

No sweet songs for human rights defenders

A briefing paper on human rights
defenders in Azerbaijan

1 Introduction

Azerbaijan's hosting of the 2012 Eurovision Song Contest brought welcome attention to this oil-rich country of the South Caucasus region. The government worked hard to promote a positive international image, while at the same time continuing a crackdown on freedom of expression and other fundamental rights and freedoms enshrined in international instruments that Azerbaijan has ratified. Human rights defenders and government critics viewed this glitzy spectacle as an ideal opportunity to shine a light on their cause and bring international media attention to the ongoing repression of critics and authoritarian rule.

The “*Sing for Democracy*” campaign, a group of local and international human rights NGOs working to raise human rights concerns before and during the song contest, was highly successful in attracting attention. The coalition's aim was that the Eurovision Song Contest, which prides itself in bringing together over 40 competing countries and 120 million viewers, should be held in conditions where the voices of ordinary citizens are free to be heard. Media, NGOs, opposition politicians and civil society at large, who had long records of facing government-orchestrated repression, all rallied behind the campaigning for improved human rights protection in Azerbaijan.

Human rights groups leveled serious criticism against the government for restricting free speech, arresting government critics and seriously violating private property rights. They also criticized the European Broadcast Union (EBU) for ignoring restrictions to freedom of expression.¹

International attention and mobilization around issues of democracy and human rights, in particular freedom of speech and expression, grew enormously on the threshold of the song contest. In its 20 years of independence, no other event had captured that level of international media attention, which contributed to tarnishing the image of the President and his regime.

As a result, pro-government media lambasted the Sing for Democracy coalition and opposition parties for presenting Azerbaijan in a bad light and working in the interests of foreign enemies. Government

response to human rights related criticisms was explicitly hostile and accompanied with smear campaigns and threats to the Sing for Democracy campaign and the activists. Police violently dispersed protest actions ahead of Eurovision and arrested regime critics in the run up to the contest. The EBU appeared unfazed at the crackdown, drawing widespread criticism.

Less than a week after the event, the crackdown against regime critics intensified. The head of the socio-political department of the Presidential Administration, Ali Hasanov called for a campaign of “public hatred” against the opposition activists, critical journalists and media outlets. “Such people shouldn't feel they can dare to go out in the city; they should feel ashamed”, he concluded and gave a green light to a new wave of repression against local human rights and pro-democracy activists.²

Assessing the law on Freedom of Assembly, the OSCE has stated that the law *‘could have the effect of preventing any public assemblies from taking place within sight and sound of their target and could have ‘highly detrimental impact on the enjoyment of the right to freedom of peaceful assembly’*. In 2008, the OSCE urged the removal of certain restrictive provisions in the law, deeming them ‘neither reasonable nor necessary’.³

However, to further shrink the freedom of assembly, Azerbaijan's parliament has passed legislation in November 2012 approving a massive increase in penalties for holding public protests without advance permission. Before the amendments to the current law were passed, the maximum fine was between seven and 13 manats, equivalent to nine to 16 USD. As a result of the changes, anyone attending an “unsanctioned protest” will face fines of 500 to 1,100 manats, or up to 1,400 USD. Organizers will be fined between 1,500 and 3,000 manats, or twice that amount if they hold some formal position like the leadership of a political party.⁴

By Vugar Gojayev and Civil Rights Defenders

1 Article 19, “EBU should not ignore free expression ahead of Eurovision” 08 May 2012, <http://www.article19.org/resources.php/resource/3089/en/azerbaijan-european-broadcast-union-should-not-ignore-free-expression-ahead-of-eurovision>; Human Rights Watch, “Media Freedom in Grave Danger”, 03 May 2012, <http://www.hrw.org/news/2012/05/03/azerbaijan-media-freedoms-grave-danger>

2 Institute of reporters Freedom and Safety, Azerbaijan Critical voices in Danger, Semi-Annual Azerbaijan Freedom of expression report, 1 January-1 July 2012, www.irfs.org

3 OSCE, Guidelines on the Implementation of the law on Freedom of Assembly in the Republic of Azerbaijan, September 2008,

4 Institute of War and Peace, “Azerbaijan protesters face harsh penalties,” <http://iwpr.net/report-news/azerbaijan-protesters-face-harsh-penalties>

2 Abstract

Azerbaijan hosted the 2012 Eurovision Song Contest, shining an international media spotlight on the government's deteriorating human rights record. Since then, the space for alternative voices has continued to shrink. This briefing paper gives an overview of the situation of human rights defenders, within the civil society, in Azerbaijan from the time of Eurovision in the Azeri capital Baku in May 2012 until April 2013. During this period, civil and political rights have been further restricted and the government has increased its efforts to silence human rights defenders, stifling freedom of expression and assembly, and cracking down on the political opposition. This escalated repression is reflective of a continually hardening political climate in the country, which is emerging as one of the most authoritarian states in the post-Soviet region.

To be a human rights defender in Azerbaijan is risky. The most tangible risks include torture and ill-treatment by police and security forces; physical attacks by unknown assailants; harassment, intimidation and prosecution. Family members of human rights defenders also risk retaliation. Such threats and such persecution are sowing fear among other human rights defenders and independent, critical voices.

Perpetrators of attacks on human rights defenders often act on behalf of the authorities and operate with wide-reaching impunity. The judiciary is ineffective, corrupted and displays limited independence of the executive branch of government. In fact, there are no known cases in which the law enforcement agencies have taken any significant steps to provide protection or investigate attacks against human rights defenders, including independent journalists and lawyers. International human rights groups have frequently highlighted the culture of impunity surrounding politically motivated harassment of government critics and periodic arrests based on trumped up charges.

