

# **GUILTY OF DEFENDING RIGHTS**

**AZERBAIJAN'S HUMAN  
RIGHTS DEFENDERS  
AND ACTIVISTS  
BEHIND BARS**

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4 Guilty of defending rights  
Azerbaijan's human rights defenders and activists behind bars

# 1. INTRODUCTION

**“All fundamental freedoms are honoured in Azerbaijan... There are free political activities, political freedoms... Hundreds of political institutions, political parties are operating in our country. The media is completely free... press freedom is fully ensured... Freedom of assembly is ensured as well.”**

President Ilham Aliyev addressing the Parliamentary Assembly of Council of Europe (PACE), Strasbourg, June 2014<sup>1</sup>

These assurances given by President Ilham Aliyev regarding freedom of expression, association and assembly belie the reality of one of the most disastrous years for human rights in Azerbaijan since independence in 1991.

Following the President's speech, prominent human rights defenders, including Emin Huseynov, Rasul Jafarov and Intigam Aliyev, and investigative journalist Khadija Ismayilova presented PACE with the very different reality faced by human rights defenders, journalists, and political opponents, indeed anyone who dares to criticize the Azerbaijani government. They detailed more than 90 instances of harassment, intimidation, arbitrary arrest and politically motivated charges compiled by human rights defenders, including Leyla and Arif Yunus.

The response of the authorities was swift and clarified beyond doubt which of the two pictures of human rights in Azerbaijan is the real one. Within a matter of weeks, the authorities exacted their revenge. Those who had given their testimony to PACE started to be arrested. One after another, prominent human rights activists Leyla and Arif Yunus, Rasul Jafarov, Intigam Aliyev and Khadija Ismayilova were put behind bars on trumped up and politically motivated charges. Human rights defender Emin Huseynov faced similar trumped-

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<sup>1</sup> Permanent Representation of the Republic of Azerbaijan to the Council of Europe, "Azerbaijani President Ilham Aliyev addresses PACE", 24 June 2014, [http://www.azmissioncoe.org/?options=news&id=47&news\\_id=18](http://www.azmissioncoe.org/?options=news&id=47&news_id=18), (last accessed on 27 February 2015).

up charges and was forced to go into hiding in August 2014.

The Azerbaijani authorities have introduced measures restricting NGO registration, and therefore the ability of NGOs to operate within the law, and access to international funds. The government has sought to portray these measures as part of efforts to increase transparency and accountability, arguing, for example, that freezing the funds of NGOs was intended to address the problem of money laundering.<sup>2</sup> However, the real motivation appears to be, as one civil society expert has noted, to “weaken independent NGOs funded by foreign donors and terminate their relations with international organizations.”<sup>3</sup>

In recent months, human rights defenders, journalists and civil society activists have faced criminal investigations, raids and confiscation of their equipment, and finally arrest and imprisonment on trumped up charges. At least 22 people are in prison for lawfully exercising their freedom of expression, association or peaceful assembly.<sup>4</sup> They are prisoners of conscience. Several face trumped-up charges of fraud, financial irregularities and abuse of power while others have been falsely accused on drug-related offences. The effect has been to significantly squeeze the already small space in which civil society, whether in the form of internationally renowned Azerbaijani experts or local Facebook activists, could freely discuss, organize or criticize government policies.

Despite the array of repressive measures deployed against them, civil society activists, online activists, journalists and human rights defenders have sought to protect the space for comment, criticism and debate, often at great personal cost. This briefing bears witness to their determination in the face of mounting persecution. It ends with calls on the government to ensure human rights in Azerbaijan. First and foremost among these is the call for the immediate and unconditional release of all prisoners of conscience in Azerbaijan.

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<sup>2</sup> REPORT.AZ, “Fuad Alesgerov: ‘NGO branches and representative offices of foreign countries in Azerbaijan are often violating the legislation’”, *Report News Agency*, 19 November 2014, available at <http://report.az/en/domestic-politics/fuad-alesgerov-ngo/> (last accessed on 27 February 2015).

<sup>3</sup> Natural Resource Governance Institute, “Surviving a Crisis: Q&A with Azerbaijan's Gubad Ibadoglu”, undated, available at <http://www.resourcegovernance.org/node/70210> (last accessed on 27 February 2015).

<sup>4</sup> They are: Leyla Yunus, Arif Yunus, Rasul Jafarov, Intigam Aliyev, Khadija Ismayilova, Orkhan Eyybzade, Elvin Karimov, Faraj Karimov, Siraj Karimov – whose cases are covered in the present document – as well as Mammad Azizov, Rashad Hasanov, Rashadat Akhundov, Ilkin Rustamzade, Omar Mammadov, Hilal Mammadov, Abdul Abilov, Rashad Ramazanov, Ilgar Mammadov, Tofiq Yagublu, Yadigar Sadigov, Anar Mammadli, Bashir Suleymanli, whose cases have been covered in Amnesty International's previous publications.

## 2. HUMAN RIGHTS DEFENDERS BEHIND BARS

*"We are the last... First the government weakened the opposition, then targeted independent media, and now us – the NGOs."*

Leila Aliyeva, Centre for National and International Studies, October 2014<sup>5</sup>

### INTERNATIONAL STANDARDS ON NON-GOVERNMENTAL ORGANIZATIONS

Azerbaijan is party to all the major international human rights treaties guaranteeing freedom of association, including the 1966 International Covenant on Civil and Political Rights (ICCPR).

Article 22 of the International Covenant on Civil and Political Rights affirms that "everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests." Article 6 (f) of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (General Assembly resolution 36/55) explicitly refers to the freedom to access funding, stating that the right to freedom of thought, conscience, religion or belief shall include, inter alia, the freedom "to solicit and receive voluntary financial and other contributions from individuals and institutions." On 21 March 2013, the Human Rights Council adopted resolution 22/6, in which it called upon States to ensure that reporting requirements "do not inhibit functional autonomy [of associations]" and "do not discriminatorily impose restrictions on potential sources of funding."

In Communication No. 1274/2004, the Human Rights Committee observed that "the right to freedom of association relates not only to the right to form an association, but also guarantees the right of such an association freely to carry out its statutory activities. The protection afforded by article 22 extends to all activities of an association [...]." Accordingly, fundraising activities are protected under Article 22 of the ICCPR, and funding restrictions that impede the ability of associations to pursue their statutory activities constitute an interference with Article 22.

Other United Nations treaty bodies have emphasized the obligation of states to allow civil society to seek, secure, and utilize resources, including from foreign sources.<sup>6</sup>

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<sup>5</sup> Rayhan Demytrie, "Azerbaijan cracks down while chairing Council of Europe", *BBC News Europe*, 13 October 2014, available at <http://www.bbc.co.uk/news/world-europe-29559009> (last accessed on 27 February 2015).

<sup>6</sup> For instance, the Committee on Economic, Social, and Cultural Rights highlighted this issue when it expressed deep concern with Egypt's Law No. 153 of 1999, which "gives the Government control over the right of NGOs to manage their own activities, including seeking external funding" (Conclusions and Recommendations of the Committee on Economic, Social and Cultural Rights, Para. 19, Egypt, U.N. Doc. E/C.12/1/Add.44 (2000), available online at <http://www1.umn.edu/humanrts/esc/egypt2000.html>, last accessed on 27 February 2015). See also *Report of the Special Rapporteur on the rights to freedom*

## RESTRICTIONS ON NGO REGISTRATION AND FUNDING

Restrictive NGO laws have long been applied arbitrarily in Azerbaijan to limit or prohibit the activities of critical NGOs, notably through the denial of registration. The European Court of Human Rights has issued more than 10 decisions in which it found the Azerbaijani authorities responsible for violating the right to freedom of association by arbitrarily denying or delaying the registration of NGOs.<sup>7</sup> In a complex and uncertain legal landscape Azerbaijani NGOs have been obliged to find ways round these restrictions to secure and disburse funding and continue with their legitimate work. In recent years, the Azerbaijani authorities have progressively sought to close these loopholes through further onerous registration, reporting and tax requirements that have also provided the basis for a string of arbitrary arrests and prosecutions of prominent NGO leaders.

