



AMNESTY INTERNATIONAL AZERBAIJAN: APPEAL CASES

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Well-known satirist Sakit Zahidov imprisoned following an unfair trial with questionable evidence

Sakit Zahidov, a well-known journalist in Azerbaijan, was sentenced to three years' imprisonment on questionable charges of possessing illegal drugs. Amnesty International is concerned that the 47-year-old journalist was not given a fair trial and that he may have been imprisoned solely for peacefully exercising his right to freedom of expression. The organization calls on the Azerbaijani authorities to ensure an immediate retrial in compliance with international fair trial standards.

Sakit Zahidov is a journalist and satirist for the opposition newspaper *Azadliq* ('Freedom'), as well as a poet. He is married with five children. He was arrested on 23 June 2006 on a charge of possession of illegal narcotics with intent to distribute by Interior Ministry personnel belonging to its anti-narcotics department. A statement issued by the Ministry alleged that 10 grams of heroin had been found on Sakit Zahidov's person and confiscated following his arrest. Sakit Zahidov's brother and editor-in-chief of the *Azadliq* newspaper, Qanimat Zahidov, and other prominent opposition journalists believe that his arrest was politically motivated and that the heroin was planted on Sakit Zahidov in order to incriminate him. Allegedly, a senior officer (his name was provided to Amnesty International) from the Investigation Department for the Fight Against Drug Trafficking planted drugs in Sakit Zahidov's left pocket after the journalist was forced into a car at the time of the arrest. The alleged planting of incriminating evidence on victims targeted because of their political activities was documented by human rights activists in the context of the 2005 parliamentary elections, when a number of opposition party activists were arrested and two imprisoned on narcotics-related charges.

Sakit Zahidov's trial opened on 18 August 2006. A large number of public figures, human rights activists and journalists came to attend the trial, but were unable to gain access as the preliminary hearing reportedly took place in a small room with capacity for only 25 people. No recording of the hearing was permitted, and it is therefore difficult for Amnesty International to ascertain what evidence was presented to prove whether Sakit Zahidov had used illegal substances. Amnesty International is not in a position to be able to verify the apparently contradictory medical evidence presented to the trial; however the organization is concerned by a number of procedural irregularities in Sakit Zahidov's arrest and trial. A number of

important witnesses were not called for questioning at his trial and appeal. Furthermore, allegations that Sakit Zahidov's own testimony was partially omitted from the final protocol used as a record of the trial cannot be substantiated, as reportedly his lawyers have still not had access to this document.

On 4 October, Sakit Zahidov was sentenced to three years' imprisonment in Baku Court on a reduced charge of "possession of drugs for the purpose of personal consumption". Opposition journalists believe that Sakit Zahidov was convicted on account of the satirical column he wrote for *Azadliq*, in which he regularly criticized the Azerbaijani government. In December he was moved to Bailovsk detention facility in Baku to a penal colony in Gobustan region. Amnesty International is concerned that Sakit Zahidov was not given a fair trial and questions the evidence on which the conviction was based. Therefore Amnesty International calls for Sakit Zahidov's immediate retrial in compliance with international fair trial standards. If it cannot be convincingly proved that he is guilty of a crime, he should be released immediately.



Sakit Zahidov in the court room © IRFS

Background information

Amnesty International is extremely concerned that over the last two years there have been repeated encroachments on the rights of members of civil society, and in particular journalists, to exercise their rights to freedom of expression in Azerbaijan.

Amnesty International has documented a number of developments of particular concern. First, the organization has received numerous reports regarding the harassment, including physical abuse, of journalists by law enforcement officials. Second, unidentified actors have carried out a series of violent attacks on journalists which have resulted in life-threatening injuries or even death, with the most recent attack taking place on 25 December 2006. These incidents have not been thoroughly, effectively or independently investigated, and have had a chilling effect on freedom of expression in the country. Third, Amnesty International has received information indicating that there has been an increase in the number of politically motivated arrests. Also, the authorities continue to use criminal defamation charges as a means to silence critical views and scrutiny of official wrongdoing. The fact that the victims in virtually all cases are closely linked to opposition parties and independent media suggests a political context to these cases. Also, outspoken independent media outlets have been accused of violating administrative and regulatory standards, with consequences that have regrettably resulted in the disruption of their professional activities.

These developments have taken place despite the fact that the right to freedom of opinion and expression is enshrined in the Azerbaijani Constitution, according to which '[E]veryone may enjoy freedom of thought and speech' (Article 47). Furthermore, in a meeting with the Secretary General of the non-governmental organization Reporters Sans Frontières in April 2005, President Ilham Aliyev reportedly explicitly stated that it was "unacceptable for government officials to attack journalists". Azerbaijan also has an obligation to promote and protect the right to freedom of expression as a State Party to a number of international treaties, such as the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR; Article 10) and the International Covenant on Civil and Political Rights (ICCPR; Article 19).

Recommended actions:

Please send courteous letters in Azeri, Russian, English, Turkish or your own language.

- Express concern about allegations that the criminal charges against Sakit Zahidov were politically motivated and that the heroin was planted on him in order to incriminate him.
- Express concern that Sakit Zahidov was not given a fair trial and about the uncertainty surrounding the evidence on which the conviction was based.
- State that Amnesty International is calling for an immediate retrial in line with international fair trial standards.
- State that the Azerbaijani authorities must ensure that no criminal charges are brought against journalists solely as a result of their lawful exercise of their right to freedom of expression.
- Urge the Azerbaijani government to implement the March 2003 recommendations of the United Nations Human Rights Committee, the recommendations of the Parliamentary Assembly of the Council of Europe and the July 2005 recommendations of the Organization for Security and Co-operation in Europe Representative on Freedom of Media, in regard to freedom of expression.

Please send appeals to:

President

President Ilham Aliyev
Office of the President of the Azerbaijan Republic
19 Istiqlaliyyat Street
Baku AZ1066 AZERBAIJAN

Fax: + 994 12 492 0625

Email: president@gov.az, office@apparat.gov.az

Salutation: Dear President

Minister of Internal Affairs

Lt.-Gen. Ramil Usubov
Ministry of Internal Affairs
7 Husu Hajiyev Street
Baku 370005, AZERBAIJAN

Fax: + 994 12 492 45 90, +994 12 492 7990

Salutation: Dear Minister

Procurator General

Zakir Qaralov
Procurator General; 7 Rafibeyli Street; Baku 370001, Azerbaijan

Fax: + 994 12 492 32 30 (if someone answers ask for a fax tone)

Email: prosec@azeri.com

Salutation: Dear Procurator General

COPIES TO:

Ombudsperson

Prof. Elmira Suleymanova
Office of the Ombudsman
40 Uz. Hajibeyov Street
Baku AZ1000, AZERBAIJAN

Fax: + 994 12 498 8574

Email: ombudsman@ombudsman.gov.az

You may send copies to diplomatic representatives of Azerbaijan accredited to your country.

PLEASE SEND ANY REPLIES FROM THE AUTHORITIES AS SOON AS POSSIBLE TO THE INTERNATIONAL SECRETARIAT OF AMNESTY INTERNATIONAL. (Eurasia Team, Europe and Central Asia Programme, Amnesty International; 1 Easton Street; London WC1X 0DW; United Kingdom)