



**AZERBAIJAN:
INDEPENDENT JOURNALISTS
UNDER SIEGE**

**AMNESTY
INTERNATIONAL**



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Following the murder of the prominent newspaper editor Elmar Hüseynov on 2 March 2005, President Ilham Aliyev stated that “the rights of every journalist and print worker, irrespective of their beliefs, are protected and should be guarded by the state”. In reality, however, journalists continue to face assault, harassment, intimidation and even imprisonment for exercising their right to freedom of expression. The cases described below are illustrative of the range of human rights abuses that journalists in Azerbaijan have been subjected to in recent years.

ASSAULTS ON JOURNALISTS

Journalists continue to be subjected to physical attacks in Azerbaijan. Little or no progress has been made in bringing the real perpetrators to justice.

ELMAR HÜSEYNOV



On 2 March 2005 Elmar Hüseynov, editor-in-chief of *Monitor* newspaper, was shot dead outside his apartment building in Baku. His colleagues and international press freedom organizations attributed his murder to the political content of *Monitor*, which was forced to close down after his death.

According to media reports, President Aliyev stated the day after the killing that he had instructed all law enforcement agencies to investigate the killing of Elmar Hüseynov “seriously” and to “bring all responsible to justice”. Four years on, however, no one has been brought to justice.

The Azerbaijani authorities have said they are pursuing two Georgian nationals in connection with the murder. However, it appears that they have not published photos of the two men or disclosed any information about them. The US-based Committee to Protect Journalists travelled to Baku to investigate the case, and published a special report, *Finding Elmar's Killers*, in September 2008. They said that during their investigation they found little or no evidence supporting the government's claim that it was actively seeking the two suspects.

AQIL XALIL



Aqil Xalil, a correspondent with *Azadliq* newspaper, was assaulted in February 2008 and suffered broken fingers as well as other injuries. The entire incident was filmed by a bystander on his mobile phone, allegedly identifying the assailants as local officials. However, the authorities closed the criminal investigation in May 2008.

In March 2008 Aqil Xalil was stabbed in the chest by unidentified men, the knife narrowly missing his heart. The Prosecutor General's Office claimed that he had been stabbed by a man called Sergei Strekalin, whom they described as his lover; these claims were denied by Aqil Xalil and Azerbaijani human rights organizations. In July 2008 Sergei Strekalin was sentenced to one and a half years in prison for assault. The Representative on Freedom of the Media of the Organization for Security and Co-operation in Europe (OSCE), Miklos Haraszti, described the trial as a “show trial” which attempted to protect the true assailants.

In May 2008 Aqil Xalil was attacked twice on the same day by unidentified men. Following international pressure, and numerous petitions to the Ministry of Internal Affairs, he was reportedly provided with two armed plain-clothes police officers as bodyguards. He has since left the country.

EMIN HÜSEYNOV

Emin Hüseyinov is the head of the Institute for Reporters' Freedom and Safety (IRFS), which widely publicizes violations of the right to freedom of expression in Azerbaijan and advocates the rights of journalists.

In June 2008 he was arrested by the police while he was covering an event commemorating the 80th anniversary of Che Guevara's birth. He was taken to a police station where he was allegedly threatened, insulted, punched and beaten with fists and the butt of a gun. He lost consciousness as a result of blows to the head and spent three days in intensive care in hospital in Baku, followed by a further 20 days convalescing in the hospital. Official investigators reportedly claimed that he had inflicted the injuries on himself. Emin Hüseyinov has since lodged a lawsuit against Nasimi District Police.

Emin Hüseyinov has been allegedly beaten up by the police on several occasions in the past during demonstrations by journalists.



Above: Emin Hüseyinov in front of a photo of Elmar Hüseyinov.

Left: Emin Hüseyinov in hospital after being in police custody in June 2008.

Front and back covers: Protests in Baku in January 2009 against the government's decision to ban foreign radio broadcasts in Azerbaijan.

JOURNALISTS BEHIND BARS

Journalists continue to be arrested and imprisoned on trumped-up charges, including treason, defamation, terrorism and incitement of ethnic hatred.

NOVRUZALI MAMMADOV

Novruzali Mammadov, a 67-year-old prominent linguist, is serving a 10-year prison sentence for treason. He was the head of the Talysh Cultural Center and chief editor of *Tolishi Sado* (Voice of the Talysh) newspaper.

He was first detained in February 2007 and sentenced to 15 days' imprisonment, reportedly for "failure to cooperate with a police investigation".

In June 2008 he was sentenced to 10 years' imprisonment for treason in a closed hearing. He was accused of accepting financial backing from Iran and cooperating with German, British, Canadian, and US linguists. He was also accused of encouraging ethnic differences through promotion of the Talysh culture and damaging Azerbaijan's reputation by appealing to international organizations about human rights violations inflicted on the Talysh people.

