

## **AMNESTY INTERNATIONAL PUBLIC STATEMENT**

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**Azerbaijan:** detained political activists and peaceful protesters must be released

Azerbaijan's heavy handed response to the protests across the country undermines the right to freedom of expression and peaceful assembly. The authorities have used excessive force to disperse mostly peaceful protests and have subjected scores of protesters and political activists to arrests and intimidation.

The authorities must immediately and unconditionally release all those detained solely for exercising their right to freedom of expression and peaceful assembly, and ensure fair trials for the protesters who have allegedly resorted to violence. They must also promptly, thoroughly and effectively investigate all cases of excessive use of force by the police, and bring those suspected to be responsible to account.

Starting from 11 January, spontaneous, and in most cases peaceful, protests against the sharp devaluation of the national currency and price hikes, spread across the county. Rallies took place in several regions including Fizuli, Aqsu, Aqcabedi, Siyazan, Lankaran and Quba, and have largely subsided after a week.

In several locations officials met with the demonstrators and persuaded them to end the protests in exchange for promises to meet their demands. However, in at least two instances, police used excessive force and arrested scores of demonstrators after they refused to disperse. The authorities also summoned for questioning and arrested a number of political activists, in the regions and in the capital Baku, accusing them of organizing the protests.

On 12 January, following peaceful rallies in the city of Liman, Lankoran region, police arrested Iman Aliyev, an activist from the Popular Front Party (PFP), and Nazim Hasanli, an activist from the Musavat Party. They were tried and sentenced to 30 days in jail each under the administrative charges of participation in and organization of the "unsanctioned" protest in Liman.

On 13 January, riot police officers broke up a demonstration in Siyazan, a town in the eastern Azerbaijan where some 400 residents peacefully rallied for two days in front of the town hall to protest inflation and unemployment. According to reports and eyewitnesses, clashes ensued after the riot police attempted to disperse the rally. Protesters began throwing stones, while police used tear gas and rubber bullets and arrested about 55 people. Several protesters and three police officers were reported injured and two police cars were damaged. Criminal cases were opened against the detained protesters under the charges of deliberate destruction or damage of property, disturbance of public order, and resistance to legitimate demands of law enforcement officials.

The authorities also arrested two political activists in connection with the Siyazan protests. On 13 January, the chairman of Musavat's Siyazan branch, Baiden Safarl, was remanded 30 days for purportedly organizing unsanctioned protests, while PFP activist Turan Ibrahim was detained at his family home in Baku and remanded for 7 days for allegedly resisting police. According to his relatives, Turan's arrest was related to his recent Facebook posts in which he criticized the government's economic policies and handling of the ongoing protests.

On 15 January similar protests against rising prices and unemployment were dispersed by police in the town of Quba, the administrative centre of Quba province in north-eastern Azerbaijan, where some 1,000 residents gathered in the main square. Riot police moved in and broke up the peaceful demonstration using a water cannon and tear gas after the protesters refused to follow the local Mayor's request to disperse. According to reports, some 50 persons were arrested and travel restrictions introduced on the roads leading into the town.

On 16 January the authorities detained two more political activists in two different regions in connection with the ongoing protests. PFP activist Shahin Alizadeh was detained in the town of Shirvan, south of Baku, for allegedly resisting police and remanded for 30 days, while Mardan Mehdi, an advisor to Musavat was detained in Siyazan. Mardan Mehdi was questioned about his involvement in the protests and released the same night without any charges and placed under travel restrictions.

A spokesperson for Musavat told Amnesty International that several party leaders across the country, including the interviewee himself, had been summoned and questioned by the Ministry of Interior's Organized Crime department. The authorities have accused them of igniting and organizing the protests together with PFP activists. He reported that relatives of the opposition party leaders and activists were also being summoned and intimidated by the police.

In previous years, the Azerbaijani authorities imprisoned political activists on trumped-up charges in connection with protests or other public display of discontent. Thus, in 2013, following the unrest in the town of Ismaili in response to a case of corruption, two opposition leaders, Tofiq Yagublu and Ilgar Mammadov, were arrested and sentenced following an unfair trial to jail terms, on trumped-up charges of inciting mass violence. Amnesty International recognised them as prisoners of conscience. The latest reported arrests of political activists appear to follow the same pattern and be targeted at political opposition and other dissenting voices and intended as reprisals for their activism and criticism of the authorities.

