

*Azerbaijan's  
Council of Europe Chairmanship:  
the End of Civil Society*

*Baku*

*November, 2014*

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# Acknowledgements

This report was researched and written by a group of Azerbaijani civil society activists who wish to remain anonymous out of concern for the security of their family members. The Azerbaijani government does not allow independent non-government organizations to conduct investigations into human rights abuses, and has taken action to curtail any such activity. As documented in this report, the Azerbaijani government regularly accuses its critics of being 'foreign agents'. Several authors of this report are under criminal investigation, launched by the Azerbaijani authorities in an attempt to silence them. Some of them are now under illegal travel restrictions.

Traditionally, reports such as the present one have been produced by the Institute for Reporters' Freedom and Safety (IRFS), a leading human rights organization in Azerbaijan.

For years, the organization's reporting has been instrumental in bringing freedom of expression issues in Azerbaijan to the attention of the Azerbaijani people and relevant organizations and officials in the United States and Europe.

Over last summer, the Azerbaijani regime decided that no human rights watchdog should exist in Azerbaijan. In the midst of Azerbaijan's chairmanship of the Council of Europe, in August, police raided IRFS offices, confiscated computers and documents, and sealed the office. IRFS director, well-known human rights advocate, Emin Huseynov, has been forced into hiding.

This report represents part of the efforts by Azerbaijani civil society to safeguard and promote freedom of expression in Azerbaijan. This report has been made possible thanks to pro-bono work by a group of researchers who remain committed to promotion of fundamental freedoms in Azerbaijan.

The authors of this report would like to thank the individuals in and outside Azerbaijan who agreed to be interviewed for this report. This report would not have been possible without their contributions.

# **Introduction**

Azerbaijan will go down in history as the country that carried out an unprecedented crackdown on human rights defenders during its chairmanship.

Nils Muižnieks, the Council of Europe  
Commissioner for Human Rights.

From the very day when Azerbaijan assumed its chairmanship over the Council's top decision making body, its committee of ministers, the space to express critical views in Azerbaijan has been gradually and progressively curtailed. Human rights defenders, representatives of independent civil society organizations, members of the political opposition, activists, and ordinary citizens have all been victims of the regime's crackdown on fundamental rights and freedoms.

Azerbaijan undertook the six-month rotating Chairmanship of the Committee of Ministers of the Council of Europe on 16 May 2014.

Prior to this period the government of Azerbaijan had failed to fulfill the country's obligations undertaken upon accession to the Council of Europe in 2001, and had engaged in sustained and systematic violations of the fundamental human rights and freedoms set out in the European Convention on Human Rights (ECHR).

When Azerbaijan acceded to the Chairmanship, the government was expected to demonstrate its commitment to the European values: in fact, the opposite happened. During this period, the Azerbaijani government openly persecuted alternative voices, and has in large part succeeded in silencing the country's beleaguered civil society.

The main targets during this period have been the country few human rights defenders, who have long advocated for European values and worked with European institutions. These defenders – and often their beloved ones – have been subjected to threats, arbitrary detention, surveillance, administrative and judicial harassment, defamation, and more generally, stigmatization by Azerbaijan's authorities and state-controlled media.

The government has used either legislative means or arrest to eliminate civil society. At the start of the Chairmanship the list of political prisoners published by human rights defenders featured 82 people. During the Chairmanship this figure reached 100, placing Azerbaijan in first place in terms of the number of political prisoners.

This report provides an assessment of Azerbaijan's Chairmanship of the Council of Europe's Committee of Ministers, highlighting the deplorable gaps between the country's human rights record and the prominent role and responsibilities entailed by the Chairmanship.

# Summary

Crackdowns on peaceful dissent have long been a hallmark of Azerbaijan's ruling establishment, and there was already ample legal latitude for the persecution of government critics when Azerbaijan undertook the rotating chairmanship of the Committee of Ministers of the Council of Europe. Azerbaijan's chairmanship has been characterized by its intensified and expanded actions against human rights defenders, journalists, bloggers, activists and civil society organizations.

By the end of Azerbaijan's chairmanship over the Council of Europe and a year after the beginning of Ilham Aliyev's third presidential term, the rights to freedoms of expression and association are increasingly under attack, despite the fact that these rights are explicitly guaranteed by the Azerbaijan's Constitution and the European Convention on Human Rights, to which Azerbaijan is party.

The law of freedom of association has been further restricted despite legally binding decisions by regional and universal human rights bodies in this regard. As a result, the space for NGO operations is rapidly shrinking, in particular due to the major restrictions on overseas funding.

Prominent government critics, opposition voices, watchdogs and ordinary citizens (speaking out on a wide range of issues) have all seen their rights restricted.

New restrictions on the freedoms of association and expression have had serious implications for civil society in Azerbaijan. Foreign funding is *de facto* and *de jure* banned in Azerbaijan. A nationwide wave of inspections of NGOs by prosecutors and tax officials in March and April 2013 marked the beginning of the application of this law.

