

# AMNESTY INTERNATIONAL

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### “Revolving doors”: The ongoing persecution of government critics in Azerbaijan

#### Introduction

In recent years, the government of Azerbaijan has invested heavily in prestigious international events to burnish its image, including opening its doors to high-profile international sporting events. The Baku Grand Prix taking place in June this year is just the latest international road-show to roll into town. At the same time, the country remains closed to human rights scrutiny. International human rights monitors, including Amnesty International, denied access to, and deported from, the country. At home, government critics continue to risk imprisonment on fabricated charges and expose their relatives to reprisals.<sup>1</sup>

A round of releases of high profile political prisoners earlier this year – including 12 recognised by Amnesty International as prisoners of conscience – was undoubtedly a welcome development. But it should not be mistaken as indicator of a serious change of heart by the Azerbaijani government or an upturn in the fortunes of Azerbaijan’s beleaguered NGO community. Those released remain effectively muzzled – their bank accounts frozen and their office’s sealed. New detainees have taken their places in Azerbaijan’s jails. This briefing documents just some of these cases.

At least 14 individuals currently behind bars are recognised by Amnesty International as prisoners of conscience, detained solely for the peaceful exercise of their rights. Amnesty International has never compiled an exhaustive list of prisoners of conscience in Azerbaijan; as ever, it includes only those whose cases it has been able to document in sufficient detail. This figure is merely the tip of the iceberg of those who have become victims of politically motivated prosecutions as a result of their activism or public criticism of the authorities. Local human rights activists estimate that more than 70 persons remain imprisoned in Azerbaijan on politically motivated charges.<sup>2</sup>

#### Recently released prisoners of conscience: “pardoned but not free”

*“Not only did we lose the office, staff and projects we were working on, but also the credibility and trust of people we work with. How can we defend them when we could not defend ourselves from arbitrary closures, unfair persecution fines and arrests?”* An Azerbaijani human rights defender who requested to remain anonymous for fear of reprisals.<sup>3</sup>

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<sup>1</sup> The information in this briefing was compiled on the basis of meetings with Azerbaijani human rights defenders, lawyers and activists in neighbouring Georgia in April 2016. Additional information was obtained via communications with sources in Azerbaijan. Several individuals interviewed expressed concern for their and their relatives’ security and asked to remain anonymous. Given the pattern of reprisals against critics of the government, their names and other identifying details have not been included in this report. The Azerbaijani authorities declined requests for meetings.

<sup>2</sup> *The list of political prisoners in Azerbaijan*. Last updated following the presidential pardon decree of 17 March 2016. Available at: <http://nopoliticalprisoners.org/politicalprisonersaz.PDF>.

<sup>3</sup> AI interview with Azeri NGO representative, Tbilisi, 12 April, 2016. The interviewee requested to remain anonymous.

Azerbaijan's civil society remains largely paralyzed following the closure of its most prominent NGOs and the arrest and release of many of their leaders. At the time of writing the offices of Legal Education Society, the Lawyers' Association of Azerbaijan, the Institute for Reporters' Freedom and Safety, the Democracy and Human Rights Resource Centre, and the Election Monitoring and Democracy Studies Centre, remain closed. The few NGOs that are still functioning have toned down their criticism of the government on human rights violations, and largely avoiding work on politically sensitive issues.

Many of the criminal cases opened in 2014-15 against NGO leaders for tax evasion and fraud remain open or suspended, despite their release. Those convicted have not seen their convictions quashed. As a result, their organisation's accounts remain frozen and their registration revoked or denied. They are not allowed to seek, receive or operate funds, or conduct their legitimate activities. Many are also banned from traveling abroad to meet their counterparts or take part in regional and international events shedding light on human rights abuses in Azerbaijan. As one of the recently released human rights defender Intigam Aliyev put it they are "pardoned but not free".

Intigam Aliyev, a prominent human rights lawyer, was sentenced to seven and a half years in prison on trumped-up charges of illegal entrepreneurship, abuse of power, fraud and tax evasion in connection with his human rights work. On 28 March 2016, after he had served more than one and a half years behind bars, Azerbaijan's Supreme Court changed his prison sentence to a five-year suspended sentence. While he has been released, he remains under travel restrictions and is unable to travel abroad without a special permission. His conviction has not been quashed.

