

LEGAL ENVIRONMENT FOR MEDIA in AZERBAIJAN

2023, Annual Analysis

MEDIA RIGHTS GROUP - is a civil society initiative working in Azerbaijan, especially in the field of adapting legislation and practice related to media freedom to advanced standards, protecting media and journalists, promoting freedom of expression and other basic rights, advanced practices.

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ABOUT THE DOCUMENT

This analysis is based on the monitoring and analysis of incidents related to media and journalists in Azerbaijan in 2023. More than 140 such incidents were registered in Azerbaijan in year. The information about the incidents was taken from the news published in the media, the statements of journalists and bloggers who were participants in the incidents and applied for legal assistance.

The document consists of 4 sections:

In the 1st section, have content about the situation of media in the political context.

In the 2nd section, the physical and psychological pressure-threats faced by journalists during the year, and other obstacles to their professional activities were explained.

In the 3rd section, cyber intrusions and attacks that internet resources, journalists, and media workers are subjected to in 2023 are discussed.

Section 4 is about court cases related to media and journalists. In that section, information is also given about the work of imprisoned journalists.

1. THE POLITICAL SITUATION AND THE MEDIA IN AZERBAIJAN

In the 2023 World Press Freedom Index of Reporters Without Borders, Azerbaijan ranks 151 out of 180 countries. In the index of 2023, Azerbaijan advanced three places. However, according to Reporters Without Borders, this relative progress is not related to any positive change in the sphere of media freedom in Azerbaijan, but to the worsening of the other countries indicators. In the last year, very serious declines in the safety of journalists and legal framework indicators have been noticed in Azerbaijan.

In the Global Freedom Index announced by the "Freedom House" in February 2023, Azerbaijan scored only 9 points out of 100 possible points and was ranked among the NON-FREE countries. Azerbaijan has been in this category of "non-free" countries for more than 15 years. The organization emphasized that the parliament in Azerbaijan imposed additional restrictions on media organizations and journalists. In the Freedom House's "Internet Freedom 2023" Report, Azerbaijan is again included in the list of countries where the Internet is not free. The main restrictions in the referred document include the blocking of social media platforms, websites with political, social and religious content, and the manipulation/trolling of discussions on online platforms by pro-government commentators.

In 2023, the new Law on Media that was adopted a year ago, began to be fully implemented. The law prescribed to establish a sole register that would include all media and journalists. The establishing of the register has been completed, and 10 independent media have been formally refused from being enlisted into the register. Non-enlisting into the Register causes serious restrictions on the realisation of journalistic rights. Although the media outlets that were refused to be included in the register appealed to the court against the relevant decision of the regulatory state body, the courts rejected all the complaints by merely citing the new law. For the first time in Azerbaijan, the activity of a media outlet was terminated for not APPLYING to the registry for being included, and the website of that media outlet was blocked WITHOUT a court warrant.

2. PHYSICAL ATTACKS AND THREATS TO LIFE, LIBERTY AND HEALTH

In 2023, journalists had been physically attacked and abused in 19 cases. Such physical violence acts committed, as usual, when the journalist are exercising their duties and try to live-broadcast from, to harvest information and make rapportage during the events such as mass actions, meetings, gatherings. Mainly, the officers of law enforcement authorities commit the physical abuse against the journalists. The journalist who were persecuted with different charges, have faced the physical violence during the detention as well.

The brutal treatment, physical pressure of journalists exercising their professional duties became more spread.

In Soyudlu village of Gababay raion of Azerbaijan, where the villagers held public protest against the ecological danger of disaster by the enhancement of the gold mine cyanide reservoir and its pollution, most of the independent journalists who were covering the protest action had been subjected to physical pressure and they were hindered from exercising their duties. An independent journalist, Elmaddin SHAMILZADE claimed that, he was subjected to police brutality and pressure: he was demanded to delete all his records and when refused, the police officers hit him with hands, fists and truncheon, pulled up his hair, kicked him into stomach and threatened with the rape. For around 5 minutes, the journalist left his conscious because of this ill-treatment. The journalist, who was forced to delete his record shared in Facebook, was taken to Baku City Head Police Department and was again threatened with arrest if to publicise in any public statement the ill-treatment he faced with.

