

April 14, 2009

To: The United Nations General Assembly

Your Excellency,

As members of Azerbaijani civil society, we write on the occasion of the Human Rights Council elections, scheduled for May 12, 2009, to ask your government to withhold its vote from Azerbaijan.

According to the General Assembly Resolution 60/251 creating the Human Rights Council, members “shall uphold the highest standards in the promotion and protection of human rights” and “shall fully cooperate with the Council.” In casting their votes, member states are required to “take into account the contribution of candidates to the promotion and protection of human rights.”

We believe that Azerbaijan does not meet these standards and should not be re-elected to the Council. In the three years Azerbaijan has served on the Human Rights Council, the human rights situation has gotten worse, not better. We, as journalists and human rights defenders, face a constant risk that the government will bring politically motivated criminal or civil charges against. Harassment, intimidation, and physical attacks on civil society have become common. Torture in detention is widespread. The government’s unwillingness to address and prevent these abuses means near-total impunity for the perpetrators and lack of justice for us.

### **Politically motivated charges against journalists and human rights defenders**

In Azerbaijan, criticizing the government can mean criminal charges, exorbitant fines, or physical attacks. In the past two years, the government has jailed editors and journalists who criticize it, intimidated human rights defenders, and closed newspapers. As members of Azerbaijani civil society, some of us have personally suffered the government’s attempts to intimidate through libel, defamation and other criminal charges.

The government uses libel and defamation suits both to imprison critics and to drive them out of business. In December 2008, the government brought a civil libel case against human rights defender Leyla Yunus, accusing her of ‘insulting’ the ministry and causing ‘moral damage’ to the reputation of the police and demanding she pay over \$100,000 in fines. Her statements about the government’s conduct of a kidnapping trial simply repeated courtroom testimony by the defendant during an open trial, and charges were dropped at the end of February after international outcry.

The government launches politically motivated criminal charges against its most outspoken critics, with the result that numerous journalists have been imprisoned on spurious criminal charges. One prominent example is Eynulla Fatullayev who often wrote articles critical of the government and was the editor-in-chief of the two largest independent newspapers. He is currently serving eight and a half years in prison on charges of fomenting terrorism, stemming from an article he wrote criticizing the Azerbaijani government’s foreign policy, and charges of inciting ethnic hatred and tax evasion. This was not the first time Fatullayev was singled out by the government; he had been convicted as recently as 2007 for criminal libel and insult, based on an article blaming Azerbaijanis for the 1992 massacre of Azeris in Nagorno-Karabakh that was posted anonymously in an internet forum and Fatullayev denied

having written. After the terrorism charges were pressed, both newspapers were closed down and their property seized.

The government's employment of serious charges against independent journalists has become an unfortunate part of our everyday lives. Other journalists imprisoned on spurious charges include Ganimed Zahidov, the editor-in-chief of Azadlig, who often criticized high-ranking government officials and was convicted on hooliganism charges and sentenced to four years. His brother, opposition journalist and poet Sakit Zahidov, was charged with drug possession in June 2006 a week after a collection of his poems, which often refer to government corruption, were published, and was convicted. After two years and nine months in prison, he was amnestied on April 7, 2009.

Novruzali Mammadov, editor of the Talishi Sado newspaper and head of the Talysh Cultural Center and of the Science Academy's Linguistics Department, is also imprisoned. He was convicted and sentenced to ten years for "distribution of Talysh nationalist ideas and attempts to destroy the foundations of the Azerbaijani state," and for spreading "a negative image of Azerbaijan" internationally by writing about abuses against minorities.

### **Violence against journalists and human rights defenders**

In Azerbaijan, our pursuit of independent journalism and human rights advocacy often brings harassment, intimidation and violence. Yet, the government fails to meaningfully investigate our numerous reports of violence and threats of violence and does not hold perpetrators accountable.

Some journalists have faced repeated violent attacks. In February 2008, two security officers beat Azadlig correspondent Agil Khalil. One month later, four unknown assailants stabbed Khalil in the chest. Despite video and photographic evidence, the government refused to investigate the officers and waged a media campaign to discredit Mr. Khalil by claiming Khalil is gay and had been stabbed by a jealous ex lover, Sergei Strekalin. Strekalin was sentenced to one and a half years for the stabbing of Mr. Khalil, to which he confessed. The court decision allegedly "proved" that Khalil was attacked not because of his journalism, but for personal reasons. In May 2008, Khalil was again attacked. By the end of 2008, he had left the country.