In the vast majority of politically motivated court cases where the defendants are human rights

defenders, the courts display a clear bias, with verdicts often ignoring the evidence presented during the trial and instead punishing those whose activism the government wants to muffle. In other cases, authorities use trumped up drug possession or carrying weaponry charges to silence critics. In 2012, five of the ten arrested opposition journalists faced seemingly baseless charges of narcotics possession.⁵

The involvement of the authorities, or their failure to prevent or investigate abuses against human rights defenders effectively, increases the vulnerability of human rights defenders. As long as attackers go unpunished and authorities do not publicly condemn such attacks, impunity risks fostering further violence and threats against the country's human rights defenders.

This is compounded by widespread smear campaigns against human rights defenders, their families and individual activists in the tightly controlled broadcast and written media outlets. Pro-government media routinely accuse activists of 'treason', 'working for the interests of foreign enemies' and often call them 'a national enemy' or 'a threat to stability'. In a recent interview on state television, Ramiz Mehdiyev, President Ilham Aliyev's influential chief of staff, claimed that "fake NGOs" were a threat to national security and should be shut down to prevent further interference in Azerbaijan's internal affairs.⁶ It was evident he referred to independent NGOs, many of which receive Western support. Such strong language contributes to making human rights defenders vulnerable to abuses.

As Azerbaijan is approaching presidential elections, scheduled for October 2013, it is crucial that the international community again pays attention to the alarming situation and pushes for clearly defined improvements in Azerbaijan's human rights performance, in particular highlighting the role of political opposition and civil society. Human rights must be consistently addressed in all contacts with the regime.

5 Human Rights Watch, Media Briefing paper, November 2012

6 New York Times, "News by and for the Authorities," by Christopher Walker and Robert W. Orttung"
http://www.nytimes.com/2013/04/06/opinion/global/news-by-and-for-the-authorities.html?smid=pl-share&_r=2&

3 Challenges for human rights defenders

Azerbaijani civil society groups face widespread interference and harassment by the authorities, and human rights defenders frequently become the target of criminal prosecution in apparent retribution for their civic activism and criticism of repressive policies of the government.⁷ In most cases, the authorities bring trumped-up charges, which are on the surface not related to freedom of expression or assembly or other fundamental rights, or even relating to their activism. Among charges used are hooliganism, drugs possession, rape attempt, evading military service, supporting terrorism, inciting hatred, accepting bribery and tax evasion. Using bogus narcotic possession charges to retaliate against critics has been much more frequent since the Eurovision Song Contest 2012. By the end of 2012, five out of 10 arrested journalists were arrested on suspicion of drugs possession.⁸

The most vulnerable human rights defenders during this period have been human rights workers, i.e. people working on human rights in NGOs; investigative journalists working for independent media outlets or watchdogs such as bloggers, exposing human rights abuses and corruption, and human rights lawyers, who have tried to defend and assist the two groups above.

The authorities have been particularly active in its use of detention of critical voices, including human rights defenders, journalists and activists, with a “revolving door” policy, arresting and detaining some, releasing few others, again and again.⁹ Political prisoners in Azerbaijan today include for instance people who wittingly or unwittingly offended senior members of the government, journalists who exposed high-level government corruption and abuse, pro-opposition activists, people imprisoned in spite of inadequate or disputed evidence and credible claims of false witness. Azerbaijan was accepted as a full-fledged member to Council of Europe in 2001 on the condition that it would release all political prisoners and stop silencing its critics by prosecuting them

on politically motivated charges. However, the issue remains unsolved despite 13 years of membership and the numbers of political prisoners are on rise.¹⁰

3.1 Human rights workers

- **Ilham Amiraslanov**, a human rights defender associated with the Kur Civil Union non-governmental group, was arrested in June 2012 in retribution for his work protecting flood victims in southern Azerbaijan and exposing government corruption.¹¹ In a letter Amiraslanov wrote from prison to the Azerbaijani media on 19 June 2012, he described being tortured by the officials, who beat and kicked him, attempted to choke him, and threatened him with rape. He also reported that the officials planted a gun on him and forced him to sign a confession stating that the weapon was his. In the letter Amiraslanov said he needed urgent medical attention. Officials later reportedly found additional weapons in his home. In September 2012, the court sentenced Amiraslanov to two years of imprisonment on spurious charges of weapons possession. He has alleged ill-treatment and torture in custody, which authorities have failed to investigate.
- **Dayanat Babayev**, blogger and civic activist and member of the opposition Popular Front Party, was detained on a demonstration on 17 November 2012 and sentenced to 7 days of detention on misdemeanor charges. But when his detention term ended on 24 November, he faced new criminal charges. He was charged with hooliganism according to Article 221.2.1. On 26 November, the Nasimi district court released him from custody pending investigation. Babayev has actively participated in protest actions in the run up to the Eurovision song Contest and has often criticized the authorities for human rights violations in his Facebook page and blogs.

7 International Partnership Group for Azerbaijan, “running scared: Azerbaijan’s Silenced Voices”, 2012, azerbaijanfreexpression.org/wordpress/wp-content/uploads/2012/05/12-03-22-rePORt-azerbaijan-web.pdf

8 HRW media briefing, November 2012

9 Though senior and junior Aliyevs pardoned several hundreds of the political prisoners during their presidency terms, the government continued to arrest dozens of critics over the years on politically motivated and bogus charges.

10 The PACE failed to adopt a much-needed resolution on political prisoners in Azerbaijan in its January session in 2013. From 2009 to 2013, the Azerbaijani government, which denied the existence of political prisoners, refused to allow the PACE rapporteur in charge of the issue of political prisoners access to the country. A comprehensive report detailing the cases of over 80 political prisoners was eventually prepared as a result of the cooperation between local human rights defenders and the PACE rapporteur. However, the failure of the adoption of the report was seen as a missed opportunity, as it gave a green light for the authorities to further arrest its critics on politically motivated grounds. See more at, European Stability Initiative, “Azerbaijan debacle: The PACE debate on the political prisoner on 23 January 2013”, http://www.esiweb.org/index.php?lang=en&id=156&document_ID=136

11 See, “Situation on the human rights defenders”, report by the Azerbaijani member organizations of the South Caucasus Network of Human Rights Defenders, 2010-2012.

