



Media Rights Institute
Freedom of Information

INDEX
ON CENSORSHIP

**Written Comments
in the Case of**

Hajizade and Abdullayev v. Azerbaijan
Application No. 4854/10

A Submission to the European Court of Human Rights on behalf of the Media Legal Defence Initiative, Media Rights Institute; and Index on Censorship.

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IN THE EUROPEAN COURT OF HUMAN RIGHTS

Application No. 4854/10
Hajizade and Abdullayev v. Azerbaijan

WRITTEN COMMENTS OF

Media Legal Defence Initiative
Media Rights Institute
Index on Censorship

Pursuant to leave granted on 5 September 2010 by the President of the Section under Rule 44(2) of the Rules of Court, the above named organisations hereby submit written comments on the Government of Azerbaijan's encouragement of and acquiescence in the use of violence and abusive lawsuits to silence and intimidate government critics.

I INTRODUCTION

We are grateful for the opportunity to make written submissions relevant to the question of whether the physical attacks against and malicious prosecution of the applicants, Adnan Hajizade and Emin Abdullayev (Milli), constitute an interference with their freedom of expression, in particular their right to impart information and ideas, within the meaning of Article 10 (1) of the Convention.

The applicants are young professionals from Azerbaijan's capital city, Baku, who for many years have been advocates for social and civic reforms. In 2009, the applicants were involved in the creation of a satirical video that depicted an interview with an "imported donkey" to satirise, among other things, corruption among government officials. This video was uploaded to YouTube¹ and publicized on social media sites; it was recorded in Azerbaijani and subtitled in English. Just days after posting the video, the applicants were physically assaulted without provocation by two strangers in a restaurant. When they reported the assault to police, rather than seeing justice done to the assailants, the applicants themselves were detained, prosecuted, convicted, and sentenced to jail on charges of "hooliganism" and inflicting bodily injury.

The physical attack on and selective prosecution of the applicants in retaliation for their criticism are not isolated incidents. Far from it, the harassment the applicants have suffered in retaliation for their satirical video commentary reflects a recognized and well-documented pattern in Azerbaijan. There, criticism of, or even mere investigation into, government misconduct is regularly met with swift and merciless retribution—retribution in every conceivable form, including murder, physical attack, abusive judicial proceedings, groundless detention, and jail sentences, as well as through the denial of humane treatment for prisoners, destruction of property, loss of employment, financial pressure, stalking, and intimidation.²

¹ See <http://www.youtube.com/watch?v=Aaecvg7xClk>.

² As documented by Human Rights Watch: *Beaten, Blacklisted and Behind Bars: The Vanishing Space for Freedom of Expression in Azerbaijan*, 26 October 2010 (hereinafter *HRW Report*); ARTICLE 19; Freedom House; Index on Censorship; International Federation of Journalists; Media Diversity Institute; Press Now;

This crushing attack on free expression is approved—at times tacitly, at times openly—by the Government of Azerbaijan. Vafa Gulusade, **an advisor to President Heydar Aliyev, the father of the current president, publicly affirmed that the Government of Azerbaijan employs selective prosecution to achieve its goals: “It’s absurd to you,” he explained, “but very sensible to us. When two bloggers are punished in this way, there will not be a third.”**³ These unpredictable and indirect punishments for speech are incredibly effective in gagging government critics and in providing a clear warning to any would-be detractors.

The purpose of this submission is not to comment on the facts of the underlying case, however, but to identify the so-called “elephant in the room” in the numerous applications from Azerbaijan pending before this Court: the existence of a concerted and deliberate assault on free expression in Azerbaijan, one that manifests itself in the form of violations of the right to life, the presumption of innocence, a fair trial, and other rights guaranteed by the Convention.

As detailed herein, the Government of Azerbaijan silences and intimidates its critics by allowing murderers and attackers to act with impunity; by supporting trumped-up civil suits and criminal prosecutions against journalists and activists; by refusing to investigate threats of or actual criminal conduct; and by failing to enforce even the most basic protections for free expression under domestic law. The prosecuting authorities in Azerbaijan have consistently failed to comply with the requirement for prosecutors to be impartial under Article 13 of the Office of the United Nations High Commissioner for Human Rights' guidelines on the role of prosecutors.⁴

Incredibly, despite world-wide condemnation of these violations, the Government of Azerbaijan regularly and blatantly disregards calls for it to enforce its most fundamental human rights obligations. For example, after this Court issued its judgment in the matter of *Fatullayev v. Azerbaijan*,⁵ identifying, *inter alia*, violations of the applicant’s Article 10 rights and ordering the applicant’s immediate release, the Government not only ignored the plain terms of the judgment but sought to extend the applicant’s detention.

In this proceeding as well, the Government of Azerbaijan repudiated its obligation to protect free expression. In paragraph 56 of its Observations on the Admissibility and Merits, the Government with insouciant indifference dismissed allegations that it interfered with the applicants’ Article 10 rights. Instead of seriously addressing the widely-held belief that the applicants were indirectly punished for their satirical commentary, the Government concluded, without explication, “There is no causal link whatsoever between the applicants’ social activity and their conviction,” and entreated the Court to examine this case solely with regard to Articles 5 and 6.

Accordingly, before the Court even reaches the merits of the applicants’ case, we respectfully request that that the Court hold that the current environment in

Open Society Foundations; Reporters Without Borders; and World Association of Newspapers and News Publishers, *Free Expression Under Attack: Azerbaijan’s Deteriorating Media Environment, Report of the International Freedom of Expression Mission to Azerbaijan* (October 2010) (hereinafter, “*Free Expression Under Attack*”), at 2, 7 [<http://www.article19.org/data/files/pdfs/publications/free-expression-under-attack.pdf>].

³ Ellen Barry, *A Dissident Is Free From Jail, but His Punishment Is Not Over*, NEW YORK TIMES (24 June 2011) [<http://www.nytimes.com/2011/06/25/world/europe/25azerbaijan.html?pagewanted=all>].

⁴ *Guidelines on the Role of Prosecutors* [<http://www2.ohchr.org/english/law/prosecutors.htm>].

⁵ *Fatullayev v. Azerbaijan*, Application no. 40984/07 (22 April 2010).

Azerbaijan—an environment that brutally suffocates free expression—constitutes a *per se* violation of Article 10 and its inherent requirement that Contracting States ensure the existence of an environment in which the right to freedom of expression can be practically and effectively exercised.

