

8 March 2017

Mr Ilham Aliyev
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Call for the immediate and unconditional release of Mehman Huseynov

Mr President,

We, the undersigned 50 member and partner NGOs of Human Rights Houses, call upon you to take all necessary steps to ensure the immediate and unconditional release of photojournalist, blogger and human rights defender Mehman Huseynov, who is also the Chairman of the Institute for Reporters' Freedom and Safety. We call upon you to ensure a thorough and impartial investigation into the use of torture against Mehman Huseynov, and ensure that the perpetrators are brought to justice. We further call upon the Azerbaijani authorities, through you, Mr President, to put an end to the unprecedented repression against civil society.

Mehman Huseynov is a well-known Azerbaijani photojournalist, blogger and human rights defender who has been pivotal in raising awareness of social, economical and political issues in Azerbaijan. Through Sancaq Production, which he launched, he has reported on corruption and nepotism in Azerbaijan. Sancaq reports on the daily life of Azerbaijanis, which shows how truly Mehman Huseynov cares about the people in Azerbaijan. With his reporting he outreached to various communities across Azerbaijan. He is today a popular blogger and social-media journalist in Azerbaijan. His reporting finds a high level of interest and interaction on social media platforms in Azerbaijan. He was awarded the Press Prize Award from Fritt Ord Foundation and the Zeit Foundation in 2013.

On 3 March 2017, Mehman Huseynov was convicted and sentenced to two years' imprisonment on charges of defamation. His conviction stems from a private case brought by the Chief of the Police Department of the Nasimi District, Baku, related to Mehman Huseynov's public reporting about his treatment when detained overnight by police in January 2017.

On 9 January 2017, Mehman Huseynov was forcibly dragged into an unmarked vehicle and taken to an unknown destination by unidentified assailants in civilian clothes. He appeared in court the next day. He was tried in a closed hearing and found guilty by the Nasimi District Court, Baku, of

committing an administrative offence under Article 535 part 1 of the Administrative Code of the Republic of Azerbaijan (disobeying a lawful order by police officers).¹

He appeared in court the next day. He was tried in a closed hearing and found guilty by the Nasimi District Court, Baku, of committing an administrative offence under Article 535 part 1 of the Administrative Code of the Republic of Azerbaijan (disobeying a lawful order by police officers).²

Following his detention incommunicado over night at the 22nd Nasimi District Police Station, signs of torture and ill treatment were visible on him, including blood on his shirt and marks on his legs. He reported that in the unmarked vehicle, in which he was transported, his mouth was sealed with tape, a bag was put over his head, he was beaten, and an electroshock weapon was used against him.³ He was then held in an unknown location and was further beaten by unidentified assailants. Reports at the time also indicated that “police forged his signature on documents he refused to sign.”⁴

Furthermore, Front Line Defenders and the Georgian Centre for Psychosocial and Medical Rehabilitation for Torture Victims, a member organisation of the Human Rights House Tbilisi, sent a team of medical doctors to Baku to conduct a medical and psychological examination of the human rights defender. The allegations made by Mehman Huseynov regarding inhumane treatment are consistent with the findings of the medical examination and the mental health assessment.⁵

The defamation charges against Mehman Huseynov were brought by the Chief of the Police Department of the Nasimi District, the head of the very institution whose agents Mehman Huseynov accused of having tortured and ill treated him.

Furthermore, the court sentenced Mehman Huseynov in an expedited way the day after he spoke at a commemorative event marking the killing of journalist Elmar Huseynov.⁶ On 27 February 2017, Mehman Huseynov published a video in which he interviewed people in Azerbaijan related to the nomination of Mehriban Aliyeva to the position of first Vice-President,⁷ following the constitutional reform that significantly increased presidential powers.⁸

These elements indicate that Mehman Huseynov was sentenced because he denounced the torture and ill treatment of which he was a victim.

The authorities in Azerbaijan consistently targeted Mehman Huseynov, his family, and the Institute for Reporters’ Freedom and Safety (IRFS) for several years:

¹ “Mehman Huseynov detained in Azerbaijan,” 10 January 2017, available at <http://humanrightshouse.org/Articles/22150.html>.

² “Mehman Huseynov detained in Azerbaijan,” 10 January 2017, available at <http://humanrightshouse.org/Articles/22150.html>.

