

Media Rights Institute

REPORT
ON
THE STATUS OF THE RIGHT TO
FREEDOM OF EXPRESSION IN THE
REPUBLIC OF AZERBAIJAN

Baku 2015

REPORT ON THE STATUS OF THE RIGHT TO FREEDOM OF EXPRESSION IN THE REPUBLIC OF AZERBAIJAN¹

On April 30, 2013, the Second Periodic Report on Azerbaijan in the framework of the UN General Periodic Review mechanism was discussed. In the discussion process, totally 158 recommendations was made on the improvement of human rights and freedoms in the Republic of Azerbaijan. Out the recommendations, 30 were directly or indirectly related to the right to freedom of expression. The recommendations regarding the mentioned right were also made by the UN Human Rights Committee.² The purpose of this Report is to assess the status of implementation of the recommendations made in the framework of the both mechanisms.

The Report covers the period of 2013-2015 to assess the progress and the situation in the post-Recommendations stage. However, in some cases the references have been made to the cases and facts of the previous years in order to properly assess the causes/main points of what's been happening in the mentioned period and to follow the trends. At the same time, other issues that are not included in the recommendations, but narrow the freedom of expression and harm its essence have been included in the evaluation. Because some points concerning the previous period seriously differ from the environment before that period, and the rapid contraction and restriction of freedoms is observed. In many areas, rapid decline is observed compared to the environment existing by April 2013. For objective evaluation, the framework is to be captured in broader manner.

Baku 2015

¹ **Note:** In the international documents, the term of the “freedom of expression” has a wide scope. It includes freedom of information, access to information, press freedom, internet freedom. Freedom of expression is not directly expressed in the Constitution of the Republic of Azerbaijan. In the Constitution, it has been expressed as freedom of opinion and speech, freedom of information and expression in two different articles. Insofar, as the term of the freedom of expression is stipulated in international documents, we will use it.

² See: Annex 2

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Abbreviations used in the study

UN	<i>United Nations</i>
CC	<i>The Criminal Code of the Republic of Azerbaijan</i>
AOC	<i>The Administrative Offences Code of the Republic of Azerbaijan</i>
CC	<i>The Civil Code of the Republic of Azerbaijan</i>
NTRC	<i>National Television and Radio Council of Azerbaijan Republic</i>
TV	<i>Television</i>
ANS	<i>Azerbaijan News Service (TV)</i>
AZ TV	<i>Azerbaijan Television and Radio Broadcasting Closed Joint-Stock Company (State television)</i>
OSCE	<i>Organization for Security and Cooperation in Europe</i>
PACE	<i>Parliamentary Assembly of the Council of Europe</i>
MRI	<i>Media Rights Institute</i>
IRFS	<i>Institute for Reporters' Freedom and Safety</i>
MFA	<i>Ministry of Foreign Affairs</i>
BBC	<i>British Broadcasting Corporation</i>
NGO	<i>Non-Governmental Organization</i>
CD	<i>Compact Disc</i>
IREX	<i>International Research and Exchanges Board</i>
CSP	<i>Civil Solidarity Party</i>
ICCPR	<i>The International Covenant on Civil and Political Rights</i>



SECTION I: THE LEGAL BASIS OF FREEDOM OF EXPRESSION

B. Constitutional basis of the right to freedom of expression

In terms of national law, for the first time the freedom of expression was placed under legal protection in the Constitution of the Republic of Azerbaijan³ adopted in 1995. Article 47 of the Constitution has stated the freedom of expression as the “freedom of thought and speech”. According to the Article, “*Everyone may enjoy freedom of thought and speech. Nobody should be forced to promulgate his/her thoughts and convictions or to renounce his/her thoughts and convictions.*” Although the wording of the article is a little vague, it can be essentially understood as the freedom of expression by everyone. The 3rd part of the Article on the limits of freedom of expression stipulates: “*Propaganda provoking racial, national, religious and social discord and animosity is prohibited.*” Thus, racial, national, religious and social discord and animosity agitation or propaganda cannot be presented as freedom of expression. In accordance with paragraph 3 of Article 71 of the Constitution, “*Rights and liberties of a human being and citizen may be partially and temporarily restricted on announcement of war, martial law and state of emergency, and also mobilization, taking into consideration international obligations of the Republic of Azerbaijan.*” In addition, the restriction of human rights is not envisaged in the Constitution.

SECTION II: THE STATE OF FREEDOM OF EXPRESSION

A. Legislation on freedom of expression

1. Facts concerning the law on freedom of expression

The freedom of thought and expression defined in Article 47 and Article 50 of the Constitution of the Republic of Azerbaijan, as well as the legislation to regulate the means of the freedom of information is wide. The Media occupies a special place in implementation of the right to freedom of expression. The most important among the laws governing the activities of the Mass Media is the Law of the Republic of Azerbaijan “On mass media”. However, the regulation of television and radio corporations, which are the most important part of Mass Media, was separated from the mentioned Law in 2001, and the Law of the Republic of Azerbaijan “On Television and Radio Broadcasting” was adopted in 2002. By adoption of the Law of the Republic of Azerbaijan “On Public Television and Radio Broadcasting” the idea of creating public television and radio was carried out in 2004, and was subject to a separate regulation. There was a necessity for adoption of a new law for access to information, and this gap was filled by adoption of the Law of the Republic of Azerbaijan “On obtaining of information” in 2005. Also, there’re laws related to solution of issues faced by journalists and media in their daily activities,



³ <http://e-qanun.az/framework/897>

albeit they don't regulate the Mass Media activities. We will try to explain the latest state of this sector by bringing clarity to the media-related sections of the most of above-mentioned legislative acts.

B. Tendency of changes in the legislation governing freedom of expression after discussion of the General Periodic Report

1. The Law on Mass Media

After the Universal Periodic Review of the Republic of Azerbaijan in framework the UN General Periodic Review mechanism was discussed on April 30, 2013, a number of amendments were made to the freedom of expression-related sections of the legislation of the Republic of Azerbaijan, the legislation on contrary to expectations was not liberalized, even restrictions were continued.

After this date, the Law on Mass Media was amended 3 times. These amendments took place on 16 December, 2014⁴, 6⁵, and 20 October, 2015⁶. If look at the nature of the amendments, restrictions are in the foreground in all of them. The amendments made to the legislation in 2014 and 2015 are mainly severities brought into the establishment and liquidation process. Earlier, if a media in the same name existed, its establishment was refused. By new amendment, along the same name, similar names also result in denial of registration. The same name concept was explained, as well. In addition, Article 19 of the Law was added a right to apply to the court for the purpose of cancellation of registration of concerning agencies for funding the Mass Media in illegal way. While two cases of brought to justice by the court have been registered within a year, it has paved the way to apply to the court for the purpose of cancellation of registration by the Ministry of Justice.

