

AZERBAIJAN

IF YOU CAN'T BEAT THEM, JAIL THEM: THE CASE OF HUMAN RIGHTS DEFENDER RASUL JAFAROV

International Judicial Observation Mission



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Cover photo: picture of a previous arrest of Rasul Jafarov, on September 1, 2012, after police illegally dispersed a protest of the "Sing for Democracy" human rights campaign in Baku.

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TABLE OF CONTENTS

I - INTRODUCTION	4
II - THE ARBITRARY CHARACTER OF THE DETENTION AND JUDICIAL PROCEEDINGS AGAINST MR. RASUL JAFAROV	5
III - OBSERVATIONS DURING THE TRIAL	7
IV - CONCLUSIONS	10
V - RECOMMENDATIONS	13
APPENDIX - DETAILED DESCRIPTION OF COURT HEARINGS	16

I - Introduction

On April 16, 2015, **Rasul Jafarov**, Chairman of the "Human Rights Club", was sentenced to 6,5 years of prison on trumped-up charges of "illegal entrepreneurship", "tax evasion", "abuse of office", "embezzlement" and "forgery", for conducting ordinary activities related to the management of a human rights NGO.

Mr. Jafarov had been operating the Human Rights Club since December 2010 without registration. Despite repeated applications, the Azerbaijani government has indeed systematically refused to register the NGO¹. This has prevented Mr. Jafarov to open a bank account on behalf of his organisation. Under these circumstances, the latter had pursued the implementation of human rights projects thanks to funding received from several foreign donors on his personal bank accounts, so long as this practice was allowed by national legislation.

Before his arrest, Mr. Rasul Jafarov was planning to launch a campaign entitled "Sport for Rights" to alert on the dire situation of human rights in Azerbaijan ahead of the European Games to be held in Baku from June 12 to 28, 2015.

He was one of several high profile human rights defenders targeted during a crackdown led by Azeri authorities against dissenting civil society in the summer 2014. He was the first human rights defender to be sentenced within that context².

Rasul Jafarov was also one of the main organisers of the "Sing for Democracy" campaign launched in 2012, ahead of the Eurovision song contest hosted in Baku the same year. The campaign highlighted the increasing repression of public freedoms in Azerbaijan but also documented cases of forced eviction for the construction of the "Crystal Hall" competition site. The campaign became even more successful when Loreen, winner of the Eurovision contest, publicly supported the campaigners and tweeted her support to Rasul Jafarov.

In December 2012, he launched the "Art for Democracy" campaign, supporting youth mobilisation for justice through art and non-violence by documenting different attacks against freedom of expression. The campaign also supported dissenting artists, who are victims of harassment by the authorities.

More recently, Mr. Jafarov took part in a compilation listing 142 political prisoners in Azerbaijan published ahead of the 2013 presidential election³.

Shortly before his arrest, Mr. Jafarov was working together with human rights defenders **Leyla Yunus** and **Intigam Aliyev** on an updated list of political prisoners⁴.

In view of the seriously deteriorating situation of human rights defenders in Azerbaijan, the Observatory for the Protection of Human Rights Defenders, a joint programme of FIDH and the World Organisation Against Torture (OMCT), decided to monitor very closely cases of judicial harassment faced by civil society activists. Between January and April 2015, the Observatory conducted a fact-finding mission as well as five judicial observation missions in Baku (Azerbaijan) to monitor 7 of the hearings in the trial against Rasul Jafarov. The hearings were monitored by experienced lawyers and legal practitioners.

This report sums up the findings gathered by the trial observers during their missions. It demonstrates that the trial against Mr. Rasul Jafarov failed to comply with international standards of fair trial and due process. The entire procedure was fraught with serious human rights violations from the time of detention through trial and conviction.

¹ The European Court of Human Rights has issued twelve judgements and decisions related to this matter.

² For more information, see the Observatory's Mission Report, Azerbaijan: Crackdown on human rights defenders intensifies as Baku Games approach, April 2015: https://www.fidh.org/IMG/pdf/report_azerbaijan_english_final.pdf or <http://www.omct.org/files/2015/04/23097/azerbaijanobsang2015web.pdf>

³ The number of political prisoners listed is much higher than the census made by other organisations, mainly due to the fact that the Human Rights Club included in its list several religious activists imprisoned in 2007-2013.

⁴ The two were also arrested in July-August 2014 and have been detained since then. For more information see the Observatory's Mission Report, Azerbaijan: Crackdown on human rights defenders intensifies as Baku Games approach, April 2015: https://www.fidh.org/IMG/pdf/report_azerbaijan_english_final.pdf or <http://www.omct.org/files/2015/04/23097/azerbaijanobsang2015web.pdf>

II - The arbitrary character of the detention and judicial proceedings against Mr. Rasul Jafarov

Mr. Rasul Jafarov was arrested on August 2, 2014 on charges of "illegal entrepreneurship" (Article 192 of the Criminal Code), "tax evasion" (Article 213) and "abuse of office" (Article 308). His pre-trial detention term was extended by three months on October 23. On December 12, additional charges were brought against him under Articles 179.3.2 ("embezzlement allegedly causing damage to third parties identified as "victims" by the investigative body") and 313 ("forgery").

On April 16, 2015, the Baku Grave Crimes Court sentenced him to 6.5 years' imprisonment and to a 3-year ban from holding public office.

The charges stem from a repressive legislation on NGOs and Grants, amended in December 2013 and 2014, which provides for the following:

1. Only registered NGOs are allowed to receive grants.

As a significant number of Azeri NGOs are being denied registration by the Ministry of Justice, the new provision seriously undermines their right to access funding. For example, under this provision, the unregistered "Human Rights Club" is banned from receiving any grants;

2. All NGO grants must be themselves registered with the Ministry of Justice.

This provision allows Azeri authorities to impede the access to funding of registered NGOs. In practice, several registered NGOs were arbitrarily denied registration of their grants, or have seen their grants arbitrarily de-registered⁵.

In addition, in practice, unregistered grants have been deemed by the authorities as the personal income of their recipients, in an attempt to justify criminal accusations, such as "illegal entrepreneurship", "tax evasion", "embezzlement", "abuse of office" and "forgery" against several human rights defenders. Charges against Mr. Rasul Jafarov stem precisely from this.

For more information on the Azeri legislation on NGOs and Grants, and on how it is applied to criminalise legitimate activities conducted by human rights defenders, see the Observatory's Fact-Finding Mission Report, *Repression intensifies ahead of the Baku Games*, April 2015.

