

**Human Dimension Seminar on Improving OSCE effectiveness
by enhancing its co-operation with relevant regional and international
organizations, 13 May 2014**

**The international association of independent democrats against
authoritarian regimes**

Copy to **ODIHR-OSCE**

Secretary General Thorbjørn Jagland

Council of Europe, Avenue de l'Europe, F – 67075 Strasbourg Cedex, France

CC:

Foreign Ministers of Members States of the Council of Europe

Members of the Parliamentary Assembly of the Council of Europe

May 9, 2014

**RE: Legal persecution and ongoing harassment of the critical voice in
Azerbaijan**

Dear Secretary General Jagland:

In the first place, we welcome the adoption of the Council of Europe- Azerbaijan Action Plan, and would like to thank you for your unwavering commitment to promoting human rights and democratic development in every member state of the Council of Europe, including Azerbaijan.

With regard to the Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols, and the case law of the European Court of Human Rights, we send you this special request on the subject of legal persecution and ongoing harassment of the critical voice in Azerbaijan.

The Azerbaijani authorities have a proven track record of using detention and other forms of pressure to stifle dissent and protest. This year, the stakes are higher than usual for those voicing critical opinions in Azerbaijan with the country assuming the chairmanship of the Committee of Ministers. Local media workers and human rights defenders fear that once international attention has waned, they will face acts of retaliation for exposing unsavory truths about the country, and indeed, some critical individuals have already targeted in the run-up to the chairmanship. Critical media workers and human rights defenders face detention based on the political use of laws and other forms of persecution such as harassment, threats and blackmail.

We recall your sharp reaction to the jail sentences handed down to two young bloggers back in 2009. You said in the official statement:

“Freedom of expression is a vital precondition of democracy. Without it there is no freedom, no creativity, no good ideas, no good solutions and no social progress. What is at stake is not only the freedom of Adnan and Emin, but the freedom and well-being of all people in Azerbaijan”.

Today more than ever before the freedom and well-being of Azerbaijani citizens are at stake.

Right now 30 human rights defenders, journalists, bloggers and political activists are behind bars on politically motivated charges in connection with freedom of expression. On the day Azerbaijan's Foreign Ministry Mr. Mammadyarov presented Azerbaijan's priorities of the chairmanship at the ministerial event in Vienna (May 6), eight youth activists (the youngest is 18-year old) who played central roles in the criticism of the ruling regime in the run up to 2013

Presidential Election were sentenced from six to eight years in prison on fabricated charges of illegal drugs and weapons possession and organizing mass disorders.

The members of the National Assembly, Milli Meclis, have called for legal persecution and harassment of the non-governmental organizations engaged into criticism of the official Baku –one of the NGOs being targeted is a globally acclaimed corruption watchdog, Transparency International. Following Transparency Azerbaijan’s criticism of the Azerbaijan’s Parliament, the MPs called for the “boycott” of this NGO and “investigation” into its activity. The members of the National Assembly have added their voice to the state officials’ anti-NGO rhetoric when they publicly branded civil activists “anti-nationalist forces” and “traitors to the nation” for exposing human rights problems in the country ahead of the Council’s chairmanship.

In the lead up to the Council’s chairmanship, there has been a rise in harassment of CSOs in Azerbaijan. Official intimidation tactics have included the levying of heavy fines on CSOs for petty administrative lapses; the wave of inspections of Azerbaijani non-governmental organizations by the country's law enforcement and tax authorities;

the publication of defamatory articles against civil society members in the press; denial of permission to civil society groups to hold meetings in public spaces; and so on.

These actions contravene Azerbaijan’s obligations as a member state of the Council of Europe. Azerbaijan’s regime continues to ignore the Council of Europe Parliamentary Assembly Resolution 1891 (2012) on the situation of human rights defenders in member states. The Resolution calls on member states to “stop accusing human rights defenders of being extremists or agents of foreign powers unless there exists compelling evidence to this effect”. The Resolution appeals to member states to put an end to any administrative, fiscal or judicial harassment of human rights defenders, to create an enabling environment for their work, and to ensure, in all circumstances, that they are able to carry out their activities in accordance with international human rights standards and relevant national legislation.

Mr. Secretary-General, the Council of Europe’s credibility is increasingly on the line. The subsequent use of your powers under Article 52 ECHR may be well crucial in order to safeguard Council’s democratic values and civil rights.

As organizations and individuals working against the odds in Azerbaijan, we count on your voice, and your moral authority, to be heard in condemning the systemic human rights crackdown in Azerbaijan, a Council of Europe member state since 2001.

As an immediate step, we urge you to demand the immediate release of all journalists, bloggers, political activists and human rights defenders in prison or detention in connection with exercising their rights to freedom of expression, assembly and association, and to stop using the courts to imprison critics and opponents. Furthermore, we ask you to mandate a group of independent experts to examine cases of other alleged political prisoners in Azerbaijan and to render opinions on the said cases as to whether the persons in question may be defined as political prisoners on the basis of the criteria adopted in previous Council of Europe documents. We ask you to remind the Azerbaijani government of the rules of a fair hearing, as set out in the European Convention on Human Rights and clarified in case law of the European Court of Human Rights, to be applied in every case.

Finally, we ask you to publicly highlight that intimidation and harassment of activists in Azerbaijan is unacceptable and to demand an immediate end to these practices.

We thank you for your attention and hope we can count on your principled leadership on these important matters.

Undersigned:

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