



OPEN LETTER TO OSCE ČIO DAČIĆ:

**SPEAK OUT IN SUPPORT OF IMPRISONED ACTIVISTS AND JOURNALISTS DURING
AZERBAIJAN VISIT**

OSCE Chairperson in Office, Foreign Minister Ivica Dačić
Kneza Milosa 24-26
11000 Belgrade, Serbia

29 May 2015

Dear Mr. Dačić,

We are writing to you as members of the Civic Solidarity Platform, a coalition of human rights NGOs from countries across the OSCE region, ahead of your visit to Azerbaijan on 30 May 2015. We urge you to use this visit to, both privately and publicly, raise concerns about the ongoing civil society crackdown in the country and to insist on the release of human rights defenders and journalists who have been deprived of their liberty because of their criticism of government policies. Your voice of support for our imprisoned colleagues, in your capacity as OSCE Chairperson in Office, would send an important and much needed message to the authorities of Azerbaijan.

We are extremely concerned about the unparalleled efforts to curtail civil society space that the Azerbaijani government has undertaken in 2014-2015, with chilling implications for freedom of association, freedom of expression and human rights defence in the country. New restrictive legislation adopted has established new serious obstacles for NGOs to operate and receiving funding for their work, and NGOs have been subjected to smear campaigns, office raids, freezing of their accounts and other forms of pressure. As a result, a growing number of NGOs have been forced to suspend their activities, and others are currently at the threat of closure. Media outlets have also been subjected to harassment. Moreover, since last year over 30 human rights defenders, civil society activists, lawyers, journalists and bloggers have been arrested and imprisoned on spurious charges of tax evasion, illegal entrepreneurship and the like. As documented by monitors from CSP member organizations, the legal proceedings in these cases have been characterized by serious due process and fair trial violations, in addition to being politically motivated. Numerous other critical voices have been forced to leave the country or go into hiding.

Among those currently in prison or pre-trial detention are: human rights defender and CSP member Rasul Jafarov, human rights lawyer Intigam Aliyev, election observer Anar Mammadli, peace and human rights advocates Leyla and Arif Yunus, investigative journalist Khadija Ismayilova, and columnist Rauf Mirkadyrov (this is by no means an exhaustive list). Rasul Jafarov and Intigam Aliyev were both convicted and sentenced to 6.5 and 7.5 years in prison, respectively, in sham trials last month. Anar Mammadli was given a 5.5-year sentence a year ago. Leyla and Arif Yunus were arrested last summer, while Khadija Ismayilova has been in pre-trial detention since December 2014 and Rauf Mirkadyrov since April 2014 after being deported from Turkey. Free speech campaigner and CSP participant Emin Huseynov, who is wanted by the authorities on similar charges as those previously arrested, is one of those who have been forced into hiding and has therefore also been involuntarily been deprived of his liberty for months on end. All the individuals mentioned have been at the forefront of the struggle for human rights, justice and rule of law in Azerbaijan, including at the international level, and have vocally criticized the government of the country. The health of several of them is known to have deteriorated badly in detention e.g. due to restrictions they have faced with respect to access to appropriate medication and health care. Their lawyers have also been subjected to intimidation.

International human rights bodies have repeatedly denounced the persecution of civil society and the imprisonment of defenders and journalists in Azerbaijan. The UN Special Rapporteurs on freedom of assembly and of association, freedom of expression and human rights defenders have, for example, called on the government of the country to “reverse the trend of repression, criminalization and prosecution of human rights work” and immediately free those “unjustifiably detained for defending rights.”¹ When commenting on the sentencing of Rasul Jafarov in April, OSCE Representative on Freedom of the Media Dunja Mijatović stated: “This systematic and wide-scale persecution of independent voices in Azerbaijan is a clear violation of the fundamental and basic human right of freedom of expression.”² The cases of a number of individuals detained as part of the current crackdown are under review by the European Court of Human Rights. In his interventions before the Court on such cases, Council of Europe Commissioner for Human Rights Nils Muižnieks has stressed that: “There is a clear pattern of repression in Azerbaijan against those expressing dissent or criticism of the authorities”, noting that “these criminal prosecutions often constitute reprisals against those who co-operate with international institutions”.³

We urge you to frankly address these pressing concerns during your meetings with Azerbaijani officials, reminding them of the country’s obligations and commitments as an OSCE participating State, and specifically raising the cases of human rights defenders and journalists unjustly deprived of their liberty, including those listed above. We encourage you to make particular reference to the Guidelines on the Protection of Human Rights Defenders elaborated by the OSCE/ODIHR, as well as the new Guidelines on Freedom of Association developed by the ODIHR and the Venice Commission of the Council of Europe. These two set of Guidelines, which are based on OSCE commitments and universally recognized human rights standards that the participating States are bound to respect, set out, among others that participating States should:

