

Remarks by Rashid Hajili, Media Rights Institute, Azerbaijan

Legal counsel for Anar Mammadli

13 February 2014, Vienna

Dear members of Parliamentary Assembly,

Dear guests,

Your kind attention and valuable time shared to those problems are really appreciable and encouraging. I was told that and promised to pass it to you. I was told by the well educated and dedicated to our common values brilliant young persons, unfortunately in jail for their use of fundamental freedoms - freedom of expression, freedom of peaceful assembly, for their oppositional to government political activities. I was told that by the prominent civil society leader, human rights activist Anar Mammadli, who is imprisoned at the end of last year for his outspokenness about the violations during last presidential elections held in October last year. I was told that by other human rights defenders.

According to different local and international human rights organisations there are tens of political prisoners in Azerbaijan. Accused and arrested for bogus charges for their critics toward the government policy, for their thought and believes, for their unfavourable for ruling authorities political activities.

Real reasons behind the arrests of journalists Avaz Zeynalli, Tofiq Yaqublu, Sardar Alibeyli, bloggers Abdul Abilov, Omar Mammadov, Rashad Ramazanli, Ilkin Rustamzade, Mammad Azizov and Bakhtiyar Guliyev, young political activists Rashadat Akhundov, Uzeyir Mammadli, Zaur Gurbanli and others, oppositional politic Ilgar Mammadov and many others are just critical publications about government, their use of political rights.

Due to big gaps what is in law from one side and behaviour of government institutions, police, prosecution officials and courts from other side government easily uses criminal laws by arbitrary way against its opponents. Drag abuse, hooliganism, incitement to public disorder, possession, of gun and disobeying of police are very common charges used against those opponents and critics. And we believe that in all cases drags, guns just planted by those who ordered to make police themselves. Incidents of hooliganism arranged by law enforcement agencies themselves.

All political prisoners were denied to be in freedom during the investigation and trial. Even the bail and other forms of guarantors were denied in regards of those prisoners.

Some young bloggers who were harsh in their critics against high officials were even tortured and deprived of lawyers during first days of their arrests.

Anar Mammadli case

Anar Mammadli and lead by him Election Monitoring and Democracy Studies Center is prominent election watchdog in Azerbaijan. During last 10 years they regularly monitored all elections and reported about all developments and violations. Anar Mammadli and his colleagues always had a problems with government because of their outspokenness about the electoral problems. Established them Election Monitoring Centers was denied registration long period of time. In 1 February 2008 Ministry of Justice finally registered EMC. But soon after several critical report published by EMC before upcoming presidential election EMC deprived of its registration and banned. Litigation within domestic courts doesn't give any result.

In December 2008, Anar Mammadli established new organisation, Election Monitoring and Democratic Studies Center. Government again denied registration without any justification as it does against all other independent non-governmental organisations. Filing court cases within the domestic courts didn't give any remedy as usual.

EMDS conducted long-term and short-term observation of the last Presidential Elections in Azerbaijan held in 9 October 2013. After election EMDS reported that Presidential Elections was marred with violation of national legislation of the Republic of Azerbaijan and international standards, therefore cannot be considered free and democratic.

In 23 October EMDS presented preliminary report where reported serious violations in 91 percent of polling stations, while cases of multiple voting, ballot stuffing, voting of ineligible persons and inaccurate reflection of voting results on protocols were noted in 30-45 percent of all polling stations in the country.

Government launched criminal investigation against EMDS just shortly after Anar Mammadli presented Preliminary Report. 29 October the Grave Crimes' Investigation Department of General Prosecutor came to EMDS office and demanded all documents related to EMDS activities and seized them.

Soon Anar Mammadli and 2 his colleagues were charged with bogus charges, illegal entrepreneurship, tax ivasion, and misuse of power. According to government's official accusations Anar Mammadli and his colleagues together established EMDS not for monitoring and reporting on elections but for just receiving grants and making big amount of profits. Which in accordance to General Prosecutor opinion is illegal entrepreneurship. As they made profit illegally they avoided to pay taxes as well. Prosecutors don't want to take into account that all grant received from National Democratic Institute as a grant spent to grant activities (preparation and instruction of election monitors, long term and short term of monitoring of election, etc.) and duly reported to grantee and to tax authorities and Ministry of Finance as well. The third charge against Anar Mammadli and 2 his colleagues, the abuse of power is even more confusing. There is no clear justification of that charge.

On 16 December 2013 Anar Mammadli was arrested and courts denied releasing him pending the trial. Any bails or guaranties haven't been accepted. Courts justified their decisions with the arguments that Anar Mammadli has ties with international organizations in abroad and will escape to avoid trial. Another argument is that if he will stay in freedom he will make obstacles to the investigation. All such arguments are not grounded to any real facts.

Now prosecutor office says that the investigation is continuing. But all are under tight secrecy. No any development reported to lawyers.