Over the last two decades, Intigam Aliyev has trained an entire generation of human rights defenders in Azerbaijan and helped hundreds of victims of human rights violations to take their grievances to the European Court of Human Rights (ECHR). Now he is unable to practise his profession and carry out his legitimate work in the defence of human rights, as the restrictions placed on him as part of his conditional release also prohibit him from exercising any public function for three years.

The NGO chaired by Intigam Aliyev – the Legal Education Society (LES) – that provided legal support and representation to numerous victims of human rights violations remains closed following the criminal investigation initiated against it in August 2014. The authorities have not yet returned the equipment and documentation seized following Intigam Aliyev's arrest in August 2014, including legal case materials, compromising lawyer-client confidentiality and preventing continuing litigation on those cases. The criminal investigation into LES has been suspended but has not been closed. LES has been issued with a fine of a total amount of AZN 66,000 (roughly US\$ 45,000) fine for alleged financial irregularities, while Intigam Aliyev's personal and NGO bank accounts remain frozen and his office sealed.

Other human rights defenders and activists who have been released find themselves under similar restrictions.

Rasul Jafarov is a human rights defender who was imprisoned in retaliation for his campaign drawing international attention to human rights abuses in Azerbaijan during the 2012 Eurovision song contest. Rasul Jafarov spent more than a year behind bars on similar trumped up-charges of financial irregularities as Intigam Aliyev. He was released on 17 March 2016 following a presidential pardon decree. The very same day, the European Court of Human Rights ruled that his detention had been arbitrary and that its actual purpose had been to silence and punish him for his activities as a human rights defender. Rasul Jafarov's conviction has not been quashed,

however. His bank accounts remain frozen. His NGO Sport for Rights remains without registration, after the authorities repeatedly rejected his application on arbitrarily grounds.

The denial of registration and the freezing of his accounts mean that he is prevented from raising any funding for his NGO work. Meanwhile, following his arrests Rasul Jafarov has been issued with AZN 10,000 (roughly US\$ 5,000) fine for alleged failure to pay taxes and for running an unregistered NGO.

Anar Mammadli, another prominent human rights defender, was released after spending more than two years behind bars. Like others he was convicted on baseless charges of fraud and tax evasion in retaliation for exposing electoral fraud.

His NGO – Election Monitoring and Democracy Studies Center (EMDS) – was a leading national watchdog until its registration was arbitrarily denied shortly after it issued critical reports documenting widespread fraud and violations of electoral law during the October 2013 Presidential Election came under investigation.

The EDMS remains without registration and Anar Mammadli still faces A AZN 27,000 (roughly US\$ 13,000) fine for failure to pay taxes and his bank accounts remain frozen.

Journalist Khadija Ismayilova, the former head of Radio Free Europe's Azerbaijan bureau famous for investigating high-level corruption in Azerbaijan, was released on 25 May 2016 after spending a year and a half behind bars. She was sentenced to seven and a half years imprisonment in September 2015 under trumped-up charges of embezzlement, illegal entrepreneurship, tax evasion and abuse of office connected with her journalistic work. The Supreme Court changed her sentence to a suspended term of three and a half years on appeal, but did not quash her conviction. She is also subject to a five-year travel ban and prohibited from holding public office. She has vowed to continue her journalistic work. However, the Radio Free Europe bureau in Baku where she used to work has since been closed, after it was raided, searched and sealed indefinitely by the authorities in December 2014.

The threat of fresh charges continues to hang heavy over those that continue to speak out publicly, as the experiences of Tofiq Yaqublu since his release shows. Tofiq Yaqublu, a journalist and an opposition figure, was arrested on 4 February 2013, on trumped up charges of inciting violence after he reported on anti-government riots. He was released on 17 March 2016, after spending more than three years behind bars. His convictions have not been quashed, despite an ECHR ruling in 2015 that concluded he was deprived of his liberty in the absence of a reasonable suspicion of the commission of a criminal offense.<sup>4</sup>

Since his release, Tofiq Yaqublu has already been called in for questioning and interrogation at the Prosecutor General's Office. Following a series of critical interviews and posts on social media, in which he blamed President Ilham Aliyev for orchestrating a campaign of political imprisonments,<sup>5</sup> Tofiq Yaqublu was questioned on 15 April this year. He reported that the Prosecutor General's Office warned him against disseminating "libellous statements" on social media and informed him

