

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	166
Land:	Aserbajdsjan
Kilde:	Observatory for the Protection of Human Rights Defenders
Titel:	. Report on Crackdown on Human Rights Defenders and Activists in summer 2014
Udgivet:	21. november 2014
Optaget på baggrundsmaterialet:	22. juni 2015

Summer 2014: Crackdown on Human Rights Defenders and Activists in Azerbaijan

**NOTE BY THE OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS
DEFENDERS (FIDH-OMCT JOINT PROGRAMME)**

Summer 2014 in Azerbaijan was characterised by a harsh crackdown on civil society, NGOs, human rights defenders and journalists. Prominent and internationally recognised human rights defenders that in August 2014 joined other political prisoners in Azerbaijan include: Ms. **Leyla Yunus**, Director of the Institute of Peace and Democracy (IPD) and a member of OMCT General Assembly, Mr. **Arif Yunus**, Head of the Conflictology Department of IPD, Mr. **Intigam Aliyev**, a human rights lawyer, Head of the Legal Education Society, and Mr. **Rasul Jafarov**, an active participant in "Sing for Democracy" and "Art for Democracy". This note gives an overview of the most recent developments in Azerbaijan. It is followed by a compilation of cases most closely monitored by the Observatory for the Protection of Human Rights Defenders (FIDH-OMCT), which presents more details.

Over the past months, Ms. Leyla Yunus, Mr. Arif Yunus, Mr. Intigam Aliyev and Mr. Rasul Jafarov have all been sentenced to pre-trial detention on criminal charges such as "treason" (Article 274 of the Criminal Code), "large-scale fraud" (Article 178.3.2), "forgery" (Article 320), "tax evasion" (Article 213), and "illegal business" (Article 192) or "abuse of authority" (Article 308.2). As they await trials, their pre-detention period has now been extended and they remain detained in worrying conditions. On October 24, 2014, the pre-trial detention of Leyla Yunus was extended until February 28, 2015. Similarly, on October 29, 2014, the pre-trial detention of her husband and co-defendant, Mr. Arif Yunusov, also was extended until March 5, 2015. In addition, on October 24, 2014, the pre-trial detention Intigam Aliyev was extended until February 8, 2015.

Ms. Yunus, detained in Kurdakhani Detention Center No 1, was repeatedly harassed and physically attacked by her cellmate. Moreover, despite her severe health problems she has not received necessary medical help. Mr. Aliyev's health has also sharply deteriorated. As reported by his family, on November 7, 2014, after two hours of their meeting he could no longer speak or stand. He suffers from severe headache, loss of appetite and insomnia. An examination in late October revealed cervical osteochondrosis and protrusion of the intervertebral disc, which necessitates hospital treatment.

Dismissals and harassment of the lawyers of human rights defenders is another unacceptable phenomenon. Notably, on October 29, 2014, Ms. Leyla Yunus was deprived of her lawyer, Mr. Javad Javadov. This decision followed Mr. Javadov's active criticism of the judicial process against Ms. Yunus. On November 5, 2014, Ms. Yunus was deprived of her second lawyer, Mr. Khalid Bagirov, for unexplained reasons. There is a risk that her third lawyer, Mr. Alaif Hasanov, will also be dismissed. He has already been subject of a lawsuit by a cellmate of Ms. Yunus, Ms. Nuriya Huseynova. The latter accused Mr. Hasanov of calling her a "criminal" in a report published in the *Azadlig* newspaper on September 17,

2014. On November 6, 2014, the court sentenced Mr. Hasanov to 240 hours of community service. Similarly, three out of four lawyers of Mr. Intigam Aliyev, namely Messrs. Anar Qasymly, Alayif Hasanov and Fariz Namazly, have now been excluded from his defence, due to the fact that lawyers are called as witnesses in the case.

The above human rights defenders joined the previously imprisoned human rights defenders Messrs. **Anar Mammadli**, Chairperson of the Election Monitoring and Democracy Studies Centre (EMDSC) and **Bashir Suleymani**, Executive Director of EMDSC. In May 2014, they were sentenced by the Court on Grave Crimes to respectively to 5,5 years' and 3,5 years' imprisonment on charges of "tax evasion", "illegal entrepreneurship", and "abuse of authority".