The amendments made to this Law in 2015 has turned into legal norm the attachment of the relevant executive authority opinion to documentation for the establishment of religious publications, by violation in certain way of the simplified registration of media principle, which was stipulated with the aim of liberalization of the Law in 2001⁷. This official agency is the State Committee for Work with Religious Organizations of the Republic of Azerbaijan, which was established by the Decree of the President of the Republic of Azerbaijan No. 682, dated 20 November, 2015.

Another amendment made to the Law on 20 October, 2015, is transferring the right of application for denial and amendment to an agency that performs the procedural control or implements the initial investigation. *"In case of untrue or distorted information on the nature and the results of investigation is spread in Mass Media, the agency conducting the procedural control over the initial investigation or conducting the initial investigation is entitled to*

⁴ <http://e-qanun.az/framework/29323>

⁵ <http://e-qanun.az/framework/31348>

⁶ <http://e-qanun.az/framework/31290>

⁷ <http://e-qanun.az/framework/1408>



apply with demand of denial or correction of the information.” It should be noted that previously they had such an entitlement only in case of spread of information in mass media insulting the honour and dignity of individuals and legal entities, and of slanderous and insulting nature. Now, this authority given to the investigating authorities will severely limit the abilities of Mass Media to especially conduct alternative observations of social importance, bustling crimes, and to run different versions and remove the right of journalists to judge.

2. The Law on TV and Radio Broadcasting

On 4 February 2015⁸, Law of the Republic of Azerbaijan “On Television and Radio Broadcasting” was amended. The essence of the amendment is to give broad authority to the National Television and Radio Council (NTRC) as the state regulator. Under the previously existing norms, if a TV broadcaster failed to pay for the license use within the specified period, the relevant executive authority was applying to court to suspend the application of the special permit (license) until the payment is made. By the latest amendment, this authority is given to the relevant state agency in television and radio broadcasting, i.e., National Television and Radio Council (NTRC).

By another amendment, dated 24 February, 2015, the provision about the temporary suspension of the effect of special permit (license) and the termination of special permit (license) stipulated in Article 23 of the Law on Television and Radio Broadcasting has been revised and significantly expanded. If previously for the suspension or termination of the license an appeal to court by the NTRC was required, after the amendment the NTRC decides directly to cancel or suspend broadcasting without a court order. In the new edition, the regulatory body is given the right to stop broadcasting for 1 month. This norm does not allow for the restoration of violated rights. In case the decision to suspend the broadcast is unjustified, the reverse implementation of the court’s decision cannot be executed. Because the broadcaster will be faced with an unreasonably taken decision and to restore the legal situation will not be possible.

In addition, the Article has been added 9 new cases that give power to the NTRC revoke a license. One of them is about bringing to justice the broadcaster in TV and radio broadcasting at least three times a year.

In particular, this provision creates a serious threat to televisions. Because the NTRC by frequent monitoring of broadcasts warns televisions or apply penalties against them for exceeding the intended advertising minutes stipulated in the legislation. For example, from the beginning of 2014 to the end of February, 2014, within 42 days, two times decisions have been taken against ANS for irresponsibility⁹. This means that the occurrence of another violation by the end of the year could have resulted in loss of the

⁸ <http://e-qanun.az/framework/29775>

⁹ <http://www.ntrc.gov.az/az/content/news/209.html>

license. This norm poses a serious threat to the independent activities of the TVs. These norms have serious role in the absence of political pluralism in Azerbaijan televisions.

Over the last year, there have been made several restrictive amendments to the Administrative Offences Code (AOC) in relation of the broadcasting activities. By the amendment dated 24 February, 2015, the penalties in paragraphs 187-1 and 187-2 for the violation of the TV and Radio Broadcasting Legislation have been increased by 4-5 times. The highest fine of 2 thousand manats has been increased to 8 thousand manats. In contrary, the amount of administrative penalty *for prevention of dissemination of mass media products in prescribed manner* under Article 185 of the AOC and *for the violation of journalists' rights* under Article 186 thereof, has been defined in the amount of 50 and 90 manats. Although the legislature intends to penalize the violator of a media's rights in small amount, 90 times higher fines are foreseen in case the media makes administrative offences. Thus, the principle of equality before the law is apparently violated.

The Public Broadcasting, which was established in 2005, for the implementation of the country's commitments to the Council of Europe, unfortunately has been completely away from the principles of public broadcasting, the public broadcaster hasn't been able to go further than being a next government channel, has completely closed its doors to alternative viewpoints in society, even in the period of parliamentary elections it hasn't attempted to any political debates. The public broadcasting has been simply in the promoter role of the government as a channel of AzTV Channel, the state broadcaster.

3. The Law in the field of freedom of information

The state of the access to information, which is an important source of right to freedom of expression, has been accompanied by the expansion of limitations in the mentioned period. The essence of the Law on access to information, which was described as one of the most liberal laws when it was adopted in 2005, has already damaged by restrictive provisions made in 2012. While the provisions of restrictions should be an exception according to the Law, article 2.4-1 of the Law was added and the provision of information have been conditioned by several new conditions by Law of the Republic of Azerbaijan No. 384-IVQD, dated 12 June, 2012. By the last amendment in 20 October 2015 the Article became even more restrictive: "Access to information is allowed on the condition that it is not contrary to the protection of political, economic, military, financial and monetary interests of the Republic of Azerbaijan, for protection of public order, health and morals, rights and freedoms of others, commercial and other economic interests, for ensuring the authority and impartiality of courts, for the normal course of criminal investigation." Any specific secrets or confidential information are not mentioned in this Article. And limitations are imposed to a wider understanding.

Another amendment made on December 16, 2014¹⁰, to the Law on obtaining of information was about including the information on financial transactions to personal data category, and limiting access to them. Earlier, in 2012, a similar amendment was made in relation to legislation on the state register of legal entities and the tax code. By this amendment information on the owners of commercial entities and commercial interests were included in the confidential information category, and their disclosure was restricted. Thus, the legislation provisions that initially served to transparency are increasingly turned into restrictive rules. Access to information of public interest by the society is being prevented under different illegitimate excuses.

4. Defamation

Article 46 of the Constitution includes the phrase “Everyone has the right to defend his/her honour and dignity, which serves as the main base for regulatory provisions on defamation. Article 23 of the Civil Code stipulates retraction and punishment for dissemination of information humiliating “honour, dignity and business reputation”. Article 147 of the Criminal Code of the Republic of Azerbaijan Republic (CC) delineates responsibility for defamation, i.e., the responsibility for knowingly disclosing false information that damage the honour and dignity or reputation of any person in public statements, in a publicly shown works or in the mass media. Just 2 weeks after the discussion of the second Periodic Report on Republic of Azerbaijan in the framework of the UN General Periodic Review mechanism on 30 April, 2013, by the Law of Republic of Azerbaijan number 650-IVQD¹¹, dated May 14, 2013, the CC was amended and the definition of defamation was expanded to the expressions made “*in media outlet or in the internet information resource in case of public demonstration*”. The amendment also toughened the punishment for such crimes. The previously existing 240 hours involvement in public works as a punishment has been increased to 480 hours¹². The punishment of *restriction of freedom* intended as consistent enforcement of punishment has been completely excluded from the Article, and direct 6 months imprisonment punishment has been kept.

