

Monitoring the media coverage of
the October 1998 presidential
elections in Azerbaijan

Final Report

January 1999



European Institute for the Media



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The European Institute for the Media

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1 Introduction

Professor Dr. Bernd-Peter Lange

With the support of the European Commission, the European Institute for the Media (EIM), based in Düsseldorf, Germany, has conducted a monitoring mission of the media coverage of the presidential elections in Azerbaijan. Quantitative monitoring of the media began on the 21st of September 1998 and concluded on election day, the 11th of October 1998.

One week prior to election day, the EIM sent an international expert to conduct the qualitative research and to work together with Azerbaijani specialists in analysing the data.

The project director of the monitoring mission was Professor Dr. Bernd-Peter Lange (Germany), director-general of the EIM. The mission took place under the auspices of the EIM's Media and Democracy Programme. The quantitative research was coordinated and analysed by "Yeni Nesil", the Journalists' Union of Azerbaijan, under the guidance of the EIM project manager, Gillian McCormack. The international expert who monitored the media coverage in Azerbaijan was Liz Fuller, author of the weekly Caucasus Report for Radio Liberty/Radio Free Europe in Prague. There were three main strands to the monitoring process:

(a) On the 3rd of September, the EIM in conjunction with the Azerbaijani Journalists' Support Committee and the Eurasia Foundation, held a seminar for Azerbaijani journalists on media coverage of elections. The EIM invited Edward Krzemien, long-standing journalist with Gazeta Wyborcza in Poland, to speak on this theme about his experiences over the last 10 years.

(b) From the 21st of September to the 11th of October, quantitative analysis was conducted of selected key broadcast and print media outlets in Baku. Programmes and publications were analysed according to the amount of coverage they afforded the elections and the campaigning political candidates, as well as the tone of that coverage.

(c) A series of interviews with representatives and employees of media organisations, regulatory bodies, electoral authorities and political candidates and their representatives was conducted by the international expert, constituting the qualitative portion of the research.

This is the second monitoring mission conducted by the EIM in Azerbaijan. The 1995 parliamentary elections in Azerbaijan were also monitored under the auspices of the European Commission's Tacis programme.

The European Institute for the Media is a non-governmental policy-orientated independent research body operating in the field of European media development. It has significant previous experience in the field of media monitoring. Since 1992 the EIM has, on behalf of the EU, monitored the media coverage of elections in:

Country -	Election	Year
Armenia	Parliamentary elections	1995
	Presidential elections	1996
	Presidential elections	1998
Azerbaijan	Parliamentary elections	1995
Belarus	Presidential elections	1994
	Parliamentary elections	1995
	Referendum	1996
Croatia	Presidential elections	1997
Georgia	Parliamentary and presidential elections	1995
Moldova	Parliamentary elections	1994
	Presidential elections	1996
	Parliamentary elections	1998
Russia	Parliamentary elections	1993
	Parliamentary elections	1995
	Presidential elections	1996
Ukraine	Parliamentary and presidential elections	1994
	Parliamentary elections	1998
Estonia	Parliamentary elections	1994
Hungary	Parliamentary elections	1994
Romania	Parliamentary and presidential elections	1992
	Parliamentary and presidential elections	1996
Bosnia and Herzegovina	Parliamentary, presidential and cantonal elections	1996
	Municipal elections	1997
Former Yugoslav Republic of Macedonia	Parliamentary and presidential elections	1994
	Parliamentary elections	1998
Serbia	Parliamentary elections	1992
	Parliamentary and presidential elections	1997
Albania	Municipal elections	1996

Thanks for the successful accomplishment of the missions must go to the following: the staff of the Tacis Democracy Programme in Brussels; Liz Fuller; and the staff of the monitoring team in Baku, in particular Arif Aliev. Finally, the monitoring team would like to thank all the people interviewed during the course of the mission for their co-operation.

This mission in Azerbaijan was funded by the European Commission through the Initiative for Democracy and Human Rights. This report has been prepared by the European Institute for the Media. The findings, conclusions and interpretations expressed in this document are those of the monitors and the European Institute for the Media alone and should in no way be taken to reflect the policies or opinions of the European Commission.

Düsseldorf, December 1998

2 Political background

The collapse of the USSR in December, 1991, precipitated a period of extreme political instability in Azerbaijan. Although opposition deputies constituted only a tiny minority within the Supreme Soviet elected in September, 1990, that minority had succeeded in exerting pressure on the republic's Communist Party leadership and extracting substantive concessions, including the creation in October, 1991, of an alternative 50-person legislature, the Milli Mejlis (National Assembly), on which the opposition and former Communist nomenklatura were equally represented. In December, 1991, then President Ayaz Mutalibov, the former Azerbaijan Communist Party first secretary, overruled a unanimous veto by the National Assembly and committed Azerbaijan to membership of the Commonwealth of Independent States.

In March, 1992, following an Armenian offensive against one of the last remaining Azerbaijani-populated villages in Nagorno-Karabakh in which several hundred civilians were killed, the Azerbaijani Supreme Soviet convened in emergency session and called upon Mutalibov to resign. Supreme Soviet chairman Yagub Mamedov was named interim president pending new presidential elections, and embarked on talks with opposition Azerbaijan Popular Front chairman Abulfaz Elchibey on forming a coalition government, but those talks ended in deadlock. In early May, following a second military setback in Karabakh -- the fall of the strategically-located town of Shusha -- the Supreme Soviet reinstated Mutalibov, and voted to disband the National Assembly and postpone the presidential elections. That move prompted the Azerbaijan Popular Front to mobilise its supporters, some of them armed, and march on the parliament building. Mutalibov fled to Moscow, whereupon the Popular Front assumed power and formed a coalition government.

The presidential elections were held as planned on the 7th of June 1992, and Azerbaijan Popular Front chairman Abulfaz Elchibey, who had been imprisoned for dissident activities in the 1970s, defeated four rival candidates to win almost sixty percent of the vote. Elchibey espoused an aggressively pro-Turkish and pro-Western foreign policy: in October, 1992, the Supreme Soviet voted not to ratify Mutalibov's decision of December, 1991, on Azerbaijan's membership of the CIS. But Elchibey's moves to liberalise domestic politics resulted in chaos rather than democratisation, not least because many of the local and government officials appointed by the Azerbaijan Popular Front lacked the requisite expertise, knowledge and experience. The perceived incompetence of the Azerbaijan Popular Front leadership led to a precipitous decline in its popularity.

In March-April, 1993, the Azerbaijani army suffered a second serious military setback in the ongoing war for control of Nagorno-Karabakh, ceding the Lachin and Kelbadjar districts located between Karabakh and the Azerbaijani-Armenian frontier. Elchibey responded by firing prominent military commander Suret Huseinov, who retired with his men to the central city of Ganca. In early June, the Azerbaijani leadership concluded an agreement with Moscow that the Russian army units stationed in Ganca should be immediately withdrawn, leaving behind much of their equipment. Huseinov and his men promptly moved to take possession of that equipment, repelling attempts by Azerbaijani forces to stop them. Huseinov then proceeded to march on Baku, encountering virtually no resistance on the way.

Elchibey called for support on 70-year-old Heidar Aliiev, who had served as Azerbaijan's KGB chief and Communist Party first secretary in the 1960s and 1970s before being appointed a First Deputy Chairman of the USSR Council of Ministers in late 1982 by then CPSU Secretary-General Yuri Andropov. Aliiev had been forced into retirement five years later by Mikhail Gorbachev, and

had returned in 1990 from Moscow to the Azerbaijani exclave of Nakhichevan (his birthplace). There he was elected chairman of the regional legislature the following year. On the 15th of June, the Milli Mejlis elected Aliev as its chairman in place of Isa Gambar, whose resignation Huseinov had demanded. (Gambar, a protege of Elchibey and one of the founding members of the Azerbaijan Popular Front, had been elected chairman of the Musavat (Equality) Party which split from the AzPF in March, 1993.)

Two days later, Elchibey fled Baku for self-imposed exile in Nakhichevan, whereupon the parliament voted to transfer his presidential powers to Aliev. Aliev brought Suret Huseinov on side by offering him the post of Prime Minister. He then proceeded to consolidate his personal power, first by holding a nation-wide referendum in which the population voted no confidence in Elchibey, and then by holding new presidential elections in October, 1993, in which he defeated two political unknowns to garner 98.8 per cent of the vote.

Over the next three years, Aliev did not hesitate to use force to maintain domestic political stability. He mobilised government forces in October, 1994, after troops loyal to Suret Huseinov took control of several provincial towns. Huseinov himself was fired and fled to Moscow. In March, 1995, Aliev again called on the army to quash what was termed a second coup attempt, this time by a ranking interior ministry officer. In late 1996, Aliev conducted a purge of the army following the alleged discovery of plans for a further putsch.

Opposition political parties and figures have been relentlessly harassed and intimidated, demonstrations forbidden or forcibly dispersed, and the media subjected to arbitrary stringent censorship. In early 1994, the Azerbaijan Popular Front was evicted from its headquarters in Baku.

In April, 1995, Aliev announced that elections to a new parliament would be held before the end of the year simultaneously with a referendum on a new constitution. Several successive draft election laws were rejected by the Constitutional Court. The bill finally passed in late August failed to incorporate any of numerous suggestions advanced by opposition parties. Instead of providing for an equal number of seats to be elected under the proportional and majoritarian system, the law allocated 100 seats to single mandate constituencies and a further 25 on the basis of party lists among those parties which polled a minimum of 8 percent of the vote.

Political parties were required first to reregister with the Ministry of Justice and then to present 50,000 signatures in their support to the Central Electoral Commission in order to contend the 25 party list seats. The applications of the opposition Musavat Party, the Communist Party of Azerbaijan and the Social-Democratic Party of Azerbaijan were rejected on the grounds -- questioned by international observers -- that some of those signatures were forged. In the event, the vote was accompanied by widespread violations in the form of intimidation and ballot-stuffing, resulting in a parliament dominated by members of Aliev's own Yeni Azerbaycan Party or supposedly independent candidates loyal to the president. Opposition parties gained only 7 of the 125 seats.

On the foreign policy front, Aliev has strengthened Azerbaijan's independent status by pursuing a western-oriented foreign policy while taking pains to avoid an open showdown with Moscow. In September, 1993, the Azerbaijani parliament voted to renew the country's membership of the CIS. Aliev has, however, consistently vetoed the presence on Azerbaijani territory of either Russian military bases or frontier troops.

This uncompromisingly pro-Western orientation has been encouraged and supported by the West, in the first instance the U.S., with the aim of safeguarding the interests of western companies engaged in the Caspian oil sector and undercutting Russia's influence in the Transcaucasus. Since October, 1994, Azerbaijan has signed 12 contracts worth a total of 30 billion US dollars for the

exploitation of its offshore oil and gas reserves. Oil is already being exported via a pipeline that runs north from Baku across Russian territory to the Black Sea terminal of Novorossiisk. A second pipeline running west to Georgia's Black Sea coast is currently being repaired and should be operational by the first quarter of 1999; and talks are underway on the possible construction of a far larger capacity pipeline from Baku through Georgia to the Turkish Mediterranean terminal at Ceyhan.

To date, however, the economic impact of Western investment in the oil sector has been confined to Baku. The standard of living in other towns, and in rural areas, is abysmally low. For example, many areas of south-west Azerbaijan, including Gazakh, Tovuz, Akstafa and Shamkir have been without gas supplies for over four years. Ganca, the second largest city, receives only limited supplies of both gas and electricity. Salaries for state employees are paid with several months' delay, if at all. Pensions in Azerbaijan are the lowest in any CIS member state, averaging \$6-8 per month.

As of the 1st of January, 1998, the population stood at 7,625,000. However, the process of outmigration, whether for economic reasons or, in the case of draft-age young men, to avoid induction into the armed forces, is gathering momentum: 14,000 people, mostly males, left Azerbaijan during the first six months of the year.

chairman Isa Gambar (in connection with the clashes between army forces and Suret Huseinov's men in June 1993).

In early August, President Aliiev met one of the opposition's key demands by signing a decree abolishing media censorship. But at two meetings with opposition representatives, the head of Aliiev's staff, Ramiz Mehtiev, made it clear that Aliiev would not make any further concessions. The criminal charges against Gambar were nonetheless dropped on the 11th of August.

Between mid-August and the election date, the opposition convened four meetings in Baku to lobby for further democratisation and for the postponement of the election date in order to enable the boycotters to participate should their demands for equal conditions be met. The second of those meetings, on the 12th of September, degenerated into a violent confrontation between opposition supporters and police and interior ministry troops who forcibly prevented them from congregating on Baku's central Azadlyg Square. Dozens of people were injured and manhandled during the fighting, including 35 journalists, and dozens more arrested.

3.1 The candidates and their programmes

A total of ten candidates announced their intention to participate in the elections and set about collecting the 50,000 signatures needed for registration, but only six were formally registered by the CEC. United Communist Party of Azerbaijan secretary-general Sayad Sayadov failed to submit the requisite application and signatures in support of his candidacy. The Central Electoral Commission rejected the applications of three further prospective candidates -- Umid (Hope) Party chairman Abulfaz Ahmedov, Alliance for Azerbaijan chairman Abutalib Samedov and businessman Ilgar Kerimov, claiming that irregularities had been committed during the collection of signatures in their support. Both Kerimov and Akhmedov rejected the CEC's criticisms: Ahmedov charged that the CEC had deliberately "lost" lists of signatures submitted in support of his registration, and said he intended to appeal the CEC's refusal to register his candidacy in Azerbaijan's Supreme Court.

The six candidates who succeeded in registering were

- incumbent President Heidar Aliiev
- Azerbaijan Communist Party chairman Firudin Hasanov. Hasanov advocated what he termed "progressive socialism" on the lines of that espoused by the French, Italian, Russian and Chinese Communist parties. He promised a return to a "society of social justice", rapid solutions to social problems, the return of free education and health care, the restoration of law and order, and "a strong army". He also vowed to amend the constitution to provide for the restoration of local soviets. Hasanov said he would not ban privatisation, but would allow the coexistence of state and private ownership.
- Social Welfare Party chairman Khanguseyn Kazymli. Kazymli's campaign programme focussed primarily on the need for a fundamental reorientation of the economy away from the present emphasis on oil and its export towards a "socially-oriented" economy that would provide new jobs. He argued that the current mediation effort by the Organisation for Security and Cooperation in Europe is incapable of yielding a political solution to the Karabakh conflict, and that the UN should take over that task. He also called for a reorientation of what he termed the current overtly pro-western foreign policy, including the broadening of relation with Iran.

- National Independence Party of Azerbaijan chairman Etibar Mamedov. Mamedov characterises his party as being to the right of the political spectrum. Economic issues figured prominently in his campaign programme: he argued in favour of reducing the considerable tax burden on local manufacturers and businessmen in order to galvanise production, legalise the "shadow economy" and create new jobs. He was also savagely critical of Aliev's leadership team, which he castigated as corrupt and incompetent. Mamedov further argued the need to create a competent and battle-ready army in order to negotiate a solution to the Karabakh conflict from a position of strength.

- Ashraf Mehtiev, head of the virtually unknown Association for the Victims of Illegal Political Repression. Mehtiev advocated the creation of a new executive State Council on which various political parties would be represented, and amending the constitution to curtail the powers of the president. He pledged to revise the oil contracts concluded to date, and also the country's privatisation policy. He also claimed that it would be possible to constrain Armenia within one year to agree to a solution of the Karabakh conflict on Azerbaijan's terms.

- Independent Azerbaijan Party chairman Nizami Suleymanov, who had polled second place to Elchibey in the June, 1993, presidential elections with 38 per cent of the vote on the strength of a pledge to end the war in Nagorno-Karabakh within three months. Suleymanov acknowledged Aliev's services to Azerbaijan over the past five years, but reasoned that it was time for him to step down. Suleymanov focussed his main criticism on Aliev's personnel policy, arguing that "corruption has become a normal phenomenon," and that 80- 90 percent of the population are living in poverty while the country "is being governed by the law of the jungle". He argued that a halt to theft from the state budget would make it possible to increase the salaries of doctors, teachers and other state employees between three- and ten-fold. Suleymanov called for the restoration of the death penalty, even at the risk of jeopardising Azerbaijan's acceptance into full membership of the Council of Europe. He pledged that, if elected, he would form a coalition government in which the Musavat, Azerbaijan Democratic and Azerbaijan Popular Front Parties would be represented.

3.2 The presidential election campaign

The election campaign was marred not only by the violent clashes between police and opposition supporters on the 12th of September, but also by the harassment of activists campaigning in rural areas in favour of Mamedov and Mehtiev. Mamedov surprised those observers who suspected him of having cut a secret deal with Aliev by his trenchant criticism of the existing leadership, both in his campaign TV appearances and at meetings with the electorate in different parts of the country. As the polling day approached, the main opposition candidate was perceived as posing an increasingly serious challenge to the incumbent, and the incumbent was seen to be making a visible effort to retain the electorate's support.

Mamedov himself told the monitor on the 7th of October that the most recent polls conducted by his supporters showed that he and Aliev could each count on gaining approximately 45 percent of the votes. But most observers were convinced that Aliev would gerrymander the vote to ensure that he received the required 2/3 majority of the vote to win an outright first round victory. According to the final election results, which the CEC made public on 15 October, Heidar Aliev received 76.11 percent of the vote. His closest rival, Etibar Mamedov, received 11.6 percent and Independent Azerbaijan Party chairman Nizami Suleymanov -- 8.6 percent. The remaining three candidates each polled less than 1 percent. Both Mamedov and Mehtiev have refused to accept the validity of those results. The ODCE/ODIHR in its preliminary press release on the 12th of

October registered "very serious irregularities and violations" at a number of polling stations, and concluded that "the overall election process did not comply with international standards".

