

AMNESTY INTERNATIONAL MEDIA BRIEFING

AI Index: EUR 55/008/2012

1 May 2012

Azerbaijan: Authorities determined to silence dissent to ensure successful Eurovision



©IRFS

"I kept telling them to stop beating him; the poor man was on the floor and covered in blood. They took my camera and my press ID, and while they were hitting me they kept insulting us and told us to stop filming the beating of protesters."

Gunay Musayeva, journalist at Yeni Musavat newspaper

ON WORLD PRESS FREEDOM DAY, AZERBAIJANI AUTHORITIES MUST END THEIR PRE-EUROVISION CRACKDOWN ON FREE EXPRESSION

Since World Press Freedom Day last year, Azerbaijan has lurched onto the international stage, having won the right to host Eurovision this year and having been elected a non-permanent member of the UN Security Council. The country's government has been pumping millions of dollars of oil profit into a PR campaign portraying the nation as modern, progressive and democratic.

Some superficial gestures have been made in an attempt to quieten those increasingly concerned by the human rights situation - the winner of this year's World Press Freedom Prize, Eynulla Fatullayev, was released after four and half years of an eight year jail term quashed by the European Court of Human Rights, and 20 year old social media activist Jabbar Savalan was pardoned by the President after an international campaign for his release.

But the resolve of the authoritarian oligarchy ruling Azerbaijan has stiffened; their determination to silence critical voices remains unflinching. Amnesty International now counts eighteen prisoners of conscience in Azerbaijan: 14 activists jailed last year for peaceful protests, and now two journalists and two human rights defenders recently sentenced to long prison terms.

Two months since Amnesty International issued its last briefing, *Azerbaijan: No More Running Scared*, outlining the organization's human rights concerns in the country ahead of Eurovision 2012, the authorities are cracking down harder than ever on dissenting voices.

Public protests continue to be banned in the centre of Baku and dispersed with violence on a regular basis; there has been an increase in the number of government critics and opposition figures pursued on politically motivated, trumped up charges, and the last two months have seen journalists and human rights defenders threatened, harassed, and even beaten unconscious by state officials.

Despite all this, the European Broadcasting Union continues to work with the authorities on Eurovision preparations in silence. This 'champion' of media freedom has failed to intervene on behalf of Azerbaijani journalists and to protect the values it claims to represent.

Journalists under attack

On 18 April several journalists who tried to film illegal house demolitions on the outskirts of Azerbaijan's capital Baku on Wednesday were violently assaulted.

Idrak Abbasov and his brother **Adalet Abbasov** were hospitalized after they were attacked by around 25 state employees and police acting under the supervision of officials from Azerbaijan's Ministry of Internal Affairs.

Idrak Abbasov, who in March won Index on Censorship's 2012 Guardian award for journalism, was beaten unconscious, suffered two broken ribs and multiple fractures, while his brother also suffered head injuries and a broken rib.

Hundreds of employees of the State Oil Company of Azerbaijan (SOCAR), accompanied by scores of police, were in the process of illegally demolishing houses in Sulutepe when the Abbasovs arrived with a female journalist, Gunay Musayeva.

According to local human rights defender Zohrab Ismayil, Sulutepe residents were not adequately consulted or notified of plans to evict them and demolish their homes. SOCAR wants to develop an oil field in Sulutepe.

Gunay Musayeva told Amnesty International that when the journalists arrived at the scene a group of SOCAR security staff were attacking Sulutepe residents who had resisted the demolitions.

She reported that, on seeing the journalists filming the attack, a group of SOCAR personnel and police snatched their cameras and struck the Abbasov brothers repeatedly with batons, kicking and hitting them on the floor until they lost consciousness.

SOCAR employees punched Gunay Musayeva in the face, back and stomach, and pulled her away from the area by her hair.

Three other journalists, Esmira Javadova, Galib Hasanov and Elnur Mammadov, were attacked by SOCAR employees as they arrived on the scene in a taxi. Police officers looked on as workers brandishing batons smashed the car windows, forcing the journalists to flee.

Amnesty International has called for an immediate and impartial investigation into the attacks and the prosecution of those responsible.