In the 2nd part of the Article 147 (Libel) of the CC, the defamation by accusing someone of grave or especially grave crimes is intended as an aggravating circumstance. Among the sanctions of this paragraph, the judge had the opportunity to make three choices; up to 2 years involvement in public works, up to 2 years restriction of freedom and finally up to 3 years imprisonment. The average sanction of the 3 options for judges has been removed from the Article, and directly after public works, up to 3 years imprisonment has been kept. Thus, the final version of the Article has been further aggravated.

¹⁰ <http://www.e-qanun.az/framework/29345>

¹¹ <http://e-qanun.az/framework/25869>

¹² <http://e-qanun.az/framework/25968>



On the same date, Article 148 (Insult) of the Criminal Code was amended¹³, and *disclosure in the Internet information resource* has also been included in this framework. In addition, the sanctions section of the Article has been amended in similar way as in the Article 147 (Libel) and sanctions have been toughened. The up to 240 hours public works have been increased up to 480 hours¹⁴, i.e., doubled. *In addition, the 6-month imprisonment sentence has been kept.*

Another case, which creates liability for defamation, is the case of *smear or humiliation of honour and dignity of the Head of State, i.e., the President of the Republic of Azerbaijan in public speech, in publicly shown work or in the mass media*. Under Article 323 of the CC, such cases are punished by a penalty form five hundred manats to one thousand manats, or correctional labour for up to two years or by imprisonment for the same term. If the same acts are committed with charges in serious or especially serious crime, *it's punishable by imprisonment for two to five years*. In the past period, this article was in force, as well.

Numerous callings have been made at different times for legislative reform concerning the defamation in the country.

On 27 December, 2011, the Presidential Decree of the Republic of Azerbaijan on approval of the of the National Action Plan in order to improve the efficiency for protection of human rights and freedoms in the Republic of Azerbaijan was adopted, and **the National Action Plan**¹⁵ to improve the efficiency for protection of human rights and freedoms in the Republic of Azerbaijan was approved. According to paragraph 1.2.7. of the Program, in 2012, the preparation of proposals on improvement of legislation in order to eliminate the criminal liability for defamation was assigned to the Presidential Administration of Azerbaijan Republic. Unfortunately, during and after the mentioned period, the Presidential Administration did not address to the Milli Majlis (The Parliament) on this initiative. Although draft laws have been prepared and brought forward for public discussion on the initiatives of Press Council, Media Rights Institute, and OSCE Baku office, they still remain as drafts. Instead, the provisions of the current Criminal Code were toughened further.

5. Accreditation of foreign journalists and media

By Resolution No. Q/04-15 of the Board of the Ministry of Foreign Affairs of the Republic of Azerbaijan dated March 18, 2015, the rules of accreditation of foreign media in the Republic of Azerbaijan was approved. As a general approach to the issue, these rules should be simply of regulatory nature and could provide access to defined benefits. However, the rules contain many complicating factors, and factors for rejection of accreditation, and restricting access to information. Restriction of access to information contravenes Article 50 of the Constitution because the right to obtain information is not

¹³ <http://e-ganun.az/framework/25869>

¹⁴ <http://e-ganun.az/framework/25968>

¹⁵ <http://www.president.az/articles/4017>

recognized only for the residents of Azerbaijan. It is a right entitled by everyone. In Article 10 of the European Convention on Human Rights, as well as in Article 19 of the UN Covenant on Civil and Political Rights, the access to information and freedom of expression are the rights entitled to everyone. If review the rules, pre-eminently, the periods are very long and inadequate. Even request for accreditation of foreign media representatives for a short-term visit are considered within thirty (30) days. Even, in paragraph 1.7 of the administrative regulation of the Ministry of Foreign Affairs of the Republic of Azerbaijan on journalist activities of foreign media representatives, the e-accreditation is processed within 14 working days. According to the paragraph 2.1.4 of the Rules, the scope of documents required from foreign media representatives includes the copies of the passport or other border crossing document (if the representatives of foreign media are the citizens of the Republic of Azerbaijan, the copy of identity card of the citizen of the Republic of Azerbaijan) are required. However, the 3rd paragraph of Article 53 of the Law "On media" states that "*The accreditation of foreign correspondents in the Republic of Azerbaijan shall be made by the relevant executive authority in accordance with Article 50 hereof.*" In other words, interpreting the Ministry of Foreign Affairs as the executive authority to register local journalists is the transgression of the law.

6. Calls to discrimination and violence and hate speech

If any Actions directed at incitement of national, racial or religious hostility, humiliation of national advantage, as well as actions directed at restriction of citizens' rights, or establishment of the superiority of citizens on the basis of their national or racial belonging, creeds committed publicly or with use of mass media, such actions being one of the main reasons of restrictions on freedom of expression create a criminal responsibility under Article 283 of the criminal Code. *The person committing this is punished by 1,000 to 2,000 nominal financial units, or restriction of freedom for up to three years, or imprisonment for two to four years.* If the same acts are committed with application of violence or with threat of application of violence, committed by a person using his official position, committed by an organized group, the amount of this responsibility increases and *are punished by imprisonment for a term of three to five years.*

By the Law of the Republic of Azerbaijan [No. 919-IVQD, dated 14 March 2014](#),¹⁶ new Article 283-1 has been added to the CC, and by the Law of the Republic of Azerbaijan [No. 1231-IVQD, dated 06 March 2015](#)¹⁷, the sanctions have been further toughened. According to the Article 283-1, "Creating a stable group to take part in armed conflicts outside the Republic of Azerbaijan" is meant as a criminal offense and is punishable by 15 years imprisonment. The item 283-1.4 in this Article is the provision directly affecting on freedom of expression. This clause stipulates that the *open calls* to the acts stipulated in items 283-1.1 - 283-1.3, as well as distribution of materials of such contents shall be



¹⁶ <http://e-qanun.az/framework/27463>

¹⁷ <http://e-qanun.az/framework/29675>

punished by up to five years imprisonment. Thus, the scope of Article 283 has also made applicable to calls outside the country.

By the Law of the Republic of Azerbaijan [No. 1231-IVQD, dated 06 March 2015](#),¹⁸ new Article 284.1 has been added to the CC, in which the additional cases on acquisition of information have also been identified. Thus, in addition to the new cases, by using specific and technical means for acquisition of confidential information illegally, in the absence of signs of treason or espionage, is punishable by imprisonment for a term of two to five years.

