



The South Caucasus Network of Human Rights Defenders

The South Caucasus Network of Human Rights Defenders unites 30 human rights NGOs in Armenia, Azerbaijan and Georgia. The Network seeks to facilitate creation of a safer and enabling environment for human rights defenders in the South Caucasus and to strengthen their voices in the region and internationally.

The South Caucasus Network of Human Rights Defenders World Press Freedom Day Statement

May 3, 2009

In honor of World Press Freedom Day May 3, 2009 *the South Caucasus Network of Human Rights Defenders* expresses its concern about the press freedom situations in Georgia, Armenia and Azerbaijan. Bans on independent and opposition media outlets, censorship, and harassment of journalists remain serious concerns in all three countries. In addition, in Azerbaijan, unlike Georgia and Armenia, defamation is a criminal offence.

In Armenia there is an emerging tendency to use the legal system to silence independent media. Recently, a reporter for *Aravot* and *Chorrord Ishkhanutyun* newspapers, Gagik Shamshyan, was disproportionately fined for «disrespectful behavior to the court». A similar accusation is being used in the current case against *Chorrord Ishkhanutyun* journalist Gohar Veziryan. The editor of a popular online resource *Hetq*, Eduard Baghdasaryan was beaten on November 11, 2008. On April 30, 2009 the coordinator of Armenia Today information agency, lawyer Argishti Kiviryan was brutally beaten by unknown people.

The events that preceded the 2008 presidential elections shed further light on the media freedom situation in Armenia. During the run-up to the 2008 election journalists were beaten, arrested and kept in prison, and access to the press was limited. During the 20-day emergency rule, censorship was applied only to opposition newspapers, online media and Radio Free Europe. Newspapers, such as *Chorrord Ishkhanutyun* and *Zhamanak Yerevan*, were closed. Access to online media was limited too, for example YouTube was blocked.

TV channels and most of the electronic media are under government control, which results in biased coverage of activities of the political opposition. *A1+* TV channel remains closed, despite the 2008 decision of the European Court of Human Rights declaring that the refusal of the broadcast license to *A1+* was a violation of Article 10 of the European Convention on Human Rights. The regional TV Channel *Gala* was unlawfully fined by the tax authorities on March 19, 2008. The fine was paid by Armenian citizens through a weeklong fundraising campaign.

In Azerbaijan journalists face psychological and physical attacks, such as in the cases of Idrak Abbasov (2009), Agil Khalil (2008), Uzeyir Jafarov (2007) and Hakimeldostu Mehdiyev (2007, 2009), and unlawful interference in their work. The 2005 murder of journalist Elmar Huseynov has not been adequately investigated and the perpetrators have not been brought to justice. Hundreds of unfair lawsuits have been filed against journalists and human rights defenders, resulting in unreasonable fines and imprisonment. At present there are four wrongfully imprisoned journalists in Azerbaijan; Eynulla Fatullayev, Ganimat Zahid, Mushfig Huseynov and Novruzali Mammedov.

At the end of 2008, foreign radio stations (*Voice of America*, *Radio Free Europe/Radio Liberty*

“Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.”
Article 1, UN Declaration on Human Rights Defenders

and the *British Broadcasting Company*) were banned from broadcasting on FM radio frequencies in Azerbaijan. These foreign radio stations are now broadcasting via Internet and shortwave, but many people in Azerbaijan do not have access to Internet and/or shortwave and are therefore deprived of access to these alternative sources of local and international news. The publicly funded and private TV stations fail to provide independent information.

In 2009, Azerbaijan made disturbing amendments to the country's Constitution and the laws on "Mass Media" and "Tele-radio Broadcasting" that will negatively affect press freedom. For example the constitutional amendment passed through a controversial referendum in March has banned photographing, filming and/or recording people voices without their approval.

In Georgia freedom of expression and media freedom have significantly deteriorated during the last five years. Journalists face physical and verbal attacks by the representatives of the government while carrying out their professional duties. Failure of the justice system to hold perpetrators accountable further encourages and perpetuates violence. Journalists were harassed and beaten up during the demonstrations of April 9, 2009 and its aftermaths, and November 7, 2007. Many have faced harassment, seizure and/or destruction of cameras, and other illegal interference in their activities, such as in the cases of Eliso Chapidze, Gela Mtvlishvili, Saba Tsitsikashvili, Vakho Komakhidze, and Irakli Imnaishvili. In none of these cases have the perpetrators been held responsible for their unlawful acts.

The closure of the TV channels *Iberia*, *202* and *Channel 9* in 2004 and 2005, violent evictions of TV Channel *Kavkasia* and 15 newspapers from their premises in 2007, raid of the office of the TV Channel *Imedi* by police special forces and unlawful seizure of *Imedi's* broadcasting license during the November 2007 demonstrations have had a chilling effect on media freedom and strengthened government control and influence on access and dissemination of public information in the country. Non-transparent ownership of media outlets has further led to self-censorship. As a result, TV channels fail to fulfill their role as a public watchdog, and information they provide lacks objectivity and is often biased in favour of the ruling elite.

Freedom of expression and information is guaranteed by international human rights instruments, among them the *European Convention on Human Rights* and the *International Covenant of Civil and Political Rights*, which all three countries have ratified. In light of these human rights obligations, ***the South Caucasus Network of Human Rights Defenders call upon the governments of Armenia, Azerbaijan and Georgia to:***

- To take steps to ensure a safe environment for journalists to carry out their work;
- Launch prompt, thorough and objective investigations into incidents of violence and harassment of journalists and media outlets in all three countries and ensure that perpetrators are brought to justice;
- Release the wrongfully imprisoned journalists in all three countries;
- Lift the ban on radio broadcasting of foreign radio stations on the FM radio frequencies in Azerbaijan and allow the closed down TV channels in Georgia and *AI+* in Armenia to resume broadcasting;
- Decriminalize defamation in Azerbaijan.