



36<sup>th</sup> SESSION OF THE UNITED NATIONS HUMAN RIGHTS COUNCIL  
11 September 2017

Item 3 – Clustered interactive dialogue with the working group on arbitrary detention

Human Rights House Foundation statement

*Delivered by Matthew Jones, International Advocacy Officer, Human Rights House Foundation*  
*Check against delivery*

Thank you Mr Chairperson.

Human Rights House Foundation welcomes the Working Group on arbitrary detention's report on its visit to Azerbaijan and this opportunity for dialogue on the human rights situation in Azerbaijan.

"Liberty should be the rule and detention the exception", is a basic principle of international law recalled by the Working Group in its preliminary observations<sup>1</sup>. Unfortunately in Azerbaijan, the exception seems to be the rule, and we take note of the Working Group's observation that: "In every single place the delegation visited, it could observe that many persons had been detained without a proper assessment of the need for them to be detained and for a very long period of time."<sup>2</sup>

**We begin by acknowledging the early release of the director of the Turan Media Agency, Mehman Aliyev, only yesterday from pre-trial detention. While he continues to face fabricated charges of illegal entrepreneurship, tax evasion, and abuse of power, his early release shows the effect of international scrutiny, including that brought by the Working Group.**

Nevertheless, the authorities in Azerbaijan have rapidly put in place legislation allowing the State to fully control civil society activities in the country. The legislation attempts to legally justify the detention of [H]uman rights defenders, journalists and activists, who can face imprisonment at any given time, on purely arbitrary accusations.

Today the situation is only getting worse; Azerbaijan has recently taken another step in its crackdown on independent media, launching a criminal case based on fabricated charges of tax evasion, against the Turan Information Agency media outlet<sup>3</sup>, and its director Mehman Aliyev.

Turan has subsequently announced the indefinite suspension of their work as a direct result of blocks on their bank accounts and the detention of their director.

**The action** against Turan and its staff are only the latest in a long line of seemingly fabricated charges against independent media organisations. It **follows the** recent (July 2017) **sentencing of the editor of opposition**

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<sup>1</sup> "Working Group on Arbitrary Detention Statement upon the conclusion of its visit to Azerbaijan" available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20021&LangID=E>

<sup>2</sup> "Working Group on Arbitrary Detention Statement upon the conclusion of its visit to Azerbaijan" available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20021&LangID=E-->

<sup>3</sup> Human Rights House Foundation "Azerbaijan: Crushing all independent media", 17 August 2017, <http://humanrightshouse.org/Articles/22661.html>

**Azadliq newspaper, Faig Amirli, to three years, three months in prison** on charges of inciting religious hatred and tax evasion<sup>4</sup>.

Prior to this, photojournalist Mehman Huseynov was attacked by a group of plain-clothes officers in Baku in January 2017. When Mehman Huseynov went public about the abuses he suffered during this attack, the local police chief brought a criminal lawsuit against him for defamation. He was found guilty and sentenced to two years in prison.

**We should recall that Azerbaijan made a serious commitment on political prisoners as part of its bid for Chairmanship of the Committee of Ministers of the Council of Europe in 2014. Despite this, the Working Group says that the situation presents several matters of concern, in the context of individuals expressing opinions that are not in line with those of the Government<sup>5</sup>. Furthermore, it says “human rights defenders, journalists, political and religious leaders continue to be detained under criminal or administrative charges as a way to impair the exercise of their basic human rights and fundamental freedoms and to silence them.”<sup>6</sup>** These recent cases only represent the tip of the iceberg in a much deeper systematic use of arbitrary detention to silence human rights defenders and crush civil society.

**Mr Chairperson**

**Does the Working Group believe that recent releases of leading civil society figures from prison is not a sign of systemic change, but rather a signal of the leverage that the international community has to ensure such releases?**

**We join the Working Group in urging Azerbaijan’s authorities to investigate promptly, thoroughly and impartially all allegations of arbitrary arrest and detention of human rights defenders, journalists, political opponents and prosecute and punish appropriately those found guilty and provide victims with redress<sup>7</sup>;**

**We also call on Azerbaijan’s authorities to guarantee that these individuals are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort, and release those who have been deprived of their liberty in retaliation for their professional activities.<sup>8</sup>**

**Thank you.**

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<sup>4</sup>Human Rights House Foundation “Persecution of journalists continues in Azerbaijan” 27 July 2017  
<http://humanrightshouse.org/Articles/22633.html>

<sup>5</sup> Report of the Working Group on Arbitrary Detention on its mission to Azerbaijan, conclusion 86, page 16.

<sup>6</sup> “Disabilities / Justice System: UN expert group raises concerns after official visit to Azerbaijan”  
<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20022&LangID=E>

<sup>7</sup> Recommendation 100 a) from the « Report of the Working Group on Arbitrary Detention on its mission to Azerbaijan » p.19 available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/230/23/PDF/G1723023.pdf?OpenElement>

<sup>8</sup> Recommendation 100 b) from the « Report of the Working Group on Arbitrary Detention on its mission to Azerbaijan » p.19 available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/230/23/PDF/G1723023.pdf?OpenElement>