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Foreign policy context of Azerbaijan's major pardoning act

By Rahim Rahimov

Eurasia Daily Monitor (17.03.2019) - <https://bit.ly/2JKGxU7> - Azerbaijani President Ilham Aliyev signed a decree, on March 16, pardoning 51 persons, who were described as

“political prisoners” by international organizations and human rights watchdogs. Although pardons in Azerbaijan are not inherently unusual, the numerical scale of the collective pardon in this case was unprecedented for the country. The Azerbaijani government has refused to acknowledge any political motivation behind its action, and asserts that it was operating based on humanitarian principles. Opposition figures and critics, meanwhile, attribute the pardon to domestic and international pressure and have sought to portray it as the government’s retreat meant to relax domestic tensions.

While the authorities’ humanitarian argument is being rejected by opponents, attempts to credit the decision to domestic political pressure are also not persuasive. First, there is indeed domestic pressure on the government, but it is mainly of a socio-economic nature—the result of declining global oil prices and, relatedly, two difficult devaluations of the national currency in 2015. The pardoning decree came amidst the government’s ongoing social measures to address the situation through increases to salaries, pensions and stipends, the state’s partial coverage of troubled bank loans to Azerbaijani citizens, and other popular steps.

Second, the domestic opposition does not represent a significant political challenge to the ruling party. Aliyev’s critics have sought to use current social discontent to shape their political agenda. As such, they are motivated by international examples of how dissatisfied populations may turn to an opposition in protest to social problems even when they may not wholly embrace the opposition’s political program. While Azerbaijan’s opposition forces blame the government for failing to resolve many issues at the national level, their popular appeal is limited due to several long-standing internal issues, *inter alia*: the lack of a democratic transition or succession within the opposition political parties; the absence of a clear vision, solid strategy or sound program of reforms; the precedence of personal/group ambitions and intrigues over common interests, and related disunity; the habit of boycotting elections instead of exhausting the legitimate platform to reach out to the electorate; and failures of the main opposition actors to maintain their own power let alone to resolve the Karabakh conflict and other national problems in the early 1990s, when they were in office.

Regarding international pressure, it is true that Azerbaijan consistently faces large amounts of it. The latest US Department of State report critical of Azerbaijan’s human rights situation is another case in point. Nonetheless, international pressure did not directly bring about the pardoning act. It rather helps to contextualize the authorities’ decision to pardon the 51 individuals: the issue of political prisoners adversely affect Azerbaijan’s reputation in the West, leaving it in a position of vulnerability vis-à-vis other assertive players in the region. Such players can try to manipulate the domestic vulnerabilities of the country, especially when its partnership with the West is not in the best shape .

In particular, as Baku and Brussels enter the decisive phase of negotiations on a new partnership agreement, Moscow has been sending covert warnings against Azerbaijan’s participation in North Atlantic Treaty Organization (NATO) drills in Georgia as well as overt warnings against Russians traveling to Azerbaijan. Additionally, recent statements from Russian officials threatening to send criminal bosses (kingpins) to their countries of origin and raids on Azerbaijani labor migrants and businesses are another source of concern for Baku. Moreover, high-profile Russian parliamentarian Konstantin Zatulin has called on Iran to take a more active role in the South Caucasus. Indeed, Moscow and Tehran have tried to initiate projects such as the Iran–Armenia–Georgia–Russia energy project, circumventing Azerbaijan, which would limit Baku’s regional space for maneuver. Additionally, Tehran has needled Baku in its own ways, including with sharp nationalistic rhetoric, diplomatic faux pas, and attacks on Iran’s Azerbaijani minority.

The pardoning act was welcomed by international (Western) organizations as a positive step. This has implications for addressing the country’s foreign policy issues: Having

failed to win the argument on Karabakh in international forums by stressing self-determination over territorial integrity, Armenia is now attempting to make its case on human rights grounds. But the clemency granted to the 51 Azerbaijani prisoners may curb such efforts. The release of the political prisoners may also contribute to finalizing negotiations on the EU-Azerbaijan strategic partnership agreement.

Baku's hopes that Moscow was shifting its position on the Karabakh conflict have been fading; there is no sign that the positive statements from various Russian figures might turn into real deeds. But Azerbaijan is seeing positive signals from Washington, Berlin, Brussels and elsewhere, and that is partly due to Armenia's troubled foreign policy. In this light, the pardoning act can be regarded as a goodwill gesture toward the West rather than a bowing to international pressure.

In the meantime, there are expectations that over 74 remaining "political prisoners" might also soon be pardoned or released through legal proceedings. That said, pardoning acts are positive but of a tactical nature. Therefore, the government will need to shape political, legal and judicial circumstances to ensure that politically implicated imprisonments are prevented in the future. President Aliyev has stated before and after the pardon that political and judicial-legal reforms will be launched soon, as "there is no alternative to reforms". This is a significant indicator of Baku's understanding of the need for reforms. However, genuine reforms could lead to domestic and external challenges to the ruling elite. Therefore, it is yet to be seen whether that understanding will translate into substantial systemic transformations.

Statement by the Spokesperson on the pardoning of prisoners in Azerbaijan to mark Novruz Holiday

EEAS (17.03.2019) - <https://bit.ly/2OzYUtX> - On 16 March, to mark Novruz Holiday, the President of Azerbaijan pardoned over 400 people.

Among those pardoned are also representatives of political parties, NGOs, bloggers and journalists, which is a welcome step.

The European Union expects that further similar steps will follow in future in line with Azerbaijan's international commitments.

The EU will continue its engagement with Azerbaijan to step up the cooperation, including on human rights, which constitutes an essential element of our relationship.

Moscow signals a not-so-subtle tilt towards Baku

Paul Goble

Eurasia Daily Monitor (14.03.2019) - <https://bit.ly/2TBI6II> - Moscow's recent decision to extradite a Talysh activist to Azerbaijan was a not-so-subtle sign that reinforced previous impressions the Russian government is tilting away from Armenia and toward Azerbaijan in the South Caucasus. The Kremlin is anything but happy with Yerevan's new government (see EDM, May 3, 2018; October 1, 2018). Moreover, the final piece of the North-South transit corridor between Russia and Iran has just fallen into place (see EDM, November 9, 2017; February 26, 2019), which makes Azerbaijan far more strategically important to Russia than ever before. Against that geopolitical background, Moscow's move against the Talysh leader is reverberating in both Yerevan and Baku, and each is likely to act in the coming months on the basis of that understanding. Still, no one's position has crystallized quite yet. It is entirely possible Moscow could again tack in another direction to maintain the tensions between Azerbaijan and Armenia over

Karabakh, an unresolved conflict that has been critical to the maintenance of Russian influence in the region.

Two weeks ago (February 28), Russian authorities extradited **Fakhraddin Abozoda**(Abbasov) to Baku at Azerbaijan's request (Kavkazsky Uzel, March 1; Infoteka24.ru, March 8; Nashaarmenia.info, March 10). For 25 years, Abozoda has been one of the most prominent leaders of the Talysh movement in Azerbaijan. Notably, he was involved with the short-lived Talysh-Mughan Autonomous Republic in 1994, and has had a role in all succeeding efforts to achieve autonomy for the members of this 600,000-strong minority inside Azerbaijan. Some of those endeavors were supported by Russia, and all of them had the backing of Armenia. Both countries viewed the Talysh movement as a check on Azerbaijani power (Realtribune.ru, October 21, 2018; Nar.am, April 4, 2016; Windowoneurasia2.blogspot.com, October 22, 2018 and April 5, 2016). In 2018, the Azerbaijani authorities issued an arrest warrant for Abozoda, accusing him of having visited Armenia, allegedly meeting with Armenian special services, and having made "statements online against Azerbaijan and its territorial integrity" (Jam-news.net, March 2).

Now, however, Moscow has decided to agree to one of Baku's long-standing requests - to extradite Abozoda - which the Talysh as well as their backers in Russia and Armenian view as a betrayal. They say, the Talysh and the Armenians will be weakened and Moscow will receive nothing in return for fulfilling the request. Specifically, **Alakram Gummatzoda**, another prominent Talysh leader, says that anyone who thinks Azerbaijan will change its foreign policy because of this is being "naïve" (Aravot-ru.am, March 13; Kavkazgeoclub.ru, March 2). Instead, the argument goes, Baku will simply pocket the successful extradition and continue to press for its own goals with no regard for the rights of this ethnic minority or any change in direction vis-à-vis Moscow or Yerevan.

One way or the other, Armenians are reading the situation as a major shift in Moscow's position toward their country and their nation. Andzhela Elibegova, a Yerevan-based specialist on Azerbaijan says the extradition of Abozoda shows that Baku intends to intensify its pressure against anyone in Azerbaijan with even a hint of pro-Armenian sympathies-and that Azerbaijan is willing to go after such people anywhere in the post-Soviet space. Specifically, she tells Aravot.am that Abozoda's extradition represents "a precedent" and that "Armenians no longer are safe in the post-Soviet countries" (Aravot-ru.am, March 11).

To the extent other Armenians draw the same conclusion, it will make the new Yerevan government even more likely to move away from Russia on the assumption that Russia is moving away from them and toward Azerbaijan. This further complicates Moscow's efforts to play Armenia and Azerbaijan off against one another by leading one side to conclude that the Russians are on its side and not the other's.

Why then did Moscow take this step? Possibly, some in the Russian elite were paid off, Gummatzoda suggests; in which case, the handover does not in fact represent a major shift in Russian policy (Aravot-ru.am, March 13). But three other explanations are more likely. First, sacrificing someone Yerevan has long supported is yet another way for Moscow to show Armenia how unhappy it is with that South Caucasus country's new course under Prime Minister Nikol Pashinyan. And it is a reminder that Moscow could do even more against Armenian interests if Yerevan does not change direction.

Second, it could be an effort by the Kremlin to recover some of the standing it had lost with Baku as a result of Moscow's restrictions on Azerbaijani diaspora activities in Russia. Thus, it is part of reasserting what the Kremlin views as a winning strategy of promoting Slavic-Turkic unity in small and large ways (Moderator.az, December 2, 2018). Extraditing the Talysh leader helps to soothe some of the anger over Russian pressure

against the Azerbaijani diaspora while calling attention to good relations between the two countries' leaders, Vladimir Putin and Ilham Aliyev.

And third, and perhaps most importantly, it may simply be a product of Azerbaijan's new importance to Moscow as a transit route to Iran. The planned North-South Corridor has become more important to the Russian Federation given Western sanctions, and it is becoming more of a reality with the recent opening of a key rail section between Kazvin and Resht, in Iran. Moscow has long promoted this connection; and since the rail lines between Iran and Russia pass through Azerbaijan, Baku naturally now has more leverage. Russia's extradition of a domestic opponent of the Aliyev government is a small contribution to enhancing this Russian-Azerbaijani cooperation (Casp-geo.ru, March 6).

Again, this Russian action does not necessarily mean Moscow is about to abandon its positions on Karabakh or that Baku is about to fall permanently into the Russian column. In each case, too many factors work against such outcomes. But in the complex geopolitical environment of the Caucasus, such small moves often cast a large shadow; and the extradition of Abozoda may come to be seen as one such turning point.

Azerbaijani authorities failed to investigate serious invasion of well-known investigative journalist's privacy

European Court of Human Rights (10.01.2019) - <https://bit.ly/2sqr2VZ> - In today's Chamber judgment¹ in the case of Khadija Ismayilova v. Azerbaijan (application no. 65286/13) the European Court of Human Rights held, unanimously, that there had been:

two violations of Article 8 (right to respect for private and family life, home and correspondence) of the European Convention on Human Rights, and

a violation of Article 10 (freedom of expression) of the European Convention.

The case concerned an alleged smear campaign against a well-known journalist, Khadija Rovshan qizi Ismayilova. In particular, she was sent a letter threatening her with public humiliation if she did not stop her investigative reporting. When she refused, a "sex video" filmed without her knowledge of her and her then boyfriend was posted on the Internet. Around the same time, newspapers ran stories accusing her of anti-government bias and immoral behaviour. She later discovered hidden cameras all over her flat.

The Court found that such acts had been an affront to Ms Ismayilova's human dignity which the State had had a duty to investigate.

However, there had been significant flaws and delays in the investigation, even though there had been obvious leads. For example, no formal statement had been taken from a

¹ Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

telephone engineer with State-owned Baktelekom who had admitted that he had been instructed to install a second telephone line in Ms Ismayilova's flat and to trace wires to it. Most importantly, no line of inquiry had been developed to see if there had been a link between Ms Ismayilova's being a well-known investigative journalist highly critical of the Government and the criminal acts against her.

That situation had been compounded by the articles published in allegedly pro-government newspapers and by the authorities' public disclosure of a report on the status of the investigation which had, for no apparent reason, included information on Ms Ismayilova's private life.

The Court took particular note of reports of journalists in Azerbaijan being persecuted and the perceived climate of impunity for such acts.

Principal facts

The applicant, Khadija Rovshan qizi Ismayilova, is an Azerbaijani national who was born in 1976 and lives in Baku. She has worked as an investigative journalist since 2005, reporting in particular for Azadliq Radio (Radio Free Europe/Radio Liberty). Her work has often been highly critical of the Government. In particular between 2010 and 2012 she investigated and reported on alleged corruption by the Azerbaijani President's family.

In March 2012 Ms Ismayilova received a threatening letter with still pictures taken from a video of her and her then boyfriend having sexual intercourse. The video had been filmed in the bedroom of her flat with a hidden camera. The letter, posted from Moscow, stated "Whore, refrain from what you are doing, otherwise you will be shamed!".

Soon after, the video was posted on the Internet. Another two intimate videos were disseminated in 2013. Around the same time as the posting of the first video three State-controlled newspapers ran stories accusing her of a lack of professionalism, anti-government bias and immoral behaviour.

Ms Ismayilova discovered many hidden cameras in her flat, a newly installed second telephone line and data wires used to transmit footage from the cameras.

The prosecuting authorities launched criminal proceedings over the threatening letter and the covert filming. Several procedural steps were taken, including questioning Ms Ismayilova and granting her request to take a formal statement from the telephone engineer (an employee of Stateowned Baktelekom) who admitted that he had been ordered to install a second telephone line in Ms Ismayilova's flat and to trace wires to it. Between April 2012 and August 2013, the authorities also ordered an expert examination of the threatening letter's postal packaging, the pictures it contained and the wires found in the flat.

In response to Ms Ismayilova's public complaints about the alleged ineffectiveness of the investigation, the prosecuting authorities published a status report in April 2012 noting that they had questioned a number of witnesses, including Ms Ismayilova's boyfriend, friends, colleagues and members of her family.

Ms Ismayilova immediately lodged a civil claim, arguing that the report had disclosed information on her private life, namely the full names and occupations of her friends, colleagues and family, as well as her home address and the identity of the boyfriend who had featured in the video.

Her claim was dismissed, as were all her subsequent appeals. The courts found in particular that the purpose of the report had been to counter the possibility of people forming a negative opinion about the prosecuting authorities on account of Ms

Ismayilova's complaints in public about the ineffectiveness of their investigation into her case.

Between 2013 and 2014, Ms Ismayilova lodged a number of unsuccessful complaints with the domestic courts, alleging that the prosecuting authorities were delaying the investigation and, in response to her enquiries, had only vaguely indicated that the investigation was still ongoing.

Ms Ismayilova has another application (no. 30778/15) with the European Court concerning her arrest and detention in 2014 for large-scale misappropriation and tax evasion as well as abuse of power when working for Azadliq Radio. She was partially acquitted in 2016 and released.

Complaints, procedure and composition of the Court

Relying on Article 8 (right to respect for private and family life, home and correspondence), Ms Ismayilova alleged that the State had either been directly responsible for the very serious intrusions into her private life, namely the threatening letter, the hidden cameras in her bedroom and the posting of intimate video recordings online, or, in any event, had not complied with its duty to take measures to protect her privacy rights by failing to conduct an effective investigation and identify those responsible. She further alleged under the same article that the status report had disclosed an excessive amount of sensitive personal information collected during the course of the investigation, which had added to her feeling of being in danger.

Lastly, relying on Article 10 (freedom of expression), she argued that the State had either been directly involved in or had failed to take steps to prevent the systematic smear campaign against her. She submitted in particular that the harassment in her case was part of a pattern of politically motivated smear campaigns against journalists in Azerbaijan.

The application was lodged with the European Court of Human Rights on 26 September 2013.

Judgment was given by a Chamber of seven judges, composed as follows:

Angelika **Nußberger** (Germany), *President*,

André **Potocki** (France),

Síofra **O'Leary** (Ireland),

Mārtiņš **Mits** (Latvia),

Gabriele **Kucsko-Stadlmayer** (Austria),

Lətif **Hüseynov** (Azerbaijan),

Lado **Chanturia** (Georgia),

and also Claudia **Westerdiek**, *Section Registrar*.

Decision of the Court

Article 8 (concerning the threatening letter, secret filming and posting of intimate videos online)

The Court found, on the one hand, that it had not been possible to establish "beyond reasonable doubt" that the State itself had been responsible for the very serious invasion of Ms Ismayilova's privacy. Her arguments had been based on circumstantial evidence or on assertions requiring corroboration and further investigation.

On the other hand, the State had had a duty under Article 8 of the Convention to investigate acts which had been an affront to Ms Ismayilova's human dignity. Her receipt

of a threatening letter, the unauthorised entry into her flat to install wires and video cameras, the covert filming of the most intimate aspects of her private life in the sanctity of her home and the subsequent public humiliation through the dissemination of the video footage, had constituted a serious, flagrant and extraordinarily intense invasion of her private life.

However, there had been significant flaws and delays in the manner in which the authorities had investigated the case. That was despite the fact that the offences committed against Ms Ismayilova had been the result of an apparently carefully planned and executed operation involving a coordinated effort by a number of individuals, giving several obvious leads.

First, the Government had only submitted copies of decisions ordering procedural steps, without showing whether those steps had actually been carried out. Nor did they submit any formal record of the questioning of a very important witness, the Baktelekom engineer, who could have shed light on who had been giving him orders. Indeed, according to Ms Ismayilova, the investigator present at an encounter she had arranged with the engineer at her flat, just after she had discovered the hidden cameras and wires, had actively avoided recording his statements.

Furthermore, there was no material in the case file to show that the threatening letter with still pictures, apparently sent from Moscow, had been investigated. A formal request could have been made to the Russian authorities, for example.

Another immediate investigative step could also have been to identify the owners and/or operators of the two websites used to post the videos online and to determine the source of the videos and the identity of their uploaders.

Most importantly, no line of inquiry was developed to see if there had been a link between the fact that Ms Ismayilova was a well-known investigative journalist highly critical of the Government and the series of criminal acts committed against her.

Notwithstanding Ms Ismayilova's complaints, no progress had been made in the investigation after August 2013.

In sum, the Court found that the Azerbaijani authorities had failed to comply with their positive obligation under Article 8 to protect the applicant's private life on account of the significant shortcomings in the investigation and the overall length of the proceedings in her case.

Article 8 (concerning the publication of personal information in the report on the status of the investigation)

Ms Ismayilova complained about the excessive and superfluous disclosure of sensitive private details in the status report. The Court found that the public disclosure of such information had clearly constituted an interference with her privacy rights and had not been justified.

Other than arguing that the purpose of the status report had been "to inform the public about the progress of the investigation", the Government had not explained what legitimate purpose had been served by publishing the address and identity of the partner of someone who had been secretly and unlawfully filmed in the privacy of their own home while having sexual intercourse.

Indeed, given that the investigation itself had concerned an unjustified and flagrant invasion into her private life, the authorities should have exercised more care so as not to compound the breach of her rights.

Article 10 (concerning the failure to protect freedom of expression)

The Court took note of the fact that the threatening letter received by Ms Ismayilova had been related to her professional journalistic activity. It also had regard to reports on the general situation in Azerbaijan concerning journalists, notably their alleged persecution, including actual physical attacks, and the perceived climate of impunity for those responsible. Ms Ismayilova herself had expressed the fear that she had been the victim of a campaign orchestrated against her in retaliation for her journalistic work.

In such a situation, the State had not just been required to take measures to protect her from intrusion into her private life, but also had a duty under Article 10 of the Convention to protect her freedom of expression. However, as the Court had found, the criminal investigation had been flawed and delayed, and the situation had been compounded by the articles published in allegedly progovernment newspapers and the authorities publicly disclosing information relating to her private life for no apparent reason. That had been contrary to the spirit of an environment protective of journalism.

