

AZERBAIJAN

**Increased repression of
fundamental freedoms leads to
deterioration in human rights
situation**

*Amnesty International
Submission to the UN Universal
Periodic Review, October 2012*

**AMNESTY
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INTRODUCTION

In this submission, prepared for the UN Universal Periodic Review of Azerbaijan in April 2013, Amnesty International assesses the implementation of a number of recommendations that Azerbaijan supported during its previous UPR.¹

Amnesty International sets out its human rights concerns in the country, including as regards the increase in restrictions on fundamental freedoms, such as freedom of assembly, freedom of expression and freedom of association.

Amnesty International also raises grave concern about the use of torture and other ill-treatment. Allegations of such treatment are rarely effectively investigated, contributing to a climate of impunity.

FOLLOW UP TO THE PREVIOUS REVIEW

In the course of its first review in 2009, the government of Azerbaijan accepted – but also simultaneously rejected – a large number of recommendations regarding freedom of assembly and association, freedom of expression and opinion, and ill-treatment in detention centres. Regardless of the government's position on these recommendations, Amnesty International has seen little evidence of progress on the issues raised in the last UPR; rather the situation has deteriorated in many cases.

FREEDOM OF ASSEMBLY

Despite accepting recommendations to strengthen the right to freedom of assembly, Amnesty International is concerned by the tightened restrictions regarding this fundamental human right.² Recent amendments passed into Administrative and Criminal law have drastically increased the fines imposed on those participating in peaceful but unsanctioned protests. The increased punishment, coupled with the authorities' continuing blanket ban on protests in Baku city centre has effectively criminalized peaceful anti-government protest. Threats and intimidation against human rights defenders have been used together with legislative and administrative measures to shut down and deny registration to civil society groups working on democracy and human rights.

FREEDOM OF EXPRESSION

While some recommendations regarding respect for freedom of expression were accepted,³ Amnesty International regrets that many of the recommendations regarding this fundamental right were rejected by Azerbaijan, including the recommendation to release people imprisoned for libel.⁴ Amnesty International is alarmed by the increase in the targeting of journalists and imprisonment of individuals on the basis of their political opinion since the last review. Following public protests in March and April 2011, 17 persons were imprisoned on trumped-up charges in relation to the protests. Despite a presidential amnesty in June 2012 leading to the release of most of those arrested in connection with the 2011 protests, the clampdown and arrests of those critical of the government have continued unabated in 2012. Many people remain in detention on questionable charges in what appears to be retaliation for their activities and voicing of criticism.

Journalists have been beaten, ill-treated and abducted, while a range of independent media outlets has been curbed through laws banning foreign broadcasters from national airwaves. Additionally, the government has begun cracking down on dissent on the internet and in social media forums. Bloggers and youth activists have been harassed and imprisoned on trumped-up charges.

TORTURE AND OTHER ILL-TREATMENT IN DETENTION FACILITIES

Amnesty International regrets that the government either rejected or took no position on all the recommendations regarding detention.⁵ Amnesty International remains deeply concerned about the use of torture and other ill-treatment in detention facilities in Azerbaijan. Several activists detained at and after the protests in March and April 2011, as well as following the dispersal of protests in March, April and October 2012, have complained of ill-treatment at the time of their arrest and while in police custody. To date, none of these allegations have been investigated in an effective manner.

NORMATIVE AND INSTITUTIONAL FRAMEWORK IN AZERBAIJAN

The Constitution of Azerbaijan, in Article 49 on the Freedom of Assembly, states that “every person has a right to freely assemble with others”, and that “everyone has the right to protest, hold meetings, and pickets peacefully and without the use of weapons” as long as the necessary authorities are forewarned. However, in practice, this right is often denied, as the Baku City Executive Authority often refuses requests to hold protests in central Baku citing the potential violation of the public’s right to “leisure” or “rest” and concerns over safety and disorder. No public gatherings have been permitted by the authorities in the city centre since early 2006, despite there being no legal ban on gathering in the city centre in the Constitution or the Law on Freedom of Assembly.

PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

FREEDOM OF EXPRESSION

Amnesty International has ongoing concerns regarding the harassment, intimidation, detention and imprisonment of activists, human rights defenders, critical journalists and civil society activists by the authorities in Azerbaijan in an attempt to silence critical voices and political opponents.

In 2011, government imprisoned 17 persons, including activists, government critics and opposition figures, on politically motivated charges. Fourteen persons were convicted of “organizing and participating in public disorder” and sentenced to up to three years in prison in unfair trials for taking part in peaceful protests in March

and April 2011 to express discontent with the government. The authorities also used trumped-up charges to arrest and imprison three activists, two young members of the opposition and a human rights defender.

The majority of those arrested were released following an amnesty in June 2012, and a further four detainees, who were adopted as prisoners of conscience by Amnesty International, were released by a Presidential pardon on 26 December 2012. However, many others remain in detention on questionable charges, including journalists Avaz Zeynalli, Hilal Mammadov, Vugar Gonagov, Zaur Guliyev, Faramaz Allahverdiyev (Novruzoglu), Fuad Huseynov, Nijat Aliyev, Araz Guliyev and human rights defender Ilham Amiraslanov. In addition, multimedia journalist Mehman Huseynov, human rights defender Ogtay Gulaliyev and youth activist Dayanat Babayev have been charged with hooliganism and face the threat of jail if these charges are upheld and prosecutions go ahead.

- Hilal Mamedov, the editor of a minority language newspaper, Talishi Sado, was arrested on spurious drugs charges. The arrest followed Mamedov's posting on YouTube of an Azerbaijani rap video, which became a viral hit. Local human rights activists suspect he was arrested following the video's publication partly to prevent greater media interest in the rights of the Talysh minority that he campaigns to protect. He was detained by police without explanation, taken to a police station and searched. Officers claim to have found a package containing five grammes of heroin on him, and to have found a further 20 grammes in his home. According to Mamedov's lawyer, the police officers showed him the package but not the contents. He insisted that all the drugs were planted. When the lawyer tried to visit Mamedov in custody, he was refused access until the following day. The lawyer has told Amnesty International that Mamedov was tortured in police custody, and supplied photographic evidence of bruising on his feet and ankles. On 22 June a Baku court ordered him to spend three months in pre-trial detention on charges of possessing large quantities of drugs. If convicted, he faces up to 12 years in prison.

Activists who took part in protest around the Eurovision contest in Baku in May 2012 also faced retaliation. On 13 June 2012, criminal charges were brought against pro-democracy activist Mehman Huseynov in retaliation for his journalist and campaigning activities ahead of the Eurovision. He was later released from pre-trial detention, but remains under investigation.

- Zaur Gurbanli, another pro-democracy campaign activist and chair of the opposition youth movement *Nida*, was arrested on 29 September 2012, shortly after he posted an article criticizing government corruption and nepotism and held incommunicado for two days. The article ridiculed the inclusion of a poem by the daughter of President Ilham Aliyev as mandatory reading in the country's school curriculum. On 1 October 2012, he was charged with "resisting arrest" and sentenced to 15 days in prison. The Anti-Organized Crimes Unit, allegedly responsible for his arrest, is now also investigating his possession of a number of "illegal materials". During the arrest, his laptop and *Nida* materials were removed from his apartment, as well as documents and articles from the office of another NGO he is involved with, *Positive Change*. This suggests that he has been targeted for his political activities. Both were involved in the "Sing for Democracy" campaign that persuaded this year's Eurovision winner Loreen to condemn rights abuses in Azerbaijan.

Human rights defenders and journalists have also been targeted for their work and subjected to increased intimidation, harassment and arrest.

- On 20 April 2012, human rights defender Taleh Khasmammadov was sentenced to four years in jail on apparently trumped-up charges of “hooliganism” and “resisting police officers”. The charges relate to the allegation that on 12 November 2011 Khasmammadov assaulted police officers, when he was called in for questioning in relation to the critical article he had previously published about the local police. Khasmammadov had been investigating allegations of illegal activity and abuse committed by law enforcement officials in the Ujar region and had published several articles critical of the local authorities. Amnesty International considers Taleh Khasmammadov to be a prisoner of conscience and calls for his unconditional and immediate release.

