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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

**Joint written statement* submitted by the Human Rights
House Foundation, B.A.B.E. - Be Active Be Emancipated,
Reporters Without Borders International – Reporters sans
Frontières International, the Helsinki Foundation for Human
Rights, non-governmental organizations in special
consultative status, the International Centre against
Censorship - Article 19, the World Association of
Newspapers, non-governmental organizations on the roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[4 June 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Serious concerns about the right of 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, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*¹.

The government of the Republic of Azerbaijan does not fulfill 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 Europe². The status of freedom of expression in Azerbaijan has however deteriorated in recent years. Although the number of government-initiated criminal libel cases against journalists seems to have decreased in the past two years, and the decriminalization of defamation was initiated by the Azerbaijani government, the arrests of journalists under spurious charges continue. 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.³ Currently, seven journalists are arrested and imprisoned in Azerbaijan.

* The Azerbaijan Human Rights House: Association for Protection of Women's Rights for D. Aliyeva (APWR), Azerbaijan Human Rights Center, Azerbaijan Lawyers Association, Institute for Reporters' Freedom and Safety (IRFS), Legal Education Society, Media Rights Institute, Society for Humanitarian Research, Women's Association for Rational Development (WARD); Belarusian Human Rights House in exile in Vilnius; Human Rights House Oslo: Human Rights and Health Info, Norwegian Helsinki Committee; Human Rights House Sarajevo: Association of Female Citizens "Renaissance", Foundation CURE, Helsinki Committee for Human Rights in Bosnia and Herzegovina, Regional Co-ordinator for Youth Groups, Serb Civic Council - Movement for Equality - The Council of the Sarajevo Canton, Woman and Society Centre; Human Rights House Tbilisi: Human Rights Centre (HRIDC); Human Rights House Zagreb: APEO/UPIM Association for Promotion of Equal Opportunities for People with Disabilities, CMS - Centre for Peace Studies, Documenta - Centre for Dealing with the Past, GOLJP - Civic Committee for Human Rights, Svitanje - Association for Protection and Promotion of Mental Health; Armenia: Armenian Helsinki Association, Journalists' Club "Asparez" NGO, Helsinki Citizens' Assembly – Vanadzor, Public information and Need of Knowledge NGO, Shahkhatun Women's Democracy Promotion NGO; Azerbaijan: Human Rights Club, Institute for Peace and Democracy, Public Association for Assistance to Free Economy, Public Union of Democracy and Human Rights Resource Centre; Helsinki Committee for Human Rights in Serbia; Ukrainian Helsinki Human Rights Union; UK: Index on Censorship, Committee to Protect Journalists, NGOs without consultative status, also share the views expressed in this statement.

¹ The statement of Frank La Rue, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in the report of the International Partnership Group for Azerbaijan (IPGA), a coalition of international organisations working to promote and protect freedom of expression in Azerbaijan <http://humanrightshouse.org/Articles/17833.html>.

² <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta00/EOP1222.htm>.

³ The UN 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,

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.

The public statement on 30 May 2012 by Ali Hasanov, Head of Socio-political Department of Presidential Administration, is in this regard extremely worrisome. The Presidential Administration 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 We call upon the UN Human Rights Council to react and take urgent measures to ensure the protection and safety of journalists and activists, including critical voices.

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 Dzhaniev 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.

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 ongoing 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 Azerbaijani Institute for Reporters' Freedom and Safety. Abbasov was brutally beaten on 18 April 2012 when documenting one of the demolition cases in the outskirts of Baku. Turan Information Agency photographer

as well as local broadcasting of radio stations.” (UN doc.: CCPR/C/AZE/CO/3, 13 August 2009, paragraph 15).

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

Etimad Budagov and RFE/RL reporter Nushaba Fatullayeva faced violence while filming another demolition of apartments in Baku.⁵

Despite several European Court of Human Rights judgments on the imprisonment for defamation charges and psychological abuse of journalists in Azerbaijan⁶, the authorities have not changed their practice and continue to suppress critical journalists.

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

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.

Blogger and civic activist Bakhtiyar Hajiyev, who was conditionally released on 4 June 2012 by the decision of the Supreme Court⁸, 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. 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, the 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

⁵ See: <http://humanrightshouse.org/Articles/17948.html>.

⁶ Among others, see the latest judgement of 17 April 2012 Rizvanov v. Azerbaijan, <http://cmiskp.echr.coe.int/tkp197/viewhbk.asp?sessionId=92321277&skin=hudoc-en&action=html&table=F69A27FD8FB86142BF01C1166DEA398649&key=97905&highlight=>

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

⁸ See: <http://humanrightshouse.org/Articles/18151.html>.

the supporters of the Sing for Democracy campaign were able to walk in silence in the centre of Baku on 23 May 2012, police arrested at least 50 peaceful opposition protesters on 24 and 25 May 2012, just after they started shouting the word “freedom”.⁹

Having in mind the increasing pressure and persecution of journalists and others freely expressing their views, we, the undersigned organizations, call upon Azerbaijan to ensure the right to fully exercise 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 ensure their safety;

We call upon Azerbaijan to ensure full impartial investigations into of allegations of harassment, suppression and violence against journalists and bring those responsible to justice.

We also 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.

We also remind Azerbaijan of its membership commitment to the Council of Europe to re-examine and amend the media law to ensure full respect for freedom of expression.

Finally, as Azerbaijan is going to host the Internet Governance Forum on 6-9 November 2012, we call upon the Azerbaijani government to respect Internet freedom and to ensure that people expressing their views on Internet face no retaliations.

⁹ See: <http://humanrightshouse.org/Articles/18096.html>.