Thus, the authorities had also failed to comply with their positive obligation to protect the applicant's freedom of expression under Article 10.

Just satisfaction (Article 41)

The Court held that Azerbaijan was to pay Ms Ismayilova 15,000 euros (EUR) in respect of nonpecuniary damage and EUR 1,750 in respect of costs and expenses.

The judgment is available only in English.

Prisoners' pardoning disappoints rights defenders

Caucasian Knot (24.05.2018) - <http://www.eng.kavkaz-uzel.eu/articles/43274/> - Today, Ilham Aliiev, President of Azerbaijan, has signed a decree to pardon 634 convicts; however, it touched only 12 persons from the list of political prisoners; many of them were near their release time without pardoning, rights defenders assert.

The "[Caucasian Knot](#)" has reported that by May 18, the pardoning commission had examined 1100 appeals and prepared, for the Azerbaijani President, an amnesty list dated to May 28, the Republic Day.

According to the decree "On pardoning a Number of Convicts on the occasion of the 100th Anniversary of the Azerbaijani People's Republic", 607 out of 634 inmates are released from jails today, on the date of signing, the "[Caucasian Knot](#)" correspondent has reported.

According to **Bashir Suleimanly**, a member of the civil society working group on drawing up a unified list of political prisoners, the pardoning has again failed to solve the problem of political prisoners.

"Our list, published this March, contained 142 persons; and only 12 of them have been pardoned. They are mostly believers, who are not major political and public figures; and have served almost their entire terms," Mr Suleimanly told the "[Caucasian Knot](#)" correspondent:

Valekh Abdullayev, convicted along with a group of believers, who was arrested in May 2012 for protests against the holding of the Eurovision Song Contest in Baku, was released.

David Karimov and Elshad Rzayev, who were arrested after the protest against the prohibition of hijabs in October 2012, were also pardoned.

Seven people - Nadir Babayev, Aliaga Gasimov, Hilal Jabbarov, Alesker Gurbanov, Fail Shahbazov, Natig Shahbazov and Muhammad Guliyev - were convicted in connection with the Nardaran mass arrest in November 2015

Nagorno-Karabakh : Sargsyan v. Azerbaijan

In the absence of a political solution to the Nagorno-Karabakh conflict, the Court awarded the applicants aggregate sums in just satisfaction

ECtHR Registrar (12.12.2017) - <http://bit.ly/2AgcoCR> - In today's **Grand Chamber** judgment¹ in the case of **Sargsyan v. Azerbaijan** (application no. 40167/06) the European Court of Human Rights ruled on the question of just satisfaction. It held, unanimously, that the Azerbaijani Government had to pay the applicant 5,000 euros (EUR) in respect of pecuniary and non-pecuniary damage and EUR 30,000 in costs and expenses.

The case concerned an Armenian refugee's complaint that, after having been forced to flee from his home in the Shahumyan region of Azerbaijan in 1992 during the conflict over Nagorno-Karabakh, he had since been denied the right to return to his village and to have access to and use his property there.

The Court observed that the principle of subsidiarity underpinned the system of the European Convention on Human Rights. Thus, Armenia and Azerbaijan had given undertakings prior to their accession to the Council of Europe, committing themselves to the peaceful settlement of the Nagorno-Karabakh conflict. The Court could only underline that it was their responsibility to find a solution on a political level to the conflict. Without prejudice to any compensation to be awarded to the applicant as just satisfaction, the effective execution of the principal judgment called for the creation of general measures at national level.

The Court also noted that the damage did not lend itself to precise calculation. Certain difficulties in assessing the damage derived from the passage of time: the time element made the link between a breach of the Convention and the damage less certain.

In conclusion, the Court underlined the responsibility of the two States concerned to find a resolution to the Nagorno-Karabakh conflict. Pending a solution on the political level, the Court considered it appropriate to award the applicant an aggregate sum for pecuniary and non-pecuniary damage.

Principal facts

The applicant, Minas Sargsyan, an Armenian national, was born in 1929 and died in 2009 in Yerevan after having lodged his complaint with the European Court of Human Rights in 2006. His widow, Lena Sargsyan, his son, Vladimir, and his daughters, Tsovinar and Nina Sargsyan pursued the application on his behalf. Lena Sargsyan died in 2014. Vladimir and Tsovinar Sargsyan pursued the proceedings on the applicant's behalf.

Mr Sargsyan stated that he and his family, ethnic Armenians, used to live in the village of Gulistan, in the Shahumyan region of the Azerbaijan Soviet Socialist Republic, where

they had a house and a plot of land. According to his submissions, his family had been forced to flee from their home in 1992 during the Nagorno-Karabakh conflict.

In a judgment delivered on 16 June 2015 the Grand Chamber dismissed the Government's preliminary objections and held that there had been continuing violations of Article 1 of Protocol No. 1 (protection of property), Article 8 (right to respect for home and private and family life) and Article 13 (right to an effective remedy) of the Convention. With respect to Article 1 of Protocol No. 1, it accepted that throughout the period within its jurisdiction, that is, from 15 April 2002 – the date on which Azerbaijan had ratified the Convention – refusing civilians, including the applicant, access to the village had been justified by safety considerations given that it was situated in an area of military activity. However, it considered that the fact that the respondent State had not taken any alternative measures to restore the applicant's property rights or to provide him with compensation for the loss of their enjoyment had placed an excessive burden on him.

As the question of just satisfaction was not ready for decision, the Court reserved it and invited the parties to submit their written observations on that issue and to notify the Court of any agreement they might reach.

Complaints, procedure and composition of the Court

Relying on Article 41 (just satisfaction), the applicant sought just satisfaction in respect of pecuniary and non-pecuniary damage resulting from the violations found in the present case, as well as reimbursement of the costs and expenses incurred in the proceedings before the Court. The application was lodged with the European Court of Human Rights on 11 August 2006. On 11 March 2010 the Chamber to which the case had been assigned relinquished jurisdiction in favour of the Grand Chamber². The Armenian Government were granted leave to intervene as a third party. A first hearing was held on 15 September 2010.

In a decision of 14 December 2011, the Court declared the application partly admissible. A second Grand Chamber hearing on the merits of the case was held on 5 February 2014. The Grand Chamber delivered its judgment on the merits on 16 June 2015.

Today's judgment on just satisfaction was given by the Grand Chamber of 17 judges

Decision of the Court

Article 41

In its principal judgment the Court referred to the exceptional nature of the case, owing to a number of features.

The case related to an ongoing conflict situation and the parties had still not reached a peace agreement. Despite a ceasefire agreement concluded 23 years ago, the ceasefire was still not observed. Whereas the events that had led the applicant to flee his property and home had occurred in June 1992, the Republic of Azerbaijan had not ratified the Convention until ten years later, on 15 April 2002. The Court concluded that from the date of entry into force of the Convention in respect of Azerbaijan, the latter had been responsible for continuing violations of the applicant's rights under Article 1 of Protocol No. 1 and Articles 8 and 13 of the Convention.

The Court was thus dealing with a continuing situation which had its roots in the unresolved conflict over Nagorno-Karabakh and the surrounding territories and still affected a large number of individuals. More than 1,000 individual applications lodged by persons who had been displaced during the conflict were pending before the Court, slightly more than half of them being directed against Armenia and the remainder against Azerbaijan. The applicants in those cases represented just a small portion of the persons,

estimated to exceed one million, who had had to flee during the conflict and had since been unable to return to their properties and homes or to receive any compensation.

The Court reiterated the importance of the principle of subsidiarity.

As to the political dimension, Armenia and Azerbaijan had committed themselves prior to their accession to the Council of Europe, to the peaceful settlement of the Nagorno-Karabakh conflict. By now, some 15 years had passed since the ratification of the Convention by the two States without a political solution of the conflict being in sight. The Court could only underline that it was their responsibility to find a solution to the conflict on a political level.

With regard to the legal dimension, the Court reiterated that the principle of subsidiarity underpinned the Convention system. By virtue of Article 1 (obligation to respect human rights), the Contracting States had to secure the rights and freedoms guaranteed by the Convention to everyone within their jurisdiction, while, in accordance with Article 19 (establishment of the Court), it was for the Court to ensure the observance of the engagements undertaken by the States. It was precisely a failure on the part of the Government which obliged the Court to act as a court of first instance, establishing the relevant facts, evaluating evidence in respect of property claims and finally assessing monetary compensation.

Without prejudice to any compensation to be awarded as just satisfaction, the effective execution of the principal judgment called for the creation of general measures at national level. Guidance as to appropriate measures had been given in the principal judgment, where the Court had stated that pending a comprehensive peace agreement, it appeared particularly important "to establish a property claims mechanism, which should be easily accessible and provide procedures operating with flexible evidentiary standards, allowing the applicants and others in their situation to have their property rights restored and to obtain compensation for the loss of their enjoyment".

The Court concluded overall that the applicant was entitled to compensation for certain pecuniary losses and for non-pecuniary damage, the pecuniary and non-pecuniary damage being closely connected in the present case.

The Court noted, however, that the damage sustained did not lend itself to precise calculation. Certain difficulties in assessing the damage derived from the passage of time: the time element made the link between a breach of the Convention and the damage less certain. The violation of the right to respect for possessions was a continuing one and almost ten years had elapsed between the applicant's displacement from Gulistan and the entry into force of the Convention in respect of Azerbaijan, and some 15 years had elapsed thereafter. The Court considered that an award could still be made, notwithstanding the large number of imponderables involved.

Lastly, the Court reiterated that it was the responsibility of the two States concerned to find a resolution to the Nagorno-Karabakh conflict. Pending a solution on the political level, it considered it appropriate to award an aggregate sum for pecuniary and non-pecuniary damage.

Just satisfaction (Article 41)

The Court held that Azerbaijan was to pay Vladimir Sargsyan and Tsovinar Sargsyan EUR 5,000 jointly in respect of pecuniary and non-pecuniary damage, and EUR 30,000 in respect of costs and expenses.

Separate opinion

Judge Hüseyinov expressed a concurring opinion, which is annexed to the judgment.

Azerbaijan seeks court action to ban RFE/RL website

Radio Free Europe (27.04.2017) - <http://bit.ly/2p1AU4b> - In an escalation of a targeted campaign against RFE/RL, Azerbaijan's Ministry of Communications and High Technologies has filed an official complaint with a Baku court requesting that RFE/RL's Azerbaijani website, azadliq.org, be banned.

The Sabail district court ruled on April 27 to convene on May 1 to begin a review of the ministry's complaint, which also seeks to ban the websites of the nongovernmental Azadliq newspaper (unrelated to azadliq.org) and Meydan TV, and the Turan TV and Azerbaijan Saati TV channels.

RFE/RL President Thomas Kent called the ministry's action an attempt at "blatant censorship that is intended to intimidate the independent press, and which shows nothing but contempt for basic rights and international conventions."

The complaint filed with the court indicates that the website has been blocked since March 27, subsequent to recent legislation that tightens Internet restrictions and authorizes the Azerbaijani government, subject to judicial review, to ban sites for posting content deemed to promote violence, hatred, or extremism, violate privacy, or constitute slander. Independent monitors confirmed in an April 10 report that Delta Telecom, one of Azerbaijan's biggest Internet service providers, had used "dedicated equipment" to interfere with traffic to the Azerbaijani Service's website.

According to Azerbaijani legislation, a guilty judgement by the court against azadliq.org could be used as grounds to prosecute the website's correspondents. In 2014, authorities imprisoned prominent investigative reporter Khadija Ismayilova on charges of encouraging an attempted suicide and financial crimes in a case that foreign governments and rights advocates condemned as politically motivated.

Ismayilova's arrest came just weeks before Azerbaijani state agents raided and sealed RFE/RL's Baku bureau, forcing it to close in May, 2015. RFE/RL continues to pursue legal remedies in this case.

RFE/RL's Azerbaijani Service is a major source of independent news for the country, actively publishing on Facebook, YouTube, Instagram, and other digital platforms. It recently reported on the financial activities of Azerbaijani President Ilham Aliyev and members of his inner circle, and investigated costs associated with the September 2016 referendum that extended the term of the presidency to seven years, and which created the post of Vice President, to which the president's wife was appointed in February.

Prosecutor in 'Nardaran Trial' calls for life sentence for Azerbaijani theologian

Liz Fuller

RFE/RL (27.12.2016) - <http://bit.ly/2qoklUN> - The prosecution has [called for lengthy prison sentences](#) for 18 men who are [accused of plotting to overthrow the Azerbaijani government](#), but are considered by human rights activists to be prisoners of conscience.

Most of the 18 were apprehended during a police raid in late November 2015 in the village of Nardaran, where many locals look to Iranian clerics in Qom for religious guidance, rather than to the Baku-based Spiritual Board of Muslims of the Caucasus.

The target of the police raid was [theologian Taleh Bagirzade](#), 33, who in early 2015 co-founded the still unregistered Movement for Muslim Unity, the objective of which, he said, is to establish a democratic secular state in which leaders are popularly elected.

Bagirzade was apprehended on the night of the raid at the home in Nardaran of Movement for Muslim Unity co-founder Vagif Bunyadov.

Two police officers and at least four Nardaran residents were killed in a struggle, accounts of which are contradictory, between police and supporters seeking to prevent Bagirzade's arrest. According to a joint statement by Azerbaijan's Interior Ministry and Prosecutor-General's Office, the men opened fire and hurled Molotov cocktails at the police.

The accused, however, insist they were unarmed. One of them, Bahruz Asadov, was quoted as saying in court on August 11 that he heard police warning each other to aim carefully so as not to risk injuring their colleagues.

The most prominent of Bagirzade's 17 co-defendants is Fuad Gahramanly, deputy chairman of the opposition Azerbaijan Popular Front Party (AHCP). Gahramanly was [arrested 12 days after the Nardaran raid](#) on the basis of a Facebook post branding "unjust" the arrest of Bagirzade and other Nardaran residents. He was subsequently charged with calling for mass unrest and violence.

Torture Allegations

The 18 accused [went on trial](#) in early August at Baku's Court for Serious Crimes on charges of premeditated murder, terrorism, organizing mass unrest, illegal possession of weapons, creating armed formations, inciting religious hatred, using force against officials with the aim of overthrowing the government and seizing power, and other more minor offenses.

All pleaded not guilty. Some say they incriminated themselves under torture during pretrial questioning. Others admitted having signed a confession they had not read. The court has refused to investigate the [allegations of torture](#).

Lawyers for the accused [say the case against them was fabricated](#), and that witnesses were pressured. Four of the five police officers summoned to testify in mid-October could not positively identify any of the accused as having participated in the fracas.

Bagirzade's lawyer Yalchin Imanov sought without success earlier this month to have Azerbaijani Interior Minister Ramil Usubov summoned for questioning about discrepancies between his statement in an interview on national TV that the police operation was launched on orders from Azerbaijani President Ilham Aliyev in light of the criminal situation in Nardaran, and the formal indictment, according to which police had received information that Bagirzade was planning a coup d'etat. In addition, Usubov said five Nardaran residents were killed during the fracas, while the indictment gives the figure as four.

Why Local Police?

A second defense lawyer, Abil Bayramov, similarly [made the point](#) during an earlier court session that, if police had obtained information that Bagirzade and his supporters were planning acts of terrorism, National Security Ministry forces with the appropriate training should have been deployed to round them up, rather than local police.

Movement for Muslim Unity deputy head Abbas Guseynov has [denied the prosecution's charge](#) that he fired 25 shots at police, without hitting any of them.

Bagirzade has demanded without success that video footage of the raid filmed by the police should be shown in court.

Testifying in early August, Bagirzade accused the Azerbaijani authorities of [deliberately seeking to provoke a confrontation](#) in Nardaran in order to create a pretext for quashing

his movement. He stressed that he has never advocated violence, and suggested that the police action to detain him was "carefully planned" in [retaliation for criticism](#) voiced by the Movement for Muslim Unity of blatant falsification during the parliamentary elections on November 1.

Bagirzade also said that he had been subjected to torture to induce him to incriminate AHCP Chairman Ali Kerimli and opposition National Council of Democratic Forces head Camil Hasanli, which he refused to do.

On December 26, the prosecution demanded life imprisonment for Bagirzade, 11 years in jail for Gahramanly, and between 10 and 20 years for their co-defendants.

Meanwhile, dozens of other men are reportedly still awaiting trial on analogous charges, some of whom were reportedly arrested in Baku, Gence, Lankaran, and other cities.

Witnesses: we blackmailed Bagirzade under the pressure



Contact (26.10.2016) - <http://bit.ly/2fl9Sjp> - On Wednesday the witnesses continue to give testimonies in the "Nardaran case." Nardaran resident Ganjali Abbasov said that he could not read or write, and did not know what he signed.

When the lawyer Yalcin Imanov read his testimony against Thale Bagirzade, the witness said that he did not say those words.

Another witness, Samir Babayev said that under torture in the Office for Combating Organized Crime of the Ministry of Internal Affairs he said that Bagirzade was going to build in Azerbaijan Islamic state. Only then he was released.

Bagirzade also revealed that his supporters had no purpose to build an Islamic state in Azerbaijan. "It is impossible to build an Islamic state in Azerbaijan. They think that our struggle is religious by nature. However, we are fighting against the tyranny and injustice of the government," said Bagirzade.

Ilgar Atakishiyev said he was summoned to the Chief Department to Fight the Organized Crime (CDFOC) because that put the "Like" on the status of the accused APFP deputy chairman Fuad Gahramanli.

The witness said that he was forced to sign these statements, as soon as possible to "survive" and to get rid of from CDFOC. The Court will continue on 28 October. In the course of a special operation in the village of Nardaran on November 26, 2015 six people were killed in the shooting, including two policemen. Total in this case approximately 70 people were brought to trial, mostly members and supporters of the "Muslim unity" Movement. They are accused of a number of Articles of the Criminal Code: attempt to forcibly change the constitutional system, the creation of an organized armed criminal group and others.

Currently, there are 18 accused in the Serious Crimes Court in Baku under the case. Among them was the deputy chairman of APFP Fuad Gahramanli, who is accused of anti-state calls, inciting religious hatred, in calling for riots. In fact, Gahramanli wrote on his page in Facebook appeal to the Nardaran residents, urging them to defend their rights.

International "election observers" whitewash fraudulent referendum

EPDE (05.10.2016) - On September 26, 2016 Azerbaijan held a hastily called, and controversial, referendum. The European Platform for Democratic Elections (EPDE) has monitored the conduct of international election observer missions. EPDE is highly critical to statements made by international election observers, which stand in sharp contrast to the critical assessment made by local independent citizens' election observers. EPDE sees the statements as attempts at whitewashing an undemocratic and fraudulent Referendum.

The Parliamentary Assembly of the Council of Europe (PACE), the Committee of Regions of the European Union, the notorious "European Academy for Election Observation" and a series of European politicians, among them Mario David and Manolis Kefalogiannis, members of the European Parliament, have issued overwhelmingly positive assessment of the referendum on amendments to the Constitution of Azerbaijan which will among others significantly increase the power of the President of the Republic. By that the observers stand in sharp contrast to findings of independent local citizens' election observers. The assessment raises doubts over the impartiality, professionalism and honesty of the international observers. By that they damage the reputation of the institutions and parliaments that they represent.

The PACE mission's statement declares that "the voting process was transparent, well organised, efficient and peaceful throughout polling day, no serious violations were observed during the counting process" and concludes that the referendum "is considered legal and legitimate". The assessment does not take into account the critical human rights situation in the country, the systematic restriction of independent mass media, political opposition and civil society activists that do not allow for an open and fair campaign environment in the country.

The findings and conclusion of the PACE short term observers stand in sharp contrast to the assessment of local independent citizens' election observers stating that "the Referendum day was marred with violations including ballot-box stuffing, multiple voting, group voting (carousel) and voting of persons without registration". Independent observers noted that voter turnout was artificially raised in majority of polling stations through multiple voting and ballot-box stuffing. "The official turnout does not correspond to real figures." Independent observers conclude that "the Referendum failed to meet

requirements of election legislation and international commitments of the country with regards to democratic elections."

Already the November 2015 Parliamentary elections and the October 2013 Presidential elections in Azerbaijan were commented in a biased way by PACE short term observers. EPDE has criticized these reports. By issuing such ungrounded and politically motivated statements PACE violates international standards of election observation and damages the reputation of the Council of Europe. EPDE urgently recommends to PACE to put an end to biased, ungrounded and politically motivated election observation missions.

