

DOWNWARD SPIRAL:

**CONTINUING CRACKDOWN
ON FREEDOMS IN
AZERBAIJAN**

**AMNESTY
INTERNATIONAL**



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1. INTRODUCTION

This briefing focuses on the respect for the rights to freedom of expression, association and assembly in Azerbaijan in the run up to the 9 October 2013 presidential elections. It documents and analyses cases of harassment, intimidation, ill-treatment, arbitrary arrests, charges and prosecutions in unfair trials, as well as steps taken to restrict the activities of non-governmental organizations (NGOs), the media, critical and pro-democracy groups and opposition parties.

The imprisonment of several activists, journalists and human rights defenders for their part in the protests of March and April 2011 ushered in a new wave of repressive measures against critical groups and individuals by the Azerbaijani authorities, as documented in an Amnesty International report entitled *The Spring that never blossomed: Freedoms suppressed in Azerbaijan*.¹ This wave has not subsided and the presidential elections have taken place in an environment and political landscape largely determined by the silencing of effective opposition. Though all those Amnesty International considered prisoners of conscience during the course of 2011, have since been released, others have taken their place.

Azerbaijan is a party to all key human rights treaties which protect the rights to freedom of expression, assembly and association, amongst other fundamental human rights. It is also a member of the Council of Europe, and an important trading partner for many of its members. A recently agreed project on the construction of a pipeline to export its gas to several European countries has ensured that Azerbaijan's future development will remain closely tied to that of Europe.² However, its international partners appear to have little traction, or indeed interest, in holding it to account for its failure to meet its human rights obligations. As late as 3 October 2013, six days before the presidential elections, EU High Representative Catherine Ashton and Commissioner Štefan Füle voiced concerns over the "continued pressure" on activists, civil society and independent media.³ These concerns were immediately and completely rejected by a representative of the Presidential Administration.⁴

Recommendations addressed to the Azerbaijani government by international human rights organisations⁵ and intergovernmental organizations on human rights issues have also been repeatedly ignored.

A resolution adopted by the Parliamentary Assembly of the Council of Europe (PACE) on 23 January 2013 reiterated the concerns expressed in numerous reports by national and international NGOs on the use of fabricated charges against activists and journalists.⁶ The resolution called for the release of all "alleged political prisoners and prisoners of conscience, whose detention gives rise to justified doubt" and "whose state of health raises concern"⁷. These calls have been ignored by the Azerbaijani government, and the crackdown on dissenting voices has continued unabated. More civil society activists, journalists and human rights defenders have since been imprisoned or placed in detention solely for exercising their rights to freedom of expression and association. At the time of the presidential elections, Amnesty International recognised at least 14 prisoners of conscience in Azerbaijan, all of whom have been detained in the last 2 years.

6 Downward spiral:
Continuing crackdown on freedoms in Azerbaijan

On 16 September 2013, an official pre-election campaign period started in Azerbaijan.⁸ At the time of writing, in the run-up to the election, new cases of detention, intimidation and attacks on journalists, civil society and political actors have been reported almost daily. Some of these, as well as some other recent cases, are documented below. Azerbaijan must put an end to the harassment and suppression of civil society and independent media. It must immediately and unconditionally free all prisoners of conscience, and fully respect its obligations with regard to the freedom of expression, freedom of association and freedom of assembly under international law.

2. SHRINKING SPACE FOR FREE MEDIA

2.1 THE CONTINUING USE OF DEFAMATION SUITS TO SILENCE GOVERNMENT CRITICS

On 27 December 2011, the Azerbaijani president approved the National Action Programme⁹ committing to drafting a proposal to decriminalise defamation during 2012.

A draft Law On Protection from Defamation was prepared by Azerbaijani civil society organisations and presented to the Presidential Administration in 2012 at the behest of the OSCE office in Baku.¹⁰ In September 2012, the government submitted the draft law to the European Commission for Democracy Through Law (Venice Commission) for comment. The text of the draft law was only made public on 22 May 2013, when it became apparent that the government had made changes to the text with the effect of retaining criminal defamation provisions. The NGOs which had authored the draft law were bitterly disappointed, but their criticism of these changes has had no effect.¹¹

In recent years, Azerbaijani courts have consistently rejected criminal defamation charges.¹² There has, however, been an increase in the number of fines issued to journalists under the administrative offence of defamation. In its bi-annual report, the Media Rights Institute (MRI), an Azerbaijani NGO specialising in the freedom of expression and the media, noted that in the first half of 2013 alone, 36 court cases relating to “slander, insult and distribution of private information” were initiated against journalists and media outlets. During the same period, courts issued a total of 125,000 AZN in fines to journalists and media outlets.¹³

Contrary to the government’s earlier stated intent to decriminalise defamation, senior ministers and officials have continued to press numerous criminal defamation charges. Of the 36 defamation cases initiated against the media in the first six months of 2013, four have been criminal defamation cases. Two of these cases were initiated by senior government ministers, one by a local government officials and the last by the dean and a group of lecturers from Baku State University.¹⁴

On 14 May 2013 the Azerbaijani parliament, the Milli Majlis, passed legislation which expanded the scope of criminal defamation laws to the internet. The amendments were signed into law by President Ilham Aliyev on 3 June.