Khadija Ismayilova, a well-known investigative Azerbaijani journalist, received a threatening letter on 7 March containing intimate pictures of her, after her apartment was broken into and a hidden camera placed in her room.

Radio Free Europe reporter Khadija Ismayilova had been investigating claims of links between President Ilham Aliyev's family and a lucrative construction project in Azerbaijan's capital Baku.

The pictures were accompanied by a note warning her that she would be "shamed" if she did not abandon her work. She refused and publicly exposed the blackmail attempt, resulting in the publication of a video showing her having sex.

On 14 March the video was posted on a fake mirror website of Azerbaijan's main opposition party. Leaders of the Musavat party have denied any link to the site. A day before the launch of the website an article fiercely attacking her character appeared in Yeni Azerbaijan, a state-owned newspaper.

Khadija Ismayilova has fallen foul of the Azerbaijani authorities several times in the past. In January 2009 President Aliyev reportedly described her as "a long-time opposition activist who considers herself an enemy of the government" and asked the American ambassador to Baku to push for her dismissal by US-funded Radio Liberty.

The reporter has told Amnesty International she will not give in to threats and that the incident only served to demonstrate to the world the Azerbaijani government's persecution of independent journalists.

Amnesty International is concerned that this vicious attack has been intended to do maximum damage to her reputation and puts her at risk of violence in predominantly conservative Azerbaijan.

At the same time, the fact that those behind this appalling campaign were able to place a camera inside Khadija Ismayilova's home and then attempted to lay the blame with an opposition party points strongly to official involvement and a clear attempt to discredit a journalist in the process of investigating government corruption at the highest level.

Amnesty International has called for a thorough and impartial investigation into the blackmail and for the perpetrators to be prosecuted.

Journalists behind bars

On 13 March four journalists working for Khayal TV were arrested after they exposed Guba regional governor, Rauf Habibov, verbally abusing his constituents. Two of them, **Zaur Guliyev and Vugar Gonagov**, were held incommunicado for over two weeks and have now been charged with 'organizing social disorder' and 'abuse of authority'.

They are being held responsible for a riot that broke out after the video of the governor accusing his constituents of selling their motherland was posted online.

On 22 March, Zaur Guliyev and Vugar Gonagov were sentenced to two months of pre-trial detention. However, instead of transferring them to a pre-trial detention facility they were illegally held incommunicado in a temporary cell at the Interior Ministry's Organized Crime Unit for more than two weeks.

Their lawyer Elchin Sadigov told Amnesty International that he was denied access to his clients and was only allowed to meet Vugar Gonagov briefly on 28 and 30 March and Zaur Guliyev on 8 April.

In their meeting on 30 March, Vugar Gonagov asked Elchin Sadigov to remove himself as his lawyer, allegedly because he had been pressured to do so while in custody. Rashid Hajili, a human rights defender who visited the detained journalists on 8 April told Amnesty International that Zaur Guliyev had visible bruising on his body.

On 24 April Zaur Guliyev told an NGO representative who visited him in prison that he was tortured in detention and denied medical care, despite his stomach ulcer becoming aggravated by poor prison conditions. He said he had also been forced to walk naked through the prison.

Khayal TV filmed the speech of the local governor at a Guba City authority meeting on 22 November 2011. Elchan Aliyev, the chairman of the Guba City municipality then asked Vugar Gonagov to edit the video and paid him 140 Azeri mantas to do so (\$US180).

The footage of the governor's speech spread through social networks in February, prompting riots in Guba on 1 March, during which protesters burned down the governor's house.

A state appointed lawyer representing Zaur Guliyev at the pre-trial hearing reported that the charges were because Khayal TV had edited the speech footage in such a way as to present the insulting references "out of context", thus inciting anger and the rioting on 1 March.

Amnesty International has reviewed the video and there is nothing in it which suggests that the footage is edited or commentated on in any way that would make the speech more inflammatory than it actually was. Allegations that by editing the video the two journalists have organized mass disorder are groundless, as neither intended to incite others to violent acts or participated in the riots.

Amnesty International also considers the charge of abuse of authority groundless, as the two journalists are the employees of an independent TV station and do not hold any public position.