Charges of "embezzlement allegedly causing damage to third parties identified as 'victims' by the investigative body":

During the trial, the court heard testimonies of service providers contracted by Mr. Rasul Jafarov in the framework of the implementation of human rights projects. The persons called to testify had been unilaterally recognised as "victims" of embezzlement from Mr. Rasul Jafarov during the investigation.

However, the so-called "victims" stated one after another before the court that they had performed all the agreed services, received the agreed amounts, and signed all required grant receipts. Accordingly, they concurred that they had suffered no damage and had no claims against Mr. Rasul Jafarov. They requested that the court withdrew their victim's status.

Their requests were all dismissed by the court.

⁵ See the case of Mr. Intigam Aliyev, Head of the registered NGO "Legal Education Society", sentenced on April 22, 2015 to 7.5 years' imprisonment on a similar set of charges as Mr. Jafarov. Though grants received by the NGO "Legal Education Society" had been properly registered, they were subsequently de-registered by the Ministry of Justice in order to successfully criminalise Mr. Intigam Aliyev.

Charges of “illegal entrepreneurship” and “tax evasion”:

During the trial, the public prosecutor also claimed that by failing to register grants used for human rights purposes, Mr. Jafarov had violated the Azeri legislation on NGOs and Grants. As a consequence, the amounts received were deemed as “personal income”. For the prosecutor, it followed that Mr. Jafarov should be prosecuted for “illegal entrepreneurship” and “tax evasion” under the Criminal Code, as he had failed to declare such income.

During the trial, Mr. Jafarov explained that before the entry into force of the new provisions on NGOs and Grants, he had complied with the requirements of the law. He highlighted in particular that before the adoption of the said amendments, he had signed grant contracts with the National Endowment for Democracy (NED), People in Need and Fritt Ord, that all the activities planned in the framework of the projects had been implemented, and that information on such implementation was published in the media. He further stated that given the impossibility to register the “Human Rights Club” and to open a bank account on behalf of his organisation, grant funds intended for these projects had been transferred to his personal bank accounts. Such practice was not illegal at the time.

Mr. Jafarov also pointed out that following the adoption of the amendments on NGO laws in December 2013, he stopped the implementation of projects under the “Human Rights Club”. Mr. Jafarov then became a member of state-registered Legal Protection and Awareness Society (LPAS) and pursued the implementation of his human rights projects through this NGO. Subsequently, grant contracts were signed between LPAS and the German Marshall Fund and NED, and the funds for these projects were transferred to the organisation’s bank account. On June 9, 2014, during a general meeting of LPAS, Mr. Jafarov was elected as Chairman of the Board. This was just a few weeks before his arrest. This further demonstrates the determination of the authorities to hinder all the attempts undertaken by Mr. Jafarov to carry out human rights activities in compliance with the legislation in force.

Charges of “abuse of office” and “forgery”:

At the January 27 hearing, Mr. Rasul Jafarov asked the court to clarify the accusations of “abuse of office” and “forgery”. This request was dismissed by the judge.

At March 31 hearing, Mr. Jafarov’s lawyers further submitted to the court a letter from 20 donor organisations, stating that all granted funds were spent as agreed between donors and Mr. Jafarov.

These documents were added to the defence file, but were disregarded by the court.

It is to be noted that on October 10, 2014, an application was lodged with the European Court of Human Rights on behalf of Mr. Rasul Jafarov. This application was communicated on December 3, 2014. The Court addressed several questions to the Azeri government about alleged violations of Article 5 of the European Convention of Human Rights, related to the right to liberty and security⁶.

⁶ See application no. 69981/14, Rasul Agahasan Oglu JAFAROV v. Azerbaijan, lodged on October 10, 2014.

III - Observations during the trial

The trial against Mr. Rasul Jafarov opened on January 15, 2015, before the Baku Grave Crimes Court. The verdict was pronounced three months later, on April 16, 2015, when Mr. Rasul Jafarov was sentenced to 6.5 years' imprisonment. Throughout the proceedings, a significant number of violations of fair trial standards and due process were reported.

Below is a summary of the harassment and court hearings against Mr. Jafarov. For a detailed description of the hearings, see Appendix 1 of the present report.

July 2014

Mr. Jafarov's assets are frozen while he is out of the country.

August 2, 2014

Mr. Jafarov is arrested on charges of "illegal entrepreneurship" (Article 192 of the Criminal Code), "tax evasion" (Article 213) and "abuse of office" (Article 308).

October 23, 2014

Mr. Jafarov's pre-trial detention term is extended by three months, pending investigation.

December 12, 2014

Additional charges are brought against Mr. Jafarov under Articles 179.3.2 ("embezzlement" allegedly causing damage to third parties identified as "victims" by the investigative body) and 313 ("forgery").

January 15, 2015

The trial opens before the Baku Grave Crimes Court

At the preliminary hearing, Mr. Jafarov appears in double iron cage, a violation of the right to be presumed innocent.

Mr. Jafarov's lawyer files four petitions:

- 1 - To convert imprisonment into house arrest (Article 9.3 of the United Nations International Covenant for Civil and Political Rights - UN ICCPR)
- 2 - To videotape and/or record all hearings and to set up a microphone in the room (principle of transparency of debates)
- 3 - To authorise the accused to sit beside his lawyers (right to be presumed innocent until proven guilty)
- 4 - To file additional documents proving the groundlessness of charges (right of equality of arms)

The court refuses three out of four petitions, only allowing Mr. Jafarov to sit next to his lawyers during trial.

January 27, 2015

The defence reiterates its requests that a microphone be installed so the audience can hear the proceedings clearly (principle of transparency of debates) and that Mr. Jafarov be allowed to return home and remain under house arrest, rather than in detention (Article 9.3 of the UN ICCPR). Both requests are rejected by the court.

Three individuals designated by the prosecution as "victims" of embezzlement are heard. They say they have no complaints against him and express their wish to be removed from the victims list. The court decides to maintain their victim status.

The investigation body alleges that Mr. Jafarov should be held accountable for the misappropriation of 150,636 Manat, and for tax evasion amounting to 6,257 Manat (1 Euro = 1.14 Manat).

February 10, 2015

Mr. Jafarov refuses to testify, stating that the indictment is not clear to him. Instead, the statement made by Mr. Jafarov during his interrogation on July 31, 2014 is read to the court.

Three more persons designated by the investigation body as "victims" say that they received the money promised to them by Mr. Jafarov for their services, and would therefore like their victim status to be withdrawn.

February 24, 2015

An additional witness confirms that Mr. Jafarov paid the total amount due in rent for his office space.

