

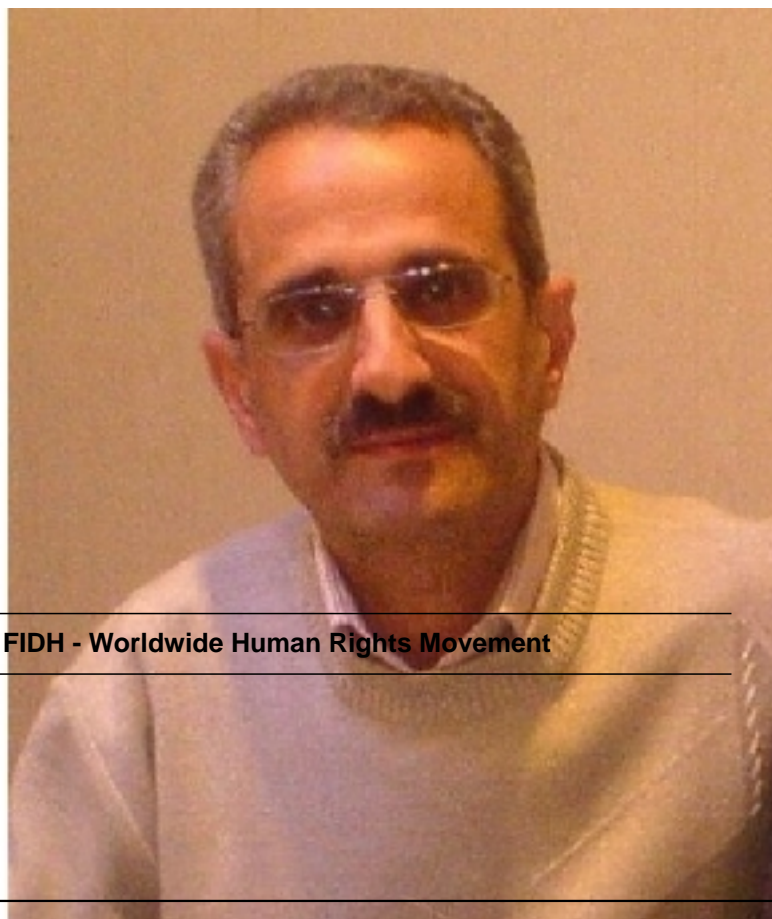


Date : Wednesday 11 July 2012

## **Azerbaijan: Arbitrary detention of Mr. Hilal Mammadov**

**The Observatory has been informed by the Human Rights Centre of Azerbaijan (HRCA) about the arrest, arbitrary detention and judicial harassment of Mr. Hilal Mammadov, a minority rights defender and editor-in-chief of the Tolishi-Sado (Voice of Talysh) newspaper since June 9, 2012[1].**

<http://www.fidh.org/Azerbaijan-Arbitrary-detention-of,11958>



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**FIDH - Worldwide Human Rights Movement**

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The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), requests your urgent intervention in the following situation in Azerbaijan.

**Description of the situation:**

According to the information received, on June 21, 2012, Mr. Mammadov was arrested in relation to a criminal case opened against him by the Nizami District Police under Article 234.4.3 of the Criminal Code ("illegal manufacture, purchase, storage, transfer, transport or sale of drugs in a large quantity"). The authorities alleged having seized five grams of heroin from him and about 30 grams at his place of residence. Article 234.4 provides penalties ranging from confiscation of property to imprisonment for up to 12 years. On June 22, 2012, the Nizami District Court sentenced Mr. Hilal Mammadov to 3 months of pre-trial detention.

On the same day, Mr. Mammadov met with his lawyer, who discovered and photographed injuries- on his leg, and subsequently lodged a complaint for torture. Such complaint remains unanswered as of issuing this urgent appeal.

On July 4, 2012, the accusations of illegal possession of drugs were contradicted by a joint statement of the Interior Ministry and Prosecutor General of Azerbaijan, which states that Mr. Mammadov was in reality arrested on June 21, 2012 on the basis of information about his supposed "cooperation with the intelligence agency of a foreign country", "activities against the security and territorial integrity of Azerbaijan", as well as "incitement of national, racial and religious hatred". According to the authors of the statement, Mr. Mammadov had supposedly become an agent of foreign secret services 20 years ago.

