

22 April 2015

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### **Azerbaijan must release human rights defenders, journalists and activists**

Mr President,

**We, the undersigned members and partners of the Human Rights House Network (HRHN) and the South Caucasus Network of Human Rights Defenders, are dismayed by the sentences upheld against human rights defender Rasul Jafarov and against human rights lawyer Intigam Aliyev, two prominent and internationally respected voices of the Azerbaijani civil society. We call upon the Azerbaijani authorities, through you, Mr President, to put an end to the unprecedented repression against civil society.**

**We call upon you to immediately and unconditionally release all human rights defenders, journalists and activists currently detained, including and especially human rights defenders Leyla and Arif Yunus, Rasul Jafarov, Intigam Aliyev and the journalist Khadija Ismayilova. Anar Mammadli must also be released, as his detention is solely due to his non-governmental organisation's monitoring of elections in the Azerbaijan.**

During the summer and fall of 2014 the main leaders of civil society were arrested. Many others decided to flee the country, rather than facing court hearings, of which the outcome is well known in advance. A few others have been forced into hiding.

On 22 April 2015, the Court for Grave Crimes in Baku sentenced **Intigam Aliyev** to 7 years and 6 months of detention on bogus charges of illegal business, misappropriation, tax evasion, abuse of office and forgery. The court condemned him, although Intigam Aliyev's defence brought documentation to the court that all his grants were registered,<sup>1</sup> as of the entry into force of such an obligation for NGOs in Azerbaijan, in violation of basic principles in regard to freedom of association as found by the Council of Europe's Venice Commission.<sup>2</sup> We denounce the sentencing of Intigam Aliyev and believe the charges brought against him are politically motivated, and a direct consequence of his human rights work .

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<sup>1</sup> Information on the 17 March 2015 hearing at which Intigam Aliyev's lawyer, Shahla Gumbatova, brought the concerned evidence available at <http://humanrightshouse.org/Articles/20815.html>.

<sup>2</sup> Opinion on the Law on non-governmental Organisations (Public Associations and Funds) as amended of the Republic of Azerbaijan, adopted by the European Commission for Democracy through Law (Venice Commission) at its 101<sup>st</sup> Plenary Session (Venice, 12-13 December 2014), available at [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2014\)043-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2014)043-e).

Intigam Aliyev is one of the most widely-respected human rights lawyers in Azerbaijan<sup>3</sup> and leader of the Legal Education Society, an organization that both promotes awareness of the law and provides legal support to individuals and organizations, The Legal Education Society is a member of the Human Rights House Azerbaijan. Intigam Aliyev is also a lawyer active regionally, including by his participation in the Human Rights House Network's International Law in Advocacy Programme.

Intigam Aliyev has strived for the legal protection of victims of human rights violations for more than 15 years and has to date represented them in proceedings before the European Court of Human Rights in more than 200 cases (around 40 cases are currently awaiting decision). When he was detained, he was defending more than 140 people in the Court. By detaining Intigam Aliyev the Azerbaijani authorities also deprive their citizens the right to appeal and seek justice before the Court.

In detention, Intigam Aliyev's health condition has deteriorated and remains inadequately addressed by detention authorities. His conditions prior to his pre-trial detention since 8 August 2014 have continuously gotten worse, giving a strong indication that in fact the medication he is receiving in detention only addresses his pain and not his illness. We believe Intigam Aliyev's detention conditions might have irremediable consequences on his health.

In the backdrop of an unprecedented repression against civil society in Azerbaijan, charges were also brought against many other human rights defenders, journalists and activists in Azerbaijan, either sentenced or held on pre-trial detention, such as **Leyla Yunus**, and her husband, **Arif Yunus**, **Anar Mammadli**, **Rauf Mirkadirov** and **Hilal Mammadov**, **Tofiq Yaqublu**, **Ilgar Mammadov**, various **NIDA activists**, as well as investigative journalist **Khadija Ismayilova**. Charges are also brought against many human rights NGOs, such as the **Institute for Reporters' Freedom and Safety (IRFS)** and human rights defenders either forced into hiding, such as IRFS's leader **Emin Huseynov**, or have left the country.

On 16 April 2015, the human rights defender **Rasul Jafarov** was sentenced to 6.5 years imprisonment, also on similar charges as Intigam Aliyev. The court ignored that out of the many so-called "victims" who were interrogated by the court did in fact have no knowledge of any damage supposedly committed by Rasul Jafarov against them.<sup>4</sup> We also denounce the sentencing of Rasul Jafarov and believe the charges brought against him are politically motivated, due to his human rights work.