With the exception of Khanguseyn Kazymly, all the defeated presidential candidates, and the boycotters, refused to acknowledge the outcome of the poll as legal and valid. On the 7th of November, Mamedov's supporters clashed with police while attempting to march on the Central Electoral Commission to protest the falsification of the vote. The following day, several of the boycotters were intercepted and beaten by police after a rally in Baku for which they had been granted official permission. Those actions served as the catalyst for severe criticisms of the opposition by both security officials, who accused several opposition leaders of colluding with foreign intelligence services, and by parliamentary deputies. Addressing the parliament on the 10th of November, Prosecutor-General Eldar Hasanov accused Elchibey, Gambar, Mamedov and Rasul Guliev of promoting anarchy with the aim of seizing power, and warned that they face imprisonment for doing so. All this serves to indicate that the ramifications of the recent elections in Azerbaijan will continue to create a sense of political uncertainty in the country for the immediate future.

4 The media in Azerbaijan

The media landscape in Azerbaijan, in particular the print media, has developed dynamically over the past year, in tandem with the reviving economy. According to the Journalists Union of Azerbaijan, there are at present 550 registered media outlets in Azerbaijan. Of those, 374 are newspapers, 106 are journals, and some 50 are radio and TV companies. Only approximately 200 of the 550 are currently working, the vast majority of which are newspapers.

Ten percent of all media outlets are state-owned, 50 percent were founded by political parties, commercial companies or private individuals, and the remaining 40 percent are independent.

4.1 The legal framework

The media in Azerbaijan are regulated by the Constitution adopted in 1995, the 1992 Law on the Mass Media, and the Criminal Code. The Law on the Mass Media guarantees freedom of information, and states that "monopolisation of the media is not allowed". Article 3 stipulates that censorship of the media is forbidden. Article 4 prohibits the use of the media "to slander the honour and dignity of citizens". The law also enumerates the process for registration: media outlets are required to register with the State Committee for the Press (subsequently upgraded to a ministry); this registration must be renewed annually, and may be refused or revoked in cases of violation of article 4.

The Constitution includes articles on the protection of the honor and dignity of both citizens of the Azerbaijan Republic and of the president. The Criminal Code likewise proscribes a term of imprisonment of up to 6 years for insulting or commenting critically on the president. Severe sentences are also foreseen for divulging state secrets or for appeals for forced change of statehood or dividing the territory of the Azerbaijan Republic.

Terms such as "honor," "dignity," "slander," and "insult" are, however, vaguely defined and thus open to varying interpretations.

Implementation of both the Law on the Mass Media and the media-related articles of the Criminal Code is conducted by the Main Administration for the Protection of State Secrets (Glavlit), a survival from the Soviet period. It was this organisation which was responsible for the political censorship to which all media were subject until very recently. (Military censorship, introduced by President Elchibey in early 1993, and abolished three years later by a presidential decree, was the responsibility of a special office within the presidential apparatus.) Political censorship was imposed in late 1994, and lifted under the terms of a presidential decree in August, 1998. In the same decree, Aliiev ordered the Cabinet of Ministers to draft within one month legislation on freedom of information and measures to free the media from paying VAT. Those instructions had not been acted upon as of early October.

In November, 1996, the Milli Mejlis adopted an amendment to the 1992 Law on the Mass Media requiring all media outlets to register with the Ministry of Justice and to apply to the Ministry of Information for a license to continue operating. In practice, however, licenses are issued either by the presidential apparatus or by local councils whose chairmen are appointed by the president.

4.2 The print media

Recent estimates of the Journalists Union of Azerbaijan indicate that some 100 newspapers in Azerbaijan are currently published, of which 15 are dailies, 20 appear 2-3 times per week, and 30 are weeklies. The remainder are published only irregularly in very limited print runs. Only ten journals are published regularly, all of which are economics- and business-oriented.

The "media boom" referred to above has taken the form primarily of a marked increase in the number of functioning print media outlets. Rauf Talyshinsky, editor of the independent weekly newspaper "Ayna/Zerkalo," attributed this tendency to the fact that it is cheaper to found a newspaper than a TV or radio station. Talyshinsky further made the point that the print media market is becoming progressively more specialised, and that most new newspapers are tabloids. But both Talyshinsky and Gunduz Tairli, the editor of "Azadliq," also made the point that the specific circumstances of the presidential election campaign, in particular the decision of the five prominent potential opposition candidates not to run, generated a vastly increased interest in domestic politics. While the "serious" papers profited from this interest and many of them were able to increase their print runs, the boulevard press has suffered from a corresponding decline in readership. Whether this increased interest in politics will continue after the elections is difficult to predict. And given that advertising revenue is the single most important contributing factor to the media boom, the appearance of ever more newspapers will inevitably result eventually in a cut-throat competition for the advertising market (of which "Ayna/Zerkalo" already has the lion's share).

A second marked tendency in the print media since 1995 has been the realisation that newspapers that are too closely identified with a given political party or body will experience difficulties expanding their readership to include persons of radically differing political views. It was for this reason that the Azerbaijan Popular Front ceded formal ownership of the daily "Azadliq" to the collective that produces the paper. Azerbaijan Popular Front deputy chairman Assim Molla-Zade told the monitor that "we think that the entire concept of the party press is an anachronism from the totalitarian past and inconsistent with the concept of freedom of speech, and so we abjured it in the name of freedom of speech in Azerbaijan." As a substitute, Molla-zade explained, the Azerbaijan Popular Front has its own press service that issues press releases.

"Azadliq" editor Tairli implied that the paper's "divorce" from the Azerbaijan Popular Front had not resulted in an increase in readership, but that his immediate priority was not to increase his print run (currently 10,000) but rather to maintain the paper's reputation as a "quality" publication. He argued with reference to some of the most successful tabloids that "a high print run does not necessarily guarantee a paper's political influence." But in the long-term, Tairli said he hoped to expand the paper's readership by introducing more international coverage and a sports page, in order to "appeal to all tastes." One consequence of the "depoliticisation" of the party press is that papers such as "Azadliq" now employ journalists who belong to "rival" political parties.

"Yeni Musavat," which was originally founded by Isa Gambar's Musavat Party, has likewise severed its connections with that party and is now self-financing. But the Azerbaijan National Independence Party's "Millet" has retained its close ties with the "parent" party. "Millet" is, however, published only three times weekly, not daily like "Azadlyg". Moreover, since the Azerbaijan National Independence Party has one of the highest memberships (80,000) of any political party in Azerbaijan, the "Millet" print run of 6,000 may not be large enough to satisfy demand within that party.

In addition to the economic upswing and the growing public interest in domestic politics, a third factor that has positively influenced the situation of the print media over the last year was the abolition of censorship. The lifting of all constraints on the type of material that it was permissible

to publish, especially in the runup to the presidential election, contributed to the increased demand for quality political analysis. Several papers profited from this to increase their format and/or print run. For example, "Yeni Musavat" increased its print run from 10,000 to 18,000 and its format to 16 pages. Its editor, Rauf Arifoglu, told the monitor that "we can now write anything we want, and for that reason our popularity has risen". "Millet" also increased its format from 8 to 16 pages.

However, leading media professionals believed that the abolition of censorship also had negative consequences in terms of a decline in professional standards. Tairli admitted that he was "frankly unprepared" for the increased responsibility. He explained that in the past journalists tended to rely on hearsay, and that they are not accustomed to meticulously checking facts. Mais Mamedov, director of ANS-TV, similarly complained that the abolition of censorship has led to the publication of materials that are either naive or primitively argued. Mahal Ismailoglu, editor of "Xalq gazetesi" which is affiliated with, but (he claims) financially independent of the presidential apparatus, said he thought the impact of the abolition of censorship was evident less in the content of materials published than in purely linguistic terms, with journalists using less polished language.

A second sphere in which the print media are gradually reducing their dependence on the state is that of distribution, on which the state had a monopoly until quite recently. Several months before the elections, "Ayna/Zerkalo" established its own alternative network of approximately 20 kiosks in Baku, which other papers may also use for a fee. (Only approximately 15 - 20 percent of "Ayna/Zerkalo"'s print run is sold outside the capital.) "Yeni Musavat" also has its own distribution system in 22 raions. The proportion of the print run sold outside Baku varies from paper to paper: "Yeni Musavat" editor Arifoglu estimates that 40 percent of his print run is sold outside Baku, whereas "525 gazetesi" sells 10,000 of its 13,000 copies in the countryside. (Kyamran Gasanly of "525 gazetesi" attributed the demand for his paper in rural areas to the "lack of political culture" of most local newspapers, and the fact that the only alternative source of information to those local papers is state television.)

But the relative improvement in the situation of the print media does not mean that financial problems are a thing of the past. "Azadliq" editor Tairli admitted a three-month delay in paying staff salaries earlier this summer. The Azerbaijani authorities still retain leverage over the independent press in the form of their monopoly on printing facilities, and can arbitrarily refuse to publish a paper that has incurred official displeasure. Kyamran Gasanly of "525 gazetesi" told the monitor that approximately one month before the presidential elections the state typography refused to print any further issues of "Uluz" on the pretext of unpaid debts after that paper had devoted an entire issue to Rasul Guliev. For that reason, Gasanly argued, "the most important thing" for independent publications is to acquire sufficient financial reserves to ensure that a publication does not go bankrupt if it is taken to court.

In addition, as Musavat Party chairman Isa Gambar stressed in talking to the monitor, individual journalists are still vulnerable to pressure, harassment and even physical violence. "Yeni Musavat" editor Arifoglu said that as a result, the degree of solidarity among journalists of diverse political persuasions is considerably greater than among the leaders of various political parties.

4.3 The broadcast media

Since newspapers remain an unaffordable luxury for a large percentage of the Azeri population, the role and influence of the broadcast media are disproportionately greater than that of the press.

Azerbaijan State Television broadcasts on two channels. AzTV-1, which broadcasts from 8 a.m. to 1:30 a.m., is the only channel that can be received throughout the country. Its primary function is to provide information on political developments, specifically the activities of the head of state, and explain state policy. AzTV-2 can be received only in Baku and the Apsheron peninsula, i.e. it cannot be seen by up to half the country's population. It broadcasts from 6 p.m. to 11 p.m. or 11:30 p.m., mainly music and entertainment. Its main nightly newscast is taken from AzTV-1.

There are in addition three private TV companies based in Baku -- ANS, Space-TV, and SARA -- but these can be received only with a radius of 70-80 km of the capital.

ANS was the first private TV channel in Azerbaijan. It was founded in 1992 by Vakhid Nakhish, who had worked as a cameraman for Western TV stations covering the war in Nagorno-Karabakh. He has stated that he invested his entire savings from this period into ANS. ANS-TV is part of a group of private companies that also includes ANS Radio, a press agency, ANS records, which reissues classics of Azerbaijan music, a trading company and two Baku discotheques. The commercial ventures help finance ANS-TV.

ANS broadcasts daily from 8 a.m. - 2 p.m. and 6 p.m. - 2 a.m. Its programming focuses on daily news, political commentary, entertainment and films. Its political coverage comprises interviews with opposition politicians as well as representatives of the present government. Minister of Information Siruz Tabrizli told a visiting delegation from RFE/RL in January 1998 that "he would be proud" if one day AzTV-1 attained the same standard as ANS-TV.

Space-TV was founded in October, 1997, by group of private individuals but is reputed to have close ties with members of the presidential apparatus. It is the only private TV company in Azerbaijan that, like AzTV-1, broadcasts on a meter band. It can be received only in Baku and the Apsheron peninsula. Between 10 a.m. and 6 p.m., Space-TV broadcasts only music programmes and films; from 6 p.m. - 1:30 a.m. It also airs daily news and political commentary and sports coverage.

SARA's programming concentrates almost exclusively on entertainment and does not extend to political developments.

In April, 1998, the Azerbaijani Cabinet Of Ministers issued revised licensing regulations for private TV stations which were subsequently invoked to justify the closure of several stations that had not completed the lengthy and complicated registration and licensing process, and were thus technically operating illegally. Two of those closed, Krosna TV (Belakan) and Qutba (Quba) have since resumed broadcasting on the basis of oral agreements with the local authorities. They are two of only four regional TV stations currently operating in the provinces; the other two are in Ganca and Mingcevir. Thus for the population of large parts of the country AzTV-1 is the only available TV channel.

It is possible to receive the first and second channels of Russian TV; the first channel of Turkish TV (TRT-1) and also the privately owned Turkish TV station Show TV, which broadcasts mostly entertainment.

Azerbaijan's state radio broadcasts on two channels, one of which relays one hour of broadcasting nightly by the BBC World Service. Voice of America and RFE/RL also broadcast in Azerbaijani to Azerbaijan.

ANS-Radio broadcasts light music (a mixture of Western/Turkish/ Azerbaijani and Iranian) with a 2-3 minute newscast once an hour. Radio Sara broadcasts only music.

4.4 Information agencies and professional organisations

Although 32 information agencies are registered in Azerbaijan, there are only about a third in regular operation. TURAN is by far the most successful; founded in 1991, it issues daily information on politics, business, oil and gas reports and culture in Azeri, Russian and English. The other information agencies of note are MPA (independent, founded in 1996), AzerTAJ (state, founded in 1919), SHARG (independent, founded in 1996), ANS Press (independent, founded in 1994), TREND (independent), OLAYLAR (independent, founded in 1993), EXCLUSIVE (independent, founded in 1995) and ASSA-IRADA, (an independent company, founded in 1991).

Journalists' wages vary from \$50 to \$300 a month. The average wage is between \$100 to \$150, which puts them in the position of affording a fairly average standard of living. There are various organisations which exist ostensibly to protect the interests of journalists. The Journalists' Union of Azerbaijan was founded in 1957 and was a prestigious organisation during the Soviet period. Gadji Gadjiyev is the Chairman of the Union, which has curtailed its larger activities, but which continues to make public statements on behalf of journalists and organise events around holidays and anniversaries. "Yeni Nesil", journalists' union of Azerbaijan, was founded in 1994 with the specific aim of supporting the creation of the independent press. Its activities include the defence of the rights of journalists and editorial offices, acquiring legal consultation, preparing legal projects in relation to the media, organising surveys, seminars, conferences, training and publishes a bulletin and other media-related books. Arif Aliev is the Chairman of "Yeni Nesil", which also instigated the annual draw for the "Journalist of the Year", won by 10 nominations. In addition, there is the Independent Journalists' Trade Union of Azerbaijan, which has recently suffered an organisational crisis which more or less paralysed its activities, but which has organised conferences and events in support of families of journalists who have died. The Chairman of the Trade Union is Ogtai Salamzade.

There are also the Press Foundation of Azerbaijan and the Committee for the Support of Journalists, "RUH". The latter was founded in 1992, but became more active in the last year, under the organisation of Aflatun Amashov, in supporting the rights of journalists. There are also several unregistered organisations with a smaller support base among journalists, like the Trade Union of Journalists of Azerbaijan and "Friends of the Pen".

4.5 Recent events

There is still a palpable need for such organisations in Azerbaijan. During the summer, Fuad Gahramanli, a journalist working for the newspaper "Chag", (which is the newspaper of the Foundation for the Development of Democracy) was placed under arrest. He was arrested on the 16th of June, after the police did a search of the editorial office on the basis of an anonymous phonecall alleging that the office contained hidden weapons. Although no weapons were

discovered, during the search the police came upon an unpublished article by Gahramanli entitled "The Opposition's Tactics". The police decided that the article constituted a call to illegal activities and arrested the author. The case against him began in November and is ongoing.

Several incidents were reported in the run up to the elections involving attacks on journalists and government interference with freedom of speech.

- On the 12th September 1998, the political opposition in Azerbaijan organised a meeting and announced that it would take place in Azadliq square. On the day there was a large police and military presence around the square, blocking the access of people who wanted to enter it. The number of people attempting to join the meeting was estimated at around 15,000. A battle ensued between the police and the crowd, during which 35 journalists were assaulted. Nine of the journalists who were attacked by the police also had their cameras or dictaphones taken from them. Many of the other journalists reported that the film was confiscated from their cameras. The Azerbaijani Committee to Support Journalists [AJC] sent a notice to the General Prosecutor on behalf of the 35 journalists, demanding an investigation. The General Prosecutor made an official response, promising to investigate the matter fully.
- Also on the 12th of September 1998, the deputy editor of the newspaper "Uluz", N. Kuliev, was beaten by police in the Narimanovsky region of Baku. Shortly afterwards, the editorial office of the newspaper received a visit from the police, when they demanded to know why the newspaper was propagandising the politics of Rasul Guliev. Subsequently, the Tax Inspectorate began a full inspection into the finances of the newspaper, which is still being conducted. On the 23rd of September, the Gunesh Printing company refused to print an edition of the newspaper "Uluz" which contained information about the former Speaker, Rasul Guliev. The chief editor of "Uluz", Makhir Samedov, alleged that the printing company had applied to Ramiz Mekhtiev, leader of the President's Apparatus, for permission to open a television company. The editor believed that Ramiz Mekhtiev asked the management of Gunesh printing company to discontinue publishing "Uluz" in return for granting permission for a television license.
- On the 30th of September, at approximately 8pm, Esmira and Ilkhama Gasimova, (sisters who work as correspondents for the newspaper "Yeni Musavat") were attacked when they were leaving the Metro station Akhmedle by an unknown assailant. The young man, without saying a word or asking for money, struck both of the correspondents and ran away. The chief editor of "Yeni Musavat" stated that he believed the attack represented an attempt to intimidate his employees on the part of the political enemies of Musavat. Both of the women were shaken but not seriously injured. On the same day, they registered a complaint with the 34rd Police station, describing their assailant. The AJC wrote on their behalf to the General Prosecutor's office asking for a full investigation.

The week after clashes between police and opposition supporters at the demonstrations in Baku on the 7th and 8th of November, parliamentary deputies called on the Ministry of Information to impose tighter controls on the media in order to preclude the publication of "unconfirmed and provocative" materials. Deputies also called on the state-controlled media to "take all legal measures to defend the honour and dignity of the president and guarantee political stability". Also in mid-November, "Yeni Musavat" editor Rauf Arifoglu and around twenty other editors and journalists began an indefinite hunger strike to protest against a series of law suits brought against the paper by the Azerbaijani authorities. Ramiz Mehtiev, head of the presidential apparatus, and Nizami Gadjiev, head of the Interior Ministry's intelligence department, have brought libel proceedings against Arifoglu for publishing uncorroborated allegations about them made by presidential candidates Ashraf Mehtiev and Nizami Suleymanov.

