

BAKU 2015 EUROPEAN GAMES

GIVE HUMAN RIGHTS A SPORTING CHANCE IN AZERBAIJAN

International Partnership Group on Azerbaijan (IPGA) Media Pack - April 2015

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#RealBaku 2015



Journalists and free-expression advocates sit in Azerbaijani jails in record numbers. Their lot is growing. Azerbaijan scores near the bottom of every objective ranking of nations based on free media and free expression criteria. Dunja Mijatovic, OSCE Representative on Freedom of the Media

In June 2015, Azerbaijan's capital Baku will host the first ever European Games under the umbrella of the European Olympic Committees.

Controversy already surrounds this new sporting venture, following the revelation earlier this year that Azerbaijan will foot the bill for all 50 national Olympic teams – some 6000 athletes from across Europe – to attend.

The country's internal political situation gives further cause for concern.

Over the last twelve months, a wave of arrests of key critics, including human rights activists, election monitors, lawyers and investigative journalists, has almost entirely silenced Azerbaijani civil society, leaving activists and journalists in-exile to highlight the regime's on-going attacks on freedom of expression.

The European Games are part of an expensive PR campaign, long waged by Azerbaijan's autocratic regime, headed by President Ilham Aliyev.

In addition to wining and dining European parliamentarians and government officials, a tactic that has become known as "caviar diplomacy", the Azerbaijani authorities have past form using flagship sports and cultural events to promote its image abroad – most notably hosting the 2012 Eurovision song contest. Such an approach has proved highly successful, with the country also due to host the European Grand Prix in 2016.

The international community have so far failed to effectively challenge Azerbaijan's domestic repression; however the European Games provide an opportunity to increase international awareness of the dire human rights situation in Azerbaijan, puncturing the glossy façade cultivated by the country.

Such pressure could provoke the international community into taking decisive action, and support the restoration of Azerbaijani civil society.

In the lead up to the Games organisations and activists are using the hashtag #RealBaku2015 to raise awareness via social media

SNAPSHOT HISTORY OF AZERBAIJAN

The Republic of Azerbaijan is a small (population 9.4 million), oil and gas-rich state on the Caspian Sea, located in the Caucasus region between Iran to the south, Armenia and Georgia to the west and Russia to the north. Its capital, Baku, is the largest city in the region, and was the host city for the 2012 Eurovision Song Contest.

Ilham Aliyev has been Azerbaijan's President since 2003, when his predecessor and father, Heydar Aliyev, stepped down due to ill health at the age of eighty following a thirty-four year reign. President Aliyev has been compared to Jekyll and Hyde for his ability to switch between a purportedly democratic, pro-Western stance and an extreme authoritarian approach, characterised by a dismal human rights record.



From hosting global mega events like Eurovision, to paying for renovations of the Palace of Versailles, the Aliyev regime has been continuously accused of running an expensive international PR operation to whitewash its rights violations. And sports play a signifiant role.

Notably, Azerbaijan sponsors football teams like Atletico Madrid, and will host games in the 2020 Euros and a Formula 1 Grand Prix in 2016. According to the Baku European Games Operation Committee (BEGOC), the games will "showcase Azerbaijan as a vibrant and modern European nation of great achievement".



Cartoon by Meydan TV - a weekly online TV channel based out of Berlin founded by Emin Milli, an Azerbaijani writer and former political prisoner, aiming to provide an independent non-partisan platform to give voice to ordinary people connected with Azerbaijan. <u>www.meydan.tv</u>

WHAT ARE THE EUROPEAN GAMES?

On 9 December 2012, the General Assembly of the European Olympic Committee launchedtheEuropeanGamesasaninternationalsportingeventforEuropeanathletes, whichareintendedtobeheldeveryfouryears, withBakuhostingtheinauguralgamesin June 2015.

The Organising Committee for the Baku games is headed by President Aliyev, who is also President of the Azerbaijan National Olympic Committee. His wife, First Lady MehribanAliyeva, willalso chair the committee. President Aliyev has invested a reported £6.5 billion in the Games.

THE INVESTIGATIVE JOURNALIST KHADIJA ISMAYILOVA DETAINED, AWAITING TRIAL SINCE DECEMBER 2014

Khadija Ismayilova, an award-winning investigative journalist and former Baku bureau chief for Radio Free Europe/Radio Liberty's (RFE/RL) Azerbaijani Service Radio Azadliq, was arrested on 5 December 2014.

