

# Being Obstructed, Not Stopped

No. 7

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## In Focus:

**Human rights defenders face interference by local authorities and law enforcement bodies.**

### Azerbaijan

The upcoming parliamentary elections in Azerbaijan are bringing tensions and the number of illegal interferences to the work of human rights defenders has increased.

Executive authorities of the most regions unlawfully request the NGOs to get permission for conducting their activities. In case of non-compliance with these requirements obstacles are created, sometimes by even deploying the police forces or detaining human rights defenders.

In this environment organizing educational events, especially if they are related to the elections is getting difficult. Azerbaijani members of the South Caucasus Network of Human Rights Defenders are operating within the framework of Azerbaijani and international legal standards.

*According to the UN Declaration on Human Rights Defenders, “everyone has the right, individually and in the association with others, to promote and to strive for the protection and realization of*



*human rights and fundamental freedoms at the national and international levels.”*

### Armenia

The member of the Monitoring Group of the Helsinki Association **Arshaluys Hakobyan** has passed away in Toronto (Canada) at the age of 38. Hakobyan was in Canada, asking for political asylum. He was forced to apply as a result of **continuous harassment by the Armenian authorities**.

**The South Caucasus Network of Human Rights Defenders has actively supported Arshaluys Hakobyan in the past and condoles with Arshaluys' family, colleagues and friends.**

## In this issue:

**Unregistered NGOs, counted in thousands, prohibited of street action in Azerbaijan**



**US State Secretary Hillary Clinton responded to the letter of Armenian human rights activists**



**Journalistic investigation in Georgia uncovers ineffective spending of international grant**



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The contents of this publication are the sole responsibility of the South Caucasus Network of Human Rights Defenders and can be in no way taken as to reflect the views of the European Union.

## Issue 1: RIGHT TO PEACEFUL ASSEMBLY AND ASSOCIATION

### Georgia: Poets Arrested During a Peaceful Rally, Irakli Kakabadze Physically Assaulted



On August 14th, the publicist **Irakli Kakabadze**, and the poets **Shota Gagarini** and **Aleksi Chigvinadze**, held a protest rally on George Bush St. According to the organizers, they were going to protest against the title of the George Bush Street and ask to name it after an American poet, Walt Whitman. The art protest rally “Down with Bush! Long live Whitman!” – ended with the arrest of the poets. Later they were fined by Tbilisi City Court.

According to explanation by Irakli Kakabadze, handed to public defender, later, the detained were removed to the yard of the Ministry of Internal Affairs, where they were held for two hours. During this period, the chief of the Main Department of Tbilisi and Mtskheta-Mtianeti Patrol, Giorgi Gegechkori and his assistant came and **verbally and physically assaulted** Irakli Kakabadze.

Afterwards, Irakli Kakabadze felt bad and was still feeling bad while giving the explanation.



Public defender of Georgia Giorgi Tugushi issued a statement on the detention and fining of poets, noting that it revealed the systematic problems existing in the court practice. The public defender was informed that the Court did not satisfy the application of the defense side which was asking for presenting the video material from the protest rally in the Court process. It could reveal the actions of protest rally participants and the police officials.



*Source: [humanrights.ge](http://humanrights.ge)*

*The video material refused by the court soon appeared on facebook (see the [link](#))*

### Azerbaijan: Unregistered NGOs Prohibited to Stage Protest Action

[radiozamaneh.com](http://radiozamaneh.com)



The Mayoral Administration of Baku **refused to authorize a rally of unregistered non-governmental organizations (NGOs)**. These organizations plan to stage a protest against the arbitrariness of the Justice Ministry in granting or refusing registrations to NGOs. A group of NGO representatives sent an appeal to the Mayoral Administration on August 4. The organizers of the protest action planned to hold a rally in the square near the Justice Ministry.

that it was not allowed to hold rallies near government structures.

The number of unregistered NGOs is over 2,000. Most of them deal with democracy and human rights, and have been waiting for registration for over ten years

*Source: [azerireport.com](http://azerireport.com)*

## **Issue 2: HUMAN RIGHTS IN THE SOUTH CAUCASUS – FROM THE PERSPECTIVE OF THE INTERNATIONAL COMMUNITY**

### **Armenia: State Secretary Hillary Clinton Responds to the Letter of Human Rights Defenders**

On **August 24**, 2010 The ***US State Secretary Mrs. Hillary Clinton*** answered the Armenian member-organizations of the ***Southcaucasus Network of Human Rights Defenders*** in response to their letter, which was given to the State secretary during her visit to Armenia on July 5, 2010

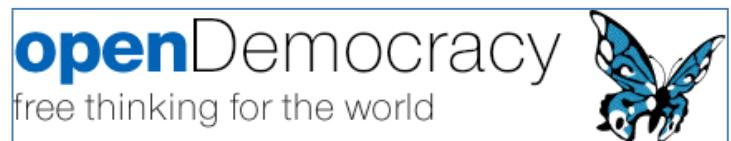
In her response the State Secretary affirmed the remaining steadfastly commitment of the United States to working with the Armenian Government and its people to advance shared objectives in the region, including peace, stability, democracy, and economic prosperity.