5 Media coverage of the election campaign

5.1 The legal framework

The general guidelines for election-related propaganda and coverage in the media are laid down in Articles 38-40 of the Law on the Elections of the Azerbaijan Republic. Article 38 forbids any abuse of media freedom in election propaganda, specifically any calls for the violent overthrow of the existing authorities. Article 39 guarantees the right of presidential candidates to equal access to free airtime on the state-controlled media, and to purchase additional airtime on terms that must be the same for all candidates. Article 40 bars official print media, in particular those that publish official information from the legislative and executive branches, from publishing election propaganda on behalf of any one of the presidential candidates. It also stipulates that if any presidential candidate is granted permission to publish election-related propaganda in a periodical publication co-founded or co-financed by state or municipal bodies or organisations, then identical conditions for doing so must be extended to the other presidential candidates. In addition, candidates are granted the opportunity to purchase space in non-state controlled print media, but print media outlets must abide by the same terms in concluding such agreement with all presidential candidates who wish to do so.

These general guidelines were supplemented by more specific regulations issued by the Central Electoral Commission on the 12th of August. Those additional regulations provided each presidential candidate with six hours' free airtime on AzTV-1 plus one hour on state radio. (The original proposed allocation of two hours' free airtime on AzTV-1 was increased at the proposal of Nizami Suleymanov.)

From the 1st of September, the first day of the official presidential campaign, until the 10th of October, AzTV-1 broadcast one hour of such election-related broadcasting nightly between 2100 - 2200, in two thirty minute segments. That airtime was allocated by the CEC on the 27th of August on a random basis, by casting lots. Each candidate was allowed 10 minutes airtime on AzTV-1 on the 10th of October. In addition, candidates were allowed one minute of coverage nightly in news broadcasting, for which they were allowed to provide their own prerecorded footage. Finally, the campaign manager for each presidential candidate was allowed one hour of free access on AzTV-1. Candidates who wished to purchase paid access on private TV stations were allowed to spend no more than 10 percent of the \$15,000 allocated to each candidate from state funds for their respective election campaigns on doing so. The CEC also stipulated that participants in election-related round-table discussions should refrain from using language that would damage the honour, self-respect or reputation of other participants.

In early September, eight independent media outlets (the newspapers "Azadlyg," "Ayna/Zerkalo," "525 gazet," "Yeddi gun," the journal "Ganun," the news agencies MPA and Turan, and Space TV) signed a memorandum committing themselves to cover the presidential campaign in an unbiased way. The document said that if any signatory was subjected to pressure by the authorities or the opposition, then the other media bodies would protect it.

5.2 The mission's findings

5.2.1 The broadcast media

The most important media outlet in Azerbaijan is AzTV-1, which is the sole source of news for up to half the country's population. Therefore, it has a special obligation to provide impartial and balanced coverage of all aspects of the election campaign, not only in terms of the specific functions allocated to it under the election law, but also in terms of meeting the reporting standards expected of a publicly-funded broadcaster during the run up to a national election.

In general, AzTV-1 fulfilled its obligations in terms of providing free access to all candidates within the parameters of the election law. Several opposition candidates (Mehtiev and Suleymanov) stressed their appreciation of the opportunity provided, given their very limited funds for engaging in media propaganda. But Etibar Mamedov, and two of the opposition leaders who boycotted the elections (Isa Gambar and Lala Shovket Hadjieva) all told the monitor that they considered the election law was unfair. Mamedov repeated the criticism he had expressed on the first day of the election campaign, that "state TV and radio regularly violate the principle of equal rights for nominees for the presidency and consistently propagandises the candidacy of the current president Heidar Aliiev". Gambar argued that the refusal to allow the boycotting opposition leaders access to the state media to express their rationale for not participating in the poll was discriminatory.

Mamedov's objection, which echoes complaints by opposition candidates in previous elections elsewhere in the former Soviet Union, serves to focus attention on the difficulty in determining both the permissible maximum of news coverage that may be devoted to the incumbent during a presidential election campaign, and the precise dividing line between news coverage and election propaganda. While any attempt to do so will inevitably be subjective, it cannot be denied that during the Azerbaijani presidential election campaign AzTV-1 devoted disproportionately large amounts of both news, editorial coverage and special programming to Heidar Aliiev (over 20 hours of prime time television during the three weeks leading up to the poll.) Moreover, the tone of that coverage was almost exclusively positive. By contrast, Etibar Mamedov received approximately 5 hours coverage during that same time period, and the boycotting political leaders received 4 hours. (Mamedali Zulfugarov of AzTV-1 nonetheless claimed in a talk with the monitor that "we give equal coverage to all the candidates", but he added that "for some reason they are not satisfied with this".) The coverage of Mamdeov and the boycotters was negative in tone, that pertaining to Mamedov increasingly so as the poll date approached. This latter tendency may reflect a growing perception that he could pose a serious challenge to Aliiev's chances of a clear first round victory.

Neither of the other two independent TV stations compensated for the clear partisanship of AzTV-1, although that failure may have been less the result of a deliberate policy decision than of lack of preparation. ANS general director Mais Mamedov told the monitor that the reason for his station's popularity is that "we have our own approach -- we're not pro-government or pro-opposition." But he also complained that the unique circumstances of the election campaign, specifically the extreme degree of politicisation, to which journalists were unaccustomed, rendered coverage of the campaign very difficult. Space TV News director Rustam Aliyev, for his part, owned that "we began preparing too late" for coverage of the election campaign.

ANS was inconsistent in the tone of its coverage of the incumbent president, switching from predominantly negative during the first week of monitoring to predominantly positive in the second and third weeks. It was consistently critical of the boycotters, but at least made an effort to represent their views, airing a lengthy interview with Rasul Guliev, filmed in America on the 7th of

October in the evening "Otkryti Razgovor" programme. The political loyalties of the leadership of ANS were the question of much debate in journalistic and political circles alike in the run up to the elections. Considered to be the most professional commercial television station in Azerbaijan; there were high expectations of the calibre of ANS coverage of the election campaign. Nevertheless, results indicated a more than lenient slant in coverage of the incumbent president during news reporting, and a tendency to heavily criticise the SIDSUH group. ANS objected to the results of the EIM monitoring as published on the 12th of October 1998, and in covering the EIM's press conference, questioned the independence of the Institute and called into question the impartiality of its conclusions. Subsequent attempts to discuss the matter with ANS management were rebuffed.

Space-TV, which is said to have close ties with the presidential apparatus, was similarly positive in its coverage of the president and negative in its coverage of the remaining five candidates and the boycotters. Space-TV is to be commended for airing three round-table discussions devoted to the history of elections in general, and a further program entitled "Damocles' Sword" intended to counter political apathy and persuade viewers of the importance of actually casting their vote. Explaining his approach to election-related programming, Rustam Aliyev said that "we try to be objective and give the news without commentary." He also argued that "the most important thing is the problems Azerbaijan faces and how to solve them -- whether a participant in a discussion programme is a member of an opposition party is of minor significance".

One aspect of election-related programming on all three television stations that deserves mention was the series of spots developed in conjunction with IFES demonstrating how to fill in the ballot form correctly and what type of behaviour constitutes a violation of electoral procedure (e.g. one man producing a bunch of passports and demanding ballot forms on behalf of the owners of those passports.)

5.2.2 Private television in the regions

The recent change in licensing regulations facilitated the closure earlier this year of four private regional television stations. According to the international organisation, Internews (which supports independent broadcasters in emerging democracies) the closures were justified by the fact that the stations had not completed their registration and licensing process and were therefore operating illegally under the new law. Krosna TV and Qutba TV reopened in the spring of this year on the basis of oral agreements with their local governments, however their position is unclear. Should they incur the displeasure of local government, they can easily be closed. This has already been demonstrated by the reclosure of Qutba TV on several occasions throughout the year. One of the main problems facing independent television stations, is that as part of their registration compliance, they must obtain a certificate of competency from the relevant office in state television. Therefore the main competitor to private television in the country is in a position to decide whether or not they should receive licenses. This has resulted in a stand off, with persistent requests for state television to assess the private television companies remaining unanswered.

Therefore, citizens of Azerbaijan living in the regions, are with few exceptions, limited to the information they can receive about the elections from state television.

Interviews conducted with the directors of private television in the regions revealed a similar pattern. Ganca TV, a station which has been free from intimidation on the whole, reported that they had a good relationship with the local administration and had never experienced any problems related to licensing or programming. They claimed that candidates for the election had not requested any advertising time with the channel and that they took a neutral position in relation to opposition activities, occasionally reporting on articles printed in opposition papers. Previously, however, Internews reported that Ganca TV did not subscribe to opposition newspapers, for fear

of accidentally reporting a piece of news with a slant towards the opposition. The director of Ganca TV noted that in his opinion, the pre-election campaign was being conducted in a normal fashion.

Qutba TV responded to the question on their relationship with the local administration by claiming that they had "no relationship whatsoever". They had only been allowed to reopen at the beginning of October. They showed no adverts related to the elections and were covering aspects of the campaign in their news programmes. They showed no information about the opposition in the news or elsewhere in programming, describing a desire "not to get involved".

Minacevir TV claimed to have a "normal working relationship" with the local administration. On news programmes, they had showed official information given to them by the 24th Office of the Electoral Commission and some educational information on how to vote, also provided by the Electoral Commission. There was no mention of opposition activities on the news or elsewhere during programming and they were very sensitive to the question of election advertisements. Their official response to the question on advertisements, was that they had shown no election-related adverts during programming.

It is possible to draw the conclusion, considering the highly cautious nature of the responses of the directors of regional television to these questions, that there is a reluctance to cover aspects of the pre-election campaign which would displease the local authorities or the state. All of the television companies currently operating, do so under threat of imminent closure, since none have a legal basis from which to defend their position.

5.2.3 The print media

As indicated above, the print media play only a secondary role in providing the Azerbaijani public with information on political and other developments. The nine newspapers monitored have a combined weekly print run of 450,000. The population of Azerbaijan is estimated at between 7 and 8 million. Throughout the period monitored, no open advertising of any of the candidates was observed in these newspapers.

Of the nine papers monitored, two clearly made the maximum effort to offer objective coverage of all aspects of the campaign, in terms of focussing on both the six registered presidential candidates and the five boycotting politicians and their support organisation, SIDSUH, and in terms of their predominantly neutral tone in regard to both the registered presidential candidates and their respective platforms, and the boycotters and their rationale for abstaining. Those two papers were the independent self-financing weekly "Ayna/Zerkalo", which publishes in both Azerbaijani and Russian, and the independent daily "Azadliq". "Ayna/Zerkalo" devoted almost equal time to the participating candidates, the opposition and the elections and was the most reserved in terms of criticism or praise. "Azadliq" tended to focus on the fortunes of Heidar Aliiev and SIDSUH; coverage was objective on the whole, although the president himself was the subject of frequent criticism.

The independent daily "525 gazeti" devoted quantitatively more coverage to the boycotting politicians and to SIDSUH than to those candidates who did participate. Its coverage of SIDSUH was generally neutral. Of the six presidential candidates, Heidar Aliiev received the most extensive coverage, but also the most criticism. "525 gazeti" was impressively systematic in its approach to election-relation coverage: according to Kyamran Gasanly, the paper "tried to be totally objective," first printing what he described as "neutral" articles on all the six candidates, then interviews with all the candidates except Aliiev. In addition to its coverage of SIDSUH, "525 gazeti" also printed materials on the pro-government Centre for Democratic Elections and on the sessions of the CEC.

Predictably, those papers with ties either to the presidential apparatus ("Xalq gazetesi" and "Panorama") or to the parliament ("Azerbaijan"), tended to devote the lion's share of their election-related coverage to President Aliyev's campaign and to give much less, and negative, coverage to the remaining candidates and to the boycotters. Isa Gambar was sarcastic about the lack of professionalism of the state-controlled press, noting that in one issue of one such paper he was identified in three separate articles as an agent of the CIA, the KGB, and Armenian intelligence.

None of these newspapers devoted more than a few hundred square centimeters of article space to the candidates participating in the election. SIDSUH was covered much more extensively but in an exclusively negative tone. Mahal Ismailoglu, editor of "Xalq gazetesi" admitted that "I would have criticised the boycotting candidates even if I had not been the editor of a pro-government paper, as their alignment was purely tactical and directed against Aliyev," whom Ismailoglu perceived as a "unifying force" for political stability. In an apparent contradiction, Ismailoglu further told the monitor, first, that his paper reported when and where Aliyev met with voters, but not what he said addressing them -- and second, that "we have to print whatever Azertadzh [the state news agency] gives us".

Similarly, two papers aligned with a specific party, "Millet" the daily newspaper of Azerbaijan National Independence Party (headed by presidential candidate Etibar Mamedov), and "Yeni Musavat", the daily newspaper founded by the Musavat Party chairman Isa Gambar, one of the five boycotters, also demonstrated a markedly partisan approach. Whether in the case of "Yeni Musavat" this bias was intentional is open to question: its editor, Rauf Arifoglu, told the monitor he considers the paper independent, but he made no secret of his distaste for President Aliyev, whom he considers a negative influence on the development of a free press and a democratic society.

Finally, the sole popular tabloid monitored, the bi-weekly "Bu gun", carried a small amount of information about the elections in comparison to the other papers monitored. SIDSUH received the largest proportion of coverage, and that coverage was more or less neutral. The President received proportionately less, and predominantly critical coverage. Only Etibar Mamedov received positive mention out of the candidates covered.

Three opposition candidates -- Suleymanov, Hasanov and Kazymly -- all complained to the monitor that their campaign programmes were distorted by either the state-controlled press or the boulevard press or both; but they tended to attribute the lack of objectivity of the tabloids to a lack of professionalism. Suleymanov's campaign manager Elkhan Iskenderov remarked that the tendency of some journalists to criticise the candidates' personalities rather than specific tenets of their campaign programmes was similarly a reflection of the general lack of professionalism.

5.2.4 Shortcomings

The monitoring team registered only one complaint by a presidential candidate that constituted a clear violation of the regulations on election coverage issued by the CEC: Etibar Mamedov told the monitor on the 7th of October that on the 30th of September AzTV-1 refused to broadcast footage he had supplied for broadcast in the nightly newscast on the grounds that the footage contained remarks by Mamedov that were extremely critical of President Aliyev. Mamedov and his press secretary also cited one instance in which Mamedov's remarks were blatantly distorted by AzTV-1, and one case of open lobbying on behalf of Aliyev in the official press.

The first example occurred on the 6th of October. Responding to charges that he had been instrumental in ceding Azerbaijan's western Lachin raion to Armenian forces in 1993, Mamedov had said "If there are men in Lachin who can prove that these allegations are true, let them come forward with the evidence." The statement attributed to Mamedov that was subsequently broadcast was "There are no men in Lachin raion."

The example of official lobbying for President Aliev was from "Gelebe," the official newspaper of Salyany raion. On the 2nd of October, the paper published a directive by the local governor to the population to vote for Heidar Aliev.

Ashraf Mehtiyev also complained to the monitor that his remarks were inaccurately, selectively or tendentiously quoted, but despite repeated requests declined to cite specific examples.

Suleymanov, during his allocated free air time and at a press conference to which all the candidates were invited, aired on the 4th of October on AzTV-1 (only President Aliev did not participate), used the opportunity to accuse major politicians in the regions and the capital of having Armenian ties and sympathies. Such statements contravene the law on the elections which prohibits propoganda intended to incite inter-ethnic hatred.

6 Conclusions

The abolition of censorship in early August created the legal conditions whereby the media were enabled to debate without reservations or restrictions the entire range of issues and circumstances related to the election campaign. This was particularly important in view of the unprecedented degree of public interest in the election process generated by the decision by the five opposition figures to boycott the poll.

The print media in particular availed themselves of this opportunity to provide the electorate with a broad plurality of views. But the performance of the electronic media, in particular state television was essentially flawed.

On the plus side, it should be noted that a slight but significant improvement in the professional level of AzTV-1 programming has been registered in recent months. This has been reflected in several ways, primarily in greater objectivity in its coverage of the incumbent president and less fulsome praise of his person and achievements. AzTV-1 has also introduced several new programmes and changed the format and editorial style of others. In terms of election-related coverage, the airing by AzTV-1 of some exceptionally harsh criticism of Heidar Aliyev by Etibar Mamedov without any editorial cuts or interference was unprecedented.

However, with a very few exceptions, independent print media outlets are still not in a strong financial position. The fulfillment by President Aliyev of his August commitment to exempt print media from VAT would help to expedite the emergence of a truly independent press.

The monitors registered no violations of the election law, as regards equal distribution of free airtime for the six participating candidates. The electronic and print media devoted most coverage to President Aliyev, SIDSUH and Etibar Mamedov, reflecting the perceived relative significance of these players on the Azerbaijani political scene.

The regulation relating to the distribution of broadcast time on State television, approved by the Central Electoral Commission on the 12th of August 1998, states quite clearly in article 1.2 that during pre-election campaigning, officials holding state positions, registered as candidates for the Presidency of Azerbaijan, may not use speeches, conferences or meetings related to their official activities to directly benefit their own campaign or to criticise the election programmes of their opponents. President Aliyev disregarded this ruling on numerous occasions, which were subsequently broadcast by AzTV or published in the official press. This was in violation of Article 1.3 of the same regulation, which bars the media from giving preferential treatment to any one candidate.

The abolition of censorship enabled the print media to provide a relatively pluralistic source of information to the voter. However, monitors observed a tendency to blur the distinction between information, commentary and political advertising in the newspapers with ties to political parties and the state. This shortcoming is only one facet of a less than optimum level of professional competence. "Azadliq" editor Tairli expressed concern at an overall steep decline in educational standards, which does not augur well for the longterm.

In addition, the clearly demonstrated partisanship of the only broadcaster to reach all parts of Azerbaijan, AzTV-1, meant that voters relying on television as their only source of information were not given an adequate accounting of the pre-election campaign.

It was unclear whether the relative freedom allowed the media during the election period to criticise the country's leadership with impunity would extend permanently to all media outlets, whether state-controlled, party-affiliated, or independent. "Yeni Musavat" editor Rauf Arifoglu told the monitor that he had reason to believe that after the elections, when international attention to internal developments in Azerbaijan wanes, "the free press will be taught a lesson".

