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DON'T LET THEM BE SILENCED

**AZERBAIJANI ACTIVISTS
IMPRISONED FOR SPEAKING OUT**

**AMNESTY
INTERNATIONAL**



Despite a systematic campaign of harassment by the authorities, young Azerbaijani activists are determined to find a way to exercise their rights to freedom of expression and assembly. In the face of a government crackdown on dissent, the internet has become the last refuge for free expression in Azerbaijan. A small but determined group of young activists are video blogging, posting and tweeting their calls for democratic reforms and an end to pervasive government corruption.

The Azerbaijani authorities are doing everything in their power to discredit and intimidate these activists. State television has broadcast a series of interviews and documentaries which portrayed Facebook users as “mentally ill”. Universities, controlled by the state, routinely warn students to steer clear of criticizing the status quo or face expulsion.

2011 has seen a marked increase in the number of people prosecuted on trumped-up charges in response to their attempts to speak out against an authoritarian and corrupt government. The overwhelming majority of these individuals are convicted after unfair trials and sentenced to long prison terms.

In addition to trumped-up charges, the authorities are making full use of the vagaries in Azerbaijani legislation to punish dissenting opinion. Shout “liberty” in the street in Azerbaijan and you could be sent to prison for up to 10 days. Get others to shout it out with you, and you could end up behind bars for three years, convicted of “organizing and participating in actions promoting social disorder.”

Now the space for free expression in Azerbaijan is contracting further as the regime seeks to shut out any view aired online by Azerbaijanis (at home or abroad), which is contrary to the government’s. Increasingly, the government is targeting young activists in the hope that making examples of the most outspoken will dissuade others from speaking out.



Jabbar Savalan behind bars during a court hearing in July 2011.

JABBAR SAVALAN: A POST TOO FAR

Jabbar Savalan, aged 19, was arrested for his Facebook activity. He was studying history at Sumgayit University, and was an active member of the youth wing of the opposition Azerbaijan Popular Front Party (APFP), attending meetings and demonstrations against the government.

In early January 2011, Jabbar re-posted on Facebook an article originally published in a Turkish newspaper. The article described President Ilham Aliyev of Azerbaijan as corrupt and as a gambler. Jabbar also took part in an anti-government protest on 20 January.

On 4 February he posted on Facebook calling for a “Day of Rage”, inspired by protests in the Middle East and North Africa. The next day, he told his family that he was being followed by unknown men.

On the evening of 5 February, he was seized as he returned home from an APFP meeting. Police officers detained him without any explanation or informing him of his rights.



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Police charge at protesters during a peaceful demonstration on 12 March 2011.

He was handcuffed and manhandled in and out of the vehicle before being searched at a police station. Police then claim to have found 0.74g of marijuana in his outer jacket pocket.

Jabbar Savalan was interrogated over the weekend (Saturday night and Sunday 6 February) without access to a lawyer. When he eventually met his lawyer on Monday 7 February, he said that police had slapped and threatened him until he signed a confession. He denied possessing the marijuana and said that the police must have planted it on him when they put him in the police vehicle.

“I know where you live. We will see what I will do for you.”

On 7 February, Sumgayit District Court ordered Jabbar Savalan to spend two months in pre-trial detention. On 4 May, he was convicted of possessing illegal drugs for personal use, despite a blood test taken after his arrest which showed no trace of drugs. The court sentenced him to 26 months in prison.

Apart from the evidence, which was allegedly planted, his conviction was largely based on the confession he was forced to sign without access to a lawyer and has since retracted.

After the trial, the police officer who first interrogated Jabbar approached his lawyer, Anar Gasimov, and threatened him. The officer told him that he did not like his closing speech, because it was critical of the state. The policeman added: “I know where you live. We will see what I will do for you.” The lawyer now fears that he will have evidence planted on him.

Jabbar Savalan’s family is adamant that he has no history of drug use. This was confirmed by his friends and classmates. One told Amnesty International: “Jabbar is not a smoker and doesn’t drink alcohol at all – there is no way he would be a drug user.”