Amnesty International therefore calls for the charges against Zaur Guliyev and Vugar Gonagov to be dropped and calls for their immediate release.

On 17 February **Anar Bayramli**, a journalist working for the Iranian sponsored, Azeri language, television station *Sahar*, was arrested on fabricated drugs possession charges, shortly after relations between Azerbaijan and Iran deteriorated following Iran's claim that an Iranian nuclear scientist had been assassinated by Israeli operatives based in Azerbaijan.

Amnesty International believes the charges against Anar Bayramli were fabricated in retaliation for his work as a reporter. Sahar TV is known for its critical reporting on sensitive political, social and religious issues in Azerbaijan and had recently been criticized by the Azerbaijani authorities for deliberately seeking to destabilize the country. Reports by Bayramli shortly before his arrest touched upon especially sensitive issues such as government's treatment of conservative Shi'a muslim groups and the closure of the mosques.

The timing of his arrest also coincides with a crackdown on Shi'a Muslims and Iranian sympathisers. Reportedly, from January to February, approximately 25 residents of a religious community in Nardaran were arrested on a range of charges varying from hooliganism and drugs possession to treason.

According to Sahar TV station, Anar Bayramli was called in for questioning at the Binagadi District police station, Baku, twice before his arrest, and pressured to stop working for Iranian media.

According to his lawyer, Anar Gasimli, he was first questioned on 4 December 2011 by the local police chief, a day before the Day of Ashura, a religious event commemorated every year by Shi'a Muslims. He was asked about his political views, his job and his activities outside of work.

When asked about his plans for the Day of Ashura, he told the chief that he planned to report on the Day of Ashura from Nardaran. The police chief reportedly told him not to cover the event. On 10 February he was again questioned by police about his political views.

Anar Bayramli gave the following account of his arrest:

On the evening of 17 February 2012 police called at his home, interrupting evening prayers. The police officers requested he accompany them to meet the Binagadi district police chief for a conversation. As he was dressed very casually, he asked the officers to give him 10 minutes to change his clothes and to finish his evening prayers. The officers gave him permission and waited for him outside his house.

He was asked to stay in a waiting room while he waited to meet the police chief. He placed his coat on the sofa next to him as he waited for an hour and a half. He was then told to go to the police chief's office, and left his coat behind. On arriving at the office door he was told that the chief was still busy and to wait by the door for a further 10 to 15 minutes. Without having seen the chief he was then asked to return to the waiting room, where he had left his coat unattended.

A few minutes after this a group of police officers in civilian clothing came into the room and searched him. They found his wallet in his coat pocket containing a metro card, 80 kopeks, several contact cards and a wrapped piece of black paper. Anar Bayramli told the officers that the items belonged to him, but that he did not recognise the black bundle. He asked the officers if he could have a look at it, in case the item was his and he had simply forgotten it. However, the police officers refused. He was later told that 0.387 grams of heroin were found wrapped in the paper.

Anar Bayramli has been charged with Article 234.1 (illegal possession of drugs not intended for sale) of the Criminal Code of Azerbaijan. He is currently being held in detention at the Baku Investigative Detention Centre. If convicted he faces a prison term of up to three years.

Friends and colleagues of Anar Bayramli describe him as a devout Muslim who does not drink or smoke, and he has no history of drug use.

Amnesty International has documented similar cases where drugs have been "found" on critics of the government, such as Eynulla Fatullayev and Sakit Zahidov and opposition youth activist Jabbar Savalan, all of whom Amnesty International considered to be the prisoners of conscience, imprisoned solely for peaceful exercise of their freedom of expression.

Ramin Bayramov, a reporter for the Islamic news website *Islam-Azeri* was arrested on 11 August 2011 and charged with 'illegal possession of firearms' and 'illegal drugs possession'. He extensively covered issues of interest to Muslim communities in Azerbaijan. On 8 March he was sentenced to 18 months in prison.

Elchin Namazov, the lawyer who initially represented Ramin Bayramov, told Amnesty International that Bayramov was arrested at around 3pm in the centre of Baku by plainclothes police officers - without giving any reason for his arrest. He was forced into a car and taken to premises the Ministry of National Security's premises where he was searched and allegedly 13 grams of marijuana was discovered in his back pocket.