Well-known human rights defenders Anar Mammadli, Leyla Yunus, Rasul Jafarov and Intigam Aliyev are behind bars on bogus charges. The authorities have also targeted other respected human rights voices in the country, including the Institute for Reporters' Freedom and Safety (IRFS), a leading human rights NGO in the country. IRFS leader, Emin Huseynov, well-known press freedom advocate, is facing similar charges to the other human rights defenders.

# I

## **Violations of Article X, Freedom of Expression during the Chairmanship**

Freedom of expression, one of the fundamental human rights enshrined in the European Convention, has been systematically and openly violated in Azerbaijan over the past three years. The pressures against the independent media and journalists began in earnest in 2011, with increasing controls on broadcast media outlets and the self-censorship of many journalists ensured through pressure from state officials.

The harsh crackdown on the freedom of expression that has coincided with Azerbaijan's chairmanship in the Committee of Ministers can be classified as follows:

1. Arrests and imprisonments
2. Pressures on freedom of expression organizations
3. Punishment under defamation charges

On May 6 2014 in Vienna, Foreign Minister Elmar Mammadyarov presented the priorities of Azerbaijan's Chairmanship of the Committee of Ministers of the Council of Europe. According to the Ministry's press service, the minister said:

"It is indeed a great privilege for the Republic of Azerbaijan to assume, for the first time since becoming a member of the Council of Europe in January 2001, the chairmanship of the Committee of Ministers. The chairmanship of Azerbaijan comes at a historic moment when the Organization celebrates its 65<sup>th</sup> anniversary. This is truly an important milestone for the Council of Europe which has long been considered as a reference point with its strong and unique set of standards. Over the next six months, my country will render its strong support and invest its efforts around three key pillars of the Council of Europe - human rights, rule of law and democracy. Upholding and promoting the core values of the Council of Europe will be at the center of all our activities and undertakings during this period. The key priorities of the Azerbaijani chairmanship have been identified by taking full account of topical and pressing issues persisting on the agenda of the Council of Europe, as well as Azerbaijan's positive record and comparative advantages.<sup>1</sup>

Just nine days after Mr. Mammadyarov's speech, journalist Parviz Hashimli was sentenced to eight years in prison. On May 15, the Baku Court on Grave Crimes, chaired by judge Novruz Karimov, announced the verdict on the case of journalist Parviz Hashimli and Tavakkul Gurbanov. Hashimli was sentenced to eight and Gurbanov to eight and a half years in prison. It should be noted that the public prosecutor had requested nine-year sentences for both. Bizim Yol newspaper journalist and moderator.az Editor-in-Chief Parviz Hashimli was detained on September 17, by employees of the Ministry of National Security. The Main Investigation Department of the Ministry of National Security (MNS) launched a case against him based on three articles of the Azerbaijani Criminal Code: Article 206.3.2 (smuggling of firearms on preliminary arrangement by an organized group), 228.2.1 (illegal purchase, transfer, sale,

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<sup>1</sup> <http://bit.ly/1pUiNNB>

storage, transportation and carrying of firearms, their accessories, supplies and explosives by an organized group) and 228.2.2 (the same acts committed repeatedly).<sup>2</sup>

Only 11 days after the beginning of the Chairmanship, the administrator of a Facebook page critical of the authorities, Abdul Abilov was sentenced to five and half years in jail. The page in question, “Stop sycophants!”, was closed after his arrest.<sup>3</sup>

On May 27, the Baku Court on Grave Crimes chaired by Judge Ahmad Guliyev announced the verdict on the case of Facebook activist Abdul Abilov. The Court sentenced him to five and half years in jail; the public prosecutor had requested a six and a half year sentence. Facebook activist Abdul Abilov was arrested on 22 November 2013 and charged with illegal possession, storage, manufacturing or sale of drugs, which stipulates a prison sentence for up to twelve years. Narimanov District Court ordered that he be confined in pretrial custody.

On 4 July, another Facebook activist and blogger Omar Mammadov was sentenced to five years in prison.

Omar Mammadov had been behind bars since January 2014 under charges of drug possession (Article 234.4.3 of the Criminal Code). Omar Mammadov is a founding member of the Akhin (“Current”) Movement and a member of N!DA youth movement. Mammadov was an active blogger and a former administrator of a satirical Facebook page AZTVdən Seçmələr (“Selections from AzTv”). Through the AZTVdən Seçmələr Facebook page, which has 57,000 followers, Mammadov disseminated information and images that were critical of the government. In his blog (<http://omar-mamedov.blogspot.com>) Mammadov posted critical comments about violations of freedom of assembly, police brutality and other human rights abuses committed by Azerbaijan’s authorities.<sup>4</sup>

On August 29, Azadliq newspaper reporter and presenter of Azerbaijan Saati (“Azerbaijani Hour”) program Seymur Hazi was detained by Absheron District Police Office. A criminal case was launched against him under Article 221.3 of the Criminal Code (hooliganism, committed with use of objects used as a weapon) and he was placed in pretrial detention for two months. However, Hazi’s lawyers claim he was trying to protect himself after he had been harassed and attacked.