In September 2013, The Deputy Speaker of Parliament called for the introduction of a new criminal offence of protecting the “honour and dignity” of the president, In response to allegations of corruption involving president Aliyev’s family, made by one of the presidential candidates ahead of the 9 October election.¹⁵

2.2 STATE CONTROL OF BROADCAST MEDIA

Most media in Azerbaijan are either state controlled or strongly influenced by the government. Television remains the main source of information for the majority of the population, and the television broadcasts are subject to the greatest government control.¹⁶ A key institutional mechanism for exercising this control is the National Television and Radio Council (NTRC), which is tasked with regulating broadcast media and issuing broadcast licenses. All nine members of the NTRC are appointed by the president.¹⁷

Currently, the Azerbaijani authorities have issued official broadcast license to nine national, 14 regional and 13 satellite television channels, and 12 radio stations. None of the television channels or radio stations provides a platform for alternative views, and especially for political views dissenting from those of the government. The only exception to this has been the 18 minutes of broadcast time per week allocated to each of the registered presidential candidates during the three weeks preceding the elections. The result of state control over broadcast media has been particularly obvious in the run up to the presidential elections. As the most recent interim report by the Office for Democratic Institutions and Human Rights (ODIHR) elections observers notes, in the pre-election campaign period, President Ilham Aliyev received 98 percent, while nine other candidates received 2% of television coverage.¹⁸

Amendments to the media law passed in December 2008 banned foreign broadcasters from using national frequencies, limiting access to uncensored broadcast content. The Azerbaijani-language service of the BBC World Service, Radio Free Europe/ Radio Liberty (RFE/RL) and the Voice of America were taken off the national airwaves on 1 January 2009.

Expelled from the national airwaves, these foreign broadcasters continued to provide programmes and content on the web, through satellite and shortwave radio. However, according to the RFE/RL President Jeffrey Gedmin, this has resulted in its Azerbaijani service losing 90 per cent of its audience.¹⁹ Moreover, the alternatives to FM frequencies, such as internet radio or shortwaves, do not ensure freedom of broadcasting in Azerbaijan. On 20 June 2013, the RFE/RL published an article detailing how its satellite broadcasts of the "Different News" show had been jammed since 28 April 2013. An interfering signal, consisting of electronic noise and distortion, would start five minutes into the broadcast and stop only after the end of the programme. When the RFE/RL tried to change the satellite and frequencies used for the broadcast, the interference was switched over to the other satellite and two other channels.²⁰ Similar jamming has reportedly also affected other broadcasts, including that of the "Azerbaijan Hour" programme, distributed by an opposition political party, and the recently established independent "Meydan TV" programme.²¹

2.3 HARASSMENT, INTIMIDATION AND IMPRISONMENT OF JOURNALISTS

Harassment, intimidation and imprisonment of has continued throughout 2013. A new round of violence against journalists began with the forceful dispersion of a peaceful protest on 26 January 2013.²² The IRFS reported 26 cases of attacks on journalists in the first six months of 2013 alone,²³ and there have been further cases since. As of 24 September 2013, the IRFS and the International Media Support (IMS) documented cases of eight imprisoned journalists in Azerbaijan.²⁴ With the arrest of Parviz Hashimli on 17 September, the number of imprisoned journalists stands at nine. The latest incident of harassment independent journalists of at the time of writing was the detention and questioning of an photo correspondent and blogger Mehman Huseynov on 2 October 2013.

Selected cases below illustrate the different means used by the authorities to persecute independent journalists in Azerbaijan.

2.3.1 KHADIJA ISMAYILOVA

Khadija Ismayilova, a well-known investigative journalist, has been investigating claims of links between President Ilham Aliyev's family and a lucrative construction project in Azerbaijan's capital Baku. She has fallen foul of the Azerbaijani authorities several times in the past. In January 2009 President Aliyev reportedly described her as "a long-time opposition activist who considers herself an enemy of the government" and asked the American ambassador to Baku to push for her dismissal by US-funded Radio Liberty.

On 7 March 2012, she received a threatening letter containing intimate pictures of her. This was after her apartment had been broken into by unknown intruders and a hidden camera placed in her room. The pictures were accompanied by a note warning her that she would be "shamed" if she did not abandon her work. She publicly exposed the blackmail attempt, following which an intimate video depicting her was published on the internet by unknown individuals. On 14 March the video was posted on a fake mirror website of one of Azerbaijan's main opposition party. The Musavat party denied having any links to the site.

A day before the launch of the website an article containing fierce personal attacks against Khadija Ismayilova appeared in *Yeni Azerbaijan*, a state-owned newspaper.

The harassment of the journalist continued in 2013. On 26 July 2013 another website posing as that of an opposition coalition appeared on the internet, and posted a new video of a similarly intimate and offensive nature. The video was a fake, but further attacks against Khadija Ismayilova were made in an article entitled "Khadija's Armenian mother should die" published on 26 August 2013 in the pro-government "Ses" newspaper. Taking advantage of the inter-ethnic tensions in the context of the frozen conflict between Armenia and Azerbaijan, the article falsely depicted several of Khadija's relatives as ethnic Armenians. It also provided the address of her sister and the city district where her mother lives.²⁵

There has been no effective investigation into the blackmail and no perpetrators have been prosecuted.