Bayramov told his lawyer that a wrapped bundle was shoved into the back pocket of his trousers while he was being taken to the police department. During the search, Bayramov's house keys were taken by security officers.

His keys were then returned four hours later and Bayramov was asked to accompany the officers during a search of his house. During the search of Bayramov's garage, police officers discovered a pistol, bullets and two hand grenades wrapped in a plastic bag..

The arrest of Ramin Bayramov coincided with arrests of several leaders of the Azerbaijani Islamic Party (IPA). On 12 August, a day after his arrest, the General Prosecutor and National Security Ministry issued a joint statement noting that Bayramov was arrested for being suspected of treason, breach of national security and the incitement of mass unrest.

However no charges were filed in connection with these allegations, and the drugs and firearm possession charges were brought instead. Amnesty International believes that the charges against Ramin Bayramov were fabricated and that he has been imprisoned as part of the government's crackdown on pro-Iranian religious sectors in Azerbaijan.

The organization believes that the charges against Ramin Bayramov and Anar Bayramli are politically motivated; trumped up by Azerbaijan's secular authorities in order to silence their coverage of religious issues, and because their reporting was sympathetic to Iran. Amnesty International considers Ramin Bayramov and Anar Bayramli to be prisoners of conscience and calls for their immediate release.

Criminalization of peaceful protest

Last spring the authorities ruthlessly cracked down on peaceful protestors inspired by the Arab Spring and calling for democracy and respect for human rights. Police violently dispersed the protests, arresting hundreds and imprisoning 17 people in relation to the protests. 14 prisoners recognized by Amnesty International as prisoners of conscience are still behind bars.

The crackdown on peaceful assembly continued this year. Opposition rallies, whether sanctioned or unsanctioned remain vulnerable to violent dispersal, while those who take part in them risk harassment, beatings and arrest.

On 8 April, opposition supporters staged a rally in Baku - calling for democratic reforms, the resignation of the president and the release of political activists detained last year's protests.

The organizers agreed to hold the rally in the outskirts of Baku, after the city authorities denied them the permission to assemble at a publicly visible venue in the city centre. The rally gathered approximately 3000 supporters. Despite having authorization from the city authorities, many of the participants reported being harassed, detained and prevented from attending the rally.

Two days ahead of the planned rally on 8 April, police reportedly detained around 20 opposition activists as they distributed leaflets about the upcoming event. Most were released the same day after fines and warnings, but seven of them were charged with resisting police orders and given administrative detention ranging from 3 to 15 days.

Asabali Mustafae, a lawyer who represented three of the activists detained on 6 and 7 April told Amnesty International that all three were convicted solely based on the testimony of police officers alleging that the activists were disturbing public order by shouting slogans.

The trials were closed to the public and lasted an average of ten to fifteen minutes. The activists deny the allegations and maintain they were arrested pre-emptively to prevent their participation in the protests and spreading information about the event.

According to Asabali Mustafae, one of his clients, Zulfugar Gubadov, was arrested at his workplace in a barbershop after the police were informed that he had been distributing leaflets for the rally earlier that day.

In March, police violently broke up several peaceful protests by youth groups and opposition activists, beating and arresting protest participants. Prior to that, some of the same groups who

went ahead with unsanctioned rallies applied for but were denied permission to hold a peaceful rally in areas officially designated for demonstrations.

On 13 February, a coalition of political parties and different Azerbaijani youth groups applied for permission to hold a two hour rally at Fizuli square in central Baku on 3 March. The aim of the rally was to call for the release of political prisoners in Azerbaijan.

Despite the declared intent by the organizers to stage a peaceful rally as well as choosing a place of demonstration officially designated as suitable for protests, the city authorities denied them permission without providing any reasons.

Furthermore, the organizers were only notified of the refusal a day before the planned rally - in violation of Azerbaijani law on freedom of assembly, which provides that such notifications should be communicated minimum three days in advance of the planned event.

Despite the late notice and lack of any explanations for the grounds of refusal, the organizers cancelled the rally that was planned for 3 March to avoid any confrontation.

