

Information provided by the Azerbaijani authorities concerning the observations of the Commissioner for Human Rights

1. In the past years wide discussions have been conducted involving international organizations, local and international journalistic associations on the issue of decriminalization of articles on libel and slander and adoption of the law on defamation. The development of political public relations, decreasing of negative trends in journalism, improvement of professionalism of journalists and strengthening the logistical basis of mass media provide an opportunity for considering the adoption of the law on defamation.

The adoption of such a law also stems from the implementation of the decisions regarding article 10 of the European Convention on Human Rights adopted by the European Court of Human Rights.

The draft law on defamation is expected to be discussed by the Parliament this September and to be adopted by the end of this year.

Not a single case on imprisonment of journalists on defamation charges has been registered in Azerbaijan since the end of 2009.

Furthermore, in line with the international obligations of the Republic of Azerbaijan, people are not punished on grounds of exercising the freedom of expression in Azerbaijan.

2. The Ganja City Court sentenced Mr. Bakhtiyar Hajiyev to two years in prison on 18 May 2011 for evading obligatory military service. After graduating the university Mr. Hajiyev refused to sign the call-up letter for military service and to undergo medical examination, although he had been called to on several occasions.

Like in some Member States of the Council of Europe, alternative military service is envisaged for people discharging religious functions and students of religious schools because of their beliefs. However, the application of B. Hajiyev for alternative military service without indicating any such reason is groundless.

On 5 February 2011, 0.54g of marijuana were found on Mr. Jabbar Savalanli. The Sumgait City Court sentenced him on 4 May 2011 to two and a half years in prison.

Their trials have been conducted within the framework of the Constitution and Criminal Code of the Republic of Azerbaijan as well as in an objective and open manner by independent and impartial investigation within reasonable time envisaged in article 5 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. There is not any link between their trials and the exercise of freedom of expression.

3. The Government of Azerbaijan has taken important measures to ensure the freedom of association in the country. As a result of these steps, the difficulties concerning establishment, state registration and activity of non-governmental organizations have been removed. Moreover, it should be noted that according to the Law on Non-Governmental Organizations, the registration of the representations or branches of foreign non-governmental organizations is preconditioned by the agreements to be signed with the Ministry of Justice.

The Cabinet of Ministers approved the regulation on negotiations for concluding agreements with the representations or branches of foreign non-governmental organizations on 16 March 2011. The regulation defines the following requirements for the future activity of non-governmental organizations:

- To respect the Constitution, laws and other normative-legal acts of the Republic of Azerbaijan;
- To respect national and moral values of the people of Azerbaijan;
- Not to operate in the occupied Azerbaijani territories and not to establish relations with separatist Nagorno Karabakh regime;
- Not to engage in political and religious propaganda;
- To submit the documents required for state registry on time.

The Ministry of Justice concludes an agreement with an organization if the latter complies with the above-mentioned requirements.

4. Civil society organizations operate freely in Azerbaijan and the Government does not create any obstacle to their activity. The allegations with regard to the demolition of the Office of the Institute for Peace and Democracy do not reflect the reality and is surprising. The building where the Office is located is demolished with other old buildings under threat and new buildings will be constructed in their place. All citizens are provided with reasonable compensations or resettled in the new buildings. Therefore, the sole aim of such allegations of purely speculative nature is to receive more compensation.
5. The religious policy of the Government is based on international norms and principles, international conventions to which Azerbaijan has acceded as well as the Constitution and other legal acts of the Republic of Azerbaijan. The Government supports all efforts to protect religious freedoms in the country and all over the world.

According to the amendments to the Law on Freedom of Religion adopted in 2009, religious communities should have adjusted their statutes and other founding documents to its requirements and should have submitted by 1 January 2010 the documents to the State Committee for the Work with Religious Organizations to be re-registered. The State Committee received 782 applications and subsequently 546 religious communities (526 Islamic, 20 non-Islamic (11 Christian, 6 Jewish, 1 Krishna, and 2 Baha'i) were registered or re-registered. The registration process has been intensified. Thus, only in May 2011, 30 religious communities have been registered or re-registered.

The registration of religious communities is rejected only if there are serious violations of requirements of the relevant laws. The religious communities which have been rejected the registration can re-submit their documents to the State Committee to be registered once the reasons for previous refusal are removed.

Moreover, the registration cards of previously religious communities which applied for re-registration after the entry into force of the new amendments, but were rejected the registration have not lost their legal validity. These religious communities can continue to carry out their activity freely. To be clear, their registration can be annulled only by the court decision upon the request of the State Committee. So far, the State Committee has not applied to the Court requesting the termination of the registration of any religious community.

6. The implementation of the right to freedom of peaceful assembly is regulated by the Law on the Right to Freedom of Peaceful Assembly. The latest additions and amendments have been prepared in close cooperation with the Venice Commission and received the positive opinion of the latter. According to the provisions of the law, organizers should notify in written the relevant authorities about the place and time of demonstrations and itinerary of rallies. In fact, the legislation does not require issuing permission for rallies; thus, the authorities can only issue a warning, if need be.
7. As to the allegations on arrest of people for attending the rallies (i.e. exercising the right to freedom of assembly), it should be underlined that they have been arrested only for committing criminal acts (such as damaging public and private property, violent resistance to police etc.).

Note: Due to short notice, feedback from the Azerbaijani authorities to paragraphs 3 and 4 on page 2 as well as paragraph 4 on page 3 could not be provided on due course.