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Azerbaijan: Prisoner of conscience sentenced to a further eight and a half years' imprisonment

Amnesty International condemns the sentencing of journalist and editor Eynulla Fətullayev to eight and a half years' imprisonment on 30 October by the Court of Grave Crimes in Baku. On trial for the second time this year, Amnesty International believes Eynulla Fətullayev to be a prisoner of conscience, imprisoned solely to silence his independent and critical reporting, and calls for his immediate and unconditional release.

Eynulla Fətullayev, journalist and editor of the now defunct *Realny Azerbaydzhan* (Real Azerbaijan) and *Gündelik Azərbaycan* (Azerbaijan Daily) newspapers, was sentenced on charges of terrorism, incitement of ethnic hatred and tax evasion. Media rights organization representatives present at the trial reported several irregularities with the process.

The charge of terrorism relates to an article published in *Realny Azerbaydzhan* suggesting that Azerbaijani support for the USA could result in sites in Azerbaijan becoming targets of Iranian military action in the event of US-Iranian conflict. In the article Eynulla Fətullayev conjectured on which strategic sites in Azerbaijan could become such targets.

The charge of incitement of ethnic hatred relates to commentary published by Eynulla Fətullayev on the prominence of Azeris from the Naxçıvan Autonomous Republic in executive positions in southern Azerbaijan, parts of which are populated by the Talysh ethnic minority. It is not clear how this commentary could be construed as constituting advocacy of hatred amounting to incitement to hostility, discrimination or violence sufficient to warrant a criminal prosecution. According to Isaxan Asurov, Eynulla Fətullayev's lawyer, no witnesses were called to substantiate this charge.

In addition to his imprisonment, Eynulla Fətullayev was fined more than 200,000 new Azerbaijani manats (approximately the equivalent of US\$ 235,000) on the charge of tax evasion. Isaxan Asurov commented that reported calculations behind the charge of tax evasion were erroneous and omitted to take into consideration the running costs of the newspaper offices. The court also approved the permanent confiscation of computer hardware belonging to the *Realny Azerbaydzhan* and *Gündelik Azərbaycan* newspapers, taken from their offices in May by the Ministry of National Security.

The lack of plausible evidence in bringing these charges leads Amnesty International to believe that the charges against and conviction of Eynulla Fətullayev are politically motivated, and constitute a concerted attempt to silence this outspoken journalist and his newspapers. They represent the latest development in an ongoing wave of violations of the right to freedom of expression in Azerbaijan. Amnesty International calls upon the Azerbaijani government to demonstrate that it is guided by international human rights principles by rejecting this verdict and releasing Eynulla Fətullayev, as well as ensuring that he receives appropriate compensation.

Background

Eynulla Fətullayev has been the target of a persistent campaign of harassment and intimidation to silence his political reporting for several years. This campaign culminated earlier this year in his being sentenced in April to two and a half years' imprisonment on unfounded charges of libel and insult. He was alleged to have defamed victims and survivors of killings in the village of Xocali during the 1991-1994 war in Nagorny Karabakh, by suggesting that Azerbaijani forces shared responsibility for their deaths or displacement. Eynulla Fətullayev denied authorship of the internet postings, of unclear origin, on which the case was based.

Following Eynulla Fətullayev's conviction *Realny Azerbaydzhan* and *Gündelik Azərbaycan* were subjected to a series of inspections of their premises by state officials, whose purpose appeared to be the closure of both newspapers. Both closed in May. *Realny Azerbaydzhan* had previously been fined on several occasions after being prosecuted on libel and insult charges. Eynulla Fətullayev had also been subjected to repeated anonymous death threats.

There have been increasing violations of the right to freedom of expression in Azerbaijan in recent years, aimed at independent or opposition journalists writing on politically sensitive themes. Libel and insult laws have been used to imprison journalists, while several cases of serious assault by unknown men against journalists and editors remain unsolved.

For further information on Eynulla Fətullayev's case, see *Azerbaijan: Critical voices again silenced by libel laws* (AI Index: EUR 55/008/2007) <http://www.amnesty.org/library/index/engneur550082007>.

For wider information on violations of the freedom of expression in Azerbaijan, see Amnesty International's report *Azerbaijan: The contracting space for freedom of expression* (AI Index: EUR 55/003/2007) <http://www.amnesty.org/library/index/engneur550032007>.