***Full text of the letter is available at [Caucasusnetwork.org](http://Caucasusnetwork.org)***

### **Georgia: Article on Opendemocracy.net Covers the Case of the Georgian Investigative Journalist**

***Robin Oisín Llewellyn***, a master in international journalism from Cardiff University took an interview from Georgian investigative journalist ***Vakhtang Komakhidze***. It was published in a well known site ***opendemocracy.net***, which has a wide international audience.



The story presents Vakhtang Komakhidze as “*an investigative journalist in Georgia with a nose for a story and a record of annoying the authorities. His revelations of official corruption ended in the death threats which forced him to seek asylum in Switzerland.*”

***Source: R.O.Llewellyn, “A thorn in the side of Georgia’s Rose Revolution”, [opendemocracy.net](http://opendemocracy.net)***

### **Azerbaijan: EU calls Azerbaijan to release imprisoned bloggers**

***Catherine Ashton, High Representative for Foreign Affairs and Security Policy of the European Union (EU)***, made a statement, criticizing ***the decision of the Supreme Court of Azerbaijan*** of August 19, which upheld the verdict to bloggers ***Adnan Hadjizade*** and ***Emin Milli***.

*“The High Representative hereby regrets about the decision of the Supreme Court of Azerbaijan of August 19, which upheld the prison verdict passed to youth activists Emin Milli and Adnan Hadjizade,”* runs Ms Ashton's statement, which arrived to the “Caucasian Knot” correspondent from the EU's Representative Office in Azerbaijan.



***The High Representative*** believes that *“the drawbacks of the litigation concerning international standards of fairness and transparency and the outcome thereof are sending a negative signal about the state of things with the freedom of expression in Azerbaijan.”* Ms. Ashton calls Azerbaijan to release Messrs Milli and Hadjizade from their imprisonment.

Young bloggers Emin Milli and Adnan Hadjizade were convicted to 2,5 and 2 years of imprisonment on charges of hooliganism and causing bodily injuries. Isakan Ashurov,

Gadjizade's advocate, has stated that the young men had been arrested and convicted for their active public work and political nonconformist expressed in the Internet.

**Source:** [Caucasian Knot](#)

### [Georgia: UNHCR, Amnesty International Concerned over IDPs Eviction Process](#)



**Amnesty International** released a report on **August 5** on Georgian IDPs. It welcomed the government's efforts to establishing a legal framework protecting the rights of IDPs and acknowledges measures taken to improve the housing of IDPs. Yet it also says that concerns remain regarding ongoing **lack of adequate housing in many collective centers**, as well as regarding **integration of the displaced population** and their **access to economic, social and cultural rights**.

**UN refugee agency (UNHCR)** said on August 24, that "together with the international community" it was "concerned that recent evictions of internally displaced people, living in collective centres and shelters in Tbilisi, have not been undertaken with the necessary transparency or circulation of information."



In July and August **police evicted hundreds of IDPs** from several state-owned buildings in Tbilisi - the process, which has also been criticized by the **Georgian Public Defender**. The eviction has also triggered series of protest rallies in Tbilisi by a group of IDPs.



According to the **Ministry of Internally Displaced Persons** from the Occupied Territories, Accommodation and Refugees, displaced families are offered either financial compensation of USD 10,000 or alternative housing. The **Public Defender's Office** said on August 20 that it had monitored alternative housing offered to IDPs in Patskho-Etseni in Tsalka district, western Georgia, and found that IDPs there "are living under harsh social conditions. They do not have food products, medications, household items of primary consumption, and furniture."

**Sources:** [Amnesty International](#), [UNHCR](#), [civil.ge](#)

### [Azerbaijan: Reporters Without Borders Surprised At Government Decision to Shut Opposition Newspaper Office](#)

**Reporters Without Borders** is surprised to learn that **police prevented the staff of the opposition newspaper Azadlig** from entering its premises yesterday at the behest of **Agbey Askerov**, the head of the state-owned publishing house Azerbaijan, which prints the newspaper.



