

URGENT ACTION

AZERBAIJAN: INDEPENDENT NEWS DIRECTOR DETAINED

Mehman Aliyev, the director of independent news agency *Turan*, has been arbitrarily detained since 24 August on what appears to be trumped up charges of tax evasion and other offenses in retaliation for his work as a critical journalist. The charges against him follow the same pattern used to silence government critics in Azerbaijan in recent years.

On 24 August **Mehman Aliyev**, director of independent news agency *Turan*, was summoned for questioning at the Ministry of Taxes as a witness in the criminal investigation launched earlier this month against *Turan* agency into alleged tax avoidance. When Mehman Aliyev arrived at the Ministry for questioning with his lawyer, the officials informed him that his status has changed from a witness to a suspect and refused to allow his lawyer to attend the questioning, claiming that he now needed to obtain special permission to represent his client. He was detained following the questioning without access to his lawyer. On 25 August the court remanded Mehman Aliyev to three months in detention on charges of tax evasion, abuse of office, and illegal entrepreneurship.

The charges relate to accusations made by the authorities that Mehman Aliyev abused his powers as director of *Turan* agency by failing to register all grants and to pay appropriate taxes on them. In particular tax authorities allege that Mehman Aliyev earned illegal profits by failing to register grants in the amount of 148,310 AZN (US\$87,260) received from 2010 to 2014, and underpaying the taxes in the amount of AZN 60,080 (US\$35,350) from 2010 to 2016. Mehman Aliyev denied any wrongdoing, maintaining that his agency paid all due taxes in time and that the recent audit by the tax authorities had exonerated *Turan* in response to similar allegations. He had referred the matter to a Baku Economic Administrative court alleging shortcomings and irregularities in the investigation. Mehman Aliyev's lawyer has filed an appeal against the detention and the court hearing is due to take place today, on 30 August, before the Baku Court of Appeal.

Turan news agency is effectively the last remaining independent media outlet still operating within Azerbaijan. Since 1990 *Turan* has covered important sensitive subjects in the political economic and social sphere in English, Russian and Azeri. The nature of the charges, as well as the criminal proceedings, appear to be designed to put pressure on the news agency in retaliation for their critical reporting. Amnesty International has documented in detail how government critics were imprisoned by the arbitrary application of the charges relating to illegal entrepreneurship, tax evasion and abuse of office stemming from lack of grant registration. While registration and taxing of grants in Azerbaijan only became mandatory in February 2014 when legislative amendments entered into force, authorities continue to apply those requirements retroactively to prosecute critics.

Please write immediately in Azerbaijani, English or your own language calling on the authorities to:

- Release Mehman Aliyev immediately as the charges against him appear to be politically motivated and because of serious violations of fair trial standards during his arrest and arbitrary detention;
- Fully respect the right to freedom of expression in Azerbaijan, which involves ensuring human rights defenders and journalists can carry out their legitimate activities free of harassment and without fear of reprisals.

PLEASE SEND APPEALS BEFORE 11 OCTOBER 2017 TO:

President Ilham Aliyev
Office of the President of Azerbaijan
19 Istiqlaliyyat Street
Baku AZ1066, Azerbaijan
Fax: + 994 12 492 0625
Email: office@pa.gov.az
Salutation: Dear President

Prosecutor General Zakir Qaralov
7 Raffibeyli Street
Baku AZ1001, Azerbaijan
Email: contact@prosecutor.gov.az
Salutation: Dear Prosecutor General

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR TAHIR TAGHIZADE, Embassy of the Embassy of the Republic of Azerbaijan, 4 Kensington Court, London, W8 5DL tel: 020 7938 3412 email: london@mission.mfa.gov.az,
Please check with your section office if sending appeals after the above date.

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INTERNATIONAL**



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ADDITIONAL INFORMATION

On 16 August, the tax authorities raided *Turan's* office in Baku, confiscating financial documents and checking employees' personal belongings, including documents, data and papers related to journalistic work. Prior to his detention, Mehman Aliyev reported that the court order he was presented with by the tax officers who carried out the raid did not grant them permission to enter the office to conduct searches. *Turan* had cooperated with earlier demands to provide copies of all documents to the tax authorities.

Amnesty International has longstanding concerns about the Azerbaijani authorities' failure to respect the rights to freedom of expression, association and peaceful assembly. Human rights defenders, independent journalists and government critics from any walk of life are often imprisoned on trumped up or politically motivated charges in retaliation for their work or critical statements. Torture and other ill-treatment and beatings in detention are also commonly reported.

Starting from 2013, several prominent government critics, including human rights defenders and political activists, were arrested on fabricated charges of financial irregularities. Charges of tax evasion and abuse of office are commonly used in Azerbaijan to incarcerate leaders of NGOs criticizing the authorities.

Restrictive laws were introduced in Azerbaijan in 2013 and 2014 and have been applied arbitrarily since, in contravention to the right to freedom of association. The laws limit or hinder legitimate activities of independent organizations critical of the government, in particular by allowing arbitrary denial of registration and the requirements of onerous reporting, tax and other measures. Due to inability to register officially, Azerbaijani civil society organisations have been forced to find ways around the existing restrictions to secure and disburse funding and continue their legitimate work. By aggressively applying grant registration and taxation laws, in some cases retroactively, as well as by manipulating the reporting procedures, the Azerbaijani authorities have created a pretext for a string of arbitrary arrests and prosecutions of their critics for alleged financial irregularities which, the authorities purported, amounted to tax avoidance and abuse of power.

Amnesty International has documented in detail the arbitrary application of criminal law in recent years in relation to some of the government's most prominent critics among human rights defenders, journalists and lawyers, including Intigam Aliyev, Rasul Jafarov, Khadija Ismayilova and Leyla Yunus. While some were released in 2015 and 2016 following international pressure, others have not, and the authorities are continuing to use the same charges to arrest and silence government critics.

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