

Action In Focus

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Freedom of expression under attack in Azerbaijan



Friends and family of Elmar Huseynov visit his grave on what would have been his 39th birthday, 17 July 2006. © Private

The words of the Azerbaijani constitution are clear: “Everyone may enjoy freedom of thought and speech” (Article 47). So why then have independent journalists there been attacked, harassed, imprisoned and even killed?

Amnesty International is campaigning for justice for three Azerbaijani journalists: Elmar Hüseynov, who was shot and killed by unidentified attackers outside his apartment building in the capital, Baku, in March 2005; his former colleague, Eynulla Fətullayev, who was beaten, harassed, and who is currently in prison on charges which are apparently politically motivated; and Sakit Zahidov, who was imprisoned after an unfair trial.

Amnesty International has documented some of the thousands of reports it has received regarding the harassment of journalists, violent attacks on journalists which are not fully investigated, and politically-motivated arrests. The effect on freedom of speech in Azerbaijan is chilling.

The crackdown on free speech in Azerbaijan has seemingly been prompted by the prominent role played by the free dissemination of information in the changes of regime in neighbouring Georgia and nearby Ukraine in 2003 and 2004 respectively.



Elmar Hüseynov © Newspaper Monitor

In March 2005 Elmar Hüseynov, editor-in-chief of the outspoken opposition weekly newspaper *Monitor*, was shot and killed by unidentified individuals outside his apartment building in Baku. The newspaper closed following his death. Amnesty International is concerned that despite the complexities of the case and international concern expressed about it, the investigation of the murder has been politicized, obstructing an independent or effective process. As yet, the case remains unsolved.

Elmar's colleagues at *Monitor*, as well as international press freedom organizations such as the International Freedom of Expression Exchange, ascribed his murder to the political content of the newspaper.

In April 2005 investigators in the Ministry of National Security announced that six suspects of Georgian citizenship had been detained in connection with the murder, but no motive or evidence linking the six to Elmar's killing was offered. The crime was then also reclassified from a 'premeditated murder' to an 'act of terrorism' without explanation or rationale. No further progress was made with the investigation. Yet on 25 July 2006, Hacı Mammədov, a former Ministry of Internal Affairs official charged with running a gang involved in a series of high-profile murders and kidnappings, admitted to Elmar's murder while giving testimony at his trial. Hacı Mammədov claimed that he carried out the killing at the behest of former Minister of Economic Affairs

Farxad Aliəv, who was arrested in October 2005 on charges of plotting a coup d'état. Friends of Elmar have pointed out, however, that although Hüseynov wrote articles to the effect that Farxad Aliəv was corrupt, he also acknowledged that Farxad Aliəv had invested significantly in the Azerbaijani economy. In their view, this raises questions about the basis for any motive Farxad Aliəv might have had in ordering Elmar's assassination. Hacı Mammədov received a life sentence relating to other charges. However, according to Şaxbaz Xuduəğlu, a representative of the Elmar Hüseynov Foundation, the investigation into Elmar's murder is now suspended.

Earlier this year, the non-governmental organization the Institute for Reporters' Freedom and Safety gathered hundreds of signatures among the residents of Baku, supporting the building of a memorial for Elmar. The International Freedom of Expression Exchange sent a letter to Azerbaijani President, İlham Aliyev, signed by press freedom and human rights organizations from around the world, endorsing the proposal.

The case of prisoner of conscience Eynulla Fətullayev is inextricably linked to that of Elmar Hüseynov. Eynulla, also an outspoken journalist, worked with Elmar Hüseynov at *Monitor*. After Elmar's death Eynulla went on to found and edit two popular opposition newspapers, the Russian-language *Realny Azerbaydzhan* and the Azeri-language *Gündelik Azərbaycan*. In March 2007 he received death threats after he reported in another newspaper that high-ranking officials had ordered the killing of Elmar by a criminal gang including ethnic Azeris of Georgian citizenship.



Eynulla Fətullayev © IRFS

On 20 April 2007, Eynulla was arrested, charged with libel, tried and sentenced to two and a half years' imprisonment by the Yasamal District Court, based on comments posted on a website in February that were attributed to him. The comments suggested that both Azerbaijanis and Armenian forces were responsible for the massacre of hundreds of ethnic Azeri civilians from the village of Xocalı in 1992, during the 1991-94 war in Nagorny Karabakh. The comments were soon circulated on other websites, leading to a protest by around 100 people outside the offices of *Realny Azerbaydzhan* and *Gündelik Azərbaycan*. The court ruled he had libelled both the population of Xocalı and Azerbaijani war veterans.

