

Open Letter Regarding the Human Rights Situation in Azerbaijan April 13, 2015

We the undersigned are alarmed by the deteriorating human rights situation in Azerbaijan. Arrests and detentions of journalists, civil society and human rights activists, religious believers, and opposition figures have multiplied; **Azerbaijan now has twice as many political prisoners as Russia and Belarus combined.** The government has targeted domestic and foreign NGOs, freezing their bank accounts and effectively paralyzing them. Senior government officials have engaged in an ugly anti-Western campaign. Corruption is a huge problem and inhibits the country's ability to flourish economically and politically. The December 26 raid on the office of Radio Free Europe/Radio Liberty, a publicly funded news organization that reaches countries in the former Soviet Union and beyond, represents a direct challenge to the principles of freedom of speech. Through these actions and statements, the government of Azerbaijan has openly rejected its international obligations as signatory to the International Covenant on Civil and Political Rights and the Open Government Partnership as well as the Extractive Industries Transparency Initiative, and as a member of the OSCE and the Council of Europe.

The time has come to impose consequences on the Azerbaijani government for its abysmal treatment of its own people. Official expressions of concern about the deteriorating human rights situation have not yielded results. Accordingly, more concrete measures including targeted sanctions against specific government officials should be adopted to reverse this trend and bring Azerbaijan back to a path toward meaningful European integration. **Western governments and parliaments should:**

- **Impose a visa ban and asset freeze on senior Azerbaijani government officials responsible for and involved in gross human rights abuses.** In the United States, President Obama has existing authority to deny visas under an August 2011 presidential proclamation that bars entry to “persons who participate in serious human rights abuses.” We urge other democratic states to follow suit.
- **Block trade promotion assistance**—e.g., in the U.S., Export-Import Bank and OPIC support—to Azerbaijani state-owned entities.
- **Convene congressional/parliamentary hearings on the declining human rights situation in Azerbaijan** to shine a spotlight on the abuses. Increasing awareness about the real situation inside the country is imperative.
- **Organize a political leaders boycott of the inaugural European Olympic Games**, which the Aliyev government will host in June. We also urge corporate partners of the games to withdraw their sponsorship.

Human rights organizations, governments, and international organizations have already called for the immediate and unconditional release of political prisoners, but such calls have not been heeded by the government of Azerbaijan, which persists in a targeted campaign against critics of the government. **In a resolution passed September 18, 2014, the European Parliament called on Azerbaijan to release all political prisoners and noted a number of measures that could be used if Azerbaijan fails to do so,**

including consideration of the “possibility of targeted sanctions against those responsible for human rights violations.” The resolution also called on member states to communicate with the International Olympic Committee to ensure that Azerbaijan complies with the principles of the Olympic Charter ahead of the European games that are planned in Baku in June. In addition, a December 2014 report of the Venice Commission of the Council of Europe reiterated numerous prior findings and reports from the Commission and the European Court of Human Rights that Azerbaijan’s NGO legislation unduly restricts freedom of association and has a “chilling effect on civil society.”

The Council of Europe’s human rights chief, Nils Muiznieks, slammed the Azerbaijani government last year for the “totally unacceptable” human rights situation, which, he said, “flies in the face of the human rights obligations undertaken by Azerbaijan” as a member of the Council. Last August, several UN human rights envoys said they were “appalled” by the growing number of abuses and arrests of rights activists “on the basis of trumped-up charges.” The “criminalization of rights activists must stop,” they declared.

Human Rights Watch, in its annual report, says the Azerbaijani government "escalated repression" against its critics last year, "marking a dramatic deterioration in its already poor rights record." Freedom House, in its annual report, noted yearly “declines in political rights and civil liberties” in Azerbaijan, as the government “stepped up its jailing of human rights activists, journalists, and other perceived enemies.”

Religious freedom in Azerbaijan is also under threat, with a marked increase in arrests and repression of civil society activists and religious communities in Azerbaijan. The Council of Europe’s Venice Commission and the Organization for Security and Co-operation in Europe (OSCE) in 2012 issued a joint legal opinion finding that Azerbaijan’s 2009 religion law failed to meet its international human rights commitments. In 2014, the European Court for Human Rights found that this law gives the Azeri authorities “an unlimited discretionary power” to define and prosecute “illegal” religious activity. Provisions of that law include: compulsory state registration with complex and intrusive requirements; no appeal for registration denials; religious activities are limited to a community’s registered address; extensive state controls on the content, production, import, export, and distribution of religious materials; and state-approved religious education to preach, teach religion or lead ceremonies. Those found in violation of this law face fines that have increased exponentially since 2010.

There are nearly 100 political prisoners in Azerbaijan. The most prominent cases include:

- **Khadija Ismayilova**, an intrepid journalist and contributor to RFE/RL's Azerbaijani Service who has been detained on spurious allegations. A representative for the Organization for Security and Co-operation in Europe (OSCE) called Ms. Ismayilova’s arrest “nothing but orchestrated intimidation.”
- Activists **Leyla and Arif Yunus**, accused of spying for Armenian secret

services—implausible charges linked to the decades-old dispute over Nagorno-Karabakh. Ms. Yunus’s health is deteriorating rapidly, as she has been denied medical treatment for diabetes, high blood pressure and hepatitis.

