



STATISTICAL AND COMPARATIVE  
ANALYSIS OF VIOLATIONS OF THE  
PRESUMPTION OF INNOCENCE IN  
AZERBAIJAN IN 2018

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# REPORT

Institute for Democratic Initiatives  
Baku, 2019



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**Statistical and comparative analysis of violations of the presumption of innocence  
in Azerbaijan in 2018**

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## **Abstract**

The compiled report consists of two chapters, conclusions and recommendations. The first sub-head of the first chapter provides information on the notion of presumption of innocence. In this sub-head, at the same time, the historical aspects that inspire the creation of the principle have been investigated. In the second sub-section, it was examined how the presumption of innocence was identified in international law and in the decisions of the ECtHR. The Court's decision on the presidency was determined by the decisions of the ECHR, and international standards and limits were established.

The same sub-head describes the analysis of domestic legislation. Defining the relevant norms of the presumption contained in the presumption of innocence, and how this principle is reflected in the country's legislation.

The second chapter outlines the methodology of monitoring and analyzing the results. The first subheading of this chapter is called "Methodology of Monitoring." The monitoring methodology has been provided under this heading, with detailed information on the timing of the coverage, the selection of the sites under monitoring, the criteria for monitoring, and how to calculate the results and describe them.

The second sub-head of the second chapter also consists of two parts - a general description of the current situation and statistical analysis of sites on monitoring results. In the general description of the current situation, the analysis of the values obtained as a result of monitoring has been analyzed to determine the scope of the violation. In the second part, the results of each site on individual benchmarks were analyzed and compared.

The results of the analysis of the legislation and monitoring are reflected in the "Conclusion" section of the report. Here are the main reasons for analyzing the source of the problem. Finally, the "Recommendations" section discusses what steps can be taken to address the presumption of innocence and what to pay attention to.

## Contents

Abstract .....	2
INTRODUCTION .....	4
1. Concept of presumption of innocence and its interpretation in legislation.....	5
1.1 The concept of innocence presumption and historical development .....	5
1.3 Local normative acts reflecting presumption of innocence .....	7
2. Media monitoring for 2018 related to irregularities in presumption of innocence.....	10
2.1 Monitoring methodology .....	10
2.2 Analysis of Monitoring Outcomes.....	11
2.2.1 <i>General description of the current situation</i> .....	11
2.2.2 Statistical analysis of monitoring results on sites .....	13
Conclusion .....	19
RECOMMENDATIONS.....	20
Appendixes.....	21
Appendix 1 – Criterion for Monitoring.....	21
Appendix 2 – Electronic Monitoring Questionnaire.....	22
Appendix 3 – rating indicators of the websites monitored .....	23

## INTRODUCTION

Issues related to the presumption of innocence in Azerbaijan are regulated in accordance with the norms of international law by the relevant norms of the Constitution and other normative acts of the Republic of Azerbaijan. However, there are serious problems with the presumption of innocence in the country. These problems are caused by the failure to comply with the presumption of innocence in the news published in the media and on the websites of the relevant government agencies, in the form of a person's being suspected or accused of committing an offense.

Analysis of the situation shows that, in the news media and media outlets, individuals are facing massive and gross violations of the right to a fair trial, one of the most important principles of justice, known internationally and locally.

The present report examined the historical aspects of the presumption of innocence, examined the current international law and position of the ECHR, analyzed domestic legislation regarding the presumption of innocence, and monitored the violation of the presumption of innocence of three websites and a web site of a government agency. The document also contained recommendations for addressing existing problems, as well as deficiencies in legislation and gaps in the pragmatic policy.

## **1. Concept of presumption of innocence and its interpretation in legislation**

### **1.1 The concept of innocence presumption and historical development**

Presumption (*praesumptio*) is a literal interpretation of the Latin meaning of reasoning, expectation and hope. As a legal term, it is understood as "the truth considered to be true until proven otherwise." The presumption of innocence (*praesumptio innocentiae*) means "counting innocent or suspected innocent until proven otherwise." This principle is one of the basic principles of criminal proceedings.

The presumption of innocence is in the hands of the ancient Greek states. Then we can see this principle within the framework of Roman law. During the Roman Empire, the "Book of Rome Code IV" contains the principle of presumption of innocence:

*"Let all the prosecutors understand that they should not bring any accusation without evidence of the relevant witnesses or suspicious documents or evidence of evidences, which are considered as indisputable proofs of the day."*

Though away from Roman law, there was an idea of "innocent without proving guilt" among the principles of criminal justice in medieval Europe. Article 9 of the Declaration on Human and Civil Rights was adopted after the bourgeois revolution in France states:

*"The arrest must be strictly forbidden by law, since the arrest is considered necessary, until all individuals are guilty of being guilty, which are not essential for security."*

In time, all states that chose the principle of democratic values and the rule of law have included the presumption of innocence among their criminal justice principles. At present, the presumption of innocence is supported in large-scale legal practice and is monitored by many conventions, through international defense mechanisms.

### **1.2 Presumption of innocence in international documents and decisions**

The presumption of innocence is reflected in many international documents that Azerbaijan has joined. Article 11 of the Universal Declaration of Human Rights contains the presumption of innocence:

*"Everyone charged with a criminal offense has the right to be presumed innocent until proved guilty by an open trial through the provision of all his defense."*

Article 14 of the International Covenant on Civil and Political Rights, another international instrument in which fundamental human rights is reflected, prescribes the presumption of innocence:

*"Everyone charged with a criminal offense has the right to be presumed innocent until his guilt is proven by law."*

Article 6.2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which is one of the main regional instruments of Azerbaijan, has an effective human rights protection mechanism, and deals with the presumption of innocence:

*"Everyone charged with a criminal offense has the right to be presumed as an innocent person until his guilt is proven by law."*

As we know, Article 6 of the ECHR is entitled "The Right to Fair Trial". According to Article 70 (g) of the "Syriac Principles" on the Rights and Freedoms Limitation, the right to presumption of innocence, one of the basic requirements of a fair trial, cannot be restricted even in extraordinary circumstances provided for in Article 15 of the ECHR. This paragraph can be regarded as one of the elements that emphasize the convention's presumption of innocence.

