



INSTITUTE FOR REPORTERS' FREEDOM AND SAFETY

To: U.S. Secretary of State Ms. Hillary Clinton
From: Institute for Reporters' Freedom and Safety

June 29, 2010

Dear Madam Secretary,

We address this appeal to you in anticipation of your official visit to Azerbaijan at the beginning of July. On 17 May 2010, U.S. President Barack Obama signed the Daniel Pearl Press Freedom Act, which calls for support of freedom of speech worldwide. President Barack Obama said at the signing of the act, "All around the world there are enormously courageous journalists and bloggers who, at great risk to themselves, are trying to shine a light on the critical issues that the people of their country face; who are the frontlines against tyranny and oppression." Azerbaijan is such a place – a place where journalists, bloggers and mass media entities face many dangers and are subjected to tyranny and oppression in their everyday operations. This country is a place that needs U.S. support for freedom of speech.

In March 2005 Monitor Journal Editor-in-Chief Elmar Huseynov was shot to death. To this day his murder remains unsolved. In lieu of the solving the murder, Azerbaijani authorities continue to artificially prolong the investigation. Additionally, the government does not allow journalists to review investigative material on the case, complicating the conduction of an alternative investigation. In democratic countries, charity foundations are established in honor of journalists when they die tragically; and monuments, streets, and parks are named after them. However, in Azerbaijan, authorities have denied even a few square meters to erect a monument for Elmar Huseynov, despite numerous appeals of civil society representatives.

Elmar Huseynov's colleague and friend Realny Azerbaijan and Gundalik Azerbaijan newspapers' Editor-in-Chief Eynulla Fatullayev was arrested in 2007 on trumped-up charges of defamation, terrorism, and tax evasion. At the time he was conducting his own investigation into Huseynov's murder. Several times this year Eynulla Fatullayev has stated publicly in court that the results of his investigation showed that Akif Chovdarov, a high-ranking official of the Ministry of National Security, was involved in the murder of Elmar Huseynov. The Ministry of National Security is investigating Elmar Huseynov's murder, so we find it highly unlikely that Fatullayev's statements will ever be considered. On the contrary, the Ministry of National Security has tried to stop these statements from Fatullayev from being distributed in the media and summoned for interrogation the leaders of mass media who were brave enough to publish this statement of Fatullayev. Among them is the head of RFE/RL's Azerbaijani Bureau.

Despite the recent decision of the European Court of Human Rights on Fatullayev's case to immediately release him, Fatullayev remains imprisoned today. It is widely believed that this is because Azerbaijan's government anticipated the European Court of Human Rights decision ordering Fatullayev's release, and therefore organized a provocation in prison. Specifically, drugs were planted on Fatullayev's jail cell in December 2009 in order to convict him under new charges. As a result of these new trumped-up charges, Fatullayev may receive a new three-year prison term. A court verdict is expected on the drug charges trial against Fatullayev in the near future.

In addition to Fatullayev, two youth bloggers - Emin Abdullayev (Milli) and Adnan Hajjzade – are wrongfully imprisoned in Azerbaijan. These two men, well known bloggers, were physically attacked while at a café. They were arrested while their attackers, i.e. agent provocateurs, remain free. The real reason for Hajjzade and Abudullayev’s arrest is most likely a satirical video clip of a donkey mocking the Azeri government. The clip was created by Hajjzade and Abdullayev and placed on YouTube, where it has become widely popular.

Eynulla Fatullayev, Emin Abdullayev, and Adnan Hajjzade have all been recognized as prisoners of conscience by Amnesty International and other international and local human rights organizations. Despite numerous calls for their release, the government keeps them in prison.

