

Statement of Non-Governmental Organizations on Government Plans to Toughen Punishment for Administrative Offences

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ANOTHER REACTIONARY LEGISLATIVE AMENDMENT PROPOSED IN ELECTION YEAR: MAXIMUM PERIOD OF ADMINISTRATIVE DETENTION TO BE EXTENDED

We, the representatives of Azerbaijani civil society, severely condemn recently proposed legislative amendment which seeks extension of administrative detention period for certain group of administrative wrongdoings, and if adopted we will regard this as another attempt to restrict human rights in Azerbaijan.

As such, based on his right of legislative initiative, Prosecutor General Zakir Garalov submitted a bill to the Parliament aiming to amend certain clauses of the Code of Administrative Offences. The bill proposes tougher punishments for offenses described in the Article 298.1¹ and 298.2² (violation of the rules of organizing and conducting rallies, demonstrations, processions, etc) of the Administrative Offences Code, particularly extending the maximum period of administrative detention from 15 to 60 days. Similarly, maximum period of administrative detention for offences referred to in Article 310³ of the Code (willful failure to obey legal lawful orders of a police or a military officer) is proposed to be increased from 15 to 30 days.

Given that democratic states do not use the measure of detention in cases of administrative offence, Azerbaijani government's intention to extend existing period of administrative detention is aimed at creating a chilling effect on activists and suppressing the dissent ahead of the upcoming presidential election. There are no legal grounds or social need for such a bill. Toughening the penalties solely serve the purpose of creating an atmosphere of fear and limiting the social and political activity.

The proposed amendments, once adopted, will deal another serious blow to Azerbaijan's poor international image. In its 30 April 2013 session, UN Human Rights Council made more than 160 recommendations to Azerbaijani government, as a result of its review of Azerbaijan's human rights record. In January 2013, the Parliamentary Assembly of the Council of Europe adopted a resolution critical of the human rights situation in Azerbaijan. Freedom House, Amnesty International, Human Rights Watch, Human Rights House Foundation and other prestigious international organizations have regularly stated in their reports that Azerbaijani authorities suppress human rights.

And in this case, the proposal of reactionary bill aiming to further restrict human rights, particularly political rights and freedoms, instead of improving the situation, is an indicator of government's self-disrespect and also disrespect to its human rights commitments.

We urge the government to withdraw the proposed amendments and refrain from similar initiatives in the future. We also call on the international community to show a reaction to the reactionary

¹ Violation by the organizer of the rules of organizing or conducting gatherings, meetings, demonstrations, street processions and pickets prescribed by law – individuals are sentenced to a fine from 1500 up to 3000 AZN, or depending on the circumstances of the case or taking into account the identity of the offender to community service from 200 up to 240 hours, or fifteen days of administrative arrest; officials are fined from 3000 up to 6000 AZN; and legal entities from 15 000 up to 30 000 AZN

² Participation in gatherings, meetings, demonstrations, street processions and pickets not organized in the manner prescribed by law- is punishable by fine from 300 to 600 AZN, or depending on the circumstances of the case or taking into account the identity of the offender, community service from 160 to 200 hours, or fifteen days of administrative arrest

³ Persistent insubordination of legal request of policeman or military man at execution by them of duties on protection of public order- individuals are sentenced to a fine of 200 AZN, or fifteen days of administrative arrest if the fine will be considered insufficient depending on the circumstances of the case or taking into account the identity of the offender

amendments adopted in the past few months and to demand that Azerbaijani government respects its commitments.

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