In order to understand the nature of the presumption of innocence and the approach to this principle in the international context, it is important to consider the views of the European Court of Human Rights (ECHR) on individual cases. In the case of *Alenet de Ribémont v. France* (1995, para. 37), the Court made the following judgment when determining the boundaries of the presumption of innocence:

*"Everyone charged with a criminal offense has a right of presumption of innocence at all stages of the criminal proceedings before the judgment is acquitted (or proclaimed verbally)."*

In the case of *Minelli v. Switzerland* (1983, para. 30), the Court declares that this principle should be respected in the case of the acquittal of the person without the presumption of innocence, regardless of the outcome of the proceedings:

*"The presumption of innocence is valid throughout the criminal proceedings, regardless of the outcome of the trial. This principle should also be respected when the court dismisses the defendant from liability for the expiration of a criminal liability."*

One of the main goals of the presumption of innocence is to protect the accused or suspected person from prejudices against him in criminal proceedings. In the case of *Minelli v. Switzerland* (1983, para. 37), the Court stated that there was no prejudice on the basis of the presumption of innocence. According to the court's decision, the judge's right to express his guilt in the course of the trial, which serves to expose the guilt of the accused, violates this right.

In the case of *Barbera, Messeque and Jabardo Spain* (1998, para. 77), the Court notes that the presumption of innocence requires the members of the tribunal not to commence the proceedings against the accused in committing the crime as if he is guilty. In this sense, the lack of prejudice of the judge is closely related to his impartiality.

In the case of "*Alenet de Ribemont against France*" (1995, para. 36), "*Daktaras against Lithuania*" (para. 2000, 42), the Court presumed that the presumption of innocence does not only pertain to the judges and the judicial investigation, but also to the expression of other officials' opinions on the result of trial process.

Violation of the presumption of innocence does not only create a prejudice against the individual, but also creates an impression that it is difficult to change his reputation as a result of his committing a criminal offense, even if his guilt is not judged. Given this aspect, the European Court of Human Rights has expressed its position in the media regarding the statements made by the Mass Media. In the case of

"Lavents against Latvia" (para. 2002, para. 119), the Court stated that the presumption of innocence was violated when judges were not required to submit to the media. In this case, the judge of the local court has explained to the media that before the proceedings the defendant could be found guilty or partially rehabilitated. Since the judge, in his interview, did not say that the defendant could be fully justified, so the case was judged by the ECHR as a personal prejudice.

In the case of Hujin and Others v. Russia (2008), the Court drew attention to the interviews and writings of officials and journalists in the media. According to the position of the ECHR, an official's view about guiltiness of any person who has not been convicted is a gross violation of the presumption of innocence. There is a fundamental difference between declaring a person as an accused or suspecting of committing a crime and showing that person as a crime committer .

In addition to the decisions of the ECHR, the Council of Europe's 2003 recommendation on providing information on criminal cases through mass media is also one of the most important documents in this regard. The recommendation notes that the public should be able to access information about the activities of the judicial and police bodies. Subsequently, it is stated in the recommendation that the views and information relating to ongoing proceedings could be published in the media, if it does not violate the accused person's right to presumption of innocence.

As it can be seen from the international documents that Azerbaijan has joined, the judgments of the European Court of Human Rights and the recommendations of the Council of Europe, the protection of this presumption is considered to be the top priority in the international arena. The criteria for media monitoring will be determined in terms of the presumption of innocence through the conditions and boundaries set out in the international framework.

### **1.3 Local normative acts reflecting presumption of innocence**

The presumption of innocence is reflected in Article 63 of the Constitution of the Republic of Azerbaijan, the supreme law of the Republic of Azerbaijan. In the Constitution, this principle has been touched at 5 places under 1 Article, which states how this principle is reflected on various issues:

#### *Article 63. Presumption of innocence*

*I. Everyone has the right to a presumption of innocence. Everyone charged with a criminal offense shall be considered innocent if his guilt has not been proven in the manner prescribed by law and there is no valid court verdict.*

*II. If there are fundamental doubts that a person is guilty, his guilt is not allowed.*

*III. The person charged with committing an offense is not obliged to prove his innocence.*

*IV. The evidence obtained by breaking the law can not be used when administering justice.*

*V. No one may be found guilty of a crime unless the Court has the verdict.*

The constitutional article clearly states when a person can be considered guilty - it is explicitly stated that the person can be found guilty of a crime by the court's judgment after the accusation was proved by the evidences collected under the conditions allowed by law.



Looking at the legal norms, the presumption of innocence is found in Articles 21, 157.1, 222.6 of the Criminal Procedure Code of the Republic of Azerbaijan. Article 21 of the CPC is called the presumption of innocence. This article contains the principles and boundaries envisaged in Article 63 of the Constitution of the Republic of Azerbaijan.

Article 157 of the Code of Criminal Procedure contains provisions on detention. Part 1 of this article contains provisions on the presumption of innocence, the fact that an act committed by a criminal act does not contain evidence that it can be detained or imprisoned if it is not necessary.

