

TO: Parliamentary Assembly of the Council of Europe

Avenue de l'Europe, 67075 Strasbourg Cedex, France

Baku, Strasbourg

January 27, 2014

Dear Members of the Assembly,

JOINT NGO STATEMENT: PACE must act to guarantee human rights protection in Azerbaijan ahead of the country's chairmanship in the Council of Europe Committee of Ministers

With regard to the Convention for the Protection of Human Rights and Fundamental Freedoms (hereafter referred to as 'the Convention'), its Protocols, the Opinion 222 (2000), Azerbaijan's application for membership of the Council of Europe, and all relevant Council of Europe recommendations and resolutions, we send you this special request on the subject of the precipitous deterioration of the human rights situation in Azerbaijan.

In August 2013 report, Council of Europe Commissioner for Human Rights, Nils Muižnieks sharply criticized the authorities for failure to adequately protect freedom of expression, association, and assembly.

Imprisonment on politically motivated charges is a continuing problem. As of today, local human rights activists counted dozens of political prisoners, including nine journalists, two human rights defenders and three social media activists. Amnesty International believes that there are at least 19 prisoners of conscience in the country, many of them jailed for speaking out against the authorities in the media.

On June 13 2013, European Parliament adopted a resolution to condemn all forms of intimidation and persecution of politicians, journalists and activists in Azerbaijan including detention of Ilgar Mammadov. The leader of the Republican Alternative Movement and Director of the School of Political Studies of the Council of Europe in Baku, Mammadov has been illegally detained since February 2013 facing criminal charges from looting to organizing riots.

The same resolution also urged Azerbaijan to register the Election Monitoring and Democracy Center, an independent election watchdog in Azerbaijan. In response, the authorities arrested leader of the group, prominent election monitor Anar Mammadli. The group documented an extensive fraud on Presidential Election Day, as well as violations of fundamental freedoms in pre-election period.

Furthermore, restrictions to the right to freedom of expression, association and assembly significantly obstruct the work of civil society and political activists in Azerbaijan. In March 2013, President Aliyev signed into law regressive legislation that minutely regulates NGO activities, management and finances, severely restricting their operations and making it easy to harass or close them down on technical grounds if the authorities dislike their activities. The new, December 17 amendments to the NGO law further stifle civil society in Azerbaijan, with NGOs now facing additional registration hurdles and stricter funding requirements.

In its recent report, *The honoring of obligations and commitments by Azerbaijan*, the PACE Monitoring Committee highlights “the progress achieved in the introduction of a legislative framework aimed at fighting corruption and organized crime.” However, Azerbaijan has not signed the updated Council of Europe Convention on money laundering and financing of terrorism Convention (CETS No. 198), or the Council of Europe Convention on Access to Official documents (CETS No.205).

Furthermore, the 2012 amendments to the law on the right to obtain information, the law on the state registration of legal entities, and the law on commercial secrets, increase restrictions on freedom of information and breach the principles of transparency and public control over the activity of legal entities. It is difficult for journalists to investigate instances of corruption, as they may face punishment under these new amendments.

It is our conviction that the Council of Europe is the proper guardian of the fundamental rights placed at risk by this practice. These include the protection of rights to liberty and security (Article 5), a fair trial (Article 6), private life and correspondence (Article 8), Freedom of thought, conscience and religion (Article 9), freedom of expression (Article 10), freedoms of assembly and association (Article 11) and right to effective national remedies (Article 13).

We are writing to urge you to press for concrete human rights improvements in Azerbaijan, in line with the resolutions 1272 (2002), 1305 (2002), 1358 (2004), 1359 (2004), 1398 (2004), 1456 (2005), 1457 (2005), 1480 (2006), 1545 (2007), 1614 (2008), 1750 (2010), 1917 (2013). Specifically, we ask that you urge Azerbaijan to release individuals who are being prosecuted on politically motivated charges, to ensure immediate and full implementation of judgments of the European Court of Human Rights, to follow up on commitments to decriminalize defamation by introducing new legislation to this effect, and to repeal restrictive legislation that runs counter to Azerbaijan’s obligations to the Council of Europe with respect to freedom of expression, association, and assembly.

We thank you in advance for your highly appreciated consideration of this appeal. The subsequent use of your powers under the Council of Europe's Statute and PACE’s Rules of Procedure may well be crucial in order to safeguard some of our most vulnerable democratic values and civil rights.

Undersigned:

1. **Asabali Mustafayev**, Democracy and Human Rights Resource Centre
2. **Aytekin Imranova**, Islam, Democracy and Human Rights Center
3. **Annagi Hacibeyli**, Azerbaijan Lawyers Association
4. **Bashir Suleymanli**, Election Monitoring and Democracy Studies Center
5. **Elchin Abdullayev**, Democratic Institutions and Human Rights Public Union
6. **Emin Huseynov**, Institute for Reporters’ Freedom and Safety
7. **Fuad Hasanov**, Democracy Monitor
8. **Gulnara Akhundova**, Rights advocate
9. **Gubad Ibadoglu**, Economic Researches Center

10. **Hafiz Hasanov**, Law and Development Public Association
11. **Idrak Abbasov**, Institute of Extreme Journalism
12. **Ilgar Huseynli**, Social Strategic Studies and Analytically Investigations
13. **Intigam Aliyev**, Intiqam Aliyev, Legal Education Society
14. **Irada Javadova**, Education on Human Rights Public Association
15. **Leila Aliyeva**, Center for National and International Studies
16. **Leyla Yunus**, Institute for Peace and Democracy
17. **Letafet Malikova**, Regional Human Rights and Education Public Association
18. **Malahat Nasibova**, Democracy and NGO's development Resource Center
19. **Mirvari Gahramanli**, Committee to Protect Oil Workers
20. **Mirali Huseynov**, "Democracy Learning" Public Union
21. **Nasrulla Nurullayev**, Chairman, Care for the elderly intellectuals
22. **Nasimi Mammadli**, Broadcast Monitoring Center PU
23. **Novella Jafarova**, Association for Protection of Women's Rights, on behalf of D. Aliyeva
24. **Rafik Tamrazov**, Center of Equal Opportunities
25. **Rasul Jafarov**, Legal Protection and Awareness Society
26. **Rashid Hacili**, Media Rights Institute
27. **Rovshan Kabirli**, Prison Reforms – Azerbaijan PU
28. **Rovshan Hajiyev**, Democratic Journalism School
29. **Samir Kazimli**, Alliance of Protection of Political Rights
30. **Shakarkhanim Aliyeva**, Gender Equality Public Union
31. **Vugar Hasanli**, Democratic Initiatives and Social Development PU
32. **Yashar Agazadeh**, Azerbaijan Committee for Human Rights and Defense of Freedoms
33. **Zohrab Ismayil**, Public Association for Assistance to Free Economy