

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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AZERBAIJAN: END BRUTAL CRACKDOWN ON OPPOSITION ACTIVISTS

Amnesty International is concerned about the Azerbaijan authorities' brutal crackdown on the political opposition and against the rights to liberty, freedom of expression, peaceful assembly and association.

The latest wave of arrests and intimidation may lead to the extinction of the already severely fragmented independent political opposition. More than 100 individuals, mostly opposition leaders and their supporters and activists, have been detained and arrested on politically motivated charges related to a 14-15 July 2020 rally in central Baku. During the rally a small group of persons briefly entered the parliament building, reportedly causing minor damage to the building before they were removed by police. Some protestors also reportedly clashed with the police and damaged police cars during the dispersal.

This round of persecution fits squarely within an increase in politically motivated prosecutions since March 2020.¹ Under the pretext of responding to the COVID-19 pandemic President Aliyev has promised to “clean up” the country from the political opposition, referring to them as “traitors” and “the fifth column”². After the 15 July events the President publicly blamed the opposition for instigating the violence, threatening to “resolve” the issue of “the fifth column”³.

The Azerbaijani authorities must put an end to politically motivated prosecutions, harassment, intimidation and reprisals against political opponents and their supporters. All those arbitrarily detained on criminal or administrative charges solely for peacefully exercising their human rights must be immediately and unconditionally released.

DETENTION AND ILL-TREATMENT OF PROTESTORS

On 14 July 2020, following several days of military clashes near the Azerbaijan- Armenian border, thousands gathered peacefully in front of the parliament building in Baku to demand from the government a stronger military response against Armenian forces. The protests turned violent in the early morning of 15 July when a small group of protesters entered the parliament building without permission and continued their protests from inside the building.

Live video recording of the protest by independent Meydan TV media shows persons entering through open doors and continuing protesting inside the parliament hall, before security police wielding batons enter to remove the protesters. Some broken glass and a minor damage to one of the walls is also visible on the video.⁴ Following the incident, police and security forces present at the demonstration use excessive force to remove protesters, including water cannons, to disperse the crowd outside.⁵ The clashes that ensued left several protesters and journalists injured, and police officers confiscated the equipment of some journalists covering the rally.⁶ According to the Interior Ministry, seven police officers were also injured, and police cars damaged.⁷

According to reports from local monitors and eyewitnesses, police detained more than 70 people across central Baku immediately after the demonstration. Seven persons were charged with criminal offence, 46 persons were remanded

1 <https://www.amnesty.org/en/documents/eur55/2412/2020/en/>

2 <https://en.president.az/articles/36212>

3 <https://en.president.az/articles/39687>

4 <https://www.facebook.com/watch/live/?v=1160605401005593&ref=external>

5 <https://www.bbc.co.uk/news/world-europe-53415693>

6 <https://smdtaz.org/wp-content/uploads/2020/07/revised-eng-reliz.pdf>

7 <https://mia.gov.az/?/az/news/view/1474/>

in administrative detention ranging from 15 to 60 days, and the rest were released without charges after being detained for up to three days.

Sources told Amnesty International that the detained persons were held in crowded, hot, unventilated police detention rooms with limited food and water. They were also denied access to a lawyer and were not able to contact their families. Police demanded that some of the detained persons unlock their phones for examination of their personal correspondence. There were also reports of torture and other ill-treatment in detention, such as psychological pressure and beatings.⁸

Several persons who were not charged with any crimes or administrative violations were held in police stations for longer than 48 hours, in violation of Azerbaijani law. Those charged with administrative and criminal offences also remained in police detention after the remand hearings instead of being transferred to penitentiary facilities within 24 hours as required by the law.⁹

The Azerbaijani authorities have a legal obligation to ensure that detainees are held in humane detention conditions and are not subjected to torture and other ill-treatment. Given concerns about the widespread use of torture and other ill-treatment in police departments and detention centers, it is crucial that detainees are guaranteed legal counsel and the right to inform their family members about their detention and place of custody. Persons in detention not brought to trial within 48 hours as required by the law, should be released pending trial, and prolonged and incommunicado detentions are a breach of Azerbaijan's international human rights obligations.

