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Azerbaijan: Bloggers sentenced to prison terms

Yesterday a court in the Azerbaijani capital of Baku sentenced two well-known youth activists, Emin Abdullayev (blogger name Emin Milli) and Adnan Hajizade, to 30 and 24 months' imprisonment respectively on charges of hooliganism and inflicting minor bodily harm. Amnesty International believes the charges were fabricated to punish their non-violent dissenting views, as part of a continued clampdown on such voices in Azerbaijan, and regards them as prisoners of conscience who should be released immediately and unconditionally.

Emin Abdullayev, 30 and Adnan Hajizade, 26, have used online networking tools, including Youtube, Facebook and Twitter, to disseminate information about the socio-political situation in Azerbaijan. Emin Abdullayev is also a co-founder of a youth group named Alumni Network while Adnan Hajizade is a coordinator of the youth movement known as OLI, which advocates non-violence and tolerance. Emin Abdullayev was also an outspoken critic of changes to the Azerbaijani Constitution set out in a referendum on 18 March 2009, following which the presidential term limit was abolished potentially allowing current President Ilham Aliyev or any successor to stand for re-election on a continuous basis.

On 8 July 2009, Emin Abdullayev and Adnan Hajizade were dining with five friends in a Lebanese restaurant in Baku. Witnesses interviewed by Amnesty International said that, as the group was discussing politics and youth activism, two well-built men approached them, swore at them and angrily asked what they were talking about. When Emin Abdullayev replied that the conversation did not concern the two men, one of them head-butted him and he fell to the floor. Reportedly Adnan Hajizade moved to protect Emin Abdullayev and was struck and knocked to the ground by the same man. According to witnesses the other man used the table to obstruct the rest of the activists as they attempted to reach their two friends, who were kicked and beaten by the initial aggressor as they lay on the floor. The incident lasted about two minutes and was stopped by restaurant staff.

Following this incident Emin Abdullayev and Adnan Hajizade went to the Sabail District Police Department, 39th Division, to report the incident and file reports as victims. They took pictures of themselves outside this station which clearly show their injuries. On entering the station they were re-directed to Sabail District Police Department, 9th Division, where, rather than recording their reports as victims and providing the requested medical treatment, the police reportedly interrogated Emin Abdullayev and Adnan Hajizade as suspects for five hours, without access to lawyers of their choosing. The two other men involved in the incident at the restaurant were set free after being brought in for a brief interrogation. Emin Abdullayev and Adnan Hajizade were arrested, charged with 'hooliganism' and remanded in custody. On 21 August, 'inflicting minor bodily harm' charges were added to the 'hooliganism' charges for the same incident.

According to documents reviewed by Amnesty International, during their investigation the police and officials from the prosecuting authority failed to interview witnesses and to obtain video evidence from a security camera in front of the restaurant which may have recorded the

incident. Furthermore, documents submitted to the court contained mistakes about the background of Adnan Hajizade, stating that he was unemployed when he was in fact employed by British Petroleum, and that he had a criminal record when this was not the case.

Court hearings were held at Sabail District Court, Baku, on 4, 16, 18 and 29 September, 1, 7, 9, 13 and 28 October, and 5 and 11 November. During these hearings Emin Abdullayev and Adnan Hajizade were reportedly placed in a barred cage, and kept in handcuffs as they were transferred to and from the courtroom.

According to the defence, during the trial the court refused to consider photographs showing the injuries sustained by Emin Abdullayev and Adnan Hajizade. The court also refused to consider video evidence from mobile phones and a security camera without providing reasons as to why this evidence was not admitted.

During one of the court hearings on 16 September, six of the bloggers' supporters were reportedly briefly detained because they were wearing T-shirts that said "I am also a hooligan", and held for up to 12 hours before being released. Azerbaijani activists believe that this was an attempt by the authorities to discourage visible support for the two activists.

Amnesty International understands that the two activists intend to appeal the verdict.

Some days prior to the incident in the restaurant Adnan Hajizade had placed a satirical video on the internet which protested the government's purchase of donkeys from Germany using public funds and posing the question "What about human rights?" The video was posted in the wake of a news story about how the Azerbaijani government had allegedly spent hundreds of thousands of dollars importing a dozen donkeys in a deal that may have masked corruption or the theft of public funds.

After studying the case in detail, Amnesty International is concerned by the lack of a thorough and impartial investigation into the 8 July incident in the restaurant in Baku which led to the arrest of Emin Abdullayev and Adnan Hajizade, and by their trial falling short of fair trial standards.

At the same time, apparently no investigation has been conducted into the complaint of Emin Abdullayev and Adnan Hajizade that in fact it was them who were subject to an unprovoked assault by the two men in the restaurant.

Amnesty International believes that the imprisonment of the two activists is part of a continued clampdown against dissenting voices in Azerbaijan, and that the two activists have been targeted for the peaceful exercise of their right to freedom of expression, rather than being charged of an actual crime they may have committed.

Amnesty International therefore considers Emin Abdullayev and Adnan Hajizade to be prisoners of conscience and calls for their immediate and unconditional release.

Background:

Amnesty International has repeatedly highlighted its concerns on the increasingly limited sphere for freedom of expression in Azerbaijan and about the use of criminal charges to silence peaceful dissenting voices, most recently in its report *Azerbaijan: Independent journalists under siege* (AI Index: EUR/55/004/2009). For instance, prisoner of conscience Qanimat Zahid, the editor-in-chief of opposition newspaper *Azadliq*, was sentenced to four years' imprisonment on charges of hooliganism and assault in March 2008. Several other journalists have also been imprisoned on false charges in the past few years.

The international community has also raised issues regarding the case of Emin Abdullayev and Adnan Hajizade. For example, on 23 July 2009, the Swedish Presidency of the European Union issued a statement on behalf of the European Union in which it expressed concern at the arrest of the two activists.

In its concluding observations with regard to Azerbaijan, published on 13 August 2009 after consideration of reports on Azerbaijan during its 96th session in July, the UN Human Rights Committee expressed concern about the “recent arrest and detention on remand of individuals who had expressed opinions in non-conventional media, especially since no explanation was provided as to why the arrest took place after the individuals had reported to the police attacks on themselves and why the judicial proceedings against them for hooliganism were not held in public.” The Committee also reiterated its concern about reports of attacks on journalists, the closure of independent newspapers, the removal of licences for foreign radio stations to broadcast locally and the pattern of hooliganism charges against journalists, and urged Azerbaijan to take the necessary measures to put an end to direct and indirect restrictions on freedom of expression.

Amnesty International publications:

Amnesty International, Public Statement “*Azerbaijan: Two youth activists arrested*”, 17 July 2009 (AI Index: EUR 55/006/2009)

Amnesty International, Report *Azerbaijan: Independent journalists under siege* (AI Index: EUR/55/004/2009)