2.3.2 MEHMAN HUSEYNOV

Photojournalist and blogger Mehman Huseynov has received threats from prosecution officials in connection with his online activities, and was shown evidence of these activities being under extensive surveillance for months.

At 8.30am on the morning of 2 October 2013, a plainclothes officer came to the IRFS office where Mehman Huseynov works as their Youth Media Programmes Coordinator, and asked to see him. According to Mehman Huseynov, the man said that he wanted to discuss with him an idea for an event, and asked to talk to him outside. When they stepped outside, five other plainclothes officers rushed towards Mehman and tried to bundle him into a parked car. Mehman told them there was no need to use force and voluntarily got inside the car. Mehman Huseynov was taken to the Prosecutor General's office, where two officials questioned him

about his online activities. Mehman said he had a lawyer and requested that the lawyer accompanies him during the questioning, but the officials replied that this was not necessary because, according to them, the interrogation was not part of a criminal investigation.

The officials were interested in a video which Mehman had uploaded on Youtube on 1 October, and which had been widely shared in the social media. The video was of a scene from a popular Hollywood film into which Mehman had inserted the audio recordings of two presidential candidates. The clip included the voice of the National Council of Democratic Forces candidate, Jamil Hasanli, stating that “the government of Ilham Aliyev is up to its knees in corruption and Ilham Aliyev himself is up to his throat”, and ended with Hasanli saying “this government must go”.

The officials warned Mehman Huseynov that he may face criminal charges of inciting violence and distributing content of a violent nature. They also showed him stacks of documents documenting months of his online activities, and warned him that he should be careful in future because they may “disturb” him again, and noted that he could be kidnapped at any moment. He was released after six hours of questioning.

In comments to the media, an official spokesperson for the General Prosecutor’s Office said that the reason for Mehman Huseynov’s questioning was an “investigation into the spread of information of a criminal nature on social media websites”.²⁶

2.3.3 PARVIZ HASHIMLI

Parviz Hashimli is a columnist for “Bizim Yol” newspaper, owner of the Moderator.az news website and the Director of the NGO Defense Center for Political and Civil Rights (DCPCR). On the afternoon of 17 September 2013, he was detained, and his home was searched, by members of the Ministry of National Security (MNS). The MNS reported this was part of an investigation into crimes under Articles 206.3.2 (smuggling of goods or items through customs by an organized group) and 228.2.1 (illegal purchase, transfer, selling, storage, transportation and carrying of firearms, their accessories, supplies and explosives by an organized group) of the Criminal Code of Azerbaijan, after six pistols and 40 bullets had allegedly been discovered in a car belonging to Tevekkul Gurbanov, who he was travelling with when it was stopped and searched by MNS officials. He denies all the charges.

Parviz Hashimli and his wife Ilaha Hashimova claim that for months prior to his arrest, they were being followed by strange cars. Fearing for their safety, they used to stay overnight with relatives, and installed CCTV cameras inside and outside their home as a precaution. Parviz Hashimli told his wife at the time that a man who introduced himself as “Ilgar” and claimed to be from the Ministry of National Security, had requested that he collaborate with the Ministry against “certain individuals”, which the journalist refused to do.

On the day of Parviz Hashimli’s arrest, MNS officials conducted a search of the office of Moderator.az, during which they removed all computers and a photo of Parviz Hashimli with a senior member of an opposition party.

At approximately 8pm on the same day, around 25 MNS officials also carried out a raid on the house of Parviz Hashimli. Several men carrying machine guns stormed into the courtyard and attempted to break in the house while Parviz Hashimli’s wife and their five year-old

daughter were inside. The MNS officials refused to identify themselves and to inform Ilaha Hashimova of the purpose of their visit as they were trying to enter her home, and threatened to break the door open if she refused to let them in. Several armed officials broke in through a window and it was only then that the official in charge of the operation only presented a search warrant.

Shortly after, journalists arrived at the scene. Some reported receiving threats from police officers who arrived later on the scene. Journalist Islam Shikhali from Radio Azadliq, was injured when a police officer forcibly took away his camera. The officer returned the camera only after MNS operatives left the scene. Another journalist, who is also the director of the Institute for Reporters' Freedom and Safety (IRFS), Emin Huseynov, reported that as he approached the scene, the same officer who had grasped Islam Shikhali's camera pushed him away when he asked why he was taking away the camera. The officer then threatened to tear out his hair and to break his jaw "if necessary".

Ilaha Hashimova claims that the MNS operatives damaged or covered the three outside CCTV cameras as soon as they entered the courtyard. They then tore off metal security bars from outside one of the windows and forcefully entered the house. Some officers held Ilaha Hashimova and her daughter at gunpoint in one room while others were searching another. They shut down the CCTV cameras inside the house immediately after entering and removed the recorded footage.