*Article 157. Arrest*

*157.1. According to the presumption of innocence, the person can not be detained if he is not detained or unnecessary, unless the person is found to have committed an offense established by the criminal law.*

Article 222 of the CPC, in particular, sets out the framework for the dissemination of primary research data. In accordance with paragraph 6 of the Article, initial investigation data may be disclosed in the case of three instances by the body that implements the procedural aspects of the investigation or is the primary investigator:

1. When the crime of public interest is concerned;
2. To prevent the spread of false information;
3. Demonstration of the necessity of committing a crime.

Among the cases of disclosure of primary investigation data listed in Article 222, paragraph 3, is the broad understanding of the importance of liability for the offense, which is the third case. The root of this concept lies in the theory of criminal offenses in the science of criminology. According to these theories, one of the main goals of the state in the fight against crime is to bring the perpetrators to justice and to demonstrate the responsibility of those responsible for each crime committed. Therefore, given the fact that information about any offense may fall into this circumstance, we can consider it as a gap in the law.

Primary inquiry information can be directly disclosed by the body or mass media that conducts the initial inquiry into procedural guidance or conducts the preliminary investigation. However, this paragraph sets out the limits for primary research information to be disclosed:

1. The disclosed information shall include the results of preliminary investigation on the offense;
2. The continuing presence of a non-contributory element of the primary investigation;
3. The presence of other participants of the criminal proceedings, which does not contradict the right to privacy:

*In line with the presumption of innocence, the suspect or the accused must not be bound by the suspicion of committing a crime in a related offense.*

As we see, Article 222 of the CPC provides certain conditions and limits for the protection of the presumption of innocence. It would be expedient to use the term as a legal basis for determining the criteria for the conduct of media monitoring of the presumption of innocence of these terms and conditions.

*Article 222. Inadmissibility of dissemination of primary research data*

*222.6. Preliminary investigation information may be disclosed directly or through the media directly or indirectly by the body that implements procedural guidelines for the investigation of the public interest, the prevention of misleading information, or the disclosure of liability for the crime. The information disclosed at this time should contain the results of preliminary investigations on the crime scene, to the interests of the ongoing primary investigation, to the extent that it does not contradict the right of the other participants to the criminal proceedings, should not exceed the limit of suspicion of committing a crime.*

In the 4th and 8th articles of the Code of Administrative Offenses of the Republic of Azerbaijan, which is another field of law, the presumption of innocence is mentioned. Article 4 lists the principles of the AR Code of Administrative Offenses in general. Here it is said that the presumption of innocence is one of the principles based on the administrative offense legislation.

*Article 4. Principles of the legislation of the Azerbaijan Republic on administrative offenses*

*This Code is based on the principles of respect for human and civil rights and freedoms, legality, equality before the law, the presumption of innocence, the prevention of justice and administrative errors.*

Article 8 of the Code of Administrative Offenses of the Republic of Azerbaijan, in its entirety, contains the principle of presumption of innocence.

*Article 8. Principle of presumption of innocence*

*8.1. If the fault of the person on administrative violation is not proven in the manner prescribed by this Code, and it is not determined by the decision of the competent authority (official), who has considered the case on administrative offense, the person will be considered innocent.*

Besides the domestic legislation, there is also the "Rules of Professional Journalism of Journalists of Azerbaijan", adopted by the Azerbaijani Press Council, which is the self-regulation body of the media created at the I Congress of the country's journalists on March 15, 2003. Paragraph 3.7 of these Rules reflects that the journalist should respect the presumption of innocence and present him as a detainee rather than a private criminal.

*3.7. The journalist should respect the right of presumption of innocence of the suspect in submitting him as a detainee, not as a criminal.*

Although the legislation of the Republic of Azerbaijan contains certain provisions on the presumption of innocence, the mechanisms for implementing these provisions have not been established. What kind of responsibility of state bodies and the media for the violation of the presumption of innocence was not specifically specified in the legislation. This is one of the gaps in the law of presumption of innocence.

## **2. Media monitoring for 2018 related to irregularities in presumption of innocence**

### **2.1 Monitoring methodology**

Before starting the monitoring of the presumption of innocence, six monitoring frameworks were first set up to monitor international media, the ECHR's judgments and domestic legislation, the websites of the Internet and the state agencies. Monitoring has been carried out on the following criteria:

1. Reference to the murder of a suspect or accused in the news head;
2. Reference to committing a crime by the suspected or accused in the news content;
3. The opinion of the judge on the person's guilt in the news;
4. The report contains the opinions of officials on the guilty verdicts of the suspect or the accused;
5. The suspect or accused's relation with a crime should not exceed the boundary of suspicion of committing a crime
6. Providing previous convictions of the suspect or accused in the report.

Additionally, to measure the publicity degree of news where internet media and the sites of governmental bodies made violations, the number of readings of news has also been monitored.

Later, three Internet media sites and a list of government agencies' web sites to monitor were identified. Identification of these sites was done through two-stage selection. As the first stage of the selection, the popularity of websites in Azerbaijan and the active use of the readers are considered as a priority. For this purpose, the international Alexa.com portal has been used to rank the sites' activity indicators. According to the rankings, the media sites were selected from the ratings list of the most popular websites used by readers from Azerbaijan (<https://www.alexa.com/topsites/countries/AZ>). The technical indicators of the internet media sites to be monitored were then compared. At this stage, the criteria which includes using the "time filter" that allows the site to operate in Azerbaijani, archiving the shares on the site until 01.01.2018, the site monitoring, or the use of the site's coding in the absence of these functions has been utilized. Finally, three internet media sites that meet the requirements - Musavat.com, Qafqazinfo.az, Trend.az.

Afterwards, the technical capabilities of the websites of government agencies to be monitored were evaluated. It was found out that except the website of Ministry of Internal Affairs, the websites of other state bodies had not regularly posted about operational investigations and investigative measures and had only posted the statements by these bodies. As the information is not regularly shared, and the number of shares is much fewer than the number of news shares on other websites in 2018, it was defined that it is impossible to draw out the unified statistics on the violation of presumption of innocence by

these bodies and to compare the monitoring results with the ones of other state agencies and media outlets.