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4 Case of Yagublu v. Azerbaijan. (application no. 31709/13) [http://hudoc.echr.coe.int/eng?i=001-158506#{"itemid":\["001-158506"\]}](http://hudoc.echr.coe.int/eng?i=001-158506#{)

5 Freed Opposition Leader Says Azerbaijan's President Orchestrates Imprisonments. <http://www.rferl.org/content/azerbaijan-yagublu-aliyev-orchestrates-imprisonments/27646541.html>

that he could face criminal charges for inciting national, racial or religious hatred.<sup>6</sup> Following these warnings, on 19 May 2016, he was detained at a border check point and prevented from leaving the country, despite having received an official notification from the Prosecutor General's Office that his travel ban had been lifted.

### The persecution of online critics

Having effectively repressed free expression in virtually every public sphere, the authorities are now tightening their grip over the online space. Internet-based publications and social media, especially Facebook, are closely monitored; those who use them to express critical political views risk arrest. Not content with decapitating organised civil society, the long-arm of the Azerbaijani state is now reaching deep into social media and targeting independent voices before they attract too large a following.

Penalties imposed on online critics have ranged from short-term administrative detention to prosecution for serious crimes under false charges. The severity of the penalty appears to depend on how steadfast the “culprit” is in resisting the authorities’ demands. Arrest and “administrative detention” under non-criminal charges – usually for purportedly “resisting police” – appear to be used as a warning and a first “soft” reprimand for young bloggers disseminating online information critical of the government.

On 23 January 2016, 20 year-old university student Khalid Khanlarov was called in for questioning by the Prosecutor’s Office in connection with a Facebook page he had set up. Before the arrest, Khalid Khanlarov and a friend had created a Facebook page “Ditdili” (“Mosquito” in Azeri) that satirized the government and its policies. It had become popular in Azerbaijan and had several thousand followers. Khalid Khanlarov told Amnesty International he was interrogated about the content of the page as well as the identity of page administrators. After he refused to give the names, he was taken to the police station. He was accused of “resisting police”, and sentenced to 25 days of administrative detention.

According to Khalid Khanlarov, he was threatened and beaten for two days while in detention, before he agreed to reveal the names of the administrators of the Facebook page and promised to refrain from similar activities in the future. His defence lawyer was prevented from visiting him in prison for over a week. He was released on 2 February upon completion of his administrative sentence. Despite his and his lawyer’s demands, no investigation has been carried out into allegations of forced confessions obtained as a result of ill-treatment and the denial of access to his legal representative in detention.

Other online activists have faced more serious, criminal charges, typically drug-related. Allegations of torture and ill-treatment while in police custody are common and highly credible.

On 8 January 2015, police arrested a young blogger and opposition Popular Party activist Elvin Abdullayev. According to his mother, he was apprehended by the police in Baku when walking home after university exams. After being questioned about his political activism and Facebook posts for several hours, he was searched at the same police station where three grams of heroin were allegedly found on him. He was prevented from meeting with his family and lawyer for two days while being pressured to sign a “confession”. According to his mother, while in

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<sup>6</sup> Кавказский Узел. Прокуратура Азербайджана пригрозила оппозиционеру Тофигу Ягублу уголовным преследованием. 16 April 2016. Available at <http://www.kavkaz-uzel.ru/articles/280989/>

incommunicado detention, he was beaten by the police, deprived of food for three days and pressured to renounce his political convictions and stop posting critical materials on Facebook.

On 10 January 2015, he was charged with drug trafficking (Articles 234.3 and 234.4). On 1 June 2015, Baku City Court sentenced him to six years in prison. The allegations of his torture and other ill-treatment were not effectively investigated and the court denied independent forensic experts permission to visit him in the detention, despite the requests of his lawyers and family.

Prior to his arrest, Elvin Abdullayev was active on social media, where he published information and articles critical of government policies. As a student at the Azerbaijani Pedagogical University, he had also previously reported being summoned and reprimanded by the Vice Rector after he had made comments critical of the government while speaking with his fellow students. Elvin Abdullayev is a prisoner of conscience arrested in retaliation of peacefully expressing his views critical to the government online and in public.