Initially charged with incitement to suicide, new charges were brought against her in February 2015, including embezzlement, illegal entrepreneurship, tax evasion and abuse of power.

Her initial pre-trial detention period has already been extended twice, and it is unlikely her case will come to trial before the end of May 2015. If sentenced, she could face up to twelve years of imprisonment.

This is not the first instance of intimidation against her. Ismayilova was the victim of attempted blackmail in March 2012, including an online smear campaign, which continued throughout 2013. In 2014, she was accused by an Azerbaijani MP of being a spy for the US and was interrogated several times by the Serious Crimes Investigation Department of the Prosecutor General's Office in connection with her work.

Her detention has arrest received significant criticism, with the OSCE labelling it as "nothing but orchestrated intimidation... part of an ongoing campaign aimed at silencing her free and critical voice".

Ismayilova's investigative reports, which have uncovered high-level corruption, connected to the financial and business interests of President Aliyev and his family, have garnered her multiple awards, including most recently the 2015 PEN Freedom to Write Award.



Khadija Ismayilova at the UN Human Rights Council in Geneva - May 2013

FOREIGN FUNDED MEDIA FORCED OUT

On 27 December 2014, police raided the Baku office of RFE/RL and briefly detained dozens of staff members, questioning many. RFE/RL has since been forced to suspend its activities in Azerbaijan and is being investigated by the authorities. Just over a month later, on 3 February 2015, President Alivev approved far reaching amendments to the law on Media and Mass Information permitting Azerbaijan's Ministry of Justice to petition the court requesting closure of any media outlet that receives foreign funding or found guilty of defamation twice.

THE HUMAN RIGHTS DEFENDERS LEYLA YUNUS • ARIF YUNUS DETAINED, AWAITING TRIAL SINCE JULY/AUGUST 2014



Leyla Yunus, one of Azerbaijan's most prominent human rights activists and director of the Institute for Peace and Democracy in Baku, her husband **Arif Yunus**, a historian and academic, were arrested within a few days of each other at the end of July - beginning of August 2014.

Before her arrest, L. Yunus was actively involved in promoting women's rights, calling for the release of political prisoners (along with now imprisoned human rights campaigner Rasul Jafarov, p. 9), campaigning against forced evictions and peace-building between Azerbaijan and Armenia.

Meanwhile, A. Yunus is a prominent academic and historian. Both were charged with fraud and treason, with Leyla facing additional charges of forgery, tax evasion, spying for Armenia and illegal business activities.



On 18 February 2015, their pre-trial detention period was extended to 28 July 2015, meaning they will spend a minimum behind bars prior to trial.

Arif was initially told to serve the period of pre-trial detention under house arrest due to his heart condition. However on 5 August 2014, he was detained accused of violating the terms of his house arrest when he went to deliver his wife a food package at the pretrial detention centre where she was being held. He suffers from a heart condition and has been denied crucial medical treatment since being imprisoned.

There have also been calls for the release of Leyla on humanitarian grounds – she has lost up to 16 kilos since being detained due to multiple health concerns, some of which require treatment not available in Azerbaijan.

It was heart-wrenching to visit Leyla Yunus in pre-trial detention outside of Baku, Azerbaijan's capital... she cried throughout our half-hour meeting. The 58-year-old also has diabetes, Hepatitis C and kidney problems. She was in particular anguish for not having had the chance to see Arif, her husband of 26 years, for more than three months.

- Nils Munzieks, Council of Europe's Human Rights Commissioner

THE HUMAN RIGHTS LAWYER INTIGAM ALIYEV IMPRISONED APRIL 2015 - 7.5 YEARS



Intigam Aliyev, chairman of the Legal Education Society and award-winning human rights lawyer, was arrested on 8 August 2014 after being summoned to the Serious Crimes Investigation Department of the General Prosecutor on for questioning.

He was subsequently charged with tax evasion, illegal enterprise and abuse of power, sent to a pre-trial detention centre before being sentenced to 7.5 years in prison on 22 April 2015. During his time in pre-trial detention, he began to suffer from severe health problems such as chronic headaches and nerve pain. According to the Human Rights House Foundation, he has been denied necessary medical treatment.