The most significant changes have related to restrictions on NGO funding. In 2009, amendments to the Law on Non-Governmental Organizations (Law on NGOs) required registered NGOs to register grants with the Ministry of Justice before using them for any transactions.<sup>8</sup>

In practice, this requirement left many of the most prominent human rights NGOs untouched, as they were not registered in first place. Many of these NGOs had their registration denied or revoked arbitrarily and continued to operate as unregistered entities.<sup>9</sup> This has always been lawful in Azerbaijan, but has entailed a number of additional

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*of peaceful assembly and of association, Maina Kiai*, Human Rights Council, Twenty third session, Agenda item 3 "Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development", 24 April 2013, A/HRC/23/39, available at [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.39\\_EN.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.39_EN.pdf) (last accessed on 27 February 2015).

<sup>7</sup> The European Court of Human Rights has dealt with more than a dozen cases relating to freedom of association in Azerbaijan, including *Ramazanova and Others v. Azerbaijan* (2007), *Nasibova v. Azerbaijan* (2007), *Ismaylov v. Azerbaijan* (2008), *Aliyev and Others v. Azerbaijan* (2008), *Tebieti Mühafize Cemiyeti and Israfilov v. Azerbaijan* (2009), and *Islam-Ittihad Association and Others v. Azerbaijan* (2014). In all these cases, the Court found violations of Article 11 of the European Convention on Human Rights, most commonly the failure of the Ministry of Justice to register public associations in a timely manner or the unjustified dissolution of an NGO.

See also Venice Commission, *Opinion on the Law on non-governmental Organisations (Public Associations and Funds) as amended of the Republic of Azerbaijan*, adopted by the Venice Commission at its 101st Plenary Session (Venice, 12-13 December 2014), available at <http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD%282014%29043-e> (last accessed on 27 February 2015).

<sup>8</sup> The Law of the Republic of Azerbaijan 'On making changes and amendments to some legislative acts of the Republic of Azerbaijan', which entered into force on 1 September 2009, and the subsequent secondary legislation adopted in 2009, require NGOs to register their grants with the Ministry of Justice before undertaking any transactions on them.

<sup>9</sup> Public associations in Azerbaijan, with the exception of branches and representations of foreign NGOs, may operate without legal personality, on an informal basis. For details, see Venice Commission, *Opinion on the Law on non-governmental Organisations (Public Associations and Funds) as amended of the Republic of Azerbaijan*, adopted by the Venice Commission at its 101st Plenary Session (Venice, 12-13 December 2014), para. 43, available at <http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD%282014%29043-e> (last accessed on 27 February 2015).



complications. Lacking legal personality, such NGOs are unable to formally own property or open bank accounts. To get round these restrictions these NGOs either received donations in the names of their founders or chairpersons (in privately held bank accounts) or established partnerships with other registered NGOs since according to Article 3 of the Law on Grants, an individual “may be recipient of a grant.”<sup>10</sup>

Fresh amendments to the Law on NGOs introduced in February and December 2013 sought to close these loopholes. The February 2013 amendments limited cash donations to AZN 200 (USD 250) and required all donations of a greater amount to be made by bank transfer to an account held by the organisation itself and for these donations to be registered with the Ministry of Justice in order to qualify for tax exemption. Without proof of such registration banks were not authorised to disburse monies held on account. This new requirement effectively excluded unregistered NGO's from receiving grants via personal bank accounts belonging to their founders.

The amendments introduced in December 2013 explicitly extended the grant registration requirement to unregistered NGOs by requiring individual recipients of grants to register received grants with the Ministry of Justice in the same way as registered organizations.<sup>11</sup> Before these amendments came into effect on 3 February 2014, there was no clear requirement for individuals receiving grants for the work of unregistered NGOs to register these grants with the Ministry of Justice.

The Azerbaijani authorities have since used these new regulations to prosecute NGO leaders (of both registered and unregistered NGOs) 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. In all the cases mentioned below the NGOs or their leaders either registered the grants as required or concluded the grant agreements prior to the introduction of the relevant registration requirements. None had received any notification from the Ministry of Justice or relevant tax authorities informing them of any administrative or financial breach or change to their tax status. The legal arguments are complex and turn in large measure on the apparent retroactive application of new registration requirements and highly contested interpretations of tax status of grants and donations.<sup>12</sup> But

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<sup>10</sup> Mahammad Guluzade and Natalia Bourjaily, *Overview of the changes to NGO Legislation adopted on 17 December 2013 by the Parliament of the Republic of Azerbaijan*, Baku, 19 February 2014, <http://dev01.icnl.org/programs/eurasia/Overview%20of%20Dec%2017%20Law.pdf> (last accessed on 27 February 2015).

<sup>11</sup> Ibid.

<sup>12</sup> The tax status of grants and donations is complex and, now, highly contested. According to Guban Bayramov, a researcher at the Economics Research Center in Azerbaijan, (in a paper reviewed by a leading global organisation on such issues, the International Centre for Non-for-profit Law), under Azerbaijan law:

... three types of income received by non-commercial organizations are exempt from taxation under the Tax Code: charitable monetary transfers, membership fees, and donations. These types of income are not defined within the framework of the Tax Code. In addition, Azerbaijan's Civil Code does not define “donations”. A fourth type of income – grants – is, in practice, exempted from profits taxation, although the Tax Code does not specifically exempt grants. Under the Law on Grants, a “grant” is described as purpose-oriented, gratuitous, non-repayable assistance provided under the procedure in the Law on Grants for preparation and implementation of projects beneficial

the bigger picture is much simpler. It is one in which a series of labyrinthine legal requirements have been introduced with the aim of restricting the work of NGOs and facilitating the selective prosecution of those critical of the government.

On 15 December 2014, the Venice Commission, an advisory body of the Council of Europe, recommended that Azerbaijan repeal the amendments to the Law on Amendments to the Law on Non-Governmental Organizations (Public Unions and Foundations), on account of the threat they posed to the full enjoyment of the freedom of association.<sup>13</sup>

## THE PROSECUTION OF NGO LEADERS

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 of Azerbaijan Republic, and branches or representative offices of foreign NGOs."<sup>14</sup> 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.

In the context of this investigation NGOs have been subjected to numerous measures that have interfered with their work. Their offices have been raided, their equipment and documents confiscated, their bank accounts arbitrarily blocked or frozen and their representatives summoned for interrogation and subjected to travel bans. The authorities have frozen the personal bank accounts of the leaders of several unregistered NGOs, leaving them unable to pay for their projects, operational costs or activities. These included leading human rights organizations such as the Media Rights Institute; the Democracy and Human

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to state and society. To qualify as a recipient of a grant, a domestic legal entity must have as its primary statutory purpose either of the following: (1) charitable activity; or (2) the implementation of projects and programs – eligible for a grant – that do not pursue the direct derivation of profit from the grant. The current law notes that "issues of taxation, connected with the obtaining ... of a grant, or of other monetary or material assistance are regulated by the Tax Code of the Republic of Azerbaijan." Since the Tax Code does not specifically exempt grants, (and precludes inclusion of issues concerned with taxation and tax control into other legislative acts), we may conclude that the practice of exempting grants is based on an understanding that "donations", as used in the Tax Code, includes grants.

See Gubad Bayramov, "Registration and Operation of NGOs, Taxation of NGOs, Public Funding for NGOs and NGO Participation in Decision-making, Azerbaijan", Economics Research Center - Azerbaijan, Sofia 2009, available at: <http://blacksea.bcnl.org/en/articles/17-registration-and-operation-of-ngos-taxation-of-ngos-public-funding-for-ngos-and-ngo-participation-in-decisionmaking-azerbaijan.html> (last accessed on 27 February 2015).

