

AMNESTY INTERNATIONAL PUBLIC STATEMENT

AI index: EUR 55/001/2010

5 March 2010

Azerbaijan: Continuation of crackdown on dissent

This week supporters of independent journalism in Azerbaijan gathered at the grave of Elmar Huseynov to pay tribute to the prominent Azerbaijani reporter and editor, shot dead on 2 March 2005, allegedly in response to his criticism of the government. To date no one has been charged with his murder.

Five years on from Elmar Huseynov's death, the actions of the Azerbaijani authorities have repeatedly demonstrated their determination to silence any dissenting voices. Amnesty International is concerned that in 2010 the crackdown on dissent in Azerbaijan continues.

Youth activists and blogger-journalists Adnan Hajizade and Emin Milli remain behind bars on charges Amnesty International believes to be fabricated, as their appeal hearing is delayed for the sixth time after a procedural hearing on 3 March. The bloggers were arrested a week after a video produced by Adnan Hajizade had been posted on the video sharing channel YouTube. The video is of a spoof press conference delivered by a donkey and was posted in the wake of a news story about how the Azerbaijani government had allegedly spent hundreds of thousands of dollars importing a dozen donkeys from Germany, in a deal that may have masked corruption or theft of public funds. The video questions the purchase of the donkeys, the introduction of restrictive legislation for NGOs and the low priority the government attributes to human rights.

On 1 March the pre-trial detention of independent newspaper editor Eynulla Fatullayev, an outspoken critic of the government and former colleague of Elmar Huseynov, was extended. He now faces charges of illegal drug possession. Amnesty International believes these charges have been brought against Eynulla Fatullayev, already imprisoned on charges of defamation, terrorism, incitement of ethnic hatred and tax evasion, as part of an attempt to discredit him further while his case is being reviewed by the European Court of Human Rights.

Since Amnesty International devoted reports to freedom of expression in Azerbaijan in February 2008 and in June 2009, restrictions on freedom of expression have been tightened further and all types of dissent continue to be routinely restricted. Independent journalists and civil society activists continue to face harassment and imprisonment on defamation charges and trumped up charges such as "hooliganism", which are pursued in trials that violate international fair trial standards. Foreign radio broadcasts on the country's national radio frequencies have been banned since 1 January 2009.

On the fifth anniversary of Elmar Huseynov's death, Amnesty International is calling upon the Azerbaijani authorities to fulfil their international obligations to guarantee freedom of expression and assembly and to ensure that journalists and human rights defenders are able to exercise their right to freedom of expression openly and without fear of harassment. Prisoners of conscience must be released and prompt, independent and thorough investigations must be conducted into attacks against journalists and civil society activists in order to bring those responsible to justice.

Elmar Huseynov

2 March marks the fifth anniversary of the assassination of prominent Azerbaijani journalist and newspaper editor, Elmar Huseynov, who was shot dead outside his apartment in Baku in 2005. According to media reports, the day after the killing President Ilham Aliyev pledged that he had instructed all law enforcement agencies to investigate the killing of Elmar Huseynov “seriously” and to “bring all responsible to justice”.

Five years after the assassination of the journalist, the authorities in Azerbaijan have yet to conduct an effective investigation into his homicide and to prosecute the perpetrators. The Azerbaijani authorities reportedly told Baku-based Institute for Reporters’ Freedom and Safety that an international arrest warrant has been issued for two Georgian citizens, who have been identified as suspects. However, the Georgian authorities reportedly deny that any formal request to take legal action against the suspects has been received.

Persons who attempted to shed light on Elmar Huseynov’s murder have faced harassment and persecution. Elmar Huseynov’s widow, Rushana Huseynova, has allegedly received death threats and was forced to flee the country, after voicing her suspicions that the authorities were involved in her husband’s murder. She is currently living in Norway as a refugee. Elmar Huseynov's friend and fellow journalist, Eynulla Fatullayev, who launched a private investigation into the murder, has been relentlessly persecuted by the authorities following the publication of an article in 2007 alleging that Elmar Huseynov's murder may have been ordered by a senior government official.

Eynulla Fatullayev

On 30 December 2009, a new set of charges were brought against Eynulla Fatullayev, initially imprisoned for libel in April 2007. Later the same year 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.

Adnan Hajizade and Emin Milli

On 8 July 2009, youth activists and bloggers Adnan Hajizade and Emin Milli were attacked in a restaurant by two unknown men. They tried to make a complaint to the police immediately after the attack, but instead they were arrested on charges of hooliganism. They have been detained ever since. On 11 November 2009, Adnan Hajizade and Emin Milli were convicted of 'hooliganism' and 'inflicting minor bodily harm', and sentenced to two and two and a half years respectively. National and international human rights monitors believe the charges were fabricated in response to the bloggers' public criticism of the Azerbaijani government.

The two activists have used online networking tools, including YouTube, Facebook and Twitter, to spread information about the socio-political situation in Azerbaijan. Emin Milli is the co-founder of an online community that discusses politics called Alumni Network, while Adnan Hajizade is a co-ordinator of the youth movement known as OL!, which advocates non-violence and tolerance. Emin Milli was also an outspoken critic of changes to the Azerbaijani Constitution, which abolished the presidential term limit, allowing current President Ilham Aliyev or any successor to stand for re-election on a continuous basis.

According to documents reviewed by Amnesty International, during the investigation the police and officials from the prosecuting authority failed to interview witnesses and to obtain video evidence from a security camera which may have recorded the incident in the restaurant. They also submitted documents to the court containing mistakes about Adnan Hajizade's background, falsely stating that he was unemployed and had a criminal record. Furthermore, according to the defence, during the trial the court refused to consider photographs showing the injuries sustained by Emin Milli and Adnan Hajizade, as well as video evidence of the incident from mobile phones, but provided no explanation as to why. Adnan Hajizade and Emin Milli were convicted and sentenced to two and two and a half years in prison respectively.

The two activists filed an appeal against the verdict on 23 November 2009. They are currently imprisoned in a preliminary detention facility in Baku. Since then their appeal hearing has been repeatedly postponed, and the next hearing is due to take place on 10 March 2010.

Amnesty International reports:

Amnesty International, Azerbaijan: Independent journalists under siege (AI Index: EUR 55/004/2009), June 2009

<http://www.amnesty.org/en/library/asset/EUR55/004/2009/en/c6269115-c883-44d0-bffc-ac8a7be8ee4b/eur550042009en.pdf>

Urgent Action, Azerbaijan: Bloggers imprisoned after unfair trial
<http://www.amnesty.org/en/library/info/EUR55/010/2009/en>

Field Code Ch

Urgent Action, Azerbaijan: Further information: Bloggers' appeal hearing scheduled
<http://www.amnesty.org/en/library/info/EUR55/011/2009/en>

Web story, Jailed Azerbaijani bloggers adopted as prisoners of conscience
<http://www.amnesty.org/en/news-and-updates/news/jailed-azerbaijani-bloggers-adopted-prisoners-conscience-20091112>

Field Code Ch

Public statement, Azerbaijan: Bloggers sentenced to prison terms
<http://www.amnesty.org/en/library/info/EUR55/009/2009/en>

Field Code Ch

Amnesty International, Azerbaijan: Mixed Messages on Freedom of Expression (AI Index EUR 55/002/2008), February 2008
<http://www.amnesty.org/en/library/asset/EUR55/002/2008/en/b6e7e186-e5ea-11dc-a281-c950ca3e72a9/eur550022008eng.pdf>

End