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THE NORWEGIAN
HELSINKI COMMITTEE



RAFTO



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Concerning increasing control on Azerbaijani NGOs

The Human Rights House Foundation, the Norwegian Helsinki Committee, the Rafto Foundation, the South Caucasus Network of Human Rights Defenders and the Belarusian Human Rights House in exile in Vilnius are concerned about the noticeable tendency in Azerbaijan to put local non-governmental organisations under increased government control following the recent amendments to the NGO law. The amended law allows the government to collect information on NGOs without referring to any specific purpose articulated in this or other laws.

The most recent manifestation of increased government control over NGOs was the inspection of the office of Institute for Reporters' Freedom and Safety (IRFS) by the Ministry of Justice. On 29 October, 2009 representatives from the Justice Ministry's Registration and Notary Head Office called the IRFS office at 12:30 p.m. to announce that they would conduct an inspection at 3:00 p.m. Despite the fact that the IRFS's employees informed the Ministry of Justice that the organisation's chairperson Emin Huseynov was abroad participating in the Black Sea Peacebuilding Platform meeting in Romania and would only be able to answer their questions upon his return on November 1st, the Ministry of Justice carried out the inspection at IRFS office.

The representatives of the Ministry of Justice were in the IRFS office for an hour and questioned the organisation's employees about the organisation's founders, members, grants, and its legal and actual address. According to IRFS, they presented a letter, signed by Mehman Soltanov, Deputy Chief of the Registration and Notary Head Office of the Ministry of Justice, stating that the purpose of the inspection was "to determine if IRFS's activities comply with the legislation and the organisation's charter." The letter was addressed to the chairperson Emin Huseynov.

Conference of INGOs of the Council of Europe Expert Council on NGO law underlined in their report issued in January 2009 that "Certainly the legalising documents could hardly be conclusive that the objectives of the association are compatible with the Constitution and other laws so that there would be no guarantee that pursuing them would not give rise to the risk of prosecution." The amendments to the new law have not made it clearer.

We notice a trend in other countries, such as Belarus and the Russian Federation, that tax inspectorate and other administrative agencies are frequently used as administrative instruments to pressure NGOs. Inspections similar to the one that was carried out on 29 October, 2009 in respect of IRFS unnecessarily burden NGOs and may hinder their ability to carry out their work effectively.

We call upon the Azerbaijani authorities to respect the Constitution of Azerbaijan, in particular Article 58.2 which provides that “unrestricted activity of all unions is ensured,” as well as Article 10 (freedom of expression) and Article 11 (freedom of association) of the European Convention on Human Rights to which Azerbaijan is a party.

We also call upon the Azerbaijani authorities to adhere to Azerbaijan’s commitments to “secure freedom of expression, freedom of assembly and freedom of the media” undertaken by the country under the National Indicative Programme for the European Neighbourhood and partnership instrument 2007-2010 as well as to the UN Declaration on Human Rights Defenders. We remind about the concluding observations of the UN Committee to the State report on Convention on Civil and Political Rights the Committee, which “urges the State party to take the necessary measures to put an end to direct and indirect restrictions on freedom of expression.”

Sincerely,

- The Human Rights House Foundation
- The Norwegian Helsinki Committee
- The Rafto Foundation
- The South Caucasus Network of Human Rights Defenders – a Network uniting 30 human rights organizations from Armenia, Azerbaijan and Georgia
- Belarusian Human Rights House in exile

Copies have been sent to:

- UN Special Rapporteur on the Situation of Human Rights Defenders
- UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression
- High Commissioner for Human Rights of the Council of Europe
- Press Division of the Council of Europe
- European Commission Delegation to the Republic of Azerbaijan
- The OSCE/ODIHR, Warsaw
- Peter Semneby, EUs Special Envoy to the South Caucasus
- The Norwegian Ministry of Foreign Affairs
- The Standing Committee on Foreign Affairs of the Norwegian Parliament
- The Norwegian Embassy in Baku
- The Human Rights House Network