

To all United Nations Permanent Representatives in Geneva

21 February 2012

NGO call for attention on the human rights situation in Azerbaijan at the United Nations Human Rights Council

Your Excellency,

We are writing to urge you to raise concern relating to fundamental freedoms in Azerbaijan at the 19th session of the United Nations Human Rights Council. We believe it is critically important for the Human Rights Council to condemn the repression against the rights of peaceful assembly, association and expression carried out in Azerbaijan, and to demand for the immediate release of political prisoners and for the government of Azerbaijan to stop, without delay, oppressing human rights defenders, journalists, media workers and social media users.

We welcome the new “National Program for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan”, which includes concrete steps to improve the protection and promotion of human rights and rule of law. To ensure that the Program for Action will be implemented and carried out within the set timeframe, we urge the Azerbaijani authorities to acknowledge civil society’s role in the implementation, and hence, include them in the process. A precondition for a successful implementation of the Program for Action is that Azerbaijani authorities immediately stop the ongoing repression against civil society actors like human rights defenders, journalists and lawyers.

Therefore, we call upon Azerbaijan’s authorities to abide by their international obligations and to immediately implement United Nations recommendations, paying special attention to include civil society within the process and to cooperate with the United Nations Special Rapporteurs on freedom of peaceful assembly and association, human rights defenders, freedom of expression and on the independence of judges and lawyers.

The Parliament introduced new amendments to the NGO law in 2009, followed in 2011 by a Government decree, which outlines new requirements for registration of international NGOs. International NGOs must now respect the national-moral values and not be involved in political or religious propaganda in order to be granted permission to operate. On 19 October 2011, the European Commission for Democracy through Law of the Council of Europe (Venice Commission) criticised the regulations as vague due to the lack of definition of “national moral values,” and “political or religious propaganda.” In addition, the Venice Commission criticised the undefined length of negotiations and referred to the new regulations as a breach to international standards.ⁱ

On 10 March 2011, Azerbaijan Human Rights House was ordered to cease its activities and enter into negotiations with the authorities following the 2011 decree, to make a new agreement to operate in Azerbaijan. Despite a yearlong negotiation, the Azerbaijan Human Rights House has not been allowed to reopen yet.ⁱⁱ

Moreover, a national organisation in Azerbaijan that receives three warnings within a year can be closed down. In the beginning of February 2012, the Institute of Reporters' Freedom and Safety and Democracy and NGO's Development Resource Center in Nakhchivan received one warning each from the Ministry of Justice based on their reporting on the human rights situation in Nakhchivan on the Internet considered biased and false by the authorities.

Furthermore, authorities in Azerbaijan have put a *de facto* ban on any peaceful demonstration and public meetings by the political opposition or its supporters since early 2006. Requests of the political opposition or civil society to hold a demonstration are systematically turned down or the authorisation is given in remote areas outside of Baku. In March 2011, Azerbaijan's youth activists and political opposition staged several unsanctioned protests against the government, inspired by the pro-democracy popular demonstrations in the Middle East and North of Africa. Authorities cracked down on the peaceful gatherings and arrested more than one hundred activists during the Spring of 2011.ⁱⁱⁱ The Courts held late-night hearings that were closed to the public, a fact underlined by the European Parliament in its 12 May 2011 resolution.^{iv} Most defendants did not have access to legal counsel of their choice and the police refused to allow detainees to contact lawyers. The oppression of those who raise their voices on social media is particularly worrying. The United Nations Human Rights Committee concluded its 2009 review of Azerbaijan by stating that Azerbaijan "should treat users of non-conventional media in strict compliance with article 19 of the Covenant."^v

To date, sixteen activists imprisoned for their participation at the Spring 2011 peaceful assemblies remain imprisoned, recognized as prisoners of conscience by Amnesty International.^{vi}

In addition, freedom of expression is under serious threat in Azerbaijan. In January 2009, BBC, Radio Liberty and Voice of America (VoA) lost their licence to air on FM frequencies. These radios were the only media outlets offering a plurality of political views, dissenting voices and alternative information. The Public TV, launched in August 2005 is under government control and is closed to any views contradicting or criticising the government policy. In spite of the harsh climate, a few remaining independent publishing houses survive under constant pressure from the authorities.

