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Azerbaijan: Crackdown on peaceful protest exposes the full extent of human rights crisis in Council of Europe member state

The Azerbaijani authorities have initiated a new wave of arrests and criminal charges in an attempt to stifle the latest opposition rally, "Great Unity Day" planned for 17 April. On 9 April a further five opposition activists were charged with "organising mass disorder" for their participation in the violently dispersed 2 April "Day of Wrath" protest in Baku.

The new charges bring the total number of activists facing long prison terms for their involvement in the 2 April protest to 10, seven of whom Amnesty International considers to be prisoners of conscience.

The treatment of these 10 activists highlights the range of human rights abuses currently occurring in Azerbaijan. Local rights groups report that the activists have been beaten by police and remanded in custody after closed hearings on the basis of no or very little evidence, without having been granted access to a lawyer of their choice.

Amnesty International is deeply concerned by the authorities' systematic violation of individuals' rights to freedom of expression and assembly, by the reported ill-treatment of individuals by officials while in custody, and by numerous violations of individuals' right to a fair trial.

As the spring session of the Parliamentary Assembly of the Council of Europe (PACE) draws to a close, Amnesty International calls on the Committee of Ministers and PACE to condemn the failure of Azerbaijan to uphold its commitments as a Council of Europe member state and respect the rights guaranteed under the European Convention on Human Rights.

Amnesty International also calls on the Azerbaijani authorities to immediately and unconditionally release the seven prisoners of conscience who have been imprisoned solely for peacefully exercising their rights to freedom of expression and assembly and to immediately drop the charges brought *in absentia* against France-based activist Elnur Majidli.

Amnesty International further calls on the Azerbaijani government to fully investigate and prosecute those responsible for the ill-treatment and harassment of activists participating in the 2 April rally and to respect its international obligations to guarantee the rights to freedom of assembly and freedom of expression.

New criminal charges

Popular Front Party (PFP) members Babek Hasanov and Sahib Karimov, Musavat party members Elshan Hasanov and Ahad Mammadli, and the independent activist Ulvi Guliyev, have all been charged with organising mass disorder under Article 233 of the Criminal Code, which carries a maximum sentence of three years in prison. Ahad Mammadli has also been charged under both Article 233 and Article 315, which prohibits "violently resisting a representative of authority". Article 315 is also punishable by three years in prison. During closed hearings on 9 April, a judge at Sabail district court remanded all five in custody for two months pending their trial.

A week before the 2 April protest, organizers submitted a notification to the Baku Executive Committee, informing them of their intention to hold a peaceful demonstration of no more than 3,000 people at the public square near Narimanov cinema. The demonstration was intended to last two or three hours.

The organizers chose this location as it is inside one of the 11 zones officially designated by Baku authorities as suitable for protest.

However, Baku Executive Committee refused to allow the protest there, and asked the demonstrators to hold the protest on the premises of a driving school in Bibi Heybat, a location on the outskirts of town and completely cut off from city life. The authorities claimed that a protest in Narimanov would disrupt the flow of traffic, although the square is able to hold 3,000 people without blocking the roads.

The organizers then attempted to hold a peaceful demonstration with 1,000 participants in Fountain Square in the centre of Baku. Fountain Square is comfortably large enough to hold over 1,000 demonstrators safely and securely if the authorities were to prepare the area beforehand.

Such a demonstration would inevitably temporarily disrupt the commercial and leisure activities that take place in Fountain Square and its surroundings. Such is the nature of demonstrations.

Amnesty International believes that the organisers of the demonstration intended to stage a peaceful protest and that the isolated incidents of vandalism that occurred are not attributable to them. Notably, no one has been detained or charged in connection with the criminal damage that resulted.

Amnesty International considers that Ulvi Guliyev, Babek Hasanov, Sahib Karimov, and Elshan Hasanov have all been detained solely for organizing an unreasonably unauthorized protest; as have Tural Abbasli, head of the Youth Organisation of the opposition Musavat Party, Arif Hajili, head of the Central Office of Musavat Party, and Mahammad Majidli, head of PFP's public relations unit, who have also been remanded in custody on charges of organising mass disorder under Article 233 of the Criminal Code following their arrests on 2 April.

Amnesty International therefore regards them as prisoners of conscience, imprisoned solely for attempting to peacefully exercise their rights to freedom of association and expression.

The Azerbaijani authorities have also reportedly issued an Interpol arrest warrant for France-based activist Elnur Majidli. He told Amnesty International that he has been charged *in absentia* under Article 281 of the Criminal Code, which outlaws the "violent overthrow of authority, or the distribution of materials calling for such". The charge carries a maximum sentence of 12 years in prison.

Elnur Majidli has been co-organizing a series of protests in Azerbaijan via Facebook. Last week he received a telephone call from the General Prosecutor's Office warning him to cease his Facebook activities or face prosecution. He has also received several threatening phone calls from anonymous callers in Azerbaijan. Last week his father and brother were both fired from their positions in a state-owned shipping company and the Ministry of Finance respectively.

Amnesty International has reviewed Elnur Majidli's Facebook activity and considers the accusation that he has been calling for a violent overthrow of the state to be baseless. If this is the only basis to the charge against him, the organization believes he is being prosecuted simply for exercising his rights to freedom of expression and association.

Meanwhile the 17 April "Great Unity Day" Facebook page he co-founded has been deleted by Facebook after a spam attack of unknown origin.

The leaders of two major opposition parties, Musavat Party and the PFP, have pledged to continue the protest at the next rally on 17 April. They have again applied for permission to hold the protest at the square in Narimanov. "The 2 April rally only marked the beginning of a mass movement for change in Azerbaijan, we will continue the protests despite the arrest of our activists" said Isa Gambar, the head of Musavat party, addressing opposition party supporters at their headquarters on 11 April.

Amnesty International calls on the Azerbaijani authorities to allow this peaceful protest to go ahead.

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