Consistent with this proposed conclusion, we ask the Court to urge Azerbaijan to undertake broad-ranging affirmative measures to stop the intimidation and persecution, to end the violence and impunity, and to establish and maintain an environment that secures the free expression rights of all, including journalists, human rights advocates, members of the political opposition, and civil society activists.

There can be no question that these affirmative measures must specifically protect satire, repeatedly recognized by this Court as a highly valuable form of artistic expression and social comment. As evidenced by the modern day examples of Britain’s *Private Eye*, France’s *Les Guignols de l’Info*, Belgium’s *Humo*, Russia’s *Kukly* and *Krokodil*, and Sweden’s *Riksganet*, satire has the power to engage a broad audience in political and social issues in an informal and humorous way. The countries of the former Soviet Union have a long history of self-published satire and political poetry, collectively known as ‘Samizdat’ literature. When the mainstream media are controlled by State censors, self-published political satire is a key form of expression. Indeed, investigative journalism and political satire serve many of the same purposes in a democracy, most centrally in challenging the “official version” of events, although journalists do so with facts and satirists with jokes. The video uploaded by the applicants falls squarely in this long tradition.

Finally, we respectfully request that the Court’s consideration of the facts of the instant case be informed by the systemic and pervasive repression of free expression found in Azerbaijan.

II THE CONVENTION IMPOSES A POSITIVE OBLIGATION TO PROTECT THE RIGHT TO FREEDOM OF EXPRESSION

As this Court has established, the purpose of the Convention is to “guarantee not rights that are theoretical or illusory but rights that are practical and effective.”⁶ The Convention “does not merely compel the State to abstain from [arbitrary interference by public authorities]: in addition to this primarily negative undertaking, there may be positive obligations inherent in an effective respect” for Convention rights, and “[t]hese obligations may involve the adaptation of measures . . . even in the sphere of the relations of individuals between themselves.”⁷ This Court has specifically recognized the existence of positive obligations inherent in Article 10, which mandate that Contracting States secure the right to freedom of expression and guarantee the existence of an environment in which this right can be genuinely exercised.⁸

Thus, in *Dink v. Turkey*, a violation of Article 10 was found where the Government of Turkey prosecuted Firat (Hrant) Dink—albeit indirectly—for criticising positions taken by State institutions and failed to protect him against reasonably-anticipated physical attack. Dink was murdered by members of a nationalist group soon after he was found guilty of

⁶ *Airey v. Ireland*, Application no. 6289/73 (9 October 1979).

⁷ *X & Y v. The Netherlands*, Application no. 8978/80 (26 March 1985) (Chamber), § 23.

⁸ *Dink v. Turkey*, Applications no. 2668/07, 6102/08, 30079/08, 7072/09, and 7124/09 (14 September 2010), §§ 106-139; *Özgür Gündem v. Turkey*, Application no. 23144/93 (16 March 2000), §§ 42-46; *Fuentes Bobo v. Spain*, Application no. 39293/98 (29 February 2000), § 38.

“denigrating Turkishness” in a series of articles exploring the nature of the identity of Turkish citizens of Armenian origin.

In *Özgür Gündem v. Turkey*, this Court also determined that the Government of Turkey failed to comply with the positive obligations imposed by Article 10 when it took essentially no protective measures to prevent violent acts committed against individuals associated with the newspaper *Özgür Gündem*, a publication that the Government believed to be a propaganda tool for a terrorist group.

Similarly, it was recognized in *Plattform ‘Ärzte für das Leben’ v. Austria* that, where participants in a demonstration “fear that they will be subjected to physical violence by their opponents,” that fear “would be liable to deter associations or other groups supporting common ideas or interests from openly expressing their opinions on highly controversial issues effecting the community.”⁹ Article 11 thus requires that domestic laws protect demonstrations by positive action.

The positive obligations of Contracting States are at their zenith when the expression at issue involves issues of public interest and concern, particularly on social and political matters.¹⁰ On these topics, States and public officials must accept and protect broad criticism of their conduct, in recognition that free expression is “one of the preconditions for a functioning democracy.”¹¹ This is no less true when the criticism takes the form of satire, which, as the Court emphasized in *Vereinigung Bildender Künstler v. Austria*, has long served a means of exposing injustice and challenging public officials; any interference with satirical expression therefore “must be examined with particular care.”¹²

From this reasoning it naturally follows that a State violates the protections inherent in Article 10 when it allows or encourages the misuse of the general laws to institute groundless prosecutions or civil suits to punish individuals indirectly for the content of their expression. As is recognized in countries around the world, courts must “look through forms to the substance” to identify indirect censorship schemes because “[i]t is characteristic of the freedoms of expression in general that they are vulnerable to gravely damaging yet barely visible encroachments.”¹³

Accordingly, there can be no question that Azerbaijan is under an obligation both to refrain from direct and obvious interference with the exercise of free expression and to affirmatively establish and maintain an environment in which free expression rights are practical and effective, not theoretical or illusory. Critically, this obligation prohibits the Government of Azerbaijan from encouraging, condoning, or otherwise facilitating misuse of the general laws—whether by government officials or private individuals—to indirectly punish individuals for speech critical of the government.

⁹ *Plattform ‘Ärzte für das Leben’ v. Austria*, Application no. 10126/82 (21 June 1988), § 32.

¹⁰ *Fatullayev v. Azerbaijan*, Application no. 40984/07 (22 April 2010), §§ 102, 116.

¹¹ *Özgür Gündem v. Turkey*, Application no. 23144/93 (16 March 2000), § 43.

¹² *Vereinigung Bildender Künstler v. Austria*, Application no. 68354/01 (25 January 2007) § 33.

¹³ *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58 (1963), at 66, 67.

III THE GOVERNMENT OF AZERBAIJAN HAS FAILED TO COMPLY WITH ITS POSITIVE OBLIGATION TO PROTECT THE EXERCISE OF THE RIGHT TO FREEDOM OF EXPRESSION

A. International Recognition And Condemnation Of Azerbaijan's Poisonous Environment for Free Expression

Innumerable investigations and reports conclude that the Government of Azerbaijan, in defiance of its international obligations, suppresses free expression through the maintenance of an environment in which critical opinions and ideas are met with unchecked violence, imprisonment, and intimidation. Countless officials and experts have documented the same appalling trend: conditions for free expression in Azerbaijan have sharply deteriorated over the past several years.

Just last year, this Court recognized that the very existence of criminal defamation provisions under Azerbaijani law is liable to have a chilling effect on the exercise of free speech, through the fear of being sentenced to imprisonment.¹⁴ That the Government can send critics to jail is enough to dissuade the press—as well as members of the public—from participating in discussions on matters of legitimate public concern or from imparting information on matters of general interest.