Other journalists who was working in Gadabay protest – Nargiz ABSALAMOVA from Abzas Media, Nigar MUBARIZ from Voice of America (“Amerikanın Səsi”) Radio, independent journalist Elsevar MURADZADA faced with the physical violence of police.

During the protest of believers in front of the Milli Majlis, parliament of Azerbaijan, the journalists who were present for covering the action, were subjected to brutal violence. The police physically suppressed the journalists and attempted to hinder them to cover the moments when police were arresting the participants forcedly. The journalist of “Toplum TV”, Ms. Fatima MOVLAMLI received injuries when she was trying to prepare the rapportage about the occurrences. The police car has driven over her foot. The journalist was delivered to the traumatology hospital for examination. However, the medical facility refused to provide her with the medical reference on the results of examination and confirming the injuries received.

In March, Ms. Jamila AZIMOVA, a rapporteur of the “Kanal11” online TV met with physical violence when she was broadcasting the protest action that was prepared to be held in Baku by the activists of the oppositionist Azerbaijan Popular Front Party. Another journalist who was covering the action, Nurlan JAFARI, the journalist of “Time TV” internet TV was physically abused. He applied to the head of Ministry of Internal Affairs via his Fb profile claimed about the abuse he faced and the damage inflicted to his phone and demanded the legal measures to be taken in respect to the violence he

faced. Immediately after the post published, he was taken by police and was arrested administratively.

In a court in Ganja city, the journalist of Azel TV, Ms. Sevinj SADIGOVA was attacked by court guards and guardian police officers, who hit her hands and withdrew her from the court in order not to let her to cover the trial hearing of her journalist colleague, the convicted journalist, Mr. Osman RZAYEV (Narimanoglu), the head of “Demokratik.az” site.

In June, in the territory of the Embassy of U.S.A in Baku, Mr. Ulvi HASANLI, director of Abzas.net, was detained while he was fulfilling of his professional duty to cover the action of the feminist activists who attempted to protest the police repressions against the Soyudlu village community eco-protestors. The journalist was detained together with the activists by security officials of the Embassy and were handed over to police. Mr.U.Hasanli stated that, during detention and in the police office, he was subjected to the physical force.

In November 2023, a group of journalists, - the independent journalist Mr. Islam SHIKHALI, the journalists of Meydan TV Ms Aysel UMUDOVA and Khayala AGHAYEVA, the journalist of Toplum TV, Ms. Fatima MOVLAMOVLII, the journalists of the VOICE of America, Mss. Nigar MUBARIZ and Ulviyya ALI had met with physical violence of police at the court yard, where they were present to prepare the rapportage about the bringing of their prosecuted and jailed journalist colleagues for the court trial.

In the end of 2023, over 5 journalists were charged and arrested with different accusations. Their relatives and advocates claimed that, they all was subjected to a physical abuse during the detention.

The head of Abzas Media, Mr. Ulvi Hasanli who was charged with smuggling accusations, was beaten when was detained. His advocate informed the public that, there were traces of the physical injuries on his body and the would-be-respondent authorities were applied in this regard. In his trial hearing Mr.Hasanli told that, “[the police officers] were making physical and psychological pressure during the detention. They punched and kicked me with reprimands and demands why we kept writing on corruption...”. It was also stated that, the editor of the same media outlet arrested with the same charges, Ms. Sevinj VAGIFGIZI had also met with the pressures. The editor journalist was suspended in the aircraft cabin as immediate as the flight she returned with to homeland had landed and therein she was immediately arrested.

Mr. Teymur KARIMOV, the head of KANAL 11 Youtube channel, arrested with extortion charges was also physically abused. His lawyer made a statement that, he was beaten in the Organised Crimes Senior Department of Ministry of Internal Affairs.

In September, the rapporteur Nurlan GAHRAMANLI was administratively arrested with dissemination of forbidden information. His family confirmed that, officials in plain cloth took the journalist out of his home by force. At the court trial, the journalist has complained about the physical and moral pressure in detention facility and told that, the bodily injuries were still remaining.

3. NON-PHYSICAL AND/OR CYBER-ATTACKS AND THREATS

At least in 14 cases in 2023 the Azerbaijani journalists, internet sources and media workers faced with non-physical violations. The attacked media subjects were the independent and oppositionist media outlets and journalists. The quantity of such offences were relatively reduced in comparison to the previous year.

