



The South Caucasus Network of Human Rights Defenders

The South Caucasus Network of Human Rights Defenders unites 30 human rights NGOs in Armenia, Azerbaijan and Georgia. The Network seeks to facilitate creation of a safer and enabling environment for human rights defenders in the South Caucasus and to strengthen their voices in the region and internationally.

The South Caucasus Network of Human Rights Defenders condemns unfair trial and conviction of Emin Milli and Adnan Hajizade

The South Caucasus Network of Human Rights Defenders condemns unfair trial and conviction of Azerbaijani bloggers and public activists Emin Milli (Abdullayev) and Adnan Hajizade. The Network considers the case to be fabricated with the intention of silencing critical voices and suppressing the dissent.

Emin Milli, chairperson of Alumni Network (AN) Youth Organization and the leader of ANTV Online TV and Adnan Hajizade, coordinator of OL youth organization were beaten by two athletic men in a Baku restaurant on July 8, 2009. The strangers were discontent that the bloggers were criticizing the leadership of Azerbaijan. When the bloggers applied to the police after the incident, the latter arrested them and not the initiators of the fight. The police charged Emin and Adnan for hooliganism and later filed additional charge - inflicting minor bodily harm. On November 11, 2009 Sabail District Court sentenced Emin Milli to 2,5 and Adnan Hajizade to 2 years of prison term under Article 221.2.1 of the Criminal Code of Azerbaijan (hooliganism) and Article 127 of the CCA (inflicting minor bodily harm).

Emin Milli and Adnan Hajizade were actively discussing socially important and politically sensitive issues in social networks (Youtube, Facebook, and Twitter) For example, in a recent vide called “press conference of a donkey” they criticized the government’s purchase of donkeys from Germany for hundreds of thousands of dollars. In the same video they also criticized the law on NGOs in Azerbaijan.

(see the video at <http://www.youtube.com/watch?v=Aaecvg7xCIk>).

After charging Emin and Adnan for hooliganism, the police denied them access to the lawyers of their own choice until the following day. According to the Network member organizations, both the investigation and trial of Emin Milli and Adnan Hajizade fell short of effective investigation and the fair trial standards. The principle of adversarial trial and equality of arms were violated at the trial: the court did not take into account the evidence submitted by the defense challenging the testimony of the police officers. The court interrogated only one defense witness while it accepted the testimonies of prosecutor’s witnesses. The court neglected the inconsistencies between the testimonies of victims, witnesses and police officers.

The South Caucasus Network of Human Rights Defenders wishes to recall that this is not the first case in recent years when the Azerbaijani authorities fabricate criminal charges to silence critical voices and suppress the dissent.

On June 23, 2006 a poet, journalist and satirist Mirza Sakit was detained allegedly for illegal keeping of drugs. On October 4, 2006 he was sentenced to 3 years of prison term. Later an early release on parole was denied to Sakit and his release with amnesty was delayed, both for political reasons.

On April 19, 2007 Rizvan Talybov, Chairperson of a Committee in defense of the rights of former Minister of Health Ali Insanov, the head of Association for the return to the Western Azerbaijan and Editor-in-chief of newspaper Khaggadalyat was attacked, detained and charged for hooliganism. He was sentenced to 4 years of prison term.

On April 20, 2007 Eynulla Fatullayev, Editor-in-chief of newspapers Realniy Azerbaijan (Real Azerbaijan) and Gundelik Azerbaijan was sentenced to 2 years and 6 months of prison term for “defamation and insult.” On October 30, 2007 he was sentenced to additional 8 years and 5 months of prison term from another criminal case.

On July 24, 2007 Mushfig Huseynov, editor of economics department of newspaper Bizim lol was arrested. He had criticized economic politics of the government and wrote about corruption numerous times. Huseynov was accused of taking a bribe from a state official of the Ministry of Labor and Social Security of Azerbaijan. In January 2008 the court sentenced him to 6 years of prison term. Even though Huseynov suffers from TB, he is deprived off adequate medical aid.

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Human Rights House Foundation (Oslo, Norway) is the international partner of the Network.

In August 2007 Sahib Teymurov, Chairperson of NGO Aid to Children's Homes was arrested for alleged extortion of money from an owner of a night club. In fact, the authorities were dissatisfied with him because Teymurov raised the issue of law enforcers' involvement in covering child and teenage prostitution. In May 2008, after attempts of suicide in protest at fabrication of evidence, the court considered him to be irresponsible for his actions and sent him to mental institution for compulsory treatment.

On November 10, 2007 Ganimat Zahidov, a brother of Mirza Sakit and editor-in-chief of opposition newspaper **Azadlig** was arrested. He was assaulted by hooligans, however, in the course of investigation from a victim he became an accused. On March 7, 2008 he was sentenced to 4 years of prison term.

The South Caucasus Network of Human Rights Defenders reminds the authorities of Azerbaijan that freedom of speech and information is guaranteed by the Constitution of Azerbaijan and the European Convention of Human Rights to which Azerbaijan is a party. Moreover, the Network wishes to reiterate that, as noted by the European Court in **Lingens v Austria** (1986) "[F]reedom of expression ... constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and for each individual's self-fulfilment. ... [I]t is applicable not only to 'information' or 'ideas' that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no 'democratic society'. Furthermore, unlike private individuals, politicians inevitably and knowingly lays himself open to close scrutiny of his every word and deed by both journalists and the public at large, and he must consequently display a greater degree of tolerance."

The Network calls upon the **government of Azerbaijan** to stop persecuting people based on their point of view and opinion. The Network members consider that this practice takes us back to the worst Soviet traditions when the people with alternative view points were persecuted using fabricated criminal charges.

The South Caucasus Network calls upon the **international community** to condemn the conviction of two young bloggers and urge the government of Azerbaijan to adhere to its international human rights commitments