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AZERBAIJAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Following the November 2010 parliamentary elections, human rights defenders were assimilated to the opposition, in particular when they monitored the electoral process and violations committed at the occasion of the repression of demonstrations in March-April 2011. Lawyers who represented members of the opposition and other voices critical of the regime, were also targeted. In addition, the death in detention of one defender remained in impunity. Human rights defenders operating in the Nakhchivan enclave continued to be subjected to pressure, threats and attacks carried out in total impunity. Finally, freedom of association was further restricted, including that of foreign NGOs.

Political context

The human rights situation in Azerbaijan deteriorated in the context of the November 2010 elections and March-April 2011 protest movements. The parliamentary elections that took place on November 7, 2010 confirmed the control of President Ilham Aliyev's Yeni Azerbaijan Party (YAP), which has been in power since 1993, over all political institutions. The Organisation for Security and Co-operation in Europe (OSCE) declared the elections non democratic as "limitations of media freedom and the freedom of assembly and a deficient candidate registration process further weakened the opposition and made a vibrant political discourse almost impossible"¹. Only registered NGOs were able to monitor the elections, excluding the main experienced domestic monitor – the Election Monitoring and Democracy Studies Centre (EMDSC).

March and April 2011 were marked by several peaceful demonstrations inspired by the events in the Arab countries and organised by the opposition in Baku, demanding the resignation of the President and, after the first arrests of activists, demanding the release of political prisoners.

1/ During these elections, only one single candidate of the major opposition parties was elected. See OSCE Office for Democratic Institutions and Human Rights (ODIHR), OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe (PACE), and the European Parliament International Election Observation Mission Statement of Preliminary Findings and Conclusions, *Parliamentary Elections in Azerbaijan, November 7, 2010*, November 8, 2010 and OSCE ODIHR Election Observation Final Report, *Republic of Azerbaijan - Parliamentary elections - November 7, 2010*, January 25, 2011.

Demonstrations were banned on the pretext that they violated public order laws and were violently repressed by the police².

2010 and 2011, like in previous years, were marked by severe violations of freedom of speech, including on-line media, and repression of all independent journalists and bloggers. Criminal defamation and other charges, as well as acts of intimidation, assaults and detention were used to intimidate and punish journalists expressing dissenting opinions or when they were investigating abuses³. Political opponents critical of the President, were also subjected to acts of reprisals. During January 2011, more than forty members of the Islamic Party and believers were arrested on criminal charges including “attempt of coup d’état”, “preparation of terror” and “illegal possession of weapons” after the leader of the Islamic Party, Mr. Movsum Samedov, criticised the President during a meeting held on January 2, 2011⁴.

Corruption remained widespread as well as arbitrary arrest and detention, torture and ill-treatment, in full impunity. Several dozens of political prisoners were still held in the country. In addition, since 2009, tens of thousands of people have been affected by the illegal demolition of their private houses by the Government, mainly in the centre of Baku, to build a new presidential residence, entertainment centres and parks, etc⁵.

Impunity in Mr. Novruzali Mammadov’s death in detention

As of April 2011, impunity regarding the death in detention of an Azeri human rights defender continued to prevail. On January 27, 2010, the Nasimi District Court decided to stop the civil lawsuit filed for violation of the right to life against the Ministry of Finance, the Justice Ministry’s Penitentiary Services, the Chief Medical Office of the Justice Ministry, the High Security Colony No. 15 and the Penitentiary Service’s Treatment Facility by the widow and the son of Mr. **Novruzali Mammadov**, an advocate of the rights of the Talish minority living in the south of Azerbaijan⁶.

2/ Members of the opposition, especially the youth considered as the organisers, were arrested on the eve of the first protest and unfairly tried by courts on administrative or criminal charges. As of April 2011, twelve people remained in detention in connection with the protests. See Human Rights Centre of Azerbaijan (HRCA).

3/ See Institute of Peace and Democracy (IPD) as well as Institute for Reporters’ Freedom and Safety (IRFS) Press Release, March 17, 2011.

4/ See IPD.

5/ These actions were accompanied by unlawful arrests and detentions of the residents, violence against them in police stations, confiscation and damaging of their belongings. See IPD.

6/ He was also the Head of the Talysh Cultural Center, Editor-in-chief of the *Tolishi-Sedo* (Voice of the Talysh) newspaper, and Department Head of the Linguistics Institute at the Academy of Sciences.

Mr. Mammadov was wrongfully sentenced to ten years of prison on December 26, 2008 for “high treason” and “incitement to racial hatred”. He died in detention in suspicious conditions on August 17, 2009. The hearing before the Nasimi District Court had been postponed until the result of the examination, which came out on January 26, 2010, stating that the medical treatment given to Mr. Mammadov while in detention, was appropriate⁷. The plaintiffs’ lawyer appealed against the decision of the Nasimi District Court. On April 29, 2011, the Baku Appeals Court upheld the decision of Nasimi District Court of January 27, 2010.

