

**Co- Rapporteurs Pedro Agramunt Font de Mora and Joseph Debono Grech**

Committee on the Honouring of Obligations and Commitments  
by Member States of the Council of Europe  
Parliamentary Assembly of the Council of Europe

**AMNESTY  
INTERNATIONAL**



**European Institutions Office**

Our Ref: B1412

Brussels, 31 January 2013

Dear Co-Rapporteurs,

Amnesty International is concerned about the recent arrests of peaceful protesters in Baku on Saturday 26 January, in the aftermath of the Parliamentary Assembly of the Council of Europe's discussion on Azerbaijan.

Last week, the Assembly failed to pass a resolution on political prisoners calling on Azerbaijan to cease arresting and prosecuting peaceful protesters. Only three days later, 80 peaceful protesters were detained, 30 charged, and five sentenced to prison following a peaceful protest in Baku on Saturday 26 January. The demonstration was a peaceful gathering of more than 200 people in three separate locations in central Baku to protest against the authorities' violent dispersal of another, larger protest in the northern city of Ismayili on 23 January.

Unfair court hearings, lasting just minutes and using court-appointed lawyers, were held after the 26 January arrests, and 25 activists, including three people Amnesty International had previously declared to be prisoners of conscience, were fined between AZN 300 and 2500 (US\$383 and \$3,186). Five other activists were given prison sentences for their role in the protest, 15 days for blogger and former prisoner of conscience Emin Milli, and 13 days each for Abulfaz Gurbanli, Rufat Abdullayev, Turkel Alisoy and Turkel Azerturk. Among those arrested and put on trial was Khadija Ismayilova, a prominent independent journalist who was recently blackmailed and targeted in a smear campaign after reporting on presidential corruption.

We are also concerned at reports that several people arrested in relation to the unrest in Ismayili have been tortured and ill-treated in custody. We are calling for an immediate, impartial and effective investigation into any such complaints. We are also asking the Azerbaijani authorities to overturn the sentences of all those fined and sentenced in Baku for taking part in Saturday's peaceful protest.

The issue of politically-motivated arrests and prosecutions is far from being resolved in Azerbaijan, as these events and in particular the prosecution of the 30 individuals demonstrate. In your address of 23 January to the Assembly as co-Rapporteurs responsible for monitoring Azerbaijan's obligations to the Council, you opposed the resolution on political prisoners proposed by PACE member Christoph Strässer, indicating that you would address the problem through your own work.

Having taken on this responsibility, and in particular in line with paragraphs 14 and 18.4 of Resolution 1917 (2013) on the Honouring of obligations and commitments by Azerbaijan, Amnesty International urges you to immediately intervene to ensure the sentences of those imprisoned or fined for taking part in Saturday's protest are overturned. In line with the Resolution, we also urge you to address the authorities on the serious allegations of torture and ill-treatment in custody, the continuing harassment and prosecution of journalists and the threats to freedom of assembly witnessed during the weekend, in line with Resolution paragraphs 18.5, 18.6 and 18.7.

Finally, I should like to clarify the position of Amnesty International in relation to the PACE discussion on political prisoners in Azerbaijan as our work has been seriously misinterpreted.

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AI Index: EUR 55/003/2013

We have never attempted to compile an exhaustive and definitive historical list of political prisoners or prisoners of conscience in Azerbaijan. We apply the term 'prisoner of conscience' only to those whose cases we have been able to examine in detail, and thereby establish beyond any reasonable doubt that they have been imprisoned **solely** for peacefully exercising their right to free expression. We cannot describe as 'prisoners of conscience' historical cases we have not been able to examine thoroughly or cases to which we have not had sufficient access. The number of people we are able to confirm as 'prisoners of conscience' should therefore be regarded as the most conservative figure, and certainly not the maximum. Amnesty International's silence on the status of any other individuals should not be understood as recognition of the absence of any real human rights concern.<sup>1</sup>

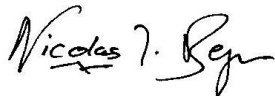
We also do not describe as 'prisoners of conscience' those who have been unfairly tried for reasons other than the expression of their ideas, those who have been charged with an offence disproportionate to the crime they have committed, or those who have been selectively prosecuted. This does not exclude the possibility that these individuals have suffered human rights violations. Their cases could therefore be examined under the Council of Europe's broader definition of 'political prisoners'.

For both reasons set out above, it is inevitable that any Council of Europe list of 'political prisoners' will be longer than Amnesty International's list of 'prisoners of conscience'.

As you know, we had been calling on the Assembly and the Committee on Legal Affairs and Human Rights to urge the immediate and unconditional release of all those who had been imprisoned solely for peacefully exercising their freedom of expression and to ensure that those imprisoned on politically motivated charges were released or given a fair trial.

We continue to raise this issue and look forward to your early response on Saturday's arrest of peaceful protesters. We should naturally be pleased to provide any further information you might require.

Yours sincerely,



Dr Nicolas J Beger  
Director

Cc:

Chair and members of the PACE Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe  
President of the Parliamentary Assembly of the Council of Europe  
Secretary General of the Council of Europe  
Commissioner for Human Rights

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<sup>1</sup>Azerbaijan: Submission to the PACE Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe in view of visit to Azerbaijan, Amnesty International, 20 November 2012 , pp3.  
<http://www.amnesty.org/en/library/asset/EUR55/022/2012/en/2686b3e9-5d93-431a-be8a-2b1b8b40ad80/eur550222012en.pdf>