



Joint Submission to the UN Universal Periodic Review

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REPUBLIC OF AZERBAIJAN

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Joint Submission by CIVICUS: World Alliance for Citizen Participation, NGO in General Consultative Status with ECOSOC

and

Center for National and International Studies (CNIS)

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1. (A) Introduction

- 1.1** CIVICUS: World Alliance for Citizen Participation is an international movement with members in more than 100 countries worldwide. Established in 1993, CIVICUS nurtures the foundation, growth and protection of citizen action throughout the world, especially in areas where participatory democracy and citizen's freedom of association are threatened.
- 1.2** Center for National and International Studies (CNIS) is an independent non-profit institution based in Baku, Azerbaijan. CNIS conducts non-partisan research, covering a wide variety of issues, such as regional conflicts and security; oil and politics; state and democracy building; foreign and domestic policies. The institution also carries out activities related to democracy promotion and human rights.
- 1.3** In this document, CIVICUS and CNIS outline concerns related to the environment in which civil society organisations and human rights defenders operate in Azerbaijan, and discuss threats they face in the exercise of the freedoms of expression, association and assembly.
- 1.4** Political pluralism in Azerbaijan remains tightly restricted thereby reducing the space for citizens and civil society to exercise their right of democratic dissent. Since March 2011, there have been persistent protests in Azerbaijan demanding greater political freedoms. These protests have been brutally suppressed and those participating in them have had to face various forms of persecution.
- 1.5** CIVICUS and CNIS are concerned by persistent harassment, intimidation and attacks against independent journalists, human rights defenders and political activists by state agents. Civil society organisations (CSOs) and media houses have also had to face various forms of bureaucratic harassment for their criticism of the government.
- 1.6** CIVICUS and CNIS are alarmed by the failure of the Azerbaijan Government to protect members of civil society in the exercise of their rights to freedom of expression, association and assembly.
- In section B, CIVICUS and CNIS highlight concerns regarding freedom of assembly, attacks on and harassment of protestors.
 - In section C, CIVICUS and CNIS highlight concerns regarding judicial harassment and intimidation of human rights defenders and journalists.
 - In section D, CIVICUS and CNIS highlight concerns regarding freedom of association and unwarranted bureaucratic harassment of civil society organisations (CSOs).
 - In section E, CIVICUS and CNIS make a number of recommendations in the areas of concern listed.

2. (B) Concerns regarding freedom of assembly, attacks on and harassment of protestors

- 2.1 Article 49 of Azerbaijan's constitution guarantees the right to assemble peacefully and to organise meetings, demonstrations, processions and place pickets upon notification. Article 21 of the International Covenant on Civil and Political Rights (ICCPR) to which Azerbaijan is a state party also guarantees the freedom of peaceful assembly.
- 2.2 Since March 2011, there have been on-going protests in Azerbaijan in support of greater political freedoms parallel to the pro-democracy protests across the Middle-East and North Africa Region. These protests increased in intensity in the run-up to the Eurovision Contest organised in May 2012 in the capital, Baku. Activists and concerned citizens under the banner of 'Sing for Democracy' sought to highlight severe restrictions on democratic freedoms as international spotlight was focused on Azerbaijan as a result of the Eurovision contest. The response of the authorities to the peaceful protests has been heavy handed and brutal. Many of the protestors have been subjected to beatings and judicial harassment for exercising their right to democratic dissent.
- 2.3 On 25 May 2012, roughly 70 peaceful protestors were apprehended by police prior to the Eurovision Contest for participating in a 'Public Walk' campaign in Baku. They were bundled into police vehicles and roughed up for publicly calling for 'freedom' in the country as police used excessive force to disperse the crowd. At least 200 people were arrested and dozens beaten on 2 April 2011 when security forces shut down a largely peaceful anti-government protest in the capital, Baku. Eye-witnesses observed a number of plain clothed security force personnel arresting protestors and breaking windows of private vehicles. Many of the protestors have been subjected to judicial harassment discussed in the next section.

3. (C) Concerns involving judicial harassment and intimidation of human rights defenders and journalists

- 3.1 Article 12 of the UN Declaration on Human Rights Defenders mandates states to take necessary measures to ensure protection of human rights defenders. CIVICUS' and CNIS' research in Azerbaijan shows that state agencies are often times complicit in the abuse of human rights defenders and journalists who have exercised their right of democratic dissent. It is widely believed that the judicial harassment is a common way for the authorities to pressurise government critics and their families to discontinue their work.
- 3.2 In a number of instances, human rights defenders engaged in criticism of state agencies have been charged with drug related and security offences. On 29 September 2012, blogger and human rights defender who has been active in the 'Sing for Democracy Campaign,' and associated with Nida Civic Movement, Zaur Gurbanli was detained and charged with "possession of illegal documents." In June 2012, Hilal Mammadov, minority rights defender and editor-in-chief of the TolishiSado (Voice of Talysh) newspaper, was charged with the manufacture, storage

and transfer of drugs after the authorities claimed to have seized 5 grams of heroin from him and 30 grams from his place of residence. In July 2012, the authorities claimed that he was detained for “cooperation with the intelligence agencies of a foreign country” as well as “activities against the security and territorial integrity of Azerbaijan” and “incitement of national racial and religious hatred.”