Ilaha Hashimli's request for her neighbours to be present as witnesses during the search was rejected, and the identities of the "witnesses" brought by the MNS were never revealed to her. During the search, the outside door was left open, and MNS officers were free to leave and enter the house as they pleased. The search lasted over six hours. Allegedly, they found a loaded Makarov pistol and a bag of approximately 30 grenades in two separate plastic bags. Ilaha Hashimli denies seeing the pistol or grenades previously, and claims that these items were planted by the MNS officials. She insists that CCTV footage from cameras installed inside and outside her house would confirm her claims had it not been removed by the MNS officials.

Parviz Hashimli's brother claims that as the MNS officials were leaving the house one of them said that Parviz would not have been arrested had it not been for his journalistic work.

On 18 September, Parviz Hashimli was brought to Sabail District Court by MNS officials who were wearing balaclavas. He was blindfolded, and the black bag covering his head was only removed inside the courtroom. Parviz Hashimli was first allowed to speak to his lawyer only a few minutes before the hearing started. He told the lawyer that an MNS official had threatened him with torture. The judge approved his pre-trial detention for two months.

Parviz Hashimli was denied a meeting with his lawyer on 23 September, and was not granted access to another lawyer until 25 September. During what was effectively his incommunicado detention, between 18 and 25 September, Parviz Hashimli was under pressure to accept state-appointed lawyers to represent him, which he categorically refused. The second lawyer who was granted access to the detained journalist had to sign a non-disclosure agreement.

Amnesty International believes Parviz Hashimli is likely to be a prisoner of conscience arrested solely for his work as a journalist and civil society activist. Amnesty International calls for the charges against him to be heard in a fair trial.

2.3.4 HILAL MAMMADOV

Hilal Mammadov, an activist for the ethnic Talysh minority group and the editor of a Talysh language newspaper *Talyshi Sado* (The Voice of Talysh) was arrested on 21 June 2012 on spurious drugs charges. On 3 July 2012, new charges of treason and inciting religious and national hatred were brought against him. On 27 September, the Baku Court of Grave Crimes sentenced Hilal Mammadov to five years of imprisonment on charges of illegal drug possession, treason and incitement to national, racial or religious hatred. Amnesty International believes his arrest and conviction were motivated by the Azerbaijani authorities' desire to silence his critical reporting and work as a Talysh minority rights advocate.

According to Hilal Mamedov's lawyer, his client was apprehended by several plainclothes police officers, handcuffed and forced inside a car, and taken to the Organized Crime Unit at the Ministry of Interior. While in the police car, one of the policemen allegedly put a small package in his back pocket. He was then questioned and searched in the detention centre 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 without a warrant. Hilal Mammadov said that he was beaten in custody. Photos documenting his injuries have been sent by his lawyer to the Nasimi District Prosecutor, but no effective investigation has been conducted into 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.²⁷ According to the prosecution, his activities such as writing articles for *Talyshi Sado*, giving interviews to the Iranian Sahar TV as well as translating books from Iranian to Azeri have undermined the country's security and incited national, racial and religious hatred in Azerbaijan. He was also accused of spying for Iranian intelligence agencies.

Amnesty International considers the charges against him to be fabricated 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. No effective investigations into his death, including into whether he had been denied necessary medical treatment, has ever been carried out.

3. PERSECUTION OF POLITICAL ACTIVISTS

Following widespread protests in March and April 2011, the Azerbaijani authorities clamped down on political parties and pro-democracy organisations critical of the government. Civil society activists and journalists were targeted with arbitrary arrests and prosecutions in order to silence criticism of the government and prevent organisation of peaceful public gatherings.²⁸ This long-term trend has continued in the run up to the presidential elections.

3.1 VIOLATIONS OF THE FREEDOM OF ASSEMBLY

In 2013, attempts to curb the rights to freedom of expression and assembly continued unabated. Amendments to the Criminal Code of Azerbaijan, which came into force on 1 January 2013, envisage up to two years of imprisonment for anyone involved in a “legally banned” assembly (Article 169) and up to three years of imprisonment for the organisation of, or participation in, activities that lead to “disobedience to the legitimate demands of government officials or cause a disturbance to the normal operation of traffic, businesses, companies and organisations” (Article 233).²⁹

Fines for the criminal offence of participation in and organization of “legally banned” demonstrations have also been increased from between 100 to 500 Azerbaijani Manats (AZN) (\$127-637 USD) previously, to between 5,000 and 8,000 AZN (\$6,370-10,192 USD). Similar increases have also been made to Article 298 of the Azerbaijan administrative code, which provides punishment for involvement in an assembly without an “appropriate authorisation”.³⁰ The average individual monthly income in Azerbaijan stands at 413 AZN (\$526).³¹

An effective ban on protests in the centre of the capital, Baku, has been in place since 2006. The authorities routinely refuse to “authorise” street rallies in the city centre. The Azerbaijani authorities have long promised that locations would be identified where public gatherings would be permitted without any prior authorisation.³² On 11 September 2013, the authorities realised this promise and published a list of “authorised” indoor and outdoor venues.³³ However, none of these locations is in the city centre, the closest being a playing field in the north-western district of Yasamal.