Assimilation of human rights defenders to the opposition by the authorities and harassment of those monitoring elections and demonstrations

Human rights defenders were particularly exposed after the November 2010 elections, as they were assimilated by the Government to the opposition. On February 1, 2011, at a meeting of the National Assembly of Azerbaijan, the speaker Mr. Ogtay Asadov said that too many Azerbaijani NGO representatives and human rights defenders had attended the session of the Parliamentary Assembly of the Council of Europe (PACE). He also warned: “You never hear anything positive from any of them. We have seen it before. It seems like they have all planned their speeches to be negative. We need to be more attentive to such issues”⁸.

Human rights defenders who monitored the November elections and the demonstrations of March and April were also particularly targeted. For instance, local journalists and defenders who observed and monitored the elections in the Nakhchivan Autonomous Republic, were not allowed to enter polling stations and faced pressure. As an example, Ms. **Malahat Nasibova**, *Turan Information Agency* reporter and Head of the Democracy and NGO Development and Resource Centre, and Mr. **Ilgar Nasibov**, a journalist reporting regularly on the human rights situation in Nakhchivan for the radio *Azadliq*, the Azerbaijani service of *Radio Free Europe / Radio Liberty* and member of the same NGO, faced physical pressure by the Chairman of the Precinct Election Commission, Mr. Samad Mammadov, while trying to enter polling stations⁹. In the evening of March 7, Messrs. **Mehman Huseynov** and **Abulfat Namazov**, two members of the Institute for Reporters’ Freedom and Safety (IRFS), were stopped at a traffic light, surrounded by individuals in civilian clothes and forced out of their car. Without stating the reason, the unknown men

7/ There is no independent medical expertise body in Azerbaijan.

8/ See IRFS Press Release, February 4, 2011.

9/ See Democracy and NGO Development Resource Centre and IRFS.

took the employees of the IRFS to Narimanov district police offices, where they were taken to the police chief's office for interrogation. Mr. Huseynov was interrogated on his *Facebook* account and several video clips he had posted on *YouTube* showing human rights violations committed at the occasion of the repression of demonstrations. The police officers asked whether he was involved in the organisation of the planned youth protest on March 11, 2011 in order to call for the resignation of the President. Mr. Namazov was also asked about the number of IRFS employees, their salaries, where IRFS Director, Mr. **Emin Huseynov**, lived, and his daily movements between home and work. The questions and comments made it clear that several IRFS employees, especially the IRFS Director and his family had been regularly monitored. Mr. Mehman Huseynov was also forced to give a written statement about his Internet activities. Both men were set free after being detained for two hours. The police had also visited the IRFS office two hours prior to their detention and asked questions about participants to an event organised on the same day by IRFS to discuss the arrest of youth activists in the framework of the demonstrations calling for the resignation of the President. In the evening of March 7, other IRFS employees were followed¹⁰. Furthermore, on March 18, one hour before the IRFS was to host a press conference on the arrests of youth activists who were sentenced to administrative detention, the police entered the offices, and a high ranking police officer questioned Mr. Emin Huseynov on the activities of the organisation. The entrances and exits of the offices were blocked by police officers in uniforms and civilian clothes. Moreover, there were dozens of police employees and undercover agents in Khagani and Rashid Behbudov streets, where the offices are located. Then the police left¹¹. Moreover, on February 16, 2011, several officers in plain clothes from the Baku's Sabail district police arrested Mr. **Vidadi Iskenderov**, Head of the NGO "Promotion of Democracy Defence" and a member of the political opposition coalition, the Civic Movement for Democracy "Public Chamber", near his house and brought him to the Serious Crimes Investigation Department of the General Prosecutor office for an eight-hour interrogation, allegedly in relation to an incident that took place in November 2010 when he denounced election fraud in the Goychay region¹². On April 2, 2011, he was arrested again while monitoring the opposition demonstrations and sentenced the following day by

10 / See IRFS Statement, March 10, 2011 and South Caucasus Network of Human Rights Defenders Statement, March 11, 2011.

11 / See IRFS Press Release, March 18, 2011.

12 / The General Prosecutor's office had then opened a criminal investigation against him for "obstruction to voting" under Article 159.3 and "impeding the activities of voting commissions" under Article 160.1 of the Criminal Code. The criminal proceedings were quickly abandoned.

the Nasimi District Court to eight days of administrative detention under Article 310.1 of the Administrative Code for “disobeying orders of police”. On April 17, on his way to observe a protest organised by Public Chamber to denounce electoral frauds during the November 2010 elections, corruption and politically motivated arrests, he was again arrested and on April 18, the same court condemned him to fifteen days of administrative detention under the same article. On May 2, just before his release, he was transferred to the Investigatory Department for Grave Crimes of the General Prosecutor’s office, which had re-opened the November 2010 case. On the same day, the Nasimi District Court ordered Mr. Iskenderov to be placed in provisional detention for two months. Mr. Iskenderov was transferred to Baku investigation prison pending his trial. He is facing up to three years of prison¹³.