Indeed, subsequent to the elections, in early November, several major government officials brought huge law suits against independent newspapers related to their election coverage. Ramiz Mehdiyev, chief of the Presidential Office, sued the newspaper "Yeni Musavat" in compensation for the "moral damage" (a legal term not uncommon in the criminal codes of countries of the CIS), caused him when the newspaper published a report citing Ashraf Mehdiyev and Nizami Suleymanov's claims that the Presidential Office chief is an Armenian by birth. According to Azerbaijani law, (specifically Article 43 in the Law of the Azerbaijani Republic on the means of mass media) editors and journalists "are not responsible for facts and reports of officials which are published in the newspaper". Ramiz Mehdiyev is suing the Chief Editor of "Yeni Musavat" and the newspaper for the equivalent of \$50,000.

The chief of the Intelligence Department of the Ministry of Internal Affairs of Azerbaijan, Nizami Gadjiev, also brought a \$12,500 suit against Yeni Musavat at this time, for implying that he was involved in the attempt on the life of Ziya Bunyadov. The Minister of Justice, Sudaba Hasanova, brought a suit against Yeni Musavat and also against the newspaper Azadliq, asking for \$50,000 per edition of the newspaper which caused damage to President Aliyev's reputation. Specifically, the Minister referred to the occasion when both papers reported the words of former president and boycotting politician, Abulfaz Elchibey, when he alleged a link between Heidar Aliyev and the Kurdish Workers' Party during the president's previous career in the KGB.

In protest, more than 20 editors of independent newspapers went on hunger strike. This state of affairs casts a shadow over the relative relaxation of controls over the print media exhibited during the election period in Azerbaijan. On the 19th of November, the Sabayel District Court upheld Nizami Gadjiev's claim and fined "Yeni Musavat" \$5,000. The allegations against Nizami Gadjiev may be a separate matter in terms of legal redress, but in relation to the other complaints, Azerbaijani law regarding the media states that the responsibility for statements lies with the politician or political candidate who makes them, and not with the newspaper which publishes them. Such legal actions on the part of the authorities, so quickly after the election was won by the incumbent president, constitute a threat to the survival of independent media in Azerbaijan.

7 Recommendations

When the European Institute for the Media conducted monitoring of the media in Azerbaijan during the parliamentary elections in 1995, the team noted that the calibre of election reporting was not high, that the state press made no effort at impartiality and that the non-state press was also highly partisan in favour of the political party with which they were aligned. Although censorship had been relaxed in the period before these elections, observers (correctly as it turned out) expressed uncertainty over whether this state of affairs would continue.

Since this time, major changes were made in regard to the media which should be highlighted here. Upon the request of one of the candidates, the amount of free broadcast time allocated to participating candidates in the presidential elections was increased to six hours each. In addition, the removal of censorship in August 1998 had a significant effect on the ability of the media to form their own analyses without constant reference to official procedure. The distancing of political parties from the print media is a new turn of events in Azerbaijan, but nevertheless augurs well for the future. However, the recent spate of law suits, brought by senior government officials on behalf of themselves or the president, against the independent print media, signal a distinct chill in relations between the authorities and the media. If the relaxation of controls is to be similar to previous elections in Azerbaijan, in terms of its termination after the process of elections is over, then the team would have to conclude that very few steps forward have been made.

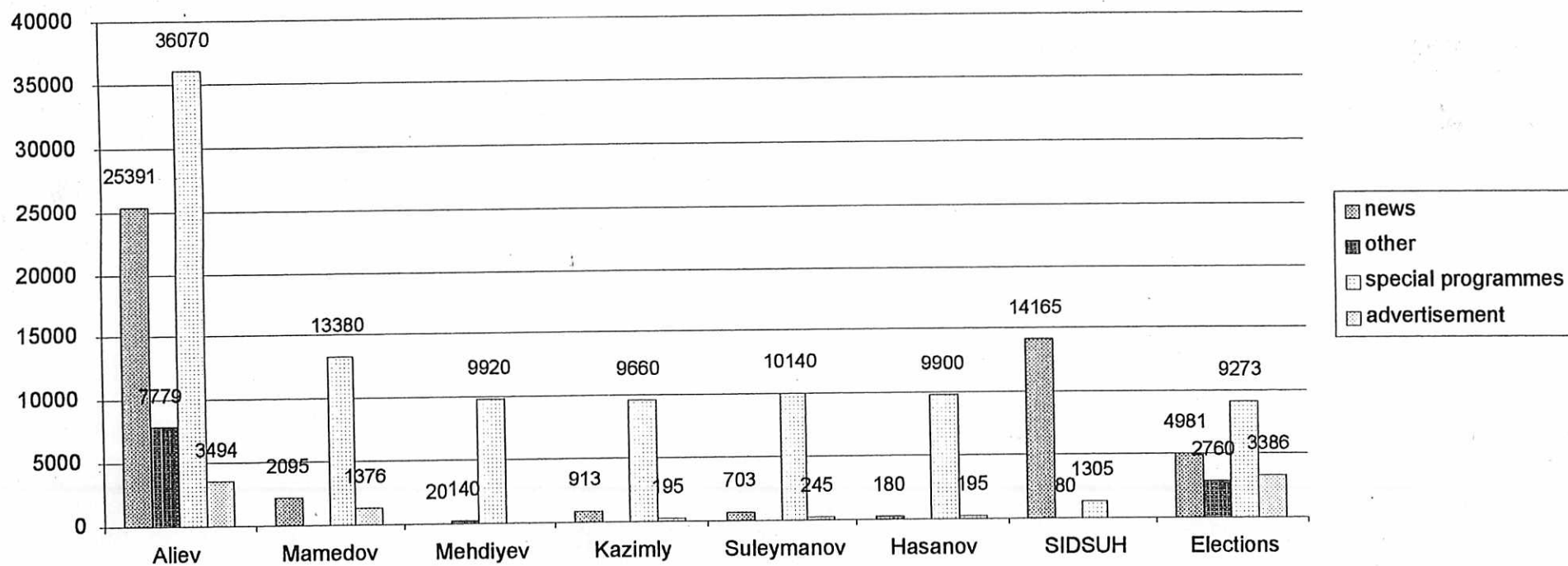
The monitoring team would like to make the following recommendations related to problems which were observed during the campaign period:

- Television was the most important medium of information for the electorate during these elections, and while state television fulfilled its obligations in a narrow sense, to provide free air time to all participating candidates, it failed in the broader definition of fully and fairly informing the viewers of the choices available to them. Particular effort should be made in state broadcasting in future, to firstly, distance it from absolute government control and secondly, introduce policies within state broadcasting that comply with both the spirit and the letter of the law regarding full and fair election coverage.
- The monitoring team welcomes the change in law regarding censorship. However, incidents during opposition party demonstrations indicated a continued level of state interference in the activities of journalists attempting to cover political events. Many journalists complained of having been mishandled by the police, and having their cameras, film and dictaphones confiscated. Such incidents undermined the authorities' pledge to refrain from interference with the media, and steps to avoid such actions by the police should be taken in future.
- The existing plurality of the media should be encouraged further; the president's order to remove the obligation of the media to pay VAT would go some way to improving their financial situation, if carried out.
- State financed media and media with ties to parliament demonstrated a marked tendency to partiality towards the candidates, devoting a disproportionate amount of article space and time to the incumbent president. In future, it is recommended that state-financed media should be constrained to publish only material of an impartial character relating to different parties and candidates, and to differentiate advertising as separate from information.

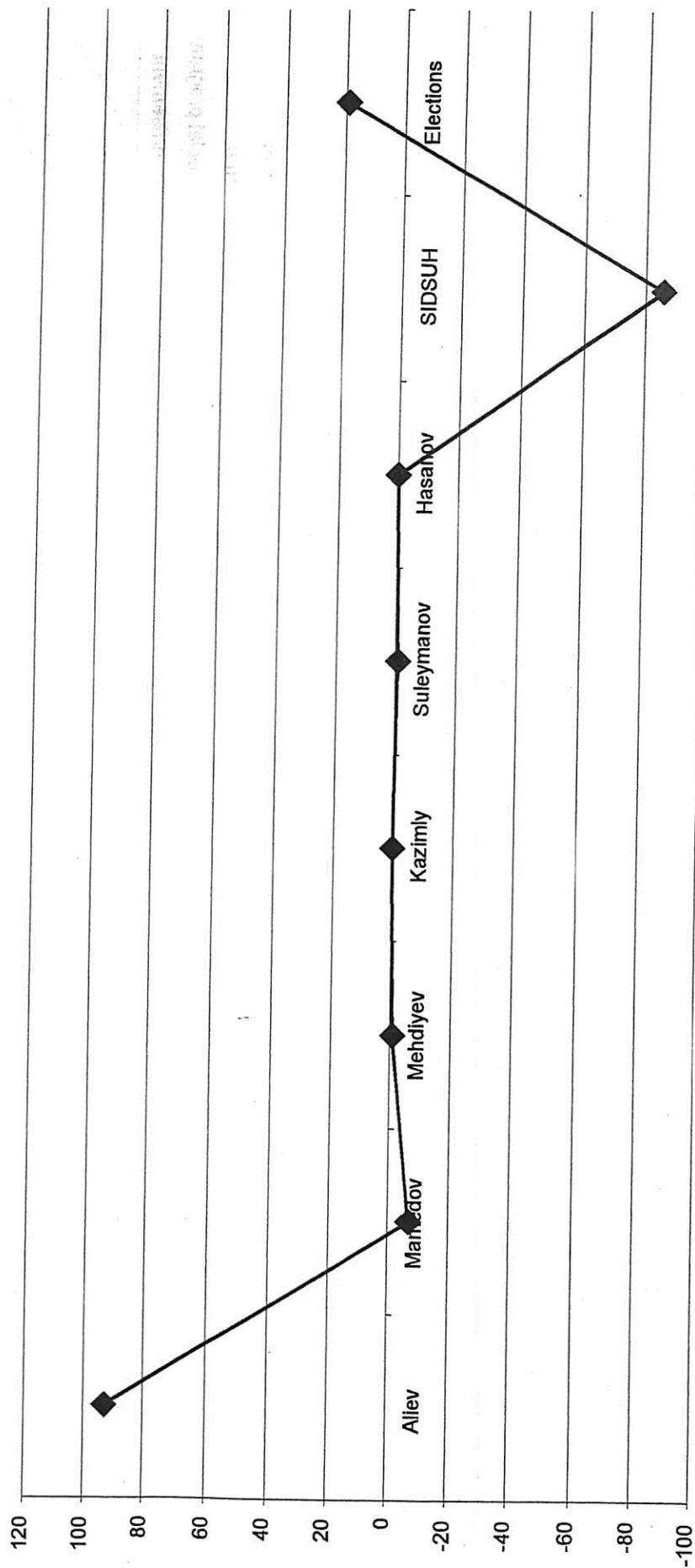
- In general, there was no open advertising observed in the print media, and very little observed in the electronic media. This indicated a tendency to conflate news, interview and political advertising. The team recommends that the difference between editorial and paid space and time be made as clear as possible, otherwise the voter is not adequately alerted to the type of information being offered.
- The European Institute for the Media strongly recommends a swift resolution to the courtcases brought by members of the government against the independent press following the presidential elections in November. Such cases constitute an attack on freedom of speech and therefore contradict basic precepts of the Azerbaijani Constitution. Resolving these conflicts without inflicting huge fines on the newspapers involved would go some way to redressing the deterioration in media/government relations caused by these events.

8 Monitoring tables

Television (in seconds)
 AzTV1
 Time devoted to candidates, SIDSUH and Information about elections
 Data: 20.09.1998 - 09.10.1998



Television
Distribution of positive and negative references to presidential candidates, SIDSUH and Elections
AzTV1
20.09.1998 – 09.10.1998

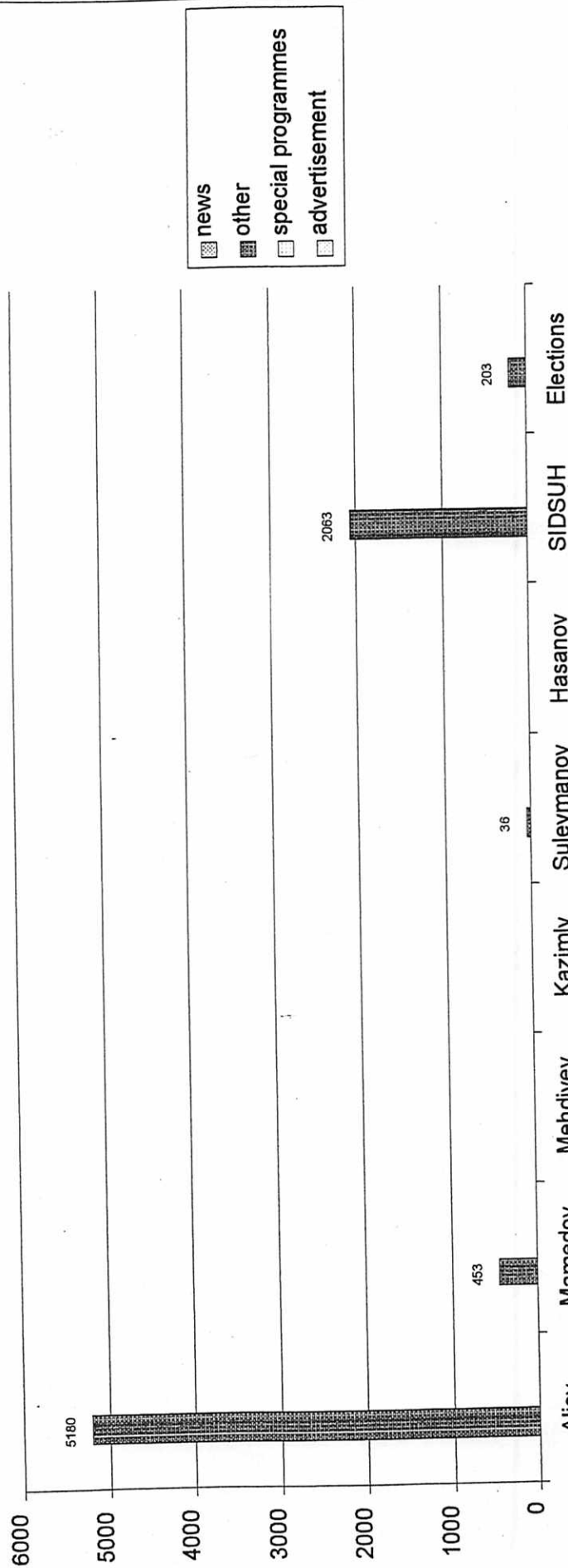


Television (in seconds)

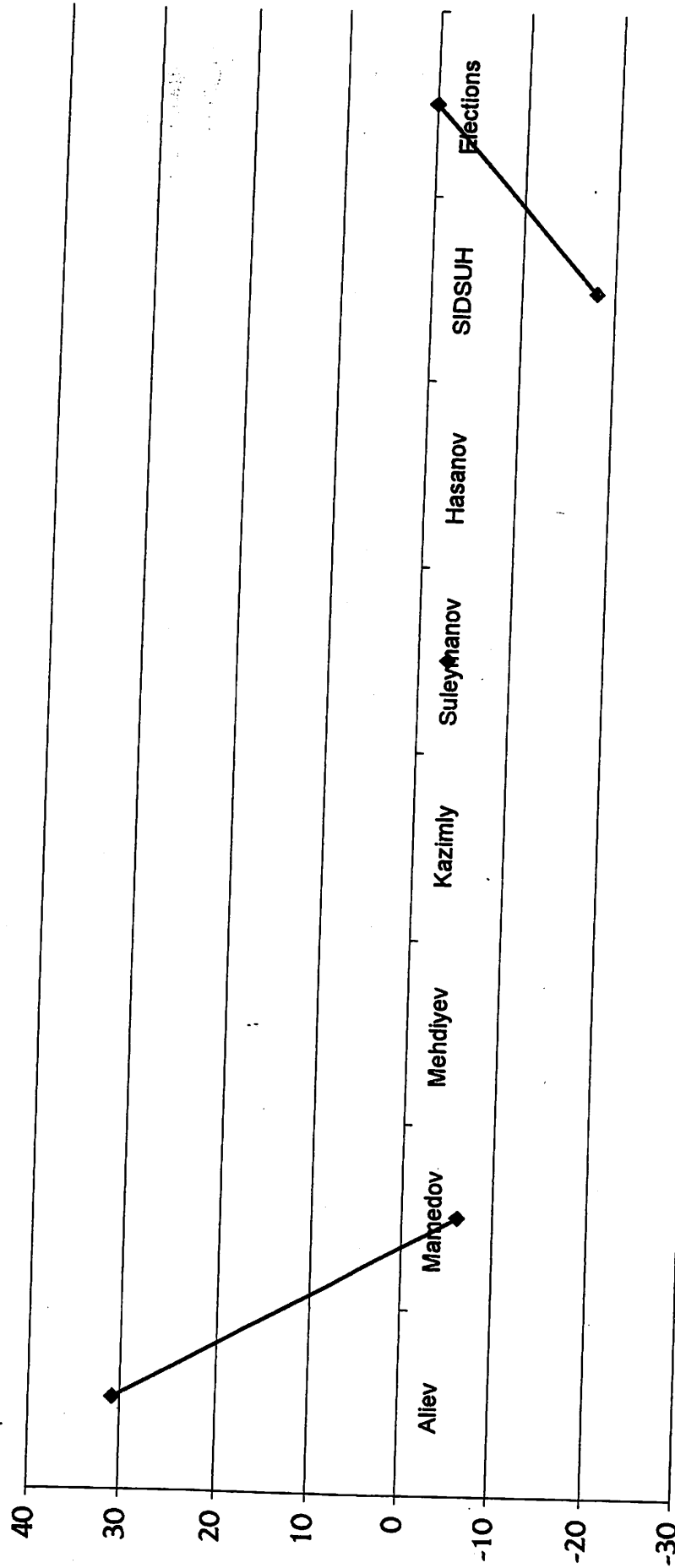
AzTV2

Time devoted to candidates, SIDSUH and information about elections

Data: 20.09.1998 - 09.10.1998



Television
Distribution of positive and negative references to presidential candidates, SIDSUH and Elections
AzTV2
20.09.1998 - 09.10.1998

