

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.hrw.org/news/2013/01/28/what-next-azerbaijans-political-prisoners>

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Azerbaijans abysmal rights record came under a rare spotlight last week. One of Europes foremost human rights bodies, the Council of Europes Parliamentary Assembly, devoted an entire afternoon to debating two much-awaited reports on the country.

The first was by the assemblys Monitoring Committee, assessing Azerbaijan progress in meeting its membership commitments. The second was dedicated to the issue of political prisoners in Azerbaijan, reflecting the Council of Europes longstanding concerns about Azerbaijan practice of criminally prosecuting its critics. While both reports were critical in their assessments, the second one, on political prisoners, stood clearly apart. Here is how:

The Azerbaijani authorities went to unprecedented lengths to obstruct the rapporteurs work, refusing him access to the country and rejecting the mandate as unjustly singling out Azerbaijan. As a result, the rapporteur, the German parliamentarian Christoph Strässer, was compelled to produce a report without being able to visit Azerbaijan. His detailed account is authoritative, though the result of extensive, in-depth consultations with Azerbaijani lawyers, as well as local and international human rights groups.

But the Azerbaijani government did not stop there. Having prevented the rapporteur from visiting Azerbaijan, it then proceeded to use this very fact against him to try to discredit his work.

Of course, no one should have been fooled by such patently absurd arguments. After all, it was no real surprise that the Azerbaijani government would resort to such bullying tactics. Its use of criminal prosecution as a tool for political retaliation is a well-documented problem, but also one that the government has long refused to acknowledge. It is no wonder, then, that it wouldnt act in good faith.

What is surprising, however, is the assemblys failure to stand up against Azerbaijan bullying tactics. The assembly should have firmly supported this crucial mandate, which has been with the Council of Europe since 2001, when Azerbaijan was accepted as a member on the condition that it would release all political prisoners and stop silencing its critics by prosecuting them on politically motivated charges.

In a hugely disappointing move, the assembly failed to pass the resolution on the issue of political prisoners in Azerbaijan, causing Azerbaijani MPs to erupt in a victorious cheer one might expect from sports fans following a win by their favourite team.

But their victory will be short-lived. Neither the governments bullying nor the assemblys unconscionable cave-in can change the facts, which remain equally valid and if anything, even more pressing to address.

To be sure, the assembly has suffered a serious blow to its credibility as a principled promoter of human rights, but all is not lost. The other, broader resolution on Azerbaijan that the assembly debated last week voted through with a wide majority also highlights the problem of political prisoners, concluding that, The combination of the restrictive implementation of freedoms with unfair trials and the undue influence of the executive results in the systemic detention of people who may be considered prisoners of conscience.

So the assembly has clearly marked its concern on the issue of political imprisonment in Azerbaijan. In its resolution, it urges Baku to review the cases of human rights defenders, activists and journalists who have been imprisoned on criminal charges and whose trials did not meet international standards. It also urges the authorities to use all available legal tools to release those prisoners whose detention gives rise to justified doubts and legitimate concerns.

The key challenge, therefore, isnt how to bring the issue back onto the assemblys agenda, since it has not been dropped. Rather, it is to ensure that sufficient political pressure is brought to bear on the Azerbaijani government to do what it takes to rectify the problem.

The main onus lies with Azerbaijan international partners, including its fellow member governments of the Council of Europe. They need to make clear just how imperative rights reforms, including the release of those held on politically motivated charges, are to a

successful relationship. European Union governments should stress these steps as a firm requirement for Azerbaijan to have closer relations with the EU.

Individual assembly members who care enough can and should help make this happen. They should take up the issue in their domestic parliamentary settings and urge their elected leaders to make sure it features high in their countries bilateral relations with Baku.

The Council of Europe, including its secretary general in his role as the institutions highest-ranking spokesman, also has a key role to play in highlighting the issue and making clear it remains a priority concern.

Only such principled political leadership, coupled with sustained political pressure, can ensure that last weeks much-needed spotlight on Azerbaijan's poor rights record translates into real change for those suffering persecution at the hands of the Azerbaijani government.

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