The PACE mission was led by Aleksandar Nikoloski ("the former Yugoslav Republic of Macedonia", EPP/CD). Other members of the mission were Andrea Rigoni (Italy, ALDE), Yanaki Stoilov (Bulgaria, SOC), Dominik Tarczynski (Poland, EC), Antonio Gutiérrez (Spain, SOC), Stefan Schennach (Austria, SOC) and the co-rapporteur of the Monitoring Committee Cezar Florin Preda (Romania, EPP/CD).

Similar positive statements were issued in the Azerbaijani mass media by the Committee of the Regions of the European Union, headed by Pauliina Hajanen (Finland, EPP) with members Kurmet Müürespp (Estonia, EPP), Danis Turlais (Latvia, ALDE) and Urmas Sukles (Estonia, ALDE). The group declared that they have visited ten polling stations. No mission report was published by the Committee, no information on their methodology has been made available either. Through statements made in Azerbaijani mass media, members of the Committee declared that "the voting process was well prepared from both technical and organizational points of view" and that "in general the referendum in Azerbaijan is completely valid and its results show the people's desires."

Other European politicians made similar positive statements : Lawmaker Carmen Quintanilla (Spain, EPP), member of the European Parliament Manolis Kefalogiannis (Greece, EPP), member of the European Parliament Mario David (Portugal, EPP): *"To sum up, it is the conviction of our delegation that the process of the referendum...has been conducted in a free, open and sound process, in accordance with the best international standards, and that it will definitively express the will of the people of Azerbaijan."* Lawmaker and member of PACE Predrag Sekulic (Montenegro, SOC), lawmaker and member of PACE María Concepción de Santa Ana (Spain, EPP), lawmaker Sergio Divina, (Italy, Lega Nord): *"We have monitored elections in many countries as observers of the European Union and OSCE. I have observed elections in Azerbaijan before. The voting in Azerbaijan was conducted in line with European standards,"* Nathalie Goulet (France, UDI), Thierry Mariani (France, The Republicans), Michel Voisin (France, The Republicans): *"To tell the truth, we know without observing that everything is all right"*, former member of PACE, Tadeusz Iwinski (Poland, SOC) and Kyriakos Kyriakou-Hadjjiyianni (Cyprus, Democratic Rally Party).

Moverover, neither the PACE mission nor any other among the above mentioned international observers did make any mention of the highly negative opinion which was published on 20 September by the Council of Europe's advisory body on constitutional matters, the Venice Commission Opinion no 864/2016 (CDL-PI (2016) 010). The preliminary opinion concludes, among several other critical points, that: *"The new powers of the President introduced by the Draft are unprecedented even in comparative respect; they reduce his political accountability and weaken Parliament even further. The Venice Commission is particularly worried by the introduction of the figure of unelected Vice-Presidents, who may at some moment govern the country, and the President's prerogative to declare early presidential elections at his/her convenience."*

EPDE calls on the Council of Europe Parliamentary Assembly, the Committee of the Regions of the European Union, the European Parliament, and the national and regional parliaments which these observers claim to represent, to consider if the activities of the

elected representatives are in line with the ethical standards and codes of conduct of these parliaments. We also urge these parliaments to review their rules and procedures for participation in international election observation missions.

See the list of international observers who are responsible for biased assessments on the referendum in Azerbaijan [here](#).

Pope Francis notes Azerbaijan's religious tolerance, not rights abuses

In a visit to the region, Pope Francis called for peace and praised religious tolerance and diversity, though he kept silent on Azerbaijan's record on civil and human rights.

Reuters (02.10.2016) - Pope Francis on Sunday finished his visit to the conflict-torn Caucasus region with a stop in Azerbaijan, a predominantly Shiite Muslim country, where he pleaded with leaders of all religious faiths to leave future generations "a better world than the one we have received."

Francis praised Azerbaijan as a place of religious tolerance as he met privately with Sheikh ul-Islam, the region's grand mufti, before the two men held an interreligious meeting at the country's largest mosque with Orthodox Christian, Muslim and Jewish leaders. Alluding to wars in the region, Francis called on religions to "be active agents working to overcome the tragedies of the past and the tensions of the present."

But Francis was silent about the Azerbaijan government's much-criticized record on civil liberties, human rights and fair elections. Human rights groups have documented numerous abuses, including the imprisonment of journalists and political dissidents, the disbarment of human rights lawyers and a crackdown on civil society groups.

Francis' short visit, about 10 hours, to oil-rich Azerbaijan was the final stop in his bifurcated tour of the Caucasus, which began with a June visit to Armenia. He returned over the weekend to spend two days in Georgia before arriving on Sunday morning in Baku, the capital of Azerbaijan at the edge of the Caspian Sea.

In visiting the Caucasus, Francis waded into a region troubled by rivalries and conflict, but one with geopolitical importance as a historical crossroads between East and West. Georgian leaders lobbied Francis over their efforts to reclaim territory now under the control of separatist groups supported by Russia. In Armenia and Azerbaijan, he was pulled in opposite directions in their long conflict over the region of Nagorno-Karabakh.

During his visit to Armenia, Francis promised to talk to the Azeris about how to find a peaceful solution to the conflict over the Nagorno-Karabakh region, and told reporters on that trip back to Rome that "not making peace on account of a small patch of land — because that is all it is — means something grim." Some Azeri analysts saw that comment as belittling a dispute that has displaced large numbers of people.

"Our people have faced a humanitarian catastrophe," President Ilham Aliyev said Sunday afternoon during an appearance with the pope.

Francis stuck with broad calls for dialogue, urging the international community to help mediate, describing himself as "a pilgrim for peace" in the region and expressing "my heartfelt closeness to those who have had to leave their land and to the many people who suffer the effects of bloody conflicts."

His silence on the Aliyev administration's record on civil liberties and human rights was noticeable, if perhaps not surprising. He is usually careful to avoid direct criticisms of a government during his international trips, though he does regularly make implicit criticisms.

The Roman Catholic Church, officially granted legal recognition by the Azeri government in 2011, has fewer than 300 native followers.

Mr. Aliyev has faced heavy international criticism for cracking down on free speech and political dissent. One high-profile case involved the journalist Khadija Ismayilova, who was sentenced to prison on tax evasion charges after reporting on corruption in the Aliyev government. With a big international campaign on her behalf, Ms. Ismayilova was released in May after the case became embarrassing for Mr. Aliyev, though she is still serving a suspended sentence.

What Francis did want to emphasize was the country's embrace of religious diversity at a time when the Islamic State is slaughtering people in Syria and persecuting Christians and other non-Muslims.

"We see the growing emergence of rigid and fundamentalist reactions on the part of those who, through violent words and deeds, seek to impose extreme and radical attitudes which are furthest from the living God," he said.

Azerbaijan's constitutional referendum creates crisis of legitimacy

Chairman Smith, Others highlight human rights issues in letter to Azerbaijan's President Aliyev

CSCE (15.09.2016) - <http://bit.ly/2daZCuM> - In a recent letter to Azerbaijan's President Ilham Aliyev, Helsinki Commission Chairman Rep. Chris Smith (NJ-04) expressed deep concern about the country's September 26 constitutional referendum, which proposes changes that would undermine Azerbaijan's international obligations to protect democracy. The bipartisan letter urging President Aliyev to reconsider holding the referendum and to live up to his government's commitment to human rights was also signed by Helsinki Commissioner Rep. Joe Pitts (PA-16) and Rep. Adam Schiff (CA-28).

"By lengthening presidential terms and expanding presidential authorities, the proposed constitutional changes are susceptible to abuse that would entrench political authority, making it less responsive to the will of the Azerbaijani people," the Members of Congress wrote. "We are especially troubled by amendments that would restrict fundamental rights that are vital to open public debate and government accountability."

Proposed changes to Azerbaijan's constitution include extending the presidential term from five to seven years; removing the age limits for holding elected office; providing immunity for vice presidents; allowing the president to dissolve the national assembly and call early elections; and reorganizing the presidential line of succession.

The Government of Azerbaijan has already faced international criticism for its crackdown on journalists, activists, opposition politicians, and members of religious minorities. The referendum would further restrict fundamental freedoms by placing limits on freedom of expression when it provokes "hostility," freedom of assembly when it "disrupt[s]...public morale," and property rights when they violate "social justice and effective use."

"The upcoming referendum creates a grave crisis of legitimacy," the letter read. "Neither the international community nor the Azerbaijani people can have confidence in a vote that takes place without free access to information, open debate, and transparency. That the Azerbaijani people are being asked to vote on measures that erode democratic principles makes the situation even more unacceptable."

In December 2015, Chairman Smith introduced [H.R. 4264, the Azerbaijan Democracy Act](#), a bill that would deny U.S. visas to senior members of the Azerbaijani government until such a time that Azerbaijan makes substantial progress toward releasing political prisoners, ending its harassment of civil society, and holding free and fair elections.

The full text of the letter is below.

September 8, 2016

His Excellency Ilham Aliyev
President of the Republic of Azerbaijan
Presidential Palace
Istiglaliyyat Street 19
Baku, AZ 1066

Dear President Aliyev,

We write to you to express our deep concern regarding Azerbaijan's upcoming constitutional referendum on September 26, 2016. We believe that the proposed changes to the constitution and the means for adopting them will undermine your government's international obligations to protect democracy and human rights. By lengthening presidential terms and expanding presidential authorities, the proposed constitutional changes are susceptible to abuse that would entrench political authority, making it less responsive to the will of the Azerbaijani people. We are especially troubled by amendments that would restrict fundamental rights that are vital to open public debate and government accountability.

Shortly following independence, the Government of Azerbaijan in 1992 joined the Organization for Security and Cooperation in Europe (OSCE) thereby expressing its commitment to the protection of fundamental rights and freedoms as one of the basic purposes of government. We regret that in the years hence Azerbaijan's human rights record fails to reflect this commitment. Time and again, the credibility of Azerbaijani elections has been marred by credible reports of ballot stuffing and irregularities with vote counting, as well as limitations on freedom of expression and freedom of association.

These troubling precedents motivate our concern about the upcoming referendum. If successful, the vote would change the constitution to extend the presidential term from five to seven years, remove the age limits for holding elected office, provide immunity for vice presidents, allow the president to dissolve the national assembly and call early elections, as well as reorganize the presidential line of succession. Additionally, it would subject fundamental rights to vaguely worded restrictions, circumscribing freedom of expression when it provokes "hostility," freedom of assembly when it "disrupt[s]...public morale," and property rights when they violate "social justice and effective use."

We are deeply concerned that Azerbaijani voters are being asked to consider such consequential changes to Azerbaijan's constitutional framework in a climate that makes free debate all but impossible. In recent days, it has been reliably reported that a number of political activists campaigning against the referendum and several journalists have been detained on trumped-up charges and some have faced mistreatment and torture at the hands of authorities. Even before the latest round of arrests and

intimidation, half a dozen journalists were already in jail, Radio Free Europe/Radio Liberty has remained closed since December 2014, and other independent journalists and media outlets faced official harassment.

The upcoming referendum creates a grave crisis of legitimacy. Neither the international community nor the Azerbaijani people can have confidence in a vote that takes place without free access to information, open debate, and transparency. That the Azerbaijani people are being asked to vote on measures that erode democratic principles makes the situation even more unacceptable.

We urge you to reconsider this constitutional referendum and to re-invigorate your government's flagging commitment to promote the freedom and dignity of its people by ceasing all harassment and proceedings that target political activists and journalists who peacefully express their visions for Azerbaijan. We are inspired by the example of these brave voices and hope that your government will recognize that Azerbaijan's strength and stability derives from the liberty of its people.

Sincerely,

Christopher H. Smith
Member of Congress

Joseph R. Pitts
Member of Congress

Adam B. Schiff
Member of Congress

Suspected Shi'ite insurgent group on trial in Azerbaijan



Taleh Bagirzade was apprehended in late November 2015 together with 13 other men during a raid by police on a house in the village of Nardaran on the outskirts of Baku where they were attending prayers.

By Liz Fuller

RFERL (14.08.2016) - <http://www.rferl.org/content/caucasus-report-azerbaijan-shiite-trial-link-extremism-to-opposition/27920594.html>

Eighteen men said to be members of an extremist religious group that sought to provoke mass unrest in order to seize power went on trial beginning on August 4 in Baku's Court for Serious Crimes.

They face charges including murder, terrorism, inciting religious hatred, organizing mass unrest, and illegal possession of weapons. All of them without exception reject those charges as fabricated; several say they have been subjected to torture in an attempt to induce them to incriminate themselves, fellow defendants, and respected opposition leaders.

The two most prominent defendants are Taleh Bagirzade (also known as Bagirov), a young Shi'ite cleric who heads the unregistered Movement for Muslim Unity, and Fuad Qahramanli, deputy chairman of the opposition Azerbaijan Popular Front Party (AHCP).

Bagirzade, who studied theology in Iran, has campaigned to uphold believers' rights and openly criticized Azerbaijan's President Ilham Aliyev. He was [apprehended in late November 2015](#) together with 13 other men during a raid by police on a house in the village of Nardaran on the outskirts of Baku. where they were attending prayers.

Nardaran has for decades been a bastion of conservative Shi'ite Islam. Its estimated 8,000 residents regard as their supreme religious authority not Muslim Spiritual Board of Azerbaijan Chairman Sheikh-ul-Islam Allakh-Shukur Pashazade, but Iranian Ayatollah Ali Khamenei.

Seven people, including at least two police officers, were killed and several others wounded during the police raid, the precise details of which remain unclear. According to a joint statement by Azerbaijan's Interior Ministry and Prosecutor-General's Office, the men opened fire and hurled Molotov cocktails at the police. The accused, however, insist they were unarmed. One of them, Bahruz Asadov, was quoted as saying in court on August 11 that he heard police warning each other to aim carefully so as not to risk injuring their colleagues.

That joint statement also says that Bagirzade created the Movement for Muslim Unity with the aim of overthrowing the constitutional order and establishing "a religious state under Shari'a law." He and his associates are said to have recruited supporters in Baku and other parts of the country and provided them with various types of weaponry, and to have conducted "illegal meetings" in Nardaran to discuss mobilizing the population in a violent uprising against the authorities.

According to the statement, the November raid was undertaken to neutralize "an armed criminal group that acted under the cover of religion and was seeking to destabilize the social-political situation and organize mass unrest and acts of terrorism."



Azerbaijani President Ilham Aliyev (third from right) visited Nardaran in June, bringing gifts.

Oqtay Gyulaliyev of the public group Azerbaijan Without Political Prisoners says [there is no evidence](#) to support the allegations of terrorism. Why, he asks, if Bagirzade and his

associates were indeed terrorists, were rank-and-file local police deployed to detain them, rather than a specialized counterterrorism force? Why were civilian lives endangered, and why did the police open fire immediately rather than call on the group of men to surrender?

Bagirzade's lawyer Elcin Sadiqov said after the preliminary court hearings last month that many points in the indictment remain unclear. He too claimed there was no evidence that it was the accused who fired on the police, or even that the two dead men identified as police officers were indeed such.

Bagirzade himself stresses that he has never advocated violence. He suggested that the police action to detain him was "**carefully planned**" in retaliation for the criticism voiced by the Movement for Muslim Unity of blatant falsification during the parliamentary elections on November 1.



Fuad Qahramanli

Qahramanli, who was nowhere near Nardaran at the time of the raid, was detained at his home two weeks after it took place for comments about it that he posted on Facebook. He was initially charged with antistate propaganda and inciting racial or religious hatred and remanded in pretrial detention. Six months later, a further charge was brought against him of calling for civil disobedience and mass unrest.

Testifying on August 11, Qahramanli said he was being tried solely for having expressed a critical opinion of the Azerbaijani authorities. "The authorities want to frighten those people who come out against corruption [and] arbitrary [reprisals], which is why they fabricate political cases [against such critics]," he affirmed.

Gozyal Bayramli, who like Qahramanli is an AHCP deputy chairman, is **on record as saying** he is convinced that despite the total lack of any supporting evidence, the Azerbaijani authorities are determined to prove a connection between the party and the purported Shi'ite insurgent group in order to discredit the AHCP in the eyes of the international community.

Bagirzade says investigators tortured him to induce him to incriminate AHCP Chairman Ali Kerimli and Camil Hasanli, the head of the opposition National Council of Democratic Forces, but that he refused to do so.

Up to 50 other persons were apprehended in Nardaran on the day of the police raid. Some were subsequently released; others have been tried individually or in small groups on less serious charges such as illegal possession of weapons.

Since the events of last November, the Azerbaijani authorities have made a concerted effort to placate, if not win the hearts and minds of, Nardaran's population, broadening streets and repairing schools, a clinic, and other infrastructure. Attending the formal inauguration of that infrastructure two months ago, President Aliyev announced that villagers' collective unpaid debts for electricity over the past decade, amounting to 42.2 million manats (\$27.7 million), had been written off.

Who is and who is not a FoRB prisoner?

By Willy Fautré, *Human Rights Without Frontiers*

HRWF (03.08.2016) - Much confusion often prevails around the concept of freedom of religion or belief (FoRB) and the identification of groups, persons and cases qualifying for the protection under related international instruments. Clarification is also needed to qualify the status of religious prisoners, FoRB defenders and FoRB prisoners (1).

FoRB Rights and Activities

According to Article 18 of the ICCPR, FoRB includes the freedom to have or to change religion or belief, the freedom to share one's religion or beliefs, the freedom of association, the freedom of worship and assembly, as well as conscientious objection to military service (UNHuman Rights Committee General Comment 22 Para. 11 on the ICCPR).

In this regard, a number of situations are clearly covered by the aforementioned international standards: a Baha'i or an Ahmadi identifying himself as such in Iran or Pakistan, a Muslim or a Hindu converting to Christianity in Morocco or India, an Evangelical Protestant trying to share his beliefs in public or in private in Uzbekistan, Said Nursi Muslims or Pentecostal Protestants meeting in a private home or public place for worship or for any sort of religious purposes whether their group is registered by the state or not, or a Jehovah's Witness refusing to perform military service in South Korea or Eritrea. In such situations, all those people are victims of FoRB violations.

According to the 1981 UN Declaration of the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981), Article 6, the right to freedom of thought, conscience, religion or belief includes, inter alia, the following freedoms:

- (a) To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;
- (b) To establish and maintain appropriate charitable or humanitarian institutions;
- (c) To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;
- (d) To write, issue and disseminate relevant publications in these areas;
- (e) To teach a religion or belief in places suitable for these purposes;
- (f) To solicit and receive voluntary financial and other contributions from individuals and institutions;
- (g) To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;
- (h) To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief;
- (i) To establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.

Anyone who would be arrested and deprived of his freedom for one of these activities could without any doubt be considered a FoRB prisoner.

Some believers and clerics may resist their government's attempts to restrict or violate their freedom of religion or belief by petitioning the authorities, filing complaints with international institutions... These activities are also part of their freedom of religion or belief. If they are repressed by the authorities, they are victims of FoRB violations as protected by the aforementioned instruments.

FoRB Defenders as Human Rights Defenders

There is no specific definition of who is or can claim to be a human rights defender. The UN Declaration on human rights defenders refers to "individuals, groups and associations ... contributing to ... the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals."

In accordance with this broad categorization, they can be any person or group of persons working to promote human rights, ranging from intergovernmental organizations based in the world's largest cities to individuals working within their local communities. Defenders can be of any gender or age, from any part of the world and from all sorts of professional or other backgrounds. In particular, it is important to note that human rights defenders are not only found within NGOs and intergovernmental organizations.

FoRB defenders can be said to fall under a subdivision of the category of human rights defenders.

A number of non-state actors may occasionally or regularly defend the rights of believers, clerics and religious associations whether they are one of them or not.

Some human rights organizations put FoRB on their agenda among other topics. Some lawyers defend prisoners arrested for evangelizing in the public space. Some journalists and bloggers write about FoRB violations. They are all FoRB defenders. If they happen to be arrested and/or imprisoned, it is in their capacity of human rights defenders but they cannot be called or claimed to be FoRB prisoners.

Believers and Clerics as Non-violent Social or Political Activists

In the 1970s and 1980s, a number of Catholic priests in Latin America engaged in non-violent social activities were arrested or victims of extra-judiciary killing.

During WWII, clerics were engaged in non-violent resistance movements against the German occupying forces.

In Northern Ireland, priests and pastors were involved in political activities in a violent context until the 1998 Good Friday Agreement.