Another journalist, Khalid Garayev was put under 25-day administrative arrest on October 30. Garayev, a reporter for Azadliq newspaper and the TV program Azerbaijani Hour, was detained on October 29, in the Binagady district of Baku. He was accused of ‘uttering unaddressed swearing in the street’. It is believed that Garayev’s arrest is related to his political and journalistic activities.

The following journalists and bloggers were behind bars before the start of the Chairmanship:

1. Avaz Zeynalli, editor in chief, Khural newspaper
2. Hilal Mammadov, editor-in-chief, Tolishy Sado newspaper
3. Nijat Aliyev, editor-in-chief, azadxeber.az
4. Araz Guliyev, editor, religious website [www.xeber44.com](http://www.xeber44.com)
5. Tofiq Yagublu, journalist, Yeni Musavat newspaper
6. Serdar Alibayli, editor in chief, Note Bene
7. Rashad Ramazanov, blogger
8. Ilkin Rustemzadeh, blogger
9. Abdul Abilov, blogger
10. Omar Mammadov, blogger and Editor of axinherekati.org website

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<sup>2</sup> <http://bit.ly/1wqX6S5>

<sup>3</sup> <http://bit.ly/1GRO0WR>

<sup>4</sup> <http://bit.ly/1jYzeQq>

11. Rauf Mirkadirov, political commentator for Zerkalo newspaper
12. Seymur Hazi, Azadliq newspaper reporter and presenter of Azerbaijan Saati

The only non-negative development in the field of freedom of expression during the chairmanship period was the release of two freelance journalists, Faramaz Novruzoglu and Fuad Huseynov, under a Presidential Pardon Decree on May 26. However, presidential pardons for innocent people who have been imprisoned for expressing their opinions is not a solution to the human rights crisis in Azerbaijan..

### ***Pressures on freedom of expression organizations***

Alongside the financial pressures against independent media and the measures to silence independent and critical journalists through arrests, NGOs expressing critical opinions and defending journalists and freedom of expression have been targeted.

Two major freedom of expression organizations, Media Rights Institute (MRI) and the Institute for Reporters' Freedom and Safety (IRFS) came under attack in connection with a criminal case opened against NGOs. MRI and IRFS were handed steep tax-related fines without any legal basis and contrary to national legislation. MRI announced the cessation of its activities as a result of the pressure. On August 8, IRFS office was raided and searched, all of its equipment was seized and on August 11, the organization's office was sealed

### ***Punishment under defamation charges***

The government has not yet fulfilled the commitment it undertook on joining the Council of Europe: to remove defamation provisions from the country's criminal code.

Defamation provisions include sanctions that are clearly disproportionate to the legitimate aim required by Council of Europe human rights standards, and are also contrary to the Azerbaijani Constitution and the National Action Program to Raise Effectiveness of the Protection of Human Rights and Freedoms. These provisions are incompatible with the requirements of the European Convention on Human Rights and the standards of the Council of Europe and European Court of Human Rights. The provisions represent a serious threat to freedom of expression in Azerbaijan.

The Council of Europe's Resolution 1577 (2007) Toward Decriminalization of Defamation states:

'As established in the case law of the European Court of European Convention on Human Rights (ETS No. 5) guarantees freedom of expression in respect not only of "information" or "ideas" that are favorably received or regarded as inoffensive or as a matter of indifference, but also of those that offend, shock or disturb.'

Azerbaijan is a member of Council of Europe and is bound by its provisions.

During the Chairmanship period, four defamation cases were heard.

1. The Minister of Internal Affairs, Ramil Usubov, sued the chairman of the Intellectuals Union and member of the National Council's Coordination Center, Eldaniz Guliyev, for a Facebook post in which he criticized the actions of the traffic police. The Minister considered it insult and libel against all police officers, and filed a lawsuit on protection



of honor and dignity of the police. On October 30, the court announced a verdict sentencing Eldaniz Guliyev to 480 hours of community service and a 1000 AZN fine.<sup>5</sup>

2. Journalist Khadija Ismayilova has been sued on defamation charges. The case stems from accusations by an individual in Baku, Elman Hasanov, who is referred to in reports as Turkoglu. Hasanov has accused Ismayilova of slandering him in statements she posted on Facebook, according to regional and international press reports. Hasanov accused Ismayilova of saying he raped a local woman and that he is a homosexual. He states that a few years ago, she published a document by the Azerbaijani national security agency (the MNB) on Facebook outing him as an informant, according to news reports<sup>6</sup>.
3. On November 6, Yasamal District Court held the final hearing on the defamation lawsuit against lawyer Alaif Hasanov by Nuriyya Huseynova, former cellmate of Leyla Yunus. Hasanov's lawyers requested the court to acquit him, calling the accusations unfounded. In his final speech, Hasanov said he was being convicted based on statements he had not made. He said that the newspaper Azadliq had added comments to his Facebook post. "The newspaper's editorial office has presented a letter to the court confirming this, but the court ignored it. The trial is biased and the judge demonstrates a clear prejudice. Therefore I do not expect a fair decision," said Hasanov. After deliberation, the court convicted Hasanov on charge of insult (Article 147 of the Criminal Code) and sentenced him to 240 hours of community service. He was acquitted of the libel charge (Article 148 of the Criminal Code). Note that recently Hasanov made a statement on physical assault allegedly committed by Nuriyya Huseynova against Leyla Yunus in the jail cell. Nuriyya Huseynova claimed that the lawyer had insulted her by calling her "criminal" and "recidivist".
4. Member of the Coordination Center and chairman of the International Relations Committee of the National Council Gultakin Hajibayli was sued by her ex-husband Mahmud Mehdiyev and his sister Aynur Mehdiyeva, under Articles 147.1 and 147.2 of the Criminal Code (slander), in the form of private prosecution.

