

## *What are the threats to journalists and how can they be redressed?*

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The major threat for journalists, editors and media in general in Azerbaijan at present is lack of rule of law and non-existence of independent court system. Any journalist, editor or individual expressing his/her own critical or alternative opinion could be pressured by means of legal/court system. Any media organizations could be pressured or closed again through courts.

There is no sophisticated legal defense system of journalists and media in Azerbaijan. In some cases the government does not even wait for the decisions of the courts which are under the government control anyway but use their own administrative tools to stop critical and opposition media. For example in 2007 the ANS private television was closed down and in late 2008 three popular foreign radio broadcasters – Radio Liberty, BBC and Voice of America had been deprived of FM broadcast – both without court decision. For this the decision of the regulation body – the National TV and Radio Council was enough. While both ANS and radios were closed down for purely political reasons – their content was not in line with government propaganda and they were very popular among viewers and listeners.

The defamation is still not decriminalized in Azerbaijan. While journalists are rarely jailed for defamation it is an existing threat for media representatives. Also the court system is the tool for economic pressure to media outlets and editors. The amounts of penalties for label imposed by courts in Azerbaijan are huge and newspapers are not able to pay them. The government likes using the court as the mean for economic suppress of the opposition or critical independent media. For example, there were avalanche of slander suits against the major opposition newspaper Azadlig by various government representatives in 2006-2007. Total amounts of requested penalties were counted by hundreds of thousands dollars. These court trials were protracted which kept the newspaper in difficult situation. As a result for some time the number of critical reports in the newspaper against the government has lowered.

Such slander suits are often being used by the government and oligarchs to put pressure to editors of opposition and critical independent media outlets to buy them up and then to silence them. In cases when it is not possible the mechanism of using force and violence is being used.

There were a number of openly politically motivated provocations and violence against known critical journalists during recent years. The murder in March 2005 of prominent journalist, editor of Monitor magazine Elmar Huseynov is still uninvestigated and killer is not found. In 2008 correspondent of Azadlig newspaper Agil Khalil was beaten and then stabbed and hospitalized. Instead of detention of assaulters who were known the office of Prosecutor General, the Ministry of National Security and the court launched dirty campaign to discredit Mr. Khalil and he had to leave country. Another Azadlig journalist Fikret Huseynly and editor-in-chief of Bizim Yol newspaper Bahaddin Haziyev had been cruelly beaten and their attackers were not arrested. All these cases have one similarity – all these journalists were very critical and pro-opposition.

Provocations are also often used against pro-opposition journalists. Satiric writer Sakit Zahid was sentenced to three years in jail for alleged carrying drugs, editor in chief of Azadlig newspaper Ganimat Zahid is currently in jail for alleged hooliganism as well as two bloggers – Emin Milli and Adnan Hajizada. All independent experts and human rights defenders in Azerbaijan call these arrests politically motivated, so journalists and bloggers are suffering because of their critical reporting.

The controlled court system had been used recently to evict Azadlig newspaper, Turan news agency and Media Rights Institute from their offices. All these institutions are known for their independent and critical position against the government.

Thus, situation with media in Azerbaijan remains difficult and moreover it constantly worsening – there are less and less professional and independent media outlets and journalists in the country.

Journalism as a business is not profitable in Azerbaijan at present. And it is another threat for journalists of independent and opposition media – low salaries makes them to move to the media controlled by the government or to leave profession at all. Many professional journalists I and Khadija worked in 90<sup>th</sup> and early 2000 now working for either pro-governmental media or changed occupation completely.

In the meantime, media is the area of sharp political struggle of interest groups. Many media outlets, I would say most of them, are one way or another serving political interests of various groups. If earlier the media was divided by just pro-governmental and pro-opposition ones, now oligarchs from the government are playing serious role here. They all are represented in government however they enjoy their specific interests and have their own games thus influencing political and economic situation in the country. And media is the serious weapon in their hands.

Lack of economic freedom, sound competition and total monopolization of the economy is another threat to media. As a result of the authorities purposeful policy the TV and radio broadcasting in Azerbaijan is totally monopolized and controlled by the government directly or by oligarchs linked with the government. The biggest part of the print media is also under control. It is becoming very difficult to keep freedom of speech in such situation and I am not talking about making independent print media a successful business. Because of lack of economic freedom the advertising market is under control when despite the fact that two opposition newspapers enjoy the largest circulation and sales in Azerbaijan, they do not have advertising at all. Of course it makes salaries in such media uncompetitive with pro-governmental ones. Editors eventually have to “correct” their editorial policy in exchange to financial support. Those who are continuing fighting for survival independently, are being subject for violence and pressure like Azadlig newspaper with several beaten journalists and the editor in jail.

So, situation with media is worsening during last 10-15 years and the number of threats to journalists increase. And current situation with lack of economic freedom and non-existence of independent court system gives no optimism for future. Moreover, new threats especially for alternative media could appear soon. Media representatives raised their voices in protest in June 2009 when the chairman of the National Television and Radio Council (NTRC) stated at a conference that the NTRC may begin to license Internet media outlets or television and radio outlets that also broadcast content online. His statements were met with harsh criticism. In response to the outcry, Azerbaijan’s minister of communication and information technology said the government does not have any such plans in place. However, the overture remains concerning. For example this year the parliament of Kazakhstan approved new legislation which gives the Internet media the same status as traditional media and it imposes more control and government regulations to Internet media. There are serious concerns that sooner or later Azerbaijani government could use Kazakh experience in Azerbaijan.

While the media legislation in Azerbaijan is close to international standards, there is no atmosphere for its implementation. Moreover, constitutional amendments of March 2009

imposed new prohibitions and obstacles for journalists' work. Courts and law-enforcement agencies are operating out of legal frames but concerning the political order.

There are some measures on state support of the media but they are not sincere and cannot change the situation to better. The government has established the State Media Support fund.

Currently, three journalists are jailed in Azerbaijan as well as two bloggers.

Finally I want to share some statistics with you. 3500 media outlets (mostly newspapers and magazines) are registered in Azerbaijan, as well as 30 news agencies and 44 radio and televisions. In reality there are 7 nation-wide, 14 regional and 12 cable televisions as well 11 11 radio stations. There are only about 30 daily and 120 weekly newspapers being regularly published.