In a more recent case, on 8 December 2015, another opposition activist was arrested for his Facebook posts. Fuad Gahramanli, leader of the opposition Popular Party, was summoned to the Prosecutor General's Office and questioned about the comments he had left on Facebook in connection with security operations launched by the government in November 2015 in Nardaran, a suburb of the capital Baku that is known as a traditional Shi'ite Muslim "stronghold".

Fuad Gahramanli wrote several posts regarding the operations during which police forces arrested the leader and several other members of Muslim Unity, a local Shi'ite group, allegedly in response to a planned terrorist attack. The clashes that ensued left seven people dead, including two police officers. In his comments on Facebook, Fuad Gahramanli called on Shia Muslims not to abandon the arrested Muslim Unity leader and to continue protests and struggle as *shahids* (reference to Muslim martyrs who have died fulfilling a religious commandment), and compared Azerbaijan's government to *yezids* (corrupt tyrants).

The prosecution alleged that by posting the above content on social media, Fuad Gahramanli had propagated religious violence and incited violent uprising against the government.<sup>7</sup> On 8 December 2015, after being questioned by the prosecutor, Fuad Gahramanli was charged in court with public incitement to overthrow the government and incitement of religious hatred (Articles 281.1 and 283.2.1 of the Criminal Code) and remanded for three months on pre-trial detention. On 15 March 2016, new charges of inciting mass disorders (Article 220.2) were added to his existing charges.

The only evidence presented by the prosecutor to support these charges against Fuad Gahramanli were his Facebook posts. The posts are critical of the government and its handling of the Nardaran incident. In several of his posts, Fuad Gahramanli uses religious metaphors and historical parallels from Shia Islamic tradition to condemn the government actions and to call for protests, however there is no direct call for violence. For example, in one of the posts, he draws parallels between Azerbaijan's government and the *yezids*. The post poses a rhetorical question as to why on the day of Ashura (that commemorates a stance for social justice against tyranny) the Shia Muslims keep silent in the face of government repressions.

Amnesty International believes that Fuad Gahramanli's posts express his views regarding the

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<sup>7</sup> Decision by the Deputy Chief of the Department on Investigation of Serious Crimes, 8 December 2015; a copy of an unofficial translation has been obtained by Amnesty International. See also: Turan News Agency, "Prosecutor's Office Finds 'Guilty' of Events in Nardaran", 9 December 2015. Available at <http://wap.contact.az/docs/2015/Politics/120800139464en.htm>.

events and the references to religious events and figures are protected under the right to freedom of expression and do not qualify as a form of incitement of hatred or violence. Fuad Gahramanli is a prisoner of conscience, held solely for the peaceful expression of his religious and political beliefs.

Fuad Gahramanli was previously targeted for his critical views and opinions. In 2011, he was arrested for participating in anti-government protests and convicted for public disorder, and sentenced to house arrest.<sup>8</sup>

In a more recent case, two young activists who engaged in both online and offline political protest have been targeted in a heavy-handed way, which appears intended to set an example for others.

Giyas Ibrahimov and Bayram Mammadov were arrested on 10 May 2016 in Baku for alleged drug possession, the day after they painted political graffiti on the former President's statue and posted pictures of their action online. According to the lawyer representing Bayram Mammadov and Giyas Ibrahimov, the Azerbaijani authorities claim that police discovered around eight grams of heroin in their possession at the time of their arrest.

The arrest happened a day after Bayram Mammadov posted a photo of the graffiti which they had painted on 9 May on a statue of Heydar Aliyev. The late Heydar Aliyev is Azerbaijan's former president and the father of the current president, Ilham Aliyev. The activists used obscene language in the graffiti as a message of political protest.

Both activists told their lawyer that the drugs had been planted on them by police, and were then "discovered" in the presence of "witnesses" who work for the police. On 12 May, the judge at Khatai District Court in Baku approved their pre-trial detention for four months. If convicted, the activists could face up to 12 years in prison.

