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Azerbaijan: Drop charges against political activists

The authorities in Azerbaijan must drop all charges against Elshan Gasimov, Natig Jafarli and Togrul Ismail and immediately and unconditionally release them, Amnesty International said today.

The recent arrest of three political activists from opposition group *REAL* is the latest instance of the Azerbaijan authorities' ongoing crackdown on the rights to freedom of expression and association in the country.

The arrests began after the group initiated a campaign against the referendum to extend the current term in office and the powers of President Ilham Aliyev, who is currently serving his third consecutive term.

Two activists of REAL Elshan Gasimov and Togrul Ismail were detained on 15 August by plain-clothed police officers on their way to pick up campaigning materials. They were held incommunicado without access to a lawyer overnight and on 16 August the Sabail Court sentenced them to seven days of administrative detention on charges of resisting police.

REAL's executive director Natig Jafarli was taken from his home in the capital Baku to the Prosecutor General's Office for questioning on 12 August. His lawyer, Javad Javadov told Amnesty International that at around 10 pm on 12 August Natiq Jafarli managed to text him to notify the lawyer about his arrest, just before police confiscated his phone. As soon as Javadov arrived at the Prosecutor General's Office, he was informed that his client had been taken away by police to an unknown location. The lawyer searched for his client at a number of possible locations, and arrived at the local Nasimi Court at around midnight only to find out that Natiq Jafarli's remand hearing had already taken place, and that his client had been represented by a state-appointed lawyer. The Nasimi court remanded Natiq Jafarli in custody for four months on charges of illegal entrepreneurship (Article 192.1) and abuse of authority (Article 308.2).

Following Natiq Jafarli's arrest, police searched his house confiscating legal documents, laptops belonging to him and to his family, as well as other valuables.

According to the lawyer, Javad Javadov, the charges against Natiq Jafarli relate to one of the criminal cases 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 the same or similar charges, fabricated for the purpose of intimidating and silencing government critics.¹ The Azerbaijani authorities

¹ On 13 May 2014, the Prosecutor General's Office launched a criminal investigation in connection with the activities of dozens of NGOs on charges of tax evasion, abuse of power and forgery claiming that they had found "irregularities ... in the activities of a number of NGOs." All these allegations of financial impropriety related, in one way or another, to alleged irregularities flowing from the restrictions on NGO registration and grant reporting requirements. 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.

allege that Natiq Jafarli conducted illegal entrepreneurship by failing to register and pay taxes on a grant his organization had received from the National Endowment for Democracy (NED).

Registration of such 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.² The lawyer told Amnesty International that starting from 2014, Natiq Jafarli has been investigated and interrogated several times in connection with the grants he received, but no evidence has been found that he committed a crime. The timing of the arrests of Natiq Jafarli, Elshan Gasimov and Togrul Ismail; the nature of charges against them and the pattern of intimidation, harassment and criminal prosecution of government critics and dissenting voices in the past suggest that the charges against them are politically motivated and linked to their political activism ahead of the upcoming referendum. They should be released immediately and unconditionally and all politically-motivated charges against them must be dropped.

Background

The recent arrests are part of the Azerbaijani government's ongoing crackdown on political dissent. The chairman of REAL Ilgar Mammadov was arrested in 2013 under fabricated charges of inciting violence and remains behind bars serving a seven-year sentence handed down following an unfair trial. In May 2014 the European Court of Human Rights (ECHR) ruled that he had been arrested "to silence or punish [him] for criticizing the Government"³ following which the Committee of Ministers of the Council of Europe has made repeated calls for his immediate release. The Azerbaijani authorities have consistently ignored these calls.

In August 2014, a human rights defender and REAL board member Rasul Jafarov was arrested on similarly fabricated charges of financial irregularities and abuse of power. He was released on 17 March 2016 following a presidential pardon, the same day as the ECHR similarly ruled that the detention of the activist was unjustified and aimed "to punish him for activities as human rights defender."⁴ His conviction has not been quashed.

All major elections in recent years in Azerbaijan have been marked by crackdowns on the rights to freedom of expression, peaceful assembly and association. The presidential election in November 2015 as well as the parliamentary election in 2013 were both preceded by multiple arrests and politically motivated prosecution of civil society and political activists with the manifest objective of restricting criticism against the government and suppressing political dissent and opposition to government-supported candidates. Virtually all outspoken human rights defenders and other prominent government critics, including human rights lawyers and investigative journalists, have been targeted through arrest and imprisonment under trumped-up charges.

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² Ibid. The Azerbaijani authorities have since used these new regulations to prosecute critics (both registered and unregistered NGOs and individuals) for a string of purported financial irregularities flowing from the failure to register grants with the Ministry of Justice that have alleged embezzlement and tax avoidance at their core.

³ European Court of Human Rights, *Ilgar Mammadov v. Azerbaijan*, 15172/13. Judgment (Merits and Just Satisfaction) Court (First Section), 22 May 2014

⁴ European Court of Human Rights, *Rasul Jafarov v. Azerbaijan*, – 69981/14 (Judgment (Merits and Just Satisfaction) : Court (Fifth Section)), 17 March 2016)