In Thailand, Buddhist priests were arrested and beaten by the police for demonstrating against the government.

In China, Uyghur Muslims want their historical lands to gain independence, and Tibetan Buddhist monks regularly protest against the annexation and occupation of their country by China since the 1950s.

In Tajikistan, the Islamic Renaissance Party was banned and their members were sentenced to long prison sentences. Some of their political meetings were taking place in mosques, which is forbidden by law.

In Azerbaijan, imams organized demonstrations to denounce the corruption of the regime and to claim democracy, and ended up in prison.

State repression against those activists cannot be labelled religious persecution or violation of religious freedom as some state institutions and NGOs defending religious freedom do because their actions, though legitimate and honorable as they may be, they are not protected by Article 18 of the ICCPR and Article 9 of the European Convention of Human Rights, but by other articles of the same instruments. Therefore, such prisoners could be characterized as political prisoners, victims of politically motivated imprisonment, Christian prisoners, Muslim prisoners... but not FoRB prisoners.

FoRB and Other Religion-related Prisoners in Azerbaijan

In February 2015, two female Jehovah's Witnesses Valida Jabrayilova and Irina Zakharchenko, were arrested and kept in detention for "illegally distributing religious literature without state permission." A criminal case was opened against them on the basis of Criminal Code Article 167-2.2.1 ("Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation... when conducted by an organised group"). Their pre-trial detention was prolonged several times and they were only released one year later.

In 2015, five Sunni Muslims who are followers of the Turkish theologian Said Nursi were sentenced to prison terms ranging from one year and a half to more than five years in prison for gathering with others in private home to read and discuss the teachings of the religious scholar who never advocated violence and attempted throughout his life to conciliate religion, modernity and politics.

In 2015, three Sunni Muslims connected to the Lezghi mosque (2) in the Old City were arrested and sentenced to prison terms of six to fifteen months for selling religious material without authorisation. They were prosecuted on the basis of Criminal Code Article 167-2.1 ("Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation").

Human Rights Without Frontiers all included these victims in its list of FoRB prisoners.

In November-December 2015, about 60 Shia Muslims belonging to the Muslim Unity Movement were arrested in Nardaran, a fundamentalist district outside Baku, because of allegedly plotting to overthrow the government and storing weapons and ammunition. Seven people were killed in the crackdown, including two policemen. Trials started in 2016.

A number of state American and European institutions and NGOs defending religious freedom consider that they are in prison as victims of FoRB violations but none of them seems to have investigated the nature of the Muslim Unity Movement. Is it a religious entity, a political movement or a civil society organization? *Human Rights Without Frontiers* has tried to answer this question before possibly including these prisoners in its

FoRB Prisoners List but has been unable to characterize the nature of the Muslim Unity Movement despite consulting scholars in Baku and experts outside Azerbaijan. Nobody could provide the charter of the movement, its objective and its program. US expert Paul Goble said to Contact.az on 25 July 2016 "The Islamic Unity Movement is in favor of non-violent changes and the spread of democratic values". Though, two policemen were killed during the crackdown.

As of 1st August 2016, *Human Rights Without Frontiers* cannot say if the arrested people, including their leader Taleh Bagirov, have been detained on the grounds of freedom of religion or belief as protected by Article 9 of the European Convention and Article 18 of the International Covenant Civil and Political Rights, or for other reasons. *Human Rights Without Frontiers* has therefore not included these people in its List of FoRB prisoners (3), considering that they most probably belong to another category of prisoners.

In conclusion, it is of utmost importance to know the nature of some movements and the activities of their members to be able to either qualify or disqualify specific incidents as FoRB violations and some persons or groups as victims of such violations.

(1) FoRB prisoners are people who have been arrested and jailed for exercising their legitimate right to freedom of religion or belief as guaranteed by international instruments.

(2) Lezghis are an ethnic group divided between supporters of and opponents to the government.

(3) See <http://hrwf.eu/forb/forb-and-blasphemy-prisoners-list>

Prisoners of conscience? Political prisoners? Politically motivated imprisonment?

Eurasianet (11.07.2016) - <http://www.eurasianet.org/node/79606> - Some Azerbaijani activists claim that international rights watchdogs, such as Amnesty International, have created a two-tier system for political prisoners that effectively hinders less prominent government critics' chances for release from prison.

"We see they are interested in the cases of star political prisoners," commented attorney Yalchin Imanov, who represents jailed Azerbaijani Islamic Party Chairperson Movsum Samadov and opposition parliamentarian Asif Yusifli, among other imprisoned government critics.

"As a result," he charged, "except for very few cases, the majority of illegal arrests, cases of unfairly punished people are overlooked; especially, opposition parties' members and religious activists are being forgotten by international organizations."

The London-based Amnesty International, which compiles what many Azerbaijanis see as the most important list of alleged victims of judicial abuses, lists only 14 prisoners of conscience for Azerbaijan: bloggers and social-media activists Abdul Abilov and Elvin Karimov; blogger Rashad Ramazanov; opposition journalist Seymur Haziyeu; opposition politicians Fuad Gahramanli, Faraj Karimov and Ilgar Mammadov; opposition youth activists Elvin Abdullayev and Murad Adlilov; political activist Ilkin Rustamzade; Rovshan Zahidov and Rufat Zahidov, relatives of an opposition journalist; and leftist activists Giyas Ibrahimov and Bayram Mammadov, jailed for spraying graffiti on a statue of the late President Heydar Aliyev.

Other organizations use the more general designation of "[political prisoner](#)." Their numbers are, by far, higher.

The Norwegian Helsinki Committee names 75 Azerbaijanis as political prisoners (76 percent of them religious figures), while the Washington, DC-based Freedom House, in March, put the tally at over 80.

Another prominent international rights watchdog, the New York City-based Human Rights Watch*, avoids, though, both the term "political prisoners" and "prisoners of conscience." Instead, it refers to "politically motivated prosecution or imprisonment," said HRW's South Caucasus director, Giorgi Gogia.

The assessment considers such factors as the prisoner's actions prior to arrest; the circumstances of the arrest and charges brought; and observance of due process, proportional sentencing and fair-trial standards, he added.

Details for Amnesty's own criteria are not published online. That frustrates some prisoners' family members, who believe inclusion in its list gives their relatives a greater chance for release.

"We don't blame them for political double standards, but we'd like to ask ... based on which criteria do they not recognize several political prisoners as prisoners of conscience?" asked Natig Adilov, a spokesperson for the opposition Popular Front Party of Azerbaijan (PFPA), in reference to Amnesty International. "Some prisoners get this status immediately ..."

Amnesty International recently named Adilov's brother, PFPA youth activist Murat Adilov, a prisoner of conscience.

Amnesty's Caucasus campaigner, Levan Asatiani, cautioned, though, that such a

designation demands a lengthy and careful analysis and corroboration of the facts of a prisoner's arrest.

"It is not always possible to do such [an] analysis and corroboration in every single case, largely due to the available resources," he said.

"This is why, whenever providing the list of recognized prisoners of conscience in Azerbaijan, Amnesty International clarifies that the figure is not exhaustive. The number of prisoners of conscience in Azerbaijan is almost certainly higher."

Baku, which insists that Azerbaijan has no political prisoners, has blocked Amnesty International from entering the country since 2015. The organization says that it has requested, but not received, an explanation.

But one Azerbaijani observer argues that campaigning to have individuals listed as prisoners of conscience is a waste of energy.

That title can help a case only if it goes before the European Court of Human Rights in Strasbourg, France, since it conveys greater public recognition, commented human rights analyst Vugar Gojayev. "For the Azerbaijani government, it does not make any difference if the prisoner is a prisoner of conscience or a political prisoner," he said.

Rather than trying to get international organizations to bestow the title of "prisoner of conscience," Azerbaijan's civil society "should conduct wider advocacy work to halt the politically motivated arrests and systematic prosecution of persons for the legitimate exercise of civil and political rights in Azerbaijan," he said.

Yet defense attorney Imanov believes that this year's release of Azerbaijanis deemed prisoners of conscience shows that the title can make a difference.

"[I]n the absence of an effective judicial system in Azerbaijan, the fate of political prisoners more and more depends on the will of the ruling political power ... ," he noted. "Amnesty International is an important organization in the world, so it is a huge blow for the defense of those prisoners who did not get the status as a prisoner of conscience."

Some former political prisoners, like Rasul Jafarov and investigative journalist Khadija Ismayilova*, have added their voices to the calls for greater international attention for all Azerbaijanis believed to be imprisoned for criticism of the government.

"We do not discriminate against any political prisoner," commented Jafarov, one of the co-authors of a list of 68 political prisoners compiled by Azerbaijani civil society activists.

Parliamentarian Aydin Mirzazade, a member of the ruling New Azerbaijan Party and of Azerbaijan's delegation to the Council of Europe's Parliamentary Assembly, insists, however, that such attention has no bearing on the decision to release prisoners.

"The attitude towards prisoners is defined via the Constitution and legislation," he posited. "After some time passes, if a prisoner is not a threat to society; also, if he has finished a certain part of his sentence, or he regrets what he has done, then they will be released either conditionally or via an amnesty order by the president."

But such releases can be followed by more arrests. As Ismayilova opined in an earlier interview with [OCCRP](#), Azerbaijan's "political prison" comes with a "revolving door."

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**Khadija Ismayilova has worked as a freelance reporter for EurasiaNet.org.*

Editor's note: Durna Safarova is a freelance journalist who covers Azerbaijan.

ECtHR recognizes violation of rights of 18 Azerbaijani citizens

Caucasian Knot (30.06.2016) - <http://bit.ly/29jeGoP> - The European Court of Human Rights (ECtHR) has pronounced the decisions in 18 cases from Azerbaijan. The ECtHR has granted the complaints about violation of the voting right and property right, as well as the complaints filed in connection with arrests for participation in protests.

Of the above complaints, 13 were filed in connection with the applicants' administrative arrests. Asabali Mustafaev acted as a legal representative in all cases.

"The complaints were filed in connection with the applicants' arrest during peaceful protest actions held in October and November 2012 with the demand to dissolve the parliament. The applicants were sentenced to 5-10 days of administrative arrests," the "Caucasian Knot" correspondent was told by Asabali Mustafaev.

The ECtHR has found that their rights were violated under Article 5 (right to liberty and security), Article 6 (right to a fair trial), Article 7 (no punishment without law), and Article 11 (right to freedom of assembly) of the European Convention on Human Rights.

The ECtHR obliged the Azerbaijani authorities to pay compensation to each of the applicants in the amount of 13,000 euros.

The ECtHR also pronounced the decisions on the complaints about violations of the voting rights of four Azerbaijani oppositionists, including Nureddin Mamedli, Dunyakhanym Djarullaeva, Iltizam Akperli, and Nobatali Palangov.

The ECtHR has found that they were unreasonably refused in their registration as candidates at the 2010 parliamentary elections.

Baku ordered to pay compensation to prominent rights defenders

RFE/RL (02.06.2016) - <http://bit.ly/29BI5f5> - The European Court of Human Rights (ECHR) has ordered Azerbaijan to pay compensations to human rights activists Leyla Yunus and her husband, Arif Yunus, for "inadequate medical treatment" that led to "prolonged mental and physical suffering."

In a ruling made public on June 2, the Strasbourg-based court ordered Baku to pay 15,000 euros (\$17,000) to each applicant.

Leyla Yunus and Arif Yunus were arrested in summer 2014 and sentenced to 8 1/2 and 7 years in prison, respectively, in August 2015 for alleged economic crimes.

They were released on health grounds late last year and their prison sentences reduced to suspended sentences.

The sentencings were denounced as a travesty of justice by the two defendants and international human rights groups.

Pretended thaw in Azerbaijan

OSW (01.06.2016) - <http://bit.ly/2eNqMrg> - On 25 May, the Supreme Court of Azerbaijan conditionally released Khadija Ismailova, the most famous Azeri journalist both domestically and abroad. Ismailova had reported for the Azeri section of Radio Free Europe and the BBC, among others. She was imprisoned in December 2014, and in mid-2015 sentenced to seven and a half years' imprisonment, for alleged tax fraud among other charges. The journalist, who is renowned for her uncompromising attitude and courage, has been the Azeri authorities' target for years: in 2012, they attempted (unsuccessfully) to blackmail her over the disclosure of intimate recordings. Directly after her release Ismailova announced she would be returning to work.

Commentary

- Ismailova's conditional release is part of an ongoing 'sham thaw' in Azerbaijan; in March 15 political prisoners were released, including the lawyer Intigam Aliyev and the activist Rasul Jafarov, and in April the well-known human rights defender Leyla Yunus and her husband were allowed to leave the country. However, some less well-known activists and opposition politicians still remain in prison, such as the leader of the REAL party Ilgar Mammedov. The release of political prisoners does not mean the authoritarian system in Azerbaijan is undergoing any real reform, but it is the result of a tactical calculation by the regime of Ilham Aliyev, which has come under unprecedentedly strong pressure from the international community, as it struggles with financial problems and tries to win Western support over the issue of Nagorno-Karabakh.
- From the perspective of Baku, the further detention of these political prisoners would have incurred too great a political cost. At the end of 2015, the US Congress considered a bill imposing sanctions on key figures of the regime, including the president and his wife. The March amnesty was therefore forced by the regime's desire to improve its relationship with US directly prior to President Ilham Aliyev's visit to Washington in early April. In terms of the country's image, the increasing negative publicity given to Ismailova was bad for the government (her defence was undertaken by the famous American celebrity lawyer Amal Clooney, and Ismailova was given the prestigious UNESCO award) on the eve of the Formula 1 race in Baku scheduled for June. In this context, the release of the journalist should be seen as an attempt to avoid losing face.
- In a wider perspective, the prisoners' release was forced by the economic and social crisis which has been plaguing Azerbaijan. The collapse of prices for the country's main export product, oil, has dramatically reduced the budget revenue, and the tense social situation in the country (a wave of spontaneous protests broke out in January this year) has led to an increase in expenditure on social services. Azerbaijan has also had a problem with raising funds on foreign markets; despite pledges to the contrary, the state energy company SOCAR withdrew from issuing bonds this spring, probably due to the lack of interest from investors. In this situation, Azerbaijan, whose strategic objective is to build up its energy infrastructure (based on the TANAP gas pipeline), is becoming dependent

on Western financial institutions (Baku is holding talks with the EBRD and the World Bank), and its gestures imitating the liberalisation of the system are intended to make this process easier. In the current situation, the regime is probably more afraid of uncontrolled expressions of social rebellion than of the few dozen political activists who have been deprived of broader public support.

OSCE media freedom representative, human rights chief welcome release of Khadija Ismayilova

OSCE (25.05.2016) - <http://bit.ly/1scFJd6> - OSCE Representative on Freedom of the Media Dunja Mijatović and the Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), Michael Georg Link, today welcomed the release of the Azerbaijani journalist and human rights defender Khadija Ismayilova.

"Her release is a very positive step, as was the recent Presidential pardon of a number of imprisoned journalists and freedom of expression advocates, including Rasul Jafarov," Mijatović said. "Unfortunately, Ismayilova's sentence has only been suspended, and I call on the authorities to drop all charges against her and release the remaining imprisoned journalists."

The Supreme Court of Azerbaijan today decided to commute Ismayilova's imprisonment sentence to a 3.5-year suspended sentence. Ismayilova, an investigative reporter with Radio Azadliq (Radio Free Europe/Radio Liberty), was sentenced to 7.5 years in prison on 1 September 2015 on charges of misappropriation and embezzlement, illegal business dealings, tax evasion and abuse of power.

"Already in 1994, all OSCE participating States have emphasized the need for the protection of human rights defenders, and in Astana in 2010 they stressed that they value the important role played by civil society and free media to ensure full respect for human rights and fundamental freedoms." Director Link said. "I thus welcome the Supreme Court's decision to commute Ismayilova's sentence, as she has consistently worked to raise awareness of the authorities' responsibility to meet the country's commitments in the area of human rights and fundamental freedoms."

The Representative encouraged the authorities to release all remaining members of the media and bloggers still in prison today in Azerbaijan, including Seymur Hazi, Nijat Aliyev, Abdul Abilov, Rashad Ramazanov and Araz Guliyev.

Both the Representative and the ODIHR Director stressed that their Offices remain ready to assist Azerbaijan, in improving media freedom and journalists' safety, and in protecting human rights and fundamental freedoms, respectively, and that they will continue to engage in a constructive dialogue with the authorities. They also said that they look forward to visiting Baku in the future.

OSCE Chairmanship Special Representative Gernot Erler welcomes release by Azerbaijan of human rights activist Intiqam Aliyev

OSCE (01.04.2016) - Gernot Erler, Special Representative of the Federal Government of Germany for the OSCE Chairmanship, issued the following statement today on the decision by the Supreme Court of Azerbaijan to release the lawyer and human rights defender Intiqam Aliyev from imprisonment on 28 March 2016:

"Intiqam Aliyev's release on probation and the pardoning of other imprisoned political activists and journalists a few days ago is a hopeful sign.

With these actions, Azerbaijan is taking an important step towards implementing essential OSCE commitments to protect human rights and fundamental freedoms.

I am convinced that continuing down this path can help to build trust and strengthen political stability in Azerbaijan and throughout the region.

As the current OSCE Chairmanship, Germany will continue to actively assist and support this process."

Explaining Azerbaijan's surprise prisoner amnesty

Move interpreted as an attempt to deflect international criticism of Baku's poor human rights record.

IWPR (22.03.2016) - <http://bit.ly/1T5VTxk> - Analysts say that a mass prisoner amnesty in Azerbaijan may be intended as a concession ahead of President Ilham Aliyev's upcoming visit to the US, where Congress is considering sanctions against senior regime figures.

More than a dozen political prisoners were among the 148 detainees pardoned by a presidential decree signed on March 17, on the eve of the spring Novruz holiday.

They included the prominent human rights defenders Anar Mammadi and Rasul Jafarov as well as figures from the opposition Musavat party including deputy chairman Tofiq Yagublu.

International bodies including the European Union and the Organisation for Security and Co-operation in Europe (OSCE) welcomed the amnesty.

"This is a positive, welcome step by Azerbaijan in relation to the country's OSCE commitments," said Michael Georg Link, director of the organisation's office for democratic institutions and human rights, in a March 19 press release.

But Link noted that many other human rights defenders were still at risk.

"I would call on the authorities to review the cases of others either currently imprisoned or under such restrictive orders, including Intigam Aliyev, Khadija Ismayilova, Ilgar Mammadov and Ilkin Rustamzada," he said.

Four members of the NIDA youth organisation - Rashadat Akhundov, Mammad Azizov, Rashad Hasanov and Omar Mammadov - were also freed.

NIDA board member Ulvi Hasanli said that while he was delighted by the release of his colleagues, much more remained to be done.

"There is a need for fundamental changes in the country, freedom of assembly, the media ... Arresting people on false charges, then to 'pardon' them after five to six years and release them cannot be considered an example of humanitarianism," Hasanli told IWPR.

Repression has been on the rise ever since the last presidential election in October 2013. Dissenting journalists, rights activists and opposition politicians have been harassed or imprisoned, while international NGOs have had to close their offices.

Many in the West have condemned these measures. In mid-December, Republican lawmaker Chris Smith introduced a landmark bill in the House of Representatives that would deny US visas to senior members of the Azerbaijani government and their relatives due to Baku's human rights violations.

Akif Gurbanov, head of the Institute for Democratic Initiatives, theorised that Aliyev had pardoned the political prisoners to avoid Azerbaijan being hit by sanctions.

"On March 31, Ilham Aliyev is to take part in the [nuclear] security summit, which takes place in America," Gurbanov told IWPR. "The president could not go to such an important event empty-handed because the results could be very bad for the authorities. Therefore, Ilham Aliyev decided to show an act of 'humanitarianism' and release a number of political prisoners.

"Unfortunately, this is just for show for the West, but in fact the authorities are not prepared for national reconciliation," he concluded.

"Only 10 per cent of the political prisoners were released," agreed Ogtay Gulaliyev, head of the social alliance Azerbaijan Without Political Prisoners, according to the news website panorama.am.

Fresh arrests were made regularly, he continued.

"That is why the number of the political prisoners in Azerbaijan has remained at around 100 for five or six years already," Gulaliyev said.

