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Contribution of Reporters Without Borders (a non-governmental organisation in special consultative status) about press freedom in AZERBAIJAN

Introduction: Overview of press freedom situation

The press freedom situation is very disturbing. Three journalists are still imprisoned, while those working for the independent or opposition press are often threatened or physically attacked. Agil Khalil, a young journalist working for the opposition newspaper *Azadlig*, had to flee the country after being the target of murder attempts.

Hopes of an improvement in the situation after the release of five journalists by presidential decree in late December 2007 were quickly dashed.

The authorities began persecuting Khalil after he was caught photographing national security ministry officials. As well as three murder attempts, he has been subjected to psychological pressure and a state television smear campaign. His assailants have never been questioned or arrested, but a man facing drug charges was accused of stabbing him in connection with an alleged homosexual relationship. Enmeshed in the conflicting interests of different ministries, Khalil tried to leave the country several times for safety reasons but his efforts were blocked until an international campaign allowed him to seek refuge in France.

Three opposition journalists are still in prison on trumped-up charges. Eynulla Fatullayev, the editor of the country's two leading dailies, *Gundalik Azerbaijan* and *Realny Azerbaijan*, is serving an eight-and-a-half-year sentence on charges of "terrorism threat" (article 214.1 of the criminal code), tax evasion (article 213.2.2) and inciting racial hatred (article 283.2.2) because of a May 2007 article criticising Azerbaijan's foreign policy.

Sakit Zahidov, a writer and *Azadlig* contributor who had been held since 23 June 2006, is serving a three-year-sentence for alleged "possession of a large quantity of drugs for the

purpose of sale.” No evidence was produced at his trial to support the charge. His brother, *Azadlig* editor Ganimat Zahidov, was sentenced in March of this year to four years in prison on charges of “aggravated hooliganism” and assault and battery.” Reporters Without Borders is convinced the charges were trumped up with the sole purpose of silencing an opposition journalist. An appeal court upheld the sentence in May.

The conditions in which these journalists are being held are appalling. Sakit Zahidov suffers from serious ailments and his health is getting steadily worse, but it has not been allowed access to appropriate specialised treatment.

Journalists are subjected to threats, violence and torture during interrogation. Emin Huseynov, the head of the Institute for Reporters’ Freedom and Safety (IRFS), was mistreated physically and psychologically when questioned by police in June. He lost consciousness as he left the police station and was hospitalised in an alarming condition.

1. Online freedom

Communications and information technology minister Ali Abbasov told the *Azerbaijan Press Agency (APA)* on 19 July that he wanted to set up an agency to supervise Azerbaijan’s Internet in order to prevent cyber-crime and guarantee Internet security. The agency’s role is vaguely defined and it could be used to restrict online freedom. Internet surveillance will enable the authorities to trace those who criticise the government online.

2. Government steps to improve the situation

Five journalists were released by presidential decree.

3. Working with non-governmental organisations (NGO)

Under pressure from Reporters Without Borders and other NGOs, the government finally allowed Agil Khalil to leave the country. But government representatives often publicly accuse Reporters Without Borders of making baseless allegations, claim that relations between the government and media are no different from those in Europe, and insist that detained journalists have been arrested for criminal activity, not as a result of political decisions. The authorities announced on 7 May 2007 that they would no longer cooperate with Reporters Without Borders.

4. Recommendations

- Free all journalists imprisoned in connection with their work
- Decriminalize press offences
- Investigate physical attacks on journalists and mistreatment of journalists during police interrogation
- Stop threatening and harassing independent and opposition journalists
- Scrap the plan for an Internet surveillance agency

The data in this report has been gathered and verified by Reporters Without Borders, which has a network of correspondents in 130 countries and partner organisations in a score of countries.

In some countries, a journalist can be imprisoned for several years just for a word or a photo someone does not like. Reporters Without Borders, founded in 1985, works daily to support press freedom because imprisoning or killing a journalist removes a key witness and threatens the right of all of us to be kept informed of the news.

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