The landlord of the office space rented by Mr. Jafarov, unilaterally designated as a victim by the investigation body, denied having suffered any damages.

An additional person designated as a victim expresses his wish to be removed from the victims list, having received the money Mr. Jafarov promised him for his services.

A further two witnesses confirmed they were paid the money they were due.

By the end of the session, all those unilaterally designated as victims by the investigation body had officially requested that their victim status be removed.

March 5, 2015

Six further witnesses who had worked with Mr. Jafarov were called before the court. None said that they had suffered damages due to Mr. Jafarov and his work. Four witnesses confirmed to have been paid the agreed amount by Mr. Jafarov for their services. The Human Rights Club accountant stated that accounts were kept in accordance with the law.

March 12, 2015

Three witnesses who collaborated with Jafarov or rented him space testify that Mr. Jafarov paid the money he owed them.

March 31, 2015

Mr. Jafarov's lawyers file a petition for three other witnesses to testify, people who had worked on various projects with Mr. Jafarov. The requests are rejected by the court (violation of the right to equality of arms).

Mr. Jafarov's lawyers submit to the court a letter from 20 donor organisations, stating that all funds were spent as planned by Mr. Jafarov under the donor agreement.

The motion for house arrest is denied again.

April 9, 2015

The prosecution requests 9 years of imprisonment and a 3-year ban from occupying similar positions against Mr. Jafarov.

April 14, 2015

Mr. Jafarov's lawyers make their final plea, contesting all the charges against their client.

April 15, 2015

Mr. Jafarov makes his final plea, saying that his lawyers produced all the evidence of his innocence since the beginning of the trial, and that he was in reality arrested and put into prison because he is openly and publicly protecting human rights in Azerbaijan.

April 16, 2015

The court sentences Mr. Jafarov to 6.5 years' imprisonment and to a 3-year ban from holding public office under articles 179.3.2, 192.2.2, 213.1, 308.2 and 313 of the Criminal Code.

June 12, 2015

The appeal trial of Mr. Jafarov is scheduled to open before the Baku Appeal Court, but is postponed a few days before this date.

IV - Conclusions

The main conclusions related to that trial are twofold:

1/ the charges, proceedings and detention of Mr. Rasul Jafarov violate international human rights law and standards, and in particular the right to freedom of association and the right to access funding. Accordingly, the trial against Mr. Rasul Jafarov should not have taken place.

2/ the proceedings held against Mr. Rasul Jafarov failed to comply with fair trial requirements prescribed under international human rights standards, in particular with the right to challenge the legality of one's detention, the principle of publicity of debates, and the right to a fair trial before a competent, independent and impartial tribunal.

1. The charges, proceedings and detention of Mr. Rasul Jafarov violate international human rights law and standards, and in particular the right to freedom of association and the right to access funding.

Article 13 of the United Nations Declaration on Human Rights Defenders states that: "Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the (...) Declaration". While the Declaration on Human Rights Defenders protects the right to seek, receive and utilise funds, it does not place restrictions on the sources of the funding (public / private, local / foreign). Therefore, it implicitly includes in its scope the right of NGOs to access funds from foreign donors.

Furthermore, the case law of the United Nations Working Group on Arbitrary Detention (UN WGAD) on Ales Bialiatski (Belarus)⁷ provides that States parties to the United Nations International Covenant for Civil and Political Rights (UN ICCPR) are "not only under a negative obligation not to interfere with the founding of associations or their activities, but also under a positive obligation to ensure and provide [...] measures such as facilitating associations' tasks by public funding or allowing tax exemptions for funding received from outside the country"⁸.

In the same vein, the United Nations Human Rights Committee (UN CCPR)⁹ recognised for its part that the denial to register an NGO solely on the argument that the documents submitted by it needed minor adjustments to meet the requirements of the Ministry of Justice (which could have been corrected by the Ministry itself) violates the right to freedom of association. The UN CCPR also found that the refusal to register an NGO can render its activities illegal within the country and prevent its members from enjoying their rights. The Committee added that sentencing an NGO leader to a lengthy prison term for actions associated with the receipt and expenditure of funds aimed at carrying out the legitimate activities of his organisation was a direct consequence of the violation of freedom of association. Moreover, the decision of national courts to reject evidence that funds were intended and used for these purposes, and to refuse to consider the case in a way that would aim to safeguard freedom of association, directly violates this freedom.

⁷ The pattern of repression suffered by Mr. Rasul Jafarov over the past year in Azerbaijan resembles that faced by Mr. **Ales Bialiatski** in Belarus. Mr. Bialiatski is the President of the Human Rights Centre (HRC) "Viasna" and FIDH Vice President. After Viasna was deprived of its state registration in 2003, its founders applied for registration at the Ministry of Justice three times between 2007 and 2009. However, the state refused registration every time. As a result, Viasna was unable to open a bank account in its name and receive funding in Belarus for its activities. In August 2011, Mr. Bialiatski was arrested and charged with "concealment of profits on an especially large scale" under Article 243, part 2, of the Criminal Code of Belarus, for using funds located abroad to carry out his human rights activities. On November 24, after almost four months of pre-trial detention, the Minsk Pervomaiski District Court sentenced him to four and a half years of imprisonment under strict regime conditions, confiscation of property - including the premises used for Viasna's offices - and to a fine of 757,526,717 Belarusian Rubles (approximately 70,000 Euros). On January 24, 2012, the Minsk City Court confirmed the sentence on appeal, after all the motions filed by Mr. Bialiatski's lawyers were rejected. In Mr. Bialiatski's case, both the UN WGAD and the UN HRC found a violation of the right to freedom of association and of the right to access funding, and requested his immediate and unconditional release.

⁸ See UN WGAD Decision A/HRC/WGAD/2012/39 on Ales Bialiatski (Belarus), published on November 23, 2013.

⁹ See United Nations Human Rights Committee, Decision CCPR/C/112/D/2165/2012, *Ales Bialiatski v. Belarus*, November 17, 2014.

Accordingly, the prosecution of Mr. Rasul Jafarov for the exercise of his right to freedom of association and the conduct of legitimate human rights activities should not have taken place.

2. The trial against Mr. Rasul Jafarov failed to comply with fair trial requirements prescribed under international human rights standards, in particular with the right to challenge the legality of one's detention, the principle of publicity of debates, and the right to a fair trial before a competent, independent and impartial tribunal.

