

URGENT ACTION

DETAINED JOURNALIST FAINTS IN OVERHEATED PRISON

Independent Azerbaijani journalist Aziz Orujov has been held in detention on fabricated charges since 2 May. He is being kept in inhumane conditions. On 23 July he fainted as a result of the sweltering heat in the prison cell. He is a prisoner of conscience and must be immediately released.

Aziz Orujov, a journalist running an independent online TV channel, Kanal, was arrested on 2 May while on his way to work. The police officer who stopped them claimed the journalist looked like a wanted fugitive, and arrested him. The same day, Aziz Orujov was remanded in pre-trial detention under a 30 day administrative detention order for purportedly disobeying a police officer's legitimate orders. On 2 June, when his administrative detention order was due to expire, new fabricated charges of illegal entrepreneurship and abuse of official powers, under Articles 192 and 308 of the Criminal Code respectively, were brought against him. Aziz Orujov was remanded to four months of detention and remains in Kurdakhany pre-trial detention centre, on the outskirts of Baku.

The charges relate to him being the co-founder of the Caucasus Media Investigations Centre Public Union, an organisation he founded in 2006 with his brother and sister-in-law. The prosecution claims that from 2006 to 2014 the organisation received around AZN 193,000 in grants from various donors, and failed to register the grants and pay AZN 8,000 in tax. Registration and taxing of grants only became mandatory in February 2014 when legislative amendments entered into force, but the authorities have applied these retroactively to intimidate, harass, arrest and prosecute a number of government critics from independent media outlets and NGOs. The nature of the charges as well as the circumstances surrounding his arrest suggest that Aziz Orujov has been targeted by the authorities for his critical reporting.

Aziz Orujov shares a small cell with another detainee. The temperature in Baku is currently upwards of 35 degrees centigrade. There is no air conditioning, or any other form of ventilation in the cell. While the cell has access to a small balcony and there is a small window, when Aziz Orujov complained about the heat and asked the guards to let him access to the balcony or let him open the window they refused. On 23 July he fainted as a result of the heat. On 24 July he was allowed to make his first phone call to his family, but three to four minutes into the call, while he was telling them about the insufferable heat and his fainting incident, the prison administration ended it. Only Aziz Orujov's two lawyers have been able to meet him since his detention. The authorities have denied his family access.

Please write immediately in Azerbaijani, English or your own language calling on the authorities to:

- Immediately and unconditionally release Aziz Orujov as the charges against him are unfounded and his detention stems solely from his peaceful work as a journalist;
- Ensure that he is not subjected to torture and other ill-treatment, including through subjection to extreme temperatures;
- Fully respect the right to freedom of expression in Azerbaijan, which involves ensuring human rights defenders and journalists can carry out their legitimate activities free of harassment and without fear of reprisals.

PLEASE SEND APPEALS BEFORE 08 SEPTEMBER 2017 TO:

President Ilham Aliyev
Office of the President of Azerbaijan
19 Istiqlaliyyat Street
Baku AZ1066, Azerbaijan
Fax: + 994 12 492 0625
Email: office@pa.gov.az
Salutation: Dear President

Prosecutor General Zakir Qaralov
7 Rafibeyli Street
Baku AZ1001, Azerbaijan
Email: info@prosecutor.gov.az
Salutation: Dear Prosecutor General

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

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ADDITIONAL INFORMATION

According to the UN Standard Minimum Rules for the Treatment of Prisoners, “In all places where prisoners are required to live or work, (a) The windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation” (Rule 11).

Amnesty International has longstanding concerns about the Azerbaijani authorities' failure to respect the rights to freedom of expression, association and peaceful assembly. Human rights defenders, independent journalists and government critics from any walk of life are often imprisoned on trumped-up or politically motivated charges in retaliation for their work or critical statements. Ill-treatment and beatings in detention are also commonly reported.

The charges against Aziz Orujov are part of the criminal case opened in 2014 into purported financial irregularities by non-profit organizations. At the time, several prominent government critics, including human rights defenders and political activists, were arrested on similar fabricated charges intended to intimidate and silence government critics.¹ Charges of economic crimes and abuse of office are commonly used in Azerbaijan to incarcerate leaders of NGOs critical to the authorities. The Azerbaijani authorities have long denied registration to critical NGOs on arbitrary grounds and later used this denial to criminalize their activities.

Restrictive NGO laws were introduced in Azerbaijan in 2013 and in 2014 and have been applied arbitrarily since, in contravention to the right to freedom of association. This was done with the intention to limit or hinder legitimate activities of independent NGOs critical of the government, in particular through arbitrary denial of registration and the application of onerous reporting, tax and other requirements. In the absence of registration, Azerbaijani NGOs have been forced to find ways around the existing restrictions to secure and disburse funding and continue their legitimate work. By aggressively applying these requirements, in some cases retroactively, as well as by manipulating the reporting procedures, the Azerbaijani authorities have created a pretext for a string of arbitrary arrests and prosecutions of their critics for supposed financial irregularities which, the authorities purported, amounted to embezzlement and tax avoidance.

Amnesty International has documented in detail arbitrary application of criminal law in recent years in relation to some of the government's most prominent critics from among human rights defenders, journalists and lawyers, including Intigam Alieyv, Rasul Jafarov, Khadija Ismayilova and Leyla Yunus. While some have been released in 2015 and 2016 following international pressure, others have not, and the authorities are continuing to use the same charges to arrests and silence government critics.

Name: Aziz Orujov
Gender m/f: m

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¹ For more information see: Amnesty International, *Guilty of defending rights: Azerbaijan's human rights defenders and activists behind bars*, 4 March 2015, EUR 55/1077/2015