The unprecedented 2014 crackdown on NGOs and their leaders had been immediately preceded by new legislative acts targeting civil society. New anti-NGO laws, adopted in 2014, provide the authorities with additional powers for temporary suspension and permanent banning of national and foreign NGOs, and introduce additional administrative requirements and increased checks. Non-registered NGOs cannot be considered recipients of grants anymore. While working under non-registered grants is an administrative offence, the courts now tend to consider such funds as personal income in an attempt to persecute their recipients for tax evasion under criminal law. In addition, the bank accounts of several NGOs and representatives were frozen upon request of the General Prosecutor's Office, including those of the Media Rights Institute, the Democratic Institutions and Human Rights Public Union, the Democracy and Human Rights Resource Centre, the Azerbaijan Lawyers Association, and the Centre for National and International Studies. To sum up, the new laws have allowed the government to cut off funding of NGOs by arbitrarily freezing bank accounts of organisations and their leaders, while making it compulsory, and practically impossible, to register new grants.

However, the situation of human rights defenders, activists and journalists in Azerbaijan has been quickly deteriorating already since early 2011, when hundreds of pro-democracy demonstrators took to the streets. Those were outnumbered by security forces, dozens of activists were detained, as the authorities clearly feared an Arab Spring-like revolution. A widespread repression of civil activists, opposition members and journalists was launched by the authorities. Ahead of the presidential elections of October 2013, the crackdown even intensified, accompanied by new repressive laws to further stifle civil society. Physical attacks against opposition members, ill-treatment in prison of human rights defenders, judicial harassment and violent repression of demonstrators increased.

Notably, youth activists have been intensely targeted. In March and April 2013 the authorities arrested activists of the pro-democracy "NIDA" Civic Movement: Mr. Mammad Azizov, Mr. Bakhtiyar Guliyev, Mr. Shahin Novruzlu, Mr. Rashadat Akhundov, Mr. Uzeyir Mammadli, Mr. Rashad Hasanov, Mr. Zaur Gurbanli, as well as Ilkin Rustamzade. They were charged with "illegally obtaining, keeping or selling drugs" (under Article 234.1 of the Criminal Code), "illegally obtaining, keeping, carrying weapons, explosives" (Article 228.1 of the Criminal Code) and later on also with "planning to organise public disorder". They have all been sentenced to between 6 and 8 years in prison.

The situation of journalists is similarly dire. Mr. **Hilal Mammadov**, a defender of the rights of the Talysh ethnic minority and Editor-in-chief of the *Tolishi-Sado* (*Voice of Talysh*) newspaper, remains in prison. He was arrested on June 21, 2012, and sentenced to five years in prison following unfair proceedings lodged on the basis of spurious criminal offences relating to "illegal selling of drugs", "high treason", and "incitement to national, racial, social and religious hatred and hostility". In its November 2013 opinion on the case, the UN Working Group on Arbitrary Detention concluded that "the charges of treason and incitement to national, racial, social and religious hatred and hostility are based on Mr. Mammadov's

legitimate exercise of the right of freedom of expression (...)” and requested his immediate release with compensation.

Mr. **Emil Huseynov**, the Head of the leading media rights NGO, Institute for Reporters' Freedom and Safety, went into hiding as the offices were raided by the police on August 8, 2014. Another human rights defender and journalist, Mr. **Ilqar Nasibov**, working for the Resource Centre for Development of Democracy and NGOs in Nakhchivan City, was brutally attacked on August 21, 2014. Mr. Nasibov was hospitalised with multiple fractures and injuries. At the same time a criminal case was opened against him by his assailant for “deliberate infliction of less serious injury” (Art. 127.1 of the Criminal Code). Before the hearing he was forbidden from leaving the exclave of Nakhchivan, which does not allow him to get adequate medical help and is an excessive preventive measure, which usually prohibits departure from the country but not one of its regions. Mr. Nasibov's assailant, Mr. Farid Askerov, subsequently confessed guilt in the framework of a hearing and asked Mr. Nasibov for forgiveness. Charges against Mr. Nasibov were then taken back.