<sup>13</sup> Venice Commission, *Opinion on the Law on non-governmental Organisations (Public Associations and Funds) as amended of the Republic of Azerbaijan*, adopted by the Venice Commission at its 101st Plenary Session (Venice, 12-13 December 2014), available at <http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD%282014%29043-e> (last accessed on 27 February 2015).

<sup>14</sup> Cited in Institute for Reporters' Freedom and Safety, "Prominent rights activist Leyla Yunus detained, charged with treason in Azerbaijan", *IFEX*, 31 July 2014, available at [https://www.ifex.org/azerbaijan/2014/07/31/yunus\\_charged/](https://www.ifex.org/azerbaijan/2014/07/31/yunus_charged/) (last accessed on 27 February 2015).

Rights Centre; the Human Rights Union; the Azerbaijani Lawyers Association; the Institute for Reporters' Freedom and Safety (IRFS). The IRFS' premises were also raided and sealed off by the authorities on 11 August, without explanation or a court order.

The May 2014 investigation resulted in arrests of four prominent human rights defenders on unfounded charges connected to their legitimate organizational activities. They are **Leyla** and **Arif Yunus**, the founders and leaders of NGO Peace and Democracy Institute, which operated for more than a decade (since its founding in 2002) without registration, implementing various human rights projects; **Intigam Aliyev**, the head of the registered Legal Education Society, and **Rasul Jafarov**, the founder of Human Rights Club NGO which the authorities have refused to register since 2010.

Two other prominent NGO leaders, **Anar Mammadli** and **Bashir Suleymanli**, who run the renowned but unregistered election watchdog – Election Monitoring and Democracy Studies Centre (EMDS) – were arrested on similar charges on 16 December 2013, and sentenced to five years and six months and three years and six months imprisonment respectively in May 2014. EMDS had exposed electoral violations during the presidential election in October 2013. Amnesty International reported on their case in detail in its May 2014 report *Behind Bars: Silencing dissent in Azerbaijan*.<sup>15</sup>

In all of these cases the prosecution alleged that by receiving grants which they failed to register they conducted illegal business activity, evaded taxes, abused authority and committed forgery. Intigam Aliyev and Rasul Jafarov, were also charged with large scale misappropriation, while Leyla and Arif Yunus were charged with treason - purportedly for cooperating with Armenian secret services.

Amnesty International considers all six civil society activists to be prisoners of conscience, who have been detained and convicted or are awaiting prosecution on arbitrary charges related to their legitimate human rights work. They should all be released and have the charges against them dropped or their convictions overturned.

#### LEYLA AND ARIF YUNUS

*"How could a small, weak, sick woman scare the ruling government? With what?!... While in detention, I clearly understand that their goal is not just destruction, but brutal torture, abuse, when death is desired to get rid of terrible suffering."*

Letter written from prison by Leyla Yunus to her husband, Arif, 19 October 2014<sup>16</sup>

Leyla Yunus, a prominent human rights defender, director of the unregistered Institute for Peace and Democracy and founder of Azerbaijani Women for Peace and Freedom, was

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<sup>15</sup> Amnesty International, *Behind Bars: Silencing dissent in Azerbaijan*, 6 May 2014 (AI Index: EUR 55/004/2014), available at: <http://www.amnesty.org/en/library/info/EUR55/004/2014/en>.

<sup>16</sup> Leyla Yunus, "How could a small, weak, sick woman scare the ruling government?", letter from prison, dated 9 October 2014, published by Human Rights Freedoms Website, available at: <http://hrf.report/leyla-yunus-how-could-a-small-weak-sick-woman-scare-the-ruling-government/> (last accessed on 27 February 2015).

arrested on 30 July 2014. Along with her husband, Arif Yunus, she has been an active campaigner on sensitive human rights issues.

Leyla Yunus has worked on numerous projects relating to human rights, political persecution, corruption, conflict resolution, gender-based discrimination, violations of property rights and fair trial issues. She has a long track record of challenging politically motivated arrests in Azerbaijan. Her reports, research, interviews and opinion pieces, which are highly critical of the government, have been published in the national and international press. In 2013, she was awarded the National Order of the French Legion of Honour by the Republic of France for her human rights-related work. Arif Yunus, a well-respected historian, heads the Department on conflict and migration at the Institute for Peace and Democracy and has published numerous research papers on the Nagorno-Karabakh conflict,<sup>17</sup> religious issues, ethnic minorities and refugees. Both Leyla and Arif Yunus were actively involved in projects aimed at improving dialogue in both Azerbaijani and Armenian societies over the conflict in Nagorno-Karabakh. Her open criticism of the government and its policies made her a frequent target of reprisals and harassment. Only a few days before her arrest, on 25 July 2014, Leyla Yunus organized a press conference at which she called for an international boycott of the first European Games, due to be held in the Azerbaijani capital, Baku, in 2015, because of the regime's dire human rights record.

On 30 July 2014, Leyla Yunus was on her way to a press conference when men in civilian clothes stopped her car and forced the driver to change direction. She was taken to the Office of the Prosecutor General for questioning. Leyla Yunus's husband was summoned and questioned a few hours later.

The same day Leyla Yunus was charged with treason, conducting illegal business, tax evasion, abuse of authority, fraud and forgery. She was remanded in custody.<sup>18</sup> Arif Yunus was also charged with same offences but was released and placed under house arrest due to his poor health. However, the prosecution accused him of giving interviews on Leyla Yunus' situation and so violating the terms on which he had been allowed to return home. On 5 August, the court reversed its earlier decision and ordered him to be detained awaiting trial. At the time of writing both Leyla and Arif Yunus remained in detention pending the commencement of their trial.

The treason charges relate to the participation of Leyla and Arif Yunus in people-to-people diplomacy efforts in Azerbaijan and Armenia as part of peaceful resolution to the Nagorno-Karabakh conflict. The prosecution alleged the couple committed high treason by meeting

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<sup>17</sup> Nagorny Karabakh was a region populated by a local Armenian majority within Soviet Azerbaijan. With the onset of political liberalization in the Soviet Union in the late 1980s, the Armenians of Nagorny Karabakh began to campaign for separation from Azerbaijan and union with Armenia. This led to a conflict which escalated into a full-scale war in 1991, ending in 1994 with the *de facto* secession of Nagorny Karabakh from Azerbaijan. Despite the ceasefire of 1994, the conflict as well as the status of Nagorno Karabakh remain unresolved. See: Amnesty International *Azerbaijan: Displaced then discriminated against - the plight of the internally displaced population*, 27 June 2007 (AI Index: EUR 55/010/2007), available at <https://www.amnesty.org/en/documents/eur55/011/2007/ru/>.

<sup>18</sup> Articles 274, 192, 213, 308, 178 and 320 of the Criminal Code of Azerbaijan.

and cooperating with the individuals and research organizations based in Armenia.<sup>19</sup>

Since 2005, Leyla Yunus has been involved in “people-to-people diplomacy” between Azerbaijanis and Armenians with funding from US and European governments.<sup>20</sup> She has launched a joint dialogue project with the Region research centre in Armenia, focusing on peace and reconciliation between the two countries.<sup>21</sup> The prosecution maintains that Leyla Yunus used the project to convey secret military and security information to an alleged Armenian spy – namely the director of NGO Region, Laura Bagdasaryan.