The majority of such type of pressure throughout the year was conducted in the form of the cyberattacks and hackings into internet resources and personal data of the journalist.

In the end of 2023, Youtube channel of Kanal13 internet TV, the director of which has been arrested, was continuously cyberattacked. Mr. Anar Orujov, the co-founder of the TV with the previous experience of being regularly cyberattacked told that the attacks became constant following the arrest of Aziz Orujov. The cyber attackers succeeded to delete several video content from the Channel. An unknown video material was uploaded into the Channel page so far.

Hackers also attacked the “Müsavat TV” internet TV. Firstly, they hacked e-mails of the internet resource and went on deleting the materials from the channel’s database. The governmentally controlled “Ses TV” was also attacked in similar hacking method with e-mails burrowed and materials deleted.

“Bayraqdar Media” Facebook Page was targeted by hacking. The hackers took down the page. The personal Facebook page of Azer Hasrat, the administrator of the page was faced with the same fate – it was grabbed as well. The Facebook account of Teymur KARIMOV, head of “Kanal-11” YouTube channel was deleted immediately after his arrest with sham charges.

The threats went on targeting the journalists who are distinguished with their independent stance and who are living under risk for their criticizing rapportage. Ms. Aitaj AHMADOVA (TAPDIG), the correspondent of “Meydan TV” internet resource was cyberattacked and her personal correspondence was stolen. After being arrested, the correspondence of a political activist, Mr. Bakhtiyar HAJIYEV with different girls and women were hacked and publicised. The screenshots of his correspondence with Ms. Ahmadova were published in Telegram channels and Facebook pages. Her personal photos were served to the public aiming to discretise this criticizing journalist.

For the end of the year, more than 5 journalists of ABZAS Media, the online resource that became popular for its anti-corruption investigations, had been arrested with sham charges. It revealed that, they had been under surveillance before. The cadres of the surveillance over Mr. Ulvi Hasanli, the imprisoned director of ABZAS Media, shot in different places of the city were publicised. These shooting materials were employed for justifying the arrest of the journalist. It became clear that, his phone calls were also being tapped. The lawyer and family members were prohibited from the communication with the imprisoned director of the media outlet. The leadership of the detention

facility where the journalist is kept detained has threatened the journalists for his complaints against the human rights violations he subjected to, and warned him with deterioration of the situation circumstances for him, if he keeps on complaining.

The blogger, Mr. Rashad RAMAZANOV, kept detained in an investigation isolator in Baku was intimidated with psychologically pressures thereat. According to his family members, the directorship of the isolator provokes other arrestants against the blogger creating troubles at every possible step of the turn. After his relatives' complaints against these actions, the pressure turned to be multiplied. Alongside with the blogger, for setting up them against the blogger, his cellmates were also incarcerated into the solitary confinement too. These repressed people were told that they were collectively punished because of Ramazanov.

Fadail PASHAYEV, the head of media resource Konkret.az was threatened and intimidated for his criticising articles. Immediately after the next articles criticizing the problems in the executive administration in one of the raions of Azerbaijan, the journalist received the death threats from numerous open-source numbers. The journalist applied to law enforcement authorities for the protection.

The security service of administration of the Baku Boulevard made pressure and forbid the journalists of "Xəzər TV" to make filming in the area of the Boulevard. They were illegally demanded to obtain a permission. Such a prohibition bound by authorisation was applied to other journalists as well. Nonetheless, the legislation stipulates no limitation or restricts with no authorisation any filming/shooting, information collecting and preparing activities.

Nurlan Jafari, the worker of "Time TV", an online media was prevented of shooting the protest action held in Baku. Also being physically suppressed the journalist applied via his Facebook profile to the leadership of the Ministry of Internal Affairs and requested on legal measures be taken in respect of the perpetrators. It was followed by his escorting to the police and being himself punished by being arrested administratively. Ms. Fatima MOVLAMLI, the journalist of "Toplum TV" internet TV faced with the pressure when she also attempted to cover the protest action. She was hindered from shooting and the police car inflicted him injuries by driving over her feet while was over-focused with dispersal of the action.

