



To Permanent Representatives of Member and  
Observer States of the UN Human Rights Council

23 February 2015

Re: Addressing the human rights situation in Azerbaijan at the 28<sup>th</sup> Session of the UN Human Rights Council

Your Excellency,

We, the undersigned international human rights organizations, write to call upon your delegation to address the rapidly deteriorating environment for human rights defenders (HRDs), civil society organizations (CSOs) and independent media in Azerbaijan during the 28<sup>th</sup> Session of the UN Human Rights Council (UN HRC).

Since early 2014, the Government of Azerbaijan has orchestrated an unprecedented campaign to suppress dissenting voices in the country. As a result of this unrelenting crackdown on human rights and fundamental freedoms, several dozen HRDs, including bloggers, journalists, peaceful political activists and others remain behind bars. In addition, many independent media outlets and CSOs in the country have been forced to cease their activities or subjected to legal prosecution or other targeted government persecution.

Legislative and other measures taken by the Azerbaijani government to curtail the legitimate work of CSOs, HRDs and independent media are in serious violation of Azerbaijan's international human rights obligations. With few remaining opportunities available for popular dissent demanding accountability at the national level, it is imperative that the UN HRC takes concerted action to urge the Government of Azerbaijan to end its repression of civil society actors in the country. **We therefore strongly urge your delegation to mobilize the Council to put forward a joint Item 4 statement in the upcoming session.**

#### **Persecution of human rights defenders**

In 2014 alone, Azerbaijani authorities convicted or imprisoned 34 HRDs, political and civic activists, and journalists. Some of these individuals were imprisoned in apparent retaliation for

their engagement with international human rights mechanisms such as the Council of Europe and the European Court of Human Rights. Many others have fled the country or gone into hiding to avoid arrest.

Among those detained are several of the country's most well-established HRDs and journalists. In July and August 2014, Leyla Yunus, Director of the Institute for Peace and Democracy, and her husband, Arif Yunus, were arrested and charged with state treason, large-scale fraud, forgery, tax evasion and illegal entrepreneurship under the Criminal Code of the Republic of Azerbaijan. In August, Rasul Jafarov, a human rights defender behind the "Sing for Democracy" campaign, and Intigam Aliyev, President of the Legal Education Society, who assisted in bringing at least 130 cases to the European Court of Human Rights, were charged with tax evasion, illegal entrepreneurship, and abuse of authority. Several of those who have been detained in recent months, including Intigam Aliyev, Leyla Yunus and Arif Yunus, are suffering from serious health issues and might require medical assistance outside of the prison system, which authorities are failing to provide.

### **Restrictions on freedom of expression**

Despite provisions of national and international law safeguarding the right to freedom of expression, the Government of Azerbaijan has only escalated its use of criminal charges and restrictive legislation to silence independent journalists and media outlets in the country. As a result, virtually no independent print, radio or television outlets can operate freely in the country today

At least 12 journalists remain in prison in Azerbaijan. Most recently, on 29 January 2015, well-known journalist Seymour Hazi was sentenced to five years in prison on spurious 'hooliganism' charges, after already spending five months in pre-trial detention. Hazi, a reporter with the opposition daily *Azadlig*, is a vocal critic of government repression of civil society. Two days earlier, on 27 January 2015, the pre-trial detention of award-winning investigative journalist Khadija Ismayilova was extended for two months. The authorities arrested Ismayilova on 5 December 2014 on dubious charges of incitement to attempt a suicide and later, on 13 February 2015, charged her with tax evasion, illegal entrepreneurship, and abuse of authority.

The Government of Azerbaijan has also escalated its crackdown on news outlets to stamp out any vestiges of independent media in the country. On 27 December 2014, police raided the Baku office of Radio Free Europe/Radio Liberty (RFE/RL) and briefly detained dozens of its staff members, questioning many. RFE/RL has since been forced to suspend its activities in Azerbaijan and is being investigated by the authorities. In addition, on 3 February 2015, President Ilham Aliyev approved far reaching amendments to the law on Media and Mass Information permitting Azerbaijan's Ministry of Justice to petition the court requesting closure of any media outlet that receives foreign funding or found guilty of defamation twice.

### **Limitations on freedom of association**

Recent changes to Azerbaijan's laws governing the activities of CSOs, in combination with targeted persecution of critical HRDs, have effectively ended the work of many independent

activists in the country. Since May 2014, authorities have frozen the bank accounts of at least 50 independent organizations and, in many cases, of their staff members, while numerous others have been interrogated and otherwise harassed, forcing them to suspend their activities. In addition, several international CSOs operating in Azerbaijan, with longstanding partnerships with local CSOs in the country, have been forced to leave Azerbaijan or suspend operations.

Restrictive amendments were introduced to the Law on Grants, the Law on Non-governmental Organizations, the Law on Registration of Legal Entities and State Registry, and the Code on Administrative Offense. Amendments to these laws systematically impede access to domestic and foreign funding, including by requiring government licensing of all foreign donors, and approval of each funded project, which cuts off practically all funding for CSOs that work to hold the government accountable. The amendments also provide the government with enormous discretion to dissolve, impose financial penalties on, and freeze the assets of CSOs for minor infractions of existing laws. Of particular concern are provisions which prevent national organizations from accessing local cash donations, and allow the government to freeze or deny international funding to domestic CSOs if an activity is determined to “undermine the interests of the state.”

National mechanisms to address the grave human rights situation in Azerbaijan have been severely limited by the government’s continued use of restrictive legislation and its targeted persecution of human rights defenders. Moreover, numerous international human rights mechanisms and institutions, including the European Court for Human Rights, the Council of Europe and several UN Special Rapporteurs have repeatedly called on the authorities in Azerbaijan to create a safe and enabling environment for civil society. We respectively call on your delegation to reiterate the concerns of these and other international bodies by raising Azerbaijan in a joint Item 4 statement at the 28<sup>th</sup> UN HRC Session.

Yours sincerely,

- Article 19
- CIVICUS: World Alliance for Citizen Participation
- Civil Rights Defenders
- FORUM-ASIA Asian Forum for Human Rights and Development
- Freedom House
- Front Line Defenders
- Human Rights House Foundation
- Human Rights Watch
- International Federation for Human Rights (FIDH)
- International Service for Human Rights (ISHR)
- People in Need