According to local human rights monitors, the trial was unfair and there was no material evidence to support the accusations. His sentence was upheld by the Supreme Court in May 2009 and he is currently held in penal colony No. 15.

Novruzali Mammadov was reportedly subjected to torture and other ill-treatment, denied food and water, and members of his family were reportedly detained and ill-treated.

Amnesty International is concerned that he may have been imprisoned for his legitimate activities as a journalist and scientist researching and promoting the cultural rights of the Talysh people.

EYNULLA FATULLAYEV



Following years of harassment by the authorities, opposition newspaper editor Eynulla Fatullayev was tried twice in 2007 and sentenced to eight and a half years' imprisonment on charges of defamation, terrorism, incitement of ethnic hatred and tax evasion. He is currently being held in penal colony No. 12.

The Committee on Legal Affairs and Human Rights of the Council of Europe Parliamentary Assembly has condemned Eynulla Fatullayev's imprisonment and Azerbaijan's abuse of defamation laws to silence the media. His case is pending at the European Court of Human Rights.

Eynulla Fatullayev worked on *Monitor* newspaper, which closed down after the murder of its editor-in-chief Elmar Hüseyinov. He then launched two popular opposition newspapers, *Realny Azerbaydzhan* (Real Azerbaijan) and *Gündalik Azerbaycan* (Azerbaijan Daily). In May 2007 both newspapers closed down after a series of inspections of their premises by the authorities.

Amnesty International continues to call for Eynulla Fatullayev's immediate and unconditional release as a prisoner of conscience.

QANIMAT ZAHID

Qanimat Zahid, the brother of former prisoner of conscience Sakit Zahidov and the editor-in-chief of *Azadliq* newspaper, is currently held in penal colony No. 17. Both he and the newspaper have been persistently harassed by the authorities.

In November 2007 he was arrested after Vüsal Hasanov, reported to be a former policeman, complained that Qanimat Zahid had broken his nose and a bone in his face during a fight. In March 2008 he was sentenced to four years' imprisonment on charges of hooliganism and assault. Rashid Hajili, one of his legal representatives and Director of the Media Rights Institute, told Amnesty International that there were numerous irregularities in the trial, contradictory testimonies by the witnesses for the prosecution, and ambiguous medical evidence of the alleged injuries to Vüsal Hasanov and Qanimat Zahid. Contrary to the statements by witnesses for the prosecution, a taxi driver who drove Vüsal Hasanov immediately after the alleged assault testified that he did not have blood on his face. The incident was allegedly filmed by a traffic camera, and although the footage was used to identify and summon witnesses for the prosecution, it was no longer available when defence lawyers called for it to be examined by the court.

Most of the hearings were partially or completely closed to the public. Qanimat Zahid's sentence was reportedly announced in an empty courtroom in a hearing that was kept secret from his family and lawyers.

Amnesty International considers him to be a prisoner of conscience, imprisoned for his journalistic work, and calls for his immediate and unconditional release.



Above: Qanimat Zahid on the day of one of the court hearings.

Left: Novruzali Mammadov, shown here with his son, is serving 10 years in prison on charges of treason.

ILL-TREATMENT AND HARASSMENT OF JOURNALISTS IN NAXÇIVAN

In Naxçivan, an autonomous exclave between Iran and Armenia, intimidation of journalists and obstruction of independent reporting have increased in recent years. Independent journalists working in Naxçivan have reportedly been beaten, imprisoned, threatened with death, their movements have been restricted and their equipment has been damaged by local officials.

Independent journalists play an important role in reporting on the socioeconomic situation and uncovering human rights violations in this region. These reportedly included forced labour, destruction of private property, and forcible eviction without compensation or alternative housing. Naxçivan post offices have reportedly refused to accept telegrams from Naxçivan residents resorting to complaining to the central authorities in Baku. Those who succeed in sending complaints face harassment and at least one person has been reportedly imprisoned for “slander”.

MALAHAT NASIBOVA, ILQAR NASIBOV AND ELMAN ABBASOV



In late August 2008 Radio Liberty correspondents Malahat Nasibova (*above*) and Ilqar Nasibov and IRFS correspondent Elman Abbasov were reportedly beaten by members of the Nehram village local administration. The incident took place while the journalists were reporting on a confrontation between the Nehram village residents and the local police. Their equipment was also taken and destroyed. All three have been targeted for harassment in the past.

In December 2007 Ilqar Nasibov was sentenced to three months' imprisonment for slander on the basis of a lawsuit against him, filed by the Naxçivan City Police Department Chief in relation to an email sent by Ilqar Nasibov to President Aliyev. In the email he complained about police harassment of him and his wife, Malahat Nasibova, when they tried to interview shoppers and traders protesting against the closure of a market. Ilqar Nasibov was released on 10 December 2007 after his sentence was replaced by a one-year suspended sentence.