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<sup>5</sup> <http://bit.ly/1uppJIH>

<sup>6</sup> <http://bit.ly/126txha>

## **II**

# **Violations of Article XI, Freedom of Association during chairmanship**

The current government has consistently failed to protect freedom of association. Before the Chairmanship, the authorities introduced legislative restrictions to suppress NGOs. The most recent restrictive amendment was introduced three-four months before the start of the Chairmanship, aggravating the already difficult situation for NGOs operating in Azerbaijan.

A set of draconian amendments to the laws on Grants, NGOs and State Registration of Legal Entities were adopted by Parliament in December 2013 and approved by the President in February 2014. The amendments introduced a number of strict requirements not only for local non-state actors, but also for local branches of foreign organizations, further restricting the space for civil society operations. According to the change in the Law on State Registration of Legal Entities, the changes in the constituent documents of legal entities shall be effective only after state registration. Legal entities cannot perform any activity based on the changes pending registration. In addition, the government added a new provision to the Code on Administrative Offences, which allows for a fine ranging from 2,500 to 8,000 AZN for "performing bank transactions or any other operations under the contracts (resolutions) on receipt (award) of grants not registered in the manner prescribed by law."

In an effort to get rid of the independent civil society who would continue criticizing official Baku for rights abuses—also during chairmanship-- the authorities opened a high-profile criminal case against local and international NGOs.

As such, on 22 April 2014, the Serious Crimes Investigation Department of the Prosecutor General's Office launched a criminal case (#142006023) against a number of foreign and local NGOs under Articles 308.1 (power abuse) and 313 (service forgery) of the Penal Code of Azerbaijan Republic "on the fact of irregularities found in the activities of a number of NGOs of Azerbaijan Republic, and branches or representative offices of foreign NGOs". The case was opened based on the motion of the chief of the Serious Crimes Investigation Department of the Prosecutor General's Office of Azerbaijan Republic, Eldar Ahmadov. As of July 1, it has been officially confirmed that the following foreign NGOs and foundations have been targeted in the criminal case: inter alia, International Media Support (Denmark), National Endowment for Democracy (United States), National Democratic Institute (United States) and Oxfam (United Kingdom). In connection with this criminal case, as of the beginning of June, organizational bank accounts of more than 20 local NGOs and the personal ones of their directors have been frozen. This has led to the de facto closure of those NGOs. Several NGO directors have already been summoned to the Prosecutor's Office for interrogation.

Additionally, on September 5, employees of the Prosecutor General's Office conducted a search of the office of the IREX Azerbaijan, which supports development of new media and educational exchange, and took away the organization's computers, documents and other electronic media. The organization's bank account was frozen.

On July 7-8, Sabail District Court issued decisions to freeze the bank accounts of the Public Association for Assistance to Free Economy (PAAFE). On July 9, the bank accounts of the

Institute for Reporters' Freedom and Safety were frozen. Others NGOs whose bank accounts have been frozen include Media Rights Institute, Democratic Institutions and Human Rights, Democracy and Human Rights Resource Center, Azerbaijan Lawyers Association, Center for National and International Studies.

On August 8, the office of the Legal Education Society chaired by Intigam Aliyev was searched and documents were seized. Intigam Aliyev's apartment, where prior to his arrest he lived with his family, was also searched.

On August 8, a search was conducted in the office of the Institute for Reporters' Freedom and Safety (IRFS), during which a range of equipment was seized (specifically, electronic media and film-making equipment including 15 computers with monitors, 7 laptops, 3 video cameras, over 200 videos, 200 CD-ROM drives, and more than 20 hard-disk drives, and memory cards). In addition, the investigators seized numerous documents - grant agreements, financial documents, legal documents, and press clippings. They seized materials relating to human rights work of IRFS in violation of the terms of their search warrant. On August 11, the investigating authorities sealed the office. IRFS has been forced to cease its activities.

### ***Oppressive laws restricting the right to freedom of association in Azerbaijan***

Recently, the Secretary General requested that the Venice Commission investigates the legislative amendments restricting NGO activities in Azerbaijan.

In response, the Azerbaijani parliament approved yet another draconian amendment to the laws "On the non-governmental organizations (public associations and foundations)" and "On Grants"; these reforms prevent local NGOs from receiving foreign funding. On 17 November President Aliyev signed the amendment.

