



May 11, 2010. Norwegian Helsinki Committee, Human Rights House Foundation, Norwegian PEN, English PEN, Norwegian Union of Journalists, Rafto Foundation, Index of Censorship and ARTICLE 19 condemn the illegal confiscation of material and documentary footage from the Norwegian filmmaker Erling Borgen and the cameraman Dag Inge Dahl in Baku Airport on May 6, 2010. We call upon Azerbaijani authorities to honour Azerbaijan's international human rights obligations and restore the seized property to the owners.

Erling Borgen and Dag Inge Dahl were preparing a film about freedom of expression in Azerbaijan sponsored by the Norwegian Freedom of Expression Fund, focusing on the case of imprisoned editor Eynulla Fatullayev when the materials were seized. Among the items missing from the luggage were hard disks, memory sticks containing all of the sources of information, copies of video footage and photos, as well as documents containing background information for the case.

The incident happened at the Heydar Aliyev International Airport at 5.00am when Borgen and Dahl were leaving for Oslo via Istanbul. After passing two security checkpoints they were told by airport officials that they had too much luggage. As they were surrounded by six men, some uniformed security guards, some unidentified men, they were told they were not allowed to take most of their hand luggage onboard. Without their consent this carry-on luggage was then checked in and transported in the hold of the plane. Borgen and Dahl were intimidated by the aggressive behaviour of some of the guards. Whilst the flight was boarding, Borgen and Dahl were forced by security guards to stay at the gate until the very last minute, as several security guards checked their camera. When the filmmakers arrived in Oslo, the hard disks containing all of the sources of information regarding the Fatullayev case, memory sticks and the video footage were missing from their carry-on luggage, which had been checked in.

-They inspected my mobile phone, Erling Borgen says. – I know, because they had changed the language from my Norwegian settings to English. Erling Borgen is a prominent member of both Norwegian PEN and the Norwegian Union of Journalists. Borgen previously made the documentary 'In the Shadow of Statoil' focusing on the murder of the editor-in-chief of the journal 'Monitor', Elmar Huseynov. The two journalists had spent six days in Baku interviewing a variety of reporters, human rights and press freedom defenders, and relatives of the imprisoned journalist. The missing material contained footage from the trial of Eynulla Fatullayev held on May 4. Representatives of the

Norwegian Helsinki Committee, the Human Rights House Foundation and ARTICLE 19 were also present at the trial and witnessed that the presiding judge explicitly gave the Norwegian team permission to film parts of the proceedings.

- The incident must be seen as a clear attempt to prevent the documentary film about the Fatullayev case from being produced. The fact that documents and memory cards containing information about the Fatullayev case were missing and the camera itself was not stolen show that the incident is hardly an ordinary robbery case, Maria Dahle, Director of Human Rights House Foundation says.

On World Press Freedom Day, 3 May, the Secretary General of the Council of Europe, Torbjørn Jagland, specifically referred to the decision of the European Court of Human Rights in the case of *Fatullayev vs Azerbaijan* and stated that Azerbaijan as a member state is legally bound to comply with the rulings of the Court.

Referring to General Secretary's statement, underlining that "freedom of expression is fundamental and something all 47 member states must always defend, with neither compromise nor apology", the undersigning organisations ask the Azerbaijani authorities

- to return all confiscated footage and materials to Erling Borgen and Dag Inge Dahl,
- to ensure the security and safety of all those who assisted and gave testimony to the Norwegian crew during their visit to Azerbaijan,
- to conduct a thorough and independent investigation into the incident at Heydar Aliyev International Airport in Baku and to publish the outcome of the investigation.

We also call on the European Union, OSCE, the Council of Europe, EU member states and the government of Norway to condemn this incident as an outright attack against freedom of expression in Azerbaijan and to demand the return of all the confiscated materials.

Sincerely,

Bjørn Engesland, Norwegian Helsinki Committee

Maria Dahle, Human Rights House Foundation

Carl Morten Iversen, Norwegian PEN

Elin Floberghagen, Norwegian Union of Journalists

Therese Jebsen, Rafto Foundation

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