The media that meets the conditions for monitoring the content of the shared information and the technical specifications of the site was identified as [www.mia.gov.az](http://www.mia.gov.az), the only website of the Ministry of Interior. The news stories shared in the "Criminal Chronicle" section of the site were considered as possible for monitoring through the archive function.

A separate electronic monitoring questionnaire was drawn up on each site to monitor the sites based on the criteria defined above. The violations identified during the site monitoring are symbolically encoded with "1" in the questionnaires, and the absence of the violation is encoded with "0". To measure the public access, the number of readings on news where infringements have been reported is included in the questionnaires with figures showing the corresponding number.

IBM SPSS Statistics 22.0 was used to analyze and compare the results of the monitoring. A database of SPSS software has been created from the monitoring results obtained. Based on this database, the results of the site monitoring were compared by the Frequencies order. The result obtained is a description of the "simple bar graph" by means of the "Chart Builder" function. The findings were cited under the heading "Analysis of Monitoring Outcomes".

## **2.2 Analysis of Monitoring Outcomes**

### ***2.2.1 General description of the current situation***

As a result of the monitoring, through the internet media websites, [Musavat.com](http://Musavat.com), [Qafqazinfo.az](http://Qafqazinfo.az), [Trend.az](http://Trend.az) and [Mia.gov.az](http://Mia.gov.az), which is the website of Ministry of Internal Affairs, based on the monitoring criteria regarding the violation of presumption of innocence on shared news, 5104 violations were recorded between 1 January 2018 and 31 December 2018. The fact of 5104 violations was shared in 1644 news stories.

In the news headline that is the first criterion of the monitoring, the total 1613 violations were identified regarding the reference to committing crime of the suspect or accused on 4 sites. The general characteristic of these violations is that the news headline refers to a person's murder. In the news headlines, such as "A woman killing her husband and other two people have been caught", "Other offenses of the person caught on theft have been identified," "The former convict stabbed his neighbor" and so on. similar formulations are used.

In the news content that is the second criterion of the monitoring, 1372 violations have been identified in the shared news stories regarding the reference to the suspect or accused's murder. The overall outcome of this offense is that the important point is not that person is suspected or accused, but the important point is the use of words and sentences that can create an idea in the readers that their offenses are perpetuated.

The third criterion was that during the monitoring of the four sites, violations of the criteria for the inclusion of the opinion of any judge that might show a person guilty to the report were not met. In general, during the monitoring there was no news coverage of the judges concerning the fact. In contrast,

in the fourth dimension, the fact that the statements of officials or government agencies have been involved in the guilt of a person has been encountered 36 times. These violations have been encountered in the statements of parliamentarians, state officials and senior government officials used in news stories that have a great impact on the country's agenda.

The fifth criterion of monitoring was 1633 violations of the person's commitment to committing a crime and the suspicion of committing a crime. The reason for the inferiority of this criterion is that the structure of the newsgroup demonstrates one-to-one evidence of the person's involvement in the crime and gives the reader an idea in this regard.

In the last news article, the fact of the previous conviction of a person was 450 times during the monitoring. In the absence of information on the convictions of new suspects and the lack of information about the past convictions, presentation of it to readers was regarded as one of the bases for the idea of a person's relationship to crime.

In addition to the facts of violation, public access to news reports on violations of Musavat.com and Qafqazinfo.az has also been calculated. The news of both websites, which were generally violated, has been 1,531,071 times read by the reader.

Another factor that may lead to a person's guilt at the time of monitoring and change the view of the public against the individual has been identified. One of these factors is the spread of photo and video footages of the suspect or the accused in the police or other investigative bodies, along with material evidence, handcuffs, and review during the scene. It is possible that such images of a person can create a prejudice on readers. These cases were encountered in news stories shared by all three online media outlets (Picture 1).



Picture 1

In addition, the record of interview under above mentioned circumstances and its share within news were also encountered. It is considered to be one of the circumstances that leads to the violation of the right of a person to presumption of innocence and promotes the negative opinion of the reader.

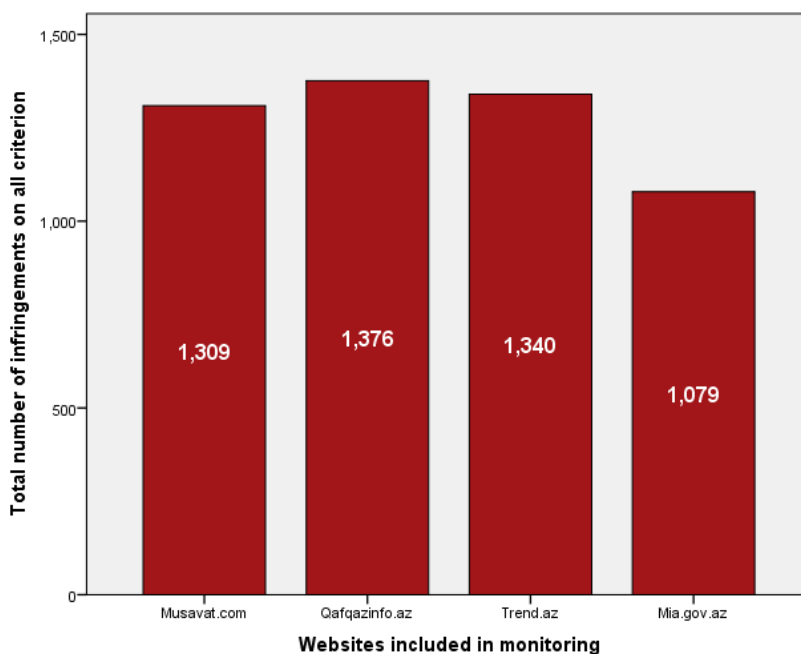
In the general context, another form of violation of presumption of innocence is the publication of the name of the suspect or the accused. This was reported in all shared news stories. While analyzing domestic legislation under the report, we see that Article 222 of the CPC (Criminal Procedural Code) is called "Illegal propagation of primary research data", whereas Article 6 establishes the framework for the conduct of the investigation of the preliminary inquiry in the case of this information. This in itself causes the name and surname of a person to be published in the criminal case report and if he / she gets

acquitted in the future, the information about such person remains in the Internet resources. It also violates the right of the person to be forgotten alongside the right of presumption of innocence.

