



HUMAN RIGHTS HOUSE NETWORK

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12 November 2013

Harassment of the Azerbaijani Election Monitoring and Democracy Studies Centre

Mr President, Mr Prosecutor General,

We, the undersigned members and partners of the Human Rights House Network (HRHN) and the South Caucasus Network of Human Rights Defenders, condemn the continued harassment of the Azerbaijani Election Monitoring and Democracy Studies Centre in the aftermath of the Presidential elections of 9 October 2013.

On 28 and 30 October 2013, two of the leaders of EMDS were called for questioning to the Major Crimes Investigation Department of the Office of the Prosecutor General of the Republic of Azerbaijan. They were told that any organisation receiving large amount of grants from foreign sources is under scrutiny and hence they were brought in for questioning. Investigators were particularly interested in the election observation work done in relation to the Presidential elections.

On 31 October 2013, a search was conducted in EMDS's office. Print materials, press releases, reports, along with programme and financial documents were confiscated, as well as two computers.

According to a spokesperson of the Office of the Prosecutor General quoted by the Azeri-Press Agency, the Office "started investigations regarding irregularities recorded."¹

The Presidential elections of 9 October 2013 were considered as "undermined by limitations on fundamental freedoms, lack of level playing field and significant problems on election day" by the observers of the Organisation for Security and Co-operation in Europe (OSCE). As underlined by Tana de Zulueta, Head of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) election observation mission, "the limitations placed on the fundamental freedoms of assembly, association, and expression, the lack of a level playing field, the allegations of intimidation all came in the lead up to an election day that our observers found to be seriously flawed."²

Conclusions of those international experts reflected shortcomings and human rights violations documented by independent national elections observers, such as the Election Monitoring and Democracy Studies Centre (EMDS).³ EMDS organised a wide monitoring of the Presidential elections, including an analysis of the electoral phase leading to the Election Day and short-term observation, in

¹ Article published on 1 November 2013 at 13:10, available at http://en.apa.az/xeber_prosecutor_general_s_office_investigat_202051.html.

² ODIHR press release of 9 October 2013, available at <http://www.osce.org/odihr/elections/106908>.

³ EMDS' website is available at <http://www.smdt.az>.

cooperation with the Volunteers International Cooperation Public Union (ICV).⁴ In its preliminary statement on the Presidential elections,⁵ it found *inter alia* that “the situation prior to the 9 October 2013 Presidential elections did not constitute necessary conditions for holding free and democratic elections, limitation of freedom of assembly and association remain unaddressed.” It also considered that “serious violations and irregularities, such as multiple voting, ballot-box stuffing and ineligible persons voting took place on the Election Day, causing grave doubts about the lawfulness of voting results.”

EMDS is an Azerbaijani non-governmental organisation founded on 1 December 2008, following the court decision to unregister the Election Monitoring Centre in May 2008 ahead of the previous Presidential elections.⁶ EMDS is the main domestic independent and non-partisan organisation working on election-monitoring and the rights to participate in the conduct of public life as enriched in Article 25 of the International Covenant on Civil and Political Rights. The organisation works in 11 regions of Azerbaijan: Baku, Gandja, Sumgayit, Shaki, Mingachevir, Goychay, Jalilabad, Sabirabad, Beylagan, Guba, and Nakhchivan.

We see the investigations against EMDS related to the organisation’s activities and its conclusions in regard to the Presidential elections of 9 October 2013. Its conclusions are documented, fact-based and provide important first-hand information to international actors. Hence, it is a disturbing voice – as the Election Monitoring Centre was until May 2008. Authorities in Azerbaijan have indeed tried to silence national independent election observers, as the Human Rights House Foundation reported to the United Nations Human Rights Council on 16 September 2013.⁷

Furthermore, the fact that the Office of the Prosecutor General leads these investigations illustrates that they are politically motivated. **We are particularly disturbed to notice that the investigators aim at gathering documentation in relation to activities carried out to observe and monitor the Presidential elections.**