At the same time, on October 17, 2014 the President of Azerbaijan Ilham Aliyev signed a decree of amnesty, releasing 84 prisoners, including three pro-democracy activists, Messrs. Shahn Novruzlu, Elsever Mursalli and Bakhtiyar Guliyev, associated with the NIDA movement, as well as Mr. **Hasan Huseynli**, Head of the NGO “Perfect Citizen”. Back in June and July 2014, the three NIDA members had applied for pardon, quit NIDA, and announced their support to the authorities of Azerbaijan. In early August, amidst mounting tensions in Nagorno-Karabakh, Mr. Huseynli issued a statement claiming that he should not be considered a political prisoner, that he hoped to be acquitted by the Court of Appeal and that the Azerbaijani Army and the President were “the guarantors of a strong and secure Azerbaijan”. The Observatory is concerned about the circumstances and reasons of such actions, and strongly fears that they could have been subject to pressure in detention. Such appeals and statements are a typical instruments used by the authorities to put pressure on activists, humiliate them and discourage others to engage in similar civic movements.

In the light of this situation, the Observatory calls upon the authorities of Azerbaijan to:

- Guarantee the right to defence of all detained human rights defenders by ending the deprivation of her lawyers and put an end to the practice of depriving human rights defenders of their lawyers by calling them as witnesses of the cases;
- Guarantee in all circumstances the physical and psychological integrity of all detained human rights defenders, and all human rights defenders in Azerbaijan;
- Immediately and unconditionally release all detained human rights defenders, since their detentions are arbitrary and only aim at sanctioning their human rights activities;
- Put an end to any kind of harassment - including at the judicial and investigatory levels - against all detained human rights defenders, and more generally all human rights defenders in Azerbaijan;
- Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
 - Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”;
 - Article 5, which underscores the right of every individual to form, join, and participate in non-governmental organizations; and
 - Article 12.2, which provides that the State shall “take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination,



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pressure or any other arbitrary action as a consequence of his or her legitimate exercise of his or her rights”;

- Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by Azerbaijan.

**COMPILATION OF URGENT INTERVENTIONS OF THE
OBSERVATORY FOR THE PROTECTION OF HUMAN
RIGHTS DEFENDERS (FIDH-OMCT JOINT PROGRAMME)
REGARDING AZERBAIJAN**

2013-2014

Urgent Appeal AZE 002 / 0812 / OBS 069.3
Sentencing / Arbitrary detention
October 3, 2013

Press Release
“The United Nations find the detention of Hilal Mammadov arbitrary”
March 27, 2014

On September 27, 2013, Mr. **Hilal Mammadov**, a minority rights defender and Editor-in-chief of the Tolishi-Sado (Voice of Talysh) newspaper, detained since June 21, 2012, was sentenced to five years in prison in a semi-closed trial at the Baku Grave Crimes Court. He was convicted of "illegal selling of drugs", "high treason" and "incitement to national, racial, social and religious hatred and hostility", under Articles 234.4.3, 274 and 283 of the Criminal Code of Azerbaijan respectively.

On June 21, 2012, Mr. Hilal Mammadov was arrested in relation to a criminal case opened against him by the Nasimi District Police under Article 234.4.3 of the Criminal Code. The authorities alleged having seized five grams of heroin from him and about 30 grams at his place of residence. On June 22, 2012, the Nasimi District Court sentenced Mr. Mammadov to three months of pre-trial detention.

On the same day, Mr. Mammadov met with his lawyer, who discovered and photographed injuries on his leg, and subsequently lodged a complaint for torture.

On July 4, 2012, the accusations of illegal possession of drugs were contradicted by a joint statement of the Interior Ministry and Prosecutor General of Azerbaijan, which stated that Mr. Mammadov was in reality arrested on the basis of information about his supposed “cooperation with the intelligence agency of a foreign country”, “activities against the security and territorial integrity of Azerbaijan”, as well as “incitement of national, racial and religious hatred”. According to the authors of the statement, Mr. Mammadov supposedly became an agent of foreign secret services 20 years ago.

On July 4, 2012, new trumped-up charges were brought against Mr. Mammadov under Articles 274 and 283.2.2 of the Criminal Code. The investigators confiscated as evidence a notebook computer as well as drives containing information. The criminal case launched against him by the Nasimi District Prosecutor's Office was transferred to the Grave Crimes Investigation Department, under the General Prosecutor's Office.

