

OPEN LETTER - THE OBSERVATORY

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Paris-Geneva, December 18, 2014

Re: Call for an immediate end to crackdown against human rights defenders

Excellencies,

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), strongly condemns the intensifying crackdown against human rights defenders in Azerbaijan.

In 2014, despite the release of two human rights defenders, Messrs **Hasan Huseynli** and **Emil Mammadov**, five others have been arrested and remain in arbitrary, pre-trial detention: Ms. **Leyla Yunus**, Director of the Institute of Peace and Democracy (IPD) and a member of OMCT General Assembly, Mr. **Arif Yunusov**, Head of the Conflictology Department of IPD, Mr. **Intigam Aliyev**, a human rights lawyer, Head of the Legal Education Society, and Mr. **Rasul Jafarov**, an active participant in "Sing for Democracy" and "Art for Democracy", and Ms. **Khadija Ismailova**, an independent investigative journalist in Azerbaijan. In addition, two other defenders, Messrs. **Anar Mammadli**, Chairperson of the Election Monitoring and Democracy Studies Centre (EMDSC) and **Bashir Suleymani**, Executive Director of EMDSC, were sentenced in May 2014 by the Court on Grave Crimes to respectively 5,5 years' and 3,5 years' imprisonment on charges of "tax evasion", "illegal entrepreneurship", and "abuse of authority", in the framework of trials which failed to comply with international standards. In total, eight defenders are currently behind bars.

The past days witnessed another wave of harassment against a number of those above-mentioned, in an attempt to further sanction their human rights activities:

- On December 15, 2014, the Observatory was informed that heavier charges were brought against Mr. Intigam Aliyev, for "large-scale misappropriation and embezzlement" (Article 179.3.2 of the Criminal Code), punishable by up to 12 years in prison. On October 24, 2014, his pre-trial detention was extended to February 8, 2015. Mr. Aliyev is currently awaiting trial.
- Similarly, on December 12, 2014, the Observatory was informed that new charges of "forgery" and "misappropriation" were brought against Mr. Rasul Jafarov, under Articles 313 and 179.3.2 of the Criminal Code of Azerbaijan, also punishable by up to 12 years in prison. Mr. Jafarov was previously sentenced to pre-trial detention on criminal charges such as "treason" (Article 274 of the Criminal Code), "large-scale fraud" (Article (178.3.2),

“falsification of documents” (Article 320), “tax evasion” (Article 213), and “illegal business” (Article 192) or “abuse of authority” (Article 308.2). He is currently awaiting trial.

- In addition, concerns remain about repeated reports of ill-treatment and bad health condition of Ms. Leyla Yunus. The latest incident took place on December 11, 2014, when Ms. Yunus was transferred into solitary confinement in a punishment cell for more than a day, because of an anxious behaviour and refusal to be examined by doctors. Concerns remain about her physical and psychological integrity (see Observatory Press Release of November 27, 2014). Ms. Yunus is facing the same above-mentioned charges of “treason”, “large-scale fraud”, “falsification of documents”, “tax evasion”, “illegal business” and “abuse of authority”. On October 24, 2014, her pre-trial detention was extended until February 28, 2015. She is currently awaiting trial.

- On December 5, 2014, Ms. Khadija Ismailova was sentenced to two months of pre-trial detention under accusations of “inciting to suicide” on the basis of Article 125 of the Criminal Code. The charges relate to an investigation opened in late October, after her former boyfriend, Mr. Tural Mustafayev, accused her of driving him to commit suicide. Before being presented to the court on December 5, Ms. Ismailova had been summonsed for an interrogation by the prosecutor’s office. On the eve of the charges, the head of the presidential administration, Mr. Ramiz Mekhtiev, had made a speech about so-called “double standards of the world order and contemporary Azerbaijan”. On this occasion, he had accused, amongst others, Ms. Ismailova of propagating “heinous ideas towards Azerbaijan”. The Observatory fears that this detention might be a measure of reprisals against Ms. Ismailova, in connection with her professional activities. Previously, on September 5, 2014, Ms. Ismailova had been held for two hours at Baku airport as she was returning from an OSCE meeting organised in Tbilisi. On October 5, 2014, she was again retained at the airport for several hours after a trip to Strasbourg, where she had met with officials of the Council of Europe. In addition, on October 12, 2014 and November 18, 2014, she was banned twice from leaving the country¹.

The Observatory is also preoccupied over the recent dismissal from the Bar Association of lawyer Khalid Baghirov, the legal representative of Messrs. Arif Yunusov and Rasul Jafarov. On November 5, 2014, Mr. Khalid Baghirov had already been dismissed from the case of Ms. Leyla Yunus.

The Observatory is further concerned over information received about the impossibility for a delegation of the Venice Commission to visit Azerbaijan, in spite of an official request submitted to the authorities. On December 15, 2014, the Venice Commission adopted an Opinion, calling on Azerbaijan to repeal the amendments to the Law on Amendments to the Law on Non-Governmental Organisations (Public Unions and Foundations)². A new “anti-NGO” law, adopted in 2014, provides the authorities with additional powers for temporary suspension and permanent banning of national and foreign NGOs, and introduce additional administrative requirements and increased checks.

In the light of the ongoing and intensifying crackdown on civil society in Azerbaijan since summer 2014, the Observatory calls on the authorities to:

- Immediately and unconditionally release all detained human rights defenders, since their detentions are arbitrary and only aim at sanctioning their human rights activities;
- Guarantee the right to defence of all detained human rights defenders by putting an end to the practice of depriving human rights defenders of their lawyers by calling them as

¹ Ms. Ismailova is also facing another trial since October 3, in the framework of the claim of a political activist, Mr. Elman Türkoglu, who accused her of defamation.

² See [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2014\)043-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2014)043-e).

witnesses of the cases;

- Guarantee in all circumstances the physical and psychological integrity of all detained human rights defenders, and all human rights defenders in Azerbaijan;
- Put an end to any kind of harassment - including at the judicial and investigatory levels - against all detained human rights defenders, and more generally all human rights defenders in Azerbaijan;
- Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:

Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”;

Article 5, which underscores the right of every individual to form, join, and participate in nongovernmental organizations; and

Article 12.2, which provides that the State shall “take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of his or her rights”;

- Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by Azerbaijan.

In the hope that you will take these requests in consideration, we remain at your disposal for any further information,



Karim LAHIDJI
FIDH President

Gerald STABEROCK
OMCT Secretary General