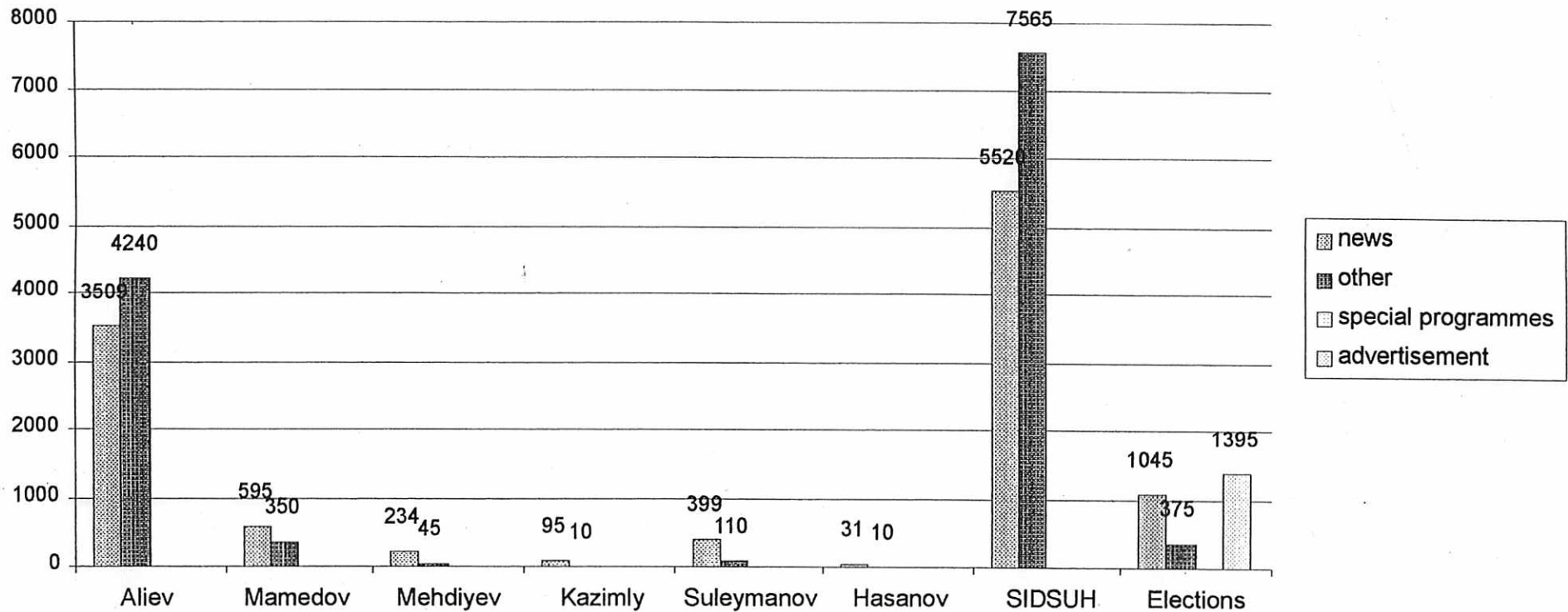


Television (in seconds)

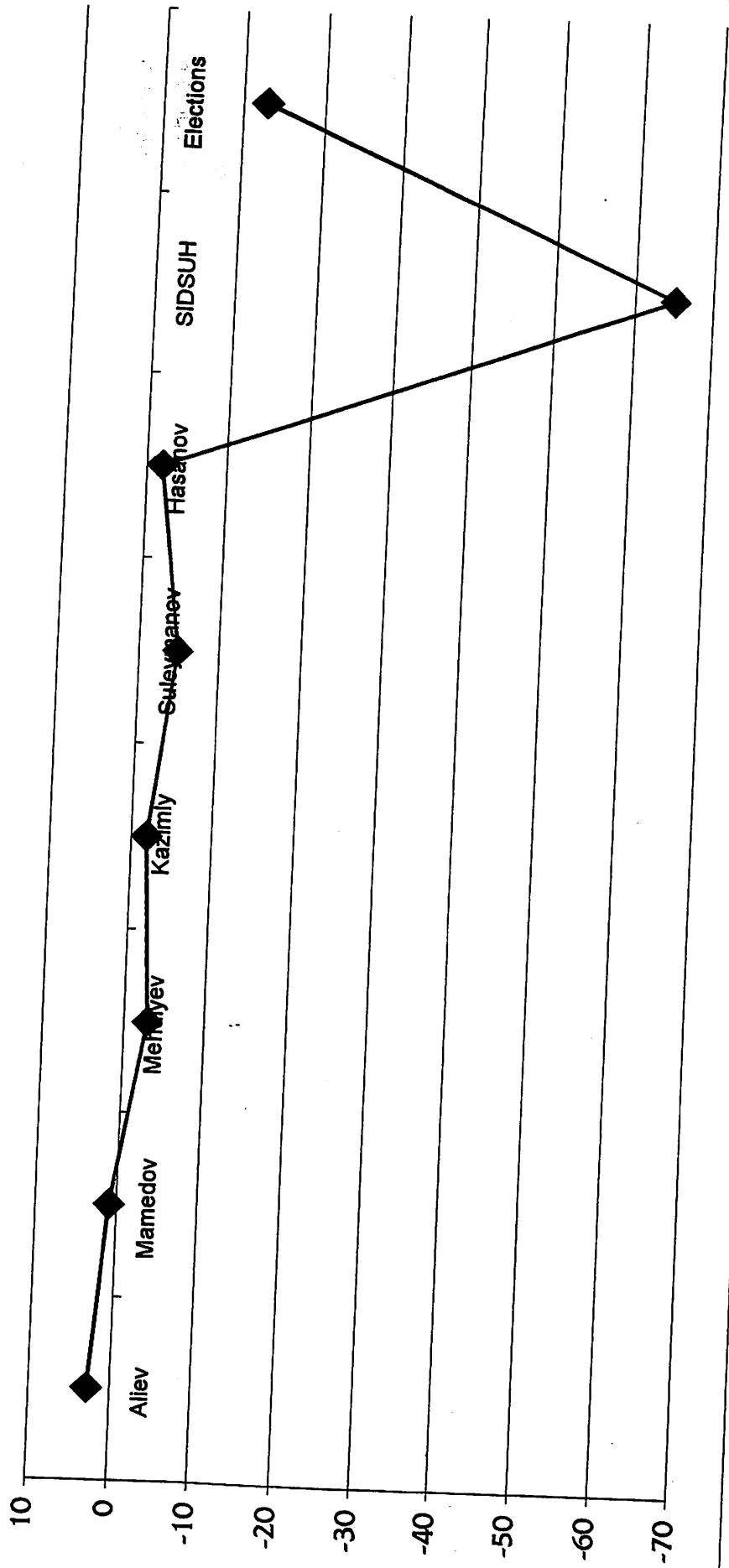
ANS TV

Time devoted to candidates, SIDSUH and information about elections

Data: 20.09.1998–09.10.1998



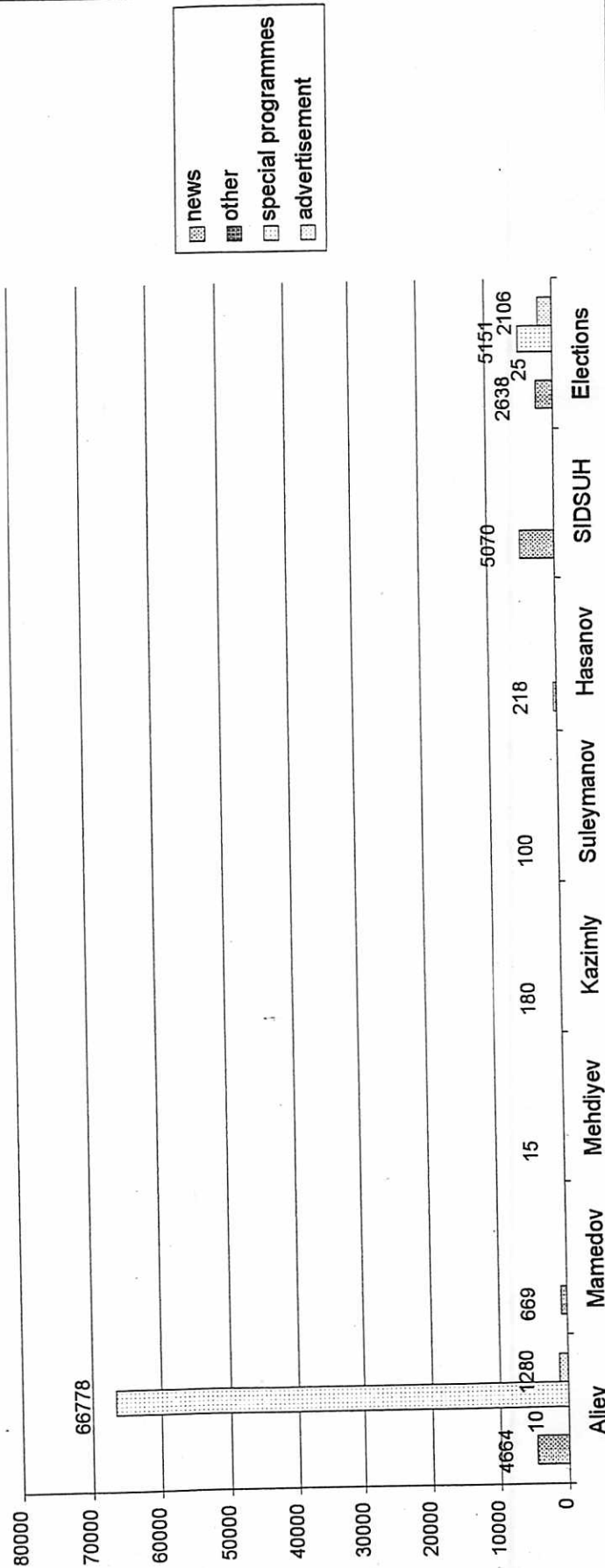
Television
Distribution of positive and negative references to presidential candidates, SIDSUH and Elections
ANS
20.09.1998–09.10.1998



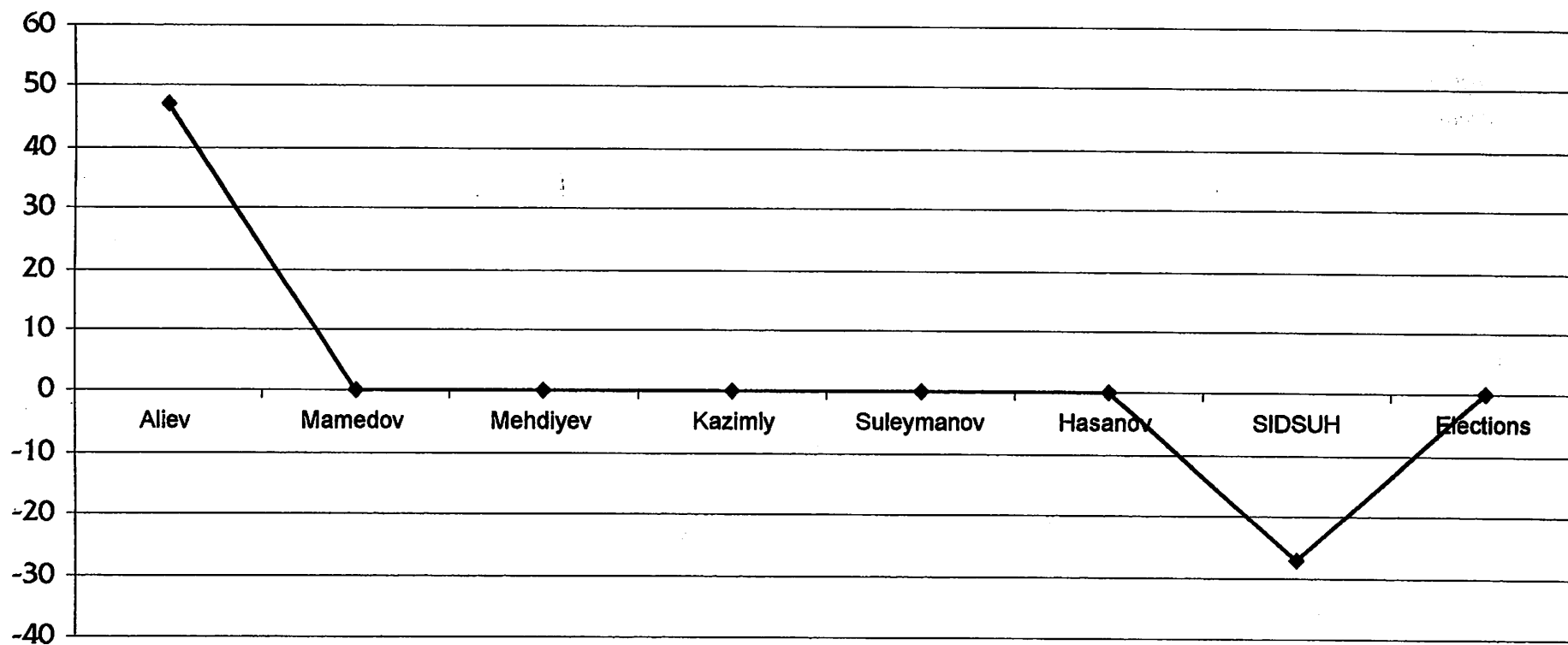
Television (in seconds)
SPACE TV

Time devoted to candidates, SIDSUH and information about elections

Data: 20.09.1998 - 09.10.1998



Television
Distribution of positive and negative references to presidential candidates, SIDSUH
and Elections
SPACE TV
20.09.1998 - 09.10.1998

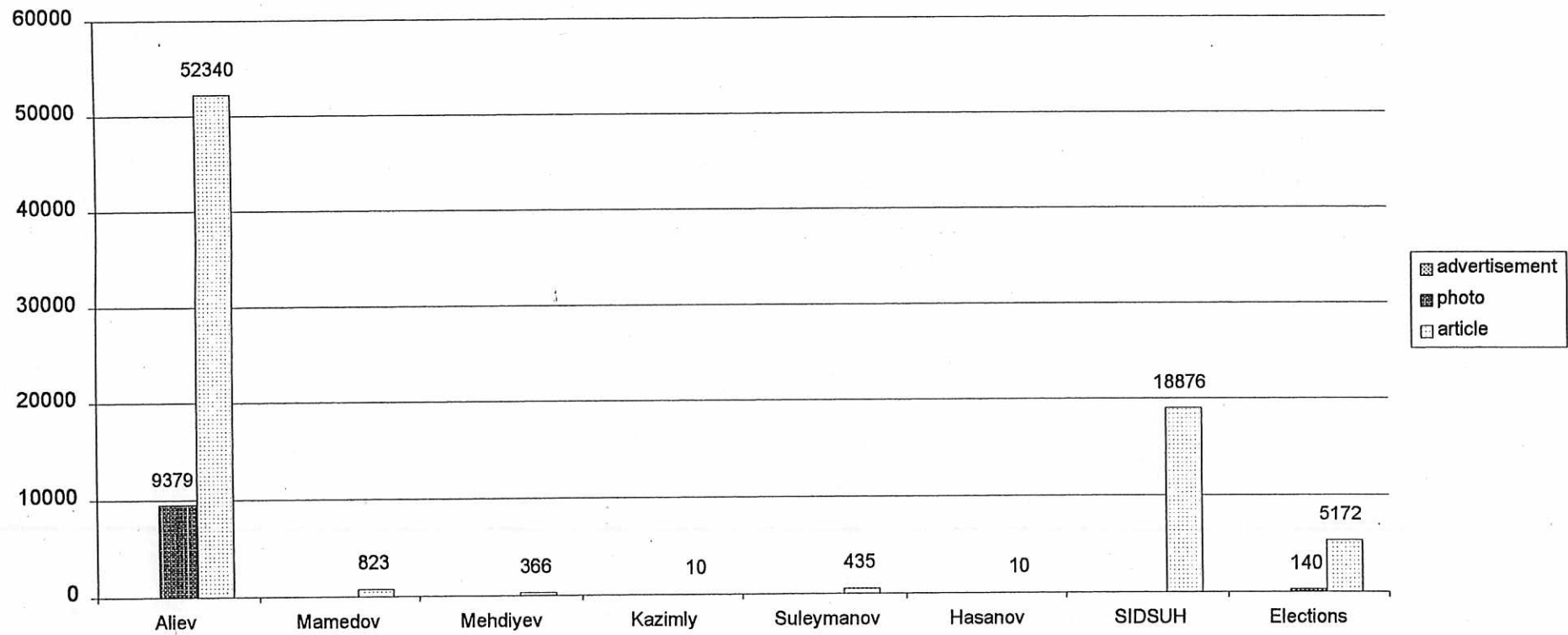


NEWSPAPER (in square centimeters)