4. ATTACKS VIA JUDICIAL AND/OR ECONOMIC MEANS

In 2023, the media outlets and journalists were subjected to the pressure in Azerbaijan by employment of economic mechanisms and legal means for such a pressure, at least in 110 cases and mostly by the officials. The interrogations of the journalists who exercise their professional duties, bringing of them to the courts with claims of insulting and libelling, as well as with allegedly bogus charges, their attachment into the criminal and administrative liability are among the most remarkable incidents.

There is a totally new trend observed in Azerbaijan in 2023, unseen in and thus distinguishing from the previous years practice. The very ending of the year was distinguished with the massive arrests of the journalists. Within just a month and half, 45 days, more than 10 journalists were prosecuted with and arrested for the different charges. The pressing majority of the arrested journalists are those who enjoy the wide popularity for their anti-governmental critical content and writings.

In the recent months, almost all the personnel of the online media resource ABZAS Media, popular for their corruption exposing investigations have been charged and arrested for smuggling charges. The director and the journalists of KANAL 13 internet TV have faced with the criminal and administrative accusations as well.

The office of “ABZAS Media” was unexpectedly searched and 40 thousands EURO was declared as found in a result of the search. Pursuant to the official accusation, the found amount is obtained as a grant money from different donors and was brought to country in undefined time by a way of smuggling.. However, for the violation of the regulations on the obtaining of the grant money, the national laws of Azerbaijan envisages only the administrative liability. .

6 journalists of ABZAS Media had been charged and arrested within a pre-trial restrictive measure with the ‘smuggling’ charges. The chief of ABZAS Media, Ulvi Hasdanli, its deputy-chief Mahammad Kekalov, editor-in-chief Sevinj Vagifgizi, the journalists Ms. Elnara Gasimova and Nargiz Absalamova, Hafiz Babali, who is a journalist for both “Abzas Media” and Turan Information Agency are being currently held as detained in investigation isolators. The arrest of the most of the personnel of “ABZAS Media” had been accompanied with the blatant violation and disrespect of their right to presumption of innocence. Governmentally-controlled media outlets published in a row the materials portraying these journalists as criminals. All journalists who had cooperated with “ABZAS Media” before, Shamistan HEZIYEV, Mina ALIYARLI, Sahila ASLANLI, Leyla AGHYEVA had been repeatedly summoned and engaged into interrogations of the investigation, as well as the family members of the journalists have been summoned thereto.

The personnel of “Kana13” internet TV had faced with the serious pressure as well. The head of the TV, Aziz Orujov was initially charged with “illegal construction” accusation and was subjected to the arrest as a pre-trial restrictive measure. He was soon was charged with “smuggling” charges as well. The arrest of the head of the TV “Kana13” prompted the several searches in and the seizure of some belongings from the office and the flat of the director, as well with the prosecution and

punishment of the Kanal13. The famous anchor of the TV, Mr. Rufət MURADLI was charged and administratively arrested for 30 days for the administrative offences such as “minor hooliganism” and “disobedience to the police legal orders”. Mr. Shamo EMINOV who had previously cooperated with “Kana13” was arrested under “smuggling” charges. The search was carried out in the home of journalist, whilst no one was at home for the material time. The arrests over the bank accounts and travel ban were issued on journalists who had been charged and arrested with or summoned and engaged as witnesses for the interrogations within the cases with “smuggling” charges. The official authorities had blocked the pension bank card of the pensioner mothers of the editor-in-chief of “ABZAS Media”, Ms. S.Vagifgizi and the head of “Kanal13”, A.Orujov.

In November-December of 2023, beside 8 journalists charged and arrested with “smuggling” charges - S.VAGIFGIZI, A.ORUJOV, U.HASANLI, M.KEKALOV, E.GASIMOVA, N.ABSALAMOVA, H.BABALI, Sh.EMINOV, another 12 journalists and media workers had been arrested and/or otherly deprived of liberty under various accusations.

Mr. Jamil MAMMADLI, one of the rarest handful independent journalists acting in regions had also been charged with bogus charges of hooliganism, extortion, fraud crimes and was put under pre-trial arrest. His trial is ongoing.