Harassment of human rights lawyers

In 2010–2011, lawyers who represented members of the opposition and other voices critical of the regime also suffered from harassment. For instance, on February 4, 2011, Mr. **Osman Kazimov**, who has represented many prominent opposition figures from various parties and journalists, was suspended from the Azerbaijan’s Bar Association. On February 24, it filed a lawsuit to definitively expel Mr. Kazimov from the bar. The trial was postponed several times for various reasons, but was scheduled to begin on May 13¹⁴. As of April 2011, Mr. **Intigam Alyev**, President of the Legal Education Society, a human rights NGO, was also denied access to the Bar Association after he filed, in March 2010, a complaint before the European Court on Human Rights after having been sentenced of “damaging the honour and dignity of a judge” on July 15, 2009. This followed the publication of a book entitled “The Disciplinary Responsibility of Judges”, in which he criticised discrimination and bias in the judiciary system¹⁵.

Administrative harassment against human rights defenders

In 2010–2011, human rights defenders faced restrictions and harassment by various State agencies. For instance, while Ms. **Leyla Yunus**, Director of the Institute of Peace and Democracy (IPD) and member of OMCT General Assembly, and her husband, Mr. **Arif Yunus**, Head of IPD Department of Conflict Resolution and Migration, were abroad between June and December 2010, two telephone landlines in the offices

13/ See IRFS Press Release, February 17, 2011, *Turan* Article, April 12, 2011 as well as IPD.

14/ The suspension means that Mr. Kazimov is not able to fully exercise his professional activities since February 4, 2011. See IPD.

15/ See *Contact.az* Article, April 6, 2011.

shared by IPD, the Azerbaijan Campaign to Ban Landmines (ACBL) and the Women Crisis Centre (WCC), were temporarily cut in August and October 2010, under the order of Yasamal Division of the Communication Ministry. The lines were restored in February 2011 following a court hearing and financial compensation was provided for the time when the lines were out of service¹⁶.

Some human rights defenders also faced harassment and acts of intimidation at the customs while crossing the border. For instance, in February 2011, Mr. Emin Huseynov was blocked twice by customs services. On February 1, 2011, upon return from a trip, he was held by customs officers for several hours without having access to water and food, and his belongings were searched by ten customs officers. One custom officer demanded a bribe of about 300 euros, which Mr. Huseynov refused to pay. The customs officers confiscated all his purchases – technical equipment (two TV cameras, two mobile phones, several car lamps and a car music player) and two old video cameras that he had listed in his customs declaration – for the total sum, according to Mr. Huseynov, of 1,300 euros, without providing him any document. On February 5, the State Customs Committee Chairman and four of his deputies asked Mr. Huseynov for a bribe of 1,200 euros in order to retrieve his equipment. On February 28, 2011, he appealed to the Anti-Corruption Commission and on March 28, to the Baku Administrative Economics Court No. 1¹⁷. As of April 2011, the appeal was still pending. On February 24, 2011, while passing the passport control on his way from another trip, an officer from the State Border Service informed him that his name appeared on a “blacklist”. On March 7, Mr. Huseynov filed a complaint against the State Border Service asking why he was held longer than other travellers. A hearing was scheduled for May 18, 2011¹⁸.

Further restrictions on the right to freedom of association

The implementation of the June 2009 amendments to the Law on Non-Governmental Organisations, which require NGOs to register their grants with the authorities and foreign NGOs to reach agreements with the Government before opening offices in the country, brought further restrictions on freedom of association. As in 2009, the practice of denying registration to NGOs remained a major obstacle to freedom of association, thus cutting off their access to funding and restricting their ability to

16 / Moreover, the demolition of the houses in the centre of Baku in the beginning of 2011 accidentally put in danger the existence of IPD, ACBL and WCC. See IPD.

17 / See *Caucasian Knot* Article, February 4, 2011 as well as IRFS Press Release, February 3, 2011.

18 / See IRFS Press Release, February 24, 2011.

work. On July 30, 2010, a coalition of 37 unregistered NGOs campaigning for changes to the registration rules and for State funding to be distributed more fairly, was denied permission by the city authorities of Baku to organise a protest outside the Ministry of Justice. After 18 attempts and a Supreme Court ruling in its favour issued in January, the Ministry of Justice was forced to register the NGO “Regional Centre for Human Rights and Enlightenment”, which was created in 2008¹⁹. Several other human rights organisations were refused registration in 2010, such as the EMDSC²⁰ and the “Human Rights and Media Monitoring” Public Union in Nakhchivan Autonomous Republic²¹.

