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Dear Secretary General Jagland,

We write to express our grave concern over the ongoing crackdown on human rights defenders in Azerbaijan and to urge a robust Council of Europe response. This month's arrest and detention of Intigam Aliyev, a renowned human rights lawyer, is only the latest in a series of politically motivated arrests of members of Azerbaijani civil society. We urge you to condemn this campaign of intimidation and publicly call for the immediate release of those arbitrarily imprisoned.

These arrests are targeting individuals who have provided the Council of Europe with valuable information about the human rights situation inside Azerbaijan over the past several years.<sup>1</sup> In May 2014, as part of a series of quarterly civil society briefings convened by the Open Society Justice Initiative, Mr. Aliyev updated members of the Committee of Ministers on the government's failure to satisfactorily implement the European Court of Human Rights' (ECtHR) judgment in *Namat Aliyev v. Azerbaijan*, a case that he litigated in which the Court held that Azerbaijani electoral commissions and courts failed to address election irregularities resulting in violations of the applicant's right to stand for election under Article 3 of Protocol No. 1 to the Convention.

One month later, when President Aliyev addressed the Parliamentary Assembly in June, Mr. Aliyev – along with human rights defenders Rasul Jafarov and Emin Huseynov – organized a side event in Strasbourg to highlight Azerbaijan's troubling human rights record, including the President's approval of strict registration requirements for NGOs operating in the country, as well as heavy penalties for non-compliance.

Since that time Mr. Jafarov, who chairs the non-governmental organization Human Rights Club, and Mr. Aliyev have been arrested (on August 2 and 8, respectively) and charged with the offenses of tax evasion (Art. 213 of Azerbaijan's criminal code), "illegal entrepreneurship," (Art. 192) and abuse of authority (Art. 308.2). That same week, Mr. Huseynov, who directs the Institute for Reporters' Freedom and Safety, was issued a travel ban, which prevents him from leaving Baku; in addition, his office was raided and forcibly shuttered. And on July 30, Leyla Yunus, founding director of the Peace and Democracy Institute in Baku and a prominent human rights activist, was arrested and placed in pre-trial detention, on charges of state treason, fraud, forgery, and tax evasion. On August 5, her husband Arif Yunus was arrested and detained on

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<sup>1</sup> Letter to the Secretary General of the Council of Europe from the Index on Censorship, Human Rights House Foundation, and People in Need, 13 August 2014. ("This wave of repression is related to Azerbaijan's chairmanship of the Council of Europe and indeed a reprisal against critical voices cooperating with and reporting to the Council of Europe mechanisms.")

similar charges as well.<sup>2</sup> Amnesty International considers Intigam Aliyev, Rasul Jafarov, Leyla Yunus and Arif Yunus to be prisoners of conscience imprisoned solely for their human rights work.

Within the space of a few weeks, the leaders of some of Azerbaijan's most active, independent NGOs are now in prison. Such repression is not new: Azerbaijan has a long history of intimidating civil society through the use of criminal suits.<sup>3</sup> This systematic targeting is a flagrant violation of the guarantees in the European Convention on Human Rights, and the fact that it is occurring during Azerbaijan's chairmanship of the Committee of Ministers is a perversion of the Council of Europe's values. Rather than use the opportunity of their chairmanship to "demonstrate their will to improve the country's human rights record," in your words, the Azerbaijan government and its authorities have done the opposite.<sup>4</sup>

You recently announced that a previous joint Committee between the Presidential Administration and representatives of civil society might be reconvened; however, this proposal is neither credible nor practical. The inability of key human rights defenders to participate while in detention would imperil the Committee's credibility "to go through the charges brought against the human rights defenders," and its ability to meaningfully "re-launch dialogue" between government authorities and civil society.<sup>5</sup> To that end, we urge you to:

- **Publicly condemn the arrests of detained human rights defenders and call for their immediate and unconditional release, and the lifting of the travel ban on Mr. Huseynov.** To date, the government has presented no information to suggest that pre-trial detention is warranted or that any credible evidence supports the charges. The fragile health of Mr. and Mrs. Yunus in particular is a further cause for concern and compels their release.
- **Call upon the Committee of Ministers to debate the situation and pass a resolution condemning the recent arrests.** At the earliest possible date, the situation in Azerbaijan should be placed on the provisional agenda of the Committee's next session. The agenda should include a draft resolution calling upon the government to end the harassment of human rights defenders and journalists, and to comply with its obligations under the European Convention on Human Rights. Pursuant to Article 34 of the Convention, the Committee should take particular note of reports that Intigam Aliyev's ECtHR case files have been seized by Azerbaijani authorities, which amounts to a direct interference with the right of individual petition of his clients.
- **Call upon the Parliamentary Assembly and other Council of Europe Member States to urge the Azerbaijani government to release those imprisoned on politically motivated charges.** Individual member states, as well as the Council of Europe leadership, should condemn the government's campaign of politically motivated arrests and insist upon the release of those currently imprisoned under sham charges.

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<sup>2</sup> Other defenders who have been sentenced include Anar Mammadli and Bashir Suleymanli, leaders of the Election Monitoring and Democracy Studies Centre, as well as Hasan Huseynli, head of the Intelligent Citizen Enlightenment Center Public Union. Mammadli and Suleymanli were also charged with tax evasion, illegal entrepreneurship, and abuse of authority, and sentenced in May 2014 to 5 years and 6 months, and 3 years and 6 months imprisonment, respectively; Huseynli was sentenced to 5 years and 11 months.

<sup>3</sup> See International Bar Association-Human Rights Institute, *Azerbaijan: Freedom of Expression on Trial* (April 2014).

<sup>4</sup> Thorbjørn Jagland, "Council of Europe is not blind to Azerbaijan's rights violations," 22 May 2014.

<sup>5</sup> "Secretary General Thorbjørn Jagland expresses concern for human rights defenders in Azerbaijan," 11 August 2014.

These detained individuals risked their freedom to provide the Council of Europe with important information about Azerbaijan, resulting in harmful government reprisals. The Council owes them its full public support.

Very truly yours,

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