As if to illustrate this process, another opposition figure was sentenced to three years in jail just before the amnesty. Mammad Ibrahim, an adviser to the leader of Azerbaijan's opposition Popular Front Party, was found guilty of hooliganism by a district court in Baku on March 15. Ibrahim, who was arrested last September, pleaded not guilty and said the case against him was politically motivated.

On the day the amnesty was announced, the appeals court in Baku threw out the six-year jail term handed to journalist Rauf Mirkadirov last December on charges of spying for Armenia.

Mirkadirov was detained in Turkey in April 2014, where he worked as the correspondent of the Baku-based Russian-language Zerkalo (Mirror) daily, and deported to Azerbaijan.

He was released directly from the courtroom last week after being handed a five-year suspended sentence.

As he left, he told reporters that he rejected the charges against him and would fight for his full rehabilitation.

"Neither during the investigation nor in court was any proof presented of my treason, my collaboration with the special services of Armenia," he said. "The rationale of the prosecution was fully denied by my lawyers. The main thing is that in my social and journalist activity, I did not communicate with the special services of any country,"

His lawyer, Fuad Agayev, told Meidan TV that they had asked for a full acquittal.

"We do not agree with the sentence. Although this sentence is better than the first - at least Rauf was released," he said.

Human rights defenders Leyla and Arif Yunus were also accused of espionage for Armenia and detained in April 2014. According to their indictments, Leyla Yunus recruited individuals who provided a variety of information to the Armenian security services. Mirkadirov was allegedly one of them.

In August 2015, Leyla Yunus was sentenced to eight-and-a-half years in jail and her husband Arif to seven years, later reduced for both to five years on probation.

However neither have been allowed to leave the country to seek urgent medical treatment

"Their condition is very serious," said their lawyer Elchin Sadigov, who is to lodge an appeal. "The illnesses of both can be life threatening."

Gurbanov said that the cases of Mirkadirov and the Yunuses illustrated how the regime was only willing to make gestures towards change.

"The authorities of the country maneuver as always and do not show their true intentions. To free Mirkadirov and not acquit him, release Leyla and Arif Yunus and not let them out of the country, to pardon those political prisoners who have already served a lot of time," he continued. "To appease the west, the authorities of Azerbaijan are only ready for such a small compromise. The authorities are not even thinking about real change and about real democratisation."

OSCE/ODIHR Director Link welcomes pardon of human rights defenders, activists and journalists in Azerbaijan

OSCE (19.03.2016) - Michael Georg Link, Director of the OSCE Office for Democratic Institutions and Human Rights, welcomed today the pardon of a number of human rights defenders, activists and journalists by President Ilham Aliyev.

"This is a positive, welcome step by Azerbaijan in relation to the country's OSCE commitments," Director Link said. "ODIHR stands ready to engage constructively with Azerbaijan to assist in the implementation of programmes and commitments in the human dimension.

Among those pardoned in the amnesty were prominent human rights defenders Anar Mammadli and Rasul Ajarov. While welcoming their release, the ODIHR Director noted that the situation of a number of other people remaining either in prison or with their movements restricted was also worthy of review.

"I would call on the authorities to review the cases of others either currently imprisoned or under such restrictive orders, including Intiqam Aliyev, Khadija Ismayilova, Ilqar Mammadov and Ilkin Rustamzada" he said.

EU welcomes release of regime critics in Azerbaijan

Azerbaijani President Ilham Aliyev granted amnesty to 14 jailed activists and opposition politicians on Thursday (17 March), in a move welcomed by the European Union and human rights advocates.

EurActive (18.03.2016) - <http://bit.ly/1RbZhWB> - The move was part of a broader amnesty that saw a total of 148 inmates pardoned, a decree released by Aliyev's office said.

Among those to be released from prison were prominent rights campaigners Rasul Jafarov and Anar Mammadli, as well as deputy head of the opposition Musavat party, Tofik Yagublu.

They were all on a 28-member list of "political prisoners" compiled by leading Azerbaijani rights groups.

In a separate move on Thursday, an Azerbaijani court handed a prominent opposition journalist, Rauf Mirkadyrov, a suspended sentence of five years, after throwing out the initial six-year jail term, his lawyer Fuad Agayev told AFP.

Mirkadyrov was imprisoned for spying for arch-enemy Armenia, in what his supporters say was a politically motivated case.

Western governments and activists have repeatedly criticised the leadership of the energy-rich nation of 9.4 million people for widespread human rights abuses.

The European Union and international rights groups welcomed Aliyev's decision to free his critics, but said the government needed to do more to improve its record.

"Good news from Azerbaijan on human rights," the European Union's foreign policy chief, Federica Mogherini, said on Twitter.

She described the development as "positive", adding that she had recently held talks in Azerbaijan's capital Baku.

'Major initiative'

European Parliament Vice-President Alexander Graf Lambsdorff called the release of opposition activists "a sign that the Azeri government is interested in restoring relations with the EU by respecting such fundamental rights as freedom of speech and assembly".

But other prisoners need to be released as well, he added.

President of the Council of Europe Parliamentary Assembly, Pedro Agramunt, added: "I will continue to work with the Azeri authorities on the issue of detained persons, and I applaud this major initiative."

Giorgi Gogia, the South Caucasus Director at Human Rights Watch, struck a similar note.

"It's a very good day for Azerbaijan," he told AFP.

"But there are others who still remain in jail and they all must be freed without delay."

Azerbaijan's top investigative journalist and regime critic, Khadija Ismayilova, rights activists Ilgar Mammadov and Intigam Aliyev, and a number of other prominent campaigners are still behind bars, Gogia added.

Dissent in ex-Soviet Azerbaijan is often met with a tough government response.

Rights groups say the government has stepped up pressure on critical journalists and political opponents since strongman Aliyev's election for a third term in 2013.

Human Rights Watch has accused the authorities in Azerbaijan of using spurious charges of drugs or weapons possession, tax evasion, and even high treason, to jail political activists and dissenting journalists.

Aliyev, 54, strongly denies rights abuses.

He took over in 2003 after the death of his father Heydar Aliyev, a former KGB officer and Communist-era leader who had ruled newly independent Azerbaijan with an iron fist since 1993.

The Muslim-majority country wedged between Iran and Russia is considered key to Western efforts to reduce Europe's reliance on Russian energy supplies.

The Ambassador of Azerbaijan to Belgium Fuad Isgandarov has argued that on human rights, his country is often unfairly targeted, and that it would make better progress if it is not pressured from the outside.

ECtHR obliges Azerbaijan to pay 15,500 euros to Gilal Mamedov

Caucasian Knot (04.02.2016) - <http://bit.ly/1NZt8g9> - The Azerbaijani authorities had violated the rights of Gilal Mamedov, the editor-in-chief of the newspaper "Tolyshi Sado", guaranteed by the article of the ban on torture, the Strasbourg European Court of Human Rights (ECtHR) has decided.

The "Caucasian Knot" has reported that in September 2013 Gilal (Hilal) Mamedov was sentenced to five years in a high security colony on charges of treason, inciting interethnic hatred and storage of narcotic drugs.

The ECtHR has announced its decision on Gilal Mamedov's case today. According to the Court, the Azerbaijani authorities should pay Mamedov a monetary compensation in the amount of 15,500 euros.

According to the ECtHR's decision, posted on the website of the Court, the authorities of Azerbaijan had violated Article 3 "Prohibition of torture" of the European Convention on Human Rights (ECHR) in relation to Mamedov.

In particular, the decision of the ECtHR states that at his detention in June 2012, Mamedov "was beaten up by policemen in civilian clothes." "Beatings and insults on ethnic grounds continued in the car, already on the way to the police department," says the decision of the Court.

Besides, as noted by the ECtHR, during Mamedov's stay in custody, "his advocate Khalid Bagirov was removed from advocacy," therefore, Mamedov was unable to consult his advocate. Thus, "Mamedov's right to personal defence was violated," states the decision.

Prominent Azerbaijani journalist jailed for six years

RFE/RL (28.12.2015) - <http://bit.ly/1Oh1Feu> - An Azerbaijani court has sentenced a prominent journalist to six years in prison for spying for Armenia, in a case that is seen as as a continuation of Baku's recent crackdown on political dissent.

Rauf Mirkadirov was found guilty of "high treason, namely of spying for Armenia, " the journalist's lawyer said on December 28.

The lawyer, Fuad Agayev, said that Mirkadirov "rejects the accusations as politically motivated."

Until his arrest last year, Mirkadirov, 54, worked as a correspondent for the Russian-language newspaper "Zerkalo," which is published in Azerbaijan.

The Prosecutor-General's Office alleged that Mirkadirov "was recruited by the Armenian secret services in 2008 and supplied Yerevan with information on Azerbaijan's state secrets."

Mirkadirov was accused of meeting with Armenian agents several times in Armenia, Georgia, and Turkey and providing them with images and documents that damaged Azerbaijan's security and defense capabilities.

Prosecutors claimed Mirkadirov was "recruited " as a spy by prominent Azerbaijani rights activist Leyla Yunus and her husband, Arif Yunus.

Leyla and Arif Yunus were jailed last year and sentenced to lengthy prison terms earlier this year after being convicted of fraud and other crimes in a trial widely denounced as a travesty, but have since been released from custody on health grounds. Their convictions technically remain in place, and the two continue to face charges of treason in a separate case stemming from allegations they spied for Armenia.

Mirkadirov was based in Ankara for several years and published articles critical of both the Turkish and Azerbaijani leadership.

In 2008, he was awarded the Gerd Bucerius "Free Press of Eastern Europe" international prize "for achievements in the development of independent media."

Mirkadirov was detained in Baku after he was deported from Turkey in April 2014.

His arrest sparked widespread condemnation from international rights groups and the West.

Human Rights Watch has said Mirkadirov was being "punished for his outspoken views."

Mirkadirov's prosecution sent "a chilling message to others that dissent will not be tolerated," the rights watchdog said.

Reporters Without Borders last week called the journalist "the latest victim of President Ilham Aliyev's witch hunt against his regime's critics."

Azerbaijan and Armenia remain locked in hostilities over Nagorno-Karabakh, an Azerbaijani territory that was seized by Armenian-backed separatists during a war in the early 1990s.

Rights groups consider Azerbaijan's government to be among the world's most repressive when it comes to the media.

Mirkadirov's sentencing came the same day that Azerbaijan's president signed a decree pardoning 210 prisoners.

The amnesty, however, didn't include those widely considered to be political prisoners, including award-winning journalist and RFE/RL contributor Khadija Ismayilova and rights activist Rasul Jafarov.

Local rights activists say there are more than 90 prisoners of conscience in the oil-rich former Soviet country jailed on politically motivated charges.

Azerbaijani rights activist Leyla Yunus released from prison

Human Rights Without Frontiers welcomes the release from custody of Azerbaijani human rights defender Leyla Yunus, following a request from her lawyers based on her deteriorating health.

RFE/RL (9.12.2015) - <http://bit.ly/1lu4kXO> - Azerbaijan's jailed human rights activist Leyla Yunus has been released from custody following a request by her lawyers for her to be freed due to her deteriorating health condition.

She had been sentenced to 8 1/2 years in jail after being convicted by a court in Baku on charges of fraud and tax evasion.

Yunus had worked for the unregistered Peace and Democracy Institute in Baku with her husband, Arif Yunus, who was arrested on the same charges.

Arif Yunus, who was sentenced to seven years in prison, was released from custody on health grounds in November.

The couple both still face charges of treason and their legal situation remains unchanged, despite being released.

The charges against the couple have been denounced as a travesty of justice by international human rights groups.

Journalists and rights activists in the oil-rich country who criticize the regime of Azerbaijani President Ilham Aliyev are often charged with fraud, tax evasion, and treason in what rights groups say is an attempt to silence them.

Jailed Azerbaijani activist Arif Yunus released from jail, but can't leave Baku

RFE/RL (16.11.2015) - <http://bit.ly/1MLZB9f> - Human rights defender Arif Yunus, whose case attracted worldwide attention when he and his wife were arrested in Azerbaijan in 2014 on suspicion of spying for Armenia, has been released from jail due to his deteriorating health.

The Baku Court of Appeals on November 12 granted Yunus's release at the request of his lawyers.

In August, Yunus was sentenced by a Baku court to seven years in prison after being convicted of fraud and tax evasion. His wife, Leyla Yunus, was sentenced to 8 1/2 years in prison on the same charges.

Neither has begun serving their sentences, although they remained jailed, and their cases relating to charges of treason are still pending.

Yunus's legal situation remains unchanged despite his release. Before leaving the courthouse, he was required to sign a document that bars him from leaving Baku.

The sentencing of the couple, both of whom suffer from health problems and worked for the unregistered Peace and Democracy Institute in Baku, were denounced as a travesty of justice by international human rights groups.

The request for Arif Yunus's release was based on results of a medical examination conducted by German physicians that said his extremely high blood pressure could cause a heart attack.

After leaving the courthouse in Baku, Yunus told journalists that his wife's medical condition was even worse than his. He said that Leyla Yunus has hepatitis C, diabetes, and kidney stones.

"If they send her to the prison for women, it will kill her," Arif Yunus said, addressing the prospect that his wife could be ordered to begin serving the sentence handed down to her in August.

U.S. State Department spokesman John Kirby said in a November 12 statement that the release of Arif Yunus was a "positive step" but did not mention or allude to allegations that the Azerbaijani authorities are targeting the couple due to their political beliefs.

"We hope the Azerbaijani government will give similar consideration to other prisoners reportedly facing severe health challenges," Kirby said.

Leyla Yunus, 59, is the founding director of the Peace and Democracy Institute and a vocal critic of Azerbaijan's human rights record. Prior to her arrest in July 2014, she had been working on a project documenting political prisoners in the country.

Arif, 60, is a well-known historian and researcher of conflicts across the Caucasus, focusing mainly on the conflict over Nagorno-Karabakh, a mostly Armenian-populated region that Armenian-backed separatists seized from Azerbaijan during a war in the early 1990s.

Both of the Yunuses are advocates of peace and reconciliation between neighboring Armenia and Azerbaijan, which have been in conflict for more than two decades over Nagorno-Karabakh.

The Yunuses, who deny guilt, say all the charges against them are politically motivated.

Leyla Yunus is among several activists, journalists, and government critics who are behind bars in Azerbaijan, where rights groups say President Ilham Aliyev has assiduously pursued a campaign to silence dissent.

Amnesty says two representatives expelled from Azerbaijan

The NY Times (07.10.2015) - <http://nyti.ms/1LM8UW8> - Amnesty International says two of its representatives were detained when trying to enter Azerbaijan and then deported.

The former Soviet republic has come under growing criticism for human rights concerns and a crackdown on opposition. In a recent high-profile case, journalist Khadija Ismayilova was sentenced to prison for 7 ½ years on financial crimes charges that supporters say were retaliation for her reporting on alleged corruption involving President Ilham Aliyev and his family.

In a statement, Amnesty said two of its delegates who are Georgian citizens were detained after flying into the capital, Baku, on Wednesday and then expelled from the country.

"There is no letup in the government's repressive campaign to stifle all criticism and dissent," Amnesty's director for Central Asia John Dalhusien said.

OSCE Representative and Council of Europe Commissioner for Human Rights condemn sentencing of journalist Khadija Ismayilova

OSCE (01.09.2015) – The OSCE Representative on Freedom of the Media, Dunja Mijatović, and the Council of Europe Commissioner for Human Rights, Nils Muižnieks, today condemned the sentencing of Azerbaijani journalist Khadija Ismayilova.

"The charges brought against Ismayilova, and the trial, are unjust; they constitute yet another clear signal that the authorities are continuing to silence critical voices in Azerbaijan," Mijatović said. "I reiterate my call on the government in Azerbaijan to stop targeting journalists."

"Khadija Ismayilova pays for her courageous work as investigative journalist in a country where critical voices are muzzled one after the other. This sentence strikes yet another blow to respect for human rights and adherence to democracy and the rule of law in Azerbaijan," Muižnieks said.

A Baku court today sentenced Ismayilova, an investigative reporter with Radio Azadliq (Radio Free Europe/Radio Liberty), to 7.5 years in prison on charges misappropriation and embezzlement, illegal business dealings, tax evasion and abuse of power.

Last week Mijatović wrote a letter to the authorities in Azerbaijan, requesting their assistance in organizing a visit to Baku in order to be present at the concluding session of Ismayilova's trial. Her letter was left unanswered.

OSCE Representative condemns killing of journalist in Azerbaijan

OSCE (11.08.2015) – OSCE Representative on Freedom of the Media Dunja Mijatović today condemned the recent killing of journalist Rasim Aliyev in Azerbaijan, following a letter she wrote to the President of Azerbaijan, calling on the authorities to ensure journalists' safety and reverse the rapidly deteriorating media freedom situation in the country.

According to reports, Aliyev, a freelance reporter and former employee of the media monitoring group the Institute for Reporters' Freedom and Safety in Azerbaijan, was brutally beaten by a group of people in Baku on 8 August. He suffered multiple injuries and died in hospital on 9 August.

"This latest tragic incident once again proves it is high time that the authorities heed the warnings of international organizations and the calls of civil society to engage in meaningful dialogue and stop denying the seriousness of the situation," Mijatović wrote in a letter today to the President of Azerbaijan, Ilham Aliyev.

The Representative noted President Aliyev's condemnation of the act and his calling for an investigation. Mijatović said she raised the issue of intimidation and imprisonment of journalists and members of the media in Azerbaijan numerous times during the past year, including the issue of impunity from prosecution of assailants.

"Unfortunately, almost nothing has been done," Mijatović wrote in her letter to the President. "The latest tragic death of Rasim Aliyev is the ultimate reminder to all of us that the vicious circle has to be broken and something has to be done."

More than ten members of the media, including journalists, bloggers and social media activists, are in prison or in pre-trial detention today in Azerbaijan. They include:

- Khadija Ismayilova, a reporter for Radio Azadliq, on charges of inciting a person to commit suicide, illegal business dealings and abuse of power;
- Rasul Jafarov, a free expression and free media advocate and human rights defender, on charges of embezzlement, illegal entrepreneurship, tax evasion, abuse of power;
- Seymour Hazi, a columnist for the newspaper Azadliq, on a charge of hooliganism;
- Omar Mamedov and Abdul Abilov, bloggers, on charges of illegal storage and sale of drugs;
- Parviz Hashimli, a journalist, on charges of smuggling and illegal storage and sale of firearms;
- Nijat Aliyev, editor-in-chief of the azadxeber.az news website, on various charges, including drug possession and inciting hatred;
- Rashad Ramazanov, an independent blogger, on charges of illegal storage and sale of drugs.

The Representative also pointed to the fact that the perpetrators are still at large in the cases of Elmar Huseynov, the founder and editor of the independent weekly news magazine Monitor who was killed in 2005, and Rafiq Taghi, writer and newspaper columnist who died after being stabbed by an attacker in 2011.

The Representative reiterated her offer to assist Azerbaijan in much-needed improvements to media freedom and safety of journalists.

Emergence of a Russian 'Fifth Column' and Propaganda Machine Inside Azerbaijan

Eurasia Daily Monitor, Volume 12, Issue 150 (10.08.2015) - The recent intensification of high-level exchanges between the governments of Azerbaijan and Russia—most recently exemplified by the visits of the Azerbaijani foreign and defense ministers to Moscow ([TASS](#), July 17; [APA](#), July 31)—poses a number of questions about the aim and scope of these bilateral talks. Evidence suggests that Russia is seeking to build up political support inside Azerbaijan for the Moscow-led Eurasian Economic Union (EEU). And an important part of this effort has been an attempt to intensify Russia's notoriously powerful media presence in this South Caucasus country.

A key development helping to perpetuate Russia's political and propaganda efforts in Azerbaijan was the creation, a year and a half ago, of the "Eurasian Movement" in Azerbaijan by Ilgar Gasimov and Nariman Imranov. Both men are directly connected to the Russian military and political establishments. Gasimov worked for many years at the Russian Ministry of Justice; in 1996, back in Azerbaijan, he established a small political movement called "The Azerbaijani Way." The other initiator, Imranov, worked for the Soviet intelligence services in Moscow before becoming Azerbaijan's minister of national security from 1993 to 1994. Imranov was later charged with treason, before being pardoned in the early 2000s. Since then, he had largely disappeared from public life ([Haqqin.az](#), July 27).

Little information currently exists about the strategic goals of the "Eurasian Movement," only a vague statement from this political project's creators: "Modernity, with its complicated geopolitical challenges and socio-political processes in the world, naturally [results in] a high degree of mainstreaming of the Eurasian ideology; [and] it urgently requires organizational and practical design [of an] appropriate national movement" ([Haqqin.az](#), July 27).