On July 31, 2012, the Nasimi District Court of Baku City denied the complaint that Mr. Mammadov had filed to denounce acts of torture and ill-treatment he had suffered. On August 29, 2012, the Nasimi District Court further rejected the appeal that Mr. Mammadov's lawyers had filed against the July-31 decision. On August 27, 2012, the Deputy General Prosecutor refused as well to open proceedings on the complaint lodged against the acts of torture and ill-treatment Mr. Mammadov suffered during the first days of his detention.

Again, on November 8, 2012, the Sabail District Court rejected a complaint filed by Mr. Mammadov and based on a forensic examination, denouncing the acts of torture and ill-treatment he suffered in the framework of his arrest. This decision was upheld by a higher tribunal on November 19, 2012.

In September 2012, the Baku Appeals Court denied him provisional release.

Furthermore, on November 26, 28 and 29, 2012, Mr. Mammadov was beaten and injured by his mentally ill cell mate in a Kurdakhani prison. As his cell mate's behaviour was aggressive, Mr. Mammadov's lawyers requested on several occasions before the attack to remove him

from the cell, but their requests were all ignored. On November 29, his cell mate was eventually transferred to the medical unit of the prison hospital for treatment.

On December 21, 2012, the criminal case file on Mr. Mammadov was transferred to the Court on Grave Crimes for trial. During the first hearing, on January 9, 2013, Mr. Hilal Mammadov's lawyer submitted two motions requesting the audio- and video-tape of the hearing, and that his client be allowed to sit outside of the court cage, together with his lawyer. However, both motions were rejected.

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An opinion of the United Nations (UN) Working Group on Arbitrary Detention (WGAD) (ref. A/HRC/WGAD/2013/59) was adopted during its 68th session held in November 2013. It was transmitted on March 19, 2014 to the Observatory as the "source" of the information the WGAD received on the case.

According to the WGAD "the Government did not provide any satisfactory explanation as to the allegations put forward by the source concerning the arbitrary character of the charges against Mr. Mammadov and his subsequent conviction" and "the response from the Government does not adequately address the source's allegations of ill-treatment (...) in detention, its concerns for his health, nor the groundless rejection of his application for an audio-visual recording of the hearing".

Accordingly, the UN WGAD concluded that "the charges of treason and incitement to national, racial, social and religious hatred and hostility are based on Mr. Mammadov's legitimate exercise of the right of freedom of expression under article 19 of the Universal Declaration of Human Rights and article 19 of the International Covenant on Civil and Political Rights", and that the violations of international law relating to the right to a fair trial are of such gravity as to give the deprivation of liberty of Mr. Hilal Mammadov an arbitrary character, under categories II and III of its methods of work.

AZE 002 / 1213 / OBS 098
Arbitrary detention / Judicial harassment
Azerbaijan
December 20, 2013

On December 16, 2013, Mr. **Anar Mammadli**, Chairman of the Azerbaijani Election Monitoring and Democracy Studies Centre (EMDS), a not-for-profit organisation that carries out independent election monitoring since 2001 and documented electoral irregularities during the presidential elections of October 9, 2013, Mr. **Bashir Suleimanly**, EMDS Executive Director, and Mr. **Elnur Mammedov**, leader of the Public Association for International Cooperation Volunteers (PAICV), were summonsed to appear before the Investigation Department of the Prosecutor General for Serious Crimes in Azerbaijan for interrogation in relation to an investigation opened on October 27 by the same department against the EMDS (see below). Later the same day, Mr. Anar Mammadli was brought before the Nasimi District Court of Baku, where he was ordered to be held in pre-trial detention for a period of three months for violating Article 192.2.2 and Article 308.2 of the Criminal Code (see below). The two others were released. Mr. Mammadli was not given the opportunity to call his own lawyer and was represented by a lawyer appointed by the court. On December 17, 2013, he could finally contact his lawyer, who has now lodged a complaint regarding his arrest. In the week of December 23, 2013, the court will decide whether Mr. Mammadli will be released until the next hearing in his case. The date of this hearing is still unknown. In the meantime Mr. Mammadli remains in the Pre-Trial Detention Centre No. 1 in Baku.