The financial crime charges relate to grants received by her NGO, which the authorities had prevented her from registering. The prosecution alleged that she carried out “illegal business activity”, “evaded payment of taxes” and “embezzled” a total of AZN 61,277.69 (approximately USD 78,130) on grants transferred by donors directly to her account. As in the other cases, the allegations turn on the fact that these grants were not registered with the Ministry of Justice and were therefore not tax exempt. The grants in question are donations the National Endowment for Democracy, the German Marshall Fund and Open Society Foundation received from 2002 to 2012, when the law did not require unregistered NGOs to register their funds with the Ministry of Justice. According to Leyla Yunus’ lawyer, Javad Javadov, the couple did not receive any donations after 3 February 2014, when the registration of grants became mandatory under the new law.

Leyla Yunus has been targeted previously by the authorities for her critical work. In December 2008, the Ministry of Internal Affairs brought a libel law suit against Leyla Yunus for insulting the ministry and damaging the reputation of the police following comments she made in a media interview about alleged police involvement in the kidnapping of minors.<sup>22</sup> In August 2011, her offices in central Baku were illegally demolished in a retaliatory attack by the authorities after she spoke out against forced evictions connected with a redevelopment project in the area surrounding her offices.<sup>23</sup>

In the weeks leading up to their arrest, Leyla and Arif Yunus were placed under surveillance and their passports were confiscated on 28 April 2014, preventing them from leaving the

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<sup>19</sup> The Nasimin Court decision of 14 October 2014. Case #4(006)-700/2014. Unofficial translation.

<sup>20</sup> “People to people diplomacy” sometimes referred to as “track II diplomacy” refers to cooperation between NGOs, and private citizens or groups of individuals with the aim to resolve conflicts.

<sup>21</sup> Numerous people-to-people diplomacy initiatives targeting Armenian and Azerbaijani civil society representatives have been organized by prominent international organizations and NGOs. For example, the Caucasus Media Support Project (CMSP) funded by the Swiss Federal Department of Foreign Affairs, facilitated exchange visits for journalists in the Caucasus to encourage contacts and dialogue. United States Agency for International Development (USAID) also funded seminars that brought together women leaders from civil society organizations from Georgia, Armenia and Azerbaijan to discuss prospects of conflict resolution from civil society perspective. See Gulshan Pashaeva, “Assessing the Impact of Track Two Initiatives on the Nagorno-Karabakh Peace Process”, *Turkish Policy Quarterly*, Vol. 11, number 3, Fall 2012, available at [http://turkishpolicy.com/pdf/vol\\_11-no\\_3-pashaveva.pdf](http://turkishpolicy.com/pdf/vol_11-no_3-pashaveva.pdf) (last accessed on 27 February 2015).

<sup>22</sup> Amnesty International, “Charges dropped against Azerbaijani activist”, Newsflash, 5 March 2009.

<sup>23</sup> Amnesty International, “Activist's office targeted in Azerbaijan demolitions”, Newsflash, 12 August 2011.

country. The authorities also regularly summoned Leyla Yunus to the Prosecutor's Office and interrogated her as a witness in connection with criminal proceedings against the independent Azerbaijani journalist, Rauf Mirgadirov, who had been arrested in April 2014 on questionable charges of spying for Armenia. Leyla Yunus had been collaborating with Rauf Mirgadirov on joint reconciliation projects with Armenian NGOs.

Leyla Yunus is 60 years old and has diabetes and hepatitis C. Her conditions of detention are harsh, aggravating her health problems. The essential medication and special diet she needs have not always been provided. She has alleged that, after she complained about the conditions and tried to publicize them through her lawyers, prison authorities resorted to violence in order to "teach her a lesson". Her lawyers told the Azerbaijani media that on 23 September 2014 a warden dragged Leyla Yunus from her cell to an empty room where she was thrown on the ground and kicked. She has continued to report receiving threats while in detention, including that a group of men in civilian clothes entered her cell and made sexually threatening gestures towards her.

Two lawyers representing Leyla Yunus – Javad Javadov and Khalid Bagirov – have been barred from acting on her behalf and a third – Alayif Huseynov – is facing criminal charges in connection with the case. Shortly after disseminating the information about the threats against and beatings of his client, Alayif Huseynov was charged with criminal libel by a former cellmate of Leyla Yunus. Javad Javadov and Khalid Bagirov were both disqualified from representing Leyla Yunus after being named as witnesses in the case by the prosecution, on account of their prior professional acquaintance. Javad Javadov was summoned for questioning and named as witness on 29 October 2014, shortly after publicising procedural and fair trial violations in the case against his client. Khalid Bagirov was disqualified from representing Leyla Yunus on 5 November 2014.

#### RASUL JAFAROV

*"The Azerbaijani government argues everywhere and at the highest level that there are no political prisoners in Azerbaijan. However I and my colleagues do not argue, but prove that there are political prisoners in Azerbaijan."*

Rasul Jafarov's letter from prison<sup>24</sup>

Within two days of Leyla Yunus' arrest, another prominent human rights defender, Rasul Jafarov, was also thrown behind bars on similar charges. Rasul Jafarov, an outspoken human rights defender and a founder of the unregistered Human Rights Club (HRC), had worked alongside Leyla Yunus and other human rights defenders to document and campaign on cases of politically motivated arrests in Azerbaijan.

On 6 July 2014, his bank accounts were frozen and he was prevented from leaving the country on 29 July to visit neighbouring Georgia. From 29 July to 2 August he was summoned by the Serious Crimes Investigation Department of the Prosecutor General's Office

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<sup>24</sup> Azeri Report, "Open Letter of Jailed Human Rights Activist Rasul Jafarov to International Community", 19 August 2014, available at [http://azerireport.com/index.php?option=com\\_content&task=view&id=4389&Itemid=42](http://azerireport.com/index.php?option=com_content&task=view&id=4389&Itemid=42) (last accessed on 27 February 2015).

for questioning on a daily basis.

On 2 August 2014, Rasul Jafarov was arrested and charged with conducting illegal business, tax evasion and abuse of authority.<sup>25</sup> The same day, the Nasimi District Court in Baku ordered that he be held on remand for three months. On 12 December 2014, the Prosecutor General's Office announced new charges against Rasul Jafarov. These include forgery and large-scale embezzlement.<sup>26</sup> If found guilty, he could face up to 12 years in prison. His pre-trial detention has since been extended twice and his trial began in January 2015. Rasul Jafarov is accused of embezzling large amount of sums and evading taxes by operating an unregistered NGO and failing to register donations received from international donors between 2010 to 2014.<sup>27</sup> In addition, the prosecution argued that Jafarov abused official authority by acting as a legal representative on behalf of HRC, including hiring staff and concluding service contracts for the project's implementation.

Rasul Jafarov did not receive any donations on behalf of HRC after 3 February, 2014 that would have required registration under the new law. The last contract for a received donation noted by the prosecution in the indictment is dated July 2013 and covers a grant agreement with the National Endowment for Democracy (NED) based in the US in the amount of AZN 28,510 (approximately USD 36,408).<sup>28</sup>

Since the establishment of the Human Rights Club in 2010, Rasul Jafarov has repeatedly applied for official registration for the organization. However, this has been denied repeatedly on arbitrary grounds. On 26 July 2010, HRC submitted the documents for registration to the Ministry of Justice. Registration was denied on the grounds that the applicants had failed to include the copies of their identification documents. A second application submitted on 23 September 2011 was rejected on the grounds that the decision on the establishment of HRC was not signed by all three named founders. A third application, submitted on 23 November 2011, was rejected on the grounds that the responsibilities of a legal representative were not specified, despite the fact that the designation of a legal representative is optional and the HRC had not appointed one.<sup>29</sup> The NGO law requires the Ministry of Justice to notify applicants of all the deficiencies in their applications in one go, rather than repeatedly requesting additional documents or clarifications.

Rasul Jafarov challenged the denial of registration by the Ministry of Justice, however his complaint was dismissed by Baku Administrative Court, the Court of Appeal and finally the Supreme Court. An application to the European Court of Human Rights is currently pending.

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<sup>25</sup> Articles 192, 213 and 308 of the Criminal Code of Azerbaijan.

