

Committee on the Honouring of Obligations and Commitments
by Member States of the Council of Europe (Monitoring
Committee)
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**AMNESTY
INTERNATIONAL**



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AMNESTY INTERNATIONAL: SUBMISSION TO PACE MONITORING COMMITTEE ON RECENT DEVELOPMENTS IN AZERBAIJAN

Dear co-Rapporteurs,

In view of the Monitoring Committee meeting on 20 March in Paris which will discuss recent political developments in Azerbaijan, please find enclosed a submission by Amnesty International with information on individual cases to highlight some of our main concerns regarding arrests of government critics following unfair trials and an intensified clampdown on freedom of expression and association ahead of elections in Azerbaijan.

We should naturally be pleased to provide any further information you might require.

Yours sincerely,

Dr Nicolas J Beger
Director

Cc: Members of the Monitoring Committee

AMNESTY INTERNATIONAL: SUBMISSION TO PACE COMMITTEE ON THE HONOURING OF OBLIGATIONS AND COMMITMENTS BY MEMBER STATES OF THE COUNCIL OF EUROPE ON HUMAN RIGHTS IN AZERBAIJAN

The following submission provides information on individual cases to highlight some of Amnesty International's main concerns regarding violations of freedom of expression and assembly and the imprisonment of journalists and human rights defenders on trumped-up charges and following unfair trials in Azerbaijan. Amnesty International is concerned that the violent clampdown against all forms of freedom of expression has intensified in Azerbaijan ahead of presidential elections in October this year.

Freedom of assembly

The start of the election year has seen the already limited space for public assembly or expression in Azerbaijan even further reduced. The authorities have clamped down on all critical peaceful protest rallies whether or not they are sanctioned, beating and arresting peaceful demonstrators. The ban on protesting in the city centre which has been in place since 2006 has remained in force. In January a new law increased the maximum punishment for those organising and participating in "unauthorised" or "banned" protests to up to three years in prison and a fine of US\$10,000.

- On 10 March, a peaceful demonstration in Baku, Azerbaijan's capital, was broken up by police with rubber bullets and water cannon. Reportedly, about a thousand people took part in the protest and 90 were arrested, roughed up, loaded onto police buses and detained. Several demonstrators were injured by police batons, some during arrest and others while in custody. One demonstrator had his jaw dislocated after being hit in the face by a police helmet. Three of the protest organisers were arrested before the demonstration on 8 March, with the police claiming to have found drugs in their homes
- On 26 January, scores of activists were detained and five sentenced to prison following a peaceful protest in Baku. The protest began as a peaceful gathering of more than 200 people in three separate locations in central Baku, to demonstrate against the authorities' violent dispersal of another, larger protest in the northern city of Ismayili the previous week. Police arrested about 80 peaceful protesters, 30 of whom were then charged. Unfair court hearings, lasting just minutes and using court-appointed lawyers, were held after arrests, and 25 activists, including three people Amnesty International had previously declared prisoners of conscience, were handed heavy fines of AZN 300 to 2,500 (US\$383 and \$3,186). A further five activists were given prison sentences for their role in the protest, five days for blogger and former prisoner of conscience Emin Milli, and 13 days each for Abulfaz Gurbanli, Rufat Abdullayev, Turkel Alisoy and Turkel Azerturk

Freedom of expression

The Azerbaijani authorities have also intensified their clampdown on any type of public expression or protest or dissent whether by individuals, opposition leaders or civil society activists.

Civil society activists harassed and arrested

- From 8 to 15 March, Azerbaijani authorities arrested five youth activists allegedly in relation to peaceful protests in Baku on 10 March. Mahammad Azizov, Bakhtiyar Guliyev, Shahin Novruzlu and Ilkin Rustamzade were detained in a sting operation ahead of the demonstration. Rashad Hasanov was detained following the protests on 15 March. Police claim to have found drugs and incendiary devices in their homes. A court in Baku has sentenced them to three months' pre-trial detention on charges of possessing illegal weapons.

The families of three of the activists maintain that the drugs and incendiary devices were planted by plain-clothes police during the search. When searching the house of Bakhtiar

Guliyev at 8.00 pm on 8 March, the police showed neither identification nor a court order granting a search warrant. In the case of Mahammad Azizov, the police reportedly only found a paper bundle containing drugs when they searched the room a second time. As the search continued, the officers claimed to have found a box in the yard of the house, beside the front door, which contained several glass bottles filled with fuel. The family said this box had not been there before the police arrived.