By the Law of the Republic of Azerbaijan No. 237-IVQD, **dated** November 15, 2011, Article 167-2 has been added to the Criminal Code of the Republic of Azerbaijan, in which the import of religious literature and goods into the country for the purpose of their distribution has been defined as a criminal offense and is punishable by imprisonment for a term of up to 5 years. On 22 October 2013, the scope of this article was expanded, and term “religious literature” was added by the term “(in paper and electronic formats), audio and video materials, goods and products”. Thus, the electronic carriers have been added to the process as a dangerous instrument.

III. Practical situation of freedom of expression

A. The Status of broadcasting and licensing

Azerbaijan still has the problems related to licensing in the period after April 30, 2013 which is covered by the report. According to the Law, the list of free-to-air channels shall be distributed every year. However, this responsibility is not fulfilled by National TV and Radio Council (NTVRC). Based on the Tax Code, the information about owners of broadcasters shall be considered as a commercial secret, which causes serious problems in transparency.

Just as in previous years, NTRC failed to conduct its activities transparently? particularly in the sphere of licensing.

Two regional televisions were deprived of their license officially for not fulfilling the obligation to switchover to digital broadcasting. In February 2014, Aygun TV broadcasted in Zagatala region was closed down for this reason. The license of Alternative TV channel broadcasted in Ganja region was not extended and it was forced to suspend broadcasting as the other regional channel for the same reason.

During the reporting period, two new radio licenses were allocated on FM frequency, both to the state bodies and without transparent procedure and competition. 107.7 FM radio for the Ministry of Transportation and 108 FM for ASAN State Service.

Radio Azadliq/Liberty case

On December 26, 2014, General Prosecutor’s Office suspended the activity of and Baku

Office of Azadlig radio under the veil of “NGO criminal case” and the office of radio was sealed by the prosecutor.¹⁹ From December 26, the disquisition was started in the Office. Upon neglecting of the principle on protection of confidentiality of journalist’s source, all the computers, CD disks, flash cards, cassettes and documents were confiscated. Khadija Ismayil, one of the employees and investigative journalist, the director of “Ishdan sonra” program on the radio, was arrested while Kamran Mahmudov, another radio host of the same program was taken to the police department barefoot, without an outwear as a “criminal”.²⁰ Other employees of the Radio station were called to Prosecutor’s Office several times for interrogation from that date²¹. Subsequent to this process some journalists of the radio station had to leave the country. After this incident, Baku Office of the Radio station has not re-established its activity and the society lost serious alternative information source at a greater range.

The law-enforcement bodies explained such treatment as the investigation of a case of money laundering. However, Azerbaijan service of Azadlig radio stated in its turn that, they worked quite transparently and paid tax and other social payments timely.

B. Intervention with freedom of expression

1. Pressures against Journalist organizations

In the course of reporting period, media freedom was severely limited in Azerbaijan. Alternative media companies serving partially for pluralism were destroyed. In spring 2014, investigation process started against media companies, companies to protect journalists’ rights, and journalists.

Closure of MRI and IRFS

Media Rights Institute which protects journalists’ rights within the country and before the European Human Rights Court and Institute for Reporters’ Freedom and Safety were forced to suspend their activities because of the criminal case launched against them, arrest of bank accounts, tax and inspections by Prosecutor’s office. Emin Huseynov, the head of IRFS, was deprived of citizenship and allowed to leave for Switzerland after being sheltered in the Embassy of Switzerland in Baku for 10 months.²² He was taken by the Minister of Foreign Affairs of Switzerland when he was on the way back from official visit. All the equipment, computers and documents of this company were confiscated. The activity “Obyektiv TV” which was established by IRFS and broadcasted online, was stopped because the office of the “Obyektiv TV” was sealed. The property of the institute was confiscated. “Kanal 13”, another online TV, faced the arrest of bank accounts and its activity was restricted for more than one year.

Close down of IREX

¹⁹ <http://az.trend.az/azerbaijan/society/2347941.html>

²⁰ <https://www.meydan.tv/az/site/politics/4214/Azadl%C4%B1q-Radiosunun-%C9%99m%C9%99kda%C5%9Flar%C4%B1-prokurorlu%C4%9Fa-%C3%A7a%C4%9Fr%C4%B1l%C4%B1b.htm>

²¹ http://www.bbc.com/azeri/azerbaijan/2014/12/141227_rfe-rl_update

²² <http://virtualaz.org/bugun/48727>

On September 5, 2014, the criminal case was launched against Azerbaijani Branch of IREX, (International Research and Exchange Board) the US based NGO, which provided support to media and journalists, to the media organisations. Its office was imposed to the search, computers and documents were seized, bank accounts were arrested and subsequently IREX was forced to close down its representation in Azerbaijan after 17 years uninterrupted activity upon official decision.²³ IREX implemented Azerbaijan Media Project and Azerbaijan New Media Project in 2004-2014 years. Before closedown, 20 regional Community Information Centers, 30 rural electronic stands and support Project for the faculty of journalism in 9 universities belonging to IREX functioned in Azerbaijan. In the frame of supporting the regional journalism and in the direction of legal protection of journalists, IREX was an international agency functioning stably in Azerbaijan for last 10 years.

2. Threats, pressures against and arrest of journalists

Case of Khadija Ismayil

Khadija Ismayil, popular investigative journalist, radio host of “Ishdan sonra” program (After work) in Azerbaijan Office of “Azadliq” was arrested in accordance with Criminal Code, Article 125 (bringing to suicide) on December 5, 2014. Before this arrest, the criminal case was launched against her under the article on dissemination of state secret. On September 1, 2015 Baku Court of Grave Crimes restricted her freedom for 7.5 years. The Court charged her under the Criminal Code, Article 179 (Swindle), Article 192 (Illegal business), Article 213 (Evasion from payment of taxes) and Article 308 (Abusing official powers). None of the charges were confirmed during hearings and rejected by the journalist herself and her advocates. Such decision of the court was assessed as “alleged decision” by the independent experts. Because, the imprisonment of Khadija Ismayil is characterized as political since she researched the facts of corruption in high levels of government and intended to publicize the corruption facts.²⁴ Her acquittal from Article 125 (Bringing to suicide), the ground of her imprisonment, clearly demonstrates the fact that the process was a political order not related to fair examination. Khadija Ismayil’s activity and her prosecution during past years, crude intervention with her personal life, including slanderous campaign accompanied with impudent lies and libels by government-supporting Mass Media made her a basic target of the intolerance against freedom of expression. The Court process and the sentence by the court were the final extent of smear campaign against Khadija Ismayil and were assessed as attaint upon reputation of not only court system and state, but also of society.