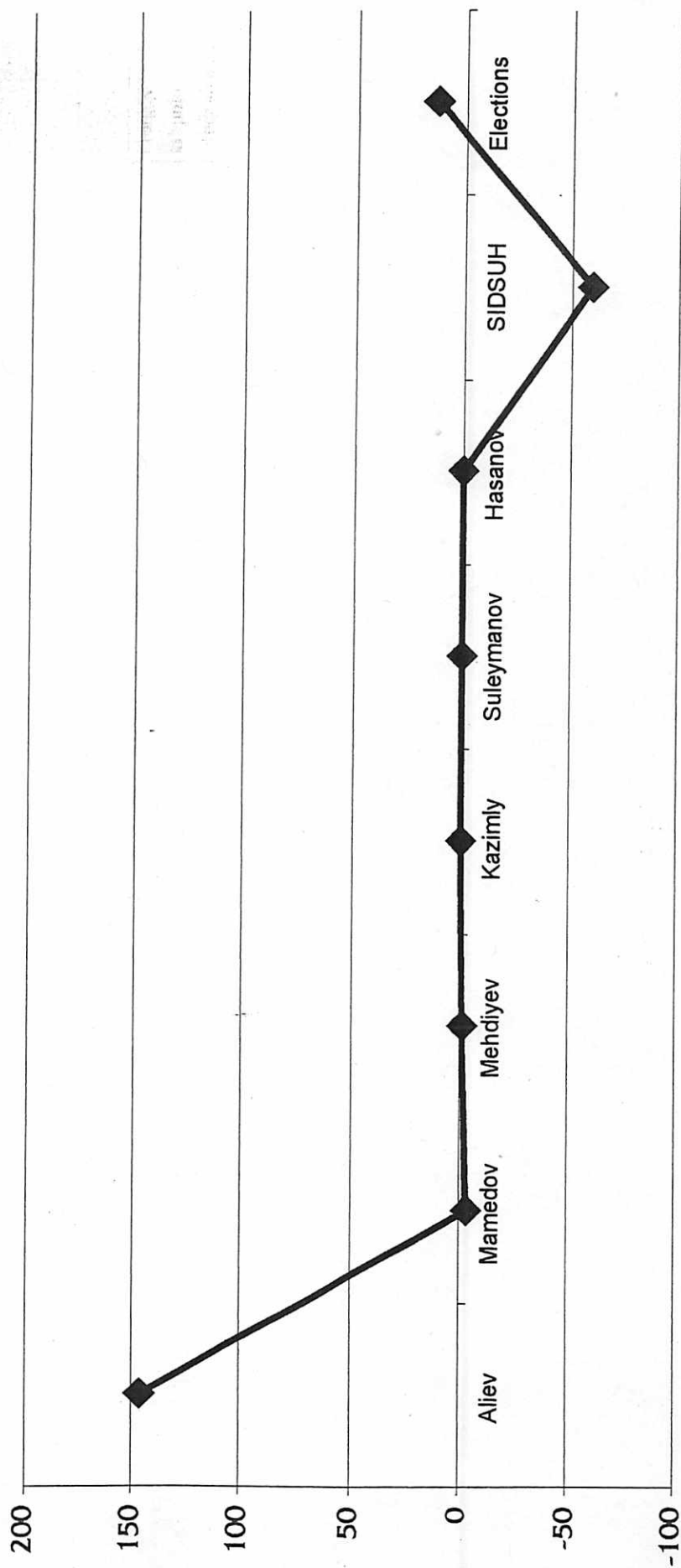
AZERBAIJAN

Space devoted to candidates, SIDSUH and information about elections

Data: 22.09.1998 - 09.10.1998



NEWSPAPER
Distribution of positive and negative references to presidential candidates, SIDSUH and Elections
AZERBAIJAN
22.09.1998 - 09.10.1998

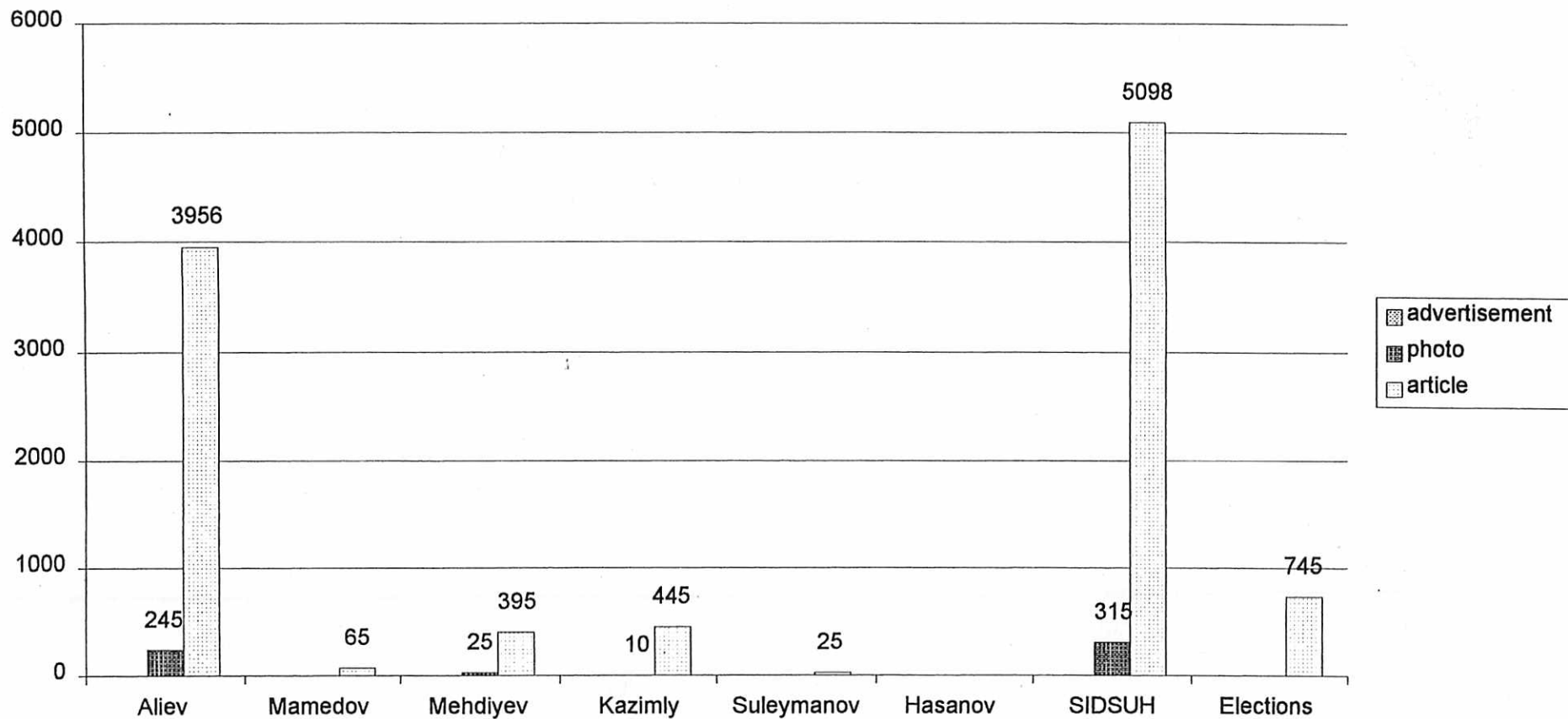


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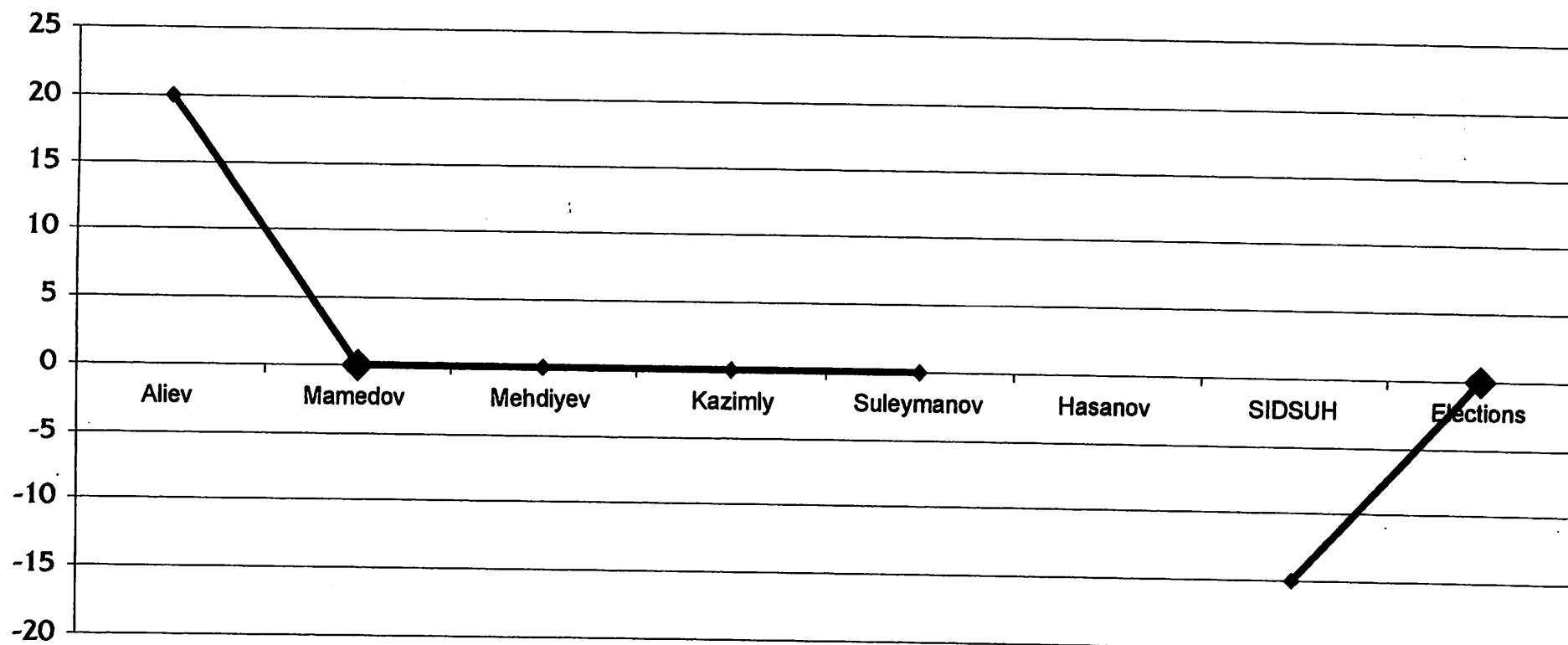
PANORAMA

Space devoted to candidates, SIDSUH and information about elections

Data: 22.09.1998 - 08.10.1998



NEWSPAPER
Distribution of positive and negative references to presidential candidates, SIDSUH and Elections
PANORAMA
22.09.1998 - 08.10.1998

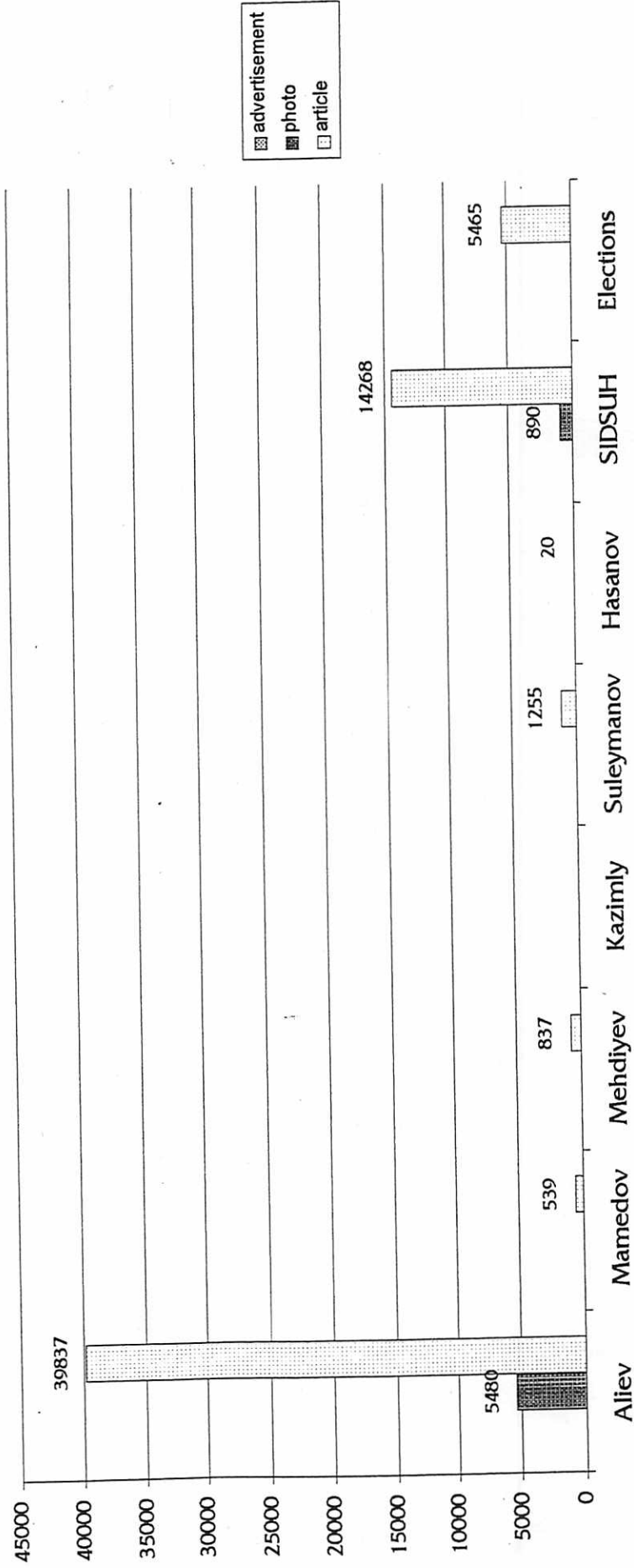


NEWSPAPER (in square centimeters)

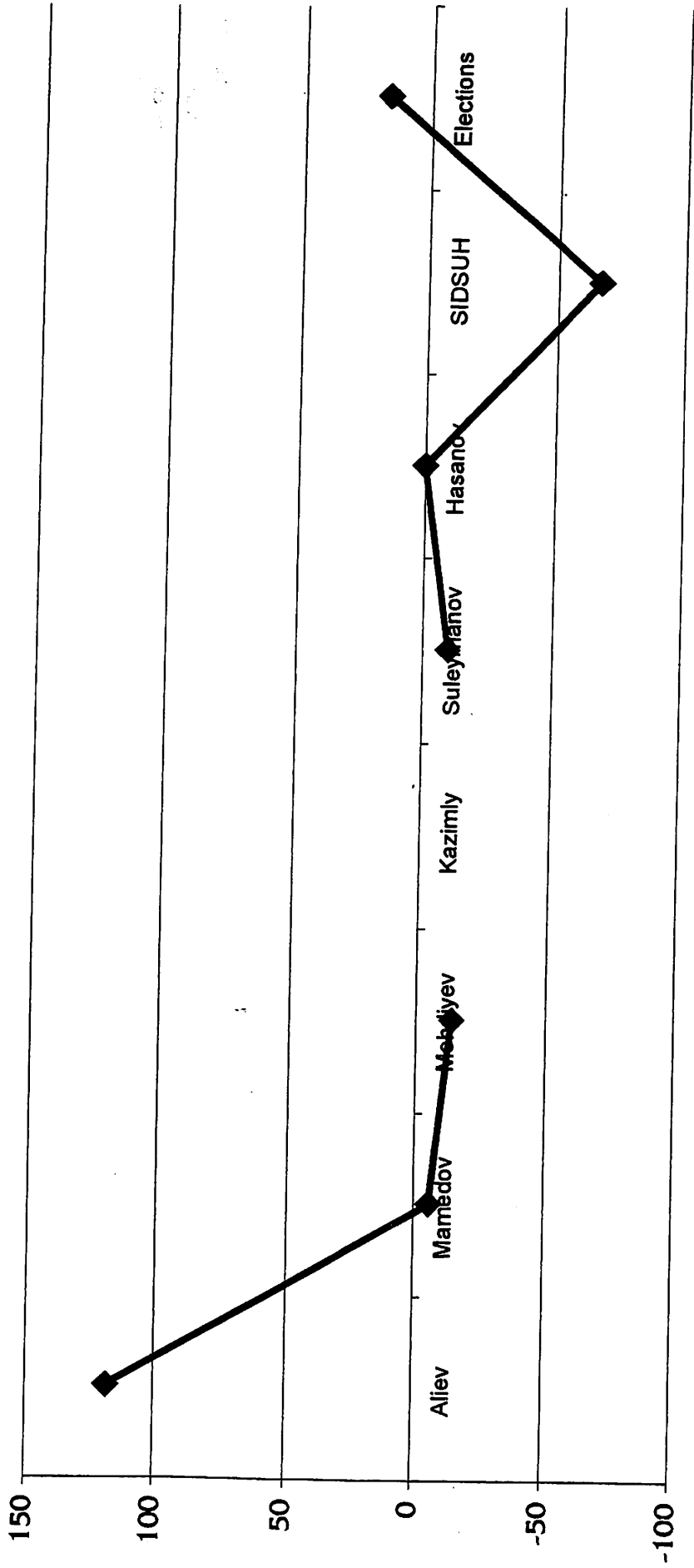
XALQ QAZETI

Space devoted to candidates, SIDSUH and information about elections

Data: 22.09.1998 - 08.10.1998



NEWSPAPER
Distribution of positive and negative references to presidential candidates, SIDSUH and Elections
XALQ QAZETI
22.09.1998 - 08.10.1998