Jabbar appealed against his conviction in July, but the appeal was rejected. During the appeal hearings the Chief of Criminal Investigations at the Sumgayit City Police Department was called to give evidence. He refused to reveal the identity of the

person who allegedly told the police that Jabbar possessed drugs, or how this individual could have known that Jabbar possessed drugs.

At his final appeal hearing, Jabbar told the court: “Living inside four walls is not too difficult for me. After all, one could say that there is no place which is free in this country.”

Jabbar is not the first to be accused and convicted in this way. Drugs have been “found” on other prominent critics of the government, such as Eynulla Fatullayev and Sakit Zahidov.

In December 2009, prison guards claimed to have found heroin on imprisoned journalist Eynulla Fatullayev. He was convicted and sentenced to two and a half years in July 2010, shortly after the European Court of Human Rights had ordered his immediate release.

In 2006, another prominent critic of the government, journalist Sakit Zahidov, was sentenced to three years for allegedly possessing heroin, which he says police planted in his pocket.



Emin Milli and Adnan Hajizade outside the restaurant where they were attacked in July 2009.

ADNAN HAJIZADE AND EMIN MILLI: A GOVERNMENT SENSE OF HUMOUR FAILURE

On 8 July 2009, youth activists and bloggers Adnan Hajizade and Emin Milli, then aged 26 and 30, were attacked in a restaurant by two unknown men. They tried to make a complaint to the police immediately after the attack, but instead they were arrested on charges of hooliganism.

The two activists had used online networking tools, such as YouTube, Facebook and Twitter, to spread information about the situation in Azerbaijan. Emin Milli is the co-founder of Alumni Network, an online community that discusses politics. He also criticized the changes to the Azerbaijani Constitution, which abolished the presidential term limit – thus allowing current President Ilham Aliyev or any successor to stand for re-election on a continuous basis. Adnan Hajizade is a co-ordinator of the youth movement known as OL!, which advocates non-violence and tolerance.

On 28 June 2009, OL! posted a satirical video on YouTube, produced by Adnan Hajizade, criticizing the Azerbaijani government. The video is of a spoof press conference delivered by a donkey. The video was posted in the wake of a news story about how the Azerbaijani government had allegedly spent thousands of dollars importing donkeys from Germany in a deal that may have masked corruption or theft of public funds. It questions the purchase of the donkeys, the introduction of restrictive legislation for NGOs and the low priority the government gives to human rights.

Just over a week later, Adnan Hajizade and Emin Milli were dining with five other activists in a restaurant in Baku,



Emin Milli and Adnan Hajizade behind bars at court hearing in 2010.

Azerbaijan's capital city. According to witnesses, they were approached by two well-built men who swore at them and demanded to know what they were talking about. When Emin Milli replied that the conversation did not concern the two men, one of the men head-butted him and he fell to the floor. The same man then struck Adnan Hajizade, knocking him to the ground. One man blocked the rest of the activists with a table while the initial aggressor kicked and beat Adnan Hajizade and Emin Milli as they lay on the floor. The incident lasted about two minutes and was stopped by restaurant staff.

“My freedom is very severely restricted, and I don't think that it's fair...”

Emin Milli

Immediately after the incident Adnan Hajizade and Emin Milli went to the Sabail District Police Department to report it and lodge a complaint. Rather than treating the two men as victims and providing them with the appropriate medical care, the

police interrogated them as suspects for five hours and arrested them on charges of “hooliganism”. They were denied access to their lawyer and given a lawyer appointed by the authorities. Adnan and Emin were remanded in custody pending their trial, and the charge of “inflicting minor bodily harm” was added to their existing charge.

In the course of the investigation, police and prosecutors did not interview witnesses, or obtain video evidence from a security camera that may have recorded the incident in the restaurant. They also made mistakes in the documents about Adnan Hajizade's background submitted to the court, falsely stating that he was unemployed and had a criminal record.