Case of Rauf Mirgadirov

On April 19, 2014, the Prosecutor’s Office launched a criminal case against Rauf Mirgadirov, the journalist illegally deported from Turkey by the urgent request of



²³ <http://www.azadliq.info/53673.html>

²⁴ <http://www.azadliq.org/content/article/26727471.html>

Azerbaijani authorities and charged with high treason against state²⁵. The journalist has been kept alone in tiny cell of the Ministry of National Security prison about 2 years. He was sentenced for long term of imprisonment and has been released conditionally by the Supreme Court recently.

Case of Ilgar Nasibov

On August 22, 2014 Ilgar Nasibov, the journalist in Democracy and NGO Development Resource Center was viciously beaten by a group of unknown people and got serious damages on his head, eye and ear.²⁶ Despite long treatment after this attack, he still has problems with his sight and hearing. Before this accident, Ilgar Nasibov and his wife Malahat Nasibova were frequently subject to prosecution and threats. Early 2015, they had to emigrate from Azerbaijan for their safety. They cooperated with Azadliq radio and Turan Agency, the independent media organizations.

Case of Seymur Hazi

On January 29, 2015, Seymur Hazi, the journalist of critical to the government of Azerbaijan Azadliq newspaper and of "Azerbaijan Saati" (Azerbaijani Hour), the TV program broadcasted through satellite from abroad was sentenced to imprisonment for 5 years under Article 221.3 (hooliganism committed with application of a weapon or other subjects).²⁷ Seymur HAZI was well-known as a harsh critic of the top officials of government. On August 29, 2014 he was accused and arrested for beating of one person. The case was simply invented and fabricated. Adil Ismayilov, the journalists' advocate, stated that, his guilt was not proved in the court.

Case of Khalid Garayev

Khalid Garayev, the employee of "Azerbaijan saatı" (Azerbaijani Hour) TV program and Azadliq newspaper, was punished with administrative arrest for 25 days based on the false accusations for his critical to the government reports. He was charged by the Code of Administrative Offences, Article 296 (Minor hooliganism) and Article 310.1 (persistent insubordination of legal request of policeman).²⁸

Rasim Aliyev's

On August 8, 2015, Rasim Aliyev, one of the founders and former employee of Reporter's Freedom and Safety Institute who worked for www.ann.az, were cruelly beaten by persons sent by J.Huseynov, the captain of "Gabala" football club and a member of national football team for the journalist's critical view on him in his facebook account. He was taken to hospital, however died in there of internal haemorrhage. The investigation pursues to charge the J.Huseynov for not reporting about the crime. However, A. Mustafayev, the lawyer of the deceased journalist states that, ²⁹ Javid Huseynov was

²⁵ <http://www.azadliq.info/44397.html>

²⁶ <http://www.azadliq.info/50959.html>

²⁷ http://www.mia.az/w115596/Jurnalist_Seymur_H%C9%99zi_5_il_azadli%C4%B1qdan_m%C9%99hrum_edildi/

²⁸ <http://contact.az/docs/2014/Social/102900094883az.htm#.VmFP93YrLDc>

²⁹ <https://www.meydan.tv/az/site/politics/8144/V%C9%99kil-%C6%8Fsab%C9%99li-Mustafayev-Rasimi-d%C3%B6ym%C9%99y%C9%99-adamlar%C4%B1-Cavid-H%C3%BCseynov-g%C3%B6nd%C9%99rib.htm>

aware about the revenge and was one of the participants of the crime. The IRFS explains this execution by “political motives” and stated that, after Emin Huseynov, the head of IRFS was deprived of citizenship and taken from the country, Rasim Aliyev was elected as a chairman and the documents were submitted to the Ministry of Justice. The President Ilham Aliyev expressed sorrow for the accident and took the crime investigation under his own control. He characterized this accident as “a threat against freedom of expression and information, and independent activity of mass media”.³⁰ It is to note that, Rasim Aliyev was subject to police violence during his journalist activity several times.³¹

Meydan TV cases

Several attempts were made towards imprisonment and arrest of journalists working for Opposition Meydan Internet TV managed by Emin Milli, former political prisoner, whose Office is located in Berlin and who was forced to emigrate from Azerbaijan with regard to political investigations. On September 17, 2015, Shirin Abbasov, the journalist working for Meydan TV, was arrested for 30 days in administrative manner³² The house of his colleague Javid Abdullayev, was subject to illegal search and his equipment used for journalism was confiscated by police. Subsequently, in August 2015, Shirin Abbasov and three employees of Meydan TV, as wells were prohibited to leave the country. On September 21, 2015 Sevinj Vagifgizi, Izolda Aghayeva and Aytan Farhadova were detained when returning back to the country,³³ and questioned for capturing the protest in Mingachevir on August 22, 2015. Then three journalists, Natig Javadli, Izolda Aghayeva and Javid Abdullayev were called for interrogation to Investigation Office of Baku Prosecutor’s Office for Grave Crimes. They were asked mainly about their activities and as well as the financial source of “Meydan TV”. In addition, all journalists suspected to be working for “Meydan TV” were imposed to travel ban. Although there was no order by the court to restrict their travel officially, State border service announced their departure as impossible and forced them to return back.³⁴

It should be mentioned that, the number of journalists and bloggers arrested within last two years has increased in comparison with previous years³⁵ and many journalists had to leave the country or seek shelter in other countries in order to be safe from imprisonment and ensure their safety. Before and after European Games in 2015, two close relatives of Ganimat Zayidov, (the editor-in-chief of Azadliq newspaper and the host and editor of the “Azerbaijan Saati” TV program broadcasting from abroad) and the brother in law of Emil Milli, founder and director of Meydan TV, two brothers of Gunel Movlud, editor of Meydan TV, brother of Natig Adilov, host and editor of “Azerbaijan Saati” were subject to arrests and sentencing for false crimes. Some relatives of journalists wrote “rejection of the relative” application form officially to escape such severe punishments.³⁶

³⁰ <http://ann.az/az/azerbaycan-prezidenti-rasim-eliyevin-meselesini-nezarete-gturdu/#.VmF0iXYrLDc>

³¹ http://www.bbc.com/azeri/azerbaijan/2015/08/150810_rasim_aliyev_updates

³² http://www.bbc.com/azeri/azerbaijan/2015/09/150917_azeri_journo_disappearance

³³ http://www.amerikaninsesi.org/content/meydan_tv/2971075.html

³⁴ <http://tac.az/meydan-tvniin-%C9%99m%C9%99kdaslari-xaric%C9%99-buraxilmadi/>

³⁵ <http://contact.az/docs/2015/Analytics/072200123850az.htm#.VmFai3YrLDc>

³⁶ http://www.bbc.com/azeri/azerbaijan/2015/07/150731_emin_milli_relatives

According to the information as of December 1, 2015, 10 journalists and 6 bloggers have been punished or imprisoned. They are:

