

# AMNESTY INTERNATIONAL

## Public Statement

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### **Azerbaijan: Critical voices again silenced by libel laws**

Amnesty International condemns the 20 April sentencing by Baku's Yasamal District Court of editor Eynulla Fatullayev, to two and a half years' imprisonment on charges of defamation. This conviction follows a series of incidents aimed at intimidating Eynulla Fatullayev spanning the past three years, including physical assault, kidnapping of close relatives and death threats. Amnesty International believes Eynulla Fatullayev to be a prisoner of conscience, imprisoned for his critical reporting on political issues and abuses of public office, and calls for his unconditional and immediate release.

Amnesty International is again seriously concerned regarding the fate of independent and opposition journalists in Azerbaijan. Recalling concerns expressed in August 2006 and January of this year, Amnesty International deplores a series of recent actions apparently aimed at silencing journalists associated with the Russian-language *Realny Azerbaydzhn* (Real Azerbaijan) and Azeri-language *Gündelik Azerbaycan* (Azerbaijan Daily) newspapers. These moves indicate that journalists who criticize officials and draw attention to official wrongdoing continue to be subjected to a range of sanctions from physical assault to imprisonment under Azerbaijan's libel and insult laws.

Eynulla Fatullayev, editor of both *Realny Azerbaydzhn* and *Gündelik Azerbaycan*, was convicted under Article 147.2 of the Azerbaijani Criminal Code, relating to the public dissemination of accusations of grave crimes. The charges refer to comments attributed to Eynulla Fatullayev allegedly posted on the internet site [www.aztricolor.com](http://www.aztricolor.com) in February of this year, although precise dates are unknown. The comments relate to events taking place during the 1991-1994 Armenian-Azerbaijani territorial conflict over Nagorny Karabakh. Allegedly, these comments suggested that Azerbaijanis shared responsibility with surrounding Armenian forces for the deaths of hundreds of ethnic Azeri civilians from the village of Xocali in 1992. Reports suggest that the alleged comments referred to claims that Armenian forces had left an escape corridor open for Xocali residents (the website appears to be no longer available). Although Eynulla Fatullaev had written on this theme in a 2005 article, the case against him was based on internet postings of unclear origin attributed to him.

The case was brought by Tatyana Chaladze, chair of the Azerbaijani Centre for the Protection of Refugees and Displaced Persons, a public organization. Tatyana Chaladze claimed that to suggest Azerbaijani responsibility for the Xocali events was a deliberate attempt to defame the survivors of the Xocali events in particular and veterans of the war in Nagorny Karabakh in general.

Eynulla Fatullayev denies that he ever made the comments, and claims that the case was artificially created to silence his critical reporting on a number of issues, including government corruption. The comments attributed to him were circulated on a number of websites in February, following which the offices of *Realny Azerbaydzhn* were assaulted by crowds of up to 100 unidentified protesters on 24 and 26 February. The newspaper's offices were pelted with

eggs and rocks and protesters reportedly attempted to kick a door down. According to some reports, police present during these protests did not intervene to stop them.

With a reported 30,000 readers, *Realny Azerbaydzhan* is one of the most popular newspapers in Azerbaijan. It is widely known for its criticism of government officials, especially the Interior Ministry.

Eynulla Fatullayev has a record of outspoken journalism. Previously he worked for the controversial opposition newspaper *Monitor*, which closed after its editor Elmar Hüseynov was shot dead in March 2005. His murder remains unsolved to this day. In July 2004 Eynulla Fatullayev was beaten in the street in Baku, allegedly on account of articles he had published critical of government officials. He later received threats relating to his series of articles entitled 'Karabakh Diary', following his visit to the unrecognized republic of Nagorny Karabakh in 2005, in which he advocated dialogue with the Armenians of Karabakh. In August 2006 three libel suits were brought against *Realny Azerbaydzhan* by Interior Minister Ramil Usubov on account of articles printed in the newspaper claiming links between the minister and the criminal activities of a former Interior Ministry official then on trial for a series of murders and kidnappings. The newspaper lost the suits and was forced to pay a fine equivalent to US\$11,500 in compensation. In October 2006 Eynulla Fatullayev temporarily ceased publication of both newspapers after his father was kidnapped; his father was released following the announcement of cessation of publication. In March 2007 he received death threats after he reported in *Realny Azerbaydzhan* that high-ranking officials had ordered the killing of Elmar Hüseynov by a criminal gang including ethnic Azeris of Georgian citizenship.

As reported by Radio Liberty on 23 April 2007, similar claims regarding the maintenance of an escape corridor during the Xocali events were made in 1992 by the then president of Azerbaijan, Ayaz Mutalibov. In view of the above-mentioned history of incidents involving Eynulla Fatullayev, Amnesty International believes that the resurfacing of these claims in a criminal case against an outspoken and critical newspaper editor already subjected to a prolonged campaign of harassment suggests a political context to this case. Furthermore, even assuming the claims put forward in the case against Eynulla Fatullayev are true, it is unacceptable for journalists who challenge official or orthodox versions of history to face imprisonment as a result.

There have been several cases of libel and insult charges brought against journalists by government officials in Azerbaijan over the past two years, in which the courts have almost invariably ruled in favour of the complainants (see Amnesty International's January 2007 briefing, *Azerbaijan: the contracting space for freedom of expression* (AI Index: EUR 55/003/2007)). In some cases journalists have been convicted in cases where authorship of the allegedly defamatory statements has been contested. In 2006 Sahin Agabeyli, editor of the *Milli Yol* (National Path) newspaper, was sentenced to one year's imprisonment for statements published in an article he claimed he had not written.

In a separate incident on the night of 20 April an editor and military affairs reporter for *Gündelik Azərbaycan*, Uzeyir Jafarov, was assaulted by two men as he left the newspaper offices. He was hit about the face and head with metal objects; reportedly, his attackers drew a knife but withdrew after seeing other staff from the newspaper coming to Uzeyir Jafarov's assistance. Uzeyir Jafarov was hospitalized and was treated with stitches. According to reports he recognized one of his attackers as having been present during the court proceedings against Eynulla Fatullayev. Earlier in the day of the assault against him, Uzeyir Jafarov had testified in defence of Eynulla Fatullayev.

Continuing assaults on the freedom of expression and the lack of government activity to curb this trend are damaging for the country's international reputation. The government of Azerbaijan's failure to address concerns expressed by Azerbaijani journalists, human rights activists and international organizations was acknowledged in Resolution 1545 of the

Parliamentary Assembly of the Council of Europe on 16 April. Amnesty International calls upon the Azerbaijani authorities to release Eynulla Fatullayev immediately and to ensure a full and independent investigation of the circumstances surrounding his conviction. Amnesty International similarly calls upon the Azerbaijani government to ensure a thorough and independent investigation of the assault on Uzeyir Jafarov and to ensure that the perpetrators are brought to account. Finally Amnesty International calls for the decriminalization of libel in Azerbaijan, a position also advocated by the Organization for Security and Co-operation in Europe.

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