Turgut Gambar, head of the NIDA youth movement, which is fiercely critical of the government and expressly dedicated to non-violence, told Amnesty International that the activists while in detention were denied access to lawyers of their choice. They were reportedly questioned in the presence of state-appointed lawyers, after which three of them appeared on state television reading prepared confessions, prompting fears that the confessions may have been extracted under duress or ill-treatment. Asabali Mustafaev, the lawyer initially contracted to represent Mahammad Azizov at his own request, was later told that Mahammad could no longer accept his services. If convicted, the activists face long prison sentences.

Amnesty International believes the charges have been fabricated in retaliation for their role in organising the 10 March protest and for their membership in the NIDA youth movement. Mahammad Azizov and Bakhtiyar Guliyev had also founded a Facebook page with regular satirical comments about late President Heydar Aliyev, father of the current president.

The Azerbaijani Government has routinely used trumped-up charges to silence critics in the country.

On 27 February the Azerbaijani authorities jailed singer Said Aliyev on charges of resisting police, shortly after he posted a music video on YouTube in December 2012, criticising traffic police for demanding bribes. On 27 February, he was summoned to Baku's traffic police department allegedly in connection with a traffic accident investigation. On his way out, he was reportedly hit on the shoulder by an unknown man. The man, who turned out to be a police officer, alleged that Said Aliyev had bumped into him intentionally. The same day Said Aliyev was charged with starting a fight and resisting a police officer and was sentenced to ten days' administrative detention by the Baku court.

According to his family, Said Aliyev was taken to the Nasimi district police office, where he was questioned in the absence of a lawyer and subjected to threats and insults by police. He reportedly called his brother on 28 February and asked him to remove the music video from the internet; otherwise he would face criminal charges. His family was only told where he was the following day, when he was transferred to the Binagadi temporary detention centre in Baku.

Amnesty International believes the timing of Said Aliyev's arrest, shortly after the publication of the critical video as well as the questionable nature of the charges, suggests that his arrest was retaliation against his critical music video on Azerbaijani traffic police.

Opposition activist harassed and arrested

The start of the presidential election year was also accompanied by reports of opposition party leaders and presidential candidates being attacked, beaten and arrested on seemingly politically motivated charges:

- On 4 February, presidential candidate Ilgar Mammadov and opposition activist Tofiq Yagublu were arrested for inciting violent protests and remanded in custody for two months pending trial at a closed hearing. The two activists travelled to Ismayli on 24 January, a day after the riots erupted, to monitor and report on the situation. Both opposition leaders have been charged with organising and participating in "mass disorder" and "violently resisting police", charges which together could carry prison sentences of up to ten years. According to their lawyers, no evidence has been presented to prove that the accused have committed a crime or incited others to do so. Amnesty International believes the case has all the hallmarks of a politically motivated prosecution, with trumped-up charges of organising rioting in

Ismayili. Neither man has a history of violence and both are well-known critics of President Ilham Aliiev

- On 14 March, Sabir Veliyev, leader of the opposition Musavat party branch in Azerbaijan's Naxcivan Autonomous Republic was attacked and severely beaten by an unidentified man, shortly after he was elected as head of the party in Naxcivan. According to media reports, he was taken to Babak district clinic where doctors diagnosed concussion, skull injuries, and bruises
- On 13 January, presidential candidate Isa Gambar from the opposition Musavat party, was on his way to campaign in the city of Lenkoran, when ten vehicles attempted to block his convoy at the city's entrance. A crowd of more than 100 people then pelted the candidate's convoy with rocks and eggs taken from nearby trucks, smashing the car windows. Nine people in Isa Gambar's entourage were injured, including several who were punched and kicked, and Musavat party deputy leader Gulagha Aslanli, whose foot was run over by a car. Nearby police officers failed to intervene

Journalists harassed and arrested

Journalists continue to be arrested on spurious charges. In the first months of 2013, Azerbaijani authorities imprisoned three journalists following unfair trials. Several journalists also remain in prison on spurious charges from previous years:

- On 12 March a Baku serious crimes court found **Avaz Zeynalli**, editor of the Khural newspaper, guilty of bribery, extortion by threats, failure to implement a court decision and tax evasion. He was arrested on charges of blackmail and extortion on 28 October 2011 and has remained in detention ever since

The trial of Avaz Zeynalli was deeply flawed. His lawyer told Amnesty International that the entire process from arrest to trial was marred by serious violations. Zeynalli was arrested by men in plainclothes who reportedly did not identify themselves and bundled him into a car without explanation. He was not granted access to a lawyer of his choice during questioning at the anti-corruption department of the General Prosecutor's office. Throughout the trial, the defence was denied access to key evidence, such as the original recording in which Avaz Zeynalli is alleged to have demanded a bribe, and were prevented from cross-examining key witnesses