<sup>26</sup> Articles 313 and 179.3.2 of the Criminal Code of Azerbaijan.

<sup>27</sup> Donors included Embassies of United Kingdom and Norway in Azerbaijan, OSCE and National Endowment for Democracy.

<sup>28</sup> As cited in the court decision "On the refusal to replace the restrictive measure of detention on remand of the accused by the restrictive measure of house arrest or bail", Case #4 (006)-561/2014, Baku City Nasimi District Court. Unofficial translation.

<sup>29</sup> Rasul Jafarov's lawyer in interview with Amnesty International, 15 January 2015.

The process of seeking registration and filing appeals continued from 2011 until 2013. During that time, the law did not prohibit the activity of unregistered NGOs and the Human Rights Club implemented a variety of projects. Each of these projects was carried out under grant agreements signed with donor organizations and fully disclosed to the Ministry of Justice. According to Rasul Jafarov, the funds received from donors were transferred to his account as a head of the Human Rights Club, from which he paid his taxes as an individual taxpayer on the private income earned from the grant as required by law at the time.<sup>30</sup>

Since the establishment of his NGO in 2010, Rasul Jafarov has been an active campaigner on freedom of expression and other pressing human rights issues in Azerbaijan. In 2012, he coordinated a popular "Sing for Democracy" campaign, which used the Eurovision Song Contest as a platform to draw international attention to the deteriorating human rights situation in Azerbaijan. He has also been an outspoken critic of Azerbaijan's poor human rights record at the international level, including in the UN and Council of Europe. In June 2014, when President Ilham Aliyev addressed the Parliamentary Assembly in Strasbourg, Rasul Jafarov co-organized a side event to present an alternative point of view over the deteriorating human rights situation in Azerbaijan, including publicizing a list of people arrested on politically motivated charges.

#### INTIGAM ALIYEV

*"Those who defend human rights and political prisoners, and report on election fraud and corruption are considered criminals in Azerbaijan. [So,] I am one of those criminals..."*

Intigam Aliyev, 30 November 2014<sup>31</sup>

Intigam Aliyev, a renowned human rights lawyer and head of the Legal Education Society (LES), was the next human rights defender to be arrested. Intigam Aliyev had worked tirelessly compiling and documenting cases of politically motivated arrests and providing legal aid and representation to the victims of human rights violations. On 4 March 2013, he was awarded the annual *Homo Homini* prize for his personal courage and exceptional commitment to defending persecuted individuals.<sup>32</sup>

Through the LES, Intigam Aliyev provided legal assistance to those from low-income and marginalized groups, including assisting victims of politically motivated persecution. He is one of the few human rights lawyers in Azerbaijan to have successfully litigated cases before the European Court of Human Rights. He has submitted dozens of cases to the European Court, 16 of which have resulted in rulings in favour of his clients. These have included cases relating to freedom of expression and association, property rights and free elections. His arrest coincided with the European Court starting to address new complaints submitted

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<sup>30</sup> Index, "Azerbaijan: Letter from imprisoned human rights activist Rasul Jafarov", 20 August 2014, available at <http://www.indexonensorship.org/2014/08/azerbaijan-letter-imprisoned-human-rights-activist-rasul-jafarov/> (last accessed on 27 February 2015).

<sup>31</sup> Vugar Gojayev, "Azerbaijan Where Justice Is A Prisoner", *Azadliq Radiosu*, 30 november 2014, available at: <http://www.azadliq.org/content/article/26717594.html> (last accessed on 27 February 2015).

<sup>32</sup> See Člověk v tísni, "Homo Homini prize for Intigam Aliyev from Azerbaijan", 19 March 2013, People in Need, Czech Republic, available at <http://www.clovekvtisni.cz/en/galleries/homo-homini-price-for-intigam-aliyev-from-azerbaijan> (last accessed on 27 February 2015).



with Intigam Aliyev's assistance.<sup>33</sup> During the raid on his office and home on the day of his arrest, the police confiscated all the files and case materials prepared by Intigam Aliyev for submission to the European Court.<sup>34</sup>

Intigam Aliyev has been consulted by international organizations, including the Organization for Security and Co-operation in Europe and the Council of Europe, as an expert on the rule of law and human rights in Azerbaijan. He was one of the main organizers and presenters of the challenge to the President's portrayal of the state of human rights in Azerbaijan during the June 2014 session of PACE. In his speech, Intigam Aliyev criticized the Azerbaijani government, highlighting human rights violations and the authorities' failure to comply with rulings of European Court of Human Rights in which Azerbaijan was found to be in breach of its international obligations. He spoke about the problem of political prisoners, attacks on independent NGOs, arrests of government critics and forced evictions.

He was detained on 8 August 2014 after being summoned to the Prosecutor General's Office as a witness in the criminal investigation into a number of NGOs. During the course of the interview, prosecutors alleged that they had uncovered "irregularities" in the activities of the LES and charged Intigam Aliyev with conducting illegal business, tax evasion and abuse of authority.<sup>35</sup> Following his detention, the authorities raided Intigam Aliyev's home and office premises confiscating equipment, laptops and materials including tax and registration documents. The documents have still not been returned. On 15 December, the prosecution brought additional charges of large-scale fraud and embezzlement against him.<sup>36</sup> Intigam Aliyev remains in detention. His trial began in January 2015. If convicted, he could face up to 12 years in prison.

The prosecution argues that he failed to register and consequently pay taxes on 13 grants, from donors including the OSCE, the Open Society and the Czech Ministry of Foreign Affairs, dating back to 2006. The prosecution also alleged that he conducted illegal business activities by spending the received funds in the guise of service fees and salaries and abused his official authority by acting as a legal representative of the LES.

According to Intigam Aliyev, all but two of the grants in question were registered with the Ministry of Justice. His attempts to register the remaining two were obstructed.

However, during the search of his office, among other documents police confiscated the certificates of grant registration issued by the Ministry of Justice. The Ministry of Justice also deleted from its website a previously published list of grants registered by Intigam Aliyev's

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<sup>33</sup> See European Court of Human Rights, "Bringing Convention Standards Closer to Home: Case-law translations project supported by the Human Rights Trust Fund. Beneficiary state: Azerbaijan", 25 November 2014, available at [http://www.echr.coe.int/Documents/HRTF\\_Cases\\_list\\_Azerbaijan\\_ENG.pdf](http://www.echr.coe.int/Documents/HRTF_Cases_list_Azerbaijan_ENG.pdf) (last accessed on 27 February 2015).

<sup>34</sup> NewsKitchen, "Statement of human rights activist Intiqam Aliyev, arrested in Baku", *NewsKitchen Publisher*, 12 August 2014, available at <http://newskitchen.eu/2014/08/12/statement-of-human-rights-activist-intiqam-aliyev-arrested-in-baku/> (last accessed on 27 February 2015).

<sup>35</sup> Articles 192, 213 and 308 of the Criminal Code of Azerbaijan.

<sup>36</sup> Article 179.3.2 of the Criminal Code of Azerbaijan.

NGO, shortly after the investigation started. To this date, the request of defence lawyers to obtain the copies of grant registration has been denied by the court and the Ministry of Justice. The Ministry of Justice explained opaquely that the request could not be met as “it requires systemization, analysis and documentation of information.”<sup>37</sup> Later the information showing the registration of LES grants was deleted from the website of the Ministry of Justice without explanation.

The Ministry of Justice also refused to register two grants submitted by Intgam Aliyev on minor technical grounds. The grants from the National Endowment for Democracy and the European Endowment for Democracy were submitted for registration in March 2014 but refused on the basis that that Intgam Aliyev did not register his re-election as chairman of LES. Consequently these funds remained untouched on LES's bank account. The missing documents were immediately resubmitted by Intgam Aliyev, but he received no response. He was arrested shortly afterwards.