On 22 May, another criminal case against Eynulla was opened. The State Prosecutor, Zakir Qaralov, claimed that an article written by Eynulla which criticized the government's support for the UN Security Council resolution condemning the development of Iran's nuclear capability and which listed sites in Azerbaijan that could be targets of Iranian military action, constituted a threat of terrorist action against Azerbaijan.

In September 2007, state investigators also began criminal proceedings for tax evasion against Eynulla. They alleged both newspapers owed taxes totalling approximately US\$280,000, and Eynulla was subsequently fined approximately

US\$235,000. Eynulla's lawyer has said the calculations failed to take into consideration the running costs of the newspaper offices.

The Court of Grave Crimes sentenced Eynulla to eight and a half years' imprisonment on 30 October 2007 on charges of terrorism, incitement of ethnic hatred and tax evasion. The lack of plausible evidence in bringing these charges suggest they were politically motivated, and represent the latest development in an ongoing wave of violations of the right to freedom of expression in Azerbaijan.

These challenges are not new for Eynulla. In July 2004, he was beaten in the street in Baku, following articles he published that were critical of government officials. He also received anonymous threats in 2005 for a series of articles following his visit to the unrecognized republic of Nagorny Karabakh, in which he advocated dialogue with the Armenians of Karabakh. Interior Minister Ramil Usubov, brought three libel suits against Eynulla Fətullayev's *Realny Azerbaydzhan* in August 2006 for articles claiming links between him and Haci Mammədov, the former Interior Ministry official on trial for a series of murders and kidnappings. The newspaper lost and paid the equivalent of US\$11,500 in compensation. And in October 2006, Eynulla's father was kidnapped and released only after an announcement that the newspapers would temporarily stop publishing.

In a separate case. Sakit Zahidov, a well-known opposition journalist in Azerbaijan, is serving a three-year prison sentence on questionable charges of possessing illegal drugs. Amnesty International is concerned that he was not given a fair trial and that he may have been imprisoned solely for peacefully exercising his right to freedom of expression.

Sakit Zahidov, a journalist and satirist for the opposition newspaper *Azadlıq* ('Freedom'), was arrested on 23 June 2006. A statement issued by the Ministry

alleged that 10 grams of heroin had been found on Sakit's person and confiscated following his arrest. Sakit's brother, Qənimət Zahidov, who is also editor-in-chief of the *Azadlıq* newspaper, is one of several prominent opposition journalists who believe that his arrest was politically motivated and that the heroin was planted on Sakit in order to incriminate him.

Sakit's trial opened on 18 August 2006. No recording of the hearing was permitted, and it is therefore difficult for Amnesty International to ascertain what evidence was presented to prove whether Sakit had used illegal substances. A number of important witnesses were not called for questioning at his trial and appeal in December 2006. Furthermore, allegations that Sakit's own testimony was partially omitted from the final protocol used as a record of the trial cannot be substantiated, as reportedly his lawyers have still not had access to this document.

On 4 October 2006, Sakit was sentenced to three years' imprisonment in Baku Court for "possession of drugs for the purpose of personal consumption". Opposition journalists believe that Sakit was convicted on account of the satirical column he wrote for *Azadlıq*, in which he regularly criticized the Azerbaijani government.

As well as being enshrined in the Azerbaijani Constitution, freedom of expression in the country is also guaranteed by international law, including the European Convention on Human Rights and the International Covenant on Civil and Political Rights. Furthermore, in a meeting with the Secretary General of the NGO *Reporters Sans Frontières* in April 2005, President İlham Aliyev reportedly explicitly stated that it was "unacceptable for government officials to attack journalists". However, these promises are not being adhered to.

Through the cases of Elmar Hüseynov, Eynulla Fətullayev and Sakit Zahidov, Amnesty International is continuing to

campaign to ensure justice is done, human rights abuses are investigated, and journalists can once again write freely in Azerbaijan.

To campaign on behalf of Elmar Hüseynov, Eynulla Fətullayev and Sakit Zahidov, please contact the Individuals Campaign Team: individuals@amnesty.org.