Teymur Karimov, the head of “Kanal-11” YouTube channel was charged with extortion and pre-trially arrested. His lawyers declared that the charges were fabricated and groundless.

The following journalists are being kept in arrest as a pre-trial restrictive measure with the following charges: Avaz ZEYNALLI, the chief of “KHURAL Media”, Elnur SHUKUROV, the head of “SADA TV” Youtube channel, who was charged with “beribe receiving” and “illegal influence to the official’s decision”, Zaur GAMBAROV, the director of SARKAZM.AZ portal was charged with hooliganism, blogger Rashad RAMAZANOV was charged with “drug trafficking”, Arshad IBRAHIMOV, the head of DUNYANINSESI.AZ site, Osman NARIMANOGLU, the editor of DEMOKRAT.AZ site and Ibrahim HUMBATOV (GUBADOGLU), the head of AZERINFO.AZ site have been charged with extortion, when Matlab BAGIROV, the director of “SalamNews” Information Agency and “İnterAz” was charged in crimes “legalisation of criminal assets (money laundering)”, “smuggling” və “tax evasion”. The relatives and lawyers of the persecuted journalists argue that, they each were prosecuted with sham charges for their writings.

Before this, the head of the site XEBERMAN.COM, Polad ASLANOV and blogger Aslan GURBANOV had been sentenced for a long-term imprisonment. P.Aslanov had been arrested in 2019 and accused in “streason” crime. The upper courts only reduced 3 years of the journalist’s 16-year imprisonment sentence. A.GURBANOV was detained in 2020 with accusations of “public appeals against the state” and ‘excitation of national, social or religious hostility’ and was sentenced for 7 years of imprisonment.

Another mostly-applied pressure means that the journalists faced in 2023 when exercising their professional duties were their detentions, the interferences to their devices and forced deletion of the materials they produced/shot. A group of journalists who have been covering the villagers’ ecological protest in Gadabai raion of Azerbaijan have been suppressed.

The independent journalist, Elmaddin Shamilzada faced with police brutality. The journalist was forced to wash out all contents he had published in Facebook and was released only after doing this. Nargiz ABSALAMOVA, the journalist of ABZAS Media, Nigar MUBARIZ, the journalist working for radio Voice of America, the independent journalist Elsevar Muradzada faced with pressure and hindering when was obtaining information during the protest in Gadabay raion; they were prevented from shooting.

Fatima MOVLAMLI, Toplum TV rapporteur was subjected to pressure when creating a content from the protest being held in Baku. Police officers did not allow her to make shooting. Jamila AZIMOVA, the worker of "Kanal11" internet TV, Nurlan JAFARI, the correspondent of "Time TV" internet TV faced with brutal violation when was making raportage from mass protection. They were not allowed to obtain and produce information from the protest.

The journalist of Azel TV, Ms. Sevinj SADIGOVA met with hindrance of the police and court guards when she tried to cover a trial hearing held in Ganja city. The representative of ABZAS Media who attempted to videocover the feminist protest in the territory of the US Embassy in Baku had been subjected to pressure initially by the security officials and then the police officers called by them thereto.

The journalists working in front of the court administrative building to prepare the content from the trial, independent journalist Islam Shikhali, the correspondents of Meydan TV, Aysel UMUDOVA and Khayala AGHAYEVA, as well as Fatima Movlamli from Toplum TV, Nigar Mubariz and Ulviyya ALI from Voice of America met with the pressure.

The rapporteur Nurlan Gahramanli (Libre) was detained with physical force and was forcibly brought to police office when he was producing the rapportage from the funeral ceremony of the son of political prisoner Mahir Azimov, as well as from the protest action held in front of Prosecutor General's Office.

The independent journalists, Ms. Aitaj MAMMADLI and Shahla KARIM were also subjected to the violent interference by the executive authority and police officers. The journalists who was shooting in Lankaran city, were suspended and put under pressure for several hours, and deprived from their devices and the materials they filmed were deleted.

Aygun HASANOVA the journalist of Azertaj state information agency faced with violence in France territory, New Caledonia. Despite she had a visa, the journalist had been taken to police and deported as "persona non grata".

In 2023, the trend of administrative imprisonment sentences to journalists on various dubious grounds continued.