Amnesty International believes Zeynalli's prosecution and conviction were politically motivated. He has regularly criticised pervasive corruption in the country and President Ilham Aliyev's clampdown on independent journalists and opposition activists. Before criminal charges were brought against him, he had already faced an array of retaliatory measures from the authorities to silence his critical reporting, including confiscation of the newspaper's property and stopping his newspaper from being printed. Amnesty International is calling on the Azerbaijani authorities to ensure a prompt and fair retrial after a fresh and impartial investigation into the charges

- On 15 March the Khachmaz regional court sentenced executive director of the Guba TV channel Khayal TV, **Vugar Gonagov**, and chief editor of the channel, **Zaur Guliyev**, to three years' suspended sentence. During the suspended sentence the journalists will be under regular police surveillance and are prohibited from leaving the country

Zaur Guliyev and Vugar Gonagov were arrested on 13 March 2012 and charged with "organising social disorder" and "abuse of authority" after they exposed the Guba regional governor, Rauf Habibov, for verbally abusing his constituents. The charges related to riots that broke out in Guba on 1 March, 2012 after a video of the governor accusing his constituents of selling their motherland was posted online. While in detention the journalists were held incommunicado for over two weeks and denied access to a lawyer of their choice

The Khayal TV journalists were reportedly accused of having edited the speech footage to present the insulting references "out of context", thus inciting anger and the rioting on 1

March. Amnesty International has seen the video. There is nothing in it which suggests that the footage is edited or commentated on in any way that would make the speech more inflammatory than it actually was. Allegations that by editing the video the two journalists have organised mass disorder are groundless, as neither intended to incite others to violent acts or took part in the riots. Amnesty International also considers the charge of abuse of authority groundless, as the two journalists are employees of an independent TV station and do not hold any public position. Amnesty International therefore calls for the charges against Zaur Guliyev and Vugar Gonagov to be dropped and their convictions overturned

Human rights defenders harassed and arrested

In addition to the harassment and arrest of activists and journalists, Azerbaijan's authorities also harass human rights defenders who work on critical issues under questionable charges and unfair trials:

- On 27 February, a Baku court sentenced lawyer **Bakhtiar Mammadov** to eight years in prison for charges that appear to be in relation to his work as a human rights defender. Bakhtiar Mammadov was arrested on 30 December 2011 on charges of extortion through the use of violence under Article 182.3 of the criminal code. The investigation alleged that he attempted to extort AZN 18,000 (about€18,000) from a high-ranking navy official by threatening to disclose documents incriminating him in the misappropriation of funds allocated for compensating families evicted from Baku's central square

Mammadov was representing families affected by the forced evictions, to seek compensation and legally challenge the decision to demolish their homes. He had claimed that families affected by the demolitions were denied appropriate compensation due to corruption and misappropriation by navy officials

His lawyer, Anar Gasimli, told Amnesty International that Mammadov was convicted solely on the basis of witness testimonies, and that the prosecution failed to present any other supporting evidence. The naval officer whom Mammadov allegedly attempted to blackmail testified that he had never met or known the defendant. Instead, the complaint was filed by third parties, delegates of the navy official who claimed Mammadov had demanded a bribe. Failing to pursue supporting evidence on extortion charges, the prosecution then re-opened the investigation into the fraud charges

Mammadov was previously convicted on unrelated fraud charges in 2010 and was handed a seven-and-a-half-year suspended sentence. However, the conditions of this sentence stipulated that any new criminal charges could reinstate the original prison term. The fraud charges were re-introduced, despite plaintiffs testifying in court that they had been compensated for the damage and had no further complaints against Mammadov.

Bakhtiar Mammadov was held in pre-trial detention for 14 months pending his trial. On 27 February, the court found him guilty of extortion and fraud and sentenced him to eight years in prison, combining the two sentences.

Amnesty International believes the charges against Bakhtiar Mammadov are politically motivated and calls for prompt and impartial investigation and retrial.

Two other human rights defenders remain in prison on seemingly trumped-up charges:

- Human rights defender Hilal Mamedov, editor of a minority language newspaper *Tolyshi sado* (The Voice of Talysh) is currently on trial. He was arrested on 21 June 2012 on spurious drugs charges. The next day a Baku court ordered him to spend three months under pre-trial detention. On 3 July 2012 charges of treason and inciting religious and national hatred were also brought against him. Amnesty International believes his arrest was motivated by the Azerbaijani authorities' desire to silence his critical reporting and work as a Talish minority rights advocate
- On 12 September 2012, Ilham Amiraslanov, a human rights defender, was sentenced to two years' imprisonment on spurious charges of weapons possession after he started investigating appropriation of aid funds by local authorities allocated for the victims of flooding