



HUMAN RIGHTS HOUSE
FOUNDATION

**Briefing note submitted to the Committee of Ministers on 4 June 2012
for its 1144th Meeting of the Ministers' Deputies (human rights)**

Serious concerns about the right to freedom of expression and media freedom in Azerbaijan

"Through its membership in the United Nations and its ratification of the International Covenant on Civil and Political Rights, among other international human rights instruments, Azerbaijan is obligated to respect and protect this right".

Frank La Rue

United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression¹

The government of the Republic of Azerbaijan does not fulfil its obligations to ensure freedom of expression. The commitment to guarantee freedom of expression in the country was made by Azerbaijan to become a member of the Council of Europe. The status of freedom of expression in Azerbaijan has however deteriorated in recent years.

The arrests of journalists, human rights defenders and political and civil activists under spurious charges continue, although the number of government-initiated criminal libel cases against journalists seems to have decreased in the past two years and although the government says it is in the process of decriminalization of defamation – although no clear time-table for this legislation has yet been presented. They are charged with hooliganism, drugs possession, evading military service, inciting hatred, accepting bribery and tax evasion. This is seen as a new trend to silence critical voices.² Currently, **seven journalists are arrested and imprisoned in Azerbaijan. Four human rights defenders are also behind bars.**

Many who express opinions critical of the authorities – whether through traditional media, online, or by taking to the streets in protest – are imprisoned, harassed or otherwise targeted. Journalists, bloggers, human rights defenders and political and civic activists are subject to pressure, threats, smear campaigns, harassment, arrests on politically motivated or fabricated charges, and violence committed in full impunity.

This demonstrates that authorities of the Republic of Azerbaijan are not willing to take all necessary action to fully implement their obligations under the Convention for the Protection of Human Rights and Fundamental Freedoms and to set in motion changes in legislation and practice to ensure full execution of judgements of the European Court on Human Rights in relation to freedom of expression, media freedom, and civil and political rights in general.

¹ Foreword by Frank La Rue, International Partnership Group for Azerbaijan (IPGA) report *Running scared. Azerbaijan's silenced voices*, 2012 (see: <http://humanrightshouse.org/Articles/17833.html>).

² The United Nations Human Rights Committee expressed its concern on the extensive limitations on the right to freedom of expression of the media and urged Azerbaijan "to take the necessary measures to put an end to direct and indirect restrictions on freedom of expression. Legislation on defamation should be brought into line with article 19 [ICCPR] by ensuring a proper balance between the protection of a person's reputation and freedom of expression. ... [Azerbaijan] is also urged to effectively protect media workers against attempts on their integrity and life, and to pay special attention and react vigorously if such acts occur. [Azerbaijan] should not unreasonably restrain independent newspapers, as well as local broadcasting of radio stations." (Concluding observations of the Committee on the review of Azerbaijan, 13 August 2009, paragraph 15, UN doc.: CCPR/C/AZE/CO/3).

AN ILLUSTRATION OF THREATS AGAINST INDEPENDENT JOURNALISTS AND HUMAN RIGHTS DEFENDERS

The public statement on 30 May 2012 by Ali Hasanov, Head of Socio-political Department of Presidential Administration, is in this regard extremely worrisome, and a sad illustration of the methods of Azerbaijani officials.

Ali Hasanov first accused the Azerbaijan Human Rights House³ and the Human Rights House Foundation and other international NGOs of considering Azerbaijan like an “out-dated African country” and that they were thinking that officials should “bend before them and not express their own views and opinions”. He added: “It is time to explain them our real values.” The official further criticised international media, especially *The Independent*, and asked if there is any other country in which opposition is as free as in Azerbaijan: “Let’s see in which part of the world there are as many civil society organisation.” He then asked if Azerbaijan authorities were to tolerate that the president, his family, high-level and central government officials are “criticised, libelled and insulted.”

