

# AZERBAIJAN: MIXED MESSAGES ON FREEDOM OF EXPRESSION

“It is unacceptable for government officials to attack journalists”

President Ilham Aliyev

President Ilham Aliyev has said, “It is unacceptable for government officials to attack journalists”. That was in April 2005. In July 2007, however, he told a meeting of police academy graduates that he had “banned sanctions” against police who had used violence against journalists in disturbances in October 2005. He went on to say that he would “always support the police” in such cases.

These mixed messages reflect an overall deterioration in conditions for freedom of expression in Azerbaijan over the last three years.

Azerbaijan continues to imprison journalists for peacefully exercising their right to freedom of expression.

Four journalists remain behind bars in cases that human rights activists in the country consider to be politically motivated, despite the release of five journalists in December 2007. Vicious physical assaults by unknown assailants against journalists in 2006 and 2007 remain unpunished, contributing to a climate of impunity. In March 2005 outspoken opposition editor Elmar Hüseynov was shot dead outside his home in the capital, Baku. His murder also remains unsolved.

On the third anniversary of Elmar Hüseynov’s death, Amnesty International is calling upon the Azerbaijani authorities to fulfil their international and domestic legal obligations to guarantee freedom of

expression. They should release prisoners of conscience; decriminalize defamation; ensure thorough, independent and impartial investigation into attacks on journalists; and bring perpetrators to justice.



Elmar Hüseynov, editor-in-chief of *Monitor*, was shot dead in 2005.



## ASSAULTS ON JOURNALISTS

A number of journalists have been seriously assaulted by unknown perpetrators; one was killed and two nearly died. No one has been brought to justice for these attacks and in some cases there has reportedly been little or no investigative activity. The Azerbaijani authorities appear to be failing in their duty to combat impunity for such attacks – one assault was carried out in a busy street in broad daylight, a worrying indication that the assailants did not expect to be punished.

### BAHEDDIN HEZIYEV

On 18 May 2006 Baheddin Heziyev, editor-in-chief of the opposition *Bizim Yol* (Our Way) newspaper and Deputy Chairman of the Popular Front of Azerbaijan party, was abducted and beaten by unidentified men, who allegedly told him to stop writing “critical articles”. The men drove their car over his legs and left him on the shores of a lake outside Baku. *Bizim Yol* had alleged corruption in the oil and fishing industries and had named several high-ranking officials. Amnesty International met Baheddin Heziyev in July 2006 and he said that the police showed no interest in investigating his case and had recorded it as a case of minor injury, rather than abduction and grievous bodily harm.

### FIKRET HÜSEYNLI

On 6 March 2006 *Azadlıq* (Freedom) newspaper correspondent Fikret Hüseynli was abducted, beaten and left for dead on the outskirts of Baku by unidentified men. He was allegedly tied up, had his fingers broken and was stabbed in the neck. After he collapsed, his captors left him by the side of the road. Fikret Hüseynli had earlier received threatening phone calls telling him to stop publishing articles and leave journalism. He had written articles on alleged corruption in high office and criminal activities of oligarchs. No significant investigative activity into Fikret Hüseynli’s case has taken place to Amnesty International’s knowledge.

### ELMAR HÜSEYNOV

On 2 March 2005 Elmar Hüseynov, editor-in-chief of *Monitor*, was shot and killed by unidentified individuals outside his apartment building in Baku. His colleagues and international press freedom organizations ascribed his murder to the political content of the newspaper, which closed following his death. Despite international concern about the case, the investigation of the murder has been politicized, obstructing an independent or effective process.

In July 2006 a former Ministry of Internal Affairs official, charged with kidnapping and murder, admitted to Elmar Hüseynov’s murder while testifying at his own trial. He claimed that he carried out the killing for the former Minister of Economic Development. However, to Amnesty International’s knowledge, the investigation into Elmar Hüseynov’s murder has been suspended, and no one has been prosecuted to date.



Editor Baheddin Heziyev was abducted and beaten by unidentified men in May 2006. He says they told him to stop writing “critical articles” and drove their car over his legs.

## ALI ORUCOV

The press secretary of the opposition Azerbaijan National Independence Party, Ali Orucov, was assaulted by unknown assailants near his home on 24 December 2006. His neighbours came to his aid, but the assailants later returned and threatened him in his apartment, bruising him and breaking his finger. Again his neighbours came to his assistance. According to Ali Orucov, his assailants threatened to abduct him if he did not stop writing “foul things”. He also claimed that he had been shadowed by unknown men for a number of days before the assault, after publishing an article in the *Rating* newspaper criticizing the government. No progress was reported in the investigation of this case.

