

AMNESTY INTERNATIONAL PUBLIC STATEMENT

AI Index: EUR 55/006/2013

8 August 2013

Azerbaijan starts Presidential election campaign with at least 14 Prisoners of Conscience

Azerbaijan will start the official campaign period for October Presidential elections with at least 14 new prisoners of conscience, Amnesty International said today, after the country's Central Election Commission announced on Friday the election date would be 9 October.

The organisation is calling for the immediate and unconditional release of opposition candidates, journalists, pro-democracy activists and human rights defenders who have been imprisoned in a pre-election crackdown on dissenting voices.

President Ilham Aliyev has presided over a deepening human rights crisis in the Caspian state since succeeding his father Heydar as President in 2003. He will run for a third consecutive term after changing the constitution in 2009 to allow him to serve an unlimited number of terms.

Youth behind bars

In recent months the regime has particularly targeted youth activists using social networks to call for free elections and free speech.

1. On 3 July 2013, **Dashgin Melikov**, a 22 year-old youth activist for opposition group the Popular Front Party, was sentenced to two and a half years in prison on charges of drugs possession (Article 234.1 of the Azerbaijani Criminal Code – “Illegal purchase or storage without a purpose of selling of narcotics”) that Amnesty International believes to have been fabricated in retaliation for his political activism.

He had been a particularly active member of the Sumgayit branch opposition group, writing satirical and critical blogs about the President and the government, and organising rallies online. He was one of the founders of spoof Heydar Aliyev Facebook page, which satirized the ruling Aliyev family.

According to the Popular Front Party, in December 2012 he was visited by police at his home, and they demanded he give up his membership of the party. His lawyer also said that police had questioned Dashgin Melikov on 19 and 21 March about his political activity.

On 26 March he was arrested without any explanation in Sumgayit city, and taken to a police station. Police arrived to search his home, and told his family he had been arrested for possessing a counterfeit bill.

His brother pointed out to police that when the family had been given the notes in 2008 as a wedding gift, they had reported it to the police, who took no action and returned the bills to the family. Since then Dashgin Melikov had kept one bill in his pocket as a souvenir.

When Dashgin Melikov was brought to court for his remand hearing later that day, he and his family were surprised to learn he had not been charged with possessing counterfeit bills, but instead charged with possessing marijuana. He was prevented from speaking to a lawyer of his choice before and during the hearing.

His father maintains that Dashgin Melikov could not possibly be smoking marijuana as he suffers from very severe asthma, for which he had to be hospitalized while in custody on 19 July 2013, and is currently undergoing treatment.

When Dashgin Melikov was allowed to speak to a lawyer, on 29 March, he said that while at the police station police had confiscated his personal effects and then searched them in his presence. He maintains that an officer had taken a small package containing marijuana out of his wallet that had not been there before.

He was made to sign a statement saying he had found the marijuana at a bus stop, which he did, but he recanted this statement as soon as he was given access to a lawyer.

He also said that police had forced him to delete one of the critical Facebook pages he was an administrator of.

The police did not explain how they knew Dashgin Melikov was allegedly possessing drugs, why they decided to arrest him, or why he had been questioned about his political activity and forced to delete a Facebook page.

Amnesty International considers Dashgin Melikov to be a prisoner of conscience, imprisoned on fabricated charges for his criticism of the President and the government. He should be immediately and unconditionally released.

2. On 17 May 2013 “Free Youth” activist **Ilkin Rustamzade** was arrested on charges of ‘hooliganism’ and ‘hooliganism by a group of people’ (Articles 221.1 and 221.2 of the Azerbaijani Criminal Code) for his alleged involvement in a Baku version of the popular ‘harlem shake’ video. He remains in detention pending trial. The video shows people acting calmly during the introduction to the song before it cuts to them dancing frenetically. It became a viral sensation on YouTube. The Baku version had no political agenda.

The Azerbaijani Prosecutor’s office has stated that it considered some of the dance moves, when performed in a public place, as ‘hooliganism’, which carries a prison sentence of up to three years.

In January Ilkin Rustamzade had founded a campaign against non-combat deaths in Azerbaijan’s armed forces, and mobilized thousands of people to take to the streets in unsanctioned protests during some of the largest demonstrations Azerbaijan has seen in recent years.

Amnesty International considers that the makers of the video, and all those performing in it, were manifestly exercising their right to peaceful expression. The organisation believes Ilkin Rustamzade to be a prisoner of conscience targeted for his human rights activism. He should be immediately and unconditionally released.

3 – 9. Seven members of the board of pacifist pro-democracy youth group **NIDA** are currently detained on fabricated charges of possessing explosives and/or drugs. They face long prison sentences if convicted.