Council of Europe Commissioner for Human Rights Thomas Hammarberg has extensively documented the poisonous environment in Azerbaijan, asserting in 2010 that the Government was in violation of its obligations under Article 10 on account of, *inter alia*, its practice of unjustified and selective criminal prosecution and imprisonment of critical voices and its failure to investigate threats and violence against government critics.¹⁵ After a subsequent visit in September 2011, Hammarberg found that the situation had worsened still, and that “steps taken by the authorities have even run counter to Azerbaijan’s human rights obligations.”¹⁶

The Parliamentary Assembly of the Council of Europe explicitly “condemn[ed] the arrests, intimidation, harassment and physical threats of journalists” in 2010 and demanded that Azerbaijani authorities establish conditions in which free speech rights could be exercised.¹⁷

In 2008, the United Nations Human Rights Committee recognized evidence of “politically motivated trials and convictions of journalists and other media professionals critical of the Government, who have allegedly been arrested and detained on fabricated charges, convicted

¹⁴ *Fatullayev v. Azerbaijan*, Application no. 40984/07 (22 April 2010), § 102.

¹⁵ Council of Europe Commissioner for Human Rights, *Report Following Visit to Azerbaijan*, CommDH(2010)21 (29 June 2010) (hereinafter, *Hammarberg 2010 Report*), §§ 8-29, 79-87 [<https://wcd.coe.int/wcd/ViewDoc.jsp?id=1642017>]; see also Council of Europe Commissioner for Human Rights, *Worrying clampdown on journalists and human rights activists* (29 September 2011) [http://www.coe.int/t/commissioner/news/2011/110929hazerbaijan_en.asp]; Council of Europe Commissioner for Human Rights, *Observations on the human rights situation in Azerbaijan*, CommDH(2011)33 (29 September 2011) (hereinafter, *Hammarberg 2011 Report*) [<https://wcd.coe.int/wcd/ViewDoc.jsp?id=1839497>].

¹⁶ Council of Europe Commissioner for Human Rights, *Worrying clampdown on journalists and human rights activists* (29 September 2011) [http://www.coe.int/t/commissioner/news/2011/110929hazerbaijan_en.asp].

¹⁷ Parliamentary Assembly of the Council of Europe, *Resolution 1750 (2010): The Functioning of democratic institutions in Azerbaijan* (June 2010), §§ 10, 13-17 [<http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta10/ERES1750.htm>].

without a fair trial and sentenced to excessive prison terms, especially in the context of criminal libel suits.”¹⁸

The US Department of State observed earlier this year that, while laws protecting free speech existed in theory, the Government of Azerbaijan “did not respect these rights in practice” and “did not hold perpetrators accountable” for the “harassment, threats, and acts of physical violence” against those who criticised the government or public officials.¹⁹

A coalition of international non-governmental organizations travelled to Azerbaijan in 2010 to document conditions and reported that “Azerbaijani authorities are failing to comply with their international commitments,” specifically identifying “Azerbaijani authorities’ continuing practice of imprisoning journalists and bloggers in connection with expressing critical opinions; the enduring cycle of acts of violence against journalists and impunity for those who commit these acts; and the continued existence of criminal defamation provisions in Azerbaijani law.”²⁰

Freedom House specifically found in 2011 that the Azerbaijani judiciary is “corrupt and inefficient” and wholly “subservient to the executive branch,” which then utilizes the courts to maintain “its harsh suppression of media freedom.”²¹

Demands that Azerbaijan uphold its obligation to promote and protect the fundamental right to free expression have been almost entirely ignored: Azerbaijan’s vast oil resources and geostrategic location bolster its ability to shrug off even the sharpest criticism of its appalling human rights practices.

International pressure may have led to one shift, however. **Although abusive legal proceedings to suppress free expression continue unabated, there has been a move away from prosecutions under content-based provisions toward prosecutions under provisions that, at least on their face, appear unrelated to the defendant’s expression.** Thus, instead of prosecuting government critics directly, as was seen in the criminal defamation, threat of terrorism, and incitement of ethnic hostility charges brought in 2007 against newspaper editor Eynulla Fatullayev, the punishment is now indirect, as seen in recent months in the constitutionally-invalid “evading military service” charge brought against youth activist, Bakhtiyar Hajiyev, the fabricated drugs charge brought against political activist Jabbar Savalan, and the absurd charge for “violating public order” brought against Dayanat Babayev, all of which resulted in sentences of incarceration.

This disturbing pattern of attacks on voices critical of the government demonstrates that the Government of Azerbaijan—by its explicit authorization of retribution in the courts and on the streets as well as through its refusal to take measures to protect against or investigate

¹⁸ UN Human Rights Committee, *List Of Issues To Be Taken Up In Connection With The Consideration Of The Third Periodic Report Of Azerbaijan* (CCPR/C/AZE/3) (25 November 2008), ¶ 17 [<http://www2.ohchr.org/english/bodies/hrc/docs/CCPR.C.AZE.Q.3.doc>].

¹⁹ US Department of State, *2010 Human Rights Report: Azerbaijan* (8 April 2011) (hereinafter, *US Human Rights Report*), at 15, 18 [<http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154413.htm>].

²⁰ ARTICLE 19; Freedom House; Index on Censorship; International Federation of Journalists; Media Diversity Institute; Press Now; Open Society Foundations; Reporters Without Borders; and World Association of Newspapers and News Publishers, *Free Expression Under Attack: Azerbaijan’s Deteriorating Media Environment, Report of the International Freedom of Expression Mission to Azerbaijan* (October 2010) (hereinafter, “*Free Expression Under Attack*”), at 2, 7 [<http://www.article19.org/data/files/pdfs/publications/free-expression-under-attack.pdf>].

²¹ Freedom House, *Freedom in the World – Azerbaijan (2011)* [<http://www.freedomhouse.org/template.cfm?page=22&year=2011&country=7990>].

violent and abusive acts—has thoroughly failed to comply with its positive obligation to protect the right to freedom of expression guaranteed by Article 10 of the Convention. The Government of Azerbaijan cannot be allowed to evade its positive obligation by shrouding its abuses under the veil of prosecutions for other trumped-up charges.

B. The Long Shadow of Impunity for Murder

In Azerbaijan, the unsolved 2005 murder of *Monitor* editor-in-chief Elmar Huseynov is the central symbol of the risk of violent retribution facing independent journalists and civil society activists, a risk that is heightened by Azerbaijani Government's role in or wilful blindness to violence against government critics.

