



NORWEGIAN HELSINKI COMMITTEE  
DEN NORSKE HELSINGFORSKOMITE

**OSCE Human Dimension Implementation Meeting 2016**  
**Working Session 8, 23 September: Rule of Law I.**

**Azerbaijan: INVOKE THE MOSCOW MECHANISM AND CONSIDER TARGETED SANCTIONS**

*Alarming consequences of Constitutional amendments to increase the power of the President dramatically weakens democratic institutions and will further isolate and repress dissent. Endemic problem of political prisoners prevails.*

On Sunday 25 September Azerbaijan will hold a hastily called referendum. The proposed amendments, put to referendum without any deliberations or involvement of the Parliament, are clearly aimed at strengthening the authority of the Presidency. Moreover, the institutional reform would come into force immediately, and the balance of powers would be shifted in favour of the President already in the current electoral cycle.

The proposed amendments includes a right of the President to dissolve the Parliament at own wish, which would make the already weak opposition in Azerbaijan powerless.

The changes would extend the presidential term from five to seven years, a reform which cannot be justified from an institutional perspective and only weaken participatory democracy in the country. The proposal to drop the minimum age for future presidents is curious, and has sparked speculations of the real rationale behind such a proposal as being related to the current President's own children.

The Venice Commission three days ago published a preliminary opinion where it says that –  
*The new powers of the President introduced by the Draft are unprecedented even in comparative respect; they reduce his political accountability and weaken Parliament even further. The Venice Commission is particularly worried by the introduction of the figure of unelected Vice-Presidents, who may at some moment govern the country, and the President's prerogative to declare early presidential elections at his/her convenience.*

In modern democracies, the powers between legislative, executive and judicial powers should be balanced, these proposed amendments are taking the Constitutional system in the wrong direction.

Despite this, we fear that President Ilham Aliyev yet again will secure victory for his proposals this coming Sunday.

The consequences of Constitutional amendments require explanation and public debates well ahead of the day of voting. This has not happened in Azerbaijan, and the larger population will not have understood the questions at stake for lack of public information.

Criticism against the proposals and the referendum itself has not been tolerated. Instead, it is apparent that a new wave of arrests, persecution and harassment of activists, opposition leaders and movements, independent media are aimed at muting protests against the referendum.

- Natig Jafarli, the Executive Secretary for the Republican Alternative Movement (REAL) was detained on 12 August and confiscated campaign materials. REAL consequently suspended its campaign activities against the referendum. (Jafarli was released from detention on 9 September).
- A larger opposition Party, Musavats ,attempts at registering an initiative group for the campaign was denied by the Central Elections Commission.
- The independent newspaper Azadlyq was suspended on September 6 and the independent TV station ANS lost its licence in July. We consider these events as targeted attacks aimed at closing down remaining media in the country.
- The endemic problem of political prisoners remains unsolved in the country. Currently, Azerbaijan holds more than 100 political prisoners. It is appalling that after repeated calls from the European Court of Human Rights and the Council of Europe's Committee of Ministers, REALs leader Ilgar Mammadli is still in jail.

The Republic of Azerbaijan has continued to constantly and seriously breach international and regional law and standards, in particular its obligations arising from the Human Dimensions of the Helsinki Accords and the European Convention of Human Rights.

The OSCE and its participating states must step up further to stop this irresponsible and unacceptable practice in an OSCE participating state.

The OSCE bodies and participating states should:

- Invoke the Moscow mechanism against the Republic of Azerbaijan, sending a mission of experts to assist Azerbaijan in securing constitutional reforms to bolster division of powers and participatory democracy in the country
- Organize a high level special session on the existence of political prisoners in Azerbaijan, inviting human rights defenders, to establish the facts and to develop a decisive plan of action for a speedy resolve of the problem

The OSCE participating States should:

- Consider imposing targeted sanctions against those individuals who are responsible for grave human rights violations, including the persecution and conviction of political prisoners in Azerbaijan, including government officials, prosecutors, investigators and judges, for example through a Magnitsky style mechanism.

We want to quote from US Ambassador to Azerbaijan Richard Kauzlarich, at a recent human rights hearing where he urged an active confrontation of the Azerbaijani government for its human rights abuse:

"Quiet Diplomacy has not worked. Quiet Diplomacy has turned political prisoners into objects to be traded"

Thank you for your attention.