Amnesty International is also concerned by the Azerbaijani authorities' heavy-handed response to the mostly peaceful protests in Azerbaijan. In at least two cases, the police have used excessive force to disperse what was, until then, peaceful assemblies, and arrested scores of participants, many of them peaceful protesters.

The Interior Ministry and the Prosecutor General's Office of Azerbaijan have declared the spontaneous protests illegal, on the grounds that their supposed organisers did not notify the authorities of the forthcoming assemblies, and did not seek permissions from the

appropriate authorities for their rallies.<sup>1</sup> The authorities have also stated that those who participated in the spontaneous rallies violated the law, because the protests had not been officially sanctioned by the authorities.<sup>2</sup>

This position contravenes both the law of Azerbaijan as well as international standards. The Law of Azerbaijan on Freedom of Assembly, Article 5.IV, states that “for fortuitous assemblies submission of a written notification is not required,”<sup>3</sup> acknowledging that fortuitous (spontaneous) assemblies might not have any identifiable organiser and that that such events should be regarded as a normal occurrence in any democratic society.<sup>4</sup> International standards on the right to freedom of peaceful assembly require that where notice requirements exist they should include exceptions for spontaneous assemblies. Thus, the European Court of Human Rights has clarified that there is a right to spontaneous protest “in special circumstances when an immediate response might be justified, for example in relation to a political event in the form of a spontaneous demonstration...”<sup>5</sup>, and, furthermore, “to disperse the ensuing demonstration solely because of the absence of the requisite prior notice, without any illegal conduct by the participants, may amount to a disproportionate restriction on freedom of peaceful assembly.”<sup>6</sup> The UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association too, has pointed out that “spontaneous assemblies should be recognized in law, and exempted from prior notification”.<sup>7</sup> He has also stressed that failure to comply with notice requirements should not automatically lead to demonstration being dissolved, nor should administrative or criminal sanctions resulting in fines or imprisonment result.<sup>8</sup>

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1 Информационное Агентство «Интерфакс-Азербайджан». 13.01.2016 *В Сиазаньском Районе Азербайджана За Противоправные Действия Задержано Более 50 Человек- Генпрокуратура*. <http://interfax.az/view/662285>

See also: Trend Press Centre. 13.01.2016. *Popular Front, Musavat Parties and extremist groups held illegal acts in Azerbaijan*. Available at: <http://En.Trend.Az/Azerbaijan/Society/2480108.Htm>

2 *ibid*

3 OSCE/ ODHR. *Guidelines on the implementation of the law on freedom of assembly of the republic of Azerbaijan*. September 2008. available at <http://www.osce.org/odihr/34311?download=true>

4 *ibid*

5 See cases of *Berladir and Others v. Russia* - 34202/06 [2012] ECHR 1558 (10 July 2012), § 43 and *Bukta v. Hungary*, 25691/04, ECHR 2007-III §36

6 *ibid*

7 See the statement by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, at the 20th session of the Human Rights Council, Agenda item 3, 20 June 2012, p.4, para.1, available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12349&LangID=E>. The Special Rapporteur further suggests that “in case an assembly is not allowed or restricted, a detailed and timely written explanation should be provided, which can be appealed before an impartial and independent court.

8 Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, at the 20th session of the Human Rights Council, Twentieth session, Agenda item 3, distributed on 21 May 2012, paragraph 29, page 9, A/HRC/20/27, available at [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27_en.pdf).

Azerbaijani authorities must respect its international obligations and ensure that all persons are able to enjoy their human right to freely express their opinions without threat of violence or arbitrary arrest and prosecution. The authorities must immediately and unconditionally release all those detained solely for exercising their right to freedom of expression and peaceful assembly, and ensure fair trials for the protesters who have allegedly resorted to violence. They must also promptly, thoroughly and effectively investigate all cases of excessive use of force by the police, and bring those suspected to be responsible to account.