- **Dashgin Malikov**, blogger, civic activist and member of the opposition Azerbaijan's Popular Front Party, was arrested on March 26, 2013 in Sumgayit city. He is accused of trumped-up charges of illegal possession of narcotics. Malikov was often attending pro-democracy demonstrations in Baku and frequently writing on simmering social problems and high-level corruption in Sumgayit city in social media.
- On March 8, 2013, authorities launched a crackdown on the country's well-known pro-opposition youth group, NIDA movement, which is an organization campaigning for democratic reforms, a free civil society, respect for human rights and social and economic reforms. Police arrested NIDA's activists **Bakhtiyar Guliyev**, **Shahin Novruzlu**, and **Mahamad Azizov** on charges of planning to incite violence at a rally announced by NIDA for March 10 to protest against the deaths and alleged abuse of military conscripts. The three activists administer a Facebook page, "The Heydar Aliyev Page," named after the former president. The page is a platform for caricature, satire, and criticism of the government. Two of them made forced confessions against the NIDA's activities. On March 9, a Baku court remanded the activists to three months in pretrial detention. Furthermore, as part of the alleged ongoing investigation, police arrested the board members of NIDA youth movement, **Rashad Hasanov** on 14 March, and **Rashadat Akhundov** and **Uzeyir Mammadli** on 26 March, and **Zaur Gurbanly** on 1 April on charges of possessing illegal weapons. They face up to eight years' imprisonment if found guilty.¹²
- On February 4, 2013, a court remanded **Ilgar Mammadov**, a political analyst and chair of the opposition group "REAL," and **Tofiq Yagublu**, deputy chair of the opposition political party Musavat and a journalist with opposition daily Yeni Musavat, to two months' pretrial custody. Mammadov and Yagublu, both known for their human rights activities, were charged with "organization of or participation in actions inciting social unrest" and "violence against an official" in connection with a January 24 protest in Ismayilli district, where several clashes took place between

law enforcement and protesters calling for the governor's resignation. The protest followed a car accident on January 23 allegedly involving a close relative of the Ismayilli region's governor. In the aftermath, dozens of people were arrested in Ismayilli, though authorities say that as of January 30 only 12 remain in custody, facing criminal charges of looting and organizing riots. Many others have been fined and released. Mammadov's and Yagublu's pretrial custody was extended on March 14 and March 18 respectively by another two months.

According to Fuad Hasanov, the director of "Democracy Monitor Public Union", the selective use of inspections, revocations of registrations and many other arbitrarily applied laws and rules, are not only troublesome, but effectively disrupt the activities of human rights organizations.¹³

"To discredit and delegitimize the legitimate work of human rights organizations, especially which receive money from outside donors, these often face defamatory and hostile propaganda by government officials and the tightly controlled broadcast media."

The authorities routinely break up peaceful protests, in some cases violently, and indiscriminately arresting activists. Since early 2006, there is a blanket ban on demonstrations in central parts of Baku, and it becomes more difficult for government critics to make themselves publically heard in proximity to centers of power or where they would reach a maximum audience.¹⁴ The 2006 law conditions that groups may peacefully assemble after notifying the relevant government body in advance, but the government interprets this provision as a requirement for prior permission.¹⁵ In all cases in 2012 and 2013, the authorities denied requests from youth movements and opposition political parties to hold protest actions in the central parts of capital Baku. The government-offered venues are deemed unacceptable as they are remote from the Baku city center. Unsanctioned protests are often dispersed with excessive force and result in disproportionately harsh sentences of administrative detention or jail time or heavy fines. In the days before and during the Eurovision Song Contest, when the freedom of assembly dramatically

¹² HRW report, op cit.

¹³ Interview with Fuad Hasanov, Director, Democracy Monitor public Union.

¹⁴ For instance, see Human Rights Watch's 'Beaten, Blacklisted and Behind Bars', October 2010, <http://www.hrw.org/reports/2010/10/26/beaten-blacklisted-and-behind-bars>, Amnesty International, 'The Spring that Never Blossomed: Freedoms' suppressed in Azerbaijan, November 2011, <http://www.amnesty.org/en/library/info/EUR55/011/2011/en>

¹⁵ Article 5 in the law requires, as a rule, notification to be submitted to the city authorities 5 days prior to the event, setting out time, venue, the form and purpose of the event, the expected numbers and route of any procession.

was restricted, the police and plain cloth security guards violently broke up all the protest actions in the city center and rounding them up and arbitrarily detaining dozens.

In March 2013, President Ilham Aliyev signed into law a number of restrictive amendments to the Law on Non-governmental Organisations applying new bureaucratic hurdles to the work of NGOs. For instance, the new law requires local groups to inform the authorities of funding or donations above 200 manat (approximately US\$250) and sign a formal contract with donors.¹⁶ A failure to meet these requirements could lead to confiscation of property and hefty fines. Through this law, authorities effectively try to limit the Azerbaijani human rights defenders connections with foreign networks and organizations.

The procedure of registration of NGO is becoming more complex and non-transparent, and the government increasingly interferes and hinders the operation of NGOs. The mandatory state registration of NGOs by the Ministry of Justice remains as a repressive tool to silence critical organizations. The NGOs which do not chose to directly confront the government or are engaged in partnership working with it are broadly able to operate without problems, while those that are more likely to criticize or challenge the government (or are perceived to) face greater problems in burdensome registration process. Dozens of independent NGOs, which challenge the government for human rights abuses, are undeniably subject to the abusive application of the regulation, resulting in unending delays to their registration, and it hinders those NGOs to carry out their legitimate work in a legal way.