Askerov is demanding immediate repayment of a debt of 15,000 manats (15,000 euros), which he says dates back to 2003. Reporters Without Borders condemns the move, and sees it as a pretext for forcing the country's main opposition newspaper to close. Askerov's behaviour is all the more curious as he and Azadlig editor Ganimat Zahid had previously agreed that the debt would be paid off in monthly instalments. The government's decision to delay disbursement of 20,000 manats in state aid to Azadlig until the debt is fully paid is therefore also alarming.

Violations of freedom of expression are common in Azerbaijan, which was ranked 146th out of 175 countries in the 2009 Reporters Without Borders press freedom index. Journalists are subject to arbitrary arrest, imprisonment and beatings.

[Source: azerireport.com](http://azerireport.com)

### **Armenia, Azerbaijan: ECtHR to Consider Claims of Azerbaijani Citizens to Armenia and Vice Versa**

On September 15, the ***High Chamber of the European Court of Human Rights (ECtHR)*** will consider the claim of an Armenian citizen against Azerbaijan and the claim of six Azerbaijanis against Armenia. The applicants claim violations of their civil rights during the Karabakh War in 1991-1992.

Elkhan and Adyshirin Chiragov, Ramiz Dzhebrailov, Akif Gasanov, Fekhreddin Pashaev and Garadzha Dzhebrailov - residents of the Lachin District of Nagorno-Karabakh, Kurds by their nationality, lost their houses and all the property on May 17, 1992.



Also on September 15, case No. 40167/06 will be considered on the claim of citizen of Armenia Minas Sarkisyan against Azerbaijan, in which he asserts that his house in Shaumyan settlement (nowadays - Gyulistan), Goranboy District of Azerbaijan, was destroyed, which means violation of Article 1 of the European Convention on Human Rights (ECHR).

[Source: Caucasian Knot](http://caucasian-knot.org)

### **Issue 3: POLITICAL AND ILLEGAL PRISONERS**

#### **Georgia: Vakhtang Maisaia Beaten to Stop Starving**

A political prisoner **Vakhtang Maisaia**, who was on a hunger strike since August 17, was beaten to cease his starvation. As his lawyer **Natia Korkotadze** said, Maisaia was hardly beaten with the demand of stopping the hunger strike, and he has signs of physical abuse. This was reported to Interpressnews by the opposition deputy **Dimitri Lortkipanidze**.

The Ministry of Corrections and Legal Assistance denies the fact of beating the prisoner.

Military expert Vakhtang Maisaia is serving sentence in #8 Tbilisi prison. Tbilisi Municipal Court sentenced him to 29 years of imprisonment on January 29, this year. Convicted of spying, he does not acknowledge his crime. Maisaia was detained in May, 2009.



[Source: Interpressnews.ge, humanrights.ge](http://interpressnews.ge)

#### **Azerbaijan: Eynulla Fatullayev Writes an open Letter to President Aliyev**

**Eynulla Fatullayev**, an imprisoned Editor-in-Chief of **"Realniy Azerbaijan"** and **"Gundelik Azerbaijan"** newspapers, wrote an open letter to the President of the Azerbaijan Republic Ilham Aliyev. The letter was published in two parts in Azadlig newspaper on August 6 and 7.



Fatullayev stated in the letter that once again the President Ilham Aliyev tried to justify his arrest when he used the expression "*it is unpardonable*" in his speech during the National Press Day on July 22. Fatullayev stated that he hoped to be released immediately after the decision of the **European Court of human Rights (ECHR)**. However, he understood that he was mistaken after hearing the response, "it's unpardonable."

*"I want to emphasize that I don't need to be pardoned after the decision of the Strasburg court. I don't want to be pardoned, with or without the decision, because I'm not guilty of anything in the eyes of my nation and state. The paragraph 175 of ECHR's decision reads: "Both prosecutions were groundless to sentence Eynulla Fatullayev." Isn't that clear enough?" said Eynulla Fatullayev.*

Eynulla Fatullayev was arrested on April 20 2007 and was sentenced to eight and a half years on charges of defamation, terrorism, incitement of ethnic hatred and tax evasion. After his covering stories related to issue of Khojaly in which he said that Armenians didn't kill residents of the village, he was charged of incitement of ethnic hatred and terrorism.

*Source: [caucasusnetwork.org](http://caucasusnetwork.org)*

#### **Georgia: Among 240 Paroled Prisoners - Sergo Beselia and Rati Milorava**

For the holiday of Virgin Mary the President of Georgia paroled 240 prisoners. 211 of them were released, for 27 prisoners the punishment was diminished and 2 will have reduced imprisonment term. Among the released prisoners are **Sergo Beselia** and **Rati Milorava**, brother and son of Georgian activist **Eka Beselia**, the former leader of the "Movement for the United Georgia".



