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## **Freedom of expression, assembly and association deteriorating in Azerbaijan**

<http://bit.ly/1tAN82f>

Strasbourg, 23 April 2014 – “Freedom of expression, assembly and association are regrettably deteriorating in Azerbaijan. I once again call on the authorities to pay urgent attention to these issues so as to comply with Azerbaijan’s human rights obligations and commitments as a member state of the Council of Europe” said today Nils Muižnieks, Council of Europe Commissioner for Human Rights, while releasing his [observations](#) on the human rights situation in the country, which follows upon his [report](#) published in August 2013.

“Unjustified and selective criminal prosecution of people expressing dissenting views, including journalists, bloggers and activists, continues unabated. This is unacceptable. All those who are detained because of the views they expressed must be released.”

The Commissioner deplores in particular a series of arrests reportedly based on charges which lack credibility. This includes the arrests of Parviz Hashimli, a journalist with the *Bizim Yol* newspaper, online activist Abdul Abilov and blogger Omar Mammadov. The Commissioner is also concerned by the recent conviction of the journalist, academic and minority rights defender Hilal Mammadov, as well as of Tofiq Yagublu, deputy chair of the opposition political party Musavat and journalist with the *Yeni Musavat* newspaper, and Ilgar Mammadov, Chair of the Republican Alternative Civic Movement. “Another disturbing example of intimidation of the press is the case of Khadija Ismayilova, a journalist known for her investigations into corruption, who was repeatedly questioned by the Prosecutor General’s office in February 2014”.

The lack of progress with regard to the decriminalisation of defamation and the adjudication of disproportionate damage awards applied in civil proceedings remain a serious obstacle to Azerbaijan’s compliance with Council of Europe recommendations and the case-law of the European Court of Human Rights. “Legislation should be changed so as to fully decriminalise defamation and ensure that it is dealt with only through proportionate civil sanctions.”

A further reason of concern are the additional restrictions to the activities of non-governmental organisations introduced by the law signed by the President of Azerbaijan on 3 February 2014. “This new law worsens an already cumbersome situation in which NGO activities were disproportionately restricted. The authorities should alleviate, rather than complicate the administrative requirements for NGOs.”

The Commissioner also expresses concerns about the arrest of Anar Mammadli, Chairman of the Election Monitoring and Democracy Studies Center, under investigation for illegal business, tax evasion and abuse of power. More recently, two additional charges for forgery and misappropriation of property have been brought against him. “These investigations appear to be linked to the problems of registration faced by his organisation. The cumbersome requirements for registration inevitably drive a number of NGOs to operate on the fringe of the law. Less restrictive NGO legislation would enable NGOs to pursue their public watchdog function in an environment more conducive to their work.”

Furthermore, a number of peaceful protests have recently been dispersed by the police, sometimes with excessive force, and participants have been arrested and sentenced to

administrative detention and fines. "The notification procedure foreseen by the law should be applied in accordance with European standards, which also establish that no authorisation should be required for the holding of public demonstrations. The authorities should seek to facilitate and protect public assemblies at the organisers' preferred location."

Lastly, the Commissioner expresses concerns that demolitions of houses and violations of property rights continued and calls on the authorities to ensure that "all persons affected by expropriations have access to an effective remedy at national level. Any further expropriations and demolitions must be carried out in a lawful and transparent manner and come with fair compensations, set at market value."

The comments of the authorities are available [here](#).

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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