

## **Azerbaijan Law Makes it Easier to Stifle Media**

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Changes to the law make it easier to get the courts to shut down inconvenient newspapers.

Recent amendments to Azerbaijan's media law make it easier for the courts to close down press and broadcast outlets that criticise the authorities. Media-watchers warn that since the judiciary is heavily influenced by government, prosecutions will inevitably result in convictions.

Amendments passed by Azerbaijan's parliament on December 16 allow courts to shut down a media outlet if it is found to be receiving funding from abroad, or if it has had two guilty verdicts against it for defamation in the space of one year.

When the amendments were debated in parliament, pro-government politicians expressed strong support for them. Zahid Oruj of the Ana Vatan party, for example, suggested that some of the media were working for unnamed foreign states.

"There is no restrictive aspect to these amendments to the law," he said. "Those who are alarmed by them are simply working for foreign intelligence services. It's their activities that these amendments are going to cut short."

The "two strikes" clause is a powerful weapon in country where it is common for critical media to find themselves facing libel actions, often brought by private individuals who claim they are acting on their own and not on behalf of government.

Rahim Hajiyev, chief editor of the Azadliq newspaper, believes his publication will be first in the firing line. (See [this story](#) on the beleaguered state of independent newspapers.)

"It is no secret that Azadliq gets taken to court several times a year. Next year will probably be no different," Hajiyev said in an interview he gave to RFE/RL. "And since Azerbaijani courts are entirely dependent on the authorities, none of our [defence] arguments are going to be heeded. In this manner, then, they'll be able to close down our newspaper after the next two court cases, simple as that. And present it as rule of law - as if the laws simply fell out of the sky."

Media lawyer Alesger Mammadli says it there is no legal justification for using past offences to impose penalties.

"If some media outlet has been penalised and fined for a biased article on two occasions, how can it be penalised a further time through closure? It's impossible to explain how that would be legal," he said.

The head of the independent news agency Turan, Mehman Aliyev, says the amended law will allow the government to do whatever it wants to muzzle criticisms.

"The authorities can use these new amendments to close down any press outlet or television channel in Azerbaijan," he said. "International studies and verdicts from the European Court [of Human Rights] have demonstrated that Azerbaijan does not have an independent judicial system. Courts that are dependent on the executive have thus been turned into instruments for closing down media outlets."

Aliyev said the bar on foreign funding was a particular point of vulnerability for some media, since even grants awarded to keep going would count as illegal.

Mammadli says the amendments represent restrictions to basic liberties which in a democracy society can only be imposed in exceptional cases when there is a proven need to do so.

"The grounds for imposing this kind of restriction are clearly set out in article 10, point 2 of the European Convention on Human Rights. And the sanctions for [breaching] these restrictions are punishable by fines, not closure of a media outlet," he said.

Media expert Khalid Agaliyev agreed with Mammadli's view that the new legal provisions went against all legal standards.

"All in all, these changes are more similar to the legislation passed in countries like China, Iran, some South American countries and Turkey. These countries have grave problems with freedom of expression," he said, adding that the recent changes reversed positive changes made when the media law was passed back in 2000.

Agaliyev also clarified that restrictions on funding from abroad would not apply to foreign media firms that

had legal permission to operate in Azerbaijan.

The harsher legal environment comes at the end of a year when independent journalists, NGOs and other independent voices have faced harassment and prosecution. (See for example **[Top Azerbaijani Journalist Behind Bars](#)** and **[New Curbs on Conflict Zone Reporting in Azerbaijan.](#)**)

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