



## **Azerbaijan – “Caspian oil and gas conference” in Baku 6-7 June 2011**

### **A number of important human rights issues associated with the visit to Baku by Minister of Petroleum and Energy Ola Borten Moe and State Secretary Espen Barth Eide.**

*Oslo, 30 May 2011.* The Helsinki Committee would like to express its gratitude for the opportunity to give the Ministry of Foreign Affairs and the Ministry of Petroleum and Energy some input in association with the oil and gas conference which is taking place in Baku next week and for which it is planned that Minister of Petroleum and Energy Ola Borten Moe and State Secretary Espen Barth Eide will travel to Baku. The Ministry of Foreign Affairs and the Ministry of Petroleum and Energy have been made aware of our view of the plan for Crown Prince Haakon to take part in the trip. We hope that if it turns out that the Crown Prince is to take part in the trip nonetheless, then the Crown Prince’s programme will be arranged in such a way that the Crown Prince’s visit highlights the major human rights challenges facing the country. This could signal to Azerbaijani society that the Crown Prince and Norway are not uncritical of negative developments in Azerbaijan and the fact that, despite joining the Council of Europe 10 years ago, the country has still only fulfilled a few relatively insignificant commitments which it undertook as conditions of its membership. The programme selected for the Crown Prince will have great symbolic value.

On Thursday 26 May, editor Eynulla Fattullayev was released through an amnesty after more than four years’ imprisonment and a clear judgement from the European Court of Human Rights in April 2010, which demanded his immediate release. While it is very pleasing that Fattullayev has now been released, it illustrates the Azerbaijani authorities’ attitude to the Human Rights Court’s judgement that the release has taken place through an amnesty rather than by complying with an order by the court. The OSCE’s special representative for media freedom, Dunja Mijatovic, has not been put at ease by the fact that bloggers Emin Milli and Adnan Hajizade were released last autumn, as she believes that both are entitled to a full pardon and their sentences being quashed. This must also be demanded for Eynulla Fattullayev.

This note is intended to serve as background information on important developing issues in Azerbaijan and the cases which the Helsinki Committee believes the Norwegian authorities should raise in meetings with their Azerbaijani counterparts.

1. The Norwegian Helsinki Committee has been involved in the situation in Azerbaijan for over 10 years and knows the situation in the country well. Despite widespread contacts with European countries, being admitted as a member of the Council of Europe and major foreign investment in Azerbaijan over the course of these years, respect for human rights commitments has steadily decreased. We also believe we have seen the Azerbaijani regime's self-confidence grow in line with revenue from oil and gas extraction. In the Helsinki Committee's view Azerbaijan's barely credible efforts in the field of human rights have not been caused by a lack of expertise or development, but instead reflect a lack of political will. The crackdown in recent months can easily be viewed in the context of fear of popular revolts following the pattern of a number of states in North Africa and the Middle East.

2. Norway plays a difficult double role in relation to the Azerbaijani authorities. On one hand the Norwegian authorities wish to promote human rights, but on the other there is a desire to safeguard the investments and interests of Norwegian companies in the country, and particularly those of Statoil. We support the government's pursuit of increased openness and taking a long-term view in safeguarding income from the oil and gas sector. Azerbaijan is one of the world's most corrupt countries, despite increased openness in a restricted field through the country's affiliation to EITI. On the other hand we fear that focussing on openness will take the place of the required focus on human rights, democratic governance and the principles of having a state governed by law. Our clear view is that without introducing democracy and access to independent courts in Azerbaijan any efforts to combat corruption will achieve only small results.

3. As the visit to Baku is taking place in association with the oil and gas conference and must focus on this area, we also have cause to point out that we have sought greater involvement on the part of Statoil in order to contribute to building up human rights values in their overseas operations, including in Azerbaijan. We have challenged Statoil to meet human rights organisations and give them financial support and to advertise in independent and opposition newspapers. We have also stressed to Statoil that in meetings with Azerbaijani authorities they should stress that it is important to Statoil's interests and reputation that the principles of a state governed by law are safeguarded and that Azerbaijan refrains from abuses. We also believe that Statoil should raise specific cases of abuse directly with the authorities. Statoil was broadly open to assessing our input, but emphasises that it is the Norwegian authorities' responsibility to raise all political issues, including human rights issues.

4. On the basis of this it is all the more important that the opportunities which Norwegian authorities have to raise human rights issues are utilised well. The Helsinki Committee believes that it is precisely Norway's major interests linked to oil and gas extraction in the country and its ownership of Statoil which give Norway special responsibility for clarity on human rights issues. Norway also has an important part to play in relation to the international community by taking a clear stance on Azerbaijan's human rights situation and working to bring united reactions from the international community. Unfortunately Azerbaijan's authorities do not receive unequivocal signals from Western countries.

5. In 2010, the Norwegian Helsinki Committee initiated the production of a document entitled "A common statement on Human rights in Azerbaijan". The document is supported by a number of Azerbaijani and international human rights organisations, including Human Rights House Foundation, and lists the most important human rights challenges in the country that we believe the international community must raise with Azerbaijan, plus the measures which we believe the authorities themselves must initiate to improve the situation. The document, which is enclosed, was updated as of June 2010 and the description of the situation and the measures suggested are still relevant. We therefore enclose this document as important background information. Some of the political prisoners named in this document have been released after the application of strong international pressure, but new ones have since been added. This shows that pressure works, but that the authorities' basic attitude to critics of the regime is unchanged.