In January 2009 Elman Abbasov received a telephone threat that his office would be blown up because of his reporting.

HAKIMELDOSTU MEHDIYEV



Hakimeldostu Mehdiyev (*above*), an IRFS correspondent and former regional correspondent of *Yeni Musavat* opposition newspaper, continues to face harassment.

He reported that in July 2008 local law enforcement officials prevented him from leaving Jalilkendi, the village where he lives. He told IRFS: “Police and village executive board representatives of surrounding villages have an order from higher up to interfere in any attempts by me to travel to other villages.”

In September 2007 he was summoned by police, charged with disobeying police orders and sentenced to 15 days' imprisonment by a local court. Four days later he was released.

IDRAK ABBASOV

In February 2009 Idrak Abbasov, a reporter for the independent newspaper *Zerkalo* and an IRFS researcher, travelled to Naxçivan to report on human rights and press freedom there. He was invited to the Naxçivan National Security Ministry (NSM) for a meeting; however, when he entered the NSM building two men restrained and blindfolded him. He said that security officers interrogated him for several hours, ill-treated him, and accused him of spying for Armenia. According to Idrak Abbasov, the officers were well aware that he had a pre-existing heart condition.

Idrak Abbasov was released after NSM officers deleted all the photos and video footage on his cameras and was ordered to leave Naxçivan immediately. He was then hospitalized in Baku for nearly three weeks as a result of stress-induced heart problems.

Idrak Abbasov was allegedly beaten by the police on previous occasions in 2001 and 2005. He told Amnesty International: “although my health was ruined I carried on my work.”



OUTLAWING INDEPENDENT JOURNALISM

On 6 March 2009, the parliament of Azerbaijan voted to amend the Law on Mass Media of the Republic of Azerbaijan. These amendments place restrictions and obligations on media organizations which human rights monitors said would seriously jeopardize the existence of a free and independent media in Azerbaijan. The constitutional referendum on 18 March 2009 placed further restrictions on the media, prohibiting the photographing, filming or recording of people without their consent or permission. Prior to the referendum, the European Commission for Democracy through Law, also known as the Venice Commission, had expressed concern that the new provision could be used to prevent reporting on events

of public interest, and that in the current context of media freedom in Azerbaijan there was a risk that it could be implemented in a way that was contrary to Article 10 of the European Convention on Human Rights which guarantees the right to freedom of expression.

On 1 January 2009 Azerbaijan banned foreign radio broadcasts on the country's national radio frequencies. This step was criticized by international observers and within the country itself. The OSCE Representative on Freedom of the Media said: “Closing down FM news radio broadcasts that were among the few remaining sources of varied, public-service quality information is a serious step backwards for an OSCE democracy.” Azerbaijani youth groups reportedly took to the streets in protest against the decision.

Idrak Abbasov in hospital in Baku after reportedly being ill-treated by Naxçivan National Security Ministry officials in February 2009.



AMNESTY INTERNATIONAL CALLS UPON THE AZERBAIJANI AUTHORITIES TO:

- Ensure that no criminal charges are brought against journalists solely as a result of the lawful exercise of their right to freedom of expression;
- Immediately and unconditionally release prisoners of conscience Eynulla Fatullayev and Qanimat Zahid, imprisoned solely for exercising their right to freedom of expression, and ensure appropriate compensation;
- Ensure that all trials of journalists charged with criminal offences are conducted in accordance with international fair trial standards. The authorities should immediately ensure that Novruzali Mammadov is retried in a court which complies with international fair trial standards. If charges against him are found to be false, he should be released with appropriate compensation;
- Ensure a prompt, impartial and independent investigation into all cases of assault against journalists and bring the perpetrators to justice. Long-standing unsolved cases, such as the murder of Elmar Hüseynov, should not be considered closed;
- Provide information publicly on the scope, methods, findings and progress of investigations into attacks on journalists;
- Effectively and independently investigate acts of harassment or ill-treatment against journalists allegedly perpetrated by law enforcement personnel, including in Naxçıvan autonomous region, and bring the perpetrators to justice;
- Ensure that all government officials and law enforcement agents act with due diligence in respecting and protecting the right to freedom of expression;
- End the use of criminal defamation as a means to silence dissent and impose self-censorship. Note the recommendation to member states of the Council of Europe Parliamentary Assembly's Resolution 1577 (2007), to apply anti-defamation laws "with the utmost restraint", and immediately abolish prison sentences for defamation;
- End the restrictions on freedom of expression, including freedom of the media.

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Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion – funded mainly by our membership and public donations.

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