The harassment of EMDS illustrates restrictions to the right to freedom of association in Azerbaijan during the electoral process. “In times of elections, States should make greater efforts to facilitate and protect the exercise of the core rights to freedom of peaceful assembly and association,” as underlined by the United Nations Special Rapporteur on the rights to freedom of association and peaceful assembly, Maina Kiai.⁸ Furthermore, human rights organisations increasingly face administrative harassment, refusal to register or deregistration, and are often stigmatised by authorities, as we wrote in our letter of 5 March 2013.⁹ United Nations experts stated ahead of the Presidential elections that they “observed since 2011 a worrying trend of legislation which has narrowed considerably the space in which civil society and defenders operate in Azerbaijan.”¹⁰ The closure of the Azerbaijan Human Rights House in March 2011 is an element of such policies.

⁴ ICV’s website is available at <http://vicpu.org>.

⁵ EMDS’ Preliminary statement, published on 10 October 2013, is available at http://www.smdt.az/images/stories/xeberler/emds_preliminary_statement.pdf.

⁶ The decision to unregister the Election Monitoring Centre (EMC) has been deemed as a violation of the right to freedom of association by its founders who submitted an appeal to the European Court of Human Rights against the judgements of national courts. The founders of EMC are awaiting a decision on this case.

⁷ Statement made by the Human Rights House Foundation at the United Nations Human Rights Council on 16 September 2013 available at <http://humanrightshouse.org/Articles/19637.html>.

⁸ Joint press release by United Nations special rapporteurs on the rights to freedom of association and peaceful assembly, Maina Kiai, on the situation of human rights defenders, Margaret Sekaggya, and on freedom of opinion and expression, Frank La Rue, 4 October 2013, available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13829&LangID=E>.

⁹ The letter of members and partners of the Human Rights House Network (HRHN) and the South Caucasus Network of Human Rights Defenders of 5 March 2013 calling upon Azerbaijani authorities to stop further restrictions to the right to freedom of association is available at <http://humanrightshouse.org/Articles/19106.html>.

¹⁰ Joint press release, 4 October 2013, *op. cit.*

We call upon you, Mr President, Mr Prosecutor General, to put an end to the investigations into the activities of the Election Monitoring and Democracy Studies Centre, which we consider as a harassment diminishing its independence and impeding on the right to freedom of association.

We further call upon you to:

- **Guarantee that a well detailed and timely written explanation for the imposition of those restrictions on EMDS is provided to the organisation, and that they are subject of an independent and impartial judicial review;¹¹**
- **Safeguard that all authorities of the Republic of Azerbaijan, at all administrative levels, comply with the State's obligation to protect the right to freedom of association, especially in relation to an electoral process, including in the aftermath of the elections;**
- **With regard to the right to freedom of association, as recommended by the European Commission for Democracy through Law (Venice Commission)¹² and the Parliamentary Assembly of the Council of Europe,¹³ review the laws affecting the work of NGOs, including by guaranteeing the right to access domestic and international funding, reducing excessively burdensome reporting obligations, and improving and facilitating the registration procedures for NGOs, in order to create an environment conducive for NGOs to carry out their activities, including those expressing critical opinions.**

Sincerely,

Azerbaijan Human Rights House (on behalf of the following NGOs):

- Azerbaijan Lawyers Association
- Human Rights Centre of Azerbaijan
- Institute for Reporters' Freedom and Safety
- Legal Education Society
- Media Rights Institute
- Society for Humanitarian Research
- Women's Association for Rational Development

Barys Zvozskau Belarusian Human Rights House in exile, Vilnius

Human Rights House Belgrade (on behalf of the following NGOs):

- Belgrade Centre for Human Rights
- Helsinki Committee for Human Rights in Serbia
- Lawyers' Committee for Human Rights YUCOM
- Policy Centre

Human Rights House Kiev (on behalf of the following NGOs):

- Association of Ukrainian Human Rights Monitors on Law-Enforcement
- Centre for Civil Liberties
- Human Rights Information Centre
- La Strada

¹¹ In line with recommendation 58 (g) of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (report submitted to the United Nations General Assembly, 7 August 2013).