On 8 March 2013 **Mahammad Azizov, 20, Bakhtiyar Guliyev, 20, and Shahin Novruzlu, 17,** were arrested in a sting operation; on 14 March **Rashad Hasanov, 28,** was arrested; on 30 March **Uzeyir Mammadli, 25, and Rashadat Akhundov, 28,** were arrested, and on 1 April **Zaur Gurbanli, 26,** was arrested. All were arrested without explanation or being read their rights.

Bakhtiyar Guliyev and Shahin Novruzlu have been charged with Articles 234.1 (possession of illegal narcotics) and 228.3 (the illegal purchase, transfer, selling, storage, transportation and carrying of fire-arms, accessories to it, supplies, explosives.)

Mahammad Azizov has been charged with article 234.1 (possession of illegal narcotics)

Rashad Hasanov, Rashadat Akhundov, Zaur Gurbanli and Uyezir Mammadli have been charged with article 228.3 (illegal purchase, storage of fire-arms or explosives).

All have been remanded in custody pending their trial.

On 8 March police claim to have found 19 bottles filled with fuel and around 300g of marijuana in the home of Bakhtiyar Guliyev, and 200g of marijuana in the home of Mahammad Azizov. They claim to have found 3 bottles filled with fuel and 250g of marijuana in the home of Shahin Novruzlu, and on 14 March a rag doused in the same fuel in Rashad Hasanov's house.

Relatives living with the activists say that the drugs and fuel bottles were planted by plainclothes police officers during the search.

When searching the house of Bakhtiyar Guliyev on 8 March, the police showed neither identification papers nor a search warrant. While the family were asked to wait in one room, the officers claimed to have found a large box in another room in the Guliyev's apartment containing the 19 bottles. The family said that this box had not been in their apartment before the arrival of the officers, and they later discovered a box with fuel containers in their frontyard, from which they believe the officers filled the bottles.

When an initial search of Mahammad Azizov's room found nothing, police returned the same day to search a second time, and then claimed to have found a roll containing drugs. His family believe the police planted the drugs during the first search.

After their arrest the activists were interrogated without access to their lawyers, and Mahammad Azizov, Bakhtiyar Guliyev and Shahin Novruzlu were forced to appear on state television reading pre-prepared confessions - violating their right to be presumed innocent before a trial.

They were also referred to in the broadcast as drug addicts. Mahammad Azizov is now suing the television channel concerned (AZTV) and the Ministry of National Security for violating his right to be presumed innocent. Mahammad Azizov said that he had been threatened with the prosecution of his family into confessing, and Shahin Novruzlu, who is still a minor, was forced to confess without a legal guardian present.

Police have not explained why they decided to search the homes of the activists, and why they did so without a warrant. Amnesty International believes they did not obtain a warrant as in order to do so they would have had to present some evidence showing reasonable suspicion the activists were in possession of drugs and explosives, which they were unable to do.

Mahammad Azizov says that investigators beat him on 14 March when he recanted his earlier testimony. He recanted it after being asked to accuse Rashad Hasanov of involvement in the preparation of the fuel bottles in a face to face interrogation. The allegations of torture have not been investigated. An analysis of the fuel-soaked rag found in Rashad Hasanov's home on 15 March was dated 8 March, suggesting it had been planted there after the analysis had been carried out.

The only evidence presented against Rashadat Akhundov, Zaur Gurbanli, and Uzeyir Mammadli is their membership of NIDA's board. The charges against them are manifestly unfounded, as no evidence has been presented linking them to the purchasing, transferring, selling, storing, transporting or carrying the fuel bottles. Furthermore, the prosecution has presented no evidence to prove how they are supposed to have conspired with the other NIDA board members to allegedly prepare and store the bottles.

An analysis of the contents of the fuel bottles allegedly found in Bakhtiyar Guliyev and Shahin Novruzlu's homes was only completed in July, three months after they were charged with possessing explosives. After their lawyer questioned the charge of possessing explosives being applied to bottles of flammable, but not explosive, fuel, the prosecution found that three of the bottles had an explosive charge of gunpowder and flint at the top.

As the prosecution had mixed all 22 bottles together, they could not say whether it had been Bakhtiyar Guliyev or Shahin Novruzlu who possessed the 'explosive' bottles. Despite this they maintain the explosives charge against all the activists.

Amnesty International has long been familiar with the peaceful activism of NIDA, and many of its individual activists. The organization believes all seven NIDA activists were in fact arrested because of their continued outspoken criticism of the government, and specifically their involvement in organizing a peaceful protest on 10 March 2013, which was violently dispersed by the authorities. Amnesty International considers the seven to be prisoners of conscience, who should be released immediately and unconditionally.

