeyir Jafarov, the military correspondent of the Real Azerbaijan newspaper, was attacked near his editorial office on April 20, 2007. As a result of the attack, Jafarov suffered serious cranio-cerebral trauma. It should be noted that even after Uzeyir Jafarov identified police officer Nabi Radjabov as one of those who attacked him, not only had the police officer not been called to account but the Minister of Internal Affairs also declared openly his distrust of the journalist’s testimony, saying that the journalist himself had organized his self-beating.

The beating of journalists by the police and by unknown assailants remains a largely undisclosed type of crime within the country. This is not a random phenomenon.

Azerbaijan’s president declared on the occasion of Police Day that none of the policemen would be punished in spite of the pressure of international organizations to punish the policemen who had employed violence in this manner. It should be noted that not only had the police used force against the organizers and participants of pro-democracy protests, but also against journalists.

This unambiguous position of the head of state explains why journalists of opposition and independent Mass Media are specific targets for violent beatings. In the meantime, the oppositionist who was found guilty for beating a pro-governmental reporter had been tracked by Interpol abroad for 4 years, arrested and condemned.

### **Economical pressure**

The authorities had to abolish the political censorship of Mass Media on August 7 of 1998 due to the pressure of the international community. At that time, all publications were able to provide their economical independence (this period was characterized by transparency, accuracy, professionalism, accountability and moral level). The oppositional newspapers were one of the important financial sources of their parties. The proportion of independent, oppositional and elite newspapers totaled about 1:1:1. Of course such a situation, when the press is able to set the public control, was very dangerous for the political status-quo based on a closed economy and political manipulation. Therefore, it was decided to deprive the press of the financial independence and make it economically dependent. The main blow was directed toward the independent press which had the trust of the population. The campaign of economic suppression of the media began in late 1998. This campaign envisaged the closure or restriction of firms which distributed publications by increasing prices on paper, printing and distribution services, devastating court fines, and applying pressure on firms representing the advertisement of independent and opposition newspapers. This policy continues even today. As a result, the newspapers faced huge losses. Most editorial offices faced new problems concerning delays in wages. The editorial offices had to decrease staff, wages, and the volume of circulation. The authorities got what they wanted – most of the newspapers fell under their control.

November 24, 2006, became known in the history of Mass Media of the republic as “Black Friday” - a massive and multi-level attack on freedom of expression in Azerbaijan.

On that day, the following Mass Media and journalist organizations were forcefully removed from the building on Khagani street 33 which belonged to the editorial office of the “Azadlyq newspaper”: the newspaper “Azadlyq”, “Bizim Yol”, Informational Agency of TURAN, the union of journalists called “Yeni Nesil”. The removal was conducted right after (within an hour) the announcement by the first instance court to conduct the raid.

The editorial office of the newspaper “Azadlyq” owned the mentioned building since the republic gained its independence. The head of the executive power of Baku city gave an order to transfer the building to the newspaper in 1992. However, Heydar Aliyev, who came to power in 1993, transferred all said property to the memorial fund of Azerbaijan’s State Committee of Property which refused to give the building to the oppositional newspaper which had done a lot of work during its time concerning the fight for sovereignty and the fall of the communist regime. In spite of the many attempts by lawyers representing Azerbaijani Mass Media to persuade the State Committee of Property to provide the chance to privatize the building or sign an agreement for long-period rent, no response came from the State Committee of Property.

The authorities ignored the sixteen-day hunger strike that followed (from November 8<sup>th</sup> to 24<sup>th</sup>). The chief editors of oppositional and independent newspapers, along with the representatives of the civil society, took part in this action (the hunger strike was conducted in the building located at Khagani 33) and protested the decision on the deprivation of the building from Mass Media.

The meeting of the Economic court was deliberately delayed until it was dark. Numerous forces of the police were placed outside the building of the editorial office before the final verdict of the court was announced. The police surrounded the whole block. A police operation to remove the editorial offices of “Azadlyq”, “Bizim Yol” and Turan newspapers was conducted pretty roughly late in the evening at 22.00-23.00 (they did not even wait for the morning) under the command of general Yashar Aliyev, the deputy of the head of the Main Police Department of Baku. The employees of the newspapers were not even allowed to take their personal belongings. The policemen captured the building within a few minutes after the announcement of the court verdict. The removal by the forces of the police was a contradiction to the legislation according to which the parties’s case should have passed to the Court of Appeal. The building was surrounded by the police the entire night before bringing in trucks (ignoring the requests of journalists to allow them to remove their own equipment ) and threw the furniture and equipment of the three editorial offices and the journalist union “Yeni Nasil” into trucks (i.e. to destroy them) and took them to warehouse located in the suburbs. The forceful removal of Mass Media and the destruction of their private property was conducted in a manner of a planned military operation to disarm terrorists, i.e. the authorities distinctly demonstrated their attitude toward Mass Media that was not under their control.

As a result, several editorial offices were deprived of the accommodations, conditions for normal work. For example, today, the informational agency of TURAN (the authoritative and

the first independent informational agency of Azerbaijan) pays 2.5 thousand dollars a month per rent. This money was allocated for the fund of allowance before the removal.

Three leading independent newspapers of Azerbaijan had to halt their publication in May of 2007 due to the inadequate judicial claims: “Real Azerbaijan”, “Daily Azerbaijan”, “Baku News” ( the former resumed its operation in September. Altogether, about 15 court hearings were conducted from January of 2006 to May of 2007 against Mass Media. The total sum of court fines that the newspapers paid was over half million dollars. All the above mentioned brightly testifies about the policy conducted in Azerbaijan for the destruction of the leading Mass Media and freedom of speech in the future.

## **Forecast for 2008**

The coming year of 2008, which is the year of presidential elections in Azerbaijan, will be even more difficult for the freedom of Mass Media.

In light of the strengthening of control by authorities over the informational field, the elections will be conducted under harsher conditions of pro-government violence against the opposition than it had occurred before.

The forthcoming year of 2008 will be characterized by the strengthening of the physical, judicial, and economical pressure against the free press.

- The number of court hearings and examinations will increase, as well as the number/sums of fines, inevitably leading to the closure of opposition and independent media outlets currently operating in Azerbaijan.

- With the complete absence of the judicial system and free press, the civil society will not be able to confront instances of physical attack and future convictions of journalists for various terms of imprisonment. This means that the number of convicted journalists and attacks on members of the free press will increase.

## **RECOMENDATIONS**

There are some necessary measures that the international community must undertake:

- Tough monitoring of the situation
- Demand the release of all seven convicted journalists by Azerbaijani authorities
- Demand for the investigation of all cases of physical attack on journalists and the punishment of persons found guilty
- Demand for the investigation and punishment of those involved in the murder of Elmar Huseynov, the editor of “Monitor” journal
- Demand for the decriminalization of defamation and the exclusion of articles for insult and slander from the Criminal Code of Azerbaijan

Thomas Khammerberg, the Commissioner of Human Rights of the Council of Europe, fairly notes:

“Human rights violations of such type must be excluded from the criminal code; they must be considered by civil courts. The existence of criminal defamation law undermines freedom of expression.

The Baku office of the OSCE must initiate work on the following:

- Cooperation with civil society, particularly with organizations who seek to correct this problem
- Monitoring court hearings, particularly hearings concerning Mass Media
- Preparing special reports on court hearings concerning Mass Media with recommendations worked out together with institutes of civil society
- Organizing and conducting meetings, discussions, round tables with the participation of representatives from Mass Media, NGOs, judges, members of the Judicially-Legal Council, and state structures, to discuss the situation concerning free speech and Mass Media.