

Press Release

Azerbaijan

Calling for a fair appeal process for political activists

The two jailed activists and bloggers Emin Abdullayev and Adnan Hajizade will have their appeal heard in Baku, on December 22, 2009, five days before the parliamentary elections. FIDH calls the authorities of Azerbaijan to fully guarantee their right to a fair trial.

FIDH has been informed by reliable sources that on December 10, 2009 the two young activists and bloggers Emin Abdullayev and Adnan Hajizade were granted a hearing at the Baku Court of Appeal on December 22.

Indeed, on November 11, 2009, the Sabail District Court of Baku sentenced to jail two opposition bloggers for posting a satirical internet video. Adnan Hajizade, 26, was sentenced to two years in prison and Emin Abdullayev, 30, to two years and six months for a fight which, according to the authorities, they started in a restaurant in Baku. On November 23, 2009, the two bloggers' lawyers Mr. Isakhan Ashurov and Mr. Elton Guliyev filed an appeal against the verdict.

The bloggers say they were targeted for political reasons because of their online criticism of the authorities, which they said authorities deny. The defendants alleged that on July 8, they had been discussing in a Baku restaurant when two strangers approached them, demanded that they stop discussing political matters, attacked and injured them. That evening, Abdullayev and Hajizade went to the police station, filed reports regarding the attack, and requested medical assistance. Instead of providing them with medical assistance, the police interrogated the young people for five hours without legal counsel, charged them with hooliganism and inflicting minor bodily harm. They have been held since the incident. The alleged attackers were set free.

The incident came shortly after Hajizade, a video blogger and member of the "OL!" (To Be!) opposition movement, posted his latest satirical video in which President Ilham Aliyev holds a news conference dressed as a donkey.

On December 9, a hearing was conducted in the Baku Appeals Court, under the chairmanship of Judge Ismayil Valiyev, upon the request of Adnan Hajizade's father Hikmat Hajizade and Emin Abdullayev's parents Pasha Abdullayev and Natella Abdullayeva. The judge upheld the decision of Sabail District Court and issued a decision not to grant appeal. The parents of the bloggers filed a lawsuit against Sabail district Police department investigator Ziya Aliyev regarding a violation of the right of respect to their personal and family life because they were not allowed to visit their sons during the investigation, even though they appealed several times.

Their lawyers said the charges were politically motivated and announced plans to take the case, if necessary, to the European Court of Human Rights. "The court's ruling is political. It is aimed at intimidating new media on the Internet and preventing the distribution of alternative opinions," said Emin Huseynov, director of the Baku-based

Institute for Reporter Freedom and Safety.

"These new imprisonments cement Azerbaijan's image as the pre-eminent jailer of journalists in the OSCE region," the OSCE's media freedom official, Miklos Haraszti, wrote in a letter to Azerbaijan's foreign minister on November 11, 2009.

The European Union also voiced concern about the trial. On November 12, 2009, the Presidency of the European Union regretted "that the trial proceedings did not reflect due process and believes that the court decision may further undermine the freedom of expression in Azerbaijan".

In Washington, U.S. State Department spokesman Ian Kelly sharply criticized the ruling: "The non-transparent investigation, closed court hearings, disproportionate legal charges, and failure to detain and charge the assailants have raised concerns about the independence of the police and the judiciary as well as about restrictions on freedom of expression in Azerbaijan," Kelly said. "We hope the events of the past four months do not signal a trend in the further erosion of free speech rights in Azerbaijan."

FIDH points out that in the run-up to the elections at the United Nations Human Rights Council in 2006, Azerbaijan declared "that the rule of law, democracy and protection and promotion of human rights and main freedoms [were] key pillars for the national development"¹.

FIDH expresses its deepest concern over the criminal convictions of Mr. Adnan Hajizade and Mr. Emin Abdullayev. FIDH believes that this sentence only aims at sanctioning their criticism of the authorities and at silencing independent media, as well as warning youth groups ahead of parliamentary elections due on December 27, 2009. FIDH calls for a fair, timely, and transparent appeal process, in line with international fair trial standards.

FIDH accordingly invites the Commissioner for Human Rights of the Council of Europe (CoE) to take action on the bases of the CoE Declaration on Human Rights Defenders² so that the rights of Mr. Adnan Hajizade and Mr. Emin Abdullayev be effectively guaranteed, and to urge the Republic of Azerbaijan to comply with its duties under the terms of the Declaration and to abide by Article 10 of the European Convention on Human Rights regarding freedom of expression.

¹ <http://www.un.org/ga/60/elect/hrc/azerbaijan.pdf>

² See Declaration of the Committee of Ministers of the Council of Europe for enhanced protection of human rights defenders, adopted on February 6, 2008.