During questioning by the police, Bayram Mammadov and Giyas Ibrahimov were asked questions about the graffiti, not about the drugs allegedly found on them. Police officers repeatedly demanded that the activists publicly apologize for insulting Heydar Aliyev and subjected them to beatings when they refused. They also forced the activists to clean the police station's toilets in order to humiliate them, and filmed them doing so. Their lawyer told Amnesty International that during a meeting with Bayram Mammadov and Giyas Ibrahimov on 12 May, he saw the bruises that resulted from the beatings. He published a letter written by Bayram Mammadov in which the activist described his ordeal, including severe repeated beatings and threats of rape.<sup>9</sup>

The activists have not been examined by an independent doctor and have not been allowed to contact their family members to date. The lawyer filed a complaint about their torture and other ill-treatment with the Office of the Prosecutor General of Azerbaijan. Members of the UN Working Group on Arbitrary Detention recently visited Bayram Mammadov and Giyas Ibrahimov and confirmed with the local media on 25 May 2016 that the activists had bruises on their bodies. However, the authorities have not started an investigation into their allegations of torture and other ill-treatment.

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<sup>8</sup> See Amnesty International, *The spring that never blossomed: Freedoms suppressed in Azerbaijan*, 16 November 2011, EUR 55/011/2011, page 26. Available at: [file://intsec.amnesty.org/data/users/nnozadze/Downloads/eur550112011en%20\(1\).pdf](file://intsec.amnesty.org/data/users/nnozadze/Downloads/eur550112011en%20(1).pdf)

<sup>9</sup> Meydan TV. "Youth activist Bayram Mammadov on torture in police custody", 17 May 2016. Available at: <https://www.meydan.tv/en/site/politics/14510/>

Bayram Mammadov and Giyas Ibrahimov are prisoners of conscience. The timing of their arrest, shortly after painting graffiti, the charges which are not connected with painting graffiti as well as the nature of interrogation and the torture and other ill-treatment that they were subjected to point to the conclusion that the drug-related charges against them were fabricated in order to punish them for their political activities.<sup>10</sup>

### Harassment and arrests of exiled government critics

*“By arresting two brothers on blatantly trumped up drugs charges, the government wanted to send a message to me and other journalists working abroad: that [you] can be outside of the country, but do not think that you are free to say what you want. It will be your family and loved ones who will pay for your actions.”* Gunel Mevlud, a journalist and writer exiled abroad.<sup>11</sup>

With a growing number of Azerbaijani activists and journalists now living and disseminating their views from abroad, a new front has opened up for the Azerbaijani authorities.

Perhaps most visibly, on 20 April 2016, the Azerbaijani authorities launched a criminal probe against Meydan TV, an internet-based independent Azeri-language media outlet which provides critical reporting on human rights, corruption and other issues. The charges include illegal entrepreneurship, large-scale tax evasion, and abuse of power; these charges were similar to the trumped up charges used to arrest and imprison prominent NGO heads and human rights defenders.

Fifteen Meydan TV journalists, some of whom report from Azerbaijan and others who work from abroad, are also under investigation. Those in Azerbaijan are currently under travel bans prohibiting them from leaving the country, and may face imprisonment if convicted for offences connected with their cooperation with Meydan TV.

While government critics in exile may themselves be beyond the reach of Azerbaijani authorities, their relatives back home are not. Amnesty International has documented several cases in which the relatives and family members of government critics abroad have been harassed and arrested in Azerbaijan on trumped-up drug charges.

Relatives of an outspoken journalist in exile, former prisoner of conscience Ganimat Zahid, have been targeted with drugs charges. Ganimat Zahid was the editor-in-chief of *Azadliq*, a major opposition newspaper, when he was imprisoned in 2007 for four years on false charges of hooliganism. He left the country on his release in 2011 to continue his critical reporting. He turned *Azadliq* into an online news outlet and set up an online television channel called *TV Azerbaijan Saat*, which broadcast to Azerbaijan via satellite.

On 20 July 2015, authorities arrested two of Ganimat Zahid’s relatives in different parts of Azerbaijan: his cousin Rovshan Zahidov was arrested in the village of Shamakhi and his nephew Rufat Zahidov was detained in Baku.