On several occasions during the hearings, Mr. Jafarov's lawyers asked the court to replace his detention with house arrest, arguing that there was no risk that his client could influence the course of the trial. Mr. Jafarov also stated that he had no intention to either hide or avoid the court, nor to leave the country. He also claimed that even though he was abroad when his accounts were frozen, he decided to return to Azerbaijan. *Their motions were all denied by the court, without justification.*

International and European human rights standards provide that people charged under criminal offences should not, as a general rule, be held in custody pending trial (Article 9(3) of the UN ICCPR). The burden rests on the State to establish that it is necessary and proportional to deprive an individual of his liberty pending trial. It must be established that release would create a substantial risk of flight, harm to others or interference with the evidence or investigation that cannot be allayed by other means.

In addition, in this case the court failed to provide a reasoned decision specifying the reasons for which the detention was necessary and reasonable in the specific case. This violates international and European requirements¹⁰.

Accordingly, the right to liberty and presumption of innocence were violated.

At the January 27 hearing, Mr. Jafarov's lawyer requested a microphone to be installed in the room, so the audience could hear the parties' arguments clearly. *This request was denied by the court.* In addition, the April-15 hearing dedicated to Mr. Jafarov's final plea took place in a smaller courtroom than usual. Accordingly, only 40 persons were able to attend the hearing, while others could not access to the room.

Accordingly, the principle of the transparency of debates was violated, since the audience experienced serious difficulties to hear the parties' arguments throughout the hearings, and as access to the April-15 hearing was *de facto* restricted.

During the hearings, witnesses called to testify by the prosecution did not provide any element attesting that Mr. Rasul Jafarov had committed an offence, and they asserted that Mr. Jafarov had not caused any damage to them. *The testimonies provided by the witnesses were disregarded by the court.*

Similarly, the persons unilaterally recognised by the investigative body as "victims" of alleged embezzlement by Mr. Jafarov requested that the court withdraw their victim status, as they had not suffered any damage from the latter and had therefore no claims against him. *The requests made by the so-called "victims" were disregarded by the court.*

On the other hand, the motion filed by the lawyer of the defendant to call as witnesses three individuals who have worked on different projects with Mr. Jafarov was *rejected by the court.*

¹⁰ See ECtHR, *Patsuria v Georgia*, Case No. 30779/04, 2007, para. 62.

.....
In addition, Mr. Rasul Javarov and his lawyers have demonstrated that the latter has never breached the Azeri law. On the one hand, before the entry into force of the amendments to the Laws on NGOs and Grants in February 2014, Mr. Jafarov had received and used funds as an individual for the activities of the unregistered "Human Rights Club", which was not prohibited by the national legislation at the time. After the entry into force of the said amendments, Mr. Jafarov put an end to his activities within the unregistered "Human Rights Club", became a member of the state-registered Legal Protection and Awareness Society (LPAS) and, from then on, grant contracts were concluded between LPAS and donors, who transferred funds for these projects to the LPAS bank account. *The arguments of Mr. Jafarov and his lawyers were all disregarded by the court.*

At the March 31 hearing, Mr. Jafarov's lawyers further submitted to the court a letter from 20 donor organisations, stating that all funds were spent as planned by Mr. Jafarov under the donor agreement. The defence team also presented the conclusions drawn by an independent institution in Poland, which confirmed the validity of the signature of two persons unilaterally recognised as "victims" by the investigative body, Messrs. Anar Jabiyeva and Nijat Imranly, therefore denying allegations of forgery. *The court accepted to include these additional documents to the defence file, but did not take them into account when taking its decision.*

Accordingly, the right to a fair trial before a competent, independent and impartial tribunal, the right to call and examine witnesses, the principle of equality of arms and the right to a public and motivated judgement were violated throughout the trial against Mr. Rasul Jafarov.

The detention and judicial harassment of Mr. Rasul Jafarov are therefore arbitrary as they clearly aim at punishing the exercise of universally recognised human rights, i.e. the exercise of the rights or freedoms guaranteed by Articles 19 and 20 of the Universal Declaration for Human Rights and by Articles 19, 21, and 22 of the International Covenant on Civil and Political Rights.

The detention and sentencing of Mr. Rasul Jafarov are therefore solely aimed at sanctioning and preventing his human rights activities.

V - Recommendations

In view of these elements, the Observatory calls on the Azeri authorities to:

- (i) Guarantee in all circumstances the physical and psychological integrity of Mr. Rasul Jafarov;
- (ii) Immediately and unconditionally release him, as his detention is arbitrary since it only aims at sanctioning his human rights activities;
- (iii) Ensure that as long as he remains in prison, the authorities fully respect his right to access to lawyers and family members;
- (iv) Ensure that the process leading to criminal prosecution of those arrested and detained on criminal charges meet the international standards of transparency of investigation, fairness of procedures in prosecution and standards of fair trial;
- (v) Take all necessary steps to guarantee the competence, independence and impartiality of the judiciary in Azerbaijan and ensure that the Azeri judiciary acts with full conformity to international human rights standards, ensure particularly that the courts may not be used for political reasons nor to sanction the legitimate exercise of rights and freedoms universally guaranteed;
- (vi) Strengthen the rights of the accused including by ensuring that they are guaranteed a fair trial, including by allowing them to effectively challenge the evidence against them;
- (vii) Provide for independent judicial oversight over the grounds for detention and ensure the protection of detainees from abusive treatment during criminal investigations;
- (viii) Guarantee, under all circumstances, the right to be presumed innocent;
- (ix) Repeal all the provisions of the Criminal Code, of the Law on NGOs and of the Law on Grants, that result in the criminalisation of the rights to freedom association, including the right to access and use funding;
- (x) Take all necessary measures to end all forms of harassment against all Azeri human rights defenders, to enable them to carry out their legitimate human rights activities freely and without hindrance;
- (xi) Comply at all times with the provisions of the Declaration on Human Rights Defenders, adopted by the United Nations (UN) General Assembly on December 9, 1998, in particular:
 - its Article 1 which states that "everyone has the right, individually and in association with others, to promote and strive for the protection and realization of human rights and fundamental freedoms" at the national and international levels,
 - its Article 5, which states that "For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels: (b) to form, join, and participate in non-governmental organizations; [...]"
 - Article 12.2, which states that the State should take all necessary steps "to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in this Declaration"; and

.....
- Article 13, which states that "everyone has the right, individually and in association with others, at the national and international levels, to solicit, receive and utilize resources for the express purpose of promoting human rights and fundamental freedoms".