Intgam Aliyev's health is rapidly deteriorating as a result of a lack of adequate medical care in the Kurdakhany detention facility, located outside Baku. His son told Amnesty International on 12 November 2014 that his father's health was worsening daily. Medical reports provided to Amnesty International indicate that Intgam Aliyev is suffering from serious spine-related problems and experiencing severe nerve pain and a chronic headaches. The human rights defender requires regular medical check-ups, appropriate treatment and physical exercise, which, according to his son, he is not receiving during his outpatient treatment in the detention facility. As with Leyal Yunus, prosecutors have barred four of the five lawyers working on Intgam Aliyev's case by naming them as witnesses.<sup>38</sup>

#### ANAR MAMMADLI AND BASHIR SULEYMANLI

Anar Mammadli and Bashir Suleymanli were convicted on 26 May 2014 of conducting illegal business, tax evasion, abuse of authority, large-scale embezzlement and fraud. They were sentenced to five years and six months and three years and six months' imprisonment respectively, following a trial that blazed the way for the prosecutions of NGO leaders described above. Their case is described in detail in Amnesty International's May 2014 report *Behind Bars: Silencing dissent in Azerbaijan*.<sup>39</sup>

As in later cases, the charges against them consisted of alleged financial irregularities flowing from the challenges of running an unregistered association. Anar Mammadli and Bashir Suleymanli were the Chairperson and Executive Directive of the unregistered election watchdog – the Election Monitoring and Democracy Studies Centre (EMDS). EMDS was denied registration five times before it was finally registered – for a few months – in February 2008. In May, its registration was revoked by the Khatai District Court following an application by the Ministry of Justice. EMDS continued to operate as an unregistered

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<sup>37</sup> Letter received by lawyers of Intgam Aliyev from the Ministry of Justice of Azerbaijan, dated 5 September 2014. Unofficial translation.

<sup>38</sup> Fariz Namazli, Alayif Hasanov, Khalid Bagirov and Adil Ismayilov were removed from the case on 30 September 2014.

<sup>39</sup> See Amnesty International, *Behind Bars: Silencing dissent in Azerbaijan*, 6 May 2014 (AI Index: EUR 55/004/2014), available at: <http://www.amnesty.org/en/library/info/EUR55/004/2014/en>.

organisation and implemented its election monitoring activities in partnership with the registered Volunteers' International Cooperation (VIC).

EMDS came under investigation by the authorities on 27 October 2013, soon after it issued critical reports documenting widespread electoral violations during the October 2013 presidential election; Anar Mammadli and Bashir Suleymanli were charged in December 2013 along with Elnur Mammadov, the Chairperson of VIC, who was subsequently released after receiving 2 years on probation.<sup>40</sup>

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<sup>40</sup> Ibid.

## 3. ARRESTS OF JOURNALISTS AND POLITICAL OPPONENTS

*"If/when I get arrested, I want you to make sure (people) understand the reasons. Anti-corruption investigations are the reason of my arrest. The government is not comfortable with what I am doing. I am about to finish three investigations. I will make sure to finish them before anything happens."*

Khadija Ismayilova, 19 February 2014<sup>41</sup>

The use of systematic harassment and intimidation to stifle public debate has not been confined to human rights defenders and NGOs. The authorities have also intensified their crackdown on the political opposition, activists and journalists critical of the government.

### KHADIJA ISMAYILOVA

Award-winning Azerbaijani investigative journalist Khadija Ismayilova is an outspoken government critic and has published several articles exposing corruption and human rights violations in the country. She was detained on 5 December 2014. The day before she was arrested, the Presidential Chief of Staff, Ramiz Mehdiyev, accused Azerbaijani journalists of treason. Ramiz Mehdiyev referred to Khadija Ismayilova as "the best example" of journalists working against the government.

Shortly before her arrest, she published a list of the political prisoners that had been compiled by a group of human rights defenders, many of whom have since themselves been imprisoned. She was charged with deliberately inciting a former colleague and friend to attempt suicide.<sup>42</sup> According to the Azerbaijani authorities, Khadija Ismayilova was arrested for "insulting" his "honour and dignity in social networks and among her friends because he ended their relationship with the intention of marrying another woman." The authorities also claim that Khadija Ismayilova successfully lobbied for his dismissal from a media outlet where both of them worked as reporters and a broadcasting organization where he was subsequently employed as a journalist.

Both media outlets refuted the claim that Khadija Ismayilova was involved in the dismissal of the person in question and the individual concerned has since withdrawn his complaint. The Azerbaijani authorities have failed to disclose any evidence other than the individual's initial testimony to support the allegations that Khadija Ismayilova deliberately intended to incite him to attempt suicide.

Khadija Ismayilova had previously received threats related to her investigative journalism. On

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<sup>41</sup> "If I get arrested", Khadija Ismayilova's appeal to international community, 19 February 2014, posted at <https://humanrightsaz.wordpress.com/2014/12/06/if-i-get-arrested-appeal-of-khadija-ismayilova-to-international-community/> on 6 December 2014 (last accessed on 27 February 2015).

<sup>42</sup> Article 125 of the Criminal Code of Azerbaijan.

7 March 2012, she was sent copies of photographs of her having sex – unknown individuals had apparently previously secretly entered her apartment and placed hidden cameras in her room – together with a note threatening to “shame” her if she did not abandon her work; Khadija Ismayilova was investigating claims of links between President Ilham Aliyev's family and a lucrative construction project in Baku at the time. She refused to be silenced and publicly exposed the attempted blackmail.

Khadija Ismayilova is also facing charges of criminal defamation in an unrelated criminal case linked to her posting an image of an alleged official document on her webpage revealing that a particular individual was an informant for Azerbaijan's intelligence services, even though she concealed the name of this individual when publishing the document and denied any suggestions that she had leaked his name in any other way.

On 13 February 2015, Khadija Ismailova was charged like others before her with embezzlement, illegal enterprise, tax avoidance and abuse of authority. At the time of writing the grounds for these additional charges had not been publicly disclosed.

In another repeat of the pattern of harassment of government critics, Khadija's lawyer was prevented from representing her. On 10 December 2014, the day after he agreed to represent Khadija Ismayilova, Khalid Baghirov, had his licence suspended by the National Bar Association of Azerbaijan. The reason given was his criticism of the judge at the Sheki Court of Appeal in the case of another of his clients, Ilgar Mammadov, an opposition leader and another prisoner of conscience (see below). Khalid Baghirov has been involved in a number of key human rights cases concerning prisoners of conscience, including human rights defender Arif Yunus and NIDA youth movement members (see below).

Amnesty International considers the charges against Khadija Ismayilova to be politically motivated and to be the latest in a series of attempts by the authorities to stop her journalistic work. Khadija Ismayilova is a prisoner of conscience and should be released immediately and unconditionally.

#### **HILAL MAMMADOV, ILGAR MAMMADOV, TOFIG YAGUBLU AND YADIGAR SADIGOV**

Amnesty International has previously recognised the journalist and rights activist Hilal Mammadov and opposition leaders Ilgar Mammadov, Tofig Yagublu and Yadigar Sadigov as prisoners of conscience.<sup>43</sup> They remain behind bars.

Hilal Mammadov was convicted on trumped up charges of hooliganism and treason on 27 September 2013. Yadigar Sadigov was convicted of equally false charges of hooliganism on 13 January 2013.

Ilgar Mammadov and Tofig Yagublu and were sentenced on 17 March 2014 to seven and five years' imprisonment respectively for inciting public disorder. Weeks after they were sentenced, on 22 May 2014, the European Court of Human Rights ruled that the actual purpose of Ilgar Mammadov's arrest was “to silence or punish the applicant for criticising the

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<sup>43</sup> Amnesty International, *Downward Spiral: Continuing crackdown on freedoms in Azerbaijan*, 8 October 2013 (AI Index: EUR 55/010/2013).

