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August 12, 2013

Re.: Continued harassment and intimidation of investigative journalist Khadija Ismayilova

Mr President Aliyev,
Mr Prosecutor General Garalov,

Article 19, Civil Rights Defenders, Human Rights House Foundation, Human Rights Watch, International Media Support, Media Diversity Institute, Norwegian Helsinki Committee, Open Society Foundations, PEN International, People in Need Organisation, and Reporters without Borders write to you to express our profound concern regarding the continued harassment and intimidation of investigative journalist Khadija Ismayilova and the resulting interference in her work. **We urge you to take immediate steps to ensure a prompt, thorough, effective and transparent investigation into the threats made against her, as well as ensuring the effectiveness of the current investigation into the violation of her right to privacy.**

Khadija Ismayilova is an investigative reporter and talk show host with Radio Azadlig – the Azeri language service of Radio Free Europe/Radio Liberty (RFE/RL). Her investigative reports often look into corruption allegations and business holdings of high-level government officials.

The smear campaign against Khadija Ismayilova started on March 7, 2012, when she received an envelope from an anonymous sender containing explicit photos of her and her boyfriend with a note warning her, “Whore, behave. Or you will be disgraced.” Khadija Ismayilova published the threat letter and continued her investigative work.

On March 14, 2012 a secretly-recorded video of Khadija Ismayilova having sex with her boyfriend was posted on the Internet. The previous day, a pro-government newspaper ran a long article attacking her and criticizing her personal life.

We are aware that on March 15, 2012, the President's Office of the Republic of Azerbaijan issued a statement strongly condemning the actions against Khadija Ismayilova and vowing to investigate; and the next day, the prosecutor's office initiated a criminal case into the offence of invasion of privacy. However, to the best of our knowledge, the prosecutor's office refused to start an investigation into the threats against her.

Since then, Khadija Ismayilova has sent at least four letters to the prosecutor's office requesting updates on the investigation. According to Khadija Ismayilova, in its replies, the prosecutor's office has merely stated that the investigation is ongoing, without giving any details.

Through her own investigation, Khadija Ismayilova identified the telephone company employee who was in her apartment to install additional wires allegedly on an order of an unidentified government official on July 2, 2011, only a few days after RFE/RL published her investigative piece exposing high-level corruption. She also established that the blackmail note was sent to her from a post office in Moscow. Khadija Ismayilova shared this information with the prosecutor's office, which has not replied to her request to pursue these leads.

Meanwhile, in April 2013 a pro-government website posted a video with explicit sexual content involving a woman resembling Khadija Ismayilova, claiming it was her. Khadija Ismayilova has stated that the video is fabricated and a continuation of the smear campaign against her.

Throughout 2013, newspapers officially affiliated with the ruling party continued the smear campaign, including references to the intimate video, publishing links to the websites where these videos were posted, as well as lies about her and her family members. Khadija Ismayilova could not achieve any justice in the courts of Azerbaijan regarding these publications.

On July 26, another website posted more videos of an intimate nature apparently covertly filmed in her apartment, clearly intended to further intimidate and discredit her.

The Republic of Azerbaijan has unambiguous international obligations to respect and protect both the right to privacy and freedom of expression, fundamental human rights, essential to both effective functioning of a democratic society and individual human dignity. Azerbaijan has also received numerous recommendations in regard to the safety of journalists at its United Nations Human Rights Council Universal Periodic Review, including

one from Slovenia (rec. Nr 109.115) requesting Azerbaijan to “Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the Government may find sensitive” and one from the United Kingdom (rec. Nr 109.119) requesting to “ensure that all human rights violations against human rights defenders and journalists are investigated effectively and transparently, with perpetrators being promptly brought to justice, including pending unresolved cases requiring urgent attention.” While Azerbaijan’s leadership has expressed its commitment to democratization 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 the prompt, thorough, effective and transparent investigation of the unacceptable invasion of privacy of Khadija Ismayilova, the threats against her, and their interference with her work.** Such an investigation should be capable of identifying and prosecuting the perpetrators of the campaign against her.

We thank you for your attention to this important matter.

Sincerely,

Article 19
Civil Rights Defenders
Human Rights House Foundation
Human Rights Watch
International Media Support
Media Diversity Institute
Norwegian Helsinki Committee
Open Society Foundations
PEN International
People in Need Organisation
Reporters without Borders

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