Weakening the opposition

10-11. On 4 February 2013 prospective presidential candidate **Ilgar Mammadov** and journalist **Tofiq Yagublu** were arrested on allegations of inciting violent protests in the city of Ismayili and have been in custody ever since pending trial.

They had travelled separately to Ismayili on 24 January, a day after rioting erupted and finished, to monitor and report on the situation. Within 20 minutes of arriving at a peaceful demonstration against a heavy-handed police reaction to the previous day's rioting, both were arrested, brought to a local police station, and forcibly returned to Baku.

10 days later they were arrested again and charged with Article 220.1 of the Azerbaijani Criminal Code – “the organization of a mass disorder accompanied with violence, breaking, arson, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders”. If convicted they will be imprisoned for up to 12 years.

According to their lawyers, no evidence has been presented to prove that the accused have committed a crime or incited others to do so. The prosecution has not shown any evidence of communication that would prove the men incited a riot that started and finished one day before they arrived in the city.

Local media reported that the riots were in fact sparked on 23 January by a road rage incident in which the influential nephew of the local governor is reported to have drunkenly assaulted a local man and shouted insults at onlookers.

A crowd gathered around the incident before attacking the family's businesses and police. Others took to the streets calling for the city governor's resignation.

The following evening Ilgar Mammadov, leader of the opposition group REAL (Republican Alternative) and candidate in Azerbaijan's October 2013 Presidential elections, travelled to Ismayili.

His lawyer told Amnesty International he went to investigate the underlying tensions which led to the unrest and to monitor the reaction of local authorities.

Tofiq Yagublu, a journalist and the deputy chair of the opposition Musavat Party, travelled separately to Ismayili to report on the events for the Yeni Musavat newspaper. He had previously published several articles in Yeni Musavat aiming to expose government corruption.

The two men have no history of advocating or inciting violence, and are both well-known critics of President Ilham Aliyev's government.

Ilgar Mammadov has long criticized the government's clampdown on free expression and peaceful assembly and said he had recently received threats from ruling party MPs for criticising a new law that drastically increased fines for participation in unsanctioned protests.

Amnesty International believes that both men have been targeted because of their political activism and considers them prisoners of conscience, who should be immediately and unconditionally released.

Human rights defenders targeted

12. On 27 February, a Baku court sentenced lawyer **Bakhtiyar Mammadov** to eight years in prison on extortion and fraud charges Amnesty International believe to have been brought in retaliation for his work as a human rights defender.

He was arrested on 30 December 2011 on charges of extortion through the use of violence under Article 182.3 of the criminal code and has been in detention ever since. The investigation alleged that he attempted to extort AZN 18,000 (about 22,945 USD) from a high-ranking navy official by threatening to disclose documents incriminating him in the misappropriation of funds allocated for compensating families evicted from Baku's central square.

Mammadov was representing families who had been forcibly evicted from their homes in Baku to challenge the decision to demolish their homes and seek compensation. He had claimed that families affected by the demolitions were denied appropriate compensation due to corruption and misappropriation by navy officials.

His lawyer, Anar Gasimli, told Amnesty International that Mammadov was convicted solely on the basis of witness testimonies, and that the prosecution failed to present any other supporting evidence. Bakhtiar Mammadov was held in pre-trial detention for 14 months pending his trial.

The naval officer whom Mammadov is alleged to have blackmailed testified that he had never met or known the defendant. Instead, the complaint was filed by third parties, delegates of the navy official who claimed that in a meeting with them Mammadov had demanded a bribe from the navy official.

Mammadov was previously convicted on unrelated fraud charges in 2010 and was handed a seven-and-a-half-year suspended sentence. However, the conditions of this sentence stipulated that any new criminal charges could reinstate the original prison term. As a result the court sentenced Mammadov to eight years, combining the two sentences.

According to his lawyer, Anar Gasimli, the fraud charges against Mammadov relate to an incident that took place in 2005. An acquaintance of Mammadov, who is now deceased, allegedly took money from a citizen in exchange of a promise to find him employment in the state oil company with the help of Mammadov. However, according to his lawyer, at no point did Mamadov himself demand payment in exchange for his help, nor was he offered any. Eventually Mammadov's acquaintance returned the money. The case against Mammadov was closed in 2005 but reopened again in 2010.

Despite plaintiffs testifying in court that the money had been returned and they had no complaints against Mammadov, the court handed him a suspended sentence of seven and a half years.

