



**Mr Pedro Agramunt**

**Mr Tadeusz Iwiński**

8 May 2015

Dear Mr Agramunt and Mr Iwiński,

We, the undersigned organisations, are writing to you as supporters of the ‘Sport for Rights’ campaign, which has been established to raise the problem of political prisoners in the context of the forthcoming international sporting events to be hosted by Azerbaijan. Against a backdrop of systematic state-sponsored repression, these events will fail to reflect the spirit in which they were established. The next major sporting event is the Baku European Games, developed and regulated by the European Olympic Committees, scheduled for June 2015. A policy shift by the Azerbaijani government towards an open society is urgently required if these Games are to be a success. Moreover, the international community should demand the immediate release of political prisoners.

We are addressing you as the Parliamentary Assembly of the Council of Europe’s co-rapporteurs for the monitoring of Azerbaijan. During your visit to the country in March, you had the chance to meet with some of the political detainees, including human rights defender **Rasul Jafarov**. Jafarov was sentenced on 16 April to six and a half years’ imprisonment.

With respect to your statement from 17 April, in which you considered Jafarov’s sentence to be disproportionately long, the undersigned NGOs wish to draw your attention to the fact that when it comes to politically motivated trials, it is difficult to speak about the proportionality of the penalty. As underscored by the European Court of Human Rights in its judgment from May 2014 in the case of *Mammadov v. Azerbaijan*, politically motivated arrests and accusations constitute a violation of Article 5 and Article 18 of the Convention.

Opening cases against human rights defenders such as Jafarov, based on fabricated allegations, are examples of Azerbaijan’s intentional actions in violation of the Convention. It is difficult to speak about the proportionality of the sanctions, when bringing these individuals to trial is in itself incompatible with the international obligations undertaken by Azerbaijan. We appreciated your attention to this point in your statement of 24 April on the verdict in the case of human rights lawyer Intigam Aliyev.

In your statement on Jafarov’s case, you noted that you “believe that the authorities on the appeal level will undertake appropriate steps to provide fair, equal trial, maintaining the rule of presumption of innocence, in respect of article 6 of the Convention”. We wish to point out that the court of first instance has already failed to fulfil its obligations to conduct a fair trial. Monitoring of Jafarov’s trial, carried out by independent NGOs from across Europe, has revealed a series of grave violations of Article 6 of the Convention.

According to international standards, the fact that the allegations against the activist were not specified by the public prosecutor's office significantly affected the equality of arms in this case, and should not be accepted. Moreover, all of the alleged victims of Jafarov's activities testified that they had not suffered any losses, and therefore did not want to be considered victims in the case against him. The national court ignored this fact.

In addition, in the initial phase of the trial, the activist was held in a metal cage, which made communication with his lawyers and an effective defence impossible. The use of metal cages has been recognised as inhuman and degrading treatment in many judgments of the European Court of Human Rights.

Similar violations could be observed in the trial of the human rights lawyer **Intigam Aliyev**, sentenced on 22 April 2015 for 7.5 years of prison. He has filed numerous cases with the European Court of Human Rights and as leader of the Legal Education Centre trained a whole generation of lawyers in Azerbaijan. He was awarded with the Homo Homini Award in 2012. He was sentenced on the same charges as Rasul Jafarov.

Moreover, as a result of massive repressions, well-known Azerbaijani human rights defender **Emin Huseynov** has been in hiding in the Embassy of Switzerland in Baku for almost eight months. He sought shelter at the Embassy in order to avoid imminent arrest on fabricated charges—an act of revenge by the regime in response to his criticism of Azerbaijan's poor human rights record in the international arena. Emin faces charges under three articles of the Criminal Code of Azerbaijan: articles 308 (abuse of office), 213 (tax evasion) and 192 (illegal business).

Hard-hitting investigative journalist **Khadija Ismayilova** has been thrown into jail on similarly fabricated charges – embezzlement, illegal business, tax evasion, and abuse of power. She has been in pre-trial detention since December 5 on a separate charge of inciting a man to commit suicide. As reported by the Committee to Protect Journalists (CPJ), a member of the Sport for Rights coalition, Azerbaijan is the leading jailer of journalists in Europe and Central Asia with at least eight journalists in prison.

Another prominent critic of the Azerbaijan regime, **Leyla Yunus**, who called for a boycott of the European Games due to Baku's appalling human rights records, was arrested on 30 July 2014 on trumped-up charges of treason and other crimes. Her husband, Arif Yunus, faced travel restrictions until he too was arrested on 5 August 2014, on similar charges. Leyla, who has been denied necessary medical attention since her arrest, is currently being held in a detention centre in Baku, just a few miles from the arena where the European Games will soon take place.

The Azerbaijani government's acts of repression against human rights defenders, as well as its regular violations of its international obligations, deserve to be especially stigmatised. The international community, including all of the institutions established for the purpose of monitoring Azerbaijan's democratic progress, should unambiguously condemn Rasul Jafarov's and Intigam Aliyev's convictions and call on President Ilham Aliyev's administration to immediately release the arrested activists. We would expect such a position from the Parliamentary Assembly's co-rapporteurs on Azerbaijan. We urge you to acknowledge the political reasons behind the sentencing of these human rights defenders in Azerbaijan, and to call on the Azerbaijani authorities to release all jailed human rights defenders.

Sincerely yours,

Thomas Hughes, Executive Director, ARTICLE 19

Mark Fodor, Executive Director, CEE Bankwatch Network

Danuta Przywara, Director, Helsinki Foundation for Human Rights

Petra Havlikova, Project Coordinator of the Women's Rights Are Human Rights Program,  
NESENHUTÍ

Berit Lindeman, Head of Communication/Senior Advisor, Norwegian Helsinki Committee

Adela Pospichalova, Media Coordinator, People In Need

Emma Hughes, Strategy Director, Platform

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