³ Institute for Reporters’ Freedom and Safety (IRFS), “Mehman Huseynov’s Conviction: Time to Apply Sanctions Against Aliyev Regime,” 3 March 2017, available at <https://www.irfs.org/news-feed/mehman-huseynovs-conviction-time-to-apply-sanctions-against-aliyev-regime/>.

⁴ Jane Buchanan, “The Price for Journalism in Azerbaijan,” 11 January 2017, available at <https://www.hrw.org/news/2017/01/11/price-journalism-azerbaijan>.

⁵ Front Line Defenders, “Mehman Huseynov is sentenced to two years imprisonment on defamation charges,” 3 March 2017, available at <https://www.frontlinedefenders.org/en/case/mehman-huseynov-sentenced>.

⁶ Elmar Huseynov, founder and chief editor of weekly *Monitor*, was shot seven times by a silencer pistol and killed in the stairwells of his apartment in Baku on 2 March 2005, “Nobody brought to justice over murdered editor Huseynov,” 6 March 2012, available at <http://humanrightshouse.org/Articles/17726.html>.

⁷ Sancaq Production, “Ölkəni kim idarə etməlidir? Prezident yoxsa vitse-prezident? Xalq danıqır...,” 27 February 2017, available at <https://www.facebook.com/Sancaq.biz/videos/1410330369037361/>.

⁸ “Amid Azerbaijan’s suppression of public debate, no vote is free and fair,” 27 September 2016, available at <http://humanrightshouse.org/Articles/21899.html>.

- As reported by the United Nations Special Rapporteur on human rights defenders,⁹ he was first arrested in 2012, and since then has been regularly interrogated by authorities, who have confiscated his official documents and imposed a travel ban on him.¹⁰ On 10 September 2016, he was taken to a police station and interrogated and threatened with torture;
- In November 2016, Mehman Huseynov was elected as IRFS's new chairman. The previous chairman of IRFS, journalist Rasim Aliyev, died after being violently attacked in August 2015 in Baku;¹¹
- Prior to Rasim Aliyev, Mehman Huseynov's brother Emin Huseynov was Chairperson of IRFS. He was forced into hiding and to leave Azerbaijan.¹² As well as the harassment of its leaders, the IRFS has also suffered from the administrative blocking of the organisation from being able to operate in the country. Furthermore, Emin Huseynov was himself also tortured when arrested in June 2008, as found by the European Court of Human Rights.¹³

The pattern of harassment and attacks against Mehman Huseynov, his family and his organisation, and the timing of the sentence handed out against him, are clear indications of the will of the authorities to attempt to silence Mehman Huseynov, and more broadly continue their crackdown on civil society.¹⁴

In regard to the use of torture, the Government of Azerbaijan claimed to the United Nations Committee against Torture that no cases of torture have been recorded during the reporting period.¹⁵ In its conclusions, the Committee called upon Azerbaijan to investigate promptly, thoroughly, and impartially all allegations of arbitrary arrest, denial of adequate medical treatment, and torture and ill treatment, prosecute and punish appropriately those found guilty, and provide the victims with redress.¹⁶ Furthermore, in line with its obligations in regard to the prohibition of torture and inhuman or degrading treatment or punishment under the European Convention for Human Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Government of Azerbaijan accepted to guarantee and make systematic the use of independent and impartial investigations into alleged cases of torture (similar recommendations made by Costa Rica, France, Ireland, Poland, and Switzerland).¹⁷

⁹ Report to the United Nations Human Rights Council of the Special Rapporteur on the situation of human rights defenders on his mission to Azerbaijan, 20 February 2017 (UN Doc: A/HRC/34/52/Add.3), para. 47, available at <http://humanrightshouse.org/noop/file.php?id=22285&d=1>.

¹⁰ "Prize-winning photojournalist denied permission to leave Azerbaijan," 18 June 2013, available at <http://humanrightshouse.org/Articles/19350.html>.

¹¹ "Journalist Rasim Aliyev murdered as human rights crackdown continues in aftermath of European Games," 11 August 2015, available at <http://humanrightshouse.org/Articles/21105.html>.

¹² "Emin Huseynov is free and safe," 13 June 2015, available at <http://humanrightshouse.org/Articles/21025.html>.

¹³ "Emin Huseynov about torture," 13 November 2015, available at <https://www.youtube.com/watch?v=CH3bWbvz3ZU>.