In March 2013, the Baku office of National Democratic Institute (NDI), a US-government-funded nonprofit organization promoting democracy, was accused by Azerbaijan government of interfering in Azerbaijan's internal affairs, violating laws on the operations of foreign organizations, and lacking financial transparency. Authorities claimed that the NDI is a US-government-sponsored, secret-services-operated mechanism meant to sow public unrest and foment a "color revolution" in Azerbaijan.¹⁷ NDI has long been actively working with various civil society organizations in Azerbaijan on projects ranging from

development of democratic institutions to human rights monitoring. NDI currently risks complete closure and has suspended the activities of its Baku office as the General-Prosecutors Office of Azerbaijan has launched a broader investigation on the alleged illegal activities of this organization.¹⁸

In the regions the work of the NGOs and human rights defenders is more difficult than in the capital Baku¹⁹. Security bodies keep close surveillance on NGO activities and prevent them from holding seminars, trainings or other meetings. Though against the law, the local authorities continue to demand written request from NGOs for permission to hold such gatherings. In almost all cases, requests from independent and critical human rights organizations were turned down in 2012 and 2013, and they were not allowed to enter the regions or attacked, or authorities threatened the owners of venues, with the aim of preventing such events to be held.

On June 18, 2012, a forum on "Transparency in Local Self-Government" was planned to be held in Beylagan district by the Election Monitoring and Democracy Studies Center (EMDS Election Monitoring Center (EMC). Refusing to conduct the event, the authorities went further to close down the restaurant where the forum was planned to have taken place.

On 12 February 2013, a training on "citizen participation in public policy", conducted by representatives of the Election Monitoring and Democracy Studies Center (EMDS) under a project funded jointly by the European Union and USAID, was disrupted by local police in northern Khachmaz district. The EMDS trainers Gunay Ismayilova and Javid Nabiyev experienced police harassment and were briefly detained. Both trainers have been informed by the authorities that they remain at risk of further investigation and criminal persecution.²⁰

3.2 Journalists

International media freedom organizations have documented a significant number of cases where police have obstructed journalists from doing their work and subjecting them to dubious criminal charges such as drugs possession and the ubiquitous accusation of "hooliganism".²¹

16 Such a condition has a chilling effect of the work of unregistered NGOs, which the authorities refuse to register because of their engagement with exposing human rights abuses.

17 "Baku and Washington joust over NDI", Eurasianet, 02 April 2013, <http://www.eurasianet.org/node/66767>

18 <http://www.news.az/articles/79146/print>

19 "Situation on the human rights defenders", report by the Azerbaijani member organizations of the South Caucasus Network of Human Rights Defenders, 20110-2012.

20 IRFS calls for end to witch hunt against civil society, 13 February 2013, <http://www.civicsolidarity.org/article/612/irfs-calls-end-witch-hunt-against-civil-society>

21 See more at: Human rights Watch, Beaten, Blacklisted and Behind Bars: The Vanishing Space for Freedom of Expression in Azerbaijan, 26 October 2010, www.hrw.org/en/reports/2010/10/26/beaten-blacklisted-and-behind-bars

During past years, a wide range of administrative, financial, legal and arbitrary measures have been used against critical media outlets and journalists: threats and violent attacks against independent voices, hefty fines imposed on or closure of media critical of the state; politically- motivated charges against journalists; the ban on transmission of foreign radio stations and the general climate of impunity – including the lack of the political will to thoroughly investigate the murder of prominent journalists such as Elmar Huseynov and Rafiq Tagi – best illustrate the government’s intention to suppress the sources of dissent.²² The Committee to Protect Journalists (CPJ) characterized Azerbaijan as one of the region’s [Europe and Central Asia] worst jailers of journalists. The space for investigative journalism is extremely narrow and risky, and many journalists, blogger and human rights activists resorts to self-censorship out of fear of legal or physical repercussions while exposing or writing articles or criticizing the numerous corruption cases in the government, amongst powerful individuals and business monopolies, or to do with the business interests of the First Lady and her daughters. Through ingrained self-censorship, systematic attacks on government critics and the widespread climate of impunity the government attempt to effectively control all sides of public life.²³

- On 12 June 2012, **Mehman Huseynov**, blogger and photojournalist for the local media watchdog Institute of Reporters Freedom and Safety (IRFS) was summoned to the Sabayil District Police station in Baku and a criminal case was opened against him for alleged insult of police officers. The accusations stem from a verbal conflict during an unsanctioned protest in front of the Baku Mayor’s Office on 21 May 2012, which Huseynov was documenting as a media representative. Under the trumped-up criminal accusations against him Huseynov faces up to five years’ imprisonment if convicted. It is widely believed that the arrest of Huseynov was in retaliation for his professional work, documenting human rights violations as part of the Sing for Democracy campaign around the time of the Eurovision Song Contest in Baku.²⁴

- The opposition journalist **Avaz Zeynalli**, who regularly published allegations of government corruption in his Khural newspaper, was sentenced to nine years imprisonment.²⁵ Zeynalli has been in custody since October 2011 when he was arrested on dubious extortion charges brought by a member of parliament from the ruling party. The MP now serves a prison term after being implicated in a high-level corruption scandal. Additional tax evasion charges were brought against Zeynalli in March 2012. Khural’s property was seized by court bailiffs in October 2011, after it failed to pay a total of 19,000 AZN (US\$24,300) in court-issued fines in defamation cases brought by the powerful head of the presidential administration and director of the Mass Media State Support Fund.
- In April 2013, Azerbaijan’s leading investigative female journalist and active social media user **Khadija Ismayilova** faced yet another outrageous blackmail attempt. On April 25 2013 a pro-government website posted a pornographic video that was fabricated to portray Ismayilova engaging in sexual acts. Ismayilova’s investigative reports for Radio Free Europe and Radio Liberty (RFE/RL), which earned her the 2012 International Women’s Media Foundation’s “Courage in Journalism” award, have implicated the president’s family in financial activities and arrangements worth hundreds of millions of dollars.²⁶ It is not the first time that Ismayilova has been smeared and blackmailed. In March 2012, Ismayilova had faced another blackmail attempt when unknown sources secretly filmed her in an intimate manner in her home.²⁷ A collection of intimate photographs of her was sent to her through the post, with a note warning her to “behave” or she would be “defamed”. After failing to blackmail her into silence, these images appeared on the Internet a week later on a series of fake news sites and she was subject to personal attack in the pro-government Yeni Azerbaijan and Iki Sahil papers. Ismayilova had published several investigative articles unearthing business monopolies and corruption at the heart of the president’s family.

