



President Ilham Aliyev  
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*Via facsimile:* +994-12-923-543, +994-12-492-35-43, +994 - 12- 492-06-25, *and e-mail:*  
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Dear President Aliyev,

ARTICLE 19, Global Campaign for Free Expression, Human Rights Watch and International PEN wish to express our profound concern regarding the arrest and pre-trial detention of Emin Milli and Adnan Hajizade, two Azerbaijani youth activists. As their trial is scheduled to begin today, 4 September, we draw your attention to some of our concerns in this case, and remind you of Azerbaijan's international commitments to ensure the protection of the right to freedom of expression and the right to a fair and public trial by an independent and impartial tribunal.

We strongly urge you to take all possible measures to ensure that Emin Milli and Adnan Hajizade receive a fair trial in accordance with Azerbaijan's international obligations, and to ensure that the Sabail District Court, where the case will be heard, acts in a truly independent manner when considering this case.

According to available information, on 8 July 2009, Emin Milli and Adnan Hajizade were physically attacked, apparently unprovoked, in a Baku restaurant. Witnesses reported that the two had been discussing their youth movement activities when two strangers approached them, demanded that they stop discussing such matters, and attacked them. Milli and Hajizade then went to the Sabail District Police Department, where they filed reports as victims of an assault and requested medical assistance. The police did not provide them with medical assistance, rather, they proceeded to interrogate the youths for five hours without their attorneys being present. Milli and Hajizade were later charged with "hooliganism", under Article 221 of the Azerbaijani Criminal Code, and detained. Their alleged attackers were set free. Milli and Hajizade were not permitted access to their attorneys until late on the following day.

On 10 July, the Sabail District Court ordered Milli and Hajizade to be held for two months' in pre-trial detention, and their subsequent appeals to have this order overturned were rejected. At the conclusion of the investigation into the attack, on 27 August, police also charged them with another crime: "deliberately causing minor serious bodily harm" under Article 127 of the Azerbaijani Criminal Code.

We have been deeply concerned by a number of issues during the proceedings so far, in particular, by the actions of the Azerbaijani authorities from the moment that Emin Milli and Adnan Hajizade appealed to the police as victims. We are particularly concerned by the following:

- the apparent targeting of Milli and Hajizade, who are well known for their civic activism and who had publicly satirized the government in the weeks preceding the attack against them;
- the Sabail District Police Department's failure to take seriously Milli and Hajizade's reports as assault victims, by arbitrarily arresting them and setting their alleged attackers free;
- the Sabail District Police Department's refusal to provide Milli and Hajizade with immediate and adequate medical attention;
- the Sabail District Police Department's refusal to allow Milli and Hajizade access to a lawyer of their choice for approximately 18 hours after their detention; and
- the Sabail District Court's decision to order Milli and Hajizade to two months' pre-trial detention, which appears unnecessarily harsh given the nature of the alleged crime of "hooliganism."

As a Party to the International Covenant on Civil and Political rights (ICCPR), Azerbaijan has an obligation to protect the right to freedom of expression and provide due process rights to a detainee from the moment of apprehension. In its Concluding Observations of 13 August 2009, the UN Human Rights Committee which oversees the ICCPR's implementation, recommended that Azerbaijan "*take urgent measures to ensure that all individuals concerned are systematically provided with legal aid, as required by the State party's Constitution, without discrimination*". The Committee also noted concern regarding reports of corruption in the judiciary, and recommended that Azerbaijan "*strengthen its efforts to ensure a fully independent judiciary.*"

The prosecution of Milli and Hajizade, who used online blogging to further their civic participation, is particularly troubling in light of deteriorating media freedoms in the country. We note with concern that freedom of expression has recently been under direct threat in Azerbaijan, as a variety of methods have been employed to silence persons and media outlets that voice dissenting opinions. Journalists and media representatives have been harassed, threatened, or attacked for their professional activities, and defamation and other spurious criminal charges have been used to prosecute opposition and independent journalists in the past. Journalists Ganimat Zahid, Eynulla Fatullayev, and Mushvig Huseynov remain imprisoned on spurious criminal charges; Novruzali Mammadov, editor of a minority newspaper, passed away in prison on 17 August, after authorities failed to provide him with the appropriate standards of care in accordance with Azerbaijan's international obligations, and whilst he was serving a prison sentence for what appeared to be fabricated charges of treason. The March 2005 murder of editor Elmar Huseynov inexplicably remains unsolved. In the concluding observations referenced above, the UN Human Rights Committee expressed concern over this state of affairs, and urged Azerbaijan "*to take the necessary measures to put an end to direct and indirect restrictions on freedom of expression.*"

Azerbaijan's leadership has expressed its stated commitment to democratisation and human rights on numerous occasions in the past. Much needs to be done to live up to these commitments. We urge you to take immediate and concrete steps to ensure free and public hearings for Emin Milli and Adnan Hajizade, in accordance with Azerbaijan's ICCPR commitments, and similar commitments under the European Convention on Human Rights.

Sincerely yours,

Agnès Callamard, Executive Director, ARTICLE 19  
Holly Cartner, Executive Director, Europe and Central Asia Division, Human Rights Watch  
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