

To: Mr. José Manuel Barroso, President of the European Commission

Mr. Herman Van Rompuy, President of the European Council

Copy to: Delegation of the European Union to Azerbaijan

Thursday, 14 June, 2013

RE: EU Energy Policy and Azerbaijan's Human Rights Crackdown

President Barroso and President Van Rompuy,

In advance of your meeting with Azerbaijani President Ilham Aliyev in Brussels, we would like to share our concerns regarding the human rights situation in Azerbaijan, and to ask you to support us in addressing these problems.

The continuing EU- Azerbaijan cooperation on energy security is doubtless at the top of the agenda. The Southern Gas Corridor is a very important issue, not only for Azerbaijan but for the whole region. But Azerbaijan's deteriorating human rights situation is of equal and immediate concern.

The Azerbaijani government is failing to fulfill its obligations to guarantee freedom of expression undertaken before the European Union (as part of the EU-Azerbaijan European Neighborhood Policy Action Plan), OSCE, the Council of Europe, and the UN Security Council.

A [constitutional amendment](#) introduced in 2009 removed a two-term limit for holding the presidency thus giving the Azerbaijani President Ilham Aliyev the opportunity to rule the country for life. The Venice Commission, the Council of Europe's advisory body on constitutional issues, warned that the elimination of presidential term limits in Azerbaijan could be considered "[a serious setback on Azerbaijan's road to a consolidated democracy](#)".

This month, the ruling party of Azerbaijan [nominated incumbent President Ilham Aliyev](#) to run for a controversial third term in October.

The current legislative framework does not allow for free and fair elections. C.f. although the Office for Democratic Institutions and Human Rights of OSCE [repeatedly expressed a lack of confidence](#) in election commissions, the government has not taken any positive step in this direction.

With just months to go to a presidential election in October, the authorities are clearly more determined than ever to intimidate critics of the regime, in particular online. The environment for freedom of expression is declining by the day as journalists, bloggers and opposition activists are subjected to mounting pressure that includes increasingly repressive laws, arrests, physical attacks and smear campaigns.

Aliyev's regime bears responsibility for the atmosphere of impunity in which physical and moral attacks against journalists encroaching on powerful interests – including, in two cases, murder – are commonly carried out as a way to silence critical voices. In fact, having written this letter we ourselves can be targeted by President Aliyev. [Mr.Aliyev proved it with his intolerant attitude towards his critics on June 7.](#)

There has been a rise in the number of people arrested for their political views or activity, particularly for expressing critical opinions and protesting against civic problems. Without giving an extended list of

all unlawfully arrested persons, we should note that arrests of *Republican Alternative (REAL) Movement* chairman and potential presidential candidate Ilgar Mammadov; seven *NIDA Movement* activists; *Azad Genclik (Free Youth) Movement* member Ilkin Rustemzadeh; journalist Tofiq Yagublu; and lawyer Gurban Mammadov are clear examples of that trend.

Seven journalists and two human rights defenders are currently behind bars in Azerbaijan. The arrested persons have been and continue to be subjected to brutal treatment. For instance, the spleen of Zaur Gurbanli, arrested activist NIDA Civic Movement, has dangerously swollen and he also suffers from thalassemia, yet the government does not take any step to release him.

The existing draconian penalties for criminal defamation and insult have been extended to online content, including Azerbaijan's vibrant social networks, and public demonstrations. The permitted length of "[administrative detention](#)" is now much greater for many offences, i.e. violation of the rules of organizing and conducting rallies.

Although Azerbaijan ratified the United Nations Convention Against Corruption¹, thereby undertaking the obligation to take measures to enhance transparency in its public administration. Instead of toeing the line here, the government adopted a series of amendments to the Law on the Right to Obtain Information, the Law on the State Registration of Legal Entities, and the Law on Commercial Secrets. The amendments permit commercial entities to keep their registration information secret, including information about their ownership and structure. These amendments contradict international standards for freedom of information and will make it more difficult for journalists to investigate and report on corruption.

Without going into much detail here—as we believe you are well aware of human rights abuses in our country—we would like to conclude that the Azerbaijani government falls short on its human rights obligations undertaken before the European Union (as part of the EU-Azerbaijan European Neighborhood Policy Action Plan).

If the European Union (EU) is a community of values, then its global duty should be to focus on promoting human rights and fundamental freedoms. We therefore call on the EU to use the human rights based approach vis-à-vis Azerbaijan.