Thus, the new wording of Article 24.2 of the Law "On NGOs" provides that the work and services provided by NGOs due to external funding sources should be based on contracts that are registered with the Ministry of Justice. Operating without registration engages administrative responsibility.

Under the amendment to the Article 2 of the Law "On Grants", foreign donor may not provide a grant to a local NGO in Azerbaijan without "the opinion of the executive power of Azerbaijan on the appropriateness of a particular project". Put simply, foreign donors require the Azerbaijani government's approval for every project.

This amendment will exacerbate the already restrictive conditions for local NGOs, and the foreign NGOs will rapidly tire of these unprecedented and uniquely restrictive bureaucratic barriers, and become reluctant to allocate funds. There will remain only the local donor, the Council of State Support to NGOs, which will not allocate funds to independent NGOs that are critical of the government and that advocate for human rights. The remaining independent NGOs are being eliminated: the leaders of some NGOs are behind bars; the offices of other NGOs have been closed; their bank accounts have been frozen and large fines have been levied against them. This latter amendment is an effort to entirely eliminate the NGOs. The vice-speaker of Parliament Bahar Muradova recently declared that NGOs receiving grants from foreign donors "dance to their tune." This confirms the government's suspicion of internationally funded NGOs.

Repressive amendments to the laws relating to the operation of NGOs had already been adopted in March 2013 and February 2014 respectively. These changes paved the way for

further restrictions of NGO activities, despite the fact that in 2011 the Venice Commission concluded that the existing NGO law of 2000 (the Law on Non-Governmental Organizations (Public Associations and Foundations, amended in 2009 - referred to as the 'Amended NGO Law 2009') did not meet international standards.<sup>7</sup> The information below outlines the new restrictions entailed in the Amended NGO Law 2009, as well as the recent amendments regarding registration of NGOs, the right to receive grants, and state interference with their activities.<sup>8</sup>

The current law on the registration and operation of NGOs in Azerbaijan reflects the general trajectory of government-sponsored repression. The continuing assault against the right to freedom of association and civil society is deeply damaging to Azerbaijan's democratization. The legal reform increases the administrative burden of NGOs willing to register; provides for disproportionate sanctions; entails the arbitrary and discriminatory treatment of critical human rights NGOs, including in relation to seeking state registration. Overall, the law and its application constitute excessive interference with the right to freedom of association.

### ***Azerbaijan and the Organization for Security and Cooperation in Europe (OSCE)***

In his May 6 speech, Azerbaijan's Foreign Minister Elmar Mammadyarov stated:

“Upon the initiative of the Secretary General, the Council of Europe has embarked on ambitious political reforms which will receive our strong and unequivocal support during this tenure. The Chairmanship of Azerbaijan will also support the further strengthening of co-operation with other international organizations, most notably the European Union, the OSCE and the United Nations.”

It should be emphasized that the OSCE Baku Office was downgraded to the status of a Coordinator's Office five months before the start of the chairmanship.

According to the decision, the OSCE Project Coordinator will carry out the following tasks:

- Supporting co-operation between the Government of Azerbaijan and the OSCE and its institutions aimed at implementing OSCE principles and commitments;

Planning and implementing projects between the relevant authorities of Azerbaijan and the OSCE and its institutions covering all three dimensions of the OSCE's comprehensive security concept and taking into account the needs and priorities of the Government of Azerbaijan;

- Maintaining contacts with governmental and non-governmental bodies, local authorities, universities, research institutions and NGOs;
- Performing other tasks deemed appropriate by the Chairperson-in-Office or other OSCE institutions and agreed upon between the Government of Azerbaijan and the OSCE.

In addition to local NGOs, the government has also made every effort to prevent the activity of international organizations in Azerbaijan



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<sup>7</sup> [Opinion of the Venice Commission](#) on the compatibility with human rights standards of the legislation on non-governmental organisations of the Republic of Azerbaijan, No. 636/2011, 19 October 2011.

<sup>8</sup> The information on the 2009 and 2013 amendments has already been provided by the Legal Education Society in its [submission](#) of 27 November 2013 under the rule 9.2 of the Committee's Rules.

# ***Crackdown on Azerbaijan's critics at the Council of Europe***



*Main critics of Azerbaijan's regime at the Council of Europe (left to right): Zohrab Ismayil, Emin Huseynov, Gulnara Akhundova, Intigam Aliyev, Rasul Jafarov and Rashid Hajili*

*Palace de la Europe, Strasbourg. June 2014.*

Before the start of the chairmanship, there were three human rights defenders behind bars in Azerbaijan: Anar Mammadli, Gurban Mammadov and Bakhtiyar Mammadov.

On May 26, just ten days after the start of the Chairmanship, human rights defender Anar Mammadli and Bashir Suleymanli were sentenced to five and a half and three and a half years in jail, respectively. They were found guilty on charges of running a business without registration, tax evasion and abuse of office.

The criminal cases opened against NGOs prior to the Chairmanship also sought to arrest human rights defenders. The people photographed above have been specifically targeted; they cooperated closely with the Council of Europe, actively participated in each session, organized side events and highlighted human rights problems in Azerbaijan.