1. *Tofiq Yagublu*, correspondent of “*Yeni Müsavat*” newspaper³⁷
2. *Rauf Mirgadirov*, correspondent of “*Zerkalo*” newspaper
3. *Seymur Hazi*, employee of “*Azadlıq*” newspaper and *Azerbaijan Saati*
4. *Khadija Ismayil*, researched-journalist
5. *Ilkin Rustamzade*, blogger³⁸
6. *Parviz Hashimli*, employee at “*Bizim yol*” newspaper
7. *Shirin Abbasov*, freelancer at *Meydan TV*
8. *Abdulla Abilov*, blogger³⁹
9. *Omar Mammadov*, blogger⁴⁰
10. *Arshad Ibrahimov*, correspondent of “*Azadlıq*” newspaper⁴¹
11. *Siraj Karimli*, blogger⁴²
12. *Araz Guliyev*, editor in chief of *xeber44.com* religious web site⁴³
13. *Nijat Aliyev*, editor in chief of *azadxeber.org*⁴⁴
14. *Rashad Ramazanov*, blogger⁴⁵
15. *Ilkin Mammadli*. Temporary editor in chief at “*Azadxeber.az*” site⁴⁶
16. *Mikayıl Talibov* former employee at *Access Bank*⁴⁷.

³⁷http://musavat.com/news/gundem/tofiq-yaqubluya-5-ilqar-memmedova-7-il-ish-verildi_187248.html?welcome=1; Tofiq Yagublu and Ilgar Mammadov were arrested during their one day visit to Sheki after Ismayilli incidents and were sentenced to 5 year and 7 year imprisonment respectively as “organizers” of protest.

³⁸http://www.slate.com/blogs/future_tense/2013/05/20/ilkin_rustemzade_azerbaijani_activist_lands_in_jail_for_hooliganism_over.html

³⁹ <http://contact.az/docs/2014/Social/052700079764az.htm#.VmFmcHYrLDc>; Abdulla Abilov, the blogger imprisoned for 5 years on May 27, 2014 is accused of the crime related to narcotics.

⁴⁰ <http://az.apa.az/news/348702>; Omar Mammadov, a member of Civic Solidarity Party and blogger, was sentenced to imprisonment for 5 years on July 4, 2014 and accused of the crime with application of narcotics.

⁴¹ <https://www.meydan.tv/az/site/politics/2698/Jurnalists-%C6%8Fr%C5%9Fad-%C4%B0brahimov-11-il-azad%C4%B1qdan-m%C9%99hrum-edildi.htm>; Arshad Ibrahimov, the journalist, was sentenced to 11 year imprisonment based on Criminal Code, Article 182.3.2. (Extortion) under the decision of Ganja City Court on August 13, 2014.

⁴² <https://www.meydan.tv/az/site/news/5171/Sirac-K%C9%99rimli-6-il-azad%C4%B1qdan-m%C9%99hrum-olundu.htm>; Siraj Karimli, Faraj Karimli’s (member of Modern Equality Party) brother was sentenced to 6 year imprisonment for storage and sale of big amount of narcotics under the Criminal Code at Baku Court for Grave Crimes on March 16, 2015. He was arrested on July 17, 2014. “Amnesty International” organization recognized Siraj Karimli as “Imprisoner of conscience”.

⁴³ <http://www.azadliq.org/content/article/24948798.html>; Araz Guliyev, editor of “*Xeber44.com*” site functioning in Masalli, was sentenced to 8 years imprisonment at Lankaran Court for Grave Crimes on April 5, 2013. He was charged under Criminal Code, Article 283 and accused of creating religious hostility.

⁴⁴ http://www.faktxeber.com/jurnalists-nicat-aliyev-mhkmd-dhtli-faktlar-aqlad_h425880.html; Nijat Aliyev. Editor in chief of “*Azadxeber.org*” site was sentenced to imprisonment for 10 years at Baku Court on Grave Crimes, under the chairmanship of the Judge Zeynal Ahhayeve. He claimed in the court that he was taken to Embassy of Israel and tortured in the by the person going out from embassy Office.

⁴⁵ <http://www.amerikaninsesi.org/content/hebs/1789366.html>; Rashad Ramazanovun (Rashad Aghaaddin) was sentenced to imprisonment for 9 years and charged under the Criminal Code, Article 234.4.3. (illegal manufacturing and processing of narcotics or psychotropic substances). Ramazanov rejected this accusation and announced the reason of his imprisonment by political motives for critical posts in facebook.com social network.

⁴⁶ Ilkin Mammadli, acting editor of “*Azadxeber.az*” site was sentenced to administrative arrest for 22 days upon the court decision dated December 1, 2015. He was charged with the Code of Administrative Offences, article on “hooliganism”. <https://www.bizimyol.info/news/67273.html>

⁴⁷ <http://teleqraf.com/1/news/24948> was sentenced to 9 months corrective work and penalty based on the Criminal Code, Article 147.1 (slander) for the post on Facebook about Access Bank.

It is very interesting that, all the above listed people, except for Mikayil Talibov (punished for defamatory imputation) were sentenced for different accusations, such as drag abuse, hooliganism, tax evasion, etc. By that fact, the government demonstratively shows that the journalists and bloggers were not imprisoned under articles on defamatory imputation but for certain crime actions. However, since there is no fair court investigation, all the false accusations had resulted in punishing of these people for freedom of expression.

Such mass threat against freedom of expression has increased self-censorship of journalists and bloggers. Actually, number of severe critical expressions, articles, journalist investigations discovering facts of corruption has decreased sufficiently. It is the result of toughening of legislation and increase of intimidations and even severe court sentences for false accusations in practice. Since there is no fair and impartial court system in the country, the law enforcement employees intervene with criminal processes⁴⁸, public control capacities decrease regularly, the status of freedom of expression has been affected and is shrinking overtime.



⁴⁸ <http://anspress.com/index.php?a=2&lng=az&cid=9&nid=365009>

C. General assessment of freedom of expression – Conclusion

1. Only restrictive provisions were included to the laws directly or indirectly regulating all types of online and offline media, including the laws regulating access to information and documents.
2. Adoption of the law on decriminalisation of defamation was rejected, and on the contrary, new norms were included to the criminal law, which criminalise defamation over the online media and social networks.
3. The activity of the state body which regulates the broadcasting media lacks transparency. All the televisions, radios continued unilateral broadcasting policy and political pluralism was destroyed.
4. “Ictimai TV”, the public service broadcaster, was not able to get far from being a next government channel, closed the doors to alternative ideas in the society and did not organize political debates during parliamentary elections. It played the role of publicist for the government. The state owned AzTV still remains as a huge propaganda tool with bias and unbalanced reporting. The Government increases its financial, frequency and other supports of the state TV and radio corporation.
5. Safety and inviolability of journalists has become a serious problem and many numbers of journalists are not able to exercise their rights to freedom of expression, whereas 11 journalists and 6 bloggers have become victims of freedom of expression directly with different reasons and have been subject to long term imprisonment. At the reporting time, number of journalists and bloggers who have been imprisoned is 16. However, in fact the real victims of the government pressures to journalists are high. As the 6 close relatives of very critical to the government journalists, who are immigrated but continue working from abroad, were arrested for their relatives’ journalistic activities. And several number of political prisoners, like Fuad Qahramanli, who has been arrested for his facebook post criticizing the government policy, were jailed for their political expressions.
6. As a result of broad advocacy of intolerance against freedom of expression, one journalist became a victim of intolerance for free speech and was beaten and killed.
7. The medium for exercising the right to the freedom of expression granted to journalists, bloggers and political figures has been restricted. Being afraid of

threat of imprisonment, most journalists preferred self-censorship, and number of researches has decreased. The number of qualified journalists leaving for foreign countries has been increased rapidly.