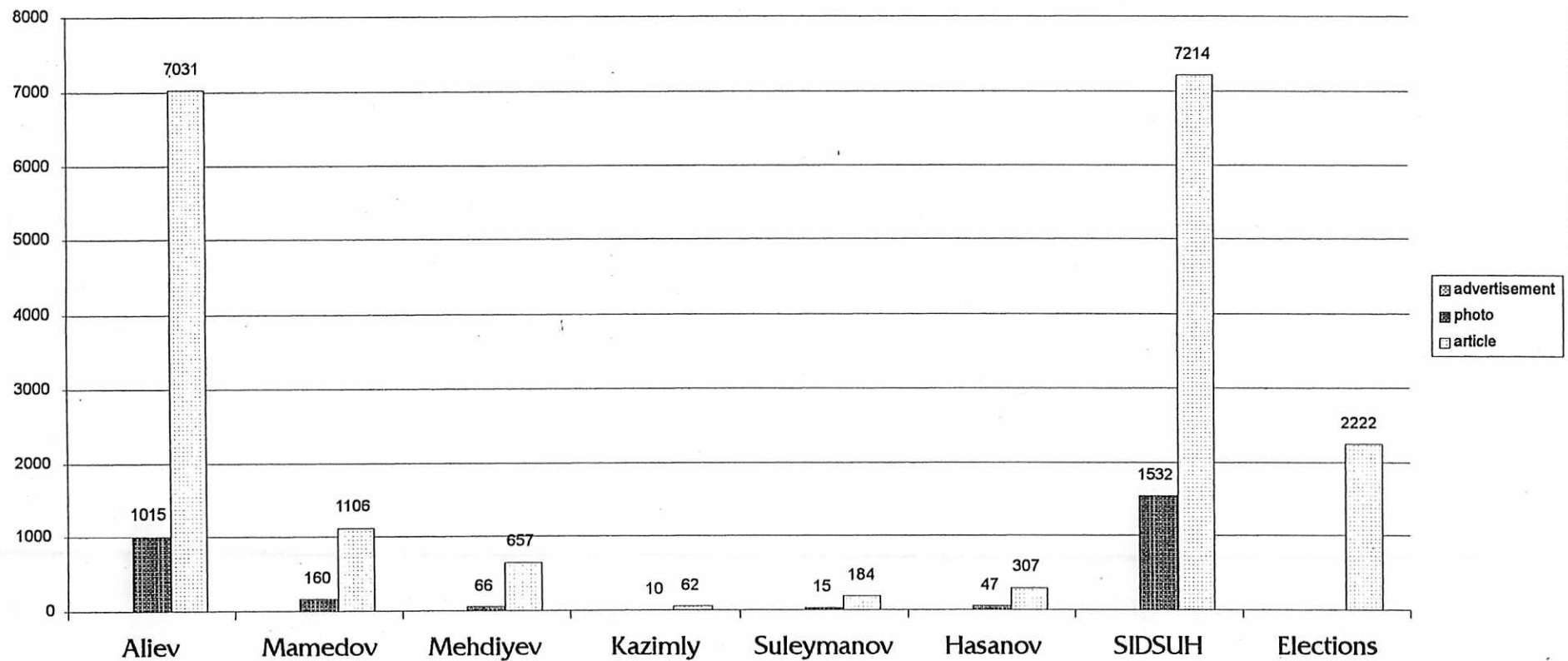


NEWSPAPER (in square centimeters)

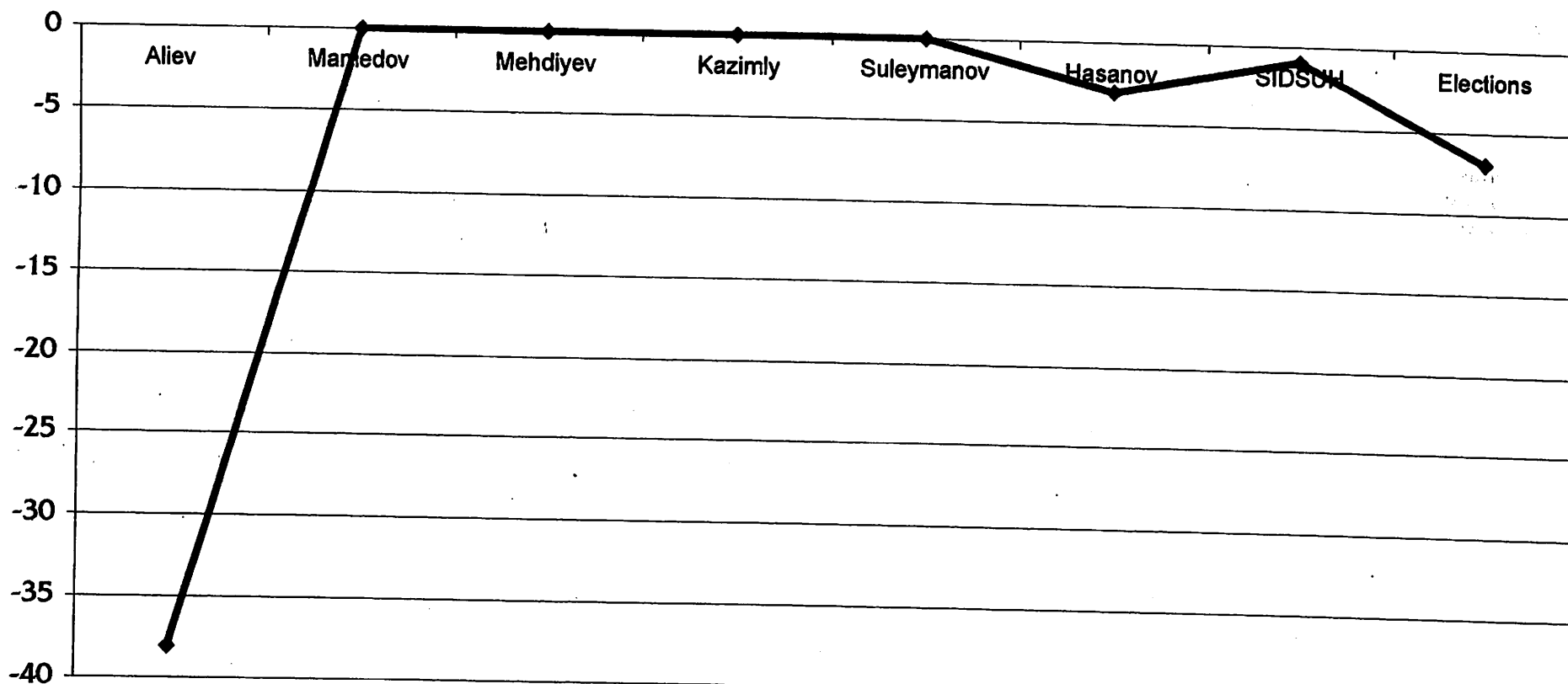
AZADLIQ

Space devoted to candidates, SIDSUH and information about elections

Data: 22.09.1998 - 08.10.1998



NEWSPAPER
Distribution of positive and negative references to presidential candidates, SIDSUH and Elections
AZADLIG
22.09.1998 – 08.10.1998

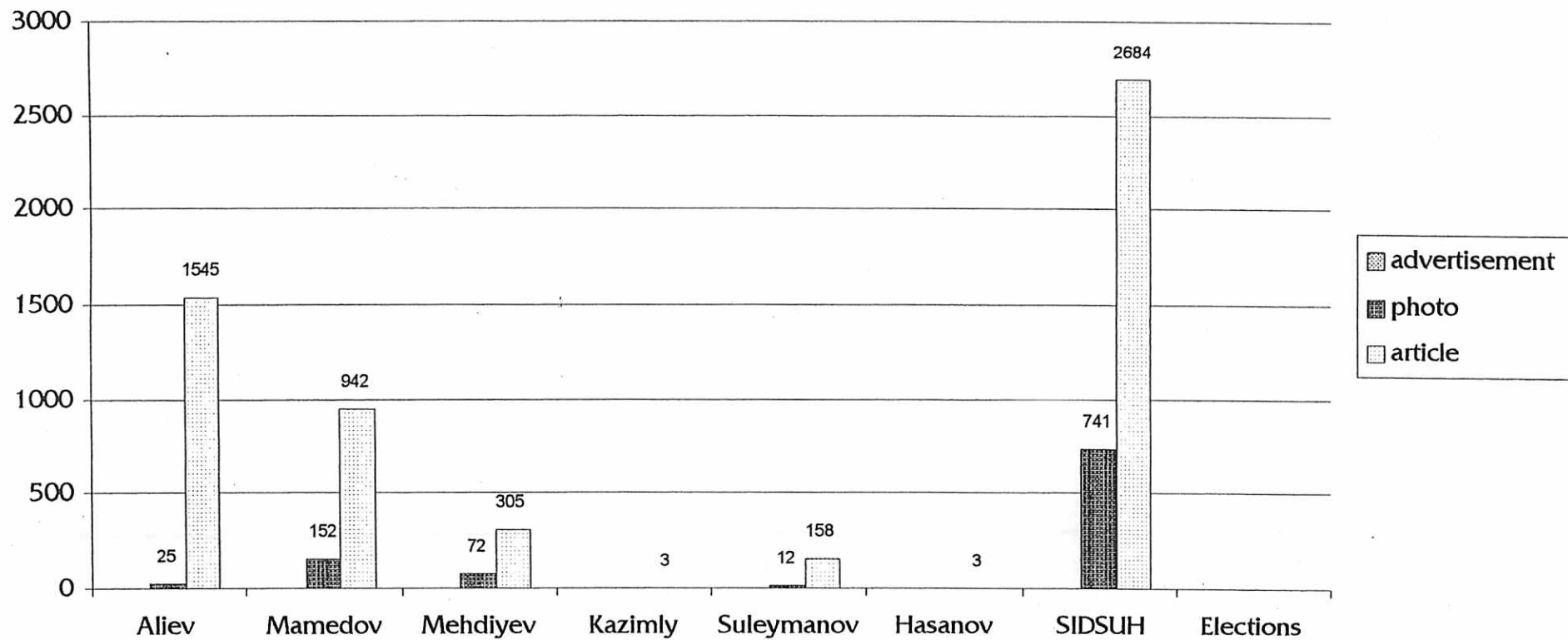


NEWSPAPER (in square centimeters)

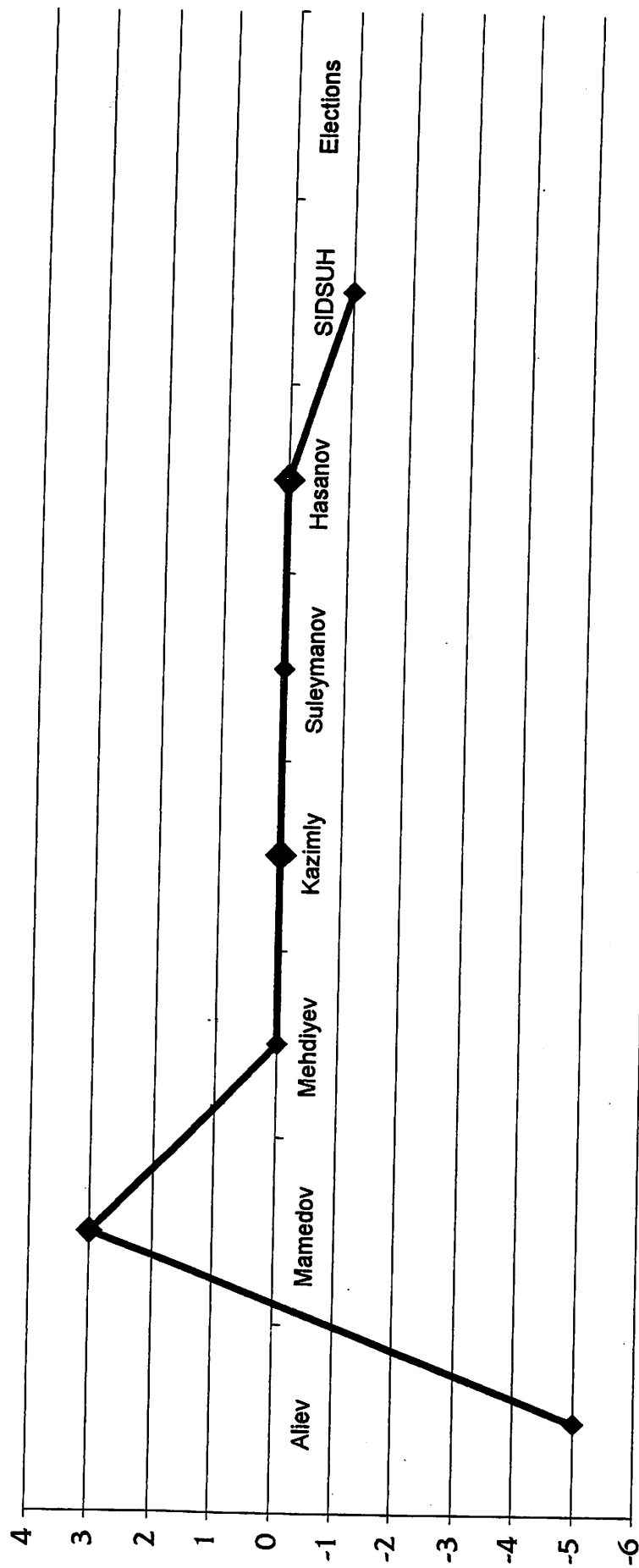
BU GUN

Space devoted to candidates, SIDSUH and information about elections

Data: 27.09.1998 - 03.10.1998



NEWSPAPER
Distribution of positive and negative references to presidential candidates, SIDSUH
and Elections
BU GUN
27.09.1998-03.10.1998

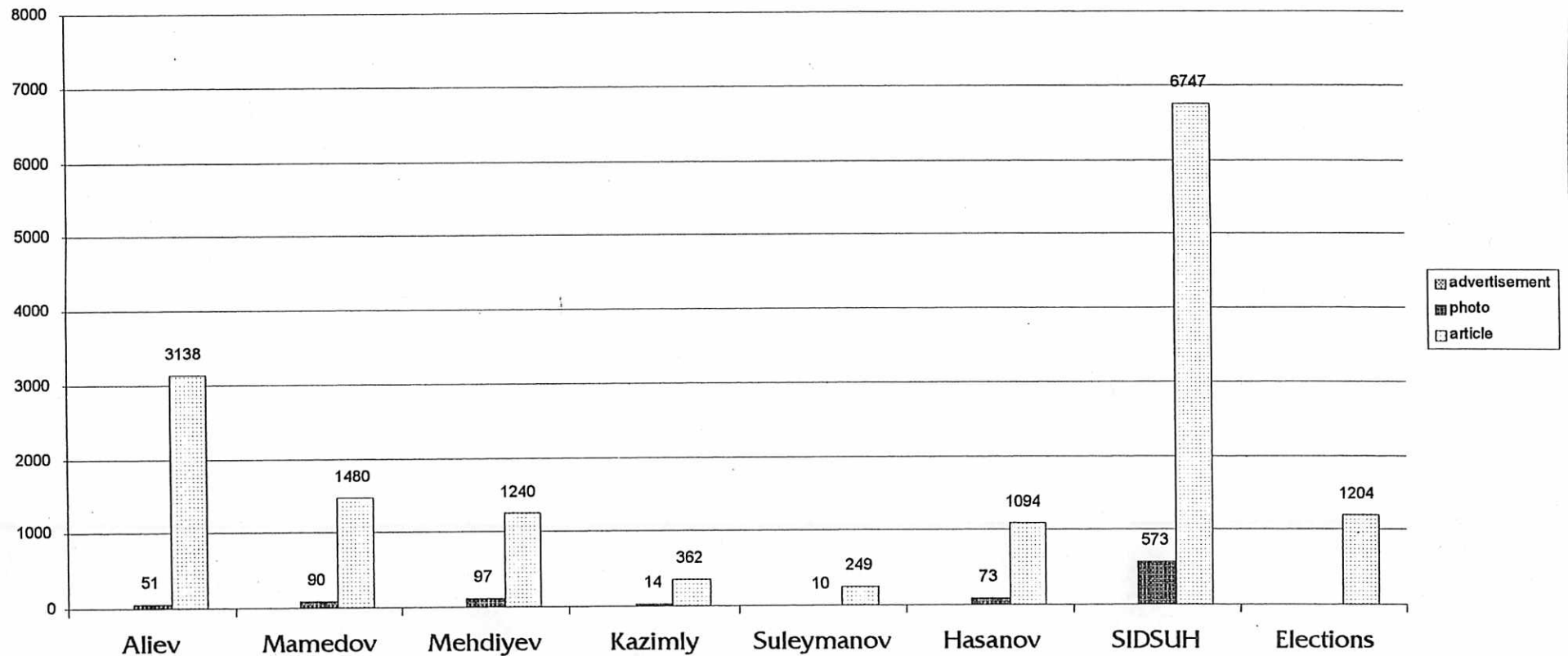


NEWSPAPER (in square centimeters)

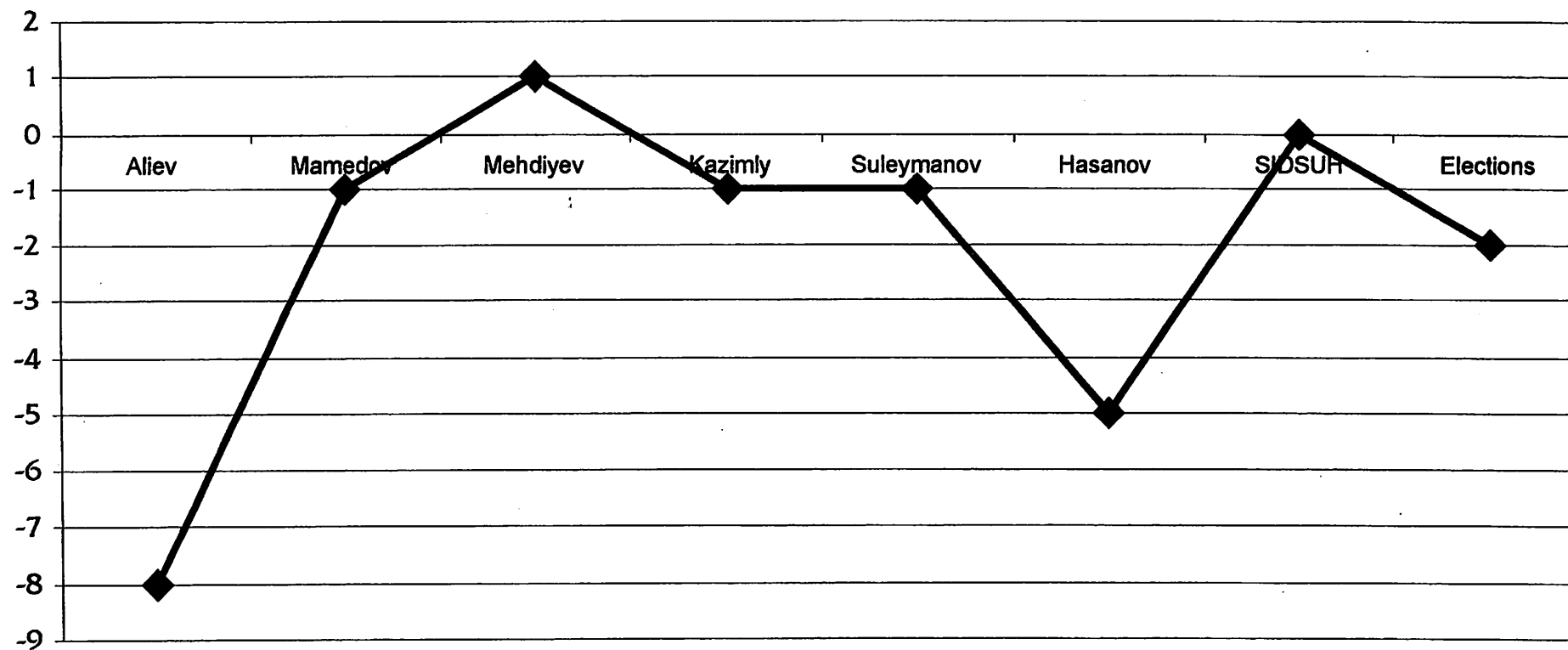
525-ci qazet

Space devoted to candidates, SIDSUH and information about elections

Data: 22.09.1998 - 08.10.1998



NEWSPAPER
Distribution of positive and negative references to presidential candidates, SIDSUH
and Elections
525-ci QAZET
22.09.1998–08.10.1998