(xiii) Comply in all circumstances with the international obligations of Azerbaijan regarding the protection of human rights and fundamental freedoms;

Additionally, the Observatory calls on the United Nations - and in particular to relevant UN Special Procedures - to:

- (i) Condemn publicly the deterioration of the situation of human rights defenders in the country;
- (ii) Call on the Azeri authorities to guarantee the physical and psychological integrity as well as the rights of all human rights defenders;
- (iii) Continue to grant particular attention to the protection of human rights defenders in Azerbaijan, in accordance with the UN Declaration on Human Rights Defenders, and follow-up on the implementation of recommendations issued on Azerbaijan;
- (iv) Call on the Azeri authorities to accept visits by the UN Special Rapporteurs on the Situation of Human Rights Defenders and on the Rights to Freedom of Peaceful Assembly and of Association;
- (v) More specifically, to the UN Secretary General, to follow up on cases of reprisals against Azeri human rights defenders who cooperated with the UN and other regional institutions such as the Council of Europe.

The Observatory also calls on the European Union and other foreign diplomacies to:

- (i) Firmly condemn human rights violations in Azerbaijan and request the immediate release of all human rights defenders and individuals detained and charged with alleged violations related to the rights of expression, peaceful assembly and association;
- (ii) Support independent human rights defenders operating in Azerbaijan;
- (iii) Meet and express support with Azeri human rights defenders;
- (iv) Monitor court cases involving human rights defenders and report publicly, if possible jointly, on potential violations and issues of concern observed during these court hearings;
- (v) Ensure follow-up of these situations within the framework of their respective activities;
- (vi) Communicate on any issues of concern regarding human rights defenders with the Azeri authorities.

The Observatory further addresses the following recommendations to the Council of Europe, and in particular:

To the Commissioner for Human Rights:

Keep publicly monitoring the situation of human rights defenders in Azerbaijan.

To the Venice Commission:

- (i) Call for an amendment of the Law on NGOs and of the Law on Grants, to make them consistent with the recommendations of the Opinion No. 787/2014, published by the Venice Commission on December 15, 2014.

.....
(ii) Request another invitation from Azeri authorities for a meeting to address those issues.

To the Parliamentary Assembly:

(i) Pass a resolution, at its next session, condemning the deterioration of the situation of human rights defenders in Azerbaijan;

(ii) Call for a suspension of the right to vote of Azeri parliamentarians serving at the PACE, in accordance with rule No. 9 of the PACE rules of procedure, as long as the situation of human rights defenders in the country remains a matter of concern.

To the European Court of Human Rights:

(i) Grant high priority to all the applications lodged regarding human rights defenders in detention.

(ii) Assess a possible violation of Article 18 of the European Convention on Human Rights.

(iii) Provide recommendations under Article 46 of the European Convention on Human Rights, taking into account the systematic character of the violations of the rights of human rights defenders.

APPENDIX – Detailed description of court hearings

The trial against Mr. Rasul Jafarov opened on January 15, 2015, before the Baku Grave Crimes Court. The verdict was pronounced three months later, on April 16, 2015, when Mr. Rasul Jafarov was sentenced to 6.5 years' imprisonment. Throughout the proceedings, a significant number of violations of fair trial standards and due process were reported.

The preparatory hearing of January 15:

On January 15, 2015, a pre-trial hearing was held at the Baku Grave Crimes Court, where Mr. Rasul Jafarov was put in a double iron cage. Contesting the charges against his client, lawyer Fariz Namazli stated that, in the framework of his human rights activities, Mr. Rasul Jafarov had always signed grant agreements with donors as a natural person, that his accounts were used only in the framework of an individual entrepreneurship, and that he never used any attributes of a legal entity.

In addition, at the same hearing, individuals whom the investigative body recognised as "victims" of alleged embezzlement in the present case stated they had actually no complaints against Mr. Rasul Jafarov, and asked the court to release him.

Accordingly, Mr. Namazli filed petitions to terminate the criminal case against his client, to commute Mr. Jafarov's measure of imprisonment into house arrest, to audiotape or videotape all the hearings, to authorise the accused to sit beside his lawyers during court sessions, and to include additional documents in the case file as evidence proving the groundlessness of the charges. After the Prosecutor asked the judge to reject all these petitions, the court accepted the petition to include additional elements of the defence into the case file, and rejected all others requests of the defendant.

The first hearing on merits of January 27:

On January 27, 2014, the first hearing on merits took place at the Baku Grave Crimes Court.

At the beginning of the hearing, three individuals whom the investigative body had unilaterally recognised as "victims" of alleged embezzlement by Mr. Rasul Jafarov stated that they had actually no complaints against the latter, and asked the court to withdraw their "victim" status. Lawyer Fariz Namazli subsequently requested the court to withdraw the "victim" status of all the individuals concerned, as they had all stated that Mr. Jafarov had caused no damage to them. This request was dismissed by the judge.

In addition, at the same hearing, lawyer Fariz Namazli addressed five petitions to the court, most of which had already been formulated during the preliminary hearing.

In his first petition, he requested the court to authorise the accused sit beside his lawyers during court sessions.

In his second petition, he requested a microphone to be installed in the room, so the audience could hear the parties' arguments clearly, in line with the principle of publicity of debates.

In his third petition, he asked that the detention of Mr. Jafarov be commuted into house arrest, arguing that since the investigation was over, there was no risk that Mr. Jafarov may hide from the investigation, try to influence criminal proceedings or try to falsify evidence. To support this claim, Mr. Namazli added that the conditions and length of Mr. Jafarov's transfer from the detention centre to the court was tiresome, thus affecting his ability to fully defend himself once in the courtroom, in violation of Article 6 of the European Convention of Human Rights.

In his fourth petition, lawyer Fariz Namazli requested the court to drop all charges against Mr. Jafarov, arguing in particular that before the entry into force of the amendments to the Laws on

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NGOs and Grants in February 2014, the latter had always signed grant agreements with donors as a natural person to carry out his human rights activities, using his accounts only as an individual, and not within a legal entity. At the time of the facts, i.e. ahead of the entry into force of the above-mentioned amendments, these actions were in line with the legislation in force.

In his fifth petition, Mr. Namazli finally requested the court to exclude from the case file an audit on Mr. Jafarov's accounts signed by representatives of the Ministry of Finance, the Ministry of Taxes and the Council on State Support to NGOs, since these bodies did not have authority to investigate the activities of a natural person.

The state prosecutor opposed all the applications. The court decided to reject four of them, and only authorised Mr. Jafarov to sit next to his lawyers.

The prosecutor then read the indictment, describing the use of grants by Mr. Jafarov as "illegal business and appropriation". The investigation body alleged that Mr. Jafarov should be held accountable for the misappropriation of 150,636 manat, and for tax evasion amounting to 6,257 manat (around the same numbers in euros).

