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Oslo, Geneva, and Baku, 8 July 2010

Request for immediate and unconditional release of Eynulla Fatullayev

Your Excellencies,

Human rights organisations and members of the Human Rights House Network condemn the 6 July 2010 decision by a Baku district court to convict Editor-in-chief Eynulla Fatullayev of drug possession and sentence him to two years and six months imprisonment.

On 6 July 2010, Mr. Fatullayev was found guilty under article 234.1 of the Criminal Code and was sentenced to two years and six months in prison. We believe that the additional sentence is politically motivated and that the evidence, which was brought up in court, was fabricated. We call upon the Baku Appellate Court to overturn the sentence, and to comply with the decision of the European Court of Human Rights on 22 April 2010 regarding Mr. Fatullayev's two previous convictions, which asked the Azerbaijani authorities to immediately release Mr. Fatullayev.

On 22 April 2010, the European Court of Human Rights found that the convictions of Editor-in-chief Eynulla Fatullayev constituted a breach of Mr. Fatullayev's rights under Article 10 of the European Convention of Human Rights. Hence, the Court found Article 6 § 1 and 2 of the Convention to have been violated. Under Article 46 of the Convention, the Court urged 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.

As written by ARTICLE 19 in its statement of 7 July 2010: "This [new sentence] is clearly another case of the Azerbaijani Government using the law in a political manner to silence its critics."

The undersigning organisations call upon the Azerbaijani authorities to take into account the appeals from the international community in this case and to take seriously their obligations as a Member State of the Council of Europe, including their commitment to respect the right to freedom of expression. We call upon the Azerbaijani authorities to drop all charges against Eynulla Fatullayev and to comply fully with the European Court for Human Rights' ruling, including by releasing Mr. Fatullayev immediately.

We would also like to draw your attention to our statement of 23 April 2010, in which we have previously requested the immediate release of Eynulla Fatullayev.

Sincerely,

- Human Rights House Oslo, Norway (on behalf of the following NGOs):
Human Rights House Foundation
Norwegian Helsinki Foundation
- Rafto Foundation, Bergen, Norway
- Helsinki Foundation for Human Rights, Warsaw, Poland
- Azerbaijani members of the South Caucasus Network of Human Rights Defenders
Media Rights Institute
Legal Education Society
Society for Humanitarian Research
Public Association for Assistance to Free Economy, Baku, Azerbaijan
Democracy and Human Rights Resource Centre Public Union, Baku, Azerbaijan
- Human Rights House London, United Kingdom (on behalf of the following NGOs):
ARTICLE 19
Index for Censorship
- Russian Research Centre for Human Rights, Moscow, Russian Federation (on behalf of the following NGOs):
Human Rights Network Group
Independent Psychiatric Association of Russia
Moscow Centre for Prison Reform
Moscow Helsinki Group
Mother's Right Foundation
Non-violence International
Right of the Child
Right to Live and have Civil Dignity
Social Partnership Foundation
Union of the Committees of Soldiers' Mothers of Russia
- Human Rights House Sarajevo, Bosnia-Herzegovina (on behalf of the following NGOs):
Association of Female Citizens "Renaissance"
Foundation CURE
Helsinki Committee for Human Rights in Bosnia and Herzegovina
Regional Co-ordinator for Youth Groups
Serb Civic Council - Movement for Equality - The Council of the Sarajevo Canton
Woman and Society Centre
- Human Rights House Zagreb, Croatia (on behalf of the following NGOs):
APEO/UPIM – Association for Promotion of Equal Opportunities for People with Disabilities
B.a.B.e. – Be active, Be emancipated
CMS – Center for Peace Studies
Documenta – Centre for Dealing with the Past

GOLJP – Civic Committee for Human Rights

- Human Rights House Skopje (on behalf of the following NGOs):
Association for Democratic Initiatives (ADI)
First Children’s Embassy in the World – “Megjashi”
Helsinki Committee for Human Rights of the Republic of Macedonia
Macedonian Women’s Rights Centre (MWRC) - Shelter Centre
Polio Plus – Movement Against Disability
- Election Monitoring and Democracy Studies Center
- The Resource Center on Development of Democracy and Non-Governmental Organisations
- Georgian Human Rights Centre, Tbilisi, Georgia
- Armenian Helsinki Association, Yerevan, Armenia
- International PEN’s Writers in Prison Committee, London, United Kingdom

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- Mr. Usubov Ramil Idris, Minister of Internal Affairs of the Republic of Azerbaijan, fax: +994 12 492 45 90;
- Lieutenant-general Mahmudov Eldar Akhmed, Ministry of National Security Center of Public Relations of the Republic of Azerbaijan, fax: +994 493 76 22, e-mail: cpr@mns.gov.az;
- Mr. Elmar Mammedyarov, Minister of Foreign Affairs of the Republic of Azerbaijan, fax: +994 12 498 84 80, e-mail: secretariat@mfa.gov.az and katiblik@mfa.gov.az;
- Murad Najafbayli, Ambassador of the Republic of Azerbaijan to
- the United Nations in Geneva, fax: +4122 901 18 44, e-mail: az.mission.unog@iprolink.ch;
- This letter will also be made public and sent to the diplomatic and international community and to European and United Nations human rights protection mechanisms.