

December 16, 2015

Hearing on “Azerbaijan’s Persecution of RFE/RL Reporter Khadija Ismayilova”

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Testimony before the Helsinki Commission

Commission Chair Rep. Chris Smith, Members of the Commission, thank you for convening this very timely and important hearing. Thank you for inviting me to testify today. By your invitation, you honor the work Reporters Without Borders / Reporters Sans Frontieres has done since 1985 to defend journalists and freedom of information all over the world.

Reporters Without Borders is the largest press freedom organization in the world with 30 years of experience. Thanks to its unique global network of 150 local correspondents investigating in 130 countries, 11 national offices (Austria, Belgium, Brazil, Finland, France, Germany, Spain, Sweden, Switzerland, Tunisia, USA) and a consultative status at the United Nations and UNESCO, Reporters Without Borders is able to have a global impact by gathering and providing on the ground intelligence, and defending and assisting news providers all around the world.

Azerbaijan is ranked 162nd out of 180 countries in the 2015 Reporters Without Borders World Press Freedom index. This index measures the level of freedom of information. It reflects the number of journalists jailed or killed, the degree of pluralism, media independence, self-censorship, and transparency in each country. Azerbaijan is ranked lower than Egypt or Pakistan.

In my remarks this afternoon, I will focus on three aspects of Azerbaijan’s crackdown on journalists and press freedom:

- Suppression of media pluralism
- Imprisonment of critical journalists
- Violence towards journalists

I – Suppression of media pluralism

President Ilham Aliyev has suppressed all media pluralism in Azerbaijan. He has orchestrated an unprecedented crackdown on the remaining critics for the past two years.

A partial media regulation authority and manipulations of the advertising market have brought broadcast media under control. Corruption, blackmail and intimidation have systematically been used to chase journalists away from independent reporting.

I would like to highlight just a few examples: the Baku bureau of *RFE/RL* was forcibly closed down after a police raid in December 2014 ; the independent newspaper *Zerkalo* was financially strangled and closed down earlier this year ; the main opposition newspaper, *Azadliq*, is on the verge of collapse due to astronomical fines and government-organized debts and it frequently stops printing its few thousand copies.

After successfully suppressing media pluralism at home, the Azerbaijani authorities have waged a war against foreign-based independent media, created by prominent Azerbaijani journalists forced into exile. The authorities seem to be stopping at nothing in their determination to persecute independent journalists.

[Ganimat Zahid](#) is the well-known editor of the opposition newspaper *Azadliq*. Ganimat Zahid fled to France in 2011 and has lived there ever since. Instead of being satisfied with forcing Zahid to flee the country, the authorities are now hounding members of his family who are still in Azerbaijan. The family name is Zahidov. After placing his 87-year-old mother's home in Meysari, a village in the central Shamakhi region, under close surveillance, the police began rounding up his other relatives. His nephew Tural Zahidov was arrested on July 18, 2015 for allegedly refusing to comply with instructions from the police and was quickly given an "administrative" sentence of 30 days in detention. His cousin Rovshan Zahidov and another nephew, Rufat Zahidov, were arrested separately two days later. Rovshan was sentenced to 25 days of "administrative" detention on a charge of refusing to comply with police instructions while Rufat is facing 5 to 12 years in prison on a charge of drug possession under article 234.4.1 of the criminal code. None of these relatives are involved in any journalistic or political activity.

Zahid, who was awarded the Reporters Without Borders Austrian section's press freedom prize in 2009, was himself arrested on trumped-up charges in November 2007 and was not released until [March 2010](#). He fled the country with his wife and children the following year, after they were the targets of serious threats, and has continued to run *Azadliq* from exile in France.

In 2012, Zahid set about breaking down the wall of broadcast censorship by launching [Azerbaijan Saati](#), a TV program transmitted by satellite to Azerbaijan from abroad for several hours every week. It was jammed and then ousted from the original satellite but new satellite space was quickly found.

Zahid plans to increase the length of the programs. Despite the harassment of his family, he told Reporters Without Borders that nothing would convince him to terminate his journalistic activities.

Another worrying example of the Azerbaijan government harassment of independent media in exile is *Meydan TV*, a Berlin-based online TV station and news website run by Emin Milli, an Azerbaijani journalist now living in Germany. Founded in 2013, *Meydan TV* quickly established itself as a leading independent source of information about this authoritarian country. It offers investigative reporting, news coverage and news analysis that contrast starkly with what the tightly

controlled media based in Azerbaijan provide. In particular, it provides a great deal of coverage of corruption and human rights violations.

In October 2013, *Meydan TV* [revealed](#) that the results of the presidential election had been determined in advance by software developed by the Central Electoral Commission.

During the European Games in June 2015, *Meydan TV* repeatedly reported stories that were embarrassing for the government, including the serious injuries sustained by three Austrian athletes when hit by a bus, and state TV's use of a [fake British tourist](#) to sing Azerbaijan's praises in an interview.

Azerbaijan authorities enraged by the failure of their European Games media plan to conceal their massive human rights violations.