Huseynov was fatally shot in the chest and head on 2 March 2005, following a significant period in which he and his colleagues at *Monitor* were targeted and harassed for the content of their reporting. Although the Government has identified as suspects two Georgian nationals, it has done almost nothing over the past six years to bring these individuals into custody or to seriously investigate their alleged role in the murder. The independent media and various non-governmental organizations assert that this response is explained by the fact that Huseynov's murder was actually ordered by Azerbaijani officials, who have since sought to cover up their crime.

For independent journalists and activists in Azerbaijan, Huseynov's unsolved murder serves as an explicit warning from the Government, a warning that they, too, might be killed. As a result, journalists and activists weigh this risk into their work, engaging in significant self-censorship on matters of public concern.²²

C. The Continuing Message That Retribution Will Continue In Defiance of International Human Rights Obligations

The editor-in-chief of two independent newspapers, Eynulla Fatullayev, was prosecuted in 2007 on a series of fabricated and spurious charges—criminal defamation, threat of terrorism, incitement of ethnic hostility, and tax evasion—in retaliation for suggesting that Azerbaijani forces may have also borne some responsibility for the Khojaly massacre during the Nagorno-Karabakh conflict and for implicating high-ranking State officials in the murder of his mentor, *Monitor* editor-in-chief Elmar Huseynov.

Fatullayev was sentenced to a total of eight and a half years in prison on 30 October 2007. After the judgment and sentence were upheld on appeal, this Court held that Azerbaijan had violated Fatullayev's rights to freedom of expression, a fair trial, and presumption of innocence and ordered his immediate release.²³ In response, Azerbaijani authorities brought yet another charge against Fatullayev, accusing him of having somehow smuggled heroin into his maximum-security prison cell.

Despite an international outcry that the charge was “highly improbable” and “aimed at preempting” this Court's ruling, on 6 July 2010, Fatullayev was sentenced to an additional two and a half years in prison.²⁴ Only after concerted international pressure and the threat of an

²² E.g. HRW Report, *supra*, at 45-46; *Free Expression Under Attack*, *supra*, at 7.

²³ *Fatullayev v. Azerbaijan*, Application no. 40984/07 (22 April 2010).

²⁴ OSCE Representative on Freedom of the Media (Miklos Haraszti), *OSCE media freedom representative denounces 'new provocation' against jailed Azerbaijani journalist* (30 December 2009) [<http://www.osce.org/fom/51808>].

official resolution from the Council of Europe’s Committee on the Execution of Judgments of the European Court of Human Rights was Fatullayev finally released on 26 May 2010—a year after the European Court had ordered his release and after over four years’ imprisonment. He has still not received any compensation.²⁵ It is worth noting that the two judgments that the Court has issued against Azerbaijan in recent years are currently being considered by the CoE Committee on the Execution of Judgments under its ‘enhanced’ procedure. This indicates that Azerbaijan is under heightened scrutiny for failing to implement the Court’s judgments.

The lesson of Fatullayev’s case is clear: the Azerbaijani Government is determined to suppress criticism of the government, and the country’s international commitments will not protect journalists or activists from selective prosecution for expressing their opinions, imparting or receiving information, or questioning government action.

D. The Frontal Attack on Free Expression: a Climate of Intimidation and Fear of Government-Sanctioned Retribution

Over the past few years, countless journalists and activists—as well as their family members and supporters—have been arrested, intimidated, harassed, imprisoned, physically assaulted, and allowed to die in jail. They have faced spurious charges for crimes that, while appearing to be unrelated to their reporting or advocacy, have served to indirectly punish them for their speech.

Alarmingly, the violence, threats, and targeting of critical voices in Azerbaijan is on the rise, reflecting a strengthening cycle of impunity as, year after year, perpetrators go unpunished. In 2009, the Media Rights Institute documented 32 criminal prosecutions, 39 civil suits, and 49 physical attacks on journalists alone; in 2010, the number of judicial proceedings remained almost the same, but the number of attacks more than doubled to 106.²⁶ The Media Rights Institute also found that, of the over 350 incidents involving attacks on journalists between 2004 and 2009, only three were investigated, and even in those instances, there existed serious doubts as to the fairness of the investigation.²⁷ In recent years, at least nine journalists have fled the country.²⁸

The following incidents are but examples of why journalists, activists, and average citizens are compelled to sit in silence, or suffer the fate of those before them.²⁹

²⁵ See minutes of the Ministers’ Deputies meeting, 1115th meeting (DH), 7-8 June 2011.

²⁶ Media Rights Institute, Annual Report 2009 (hereinafter, *MRI 2009 Report*) [<http://www.mediarights.az/index.php?lngs=eng&id=25>]; Media Rights Institute, Annual Report 2010 [<http://www.mediarights.az/index.php?lngs=eng&id=64>]. Although all of the criminal prosecutions reported were commenced through personal prosecutions, the vast majority of these were instituted by public officials.

²⁷ *MRI 2009 Report, supra*; *US Human Rights Report, supra*.

²⁸ *HRW Report, supra*, at 47.

²⁹ These descriptions have been compiled from the personal knowledge of and interviews conducted by representatives of the interveners as well as from an array of governmental, non-governmental, and media reports, including: *Hammarberg 2011 Report, supra*; *Hammarberg 2010 Report, supra*; *US Human Rights Report, supra*; *HRW Report, supra*; Committee to Protect Journalists, *Attacks on the press in 2010* [<http://www.cpj.org/attacks/>]; *Free Expression Under Attack, supra*; Institute for Reporter Freedom and Safety, *Press Freedom in Azerbaijan 6 month report – 2011* (hereinafter, *IRFS 2011 Report*) [http://www.ifex.org/azerbaijan/2011/07/22/irfs_6_month_report_2011.doc]; reports of the OSCE Representative on Freedom of the Media; annual reports of the Media Rights Institute; Article 19 reports; Freedom House reports; Reporters without Borders reports; IFEX reports; and Obyektiv TV reports. Where a specific report is quoted, that report is identified in a footnote.