In fact, this movement was originally announced soon after Russia's annexation of Crimea, first by Gasimov alone, before he was joined, a year later, by Imranov. Gasimov initially stated that the ultimate goal of the movement was to see Azerbaijan join the EEU, arguing that accession would open up more trade opportunities for ordinary citizens as well as accelerate the resolution of the Karabakh conflict, in accordance with the principle of territorial integrity ([Echo.az](#), January 23).

A key point in this regard is that it is often mistakenly assumed such political movements are created or "sponsored" by the Kremlin itself. But as two leading political figures of the Azerbaijani diaspora in Russia have noted, while speaking on the condition of anonymity: More frequently, the Russian intelligence services independently have a hand in creating these foreign movements, thus laying the groundwork for these political projects to be used in the future by the Kremlin, should a relevant scenario arise (Author's interview, July 20–21).

Another notable recent development has been Russia's growing soft-power influence in Azerbaijan. In particular, in the past few months, Moscow has introduced several pro-Kremlin media outlets in Azerbaijan. The first was the May 2015 launch of the Russian "Sputnik News" Internet portal in Azerbaijan, available online in both Azerbaijani and Russian ([Sputnik](#), May 25). The notorious Sputnik news outlet was established a year ago in Russia, in order to counter what Russian officials call "the aggressive propaganda of Western media" (see [EDM](#), November 12, 2014). Sputnik is efficient in reproducing Vladimir Putin's particular "world view" for an international audience.

Another Russian broadcast outlet, part of the Sputnik multimedia news agency, is the radio station Sputnik Azerbaijan, which recently started broadcasting on the airwaves of Araz FM ([Contact.az](#), July 3). This marks a significant shift in Azerbaijan's broadcasting landscape. Previously, the Russian-language radio station Europa Plus was banned from Azerbaijan's national frequencies at the end of 2008, along with Western radio stations such as Voice of America ([Wcd.coe.int](#), June 29, 2010). Baku tightened legal restrictions for foreign broadcasters in Azerbaijan, requiring that at least 75 percent of all private television and radio broadcast be in the Azerbaijani language. Additionally, any foreign radio station wanting to broadcast in Azerbaijan was required to sign a cooperation agreement with a local radio channel, for use of that channel's national frequency. Sputnik Azerbaijan navigates these legal restrictions by broadcasting news in Azerbaijani—which will significantly extend this outlet's public influence and outreach—and signing a cooperation agreement with Araz FM.

As it turns out, Sputnik Azerbaijan's frequency partner in Baku, Araz FM, is owned by the family of one of President Ilham Aliyev's top aides, Ali Hasanov ([BBC-Azerbaijani service](#), June 24, 2014). This indicates that the operation of pro-Kremlin radio broadcasts in Azerbaijan must have received a "green light" from the top echelons of power in Baku.

In sum, the emergence of the pro-EEU Eurasian Movement in Azerbaijan alongside the growth of Russian propaganda directed at the country is no coincidence. The initiators of the Eurasian Movement see that Azerbaijani authorities are deeply unhappy with the country's current relations with the West and that there is scope for manipulating these feelings with the help of a directed barrage of pro-Russian sentiment.

The Azerbaijani government is currently busy accusing Western supported/financed non-governmental organizations (NGO) in Azerbaijan of constituting a "fifth column," which suits the interests of the Eurasian Movement in Baku quite well. It simultaneously plays to Moscow's interests: the Kremlin evidently believes that this growing political vacuum left by the ejection of pro-Western influences can be filled by Russophile politicians and experts. Regarding Russian media propaganda, anti-Kremlin sentiment among the Azerbaijani public remains strong, but Baku's deteriorating relations with the West and one-sided coverage in local media is damaging the West's image as quickly as it is boosting Moscow's profile ([APA](#), June 16; [Vestnik Kavkaza](#), June 22; [Newsweek](#), August 2). So even though the Azerbaijani government and the public are reluctant to submit to Moscow's political dominance, at the same time they are losing faith in the West's willingness to counterbalance Russian power.

At present, the Azerbaijani authorities are using harsh rhetoric toward the West as a way to "pacify Russia," while at the same time, Moscow deploys propaganda and supports pro-Russian political forces inside this South Caucasus republic. Such has been the case since the annexation of Crimea. But considering this arrangement's inherent contradictions, it remains to be seen how long this kind of relationship can remain sustainable.

Azerbaijan seeks long prison terms for ailing Leyla

RFE/RL (09.08.2015) - <http://www.rferl.org/content/azerbaijan-seeks-long-prison-terms-for-yunus-couple/27173631.html> - Azerbaijan's state prosecutor has asked a court in Baku to sentence human rights defender Leyla Yunus to 11 years in prison.

In a statement delivered to the Baku Court for Serious Crimes on August 6, the prosecutor also asked the court to sentence Leyla Yunus's husband, Arif Yunus, to nine years in prison.

Human Rights Watch (HRW) made a new call for the immediate release of the couple, who deny guilt and contend that the charges are politically motivated.

After about a year in custody with their health deteriorating, they went on trial on July 27 on charges of fraud, forgery, tax evasion, and illegal business activities.

Treason charges against Leyla Yunus, 59, and Arif Yunus, 60, are expected to be addressed at a separate trial.

They are among dozens of activists, journalists, and government critics who have been jailed in Azerbaijan, where rights groups say President Ilham Aliyev is pursuing a persistent campaign to silence dissent.

The United States and European Union, as well as international groups such as HRW, Amnesty International, and the International Federation for Human Rights have condemned the incarceration of Leyla and Arif Yunus and demanded their release.

"Azerbaijani authorities should immediately release and stop the prosecution of Leyla and Arif Yunus," HRW said in a statement on August 6.

"To lock up and prosecute Leyla and Arif Yunus was already a travesty of justice, but to pursue the trial given their poor health is despicable," the New York-based group quoted Hugh Williamson, its Europe and Central Asia director, as saying.

"Leyla and Arif Yunus need medical care, not prison," Williamson said. "Azerbaijan's international partners should flatly and unanimously condemn this mockery of justice."

Arif Yunus lost consciousness in court on August 3. Doctors were called in each of the three subsequent days to give him injections in order to enable hearings to continue.

Both of the Yunuses have said they have been denied proper medical treatment while jailed in pretrial detention.

HRW said that Arif's condition is "poor."

In June, the couple's daughter Dinara told reporters her mother has diabetes and Hepatitis C and that the health of both her parents had gotten "worse and worse" since their arrests.

Dinara Yunus said earlier that her father was in solitary confinement and that her mother had been attacked by officers and inmates and humiliated by doctors at the facility.

Leyla Yunus, the award-winning founding director of the Peace and Democracy Institute in Baku, has been actively involved for years in people-to-people diplomacy with Armenian rights activists.

She has been a vocal critic of Azerbaijan's human rights record.

Arif Yunus is a well-known historian and researcher of conflicts across the Caucasus, focusing primarily on the conflict in the disputed territory of Nagorno-Karabakh, a mainly Armenian-populated region that Armenian-backed separatists seized from Azerbaijan in the early 1990s.

A lawyer for Arif Yunus said on August 6 that the fraud charge against his client was vague and that prosecutors have not identified the alleged victim.

The couple's trial is to resume on August 10. It is unclear when the judge will reach a verdict.

Beaten Azerbaijani journalist dies of injuries

Rasim Aliyev

RFE/RL (09.08.2015) - An Azerbaijani journalist who was allegedly attacked and beaten by supporters of a local soccer player has died of his injuries.

Journalist Rasim Aliyev died in a Baku hospital on August 9 after being beaten the previous day, relatives said.

Aliyev's relatives believe the attack was carried out by supporters of soccer player Javid Huseynov in retaliation for criticism of Huseynov that Aliyev posted on his Facebook page.

Huseynov has not commented on the incident.

The international Sport For Rights movement issued a statement condemning the attack and calling on the authorities "to conduct a full and transparent investigation" into Aliyev's killing.

Aliyev formerly worked for the Institute for Reporters' Freedom and Safety, Azerbaijan's leading media-freedom organization.

Swiss fly out opposition journalist hiding at its Azerbaijan embassy

Emin Huseynov flew out of Azerbaijan on the plane of Switzerland's foreign minister, Didier Burkhalter, who attended the Euro Games ceremony in Baku

AFP (14.06.2015) - <http://www.theguardian.com/world/2015/jun/14/swiss-fly-out-opposition-journalist-hiding-at-its-azerbaijan-embassy> - Switzerland has flown out of Azerbaijan an opposition journalist who had been sheltering for 10 months at its [embassy in Baku](#), officials said Saturday, a day after the inaugural European Games opened in the tightly-controlled ex-Soviet country.

Emin Huseynov flew out of Azerbaijan on the plane of Switzerland's foreign minister, Didier Burkhalter, who attended the Euro Games ceremony in Baku late on Friday, the federal department of foreign affairs said.

His departure came after months of negotiations with the Azerbaijani authorities, department spokesman Jean-Marc Crevoisier said.

The 35-year-old journalist and rights activist was currently in Bern, did not for the moment wish to speak to the media and has until September to decide whether he wants to apply for asylum in Switzerland, Crevoisier was quoted as saying.

A fierce critic of authoritarian Azerbaijan president Ilham Aliyev's human rights record, Huseynov has been sheltering at the Swiss embassy in Baku since 18 August 2014 when he evaded Azerbaijani police to enter the building posing as a Swiss national.

At the time, the activist had been sought by prosecutors on charges of “illegal entrepreneurship and tax evasion”.

Switzerland allowed him to remain at its embassy for “humanitarian reasons”.

The United States welcomed the Azerbaijani government’s decision to allow Huseynov, “a courageous proponent of media freedom”, to leave the country but called for the release of other detained activists.

“While we are pleased by this gesture, timed with the launch of the inaugural European Games in Baku, we urge the Azerbaijani government to extend this same goodwill to others considered to have been incarcerated for their civic activism,” US State Department spokesman John Kirby said in a statement.

Advertisement

Energy-rich Azerbaijan has pumped vast resources into hosting the first edition of the European Games sporting extravaganza billed as Europe’s answer to the Olympics from June 12-28, building state-of-the-art facilities in a bid to burnish its image.

But international and local rights activists have been using coverage of the glitzy event to draw the world’s attention to the widespread rights abuses in the Caucasus country.

Rights groups accuse Aliyev’s government of consistently using spurious charges to jail regime critics and of stepping up a campaign to stifle opposition since his election for a third term in 2013.

Aliyev, 53, came to power in 2003 following an election seen as flawed by international observers.

He took over after the death of his father Heydar Aliyev, a former KGB officer and communist-era leader who had ruled newly independent Azerbaijan with an iron fist since 1993.

Free jailed human rights activist Leyla Yunus



Nobel Women’s Initiative (29.05.2015) - Call for the freedom of Leyla Yunus, Azerbaijani human rights activist, who has been imprisoned for almost a year.

Prominent human rights activist **Leyla Yunus was arrested in July 2014 after opposing the decision to host the first European Games in Baku, Azerbaijan.** In a letter to the European Olympic Committees, she pointed out the government's extensive human rights abuses. Yunus reminded the committees that the **Olympics' founding values of peace and justice are contradicted by hosting the games in an authoritarian country like Azerbaijan.** Shortly after this, Azerbaijani officials arrested her.

Leyla was charged with a series of crimes, including high treason, espionage, and illegal business activities among others. Human Rights Watch and other groups have [denounced the arrests](#) as politically motivated and part of a general effort to silence human rights defenders.

While in prison, **Azerbaijani authorities have denied Leyla adequate health care, causing her health to deteriorate dramatically.** Her husband, arrested on similar charges, also suffers severe medical conditions and is too being denied sufficient medical care. Local advocates have expressed serious concern for the health of the Yunuses.

Leyla is the **founding Director of Peace and Democracy Institute in Baku.** She has been actively involved in people-to-people diplomacy with Armenian human rights activists. Her work aims at promoting **peace and dialogue**, rule of law, addressing unlawful evictions, **women's rights** and **political prisoners freedom.**

Write to the President of Azerbaijan

(<http://act.amnestyusa.org/ea-action/action?ea.client.id=1839&ea.campaign.id=30787>) and call for the release of Leyla and Arif Yunus.

See more at: <http://nobelwomensinitiative.org/2015/05/free-jailed-human-rights-activist-leyla-yunus-june-11-day-of-action/#sthash.kv9yYPGC.dpuf>

New charges brought against Azerbaijani journalist Ismayilova

Radio Free Europe (13.02.2015) - New charges have been brought against independent journalist and RFE/RL contributor Khadija Ismayilova.

Ismayilova's lawyer, Fariz Namazly, said the new charges include embezzlement, illegal entrepreneurship, tax evasion, and abuse of power.

Ismayilova could be imprisoned for up to 12 years if she is found guilty of those charges.

Namazly said Ismayilova rejects the fresh charges against her.

The Committee to Protect Journalists condemned the new charges against Ismayilova, calling on Azerbaijani authorities to drop the charges and "release her immediately."

"Azerbaijani officials are not fooling anyone with their bogus charges. These are bald efforts to lock away journalists who investigate corruption and human rights abuses," CPJ Europe and Central Asia program coordinator Nina Ognianova said in a statement.

Ismayilova has been in pretrial detention since December 5 after she was taken into custody on suspicion of inciting an attempted suicide.

Ismayilova is one of several rights activists and independent journalists who have been caught in a crackdown by Azerbaijan.

In late December, RFE/RL's bureau in Baku was also ransacked and ordered closed by investigators, while dozens of RFE/RL's reporters were summoned by police for questioning related to their employment.

Swiss Embassy in Baku admits housing Azeri rights defender

Radio Free Europe (11.02.2015) - Swiss public television has reported that Azerbaijani rights activist Emin Huseynov is being sheltered at the Swiss Embassy in Baku.

The Swiss television program Rundschau revealed on February 11 that Huseynov arrived at the embassy in August after presenting himself at the entrance of the compound as a Swiss national to avoid being detained by the police.

Huseynov has been at the Swiss Embassy since then.

Huseynov is a prominent critic of Azerbaijani President Ilham Aliyev and his government.

The Swiss TV report notes Huseynov had been beaten and detained previously and that Huseynov and his supporters claim that was due to his work as a rights activist.

Trial of Rasul Jafarov

Rasul Jafarov's brother (03.02.2015) - On January 27, Baku Grave Crimes Court held a hearing on the case of human rights defender Rasul Jafarov. Judge Eldar Ismayilov presided over the hearing.

The hearing started with the motions filed by Ahmad Heybatov, Nijat Imranli and Anar Jabiyev (Nagilbaz), who have been recognized as victims, requesting that the court annul their status of victim. All three of them announced that no damage has been caused to them and they have no complaint.

Commenting on the motion, Rasul Jafarov and his lawyers said that it has been filed rightly and requested the court to satisfy it. In turn, the prosecutor said that whether they have suffered damage will be clear during examination of evidence, therefore requested to not satisfy the motion at this stage. The court, having deliberated, announced that the motion is not satisfied.

The defense has made several motions. In their first motion, the defense noted that the acoustic features of the present courtroom contradicts the principle of transparency of trial, because at the previous hearing, the voices of the main parties to the proceedings were not audible (or clearly audible) in the courtroom, therefore the defense believes that in order to ensure better audibility of the main parties to the proceedings, microphones should be set up in the courtroom, because if the defense cannot hear well

what the public prosecutor is saying, they will be unable to appropriately respond to his arguments in the course of proceedings.

Similarly, the participants of the hearing (relatives and friends of the defendant, journalists, observers, embassy representatives and others) cannot hear particularly the prosecution and are therefore unaware of the course of the proceedings. This in turn is contrary to the principle of transparency of trial. Because despite of attending the hearing, if the participants cannot properly hear the arguments expressed in the courtroom, this fact makes the principle of transparency significantly ineffective.

The second motion of the defense was regarding replacement of the detention measure with house arrest. The motion was justified by the argument that as is evident from the circumstances of the case the preliminary investigation of the criminal case against Rasul Jafarov has been completed. There are not any more possibilities that Jafarov can hide from investigation, influence the parties to the criminal proceedings, falsify the evidence. Although previously the prosecution and the court referred to these as grounds for the pretrial detention, now none of these circumstances exist. Now that the preliminary investigation is over, Rasul Jafarov has the right to be free until the final decision of the court is announced. At the same time, Rasul Jafarov is awakened early in the morning on the trial day, he is placed in a special room, and after keeping him there for several hours, he is brought to the court in a car which carry people more than standard number. After the car travels a long distance, he is brought to court. Thus, when arriving in the courtroom, he is already very tired. Therefore he is unable to participate in the trial with all his capacity. Given this, he becomes physically unable to defend himself during trial, the right that is envisaged in Article 6.3.(b) of the European Convention.

The defense also filed a motion to let Rasul Jafarov out of the courtroom cage and sit next to his lawyers.

Public prosecutor, commenting on the motion regarding the acoustics of the courtroom, said that he leaves it up to the court's discretion and it can be ensured if there are technical means. Commenting on the motion for house arrest, he said that there are sufficient grounds that Jafarov must be kept in detention, but "I do not want to list those grounds and request that the motion be denied". Prosecutor did not want the motion regarding letting out of courtroom cage to be satisfied either.

Jahangir Ahmadov, Anar Jabiyev, Nijat Imranli and Ahmad Heybatov, recognized as victims, did not object to the defense motions and requested that they be satisfied.

Having returned from deliberation, the court satisfied the motion to let Jafarov sit next to his lawyers, and denied the rest of the motions.

Jafarov was allowed to go out of the courtroom cage and sit next to his lawyers. Later on the defense filed two more motions. The first one requested termination of proceedings. Justifying the motion, the defense said that regarding the charge filed under Article 192 of the Criminal Code of Azerbaijan Republic, we believe entrepreneurship activity is totally irrelevant here.

According to the accepted practice, generally, only acting without being registered as a taxpayer, or engaging in licensed activity without getting license or through violation of the rules of obtaining license is considered illegal entrepreneurship.

For NGO activity, there is no requirement in the legislation for special registration of a person. From that viewpoint, "Acting without registration in the manner specified by the law of Azerbaijan Republic" is inapplicable to Rasul Jafarov.

According to the indictment, " It is determined that Jafarov Rasul Agahesen oglu has made illegal income in the amount of 150170,62 manat deducting a tax in the amount of 6257,11 manat from the income in the amount of 156427,73 manat received under not-registered projects. As for the charge filed under Article 213 of the Criminal Code (evasion from payment of tax in the amount of 6257,11 manat to the state budget), we believe that as we mentioned above, as Rasul Jafarov's activity was not an entrepreneurial activity, he was not the subject of simplified tax. On the other hand, the investigation comes to a conclusion that contradicts itself. On one hand, it concludes that part of this sum has been embezzled by Jafarov, while on the other hand, claims that a tax liability arises for these criminally-obtained funds. Article 3.8 of the Tax Code determines that no person can be obliged to pay taxes, that have indications of taxes established by this Code but not established by it or taxes that were established in the order different to that specified by this Code.

Moreover, on 31.07.2014, the decision No. 1400777001788837 was adopted by the Tax Audit Department of the Ministry of Taxes on conduction of extraordinary on-site tax inspection to examine the accuracy of Rasul Jafarov's compliance with the legislation on taxes and other obligatory payments.

By the decision No. 1400777023816732 on bringing the taxpayer to account for violation of the tax legislation of the Tax Audit Department of the Ministry of Taxes issued on 17 October 2014 based on the act of the above-mentioned on-site tax inspection, financial sanctions were imposed on Rasul Jafarov at the amount of 40,00 manat for violation of Article 57.1 of the Tax Code (for failure to present to the tax authority the tax return on withholding tax for the year 2013 or a note on non-emergence of tax liability stipulated in Article 16.2), and in the amount of 2277,86 manat in accordance with Article 58.1 of the Tax Code for the simplified tax in the amount of 4456,08 manat calculated in accordance with Articles 220.1 and 221.1 of the Tax Code. According to the decision dated 06 August 2002 of the Constitutional Court of Azerbaijan Republic, during application of the provisions of the Articles 49.3 and 49.6 of the Tax Code of Azerbaijan Republic, for the same action (action or inaction) connected with violation of tax legislation, bringing to liability determined by the Tax Code or Administrative Offences Code is allowed only once. Furthermore, we also consider unfounded the charges that have been brought against Rasul Jafarov under Articles 308.2 and 313 of the Criminal Code (position-related crimes). Because, based on what we have mentioned above, we believe that he has not committed abuse of office or service forgery, nor significant damage was caused to rights and legitimate interests of physical or legal persons or legally-protected interests of the society or the state as a result of such actions. Additionally, I should note that the investigation has not found that the receipts have been falsified by Rasul Jafarov. These income receipts do not belong to Rasul Jafarov and are not filled by him; they belong to the persons, who have received funds, and are presented to Jafarov in already filled form. In such a case, it is absurd to claim that those documents have been falsified Rasul Jafarov. Even in the handwriting examination opinion dated 03 November 2014 it is stated that it was not possible to determine that these signatures have been put by Jafarov Rasul Agahesen oglu. Taking into account the above-mentioned, we request that the proceedings be discontinued," the defense noted in substantiation of the motion.

