



To: Members of the Committee on Legal Affairs and Human Rights,
Parliamentary Assembly of the Council of Europe

22 June 2012

Dear Members of the Committee on Legal Affairs and Human Rights,

OPEN LETTER

POLITICAL PRISONERS IN AZERBAIJAN

We understand that the Committee on Legal Affairs and Human Rights is due to review the findings by Rapporteur Christoph Strässer on the follow-up to the issue of political prisoners in Azerbaijan, on Tuesday, June 26. We are a group of organisations which are deeply concerned by the continued imprisonment of people in Azerbaijan for exercising their right to freedom of expression. We believe that Mr Strässer's report could not be more timely, and we urge the Committee to give it the full attention it deserves. Although the Azerbaijani Government denied Mr Strässer access to the country, his report addresses crucial issues of fundamental importance to the Committee's mandate.

We call on the Parliamentary Assembly of the Council of Europe (PACE) and the Committee on Legal Affairs and Human Rights to urge the immediate and unconditional release of those who have been imprisoned solely for peacefully exercising their freedom of expression and to ensure that those imprisoned on politically motivated charges are released or given a fair trial.

We are concerned that Azerbaijan, despite its obligations as a member state of the Council of Europe and a state party to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), has consistently failed to comply with its obligations to respect the rights to liberty, fair trial, freedom of expression and assembly.

We are particularly concerned about the continued harassment and imprisonment of those who voice opinions which criticise the authorities, including:

- Recent harassment of activists who took part in protests around the Eurovision contest in Baku in May this year and criminal charges brought against the pro-democracy activist Mehman Huseynov in retaliation for his journalism and campaigning activities
- Denial of the right to a fair trial for those imprisoned following politically motivated trials - in several cases documented by the undersigned organisations, the individuals were sentenced following unfair trials, with no appropriate evidence, procedural or due process safeguards

We are further concerned with Azerbaijan's failure to cooperate with Rapporteur Christoph Strässer who was repeatedly denied access to visit the country to fulfil his mandate.

We call on you as a member of this Committee to:

- Ensure that Mr. Strässer's report on the follow-up to the issue of political prisoners in Azerbaijan receives the full attention it merits during the forthcoming Committee meeting
- Ensure that the Committee and Assembly are allowed independently and effectively to fulfil their human rights monitoring role and demand that Azerbaijan respects its obligations as a Council of Europe member state, particularly on the issue of political prisoners in Azerbaijan of which the Committee on Legal Affairs and Human Rights is charged
- Demand the immediate and unconditional release of those imprisoned on politically motivated charges without a fair trial
- Condemn the continuing clampdown on freedom of expression and demand that the Azerbaijani authorities end the harassment, intimidation, arbitrary detention and criminal prosecution of those who legitimately exercise their right to freedom of expression
- Ensure the Committee's unequivocal support for the mandate of the PACE Rapporteur on Political Prisoners in Azerbaijan in discharging his functions. This includes demanding that the Azerbaijani authorities cooperate with the Rapporteur, demanding that these authorities facilitate an effective visit for the Rapporteur so he can fulfil his mandate; and by condemning the authorities' refusal to grant him access to date
- Refuse dilatory measures, such as questioning or rejecting the well-established definition of political prisoners by the Secretary General's Independent Experts Stefan Trechsel and Evert Alkema, confirmed also by the European Court of Human Rights case law, as such measures would only serve to further derail the much-needed consideration of the substantive human rights issue at the center of the attention of the Committee

On 26 June, the Committee on Legal Affairs and Human Rights should ensure a substantive discussion and continuation of the Assembly's work to secure the release and fair trial of all those who are illegally detained in Azerbaijan. Too many excuses and dilatory measures have hindered the Assembly's action on this issue to date. Hanging in the balance are those who are being denied their rights to liberty, fair trial and freedom of expression.

As a member of an Assembly which represents the people of Europe and has proved principled in addressing serious human rights violations, you have every reason to be part of the much needed solution for Azerbaijan's political prisoners.

Yours faithfully,

Nicolas Beger, Director, European Institutions Office, Amnesty International

Courtney C. Radsch, Senior Manager, Freedom House

Maran Turner, Executive Director, Freedom Now

Maria Dahle, Executive Director, Human Rights House Foundation

Hugh Williamson, Europe and Central Asia Deputy Director, Human Rights Watch

Kirsty Hughes, CEO of Index on Censorship

Cc:

President of the Parliamentary Assembly
Secretary General of the Council of Europe
Commissioner for Human Rights
Chair of the Committee on Legal Affairs and Human Rights
Rapporteur on Political Prisoners in Azerbaijan
Co-rapporteurs of the Monitoring Committee on Azerbaijan
Permanent Representations to the Council of Europe