8. The norms which restricts foreign mass media representatives to come to the country, were enacted, the work of local journalists with foreign mass media representatives was hindered by different reasons, pretexts, their bank accounts were arrested, even individual bank transfers were taken under control, they were subject to strict examinations during travels from/to abroad or they were exposed to travel bans.
9. The NGO's and lawyers providing legal protection of the rights of journalists and other persons subject to restriction of freedom of expression and the media, and presenting them to the court suffered from prosecutions, or criminal cases were filed against them, their bank accounts were arrested, the activity of the companies were impeded.
10. Possibilities on provision of grants to media companies and journalists by International humanitarian organizations were restricted legally and the companies working on this tendency in the country could not withstand threats and prosecutions, the criminal cases launched against them, arrest on bank accounts and confiscation of equipment and documents, and closed down their offices and left the country.
11. Freedom of information which is necessary for realization of right to freedom of expression has become more problematic. The Commissioner's Office on Information Issues were cancelled and given to Ombudsman. However, Ombudsman has not been able to use this right for last three years. Although it is according to Ombudsman, mainly connected with non-provision of staff, in fact, it is caused by restriction of opportunities for supervision over the government.
12. Although the status of internet is free in comparison with other fields, high internet prices, introduction of internet provider by one domain company, installation of special facilities in the offices of internet providers without court decision, the opportunities enabling intervention with privacy of messaging, blockages against freedom of messaging are still considered as serious problems. Blockage against visual and voice features in mobile platforms such as WhatsApp, Facebook messenger, especially calls by officials on licensing such services led freedom of internet to level of concerns.

D. Recommendations

1. The regulations on freedom of expression, especially the laws on TV and radio broadcasting, public broadcasting and obtaining information, Code of Administrative Offences, Criminal Code) must be reviewed again to comply with international legal rules and standards that the Republic of Azerbaijan has committed to;
2. Laws regulating the free expression rights should be reviewed and be adopted to ensure its conformity to the advanced international standards of free expression rights, particularly to the commitments before UN, OSCE and CoE. The government must mobilize all forces for its practical implementation.
3. National Television and Radio Council, public organization regulating broadcast media, must be reorganized in the framework of "Recommendation to public organizations supervising broadcast media" of the Committee of Ministers of European Council and representation of alternative political parties in this organization must be ensured. The laws and regulations must be reviewed again as to comply with the principles of freedom of expression, transparency in operation, especially licensing, planning and decision-making process of the organization must be ensured, information about broadcasters, their founders and shares must be publicly available, no interference with broadcasting activity must be allowed and pluralism must be promoted.
4. The notion of government's broadcast media must be removed, the government's broadcaster must be privatized and governmental support must be terminated completely. Political view must not be prioritized in issuing the license, any applicant with required technical and legal potential must receive license. Especially, following the transfer to digital broadcast, national frequency resources must be used effectively; regional, local radio and television channels must be promoted.
5. It is necessary to form public broadcast by maintaining the political balance of the Broadcasting Council. This broadcaster must not be governmental channel and open its doors to alternative thoughts in the public, provide balanced floor to the political parties with no prerequisites in any level during the elections. There must be a legal provision that this broadcast is not financially dependent on government and a system not depending on the government must be adopted.
6. The crimes of murdered journalists, particularly the assassinations of Elmar Huseynov, Rafiq Tagi must be solved, all cases including those who ordered

those crimes must be brought to justice and the investigation must be accelerated. The safety and immunity of journalists must be fully provided, journalists must not be chased, and discrimination in provision of information must be avoided. All imprisoned journalists must be freed and paid compensation for imprisonment on false charges, all persons developing and leading criminal case, as well as those approving these decisions as a tool must be punished and removed from public service and supremacy. All political prisoners whose freedom of expression has been violated, and who were jailed on false charges because they were distributing disturbing thoughts must be freed.

7. Promotion of intolerance of the freedom of expression in official outlets must be stopped, especially tolerance of public figures officers and politicians to criticism must be promoted and special platform must be given to these issues in the law on Defamation. Article 323 protecting the honour and dignity of the President, articles 147 and 148 regulating slander and insult issues in the Criminal Code must be removed, defamation must be decriminalizing (decriminalization), and refutation and civil claim must be applied for defamation. Besides, there must be a ceiling for penalties imposed for defamation, which must be linked to minimum wage (maximum 10 times).
8. The circle of freedom of expression recognized for journalists, bloggers and political figures must be broadened, fundamental responsibility of the state must be provision of free environment, and restrictions must be less, specific and necessary in democratic society, not harm the freedom itself. Unofficial censorship on televisions must be withdrawn completely, blacklists and interference from outside must be eliminated, all reasons aimed to fear, harassment and self-censorship of the journalists must be eliminated. All conditions must be created for journalists having left the country to return and continue activity freely. Any actions by official agencies, law-enforcement bodies, tax and financial authorities, border-customs checkpoint bodies to press the journalists must be avoided once and for all.
9. All restrictions on access of foreign mass media representatives to the country must be lifted, it must be acknowledged that the right to obtain information is a generally recognized right. There must be no obstacles for local journalists to cooperate with foreign mass media, it must be recognized that freelance journalists hold equal rights with other journalists and journalists must not face harassment or violence for their activity in their visit to or out of the country.
10. Human rights defenders and lawyers fighting against the violations of the freedom of expression of every person, including the journalists, defending their

rights and making them public must not be chased or led to any problem, legal conditions must be maintained in order to allow them to receive any local and foreign grants to set up their operation.