The existence of such a list of “pre-authorised” locations for demonstrations has effectively served as an excuse to deny demonstrators their right to rally elsewhere. This arrangement has encountered criticism both within and outside Azerbaijan. Thus, even a representative of president Ilham Aliyev, Siyavush Novruzov, spoke of the inadequacy of the “authorised” venues for holding public assemblies in a recent interview with the mediaforum.az news website.³⁴ The Venice Commission, in its compilation of opinions on freedom of assembly, stated:

The privilege of the organiser to decide which locations fits best for the purpose of the assembly is part of the very essence of freedom of assembly. Assemblies in public spaces

should not have to give way to more routine uses of the space, as it has long been recognised that use of public space for an assembly is just as much a legitimate use as any other. Moreover, the purpose of an assembly is often closely linked to a certain location and the freedom of assembly includes the right of the assembly to take place within “sight and sound” of its target object.³⁵

3.2 STREET GATHERINGS VIOLENTLY DISPERSED

The increasingly prohibitive legislative restrictions on freedom of assembly have been accompanied by several cases of arrests and imprisonment of activists for taking part in, or organising, peaceful protests. Many of these protests have been broken up by police with the use of excessive force.

On 26 January 2013, 63 protesters attending a peaceful demonstration in Baku, held in solidarity with demonstrations that had taken place a few days earlier in the Northern town of Ismayilli (see case of Ilgar Mammadov and Tofiy Yagublu below), were arrested. Of those, 23 were issued with heavy fines ranging from 300 to 2,500 AZN (\$382 to 3,187).

On 10 March 2013, activists from several organisations attempted to stage a peaceful protest against non-combat army deaths in central Baku. The peaceful demonstration was broken up by police with the use of rubber bullets and water cannon. Local human rights groups say around a thousand people participated in the protest and 90 were rounded up and loaded onto police buses. Most were released later on the same day, but dozens still remained in custody the following morning. Several demonstrators were injured after being beaten by police with batons, some during their arrest and allegedly others while already in custody. One protestor had his jaw dislocated after being hit in the face with a police helmet.³⁶

3.3 PERSECUTION OF POLITICAL ACTIVISTS

Since the beginning of 2013, members of youth organisations such as the NIDA Civic Movement (NIDA), the Free Youth Organization and the youth wings of the Popular Front Party of Azerbaijan and the Musavat party have been arrested. Some have been forcibly shaved,³⁷ ill treated and forced to confess to false crimes, including in front of television cameras.³⁸

3.3.1 DASHGIN MELIKOV

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 the 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 2013 about his political activity.

On 26 March he was arrested without any explanation in Sumgayit, 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, his family were surprised to learn he had not been charged with possessing counterfeit bills, but instead 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 finally allowed to speak to a lawyer, on 29 March 2013, he said that while at the police station, officials 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, 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 Facebook pages for which he had administrator rights.

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

On 19 July 2013, Dashgin's asthma began to cause serious health concerns and he was transferred from the Shuvalan District Investigatory Detention Centre to a Penitentiary Service hospital at Boyukshor, and then to the Ministry of Justice Chief Medical Office Treatment Unit.

Amnesty International declared Dashgin Melikov prisoner of conscience, and demanded his immediate and unconditional release. The organisation believes that he has been imprisoned on fabricated charges for his criticism of the president and the government. However, in an open letter to the media, dated 1 October 2013, Dashgin Melikov expressed his support for president Ilham Aliyev in the forthcoming elections. He asked for his membership of the Azerbaijan Popular Front Party to be cancelled. He also asked to not be regarded a prisoner of conscience anymore.

In view of Dashgin Melikov's continuing detention it has not been possible to contact him about this letter and ascertain whether he has indeed written it, and whether he did so of own free will. Amnesty International is concerned that while Dashgin Melikov remains in custody he is at risk of ill-treatment and pressure by the authorities. The organization's

concerns have been reinforced by the interview which his father gave to the BBC Azeri Service on 3 October 2013. The father stated that he had asked Dashgin Melikov to write the letters and helped him write them. He told the BBC that “they promised to release him. If he had been healthy, I would have told him to just serve out his sentence, but he’s an unhealthy child.”³⁹

3.3.2 THE CASE OF THE SEVEN NIDA ACTIVISTS AND ILKIN RUSTAMZADE

Seven activists from NIDA Civil Movement and Ilkin Rustamzade were arrested in March, April and May, and charged with criminal articles ranging from illegal possession of firearms and explosives. On 12 September, they were additionally charged with planning to organize acts of public disorder and using Molotov cocktails on the 10 March protest against deaths in the army.

Police claim that on 8 March a day after the arrests of first three NIDA activists they had found 19 bottles filled with gasoline and illegal drugs in the homes of Bakhtiyar Guliyev, three bottles of gasoline and illegal drugs in the home of Shahin Novruzlu, and more illegal drugs in the home Mahammad Azizov. Relatives living with the activists say that the drugs and fuel bottles were planted by police during the searches.

Rashad Hasanov was arrested on 14 March, Uzeyir Mammadli and Rashadat Akhundov on 30 March, and Zaur Gurbanli on 1 April. All of them were charged with the illegal possession of firearms and explosives.

