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Azerbaijan: Immediate release for prisoners of conscience

Amnesty International is calling on the government of Azerbaijan to release immediately and unconditionally two prisoners of conscience, arrested for peacefully exercising their right to freedom of expression.

On 6 July 2007 an appeal court upheld the 4 May sentencing of journalist Rafiq Tagi and editor Samir Sədəqətoğlu of the *Sənət* (Art) newspaper to three and four years' imprisonment respectively for incitement of national, racial or religious hatred. A complaint against the upholding of the prison sentence is currently being prepared by their legal representation.

The charges against Rafiq Tagi and Samir Sədəqətoğlu relate to an article published in the newspaper in November 2006 entitled 'Europe and Us'. The article compares Islam and Christianity in terms strongly favouring the latter, and argues for Azerbaijan's identity to be seen as closely linked to Europe in an ethical and philosophical sense, views on which Amnesty International takes no position. The case was quickly complicated by demonstrations in the village of Nardaran, known for strict religious observance, in which demonstrators reportedly made death threats against Rafiq Tagi and Samir Sədəqətoğlu.

The protests spread to Iran, which has a substantial ethnic Azeri population, and culminated in the issuing of a fatwa by Grand Ayatollah Fazel Lankarani calling for the murder of both the article's author and its publisher.

The Azerbaijani authorities declared that death threats were 'unacceptable', and that the case would be resolved only within the framework of the law.

"This was the appropriate response from the Azerbaijani authorities. However, the authorities then violated their international legal obligations when they imprisoned Rafiq Tagi and Samir Sədəqətoğlu solely for exercising their right to freedom of expression," said Laurence Broers, Amnesty International's researcher on Azerbaijan.

Amnesty International acknowledges that the material contained in the article 'Europe and Us' may be deeply offensive to both active Muslim believers and those who identify in a cultural sense with Islam. However, causing offence or controversy is not the same as advocacy of hatred and under international law freedom of expression must not be restricted merely on the grounds that it might shock or cause offence to others.

Amnesty International does not believe that in the context in which the article was published (a Muslim-majority state), the material contained therein amounted to advocacy of hatred constituting incitement to discrimination, hostility or violence. The main argument of the article is an appeal for Azerbaijanis to perceive themselves in a particular way.

"The immediate and unconditional release of Rafiq Tagi and Samir Sədəqətoğlu will signal that the Azerbaijani authorities are guided by human rights principles, and that they are ready to allow the widest possible scope for freedom of expression in the country, including the expression of sentiments that others may find controversial or offensive," Laurence Broers said.

"The next step after their release will be for the authorities to provide Rafiq Tagi and Samir Sədəqətoğlu with appropriate security measures to protect them from threatened reprisals."

At the same time Amnesty International calls upon those working in the Azerbaijani media to be responsible when writing on sensitive issues such as religion, culture and identity. The organization also calls upon religious and community leaders to use their authority to defuse tensions arising from controversial statements, and in particular to counter the unacceptable threat of violence.

Background

The right to freedom of expression is enshrined in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and the International Covenant on Civil and Political Rights (ICCPR), to which Azerbaijan is a state party. According to international law the right to freedom of expression includes “the right to hold opinions without interference”, and “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of [.]. choice” (ICCPR, Article 19).

The right to freedom of expression is not absolute, and may be restricted in order to safeguard the rights of others, for instance to protection from advocacy of hatred that constitutes incitement to discrimination, hostility or violence. Under international standards such advocacy of hatred, or ‘hate speech’, should be prohibited.

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