11. International humanitarian organizations must be allowed to resume operations in the country, rules and regulations forming discrimination in practice must be eliminated, issuing grants to media outlets and journalists must not be impeded, but must be promoted and various concessions must be provided.
12. Restrictions imposed on freedom of information must be eliminated, information owners must be obliged to disclose information, the provisions in the law on obtaining Information existing in 2005 must be resumed and applied. The activity of Ombudsman in this field must be extended and control over the organizations must be practical and functional.
13. Provisions (article 39) of the law on Telecommunication allowing technical surveillance for relevant organizations without any court decision which creates a problem for the freedom of internet must be eliminated, no technical chasing must be allowed without any court decision, no forced blocking or delay must be enforced, alternative traffic must be supported and monopoly must be eliminated and price policy must be liberalized. All obstacles on free usage of all platforms provided by social networks must be eliminated, informing via multimedia means must be free. Any blocking of visual and voice features on mobile platforms such as WhatsApp and Facebook messenger must be immediately eliminated; calls by officials to apply licenses for such services must be stopped.

Annex 1

Recommendations to the Republic of Azerbaijan on the freedom of expression, freedom of the media and rights of journalists within the framework of United Nations Universal Periodic Review 2013

109.79. Take adequate measures for the safety of civil society, including political activists and journalists; conduct impartial, thorough and effective investigations into all cases of attacks, harassment, and intimidation against them and bring perpetrators of such offenses to justice (Canada);

109.103. Reform its legal framework on freedom of religion by streamlining, facilitating and increasing the transparency of the registration process for religious organizations, including eliminating the obligation for religious groups to seek prior authorization to gather, and removing limitations on the printing, import and distribution of religious materials (Canada);

109.104. Increase action aimed at ensuring the promotion of freedom of religion for all confessions throughout the country (Italy);

109.105. Ensure the full enjoyment of the right to freedom of expression in line with country's international commitments (Slovakia);

109.106. Guarantee the rights to freedom of expression, association and peaceful assembly particularly by allowing peaceful demonstrations in line with the obligations stemming from the International Covenant on Civil and Political Rights (Switzerland);

109.107. Put in place additional and fitting measures to ensure respect for freedom of expression and of the media (Cyprus);

109.109. Expand media freedoms across print, online and, in particular, broadcast platforms, notably by ending its ban on foreign broadcasts on FM radio frequencies and eliminating new restrictions on the broadcast of foreign language television programs (Canada);

109.110. Take effective measures to ensure the full realization of the right to freedom of expression, including on the Internet, of assembly and of association as well as to ensure that all human rights defenders, lawyers and other civil society actors are able to carry out their legitimate activities without fear or threat of reprisal (Czech Republic);

109.111. Ensure that human rights defenders, lawyers and other civil society actors are able to carry out their legitimate activities without fear or threat of reprisal, obstruction or legal and administrative harassment (Sweden);

109.112. Put an end to direct and indirect restrictions on freedom of expression and take effective measures to ensure the full realization of the right to freedom of expression and of assembly (Poland);

- 109.113. Ensure the full exercise of freedom of expression for independent journalists and media, inter alia, by taking into due consideration the recommendations of the Council of Europe Commissioner for Human Rights (Italy);
- 109.114. Ensure that journalists and media workers are able to work freely and without governmental intimidation (Germany);
- 109.115. Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the Government may find sensitive (Slovenia);
- 109.116. Protect and guarantee freedoms of expression and association in order to enable human rights defenders, NGOs and other civil society actors to be able to conduct their activities without fear of being endangered or harassed (France);
- 109.117. Strengthen measures to guarantee a safe and conducive environment for the free expression of civil society (Chile);
- 109.118. Remove all legislative and practical obstacles for the registration, funding and work of NGOs in Azerbaijan (Norway);
- 109.119. Ensure that all human rights violations against human rights defenders and journalists are investigated effectively and transparently, with perpetrators being promptly brought to justice, including pending unresolved cases requiring urgent attention (United Kingdom);
- 109.120. Ensure prompt, transparent and impartial investigation and prosecution of all alleged attacks against independent journalists, ensuring that the media workers do not face reprisals for their publications (Slovakia);
- 109.121. Review legal and administrative requirements for the registration of NGOs, which would simplify the process and encourage the independence of civil society representatives (Mexico);
- 109.122. Eliminate the practice of unlawful postponement and of refusal to register NGOs, including international NGOs and those critical of the Government and defending human rights (Germany);
- 109.123. Lift administrative restrictions on NGOs and peaceful demonstrators; refrain from imposing charges on peaceful demonstrators; refrain from acts leading to the closure of NGOs or the suspension of their peaceful activities, and instead promote a meaningful political dialogue that allows and embraces diverging views, including those of human rights defenders, NGOs, journalists, political activists and others (Netherlands);
- 109.124. Thoroughly and transparently investigate and prosecute all alleged incidents of pressure in the form of harassment and lawsuits of journalists, editors and human rights defenders (Norway);
- 109.125. Release individuals incarcerated for publicly expressing their opinions and ensure due process for other detainees (United States of America);

109.126. Reform its defamation legislation in conformity with article 19 of the International Covenant on Civil and Political Rights (ICCPR), investigate all incidents of intimidation and violence against journalists and bring perpetrators to justice (Austria);

109.128. Refrain from initiating defamation lawsuits against civil society activists and journalists, and put an end to the practice of detaining these individuals engaging in the exercise of their legal civil and political rights (Canada);

109.129. Refrain from imposing excessive fines on media outlets for defamation, while working to adopt the law on defamation, which abolishes criminal liability for defamation and insult (Netherlands);

109.130. Ensure that obligations regarding freedom of assembly and freedom of expression, to which Azerbaijan committed on becoming a member of the Council of Europe, are implemented consistently and transparently (Australia);

109.131. Redouble its efforts to guarantee the freedom of association, also by improving the environment for NGOs to freely carry out their activities (Italy).

Recommendation by UN Human Rights Committee

- The Committee encourages the member state to take necessary measures to end direct and indirect restrictions on freedom of speech. The law on defamation should be in line with article 19 of the Covenant by striking the balance between the protections of reputation with freedom of expression. In this respect, the member state is called to review the ways of striking the balance between disseminating information on acts of public figures and right of democratic society on obtaining information in public interest. The member state is also urged to protect mass media representatives against any attempts to their lives and dignity, and in case of such attempts, to demonstrate special attention and take effective response. The member state should not stop the local broadcast of independent newspapers and radio stations unreasonably within the limit. Finally, the member state shall act with the user of untraditional mass media in strict compliance with article 19 of the Covenant. (International Covenant on Civil and Political Rights, para. 15)
- The Committee recommends that the member state take steps to ensure the rights of registration of all civil society organizations dealing with economic, social and cultural rights and their free and unlimited activity. The Committee further recommends that the member state lift financial sanctions on and administrative procedures requiring the funds allocated by foreign sources to be reported and registered under the Code of Administrative Offence. (Economic and Social Council, para. 25)
- The committee urges the member state to fulfil its obligation on ensuring the safety of artists and writers, putting an end to their detention, protecting them against any threats due to their creative activity in a proper manner and preventing the attempts of propaganda full of intimidation and hatred. (Economic and Social Council, para. 24)