According to the defence, during the trial the court refused to consider photographs showing the injuries sustained by Emin Milli and Adnan Hajizade, as well as video evidence of the incident from mobile phones and the security camera, but gave no explanation as to why. On 11 November 2009, Adnan Hajizade and Emin Milli were convicted of hooliganism and inflicting minor bodily harm, and sentenced to two, and two and a half years respectively.

In November 2010, Adnan Hajizade and Emin Milli were released on parole after having spent 16 months in prison. Their surprise early release followed a large international campaign by several human rights organizations, including Amnesty International, and diplomatic pressure, notably by the USA.

“I think Azerbaijani youth have a right to protest and if they want to protest they should do it, whether it be online, offline, through SMS or on the streets.”

Adnan Hajizade



Leyla Mustafayeva interviewed by Amnesty International, March 2011.

LEYLA MUSTAFAYEVA: THE PRICE OF A PHOTOGRAPH

In February 2010, newspaper reporter Leyla Mustafayeva, then aged 27, visited Nizami District bazaar in Baku to write a feature about the bazaar and the changing prices of its products. As soon as Leyla entered the bazaar, she witnessed a policeman dragging a tradeswoman out by her hair.

Leyla began to photograph the assault, but was noticed by the officer and several of his colleagues, who gathered round her and demanded to know her identity:

“He began to harass me aggressively, demanding to know who I was. I showed him the press pass I had received from the newspaper. He viciously crushed my papers and threw them on to the snow. He then forcefully pulled my camera from out of my pocket as I tried to protect it.”

Leyla's right hand was injured as she tried to protect her camera, but police managed to confiscate it before seizing her and taking

“He began to harass me aggressively, demanding to know who I was. I showed him the press pass I had received from the newspaper. He viciously crushed my papers and threw them on to the snow. He then forcefully pulled my camera from out of my pocket as I tried to protect it.”

Leyla Mustafayeva

her to the police station. She was held there for an hour, and urged to sign a statement confessing to interfering with a police operation. She refused. On hearing of her arrest, her newspaper complained to the Ministry of Internal Affairs, who contacted the police station, and she was released.

When her camera was returned to Leyla all the images had been deleted, and the injury to her hand left her unable to write for a week. Leyla complained about her treatment, and an investigator from the Ministry of Internal Affairs took a statement from her, but as of October 2011, she had heard nothing more.

“It is well known that when cases regarding freedom of expression go to court, the courts make politically motivated decisions and do not give us the necessary attention.

“The [environment for] freedom of expression in the country is very bad, both in the field of journalism and politics. Journalists are often harassed and attacked,” said Leyla Mustafayeva.

ELMIN BADALOV: THE UNWELCOME STUDENT JOURNALIST

In 2006, Elmin Badalov, then aged 17, enrolled at Baku's prestigious State Oil Academy with ambitions to become a petroleum engineer. Elmin was a successful student there for three and a half years, but gradually became disillusioned with the routine corrupt practices of the university.

He began writing articles for the opposition *Yeni Musavat* newspaper, mostly anonymously but some under his own name, about these practices.

One article described in detail how the Director of the State Oil Academy, Siyavush Garayev, was renting out rooms at the university dormitory for his own personal gain. A second article criticized restrictions to freedom of expression placed on students by the university, and how it was linked to staff demanding bribes from students.

Elmin told Amnesty International that after the publication of these articles, he was summoned to a meeting with the Dean of his faculty: “I was accused of writing these pieces to order and of being a mercenary. He called me by offensive names. He then said I was wrong to do such a thing and a troublemaker.”

Immediately after the meeting Elmin informed the press that he had been pressured by the university as a result of his articles. Elmin told Amnesty International how he then became the subject of a deliberate campaign of harassment: “They started to harass my fellow students, warning them that continued friendship with me could lead to their expulsion from the university.”