22 Elmar Huseynov, the founder and editor of the opposition weekly news magazine Monitor, was gunned down in his apartment building in Baku in March 2005. Rafiq Tagi, a journalist for Sanat newspaper, was assassinated in November 2011. The halfhearted investigations into the deaths of these two journalists have produced no results so far.

23 See Crisis Group report, “Azerbaijan: Vulnerable Stability”; April 2013 - US State Department’s Country Report on Human Rights in Azerbaijan

24 See IRFS etc.

25 Washington Post, “Editor of Azerbaijan’s Independent Newspaper Sentenced to 9 Years In Jail,” March 12, 2013

26 “RFE/RL Reports Threats Against Azerbaijan Journalists Ismayilova and Hasanov”, <http://www.rferl.org/content/release-azerbaijan-ismayilova-hasanov-threats/24969867.html>

27 “Salacious Video Defames journalist Critical of Azerbaijani Government”, CNN, 20 March 2012. edition.cnn.com/2012/03/19/world/asia/azerbaijan-video-defamation/index.html; also see: international Partnership Group for Azerbaijan, “In Solidarity with Khadija ismayilova”, article19.org, 15 March 2012, www.article19.org/resources.php/resource/2994/en/azerbaijan:-in-solidarity-with-khadija-ismay

- **Araz Guliyev**, the journalist and editor of online journal xeber44.com, was first arrested on 10 September 2012 on charges of disorderly conduct and resisting police. The arrest took place during a protest at the international folklore festival in Masalli, organised by the Ministry of Culture and Tourism. The protest, staged by Islamic believers, was directed against the performance of “half-naked dancers” on stage. The initial period of detention on remand of two months was subsequently prolonged and Guliyev’s relatives reportedly worry that additional false accusations may be filed based on subsequently planted drugs or explosives.
- **Faramaz Novruzoglu**, a freelance journalist, was sentenced in August 2012 to 4,5 years in prison on trumped up charges of illegal border crossing and inciting mass disorder, stemming from Facebook postings in spring 2011, that he allegedly made under a pseudonym, calling for riots and claiming he would set himself on fire. Novruzoglu has denied the allegations and claims they are retribution for his investigations into business ties of high-level officials. Novruzoglu is a well-known critical journalist who has been arrested twice before on defamation charges, in 2007 and in 2009.²⁸
- **Hilal Mammadov**, human rights defender and editor-in-chief of *Tolishi Sado* newspaper, was arrested in June 2012 on apparently baseless drug possession charges and remains in custody pending trial. Police searched his apartment and allegedly found drugs in a shirt pocket. On July 3, two more charges were brought against Mammadov; “high treason” and “inciting national, racial, social and religious hatred, hostility and ethnic discrimination”. These additional charges were similar to those brought against the previous editor-in-chief of *Tolishi-Sado*, Novruzali Mammadov. Novruzali Mammadov was sentenced to 10 years imprisonment in 2007 and died in prison in 2009. Hilal Mammadov risks a similar sentence. The *Tolishi-Sado* newspaper reports on the situation of the Talysh people, a Farsi-speaking minority group mostly inhabiting the southern parts of Azerbaijan. It also contains articles critical of the government.²⁹

In late December 2012, three human rights defenders working with different kind of media outlets or journalistic activities, were released from jail following the international campaign for their release in pre-Eurovision advocacy of local and international NGOs. Their cases are illustrated below:

- On April 19, 2012, police arrested **Ogtay Gulaliyev**, a human rights defender, journalist, and a Kura Civil Society coordinator, and charged him with minor hooliganism after an official had reported him for allegedly swearing in public during a meeting with local residents. Gulaliyev was sentenced to 12 days’ administrative detention, and he reported that he was beaten while in custody. His lawyer filed a complaint with the prosecutor’s office, but the authorities did not investigate the allegation. Gulaliyev’s administrative detention was prolonged by another two months under new charges of “active disobedience to authorities’ legal orders” and “incitement to mass riots and to violence against citizens”. Gulaliyev claims his arrest is linked to an investigation he launched into how money earmarked for rebuilding damage caused by a flood on the Kura River was spent. Gulaliyev was released on June 13 but continues to face criminal charges. The charges against him, which carry a three year prison sentence, still stand.³⁰
- Human rights defender and blogger **Taleh Khasmammadov** was sentenced to four years of imprisonment on April 20, 2012 on charges of hooliganism and physically assaulting a public official. Khasmammadov had published allegations of involvement by law enforcement officials in human trafficking and narcotics sales. He published articles in *Azadlig*, *Gundem Xeber* and other pro-opposition newspapers. Police arrested Khasmammadov in November 2011 when he went to the police station to present his allegations of police abuses and human trafficking in his hometown Gokchay district. Five athletic-looking policemen claimed that Khasmammadov assaulted and beat them in the police station. Khasmammadov was released under the presidential pardon.³¹

28 IRFS, “Journalist Faramaz Novruzoglu Sentenced to 4,5 Years in Jail”, 23 August 2012, <http://www.irfs.az/content/view/9039/1/lang,eng/>

29 HRW media briefing, op cit

30 “Call for the immediate and unconditional release of activist and journalist Ogtay Gulaliyev”, Human Rights House Network , 17 May 2012, <http://humanrightshouse.org/Articles/18042.html>

31 www.irfs.az/content/view/8224/28/lang,eng/ and www.irfs.az/content/view/7711/28/lang,eng

- **Vidadi Isganderov**, a human rights defender, was sentenced to three years in prison on August 27, 2011. After running for office in the November 2010 parliamentary elections, Isganderov submitted a complaint to the authorities alleging vote rigging in his district. Despite video footage and other materials in support of Isganderov's allegations, the authorities failed to investigate them. Instead, they brought charges against him, and he was found guilty of interfering with the elections. He was released under the presidential pardon in December 2012.³²