Beselia's son, Rati Milorava, and brother, Sergo Beselia, were jailed in Batumi in December 2009 for insulting and physically assaulting a person and the resistance to the police. Lawyer Lili Gelashvili stated that there were shortcomings in case materials. Detainees were being interrogated from 3:00 am to 5:00 am that contradicted the law. It must be noted, that despite the refusal of the detainees, public attorney Roin Salukvadze represented them initially.

Eka Beselia claims it was a politically motivated case designed to intimidate her for her political activities.

*Source: [humanrights.ge](http://humanrights.ge)*

#### **Georgia: Alleged Political Prisoner Demur Antia Filed an Appeal to Strasbourg Human Rights Court**

**Demur Antia**, a Conservative party member was arrested on September 5, 2008. A search was carried out and it is alleged that police found weapons in the children's room on the second floor of the house. Despite what many perceive as **obvious violations of legal norms in his case and a possible political motive**, Antia was convicted and sentenced to a term of a year in prison.



Antia, his wife, and a neighbor (a witness), stated that before searching the house, the policemen freely walked in rooms even though family members objected to their presence. The policemen called for the witnesses only when they started the actual search and

not at the time they entered the house. It is conceivable that the police could have easily brought guns into the house without anybody noticing it and planted them as incriminating evidence in order to frame the suspect. One of the witnesses stated that he did not want to sign the testimony, but was forced to.

The case includes the testimonies of two witnesses and the policemen. Despite different authors, the texts of the testimonies are absolutely identical. The whole text is repeated word by word, including grammatical errors and punctuation marks. This makes it clear that the witnesses were not interrogated, they just signed the prepared text.

*Demur Antia fully served the sentence. Right now his case is sent to Strasbourg Human Rights Court. Antia is asking for moral compensation and right of a just court.*

Source: [Humanrights.ge](#)

#### **Issue 4: POLICE VIOLENCE AND OBSTRUCTION**

##### **Azerbaijan: Human Rights Defenders Face Interference by Local Authorities**

On the eve of parliamentary elections the Azerbaijani members of the South Caucasus Network of Human Rights Defenders are facing obstructions by the executive authorities and law enforcement bodies of the regions. **Illegal interferences with the educational and other events conducted by civil society institutions in the regions have increased.** Executive authorities of the most regions unlawfully require the NGOs to get permission from them for conducting such events, and in case of non-compliance with their requirements create obstacles to such events, sometimes even deploying police forces.

Only few of the violations committed by the local authorities against the civil society organizations in the regions are listed below:

- Human rights defender **Intiqam Aliyev**, a coordinator of **the South Caucasus Network of Human Rights Defenders** in Azerbaijan was not allowed to attend the regional forum of human rights defenders in Ganja held by the same Network on 19 August 2010. Unofficially, it was explained with the fact that the day before Intiqam Aliyev had attended the training held in Ganja on electoral rights as an expert.
- The executive bodies and police offices of the regions called Ganja, Sabirabad and Zardab caused **huge obstacles to running the trainings on electoral issues**. On the day of training, 8 August 2010, the owner of the venue of the training refused to grant it to the **Legal Education Society** (LES). He explained that he got a warning from the local executive authority. LES was forced to run the training in one of the NGO centers, which had very limited conditions as a training venue. The same happened on 21 September 2010 in Zardab as well. Among other NGOs Public Union of Law and Development faced the same problems in most regions, including Sabirabad.
- Members of the **Kura Civil Society Headquarters** were illegally detained by police at Sabirabad on 25 August 2010, when they were collecting information about the damage sustained and amount of the compensation paid to citizens by relevant state bodies in the natural disaster zone in Sabirabad, Imishli and Saatli.

*According to the UN Declaration on Human Rights Defenders, “everyone has the right, individually and in the association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.”*

*According to the Article 22 of the Law of Azerbaijan Republic on Non-Governmental Organizations (Public Associations and Public Funds), non-governmental organizations (NGOs) are entitled to carry out any activity provided that it is not prohibited by the legislation of Azerbaijan Republic and is not contrary to the purposes of*

*NGO stipulated in the latter's charter, within and outside of the country. According to Article 28 of the same Law, rights of non-governmental organizations are protected by all the state bodies. NGOs are entitled to act independently in the framework of the legislation.*

### **Armenia: Ex-investigator testifies Vahan Khalafyan did not commit suicide**

In August in the court of 1<sup>st</sup> instance of Kotayk marz the trial continued on the case of **Vahan Khalafyan**, who was taken to the police station of Charentsavan being accused for a theft and died there. **The ex-head of Charenstavan department of criminal investigation Ashot Harutyunyan, who is being accused for beating and driving Vahan Khalafyan to a suicide, on Friday during the trial, announced that actually no suicide was committed.**

*"There was no suicide. A man who is going to kill himself won't take off his clothes before stabbing himself, he would not stab himself twice, first time 3cm deep and the second time 12 cm deep. Nobody wants to pay attention to that." – announced Harutyunyan during the trial.*

Claiming that it was impossible for Vahan Khalafyan to search for a knife in the presence of policemen, find it and commit a suicide, Harutyunyan also noted, that Vahan's fingerprints were not found on the knife.