Government critics are increasingly prosecuted under fabricated charges that allow public officials to indirectly punish individuals for their speech. As examples:

- Parliamentary candidate Vidadi Iskenderov was sentenced on 27 August 2011 by the Goychay district court to three years' imprisonment for "interference with parliamentary elections" after he identified election fraud. Human Rights Watch condemned the proceedings against him and six other opposition activists as "trumped-up charges and flawed trials [that] show how this government operates to silence critical voices."³⁰
- Youth activist and Harvard graduate Bakhtiyar Hajiyev was sentenced to two years' imprisonment on 18 May 2011 for evading military service—despite having requested alternative military service as provided by the Constitution of Azerbaijan. His arrest followed his efforts in organizing a mass protest on 11 March 2001.
- A member of the Azerbaijan Popular Front youth group, Jabbar Savalan, criticised local authorities and called for pro-democracy protests. Soon after, he was charged with possession of marijuana, and on 4 May 11 was sentenced to two and a half years' imprisonment.
- Political activist Dayanat Babayev was arrested on 4 March 2011 for "violating public order" by talking on his mobile phone in public. He was held incommunicado for two days and sentenced to 10 days' detention. Babayev reported that police told him he was detained because of the opposition protests planned for later that month.
- *Bizim Yol* reporter Mushvig Huseynov was arrested in July 2007 and convicted of bribery, in what was considered a frame-up.
- Poet and satirist Mirza Sakit (Zahidov) was arrested and sentenced to jail on trumped up drug possession charges on 4 October 2006. He was sentenced to three years' imprisonment.

Critics are also increasingly the targets of physical attacks—attacks that government authorities refuse to investigate or take steps to prevent. As examples:

- The parents and brother of journalist Idrak Abbasov were severely beaten, and their Baku home was partially destroyed with an excavator on 9 September 2011. Although Abbasov appealed to authorities to protect the safety of his family, they continued to receive threats. Reporters Without Borders stated that the "attack was clearly designed to silence Abbasov, whose investigative reporting disturbed" a local oil company.³¹
- Two newspaper journalists—Elmin Badalov of *Yeni Musavat* and Anar Gerayly of *Milli Yol*—were physically attacked and detained for over three hours by a wealthy businessman's private security guards while photographing a luxury home in Baku on 28 July 2010. The incident was reported to the Interior Ministry. Although the security guards acknowledged using force, police denied that an attack took place and suggested instead that the journalists' injuries, including a broken nose, were caused instead by "a serious fall, from a gate, for example."³²
- Professor Novruzali Mammadov, a scholar and editor-in-chief of the only Talysh-language newspaper in Azerbaijan, *Tolyshi Sado*, died in prison in August 2009. Mammadov was convicted of high treason for his writing and sentenced to ten years'

³⁰ Human Rights Watch, *Azerbaijan: Rights Defender, 6 Activists Convicted* (29 August 2011) [<http://www.hrw.org/news/2011/08/29/azerbaijan-rights-defender-6-activists-convicted>].

³¹ Reporters without Borders, *Journalist's relatives beaten, home attacked with excavator* (14 September 2011) [<http://en.rsf.org/journalist-s-relatives-beaten-home-14-09-2011,40981.html>].

³² Reporters without Borders, *Security guards who attacked journalists go unpunished* (25 August 2010) [<http://en.rsf.org/azerbaijan-security-guards-who-attacked-25-08-2010,38208.html>].

imprisonment, following closed court proceedings. Family members and local human rights defenders believe that he was denied appropriate medical care.

- Several other prominent journalists have been attacked and beaten in recent years, including Ganimat Zahid, editor-in-chief of the independent newspaper *Azadliq*; *Bizim Yol* editor Bahaddin Khaziyev; *Azadliq* reporter Agil Khalil; and Director of the Institute for Reporter Freedom and Safety, Emin Huseynov.

These incidents (and those contained in the more comprehensive, but still incomplete listing attached hereto as Appendix 1³³), taken together with the fact that Azerbaijani authorities were asked but conducted neither meaningful nor conclusive investigations into any misconduct, reflect an affirmative and official campaign against free expression in Azerbaijan. In fact, in just the first six months of 2011, journalists in Azerbaijan commenced 23 separate proceedings in which they challenged unlawful and fabricated criminal charges and other official misconduct, as well as an additional 10 proceedings in which they demanded criminal and civil investigations into wrongdoing by both public officials and private individuals.³⁴ The Azerbaijani courts have uniformly denied these claimants the relief they sought.

In Azerbaijan, critical voices are suffocated by fear—fear of death, fear of kidnapping, fear of wrongful imprisonment, and even fear of attacks on loved ones. **An examination of this hostile environment leads to only one conclusion: In Azerbaijan, the right to freedom of expression is purely theoretical; these rights cannot be exercised in any real or effective way.**

IV CONCLUSION

For the foregoing reasons, we urge the Court in its judgment to:

- 1) Hold that the Government of Azerbaijan has failed to comply with its positive obligation to protect the right to freedom of expression against attack, whether by public authorities or private individuals.
- 2) Direct the Government Azerbaijan to take broad-ranging measures to guarantee the right to freedom of expression, including by:
 - a) Reviewing all convictions imposed on journalists, human rights advocates, academics, and civil society activists;
 - b) Ensuring prompt and effective investigation into criminal acts against those who have exercised their right to freedom of expression;
 - c) Ensuring fair and public trials and pre-trial proceedings in all cases involving individuals who have exercised their right to freedom of expression; and
 - d) Putting a firm end to abusive inspections and judicial proceedings.
- 3) Evaluate the facts of the instant application in light of the systemic and pervasive repression of free expression in Azerbaijan.

³³ See also http://www.mediadefence.org/sites/default/files/uploads/Hajizade%20and%20Abdullayev%20intervention_Appendix%201.pdf. It bears emphasis that these lists are far from comprehensive. Not only do they not include every known incident, they also do not describe a significant number of incidents from areas outside Baku, as information from these regions is difficult to obtain and incidents there often go unreported. In addition, the lists do not describe the harassment of media and human rights entities as such, but focus on threats affecting the rights and safety of individual persons.

³⁴ *IRFS 2011 Report, supra*, at 29-35.

BACKGROUND INFORMATION ABOUT THE INTERVENERS:

The Media Legal Defence Initiative is a non-governmental charity which works in all regions of the world to provide legal support to journalists and media outlets who seek to protect their right to freedom of expression. It is based in London and works closely with a world-wide network of experienced media and human rights lawyers, local, national and international organisations, donors, foundations and advisors who are all concerned with defending media freedom.

The **Media Rights Institute (MRI)** is a non-governmental non-profit organisation that works to promote and defend freedom of expression and freedom of information in Azerbaijan. It believes that these rights are crucial for establishment of the rule of law and democracy in Azerbaijan, and promotes their implementation through a wide range of activities including monitoring, researching, campaigning, litigating, and by providing capacity building and participating in standard setting activities. MRI is a frequent litigant at the European Court of Human Rights and represents applicants in several cases pending before it.