Amnesty International is concerned that, in violation of their international obligations, Azerbaijani authorities continue to prohibit public gatherings anywhere in the centre of Baku, effectively criminalizing visible public protest.

Torture and ill-treatment of protesters

On 5 March, reports that two prisoners of conscience had been beaten while being moved between prisons sparked spontaneous protests in the centre of Baku.

Police violently broke up the unsanctioned rally, beating and arresting peaceful protesters. **Jabbar Savalan** and **Dayanat Babayev** were beaten as they were arrested along with 14 other protesters and a journalist when police violently dispersed a demonstration in central Baku. The activists were taken to the 28th Yasamal District police station where another activist, **Majid Marjanli**, was beaten by officers interrogating him.

According to eyewitnesses, police used an electro-shock weapon on **Abulfaz Gurbanly**, 29, the chairman of an opposition youth group, then kicked and punched him while he was in a holding cell with other prisoners.

He later said that police then moved him to another cell where they again gave him electric shocks, and continued beating him. He had tried to argue with a police officer who punched a female protestor, **Beyin Hasanli**, in the head.

All of those detained during the protest were released after four hours, with fines and warnings. However no investigations have been carried out into their allegations of ill-treatment.

On 17 March, Azerbaijani police officers beat and detained two musicians performing at a sanctioned rally and one of the rally organizers. **Jamal Ali** and **Natig Kamilov** were arrested together with Etibar Salmanli after Jamal Ali insulted President Aliyev's late mother during their performance.

The rally, which had been organized by several youth organizations, called for an end to corruption in state education and the release of political prisoners in Azerbaijan. Officials had given permission for the rally, on condition that it was held on the outskirts of Baku. Around 1500 young people turned up.

On 17 March Sabail District Court charged all three men with "petty hooliganism" and ordered them to spend five to 10 days in administrative detention. During the hearing, Natig Kamilov

told the court that on the day of his detention he was beaten in the police station until he lost consciousness. Their lawyer, Anar Gasimli, told Amnesty International that he was prevented from visiting the detained activists before the trial to provide them with effective and timely legal advice and representation.

The judge refused a motion to investigate the allegations of Natig Kamilov's ill-treatment citing the absence of visible signs of ill-treatment as he stood fully clothed in the courtroom. The judge ordered an investigation into the possible ill-treatment of Jamal Ali, who had multiple bruises and scratches clearly visible on his face.

However no questioning or medical examination was carried out to collect evidence and the investigation to date has produced no results.

On 21 March during the appeal court hearing, Jamal Ali told the court that on 19 March he was beaten with a truncheon on the soles of his feet for two hours while serving his administrative detention at the Sabail police department.

After his release, Jamal Ali confirmed that he had been beaten on two occasions while still in detention. To date, no effective investigation has been carried out into any of the allegations of ill-treatment.

Amnesty International calls on the Azerbaijani authorities to ensure that no one is subjected to torture and ill-treatment and that a thorough and impartial investigation is carried out into these allegations of abuse by police officers.

Human Rights Defenders behind bars

On 20 April 2012 human rights defender **Taleh Khasmammadov** was sentenced by Kurdamir Regional Court to 4 years in jail on charges of 'hooliganism' and 'resisting police officers'.

Khasmammadov had been investigating allegations of illegal activity and abuse committed by law enforcement officials in Ujar region and had published several articles critical of the local authorities.

On 12 November 2011 Khasmammadov was summoned to the Ujar Regional Police Department in connection with a complaint he filed in respect of alleged criminal activities by members of Ujar police at the Ministry of Interior. According to the police officers Khasmammadov assaulted them in the course of the interview, an allegation which the human rights defender denies. He maintains that he was called for questioning; following which he was detained. Later that day, Ujar Regional Court charged him with 'hooliganism', 'resisting police officers' and 'using weapons and violence against public authority' under Articles 221.3 and 315.1 of the Criminal Code. He was sentenced to two month's pre-trial detention.

On the day Khasmammadov was arrested, searches were carried out at his house and office and several computers and other data was confiscated without these having any relation to the offences with which he was charged.

Shortly before his arrest, he published an article in Gundam Khabar and Azadliq newspapers regarding the suicide of the 17 year-old female victim of human trafficking, in which he alleged that a criminal group operating the trafficking ring was aided by local police.

