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**Statement at the 825th meeting of the Permanent Council
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ENGLISH only

*In response to the report by
the Representative on the Freedom of Media*

Mr. Chairman,

We join the previous speakers in welcoming Ms. Dunja Mijatovic to the Permanent Council meeting and thank her for report of her activities during the first months of her tenure.

We would like once again to stress the importance that Azerbaijan attaches to the issue of co-operation with the Office of RFoM and express our willingness and readiness to continue that co-operation in the spirit of mutual dialogue and understanding. We see big potential for solid and concrete goal-oriented programs aimed at upgrading level of professionalism, journalist ethics and media self-regulation.

We would like to make the following comments and observations regarding several important aspects raised in the Report, as well as provide some updated recent information on the situation of the freedom of media in Azerbaijan. We believe that it will help to clarify certain issues and hope that this information will be duly taken into consideration.

Last week the 135th anniversary of national journalism was celebrated in our country. Today hundreds of mass media outlets function in Azerbaijan. There are more than 30 daily, about 100 weekly newspapers, 8 republic-wide TV channels and 14 regional TV channels, 12 cable and 11 radio stations operating in the country. More than 40% of the population use internet actively.

The Government of Azerbaijan takes necessary measures to provide for media pluralism, freedom of media and favourable conditions for functioning of media free and independently. These measures include, inter alia adoption of relative legislative acts, support to the strengthening of material-technical base of media outlets, as well as improving of socio-economic situation of journalists.

In the light of above-mentioned, let me inform you that the Presidential Decree of July 21, 2010 envisages allocation of one time financial assistance in the sum of 280.000 manats (≈268.800 euros) to the State Support Fund for the Development of Mass Media for organizing events dedicated to 135th anniversary of the national journalism, one time financial assistance in the sum of 20.000 manats (≈19.200 euros) to 32 newspapers and one time financial assistance in the sum of 10.000 manats (≈9.600 euros) to 8 information agencies. This financial assistance is allocated for mass media outlets of both ruling party and oppositional, as well as independent ones.

On that same day, the President awarded 38 persons with medal of “Progress” and 53 persons with honorary titles for their roles in the development of national media. Furthermore, the President issued a decree which allocates amount of 5 mln manats (≈4.8 mln euros) for improvement of living conditions of journalists and building houses for them.

Let me also reiterate that these decrees mean not only financial assistance, but they also indicate political will and support to media pluralism in Azerbaijan.

As to the comments regarding some individual cases mentioned in the Report and statement on behalf of the European Union, we have responded to these issues on numerous occasions in front of the distinguished Permanent Council audience.

As Ms. Mijatovic has correctly underlined in the report, the Government of Azerbaijan has appealed the judgement of the European Court of Human Rights on *E.Fatullayev's* case to the Grand Chamber of the Court. When dealing with such criminal cases, we'd like to ask distinguished RFoM not to politicize these issues and refrain from relating it to Azerbaijan's “fulfilment its OSCE media freedom commitments” as referred in the report. According to the legislation of the Republic of Azerbaijan, Mr. Fatullayev has also the right to appeal the court decision.

When it comes to the case of E. Milli and A. Hajizade, both trials in first instance and appeal courts were open to the public and were observed by representatives of foreign embassies in Azerbaijan and international organisations and other non-government organisations, media and independent human rights defenders. Their cassation appeal is being currently under consideration in the Supreme Court.

In all these cases, we strongly reject any attempt to cast doubts on court decisions and impose on us discussion of issues which contradict relevant provisions of the national legislation.

I would also like to touch briefly upon the issue of decriminalisation of defamation. In 2009 actual number (32 cases) of lawsuits initiated against

journalists under defamation provisions has indeed decreased in comparison with 2007 (103 cases) and 2008 (63 cases). Thus, the statistics for the last years show that the majority of cases in this category have been dismissed, and sentencing to imprisonment has been rarely ruled. It should be noted that despite the fact that there have been 32 citizens complaining of having been insulted or blackmailed by journalists or subjected to dissemination of information of defamatory nature in 2009, the majority of those lawsuits claiming criminal responsibility for journalists have been rejected by the courts.

It should be underlined that over the passed several years wide public debates have been held on the possibility of removal of Articles 147 and 148 on defamation and insult from the Criminal Code of the Republic of Azerbaijan and the adoption of the “Law on Defamation”. Close co-operation has been carried out in this regard with many international organisations. In addition, the Press Council of Azerbaijan has declared 2010 the “Year of the Issue of Defamation in Azerbaijan”.

Just recently this audience listened to the report by H.E. Ambassador Bilge Cankorel, Head of the OSCE Office in Baku, who also informed about the recent situation and planned projects to this end. OSCE Office in Baku in cooperation with Press Council will hold round table on this topic and we are glad that this round table will be attended by Ms. Mijatovic, who will have a chance to get acquainted with the situation in spot.

At the end I would like once again to reiterate our readiness to continue dialogue with the Office of the Representative on Freedom of Media based on respect and mutually beneficial dialogue.

Availing myself of this opportunity I wish Ms. Dunja Mijatovic and her staff all the best in their future endeavours.

I thank you, Mr. Chairman.