

PUBLIC

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UA 179/06 Fear for safety/Fear of torture or ill-treatment/Legal Concern

AZERBAIJAN Sakit Mirza Zakhidov (m), journalist

Sakit Mirza Zakhidov, a well-known journalist and satirist for the opposition newspaper *Azadlyq*, was arrested on 23 June 2006 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 Zakhidov's person and confiscated following his arrest. Sakit Zakhidov is now being held in pre-trial detention at the Nasimi regional police station in Baku city. If convicted under Article 234 of the Azerbaijani Criminal Code for possession of narcotics with a view to selling or distributing them, he could face between three and seven years in prison, where he would be at risk of torture and other ill-treatment.

Sakit Zakhidov's brother and editor-in-chief of the *Azadlyq* newspaper, Qanimat Zakhidov, and other prominent opposition journalists believe that his arrest is politically motivated and that the heroin was planted on Sakit Zakhidov in order to incriminate him. They believe that Sakit Zakhidov has been arrested on account of the satirical column he writes for *Azadlyq*, in which he regularly criticizes the Azerbaijani government. They have formed a committee campaigning for Sakit Zakhidov's release, which has appealed to the Council of Europe to review his case. Relatives and human rights activists claim they have been prevented from meeting with Sakit Zakhidov since his arrest.

BACKGROUND INFORMATION

Over the last 18 months violent attacks, intimidation and arbitrary arrests of opposition journalists have sharply increased in Azerbaijan. Journalists have been abducted, beaten and even killed by unidentified assailants. They have also been attacked or harassed by law enforcement officials while covering opposition political rallies or following the publication of articles alleging corruption within government or military institutions. In March 2005, Elmar Huseynov, editor-in-chief of the outspoken opposition weekly *Monitor*, was shot and killed outside his home. In two separate incidents in March and May 2006, two opposition journalists (including another *Azadlyq* correspondent) were severely beaten and left for dead in the outskirts of Baku. Sakit Zakhidov's brother, Qanimat Zakhidov, was abducted and beaten in February 2005 by assailants who allegedly told him to stop writing articles criticizing Azerbaijani President Ilham Aliyev. This escalation of attacks and intimidation against opposition journalists has had a significant negative impact on the freedom of expression in Azerbaijan, which has been made worse by the lack of thorough, effective and independent investigation of these incidents.

Azerbaijani human rights activists further believe that the planting of incriminating evidence on victims selected for their opposition political views is on the rise in Azerbaijan. In November 2005 Anar Hasanov, an activist in the opposition Democratic Party of Azerbaijan, was arrested and sentenced to two years' imprisonment for possession of narcotics. In December 2005 Qadir Musayev, an activist belonging to the opposition Azerbaijan National Democratic Party, was arrested under Article 234 of the Azerbaijani Criminal Code and sentenced to seven years' imprisonment. Human rights activists attribute his arrest to the fact that as an electoral commission official at the 2005 parliamentary election, he refused to sign result protocols he believed to have been falsified in favour of governmental candidates. In both cases, human rights activists believe that incriminating evidence was planted on the person arrested.

As a State Party to the International Covenant on Civil and Political Rights (Article 19) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (Article 10), Azerbaijan has an obligation to promote and protect the right to freedom of expression. It also has an obligation to initiate effective and independent investigation into allegations of unlawful killings, beatings or other ill-treatment by

law enforcement officials. Only through the rigorous fulfilment of these obligations can Azerbaijan counter the culture of impunity currently surrounding attacks against journalists and the right to freedom of expression.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Azeri, Turkish, Russian, English or your own language:

- calling upon the Azerbaijani authorities to allow relatives and human rights activists immediate access to Sakit Zakhidov;
- seeking assurance that Sakit Zakhidov will not be tortured or exposed to other inhuman or degrading ill-treatment while in detention;
- calling upon the Azerbaijani authorities to demonstrate due diligence in the thorough and independent investigation of Sakit Zakhidov's case;
- urging the Azerbaijani authorities to publicly condemn any human rights abuses against journalists, opposition party members and all others who peacefully exercise their right to the freedom of expression;
- reminding the authorities of their obligations to thoroughly and effectively investigate with due diligence cases of violent attacks and intimidation of journalists by unidentified assailants.

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

Salutation: Dear President

Minister of Internal Affairs

Lt.-Gen. Ramil Usubov

Ministry of Internal Affairs

Husu Hajiyev Street 7, 370005 Baku, Azerbaijan

Fax: + 994 12 92 45 90

Salutation: Dear Minister

Procurator General

Zakir Qaralov

Respublikanskaya Prokuratura

Rafibeyli Street 7

Baku 370001, Azerbaijan

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

Salutation: Dear Procurator General

Minister of National Security

Lt.-Gen. Eldar Mahmudov

Ministry of National Security of Azerbaijan

Parliament Avenue 2

Baku, Azerbaijan

Fax: + 994 12 492 5079

Salutation: Dear Minister

COPIES TO:

Ombudsman

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and to diplomatic representatives of Azerbaijan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 8 August 2006.