Aliyev, who is often referred to as "muellim" or "teacher", an honourable title denoting the highest respect in Azerbaijan is one the foremost lawyers litigating cases of human rights violations in Azerbaijan at the European Court of Human Rights (ECtHR). Over the last 20 years, he has made over 200 applications to the Court and won more than 40 cases.

Prior to his arrest, the ECtHR communicated to the Azerbaijani government more than 20 cases, regarding violations by the Azerbaijani state related to parliamentary elections in 2010. The offices of the Legal Education Society were raided and materials related to all the cases were seized, preventing the applicants from continuing with the litigation themselves.

NO POLITICAL PRISONERS IN AZERBAIJAN?

President Aliyev officially denied the existence of any political prisoners in Azerbaijan on January 2014 at a press conference during a visit to the NATO headquarters in Brussels. In order to counter this, Leyla Yunus, Rasul Jafarov and Intigam Aliyev had been working with other human rights defenders to compile a comprehensive list of political prisoners currently held in Azerbaijan.

The list was due to be released in August 2014, but Rasul Jafarov and Leyla Yunus, who had been leading on the project, were arrested at the end of July and beginning of August. Despite their arrests, other activists were able to complete the list and release it on 10 August 2014, with the addition of Leyla Yunus, her husband Arif, Rasul Jafarov and Intigam Aliyev, the list came to a total of 98 political prisoners.

THE HUMAN RIGHTS CAMPAIGNER RASUL JAFAROV IMPRISONED APRIL 2015 - 6.5 YEARS



Rasul Jafarov, a well-known human rights campaigner and activist was arrested at the beginning of August in 2014.

Jafarov came to prominence as the coordinator of the human rights campaign Sing for Democracy, which was organised in the run up to the Eurovision song contest in Baku in May 2012. The campaign used the international event as a platform to expose human rights violations in Azerbaijan to a mass audience

Its success was such that Jafarov continued under the Art for Democracy initiative, mobilising artists and muscians as part of the human rights community.

Prior to his arrest, Jafarov had been actively promoting freedom of expression and campaigning for the release of political prisoners at a number of international institutions, including the United Nations and Council of Europe. On 16 April 2015, he was sentenced to 6.5 years in prison.

SPORT FOR RIGHTS CAMPAIGN

Following on from his previous intiatives, Jafarov had been planning to launch **Sport for Human Rights** ahead of the Baku European Games in June 2015.

Following his arrest, several human rights organisations decided to mount the campaign on his behalf continuing to use creative tools - such as the cartoon below parodying the official mascots - to highlight the plight of civil society which has been effectively silenced in the year leading up to the Games. Follow the campaign @SportForRights.



THE OPPOSITION POLITICAN ILGAR MAMMADOV IMPRISONED MARCH 2014 - 7 YEARS

Ilgar Mammadov, chairman of the opposition Republican Alternative (REAL) party, and potential presidential candidate, was sentenced to 7 years in prison in March 2014 for organising mass disorder and resisting arrest.

Between Mammadov's arrest on 4 February 2013 and his conviction over a year later, he was held for more than 9 months at a pretrial detention centre, despite the lack of evidence against him.

He was accused of provoking protests that broke out in January 2013, in the province of Ismailli in north-west Azerbaijan. Mammadov maintains that he travelled to the region to observe the protests and played no role in stirring up unrest amongst the local population.

Prior to his arrest, Mammadov, a director of Baku School for Political Studies and critic of the Aliyev government, had made clear his intention to run as a candidate in the 2013 presidential elections.



The REAL party, founded in 2008, envisions Azerbaijan as a parliamentary - rather than a presidential - republic. It views the establishing of a democratic society and potential integration into the EU and NATO as major long-term goals of the movement. According to some sources, the activists involved in the movement number around 1200.

In May 2014, in wake of Mammadov's sentencing, the European Court of Human Rights judged that his arrest went against the European Convention on Human Rights.

An appeal against this ruling was launched by the Azerbaijani government and rejected on October 13, 2014 by the Strasbourg Court. On 4 December 2014, the Committee of Ministers of the Council of Europe demanded his release. This has so far been ignored.

According to his lawyer, Mammadov is regularly asked by prison officials to sign a confession and petition for a presidential pardon from Ilham Aliyev, but has declined on the basis that it would amount to an admission of guilt.