Mr. Jafarov pleaded not guilty, declared that the charges were unclear, and asked the court to clarify the accusations of "abuse of office" and "forgery". These requests were all dismissed by the judge.

The next hearing was adjourned to February 10, 2015.

The hearing of February 10:

On February 10, 2015, at the start of the hearing, Mr. Jafarov refused to testify, arguing that the indictment was not clear to him.

Accordingly, the judge read out a statement made on July 31, 2014 by Mr. Jafarov during the investigation. In this statement, Mr. Rasul Jafarov reportedly noted that he founded an organisation named the "Human Rights Club" together with two other human rights defenders, and submitted the organisation's documents to the Ministry of Justice for registration. However, since the organisation was not registered by the Ministry, he had to sign grant agreements as a natural person. In December 2012, within the framework of the "Art for Democracy" campaign, he received a financial assistance of 2,000 manat from the United Kingdom Embassy to present the project and hold an event at the Jazz Centre. The event was attended by British and French ambassadors as well as other officials.

In his statement, Mr. Jafarov also noted that he had signed grant contracts with the National Endowment for Democracy (NED), People in Need and Fritt Ord, that all the activities planned under the projects had been implemented, and that information on the implementation was published in the media. He further stated that all funds intended for these projects had been transferred to his personal bank accounts.

Mr. Jafarov also highlighted that after the adoption of the amendments on NGO laws in December 2013, extending the grant registration requirement to unregistered NGOs by requiring individual recipients of grants to register received grants with the Ministry of Justice in the same way as registered organisations, the activities of the Human Rights Club were suspended. In order to continue his human rights activities, Mr. Jafarov therefore applied to, and became a member of, the state-registered Legal Protection and Awareness Society (LPAS). From then onwards, grant contracts were signed between LPAS and the German Marshall Fund and NED, and the funds for these projects were transferred to the organisation's bank account. On June 9, 2014, during a general meeting of LPAS, Mr. Jafarov was elected as Chairman of the Board.

The judge added that Mr. Jafarov had confirmed his statement during a second interrogation.

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Replying to a question of the public prosecutor, asking why the above-mentioned grants had not been registered, Mr. Jafarov said, on the one hand, that the Azeri legislation did not provide for any registration mechanism for grants received by natural persons and that, at the time, the Ministry of Justice did not have any register in place for grants received by natural persons, and, on the other hand, that after the adoption of the legislative amendments prohibiting unregistered NGOs to implement grants, projects were implemented through the LPAS.

Then, Mr. Anar Jabiyev (Nagilbaz) who had been engaged as a service provider in 2013 and who was also designated as a "victim" by the investigative body provided a testimony. He stated that he had received the full amount of 1,720 manat indicated on a document from Mr. Jafarov to compose a song calling citizens to participate in the 2013 presidential election as well as to record a video clip. Mr. Jabiyev added that in the statement he provided to the investigation one year later, he had mentioned an amount of 1,200 manat as he did not remember the exact amount. He further specified that after returning home, checking his notebook and realising that the amount was different, he had made an application to the Prosecutor General's Office for re-questioning, which was not granted, and that he was only questioned again after being assigned the "victim" status. He concluded that he did not suffer any damage from Mr. Rasul Jafarov, and requested the withdrawal of his victim status.

Similarly, during the hearing, another alleged "victim", Mr. Ahmad Heybatov, who made a video about the elections, stated that he received an amount of 1,720 manat, adding that, during his interrogation, investigators forced him to mention a figure, and that since he could not remember the exact amount, he said he thought it was around 800 manat. Likewise, after returning home and checking the exact figure, he sent a letter to the investigative body, asking them to be allowed to provide a statement with the correct amount, and to be interrogated again. However, he was likewise interrogated again only after being granted the "victim" status by the investigative body. He concluded that he did not have any claim against Mr. Rasul Jafarov, and requested the withdrawal of his victim status.

Furthermore, another person identified as a victim by the investigative body, Mr. Seymour Verdizade, said that he did not have any claim against him either, and that his victim status should also be withdrawn.

The hearing of February 24:

On February 24, a fourth hearing was held in the trial against Mr. Jafarov.

During the hearing, Ms. Gunay Ismayilova was questioned as a witness. She said that she took part in a project implemented by Mr. Rasul Jafarov in early 2013, that she received the stated amount, and that she signed the corresponding receipt. In response to questions from the defence, she said that Mr. Rasul Jafarov worked in an office from July to December 2013 for which a contract was signed, and that the rent was paid to the landlord through her. She added that the contract was signed in accordance with the legislation, and that documents confirming the receipt of the rent had always been duly signed.

Earlier during the hearing, the landlord, Mr. Jahangir Ahmadov, unilaterally recognised as a "victim" by the investigative body, said that he indeed rented his apartment to Ms. Gunay Ismailova, adding that he did not know why he had been recognised as a victim, and that he had never suffered any material damage from Mr. Rasul Jafarov.

Then, Mr. Nijat Imranli, another person identified as a victim, presented a written testimony to the court. He said the reason why he submitted his testimony in writing was that the investigative body had deliberately distorted his statement, assigning him the victim status although he had not suffered any damage either. Mr. Imranli initially wrote a script for a documentary, and prepared a report for the "Human Rights Club". Such services were provided in a contract in two copies signed by him and Mr. Jafarov. Mr. Imranli asserted that he was ready to present the receipt of the amount he received to the court, and that such a receipt was written and signed by himself.

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Mr. Imranli concluded that he was not a victim, and requested that his name be removed from the victims' list.

Afterwards, witness Azer Gasimov testified, saying that he had signed a contract, prepared a video clip, received the amount stated in the contract, and signed a receipt.

Finally, Mr. Elnur Mammadov, the Chairman of the Volunteers International Cooperation Public Union, was also called to testify as a witness. He said that one of the projects led by Mr. Rasul Jafarov was implemented by his organisation, that all the funds were spent for the purposes planned in the project, and that relevant reports were sent to the donor. In response to a question regarding the office of the Volunteers International Cooperation Public Union, he said that he had indeed signed a rent contract allowing Mr. Rasul Jafarov to use the office for the project in question.

During the February 24 hearing, all the persons unilaterally recognised as "victims" by the investigative body eventually called on the court to dismiss their victims' status, since they had never suffered any material damage from Mr. Rasul Jafarov.

The hearing of March 5:

A fifth hearing was held on March 5, during which six witnesses were called to the court. None of them stated that Mr. Jafarov had committed a criminal offence.

