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High Representative of the European Union for Foreign Affairs and Security Policy /
Vice President of the European Commission
European Commission
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RE: Letter to the EU High Representative Mogherini on her upcoming visit to Azerbaijan

Brussels, 17 February 2016,

Dear High Representative / Vice-President Mogherini,

We are writing to you ahead of your forthcoming visit to Azerbaijan. Your visit will take place in the context of a prolonged and unprecedented government crackdown against civil society, human rights defenders, and government critics. We therefore urge you to address, in private and in your public statements, the European Union's concerns about the human rights situation in Azerbaijan. We urge you to condition negotiations on EU's closer political and economic ties with Azerbaijan, including through the Strategic Modernization Partnership Agreement, on concrete steps to be taken by the government to address the human rights crisis in that country. These steps include the immediate and unconditional release of all those wrongfully imprisoned and repealing new legislation on NGOs that is excessively restrictive.

The EU's Strategic Framework on Human Rights and Democracy commits the EU to placing "human rights at the centre of its relations with all third countries including strategic partners" and that the EU will "throw its full weight behind advocates of liberty, democracy and human rights throughout the world."

It is difficult to reconcile these commitments with advancing negotiations for a Strategic Modernization Partnership Agreement with the government of Azerbaijan at this time. In the past two years, the government of Azerbaijan has engaged in a relentless and systematic crackdown that has targeted civil society and human rights defenders, with the result that numerous human rights defenders, political activists and journalists were given long prison terms following politically motivated and unfair trials. In the past year alone, human rights lawyer Intigam Aliyev; veteran human rights defenders Leyla and Arif Yunus; prominent investigative journalist Khadija Ismayilova; and human rights campaigner Rasul Jafarov were convicted and handed prison sentences ranging from six to eight and a half years. Others imprisoned on politically motivated charges include Seymur Haziyevev, a columnist for the opposition newspaper Azadlig; Musavat members Siraj and Faraj Kerimlis; and Popular Front Party member Murad Adilov. Human rights activist Taleh Khasmammadov received a three-year sentence. Although Leyla and Arif Yunus were released in December 2015 on a suspended sentence of five years, in February, Baku's Yasamal District Court denied a request to allow the Yunuses to leave the country for much needed medical treatment.

Political analyst Ilgar Mammadov remains in prison, despite a 2014 European Court of Human Rights decision ruling his detention unlawful and two decisions by the Council of Europe's Committee of Ministers ordering Azerbaijan to free him. A November 2015 European Court decision found the detention of journalist Tofiq Yagublu unlawful and a violation of the right to liberty and security. On 15 December 2015, the Secretary General of the Council of Europe launched an inquiry into Azerbaijan's implementation of the European Convention on Human Rights.

Numerous restrictive laws give the authorities power to prosecute nongovernmental groups and provide for higher financial and criminal penalties for minor infractions. They also allow the authorities to deny registration and to temporarily or permanently close local and international groups. For over two years, the authorities have denied many independent civic groups access to funds by initiating criminal investigations against international donors (including the European Endowment for Democracy) and thus refusing to register most foreign grants, making it all but impossible for many groups to carry out independent human rights work in Azerbaijan. In October 2015, the government adopted new rules that require nongovernmental organizations and branches of foreign NGOs in Azerbaijan to register all contracts on provision of services and other work with the Ministry of Justice, and authorize the Ministry of Justice to check whether the service contract is in line with Azerbaijani law.

While the European Union has published statements expressing concern about many of the politically motivated arrests and convictions, it has yet to develop a firm, collective and principled response to the ongoing crackdown. Condemning the persecution of human rights defenders and pursuing the release of all those wrongfully detained should become an integral part of the EU's approach towards Azerbaijan. The EU has yet to impose serious consequences for the continued detention of dozens of government critics. We therefore urge you to demonstrate a strong, consistent policy response to the ongoing crackdown in Azerbaijan by putting on hold negotiations toward a Strategic Modernization Partnership Agreement until concrete steps are taken by the government of Azerbaijan to improve its abysmal human rights record, including the release of imprisoned activists, lawyers and journalists. In September 2015, the European Parliament adopted a resolution calling for the negotiations for a Strategic Partnership Agreement with Azerbaijan to "be immediately put on hold as long the government fails to take concrete steps in advancing respect for universal human rights."

We also call upon you to raise human rights concerns with President Aliyev and other high officials during your forthcoming visit to Azerbaijan and to press the government of Azerbaijan to:

- Immediately and unconditionally release all wrongfully-imprisoned human rights defenders, journalists and activists, and drop all politically motivated charges and convictions against them, including against Intigam Aliyev, Rasul Jafarov, Khadija Ismayilova, Ilgar Mammadov, Anar Mammadli, Tofiq Yagublu, and Rauf Mirgadirov; also vacate convictions against Leyla and Arif Yunus and drop any travel restrictions on them so that they can seek medical care abroad;
- End the crackdown on civil society and human rights work, ensure independent civil society groups and activists can operate without undue hindrance or fear of persecution, remove undue barriers to accessing foreign grants, and amend legislation on NGOs in accordance with the recommendations of the Venice Commission, particularly regarding the registration, operation, and funding of NGOs.

What you say in closed-door negotiation about the above issues is equally important as what you say publicly, for it is your public messaging that will provide transparency, that will make clear to all

the EU's expectations of the Azerbaijani government, and that will give hope to those now enduring government persecution.

We are concerned that resuming negotiations with the government of Azerbaijan towards a Strategic Partnership Agreement while dozens of human rights defenders are still behind bars and as civil society and non-governmental organizations face unprecedented restrictions would gravely jeopardize the EU's commitment to human rights on the European continent itself.

We hope that your upcoming visit to Baku will send an unambiguous message that human rights are a key and non-negotiable priority in the EU's engagement with Azerbaijan, and uphold the principles promoted by the EU's own Strategic Framework for Human Rights and Democracy.

Yours sincerely,

- Front Line Defenders
- Human Rights House Foundation
- Human Rights Watch
- International Federation for Human Rights (FIDH)
- International Partnership for Human Rights
- World Organisation Against Torture (OMCT)