The Presidential Administration official then urges civil society to take action against critical journalists and activists: “These people shouldn’t dare to go out to the city, they shouldn’t dare to appear in the street. Public hatred should be demonstrated to them.”⁴

→ The Human Rights House Foundation calls upon the Committee of Ministers of the Council of Europe to react and **take urgent measures to ensure the protection and safety of journalists human rights defenders, and activists, including critical voices.**

ARRESTS OF JOURNALISTS AND HUMAN RIGHTS DEFENDERS

On 20 May 2012, **Nijat Aliyev**, editor-in-chief of www.azadxeber.az, covering religious issues, has been detained on spurious drug charges and sentenced to two months pre-trial detention. On 13 March 2012, 2 journalists from Khayal TV, **Zaur Guliyev** and **Vugar Gonagov**, were arrested and sentenced under the charges of organizing and participating in social disorder and abuse of power. The journalists were arrested for posting the speech of the former executive head of the Guba region Rauf Habibov on YouTube, which was allegedly the catalyst for the mass protests held in Guba on 1 March. Two other journalists **Ramin Bayramov**, reporter on Islamic news, and **Anar Bayramli**, who works for an Iranian broadcaster, were charged for illegal possession of drugs and weapons after criticising the government’s repression of independent religious practitioners in Azerbaijan as well as other human rights violations. *Khural* editor-in-chief **Avaz Zeynalli** was sentenced to three months of pre-trial detention for bribery charges; property belonging to the newspaper was confiscated as a result of several defamation cases initiated against Zeynalli. Another employee of *Khural* **Aidyn Dzhanliyev** was sentenced to three years in jail on hooliganism charges and it is widely believed that such charges stemmed from his reporting on authorities’ alleged involvement in drug trafficking.

Four human rights defenders – **Vidadi Iskandarov**, **Taleh Khasmammadov**, **Bakhtiyar Mammadov**, and **Oqtay Gulaliyev** – are currently being held behind bars for what are widely believed to be politically motivated charges for their activism and defense of human rights.

Despite several European Court of Human Rights judgments on the imprisonment for defamation

³ In March 2011, the Azerbaijan Human Rights House was asked to seize all activities until an agreement with the authorities was adopted. To date, it has still not been allowed to reopen (see: <http://humanrightshouse.org/Articles/17735.html>).

⁴ See: https://www.youtube.com/watch?feature=player_embedded&v=AvdSD-kZtgk.

charges and psychical abuse of journalists in Azerbaijan⁵, the authorities have not changed their practice and continue to suppress critical journalists.

→ Having in mind the increasing pressure and persecution of journalists and others freely expressing their views, the Human Rights House Foundation calls upon the Committee of Ministers of the Council of Europe to **take strong measures in order to ensure that Azerbaijani authorities fully execute European Court of Human Rights judgments.**

ATTACKS AGAINST JOURNALISTS

In addition to spurious charges and imprisonment, journalists documenting and reporting human rights violations are often subject to physical and psychological attacks. According to the Azerbaijani Institute for Reporters' Freedom and Safety (IRFS), **more than 50 domestic and foreign journalists were harassed or attacked in 2011.** Impunity still prevails and those responsible are not yet brought to justice. The murder of the editor of the magazine *Monitor*, **Elmar Huseynov** in 2005 and the fatal stabbing of journalist and writer **Rafiq Tagi** in 2011, remain unsolved.

Some Azerbaijani journalists documenting on-going massive demolitions of properties have been prevented from carrying out their professional activity, and have been subjected to physical attacks. Among them, Azerbaijani journalist, and the Index-Guardian Award for Journalism 2012 winner, **Idrak Abbasov**, who works for IRFS. Abbasov was brutally beaten on 18 April 2012 when documenting one of the demolition cases in the outskirts of Baku. Turan Information Agency photographer **Etimad Budagov** and RFE/RL reporter **Nushaba Fatullayeva** faced violence while filming another demolition of apartments in Baku.⁶

Smear campaigns is yet another way to discredit critical journalists. On 7 March 2012, **Khadija Ismayilova**, one of the country's most prominent investigative journalists, and the winner of the Gerd Bucerius Free Press of Eastern Europe Award 2012, received an anonymous letter containing an envelope with photos of herself being engaged in sexual relations with her boyfriend in her private home. A week later, the video, which was obtained through secret cameras illegally installed in her home, was posted on the Internet. It is widely believed that the blackmail campaign is aimed at halting her investigations into high-level corruption, which often reveal direct links to the country's Presidential family. Even though the Azerbaijani authorities stated that such a smear campaign is unacceptable, no proper investigation has so far been conducted.⁷

→ The Human Rights House Foundation calls upon the Committee of Ministers of the Council of Europe to **request full impartial investigations into allegations of harassment, suppression and violence against journalists and bring those responsible to justice.**

⁵ Among others, see the latest judgement of 17 April 2012 *Rizvanov v. Azerbaijan*.

⁶ See: <http://humanrightshouse.org/Articles/17948.html>.

⁷ See: <http://humanrightshouse.org/Articles/17785.html>.