- 3.3 In June 2012, social media activist and photographer, Mehman Huseynov, who was active in the “Sing for Democracy campaign” and had taken a number of photographs of police violence against protestors, was charged by the police for hooliganism. The police accused him of resisting the authorities after he had a verbal confrontation with them following which the police smashed his camera. Huseynov is associated with the Institute of Reporters’ Freedom and Safety. On 11 June 2012, Iranian journalist, Anar Bayramli of the Iran based Sahar TV was sentenced to two years imprisonment. The motivation for his imprisonment appears to be the political tension between the governments of Azerbaijan and Iran.
- 3.4 In April 2012, member of Kura Civil Society, Oktay Gulaliyev was arrested and charged with resistance of orders by the authorities and inciting citizens to indulge in violence. He was also reportedly violently assaulted in detention and verbally abused by members of law enforcement agencies. On 20 April 2012, blogger and human rights defender, Taleh Khasmammadov was sentenced to four years in prison on charges of "hooliganism," "disorderly conduct" and "resisting authorities." It is widely believed that the real reason for his arrest was to prevent him from publishing reports on the connections between the police and criminal gangs.
- 3.5 Following the spring 2011 protests, as many as 17 civil society and political activists were convicted on questionable charges including illegal possession of drugs and evading military service. The sentences range from one to three years imprisonment. Among those convicted are Bakhtiyar Hajiyev who organised the ‘Great People’s Protest’ on 11 March 2011. He was sentenced to two years imprisonment in May 2011 for evading military service. In the same month, Jabbar Savalanli, a youth political activist arrested during a street protest was sentenced to two and a half years imprisonment for illegal possession of drugs.

4. **(D) Concerns regarding freedom of association and unwarranted bureaucratic harassment of Civil Society Organisations (CSOs)**

- 4.1 Article 58 of Azerbaijan’s constitution guarantees freedom of association and the freedom to carry out associational activities without undue restrictions. Article 22 to of the International Covenant on Civil and Political Rights to which Azerbaijan is a state party also guarantees freedom of association.
- 4.2 CSOs in Azerbaijan are facing a number of unwarranted restrictions through legislation governing CSOs. New regulations passed by the Cabinet in 2011 and a series of legal amendments introduced in 2009 are imperilling freedom of association in the country. For instance, the Ministry of Justice can initiate dissolution of a CSO after issuing two warning letters in a year. Financial grants have to be registered with the authorities within an unrealistic time frame of one month. International CSOs are subjected to additional restrictions such as the requirement to respect “national

“moral values” and not be involved in “political and religious propaganda.” Neither of these terms is defined, impeding the ability of international CSOs who have to obtain registration with the Ministry of Justice in order to operate in Azerbaijan.

- 4.3 The requirement for mandatory registration of CSOs also seriously impedes freedom of association. CSOs that seek to advance human and democratic rights face delays in registration and remain at risk of denial of registration. For instance, the Institute of Peace and Democracy has been waiting for registration since 1995. Registration for CNIS was delayed for three years. In March 2011, the Azerbaijan Human Rights House was ordered to suspend its operations for apparent violation of registration requirements soon after it held a press conference criticising the arrest and detention of an opposition youth activist.
- 4.4 In February 2012, CIVICUS and CNIS observed that a number of intimidatory tactics were employed against CSOs critical of the government such as levying heavy fines for petty administrative lapses; issuing warning letters threatening to cancel registration; publication of defamatory articles against CSO members in the press; and denial of permission to CSOs to hold meetings in public spaces.

5. **Recommendations to the Government of Azerbaijan**

- 5.1 CIVICUS and the Center for National and International Studies (CNIS) call on the Government of Azerbaijan to create an enabling environment for civil society to operate in accordance with the rights enshrined in the ICCPR and the UN Declaration on Human Rights Defenders. At a minimum, the following conditions should be ensured: freedom of association, freedom of expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state’s duty to protect. In light of this, the following specific recommendations are made.
 - 5.2 Regarding freedom of assembly, attacks on and harassment of protestors
 - The right to peaceful protest should be respected in practice. Law enforcement officials using excessive force against protestors should be subjected to the full force of the law.
 - Law enforcement officials engaged in crowd control should be trained on the UN Basic Principles on the Use of Force and Firearms.
 - 5.3 Regarding judicial harassment and intimidation of human rights defenders and journalists
 - Impartial and effective investigations into all cases of attack, harassment and intimidation of human rights defenders and journalists should be conducted and perpetrators brought to justice.

- Attacks on and threats to human rights defenders and journalists must be publicly condemned by senior government officials to ensure protection by law enforcement agencies.
- Human rights defenders and journalists imprisoned on account of their work should be unconditionally released and their cases reviewed.

5.4 Regarding freedom of association and unwarranted bureaucratic harassment of CSOs

- The law regarding registration of CSOs should be amended to remove the requirement for mandatory registration.
- Restrictive regulations regarding vague requirements such as the need to respect “moral values” and not engage in “political and religious propaganda” should be repealed.
- Registration requirements for international CSOs should be eased to create an enabling environment to operate.
- The requirement to CSOs to register their grants with the Ministry of Justice should be removed.

5.5 Regarding access to UN Special Procedures and Mandate Holders

- A standing invitation should be extended to the UN Special Procedures, particularly to the Special Rapporteur on Human Rights Defenders, Special Rapporteur on Freedom of Expression, and Special Rapporteur on Freedom of Peaceful Assembly and Association.