The Andrei Sakharov Freedom Award, presented annually by the Norwegian Helsinki Committee (NHC), to help people imprisoned or persecuted because of their opinions, beliefs and conscience. In 2014, it was given to "the political prisoners in Azerbaijan," with NHC noting there were unfortunately "too numerous to all be mentioned".

THE ELECTION MONITOR ANAR MAMMADLI IMPRISONED DECEMBER 2013 - 5.5 YEARS

Anar Mammadli, chairman of the Election Monitoring and Democracy Studies Centre (EMDSC), was sentenced to five and half years in prison on 26 May 2014.

He was arrested on 16 December 2013 and placed in pre-trial detention for three months on charges of tax evasion, illegal enterprise and abuse of power.

Mammadlirejected these charges, describing them as "harassment and pressure against freedom of association, assembly and expression".

It is likely that Mammadli's arrest was provoked by EMDSC's publication of several reports criticising the presidential elections that took place in October 2013, which President Ilham Aliyev won with more than 84% of the vote. EMDSC is the only domestic election observation group in Azerbaijan, and has conducted independent and countrywide observations of citizens' elections in Azerbaijan since 2001.

Mammadli faced charges related to conducting business activity by an organized group without registration, because EMDSC

is not registered with the state. EMSDC faced multiple legal challenges in registering, and there is little doubt that this was a pretext to prevent the organisation's defending the rights of voters during the electoral period.

In October 2014, the Council of Europe awarded Mammadli the highly-regarded Vaclav Havel human rights prize, which aims to "reward civil society action in the defence of human rights."



PRESEDIENTAL PARDONS: THE REVOLVING DOOR OF JUSTICE?

Presidential pardons are a common feature of the Azerbaijani justice system. On 19 March 2015, EMDSC Executive Diretor **Bashir Suleymanli**, sentenced to 3.5 years imprisonment on similar charges to Mammadli, received a presidential pardon and was released. Critics, however, were quick to point out that his release was little more than a token gesture. These pardons are often used in a revolving door manner: a certain number of people are released while further arrests are made. It does not revoke the original conviction, and often prisoners only receive them after writing humiliating pleas to Presidential Aliyev for forgiveness for crimes they did not commit.

THE PRO-OPPOSITION NEWS PRESENTER SEYMOUR HEZI IMPRISONED JANUARY 2015 - 5 YEARS



Seymour Hezi, journalist and columnist for *Azadliq* and news presenter for pro-opposition TV channel Azerbaijan Saati (Azerbaijan Hour), was sentenced to 5 years imprisonment on 29 January 2015.

In August 2014, while waiting for a bus, Haziyev was attacked by a man he did not know (later identified as Baku resident Maharram Hasanov). In self-defence, he struck the man with a bottle he was holding at the time. The journalist, who writes about politics, with a focus on President Aliyev and other Azerbaijani government officials, was swiftly arrested by police who appeared to have been waiting nearby.

Haziyev was charged with hooliganism committed with a weapon or an object used as a weapon and sent to a pre-trial detention facility. He was sentenced on the same day - 29 January 2015 - that the Parliamentary Assembly of the Council of Europe (PACE) adopted a resolution to "reiterate the importance of media freedom for democracy," by increasing the "efforts for the respect of the human rights to freedom of expression and information as well as to the protection of the life, liberty and security of those working for and with the media." This is particularly apposite given that Azerbaijan was then chairing the Council of Europe.

Prior to his arrest in August, Haziyev had experienced numerous instances of harassment. He was kidnapped in 2005, detained in 2010, and on 26 March 2011 was abducted and beaten while on his way home after work.

C The lengths to which Azerbaijani authorities will go to round up dissenting voices are troubling.

- Dunja Mijatovic, OSCE Representative on Freedom of the Media

In April 2015, The Committee Protect Journalists ranked **Azerbaijan #5 on their list of the 10 Most Censored Countries** - beaten only by Eritrea, North Korea, Saudi Arabia and Ethiopia. CPJ note that "online speech is subject to self-censorship because of a criminal defamation law that carries a six-month prison sentence... [while] news and social media websites are blocked arbitrarily. *www.cpj.org*



Azadliq is the main opposition newspaper in Azerbaijan, and one of the few independent publications left in Azerbaijan, although its future is uncertain.