Amnesty International has received consistent reports of journalists being harassed, threatened, beaten and assaulted, while the investigation of their cases so far has produced no results:

- On 18 April 2012, several journalists who tried to film illegal house demolitions on the outskirts of the capital Baku were violently assaulted. Award winning journalist Idrak Abbasov was beaten until unconscious and hospitalized along with his brother Adalet Abbasov after they were attacked by approximately 25 state employees and police acting under the supervision of officials from the Ministry of Internal Affairs. Three other journalists, Esmira Javadova, Galib Hasanov and Elnur Mammadov, were also attacked by SOCAR (state oil company) employees as they arrived on the scene in a taxi. Police officers looked on as workers brandishing batons smashed the car windows, forcing the journalists to flee.
- On 26 March 2011, Seymur Haziyevev, a journalist with the opposition newspaper *Azadliq*, was reportedly abducted and beaten by six masked assailants. He reported that his abductors warned him against writing articles critical of the President. Another journalist from *Azadliq*, Ramin Deko, was also reportedly abducted on 3 April 2011, warned not to write articles critical of the President and physically assaulted.
- On 7 March 2012, Khadija Ismayilova, a well-known investigative Azerbaijani journalist with Radio Free Europe, received a threatening letter containing intimate photos of her, after her apartment had been broken into and a hidden camera installed in her room. The photos were accompanied by a note warning her that she would be “shamed” if she did not abandon her work. She refused and publicly exposed the blackmail attempt, resulting in the publication of a video showing her in an intimate relationship. To date, the investigation of her case has produced no results.

FREEDOM OF ASSOCIATION

NGOs working on human rights and democratic reform face pressure and harassment and are often denied registration or arbitrarily closed down.

- On 7 February 2012, two organisations – the Democracy Development Resource Centre, an NGO operating in Nakhchivan, and the Institute for Reporters’ Freedom and Safety (IRFS) – each received letters from the foreign affairs office, which warned them against “spreading inaccurate and inflammatory information” through their joint website *Nakhchivan Human Rights and Media Monitor*.

- Aftandil Mammadov, co-ordinator of the Guba regional branch of the Election Monitoring and Democracy Studies Centre, reported being summoned to the local police station on 27 July and again on 27 August, 2012 where police warned him against organising any activities without the knowledge and permission of local police. He previously reported being persistently followed by police and prevented from holding group meetings.

FREEDOM OF ASSEMBLY

Public protests continue to be banned in the centre of Baku and excessive force is used by police on a regular basis. Those who attempt to take part in peaceful rallies face harassment, beatings and arrest. Amnesty International is concerned that the unjustified denial of permission to gather anywhere in central Baku denies the protesters the opportunity to peacefully express their views in a visible, public location and criminalizes the right to peaceful assembly. Such blanket denial coupled with the beating of the peaceful protestors violates Azerbaijan's international obligations to respect the right to freedom of assembly.

In March and April 2011, the authorities ruthlessly cracked down on a series of peaceful protests inspired by the Arab Spring and calling for democracy and respect for human rights. Police violently dispersed the protests, arresting hundreds and imprisoning protestors.

The crackdown on peaceful assembly has also continued in 2012. Opposition rallies, whether sanctioned or unsanctioned, remain vulnerable to violent dispersal, while those who take part risk harassment, beatings and arrest.

In March and April 2012, police violently broke up several peaceful protests by youth groups and opposition activists, beating and arresting protest participants. On 20 October 2012, police dispersed a peaceful rally of approximately 200 people, arresting over 100 people. Thirteen leading activists were jailed for periods ranging from 7 to 10 days on charges of "disobeying police orders" and for attending an "illegal protest".

