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AZERBAIJAN: AMNESTY INTERNATIONAL WELCOMES WITHDRAWAL OF ACTION AGAINST A PROMINENT HUMAN RIGHTS DEFENDER

Amnesty International welcomes the decision by the Minister of Internal Affairs of Azerbaijan to drop his ministry's civil proceedings against human rights activist Leila Yunus, director of the Institute for Peace and Democracy, for alleged defamation. A hearing on this case took place in Yasamal District Court in the capital, Baku, on 2 March 2009, where it was announced that the defamation suit against Leila Yunus has been withdrawn.

Amnesty International has expressed its concern to the authorities that in this case the bringing of such proceedings by a public body, with the prospect of a heavy fine, constituted an unacceptable obstacle to freedom of expression and in particular the work of human rights defenders. A fear of facing similar consequences could dissuade other members of the public, including victims and their families, from reporting on and discussing human rights violations which are a matter of legitimate public interest.

The defamation suit brought by the Ministry of Internal Affairs was based on an interview by Leila Yunus, published on the news website www.day.az on 3 December 2008, about allegations of human rights violations which were revealed in an ongoing public criminal trial that she is monitoring. The trial is that against Tavakkul, Elnur and Elchin Ismailov in the case relating to three missing girls, Diliafruz Dashtieva and two sisters Nailia and Reikhan Medzhidova, in Devechi district, Baku. Two bodies were found and identified by the authorities as two of the missing girls. However, the girls' families disputed the identification of these bodies, and have expressed fears that the girls are alive and had been kidnapped for the purpose of human trafficking.

In the interview on 3 December, the allegations of human rights violations raised by Leila Yunus included the failure of the court up to that date to investigate thoroughly allegations made by the accused that they had been subjected to torture and other ill-treatment, reportedly to extract confessions of murder, and allegations that a deputy head of the Devechi district police had ordered the kidnapping of the girls.

Following the interview on 3 December and a joint press conference by Leila Yunus, the parents of the missing girls and the parents of the accused on 5 December, the court summoned the deputy head of the Devechi district police to testify on 11 December. The officer reportedly denied any wrongdoing. No other investigation into the allegations of the officer's involvement into trafficking has been reported to date. In December 2008 the parents of the two missing sisters reported receiving threatening anonymous phone calls and expressed fears for the safety of their families.

On 13 December 2008 the Minister of Internal Affairs of Azerbaijan, on behalf of the Ministry of Internal Affairs, filed a civil defamation suit against Leila Yunus in relation to the above-mentioned interview, alleging that Leila Yunus made ungrounded, fictitious and slanderous references.

In its pleadings, the Ministry had demanded that Leila Yunus refute her earlier statements, express apologies and compensate the Ministry of Internal Affairs for moral damage by a payment of 100,000 manats (€96,858).

On the basis of its review of Leila Yunus' interview, Amnesty International considers that the subject matter—allegations of torture and other ill-treatment and the involvement of a law enforcement official in a

case of alleged trafficking - constitutes a matter of public interest. Amnesty International considers that in disclosing allegations of human rights violations, Leila Yunus has not only exercised her right to freedom of expression as an individual but also her right and responsibility as a human rights defender. As such, she is entitled to discuss and hold opinions on the observance of human rights and to draw public attention to them, as set out in the UN Declaration on Human Rights Defenders.

With regard to the allegations of torture and other ill-treatment made by the defendants in the case of the three young girls, and of possible police involvement in human trafficking, Amnesty International has urged the authorities to ensure that they are promptly, thoroughly, impartially and independently investigated by a body which is not subordinated in any way to the Ministry of Internal Affairs and is independent of it.

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