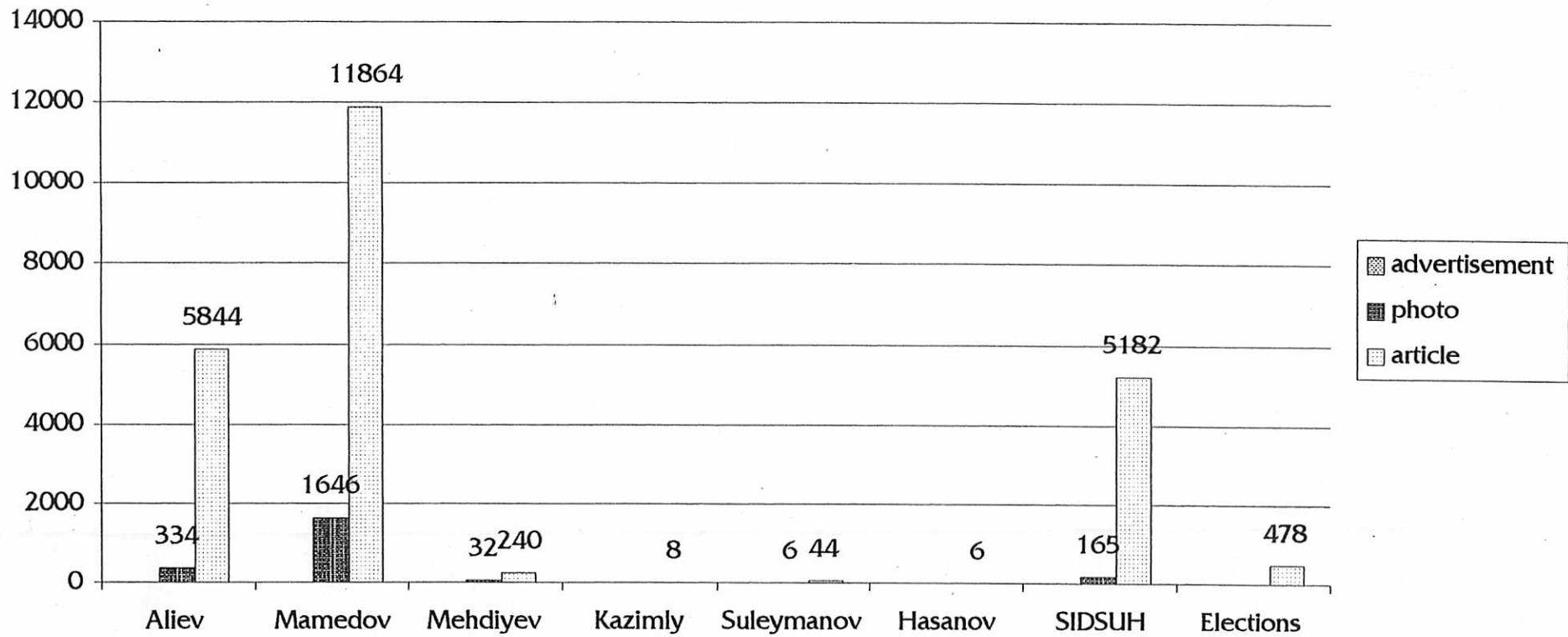


NEWSPAPER (in square centimeters)

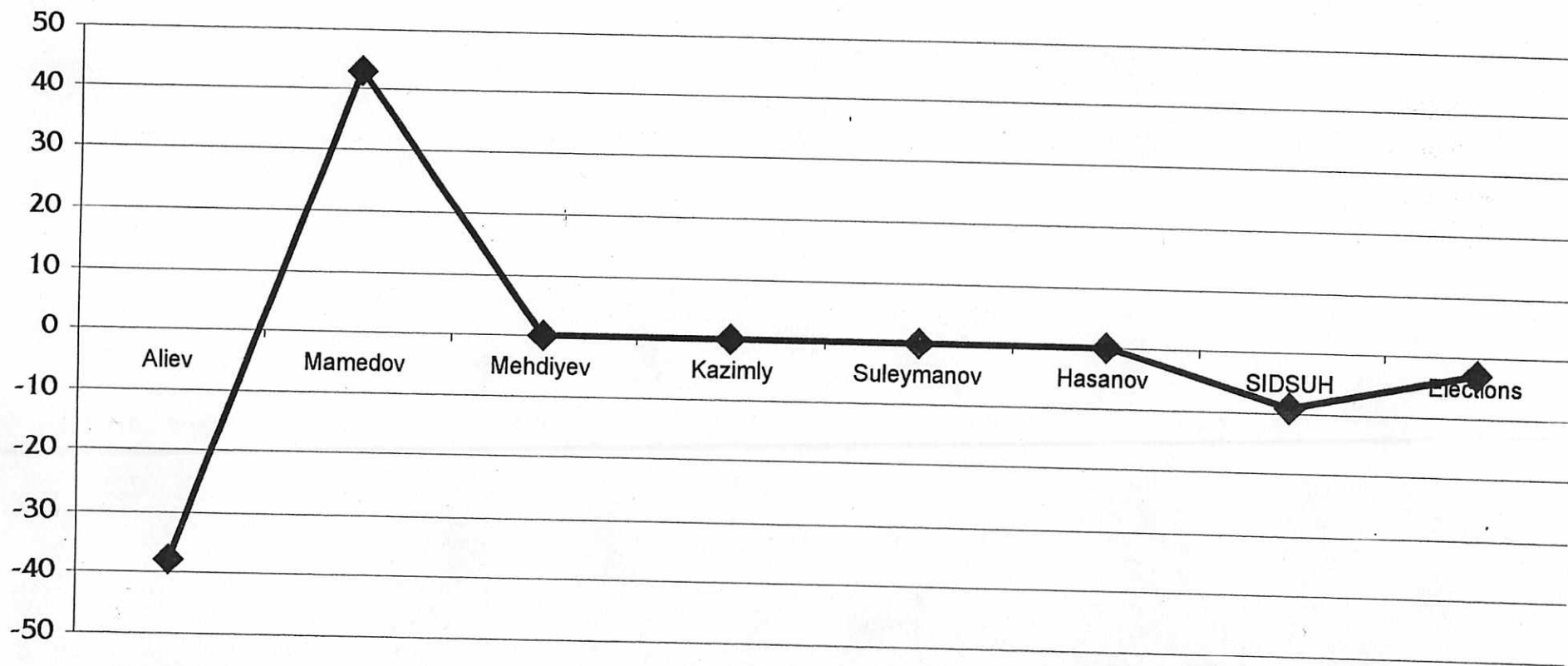
MILLET

Space devoted to candidates, SIDSUH and information about elections

Data: 20.09.1998 - 08.10.1998



NEWSPAPER
Distribution of positive and negative references to presidential candidates, SIDSUH
and Elections
MILLET
20.09.1998 - 08.10.1998

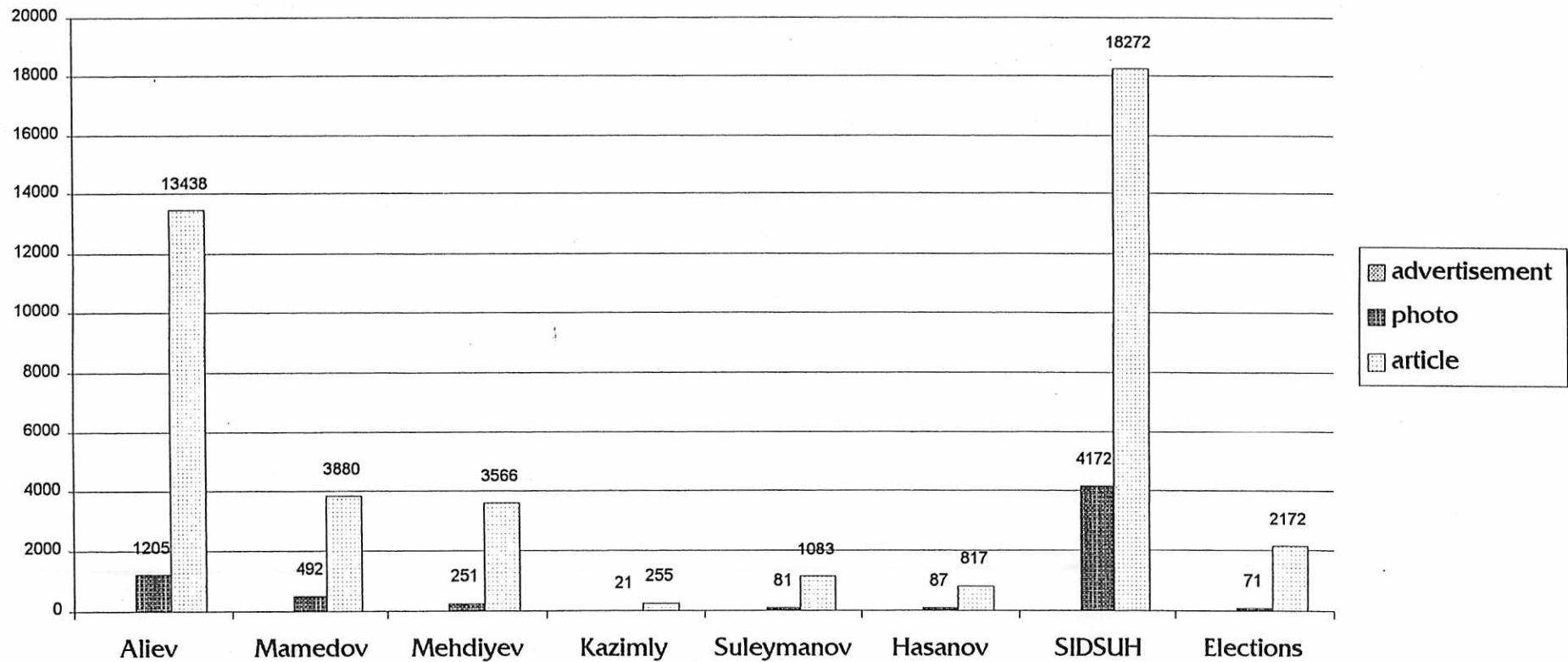


NEWSPAPER (in square centimeters)

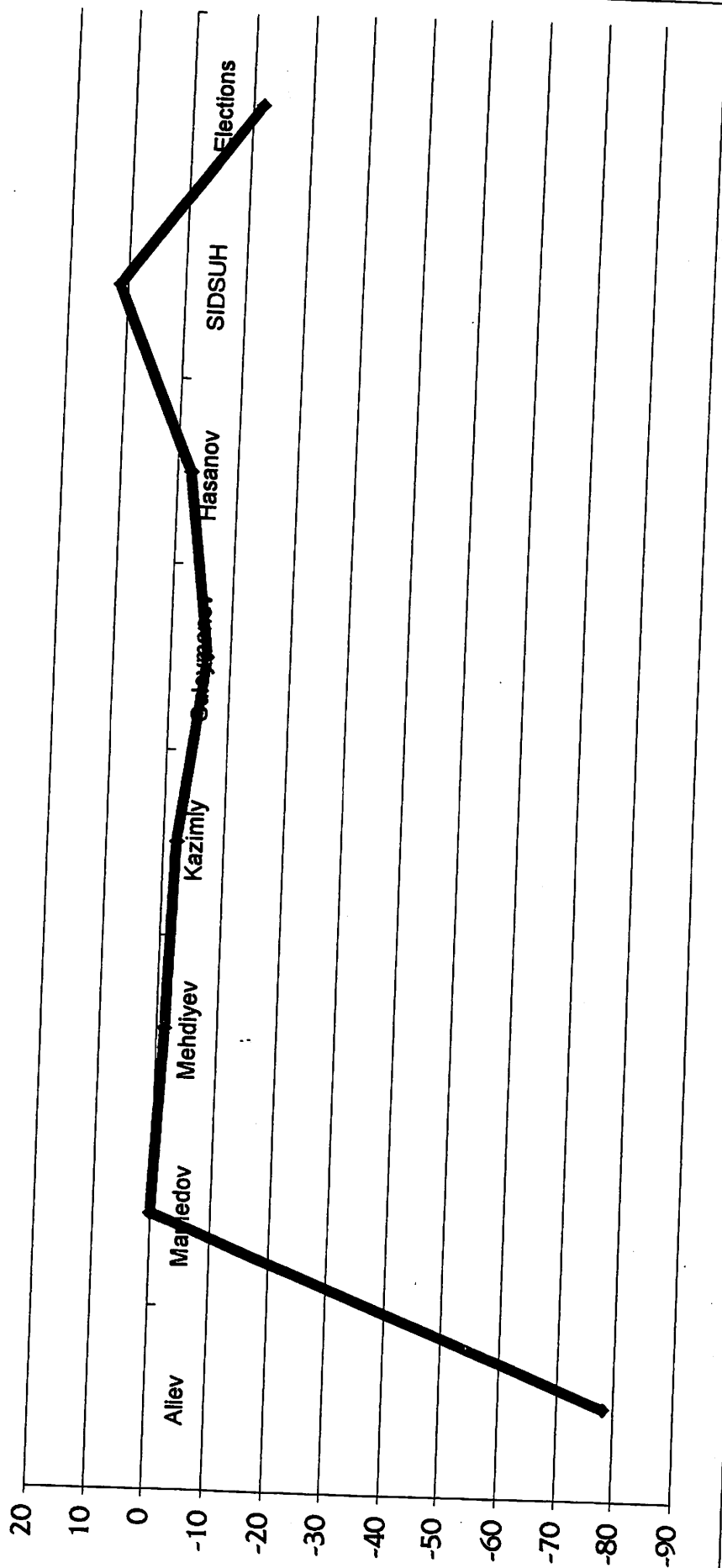
YENI MUSAVAT

Space devoted to candidates, SIDSUH and information about elections

Data: 20.09.1998 - 09.10.1998



NEWSPAPER
Distribution of positive and negative references to presidential candidates, SIDSUH and Elections
YENI MUSAVAT
20.09.1998--09.10.1998

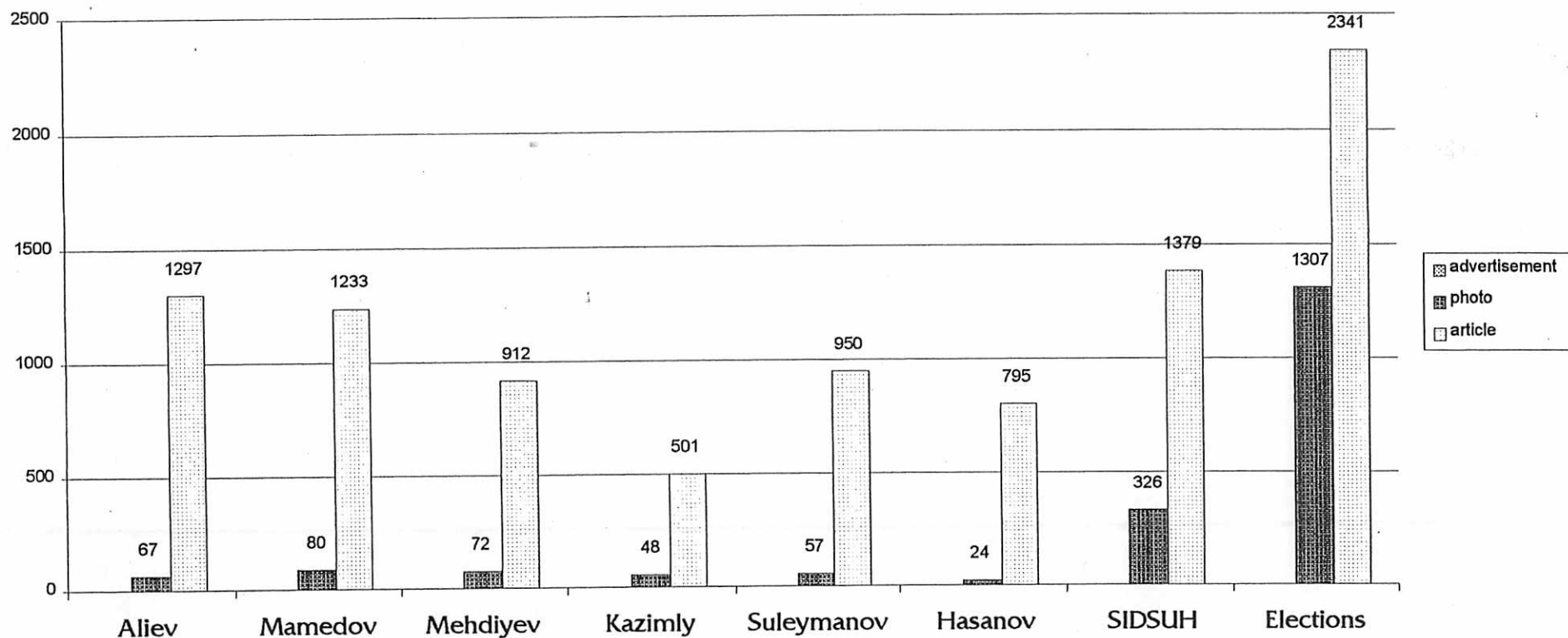


NEWSPAPER (in square centimeters)

ZERKALO

Space devoted to candidates, SIDSUH and information about elections

Data: 19.09.1998 - 09.10.1998



Distribution of positive and negative references to presidential candidates, SIDSUH
and Elections
ZERKALO
19.09.1998 – 09.10.1998

