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## German Presidency of the Council of the European Union

### **665<sup>th</sup> Meeting of the Permanent Council**

**10 May 2007**

## Statement of the European Union on Media Freedom in Azerbaijan

In Permanent Council on 26 April, the European Union expressed concern about the sentencing of Mr. Eynulla Fatullayev, the editor of *Realny Azerbaijan* and *Gundalik Azarbaycan*, to two and a half years in prison on libel charges.

We have on numerous occasions supported the call of the OSCE Representative on the Freedom of the Media to end the use of criminal defamation legislation to limit media freedom in Azerbaijan. It was therefore with great regret that we learnt that on 4 May, two more journalists, Mr. Rafiq Tagi, a journalist of *Senet*, and his editor Mr. Samir Sadagatoglu, were sentenced to three and four years imprisonment respectively for the publication of a philosophical essay which was allegedly an "incitement to national, racial and religious hatred".

These sentences strongly contradict the positive signs the EU perceived to emerge from the meetings in April of the OSCE Representative on Freedom of the Media, Mr. Miklos Haraszti, and EU Special Representative for South Caucasus, Amb. Peter Semneby, who were attending in Baku the Conference "Role of Media in the development of tolerance and mutual understanding", organized jointly by the Government of the Republic of Azerbaijan and the General Secretariat of the Organization of the Islamic Conference (OIC). The EU appreciated in particular the open discussion between President Aliyev and Mr. Haraszti. The agreement between Minister Mammadyarov and Amb. Semneby on a systematic dialogue between the EU and Azerbaijan on media-related issues is an encouraging step.

The EU also welcomes positive developments in other areas, such as the granting of a license for six more years to the private broadcaster ANS TV and Radio.

But we cannot accept, as put forward on several occasions by the Delegation of Azerbaijan, that it is appropriate to counter a lack of journalists' professionalism by a continued regulation of the media through criminal courts. We therefore call on Azerbaijan to heed the pertinent suggestion of the OSCE Representative on Freedom of the Media to President Aliyev to introduce a legal moratorium on criminal prosecution of defamation as soon as possible, and to take advantage of his offer to assist in reforming legislation on defamation. In this regard, we would draw attention to Mr. Harastzi's press release of 7 May in which he says that "Only actual incitement to violent ethnic or religious hatred should be criminalized."

The European Union would like to reiterate that a strong commitment is needed on the part of the Azerbaijani authorities to protecting journalists both from intimidation and violent attacks. In this context, we call on the authorities to investigate all cases of violence against media representatives, in particular the murder of Mr. Elmar Huseynov on 2<sup>nd</sup> March 2005, and the recent brutal attack on Mr. Uzeyir Jafarov, editor of the newspaper *Gundalik Azarbaycan*.

We stress once again the importance of freedom of expression in a democratic society and remind Azerbaijan that the creation of an environment where the media can work freely, effectively and without fear is a values enshrined in the European Neighbourhood Policy and set out in the Action Plan that Azerbaijan has signed with the EU, as well as in the commitments made by the country in the context of its membership of the Council of Europe and the OSCE.

The Candidate Countries Croatia and the former Yugoslav Republic of Macedonia\*, the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro, and Serbia, as well as EFTA countries Iceland and Norway, members of the European Economic Area, align themselves with this statement.

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\* Croatia and the former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process.