Ilkin Rustamzade, who is not a member of NIDA, was arrested on 17 May and initially charged with hooliganism for his alleged involvement in the filming and uploading of a peaceful "Harlem Shake" video to Youtube, which he denies. He was later also charged with organising “public disorder” together with the seven members of NIDA civic movement. His only link to the 10 March protest is his alleged role in creating a Facebook event page publicising the protest, which proceeded peacefully until it was violently broken up by the authorities.

According to the family, 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 containing the 19 bottles in another room in the Guliyevs' apartment. 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 front yard, from which they believe the officers filled the bottles.

During the initial search of Mahammad Azizov’s room, reportedly nothing was found, and the police returned the same day to search a second time, which is when they claimed to have found drugs wrapped in paper. Mahammad Azizov’s family believe the police planted the drugs during the first search. After their arrest the activists were interrogated without access to lawyers of their own choice, and Mahammad Azizov, Bakhtiyar Guliyev and Shahin Novruzlu were forced to appear on state television reading out their “confessions”. Mahammad Azizov told his lawyer that he had been forced to “confess” by threats to prosecute his family, and Shahin Novruzlu, who was under-aged at the time, was forced to confess without a legal guardian present.

The only evidence presented against Rashadat Akhundov, Zaur Gurbanli and Uzeyir Mammadli is their membership of NIDA's board.

The pre-trial investigation into the case of the eight activists was concluded in mid-September 2013. Their lawyers expect their trials to begin after the elections in October.

3.3.3 ILGAR MAMMADOV AND TOFIG YAGUBLU

On 4 February 2013 Ilgar Mammadov, leader of the opposition group REAL (Republican Alternative) and would be candidate in Azerbaijan's October 2013 Presidential elections, and Tofiq Yagublu, an independent journalist and the deputy chair of the opposition Musavat Party, were arrested on allegations of inciting violent protests on 23-24 January in the city of Ismayili, and have been in custody ever since pending trial.

According to local media, the riots were a spontaneous public response to a road rage incident on 23 January 2013 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 day, on 24 January, Ilgar Mammadov and Tofiq Yagublu travelled separately to Ismayili, to monitor and report on the situation. When they arrived, there was a peaceful demonstration against a heavy-handed police reaction to the previous day's rioting. Within 20 minutes of arriving, both were arrested, brought to a local police station, Bakbut released after receiving warnings.

10 days later they were arrested again and charged under Article 220.1 of the Criminal Code of Azerbaijan, "the organization of a mass disorder accompanied with violence, looting, arson, destruction of property, use 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.

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. Tofiq Yagublu has published several articles in *Yeni Musavat* exposing government corruption.

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.

3.3.4 THE CASE OF TURKEL KARIMLI, ULVI NURIEV AND JOSHGUN SALAHOV

At 10:30pm on the night of 22 September, the son of the Popular Front Party of Azerbaijan, Turkel Karimli, his friend and fellow undergraduate at Bristol University, Ulvi Nuriev and a member of the Popular Front Party, Joshgun Salahov, were detained by police officers in central Baku.

Their lawyers told Amnesty International that, according to Turkel Karimli, a police car pulled up beside them as they were walking past promotional election posters at a stand on Samad Vurgun Street. One of the two police officers in the car accused them of tearing the posters on the stand and told them to get into the car. They denied the accusations, pointing out that none of the posters were torn. The police officer then threatened to press serious criminal charges of resisting a police officer unless they obeyed his orders. The three young men then got into the vehicle, at which point Turkel was able to call his father and inform him of his arrest.

Their mobile telephones were confiscated as soon as they arrived at the No. 22 Nasimi Police Station. There, they were placed inside a room which had only one wooden bench, and kept there from the moment of their arrival, at around 11pm, until 10am in the morning, without food or water. The next day, they were briefly taken to the Nasimi Police Department at 10am, and then returned to the No. 22 Nasimi Police Station at approximately 11am.

In accordance with the Administrative Code of Azerbaijan, the detainees should have had their rights explained immediately, and official charges filed against them within three hours of their detention or be released.

None of this was carried out, and they were only charged at 10.30am the next day, initially, under Article 40 of the Administrative Code, "destruction of election campaign publications and other campaigning literature". However, the charge was inexplicably changed at 12:30pm to that under Article 310 of the Administrative Code, "resisting lawful instructions of a police officer", which carries a much heavier punishment than the initial one.

When the lawyer contracted by Turkel Karimli's family arrived at the No.22 Police Station at 11:30am he was first told that his client was not there but at the Nasimi Police Department, where the lawyer proceeded immediately. However, there he was told that he was in detention at the No.22 Nasimi Police Branch. When the lawyer returned to the branch at 12:30pm, police officials admitted that Turkel Karimli, Joshgun Salahov and Ulvi Nuriev had been there, but that they had already departed to face a judge at Nasimi District Court.

Another lawyer contracted to represent the other two detainees was similarly denied an opportunity to meet with his clients before the start of the trial.

On 23 September, Nasimi District Court found all three guilty and sentenced Joshgun Salahov to 30 days, and Turkel Karimli and Ulvi Nuriev to 25 days of administrative detention.⁴⁰ At the time of writing, Turkey Karimli, Ulvi Nuriev and Joshgun Salahov are serving their sentences.