WARNINGS AGAINST SOCIAL MEDIA AND INTERNET USERS

In Azerbaijan, social media is used as an important means of communication for citizens and its role as a neutral platform for people to express themselves has grown intensively. Social media is widely used among activists to freely express their views as the government largely controls broadcast and print media.

While the Internet is considered largely free from direct censorship in Azerbaijan, the government monitors the content and takes measures to censor it.

The Ministry of Justice has issued warnings to the **Institute for Reporters' Freedom and Safety** and to the Nakhchivan based **Democracy and NGO development Resource Center**, citing the dissemination of "biased" information via www.nakhchivan.org.az in February 2012.⁸

Blogger and civic activist **Bakhtiyar Hajiyev**, who was conditionally released on 4 June 2012 by the decision of the Supreme Court⁹, was sentenced to two-year imprisonment on charges of evading military service, after being targeted for his role in organising March 2011 protests via Facebook.

→ The Human Rights House Foundation encourages the Committee of Ministers of the Council of Europe to **consider the legislation on access to information when analysing the execution of judgments related to freedom of expression** and to specifically encourage the Azerbaijani Parliament to:

- Repeal the recent draft amendments to the Law on Obtaining Information, published on 1 June 2012, which would put little or no obligation for state bodies to respond to public requests for information and severely limit the freedom of information of Azerbaijani citizens;
- Amend the media law to ensure full respect for the right to freedom of expression.

SEVERE ACTION AGAINST PEACEFUL PROTESTORS, INCLUDING DURING EUROVISION SONG CONTEST IN MAY 2012

In March and April 2011, hundreds of Azerbaijanis took to the streets to take part in pro-democracy protests inspired by the uprisings in the Middle East and North Africa. The authorities responded by using excessive force to disperse the protests and arresting hundreds of protesters – as well as preemptively detaining some political activists.

Ten protesters still remain in prison following their arrests during the March and April 2011 protests: **Zulfuqar Eyvazli, Babak Hasanov, Sahib Karimov, Ahad Mammadli, Ulvi Guliyev, Rufat Hajibeyli, Shahin Hasanov, Arif Hajili, Mahammad Majidli, Tural Abbasli**. Human rights defender **Vidadi Iskenderov** was also arrested for participating in the protests, but was instead convicted on charges of interfering with the November 2010 elections.

On 17 March 2012, opposition and youth activists held an authorized protest rally in the outskirts of Baku, which gathered more than 1500 people.

A new wave of demonstrations emerged during the week of the Eurovision Song Contest 2012, held in Baku in May, which resulted in dozens of peaceful protesters being subject to administrative arrest, including two journalists, and violent dispersals were reported. While the supporters of the **Sing for Democracy** campaign were able to walk in silence in the centre of Baku on 23 May 2012, police

⁸ See Human Rights House Foundation's statement at the UN Human Rights Council on 14 March 2012: <http://humanrightshouse.org/Articles/17762.html>.

⁹ See: <http://humanrightshouse.org/Articles/18151.html>.

arrested at least **50 peaceful opposition protesters** on 24 and 25 May 2012, just after they started shouting the word “freedom”.¹⁰

→ The Human Rights House Foundation invites the Committee of Ministers of the Council of Europe, as part of its assessment of the execution of judgements, **to request the unconditional release of all peaceful protestors who remain behind bars and impartial investigations into all allegations of excessive use of force by security services against peaceful demonstrators, and to bring those officials responsible to justice.**

As Azerbaijan will host of the Internet Governance Forum on 6-9 November 2012, the Human Rights House Foundation calls upon the Council of Ministers to ask the authorities of the Republic of Azerbaijan for guarantees to respect Internet freedom and to ensure that people expressing their views on Internet face no retaliations and to guarantee the right to freedom of expression in Azerbaijan and to allow journalists, bloggers, human rights defenders and other activists to express themselves freely without hindrance, end suppression against them, and to ensure their safety.

HUMAN RIGHTS HOUSE FOUNDATION CONTACT PERSONS:

- Ane Tusvik Bonde
HRHF Regional Manager for Eastern Europe and Caucasus
Mob: +47 997 439 07
E-mail: ane.bonde@humanrightshouse.org
- Florian Irminger
HRHF Head of International Advocacy and Geneva Office
Tel: +4122 33 22 554
Mob: +4179 751 80 42
E-mail: florian.irminger@humanrightshouse.org

¹⁰ See: <http://humanrightshouse.org/Articles/18096.html>.