The first witness stated that he knew Mr. Jafarov very well, and that he was absolutely certain that the latter had committed no crime. He added that he received 1,000 manat to moderate a debate at the screening of one of the films made by Mr. Jafarov in the framework of his professional activities. He presented the agreement and the payment receipt to the court, and repeated that the charges against Mr. Rasul Jafarov had been fabricated.

Two additional witnesses, Messrs. Hamit Khalilov and Alila Rizov, stated that they received 300 and 100 manat respectively to moderate debates during a film festival. Mr. Alila Rizov presented the check, agreement, contract and a few other documents to the court, related to his cooperation with Mr. Rasul Jafarov.

Then, another witness, investigative journalist Shahvalad Chobanoglu, said that he had moderated the discussion of a documentary about the dictatorship under the Khmer Rouge regime in Cambodia, as part of a project run by Mr. Jafarov, and received 100 manat to that end.

The following witness, Mr. Ali Novruzov, also said that he received 100 manat for a project, and that this donation was formalised¹¹.

The last witness, Ms. Tatiana Kruchkina, who worked as an accountant within the framework of a NED-funded project implemented by the "Human Rights Club", said that her task was to prepare financial reports and various financial documents for the donors, and concluded that all financial records were kept in accordance with the law.

The hearing of March 12:

A sixth hearing was held on March 12, where three other witnesses testified in favour of Mr. Rasul Jafarov.

Witness Rufat Aleskerov stated that Mr. Jafarov had held an event at the Jazz Centre in 2011, for which he paid by check an amount of 1,000 manat for the rent of the place, and an additional 1,500 manat for services.

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¹¹ The fifth witness called to testify, also the lawyer of Mr. Intigam Aliyev as well as an NGO member, declared that Mr. Jafarov had coordinated two projects within his organisation, but that he had never had any connections with the finances of the NGO, and had only received a salary via the lawyer for these activities of project coordination.

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The second witness, Mr. Parviz Aziz, said that he concluded an agreement as an interpreter in 2013 for a period of six months, and that he had received 734.58 manat plus 732.90 manat in that regard.

Finally, witness Javid Gurbanov stated that he had received 1,720 manat for a video.

The hearing of March 31:

During the March 31 hearing, charges of embezzlement were examined. Mr. Rashad Shirinov, Azeri political analyst and founder of the "AN Network" youth movement, was called to testify as a witness. Although, Mr. Shirinov does not currently live in Azerbaijan, he addressed a letter to the court stating that he received money from Mr. Jafarov for translation services in two projects he had worked on. He also submitted to the court a check proving the amount received.

Mr. Jafarov's lawyers then petitioned the court to call as witnesses Messrs. Ilkin Rustamzade, Altas Huseynov and Yusif Ilkin, who had worked on different projects with Mr. Jafarov. This request was rejected by the court.

Furthermore, Mr. Jafarov's lawyers submitted to the court a letter from 20 donor organisations, stating that all funds granted to the latter were spent as planned under the funding agreements. The letters from the embassies of the Kingdom of Norway and Great Britain were both written in Azeri and signed by the relevant diplomatic authority. However, the court considered that these letters should have been written in the language of use of the embassies and later be translated into Azeri, and that they should bear the notarised signature of the translator. Accordingly, the court concluded that those documents could not be considered as evidence.

The defence team also presented the conclusions drawn by an independent institution in Poland, which confirmed the validity of the signature of two persons unilaterally recognised as "victims" by the investigative body, Messrs. Anar Jabiyeva and Nijat Imranly, therefore denying allegations of forgery. The court accepted to include these additional documents to the defence file.

Finally, Mr. Jafarov's lawyers asked the court to place the latter under house arrest, arguing that there was no risk that their client could influence the course of the trial. Mr. Jafarov also stated that he had no intention to either hide or avoid the court, nor to leave the country. He also claimed that even though he was abroad when his accounts were frozen, he decided to return to Azerbaijan. The request was rejected by the court.

The hearing of April 9:

During the April 9 hearing, charges of embezzlement were examined. The conclusions of the expert appointed by the court were presented, alleging that 7 of the 13 signatures examined were originals, while 6 were falsified.

The defence requested the Court to summon the expert to testify. The presiding judge refused and stated that it was the burden of the defence team to bring evidence that grants were used as agreed between donors and Mr. Jafarov. Therefore, the defence presented several financial documents to refute the charges of misappropriation.

Mr. Rasul Jafarov claimed once again that the charges were baseless and stated the following: *"The Human Rights Club began its work in 2010. Back then, according to the existing legislation, even if the organisation was not registered by the Ministry of Justice, its work was not described as illegal. In addition, we have applied three times to the Ministry of Justice for registration and never got any response. Following our last application we took the case to the [European] Court [of Human Rights]"*.

Mr. Jafarov's lawyer stated that as the "Human Rights Club" was not registered, Mr. Jafarov had received the grants in his individual name until the entry into force of the amendments to the

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legislation on NGO and Grants in February 2014. Before the entry into force of these amendments, the registration of grants received by individuals was not prohibited.

Prosecutor Mubariz Mirili argued that the defence team had not presented satisfactory proofs of that that grants were used as agreed between donors and Mr. Jafarov, and asked the court to sentence Mr. Jafarov to 9 years of detention as well as a 3-year ban from occupying similar positions.

The hearing of April 14 - the final plea of Mr. Jasul Jafarov's lawyers:

At that hearing, lawyer Alibaba Ilzaev recalled that during the court sessions and investigation, not a single evidence of any crimes committed by Mr. Jafarov was submitted to the court and to the prosecutor. The lawyer said that the charges were in reality aiming at sanctioning the human rights activities carried out by Mr. Jafarov with funding regularly received from abroad.

The lawyer stated in that regard that: *"we know who transferred this money, we know for what purpose it was spent. If Rasul had damaged somebody, these persons could have brought the case to the court. But nobody recognised itself as a victim. It is a nonsense try to find a criminal case against Mr. Jafarov. Thirteen witnesses were called by the prosecution, but all of them testified in favour of Mr. Jafarov"*.

Contesting the charges against Mr. Jafarov, the lawyer stressed that the accusation of "illegal entrepreneurship" was totally irrelevant, as this accusation can only be brought against a person acting without being registered as a taxpayer or engaging in licensed activities without license or with a license obtained illegally. The national legislation does not require a special registration for individuals undertaking activities in the framework of an NGO.

The lawyer further pointed out that the accusations of "abuse of office" and "forgery" were totally irrelevant, as it was proven during the trial that the actions undertaken by Mr. Jafarov did not cause any damage to the rights and legitimate interests of physical or legal persons, or to the legally-protected interests of the society, or to the state.