Rasul Jafarov is a widely respected human rights defender and advocate on the issue of wrongful imprisonment in Azerbaijan. After forming the Human Rights Club in December 2010. He is the initiator of the human rights and democracy campaign "Sing for Democracy," as well as "Art for Democracy" and later in preparation of the upcoming European Olympic Games to be held in Baku in June 2015, the campaign "Sport for Rights."

**We call upon the Azerbaijani authorities, through you, Mr President, to put an end to the unprecedented repression against civil society in your country. We specifically call upon you to immediately and unconditionally release all above mentioned civil society actors, and drop all charges held against them.**

Yours sincerely,

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<sup>3</sup> In recognition of his legal work and human rights advocacy, Intigam Aliyev received the Homo Homini Award from the Czech non-governmental organization People in Need in 2012.

<sup>4</sup> An overview of the witnesses' testimonies at Rasul Jafarov's hearings available at <http://humanrightshouse.org/Articles/20788.html>.

Human Rights House Azerbaijan:

- Human Rights Centre of Azerbaijan
- *Due to the risk of retaliation against Azerbaijani human rights defenders, we decided not to indicate the names of other Azerbaijani NGOs who would be signing this letter.*

Barys Zvozkau Belarusian Human Rights House in exile, Vilnius (on behalf of the following NGOs):

- Belarus Watch (ByWatch)
- Belarusian Association of Journalists
- Belarusian Helsinki Committee
- Belarusian PEN Centre
- City Public Association “Centar Supolnasc”
- Human Rights Centre “Viasna”

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

- Lawyers Committee for Human Rights YUCOM

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

- Chernihiv Public Committee of Human Rights Protection
- Center of Humnistic Tehnologies “AHALAR”
- Center of Public Education “ALMENDA”
- Human Rights Center “Postup”
- Local Non-governmental Youth organizations M’ART
- Transcarpathian Public Center
- Ukrainian Helsinki Human Rights Union

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

- Association of Ukrainian Human Rights Monitors on Law Enforcement
- Center for Civil Liberties
- Civil Service
- Human Rights Information Center
- Institute of Mass Information
- International Women's Rights Center
- Kharkiv Human Rights Protection Group
- Social Action Center
- Ukrainian Helsinki Human Rights Union
- Ukrainian Legal Aid Foundation

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

- Human Rights House Foundation
- Norwegian Helsinki Committee

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

- Article 42 of the Constitution
- Georgian Centre for Psychosocial and Medical Rehabilitation of Torture Victims
- Human Rights Centre
- Media Centre
- Safari

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 Zagreb (on behalf of the following NGOs):

- APEO/UPIM Association for Promotion of Equal Opportunities for People with Disabilities
- B.a.B.e.
- 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

Article 19, United Kingdom

Helsinki Foundation for Human Rights (HFHR), Poland

Index on Censorship, United Kingdom

Public Association for Assistance to Free Economy, Azerbaijan

Resource Centre for Human Rights, Moldova

Vivarta, United Kingdom

Copies to:

- Office of the Commissioner for Human Rights of the Council of Europe
- Private Office of the Secretary General of the Council of Europe
- Delegation of the Council of Europe in Azerbaijan
- United Nations Special Rapporteur on the situation of human rights defenders
- United Nations Special Rapporteur on the rights to freedom of association and peaceful assembly
- Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe (OSCE ODIHR)
- Cabinet of Commissioner Johannes Hahn for European Neighbourhood Policy and Enlargement Negotiations
- Delegation of the European Union in Azerbaijan
- Subcommittee on Human Rights of the European Parliament
- Diplomatic community in Baku, Brussels, Geneva, New York and Strasbourg
- Various ministries of foreign affairs and parliamentary committees on foreign affairs

***About the Human Rights House Network ([www.humanrightshouse.org](http://www.humanrightshouse.org))***

*The Human Rights House Network (HRHN) unites 90 human rights NGOs joining forces in 18 independent Human Rights Houses in 13 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 Human Rights House Azerbaijan is one of the members of HRHN and served as an independent meeting place, a resource centre, and a coordinator for human rights organisations in Azerbaijan. In 2010, 6'000 human rights defenders, youth activists, independent journalists, and lawyers, used the facilities of the Human Rights House Azerbaijan, which has become a focal point for promotion and protection of human rights in Azerbaijan. The Human Rights House Azerbaijan ceased all its activities following an order of the Ministry of Justice of the Republic of Azerbaijan on 10 March 2011.*

*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 Balkan Network of Human Rights Defenders.*

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