Defamation and libel remain criminal offenses even though the government's national action plan for human rights included a commitment to decriminalize defamation in 2012. In recent years, Azerbaijani public officials have used criminal and civil defamation charges to stifle critical and opposition journalists, although the numbers of such suits have decreased by about half since 2010. According to the Media Rights Institute, during the first six months of 2012, 17 defamation suits were brought against media outlets or journalists, 6 of which were criminal defamation suits brought chiefly against pro-opposition newspapers. In September 2012, the opposition daily *Azadlig* faced eviction threats from its premises at the state publishing house for failing to pay its outstanding debts, while at the same time a court fined the paper 30,000 AZN (about US\$40,000) in a defamation suit brought by the head of Baku metro system.³³

With the country's traditional media stagnating under severe government constraints, social media, mainly Facebook, Twitter and YouTube are increasingly used by human rights defenders and government-critics to disseminate content that is critical of the government. The positive impact of social media on forming alternative public opinion and mobilizing government-critics worries the authorities. Internet usage has exploded in past two years, a period that has coincided with the government crackdown on more traditional broadcast and print media outlets. Human rights defenders, including youth activists and journalists often use social media as a platform to provide information, organize activities and events, and initiate flash mobs. Online platforms host articles and discussions on various sensitive issues, including political, social and economic matters, which would hardly be covered in mainstream media because of

the tight government control. Most unsanctioned demonstrations and anti-government protest in 2012 and 2013 have been prepared and administered through Facebook.

Authorities are well aware of how powerful online tools can be, particularly as seen in the wake of the Arab spring, and there are signs that tighter restrictions on internet use and online content are on the horizon. As part of that omen, Azerbaijan's rubber-stamp parliament discussed in late April 2013 to apply legal restrictions and bring criminal responsibility for online content, an act which could impose further self-censorship in social media users. Several activists have been imprisoned due to their posts and discussions in social media.³⁴

3.3 Human rights lawyers

Pressure has also been brought to bear on independent lawyers, whose clients are human rights activists and independent journalists. In several cases, threats, detention and politically motivated disciplinary and criminal sanctions have been taken against independent lawyers, that undermined their independence as members of the legal profession and create obstacles to their work.

- On 8 May 2013, country's well-known lawyer **Aslan Ismayilov** was disbarred from the Azerbaijan Bar Association on what seems to be on trumped-up reasons. His law company "Aslan Ismayilov and partners" has also been shut down. Azerbaijani government effectively uses the Azerbaijan Bar Association, which is a government-controlled top body for lawyers, to punish outspoken lawyers and lawyers that represent clients who have voiced public criticism of the authorities. When a lawyer is disbarred, s/he cannot act as a defense attorney in a criminal case in any instance, and cannot represent clients in civil cases before the Supreme Court. Ismayilov's clients ranged from high-profile political prisoners to property owners. Recently, Ismayilov was representing Zaur Gurbanly, the board member of pro-opposition NIDA civic movement, who is in jail since early April on charges that appear to be a retribution for his activism. Ismayilov has also faced smear campaigns and threats because of his public criticism of the corrupted legal system and human rights violations.³⁵

32 Human rights Watch, "Azerbaijan: Concerns regarding Freedom of expression and Media" briefing paper, 12 April 2012, www.hrw.org/news/2012/04/12/azerbaijan-concerns-regarding-freedom-media-and-freedom-expression

33 Human Rights Watch, Word Report 2013, Azerbaijan chapter

34 Vugar Gojayev, "Struggle for Internet Freedom in Azerbaijan", published by Advanced Progressive Communications, November 2012

35 "Aslan Ismayilov is forbidden to be a lawyer", 08 May 2013, <http://contact.az/docs/2013/Politics/050800035603en.htm#UY3nT7D8LaE>

- On February 27, 2013, an Azerbaijan court sentenced **Bakhtiyar Mammadov**, a human rights lawyer, to eight years in prison on the basis of a prosecution and conviction that appear politically motivated. Mammadov represented residents who were forcibly evicted from their homes in Baku, which were demolished in early 2012 as the government was building a performance hall for the Eurovision Song Contest. Mammadov's clients had challenged the government compensation package, and Mammadov alleged corruption by a high-level official involved in the compensation funds. Mammadov was arrested on December 30, 2011, and has been in detention ever since.³⁶
- In February 2013, the independent lawyer **Khalid Bagirov** was arrested at the Nakhchivan airport by officials in plain clothes, when he was about to fly to Baku to participate in the trial of his client human rights defender Hilal Mammadov.³⁷ "I checked in and, when entering the plane, I was detained by three persons in civilian clothes. They took my passport and mobile phone, forced me into a car and took me away for several hours. I was later released".³⁸ Bagirov had faced pressures before as well: He has been suspended from the Azerbaijan Bar Association³⁹ for one year in 2011 on apparently unfounded grounds. His colleague Elchin Namazov was been permanently disbarred and faced criminal sanctions same year.⁴⁰ Both lawyers were known for their legal assistance to the victims of politically motivated persecution. In a letter to Azerbaijani Justice Minister, Human Rights Watch had said it is concerned that "the sensitive nature of their clients' cases and the robust manner, in which these two lawyers have represented their respective clients' interests, has led to Bagirov's suspension and to the permanent disbarment of Namazov and possible criminal penalties against him".⁴¹

36 Vugar Gojayev, "Struggle for Internet Freedom in Azerbaijan", published by Advanced Progressive Communications, November 2012

37 <http://nakhchivanhumanrights.org/?p=357>

38 Ibid.

39 When a lawyer is disbarred from this Association, that lawyer can never act as a defense attorney in a criminal case and cannot represent clients in civil cases before the Supreme Court.