Then, in what Elmin believes to have been an orchestrated incident, another student attempted to provoke him into a fight. Remembering the case of a student at a different university, (Parviz Azamov, who was expelled in February 2009 for disorderly conduct after writing an article

critical of his university), he managed to evade his provocateur.

The university then began to grade his work as “fails”. One piece of coursework, which had received praise and a high mark from his tutor, was marked down by the faculty Dean, and Elmin was removed from the exam hall during his next exam. He was then given a fail grade in his final exam, and on 19 January 2010 was expelled from university on the grounds that his work was unsatisfactory.

Elmin appealed the decision, claiming that the final marks allocated to him did not reflect the quality of his work. He was told he could only appeal the mark in his final exam, and did so on the grounds that the tutor who marked the exam was biased against him. The university granted him a review of his exam paper the very next day, but it was marked again by the same tutor, who gave him the same fail grade, and the decision to expel him was upheld.

Elmin Badalov now works as a full-time reporter for *Yeni Musavat* newspaper, but his hopes of becoming a petroleum engineer have been shattered.

BAKHTIYAR HAJIYEV: STOPPED BY THE THOUGHT POLICE

Opposition activist Bakhtiyar Hajiyeu, aged 29, was first detained and threatened with conscription on 18 November 2010. He had been standing as an opposition candidate in the 7 November parliamentary elections and afterwards exposed numerous electoral violations.

Elmin Badalov stands outside the State Oil Academy. He was expelled from the university after he wrote an article exposing corruption there.





He successfully argued that he was still entitled to immunity from conscription as a parliamentary candidate, and that this invalidated the notification, and was released.

On 24 January 2011, after his electoral immunity expired, Bakhtiyar Hajiyeu was detained and charged with evading military service. He was served with a new notification of conscription after being detained.



Bakhtiyar Hajiyeu, Youth Representative - Azerbaijan, speaks at the 60th session of the UN General Assembly, New York, 2005.

Bakhtiyar immediately requested that he be allowed to perform an alternative form of service. Under Article 12 of Azerbaijan's Military Draft Law, this appeal should be considered by a Draft Board. Rather than consider the appeal, the authorities chose to charge Bakhtiyar, violating his right to due process, but released him on the condition that he could not leave his hometown of Ganja, and had to register daily with police.

The timing of Bakhtiyar's original arrest, and the fact that his second arrest occurred before a crime could even be committed, lead Amnesty International to believe that both arrests were in response to his standing as an opposition parliamentary candidate.

On 2 March, Bakhtiyar co-founded a Facebook group calling for virtual protest against government corruption and oppression on 11 March. Participants were simply invited to register their attendance online to take part in the protest.

On 4 March, immediately after the page became public, he was arrested for a third time in Ganja and accused of failing to

register daily with police. Bakhtiyar says that he had registered with the police at 10am that morning. When his lawyer asked the police to show him the register, the police reportedly said they had lost it.

At a court hearing the same day, Bakhtiyar was remanded in custody for two months pending his trial. During the hearing, he passed a letter to his lawyer. The letter said that while in custody, police questioned him about his Facebook activity, then punched him, throttled him, twisted his arms, and pressed down on his face until his mouth bled. They also threatened him with rape.

To date the allegations about his ill-treatment have not been investigated. Bakhtiyar Hajiyeu's lawyer has made repeated requests for an investigation, all of which he says have been denied without explanation.

On 18 May, Bakhtiyar was convicted of evading military service and sentenced to two years in prison, the maximum term allowed by law.

Amnesty International views all three arrests as baseless. The first occurred when



From left to right: Riot police detain a protester during the 2 April demonstration in Fountain Square, Baku. Police drag a protester to a police van during a peaceful demonstration on 12 March. Police surround Fountain Square during a protest on 12 March.

