



**ARTICLE 19 PROTESTS AGAINST SENTENCING OF AZERBAIJANI
JOURNALISTS
RAFIQ TAGI AND SAMIR SADAGATOGLU**

9 May 2007

ARTICLE 19 is extremely concerned at the sentencing of reporter Rafiq Tagi and editor Samir Sadagatoglu to, respectively, three and four years in prison for incitement of religious hatred.

In November 2006 the journalists published an article in the small Azeri newspaper *Sanat* entitled “Europe and Us”, in which they compared European and Islamic traditions. In it, they stated that Islam was an obstacle to Azerbaijan’s economic and political development. The article - or rather rumors about it, as only few people were familiar with its exact content - , led to protests and death threats from religious extremists, who called for the execution of journalists.

The outrage culminated in the arrest of the newspaper’s editor Samir Sadagatoglu, and the author of the article, Rafiq Tagi (also referred to as Taghizad). On 15 November, the Nasimi District Court in Baku charged the two men under Article 283 of the Azerbaijani Criminal Code, on incitement of national, racial and religious hatred. They were held in pre-trial detention for to two months, which was extended for a further two months in January 2007. They were found guilty of incitement on 4 May 2007.

ARTICLE 19 considers the detention of Rafiq Tagi and Samir Sadagatoglu to be in direct violation of the right to freedom of expression. Although we appreciate that the article might have caused offence in some instances, we do not believe that the journalists’ comments can be interpreted as incitement to religious hatred. While States are permitted to take measures under their criminal law against incitement to hatred, a clear distinction should be drawn between speech that truly incites to discrimination, hostility or violence, and speech that does not. In this case, there was no incitement to violence, but simply criticism, which is protected under Article 10 of the European Convention on Human Rights, to which Azerbaijan is signatory. In a democracy one should be free to express opinions about all subjects, including religion.

ARTICLE 19 is also concerned by the calls that the two men be executed and the threats made against their families.

In this context, we would like to refer to our previous statements documenting numerous instances of direct and indirect harassment of journalists and media in Azerbaijan¹ and stress

¹ The latest one is ARTICLE 19’s open letter to the president of Azerbaijan Ilham Aliyev, expressing concern at the sentencing of the editor of the *Gundelike Azerbaijan* Eynulla Fatullayev (3 May 2007) <http://www.article19.org/pdfs/press/azerbaijan-defamation-pr.pdf>. Other statements can also be found on our website.

once again that Azerbaijan is in breach of its obligations under international law to protect and promote freedom of expression. This creates a climate of fear, which is incompatible with a free and independent media and ultimately undermines the credibility of Azerbaijan's democracy.

We call on the Azerbaijani authorities to:

- Immediately release Samir Sadagatoglu and Rafiq Tagi;
- Ensure that 283 of the Azerbaijani Criminal Code is interpreted and applied in a manner that is in line with Azerbaijan's obligations under international law;
- Ensure the safety of Samir Sadagatoglu and Rafiq Tagi in light of the threats they have received;
- Ensure the safety of all journalists who express their views in a peaceful manner.