An energy security partnership between the EU and Azerbaijan is valuable and productive, but it should be rooted in mutual respect for human rights. If the EU were to sign the Memorandum with Azerbaijan vis-a-vis the Southern Gas Corridor project it should include the human rights environment as a necessary condition of the partnership.

The revolutions in the Arab and Middle Eastern states, many of which are energy and resource rich, demonstrated the illusory nature of stability. If the security of energy rich countries is important to the West, then it is necessary to build security from the bottom up, and that means starting with respect for basic human rights.

The imprisoned activists and murdered journalists, as well as the persons with violated rights cannot speak for themselves. Therefore we are asking you to demand an end to this injustice on their behalf.

Human rights issues are rarely resolved domestically. The [May 12 2011 resolution](#) of the European Parliament on Azerbaijan's human rights record, as well the numerous statements from the EU and EC officials addressed some of our concerns. We kindly ask you that in your meeting with Mr Aliyev, you emphasize the need to protect and support human rights in Azerbaijan.

Thank you very much for considering this appeal.

¹ UNCAC Signature and Ratification Status as of July 12, 2012. <http://www.unodc.org/unodc/en/treaties/CAC/signatories.html>

Sincerely,

1. Intigam Aliyev, Legal Education Society
2. Arzu Abdullayeva, Azerbaijan National Committee of Helsinki Citizens' Assembly
3. Gubad Ibadoglu, Public Initiatives Center
4. Zohrab Ismayil, Public Association for Assistance to Free Economy
5. Vidadi Isgandarli, "Support to Protection of Democracy" Public Union
6. Irada Javadova, "Enlightenment for Human Rights" Public Union
7. Anar Mammadli, Elections Monitoring and Democracy Education Center
8. Leyla Yunus, Institute for Peace and Democracy
9. Mirali Huseynov, "Democracy Learning" Public Union
10. Rasul Jafarov, Human Rights Club
11. Zaur Akbar, "Youth Club" Public Union
12. Arastun Orujlu, "East-West" Research Center
13. Bakhtiyar Hajiyev, Positive Change Youth Movement
14. Matanat Azizova, Women's Crisis Center
15. Elchin Abdullayev, Democratic Institutions and Human Rights Public Union
16. Shahla Ismayil, Women's Association for Rational Development
17. Samir Kazimli, Alliance for the Defense of Political Freedom
18. Azer Mehtiyev, Center of Support of Economic Initiatives
19. Sevinj Mammadova, "Feminist Women's Movement" Public Union
20. Ogtay Gulaliyev, Society for Democratic Reforms
21. Mirvari Gahramanli, Oil Workers' Rights Protection Committee
22. Mehriban Vazir, Center for Political Culture of Azerbaijani Women Public Union
23. Ilgar Ibrahimoglu, Center for the Protection of Freedom of Conscience and Religion
24. Leyla Aliyeva, National and International Studies Center
25. Aygun Panjaliyeva, NIDA Civic Movement
26. Rovshan Hajibayli, Democratic Journalism School
27. Elshan Hasanov, "Azerbaijan without Political Prisoners" Public Alliance

28. Khalid Kazimov, Regional Human Rights and Media Center
29. Ulvi Hasanli, Free Youth Organization
30. Anar Orujov, Caucasus Media Investigation Center
31. Alovzat Aliyev, Azerbaijan Migration Center Public Union
32. Elchin Namazov, Institute for the Defense of Rights and Freedoms
33. Fuad Hasanov, Democracy Monitor
34. Gulnara Akhundova, Azerbaijan Media Center
35. Emin Huseynov, Institute for Reporters' Freedom and Safety
36. Khadija İsmayilova, investigative journalist
37. Ziya Guliyev, Legal Initiatives Center
38. Mehman Aliyev, Turan News Agency
39. Hafiz Hasanov, Center for Law and Development
40. Ilgar Huseynli, Social Strategically Research and Analytical Investigations Public Union
41. Samir Isayev, Legal Think Tank
42. Sevil Isayeva, Ecolex-Azerbaijan Environmental Law Center
43. Yashar Aghazadeh, Committee for the Protection of Human Rights and Freedoms
44. Nasrulla Nurullayev, Care of Azerbaijani Elder Peoples
45. Rashid Hajili, Media Rights Institute
46. Matanat Aliyeva, Media Rights Center
47. Khalid Bagirov, lawyer
48. Asimə Nəsirli, hüquqşünas
49. Emin Milli, Meydan TV
50. Yalchin Imanov, lawyer
51. Javad javadov, lawyer
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