



HUMAN RIGHTS HOUSE
FOUNDATION

24th session of the United Nations Human Rights Council
Geneva (Switzerland)

16 September 2013

Item 4

General debate

Human Rights House Foundation statement

Check against delivery

Mr. Chairperson,

Elections are a moment of national debate about the future of the country and a time during which the right to political participation, freedom of expression, freedom of association and assembly enjoy even more protection than usually. Elections are indeed not only about choosing one candidate.

The Human Rights House Foundation expresses its deep concern that in the Republic of Azerbaijan, presidential elections of October 2013 are prepared by ensuring public silence.¹

Since February 2013, leaders of opposition parties, political activists critical of the government are again and again harassed. Amongst them is Ilgar Mammadov, kept in pre-trial detention under the accusation of violating public order and instigating the citizens to conflicts during the Ismayilli incidents of 23 and 24 January 2012.²

Youth activists are also targets of repression, and in particular the youth opposition movement NIDA. Since March 2013, 7 NIDA activists are kept in pre-trial detention on dubious charges of illegal weapons possession in connection with the peaceful protest of 10 March, 2013. On 13 September, the prosecutor office pro-longed the pre trial detention of the seven youth activists and Ilkin Rustamzade, member of Azad Genclik youth organization in Azerbaijan. We call upon the authorities of Azerbaijan to investigate the circumstances of their arrests, drop the charges unless credible evidence is produced that they are legitimate and justified, and release and compensate the activists.

Freedom of expression has been curtailed by a blatant use of the crime of defamation and libel, which in May 2013 has been even extended to include "information posted on internet resources". Investigative journalists, reports and bloggers are victims of harassment, intimidations, attacks and violent smear campaigns. Amongst them, the continued harassment and intimidation of investigative journalist Khadija Ismayilova is particularly worrying.³ We urge the Azerbaijani authorities to take immediate and concrete steps to effectively ensure the prompt, thorough, independent and impartial investigation of the unacceptable invasion

¹ See also the latest report of Human Rights Watch "Azerbaijan: crackdown on civil society", available at <http://www.hrw.org/news/2013/09/02/azerbaijan-crackdown-civil-society>.

² See the Human Rights House Network article on restrictions to freedom of assembly, available at <http://humanrightshouse.org/Articles/19128.html>.

³ About the case of Khadija Ismayilova, see inter alia: <http://humanrightshouse.org/Articles/19469.html>.

of privacy of the investigating journalists Khadija Ismayilova and the threats against her.

National legislation is used to suppress human rights defenders and other activists, such as the legislation on NGOs,⁴ which imposes additional limitations and controls to NGOs receiving foreign funding,⁵ and is not in line with international standards as underlined by the European Commission for Democracy through Law (Venice Commission) in its opinion 636/2011 on NGO legislation in Azerbaijan⁶ and by the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association in his latest report.⁷

Ahead of the elections, Azerbaijani authorities have still not registered the Election Monitoring and Democracy Studies Centre, one of the only national independent NGOs systematically monitoring elections.

We welcome the communication issued by the Special Rapporteur on the right to freedom of association and to peaceful assembly in regard to restrictions to freedom of association and assembly in Azerbaijan, which regrettably have not received any answer from the authorities of Azerbaijan.⁸

We hence call upon the authorities of Azerbaijan to stop harassment of critical voices in the country and ensure that everybody is allowed to publicly express his or her opinion about the country's situation, including by criticising national authorities and by expressing doubts about the fairness and freeness of the presidential elections.

Thank you.

⁴ See the Human Rights House Network letter of concern on freedom of association of 5 March 2013, available at

⁵ The strict State-control over civil society has been intensified since July 2009, when legislative amendments aimed at requesting foreign non-governmental organisations or non-governmental organisations fully funded by foreign governmental sources to register on the basis of an agreement concluded with the State.

⁶ See the Human Rights House Network's letter of concern on freedom of association of 5 March 2013, available at <http://humanrightshouse.org/Articles/19109.html>.

⁷ See the report of the Special Rapporteur on the rights to freedom of association and to peaceful assembly to the Human Rights Council: UN Doc: A/HRC/23/39.

⁸ See also: A_HRC_24_21, Case N. Country AZE 3/2013, of 28/03/2013 "Reported amendments to the Code of Administrative Offences, the law "On non-governmental organizations (public associations and foundations)" and the law "On grants" which will allegedly affect the work of religious organizations and non-governmental organizations (NGOs), including those working for the promotion and protection of human rights. According to the information received, on 15 February 2013, the Parliament of the Republic of Azerbaijan adopted amendments to the mentioned legal texts which provide for increased penalties for violations of the requirement to register grants with the Ministry of Justice; introduce liability (fines and confiscation) for carrying out activities under a grant in the absence of a grant agreement; and only allow donations in cash up to the amount of 200 AZN if the recipient is an NGO that has indicated charitable activities as a primary statutory purpose. It is reported that the legislative amendments were submitted to the Parliament without due consultation with civil society organizations".