Following the start of the Chairmanship, during the summer session of PACE, President Ilham Aliyev stated: "All the fundamental freedoms are provided in Azerbaijan."<sup>9</sup>

However, the large-scale attacks on NGOs began just ten days after that session. As of July 7, the bank accounts of more than 30 NGOs (including IRFS, MRI, Legal Education Society, and others) were frozen in connection with the criminal case opened against NGOs. This was

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<sup>9</sup> <http://bit.ly/1zPP1N9>

sufficient to force NGOs stop their activities, but the government continued to increase the pressure.

From July 20, travel bans were imposed on human rights defenders, preventing them from leaving the country. On July 29, a travel ban was imposed on human rights defender Rasul Jafarov.

In addition, tax inspections on NGOs were conducted without any basis.

From the end of July, the wave of arrests of human rights defenders began in earnest.

Leyla Yunus, the director of the Institute for Peace and Democracy, was detained by men in plain clothes on July 30. She was charged under Articles 274 (treason), 213 (tax evasion), 192 (illegal business), 320 (falsification of documents) and 178.3.2 (fraud causing large amount of damage). After a six-hour interrogation in the Prosecutor General's Office for Investigation of Serious Crimes, she was taken to the Nasimi district court, which handed her a three-month pretrial detention sentence.<sup>10</sup>

Rasul Jafarov was interrogated as a witness on July 31 and August 1 at the Prosecutor General office in relation to a high profile criminal case targeting a number of human rights organizations. On August 2, he was arrested and charged with three articles of the Penal Code—Article 192 (tax evasion), Article 213 (illegal entrepreneurship) and Article 303 (power abuse) and sentenced to a three-month pre-trial detention period.<sup>11</sup>

On August 5, Emin Huseynov, one of the most prominent human rights defenders in Azerbaijan and Chairman of a leading media watchdog NGO, the Institute for Reporters' Freedom and Safety (IRFS), was prevented from traveling to Istanbul, Turkey to receive urgent medical care. The border police stopped him at the airport and informed that Prosecutor General's office had imposed a travel ban on him. He may face immediate arrest. His whereabouts is currently unknown.

On August 5, Nasimi district court ordered the detention of conflict resolution expert Arif Yunus (three months). He was arrested while taking food to his wife, human rights defender Leyla Yunus, at Baku Remand Center, where she was serving her pre-trial detention term. Both Leyla and Arif Yunus have been charged with treason and other crimes.

On August 8, a court in Baku charged prominent human rights defender Intigam Aliyev with tax evasion, abuse of office and illegal entrepreneurship, and sentenced him to three months in pre-trial detention. Aliyev denies the allegations and has stated that his arrest is politically motivated. Aliyev is a veteran rights activist, having worked for more than 20 years in the field. He is one of the few Azerbaijani lawyers who has successfully litigated before the European Court for Human Rights. He was awarded the Homo Homini human rights award in the Czech Republic in 2013. Czech NGO People in Need stated: "It is shocking that this is all happening as Azerbaijan is heading Europe's top rights watchdog; the Council of Europe."

Other human rights defenders, Matanat Azizova, Zohrab Ismayil and Gulnara Akhundova had to leave Azerbaijan because of the threat of arrest. Rashid Hajili has ceased his work. All of the human rights defenders pictured above have either been arrested by the government or forced to leave the country.

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<sup>10</sup> <http://bit.ly/1EztExo>

<sup>11</sup> <http://bit.ly/YdpoFH>

## IV

# **Reactions in Baku and international response**

In the international arena, the Azerbaijani government officials and politicians purport to respect human rights, while simultaneously pursuing an aggressive campaign against individuals who speak out against major violations, and especially those who do so at international fora, such as the Council of Europe.

The flagrant human rights violations following the start of the Chairmanship have been justified by a number government officials, who in their speeches have called the human rights defenders traitors and accused international organizations, particularly U.S. ones, of attempting to launch “provocations” in Azerbaijan.

### **Top level government official violates presumption of innocence, guaranteed by Article 6.2. of the Convention**

*“On the orders of their sponsors, NGOs make unjustified reports to badmouth [Azerbaijan’s] internal and foreign policy, and send them to foreign organizations with a biased position towards Azerbaijan. On the grounds of the unjustified reports, organizations compose and distribute their declarations. At the next stage, the declarations are voiced from tribunes of official quarters and put into records. The absurd list of political prisoners attacks on journalists, human rights are the result of the purposeful provocative partnership. In their logic, Azerbaijan has not made any steps towards progress and democracy yet. They pursue the goal of presenting a horrible image of Azerbaijan to Azerbaijani and international democracy. NGOs such as the Institute for Peace and Democracy, Institute for Reporters’ Freedom and Safety, Legal Education Society, Monitoring and Teaching Democracy Center and others use big grants from foreign organizations under the disguise of human rights protection to send reports to different quarters and organize anti-Azerbaijan campaigns in international structures where Azerbaijan is represented.”*

### **Member of Azerbaijani Parliament calls for a death sentence for ‘traitors’**

On September 2, the state media published an interview with parliament deputy Yagub Mahmudov, who is also the director of the Institute of History of the Academy of Sciences<sup>12</sup>. Mahmudov called for the restoration of the death penalty for "traitors". "The death penalty should be imposed on such people," Mahmudov said. "We should have capital punishment. Why should traitors be forgiven?"

