

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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AZERBAIJAN AUTHORITIES MUST RELEASE TALYSH ACTIVISTS

Amnesty International is concerned that Talysh minority rights activist, Fakhraddin Abbasov, and ethnic Talysh blogger, Elvin Isayev, have been incarcerated because of their activism and criticism of the Azerbaijani authorities. They are victims of politically motivated prosecution and are at risk of torture or other ill-treatment. They should be released immediately.

Fakhraddin Abbasov is 63 and has hypertension and a chronic heart condition, which also puts him at a higher risk from COVID-19. Cases of COVID-19 have been confirmed among inmates in Azerbaijan.

Azerbaijan's government has stepped up its reprisals against its critics as part of its ongoing crackdown on dissent. It has, among other things, used the pretext of the COVID-19 pandemic to arrest and subject individuals to administrative detention for purportedly violating the quarantine measures. While these and other abusive measures unleashed in response to COVID-19 have dominated much of the attention of national and international human rights community, less attention has been paid to minorities and vulnerable groups who are recent or long-time victims of Azerbaijani government repression. Among them are Talysh ethnic minority activists.

Fakhraddin Abbasov

Fakhraddin Abbasov, a prominent historian and Talysh minority rights activist, was sentenced to 16 years of imprisonment on 14 February 2020. On 14 July 2018, the Baku Court of Grave Crimes found him guilty under Article 274 of the Criminal Code of Azerbaijan (treason), Article 281.3 (calls to insurrection) and Article 283.1 (incitement of ethnic hatred). The court decision referred to his publications expressing his political opinion and advocating an independent Talysh state as evidence of his purported crimes. The ruling cited his publications and interviews as well as political programs and talks he hosted at the internet-based Talysh National Television channel when he resided in Russia. However, none of these materials, as listed in the court decision and which Amnesty International has reviewed, provide evidence of any recognizable offence in line with international law and standards, or contain any calls to acts of violence. Calls for secession of territory is protected speech under international law, and Fakhraddin Abbasov was exercising his right to freedom of expression when advocating his vision for an independent Talysh state.

The ongoing persecution of Fakhraddin Abbasov is linked to his peaceful political activism. On 7 August 1993 he was elected chairperson of the parliament of the short-lived, self-proclaimed Talysh-Mugan Autonomous Republic. Following the dissolution of the Republic by the Azerbaijani authorities on 27 August 1993 and the arrest and prosecution of 30 of its activists, he went into exile in Russia in 1994. He remained in Russia until 2005 when he returned to Azerbaijan. He had to flee the country again in October 2008, after the government began arbitrarily arresting and imprisoning civil society activists as part of its wider crackdown on political dissent. From then on, he lived in Russia and continued his work to support the idea of Talysh independence and conducted educational and academic work to promote Talysh minority rights.

Fakhraddin Abbasov received temporary asylum in Russia from June 2011 to June 2014. On 26 February 2014, he received a residence permit in Russian Federation valid until 26 February 2019. On 14 July 2018, the Azerbaijani authorities opened a criminal case against him in absentia and requested his extradition to Azerbaijan. On 6 September 2018 he was arrested in Russia as per the extradition request and remanded in detention. While in detention he applied for asylum, however his application was rejected by the Russian authorities on the grounds that that he already had a residence permit in the Russian Federation. On 28 February 2019 he was forcibly returned to Azerbaijan.¹ He was

¹ Amnesty International's submission to the Council of Europe Committee of Ministers. *Garabayev v. Russian Federation* (no.38411/02) group of cases. 6 March 2019. EUR 04/9985/2019. See: <https://www.amnesty.org/download/Documents/EURO499852019ENGLISH.pdf>

arrested upon arrival in Baku and remanded in custody. He has suffered numerous violations of his rights in detention, including being held incommunicado between 12 March and 4 May 2020.

Elvin Isayev

Another activist of ethnic Talysh origin exiled in Russia, the pro-opposition blogger Elvin Isayev, was on 22 August 2019 charged in absentia with incitement of mass violence (Article 220.2) and incitement to insurrection (Article 281.2). He was arrested in Ukraine in December 2019 and forcibly returned to Azerbaijan and remains in Kurdakhani prison. The charges against him appear baseless and relate to his public criticism of the Azerbaijani authorities regarding corruption and political repression. He has been denied a lawyer of his choice and has suffered other violations of his right to a fair trial.

Elvin Isayev had lived in Russia since 1998 and had received Russian citizenship. On 22 August 2019, the Nasimi District Court of Baku issued a warrant for his arrest on the request of the Azerbaijani Prosecutor General's Office Department for the Investigation of Grave Crimes. On 26 August 2019, Russian authorities arrested Elvin Isayev, revoked his Russian citizenship and ordered his deportation to Azerbaijan. His deportation was halted on 10 September 2019 after the European Court of Human Rights requested suspension of deportation as an interim measure (under so-called Rule 39). The same month, fearing for his safety in Russia, Elvin Isayev left for Ukraine. On 12 December 2019, a week before the state visit of the Ukrainian President to Azerbaijan, Elvin Isayev was deported to Azerbaijan for alleged violation of Ukrainian migration laws.

Amnesty International has documented a long history of persecution of government critics in Azerbaijan, including through politically motivated prosecutions, arbitrary deprivation of freedom, and the use of torture and other ill-treatment in custody. Both Fakhraddin Abbasov and Elvin Isayev are at risk of torture while they remain behind bars. Fakhraddin Abbasov is 63 and has hypertension and a chronic heart condition, which also puts him at a higher risk from COVID-19. Cases of COVID-19 have been confirmed among inmates in Azerbaijan.

Amnesty International calls on the Azerbaijani authorities to ensure Fakhraddin Abbasov and Elvin Isayev's immediate release as they are being detained because of their political activism, and without plausible evidence that they have committed any recognizable crime. The Azerbaijani authorities must also ensure that no person is subjected to torture and other ill-treatment in Azerbaijan.

BACKGROUND

The Talysh are an ethnic minority in Azerbaijan and Iran. In 1993, a group of Talysh activists, with the support of commanding officers of the locally stationed armed forces, declared a self-styled Talysh-Mughan Autonomous Republic. Following political confrontation with the central Azerbaijani authorities, and local clashes that resulted in several deaths and injuries, its leaders were arrested and prosecuted.

The Azerbaijani authorities have a history of prosecuting the Talysh people, particularly those who advocate cultural or political autonomy. In 2013, Hilal Mammadov, a former prisoner of conscience and the editor of the newspaper *Tolyshi Sado* (The Voice of the Talysh), was sentenced to five years in prison on charges of treason, incitement of ethnic hatred, and possession of drugs. The previous editor of the newspaper, Novruzali Mammadov, who had been arrested on fabricated charges of treason, died in prison in 2009.

Violation of the right to a fair trial is commonplace in Azerbaijan. Many criminal suspects and defendants, particularly those facing politically motivated prosecution, are held incommunicado for days and even weeks, denied access to a lawyer of own choice, and are subjected to torture and other ill-treatment following which their allegations are dismissed and their forced "confessions" are admitted by the judge. Numerous government critics have been prosecuted for merely exercising their rights to freedom of expression, association and peaceful assembly, and imprisoned following unfair trials under politically motivated charges, including charges of treason and calls to insurrection.

Meanwhile, Azerbaijan remains closed to human rights scrutiny. International human rights monitors, including Amnesty International delegates, have for years been consistently denied access to the country.