4. INCREASING PRESSURE ON CIVIL SOCIETY

In the past, Amnesty International had reported numerous attacks on civil society activists, closure of NGOs and of NGOs' branch offices as well as disruption of organised events. This trend has continued in 2013.

4.1 TIGHTENING RESTRICTIONS ON NGOS

Independent civil society organisations and activists have been targeted by the government for many years in Azerbaijan. Among the tools used by the authorities are arbitrary interpretations of the legislation regarding registration, reporting and tax obligations. The arbitrary denial of registration for NGOs in particular has long been a source of concern. Although unregistered local NGOs can operate as legal entities, they face considerable difficulty in obtaining funding. Foreign NGOs cannot operate in Azerbaijan unless they are registered and have formally agreed all their activities with the Ministry of Justice.

On 15 February 2013, Milli Majlis, the parliament of Azerbaijan, introduced amendments to the Law on Nongovernmental Organizations, the Law on Grants, and the Administrative Code of Azerbaijan, which placed additional administrative requirements on NGOs receiving financial or material aid without concluding a formal grant agreement with the donor, and increased penalties for failing to meet the new requirements.⁴¹ This measure particularly hurt unregistered NGOs. When the bill was first submitted for parliamentary consideration, 62 Azerbaijani NGOs issued a joint statement calling on the parliament to reject the proposed amendments, but their call was ignored.⁴²

Amnesty International has received reports from several unregistered NGOs of repeated rejection of their registration applications by the Ministry of Justice for seemingly insignificant transgressions which are not clearly defined in law. This problem has had been particularly common for pro-democracy and human rights NGOs, such as the Human Rights Club (HRC) and the Election Monitoring and Democracy Studies Centre (EMDS) for example, which were denied registration in January 2011 and May 2010 respectively. In both cases, missing copies of documents, such as passports and signatures were cited by the Ministry of Justice to deny registration. Over a thousand NGOs in Azerbaijan have reportedly been denied registration since the introduction of the requirement in 2005..⁴³

In at least five cases brought before it, the European Court of Human Rights has ruled against Azerbaijan on violation of the right to freedom of association for denying registration to NGOs while the Council of Europe has raised concerns with regards to recent laws regulating NGO registration.⁴⁴

4.2 PERSECUTION OF CIVIL SOCIETY ACTIVISTS AND LAWYERS

Pressure and attacks on civil society activists and lawyers, particularly in regions outside the capital Baku, have continued in Azerbaijan in 2013, with open threats against the National Democratic Institute (NDI), the closure of the Free Thought University (a project of the

unregistered OL! Movement) and the harassment of EMDS activists in regions being cases in point.

4.2.1 HARASSMENT OF CIVIL SOCIETY ACTIVISTS IN KHACHMAZ

In February 2013, EMDS member Javid Nabiyev and IRFS lawyer Gunay Ismayilova conducted a series of workshops as part of a joint project by EMDS and the Democratic Journalism School the objective of which was promoting citizens' participation in the electoral system. On the morning of 12 February, during a workshop in the northern region of Khachmaz, plainclothes police officers entered the room and, without identifying themselves, told everyone to leave and forced everyone out.⁴⁵

Javid Nabiyev, Gunay Ismayilova and the workshop participants left the hotel peacefully. They arranged to continue the workshop at the Khachmaz Local Community Information Centre. However, the workshop was once again interrupted by plainclothes police officers who entered the room and tried to force everyone out. Javid Nabiyev protested and complained that the men had not presented any proof of their identity and had no right to stop their workshop. In response to Javid Nabiyev's defiance, the official who turned out to be the head of the Khachmaz Police Criminal Investigations Unit and other police officers began punching and kicking the activist. They then took Javid Nabiyev and Gunay Ismayilova to Khachmaz Region Police Department. The two activists were kept in detention for five hours. During the period, Javid Nabiyev felt unwell, but he was not allowed to be seen by a doctor. From the police station, the two activists were then taken to the local Prosecutor's Office. The prosecutor reportedly refused to initiate a criminal investigation against them, and the two were released, but to this day, no one has been held responsible for the beating of Javid Nabiyev and the illegal obstruction of the workshops.

4.2.2 BAKHTIYAR MAMMADOV

On 27 February 2013, a court in Baku sentenced lawyer Bakhtiyar Mammadov to eight years in prison on extortion and fraud charges which Amnesty International believes to have been brought in retaliation for his work as a human rights defender.

Bakhtiyar Mammadov was arrested on 30 December 2011. The investigation alleged that he had attempted to extort AZN 18,000 (about USD 22,945) from a high-ranking navy official by threatening to disclose documents incriminating him in the misappropriation of funds allocated for compensating families evicted from Flag Square in central Baku.

Bakhtiyar 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.

The lawyer who was representing Bakhtiyar Mammadov told Amnesty International that his client had been convicted solely on the basis of witness testimonies, and that the prosecution failed to present any other evidence to corroborate its charges.

The naval officer whom Bakhtiyar Mammadov is alleged to have blackmailed testified that he had never met or known the defendant. Instead, some delegates representing him claimed that in a meeting with them Bakhtiyar Mammadov had demanded a bribe from the navy officer in question.