He had also previously published several articles in which he alleged that local police officers have been colluding with criminal gangs operating in the area. His lawyer, Asabali Mustafayev, told Amnesty International that Taleh Khasmammadov has been previously summoned and warned by the Ujar police to stop publishing the articles.

Amnesty International believes that it is highly likely that the allegations brought against Taleh Khasmammadov were either fabricated or hugely exaggerated and brought in retaliation for his critical reporting and complaints he brought against local police.

Amnesty International considers Taleh Khasmammadov to be a prisoner of conscience, imprisoned in relation to his critical investigation and reporting, and calls on the Azerbaijani authorities to drop the charges and release him immediately and unconditionally.

On April 19 Sabirabad Regional Court sentenced human rights defender **Ogtay Gulaliyev** to 2 months of pre-trial detention. Gulaliyev is the coordinator of the Kur Civil Society Organization and had been investigating allegations of aid expropriation by the local authorities in Sabirabad after local residents were hit by floods in spring 2010.

Ogtay Gulaliyev was detained by police on 8 April while he was meeting residents of Minbashi village to discuss their complaint that officials had been stealing social aid. Earlier in April, the residents of the village held a demonstration blocking a road to protest against the alleged theft.

The following day, Sabirabad Regional Court charged Gulaliyev with minor hooliganism after police claimed he swore in public. He was given 12 days of administrative detention.

On 19 April, as Ogtay Gulaliyev's 12 day administrative detention was about to expire, new criminal charges were brought against him. He was accused of inciting violence and mass disorder' under Article 220.2 of the Criminal Code. The charges were based on complaints made by the local Municipal Chairman that Gulaliyev had gathered and brought residents to the local government building, inciting them to rise up against the authorities.

Intigam Aliyev, a lawyer working on Ogtay Gulaliyev's case told Amnesty International that no evidence has been presented that Gulaliyev incited any violent act or protest. Indeed all three protests he is accused of inciting were entirely peaceful.

During the pre-trial hearing Gulaliyev refused the state-appointed lawyer, but his request to be represented by the lawyer of his choice was rejected. As a result, the court sentenced him to two month pre-trial detention without legal representation. According to Intigam Aliyev, on the day of his arrest, Gulaliyev was beaten at the Sabirabad Region Police department and was denied food and water for the entire day. Despite filing a complaint, no investigation has been carried out into the reports of ill-treatment.

Amnesty International considers Ogtay Gulaliyev to be a prisoner of conscience, targeted in response to his work as a human rights defender. Organization calls for Azerbaijani authorities to drop the charges and release him immediately.

Human Rights Defenders harassed

On 7 February **Malahat Nasibova**, a Human Rights Defender and local correspondent for Radio Free Europe in Nakhchivan, received a phone call from an unknown person who introduced himself as a state official. The alleged official warned her against posting news and information about social and human rights concerns on the Nakhchivan Human Rights and Media Monitoring website, which she runs.

On the same day, Malahat Nasibova received a letter from the Foreign Affairs Office in Nakhchivan warning her against spreading inflammatory and 'incorrect' information.

A similar warning letter from the Ministry of Justice has also been sent to her partner NGO in Baku, the Institute for Reporters' Freedom and Safety (IRFS) which runs the Nakhchivan Human Rights and Media Monitoring in collaboration with Malahat Nasibova.

IRFS, an Azerbaijani NGO working to protect the rights of journalists, was warned not to post 'malicious' and 'untruthful' articles about the autonomous region on the website. In the same letter, IRFS was also accused of failing to inform the Ministry of Justice about the changes made to their registration documents in violation of the new law.

The organization has since issued a statement refuting claims that there have been any changes made to their registration document.

Both NGOs fear that the warnings against them are a threat of a possible closure in response of their critical reporting. According to Article 31.4 of the NGO law, if a non-governmental organization is given a written warning or instruction to eliminate violations on more than two occasions within one year, the non-governmental organization may be liquidated by a court decision.

Last year, two international NGOs were shut down in Azerbaijan on alleged violations of registration requirements without any prior written warning. One NGO, Human Rights House, remains closed.