Bakhtiyar Hajiyev had parliamentary immunity from conscription, the second before he was served with a valid conscription notification he could be accused of evading, and the third without any evidence that he did not register. The organization therefore views his subsequent conviction as an attempt to silence his dissenting voice. Amnesty International considers Bakhtiyar Hajiyev to be a prisoner of conscience, imprisoned solely for the peaceful expression of his views, and calls for his immediate and unconditional release.

PROTESTS IN MARCH AND APRIL 2011

At the beginning of March, Bakhtiyar Hajiyev co-organized an online protest on Facebook for 11 March 2011, calling for democracy in Azerbaijan. Shortly afterwards, he was arrested.

Despite Bakhtiyar's arrest, 4,200 online activists took part in the 11 March virtual protest. Several of them were questioned or arrested leading up to 11 March, and a further 43 were arrested as they attempted to start a physical protest in central Baku. At least nine were convicted of "disobeying police". They were sentenced in closed trials – lasting no more than a few minutes – to between five and eight days in prison.

Elnur Majidli, an Azerbaijani activist living in France, co-organized "Azerbaijan's Day of Rage" for 2 April 2011. This Facebook event was deleted by Facebook administrators after a spam attack of unknown origin.

Hundreds of demonstrators arriving at the 2 April protest were confronted by riot police armed with shields, truncheons and rifles with rubber bullets. Uniformed police

surrounded the square and plain-clothes officers targeted the individuals who were chanting slogans, forcibly covered their mouths and dragged them into police vans.

Several protesters were punched and beaten with batons as they were being arrested. The police dispersed the protest and arrested at least 150 people, in addition to the 17 protest organizers who had been arrested before the rally. Fourteen people were convicted and sentenced in mid-2011 to prison terms ranging from 18 months to three years. Amnesty International considers them to be prisoners of conscience, detained solely for the peaceful exercise of their rights to freedom of expression and assembly. Their cases are discussed in more detail in the report *The spring that never blossomed: Freedoms suppressed in Azerbaijan* (Index: EUR 55/011/2011).



ELNUR MAJIDLI: IF THEY CAN'T GET YOU, THEY'LL GET YOUR FAMILY

On 1 April 2011 France-based opposition activist Elnur Majidli, aged 27, was charged in his absence with attempting the "violent overthrow of authority, or the distributing materials calling for such". The charge carries a maximum sentence of 12 years in prison. The Azerbaijani authorities reportedly requested an international warrant for his arrest. According to Elnur, Interpol has refused to accept the warrant, stating that no supporting evidence has been provided.

Elnur had been co-organizing the March and April protests in Azerbaijan via Facebook. Shortly before the opening of the criminal case against him, he received a telephone call from the Azerbaijani General Prosecutor's Office warning him to stop or face prosecution. He has also received several anonymous threatening phone calls from Azerbaijan.

Elnur's Facebook activity, however, reveals the accusation that he has been calling for a violent overthrow of the state to be baseless. Amnesty International believes he is being prosecuted simply for exercising his rights to freedom of expression and association, and that the charges against him should be dropped.

Unable to reach Elnur, the authorities have sought to punish his family in Azerbaijan for his activities. On 1 April, police raided both his and his cousin's family homes. Fourteen armed officers of Azerbaijan's anti-terrorism unit were used in the raid on his house, at the time of which only his mother was at home.

After the raid on his house, uniformed policemen stationed outside their house kept the family under observation for two months. The family suspect that they are

still under observation by plain-clothes police officers.

Following Elnur's prosecution, his father and brother were fired from their positions in a state-owned shipping company and the Ministry of Finance respectively.

Elnur Majidli told Amnesty International: "There are threats every day – to me, and to my family. I am psychologically exhausted."

TURAL ABBASLI AND RUFAT HAJIBAILI: A YOUTH MOVEMENT DECAPITATED

Tural Abbasli, aged 29, is the leader of the youth wing of the opposition Musavat Party. He was arrested by police during the 2 April protests and taken to Yasamal district police station. His lawyer, Anar Gasimov, told Amnesty International that Tural had been beaten while in custody.