Index On Censorship is Britain's leading organisation promoting freedom of expression. With its global profile, its website provides up-to-the-minute news and information on free expression from around the world. Its events and projects put its causes into action. Its award-winning magazine shines a light on these vital issues through original, challenging and intelligent writing.

Appendix 1

Attacks and harassment of journalists, bloggers and others for the exercise of their freedom of expression – January 2010 / July 2011 (information drawn from databases compiled by Institute for Reporters' Freedom and Safety)

2010

Name	Details of the incident
Unknown Azadlig correspondents	The names of Azadlig newspaper correspondents who were announced winners by the State Support Fund to Mass Media under President were omitted during the program on State TV dedicated to the results of the competition
Elmin Badalov	Student who had written about corruption in Azerbaijan State Oil Academy was dismissed from the Oil Academy
Hekimeldostu Mehdiyev and Malahat Nasibova	Journalists prevented from entering a village after an incident where police intervened at a religious ceremony, leading to an altercation with the villagers
Malahat Nasibova and Ilgar Nasibov	Democracy and NGO Development Resource Centre, established by journalists Malahat Nasibova and Ilgar Nasibov, targeted by the Nakhchiva regional government
Several Norwegian and US diplomats	Provocation against US and Norwegian diplomats in the Beneniyar village of the Julfa region in the Nakhchivan Autonomous Republic, who wanted to investigate an alleged human rights in Beneniyar village
Sakit Zahidov	Started hungerstrike in protest at censorship of a poem he wrote
Arshad Ibrahimli	Regional reporter for Azadlig called into police station following his coverage of a demonstration
Gundelik Baku newspaper	Staff of newspaper threatened by group of people who had entered the editorial office
Radio Liberty	Refused permission to film the funeral ceremony of Elkhan Azizov who allegedly killed four military personnel and wounded two in a military unit
Altay Mammadli	Newspaper editor's son harassed in military, where he is serving his national service, because of his journalistic activity
Leyla Ilgar	Journalist harassed by police after she photographed an assault by police on a saleswoman
Anar Gafarov and Polad Orujov	An ANS TV crew was assaulted by guards at an electricity substation where an incident had occurred
Nigar Almangizi	Presspost news portal's editor-in-chief received death threats
Zulfugar Kheyirkhabar	SalamNews agency correspondent assaulted
Avaz Zeynalli	Khural newspaper's editor-in-chief was harassed and assaulted by police
Rauf Arifoglu	Yeni Musavat newspaper Editor-in-chief was called to the National Security Ministry and warned about articles he had published about imprisoned journalist, Eynulla Fatullayev
Elkhan Shukurlu	Elkhan Shukurlu was called to the National Security Ministry and warned about articles he had published about imprisoned journalist, Eynulla Fatullayev
Azer Ahmadov	Azadlig newspaper director was called to the National Security Ministry and interrogated about the 2005 murder of journalist Elmar Huseynov.
Several journalists	Police impeded journalists who were covering a demonstration in front of Baku City's Executive Administration offices
Azadlig newspaper	Received an official complaint from the Presidential Administration alleging that one of their articles was defamatory
Several journalists	several journalists were harassed by police and unidentified plain cloths

	officials during a demonstration at Icheri Sheher metro station
Media Rights Institute	A high-ranking police officer visited the Media Rights Institute and demanded information on its employees
Several journalists	Several journalists were harassed and threatened during a demonstration in front of the Azerbaijan State Oil Academy
Zahir Amanov	Jenub Khabarlari newspaper's Editor-in-chief reported that his wife had lost her job because of his journalistic work
Rasim Aliyev	Police harassed reporter Rasim Aliyev who was preparing a report on a hunger-strike in front of the headquarters of a major construction company
Idrak Abbasov	Ayna-Zerkalo newspaper reporter prevented from reporting on floods in Sabirabad region by the Ministry of Emergency Situations
Khural Newspaper	A listening device was found in Khural Newspaper's editorial offices
Mahammad Ersoy	"Umid" party chairman, Igbal Agazade, and secretary, Mahammad Ersoy, threatened to attack Bizim Gundem newspaper's editor-in-chief
Natig Adilov	Azadlig newspaper correspondent assaulted
Zaur Zahidoğlu and Ramin Shahbazov	"Azad Azerbaijan" TV crew threatened and prevented from filming in the Yasamal District Military Commissariat
Erkin Khalilov	"Mediaforum" website employee assaulted by police
Several journalists	Several journalists were prevented from covering a demonstration by the Dalga Youth Movement who demanded the release of imprisoned bloggers, Emin Milli and Adnan Hajizade
Elmin Bedelov and Anar Garayli	Yeni Musavat newspaper reporter and Milli Yol newspaper and pia.az website's deputy editor were assaulted while they were reporting on oligarchs in Mardakan
Azadlig	Azadlig's reporters were prevented from entering their offices by police and other officials
Komanda newspaper	Football player Mahmud Gurbanov came to the editorial offices of "Komanda" newspaper, beat Editor-in-chief Rashad Ergun (Agayev) and damaged the offices
Yeni Musavat	Several threatening phonecalls were received at Yeni Musavat's offices
Rasul Shukursoy	Komanda newspaper reporter stabbed on his way home following his critical reports on footballer, Mahmud Gurbanov
www.eqreb.com	News site www.eqreb.com blocked
Azadlig	Azadlig newspaper's website suffers denial of service attack
Anar Mahmudoglu	Niftaliyev reporter cannot get a passport because the Garadag District Court has refused to close his case
Zahid Nuraliyev	Olke newspaper editor-in-chief assaulted by Rasul Ibrahimov, member of Garadag Constituency Election Commission 11 (ConEC) and a representative of Justice Party
Jafar Talibov	Implus newspaper employee assaulted in Absheron region
Several journalists	Sharur Constituency Election Commission Chairman # 1 Asef Musayev barred access to election commissions for journalists
Several journalists	Several journalists were removed from an open court hearing at the Military Court
Azeriblog.com	Popular Azerbaijani website azeriblog.com shuts down without notice
Several journalists	Numerous journalists were hindered in their coverage of the November 7 elections by election commission members, police and representatives of other executive structures
Gundelik Baki	The editorial offices of Gundelik Baki received threatening phone calls
Ramid Ibrahimov	Bizim yol newspaper employee assaulted by a person who introduced himself as Baku City Executive Office official
Zahir Amanov	Canub Khabarlari newspaper editor-in-chief assaulted
Yafaz Hasanov	Azadlig newspaper correspondent receives anonymous threatening

	phone calls
Several journalists	Several journalists were harassed while reporting on demonstrations in front of the President's Office