### **President calls foreign aid to local organizations ‘financing of anti-Azerbaijani interests’**

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<sup>12</sup> <http://test.publika.az/p/40528>

During a public speech in the Beylagan district on 29 August 2014, President Ilham Aliyev noted that every year millions of dollars are channeled to Azerbaijan under the guise of aid:

*“This money goes into the pockets of opposition organizations. However our opposition is so fond of money that 70-80% of the grants are pocketed. Therefore, the money is not spent the way the donors want. But it is a fact. We know this. It is impossible to conceal something here. We know how much money comes to bank accounts, to whom it comes and where it goes then. And be aware that these funds work against the interests of our country. But even if they increase that amount by ten times, it will be of no use. Because the guarantor of stability and development in Azerbaijan is the people of Azerbaijan, the work carried out, the flourishing cities and our developing country. Therefore I believe that the efforts to break the stability in Azerbaijan are out of place. Now even those, who make these efforts, completely understand this.”*

### **Presidential Administration official Ali Hasanov accuses parties, NGOs and media outlets of cooperation with ‘anti-Azerbaijani forces’**

In an interview with AzerTAc news agency on 15 August 2014, Presidential Administration official Ali Hasanov noted that through legal loopholes, some external and internal circles, contrary to the requirements of Azerbaijan’s national legislation, have influenced the activities of political parties, NGOs and the media, provided illegal financing and directed their activities accordingly.

*“As a result of this, some NGOs under the guise of "people's diplomacy", have established cooperation with local organizations controlled by the special services of aggressive Armenia, and became spokesmen for the enemy country's interests. The saddest thing is that such NGOs and individuals, and some journalists, relying on foreign circles for funding, have placed themselves above national law, shied away from registering their grant projects and presenting financial statements, evaded taxes and other legal requirements of the government. And the appropriate steps by government authorities are now, unfortunately, being presented by these circles as "a pressure on civil society", "restriction" of the NGOs' and the media's activity. A targeted slanderous campaign is being developed against Azerbaijan.”*

Hasanov said the statements by some Western circles, a number of foreign organizations and media agencies about the alleged use of "authoritarian", "dictatorial" and other similar administration methods in Azerbaijan are unfounded and biased:

*“Azerbaijan, both from legislative and practical points of view, fully provides appropriate conditions for free activity of the civil society institutions. The government's main requirement is that the NGOs and the media in Azerbaijan should not abuse democratic freedoms, and must ensure the rule of law in this area, like in developed European countries. The laws require that the NGOs should act in accordance with their own statutes, be deeply aware of their duties and responsibilities before the law, exercise the function of social control in the society in a healthy form, say "No" to those who involve them in politics, who want to turn them into an appendage of the political parties and a cheap tool in anti-Azerbaijani activities of some foreign circles.”*

### **PACE member from Azerbaijan Ali Huseynli discredits rights defenders and foreign organizations supporting them**

14 August 2014 - In an interview with APA news agency, the chairman of the Legal Policy and State Building Committee of Milli Majlis (Azerbaijan’s Parliament), and a member of Azerbaijani



delegation to Parliamentary Assembly of the Council of Europe (PACE), Ali Huseynli responded to reactions by international organizations to the arrests of well-known human rights defenders Leyla Yunus, Intigam Aliyev and others.<sup>13</sup>

*"It is those organizations who have made them 'well-known'; the organizations which non-transparently allocated grants to them, financing various projects including ones directed at anti-Azerbaijani activity. And these persons, some of whom are traitors, and some weak-minded, will finally answer for their actions before the law. Unfortunately, international funds and NGOs governed by some circles and sometimes special services of the West are involved in illegal activities not only in Azerbaijan, but also other countries. It is pointless to expect these organizations to defend the rights of Azerbaijanis violated as a result of Armenian occupation."*

### **President states that no European leader has ever spoken a word to him on Azerbaijan's internal policies**

On July 7, President Ilham Aliyev gave a speech at the fifth meeting of Azerbaijani diplomatic service bodies in the Ministry of Foreign Affairs.<sup>14</sup>

*"Some people, who call themselves the opposition or human rights activists here, believe that someone says something to us, and we will fulfill it. They are naive people. To put it mildly, either they are really naive or just want to create such an opinion. During these 11 years, European leaders bilaterally never spoke a word to me in connection with our internal policies. Today I say this for the first time. Of course, international organizations must say that because it is their political life. We just need to know this."*

### **International concerns**

International organizations have repeatedly expressed their concerns about what is happening in Azerbaijan.