Tural told Anar Gasimov that police officers had kicked and punched him, and struck him with a baton. Anar Gasimov was not allowed to see Tural for the first two days of his detention but said that when he finally managed to visit his client at the police station, he had visible bruises around his eyes and on his hands.

In September, Tural was tried for "organizing and participating in actions promoting social disorder", but according to his lawyer, no evidence was presented against him other than his party membership. On 3 October, Tural Abbasli was sentenced to two and a half years in prison.

Rufat Hajibaili, aged 25, is the deputy leader of the youth wing of the Musavat Party, and was also arrested on 2 April. He too was tried for "organizing and participating in actions promoting social disorder" for allegedly kicking and damaging a police vehicle in Baku.



From top: Elnur Majidli at the European Parliament in Strasbourg. Rufat Hajibaili. Tural Abbasli.



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On 3 October, he was sentenced to 18 months in prison.

According to Rufat's lawyer, Elchin Namazov, the court relied on video evidence filmed by state television. The footage showed Rufat in the vicinity of the car but it cut out before the alleged incident took place. Police officers testified that Rufat kicked the car just after the footage ran out. The court refused, without explanation, to admit video evidence filmed by independent media outlets showing Rufat walking past the street where the car was parked and turning on to another street.

Amnesty International believes that both men are being punished solely for the peaceful exercise of their right to freedom of expression and assembly.

CONCLUSION

Since 2009, and Amnesty International's last report on the environment for freedom of expression in the country, *Azerbaijan: Independent journalists under siege* (Index: EUR 55/004/2009), the situation has deteriorated even further. Today, no critical

voice will be tolerated in Azerbaijan. Criticism of the state will be punished whether it is voiced in politics, journalism, satire, activism, education, or even social networking websites.

This crackdown on dissenting opinion is being facilitated by a muted response from members of the international community. Several countries have invested heavily in Azerbaijan's oil and natural gas industries.

At the moment, it appears that the government can rely on these countries, many of them from the European Union, turning a blind eye to their human rights violations. Consequently, the Azerbaijani government will continue to pay little heed to the criticism of human rights organizations and to pay lip service only to international human rights institutions such as the European Court of Human Rights. The authorities will use their powerful state machinery, paid for by oil and gas profits, to silence dissenting voices. They will do so with ease and impunity as long as foreign governments are reluctant to support these voices.

Above: Protest in Fountain Square, Baku, 2 April 2011.

Young bloggers, journalists, political activists, students and their families are all aware of the grave consequences if they dare to speak out against the state. Yet Azerbaijanis choose to run these risks rather than continue to live quietly in a society where they are unable to exercise their most basic human rights. The international community must do more to support Azerbaijanis struggling to improve an entirely unacceptable living environment.

"I think Azerbaijani youth have a right to protest and if they want to protest they should do it."

Adnan Hajizade



Above: Two young women are detained by police after shouting “Azadliq!” (“Liberty!”) at a peaceful protest in Baku on 11 March 2011.

Cover: A protester gagged and held by police during a rally in Baku, Azerbaijan, 2 April 2011. At least 150 protesters were arrested.

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TAKE ACTION NOW!

Bilateral trade relations between European Union member states and Azerbaijan are currently governed by a Partnership and Co-operation Agreement, the implementation of which is overseen by the European Commission.

Sign our e-petition to the President of the European Commission, José Manuel Barroso: <http://bit.ly/free-azerbaijan>

Call on the President:

■ To ensure that the European Union gives priority to significant improvements in respecting and protecting human rights of the people of Azerbaijan while co-operating with Azerbaijan in trade negotiations;

■ To raise cases where individuals' rights have been violated when it is necessary, in accordance with the European Union guidelines on Human Rights Defenders;

■ To call for the immediate and unconditional release of Jabbar Savalan, Bakhtiyar Hajiyev, Tural Abbasli and Rufat Hajibaili in all dialogues with the Azerbaijani authorities.

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Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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