2011

Subject	Details of the incident
Samir Kazimli	<i>Yeni Musavat</i> correspondent assaulted while reporting on police search of politician's house
Leyla Musatafayev	Relatives of <i>Yeni Musavat</i> correspondent in the Gazakh region, are facing harassment because of the correspondent's journalistic work
Elchin Hasanov	Yuksalish namina correspondent and Azerbaijan Popular Front Party Youth Committee member aggressively followed by two persons in a VA-2107 car
Jasur Sumarinli	Asif Farajov, commander of the military unit N in Gadabay, threatened Jasur Sumerenli, Director General of "MilAz" news agency
Emin Huseynov	Institute for Reporters' Freedom and Safety chairman harassed at the Customs checkpoint in Heydar Aliyev airport from State Customs Committee employees
Tapdig Farhadoglu and Rasim Aliyev	Employees and guards at Emergency Situations Ministry threatened employees of Turan Information Agency at Flag square
<i>Yeni Musavat</i> newspaper	The sale of <i>Yeni Musavat</i> was banned in Yevlakh region by order of Yevlakh Executive Head Elmar Valiyev
Elchin Hasanov	<i>Yukselis Namine</i> newspaper reporter called into Sumgayit City Police Station #4 and warned not to speak out for youth action any more
Ramid Ibrahimov	<i>Bizim yol</i> reporter assaulted by unknown men in civilian clothing while he was preparing a report on demonstrations at the President's Office
Kamran Maharramli	" <i>Yeni gazet+</i> " founder and editor-in-chief received anonymous death threats
Rasim Aliyev, Elchin Hasanov	Journalists covering the trial of activist Jabbar Savalanli threatened and harassed
Emin Huseynov	Institute for Reporters' Freedom and Safety Chairman harassed at Baku Airport by Border Service
Mehman Huseynov, Abulfat Namazov	Photo journalists assaulted by plainclothes police
İdrak Abbasov	Reporter for <i>Ayna and Zerkalo</i> newspapers followed by two cars who forced him to stop
Leyla Ilgar (Mustafayeva)	<i>Yeni Musavat</i> reporter's family harassed by investigators of the National Security Ministry
Adalat Ahmadov, Ramin Deko, Etimad Budagov	Three journalists who went to interview arrested youth activist Bakhtiyar Hajiyev's family called into local police station
Fakhraddin Hajibayli	Azeri refugee journalist beaten up in Berlin by head of Azerbaijan House, suffers two broken ribs and craneocerebral trauma
Seymour Haziyevev	Correspondent for newspaper <i>Azadlig</i> kidnapped and beaten on his way home from his work
Habil Aslanoglu	Lider TV correspondent for Karabakh region Habil Aslanoglu fired on while filming in Chiragli village in the Agdam region
Mirza Sakit and several dozen other journalists	Several dozen journalists were assaulted by police during coverage of April 2 opposition rally
Afghan Mukhtarli	Reporter at <i>Bizim Yol</i> newspaper fired for his attendance at opposition day rally

Ramin Deko	Azadlig reporter assaulted on his way home, attackers telling him to stop writing negatively about the government
“Futbol+” newspaper	President of “Bakili” football club threatened employees of newspaper <i>Futbol+</i>
Ramid Ibrahimov	Bizim Yol newspaper reporter assaulted while covering events in front of the Presidential Administration
Eynulla Fatullayev’s family	The family of imprisoned journalist Eynulla Fatullayev received anonymous death threats over the phone
Elmin Hasanli	<i>Azadlig</i> newspaper correspondent called into Baku City Police Department
Fargana Novruzova, Rasim Aliyev, Elmin Hasanli, Samir Kazimli	Employees of Institute for Reporters’ Freedom and Safety harassed by police while they were filming a report on the detention of <i>an Azadlig reporter</i>
Elman Abbasov, Hakimeldostu Mehdiyev	IRFS correspondents harassed by Nehram village executive officer
Elchin Hidayat	Photo journalist called into Binagadi District Police Station #5, questioned about opposition rally
Ramin Deko, Samir Kazimli	Journalists waiting for the APFP Head Ali Karimli to leave Baku City General Police Office, were forcibly removed from the area – two were taken in police cars
Esmira Javadova, Parvana Bayramova, Abulfat Namazov and Fargana Novruzova	Journalists covering the trial of a youth activist at Sumgayit City Court assaulted by police, who also took the camera of one of the journalists
Galib Hasanov	Journalist covering the trial of youth activist Bakhtiyar Hajiyev harassed by police
Etimad Budagov, Tural Hasanli və Vugar Huseynov	Journalists covering a protest against the recently imposed ban on wearing hijabs in schools were assaulted by police
Mirza Sakit (Zahidov)	Well-known journalist and satirist receives anonymous death threats.
Hakimeldostu Mehdiyev and Elman Abbasov	Head of Sadarak region threatened journalists who were reporting on an incident involving shooting from Nakhchivan Autonomous Republic
Idrak Abbasov	Correspondent for Ayna and Zerkalo newspapers threatened by Narimanov District Police investigator
Emin Milli	Blogger Emin Milli (Abdullayev) was stopped and held for one day at customs in Heydar Aliyev Airport
Sergei Buntman	Denied entry into Azerbaijan because of interviews conducted with leaders of self proclaimed Nagorno-Karabakh region
Natig Adilov	Azadlig reporter evicted from his apartment because of his journalistic activities
Several journalists	IRFS and Turan news agency reporters harassed by court security while filming in front of court where case against Yeni Musavat newspaper was being heard
Hakimeldostu Mehdiyev	Reporter beaten up at the Sadarak crosspoint (at the Turkish border) in the Nakhchivan Autonomous Republic
Amanda Ericksson, Celia Davies	American journalist and British human rights activist assaulted by four men
Əvəz Zeynallı	<i>Khural</i> newspaper editor-in-chief Avaz Zeynalli has received death threats
Diana Markosian	Bloomberg photo journalist deported
Avaz Zeynalli	Journalist received threatening phone call
Malahat Asgargizi	Editor-in-chief of Hajigabul newspaper threatened by the Head of Hajigabul

	District Executive Office
Mahbub Zulfugarli	Hurriyet newspaper correspondent beaten by relatives of department head at Imishli District Executive Office.
Ilgar Nasibov, Elman Abbasov and Hakimeldostu Mehdiyev	Reporters assaulted by police and undercover agents in Sharur region of Nakhchivan Autonomous Republic, and their cameras were seized
Hakimeldostu Mehdiyev	IRFS correspondent to Nakhchivan summoned to Sharur Regional Prosecutor's Office and threatened