40 Karl Rahder, Azerbaijan: yet another opposition lawyer disbarred, Foreign Policy Association, September 2011 <http://foreignpolicyblogs.com/2011/09/22/azerbaijan-yet-another-opposition-lawyer-disbarred/>

41 HRW letter to Azerbaijan's Minister of Justice regarding Lawyers' rights, <http://www.hrw.org/news/2011/09/23/azerbaijan-letter-minister-justice-regarding-lawyers-rights>

4 Concluding remarks and recommendations

With its oil supplies and geographic location, Azerbaijan has become an important global energy security and anti-terrorism partner for the EU and US. Amid limited international pressure on the government, many civil society activists fear that the economic and geostrategic interests of the Western powers may have muted an open criticism against the ongoing human rights violations of the Azerbaijani government. The lack of criticism, especially of human rights violations, appears to have escalated with the growth of oil wealth and the country's strategic importance as a transit route for both energy and military troops.⁴² At the same time, international organizations and Azerbaijan's foreign trading and development partners have seen their influence over the Azerbaijani government's political and economic decisions wane, given the regime's oil-inspired self-confidence.

The government spends considerable effort and financial resources in international fora to airbrush over its human rights violations. With the help of international lobby groups, the Azerbaijani government continues to lobby hard to persuade the international community that it is an emerging young democracy and the lack of a free expression or its political prisoners are not worthy of special attention – or can be justified in the context of the ongoing Nagorno-Karabakh conflict and country's vulnerable geographic location between Russia and Iran. Human rights activists claim Baku has lobbied PACE, the European Parliament and other international bodies that dampen efforts to formulate unified responses to Azerbaijan's democratic shortcomings. The European Stability Initiative (ESI), an independent research institute based in Berlin, has detailed efforts by Azerbaijani delegates to promote Baku's interests in PACE by showering European parliamentarians with generous gifts and trips to Azerbaijan.⁴³ ESI argues that Azerbaijan has used "caviar diplomacy", including pricy gifts, free trips and money, to create a group of apologists within PACE who consistently act in its interests and render the assembly impotent.⁴⁴ With such corrupted lobbying efforts at the heart of Europe, Azerbaijan damages the image of international institutions, which are mandated to promoting and protecting human rights.

In a resolution in 2013, which was prepared by the Monitoring Committee rapporteurs and adopted by

PACE, the government of Azerbaijan was urged to review the cases of human rights defenders, activists and journalists who have been imprisoned on criminal charges and whose trials did not meet international standards. The resolution called the government to "use all available legal tools to release those prisoners whose detention gives rise to justified doubts and legitimate concerns."⁴⁵ With Azerbaijan's long record of ignoring its international commitments, stronger political pressure should be brought to bear on the Azerbaijani government to do what it takes to rectify the protracted problem.

For the time being, the Azerbaijani government benefits from status quo and ignores any incentives to undertake substantial human rights reforms and deep structural changes. The general belief inside the government is that the massive oil revenues and country's geographical position allow it to defy outside pressure. The failure by the authorities to take any adequate steps to address the serious human rights violations, demonstrates the Azerbaijani government lacks of seriousness about its international human rights obligations. It has effectively failed to live up to its international commitments to respect and protect human rights as a signatory to major human rights treaties.

The relative political stability in Azerbaijan is at best misleading and it could quickly crumble. Anti-government riots in Ismayilli district in January 2013 and in Guba district in March 2012 showed simmering popular discontent with the repressive government policies and corrupt practices. The stability in the country has been gained through harsh restrictions of fundamental rights and surveillance by security bodies, partly in the wake of the Arab Spring, which demonstrated the potential for change that can come from civil society. Such stability fails to respect principles of democracy and rule of law, and is unlikely to be robust and sustainable in the long run.

Azerbaijan's human rights record has been on a continual decline since the 2012 Eurovision Song Contest. Systematic attacks, threats, and legal actions against human rights defenders continue unabated. Reaping the windfalls provided by increased oil and gas production, the President has deepened its authoritarian grip on power and has governed the country with escalated repression

42 Azerbaijan has opened its airspace open for US military jets flying to and fro Afghanistan.

43 The group published its findings in a May report titled "Caviar Diplomacy, How Azerbaijan Silenced the Council of Europe."⁴⁵

44 European Stability Initiative, "Caviar Diplomacy: How Azerbaijan silenced Council of Europe", http://www.esiweb.org/pdf/esi_document_id_131.pdf

45 Resolution 1917 (2013), "Honoring of obligations and commitments by Azerbaijan", <http://www.assembly.coe.int/ASP/XRef/X2H-DW-XSL.asp?fileid=19451&lang=EN>

against political opponents, critics and independent journalists.

It is in this hostile environment that Azerbaijan's human rights defenders work to protect people's rights, exposing abuses, encouraging transparency in public policy and safeguarding freedom of expression.

Azerbaijan will have presidential elections in October 2013. Incumbent president Ilham Aliyev,⁴⁶ who inherited power from his father Heydar Aliyev in 2003, will again run in the polls, having effectively lifted the constitutional ban on two consecutive presidential terms in 2009. The regime has apparently mobilized to crackdown on critics and political alternatives in order to go to the polls uncontested and unchallenged. Since the country's independence from the Soviet Union in 1991, elections in Azerbaijan have failed to be free and fair with international organizations reporting about irregularities and cases of fraud and suppression of critics.⁴⁷

Five months to go to presidential elections, the continuing crackdown has to be a warning signal for international community. In the run-up to the elections, civil society groups have come under attack at unprecedented levels, as the government wages a campaign to silence its critics. In particular, the authorities have focused on punishing groups that capitalized on the increased international attention around the time of the Eurovision Song Contest, exposing human rights abuses in the country.

There is an urgent need for increased international pressure on the Azerbaijani government to put an immediate stop to this crackdown on the few remaining human rights groups and to start taking its international human rights obligations seriously. President Aliyev, like his father before him, strives for international recognition and prestige. It has become an increasingly common occurrence for repressive Azerbaijani government to put itself as host of international forums – be in the sphere of sports, entertainment or in politics – to present the country as a modern, democratic, outward looking state with investment opportunities for multinational corporations. The international partners of Azerbaijan, including the fellow member governments at the Council of Europe, should use this aspiration strategically and be more vocal in its criticism against human rights abuses. EU member states and other

Western democracies should seek to become a more coherent, consistent and as such credible partner for the Azerbaijani society at large. A principled stance, coupled with sustained political pressure, is a central tool in convincing the government there is a need to provide real change for the country's human rights defenders.