## NICAT HÜSEYNOV

Nicat Hüseynov, a journalist working for the *Azadlıq* newspaper, was attacked by unknown men on 25 December 2006 as he left his home in Baku for work. He was thrown to the ground, beaten and attacked with a knife. Eyewitnesses called for help, and the attackers fled into a waiting taxi. Nicat Hüseynov was later hospitalized with internal injuries, head injuries and a minor stab wound. He had published articles on alleged corruption in high office and claimed to have received a number of threatening phone calls before the attack. In January 2008 he was still suffering severe headaches and nosebleeds; no progress was reported in the investigation of his case.



Nicat Hüseynov, a journalist working for the opposition *Azadlıq* newspaper, in hospital after being attacked by unidentified men on 25 December 2006.



## ÜZEYİR CEFEROV

On the night of 20 April 2007, Üzeyir Ceferov, an editor and military affairs reporter for the opposition newspaper *Gündelik Azərbaycan* (Azerbaijan Daily), was assaulted by two men as he left his office. He was hit about the face and head with metal objects; reportedly, his attackers drew a knife but withdrew after seeing colleagues coming to his aid. Üzeyir Ceferov was hospitalized and required stitches. According to reports he recognized one of his attackers as someone who had attended the trial of Eynulla Fetullayev. Earlier that day, Üzeyir Ceferov had testified in defence of Eynulla Fetullayev.

Üzeyir Ceferov, who works as an editor on the opposition newspaper *Gündelik Azərbaycan* (Azerbaijan Daily), was assaulted by several men in April 2007.

## JOURNALISTS BEHIND BARS

Amnesty International has documented a number of arrests of opposition or independent journalists, which the organization believes to have been politically motivated.

### EYNULLA FETULLAYEV

Following several years of harassment at the hands of the authorities, opposition newspaper editor Eynulla Fetullayev (*right*) was tried twice in 2007 and sentenced to a total of 11 years' imprisonment on charges of defamation, terrorism, incitement of ethnic hatred and tax evasion. Amnesty International believes he is a prisoner of conscience.

Eynulla Fetullayev worked on the outspoken weekly *Monitor* newspaper, which closed after the murder of its editor Elmar Hüseynov. Eynulla Fetullayev then launched two popular opposition newspapers, *Realny Azerbaydzhan* (Real Azerbaijan) and *Gündelik Azərbaycan* (Azerbaijan Daily). *Realny Azerbaydzhan* was persistently sued for libel by Minister of Internal Affairs Ramil Usubov, after the newspaper alleged links between the Minister and criminal activities within his Ministry.

On 20 April 2007 Eynulla Fetullayev was sentenced to two and a half years' imprisonment for defamation. Internet postings, which he denied creating, replicated material he had written years earlier which diverged from the officially



sanctioned history of the 1991-1994 war in Nagorny Karabakh.

In May 2007 both newspapers closed after a series of inspections of their premises by the authorities. On 20 October 2007 Eynulla Fetullayev was sentenced to a further eight and a half years' imprisonment on three separate charges of terrorism, incitement of ethnic hatred and tax evasion. The first two charges related to articles in *Realny Azerbaydzhan*, one on possible targets in Azerbaijan in the event of a US-Iranian conflict, the other on ethnic proportionality in

executive administrative positions. Both charges lacked credibility, and his lawyer said that the tax evasion charge, resulting in a fine of 200,000 new Azerbaijani manats (approximately US\$ 235,000), was based on erroneous calculations.

On 16 January 2008 the Baku Court of Appeal upheld Eynulla Fetullayev's October conviction; he is currently detained at Prison No.12.

### RELEASES

In December 2007, five journalists received presidential pardons and were released under a general amnesty. Three had been imprisoned on charges of defamation (Yaşar Agazade, Rovşan Kebirli and Faramaz Novruzoğlu); the other two, Rafiq Taği and Samir Sedeqetoğlu, had been imprisoned on charges of incitement of religious hatred after publishing an article critical of Islam, and were considered prisoners of conscience by Amnesty International.

## QENIMET ZAHID

Qenimet Zahid is the brother of Sakit Zahidov and the editor-in-chief of the *Azadliq* newspaper. Both he and the newspaper have been persistently harassed by the authorities. In March 2005 Qenimet Zahid was allegedly abducted by policemen, beaten, and forced to undress and be photographed with alleged prostitutes. This material was then broadcast on a pro-government television channel.

Libel charges were brought against the *Azadliq* newspaper in August 2006 and in October 2006 the newspaper, along with a number of other independent media outlets, was evicted from its premises in Baku on the basis of a complaint by the State Property Committee.