The government of Azerbaijan has also displayed its lack of tolerance for freedom of speech by strictly controlling the broadcast media. In January 2009, authorities banned VOA, RFE/RL, and BBC from local FM frequencies. The government also controls the licensing of TV and Radio sectors and excludes the possibility of opening new truly independent TV and Radio companies. Furthermore, the government prevents foreign investors from co-establishing broadcast media in Azerbaijan. Professional monitoring of Azerbaijan’s nationwide TV channels shows that the TV channels do not provide any coverage that is critical of the Azerbaijani government. Instead of broadcasting socio-political events neutrally, the work of governmental authorities is always given positive coverage. Moreover, the nationwide TV channels allocate most of their broadcast time for positive coverage of incumbent President Ilham Aliyev and his father, late president Heydar Aliyev. Opposition members and independent public figures basically are never allowed to appear on local TV channels.

At present, the Internet is the only place where it is possible to freely distribute information; however, this sector also has many problems. In fact, due to a state monopoly, internet prices in the country remain the highest in the region, which makes it difficult for people to access. Moreover, about 80 percent of internet users use a low speed connection. The delay in the transfer of users to mass broadband Internet is likely associated with the authorities’ concern about the potential distribution of video content on the Internet. The evidence behind this is recent statements made by high-ranking officials to introduce licensing for Internet TV and a tightened legislation to regulate the Internet in order to gain control over the activities of social networks such as Facebook. Also, the arrest of Adnan Hajjzade and Emin Abdullayev was likely intended to discourage internet users whose opinions differ from those of the government.

The situation of print media is also extremely difficult. Opposition and independent media are deprived of advertising revenues from businesses. This is because most of the major businesses indirectly belong to senior government officials, which makes it impossible for opposition and independent media to receive advertising money. Representatives of small businesses fear persecution by tax authorities if they allocate resources for advertising in opposition or independent newspapers. Due to ineffective newspaper distribution networks and government interference, the distribution of newspapers in Azerbaijan’s regions is particularly deficient. Even in Baku there are problems; although the city’s population exceeds 3 million people, the general daily circulation of the two most popular opposition newspapers does not exceed 15,000. Despite the authorities’ claim that there are several thousand registered newspapers in Azerbaijan, in reality only about 20 daily and 10 weekly newspapers are regularly published. Most print media imposes self-censorship on criticism of senior government officials and investigative reporting related to government and business corruption because there is fear of physical, moral, and financial reprisals.

The legal framework for media freedom in Azerbaijan is also in need of reform and effective implementation. Azerbaijan has a law in place that secures freedom of information but in most cases information requests from journalists addressed to government entities go unanswered. If a

journalist publishes material that has inaccuracies due to the failure of state agencies to provide information, the journalists face lawsuits. In addition, despite appeals from international organizations, Azerbaijani authorities refuse to decriminalize defamation.

All of this indicates that Azerbaijan lacks freedom of speech. The situation in this sphere has continued to worsen from year to year. It is important to note that the situation always worsens during elections, and parliamentary elections will be held in Azerbaijan this year in November. Elections are not free and fair in countries that lack freedom of speech – how can the candidates express their views or criticize incumbent officials when they are not allowed on TV and live in fear of retribution their dissenting views.

Madam Secretary, although we have attempted to inform our government about these concerns and to make constructive suggestion, all our appeals to the authorities of Azerbaijan have been ignored. In light of these circumstances, we ask that during your upcoming visit to Azerbaijan you raise these concerns and discuss ways to resolve these issues with the political leadership of Azerbaijan. Specifically, we believe the government of Azerbaijan needs to be encouraged to:

- immediately release Azerbaijan's three prisoners of conscience – Eynulla Fatullayev, Adnan Hajizade and Emin Abdullayev (Milli);
- find and prosecute the people responsible for the murder of journalist Elmar Huseynov;
- liberalize the law on broadcasting, allow foreign radio stations to be broadcasted and permit foreign investment in the broadcasting sector;
- ensure that the law guaranteeing freedom of information are implemented and adhered to;
- decriminalize defamation;
- fulfill its international obligations in the area of human rights, especially those related to freedom of expression;
- withdraw measures currently being pursued by government officials to increase their control over the Internet.

Thank you for your attention to this matter.

Sincerely,

Emin Huseynov
IRFS Chairman



Copy: U.S. Embassy in Baku, Azerbaijan

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