Amnesty International considers the extortion and fraud charges against Bakhtiyar Mammadov to have been brought in retaliation for his human rights work and specifically in an attempt to halt his legal challenge to forced evictions. Amnesty International considers him to be a prisoner of conscience who should be released immediately and unconditionally.

13. On 12 September 2012, **Ilham Amirasanov** was convicted to two years in prison on trumped up charges of arms possession. Amnesty International believes that the charges against him were brought in retaliation for allegations he had made publicly, stating that the local officials had embezzled funds allocated for the victims of the Kura river floods in 2010.

Ilham Amirasanov was actively involved in defending the rights of the victims of the 2010 Kur river floods, arguing that many victims have not been properly compensated as a result of aid funds being misappropriated by local authorities.

According to a Kur Society statement, compensation payments and reconstruction programmes worth around AZN 500 million (EUR 50 million) and intended for 1700 damaged homes were suspended without any reason, and the money has not been accounted for.

On 8 June 2012 Amirasanov was arrested, a few days after meeting with the Minister for Emergency Situations to discuss the issue.

According to Amirasanov's lawyer, his car was stopped by three masked men, who handcuffed and forced him into their car and drove away. Two witnesses in his car at the time testified to this in court.

Amirasanov told his lawyer that the masked men placed the gun in his back pocket and drove him to his home, where he was forced to appear and be photographed as taking the bullets from his cellar and giving them to the police officer. He was later taken to the police department, where he said he was beaten, threatened and questioned without a lawyer and forced into signing a confession.

A medical examination confirmed that Amirasanov had suffered chest injuries and a ruptured eardrum, but claimed the injuries had been sustained prior to his arrest.

During his trial, despite numerous requests by the defence side, the court failed to order a proper investigation into the allegations of his ill-treatment. It also did not allow the defence to call and cross-examine the policeman who according to Amirasanov participated in beating him and also planted the gun in his pocket. The court also refused to grant the defence access to the original videotape of the house search, which was aired on the state TV.

Amirasanov is the second Kur Civil Society activist to be arrested on trumped up charges. In 2012 Ogtay Gulaliyev, whom Amnesty International considered to be a prisoner of conscience, was arrested on fabricated charges of hooliganism, but later released.

14. **Hilal Mammadov**, an activist for the ethnic Talysh minority group and the editor of its newspaper *Tolyshi Sado* (The Voice of Talysh) was arrested on 21 June 2012 on spurious drugs charges and has been in detention ever since.

On 3 July 2012 charges of treason and inciting religious and national hatred were also brought against him. Amnesty International believes his arrest was motivated by the Azerbaijani authorities' desire to silence his critical reporting and work as a Talish minority rights advocate.

According to Anar Gasimli, Hilal Mamedov's lawyer, his client says he was apprehended by several plainclothes police officers, who handcuffed him, forced him into the car and took him to the Organized Crime Unit at the Ministry of Interior.

While in the police car, one of the policemen put a small package in his back pocket. He was then questioned and searched in the detention without the presence of his lawyer, where policemen allegedly found five grams of heroin.

Police also claimed to have found additional 30 grams of heroin after searching his flat, which was performed without a warrant. Mammadov said that he was beaten in custody. Photos documenting his injuries have been sent to the Nasimi District Prosecutor by his lawyer, but no effective investigation has been conducted with regard to these allegations.

On June 22, 2012, the Nasimi District Court remanded Hilal Mammadov in custody for three months pending trial. On July 4, 2012, new charges of high treason and ethnic hatred were brought against him under other Articles 274 and 283.2.2 of the Criminal Code.

According to the prosecution, his activities such as writing articles for *Talyshi Sado*, giving interviews with the Iranian broadcaster Sahar TV as well as translating books from Iranian to Azeri have undermined the country's security and incited of national, racial and religious hatred in Azerbaijan. He was also accused of spying for Iranian intelligence agencies.

Amnesty International considers charges against him to be fabricated and unfounded and believes that he has been arrested for his work as a Talysh minority rights defender and for his peaceful expression of his views through publications, TV or other public forums. The organisation considers him to be a prisoner of conscience and calls for his immediate and unconditional release.

Talyshi Sado is the only Talysh-language newspaper in Azerbaijan, covering the issues of the ethnic Talish minority's living in southern Azerbaijan near the border with Iranian. The previous editor-in-chief of *Talyshi Sado*, Novruzali Mammadov, died in prison in August 2010 while serving a 10-year prison sentence for treason after a trial in June 2008 that local rights groups say was reportedly unfair and brought in response to his activities in promoting the Talysh language and culture. A thorough investigation into his death, including into whether he had been denied necessary medical treatment, has never been carried out.