

URGENT ACTION

IMPRISONED JOURNALIST'S FAMILY THREATENED

Emin Fatullayev, the father of imprisoned Azerbaijani journalist Eynulla Fatullayev, has been threatened with death if he does not stop speaking out about his son. The lives of Emin Fatullayev and his family are in danger.

At approximately 1pm on 17 March **Emin Fatullayev** received an anonymous phone call at his home in Azerbaijan's capital, Baku, ordering him to "shut up" about his son's case or his "entire family would be destroyed." He immediately reported the incident to the authorities.

This is the third time he has received threats by phone relating to his efforts to bring the case of his son, Eynulla Fatullayev, to the attention of international organizations, including Amnesty International. Amnesty International believes that the charges against Eynulla Fatullayev, imprisoned since 2007, are fabricated and that he is a prisoner of conscience. Each of the three times Emin Fatullayev has received these anonymous phone calls, he was told to stop publicizing Eynulla Fatullayev's case. The first time was in 2007, shortly after Eynulla Fatullayev's imprisonment, the second time was on 1 January 2010, a few days after Eynulla Fatullayev was charged with possessing illegal drugs in prison. The caller told Emin Fatullayev that it was good his son had been charged, and that worse would happen. Amnesty International believes that the drugs charges were fabricated to discredit Eynulla Fatullayev at a time when his case is under review by the European Court of Human Rights. The Court is still considering the case.

The authorities have taken a statement about the latest threat from Emin Fatullayev, but have not taken any action to identify the callers and to protect him and his family. Elmar Huseynov, a journalist, who, like Eynulla Fatullayev was an outspoken critic of the government in Azerbaijan, was shot and killed in Baku in 2005. No one has been brought to justice for his murder. Amnesty International has documented many incidents in which journalists have been assaulted owing to their criticism of the authorities.

PLEASE WRITE IMMEDIATELY in Azeri, Russian, Turkish, English or your own language:

- Calling on the authorities to take immediate action to protect Emin Fatullayev and his family, with protection measures to be determined in accordance with the family's wishes;
- Calling for an immediate and impartial investigation into the death threats, with the results made public and those responsible brought to justice;
- Noting that Amnesty International considers Eynulla Fatullayev to be a prisoner of conscience, who should be released immediately and unconditionally.

PLEASE SEND APPEALS BEFORE 30 APRIL 2010 TO:

Ilham Aliyev

President of the Republic of Azerbaijan

Office of the President

19 Istiqlaiyyat St.

AZ1066 Baku, Azerbaijan

Fax: +99412 492 35 43/ 492 06 25

Email: president@president.az

Salutation: Dear President

Col.- Gen. Ramil Usubov

Minister of Internal Affairs

Ministry of Internal AffairsHusu Hajiyev

Street 7Baku 370005Azerbaijan

Fax: + 99412 492 7990

Salutation: Dear Minister

And copies to:

Prof. Elmira Suleymanova

Ombudsperson

Office of the Ombudsman

40 Uz. Hajibeyov Street

Baku AZ1000,Azerbaijan

Fax: + 994 12 498 8574

Email:ombudsman@ombudsman.gov.az

Also send copies to diplomatic representatives of Azerbaijan accredited to your country. Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

On 30 December 2009, a new set of charges were brought against Eynulla Fatullayev, initially imprisoned for libel in April 2007. Later in 2007 he was convicted on charges of terrorism, incitement of ethnic hatred and tax evasion. Amnesty International believes that all the charges against him have been fabricated and considers him to be a prisoner of conscience.

According to a spokesperson for Azerbaijan's penitentiary service, on 29 December 2009, guards found 0.22 grams of heroin in Eynulla Fatullayev's jacket sleeve and shoes after entering his cell and searching him. Eynulla Fatullayev told his father that immediately after entering the cell, the guards searched only his jacket and shoes and did not continue their search of his cell after finding heroin in those two places. The guards claim to have acted on an anonymous tip-off. Eynulla Fatullayev, who has no history of drug use, strongly denies the charges and said that the drugs were planted on him. A blood sample was taken for drugs testing on 30 December.

On 30 December, he was charged with possession of illegal drugs. The same day, the Organization for Security and Co-operation in Europe (OSCE) issued a press release condemning the continued persecution of Eynulla Fatullayev, in which the OSCE Representative on Freedom of the Media, Miklos Haraszti, stated that he "visited Eynulla Fatullayev twice in his high security-prison and find[s] allegations of heroin smuggling or possession highly improbable."

After a hearing on 31 December, a judge of Garadag District Court ordered that Eynulla Fatullayev be placed in an isolation unit for two months while he awaits trial. According to his father he was moved to a secure unit in the village of Kyurdakhany, about 10 miles from Baku.

On 2 February, the conclusions of Eynulla Fatullayev's blood test were made available by the authorities, but not the detailed analysis. According to the authorities, small traces of metabolites indicating heroin use were found in his blood, but not enough to show that Eynulla Fatullayev requires rehabilitation.

Eynulla Fatullayev rejects the test results and believes they were manipulated as the testing was carried out at a medical facility controlled by the state. Petitions by his defence lawyer to conduct an independent test have been rejected by the court. Alternative medical testing facilities, approached by Amnesty International to conduct an independent blood test for Eynulla Fatullayev, declined because the case was too politically sensitive.

The new charges against Eynulla Fatullayev could result in adding a further three years to his sentence, currently due to end in 2016.

Amnesty International believes that Eynulla Fatullayev's imprisonment is an attempt to silence his reporting, which was critical of the government, and considers him to be a prisoner of conscience. Amnesty International is therefore concerned that the new charges are an attempt by the Azerbaijani authorities to discredit Eynulla Fatullayev at a time when his case is under consideration by the European Court of Human Rights.

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