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Azerbaijan imprisons another independent journalist following unfair trial

The Azerbaijani authorities must ensure a prompt and fair retrial after a new, impartial, investigation of independent journalist Avaz Zeynalli, Amnesty International said after a Baku court sentenced him to nine years in prison in an unfair trial on charges that appear to have been politically motivated.

The court should also strongly consider his release pending the retrial. Under international law anyone held on a criminal charge is entitled to a fair trial within a reasonable time or conditional release. Avaz Zeynalli has already spent 16 months in detention while his trial was ongoing.

“The trial against Avaz Zeynalli was deeply flawed. There are good reasons to believe that Zeynalli’s prosecution and conviction were politically motivated,” said David Diaz-Jogeix, Europe and Central Asia Deputy Programme Director at Amnesty International.

On 12 March a Baku court for grave crimes found the editor of the Khural newspaper guilty of bribery, extortion by threats, failure to implement a court decision and tax evasion. He was arrested on charges of blackmail and extortion on 28 October 2011 and has remained in detention ever since.

Avaz Zeynalli has regularly criticised the high level of corruption in the country and President Ilham Aliyev's clampdown on independent journalists and opposition activists.

Before the criminal charges were brought against him, the journalist had already faced an array of retaliatory measures from the authorities to silence his critical reporting, including confiscating the newspaper’s property and stopping the printing of his newspaper.

He was accused by ruling party MP Gular Ahmadova of demanding 10,000 AZN (EURO 9,800 approximately) from her in order not to publish information that would damage her reputation as an MP.

After Ahmedova was arrested on charges of fraud, the prosecution has reverted to calling three new witnesses who alleged that over five years ago they paid Avaz Zeynalli bribes in exchange for not publishing defamatory information.

The witnesses failed to tell the court why they had not come forward before. The prosecution also introduced a charge of tax evasion. The Tax Audit Department allege that Zeynalli has been avoiding tax payments since 2008.

“Avaz Zeynalli is known for his articles criticising the Azerbaijani authorities and their clampdown on any kind of dissent,” said Diaz-Jogeix.

“The authorities’ determination to continue his prosecution, introducing new charges and replacing

witnesses after key evidence has been discredited, appears to be motivated by a desire to retaliate against his criticism.”

Avaz Zeynalli’s lawyer told Amnesty International that the entire process from the arrest to the trial has been marred with serious violations. Zeynalli was arrested by men in plainclothes who reportedly did not identify themselves and bundled him into a car without any explanation.

He was not granted access to a lawyer of his choice during questioning in the Anti-Corruption Department of the General Prosecutor's office.

Throughout the trial the defence was denied access to key evidence, such as the original of a recording in which Avaz Zeynalli is alleged to demand a bribe, and prevented from cross examining key witnesses.

“The conviction of independent journalist Avaz Zeynali is symptomatic of the government’s continued repression of independent journalists, civil society activists and non-governmental organizations,” said Diaz-Jogeix.

“These policies cannot go on unchecked. The right to freedom of expression and assembly cannot be denied indefinitely.”