Human rights defenders in Azerbaijan have also been subjected to physical and verbal attacks and other forms of pressure and harassment, including public smear campaigns on television and in the print media. In July 2007, the pro-government Modern Musavat party held a protest outside the Institute for Peace and Democracy, throwing eggs and tomatoes and shouting offensive remarks. In the past two years, staff of the Institute for Reporter Freedom and Safety (IRFS), an outspoken media monitoring organization, have been subjected to beatings by police, arbitrary detentions, harassment and surveillance by security officials. In June 2008, Emin Huseynov, the IRFS chairman, was detained together with two of his colleagues while they carried out their work as journalists. While in custody, Mr. Huseynov was threatened and subjected to verbal abuse before a police officer hit him on the back of the neck with a gun. He was subsequently hospitalized with severe head trauma for 24 days.

In 2008 alone, there were 49 incidents involving verbal or physical assaults on journalists. The government began investigations into 11 of these cases, and only one case, that of Agil

Khalil, was brought to trial. In some cases, attacks against journalists and human rights defenders have been committed by law-enforcement officers, such as the severe beating suffered by journalist Hakimeldostu Mehdiyev while in police custody in 2007. In others, the government implicitly condones such attacks through its failure to meaningfully investigate and bring perpetrators to justice. The government has made no progress in resolving the assaults on journalists in 2006 and 2007. The 2005 murder of Elmar Huseynov, the editor-in-chief of the Monitor, also remains unresolved.

### **Freedom of assembly**

The government of Azerbaijan also severely restricts our freedom of assembly, despite amendments to the law that entered into force in 2008. Although the ruling Yeni Azerbaijan Party holds large rallies in Baku, the government often denies opposition parties' requests to hold rallies or requires they be held far from the city. The police also regularly break up peaceful demonstrations and meetings of youth and opposition groups.

In January 2008, police attacked and then detained 14 members of the Dalga youth movement holding a rally to commemorate the founder of the 1918 Azerbaijan Republic. While in custody, they faced threats of expulsion from their universities for "anti-social" activities. In July 2008, police again detained members of the Dalga youth movement who tried to stage a demonstration outside of the OSCE office in Baku. In December 2008, police targeted a demonstration against a proposed 2009 constitutional referendum, which would eliminate presidential term limits. In some cases, the police even interfere in private gatherings as in June 2008 when police officers raided a café and detained 20 patrons who were celebrating the birthday of Che Guevara.

Although the law on freedom of assembly is good, the government does not respect it. Police target peaceful gatherings and are not held accountable. As with attacks on journalists, the government has failed to punish those Internal Affairs Ministry officials responsible for police abuse, misconduct, or excessive use of force at a peaceful opposition demonstration in 2005.

### **Conclusion**

For all these reasons, we ask all UN member states to vote no on Azerbaijan for the Human Rights Council. Defeat would be a clear message from the international community that Azerbaijan must end its abuses, and a powerful catalyst for reform in the country.

Sincerely,

Leyla Yunus, Director of the Institute of Peace and Democracy

Mirvari Gahramanli, Chief of Committee of Protection of Oil Workers Rights

Hafiz Safihanov, Chief of Azerbaijan Campaign to Ban Landmines

Matanat Azizova, Coordinator of Woman Crisis Center

Emin Huseynov, Director of the Institute for Reporter Freedom and Safety

Hikmet Hadjy-zadeh, Deputy of Director of the Far Centre

Anar Mammadli, Chief of the Election Monitoring and Democracy Studies Center

Hilal Mammadov, Chief of the Committee for the Protection of the Rights of Novruzali Mammadov

Rahaman Badalov, Professor, Academia of Science of Azerbaijan

Intigam Aliyev, Director of the Legal Education Society

Matlab Mutalibov, Chief of the International Law Organization Protection of Freedom and Peace

Yusif Aghayev, Transparency Azerbaijan

Azer Ahmed, General Director of the newspaper Azadlig

Alovsat Aliyev, Chief of the Azerbaijan Migration Centre

Vafa Djafarova, Chief of the “Dalga” Youth Movement

Leyla Alieva, Chief of the Center for National and International Studies

Elchin Behbudov, Chief of the Azerbaijan Committee against Torture

Alekper Mamedov, Director of the Centre for Civil Control over Armed Forces of Azerbaijan

Ramiz Mamedov, member of the Bar Association of Azerbaijan

Chingiz Sultansoy, Azerbaijani Investigative Journalists Network