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One Hundred and Twelfth Congress

Tom Lantos Human Rights Commission

December 13, 2011

The Honorable Ilham Heydar oglu Aliyev
President of Azerbaijan
c/o Embassy of Azerbaijan
2741 34th Street NW
Washington, D.C. 20008

Dear President Aliyev:

As co-chairmen of the Tom Lantos Human Rights Commission in the United States House of Representatives, we write to express our deep concern regarding the continued imprisonment in Azerbaijan of two brothers, Farhad and Rafiq Aliyev, and to request their release from detention. We commend Azerbaijan's efforts to promote economic and social stability within the country. However, we are troubled that Azerbaijan has failed to do more to protect human rights, particularly with respect to political prisoners.

As you are aware, Farhad and Rafiq Aliyev have been imprisoned since 2005. Farhad continues to be detained despite a November 9, 2010 decision from the European Court of Human Rights (ECHR) that his arrest was unlawful and that the trial was procedurally deficient, in violation of the European Convention for the Protection of Human Rights and Fundamental Freedoms (the Convention). Likewise, in a separate case decided on December 6, 2011, the ECHR ruled in favor of Rafiq, holding that the length of his pre-trial detention was excessive and unjustified, in violation of his due process rights under the Convention.

We remain concerned that the detention and trials of Farhad and Rafiq have also violated their right to freedom from arbitrary detention and to a fair public trial without delay under the International Covenant on Civil and Political Rights (ICCPR), to which Azerbaijan is a party. We are further troubled that the brothers' sentences might not be mitigated by the Azerbaijan government, despite the requirements of Article 76 of the Criminal Code of Azerbaijan, which permits release after two-thirds of a sentence has been served, and despite Article 78 of the Criminal Code, which permits the release of prisoners with medical conditions, such as Farhad's serious heart ailment.

KALINDA M. STEPHENSON
Republican Staff Director

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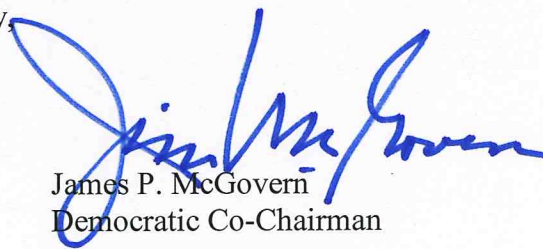
JANICE KAGUYUTAN
Democratic Staff Director

We urge the Azerbaijan government to comply with its international human rights obligations, especially in light of the ECHR decisions. Thank you for your attention to this matter.

Sincerely,



Frank R. Wolf
Republican Co-Chairman



James P. McGovern
Democratic Co-Chairman