Lawyer Fariz Namazli added that the charges of "embezzlement" were equally irrelevant, all the more so as 20 donor organisations produced a letter to the court certifying that funds granted to Mr. Jafarov were spent in conformity with their intended purpose. Mr. Namazli highlighted in that regard that while the prosecution claimed that Mr. Jafarov misappropriated funds from such donors, it did not recognise them as "victims", nor did it call them to testify in court.

The lawyers concluded that the prosecutor requested 9 years of imprisonment against Mr. Rasul Jafarov without any evidence, in a clear attempt to sanction his human rights activities.

The hearing of April 15 - the final plea of Mr. Rasul Jafarov:

The April 15 hearing, dedicated to Mr. Jafarov's final plea, lasted 15 minutes and took place in a smaller courtroom than usual. Accordingly, only 40 persons were able to attend the hearing, while others could not access to the room.

At that hearing, Mr. Jafarov stated that his lawyers had produced all the evidence of his innocence, and that he was ready to answer any questions from the judge or the prosecutor. He added: *"the prosecutor asked me to admit my guilt but I am not guilty of anything. He said that admitting my guilt would help me to avoid severe punishment, but I am innocent and therefore I rejected this proposal"*.

Mr. Jafarov also stressed that throughout the trial, the persons who were recognised as victims did not recognise themselves as victims, and that all 13 witnesses interrogated by the court testified in his favour.

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Mr. Rasul Jafarov addressed his concluding remarks to the judge: *"I know that I was arrested and put into prison because I am openly and publicly protecting human rights in Azerbaijan. When you judge me, be fair"*.

The hearing of April 16 - the verdict:

This hearing lasted almost one hour and a half. The judge read the verdict very quickly. The court stated that the requests formulated by some unilaterally recognised victims to dismiss their victim status were motivated by their personal relationship with Mr. Rasul Jafarov and were aiming to mitigate the responsibility of the accused. The court added that the documents presented by the defence had been fabricated by the defence after the accusation of Mr. Rasul Jafarov, and therefore should be considered as unreliable evidence from unknown sources.

The court concluded that Mr. Rasul Jafarov should be sentenced to 6.5 years' imprisonment and to a 3-year ban from holding public office, under articles 179.3.2, 192.2.2, 213.1, 308.2 and 313 of the Criminal Code.



SIGRID RAUSING TRUST



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FIDH and OMCT would like to thank the Dutch Ministry of Foreign Affairs, Finnish Ministry of Foreign Affairs, Fondation de France, Fondation "Un Monde par tous", French Ministry of Foreign Affairs, International Organisation of La Francophonie (OIF), Mairie de Paris, Norwegian Ministry of Foreign Affairs, Open Society Foundation, Republic and Canton of Geneva, Sigrid Rausing Trust (SRT) and Swedish International Development Cooperation Agency (SIDA) for making the publication of this report possible. Its content is the sole responsibility of FIDH and OMCT and should in no way be interpreted as reflecting the view(s) of the supporting institutions.
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Establishing the facts

Investigative and trial observation missions

Through activities ranging from sending trial observers to organising international investigative missions, FIDH has developed rigorous and impartial procedures to establish facts and responsibility.

Experts sent to the field give their time to FIDH on a voluntary basis.

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Created in 1985, the World Organisation Against Torture (OMCT) is the main international coalition of non-governmental organisations (NGOs) fighting against torture, summary executions, enforced disappearances, arbitrary detentions and all other cruel, inhuman and degrading treatment or punishment. The strength of OMCT lies in its SOS-Torture Network composed of 311 NGOs from around the world.

Assisting and supporting victims

OMCT supports victims of torture to obtain justice and reparation, including rehabilitation. This support takes the form of legal, medical and social emergency assistance, submitting complaints to regional and international human rights mechanisms and urgent interventions.

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Together with its local partners, OMCT advocates for the effective implementation, on the ground, of international standards against torture.

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Often those who defend human rights and fight against torture are threatened. That is why OMCT places their protection at the heart of its mission, through alerts, activities of prevention, advocacy and awareness-raising as well as direct support.

Accompanying and strengthening organisations in the field

OMCT provides its members with the tools and services that enable them to carry out their work and strengthen their capacity and effectiveness in the fight against torture.

OMCT presence in Tunisia and Libya is part of its commitment to supporting civil society in the process of transition to the rule of law and respect for the absolute prohibition of torture.

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Activities of the Observatory

The Observatory is an action programme based on the belief that strengthened co-operation and solidarity among human rights defenders and their organisations will contribute to break the isolation they are faced with. It is also based on the absolute necessity to establish a systematic response from NGOs and the international community to the repression of which defenders are victims.

With this aim, the Observatory seeks to establish:

- a mechanism of systematic alert of the international community on cases of harassment and repression of defenders of human rights and fundamental freedoms, particularly when they require urgent intervention;
- the observation of judicial proceedings, and whenever necessary, direct legal assistance;
- international missions of investigation and solidarity;
- a personalised assistance as concrete as possible, including material support, with the aim of ensuring the security of the defenders victims of serious violations;
- the preparation, publication and world-wide dissemination of reports on violations of the rights and freedoms of individuals or organisations working for human rights around the world;
- sustained action with the United Nations and more particularly the Special Rapporteur on Human Rights Defenders, and when necessary with geographic and thematic Special Rapporteurs and Working Groups;
- sustained lobbying with various regional and international intergovernmental institutions, especially the Organisation of American States (OAS), the African Union (AU), the European Union (EU), the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe, the International Organisation of the Francophonie (OIF), the Commonwealth, the League of Arab States, the Association of Southeast Asian Nations (ASEAN) and the International Labour Organisation (ILO).

The Observatory's activities are based on consultation and co-operation with national, regional, and international non-governmental organisations.

With efficiency as its primary objective, the Observatory has adopted flexible criteria to examine the admissibility of cases that are communicated to it, based on the "operational definition" of human rights defenders adopted by FIDH and OMCT: "Each person victim or at risk of being the victim of reprisals, harassment or violations, due to his or her commitment, exercised individually or in association with others, in conformity with international instruments of protection of human rights, to the promotion and realisation of the rights recognised by the Universal Declaration of Human Rights and guaranteed by the different international instruments".

To ensure its activities of alert and mobilisation, the Observatory has established a system of communication devoted to defenders in danger. This system, called Emergency Line, can be reached through:

E-mail: Appeals@fidh-omct.org

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OMCT Tel: + 41 22 809 49 39 Fax: + 41 22 809 49 29