

PUBLIC

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Legal concern/Fear for safety

16 August 2006

**AZERBAIJAN** Shahin Agabeyli (m)

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Shahin Agabeyli, editor of the opposition weekly *Milli Yol* newspaper, is currently on hunger strike in protest at his forthcoming trial on the charge of defamation. He faces an unfair trial and is at risk of torture or ill-treatment while in pre-trial detention or prison. Amnesty International is extremely concerned for his safety and welfare.

Shahin Agabeyli was arrested in the Azerbaijani capital Baku on 9 August for allegedly refusing to present himself in court on three charges of defamation. He was tried on two of the three counts, and an additional charge of resisting arrest, on 10 August. He had no legal defence as he refused to accept the lawyer appointed for him by the court and was not able to secure a lawyer of his own choosing in time. He was given a caution and fined US\$600 for the first two charges.

On the third charge, Shahin Agabeyli was sentenced to one year's imprisonment, for allegedly insulting the 'dignity and honour' of parliamentary deputy Arif Ragimzade in an article published over one year ago. The article reportedly claimed that Arif Ragimzade, a candidate for the ruling Yeni Azerbaijan party against whom Shahin Agabeyli was running for parliament, had participated in electoral fraud. However, according to reports Shahin Agabeyli was not editor of *Milli Yol* at the time of the article's publication, nor is it clear that he was the author of the relevant article.

Shahin Agabeyli now faces a fourth charge of defamation. It is alleged that he 'insulted the dignity and honour' of the Azerbaijani Minister of Internal Affairs, Col.-General Ramil Usubov. According to Minister Usubov, in material published in *Milli Yol* Shahin Agabeyli alleged his involvement in the activities of Haji Mamedov, a former Ministry of Internal Affairs official currently on trial for murder and kidnapping. Minister Usubov has reportedly called for Shahin Agabeyli's term of imprisonment to be extended by several years. Although Shahin Agabeyli has now appointed a lawyer, his trial which is expected to last for a number of weeks has been postponed until 17 August since he is on hunger strike.

#### **BACKGROUND INFORMATION**

While making no comment on the nature of the allegations made in the *Milli Yol* newspaper, Amnesty International is seriously concerned at the deployment of criminal defamation charges against journalists in Azerbaijan and their imprisonment as a result, most often after trials failing to comply with international fair trial standards. In the first two weeks of August alone the Minister of Internal Affairs brought separate lawsuits against four newspapers in Azerbaijan – all for defamation and 'insult of dignity and honour', and all aimed at independent or opposition newspapers.

Amnesty International does not believe the criminal justice system is the appropriate channel for resolving defamation cases better settled under civil law. Where penalties are severe, including heavy fines or imprisonment, defamation suits can result in grave violations of the freedom of expression. Particularly in the current climate of the repression of freedom of expression in Azerbaijan, Amnesty International believes that criminal defamation cases are being used by the authorities to silence dissent and instil self-censorship. It is not evident from the proceedings against Shahin Agabeyli that the statements he allegedly made have been proven false by the complainants, nor has it been proved that he acted with the intention of causing harm to those involved. Moreover, Amnesty International believes that close public scrutiny of the professionalism and conduct of officials is an integral aspect of their role.

The arrest of Shahin Agabeyli is the latest in a series of arrests and physical assaults aimed at opposition or independent journalists, particularly those who publish material implicating officials in corruption or other illegal activity. In July, well-known satirist Mirza Sakit Zakhidov was arrested on charges of possessing drugs

that Azerbaijani human rights activists believe to have been planted on him by police. In two separate incidents in March and May two opposition journalists were brutally assaulted and left for dead in the outskirts of Baku. Meanwhile, no one has been brought to justice for the murder of Elmar Huseynov, an outspoken editor shot in front of his home in March 2005.

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

- calling for the immediate release of Shahin Agabeyli and seeking assurances that he will not be tortured or ill-treated for as long as he is in custody;
- urging the authorities to provide him with appropriate medical treatment should he require it;
- reminding the authorities of their obligations to ensure compliance with fair trial standards in any legal proceedings against Shahin Agabeyli;
- expressing concern at the use of criminal defamation cases to silence opposition or critical views in the media;
- expressing concern that the use of defamation laws with the purpose or effect of preventing legitimate criticism of government or exposure of official wrongdoing cannot be justified;
- calling for defamation to be de-criminalized and defamation suits to be resolved within the framework of civil law;
- reminding the Azerbaijani authorities of their obligations to uphold and maintain freedom of expression in Azerbaijan.

**APPEALS TO: (It may be difficult to get through to faxes but please keep trying)**

President

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

**Fax:** + 994 12 492 0625  
**Email:** president@gov.az OR office@apparat.gov.az  
**Salutation:** Dear President

Minister of Internal Affairs

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

**Fax:** + 994 12 492 4590  
+ 994 12 492 7990

**Salutation:** Dear Minister

Procurator General

Zakir Qaralov  
Respublikanskaya Prokuratura  
Rafibeyli Street 7  
Baku 370001, Azerbaijan

**Fax:** + 994 12 492 3230 (if someone answers ask for a fax tone)

**Email:** prosec@azeri.com  
**Salutation:** Dear Procurator General

**COPIES TO:**

Ombudsman

Prof. Elmira Suleymanova  
Ombudsman  
40 Uz. Hajibeyov Street  
AZ1000 Baku, Azerbaijan

**Fax:** + 994 12 498 8574  
**Email:** ombudsman@ombudsman.gov.az

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 27 September 2006.