EMDS was de-registered in 2008, but has continued its work. Mr. Anar Mammadli's and EMDS became a target of the Prosecutor in the aftermath of the presidential elections of October 9, 2013, as EMDS published a report on electoral irregularities. On October 31, 2013, during a search conducted in the EMDS offices, print materials, press releases, reports, and financial documents were confiscated, as well as two computers. Since then, Mr. Mammadli, along with EMDS, has been put under investigation for "tax evasion", "illegal business activity", and "abuse of authority". During the questioning, members of EMDS were told that the suspicions relate to the receipt of a large amount of foreign funding. Authorities allege that Mr. Mammadli is in violation of Article 192.2.2 of the Criminal Code of Azerbaijan - prohibition of "business activity by an organised group without registration in the order provided by the legislation of the Azerbaijan Republic", punishable by up to five years' imprisonment. However, this provision applies only to commercial enterprises and not to not-for-profit organisations like EMDS. Mr. Mammadli would also be prosecuted under Article 308.2 of the Criminal Code, allegedly for intending to influence the election results. In this framework, on November 26, 2013, Mr. Anar Mammadli and four other staff members of EMDS cancelled their plans to attend the EU East Partnership Summit in Vilnius, Lithuania, in order to respect the prohibition on leaving the country during their investigation.

AZE 001 / 0114 / OBS 002

Early release

Azerbaijan

January 13, 2014

On December 9, 2013, Mr. **Ilham Amiraslanov**, a human rights defender and member of the "Kur" Civil Society Headquarter, was released from prison after having served two-thirds of his two-year sentence passed on September 12, 2012 by the Sabirabad District Court (See background information).

On June 8, 2012, Mr. Amiraslanov had been arrested by security agents from the Department for Combating Organised Crime (DCOC) of the Ministry of Internal Affairs. He was subsequently charged with "illegal possession of firearms and ammunition" under Article 228.1 of the Azerbaijan Criminal Code. On September 12, 2012 he was sentenced to two years in prison by the Sabirabad District Court and on January 25, 2013, the Court of Appeal in Baku upheld the sentence.

Mr. Amiraslanov's trial and his detention were marred by gross procedural irregularities and a blatant failure to adhere to established principles guiding the conduct of fair trials. During his trial, defence witnesses were barred from testifying while journalists were barred from attending.

While in detention, Mr. Amiraslanov was repeatedly subjected to cruel, degrading and inhuman treatment in the form of severe beatings and verbal abuse. The Observatory recalls that Article 11 of the Convention against Torture stipulates that "Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture".

Mr. Amiraslanov has been active in securing the guarantee of the rights of victims of the May 2010 flooding of the Kur River and protests against corruption, inefficiency and other irregularities in the delivery of assistance to them.

Urgent Appeals AZE 002 / 0414 / OBS 031, 031.1, 031.2, 031.3
Arbitrary arrest / Arbitrary detention / Harassment / Risks of ill-treatment / Denial of
medical care

Azerbaijan

April 30, 2014 // July 31, 2014 // August 18, 2014 // September 12, 2014

Press Release

Alarm over safety of leading human rights defender Leyla Yunus following transfer to
Prison of the Ministry of National Security
October 23, 2014

On October 18, the Azeri authorities decided to transfer Ms. **Leyla Yunus**, Director of the Institute for Peace and Democracy (IPD) and a member of OMCT General Assembly, to the Investigative Prison of the Ministry of National Security, where her husband Mr. **Arif Yunusov**, Head of the Conflictology Department of IPD, has been detained since August 5. The Investigative Prison is the only remaining prison which is not subordinated to the Ministry of Justice.

'Moving Leyla out of the ordinary justice system to the custody of the national security ministry is putting her at immediate risk of risk of torture', said Gerald Staberock, OMCT Secretary General commenting on the decision. 'This is also a deliberate attempt to prevent any further information about her detention conditions to become public and thus to effectively silence any international critique over her detention. As if further evidence was needed, it is time for a wake up call for the international community. Can we really believe that there can be a rule of law and safety for our investments if the country's finest human rights defenders are persecuted through the legal system in such shameless ways in Azerbaijan?'