¹ See press release by the UN Special Rapporteurs on freedom of assembly and association, freedom of expression and human rights defenders from 19 August 2014, at:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14952&LangID=E>

² See statement of 16 April 2015 at <http://www.osce.org/fom/151301>

³ This is a quote from the intervention by the Commissioner in the case of Intigam Aliyev of March 2015,

<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2714716&SecMode=1&DocId=2251738&Usage=2>. Other interventions are available at the site of the Commissioner,

<http://www.coe.int/en/web/commissioner/country-monitoring-azerbaijan>

- Respect, protect and facilitate the exercise of the right to freedom of association, including by creating an enabling environment for associations to operate in (principle 2 of the Guidelines on Freedom of Association).
- Review all legislation affecting freedom of association and human rights defence to ensure its consistency with international human rights standards; and immediately amend or repeal any provisions that directly or indirectly criminalize activities protected by international standards (articles 24 and 64 of the Guidelines on Human Rights Defenders).
- Allow NGOs the freedom to seek, receive and use financial and other resources, whether domestic, foreign or international, for the pursuit of their activities (principle 7 of the Guidelines on Freedom of Association).
- Ensure that human rights activists and lawyers are not subject to retaliatory and arbitrary arrest, prosecution and or deprivation of liberty because of their work, and, in the event that charges are brought against them, that they are granted fair proceedings and equal access to justice and defence (articles 23, 30, 36 of the Guidelines on Human Rights Defenders); and
- Guarantee that human rights defenders deprived of their liberty are treated in accordance with international standards, without discrimination of any kind, including by being granted access to their lawyers, visits from families, and adequate food and health care and that they are protected against abusive treatment (article 34 of the Guidelines on Human Rights Defenders).

It would be most welcome if you would visit some of our colleagues deprived of their liberty during your visit to Azerbaijan, in addition to calling their release. That would be a clear and unequivocal sign of support and solidarity with them in the difficult situation in which they and their families find themselves. If a prison visit is difficult to accommodate in your schedule, we would greatly welcome a visit to the Embassy of Switzerland, who since last year, when Switzerland held the OSCE Chairmanship, have been providing shelter to Emin Huseynov.

As you know, at this time, the Azerbaijani government is preparing to host the first-ever European Games in Baku on 12-28 June. We believe that this provides an opportunity for the OSCE Chairmanship and other international actors to secure commitments from the government for concrete measures to address current human rights concerns given its interest in promoting a positive international image of the country around these Games and ensuring their success.

We thank you for your attention to the concerns set out in this letter, and wish you a successful and productive visit to Azerbaijan.

Sincerely,

Article 19 (United Kingdom)

Association of Ukrainian Human Rights Monitors on Law Enforcement (Ukraine)

Barys Zvozkau Belarusian Human Rights House (Belarus, in exile in Lithuania)

Belarus Helsinki Committee (Belarus)

Center for Civil Liberties (Ukraine)

Center for the Development of Democracy and Human Rights (Russia)

Freedom Files (Russia)

Helsinki Citizens' Assembly-Vanadzor (Armenia)

Helsinki Committee for Human Rights (Serbia)

Helsinki Foundation for Human Rights (Poland)
HumanRights.ch (Switzerland)
Index on Censorship (United Kingdom)
International Partnership for Human Rights (Belgium)
International Rehabilitation Council for Torture Victims (head office in Denmark)
Kazakhstan International Bureau for Human Rights and Rule of Law (Kazakhstan)
Moscow Helsinki Group (Russia)
Netherlands Helsinki Committee (Netherlands)
People in Need (Czech Republic)
Promo-Lex (Moldova)
Public Verdict (Russia)
Swiss Helsinki Committee (Switzerland)

For further information on the current human rights situation, please see the following documents prepared by CSP members:

Statement on the trial and conviction of Intigam Aliyev, 23 April 2015

<http://civicsolidarity.org/article/1090/azerbaijan-another-unjust-and-shameful-conviction-human-rights-lawyer>

Statement on the trial and conviction of Rasul Jafarov, 17 April 2015

<http://civicsolidarity.org/article/1079/azerbaijan-leading-human-rights-defender-convicted-politically-motivated-charges>

Overview of freedom of association in the OSCE region, including Azerbaijan, April 2015

http://www.iphronline.org/uploads/9/0/2/7/9027585/csp_freedom_of_association_update_april_2015_final.pdf

Analysis of the legal proceedings against Rasul Jafarov and Intigam Aliyev

http://www.nhc.nl/en/news/Fair_trial_for_Azerbaijan_s_prisoners_of_conscience.html?id=290