Apart from the above-mentioned ones (Rufat Muradli and Nurlan Jafari, Kanal13 and Time TV employees respectively), at least 4 journalists were administratively arrested. Reporter Nurlan GAHRAMANLI was administratively arrested on the grounds of "spreading of prohibited information over the internet. The reporter had recently shared anti-war statuses in that period.

The well-known journalist Aydın JANIYEV was attached to administrative responsibility for his insulting posts. After a complaint from one of his journalist colleagues, A. Janiyev was arrested for a month.

Vugar MAMMADOV, editor-in-chief of "Hurriyat" newspaper, Youtube channel and news portal was sentenced to one month of administrative detention for posting confidential information on the internet and not preventing such information from being leaked.

Photoblogger Veli Shukurov was also put under administrative arrest for the same period. The lawyers of the blogger who was accused of "minor hooliganism" and "disobedience to the police" announced that the accusations were fabricated.

At least in 9 cases, journalists and media outlets were brought to court under articles 147 (libel) and 148 (insult) of the Criminal Code of Azerbaijan, and they were demanded to be punished with criminal penalties and heavy fines.

Ms. Sara Azimova, a member of the Television and Radio Council of the Nakhchivan Autonomous Republic, sued Heydar OGUZ, the editor-in-chief of the ovqat.com web site under particular criminal procedure and asked his imprisonment. The Surakhani District Court found the journalist guilty of libel/defamation and sentenced him to 6 months of correctional labor.

The Sabunchu District Court has partially satisfied the claim of lawyer Aslan Ismayilov against journalist Aygun MURADKHANLI and imposed the obligation on journalist to pay 800 AZN compensation to the complainant.

Sabuhi SADIYEV, the head of the Goychay District Department of the State Service for Mobilization and Conscription, sued the "Daryaz" newspaper. That newspaper published an article accusing the aforementioned department in bribery. The lawsuit was partially satisfied, the newspaper was fined of 1138 manats.

Billionaire Farhad Ahmadov filed a lawsuit accusing the MINVAL.AZ website of spreading slander and insults. The complaint was withdrawn during the trial.

Former MP and businessman Haji Salayev complained against "Yeni Musavat" newspaper, its editor-in-chief, minval.az website and its editor-in-chief at the court. The complainant demanded that the heads of the mentioned media should be deprived of liberty for slander and insult, and the media should pay 1 MILLION manat compensation.

Military expert Adalat Verdiyev brought the case against the independent journalist Rahib Garib. The Binagadi Court obligated the journalist to issue a denial of the information he published and apologize to the complainant.

The singer Konul Khasiyeva filed a civil lawsuit against independent journalist Parviz HUSEYN and demanded him to pay 100,000 AZN compensation for moral damage.

All the provisions of the new law on Media that came into force in early 2022, began to implemented into full effect in 2023.

The new law envisages the creation of a state-controlled Registry that enlists all media and journalists. The Media Development Agency (a state regulatory body), which oversees the implementation of the law, lodged request with the court against the news portal dia.az (Dunya Information Agency) and requested termination of its activities as it was out of register. The court satisfied the complained and ordered to terminate the activity of dia.az, and the website of the portal thus was blocked. The news platforms amia.az, siam.az have been also subjected to serious sanctions and their activities have been judicially terminated.

The Media Development Agency refused to include at least 10 media into the media Register. Newspapers "Gundam Khabar", "Daryaz", "Mingachevir Ishiglari", "Yeni Khabar", "Real ve Ashkar", as well as news portals such as mi-news.az, az24saat.org, son-xeberler.az, gundemxeber.az, dogruxeber.az, Yenikheber.az news portals, as well as individual journalist Vugar Alakbarov, were refused to be incorporated into the media register. Refusing to be included in the Register limits the enjoyment of journalistic rights by those media. The media and journalists who were refused to be included in the Register appealed to the court.

Furthermore, the Narimanov raion Court issued a decision to block the YouTube channel of "Hurriyet TV" at the request of the General Prosecutor's Office. The decision was grounded by the fact that the mentioned media disseminated the prohibited information.

At the request of the Ministry of Digital Development and Transport, the Sabail raion Court made a decision to block the access to "Kanal 13" internet TV. The court justified it with that the TV had broadcasted false information about the state officials of state authorities.

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