Various international human rights bodies such as the UN Committee Against Torture (CAT) or the European Committee for the Prevention of Torture (CPT) have expressed their concerns about the extreme levels of isolation of the detainees and the absence of a proper medical unit in this prison. The UN CAT has recommended this prison to be either transferred to the Ministry of Justice or to be closed down.

The Observatory recalls that this measure comes soon after the United Nations Subcommittee on Prevention of Torture (SPT) took the unprecedented decision of suspending its visit to Azerbaijan due to obstructions it encountered in carrying out its mandate under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), to which Azerbaijan is a party.

The Observatory recalls that this new abuse takes place coinciding with the date that marks six months of ongoing and increasing abuses repression against Ms. Leyla Yunus including arbitrary detention, judicial harassment, denial of medical care and attacks in prison. Moreover, the Observatory has been informed that on October 23 the office of the public prosecutor will be asking the Pre-Trial Court for a three months extension of the period of investigative detention, until January 30, 2015.

'This latest decision follows six months of prosecution and arbitrary detention of one of the country's leading human rights defenders. Never was a presidency of the Committee of Ministers of the Council of Europe, the continent's leading human rights body, overshadowed by a similar wave of repression of human rights defenders. It is time for Leyla Yunus to be released immediately and for those responsible for this persecution to bear the responsibility', said Karim Lahidji, FIDH President.

Ms. Leyla Yunus was charged with “high treason” (Article 274 of the Criminal Code), “large-scale fraud” (Article (178.3.2), “forgery” (Article 320), “tax evasion” (Article 213), and “illegal business” (Article 192), and sentenced to three months pre-trial detention in relation to her human rights activities. High treason can trigger 12 to 20 years' imprisonment for women, and 12 to 20 years' or life imprisonment for men. On August 5, 2014, the court eventually decided to also place Mr. Arif Yunusov in pre-trial detention for three months. Documents confiscated in April 2014 were a ground for the accusations against Ms. Yunus and Mr. Yunusov. Although the health of Ms. Leyla Yunus has deteriorated while in detention, the prison authorities in Kurdakhany detention facility did not allow her to receive the parcels with medication she needs as she suffers from diabetes and kidneys problems. However, following the visit from delegates of the International Committee of the Red Cross (ICRC) on August 12, 2014, she finally got her painkiller-injections, but was not allowed to be hospitalised.

On September 6, 2014, Ms. Leyla Yunus was attacked and verbally harassed by her cellmate. On September 7, 2014, she was informed that a reprimand had been issued against her for knocking at the door without any reason and creating unrest inside the cell. No measure was taken to either punish the cellmate nor to ensure the protection of Ms. Leyla Yunus.

**Open Letter to the Secretary General of the Council of Europe and the Council of
Europe Committee of Ministers about the increasing repression against civil society
and human rights defenders in Azerbaijan
August 8, 2014**

As Azerbaijan currently holds the Presidency of the Council of Europe Committee of Ministers, the Observatory for the Protection of Human Rights Defenders, joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), expressed its deepest concern about the increasing repression of civil society organisations and human rights defenders in the country, in violation of Articles 1, 3, 5, 6, 7, 10, 11, 13 and 14 of the European Convention of Human Rights. The Observatory therefore urges the Secretary General of the Council of Europe as well as members of the Committee of Ministers to take urgent measures about this situation, on the basis of the Rules of Procedure of the Committee.

On August 8, 2014, prosecutors began to search the apartment of Mr. **Intigam Aliyev**, Head of the Legal Education Society, as well as the premises of the organisation. Before these searches, Mr. Aliyev had been summoned to the Investigation Department for Serious Crimes of the Prosecutor General's Office as a witness. On the same day, the Nasimi District Court sentenced Mr. Intigam Aliyev to three months' detention under Articles 213.1 of the Criminal Code (“evasion of taxes or contributions for compulsory social insurance in significant amount”), 308.2 (“abuse of power”), and 192.2 (“illegal business”).

Also on August 8, the office of the Institute of Reporters' Freedom and Safety (IRFS) was blocked by the police and later searched, and documents and equipment were confiscated. On August 5, the border guards had not permitted the Director of IRFS, Mr. Emin Huseinov, to leave to Turkey for medical treatment.