### 2.2.2 Statistical analysis of monitoring results on sites

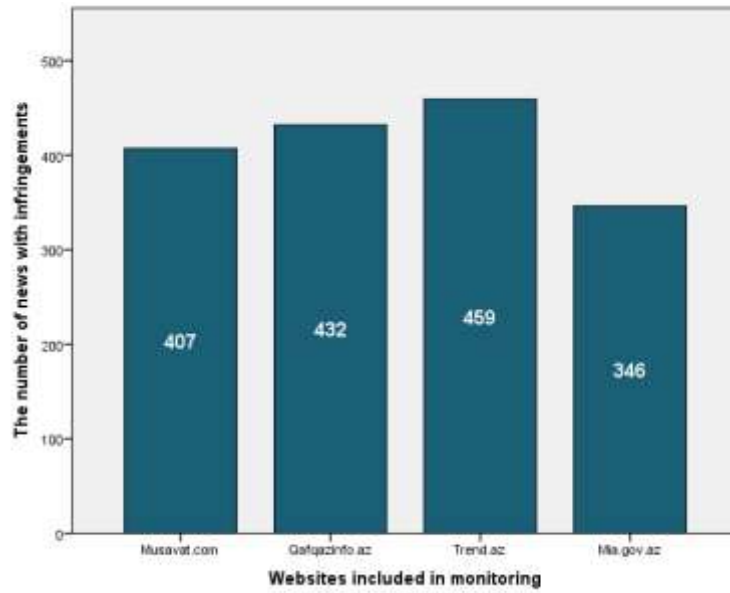
The statistical results we obtained as a result of the monitoring were analyzed and analyzed using the IBM SPSS Statistics 22.0 program, and the indicators for each site were described by the tables covering them.

Total number of 5104 violations recorded in Table 1 shows the shares falling on the sites included in the monitoring. The largest indicator of detention is the share of Qafqazinfo.az, with 1376 facts. The 1340 facts of the violation were recorded in Trend.az, and 1309 violations were recorded during the monitoring of Musavat.com. The lowest indicator among the monitored sites was observed on the Mia.gov.az website, state media body with 1079 violations.



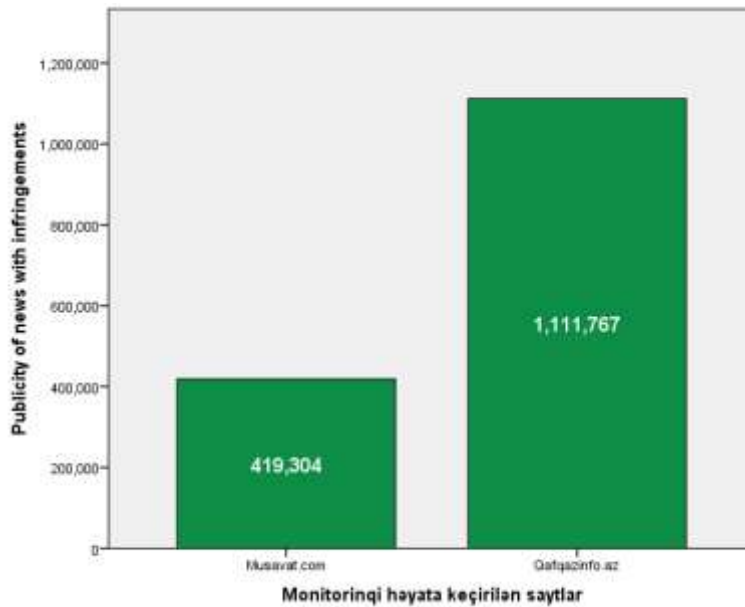
**Table 1**

Table 2 summarizes the number of news stories shared with sites throughout 2018. In total 1644 news, facts of violation of presumption of innocence have been recorded. The Trend.az takes the 1<sup>st</sup> place by 465 news with violation facts. It is followed by Qafqazinfo.az with 432 news and by Musavat.com with 407 news stories. The lowest indicator is owned by Mia.gov.az with 346 violations.