¹⁴ 52 NGOs from 9 Human Rights Houses expressed their dismay at the continued crackdown on civil society, in a joint letter to you on 22 April 2015, "Release human rights defenders, journalists and activists," available at <http://humanrightshouse.org/Articles/20917.html>.

¹⁵ "CAT raises deep concerns over treatment of human rights defenders in Azerbaijan," 23 December 2016, available at <http://humanrightshouse.org/Articles/21281.html>.

¹⁶ United Nations Committee against Torture, Concluding observations on the fourth periodic report of Azerbaijan, 27 January 2016 (UN Doc: CAT/C/AZE/CO/4), available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fAZE%2fCO%2f4&Lang=en.

¹⁷ United Nations Human Rights Council, Report of the Working Group on the Universal Periodic Review, Azerbaijan, 5 July 2013 (UN Doc: A/HRC/24/13), recommendations 109.73 by Costa Rica, 109.74 by France, 109.75 by Ireland, 109.76 by Poland, and 109.77 by Switzerland, available at http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session24/Documents/A-HRC-24-13_en.pdf.

Since 2009, the authorities' crackdown on civil society has intensified, marked by legislative changes limiting the autonomy of NGOs and giving overreaching authority to the government to control NGOs. The restrictive legislation has been found to be in violation of Azerbaijan's obligations under European law by the Venice Commission¹⁸ and of international human rights law by the Human Rights Committee.¹⁹ The authorities have used the legislation to close human rights and media organisations, prosecute their leaders or employees, such as Radio Free Europe / Radio Liberty and Meydan TV, or order them to cease all activities, as the authorities did with the Human Rights House Azerbaijan in March 2011. Many prominent human rights defenders including journalists and lawyers have been arrested or forced into hiding. Following their release, human rights lawyer Intigam Aliyev²⁰ and journalist Khadija Ismayilova²¹ remain under a travel ban and many organisations and human rights defenders remain under investigation. Despite the judgment of the European Court of Human Rights in 2014, and the repeated calls from the Committee of Ministers of the Council of Europe,²² Ilgar Mammadov remains in detention, as well as many other human rights defenders, journalists and lawyers, as identified by Azerbaijani civil society.

Given the above, we see the sentencing of Mehman Huseynov as emblematic of the abusive and arbitrary methods used by authorities to punish and attempt to silence human rights defenders, journalists and lawyers in Azerbaijan, which we strongly condemn.

We therefore call upon you to:

- **Take all necessary steps to ensure the immediate and unconditional release of Mehman Huseynov and lift the travel ban imposed on him;**
- **Ensure a thorough and impartial investigation into the use of torture against Mehman Huseynov, and ensure that the perpetrators are brought to justice. A failure to do so would indicate that Azerbaijan is not taking seriously its obligations in regard to the prohibition of torture and inhuman or degrading treatment or punishment;**
- **Put an end to the unprecedented repression against civil society, by dropping all restrictions put upon Intigam Aliyev and Khadija Ismayilova following their release on probation, ending all baseless investigations against human rights defenders and their organisations, amending legislation to ensure that it is line with Azerbaijan's human rights obligations and the recommendations made by European and international human rights mechanisms.**

Yours sincerely,

Barys Zvozkau Belarusian Human Rights House in exile, Vilnius (on behalf of the following NGOs):

- Human Rights Centre "Viasna"
- Belarusian PEN Centre
- Belarusian Association of Journalists

¹⁸ See many opinions of the European Commission for Democracy through Law (Venice Commission) on legislation and governmental decrees affecting civil society at

<http://www.venice.coe.int/webforms/documents/?country=41&year=all>.

¹⁹ "The United Nations provide a roadmap of reform to Azerbaijan," 7 November 2016,

<http://humanrightshouse.org/Articles/21998.html>.

²⁰ "Intigam Aliyev released," 29 March 2016, available at <http://humanrightshouse.org/Articles/21553.html>.

²¹ "Khadija Ismayilova released on probation," 25 May 2016, available at

<http://humanrightshouse.org/Articles/21641.html>.

²² Interim Resolution CM/ResDH(2015)43, 12.03.2015; Interim Resolution CM/ResDH(2015)156, 24.09.2015; CM/ResDH(2016)144, 08.06.2016.