Another motion requested to remove from the case file the inspection act of 14 November 2014 and forensic accounting examination opinion dated 09 December 2014 issued on its basis as unacceptable evidence. The prosecutor requested that the motions not be satisfied, while the victims said they were not objecting.

The court announced that the motions are not satisfied and the judicial inquiry started. The prosecutor announced the indictment. The court asked whether the indictment was clear and Rasul Jafarov made a motion regarding the essence of the indictment. He said that the essence of some of the charges filed against him and their classification

according to the criminal law is unclear. "Because the indictment is made of one sentence that is as long as three pages. It is unclear from the indictment to me which of the charges filed against me is related to which action of mine. This sentence does not meet most grammatical rules of the Azerbaijani language. For that reason, the essence of the sentence is not completely clear to me. In several cases, the charge seems contradicting itself in the sentence, e.g. what does my service forgery consist of, or was I an official or presented myself as an official. Because the essence of the indictment is not fully and exactly clear to me, this violated my right to have sufficient opportunity to defend myself provided for in Article 6.3.(b) of the European Convention, and I don't completely understand from what I am defending. Please provide me with essence and classification of the charges in writing and clarify the verbal charge," said Jafarov.

Commenting on the motion, the public prosecutor said that the indictment was completely clear.

The court did not satisfy the motion, noting that the indictment will be clearer in the course of matters to be settled during judicial examination. The court asked if Rasul Jafarov considered himself guilty. Jafarov told the court that he does not consider himself guilty.

Afterwards, the order of examining evidence was discussed by court and the court said that at first the defendant will be given the floor to provide testimony, then the victims and witnesses will be questioned and other evidence will be examined,

The next hearing was scheduled for February 10, at 10.30 am.

The court was attended by journalists, activists, public figures, embassy representatives and international observers.

Mijatović calls on authorities in Azerbaijan to ensure safety of journalists and free speech advocates

OSCE (27.01.2015) – OSCE Representative on Freedom of the Media Dunja Mijatović today called on the authorities in Azerbaijan to ensure the safety of Gunay Ismayilova, a media lawyer and deputy chair of the Institute for Reporter's Freedom and Safety (IRFS), following a recent attack.

On 26 January an unknown assailant attacked Gunay Ismayilova at the entrance of her home in Baku. The assailant left when neighbours arrived at the scene. Ismayilova, who did not receive any serious physical injuries, reported the attack to the police.

"The authorities should conduct a prompt and thorough investigation of this attack and ensure Ismayilova's safety," Mijatović said. "Media lawyers are instrumental in protecting and safeguarding members of the media by providing legal support and monitoring cases of infringements of free speech."

Mijatović again raised concern about the rapidly deteriorating media freedom situation in Azerbaijan in general, including recent raids on Radio Azadliq and the IRFS office in Baku. She reiterated her call for the release of all imprisoned journalists and free speech advocates in Azerbaijan, including Khadija Ismailova, Rasul Jafarov and others.

The Representative's recent statements on media freedom developments in Azerbaijan are available at

<http://www.osce.org/fom/133046>, <http://www.osce.org/fom/130076>, <http://www.osce.org/fom/126534>,
<http://www.osce.org/fom/122389> and <http://www.osce.org/fom/122481>.

Two Azerbaijan 'political prisoners' released under presidential pardon

Radio Free Europe (19.01.2015) - Two activists with the NIDA youth organization who have been labelled as political prisoners have been released from custody in Azerbaijan under a presidential pardon.

Azerbaijan President Ilham Aliyev pardoned 87 people, including several that international rights groups have labeled political prisoners, under a decree issued on December 29.

NIDA activists Uzeyir Mammadov and Zaur Gurbanli walked out of prison on December 30. The men were arrested in early 2013 after taking part in an antigovernment rally and were convicted of illegal weapons possession and organizing mass disorder. Gurbanli was serving an eight-year term, while Mammadov was serving seven years.

Aliyev's pardon also included jailed journalists Avaz Zeynalov and Serdar Alibeyli, as well as 18 people arrested during January 2013 unrest in the town of Ismayilli and eight people arrested while protesting a ban against Islamic head scarves in 2012.

According to international human rights organizations, there are still more than 90 political prisoners in Azerbaijan.

Local and international activists and organizations have criticized Baku in recent months for cracking down on nongovernmental organizations and independent media.

Raid

The offices of RFE/RL's Azerbaijani Service, known locally as Radio Azadliq, were raided on December 26 by investigators from the state prosecutor's office who confiscated documents, files, and equipment before sealing off the premises.

Twelve bureau employees who were detained on December 27 and December 28 for questioning were released only after signing a document vowing not to disclose details about the investigation.

At least eight more current and former employees were summoned to prosecutors on December 29.

The OSCE on December 29 denounced Azerbaijan's targeting of RFE/RL's Baku bureau as "another severe blow to free media and free expression" in the former Soviet republic.

Dunja Mijatovic, the OSCE representative on media freedom, said in a statement that Baku "must allow" work to resume by RFE/RL's Azerbaijani service "and safeguard the existence of critical voices in the country."

Authorities in Azerbaijan have not released any information about the investigation of RFE/RL or about the possible charges being considered.

The Russian news agency Interfax on December 30 quoted an unidentified source "close to the inquiry" as saying "a number of serious financial irregularities have already been uncovered." The source added that officials are looking into possible money laundering and theft.

The Interfax report describes a contract that Azadliq had with the newspaper "Think Differently" to pay for the publication of articles at advertising rates.

Shahvalad Chobanoglu, editor of "Think Differently" issued a statement on December 30 saying there was nothing illegal about the arrangement.

"The paper functioned legally. It was registered and taxes were paid. It was distributed for free. Now the Azerbaijan government is trying to portray this legal activity as a crime.... But in reality we are being punished for just 'thinking differently,'" he said.

Two trials of prominent human rights defenders to begin on 15 and 16 January

OMCT (14.01.2015) - The trials of the defenders Rasul Jafarov and Intigam Aliyev, currently in preventive detention, will begin in Baku on 15 and 16 January 2015. Both are wrongly accused of tax evasion. These trials are the first in a long series intended to silence human-rights defenders.

A delegation from the Observatory went to Baku from 4 to 8 January in order to report on the extremely worrying situation of human-rights defenders in the country, and in particular to meet Rasul Jafarov and Intigam Aliyev and the six other human-rights defenders currently in prison: Leyla Yunus, Arif Yunus, Khadija Ismailova, Anar Mammadli, Bashir Suleymani and Hilal Mammadov. Despite its repeated requests the mission was unable to gain access to the detention centres nor to arrange a meeting with any government representatives.

"A lead weight has fallen on the NGOs and their leaders in the last few months," declared Tolekan Ismailova, FIDH VicePresident, who took part in the Observatory's mission to Baku. "Today, civil society is condemned to self-censorship or repression," she added.

A whole arsenal of anti-NGO laws has been adopted since 2013 in order to muzzle the Azeri civilian population. NGOs are henceforth compelled to register their organization with the government and their funds with the Ministry of Justice, in order to receive funding (whether from inside or outside the country). Those who don't manage or refuse to register their subsidies from abroad are therefore forced to break the law. The use of non-registered subsidies is now deemed to be an administrative offence and the judiciary considers the funds to be a source of taxable personal income. Charges against Rasul Jafarov and Intigam Aliyev stem precisely from this.

The Observatory delegation, which also spoke to some of the lawyers of the criminalized defenders, stated that it was very difficult for them to defend their clients properly. The authorities use many different techniques to dismiss them from the cases they are defending: some are cited as witnesses in the trials of their own clients, others are subjected to fallacious complaints, exposing them to the risk of being struck off.

"The mere fact that the mission was denied access to Leyla Yunus in prison and the other detained human-rights defenders speaks for itself and shows that on the eve of the European Games, which will take place in Baku in June 2015, there is a serious risk that

the human rights defenders' situation will further deteriorate," said Peter Zangl, OMCT representative to the European Union.

The Observatory plans on sending observers to Jafarov and Intigam's trials and will shortly publish a report on its January mission. The Observatory calls on the Azeri authorities to comply with the international agreements to which they have signed on and to guarantee a fair trial for all the human rights defenders in pre-trial detention, which includes in particular their right to choose their lawyer, respect for their physical and psychological integrity and their right to freedom of association and other fundamental freedoms.

The Observatory also wishes to remind the Azeri authorities that unless they can produce substantiated evidence of the charges, they should release Rasul Jafarov, Intigam Aliyev and all the other defenders presently in pre-trial detention, in compliance with the International Covenant on Civil and Political Rights and the United Nations Declaration on Human Rights Defenders.

More information on the human rights defenders currently imprisoned:

Rasul Jafarov actively participated in the "Sing for Democracy" and the "Art of Democracy" movement ahead of the Eurovision song contest in Baku in May 2012 and was planning a campaign called "Sports for Human Rights" prior to the European Games. With regard to Intigam Aliyev, he represented more than 100 victims before the European Court for Human Rights.

Some of the defenders who have been placed in pre-trial detention are in a worrying physical and psychological condition, especially Intigam Aliyev, and Ms Leyla Yunus, the director of the Institute for Peace and Democracy (IPD) and member of the OMCT General Assembly. Others in pre-trial detention include Arif Yunusov, Head of the Conflictology Department at IPD and Khadija Ismailova, investigative journalist. Last Anar Mammadli, Chairperson of the Election Monitoring and Democracy Studies Centre (EMDSC), Bashir Suleymani, Executive Director of EMDSC, and Hilal Mammadov, Tallysh ethnic minority rights activist and chief editor of the newspaper Tolishi-Sado (The Voice of the Talysh), have been given long prison sentences : three and a half, five and a half and five years respectively.

Who is behind the new Talysh-language TV broadcasts in Azerbaijan?

Jamestown Foundation/ Volume 11, Issue 219 (09.12.2014) - On November 29, a television station styling itself "the National Television of Talysh-ton" ("Tolyshystoni Millaiya Vindasado"—TMV) began broadcasting in Azerbaijan under the direction of Talysh poet Zabig Madozh. One year ago, Madozh launched a YouTube video service in the Talysh language, and he insists that this latest TV project is a cultural rather than a political project (vk.com/talishyi, December 6).

But the contents of TMV's programming suggest it is, indeed, a politically motivated media outlet. For one thing, the TV station has chosen to use Cyrillic rather than the Perso-Arabic script, which is employed by the Talysh minority living in Iran. And second, Baku failed to react as promptly and harshly to TMV as it did to the appearance of Talysh radio broadcasts sponsored by Yerevan earlier this year (armradio.am, March 21). Taken together, these observations strongly imply that the new TV channel is being covertly backed by Moscow. Evidently, Russia is attempting to send a signal to the Azerbaijani authorities that it retains the potential to stir up trouble in the southern portion of the Republic of Azerbaijan—where the majority of the country's Talysh minority resides—just as it did in the early 1990s. Simultaneously, Russia continues to muddy the waters in the

northern portion of Azerbaijan with its support of the Avar and Lezgin minority ethnic groups.

The new channel features programs like "Talyshistan and the World," "The History, Ethnography and Culture of the Talysh," "Talysh Literature," and "Our Religion: Islam." But two other weekly programs airing on TMV are perhaps the clearest indication of how political its broadcasts are going to be.

One of these provocative programs will be hosted by Fahraddin Aboszoda, the speaker of the Talysh-Mughan Autonomous Republic, which existed in the southern portion of Azerbaijan in 1993, until it was suppressed by then-president Heydar Aliyev after he returned to power. And the other has as its host Zakhiraddin Ibragimi, the chairman of the Committee for the Defense of the Rights of the Talysh.

Equally indicative of the political nature of TMV's broadcasts is its announcement that it plans to launch programming for Tats, the mountain Jewish community in the Caucasus. Notably, the Talysh TV station has openly called the Tats "our brothers." Furthermore, TMV has received an open expression of support from the most prominent Talysh organization, Tolyshpress, which called the Talysh-language television broadcaster's launch inside Azerbaijan a breakthrough event.

The Talysh have long been a political problem for Baku. The Azerbaijani government insists there are fewer than 80,000 of them in that country. Although some scholars and many Talysh activists say that the real number is vastly higher, with estimates—they have not been enumerated in a census since 1926—being more than 500,000. But it is less their numbers than three other characteristics which make them a challenge.

First, the Talysh speak a language closely related to Persian. That is why the decision of TMV to use Cyrillic strongly suggests that Tehran was not behind it. Iranian propagandists have always preferred the Perso-Arabic script.

Second, the Talysh of Azerbaijan are concentrated in the southern portion of the country along the Iranian border; they have a long history of resistance to Baku, including the ill-fated Talysh Mughan Republic of 1993; and they are almost exclusively Shia. Azerbaijanis are approximately two-thirds Shia and one third Sunni. In the late 1930s, both Baku and Moscow viewed them as a sufficient threat to security that many Talysh were deported to Siberia. At that time, the Talysh-language institutions the Soviets had established in the 1920s were closed. Few of them were ever reopened, and many Talysh were under pressure to identify as Azerbaijanis rather than Talysh.

And third, there is a large Talysh population just over the border in Iran. Not only does this provide opportunities for influence and black market trading, but it means that Azerbaijani national security planners are likely to view the Talysh as an irredentist movement in waiting. Thus, in Baku's eyes, this ethnic minority must be watched with extreme care.

Many Talysh, not surprisingly given their history, are reluctant to link themselves either with Armenia or Iran, given the attitudes in Baku toward those two outside powers. But they have been willing to work with the Russians—and the Russians have reciprocated. Earlier this year, for example, Fakharaddin Aboszoda, who is one of the hosts on the new TMV station, published an article in Moscow entitled "Will Federalization Save Azerbaijan?" (iarex.ru, April 8). Not only did this article pick up on one of Vladimir Putin's central themes at the time—applied most recently by the Kremlin to Ukraine—but it echoed Russian support for the Avars and Lezgins. These two nationalities live astride the border between Azerbaijan and the Republic of Dagestan in the Russian Federation.

The new Talysh-language TV station, like the article by Aboszoda, is clearly a warning to Baku, almost certainly from Moscow rather than Yerevan even though it echoes Armenia's views—as Moscow's approach to this conflict often does. At the very least, if the conclusion about TMV offered here is correct, the Russian government is keeping its hand in the game while keeping its options open. As Garnik Geborgyan, the Armenian director of the Voice of Talyshistan put it, if Baku "unleashes" a new war against Armenia, Talysh broadcasts will lead to "the creation of a Talysh state" (armradio.am, March 21).

Prominent Azerbaijani journalist sent to two-month pretrial detention

RFE/RL (05.12.2014) - <http://www.rferl.org/content/khadija-ismayilova-court-pretrial-detention-ruling-due/26727199.html> - A court in Baku has ordered that an investigative journalist with RFE/RL's Azerbaijani Service, Khadija Ismayilova, be held in pretrial detention for two months.

Ismayilova was summoned to appear in the Sabail District court in Baku court on December 5 over a case in which a man accused her of pressing him to commit suicide.

Nenad Pejic, the editor in chief of RFE/RL, condemned Ismayilova's treatment.

"The arrest and detention of Khadija Ismayilova is the latest attempt in a two-year campaign to silence a journalist who has investigated government corruption and human rights abuses in Azerbaijan," Pejic said. "The charges brought against her today are outrageous. Khadija is being punished for her journalism."

The OSCE's representative on freedom of the media, Dunja Mijatovic, also assailed Ismayilova's arrest.

"The arrest of Ismayilova is nothing but orchestrated intimidation, which is a part of the ongoing campaign aimed at silencing her free and critical voice," Mijatovic said.

"I repeat my call on the authorities in Azerbaijan to stop this practice, which is detrimental to media freedom," Mijatovic said.

Ismayilova has also been charged in a separate case centering on a document that she posted on social media that indicated Azerbaijani secret services used an explicit, illegally filmed sex tape to blackmail an opposition activist into informing on other opposition figures.

On December 4, Azerbaijan's Presidential Chief of Staff Ramiz Mehdiyev publicly accused Ismayilova of treason and called RFE/RL's employees in the country spies.

Ismayilova sees the legal pressure as part of a broader crackdown against civil society by Azerbaijan's government.

She is known for her extensive reporting on the business interests of President Ilham Aliyev's family.

In October, Azerbaijani authorities prevented Ismayilova from traveling to Prague, where she had been due to attend an international conference.

Jailed Azerbaijani activist's health deteriorating, lawyer says

Radio Free Europe (26.11.2014) <http://www.rferl.org/content/yunus-leyla-azerbaijan-health-rights-lawyer-qambarov/26707537.html> - A lawyer for jailed Azerbaijani human rights activist Leyla Yunus says her health has deteriorated drastically.

Lawyer Elcin Qambarov told RFE/RL on November 24 that a detention center doctor who examined Yunus recently gave her a diagnosis of advanced liver disease and a high blood-sugar level.

Qambarov said that Yunus's blood pressure fluctuates dramatically and that she has lost 10 kilograms since her arrest in July.

He said the detention center had refused to process her lawyers' request for access to official documents related to her medical examination.

Yunus, 58, is a fierce critic of Azerbaijan's poor rights record.

Her husband, Arif Yunus, 59, was arrested in August, and they are being held in pretrial detention on charges of high treason and other crimes.

Yunus and her husband say the charges are politically motivated.

Western governments and human rights groups have called for their immediate release.

Lawyer sentenced to community service

IRFS (06.11.2014) - On November 6, Yasamal District Court held the final hearing on the defamation lawsuit brought against lawyer Alaif Hasanov by Nuriyya Huseynova, former cellmate of Leyla Yunus.

Hasanov's lawyers requested the court to acquit him, calling the accusations unfounded.

In his final speech, Hasanov said he was being convicted of phrases that did not belong to him. He said that the newspaper Azadliq added comments to his Facebook post.

"The newspaper's editorial office has presented a letter to the court confirming this, but the court ignored it. The trial is biased and the judge demonstrates a clear prejudice. Therefore I do not expect a fair decision," said Hasanov.

The court convicted Hasanov on charge of insult (Article 147 of the Criminal Code) and sentenced him to 240 hours of community service. He was acquitted of the libel charge (Article 148 of the Criminal Code).

Note that recently Hasanov made a statement on physical assault by Nuriyya Huseynova on Leyla Yunus in the jail cell, which was published by the newspaper Azadliq on 17 September 2014. Later Nuriyya Huseynova considered being called "criminal" and "recidivist" by the lawyer to be an insult.

Court decides to keep Rasul Jafarov on remand for 3 more months

IRFS (24.10.2014) <http://www.irfs.org/news-feed/court-decides-to-keep-rasul-jafarov-on-remand-for-3-more-month/> - On October 23, at a closed session Nasimi district court heard the petition of the Prosecutor's Office requesting to extend the term of pretrial detention of human rights defender Rasul Jafarov for 3 more months.

The Institute for Reporters' Freedom and Safety was informed about it by the human rights defender's lawyer Fariz Namazli. According to the lawyer, the prosecution argued that once released, Rasul Jafarov can hide from the prosecuting authority and falsify documents, and therefore they requested extension of the detention period.

"We told the court that these arguments were unfounded, because there is a travel ban on Rasul Jafarov which prohibits him to leave the country. Besides, he has presented all the original documents related to the case to the investigative agency, complied with their summons and cooperated with them. Therefore we asked the court not to grant the petition," said the lawyer.

The human rights defender Rasul Jafarov told the court that even before the reasons for choosing the restrictive measure of arrest in respect of him had not been substantiated by the courts, and now there is no ground for his arrest either.