Since 2006 a number of journalists and editors have been arbitrarily imprisoned on spurious charges, after trials widely believed to have been unfair. On 28 October 2011, Avaz Zeynalli, editor-in-chief of *Khural* newspaper, was arrested on a suspicious complaint filed by the Anti-Corruption Department. Nine days prior to his arrest, the newspaper had published a critical article against President Ilham Aliyev. It is also important to remember that in recent years numerous independent and pro-opposition journalists have faced abductions, beatings and other physical attacks. To date, the murder of the editor and publisher Elmar Huseynov in March 2005 and Rafiq Tagi in November 2011 remain unsolved.^{vii}

In recent years the city of Baku has undergone an ambitious urban renewal and beautification process that has involved many cases of unlawful expropriation, eviction and demolition private homes. In many cases this process does not respect national laws and regulations. Hence, in many cases homeowners find themselves evicted within very short notice and at times in violation of court injunctions, with no housing alternative, inadequate or unfair compensation and no effective remedy against the Baku City Executive Authority's actions. Urban renewal projects involving unlawful expropriations, evictions and demolitions against homeowners have accelerated in the neighbourhood of Baku where the Eurovision song contest will take place in May 2012.

The Human Rights Council has the clear mandate to "address situations of violations of human rights, including gross and systematic violations and make recommendations thereon". It cannot remain silent in the face of the ongoing human rights violations committed in Azerbaijan. The international community must start raising international attention on the human rights viola-

tions committed in Azerbaijan and pressure the government to stop violating its international obligations and to commit to urgently improving its human rights situation.

We thank you for your attention to these concerns and would welcome the opportunity to provide any further information about the human rights situation in Azerbaijan that you may find helpful.

Sincerely,

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Human Rights Watch
Reporters Sans Frontiers International - Reporters Without Borders International
Armenian Helsinki Association (Armenia)

Azerbaijan Human Rights House: (Azerbaijan)
Association for the Protection of Women's Rights of D. Aliyeva –APWR
Institute for Reporters' Freedom and Safety
Legal Education Society
Media Rights Institute
Legal Education Society

Belarusian Human Rights House (Belarus)

Human Rights House Sarajevo (Bosnia and Herzegovina):
Association of Female Citizens "Renaissance"
Foundation CURE
Helsinki Committee for Human Rights in Bosnia and Herzegovina
Regional Co-ordinator for Youth Groups
Serbian Civic Council - Movement for Equality - The Council of the Sarajevo Canton
Woman and Society Research Centre

Human Rights House Zagreb (Croatia):
APEO/UPIM Association for Promotion of Equal Opportunities for People with Disabilities
B.A.B.E. - Be Active, Be Emancipated
CMS - Centre for Peace Studies
Documenta - Centre for Dealing with the Past
GOLJP - Civic Committee for Human Rights
Svitanje - Association for Protection and Promotion of Mental Health

Human Rights House Tbilisi (Georgia):

Human Rights Center -HRIDC

Article 42 of the constitution

Human Rights House Oslo (Norway):

Health and Human Rights Info

Human Rights House Foundation

Norwegian Burma Committee

Norwegian Helsinki Committee

Norwegian PEN

Helsinki Committee for Human Rights of the Republic of Macedonia

Rafto Foundation for Human Rights (Norway)

Helsinki Foundation for Human Rights (Poland)

Helsinki Committee for Human Rights (Serbia)

Belgrade Centre for Human Rights (Serbia)

Human Rights Network Uganda –HURNIT (Uganda)

Ukrainian Helsinki Human Rights Union (Ukraine)

Article 19 - International Centre Against Censorship (United Kingdom)

Index on Censorship (United Kingdom)

Azerbaijan Democratic Association (United Kingdom)

ⁱ Venice Commission critical to Azerbaijani NGO Law" <http://humanrightshouse.org/Articles/17215.html>

ⁱⁱ HRHF statement "Human Rights House Azerbaijan closed down by Azerbaijani authorities" <http://humanrightshouse.org/Articles/16060.html>

ⁱⁱⁱ HRHF article "Azerbaijan: authorities detain dozens to prevent protests" <http://humanrightshouse.org/Articles/16083.html>

^{iv} European Parliament resolution of 12 May 2011 on Azerbaijan <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0243+0+DOC+XML+V0//EN>

^v UN Human Rights Committee, Concluding Observations on Azerbaijan, 3 August 2009, § 15 (UN Doc: CCPR/C/AZE/CO/3)

^{vi} HRHF article "Freedom for political prisoners" <http://humanrightshouse.org/Articles/17532.html>

^{vii} HRHF article "Azerbaijani writer-journalist Rafiq Tagi assassinated" <http://humanrightshouse.org/Articles/17244.html>