Milli, who fled to Germany in 2012 after 18 months of [arbitrary imprisonment](#), has given many interviews to the international media about the corruption surrounding the Baku European games and the way the authorities have tried to use them to improve their international image and divert attention from the disastrous human rights situation inside Azerbaijan.

He reported on June 26, 2015 that an intermediary [had passed him](#) a message from the sports minister promising that “the state will punish you for this smear campaign against the state that you have organized.”

Azerbaijani officials prevented four *Meydan TV* journalists – Natig Javadli, Elnur Mukhtarov, Ayten Alekperova and Shirin Abbasov – from crossing the border into neighboring Georgia on June 30, 2015, [telling them they were banned](#) from leaving the country.

Most of the journalists who were prevented from leaving the country in 2014 were subsequently arrested or placed under investigation.

Yafez Akramoglu, who used to work for the Prague-based Azerbaijani service of *Radio Free Europe/Radio Liberty*, said on June 29, 2015 he also had received repeated threatening calls from the provincial headquarters of the Ministry of National Security (MNS) in the autonomous province of Nakhchivan. He said his caller told him he was “under surveillance” and that he and his relatives who were still in Azerbaijan would soon be “punished” if he did not stop investigating the business activities of those close to [the head of the provincial government](#).

In addition, all media support and press freedom NGOs were forcibly closed down in 2014 : among the most prominent ones, the Institute for Reporters' Freedom and Safety (IRFS - Reporters Without Borders local partner organisation), Media Rights Institute, IREX Azerbaijan...

IRFS Chairman Emin Huseynov had to hide nearly one year in the Swiss embassy in Baku before an agreement was made to let him leave the country. He is living in exile in Switzerland.

Independent journalists are left with the choice between arrest, exile (dozens have left in the past two years), or silence.

II. Imprisonment of critical journalists

Twelve journalists and bloggers are currently detained in connection with their reporting in Azerbaijan.

The most famous one is **Khadija Ismayilova**. She is Azerbaijan's leading investigative reporter. She covered corruption at the highest level. The authorities finally **arrested her** in December 2014 after their many attempts to intimidate her into silence failed. End of November 2015, a Baku appeal court's confirmed her seven-and-a-half-year jail sentence. The supreme court still has to examine the case but Ismayilova will now be transferred to a women's prison to begin serving the sentence **she received** on September 1, 2015 on trumped-up charges of tax evasion, abuse of authority, embezzlement and illegal commercial activity. Her arrest was a political case from the outset. She is in prison because of her journalistic work and her human rights activism.

I would like to highlight as well the case of **Rauf Mirkadyrov**, whose trial began behind closed doors on November 4, 2015, a year and a half after his arrest. The trial was quickly expedited and the prosecutor's request is expected for December 16, 2015.

We cannot forget **Nijat Aliyev** imprisoned since May 2012, **Hilal Mammadov** since June 2012, **Araz Guliyev** since September 2012, **Tofiq Yagublu** since February 2013, **Shaig Agayev** since February 2013, **Rashad Ramazanov** since May 2013, **Abdul Abilov** since November 2013, **Parviz Hashimli** since September 2013, **Omar Mamedov** since January 2014, and **Seymur Khazi** since August 2014.

Arrests often take the form of kidnappings by plain-clothed officers. Journalists are arrested under trumped-up charges, such as drug trafficking or hooliganism. Trials are held in camera. The courtroom is often filled with paid State servants in order not to allow family members to attend.

We bear witness to tragicomedies in Azerbaijan's courts with scripts written long ago by President Ilham Aliyev.

We could add to this our concerns regarding draconian laws, such as the amendments signed into law on February 3 2015, which make it even easier for the government to close news outlets. The justice ministry can now ask a court to close any news outlet if it gets foreign funding or if it is found guilty of defamation twice in the span of a year.

The only surprise is its superfluous nature, in so much as the authorities usually do not hesitate to trample on their own laws in order to silence critics. Presumably it is meant to send an additional threatening message to the few remaining sources of independently reported news and information.

Since its reappearance in Russian law in 2012, the term "**foreign agent**" has been widely used in the region – along with the accusation of "political activities" – as a label to discredit NGOs that receive foreign funding.

III. Violence against journalists

Journalists in Azerbaijan are regularly threatened and even violently attacked physically. The freelance journalist Rasim Aliyev died on August 9, 2015 in a Baku hospital from the injuries he received when he was lured into an ambush and beaten the day before.

He is the fourth journalist to be murdered in the past ten years. The investigations into the deaths of **Elmar Huseynov** and **Alim Kazimli** in 2005 and **Rafiq Tagi** in 2011 have yet to yield any credible results.

Impunity for violence against journalists is systematic in Azerbaijan.

Reporters Without Borders urges the Commission, the Obama Administration, and Members of Congress to raise the issue of restrictions on freedom of the press in meetings with senior Azerbaijani officials, to demand the immediate release of all Azerbaijani journalists, to put an end to these trumped-up prosecutions, to abandon the practice of collective punishment and to investigate the murders of journalists.

The United States must make it clear to President Ilham Aliyev's regime that it follows the crimes committed against Azerbaijani journalists and media closely.

Thank you again for holding this hearing and for giving me the opportunity to contribute on behalf of Reporters Without Borders to the discussion.