Bakhtiyar Mammadov had previously been convicted of fraud, in 2010, and 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 the lawyer representing him, the first set of fraud charges against Bakhtiyar Mammadov related to an incident that had taken place in 2005. An acquaintance of Bakhtiyar Mammadov, who is now deceased, allegedly took money from a person in exchange for a promise to find him employment in the State Oil Company of Azerbaijan. However, according to his lawyer, at no point did Bakhtiyar Mammadov himself demand payment in exchange for his help, nor was he offered any. Eventually Bakhtiyar Mammadov's acquaintance returned the money. The case against Bakhtiyar Mammadov was closed in 2005 but reopened again in 2010.

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.

4.2.3 ILHAM AMIRASLANOV

On 12 September 2012, human rights defender Ilham Amiraslanov was convicted to two years in prison on trumped up charges of arms possession. He had been 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 – 7 September 2012, compensation payments and reconstruction programmes worth around AZN 460 million (EUR 50 million) and intended for 1,700 damaged homes had been suspended without any reason, and the money had not been accounted for.

Ilham Amirsalanov was arrested on 8 June 2012, a few days after meeting with the Minister for Emergency Situations to discuss the issue. According to Amirsalanov's lawyer, his car was stopped by three masked men, who handcuffed and forced him into their car and drove him away. Two witnesses who had been in his car at the time gave testimony in court which confirmed the detail of his abduction.

Ilham Amirsalanov told his lawyer that the masked men placed the gun in a back pocket and drove him to his home, where he was forced to appear and be photographed taking bullets from his cellar and giving them to a police officer. He was later taken to the police department, where he was beaten, threatened and questioned without a lawyer and forced into signing a confession. A subsequent medical examination at the detention centre confirmed that Ilham Amirsalanov 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 Ilham Amirsalanov, had participated in his beating 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 state TV.

Amnesty International believes that the charges against Ilham Amirsalanov were brought in retaliation for allegations he had made publicly, stating that the local officials had embezzled funds allocated for the victims of the Kur river floods in 2010. Amiraslanov is the second Kur Civil Society activist to be arrested on trumped up charges. In 2012 Ogtay Gulaliyev, whom Amnesty International also considered to be a prisoner of conscience at the time, was arrested on fabricated charges of hooliganism, but later released.

5. RECOMMENDATIONS

The Azerbaijani authorities must put an end to policies stifling civil society and political dissent, repressing free expression and putting further restrictions on the freedoms of association and assembly. Azerbaijan's international partners must be clear in their to meet its human rights obligations.

Recommendations to the government of Azerbaijan

The Azerbaijani authorities must:

- End the harassment, intimidation, arbitrary detention and criminal prosecution of individuals who peacefully exercise their right to the freedoms of expression, association and assembly;
- End the harassment of, and arbitrary restrictions placed on, organizations that engage in legitimate civil society and political activities;
- Immediately and unconditionally release all prisoners of conscience – those detained solely for the peaceful exercise of their rights;
- Ensure that anyone charged with offences relating to alleged acts violence, possession of illegal arms and substances, and any other crimes, is tried in public proceedings that fully comply with international standards of fair trial;
- Promptly, impartially, effectively and thoroughly investigate all allegation of intimidation, harassment, arbitrary arrest and detention, torture or other ill-treatment, and fabrication of false charges against civil society activists, human rights defenders, members and supporters of political parties, journalists and lawyers are fully investigated, and the perpetrators identified and brought to justice in accordance with international fair trial standards;
- Stop criminal and administrative prosecution of organizers and participants of peaceful demonstrations, and ensure that criminal and administrative proceedings are not used against peaceful protesters, civil society and political activists;
- Ensure that the Law on Freedom of Assembly and the local authorities' policy and practice are brought fully in accordance with international human rights standards, including taking measures to lift the effective ban on peaceful demonstrations in the centre of Baku;
- Decriminalise defamation and ensure that civil defamation legislation is not used to suppress freedom of expression and punish or prevent legitimate criticism of government and of public officials;
- Ensure that human rights defenders, lawyers and other civil society actors are able to carry out their legitimate activities without fear or threat of reprisal, obstruction or legal and administrative harassment;

- Ensure that independent media outlets and journalists are able to operate freely in Azerbaijan, without fear of reprisal, unlawful restrictions and arbitrary prosecutions;
- Lift arbitrary restrictions imposed on independent TV and radio broadcasters, as well as restrictions imposed on international media;
- Cease deliberate technical interference with broadcasting by international media in Azerbaijan;
- Respect the right to freedom of assembly and allow peaceful demonstrations to take place in appropriate central locations, and ensure demonstrators' safety.

Recommendations to Azerbaijan's international partners, including governments and regional and international inter-governmental organizations.

Azerbaijan's international partners should:

- Continue monitoring and reporting on human rights situation generally and on specific cases of human rights violations in Azerbaijan
- Place greater emphasis on the respect for human rights in bi-lateral relations and in respect of trade or other agreements with Azerbaijan;
- Raise documented cases of human rights violations with the Azerbaijani authorities at every suitable opportunity and call for the immediate and unconditional release of all prisoners of conscience;

Increase support for the work of human rights defenders and independent civil society activists in Azerbaijan.

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