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Intervention to Working Session 1: Democratic Elections

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Freedom of expression in Belarus and Azerbaijan in times of elections

Two OSCE largely undemocratic participating states will hold elections this fall. The republic of Azerbaijan holds parliamentary elections on November 7, 2010. Belarus has announced presidential elections on December 19, 2010.

A fundamental precondition for holding democratic elections is the access to information and the freedom of expression. We are concerned that the forthcoming elections will fail to meet international standards for free and fair elections. The Azerbaijani and Belarusian authorities have so far consistently refused to accept that in order to hold fair elections, there must be a level playing field for all political forces and respect of freedom of expression.

In Azerbaijan, journalists who express critical opinions often become targets for persecution by the authorities. Politically motivated charges such as defamation, drug possession, inciting hatred, and hooliganism are used to imprison government critics. A number of journalists and editors have been arbitrarily imprisoned on spurious charges, after trials widely believed to have been unfair. The editor Eynulla Fatullayev received an eight-and-a-half year prison sentence after being convicted of trumped-up charges of supporting terrorism, inciting hatred, tax evasion, and defamation. Fatullayev remains in prison despite the European Court of Human Rights' (ECHR) ruling in April 2010 that he had been wrongfully imprisoned for exercising his right to freedom of expression, that his right to a fair trial was violated, and that he should be immediately released and compensation be paid. The Azerbaijan authorities have questioned the court's authority and have not yet complied with the judgment. Instead, Fatullayev was tried again and convicted to a new prison term on new charges.

The widely publicised case of bloggers Adnan Hajizade and Emin Abdullaev (Milli) resulted in respective prison sentences of two and two and a half years on charges of hooliganism in November 2009. The charges are widely viewed as politically motivated.

Violent attacks against media representatives are frequent, and the murder of editor and publisher Elmar Huseynov in 2005 is yet to be solved. Since then, numerous independent and pro-opposition journalists have faced abductions, beatings, stabbings and other physical attacks. There have not been fair investigations into any of these attacks, resulting in a climate of impunity for those who perpetrate violence against critics of the government.



According to the results of independent monitoring of TV Channels, approximately 90 percent of the TV broadcasting is dedicated to the positive propaganda of the government. BBC, Radio Liberty and Voice of America (VoA) – lost their licence to air on national radio frequencies.

Recent amendments to the Constitution have restricted the media's right to photograph, film and record individuals without their consent.

- **We urge the Azerbaijani government, to honor the decision of the European Court of Human Rights and immediately release Eynullah Fattullayev.**

In Belarus, the journalist Aleh Byabenin was found dead on 3 September 2010 at his summer house. Aleh Byabenin was the founder and head of the renowned Belarusian website www.charter97.org. Co-founder Andrei Sannikov has announced his intention to register as a candidate in the upcoming election for presidency take place in December this year, and Byabenin was intended to have a central position in Sannikovs campaign. The official explanation of his death was immediately declared to be suicide, however the Norwegian Helsinki Committee has joined those who find the circumstances around his death suspicious.

We find that the best way of honoring the memory of Aleh Byabenin is to demand that the full truth behind his death will be revealed, in the same spirit as Aleh himself demanded the truth.

- **We welcome any independent investigation of the death of Aleh Byabenin organized in the framework of the OSCE, and with the participation of the highest level of international expertise.**
- **We urge the OSCE to make public the findings of the OSCE investigation.**

Unfortunately, after the tragic death of Aleh Byabenin on 3 September 2010, pressure has mounted against journalists and friends of Byabenin, who have questioned the authorities' hastened conclusion that he committed suicide.

We are disturbed by the threats against Natalia Radzina, Svetlana Kalinkina and Nicolai Khalezin. The government must take all necessary steps to ensure that those behind the threats have to account for their actions in a court of law.

The threats appear in letters addressed to the journalists, as is the case with the threat against Chief Editor of "Narodnaya volya" Svetlana Kalinkina, and in commentaries posted to their publication on the internet, as is the case with the Charter97.org journalist Natalia Radzina and the playwright and journalist Nicolai Khalezin. The journalists are warned they may be the next dead journalist in Belarus.



The attacks against journalists take place as the republic of Belarus is preparing for presidential elections on 19 December 2010. We fear that Aleh Byabenin's death and the subsequent death threats against his friends and colleagues are aimed at intimidating the media in particular during the election period.

Kalinkina, Radzina and Khalezin are all journalists who fight for democracy and the freedom of speech in Belarus, as was Aleh Byabenin.

We do not know who are behind the threats against these journalists, but Belarusian authorities are responsible for the security of its citizens, for investigating criminally offensive threats and for protecting its journalists.

We urge the Belarusian authorities to:

- **Ensure freedom of expression and association for all human rights defenders and journalists in Belarus;**
- **Take all necessary measures to guarantee the security and physical and psychological integrity of the journalists;**
- **Carry out an immediate, thorough, impartial and transparent investigation into the threats against Natalia Radzina, Svetlana Kalinkina and Nicolai Khalezin, and to bring those responsible to justice in accordance with international standards.**