

HUMAN RIGHTS WATCH

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[HRW.org](http://hrw.org)

President José Manuel Barroso
President of the European Commission
Rue de la Loi 200
1049 Brussels

Brussels, June 18, 2013

Re: Azerbaijani President Ilham Aliyev's Visit to Brussels

Dear President Barroso,

We are writing to urge you to use your upcoming meeting with President Ilham Aliyev to mark publicly the European Union's profound concern about the precipitous deterioration of the human rights situation in Azerbaijan and to press for concrete improvements, in line with last week's European Parliament urgency resolution. Specifically, we ask that you urge President Aliyev to release individuals who are being prosecuted on politically motivated charges, to follow up on commitments to decriminalize libel by introducing new legislation to this effect, and to repeal restrictive legislation that runs counter to Azerbaijan's international obligations with respect to freedom of expression, association, and assembly.

Azerbaijan's failure to make progress on meeting human rights benchmarks set for it by the EU as prerequisites for an Association Agreement and President Aliyev's refusal to accept human rights conditionality as part of the country's relationship with the EU have forced the EU to rethink the format of its relationship with Azerbaijan. However, the human rights situation in Azerbaijan is deteriorating, and we urge you to use President Aliyev's visit to speak out in a principled and firm fashion about the EU's human rights concerns outlined in the last European Neighbourhood Policy (ENP) progress report, as last week's European Parliament resolution called on you to do. We urge you to impress upon President Aliyev that any framework for advanced relations between the EU and Azerbaijan and preferential treatment will include a strong human rights component. We expect you will communicate that this is a matter of EU policy, and that it is consistent with the 2012 EU Strategic Framework on Human Rights and Democracy, adopted by EU foreign ministers and endorsed by EU heads of government and state one year ago.

For years, Azerbaijan's human rights record has been marred by government efforts to silence some independent voices through intimidation, harassment, and politically motivated criminal charges and imprisonment. In its report assessing Azerbaijan's progress in 2012 towards meeting the benchmarks under the ENP, the EU noted that Azerbaijan "addressed only a few of the key recommendations contained in last year's ENP progress report," and highlighted serious, ongoing human rights violations related to freedom of expression, association, and assembly in Azerbaijan.

In the past 15 months, there has been a marked increase in the level of abuses and restrictions of basic freedoms, especially as the country prepares for October 2013 presidential vote.

Azerbaijani authorities are adopting new laws that close space for civil society, and at least 22 government critics have either been convicted or are being prosecuted on politically motivated charges. The 22 government critics include political activists, journalists, social media bloggers, human rights defenders, and other people expressing criticism of the government. Charges were laid or convictions were handed down in 16 of these cases in 2013 alone. In more than half of the 22 cases, the authorities have used blatantly trumped-up drugs or weapons possession charges. In others, they have invoked bogus charges of hooliganism or inciting violence, as was the case with opposition political leader Ilgar Mammedov, the focus of last week's European Parliament urgency resolution. Twenty of these individuals are behind bars today.

These cases cannot but send a chilling message to civic activists and close space for free expression and civil society. In addition, in the past seven months President Aliyev has signed into law scores of legislative amendments tightening the space for civil society by imposing new restrictions on the rights to freedom of expression, assembly, and association:

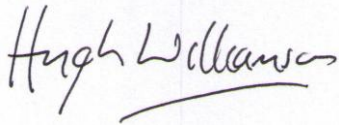
- Legislative changes adopted in February 2013 require nongovernmental organizations (NGOs) operating in Azerbaijan to sign a formal grant agreement when they receive funding for amounts exceeding 200 euros. However, in order to sign a grant agreement, an NGO must be registered by the Ministry of Justice. Viewed in the context of Azerbaijan's cumbersome NGO registration regime and the government practice of misusing the registration status to harass some NGOs that are critical of the government, this law will drive independent groups that cannot get registered to the margins of the law. Failure to have a proper grant agreement filed with the government could lead to exorbitant fines and confiscation of property.
- A set of legislative amendments signed into law by President Aliyev in May expands criminal libel laws explicitly to include statements made online. This seems aimed at intimidating Azerbaijan's online activists and stifling critical expression, and reverses 18 months of government rhetoric committing to decriminalize libel.
- Another set of May 2013 legislative changes sharply increases – from 15 day to two months – maximum prison terms for administrative offenses, including offenses the government frequently uses to punish people for involvement in peaceful, albeit unsanctioned, public protests. November 2012 legislative amendments had already increased by 70-fold monetary sanctions for participating in and organizing unauthorized protests. It should also be noted that the authorities have not sanctioned a single protest rally in the Baku city center since 2006, swiftly and often violently dispersing unauthorized demonstrations, arresting and prosecuting dozens on misdemeanor charges of hooliganism, and disobeying police orders.

We do not question that Azerbaijan's proximity to Iran, its vast hydrocarbon reserves, and the border it shares with Russia's turbulent North Caucasus are all of importance to the EU. This importance is predicated on Azerbaijan playing a stabilizing role in the region. The government's human rights practices, however, not only violate Azerbaijan's international obligations and run counter to the benchmarks set out for it by the EU; they also appear set to destabilize the country as they further polarize society and drive dissent underground.

We call on you to use your upcoming meeting with President Aliyev to urge him to adhere to the benchmarks set out for Azerbaijan by the EU; to fulfill recommendations put forth in the January 2013 resolution adopted by the Parliamentary Assembly of the Council of Europe; and to make it clear that closer political ties, preferential trade treatment, and EU relations are conditioned on Azerbaijan respecting and implementing the rights of its own people in full accordance with its international human rights treaty obligations.

We thank you for your attention and wish you a productive meeting.

Sincerely,



Hugh Williamson
Director
Europe and Central Asia Division
Human Rights Watch



Lotte Leicht
Advocacy Director
European Union
Human Rights Watch

Cc:

Head of Cabinet, Mr. Johannes Laitenberger
Advisor to the President of the Commission for External relations, Mr. Hugo Sobral
EU Special Representative for Human Rights, Mr. Stavros Lambrinidis
EU Special Representative for the South Caucasus, Mr. Philippe Lefort
Chair of the EU's Political and Security Committee, Ambassador Mr. Olof Skoog
EU member states ambassadors to the EU Political and Security Committee
Head of Cabinet to the High Representative, Mr. James Morrison
Advisor to the High Representative on Eastern Neighbourhood, Mr. Carl Hartzell
Head of the Delegation of the European Union to Azerbaijan, Mr. Roland Kobia
Chair of the EU's Working Group on Eastern Europe and Central Asia (COEST), Mr. Petteri Vuorimäki
Chair of the EU's Working Party on Human Rights (COHOM), Mr. Engelbert Theuermann
Members of the EU's Working Group on Eastern Europe and Central Asia (COEST)
Members of the EU's Working Party on Human Rights (COHOM)
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President of the European Parliament, Mr. Martin Schulz
Vice-President of the European Parliament responsible for Democracy and Human Rights, Mr. Edward McMillan-Scott
Chair of the European Parliament's Foreign Affairs Committee, Mr. Elmar Brok
Chair of the European Parliament's Subcommittee on Human Rights, Ms. Barbara Lochbihler
Chair of the European Parliament's Delegation to the EU-Armenia, EU-Azerbaijan and EU-Georgia Parliamentary Cooperation Committees, Mr. Milan Cabrnoch
Vice-Chairs and Members of the European Parliament's Foreign Affairs Committee
Vice-Chairs and Members of the European Parliament's Sub Committee on Human Rights
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