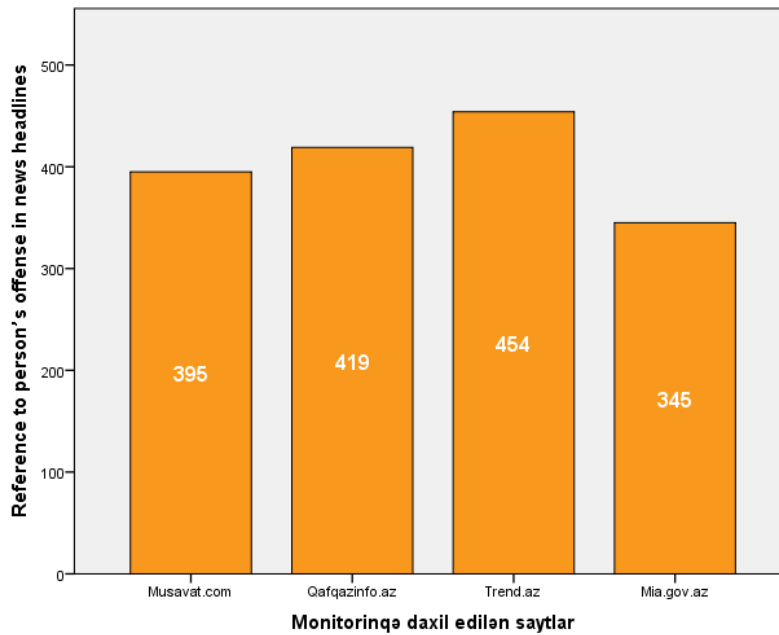
**Table 2**

Table 3 shows the total publicity of news reports that have been infringed on each site. Of the total number of 1.531.071 readers, 1.111.767 belongs to Qafqazinfo.az, and 419.304 belongs to Musavat.com.



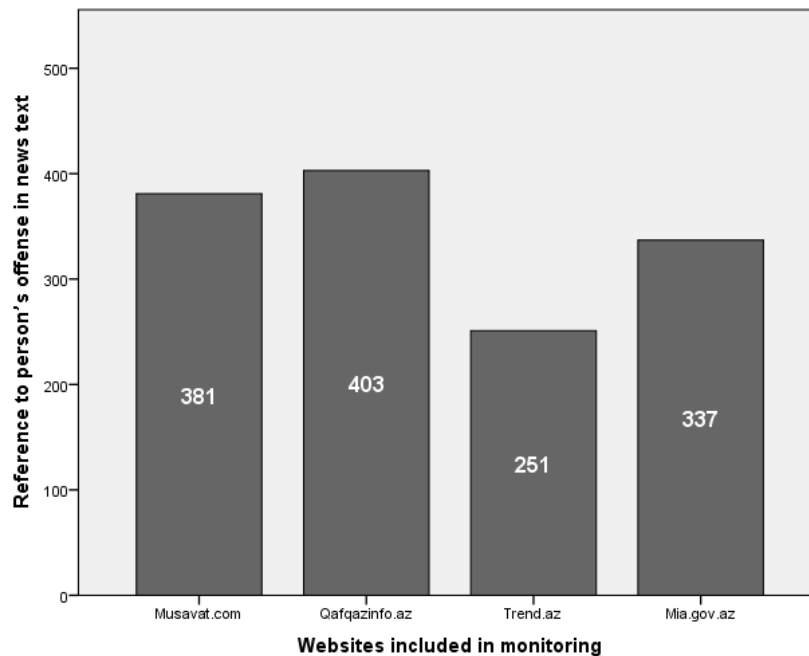
**Table 3**

Table 4 shows the number of news on each site, where in the headlines of news, there has been reference to person's murder. Overall, 454 facts of the violation were revealed during the monitoring of Trend.az, 419 of Caucasusinfo.az, 395 - Musavat.com and 345 - Mia.gov.az.



**Table 4**

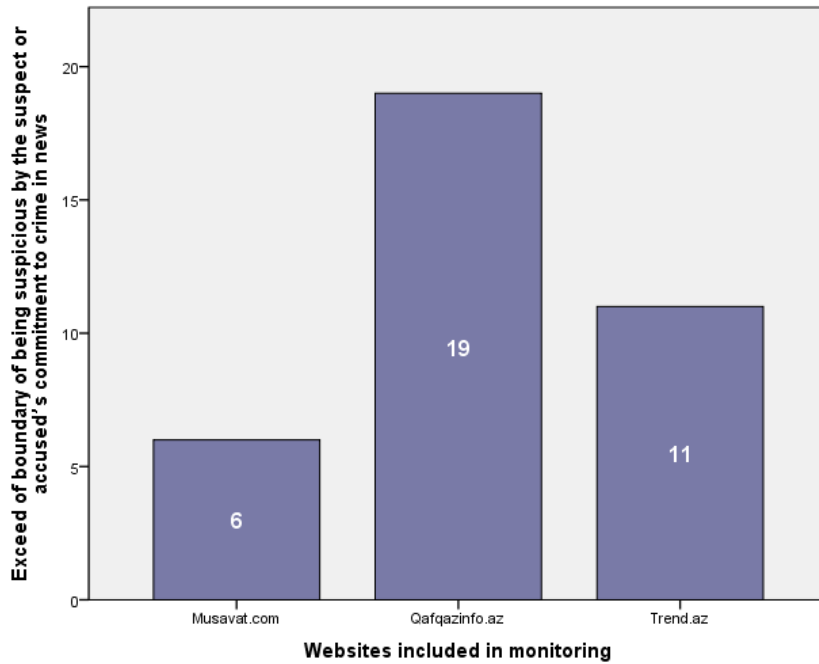
In table 5, total 1372 infringements regarding the reference to person's offense in news text have been demonstrated. 403 of infringements belong to Qafqazinfo.az, 381 to Musavat.com, 337 to Mia.gov.az, and 251 to Trend.az.