Government and attempting to disseminate what he believed was the true information that the Government were trying to hide.”<sup>44</sup>

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<sup>44</sup> European Court of Human Rights, *Ilgar Mammadov V. Azerbaijan*, 15172/13. Judgment (Merits and Just Satisfaction) Court (First Section), 22 May 2014, available at: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-144124> (last accessed on 27 February 2015).

## 4. ARRESTS OF OPPOSITION AND ONLINE ACTIVISTS

*“Usually, defendants ask for mercy from the court, and sometimes they express regret. We don't need mercy, and don't feel regret, since we haven't done anything to apologise for. Nor do we expect justice from the court hearing this fabricated lawsuit as it is not capable of maintaining the supremacy of the law and making independent and just decisions.”*

Closing speech of NIDA activists at the Baku court, 5 May 2014<sup>45</sup>

The government crackdown has targeted particularly critical and outspoken opposition activists and people who have organized online groups discussing government policies. Typically, the authorities have accused them of drug-related offences or hooliganism. However, the fact that during interrogation their questioning by the police has usually focused on their political views and activities and critical statements published on social media sites indicates that the arrests are politically motivated, while the allegations of purported drug-related offences and hooliganism used to secure their arrest are invariably highly questionable.

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<sup>45</sup> Meydan TV, “NIDA Activists Sentenced (Updated)”, 5 May 2014, available at [http://www.meydan.tv/en/site/news/1581/NIDA-Activists-Sentenced-\(UPDATED\).htm](http://www.meydan.tv/en/site/news/1581/NIDA-Activists-Sentenced-(UPDATED).htm) (last accessed on 27 February 2015).

In several cases, activists were initially remanded in custody for alleged administrative offences and faced new and more serious charges at the point where they were due to be released from administrative detention.

## NIDA ACTIVISTS

Nine activists from the pro-democracy youth organization NIDA were arrested between March and May 2013 and in January 2014, on trumped-up charges ranging from possessing illegal drugs or weapons to fomenting public disorder. NIDA activists campaigned for democracy and against human rights abuses and widespread corruption in Azerbaijan. In February 2013 they created a Facebook event calling for a peaceful protest against injustice in the country. In May 2014, they were sentenced to prison terms of between six and eight years. Amnesty International reviewed the charges against the nine in detail in its May 2014 report *Behind Bars: Silencing dissent in Azerbaijan* and concluded that all were prisoners of conscience. Four of the nine NIDA activists have since been released. The five still in prison are Mammad Azizov, Rashad Hasanov, Rashadat Akhundov, Ilkin Rustamzade and Omar Mammadov.

All maintained their innocence at the time of detention, although some later signed confessions, allegedly under duress. For example, an open letter written by Bakhtiyar Guliyev was published in the Azerbaijani media and subsequently posted on the website of the Penitentiary Service of Azerbaijan on 2 June 2014. In the letter, Bakhtiyar Guliyev confessed to the crime of organizing public unrest and asked President Ilham Aliyev for a pardon. On 10 July, another NIDA member, Shahin Novruzlu, appealed to the President for a pardon, promising that he would “not continue to be a member of any political organization [and would] live as a worthy citizen [of Azerbaijan]”.

Before the publications of these statements, the families and lawyers of the NIDA activists had reported that prison officials had paid unannounced visits to each activist in their cells to try to convince them to sign a letter of apology. On 17 October 2014, President Ilham Aliyev signed pardons for Shahin Novruzlu and Bakhtiyar Guliyev; the two men were released the following day. On 29 December two more activists, Zaur Gurbanli and Uzeyir Mammadli were released as a result of presidential pardon.

## ORKHAN EYYUBZADE

Orkhan Eyyubzade, a 19-year-old member of the Musavat opposition party and a NIDA member, was detained on 6 May 2014 for participating in a protest against the criminal conviction of the NIDA activists outside the Baku City Serious Crimes Court. He has been an active participant in anti-government protests and had been detained previously, in December 2013, for participating in a public protest on social issues.

On 7 May 2014, the Nasimi District Court sentenced Orkhan Eyyubzade to 20 days' administrative detention for participating in an unauthorized gathering.<sup>46</sup> Two police officers at the detention centre alleged that Orkhan Eyyubzade had attacked and injured them. On 27 May, the day he was due to be released, Orkhan Eyyubzade was brought before the Binagadi District Court, which ordered that he be detained pending trial on charges of violently

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<sup>46</sup> Article 298.2 of the Administrative Code of Azerbaijan.



resisting the orders of an official resulting in non-life-threatening injuries.<sup>47</sup>

Orkhan Eyyubzade described the incident to his lawyer, which took place while he was in the corridor outside his cell taking his daily 15-minute walk with fellow detainees. He said he approached a police guard and asked him to be allowed to call his family. When the officer refused, he insisted that he be allowed to make the call. The police guard then grabbed him by the collar and pushed him against the wall. Fellow detainees Taleh Rzakhanov and Tural Abbasli testified during his trial that Orkhan Eyyubzade was attacked and beaten by two police officers without any provocation or resorting to violence.

According to Orkhan's lawyer his client told him that he was then taken to his cell. After about 15 minutes, some seven police officers entered his cell. They then forced him to lie on his stomach and handcuffed his hands behind his back. They dragged him by the hair to an empty room where one officer threatened to rape him with a bottle while others pulled his trousers down. Another officer then tore off his underwear and the others started punching and kicking him. After the beating, he was taken back to his cell.

According to the lawyer, medical examinations carried out on his client and the police officers found that Orkhan Eyyubzade and two officers had visible signs of injury: Orkhan Eyyubzade's wrists were bruised, probably by tight handcuffs; one officer had a bruised finger; and the other officer had bruises on his finger and neck. When the defence lawyer asked that footage of the incident from the numerous CCTV cameras in the detention centre be produced as evidence, police officers in charge of the detention centre refused, claiming that some of the CCTV cameras at the facility were not operating, including those overlooking the corridor where the confrontation was said to have taken place.

On 15 October 2014 the Binagadi District Court in Baku found Orkhan Eyyubzade guilty of attacking and injuring policemen and sentenced him to two years' imprisonment.<sup>48</sup> No effective investigation was carried out into Orkhan Eyyubzade's allegations of torture and other ill-treatment while in detention, despite repeated requests by his lawyer.

Amnesty International considers Orkhan Eyyubzade to be a prisoner of conscience and that he should be immediately and unconditionally released.

## BLOGGERS AND ON-LINE ACTIVISTS

The authorities have also sought to silence those expressing critical views online. Some have faced harsh sentences after conviction on false charges. Amnesty International has already documented the cases of blogger **Abdul Abilov**, who was falsely accused of drug possession and sentenced to five and a half years' imprisonment in 2013 and fellow blogger **Rashad Ramazanov**, who was sentenced to nine years in prison, also for drugs possession, in 2013.<sup>49</sup>

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<sup>47</sup> Article 315.1 of the Criminal Code of Azerbaijan.

<sup>48</sup> Faik Medzhid, "Va Azerbaidzhanie activist partii 'Musavat' Eyubzade prigovoren k dvum godam lisheniya svobody", *Caucasian Knot*, 15 October 2014, available at <http://www.kavkaz-uzel.ru/articles/25079> (last accessed on 27 February 2015).

<sup>49</sup> For further details, see Amnesty International, "Azerbaijan: Journalist and writer jailed as ruthless

Both are prisoners of conscience. Since then two more bloggers have been arrested on highly questionable charges of drugs possession. Amnesty International considers them prisoners of conscience.

