

Azerbaijan

Status: Not Free

Legal Environment: 23

Political Environment: 27

Economic Environment: 22

Total Score: 72

The constitution guarantees freedom of speech and the right of citizens to receive information freely. However, in 2004, due to the absence of an independent judiciary as well as significant financial pressures, the press remained dependent on the government and the oligarchs. The 1999 Law on Mass Media regulates the press. The government used criminal defamation suits, which allow for 3-year prison sentences and high fines, to harass and bankrupt journalists and media outlets. Amidst a slew of criminal and civil libel lawsuits this year, in a positive development, criminal defamation charges were dropped against Irada Huseynova, an exiled journalist.

In 2004, parliament adopted the Law on Public Television, which provides for the transformation of Azerbaijan State Television, the largest broadcaster, into a public television station. International experts and observers have criticized the law and whether it provides for adequate implementation and a completely independent public television station. An improved draft of the Law on Freedom of Information was submitted to Parliament and is expected to be adopted during the spring 2005 session. Mass media have self-regulation bodies, the Press Council and the Broadcasting Council, but these remain under tight official control. Likewise, the National Council for Television and Radio, which is charged with issuing licenses and monitoring broadcasts, is inefficient and dependent on the government, and did not issue any licenses during the year.

Reporters continue to face intimidation and attacks at the hands of the authorities. Editorial staff of the weekly *Monitor*, Elmar Huseinov and Einulla Fatullaeva, were prosecuted and physically harassed, while Aydin Guliyev, editor of the opposition *Baki Khabar*, was kidnapped and beaten in July. Harassment of the opposition following the presidential election in October 2003 has affected mass media as well. Rauf Arifoglu, editor of the popular opposition daily, *Yeni Musavat*, was detained following the elections and in October 2004 was sentenced to 5 years in prison for taking part in mass protests after the election. More than 40 independent or opposition newspapers and over 20 television and radio stations operate, and the print media in particular provide diverse, if partisan, views.

However, the government or ruling elite own most of the printing presses, which print only state-owned or pro-government publications; Chap Evi, the sole independent printing press, had its electricity cut off several times throughout the year and was pressured to relocate. The government also hinders distribution of the opposition press by harassing independent newspaper vendors. The major source of news remains government-controlled television and radio and the opposition has no access to television programs. The government requires Internet Service Providers to receive formal licenses from the Ministry of Communications and Information Technologies.

A population too poor to buy newspapers, an underdeveloped market for advertising, and monopoly in the most profitable economic spheres are the main reasons why the press is a non-profit activity in Azerbaijan and is financially dependent on its sponsors. A new tendency which was manifest by the end of the year is that talented journalists from opposition or independent

newspapers are lured by higher salaries and fees to publications controlled by government-friendly monopolies.