Authorities must also ensure and guarantee the right of detainees to challenge the lawfulness of their detention and have access to lawyers of their choice. Those suspected of committing violence or illegal acts must be promptly brought to justice in line with international standards.

CLAMPDOWN ON THE OPPOSITION

In addition to the 70 persons arrested during the 14-15 July rally, the Azerbaijani authorities detained scores of activists and opposition leaders in its aftermath.

On 15 July, the Office of the Prosecutor opened a criminal case¹⁰ into the acts of violence committed during the rally, the same day that President Aliyev publicly accused the opposition Popular Front of Azerbaijan Party (PFP) of "infiltrating the masses" and "inducing people to take illegal actions."¹¹

According to local human rights monitors, at least 60 more people have been detained and arrested on charges ranging from violation of public order to resisting police. The arrests have specifically targeted the PFP. Out of at least 60 detained approximately 40 are reported to be members and supporters of the PFP, including four senior members:

Asif Yusifli and Bakhtiyar Imanov, members of the PFP Presidium (a decision-making body of the party), were arrested on 18 July and charged under the criminal code of Azerbaijan with destruction of property (Article 186.2.1), violation of public order (Article 233), and resisting police orders (Article 315). The same day, the Nasimi District Court of Baku remanded both men to three months' detention. If convicted they face up to seven years in prison.

Fuad Gakhramanli, deputy chairman of the PFP, was detained by police at his home on 23 July. **Mammad Ibrahim**, advisor to the chairman, was arrested on 26 July while bringing supplies to his own son in detention. In addition to charges of public disorder, damaging property and resisting police, the two were charged with committing acts aimed at violent seizure of power (Article 278), in connection with the 14-15 July rally. If convicted they face up to 20

⁸ Amnesty International telephone interviews with lawyers and local monitors 29-30 July. See as well: <https://smdtaz.org/wp-content/uploads/2020/07/reviced-eng-reliz.pdf>

⁹ Under the Code of Criminal Procedure of Azerbaijan, criminal suspects can be detained for up to 48 hours before being brought before a judge to authorize their continued detention on remand. If the court approves the detention pending trial, detainees must be transferred from police detention facilities to penitentiary facilities within 24 hours of their remand hearing.

¹⁰ <https://mia.gov.az/?/az/news/view/1474/>

¹¹ <https://en.president.az/articles/39687>

years of imprisonment. Fuad Garkhamanli has not been allowed to meet his lawyer since the arrest and remains incommunicado. Concerns have been raised that he may be subjected to torture and other ill-treatment.

According to a PFFA spokesperson, of the four detained presidium members, only Asif Yusifli was present at the demonstration. He protested peacefully along with thousands of other protestors, and the prosecution thus far has not presented evidence supporting any of the charges against him.

Local monitors and defense lawyers of the detained activists told Amnesty International that in most cases, party activists were charged following summary hearings where no concrete evidence was presented by the prosecution to support accusations that they committed or participated in any illegal acts or in violence.

According to local human rights defenders, most of the detained political activists and leaders remain incommunicado, without access to the lawyer of their choice, putting them at high risk of torture and other ill-treatment. On 31 July, Parliamentary Assembly of Council of Europe (PACE) rapporteurs stated they were “alarmed by claims that detainees were tortured into giving false testimony about a purported coup d’état.”¹². Amnesty International has previously documented opposition activists being prosecuted under politically motivated charges connected with seizure of power or organizing and taking part in “public disorder”. They have been penalized for participating in peaceful public gatherings, and unjustly prosecuted for the alleged criminal actions of others.

BACKGROUND

On July 14, following the latest escalations on the border between Azerbaijan and Armenia, thousands from the capital Baku and surrounding areas marched to the parliament building and called for a stronger military response. The protests were sparked by death of several Azerbaijani soldiers during several days of fighting on the border.

Azerbaijan and its neighbor Armenia are deadlocked in a peace process over the breakaway region of Nagorno-Karabakh after a deadly post-Soviet war in the early 1990s that killed 30,000 people and left almost one million displaced.

¹² <https://pace.coe.int/en/news/7971/rapporteurs-respond-to-reports-of-mass-arrests-of-demonstrators-in-azerbaijan>