On 10 November 2007 Qenimet Zahid was arrested on charges of

hooliganism; he was alleged to have insulted a female passer-by outside his place of work, and then to have inflicted minor bodily harm on a man accompanying her.

However, Qenimet Zahid claims that as he was passing her, the woman thrust her arms out at him and began shouting that he had insulted her, following which the young man accompanying her began to assault him.

Azerbaijani human rights activists have previously documented the use of "provocations" against opposition activists and many believe this case to have been artificially created to silence Qenimet Zahid's journalism. If convicted he could face up to five years in prison. Amnesty International believes he is a possible prisoner of conscience.



Qenimet Zahid faces up to five years in prison.



## SAKIT ZAHIDOV

Well-known satirist for *Azadliq* newspaper Sakit Zahidov (*left*) was arrested on 23 June 2006 on charges of possessing and distributing illegal drugs and sentenced to three and a half years' imprisonment.

He claims that drugs were planted on him and his trial was marked by numerous irregularities, including the failure to call witnesses for the defence, the alleged omission of

testimony from the trial record and the withholding of case materials from his lawyer.

At the trial the charge of distributing drugs was reduced to being a user of illegal drugs. Human rights activists in Azerbaijan have told Amnesty International that no laboratory tests were performed to prove Sakit Zahidov's use of illegal drugs. Amnesty International believes he is a possible prisoner of conscience.

**6 AZERBAIJAN:** Mixed messages on freedom of expression



*Clockwise from top left:*

Officers from the Ministry of National Security search the editorial offices of the newspapers *Realny Azərbaycan* and *Gündelik Azərbaycan* on 22 May 2007.

Police prevent journalists from accessing their office.

Human rights activists argue with police.

Police prevent a photographer from *Yeni Müsavat* newspaper from using his camera.

## HARASSMENT AND ILL-TREATMENT OF JOURNALISTS

Law enforcement officials have allegedly beaten and intimidated journalists on a number of occasions.

### HEKIMELDOSTU MEHDIYEV

Police officers from the National Security Service allegedly beat Hekimeldostu Mehdiyev (*right*), a regional correspondent for the opposition *Yeni Müsavat* newspaper in Azerbaijan's Autonomous Republic of Naxçıvan, and held him for seven hours. He was reportedly told to stop reporting on socio-economic problems in Naxçıvan, to leave Azerbaijan with his family and not to tell anyone what had happened to him. He returned home and informed the press.

On 23 September 2007 Hekimeldostu Mehdiyev was summoned by police and charged

with disobeying police orders. He was tried immediately and without a lawyer, and sentenced to 15 days' imprisonment. His family was not allowed to visit him in detention. A teahouse and a shop run by his family were closed and demolished, reportedly by employees of the Ministry of National Security. On 27 September Hekimeldostu Mehdiyev was told by prison officials that he had been "forgiven" and he was released without further explanation. He said he had been beaten in detention, but could not obtain hospital treatment until 1 October, when he registered under a false name. He had one fractured and one



severely bruised rib. He said that he subsequently received a number of intimidating phone calls, including from the Şaurur region's branch of the National Security Ministry.



### SÜHAYLE QEMBEROVA

On 28 September 2007 Sühayle Qemberova (*left*), a journalist for the *Impuls* newspaper, was reportedly beaten by judiciary staff while researching an article on forced evictions. She was beaten alongside evicted residents who had asked to see the court orders approving the evictions. Her sister reported that Sühayle Qemberova was pushed to the floor and kicked in the head and body. She was later hospitalized.

## AMNESTY INTERNATIONAL CALLS UPON THE AZERBAIJANI AUTHORITIES TO:

- Immediately and unconditionally release prisoner of conscience Eynulla Fetullayev, detained solely for exercising his right to freedom of expression, and ensure appropriate compensation;
- Review the evidence used to convict Sakit Zahidov, a possible prisoner of conscience, and if the conviction is found to be unsafe, release him with appropriate compensation;
- Investigate the charges against possible prisoner of conscience Qenimet Zahid and if these charges are found to be false, release him with appropriate compensation;
- Ensure the prompt, impartial and independent investigation of all cases of assault against journalists and bring the perpetrators to justice; long-standing unsolved cases, such as the murder of Elmar Hüseynov, should not be considered closed;
- Provide information to the general public on the scope, methods, findings and progress of investigations into attacks on journalists;
- Ensure that all government officials and law enforcement agents act with due diligence in respecting and protecting the right to freedom of expression. Cease making statements that imply impunity for law enforcement officials who violate the rights of journalists;
- Note the recommendation to member states of the Council of Europe Parliamentary Assembly's Resolution 1577 (2007), to apply anti-defamation laws "with the utmost restraint", and immediately abolish prison sentences for defamation.

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