4.1 Recommendations

4.1.1 To the government of Azerbaijan:

- Immediately and unconditionally release journalists, human rights defenders, and other civil society activists imprisoned on politically motivated charges, including Avaz Zeynalli, Hilal Mammadov, Faramaz Novruzoglu, Ilham Amiraslanov and Bakhtiyar Mammadov.
- Reveal any credible evidence supporting the accusations against Ilgar Mammadov, Tofiq Yagublu and seven NIDA Youth Movement activists, or release them.
- End politically-motivated harassment or prosecution of independent journalists, bloggers and activists, particularly the use of vague or trumped-up charges such as 'narcotic possession' and 'hooliganism'.
- Decriminalize libel and establishing reasonable monetary caps on civil defamation awards.
- Ensure that all journalists may work freely and without fear of retribution for criticism or coverage of topics that the government may find sensitive.
- Allow political protests within proximity to their target audience by approving new venues in central Baku.
- Investigate all incidents of use of excessive force by law enforcement during demonstrations.
- Stop the selective registration of NGOs and eliminate the practice of ungrounded postponement of or refusal to register organizations, in particular those that work for the protection of human rights.
- End bureaucratic harassment and the excessive restrictions on international NGOs.

46 President Ilham Aliyev first was elected on October 15, 2003 and then second time on October 15, 2008 through the controversial elections that were tagged by international observers as not free and fair. In 2008, according to the OSCE-ODIHR report, Aliyev received 88.7% of the vote. Ilham Aliyev was preceded by his father, Heydar Aliyev, who was president from 1993 to 2003. Until 2009 March, the Constitution of the Republic of Azerbaijan only permitted a person to preside over two terms as President. However to stay in power indefinitely, the President signed into law a constitutional amendment in 2009 which allows individuals to run for and hold an unlimited number of consecutive terms as President.

47 Polls are routinely marred by a deficient candidate registration process, a restrictive political environment, unbalanced and biased media coverage, disparity in access to resources to mount an effective campaign, misuse of administrative resources as well as interference by local authorities in favor of candidates from the ruling party, creating an uneven playing field for candidates. See: OSCE/ODIHR, Republic of Azerbaijan Parliamentary Election, 7 November 2010; OSCE/ODIHR, Election Observation Mission Final Report, January 2011, www.osce.org/odihr/elections/azerbaijan/75073; Also see: international Crisis Group, Azerbaijan: Vulnerable Stability, Europe report no. 207, 3 September 2010, [www.crisisgroup.org/~media/Files/europe/caucasus/azerbaijan/207%20Azerbaijan%20-%20Vulnerable%20Stability.ashx](http://www.crisisgroup.org/~/media/Files/europe/caucasus/azerbaijan/207%20Azerbaijan%20-%20Vulnerable%20Stability.ashx)

- Ensure independent and effective investigations into alleged instances of torture and ill-treatment of detainees and to hold perpetrators accountable.
- Cease the practice of using lawsuits against journalists and media workers with the aim of pressuring them and limiting their right to freedom of expression.
- Allow civil society events, such as trainings and discussions, to take place in the regions of Azerbaijan in accordance with existing legislation, i.e. without the need for permission.
- Stop using the pro-government media to smear human rights defenders, their organizations, journalists and lawyers.

4.2.2 To the European Union, the Council of Europe and their member states

- Use international political, economic, sport or cultural events in Azerbaijan to push for improvement of human rights.
- Increase the pressure on the Azerbaijani authorities to investigate attacks on human rights defenders promptly and effectively and punish those responsible. The international community should also give clear and principled public support to human rights defenders, including in connection with sensitive activities.
- Make significant improvements regarding the respect for human rights as a condition for continued financial support within the framework of the EU's Eastern Partnership.
- Promote awareness and ensure implementation of the EU Guidelines on protection of human rights defenders among EU Delegations and Member States' embassies in Azerbaijan. Ensure there is an updated local strategy for the implementation of the guidelines.
- As part of the Eastern Partnership program and European Neighborhood Policy, strengthen the EU monitoring of the mutually agreed human rights commitments.
- Increase pressure on the Government of Azerbaijan to deliver reform on the above-described human rights concerns and concerning the fulfillment of its international obligations on governance and human rights, particularly in the legally binding commitments it has made by ratifying the European Convention for the Protection of Human Rights and Fundamental Freedoms.
- Press for clearly defined improvements in Azerbaijan's human rights performance ahead of Presidential elections due October 2013, in particular highlighting the role of political opposition and civil society.

About Civil Rights Defenders – Sweden’s international human rights organisation

Civil Rights Defenders is an international independent human rights organisation founded in Stockholm, Sweden in 1982, with the aim of defending people’s civil and political rights and empowering human rights defenders at risk.

With a long-term perspective, an active field presence, and regional expertise, we collaborate closely with local partners, striving to strengthen civil society and empower human rights defenders, including those at risk.

Together with a great number of partner organisations, we monitor the deeds and words of governments and authorities, demanding change, justice and reparations when people’s civil and political rights have been violated. We take legal action against duty bearers and power holders, and conduct lobbying and advocacy work to effect change and influence public opinion. We support efforts to ensure that people have access to independent voices to inform discussions and public debate.

Civil Rights Defenders has been operating in Serbia and the Western Balkans for over 20 years. Over the course of these two decades, we have worked with hundreds of media outlets, human rights defenders, and organisations in Serbia. Based on this tradition, today we strengthen established partnerships with around a dozen human rights groups and civil society organisations with a clear human rights mandate.



Stora Nygatan 26
111 27 Stockholm, Sweden
Phone: +46 8 545 277 30
info@civilrightsdefenders.org
civilrightsdefenders.org