

Azerbaijan: No justice, observers denied access at high-profile trials against critics

25/07/15

This week new trials have been held in the Azerbaijani government's relentless campaign against critics of its repressive regime. The first hearing in the case of investigative journalist **Khadija Ismayilova**, as well as the appeal hearings against human rights defenders **Rasul Jafarov** and **Intigam Aliyev** further reinforced concerns that the government is abusing the country's justice system to discredit and punish individuals for standing up for human rights, democracy and rule of law. While there was a high level of public interest in these trials, many observers and journalists were denied access to the courtroom, thus undermining transparency of the proceedings. International Partnership for Human Rights (IPHR) reiterates its call to Azerbaijan's international partners to forcefully speak out against the pattern of politically motivated prosecution of outspoken individuals in this country and to insist that its authorities uphold fundamental fair trial principles and make all efforts to ensure that observers and media have unhindered access to high-profile trials.

IPHR's trial observer Tamar Gurchiani was present in Baku this week to monitor the latest proceedings. *"The trials took place in conditions of high-level security, where the defendants were treated as dangerous criminals and monitors denied access"*, she commented. *"All of this only strengthened the impression that these trials are not about ensuring justice, but about sending a warning message to all who may consider publicly criticizing the government."*

The first hearing in the case of award-winning investigative journalist Khadija Ismayilova, who has reported extensively on corruption in Azerbaijan, was held at the Baku Court for Grave Crimes on 24 July. She was arrested in December 2014 and has been held in pre-trial detention ever since. She faces spurious charges of inciting suicide, as well as conducting illegal business, tax evasion, and abuse of power. Earlier this week, on 21 July, the Baku Court of Appeal considered appeals filed by the defence in the cases against innovative human rights campaigner Rasul Jafarov and renowned human rights lawyer Intigam Aliyev, who has submitted hundreds of cases to the European Court of Human Rights (ECtHR). Both of them were arrested in August 2014, and in April this year they were sentenced to 6.5 and 7.5 years in prison, respectively, on trumped-up charges of tax evasion, abuse of office and illegal entrepreneurship following trials marred by serious violations of fair trial rights. The outcome of the proceedings this week were that the hearing against Khadija Ismayilova was adjourned until 7 August and the hearing against Rasul Jafarov until 31 July, while the unjust and unfair sentence against Intigam Aliyev was upheld unchanged.

Monitors had limited access to the courtroom on both days. At the trial against Khadija Ismayilova, court security guards hand-picked people who were granted access among the dozens of people who had gathered to attend it, while closing the doors for the rest and **refusing to let them in**. Only a few journalists and diplomats

were able to make their way in, in several cases without their interpreters, which made it difficult for them to follow the proceedings. IPHR's monitor Tamar Gurchiani was among those denied access, although she repeatedly told court officials that she was there in the capacity of an international monitor. Khadija's sister was also left outside, unlike her mother and niece who were allowed in. As reported to IPHR by those who were able to attend the trial, a number of seats were empty in the courtroom so there would have been space for additional attendees. As the trial started, a large crowd of people were standing outside, chanting "Khadija" and clapping their hands as a sign of protest against having been denied access.

Court security guards also granted access only selectively to those who had gathered to attend the appeal hearings against Rasul Jafarov and Intigam Aliyev. While both of these trials started at around 11:00 am on 24 July (as the one against Jafarov was delayed), guards started granting access to observers and journalists only some 10 minutes prior to this, letting people in one by one. This restrictive approach resulted in that the hearing against Rasul Jafarov, which lasted about 15 minutes before it was adjourned, took place largely in the absence of observers and journalists. IPHR's Tamar Gurchiani and other observers were also able to access the hearing against Intigam Aliyev only after it had started and the small courtroom used for the hearing did not accommodate all present.

The hearings were perfunctory in nature and characterized by unequal and biased treatment of the defence in favour of the prosecution, as seen at trials throughout the ongoing civil society crackdown in Azerbaijan. At the hearing against Intigam Aliyev, which IPHR observed, the judge dismissed all three motions of the defence, including one requesting the consideration of the many motions left unaddressed by the first-level court when the 7.5 year sentence against the lawyer was handed down. As reported to IPHR by the lawyer of Khadija Ismayilova, all eight motions filed by the defence were similarly rejected at this hearing, without adequate justification. At the brief preliminary hearing against Rasul Jafarov, the judge indicated that motions will be discussed at next hearing.

"It has become a pattern at the recent trials against critical voices in Azerbaijan that defence motions are systematically rejected", said Brigitte Dufour, IPHR Director. "This runs contrary the principle of equality of arms, which is a cornerstone of the right to a fair trial, and indicates that the judges in these trials are openly siding with the prosecution."

At all three trials, the defence lawyers motioned, among others, to allow the defendants to sit with their lawyers outside the glass cages where they were being held. The ECtHR has spoken out against the practice of holding defendants in such constructions, saying it may restrict fair trial rights, in particular the right to confidential communication between defendant and lawyer, and amount to degrading treatment. As observed by IPHR's monitor, the judge hearing the case against Intigam Aliyev also repeatedly turned off the defendant's microphone when the latter made critical remarks about the proceedings, thus shutting him up in a humiliating way. The judge told Aliyev that "this is not an international symposium" when the latter referred to the case law of the ECtHR.

The legal proceedings held against Khadija Ismayilova, Rasul Jafarov and Intigam Aliyev this week are the only the latest ones in a crackdown in which dozens of human rights defenders, journalists and other outspoken individuals have been arrested and convicted on politically motivated charges in Azerbaijan since 2014. Earlier

this month, the trial also began in another high-profile case, the one against veteran human rights defender **Leila Yunus** and her husband **Arif Yunus**, who have been charged with various economic crimes and in a separate case additionally with treason. IPHR and other NGOs have repeatedly called on Azerbaijan's international partners to refuse to conduct "business as usual" with the government of this country until it takes concrete steps to put an end to the current crackdown and releases all those who have been deprived of their liberty in retaliation for exercising their fundamental rights.

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