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Statement at the 854th meeting of the Permanent Council ENGLISH only
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In response to the report by RFoM

Mr. Chairperson,

Our delegation joins other speakers in welcoming Ms. Dunya Mijatovic to the Permanent Council meeting and congratulating her for the 1st anniversary of her tenure in the post of OSCE Representative for Freedom of Media.

We took note of Ms. Mijatovic's report and it is being carefully studied in our capital, as well.

Although we have informed the distinguished audience of the Permanent Council on numerous occasions on the case of Eynulla Fatullayev, we could once again touch upon this issue, as it seems to be under close attention of our international partners.

Let me underline that the Supreme Court of Azerbaijan re-examined the relevant domestic judgments and on November 11, 2010 quashed the sentences directly linked to the violations found by the European Court of Human Rights. This all was quickly done within a short period time after the ECtHR decision had become final.

Fatullayev's current two and a half year's imprisonment is related to a separate conviction for drug possession which has never been adjudicated by the European Court. We'd also like to encourage our international partners to refrain from such definitions as "questionable", "fabricated" with regard to the charges Eynulla Fatullayev has been indicted for, in accordance with domestic legislation of the Republic of Azerbaijan.

On February 2 and 10, Eynulla Fatullayev appealed to various authorities with a request to be transferred to the correction facility 9, claiming that he was in hostile relations with those detained in correction facilities 1, 7, 11, 15 and 17. E. Fatullayev threatened to launch hunger-strike if his demand was not fulfilled. After having carefully studied the Fatullayev's request, the Penitentiary Service decided that there were no reasons barring Eynulla

Fatullayev's transfer to the correction facility #1 and on March 2 he was sent there. On his own request, again with the alleged claims of life threats, Mr. Fatullayev has been located in the punishment cell. When on the request of the convict, this is not a punishment measure and all general rules of the colony are applied to Eynulla Fatullayev. He enjoys all the rights which are applied to other convicted in the colony. E. Fatullayev is provided with daily media outlets, his right to meet his family is guaranteed. Representatives of the Ombudsman's Office, as well as the Public Committee on public monitoring over penitentiary facilities have met with Eynulla Fatullayev. He has been regularly under doctor's control and doesn't have any health complaints.

As positively expressed by Ms. Mijatovic, we are also looking forward to developments with regard to the draft law on defamation, which has passed wide public debates over last years.

The programme of the upcoming visit of Ms. Mijatovic to Azerbaijan is under elaboration and we hope this visit will give a new impetus to the cooperation between the Office of the Representative for Freedom of Media and the Government of Azerbaijan.

At the end, we would like to wish Ms. Mijatovic and her staff all the best in their future activities.

Thank you, Mr. Chairperson.