EU statement (14 August):

*"The European Union is deeply concerned about the continuing deterioration of the situation of human rights and civil society in Azerbaijan.*

*In particular, we note with dismay the recent actions against several prominent human rights defenders, including Dr. Leyla Yunus and her husband Dr. Arif Yunus, Mr Rasul Jafarov, and Mr Intigam Aliyev. These add to the impression that the authorities are systematically restricting the space for public discourse and civil society in Azerbaijan".*

US mission to OSCE statement on Ongoing Detentions and Arrests of Peaceful Activists in Azerbaijan (August 14):

*"We urge the Government of Azerbaijan to halt the continuing arrests of peaceful activists, to stop freezing organizations' and individuals' bank accounts, and to release those who have been incarcerated in connection with the exercise of their fundamental freedoms". The statement reads that "other NGO activists such as prominent defense lawyer Intigam Aliyev, Rasul Jafarov of the "Human Rights Club NGO," and Emin Huseynov of the "Institute for Reporters' Freedom and Safety" fear imminent arrest or have been detained, arrested or charged with crimes on grounds that raise serious concerns. These are just a few of the many cases that cause us deep disappointment".*

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<sup>13</sup> <http://az.apa.az/news/352702>

<sup>14</sup> <http://www.azadliq.org/content/article/25448937.html>

On 23-27 June 2014, during its summer session, the PACE appointed a co-rapporteur on political prisoners in Azerbaijan, who did not visit Azerbaijan during the time of the mass arrests of human rights defenders, although he is tasked with preparing a report on the issue of political prisoners in Azerbaijan.

On 18 September 2014, the European Parliament has adopted a resolution on Azerbaijan which calls for the release of human rights defenders and calls on the Council of Europe to apply sanctions against Azerbaijan.<sup>15</sup>

On August 1 2014, the Secretary General of the Council of Europe **Thorbjørn Jagland** issued<sup>16</sup> a statement on the arrest of Azerbaijani human rights defender Leyla Yunus and her husband Arif Yunus:

"I am deeply concerned about the reports relating to the detention of Leyla Yunus and the opening of a prosecution case against her husband, Arif Yunus, who are both well-known human rights defenders in Azerbaijan [...]".

On September 30, **the Committee on Legal Affairs and Human Rights of the Council of Europe Parliamentary Assembly (PACE)** issued the statement to deplore the recent arrests and convictions of human rights defenders and NGO leaders in Azerbaijan.

"The targeting of human rights defenders in Azerbaijan must stop" said **the Council of Europe Commissioner for Human Rights, Nils Muižnieks**<sup>17</sup>, on 24 October 2014, at the end of a two-day visit to the country. "The urgency of this visit was dictated by the arrest and detention over last summer of virtually all the civil society partners of my Office, which makes it increasingly difficult to work on human rights issues in Azerbaijan", he explained.

On 03 November 2014, the Secretary General of the Council of Europe **Thorbjørn Jagland** published an op-ed<sup>18</sup> in the online version of the Guardian newspaper, at [theguardian.com](http://theguardian.com). "We have repeatedly warned Azerbaijan over its poor human rights record. Earlier this year, the Council of Europe's human rights commissioner, Nils Muižnieks, issued a report on the freedom of assembly and expression in the country, in which he expresses his serious concern about the harassment and arrest of journalists. Muižnieks recently visited prominent activists including Anar Mammadli and Leyla Yunus in prison, and called on Azerbaijan to stop reprisals against human rights defenders," reads the article.

On 24 November 2014 the **Council of Europe Commissioner for Human Rights Nils Muižnieks**<sup>19</sup> expressed his "pain" at Azerbaijan's crackdown on the country's human rights defenders. Writing on Facebook, Muižnieks declared: "The Council of Europe's primary friends and partners in the country have almost all been targeted. While this pains me deeply, it also makes practical cooperation between Azerbaijan and the Council of Europe extremely difficult. The reprisals must stop. Now."

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<sup>15</sup> <http://bit.ly/1sIYEW9>

<sup>16</sup> <http://bit.ly/1yuyQCY>

<sup>17</sup> <http://bit.ly/1FFXV08>

<sup>18</sup> <http://bit.ly/1un63Aw>

<sup>19</sup> <http://bit.ly/1r0dcpp>

# **Conclusion**

During the six-month Chairmanship period, the Government of Azerbaijan has committed sustained and systematic human rights violations. During Chairmanship the number of political prisoners has risen to over 90. Human rights defenders well-known both locally and internationally were arrested during this time. Currently there are seven human rights defenders, and twelve journalists and bloggers behind bars. This state of affairs is clear evidence that official claims for the protection of freedom of expression are fraudulent. In a country where economic means are used to silence the independent media, journalists and human rights defenders are arrested, organizations defending freedom of expression are eliminated and freedom of association has been openly violated during the period of chairmanship, the government's commitment to human rights is clearly absent. The NGOs that have constituted the core of the civil society have been incapacitated. Further restrictive amendments have been proposed to NGO legislation and the Parliament has already adopted the bill. This threatens all future activities of NGOs.

Has the Council of Europe Chairmanship improved the human rights situation in Azerbaijan?

No. Sadly, this 'honor' has marked the end of Azerbaijani civil society, and with it the credibility of the Council of Europe.