According to Rufat Zahidov’s lawyer, he was arrested while at work delivering food supplies to a local café in Baku. The police stopped his car, handcuffed him and took him to the anti-drugs police unit. While he was handcuffed in the car, they planted a plastic bag with five grams of

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<sup>10</sup> For more info please see: Amnesty International, Azerbaijan: further information: release youth activists and investigate torture: Bayram Mammadov and Giyas Ibrahimov. Urgent Action. 1 June 2016 ( AI index: EUR 55/4172/2016) available at: <https://www.amnesty.org/en/documents/EUR55/4172/2016/en/>

<sup>11</sup> Interview with Amnesty International, Tbilisi 11 April, 2016.

heroin in his back trouser pocket, which was “discovered” after he was searched in the police department. Another plastic bag containing 22 grams of heroin was purportedly discovered by the police when they searched his car. That same day, he was charged with possession and selling a large quantity of drugs under Article 234.1 of the Criminal Code, which carries a sentence of up to 12 years imprisonment.

Rovshan Zahidov, Ganimat’s cousin, was initially charged with resisting police and sentenced to 25 days of administrative detention. While in detention, he was pressured to sign a “confession” that he had purchased drugs from his relative Rufat Zahidov. After he refused, police officers raided his home on 24 July 2015 where they purportedly discovered six grams of heroin in the pocket of his old coat. Rovshan told his lawyer that police threatened to charge his wife if he refused to sign the “confession.” On 25 July 2015, he was charged with illegal drug possession under Article 234.4.1 of the Criminal Code, which carries three years of imprisonment.

Both Rufat and Rovshan Zahidovs were searched and interrogated inside police stations, without the presence of their lawyer, who was prevented from seeing them for five days. They were forced to sign “confessions” under duress, which they have since revoked.

According to the lawyer, in both cases the police committed multiple procedural violations during the searches. In the case of Rufat Zahidov, a taxi driver who was summoned as an attesting witness (the presence of two such witnesses is required by law in Azerbaijan) was simply given the *protokol* and told to sign it (which he did), without any explanation of his rights and duties. In the case of Rovshan Zahidov, one attesting witnesses claimed the drugs were found at the beginning of the search in his jacket, while another one claimed that jacket was found at the end of the search, when the police officers were leaving the house. The search *protokol* had already been written and included the name of a state appointed lawyer despite the fact that he was not present during the search. The trials of both Rovshan and Rufat Zahidovs are currently ongoing. If convicted, they face imprisonment of up to three and 12 years respectively. Rovshan Zahidov and Rufat Zahidov are prisoners of conscience.

The family of another SAAT TV employee, its co-anchor Natiq Adilov, were also targeted in retaliation for his work.<sup>12</sup> His brother Murad Adilov was arrested on 11 August 2014 on charges of drug possession. He was detained in the street and taken to the police department, where he was searched without any witnesses or the presence of a lawyer. According to the police, they discovered small amounts of hashish and marijuana on him. The same day, police searched his house and allegedly confiscated an additional 600 grams of marijuana.

Murad Adilov was held incommunicado for five days and his lawyer was not allowed to visit him for the first two weeks. According to his lawyer, while in detention, Murad Adilov was beaten and forced to sign a “confession”. After four days, when he was transferred to an investigative facility, a medical examination documented large bruises and other injuries on his body.

His lawyer told Amnesty International that Murad’s arrest and conviction was marred by procedural violations: he was searched and arrested without being recognized as a suspect, and his arrest *protokol* was signed by a state-appointed lawyer who was not even present either during the arrest or the interrogation.

On May 14 2015, Lankaran Grave Crimes Court found Murad Adilov guilty of large scale drug

<sup>12</sup> For more info see: Amnesty International. Urgent action. *Political activist arrested, risks torture*. Index: EUR 55/014/2014. 20 August, 2014, available at [http://www.amnestyusa.org/sites/default/files/uaa20814\\_1.pdf](http://www.amnestyusa.org/sites/default/files/uaa20814_1.pdf).

possession and sentenced him to six years in jail. Prior to Murad's arrest, his brother Natiq Adilov received a letter from the Prosecutor's Office which blamed him for disseminating "in media and social networks thoughts and images contrary to morality and ethics." The authorities threatened in the letter that if he continued his activities, serious unspecified measures would be taken. Natiq Adilov is currently living in exile in France, from where he continues to work for SAAT TV.

