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**HUMAN RIGHTS HOUSE
FOUNDATION**



**THE NORWEGIAN
HELSINKI COMMITTEE**

April 23, 2010

Request for immediate and unconditional release of Eynulla Emin Fatullayev

Members of the Human Rights House Network call upon the Azerbaijani authorities to immediately execute the decision of the European Court of Human Rights from 22 April 2010 in the case 'Fatullayev v. Azerbaijan' (application no 40984/07), to release the journalist from detention and compensate him for the damages he has suffered.

In 2007, Mr Fatullayev was convicted of defamation. Later that same year, he was convicted of threat of terrorism for articles he had written. The total sentence imposed on him amounted to eight years and six months' imprisonment.

In view of the above convictions, Mr Fatullayev brought a complaint to the European Court of Human Rights. On 22 April 2010, the Court found that both convictions of Mr Fatullayev constituted a breach of Article 10 of the European Convention of Human Rights. The imposition of a prison sentence was not proportionate and violates the right to freedom of expression. Moreover, the Court found that the trial was not heard by an impartial tribunal as the criminal case was examined by the same judge who had previously ruled in the civil action against Mr Fatullayev. Furthermore, the Court noted that the trial did not observe the presumption of innocence, as a public official made a statement concerning the journalist's guilt before he had been found guilty. Hence, the Court found Article 6 § 1 and 2 of the Convention to have been violated.

The European Court of Human Rights under Article 46 of the Convention urges the Azerbaijani authorities to release the applicant immediately and compensate him for non-pecuniary damage and for the costs and expenses related to the trial.

Taking into account the Court's judgment, members of the Human Rights House Network request an immediate and unconditional release of Mr Fatullayev. We ask the authorities to take into account the statement of the court, which emphasizes that the press has a vital role of a public "watch dog" in a democratic society. The court decision must not be seen in isolation, but should set a precedent for other charges against journalists. It is a call to Azerbaijani authorities to decriminalize defamation.

Sincerely
The Helsinki Foundation for Human Rights in Poland: The Obserwatorium
The Human Rights House Foundation
The Norwegian Helsinki Committee