

Ref. CommDH 014(2013)

## **Azerbaijan: greater freedom of expression and assembly urgently needed**

Strasbourg, 27 May 2013 – “Journalists, bloggers, activists and other independent thinkers continue to experience severe limitations to their freedom of expression in Azerbaijan” said today Nils Muižnieks, the Council of Europe Commissioner for Human Rights, at the end of a three-day visit to the country. Referring in particular to the detention of a number of these persons, the Commissioner expressed his view that “clearly, they should not be in prison”. In the course of his visit, the Commissioner travelled to Ismayilli, where he discussed the protests which took place there last January. He also went to Kurdakhani Detention Centre, where he met with Ilgar Mammadov, Hilal Mammadov and Zaur Gurbanli.

“Releasing all persons who are in detention because of the views they hold and express should be a priority for the Azerbaijani authorities in order to protect freedom of expression” said the Commissioner, noting that this should be accompanied by measures to enhance the independent and impartial review of the relevant cases by the judiciary. In parallel, the authorities should bring the long-standing work on the reform of defamation legislation to a successful conclusion, by ensuring that it provides for defamation to be dealt with through proportionate fines and not imprisonment. The Commissioner welcomed that the authorities are currently engaged with the Council of Europe Venice Commission on this reform, which is also required in order to execute two judgments of the European Court of Human Rights against Azerbaijan. However, he found it “difficult to reconcile” this commitment with the amendments adopted by the Azerbaijani Parliament only two weeks ago, aimed at facilitating the application of defamation provisions to online expression. The Commissioner called on the President of Azerbaijan not to sign these amendments into law.

Freedom of assembly is also seriously thwarted, with restrictions in practice going well beyond those which are permissible according to human rights standards. “Not only have peaceful protesters been effectively banned from demonstrating in central Baku since 2006, but recent months have seen a harshening of the fines and the use of administrative detention for those who organise or participate in unauthorised public gatherings” the Commissioner observed. Noting the announced publication by the authorities of a list of locations where demonstrations will be authorised, the Commissioner called for these to include adequate locations in the centre of Baku and other cities, as a first step towards a better enjoyment of the right to freedom of assembly by the Azerbaijani population.

Regarding freedom of association, the Commissioner was particularly worried to note that problems relating to the registration of non-governmental organisations have not abated. The Venice Commission identified some shortcomings in its 2011 Opinion on the legislation of non-governmental organisations of Azerbaijan, such as the absence of any specific time-frame within which an agreement on the registration of the local branches of international NGOs has to be signed with the Ministry of Justice, resulting in unduly long delays. The authorities should swiftly address these deficiencies.

Finally, several interlocutors expressed concerns about continuous demolitions of houses in the centre of Baku, which allegedly have no legal basis. The Commissioner was informed that a number of cases relating to these demolitions are now pending before the European Court of Human Rights. Instead of awaiting the outcome of these cases, the authorities should ensure that an effective remedy exists at national level. More generally, they should

better implement the Court's case-law rather than relying on the Court to correct the shortcomings of national remedies.

A report on the Commissioner's visit is forthcoming.

**Press contact in the Commissioner's Office:**

Stefano Montanari, + 33 (0)6 61 14 70 37; [stefano.montanari@coe.int](mailto:stefano.montanari@coe.int)  
[www.commissioner.coe.int](http://www.commissioner.coe.int); Twitter: [@CommissionerHR](https://twitter.com/CommissionerHR); [Facebook](#)

The Commissioner for Human Rights is an independent, non-judicial institution within the Council of Europe, mandated to promote awareness of, and respect for, human rights in the 47 member states of the Organisation. Elected by the Parliamentary Assembly of the Council of Europe, the present Commissioner, Mr Nils Muižnieks, took up his function on 1 April 2012