The paper has long been subject to state pressure, including arrests of its journalists and financial difficulties related to excessive defamation cases. It was temporarily forced to stop publication in August 2014, as it was unable to pay 20,000 manat (approx. 25,500 USD) to the state-owned printer.

At the time, it was owed 70,000 manat (approx. 89,000 USD) by the state-owned distribution company GASID. In 2012 and 2013 similar situations arose, exacerbated by several astronomical fines, including a civil defamation claim, which led to a temporary freeze of the newspaper's bank account. Following administrative bans limiting where and by whom the newspaper can be sold, the paper's distribution figures have dwindled to 10,000, half of what it was in 2010.

Ganimat Zahid, the editor-in-chief, who himself spent more than two and a half years in prison on spurious charges of hooliganism brought against him in 2007, told Reporters Without Borders in August 2014:

"Azadliq, which means 'freedom', will live since freedom is the very essence of man and mankind... We know that the fight for basic freedoms has no borders and that dictators all use similar methods to crack down on these freedoms. But we shall not give in."

THE SOCIAL MEDIA ACTIVISTS N!DA YOUTH MOVEMENT IMPRISONED SINCE 2013



In March and April 2013, seven members of the pro-democracy youth movement N!DA were arrested on trumped up charges of inciting hatred and drug posession. Those arrested were particularly active on social media and known for their criticism of the authorities.

Defamation laws and monitoring of social media content are particularly chilling free expression online in Azerbaijan. Online activism has on a number of occasions been targeted by authorities.

Ahead of the arrest of N!DA activists, MP Fazail Agamaly, called for access to social media sites to be blocked, calling Facebook and social networks "a threat to Azerbaijan's statehood". Parliament has also adopted repressive legislation to extend criminal defamation laws to online content. Meanwhile, President Aliyev has alocated millions to fund activities of pro-government youth organisations on social networks.

In 2013, N!DA member Turgut Gambar, told Index on Censorship that many young people refrain from expressing their opinion online due to the monitoring of social media and punishment of those who criticize the regime. However, Gambar also said he counted on the internet to empower youth and complement traditional pro-democracy action.

Some of the activists have since been pardoned and released, most recently 19-year-old Orkhan Eyyubzade, in March 2015. Others, like Mahammad Azizov, arrested after creating a Facebook event reportedly calling for a peaceful protest, remain behind bars, over two years on.

THE MEDIA NGO LEADER EMIN HUSEYNOV IN HIDING SINCE AUGUST 2014

Emin Huseynov... [is] facing formal charges of tax evasion, illegal business dealings and abuse of power.

His real crime is running a non-governmental organization, the Institute for Reporters' Freedom and Safety, which defends journalists' rights in a country where free media is under constant assault.

- Dunja Mijatovic, OSCE Representative on Freedom of the Media

Emin Huseynov, founder of the Institute for Reporters' Freedom and Safety (IRFS), an NGO monitoring human rights violations against journalists, has been in hiding at the Swiss Embassy in Baku since August 2014. In his absence, he has been charged with tax evasion and abuse of power, and faces up to 12 years in prison if arrested.

Huseynov feared that an arrest was forthcoming, and that his life was in danger, due to his dissident status and the recent arrests of fellow human rights defenders. Reportedly, his bank accounts had been frozen and he tried to flee to Turkey, but was prevented from leaving at the border.

While away, the police raided the IRFS office, prompting speculation that he had been arrested. By dying his hair blonde and speaking in broken English he was able to evade capture by authorities



and gain entry to the Swiss embassy, where he has resided since.

Originally his whereabouts were not publically known; however, on 11 February 2015, a Swiss Radio Television channel revealed that he had spent the previous six and a half months at the embassy. Now that his location is internationally known, the possibility of his leaving the country in the near future is unlikely, leaving him effectively trapped.

Huseynov has previously faced harassment, attack and arrest due to his work and his family members have also been targeted. In June 2012, his brother **Mehman Huseynov**, a blogger and photo-journalist for IRFS, was charged with hooliganism - widely seen as part of an initial crackdown on those who had spoken out during the Eurovision Song Contest. While not prosecuted, the charges still remain and he is subject to a travel ban.



Recent changes to Azerbaijan's laws governing the activities of NGOs, in combination with targeted persecution of critical human rights defenders, have effectively ended the work of many independent activists.