Jafarov requested the court not to grant the petition and replace the restrictive measure of pretrial detention with that of house arrest.

However the court granted the prosecution petition deciding to extend Rasul Jafarov's detention period for 3 more months.

Background: Rasul Jafarov was arrested on August 2nd and was charged with three articles of the Criminal Code, article #192 (illegal business), article #213 (tax evasion) and article #308 (abuse of office). He was placed in detention for 3 months.

Amnesty International has recognized Jafarov as a "prisoner of conscience".

End repression of Azerbaijan's leading investigative journalist

IRFS (14.10.2014) - The Institute for Reporters' Freedom and Safety resolutely condemns the campaign against Azerbaijani investigative journalist Khadija Ismayil, and calls on the authorities to end this harassment immediately.

The criminal defamation lawsuit brought against Khadija Ismayil in a private prosecution case, the accusations of treason published in the pro-government media (cooperation with Armenia), and her recent detention at Baku Airport are clear indicators that her arrest may be imminent.

Most recently, the Prosecutor General's Office has imposed a travel ban on Khadija Ismayil, prohibiting her from leaving the country. As a consequence, she was unable to fly to Prague on October 12, to take her place at the international Forum 2000 conference. She was informed by border officials at Baku Heydar Aliyev Airport that the Prosecutor General's Office has imposed a ban on her departure from the country. However, she has not been presented any court decision in relation to the travel ban.

Imposing a travel ban without any legitimate grounds interferes with Ismayil's professional work as a journalist and constitutes a flagrant violation of her right to freedom of movement, enshrined in the European Convention of Human Rights, ratified by Azerbaijan in 2002.

By taking action in relation to defamation charges against a journalist at a time when it chairs the Committee of Ministers of the Council of Europe (CoE), the Azerbaijani government is demonstrating once again its unwillingness to fulfill its pledge to decriminalize defamation, a commitment it made upon accession to the CoE.

The Institute for Reporters' Freedom and Safety notes that Khadija Ismayil is being targeted for her investigations into high-level corruption involving the family of President Ilham Aliyev, her determined advocacy for official transparency, and her work in informing the international community about the situation of human rights, particularly freedom of expression, in Azerbaijan.

The Institute for Reporters' Freedom and Safety reminds the international community that the past two months have seen unprecedented human rights violations by Azerbaijani officials. There are more than 10 journalists and bloggers behind bars; there has been a wave of arrests of human rights defenders; organizations defending media freedom have been shutdown. The government's repressive policy in the field of human rights could hardly be more evident.

The Institute for Reporters' Freedom and Safety emphasizes that the freedoms of expression and information are protected under a number of international treaties and legal instruments signed and ratified by Azerbaijan, *inter alia* the Universal Declaration of Human Rights (Article 19), International Covenant on Civil and Political Rights (Article 19) and the European Convention on Human Rights (Article 10).

The UN Human Rights Council's recent resolution on the safety of journalists has strongly condemned all cases of attacks and violence against journalists, including harassment and intimidation.

The Institute for Reporters' Freedom and Safety calls upon the President Aliyev to take concrete steps to eliminate the assault on freedom of expression and to decriminalize defamation, reminding him of his constitutional responsibility as the guarantor of the rights of citizens.

The Institute for Reporters' Freedom and Safety calls on international organizations, particularly the Council of Europe and the OSCE, to take a firm stand and put more pressure on the government of Azerbaijan to fulfill its obligations related to freedom of expression, and specifically to demand the immediate adoption of the draft law decriminalizing defamation.

Nomination of jailed political prisoner Leyla Yunus for Dutch Prize

USCIRF (30.09.2014) - Leyla has been shortlisted for the Dutch Tulip Prize 2014. Azerbaijani human rights activist Leyla Yunus is among the nominations for the Netherlands Human Rights Tulip 2014. You can cast your vote for Leyla's nomination for the Human Rights Tulip at <http://www.humanrightstulip.nl/candidates-and-voting/leyla-yunus>

Leyla Yunus is a pioneering woman human rights defender with a strong track record in peacebuilding and human rights defense. She has been involved in protecting political prisoners, defending women's rights, combating torture, corruption, human trafficking, and property rights violations, as well as monitoring court proceedings, both in Azerbaijan as beyond national borders. She has been also involved in several activities of the Women Peacemakers Program (WPP). Her outspokenness and ability to generate broad awareness on human rights violations, most recently by speaking out against human rights violations in relation to international events hosted by Azerbaijan (Eurovision Song Festival (2012) and the First European Olympic Games (2015)) have resulted in her arrest and detention (since July 30, 2014) by the Azerbaijan authorities. Five days later her husband Arif was also detained, leaving them both to face inhumane conditions in prison.

Stand with Leyla and support her nomination for the Human Rights Tulip! The Human Rights Tulip will be a recognition for the innovative work of Leyla as a woman human rights activist and her dedication to justice. It will also be a call for support against the inhumane conditions Leyla is facing in prison, being denied access to legal counseling, healthcare and proper food. Moreover, the award will raise awareness on the 98 political prisoners in Azerbaijan - including Leyla as the only woman, and her husband Arif Yunus - and the political pressure human rights activists in Azerbaijan, as all over the world, are facing.

More information about Leyla's work and current condition in detention, can be found at <https://www.womenpeacemakersprogram.org/news/call-for-action-women-peace-activist-azerbaijan-arrested>

More information about the Human Rights Tulip can be found at <http://www.humanrightstulip.nl/about-the-award>.

OSCE Chair, in Baku, calls for intensified peace talks on Nagorno-Karabakh conflict, welcomes establishment of OSCE Project Co-ordinator's Office

OSCE (02.06.2014) – The OSCE Chairperson-in-Office and Swiss Foreign Minister Didier Burkhalter, started his official trip to the South Caucasus today with a visit to Baku, where he discussed with President Ilham Aliyev new aspects of co-operation between the OSCE and Azerbaijan, and called for implementing tension-reducing measures regarding the Nagorno-Karabakh conflict.

The visit also included meetings with Foreign Minister Elmar Mammadyarov, the Speaker of Parliament Ogtay Asadov and representatives of political parties and the civil society. Speaking about the Nagorno-Karabakh conflict, Burkhalter encouraged President Aliyev to move step by step towards a peaceful settlement. He would welcome intensified negotiations and a next presidential meeting as a starting point of a structured process leading towards a peaceful solution, Burkhalter said.

Burkhalter expressed his regrets that 20 years after the 1994 ceasefire, violent incidents at the Line of Contact and the international border remain a frequent phenomenon. He called on the sides to strictly adhere to the ceasefire agreement, to implement an incident investigation mechanism, to encourage people-to-people contact and to agree on further confidence-building measures.

Burkhalter reiterated the full support of the Swiss Chairmanship for the work of the OSCE Minsk Group Co-Chairs and his Personal Representative, Ambassador Andrzej Kasprzyk, in facilitating the negotiating process.

The work of the newly-established Project Co-ordinator's Office in Baku was another key subject of the discussions. Burkhalter said he hoped for close co-operation between Azerbaijan's government and the Project Co-ordinator which will take full account of the needs and priorities of the country and cover all three security dimensions: the politico-military, economic and environmental, as well as the human dimension.

The Chairperson-in-Office was accompanied by his Special Representative for the South Caucasus, Ambassador Angelo Gnaedinger, his Personal Representative for the conflict dealt with by the OSCE Minsk Conference, Ambassador Andrzej Kasprzyk and by the Project Co-ordinator in Baku, Ambassador Alexis Chahtahtinsky.

Later today, Burkhalter will depart for Georgia where he will hold high-level talks tomorrow. He will conclude his visit to the region on 4 June in Yerevan.

For PDF attachments or links to sources of further information, please visit: <http://www.osce.org/cio/119395>

Azerbaijan jails another human rights blogger

IRFS (27.05.2014) - Today, the Azerbaijani government sentenced journalist and blogger Abdul Abilov to 5.6 years in prison on drug charges after he published Facebook posts fiercely critical of the authorities. The Institute for Reporters' Freedom and Safety (IRFS) resolutely condemns the ruling and urges Azerbaijani authorities to overturn this conviction and stop persecuting the critical voice.

"Today's harsh conviction of blogger Abdul Abilov shows once again the extraordinary measures that authorities are willing to take to crush criticism of their repressive policies, inconsistent with the country's chairmanship of the Council of Europe.", IRFS Chairman Emin Huseynov said.

Abilov's sentencing comes amid a mounting crackdown on Azerbaijan's journalists and bloggers. With eight journalists and seven bloggers and online activists behind bars, Azerbaijan is the worst jailer in the region, leaving behind countries like Belarus, Russia and Uzbekistan.

"We strongly condemn the sentence and are extremely disappointed that the court imposed such a harsh punishment merely because Abilov exercised his fundamental right to peaceful freedom of expression," Huseynov said.

"Unfortunately, this clear violation of the Article 10 of the European Convention on Human Rights is only the latest example of the Azerbaijani government's continued use of justice system to stifle independent and critical voices.", Huseynov said.

Abilov was running Facebook page "Stop sycophants!" which was closed following after his arrest.

Abilov's imprisonment comes just on the heels of other politically-motivated convictions in cases against human rights defenders Anar Mammadli, Bashir Suleymanli and journalist Parviz Hashimli.

IRFS is deeply concerned over continuing deterioration of the human rights situation in Azerbaijan at a time when the country presides over Europe's top human rights watchdog. "The Council of Europe should react quickly and clearly. The Council must immediately appoint a special rapporteur on political prisoners in Azerbaijan who would precisely analyze the current situation and take the issue up to the Parliamentary Assembly. That would be a symbolic measure that would not hurt, but only benefit the Azerbaijani people", IRFS Head said.

IRFS once again calls on the Azerbaijani authorities to stop using courts to imprison critics and to release all those jailed for peacefully exercising their right to freedom of expression.

Arrest and extended detention of opposition politician following critical blog post was unjustified

European Court of Human Rights (22.05.2014) - In today's Chamber judgment in the case of **Ilgar Mammadov v. Azerbaijan** (application no. 15172/13), which is not final², the European Court of Human Rights held, unanimously, that there had been:

² Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to

a violation of Article 5 § 1 (right to liberty and security) of the European Convention on Human Rights;

a violation of Article 5 § 4 (right to judicial review of one's detention);

a violation of Article 6 § 2 (presumption of innocence); and

a violation of Article 18 (limitation on use of restrictions on rights).

The case concerned the arrest and detention pending trial of an opposition politician and blogger following his reports on street protests in the town of Ismayilli in January 2013.

The Court considered that Mr Mammadov, who had a history of criticising the Government, had been arrested and detained without any evidence to reasonably suspect him of having committed the offence with which he was charged, namely that of having organised actions leading to public disorder. The Court concluded that the actual purpose of his detention had been to silence or punish Mr Mammadov for criticising the Government and publishing information it was trying to hide.

Principal facts

The applicant, Ilgar Eldar oglu Mammadov, is an Azerbaijani national who was born in 1970 and lives in Baku. Having been involved in various political organisations for a number of years, he is the co-founder of an opposition party, the Republican Alternative Civic Movement ("REAL"), for which he considered running in the November 2013 presidential elections. He also maintained an Internet blog in which he commented on political issues. In particular, in November 2012, he strongly criticised members of the National Assembly for having adopted a new law introducing heavy sanctions for unauthorised public gatherings. On 24 January 2013, Mr Mammadov travelled to the town of Ismayilli, northwest of Baku, in order to report on street riots which had broken out there the previous day. According to media reports, the protests had been triggered by an incident involving V.A., the son of the Minister of Labour and nephew of a local politician. The reports claimed that after being involved in a car accident, V.A. had insulted and physically assaulted passengers of the other car, who were local residents.

As a reaction, hundreds of local residents took to the streets and damaged property in Ismayilli thought to be owned by V.A.'s family, including a hotel. In a joint press statement, the Ministry of Internal Affairs and the Prosecutor General's Office placed the blame for the rioting on a hotel manager and one of his family members, who had allegedly damaged local property and had incited people to riot. Also in response to the rioting, V.A.'s uncle publicly denied that the hotel which had been damaged belonged to his family.

In his blog Mr Mammadov described his impressions of the events in Ismayilli. In particular, on 25 January 2013, he reported that the events were caused by "the general

the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

tension arising from corruption and insolence” of public officials. On 28 January 2013, he reported that the hotel which had been damaged was actually owned by V.A. – referring in particular to information found on the official website of the Ministry of Culture and Tourism and on V.A.’s Facebook page – thereby contradicting directly the earlier denial by V.A.’s uncle. Within one hour after the publication of Mr Mammadov’s blog post, the information cited by him was removed from these websites, but his blog entry was extensively quoted in the media.

In another joint press statement, on 29 January 2013, the Ministry of Internal Affairs and the Prosecutor General’s Office stated, among other things, that two politicians, including Mr Mammadov, had made appeals to local residents in Ismayilli aimed at social and political destabilisation, and that their “illegal actions” would be investigated.

Subsequently Mr Mammadov was questioned by the prosecutor about his role in the events.

According to the record submitted by the Azerbaijani Government, the prosecutor held two face-to-face confrontations, in which two local residents stated that Mr Mammadov had told protesters to throw stones at the police. Mr Mammadov denied these statements as fabricated.

In February 2013, Mr Mammadov was charged with the offences of organising or actively participating in actions causing a breach of public order. A district court ordered his remand in custody for a period of two months, stating in particular that there was a risk he would abscond or disrupt the course of the investigation. Neither the official charges nor the order for his remand in custody mentioned the face-to-face confrontations with the local residents.

Mr Mammadov’s detention was subsequently extended on several occasions and his appeals against the detention orders were rejected by the courts. In April 2013, the charges against him were changed to the offence of resistance or violence against public officials, posing a threat to their life or health, which carried a heavier sentence. In March 2014 Mr Mammadov was convicted and sentenced to seven years’ imprisonment. His appeal against the conviction is pending.

Mr Mammadov’s nomination as a candidate for the presidential elections was refused by the Central Electoral Commission in September 2013, stating that there were a number of invalid signatures among the voter signatures he had submitted in support of his nomination.

Complaints, procedure and composition of the Court

Relying in particular on Article 5 §§ 1, 3 and 4 (right to liberty and security), Mr Mammadov complained in particular: that he was arrested and detained without a “reasonable suspicion” that he had committed a criminal offence; that the national courts failed to provide relevant and sufficient reasons justifying the necessity for his continued detention; and, that there was no adequate judicial review of his detention. Relying on Article 6 § 2 (presumption of innocence), he complained that his right to be presumed innocent was breached by the press statement issued by the Prosecutor General and the Ministry of Internal Affairs alleging that Mr Mammadov had illegally made appeals to local residents aimed at social and political destabilisation. Furthermore, relying in particular on Article 18 (limitation on use of restrictions on rights), he complained that his rights were restricted for purposes other than those prescribed in the Convention. He submitted that his arrest and the criminal proceedings against him had been repressive measures aimed at removing him as a critic of the Government and a potentially serious opponent in the presidential elections.

The application was lodged with the European Court of Human Rights on 25 February 2013.

Judgment was given by a Chamber of seven judges, composed as follows:

Isabelle **Berro-Lefèvre** (Monaco), *President*,

Elisabeth **Steiner** (Austria),

Khanlar **Hajiyev** (Azerbaijan),

Mirjana **Lazarova Trajkovska** ("The former Yugoslav Republic of Macedonia"),

Erik **Møse** (Norway),

Ksenija **Turković** (Croatia),

Dmitry **Dedov** (Russia),

and also Søren **Nielsen**, *Section Registrar*.

Decision of the Court

Article 5 §§ 1 and 3

Concerning Mr Mammadov's complaint that there had not been a "reasonable suspicion" against him, within the meaning of Article 5 § 1, to justify his arrest and prolonged detention, the Court first noted that the initial charge of "organising public disorder" had subsequently been replaced by a more serious charge, "mass disorder", without a change to the description of the facts.

As regards the circumstances of his arrest, the Court found it significant that Mr Mammadov was an opposition politician, who had a history of criticising the Government in the wake of the upcoming presidential elections, and that before his arrest he had published in his blog information which showed that at least part of the official version of what had happened in Ismayilli might not be true.

Furthermore, Mr Mammadov had been charged with "organising" a riot that had already started in Ismayilli one day before his visit to the town. By all accounts, he had nothing to do with the original incident of 23 January 2013 which had triggered the protests.

Moreover, the authorities' own account of the events showed that most, if not all, of the damage caused by the rioting had taken place on the day before Mr Mammadov's arrival. Against this background, the prosecution had essentially accused him of having – one day after the spontaneous protests had already taken place and within the two hours of his stay in Ismayilli – seized considerable control over the situation, established himself as the leader of the protestors, whom he had not known before, and had directly caused the subsequent disorder.

Mr Mammadov had consistently submitted that the prosecution had failed to produce any evidence giving rise to a reasonable suspicion that he had committed any of the crimes with which he was charged. The Court observed that the Government had not submitted any specific arguments to rebut his assertions. In particular, the prosecution's official documents mentioned no witness statements or other specific information giving reason to suspect him of those crimes. As regards the records of Mr Mammadov's face-to-face confrontations with the local residents, they had not been presented to the national courts and they had been submitted by the Government without any explanation as to why they were relevant to the complaint.

The Court concluded that the Government had not demonstrated that during the period under consideration Mr Mammadov had been deprived of his liberty on a "reasonable suspicion" of having committed a criminal offence. There had accordingly been a violation of Article 5 § 1.

Having regard to this finding, the Court considered it unnecessary to examine separately, in particular, whether the reasons given by the national courts for his continued detention had been based on relevant and sufficient grounds, as required by Article 5 § 3.

Article 5 § 4

Mr Mammadov's detention had been ordered and extended, on each occasion, by courts at two levels of jurisdiction. However, the courts had consistently failed to verify the reasonableness of the suspicion against him. They had repeatedly ignored Mr Mammadov's submissions in this regard, notably his argument that there were no reasons to believe that he would abscond and that he had voluntarily appeared before the prosecution as soon as he had been asked to do so. The national courts had simply copied the prosecution's written submissions and used short, vague and stereotyped formulae for rejecting his complaints. The Court therefore considered that there had been no genuine review of the lawfulness of Mr Mammadov's detention, which was sufficient to conclude that there had been a violation of Article 5 § 4.

Article 6 § 2

As regards the press statement issued by the Prosecutor General and the Ministry of Internal Affairs, the Court noted that, given that Mr Mammadov was a politician, it might have been considered reasonable for the authorities to keep the public informed of the criminal accusations against him.

However, the Court considered that the statement, assessed as a whole, had not been made with the necessary discretion. Whereas the relevant paragraph concluded by stating that Mr Mammadov's actions would be "fully and thoroughly investigated" and would "receive legal assessment", this wording was contradicted by a preceding unequivocal declaration, in the same sentence, that those actions had been "illegal". Moreover, in the same paragraph it was stated that it had been "established" that he had called on local residents to resist the police.

Having regard to the statement's wording as a whole, it could only have encouraged the public to believe that Mr Mammadov was guilty before he had been proved guilty under the law. There had accordingly been a violation of Article 6 § 2.

Article 18

The Court had already found that the charges against Mr Mammadov had not been based on a "reasonable suspicion" for the purpose of Article 5 § 1. It could be concluded from this finding that the authorities had not acted in good faith. As the Court had found under Article 5 § 1, it was significant that Mr Mammadov was an opposition politician with a history of criticising the Government, and he had nothing to do with the original incident of 23 January 2013 which had triggered the protests in Ismayilli.

Moreover, the Court considered that his arrest was linked to specific entries in his blog, in particular that of 28 January 2013, in which he shed light on information which the Government had attempted to withhold from the public. He had first been asked to appear for questioning by the prosecutor after publishing that statement. Those circumstances indicated that the actual purpose of the measures taken had been to silence or punish Mr Mammadov for criticising the Government and attempting to disseminate what he believed to be true information which the Government was trying to hide.

The Court therefore concluded that the restriction of Mr Mammadov's liberty had been applied for purposes other than bringing him before a competent legal authority on

reasonable suspicion of having committed an offence. This was a sufficient basis for finding that there had been a violation of Article 18 in conjunction with Article 5.

Just satisfaction (Article 41)

The court held that Azerbaijan was to pay Mr Mammadov 20,000 euros (EUR) in respect of nonpecuniary damage and EUR 2,000 in respect of costs and expenses.

The judgment is available only in English.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.
