



Hügelgasse 2, A-1130 Vienna Tel: +43 (1) 403 13 22 Fax: +43 (1) 403 13 23 E-mail: vienna@mission.mfa.gov.az

PC.DEL/328/11  
8 April 2011

ENGLISH only

**Statement at the 857<sup>th</sup> meeting of the Permanent Council  
April 7, 2011**

*In response to the statements by EU and USA  
on fundamental freedoms in Azerbaijan*

Mr. Chairman,

We took note of the statements made by the distinguished delegations of Hungary, in the name of the European Union and of the United States of America. They will be duly submitted to the relevant authorities.

With regard to these statements, let me read out the joint statement made by the Ministry of Internal Affairs and the General Prosecutor's Office of the Republic of Azerbaijan:

“Opposition parties and organizations, which are part of the so-called Public Chamber, appealed to the executive authorities of Baku city with a request to hold a demonstration on April 2, 2011 in front of the cinema N.Narimanov. The request was considered and taking into account the 1<sup>st</sup> part of the Article 7 of the Law on Freedom of Assembly of the Republic of Azerbaijan, in order to protect public interests, to preserve public safety, to prevent disorder and crimes and to guarantee interests of others, it was proposed to change the route and to hold the rally in the stadium of Bibi-Heybat settlement of Sabail district of Baku. The authors of the request were officially informed to this end.

Leaders of the political parties of National Front of Azerbaijan and Musavat – Ali Kerimli and Isa Gambar were warned by the General Police Department and the Prosecutor's Office, that any attempts to hold the rally in an unsanctioned site will be barred and they will be responsible for any possible violations of public order.

In spite of this, the organizers of the rally together with about 350 participants attempted to break into the Fountains' Square from different directions. Despite numerous demands by the police to stop actions aimed at the public

disorder, the representatives of the radical opposition didn't follow these requests and carried out activities breaking public safety. During these unlawful activities, normal functioning of several organizations and institutions located near the Fountains' Square, traffic, as well as safety, rights and freedoms of the population were disrupted.

As a result of cruel and aggressive actions, indicating open disrespect to the public, damage was caused to physical and legal entities, as well as 25 police cars and 17 shops. Windows of one bank and an ATM were broken. 13 police officers were injured as a result of force being used against them.

To prevent the actions violating public safety, 5 persons suspected in organizing and active participation, were detained. Appropriate administrative measures in accordance with the law were applied by the police and courts with regard to 70 other persons involved into these unlawful actions.

The Prosecutor's Office of the city of Baku has launched criminal investigation on the articles 233 (organizing activities, aimed at public disorder, as well as active participation in them) and 315 (using force against or confrontation with the police) of the Criminal Code of the Republic of Azerbaijan. Investigative group consisting of the representatives of police and prosecutor's office has been established in order to hold comprehensive and full investigation of the incidents of April 2".

We would like once again to reiterate that in accordance with the Law on Freedom of Assembly and in order to guarantee public order and safety, special sites in the city of Baku have been allocated for rallies and demonstrations.

However, so-called Public Chamber has requested for a rally in one site, got permission for another site, and at the end attempted to hold a rally in absolutely different site – very centre of the city, which is a place of rest for the population and an attraction sight for the tourists. This scenario causes too many questions and obviously shows its provocative nature.

Unfortunately, we once again, witness selective approach with regard to OSCE participating States. Without having intention of "naming and shaming", we see that dispersal of a demonstration and detention of some of its participants in one pS, located to the west of Vienna, raises absolutely no questions related to commitments on freedom of assembly, while the case of Azerbaijan, where law-enforcement bodies had to act in full accordance with the national legislation in order to protect public order, becomes a matter of serious concern for our international partners.

The Government of the Republic of Azerbaijan has always held a principle position of promoting human rights and fundamental freedoms. It has fully implemented its commitments in accordance with the Constitution, the laws of the country and the international legal acts Azerbaijan is a party to.

Azerbaijan has always respected the right to freedom of assembly and freedom of expression. The authorities create all necessary conditions to ensure these rights. However, let's not forget that the main task of the state is also to provide security, order for civilians, ordinary citizens, as well as superiority of the rule of law, legal norms, protection of public order in the country. In accordance with the national legislation unauthorized rallies that can create confrontation, disrupt stability and social order are prevented in Azerbaijan, like in all other OSCE participating states.

With regard to the cases related to the alleged beatings of the Azadliq newspaper reporters, the incidents are being investigated by the law-enforcement agencies. The Minister of Interior has given strict instructions for proper and timely investigation and to find the perpetrators. The representatives of the journalist's organizations have met and discussed this issue with the Minister of Interior. They will participate in the investigative process in accordance with the legislation.

At the end we once again underline that Azerbaijan is open for further cooperation with OSCE and other international organizations on above-mentioned issues.

Thank you, Mr. Chairman.