- Belarusian Helsinki Committee
- City Public Association "Centar Supolnašć"
- Law Initiative

Human Rights House Belgrade (on behalf of the following NGOs):

- Lawyers Committee for Human Rights (YUCOM)
- Belgrade Centre for Human Rights
- Civic Initiatives
- Helsinki Committee for Human Rights in Serbia
- Policy Centre

Educational Human Rights House Chernihiv (on behalf of the following NGOs):

- NGO MART
- NGO Ahalar

Human Rights House Oslo (on behalf of the following NGOs):

- Human Rights House Foundation
- Health and Human Rights Info

Human Rights House Tbilisi (on behalf of the following NGOs):

- Article 42 of the Constitution
- Caucasian Centre for Human Rights and Conflict Studies (CAUCASIA)
- Georgian Centre for Psychosocial and Medical Rehabilitation of Torture Victims (GCRT)
- Human Rights Centre (HRIDC)
- Media Institute
- Union Sapari - Family without Violence

Human Rights House Voronezh (on behalf of the following NGOs):

- Charitable Foundation
- Civic Initiatives Development Centre
- Confederation of Free Labor
- For Ecological and Social Justice
- Free University
- Golos
- Interregional Trade Union of Literary Men
- Lawyers for labor rights
- Memorial
- Ms. Olga Gnezdilova
- Soldiers Mothers of Russia
- Voronezh Journalist Club
- Voronezh-Chernozemie
- Youth Human Rights Movement

Human Rights House Zagreb (on behalf of the following NGOs):

- B.a.B.e.
- CMS - Centre for Peace Studies
- Civic Committee for Human Rights

- Documenta - Centre for Dealing with the Past

Helsinki Foundation for Human Rights, Poland

Legal Education Society, Azerbaijan

Public Union of Democracy and Human Rights Resource Centre, Azerbaijan

Public Association for Assistance to Free Economy, Azerbaijan

Election Monitoring and Democracy Studies Centre, Azerbaijan

Human Rights Club, Azerbaijan

Institute for Reporters' Freedom and Safety, Azerbaijan

Center for Civil Liberties, Ukraine

Human Rights Information Centre, Ukraine

Kharkiv Human Rights Protection Group, Ukraine

Index on Censorship, United Kingdom

Copies to:

- Office of the Commissioner for Human Rights of the Council of Europe
- Private Office of the Secretary General of the Council of Europe
- Delegation of the Council of Europe in Azerbaijan
- Parliamentary Assembly of the Council of Europe
- United Nations Special Rapporteur on the situation of human rights defenders, United Nations Special Rapporteur on the rights to freedom of association and peaceful assembly, Special Rapporteur on the right to freedom of opinion and expression
- Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe (OSCE ODIHR)
- Cabinet of Commissioner Johannes Hahn for European Neighbourhood Policy and Enlargement Negotiations
- Delegation of the European Union in Azerbaijan
- Subcommittee on Human Rights of the European Parliament
- Diplomatic community in Baku, Brussels, Geneva, New York and Strasbourg, in particular diplomatic representations of Costa Rica, France, Ireland, Poland, and Switzerland
- Various ministries of foreign affairs and parliamentary committees on foreign affairs, in particular of Costa Rica, France, Ireland, Poland, and Switzerland

About the Human Rights House Foundation and Human Rights Houses (www.humanrightshouse.org):

The Human Rights House Network is a community of human rights defenders working for more than 100 independent organisations operating in 16 Human Rights Houses in 13 countries. Empowering, supporting and protecting human rights defenders, the Network members unite their voices to promote the universal freedoms of assembly, association and expression and the right to be a human rights defender.

The idea of establishing a Human Rights House in Baku appeared for the first time in 2003. In 2007, the HRH Azerbaijan was registered as an international branch of the HRHF, and officially opened in 2009. In accordance with the order of the Azerbaijani Ministry of Justice of 10 March 2011 the activities of HRH Azerbaijan have been ceased. Partner organisations of HRH Azerbaijan continue all activities, until an agreement with authorities on the reopening of HRH Azerbaijan is reached.

The Institute for Reports' Freedom and Safety is one of the partner NGOs of HRH Azerbaijan.

The Human Rights House Foundation (HRHF), based in Oslo (Norway) with an office in Geneva (Switzerland), is the secretariat of the Human Rights House Network.