Since May 2014, authorities have frozen the bank accounts of at least 50 independent organisations and, in many cases, of their staff members. Numerous others have been interrogated and otherwise harassed, forcing them to suspend their activities. In addition, several international NGOs operating in Azerbaijan, with longstanding partnerships with local NGOs in the country, have been forced to leave Azerbaijan or suspend operations.

Restrictive amendments were introduced to the Law on Grants, the Law on Nongovernmental Organisations, the Law on Registration of Legal Entities and State Registry, and the Code on Administrative Offense. Amendments to these laws systematically impede access to domestic and foreign funding, including by requiring government licensing of all foreign donors, and approval of each funded project, which cuts off practically all funding for groups working on government accountability.

The amendments also provide the government with enormous discretion to dissolve, impose financial penalties on, and freeze the assets for minor infractions of existing laws. Provisions preventing national organisations from accessing local cash donations allow the government to freeze or deny international funding to domestic organisations if an activity is determined to "undermine the interests of the state".

AZERBAIJAN'S INTERNATIONAL COMMITMENTS

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Azerbaijan will go down in history as the country that carried out an unprecedented crackdown on human rights defenders during its chairmanship [of Council of Europe].

- Nils Munzieks, Council of Europe Human Rights Commissioner

When Azerbaijan was admitted to the Council of Europe (COE) in 2001, despite well documented democratic failings, it was with the idea that membership would gradually transform the country; by joining the regional body, you commit to respecting and protecting human rights. Sadly, the reverse has occurred.

Space to express critical views in Azerbaijan has instead been gradually and progressively curtailed, with the government working particularly hard to influence opinion at the council's Parliamentary Assembly (PACE), or to paralyse its action. Between 2009 - 2012, Azerbaijan repeatedly refused to issue a visa to Christoph Strasser, a CoE appointed special rapporteur on the issue of prisoners in Azerbaijan, to be able to visit the country. The Azerbaijani authorities continues to deny the presence of political prisoners in the country.

In 2014, Azerbaijan took over chairmanship of the COE Committee of Ministers, whose "essential function is to ensure that member states comply with the judgments and certain decisions of the European Court of Human Rights," according to the council. Their term overlappd with the ongoing, unprecedented crackdown on civil society at home.

Azerbaijan pursues its lobbying at the COE and at the national government level to persuade parliamentarians that the lack of a free media or its political prisoners are not worthy of special attention – or that is actions can be justified in the context of the "frozen" Nagorno-Karabakh conflict with neighbouring Armenia, and thus in the interest of international security.



The IPGA is a coalition of international organisations working to promote and protect freedom of expression in Azerbaijan. The group arose from a broader International Partnership framework established by International Media Support (IMS) and Open Society Foundations (OSF) in 2010.

Since then, the IPGA has engaged in joint advocacy around specific events, such as the Eurovision Song Contest and the Internet Governance Forum both of which were held in the Azerbaijani capital Baku in 2012; and has regularly raised issues relating to human rights in Azerbaijan at international and regional institutions, notably the Council of Europe.

MEMBERS

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Abbas Atilay (front cover), Shaig/Meydan TV (page 5), Alex Brenner (page 13), Ahmed Mukhtar (page 14), Jahanjir Yusif (page 16), Gündüz (page 19), Mohammad Türkman (back cover)

FURTHER RESOURCES

- Azerbaijan: Guilty of defending rights: Azerbaijan's human rights defenders and activists behind bars AMNESTY INTERNATIONAL (March 2015)
- *Azerbaijan: When the Truth becomes a Lie* ARTICLE 19 (October 2014)
- Locking up free expression: Azerbaijan silences critical voices INDEX ON CENSORSHIP (October 2013)
- *Tightening the Screws: Azerbaijan's Crackdown on Civil Society and Dissent,* HUMAN RIGHTS WATCH (September 2013)
- *Caviar Diplomacy: How Azerbaijan Silenced the Council of Europe* EUROPEAN STABILITY INITIATIVE (May 2012)
- *Running Scared: Azerbaijan's Silenced Voices* IPGA (March 2012)

For more about the IPGA - see the website: www.azerbaijanfreeXpression Facebook: www.facebook.com/AZfreeXpression Twitter: @AZfreeXpression



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