**Table 5**

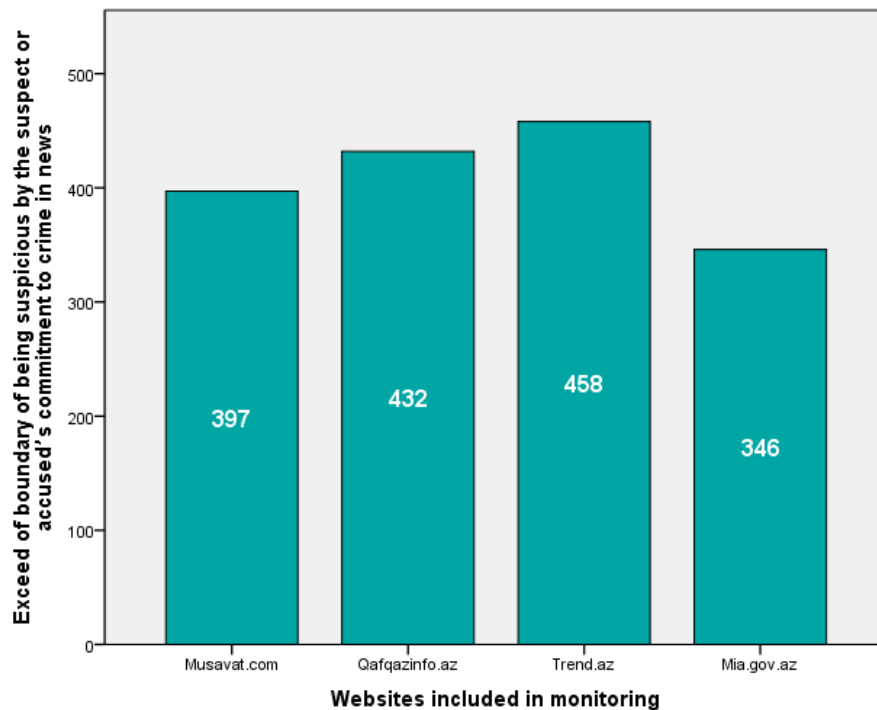
In Table 6, statistics on the opinions of public officials or government officials about being insulted of the person in the news have been prepared on only other 3 internet media websites as Mia.gov.az is a state body website. The total number of violations was 36: 19 on Qafqazinfo.az, 11 on the Trend.az, 6 on the Musavat.com.





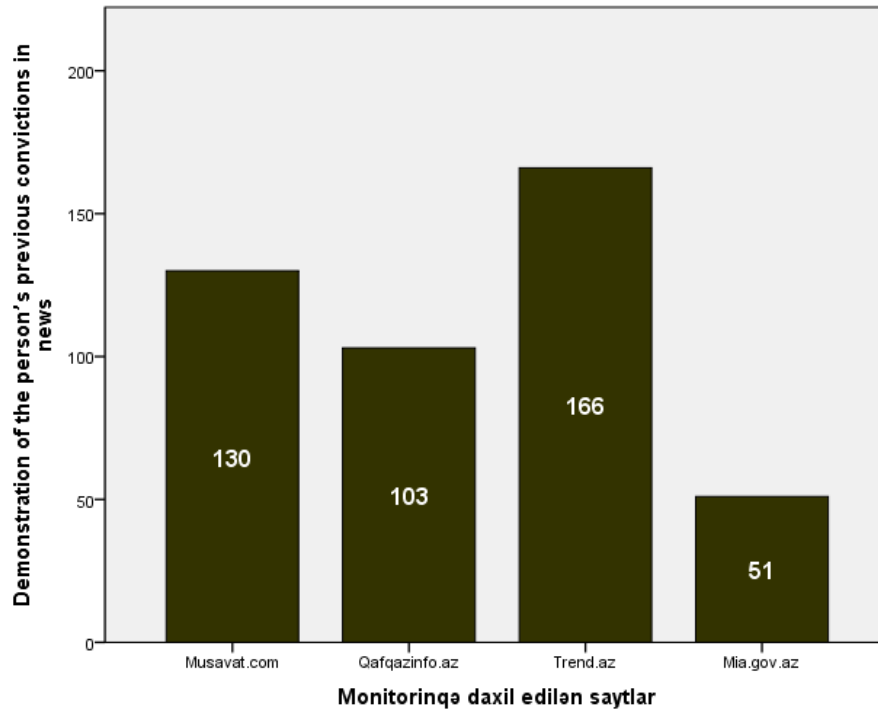
**Table 6**

Table 7 outlines the portion of violations on each website regarding the alleged involvement of the person in the crime and the suspicion of committing a crime. 458 of the 1633 violations were recorded on Trend.az, 432 on Qafqazinfo.az, 397 on Musavat.com and 346 on Mia.gov.az.



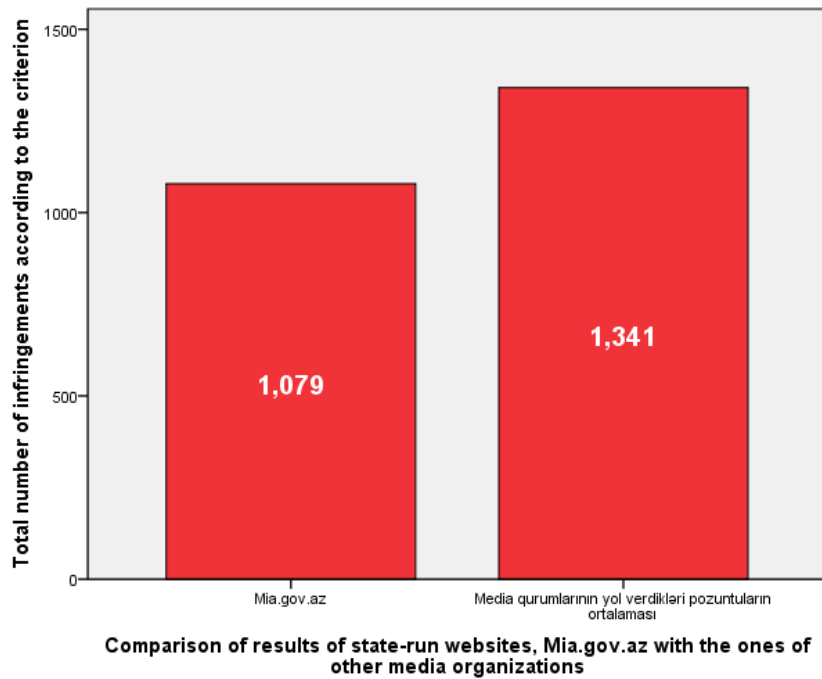
**Table 7**

Table 8 lists the facts of 450 violations reported on the previous conviction of a person in the news. During the monitoring, it became clear that 166 of the violations have been made by Trend.az, 130 by Musavat.com, 103 by Qafqazinfo.az and 51 by Mia.gov.az.



