

Human Dimension Implementation Meeting

Working Session 4

Fundamental freedoms I (continued), including:

- Freedom of peaceful assembly and association,**
- National human rights institutions and the role of civil society in the protection of human rights**
- Human rights education**

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International organizations confirm that law on peaceful assembly appropriates to modern European standards. In 2008 after amendments on the law coordinated with Council of Europe Venice Commission, the Commission highly appreciated and called positive changes. Secretary of Venice Commission of CoE: Venice Commission considers satisfactory law on "Freedom on peaceful assembly". OSCE Baku office declared that in the preparation of the law there taken were into account proposals of OSCE and term in of peaceful assembly. Thus, the law was adopted coordinated with European Institution and appropriate democratic standards. According to the law rallies will be held in the very places which relevant Executive Power of Azerbaijan will determine. The opposition is able to organize any time the rallies freely in the very places Executive Power of Azerbaijan determined.

I would like to tell in short about NGO legislation in Azerbaijan. The accepted laws are in the frame of commitment that Azerbaijan made under international organization. Azerbaijan was based on experience of leading countries in some changes in legislation. New amendments on NGO legislation serve to enhance transparent activity of NGO-s, social control, accountability, increasing of responsibility and efficiency.

Protection of rights and interests of citizens, ensuring the rule of law, fundamental rights and freedoms under Azerbaijan's constitution, laws and international legal documents are the high goal of the Azerbaijani government. No one is persecuted for his professional activities and political views in Azerbaijan. All are equal before the law and being human rights defender doesn't exempt anyone from criminal responsibility. The hearing's being held openly and in a free environment was fully ensured and it was watched by the officials of international organizations and foreign embassies accredited in Azerbaijan.

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I would like to add concerning issues that raised during session. Leyla Yunusova was charged under the articles 274 (high treason), 178.3.2 (fraud (by inflicting major damage)), 192.2.2 (illegal entrepreneurship), 213.2.2 (evasion from a large amount of taxes), 320.1 (forging a certificate or another official document providing rights or exempting from duties, in order to use or sell that document, as well as making for the same purposes or selling forged state awards of Azerbaijan Republic, stamps, seals, forms) and 320.2 (use of deliberately forged documents indicated in the article 320.1 of this Code) of the Criminal Code of Azerbaijan. Arif Yunusov was charged under the articles 274 (high treason) and 178.3.2 (fraud) of Azerbaijan's Criminal Code.

Protection of fundamental rights and freedoms and guaranteeing the rule of law for the benefit of its nationals is the priority task of the Government.

Only individuals having committed concrete criminal acts are brought before justice and all cases are considered in an objective and impartial manner in full compliance with the national legislation, including international commitments of Azerbaijan. Azerbaijan is firm on the road to building a law-abiding society. One of the basic principles of the rule of law is that people from all walks of life are equal before the law. There is no difference between the citizens committing an offence, regardless even if they proclaim themselves human rights defenders or not. Human rights have nothing to do with permissiveness or providing an indulgence to engage in illegal activities.

"Journalist of "Azadlig" radio Khadija Ismayilova faced criminal charges for committing concrete criminal acts unrelated with her journalistic activities. During the trial the charges were fully proved and the adequate decision was made. That is why attempts to politicize the court's verdict about Ismayilova by some international organizations, officials of different countries, and a number of international human rights organizations are unacceptable. Azerbaijani government takes systematic measures towards ensuring the further development of the freedom of speech and information, the independence of the mass media. Unfortunately, there was a biased approach like intervention in and pressure on the investigation, and attempts to politicize it even at the time the charges against Khadija Ismayilova were still under investigation. These attempts are considered direct intervention in Azerbaijan's sovereignty. We condemn any attempt to politicize the court verdict over Khadija Ismayilova.

In addition Azerbaijan's legislation fully ensures freedom of speech and information, the independent activities of media outlets and journalists, and the right to freely receive and disseminate information. In addition, both local and foreign journalists and media representatives should carry out their activities in compliance with the law, should be aware of their responsibility before the country and society, and not allow any illegal actions.

But it's very bizarre that nobody from OSCE delegations noted these facts. At least 40-50 activists have been detained as a result of dispersal of the protest action against the increase in electricity tariffs in Armenia in June.

On June 23, Armenian police broke up a rally in the center of the country's capital. The rally was held in protest against the increased electricity tariffs. The protests in the streets resulted in use of water cannons against people.

Over 230 people got arrested as a result of violent crackdown, including journalists of Gala TV, the Radio Liberty's Armenian office, the Haykakan Zhamanak newspaper, News.am, Panarmenian.net news agencies. Armenian police use force: board member of "Stand up, Armenia" movement to be hospitalized.

This is crackdown of civil society, this is violation of rights. It's odd that UN Special Rapporteur did not touch upon it. Just few days ago Vahan Martirosyan, head of the Armenian Intra-national Liberation Movement, together with his wife and underage child fled to Azerbaijan to seek political asylum to protect himself and his family.

He has been prosecuted by Armenian state authorities and various officials for the activities of the pro-opposition Intra-national Liberation Movement which he leads. Vahan Martirosyan, who fled to Azerbaijan to seek political asylum, has been wanted by the local police since September 9, said the Armenian Investigative Committee.