¹² European Commission for Democracy through Law (Venice Commission), Opinion No. 636 / 2011, 19 October 2011, available at [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2011\)035-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2011)035-e).

¹³ Parliamentary Assembly of the Council of Europe, Resolution 1917 (2013), 23 January 2013, available at http://assembly.coe.int/ASP/Doc/XrefATDetails_E.asp?FileID=19451.

Human Rights House Sarajevo (on behalf of the following NGOs):

- Association Transitional Justice, Accountability and Remembrance
- Helsinki Committee for Human Rights in Bosnia and Herzegovina
- Renesansa
- Serb Civic Council

Human Rights House Tbilisi (on behalf of the following NGOs):

- Article 42 of the Constitution
- Caucasian Centre for Human Rights and Conflict Studies
- Georgian Centre for Psychosocial and Medical Rehabilitation of Torture Victims
- Human Rights Centre
- Media Centre
- Union Sapari – Family without Violence

Human Rights House Oslo (on behalf of the following NGOs):

- Health and Human Rights Info
- Human Rights House Foundation

Human Rights House Voronezh (on behalf of the following NGOs):

- Charitable Foundation
- Civic Initiatives Development Centre
- Confederation of Free Labor
- For Ecological and Social Justice
- Free University
- Golos
- Interregional Trade Union of Literary Men
- Lawyers for labor rights
- Memorial
- Ms. Olga Gnezdilova
- Soldiers Mothers of Russia
- Voronezh Journalist Club
- Voronezh-Chernozemie
- Youth Human Rights Movement

Human Rights House Yerevan (on behalf of the following NGOs):

- Helsinki Association
- Helsinki Citizens' Assembly – Vanadzor

Human Rights House Zagreb (on behalf of the following NGOs):

- B.a.B.e. – Be active, Be emancipated
- Centre for Peace Studies
- Documenta – Centre for Dealing with the Past

Russian Research Centre for Human Rights (on behalf of the following NGOs):

- Human Rights Network Group
- Independent Psychiatric Association of Russia
- Moscow Centre for Prison Reform
- Moscow Helsinki Group
- Mother's Right Foundation
- Non-violence International
- Right of the Child
- Right to Live and Have Civil Dignity
- Social Partnership Foundation
- Union of the Committees of Soldiers' Mothers of Russia

Human Rights Network Uganda

Election Monitoring and Democracy Studies Centre, Azerbaijan

Copies have been sent to:

- The Office of the Commissioner for Human Rights of the Council of Europe
- The UN Special Rapporteur on the rights of freedom of peaceful assembly and association
- The UN Special Rapporteur on human rights defenders
- The Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe (OSCE ODIHR)
- The Delegation of the European Union in Azerbaijan
- The Subcommittee on Human Rights of the European Parliament
- Diplomatic community in Geneva, Strasbourg and Baku
- Various ministries of foreign affairs and parliamentary committees on foreign affairs

About the Human Rights House Network (www.humanrightshouse.org)

The Human Rights House Network (HRHN) unites 87 human rights NGOs joining forces in independent Human Rights Houses in 16 countries in Western Balkans, Eastern Europe and South Caucasus, East and Horn of Africa, and Western Europe. HRHN's aim is to protect, empower and support human rights organisations locally and unite them in an international network of Human Rights Houses.

The Azerbaijan Human Rights House (AHRH) is one of the members of HRHN and serves as an independent meeting place, a resource centre, and a coordinator for human rights organisations in Azerbaijan. In 2010, 6'000 human rights defenders, including youth activists, independent journalists, and lawyers, used the facilities of AHRH, which has become a focal point for promotion and protection of human rights in Azerbaijan.

The Human Rights House Foundation (HRHF), based in Oslo (Norway) with an office in Geneva (Switzerland), is HRHN's secretariat. HRHF is international partner of the South Caucasus Network of Human Rights Defenders and the emerging Balkan Network of Human Rights Defenders.

HRHF has consultative status with the United Nations and HRHN has participatory status with the Council of Europe.