Harutyunyan stated that he was not present at the scene and that other policemen testified falsely against him. Harutyunyan claims that by giving testimony against him policeman Hayrapetyan has contracted with **Special Investigative Service** to hide the truth. *"I mean, when giving this kind of testimony and then you get set free. And it is the truth, he gave such testimony and he was set free."* A. Harutyunyan told that the Service has also tried to contract himself, proposing to give testimonies against his own bosses.

**Source: azatutyun.am**

### **Armenia: Armenian Human Rights Activist Passed Away Unexpectedly in Canada**



It became known that the member of the **Monitoring Group of the Helsinki Association Arshaluys Hakobyan** has passed away in Toronto (Canada) at the age of 38. Hakobyan was in Canada, asking for political asylum. He was forced to apply as a result of **continuous harassment by the Armenian authorities**.

Hakobyan was arrested by Armenian law enforcers after he made a public statement when ***he was illegally obstructed from carrying out his duties as an observer*** of the **Armenian Helsinki Association** during June 5 2009 Mayor elections in Yerevan.

He was arrested on June 5th at his own flat with the pretext of resistance to police, after he refused to follow the two policemen who entered his room and handed invalid summons to him. Hakobyan underwent beatings and inhuman treatment at the Police Department of Kentron District, Yerevan before being taken to the Investigation Department of Kentron district. He was acquitted on 6th of February 2010 when the court of general jurisdiction of Yerevan communities Centre-Nork-Marash has passed a verdict of "non-guilty".

Hakobyan has a wife and two children in Yerevan.

***The "South Caucasus Network of Human Rights Defenders" has actively supported Arshaluys Hakobyan in the past and condoles with Arshaluys' family, colleagues and friends***

## Issue 5: RIGHT TO HEALTHY ENVIRONMENT

### Georgia: International Grant Spent Ineffectively

After the break down of the Soviet Union, **thousands of tones of poison chemicals were left in Georgia** poisoning people, causing cancer and inborn defects, polluting the water, food and air. The most dangerous region is **Kakheti** where the international society actively fights against the expired poison-chemicals. The project eliminating the risk factors of the expired pesticides is sponsored by the Netherlands government, but Georgian side practically failed to implement it.



In the frameworks of the Stockholm Convention, in 2003, the program regarding the elimination of the organic contaminants and controlling the polluted areas was launched. In 2005, the government of Netherlands gave 1 500 000 US dollars for eliminating the risk factors of the expired pesticides in Georgia, Moldova and Armenia. According to the report by **Ministry of Environmental Protection and Natural Resources**, 26 storehouses were found in Kakheti which included approximately 300 tones of expired pesticides. The project aimed to eliminate it safely.

However, as journalistic investigation performed by Madona Batiashvili, Kakheti Information Center, the project requirements were not met. For example, from Sakobo storehouse only those pesticides put in the sacks were carried out. There are still different colored poisonous chemicals dispersed at the territory of the storehouse pouring into the water drains during the rain. Also, the territory has become bogged up in several places and the harsh smell of pesticides prevails. In the east of the storehouse, in approximately 40 meters, there is a pile of soil. Sakobo storehouse preserved the chemicals like the ground, colloidal and moist sulphur, cene, betanil, dioxin and dendrobate, which are dangerous for human health. Similar situation was found in the village of Sopkimia.

*The Ministry of Environmental Protection and Natural Resources was supposed to accept the foreseen results of the project. Yet it refused to give information on the first phase of the inventorization; the report on the implemented works or the report of the monitoring.*

[\*\*www.caucasusnetwork.org\*\*](http://www.caucasusnetwork.org)



The Newsletter has been prepared by the **Human Rights Center** (Network Coordinator in Georgia) with the assistance of the **Armenian Helsinki Association** (Network Coordinator in Armenia), **Legal Education Center** (Network Coordinator in Azerbaijan) and **Human Rights House Foundation** (International Partner of the Network, Norway).

**We thank our member organizations who contributed to this newsletter with their valuable information.**

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