6. We ask the Norwegian delegation to raise the following issues with the Azerbaijani authorities during their visit to Baku:

➤ **Release of imprisoned activists:**

Young and slightly older activists were inspired by events in the Middle East and North Africa and used social media to encourage demonstrations, particularly through Facebook. The authorities reacted resolutely, banned all demonstrations and in March and April at least hundreds of demonstrators were arrested, along with several dozens of people who were thought to be behind organising the protests. Some of these have already been given hefty prison sentences. Not all the criminal cases have been processed and the remainder must be monitored closely.

We ask that the Norwegian delegation request the release of the following prisoners, whom we consider to have been convicted for purely political reasons:

1. On 4 May 2011 youth activist **Jabbar Savalan** was sentenced to 30 months' imprisonment for alleged possession of drugs, a charge we recognise from a number of politically motivated convictions in Azerbaijan.
2. On 18 May 2011 29-year-old Harvard graduate **Bakhtiyar Hajiyev** was sentenced to two years' imprisonment, officially for having evaded military service. Hajiyev organised the "Great Peoples Day" Facebook action on 11 March in protest against the authorities. He was a candidate for the Popular Front opposition party in the parliamentary elections in November 2010.
3. Activists from political opposition parties have also been the target of these criminal cases because a united opposition called for its own protests on 2 April 2011 and for other reasons. These include **Rafat Hajibaily, Arif Hajili, Mahammad Majidli, Tural Abbasli, Ahad Mammadli and Sahib Kerimov**. They are in custody awaiting trial.
4. We wish to raise a case which has had far too little coverage recently. **Ruslan Bashirli** was a young activist and leader of a youth organisation called Yeni Fikir – New Thinking – which was inspired by the Orange Revolution in Ukraine in 2005 and hoped to gather support for a corresponding scenario. He was lured into a trap

during a meeting in Georgia and was filmed accepting a small sum of money from someone who was later presented as an Armenian. This was enough for Ruslan to be sentenced to seven years' imprisonment for treason in the summer of 2006. Ruslan was 26 years old at the time.

5. A case in a slightly different category is that of **Mamedali Aliyev**, a 70-year-old man who was sentenced to 13 years' imprisonment in 2008 for involvement in a so-called attempted coup in 1995. He had been in hiding for many years and several others who were convicted much earlier in the same case, called "The case of the generals", were regarded as political prisoners by the Council of Europe. Aliyev is now very ill and has undergone a heart operation. We ask that his case be raised.

➤ **Democracy and elections**

Azerbaijan held elections to the national assembly in November 2010. The elections were again a farce and the OSCE published a report with a number of recommendations. After almost 10 years' work with new electoral laws there is still not a system for membership of electoral commissions which can build trust among the population. At this election the period permitted for election campaigning was also shortened so much that it was not possible to hold a genuine election campaign. Although this theme is now well-worn, it is important not to stop working on applying the necessary pressure on the authorities in order to dramatically improve the framework for elections. The authorities should find solutions to the many challenges through genuine consultation with the parties and civil society.

➤ **The Human Rights House in Baku,**

which is commonly known as "The Norwegian" Human Rights House because of the Norwegian initiative behind Human Rights House Foundation, has been forcibly closed by the authorities. *The delegation must raise the closure and ask for the bureaucratic obstacles to its continued operation, which are clearly politically motivated, to be removed.*

➤ **Media freedom**

The authorities obstruct a free media in almost every possible way. Imprisonment and violence against journalists are everyday events, and legislation and bureaucracy are also misused to obstruct media which oppose the authorities. The murder of editor Elmar Huseynov has still not been solved. The small alternative press which remains must be protected. One particularly potent weapon used against journalists and editors is legislation which makes defamation a criminal offence. Important trials are currently being held and work is being done to abolish criminal defamation. *The delegation must stress the importance of this work being completed.*

➤ **Nakhchivan**

The Helsinki Committee would like to highlight the autonomous republic of Nakhchivan as a region which has particularly serious problems in the field of human rights. Late last year we published a report in which we pointed out abuses of NGO activists and journalists, including Rafto Prize winner Malahat Nasibova. We have reports of not only

activists but also their relatives suffering reprisals in the republic. *We want Norway to specifically raise their safety with the Azerbaijani authorities.* We enclose the report.

**7. The delegation's remaining programme.** We welcome the delegation's plans to meet civil society in Baku. We request that the delegation select participants carefully and *ensure that this also includes representatives of prominent human rights organisations.* We will gladly provide specific names for such a meeting.

The Crown Prince has shown interest in young people through his involvement in *Global Dignity*. It would therefore be particularly appropriate that the Crown Prince and the rest of the delegation meet *the Support Committee for Young Political Prisoners*.

*The delegation should also visit released prisoner Eynulla Fattullayev* and his family and invite his most important supporters, such as fellow journalists and his solicitor, to the meeting.

A wreath-laying ceremony at the grave of deceased president Heydar Aliyev is also planned. *It would therefore also be natural for Crown Prince Haakon to lay a wreath at the grave of murdered editor Elmar Huseynov.* He is buried in the cemetery of honour very close to the centre of Baku.

We hope this is useful information for the visit to Baku next week and wish the delegation a good trip.

Best regards



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Secretary-General



Berit Lindeman  
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