On July 4, 2012, new trumped-up charges were therefore brought against Mr. Mammadov under other Articles of the Criminal Code, i.e. Article 274 ("treason") and Article 283.2.2 ("inciting national, racial, social and religious hatred, hostility and ethnic discrimination"). The investigators confiscated as evidence a notebook computer as well as drives containing information. The criminal case launched against him by the Nizami District Prosecutor's Office was transferred to the Department for Grave Crimes under the General Prosecutor's Office.

Mr. Hilal Mammadov presently remains detained in the premises of the Investigative Prison in Baku.

The Observatory expresses its deep concern about the arbitrary detention and judicial harassment of Mr. Mammadov, as they seem to only aim at sanctioning his human rights activities.

The Observatory underlines in particular that the first edition of the Tolishi-Sado newspaper under his authority as editor-in-chief was due to be released at the end of June 2012.

The Observatory is all the more concerned that former Tolishi-Sado editor-in-chief, Mr. Novruzali Mammedov, was subjected to similar acts of harassment and arbitrary detention in 2007, and eventually died in custody on August 17, 2009[2].

**Action requested:**

Please write to the authorities in Azerbaijan, urging them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Mr. Hilal Mammadov as well as of all human rights defenders in Azerbaijan;
- ii. Order an immediate, thorough, transparent investigation into the allegations of torture against Mr. Hilal Mammadov, in order to identify all those responsible, bring them before an independent tribunal, and apply them the sanctions provided by the law;
- iii. Release Mr. Hilal Mammadov immediately and unconditionally as his detention is arbitrary since it only aims at sanctioning his human rights activities;
- iv. Put an end to any kind of harassment - including at the judicial level - against Mr. Hilal Mammadov and more generally against all human rights defenders in Azerbaijan;
- v. Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially its Article 1, which states that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels", as well as its Article 12.2, which provides that the State shall "take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of his or her rights";
- vi. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by Azerbaijan.

**Addresses:**

- Mr. Ilham Aliyev, President of the Republic of Azerbaijan, Office of the President of the Republic of Azerbaijan, 19 Istiqlaliyyat St., Baku AZ1066, Azerbaijan, Fax: +994 12 492 06 25, +994 412 92 28 68, E-mail: office@pa.gov.az, office@apparat.gov.az
- Prosecutor's Office, 7 Nigar Rafibeyli St., Baku, Azerbaijan, Fax: +994 12 492 06 82, +994 12 492 26 63, E-mail: eldar\_sultanov@prosecutor.gov.az
- Mr. Ramil Usubov, Minister of Home Affairs of the Azerbaijani Republic, Fax: + 994 12 492 45 90
- Mr. Fikrat F. Mammadov, Minister of Justice in Azerbaijan, Inshaatchilar Prospekti, 1 Baku, Azerbaijan, e-mail: minjus@azdata.net, contact@justice.gov.az; Tel (99412) 430 09 77, Fax + 99412 430 09 81
- Permanent Mission of Azerbaijan to the United Nations in Geneva, Route des Fayards 237, CH-1290 Versoix, Switzerland, E-mail: geneva@mission.mfa.gov.az Fax: +4122 901 18 44
- Azerbaijani Embassy in Brussels, Avenue Moliere, 464, 1050 Brussels, Belgium, Tel: +32 2 345 26 60, Fax: +32 2 345 91 85

Please also write to the diplomatic missions or embassies of Azerbaijan in your respective country as well as to the EU diplomatic missions or embassies in Azerbaijan.

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Paris-Geneva, July 11, 2012

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory, a FIDH and OMCT venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need.

**To contact the Observatory, call the emergency line:**

- **E-mail: [Appeals@fidh-omct.org](mailto:Appeals@fidh-omct.org)**
- **Tel and fax FIDH + 33 (0) 1 43 55 25 18 / +33 1 43 55 18 80**
- **Tel and fax OMCT + 41 (0) 22 809 49 39 / + 41 22 809 49 29**

[1] The Talysh people is an ethnic minority living in the south of Azerbaijan.

[2] See Observatory Urgent Appeal AZE 001 / 0808 / OBS 139.7.

*Post-scriptum :*

*AZE 002 / 0712 / OBS 069*

*Arbitrary detention /*

*Judicial harassment*

*Azerbaijan*

*July 11, 2012*