#### ELVIN KARIMOV

**Elvin Karimov** is a blogger and an administrator for the popular *Azad Soz* (Free Expression) Facebook page. He has often shared articles and news that were critical of the government and ruling politicians with over 11,000 Facebook followers.<sup>50</sup> He was detained on 18 January 2014 by officials from the Ministry of National Security (MNS) as he was returning home from work. The authorities allege that he had illegal drugs on him. It is unclear whether the drugs allegedly found on him were “discovered” during his arrest or after he was brought to the MNS. More drugs were also allegedly found during a subsequent search of his home.

Elvin Karimov was kept for two days in the cells of the MNS and then transferred to the Baku Investigative Detention Centre. On 20 January, a court ordered that he be detained for three months pending trial on charges of drug possession, which since has been extended. If convicted Elvin Karimov can be sentenced to up to 12 years in prison.

A friend of Elvin Karimov and former co-administrator of the *Azad Soz* website and a Facebook page told Amnesty International<sup>51</sup> that he had last shared information on the *Azad Soz* Facebook page on 20 January 2014. When he tried to access the page later that day, he found that he had been removed as an administrator. He later learned from Elvin Karimov's parents that Elvin Karimov had been arrested on 18 January, but that they had not publicized this because of threats from officials. His friend reported that he subsequently received an anonymous call from someone who identified himself as one of “those who arrested Elvin” and who threatened that he would face reprisals if he were to publicize Elvin Karimov's arrest. The friend fled the country and was living in exile in Germany at the time of writing. The *Azad Soz* website, which featured political satire and blogs about socio-economic problems, police violence, and human rights violations, was shut down a few weeks after Elvin Karimov's arrest.

#### FARAJ AND SIRAJ KARIMOV

**Faraj Karimov**, an outspoken critic of the Azerbaijani government, was apprehended by police on 23 July 2014. He is an active member of the youth branch of opposition political party Musavat and a popular blogger; he manages Musavat's official website as well as the Facebook pages *Basta!* (Enough!) and *Istefa* (Resign) which have criticized Azerbaijan's human rights record and reported on allegations of government corruption.

Faraj Karimov called his father on the morning of 23 July to say he was being followed by

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crackdown continues”, 13 November 2013, available at <https://www.amnesty.org/en/articles/news/2013/11/azerbaijan-journalist-and-writer-jailed-ruthless-crackdown-continues/>.

<sup>50</sup> The address *Azad Soz*'s Facebook page was <https://www.facebook.com/pages/AZAD-SOZ/105714289591448?fref=ts>. Its content is no longer available.

<sup>51</sup> In interview with Amnesty International over the phone, 16 February 2015.

people in civilian clothes. After that, his phone went dead. His father made several calls to the Ministry of Internal Affairs, but was given no information about his son.

Later that day, the Azerbaijani authorities announced that Faraj Karimov had been detained on drug-related charges. Faraj Karimov was held incommunicado for 10 days. When his lawyer was finally able to visit him on 2 August, Faraj Karimov reported that he had been beaten by police to make him admit to drug-related charges. He was threatened that unless he signed a “confession”, police would “cause problems for his parents” by planting weapons at their house.

Although ostensibly held on drug-related charges, Faraj Karimov was questioned about his political and social activities. Police asked him about the Facebook groups and pages he managed and about fellow Musavat activists.

Faraj Karimov's older brother, **Siraj Karimov**, had been arrested six days earlier; police claimed to have found drugs in his pockets. He also reported that he was tortured by police to force him to sign a confession and that he was questioned about his brother. Siraj Karimov had not been involved in activism himself, but his family are convinced that he was targeted because of his brother's activism.

On 25 July 2014, Narimanov District Court issued Faraj Karimov with a three-month pre-trial detention order; his lawyer was not informed of the court hearing. Faraj Karimov was accused of advertising psychotropic substances on social networks and was charged with possessing illegal drugs which he intended to sell.<sup>52</sup> The brothers have no previous convictions or record of drug use. At the time of writing both brothers remain in pre-trial detention, with trial pending.

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<sup>52</sup> Article 234.4.3 of the Criminal Code of Azerbaijan.

## 6. CONCLUSION AND RECOMMENDATIONS

Amnesty International has documented a pattern of intensified harassment and intimidation of activists, journalists and human rights defenders by the Azerbaijani authorities in recent years. The latest arrests have effectively shut down all space for the expression of views that are in any way critical of the government. The current levels of repression of the freedoms of expression, association and peaceful assembly mark the nadir of the country's human rights record since independence. They stand at grotesque odds with the government's attempt to market Azerbaijan internationally, notably through glossy advertising campaigns and glitzy sporting or cultural events, as a thriving, free and diverse country.

The authorities have used a variety of methods to deter activists and silence criticism, from trumped-up criminal charges to repressive laws and bureaucratic regulations governing NGOs. Reports of interference with the right to legal counsel, confessions extracted under duress and ongoing ill-treatment in detention reinforce the message that the government is prepared to disregard all human rights protections in pursuit of its aim.

The government has step-by-step silenced political opposition, critical voices and finally, those individuals and groups dedicated to defending the very human rights that the government appears determined to stamp out. The arrests of prominent human rights defenders for their professional activities has paralyzed civil society at home and seriously undermined its ability express concerns internationally and to call on the support of the international community and international organizations. As the cases highlighted in this briefing show, the government now has anyone who is perceived as critical in its sights. From internationally acclaimed lawyers to activists who simply express their views on social media sites – all run the risk of trumped-up charges, unfair trials and lengthy imprisonment.

These serious human rights violations continued unabated during Azerbaijan's Chairmanship of the Committee of Ministers of the Council of Europe, despite its stated priority of "upholding and promoting the core values" of the institution, such as human rights, the rule of law and democracy.<sup>53</sup>

Amnesty International calls on the Azerbaijani government to make good the commitments it has made and take immediate steps to safeguard human rights. This must include the immediate and unconditional release of all prisoners of conscience, including those whose cases are highlighted in this briefing, and full and impartial investigations into all allegations

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<sup>53</sup> "Presentation of the priorities of the Chairmanship of the Republic of Azerbaijan of the Committee of Ministers of the Council of Europe by Minister Elmar Mammadyarov", official website of the Ministry of Foreign Affairs of the Republic of Azerbaijan, 7 May 2014, available at: [http://mfa.gov.az/index.php?option=news&id=15&news\\_id=2313&language=en](http://mfa.gov.az/index.php?option=news&id=15&news_id=2313&language=en) (last accessed on 27 February 2015).

of torture or other ill-treatment.

## RECOMMENDATIONS TO THE GOVERNMENT OF AZERBAIJAN

The Azerbaijani authorities must:

- Immediately and unconditionally release all prisoners of conscience – those detained solely for the peaceful exercise of their rights;
- End the harassment, intimidation, arbitrary detention and criminal prosecution of individuals and members of organizations for the legitimate exercise of their rights to freedom of expression, association and assembly;
- Ensure that human rights defenders, lawyers, journalists, opposition activists 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; and in particular to allow the organizations that were arbitrarily targeted to continue or resume their lawful activities;
- Ensure that any detained individuals, including civil society activists, human rights defenders, members and supporters of political parties, journalists and lawyers, charged with crimes, are tried in public proceedings that fully comply with international standards of fair trial;
- Promptly, impartially, effectively and thoroughly investigate all allegations of intimidation, harassment, arbitrary arrest and detention, ill-treatment, torture and fabrication of false charges against civil society activists, human rights defenders, members and supporters of political parties, journalists;
- Refrain from the arbitrary denial of state registration to human rights and pro-democracy NGOs and amend the Law on NGOs so as to:
  - Adopt a simple notification procedure for the formation of associations and simplify reporting requirements for NGOs, allow NGOs to operate and receive donations without state registration;
  - Ensure that minor violations of reporting obligations do not lead to the closure of NGOs or prosecutions of representatives;
  - Ensure that the penalties for failing to satisfy administrative requirements are proportionate and comparable to penalties for equivalent breaches by other legal persons.

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