Legal action and arrests of journalists, bloggers and others for the exercise of their freedom of expression – January 2010 / July 2011

2010

Name	Details
Emin Milli and Adnan Hajizade	imprisoned on charges of "hooliganism" and "inflicting minor bodily harm"
Malahat Nasibova	Award-winning journalist, denied access to the Nakhchivan region (named by Human Rights Watch as region of utmost concern as regards human rights violations)
Mahal (Sadigov) Ismayilglu	Convicted for assaulting his neighbour's servant; appeal rejected
Eyyub Karimov	Sentenced to hard labour for publishing articles that were 'damaging' to the Interior Ministry
Alovset Osmanli	The Council for Textbook Evaluation sued Azadlig writer who had published articles alleging fraud
Rafael Bejanov and Orkhan Sultaneli	The leader of Azerbaijan Liberal Party, Lale Shovket, has sued Olke newspaper editor and journalist for calling her a KGB agent
Páll Stefánsson	Iceland Review's photographer and deputy editor Páll Stefánsson was arrested by police in Sumqayit
Avaz Zeynalli and Malahat Zeynalli	Former prosecutor-general Ikhtiyar Shirin sued Khural Newspaper Editor-in-chief Avaz Zeynalli, his deputy Malahat Zeynalli, and former defense minister Rahim Gaziyeu.
Azer Aykhan	MP Jalal Aliyev sued Yeni Musavat newspaper and its editor for defamation
Elmin Badalov and Shahnaz Novruzgizi	Two reporters from Yeni Musavat were detained by police
Kamran Bayaliyev	Guzgu newspaper reporter found guilty of inflicting intentional minor bodily harm as well as hooliganism after he was beaten up in a cafe
Ruslan Bashirli	Youth activist in custody

2011

Khural newspaper	Khural newspaper fined in defamation case
Jabbar Savalanli	Reporter arrested and assaulted
BBC	BBC analogue frequency handed to another broadcaster
Rashadat Akhundov and	Activists held in custody for five days

Sakhavat Soltanli	
Azerbaijan Human Rights House	Closed down by Ministry of Justice
Bakhtiyar Hajiyev	Blogger and youth activist imprisoned for two years for evading national service
Dayanat Babayev	Opposition politician detained for ten days
Several dozen protestors	Several dozen protestors were detained on Azerbaijan's 'day of protests', on 11 March
Several hundred protestors	Several hundred protestors were detained on 12 March. Several dozen of those detained were kept for up to five days.
New York Times	Reporter denied entry, required to submit all articles on Azerbaijan and asked why coverage of Azerbaijan has been so negative
My Rohwedder Street, Charlotta Wijkström, Charlie Laprevote	Swedish journalists arrested and deported
Natiq Adilov	Azadlig newspaper political commentator arrested and questioned about opposition rallies
"Khural" newspaper editorial office	Court executors inventoried the property of <i>Khural</i> newspaper to ensure execution of the court decision on compensation to the head of presidential administration Ramiz Mehdiyev.
Yuri Snegirev	Russian reporter denied visa for his perceived pro-Armenian reports
Yeni Musavat and Azadlig	Sued by son of minister of transport for humiliation and damage to reputation
"Khural" Editor-in-chief Avaz Zeynalli and correspondent Kamal Huseyn	Ongoing proceedings for enforcement of libel judgment taken by head of presidential office
Bizim Yol reporter Haji Zeynalov and lawyer Khalid Bagirov	Sued by Baku City police chief for libel
Jabbar Savanli	Youth activist sentenced to two years in prison for possession of drugs with intent to sell

Unsuccessful legal action taken by the media to protect their right to freedom of expression – January 2010 / July 2011

2010

Name	Details
Movsum Ashrafoglu	Editor of newspaper took legal action against State Press Council after it was included on a media blacklist following its reporting of a prominent doctor's unethical behaviour. Remedy denied.
Mammad Ahmedoglu	Editor of newspaper took legal action against State Press Council after it was included on a media blacklist following its reporting of issues of corruption. Remedy denied.
Rovshan Kabirli	Editor of Mukhalifat brought legal action against the director of the State Fund to Assist in Development of Media for failure to provide information relating to the fund. Remedy denied.

Gundalik Baku newspaper	Initiated legal action to be taken of media blacklist maintained by State Press Council. Remedy denied.
Family of Novruzali Mammadov	Family of journalist who died in detention unsuccessfully sued the Finance Ministry, the Justice Ministry's Penitentiary Services, the Chief Medical Office of the Justice Ministry, Prison #15 and the Penitentiary Service's Treatment Facility for the journalist's death. Remedy denied.
Asif Mersili	Editor of Tezadlar newspaper initiated legal action to be taken of media blacklist maintained by State Press Council. Remedy denied.
Yeni Musafat	Newspaper initiated legal action against the State Customs Committee for failure to respond to a request for information. Remedy denied.
Elchin Hasanov	Yukselish Namine newspaper correspondent Elchin Hasanov instituted legal action against Police Department #9 for wrongful arrest. Remedy denied.
Eynulla Fatullayev	Instituted suit for wrongful prosecution against Baku City Prosecutor Office . Remedy denied.

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Eynulla Fatullayev	Instituted suit for wrongful prosecution against Baku City Prosecutor Office. Remedy denied.
Elmin Badalov	Challenged legality of his expulsion from Oil Academy. Remedy denied.
Eynullah Fatullayev	Challenged inhumane treatment while in prison. Remedy denied.
Rasul Jafarov	Lawsuit against prisons service. Remedy denied.
Yasar Agazadeh	Challenging refusal to respond to information request. Remedy denied.
Emin Huseynov, Mehman Aliyev and Rasul Jafarov	Appeal against denial of broadcasting licence. Appeal denied.
Family of Novruzali Mammadov	Lawsuit against prisons service regarding death in custody. Remedy denied.
Nizami Jafarov	Challenged unlawful detention. Remedy denied.
Yafaz Hasanov	Against ministry of interior, for failing to investigate threatening phone calls. Remedy denied.
Emin Huseynov	To challenge unlawful and discriminatory action by several State institutions against journalist. Remedy denied.
Elchin Hasanov, Afghan Mukhtarli and Natig Adilov	Lawsuit against Sabayel District Police Station #39, which had refused to investigate violence against the journalists. Remedy denied.
Ramid Ibrahimov	Challenging non-investigation of journalist's complaint by police. Remedy denied.