**Table 8**

When comparing the results, we have noticed that the site performance is not good. Although media sources such as Musavat.com, Qafqazinfo.az, Trend.az, have shared many news articles based on the state-run website Mia.gov.az, by making changes to these news texts and news headlines, they have made violations. For this reason, the Internet media outlets mentioned above have made more misconduct than Mia.gov.az on the presumption of innocence according to the stats of 2018. You can see this from the comparison of the average of the overall violation caused by the three media outlets shown in Table 9 with Mia.gov.az.



**Table 9**

The analysis of the current legislation and the final assessment of media monitoring are contained in the results and recommendations sections of the report.

## **Conclusion**

As a result of our research, we can say that the situation with the presumption of innocence in Azerbaijan is not so good. During the monitoring, we witnessed hundreds of violations reported by media outlets as well as through the websites of state agencies. There are various reasons for this.

Initially, when analyzing legislation, we found that there were some provisions regarding the presumption of innocence in domestic legislation. However, during the monitoring of these norms, there were certain contradictions and gaps in the legislation. The most important of these gaps is the existence of "dead norms". As these norms do not precisely define the boundaries of the presumption of innocence, those norms are practically ineffective. The lack of enforcement and sanction mechanisms on the presumption of innocence leads to the impossibility of applying this crucial principle of justice and thus leads to its violation.

During the monitoring of the media, we witnessed a gross and massive violation of the presumption of innocence in Azerbaijan. There are some reasons why media organizations do not take the presumption of innocence seriously. First, as mentioned above, the absence of enforcement and sanctions on the violations of presumption of innocence is evidence.

The second reason may be that media outlets have limited awareness of the law and the principles of law. For this reason, they are causing irregularities regarding the presumption of innocence that can be attributed to fundamental human rights.

Another reason for the infringement of the presumption of innocence is that for media outlets, key objective is to increase the number of news views. Despite the fact that Rauf Arifoglu, the chief editor of the Musavat.com news website, was a member of the Azerbaijani Press Council, which set up the "Rules of Professional Journalism of Journalists in Azerbaijan," there was enough reference to the committing crime of person in the news texts and headlines.

Exaggerating and distorting the facts of the incident is one of the tools used by today's media organs to facilitate easy viewing and reading. For this reason, even though they have legal knowledge of it, they ignore the fact of violation.

## RECOMMENDATIONS

1. First, the normative acts in the domestic legislation regarding the presumption of innocence should be amended and the rules governing the specific boundaries of this principle should be adopted. In the drafting of these norms, the decisions and precedents of international law and the Court's presumption of innocence should be used.

2. In the norms to be prescribed for the presumption of innocence, the specific boundaries should first be defined regarding the violation of this presumption. In addition, it should be determined whether the information on the criminal case may be published in mass media. When it is possible to publish, it is important to define which information can be right to include.

3. In the published news, it is more appropriate to use the world practice, not to give the full name of the person, but to use his abbreviation – first letters of person name and surname. Even if the person is not acquitted, as from the aspect of right to be forgotten, protection of their rights and adaptation to society are important, media should pay attention to this factor.

4. Spread of photo and video footage of the suspect or accused persons with material evidences, handcuffs, and during the interview at the police or other state bodies should be paid attention in terms of the presumption of innocence.

5. One of the main aspects is not to exaggerate and place the information about whether the suspect or the accused has not paid or paid for the previous convictions in the news. Since this is one of the reasons that may cause the readers to change their minds about the person, it is advisable for media workers to pay attention to it.

6. Increasing the legal knowledge of formal and non-formal education of media workers should be taken as a basis. The knowledge of journalists about the basics of the presumption of innocence in the media should be increased.

7. Media monitoring mechanisms should be considered to prevent violations of presumption of innocence. The protection of the rights of persons through supervision should be organized.

## Appendixes

### Appendix 1 – Criterion for Monitoring

1.	News headline contains reference to a suspect or accused's offense
2.	News text contains reference to a suspect or accused's offense
3.	News contains judge's opinion on being guilty of person
4.	News contains the officials' opinion on being guilty of person
5.	Being exceeded of boundary of being suspicious of the suspect or accused by his commitment to crime in news
6.	Demonstration of the suspect or accused's previous convictions in news

## Appendix 2 – Electronic Monitoring Questionnaire

Monitoring of Musavat.com		The period of monitoring: 01.01.2018 – 31.12.2018						
The date of news	The link of news	1. criteria	2. criteria	3. criteria	4. criteria	5. criteria	6. criteria	The number of readers
The number of infringements (pozuntu) on each criteria		0	0	0	0	0	0	
Total number of infringements		0						
The number of news with infringements		0						
The read number of news with infringements		0						

### Appendix 3 – rating indicators of the websites monitored

row number	Site	Daily Time on Site	Daily Pageviews per Visitor	% of Traffic From Search	Total Sites Linking In
19	<a href="http://Qafqazinfo.az">Qafqazinfo.az</a>	19:44	4.67	15.00%	355
20	<a href="http://Musavat.com">Musavat.com</a>	11:02	3.46	12.10%	505
49	<a href="http://Trend.az">Trend.az</a>	8:11	4.03	19.10%	2,379

Source: <https://www.alexa.com/topsites/countries/AZ> (18:40, 14.12.2018)