

PRESS RELEASE - THE OBSERVATORY

AZERBAIJAN: Increasing repression against civil society severely tarnishes Azerbaijan's Presidency of the Council of Europe Committee of Ministers

Paris-Geneva, August 6, 2014 - *The Observatory for the Protection of Human Rights Defenders, an FIDH-OMCT joint programme, deplores the recent acts of harassment and arrests of prominent human rights defenders Rasul Jafarov, Leyla Yunus and Arif Yunusov, and calls on the authorities to put an end to the ongoing repression against civil society organisations and representatives.*

On August 2, 2014, Mr. **Rasul Jafarov**, engaged in the defence of the rights of political prisoners since 2006 and an active participant in "Sing for Democracy" and "Art for Democracy", a campaign that employs all forms of artistic expression to promote democracy and human rights in Azerbaijan, was summoned to the Investigation Department for Serious Crimes, under the Prosecutor General's Office, on criminal charges related to "tax evasion", "illegal entrepreneurship" and "abuse of authority" (under Articles 213, 192 and 308.2 of the Penal Code respectively).

On the same day, Mr. Jafarov was brought to the Nasimi District Court, which decided to place him on pre-trial detention for three months pending investigation into the charges against him. On July 25, 2014, a travel ban had been issued against him after he presented a report on political prisoners in Azerbaijan to the Parliamentary Assembly of the Council of Europe (PACE) in Strasbourg, in June 2014. In the morning of July 29, 2014, border guards of the Beyuk Kiasik checkpoint had not allowed him to leave the country.

On July 30, 2014, the Prosecutor's office employees arrested Ms. **Leyla Yunus**, Director of the Institute of Peace and Democracy (IPD) and a member of OMCT General Assembly, who 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 initially barred from traveling, but not jailed for health reasons. However, on August 5, 2014, the court eventually decided to arrest him too, and to place him in pre-trial detention for three months.

The Observatory is highly concerned that the set of 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.

Furthermore, on December 17, 2013, the Parliament adopted a set of amendments of the Law on NGOs, Grants and Taxation, aiming at seriously restricting NGO work. These amendments provide that non-registered NGOs cannot be considered recipients of grants. They further state that all grants and sub-grants must be registered, and that the permission to withdraw grants be only given upon a documented grant agreement issued by the Ministry of Justice. While working under non-registered grants is an administrative offence, the courts can consider such funds as personal income and persecute their recipients for tax evasion under criminal law. On March 17, the Central Bank changed its instructions on bank transfers, to prohibit the withdrawal of non-registered grants. In April, the bank accounts of dozens NGOs were blocked.

On February 3, 2014, the Azeri President signed further amendments to the NGO Law, which now provides the authorities with additional powers for temporary suspension and permanent banning of national and foreign NGOs in Azerbaijan, and introduces new offences punishable by fines, which have now increased to 2,500 - 3,000 AZN (around 2,600 - 3,100 euros) for NGOs and between 1,000 – 2,000 AZN (around 1,000 – 2,100 euros) for directors of national and foreign NGOs. The amendments also introduce additional administrative requirements and increased checks.

Subsequently, a criminal case was opened against more than ten NGOs that had received foreign grants, including the Human Rights Club, which was led by Mr. Jafarov from 2010 to 2014. On August 6, the Appeal Court rejected the appeals of some of these NGOs.

The Observatory strongly deplores the arbitrary detention and judicial harassment of Ms. Leyla Yunus as well as of Messrs. Rasul Jafarov, Anar Mammadli, Bashir Suleymani and Arif Yunusov, which merely aim at sanctioning their human rights activities, and expresses a deep concern for the fate of their colleagues who are yet free but under criminal investigation. The Observatory also denounces the ongoing detention of Mr. **Hilal Mammadov**, a defender of the rights of the Talysh ethnic minority.

The Observatory is further concerned about the continuing practice of getting “loyalty” statements from arrested NGO activists. On March 31, 2014 and May 13, 2014, Mr. **Hasan Huseynli**, Head of the NGO "Educative Centre 'Intellectual Citizen'", and Mr. **Emil Mammadov**, Head of the NGO “Promoting Democracy”, were arrested under unclear charges. On July 14, 2014, Mr. Huseynli was sentenced to five years and 11 months of detention for so-called “illegal possession of weapon” and “hooliganism”, while Mr. Mammadov is kept in pre-trial detention under a fabricated charge of “extortion of money”. Both NGO activists repeatedly stated on their innocence, and their charges are considered by a range of local human rights defenders as politically motivated. On August 6, 2014, both of them sent letters from prison to the Azeri President Ilham Aliyev. In the letters, they deny that they have been arrested for political reasons and express support for President Ilham Aliyev and the army of Azerbaijan. The Observatory is concerned about the circumstances and reasons as to why they signed the letters, and strongly fears that they could have been subject to pressure in detention.

All these cases are part of a pattern of harassment and intimidation by authorities aimed at sanctioning and silencing civil society activists who speak up against human rights violations committed by the Government in Azerbaijan. Such repression, along with the ongoing shrinking space for civil society, severely tarnishes the current Azeri Presidency of the Council of Europe Committee of Ministers.

The Observatory calls upon the Azeri authorities to release Ms. Leyla Yunus and Messrs. Rasul Jafarov, Anar Mammadli, Bashir Suleymani, Arif Yunusov and Hilal Mammadov as well as all other detained human rights defenders immediately and unconditionally as their detention is arbitrary since it only aims at sanctioning their human rights activities, as well as to put an end to any act of harassment against them and all human rights defenders in Azerbaijan, and ensure in all circumstances that they are able to carry out their legitimate activities without any hindrance or fear of reprisals or intimidation.

The Observatory further urges the Azeri authorities to conform the national NGO legislation with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, as well as international and regional instruments, including the European Convention on Human Rights.

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