On 26 January, 2013 police violently broke up a peaceful demonstration in the centre of Baku. Around 80 persons were detained, Thirty of the Baku demonstrators were charged and five were sentenced to administrative detention. The protest began as a peaceful gathering of more than 200 people in three separate locations in central Baku, the capital, to demonstrate against the authorities' violent dispersal of another, larger protest in the northern Azerbaijani city of Ismayili three days earlier. On 4 February, authorities arrested presidential candidate Ilgar Mammadov and activist Tofiq Yagublu on what Amnesty International believes to be the fabricated charges of starting a riot in Ismayil.

TORTURE AND OTHER ILL-TREATMENT

Torture and other ill-treatment remain widespread, while the allegations of such treatment are rarely effectively investigated, contributing to a climate of impunity

Amnesty International remains particularly concerned about the use of torture and other ill-treatment in detention facilities in Azerbaijan. Several activists detained at and after the

protests in March and April 2011, as well as following the dispersal of protests in March, April and October 2012, have complained of ill-treatment during their arrest and while in police custody. To date, none of these allegations has been investigated effectively.

On 17 March 2012, Azerbaijani police officers beat and detained two activists, Jamal Ali and Natig Kamilov, after Ali insulted President Aliyev's late mother during their performance at a sanctioned rally. During the court hearing on the day of his detention, Kamilov alleged he was beaten unconscious in the police station. Ali alleged he was beaten twice, on the day of detention and again on 19 March, when police in the detention facility beat him with truncheons on the soles of his feet for about two hours. The judge refused a motion to investigate Kamilov's allegations of torture and other ill-treatment, citing the absence of visible signs of ill-treatment. An investigation was initiated into the possible of torture and other ill-treatment of Ali, who had multiple bruises and scratches clearly visible on his face. However, no questioning or medical examination was carried out to collect evidence. The investigation has to date produced no results.

- Hilal Mamedov, the editor of the newspaper Talishi Sado (see above) alleged that he had been tortured in police custody following his arrest on 21 June 2012. The photographic evidence of bruising on his feet and ankles was sent to the Nizami district prosecutor, who initiated an investigation but no results have been made public.

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Azerbaijan

Freedom of expression, association and assembly

- End the harassment, intimidation, arbitrary detention and criminal prosecution of individuals and organizations legitimately exercising the right to freedom of expression to express critical or dissenting views;
- Ensure that human rights defenders, lawyers and other civil society actors are able to carry out their legitimate activities without fear or threat of reprisal, obstruction or legal and administrative harassment; in particular allow the organizations arbitrarily targeted and shut down during last years' spring protests to resume their lawful activities;
- Respect the rights to freedom of assembly of all its citizens and allow peaceful demonstrations to be organized in appropriate locations - generally within sight and sound of their target audience - with the necessary practical and security arrangements in place;
- Conduct a prompt independent and impartial investigation into the use of force by law enforcement officers during the dispersal and arrest of protesters;

Torture and other ill-treatment

- Conduct a prompt effective and independent and impartial investigation into the allegations of torture and other ill-treatment of the detained activists and ensure that those found responsible are brought to justice in accordance with international obligations and fair trial standards.

ENDNOTES

¹ Since making its submission of information for the UPR of Azerbaijan in October 2012, a number of updates have been added to reflect recent developments in the country.

² Human Rights Council. *Report of the Working Group on the UPR of Azerbaijan*. A/HRC/11/20. 29 May 2009, recommendation 96.18 (Netherlands, Sweden, Canada) (A/HRC/11/20).

³ A/HRC/11/20, recommendation 96.15 (Poland, Bangladesh, Ireland, Norway).

⁴ A/HRC/11/20, recommendation 96.14 (Ireland).

⁵ Human Rights Council. *Report of the Working Group on the UPR of Azerbaijan- Addendum*. A/HRC/11/20/Add.1, paragraphs 16, 20 and 21 (A/HRC/11/20/Add.1).

ANNEX

AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE⁶

Azerbaijan: No more running scared (EUR 55/001/2012).

Azerbaijan: Authorities determined to silence dissent to ensure successful Eurovision (EUR 55/008/2012).

Azerbaijan: Human rights abuses placed under the e-spotlight (EUR 55/018/2012).

⁶ All of these documents are available on Amnesty International's website:
<http://www.amnesty.org/en/region/Azerbaijan>

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