- Several leading opposition figures—including **Ilgar Mammadov** of the opposition movement REAL and **Tofiq Yakublu** of Musavat—who languish in prison on unsubstantiated charges. In an October 2014 decision that should be binding on Azerbaijan, the European Court for Human Rights found Ilgar Mammadov to be a political prisoner and, citing numerous violations of the European Charter, called for his immediate release. Appeals pertaining to other political prisoners are being considered by the ECHR.
- The trial of **Rasul Jafarov** began in January 2015. He is head of the Human Rights Club which took a leading role in exposing human rights abuses in Azerbaijan, particularly with his Sing for Democracy Campaign that embarrassed the government during the Eurovision song contests. He has provided information about political prisoners, including Muslims jailed for the non-violent practice of their faith or advocacy for religious freedom. Most were sentenced for publicly protesting what is in effect a ban on headscarves in schools; 13 of that group are still imprisoned and seven were released in 2014.
- Activists **Anar Mammadli** and **Bashir Suleymanli** of the Election Monitoring and Democracy Studies Center (EMDS) were arrested and handed multi-year prison sentences following their public criticism of fraud in the October 2013 presidential election. They were among the first human rights activists arrested in the crackdown on civil society. Suleymanli was recently pardoned but Mammadli, who was awarded the 2014 Vaclav Havel Human Rights Prize from the Parliamentary Assembly of the Council of Europe, remains in prison.
- **Intiqam Aliyev**, head of the Legal Education Society and one of Azerbaijan’s most prominent human rights lawyers, was arrested on trumped-up charges last summer. If convicted, he faces up to twelve years in jail. Aliyev has submitted more than two hundred cases to the European Court of Human Rights concerning violations of fundamental freedoms of Azerbaijani citizens. In 2013, in recognition of his exceptional commitment to protecting human rights, Mr. Aliyev was awarded the People in Need Homo Homini Award.
- **Rauf Mirkadirov**, a prominent independent journalist and columnist with Zerkalo newspaper, was arrested in Baku airport in April 2014, after being deported from Turkey. Mirkadirov, who had been living in Turkey, was charged with espionage on behalf of Armenia, following a trip he made to Armenia to meet with civil society activists.
- **Emin Huseynov**, director of the Azerbaijani NGO Institute for Reporters’ Freedom and Safety (IRFS), has been in hiding in Azerbaijan since August 2014. He is the subject of a travel ban and faces imminent arrest due to criminal charges that stem from his lawful human rights work. Other employees of IRFS have similarly faced travel bans, as well as interrogations, asset freezes, and physical attacks. Several were forced to flee the country. IRFS was raided by the Azerbaijani government around the time Huseynov went into hiding and remains closed to this day.

In addition, family members of activists are being targeted. The case against **Gunel Hasanli**, daughter of National Council and former presidential candidate Jamil Hasanli and young mother of two small children, who has been sentenced to two years in jail, is a total fabrication with no basis whatsoever. She has never been active in politics but is being punished because of her father's political activities. Lawyers defending dissidents and human rights activists are also being persecuted for fulfilling their professional responsibilities, including **Khalid Bagirov**, who is facing politically motivated disbarment charges. His license has been suspended, depriving him of the opportunity to represent his clients who include Leyla and Arif Yunus, Rasul Jafarov, and Ilgar Mammadov.

For years, Azerbaijan's importance as an energy supplier and partner on security and counter-terrorism has outweighed attention to its deplorable human rights record. Western officials have tended to mute their criticism of the human rights situation in Azerbaijan, allowing other interests to dominate the agenda. The growing repression during the past year, however, has now made such an approach especially untenable. With parliamentary elections scheduled for later this year, we fear the situation will only get worse unless the West takes decisive action.

To avoid imposition of such sanctions, and consistent with its commitments as a member of the Council of Europe, the Organization for Security and Cooperation in Europe, the UN Declaration of Human Rights, and other international agreements and covenants, the **government of Azerbaijan needs to undertake the following steps:**

- **Release all political prisoners and those imprisoned for practicing their non-violent religious beliefs and grant them full political rehabilitation.** Those imprisoned or on trial on religion-related charges, including those who publicly protested the *de facto* hijab ban, should have their rights fully restored.
- **Permit unrestricted visits by the United Nations Subcommittee on Prevention of Torture.**
- **Cease harassment and intimidation** of family members of opposition activists, human rights defenders, and their lawyers.
- **Respect the rights of journalists to do their job unhindered.**
- **End the campaign against domestic and foreign non-governmental organizations** and stop the push for legislation that would restrict the activities and funding of NGOs.
- **Create the conditions for free and fair parliamentary elections later this year.**
- **Permit foreign broadcasters to resume operations** without fear of state harassment and raids.

We hope that Azerbaijan will succeed as a democratic state fully integrated into the international community. We hope that stronger ties will develop between Azerbaijan and countries in the West. We support efforts to resolve peacefully the Nagorno-Karabakh conflict. But none of this is possible as long as Azerbaijan continues down the authoritarian path it is currently on.

The government of Azerbaijan cannot be both a respected member of the international community and a repressive, kleptocratic autocracy. It must choose. We urge it to choose democracy and respect for human rights, a course that is in the best interests of the people of Azerbaijan and in the cause of international peace.

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