Moreover, on August 6, human rights defenders **Malahat Nasibova** and **Ilgar Nasibov**, respectively Head and member of the Resource Center for Democracy in Nakhchivan, reported that unknown individuals tried to open and unlock the door of their apartment, damaging the mechanism.

Previously, on August 2, 2014 in Baku, Mr. **Rasul Jafarov**, an active participant in "Sing for Democracy" and "Art for Democracy", was put on pre-trial detention for three months pending investigation into trumped-up charges of "tax evasion", "illegal entrepreneurship" and "abuse of authority" (under Articles 213, 192 and 308.2 of the Penal Code respectively). On July 30, 2014, Ms. **Leyla Yunus**, Director of the Institute of Peace and Democracy (IPD) and a member of OMCT General Assembly, was charged with "treason" (Article 274 of the Criminal Code), "large-scale fraud" (Article (178.3.2), "forgery" (Article 320), "tax evasion" (Article 213), and "illegal business" (Article 192), and sentenced to three months pre-trial detention. Her husband, Mr. **Arif Yunusov**, Head of the Conflictology Department of IPD, faces similar charges of "treason" and "fraud", and was also placed in pre-trial detention for three months on August 5. The charges against Mr. Jafarov and part of the charges against Ms. Yunus are similar to the accusations which were brought against Mr. **Anar Mammadli**, Chairperson of the Election Monitoring and Democracy Studies Centre (EMDSC), and Mr. **Bashir Suleymani**, Executive Director of EMDSC. Both were sentenced for "tax evasion", "illegal entrepreneurship", and "abuse of authority" respectively to 5,5 years' and 3,5 years' imprisonment on May 26, 2014 by the Court on Grave Crimes.

The Secretary General of the Council of Europe met many of these human rights defenders and NGO representatives during his recent visit to Azerbaijan this May, and they had expressed their concern about possible negative developments.

In addition, over the past months, the Parliament of Azerbaijan adopted a set of amendments to the law on NGOs, aiming at seriously restricting NGO work. The new NGO law now provides the authorities with additional powers for temporary suspension and permanent banning of national and foreign NGOs, and introduces additional administrative requirements and increased checks. Non-registered NGOs cannot be considered recipients of grants any more. While working under non-registered grants is an administrative offence, the courts now tend to consider such funds as personal income in an attempt to persecute their recipients for tax evasion under criminal law[1]. In addition, the bank accounts of several NGOs and representatives were reportedly frozen upon request of the General Prosecutor's Office, including those of the Media Rights Institute, the Democratic Institutions and Human Rights Public Union, the Democracy and Human Rights Resource Center, the Azerbaijan Lawyers Association, and the Center for National and International Studies.

All these cases are part of a pattern of harassment and intimidation by the authorities aimed at sanctioning and silencing civil society activists who speak up against human rights abuses committed by the authorities in Azerbaijan. On August 7, 2014, the Council of Europe Commissioner for Human Rights stated that "by stifling dissent, Azerbaijan is failing to comply with its international obligations which require safeguarding freedom of expression, assembly and association", and recommended that "Azerbaijan reverse the situation", highlighting that "a first step would be to free all those detained because of the views they expressed".

While it currently holds the Presidency of the Council of Europe Committee of Ministers, Azerbaijan therefore continues to blatantly violate most of the provisions of the European Convention of Human Rights, the provisions of the Committee of Ministers' Declaration on Human Rights Defenders of February 6, 2008, as well as Resolution 1660(2009) and Recommendation 1866(2009) of the Parliamentary Assembly of the Council of Europe (PACE).

In light of this situation, the Observatory requested the Secretary General of the Council of Europe and the Council of Europe Committee of Ministers to take swift measures under the Committee Rules of Procedure to condemn the situation of human rights defenders and NGOs in Azerbaijan.

Urgent Appeal AZE 003 / 0914 / OBS 073

Attack

Azerbaijan

September 2, 2014

On August 21, 2014 in the evening, Mr. **Ilqar Nasibov**, a human rights defender and journalist working for the Resource Centre for Development of Democracy and NGOs in Nakhchivan City, Azerbaijan, was called by a frequent visitor of the Resource Centre for Development of Democracy and NGOs. Later in the evening, his wife Ms. **Malahat Nasibova**, Head of the Resource Centre for Development of Democracy and NGOs, was informed that her husband had been found seriously wounded, and that the office had been destroyed. Mr. Nasibov was placed in the intensive care unit of a local hospital.