Rufat and Rovshan Zahidovs, as well as Murad Adilov, are prisoners of conscience who were arrested in retaliation for the fact that their relatives continue to voice critical views in their reporting from abroad.

Another co-anchor of the Saati TV and a leading columnist at Azadliq newspaper, Seymur Haziyeu is now also behind bars. He was arrested in Baku on 29 August, 2014 on charges of hooliganism. His arrest followed an incident where an unknown man approached him as he was waiting for a bus near his house and hit him. In self-defence, he struck the man with a bottle he was holding at the time. The attacker did not receive any serious injury as the bottle did not break. The police who arrived quickly after the incident a detained Seymur Haziyeu. The same day, he was charged with "hooliganism committed with a weapon" (Article 221.3 of Criminal Code) and remanded to pre-trial custody, awaiting investigation and trial. On 29 January 2015 he was convicted and sentenced to five years in prison. Seymur Haziyeu is a prisoner of conscience.

Seymur Haziyeu has been previously targeted for his critical journalism and publications which criticized President Aliyev and other high ranked Azerbaijani government officials. On 26 March 2011, he was abducted for several hours and beaten by six masked assailants, who warned him against continuing his criticism of the authorities.<sup>13</sup> Previously he was arrested for participating in an opposition rally in May 2010 and beaten at a police detention centre, where police officers threatened him with worse if he continued writing articles critical of the government.<sup>14</sup>

In July 2015 the authorities arrested two relatives of online Meydan TV director Emin Milli. On 23 July 2015, his brother-in-law, IT consultant Nazim Agabeyov, was apprehended by police officers as he left home to go to work. He was taken to the police station where drugs were purportedly discovered on him and he was sentenced to three months detention on charges of selling drugs. Several days later, on 27 July 2015, Emin Milli's cousin, Polad Abdullayev was arrested in unknown circumstances and released after a number of relatives published a letter repudiating Emin Milli. On 22 April 2016, after spending almost a year behind bars, Nazim Agabeyov was released under a suspended two-year prison sentence. His conviction has not been quashed.

On 13 October 2015, police detained two brothers of writer and Meydan TV editor Gunel Movlud. Her bothers, Vakil and Raji Imanovs, were detained at the same time but in two different regions of Azerbaijan. One was arrested in Sumgayit, a town near Baku, and the other in Bilasuvar, a city in Southern Azerbaijan. Vakil Imanov was detained while on a bus on his way home from work. According to Vakil Imanov's lawyer, the police officers stopped the bus and asked who was Vakil

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<sup>13</sup> For more info see: Amnesty International, *The spring that never blossomed: Freedoms suppressed in Azerbaijan*, page 33. 16 November 2011, EUR 55/011/2011. Available at: [file://intsec.amnesty.org/data/users/nnozadze/Downloads/eur550112011en%20\(1\).pdf](file://intsec.amnesty.org/data/users/nnozadze/Downloads/eur550112011en%20(1).pdf)

<sup>14</sup> For more info see: Amnesty International. *Clampdown on activists intensifies in Azerbaijan ahead of 2 April protests* Al March 2011, EUR 55/003/2011 31 Available at: [file://intsec.amnesty.org/data/users/nnozadze/Downloads/eur550032011en%20\(2\).pdf](file://intsec.amnesty.org/data/users/nnozadze/Downloads/eur550032011en%20(2).pdf)

Imanov. After he identified himself, one of the police officers approached him, put his hand in the pocket of his trousers and took out eight grams of marijuana. His brother, Raji Imanov, was arrested the same day, also on his way home from work. The police detained and searched him in the street without any witnesses, and alleged that they had also found eight grams of marijuana in his front pocket. Both brothers were taken to local police stations and questioned without lawyers being present. They were both forced to sign self-incriminating “confessions”, which they both revoked after two days, when they were finally allowed to meet with lawyers of their choice. On the day of their arrest, they were charged with possession and selling of drugs under Article 234.1 of the Criminal Code of Azerbaijan. On 22 December 2015, Vakil Imanov was sentenced to one year in prison at Bilasuvar Regional Court’s, while Raji Imanov later received a prison sentence of a year and a half. On 28 April 2016, they were both released on parole after serving over one-thirds of their respective sentences. Their convictions have not been quashed.

