



Warsaw Human Dimension Session of the 2011 OSCE Review Conference,

**Intervention to Working Session 4: Rule of Law.
Independence of the judiciary & Right to a fair trial.
Wednesday 28 September 2011**

Rule of law in Azerbaijan: Not for all

Oslo, 27 September 2011. The Norwegian Helsinki Committee is grateful for the opportunity to address this audience.

As a democracy monitor since 1977 based on the Helsinki accords we wish we could have said that we are pleased to see the rule of law in Europe is respected. Unfortunately, in many countries, it is not so.

When addressing this audience during this session we see an urgent need to bring up the **Republic of Azerbaijan's apparent dismantling of the Rule of Law.**

In Azerbaijan, **we have seen for years that courts are being misused** in the attempt of silencing journalists opposing the current regime. Now, opposition politicians, youth activists and human rights defenders are being targeted for convictions as well. Trumped up charges and limited access to defense and legal counsel, as well as convictions even though evidence is absent are common traits of these cases.

In March and April street protests were organised in Baku, protests considered illegal by the authorities. Protesters were brutally dispersed and dozens arrested and swiftly convicted to up to 15 days in prison, mostly in closed trials.

Several of the protesters and other activists have been convicted to long prison terms and currently trials against opposition leaders are ongoing.

We want to direct you attention to the following convicted persons, or persons currently under trial:

1. On 4 May 2011 youth activist **Jabbar Savalan** was sentenced to 30 months' imprisonment for alleged possession of drugs, a charge we recognise from a number of politically motivated convictions in Azerbaijan.
2. On 18 May 2011 29-year-old Harvard graduate **Bakhtiyar Hajiyev** was sentenced to two years' imprisonment, officially for having evaded military service. Hajiyev organised the "Great Peoples Day" Facebook action on 11 March in protest against the authorities. He was a candidate for the Popular Front opposition party in the parliamentary elections in November 2010.
3. On August 27, 2011, Goychay District Court sentenced **Vidadi Isganderov, a human rights defender**, to three years in prison. He was found guilty of interfering with the November 2010 parliamentary election. Isganderov was a candidate in the elections for the Agdash-Goychay electoral district. After the elections he submitted a complaint to the police and prosecutor's office alleging vote rigging in his district. He provided materials, including video footage, in support of his allegations, but the authorities failed to investigate them. Instead, they brought charges against him.
4. **Arif Alisli, Elnur Israfilov, Elsan Hasanov, Sahib Karimov, Zulfugar Eyvazli, and Babek Hasanov** were arrested on April 2 and convicted to terms ranging from 18 months to 3 years for participating in unauthorized protests.
5. On Monday this week, Public prosecutor Jeyhun Kazimov asked the court to find the accused guilty under Article 233 (organization of actions aimed at disturbing public order) and to sentence: the head of the apparatus of "Musavat" party **Arif Hajili**, the head of the party's youth organization **Tural Abbasli**, and the department head of the Popular Front Party **Mohammed Mejidli** to three years of imprisonment; deputy chairman of the Popular Front Party, **Fuad Gahramanly** to 2.5 years in prison. At the time of preparing this document, the trial is still ongoing.
6. We wish to raise a case which has had far too little coverage recently. **Ruslan Bashirli** was a young activist and leader of a youth organisation called Yeni Fikir – New Thinking – which was inspired by the Orange Revolution in Ukraine in 2005 and hoped to gather support for a corresponding scenario. He was lured into a trap during a meeting in Georgia and was filmed accepting a small sum of money from someone who was later presented as an Armenian. This was enough for Ruslan to be sentenced to seven years' imprisonment for treason in the summer of 2006. Ruslan was 26 years old at the time.
7. A case in a slightly different category is that of **Mamedali Aliyev**, a 70-year-old man who was sentenced to 13 years' imprisonment in 2008 for involvement in a so-called attempted coup in 1995. He had been in hiding for many years and several others who were convicted much earlier in the same case, called "The case of the generals", were regarded as political prisoners by the Council of Europe. Aliyev is now very ill and has undergone a heart operation.
8. We remind the audience that Azerbaijan has another at least fifty political prisoners, not mentioned here.

We ask the Government of Azerbaijan to release all political prisoners in the country.

Elchin Namasov, a well known lawyer who defended four opposition activists in a Baku court

was **disbarred** by the Azerbaijani Bar Association, apparently for 'disrespect against the court'. We wonder; who is being disrespectful?

We also want to remind this audience of the fact that the murder of editor and publisher **Elmar Huseynov** in 2005 is yet to be solved. We share the lack of confidence in the investigation of the murder with his wife, who has filed a complaint to the European Court of Human Rights.

The Norwegian Helsinki Committee would like to highlight **the autonomous republic of Nakhchivan** as a region which has particularly serious problems in the field of human rights. Late last year we published a report in which we pointed out abuses of NGO activists, journalists and ordinary citizens. The report can be found on www.nhc.no.

On August 24, **Turac Zeynalov**, a resident of Nakhchivan, was summoned to the Ministry of National Security and never returned. The day after he was shown to his close relatives with a bag on his head. He had been so badly beaten that he was not able to move. Zeynalov, born in 1980, died. We welcome the fact that Azerbaijan's Human Rights Ombudsman Elmira Suleymanova has asked the prosecutor-general and national security minister to investigate Zeynalov's death, and also ask the responsible for Zeynalov's death brought to justice.

Rule of Law is also disrespected in the **illegal expropriations, forcible evictions, and home demolitions** in the capital, Baku. This became particularly apparent when the office building of human rights defender **Leyla Yunus** was illegally razed to the ground in central Baku on August 11, 2011. It is a striking fact in this case that Ms Yunus has been defending the rights of citizens who have suffered such violations of the rights to property. The Government of Azerbaijan must make sure that the victims of illegal deprivation of property will be compensated and that further illegal deprivation is stopped.

Thank you.