According to Ms. Nasibova, her husband sustained a severe concussion, broken cheekbones, nose and ribs, bleeding wounds in the head and body, and lost sight in one eye. Doctors reportedly stamped more than a dozen stitches on his face and head, and feared that Mr. Nasibov could also suffer intracranial haemorrhage. When Mr. Nasibov regained consciousness, he reported that his assailant had rushed at him, with something like brass knuckles in his hand. He also told that a group of several people subsequently burst into the room, and began to choke him.

On August 24, 2014, Mr. Nasibov was transferred from the hospital to his home in a decision that his wife considered as premature given his serious medical condition. Moreover, on August 30, 2014, Mr. Nasibov went to Turkey accompanied by his wife in order to receive further medical treatment.

The police started a preliminary investigation, arrested a suspected assailant, searched the office and took some material evidence. They also heard the testimony of Ms. Nasibova. In addition, on August 25, 2014, a forensic examination was conducted, and the results should be known within a week.

However, as of issuing this urgent appeal, no decision on whether to open a criminal case has yet been adopted, despite the serious injuries sustained by the victim. Moreover, the police had reportedly already published its version of events, based on the version given by Mr. Nasibov's suspected assailant, alleging "an ordinary conflict between friends as a result of alcoholic intoxication", and arguing that "both parties are injured". According to recent reports, police would now even be accusing Mr. Nasibov of "provoking the other party".

A few weeks before, on August 6, Ms. Malahat Nasibova and Mr. Ilqar Nasibov had reported that unknown individuals had tried to open and unlock the door of their apartment, damaging the mechanism.

This attack occurred in the context of a massive wave of repression targeting human rights defenders in Azerbaijan since July 2014.

URGENT APPEAL AZE 002 / 0414 / OBS 031.4

Judicial harassment / Deprivation of lawyers

Azerbaijan

November 6, 2014

On October 29, 2014, Ms. **Leyla Yunus**, Director of the Institute for Peace and Democracy (IPD) and a member of OMCT General Assembly, was deprived of her lawyer, Javad

Javadov. This decision follows Mr. Javadov's active criticism of the judicial process against Leyla Yunus at a hearing on October 24, 2014. Mr. Javadov highlighted the lack of evidence-based decisions and the fact that the investigators have not visited Ms. Yunus even once during the detention period in a hearing, in which the Pre-trial Court decided to extend Ms. Yunus' pre-trial detention until February 28, 2015. According to Mr. Javadov, the investigation allegedly related to a dismissal of the lawyer due to his conflict of interests as a witness on the case. However, the Prosecutor's Office has still not explained the reasons officially. In addition, Mr. Khalid Bagirov, the second main lawyer of Ms. Leyla Yunus, has also been removed from her case.

In a similar situation, three out of four lawyers of human rights defender Mr. **Intigam Aliyev**, Messrs. Anar Qasymly, Alayif Hasanov and Fariz Namazly, have been excluded from his defense, due to the fact that lawyers are called as witnesses in the case.

Moreover, Ms. Yunus' other lawyer, Mr. Alayif Huseynov, has been the subject of a lawsuit by Nuriya Huseynova – cellmate of Leyla Yunus - accusing him of passing information to Mass Media, reportedly about the ill-treatment that Ms. Yunus is facing in prison. The trial on the case started on September 29 at the Sabunchu District Court of Baku city. Besides, On October 24, 2014, the pre-trial detention of Leyla Yunus was extended until February 28, 2015. Similarly, on October 29, 2014, the pre-trial detention of her husband and co-defender Mr. Arif Yunusov, also was extended until March 5, 2015.

Against the background of continuing hate speeches against Ms. Yunus, the Vice-Director of the Institute of History of National Academy of Sciences, Mr. J. Bahramov, announced on October 17 that the Institute was discussing a possible deprivation of Ms. Yunus from her Ph.D., alleging that her thesis was a plagiarism.

These decisions came following strong international mobilisation on the case of Ms. Leyla Yunus and other Azeri human rights defenders on the occasion of the official visit to France of President Ilham Aliyev in France on October 27, 2014.