### Conclusion

The clampdown on free voices and criticism of the government continues unabated in Azerbaijan, with much of the abuse happening behind closed doors and while international human rights monitors remain barred from entering the country. The release of previously imprisoned human rights defenders and other critics of the government has not been followed by any meaningful change in the repressive environment, which, together with the restrictions imposed as part of their release, prevents them from conducting their legitimate work freely without the fear of harassment and retaliation. Their convictions have not been quashed, their NGOs remain closed, their accounts frozen, and they continue to face threats, intimidation and harassment, and risk being detained again if they resume their critical activities. Those dissenting voices who put their head above the parapet, find themselves arrested and prosecuted under politically-motivated, trumped-up criminal charges, typically for drug-related offences. The same danger exists for relatives of government critics who have left the country but have not given up their criticism of the authorities.

Intimidation, arbitrary detentions, beatings torture and other ill-treatment continue to be used to suppress the expression of views critical of the government. Compliant courts continue to indulge the state’s use of exemplary fabricated charges and ignore the multiple procedural violations committed by law enforcement agencies in bringing them. The cumulative effect of these practices has been the creation of a climate of fear and self-censorship in Azerbaijani society. Azerbaijan is not a country where the rights to freedom of expression and association are upheld or even tolerated.

The recent release of political prisoners has only superficially dented this overall picture: a sop to international pressure, the move has changed little in practice. Activists who are now free, are not free to speak out. Recently vacated prison cells have been filled with new victims. At the same time, the releases do testify to the residual sensitivity of Azerbaijani to international criticism. That criticism must be sustained, if sustainable improvements in the respect for the freedom of expression are to occur in Azerbaijan.

### Recommendations to the government of Azerbaijan

The Azerbaijani authorities must respect Azerbaijan’s international human rights obligations, including the rights to freedom of expression, association and peaceful assembly. The authorities should:

- **ensure that activists, human rights defenders and any other individuals are able to peacefully exercise these rights without the fear of retribution, and in particular:**

- all prisoners of conscience should be immediately and unconditionally released. Their convictions should be quashed, their bank accounts unfrozen, and all travel and professional restrictions lifted;
  - all politically motivated prosecutions and other forms of harassment and intimidation of government critics should stop immediately;
  - any harassment of relatives and family members of the exiled journalists and civil society and political activists, including arbitrary arrests and criminal prosecution under trumped-up charges, should stop immediately, and they should be immediately and unconditionally released;
  - the restrictions imposed on the recently released prisoners of conscience should be lifted, and they should be clear of any remaining convictions;
- **restore a functioning safe and enabling environment for civil society, including NGOs, human rights defenders, journalists and activists, in particular:**
    - the restrictive legislative changes introduced in recent years the rights to freedom of expression, peaceful assembly and association should be repealed, and the regulations on funding and registration of NGOs brought in line with international standards;
    - the pending criminal cases and tax penalties against human rights defenders and their organisations should be stopped; and
    - international human rights monitors should be given unimpeded access to Azerbaijan for human rights work purposes;
- **ensure that fair trial guarantees and due process rights are respected and upheld in all cases, in particular:**
    - fair trials should be fully ensured for all persons, including those arrested and convicted on politically motivated charges;
    - arbitrary detentions should stop, and those responsible for this practice should be investigated identified and prosecuted in fair trials;
    - the prohibition of torture and other ill-treatment should be enforced, all credible allegations promptly, effectively and impartially investigated, and all those responsible for, or knowingly condoning, this practice prosecuted in fair trials;
    - all detained individuals should be provided with effective safeguards for due process, in particular access to a lawyer of their choice, and access to their family members;
    - any cases in which forced confessions obtained under coercion have been used in trials should be reviewed, and where these have contributed to conviction those convicted should be released and given a fair trial in which such evidence is excluded.

**Azerbaijan's international partners - foreign governments and intergovernmental organizations should:**

- monitor the human rights situation in Azerbaijan, and thoroughly document and report their findings;
- call on the Azerbaijani government authorities to release all prisoners of conscience immediately and unconditionally;
- insist on full respect for the rights to freedom of expression, association and peaceful assembly in Azerbaijan; and
- raise concerns regarding human rights violations in Azerbaijan with the Azerbaijani authorities at every opportunity, in bilateral and multilateral forums.

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