Regarding foreign NGOs, on March 16, 2011, the Cabinet of Ministers adopted a Decree on the “conduct of negotiation and preparation and conclusion of an agreement related to governmental registration of branches and representations of foreign NGOs in the Republic of Azerbaijan”, which sets out the procedure of negotiation between the Azeri Government and foreign NGOs for registration in Azerbaijan in application of the June 2009 amendments to the Law on NGOs. As of its entry into force, foreign NGOs have to re-register before the Ministry of Justice, the Ministry of National Security and the Ministry of Foreign Affairs and the Government Committee on Religious Communities (if the NGO deals with religion). They have to demonstrate that they support “the Azerbaijani people’s national and spiritual values” and to commit not to be involved in religious and political propaganda. The decree does not specify any time limit for the procedure²². In March 2011, the Ministry of Justice ordered branches of some international organisations to cease their activities, arguing that these organisations had not agreed with the Azerbaijani authorities on their activities in accordance with the June 2009 amendments. In that context, the Human Rights House Azerbaijan, partner of the international Human Rights House Network (HRHN), was closed down following an order of the Ministry of Justice issued on March 10, 2011. The Human Rights House Azerbaijan had neither received any prior warning nor any complaint about the activity reports submitted regularly to the authorities. The organisation was accused of breaching the June 2009 amendments to the Law on NGOs, which require all international groups or their local affiliates in Azerbaijan to sign separate agreements with the Government,

19/ See HRCA.

20/ In August 2010, the Supreme Court of Azerbaijan rejected in cassation the appeal filed by the EMDSC following the refusal of the Ministry of Justice to register the NGO.

21/ Founded on May 5, 2010, the NGO sent its registration documents to the Ministry of Justice on May 20, 2010. See IRFS.

22/ See the Institute of Media Rights.

in order to be allowed to operate. On March 16, the HRNH sent a letter to the Ministry of Justice to demand explanations about the closure but as of April 2011, it remained unanswered. In April 2011, the Government also closed the Baku offices of the US-based National Democratic Institute (NDI), which received on March 7, an official notice from the Ministry of Justice that it could not operate in Azerbaijan without official registration. NDI, active in elections monitoring since the mid-1990s²³, has been denied registration at least three times since 2006. The office has since been closed and sealed, and the staff sent on leave. As of April 2011, negotiations with the Government were ongoing²⁴.

Another worrisome development were the amendments to the Administrative Code that were adopted by the Parliament on February 11, 2011, which oblige NGOs to submit to a financial audit. This costly measure will further encumber NGOs which, should they fail to pass this evaluation, will be fined from 500 to 2,500 manats (about 432 to 2,000 euros)²⁵.

Continuing acts of harassment against human rights organisations in Nakhchivan Autonomous Republic

Human rights defenders operating in the Nakhchivan enclave, where the local Government is particularly authoritarian, continued to be subjected to pressure, threats and attacks carried out in total impunity. They were also regularly slandered in the media, which accused them of being “traitors of the State”, “selling information to foreign countries” and “damaging the image of the Nakhchivan Autonomous Republic at the international level”²⁶. In addition, international human rights organisations were not allowed to visit nor to open offices in the region. The Democracy and NGO Development Resource Centre was particularly targeted. On January 5, 2010, after a physical assault on December 15, 2009 against two of its members, Messrs. Ilgar Nasibov and **Vafadar Eyvazov**, the Democracy and NGO Development Resource Centre was subjected to a tax inspection launched by the Nakhchivan Autonomous Republic Tax Ministry without sufficient grounds. It terminated in April 2010, after nothing illegal had been found. During the inspection, Mr. Eyvazov was taken in a car to a deserted place and beaten by unknown persons demanding him to stop public activism. In April 2010, the authorities also launched a smear media

23/ The NDI sponsored the Azeri Centre for Monitoring Elections and Democracy.

24/ See *Eurasia.net* Article, April 19, 2011.

25/ See HRCA as well as Council of State Support to NGOs under the President of the Republic of Azerbaijan Statement, February 16, 2011.

26/ See Democracy and NGO Development Resource Centre and IRFS.

campaign against the Centre, trying to discredit it and accusing its members of being “traitors” and “spies”. Moreover, on December 16, 2010, a group of human rights defenders, including Ms. Malahat Nasibova and Messrs. **Elman Mamedov, Hakimeldostu Mehdiyev and Rasul Jafarov**, IRFS members, were stopped in the village of Pusyan, in the region of Sharur, as they were leaving after visiting a former parliamentary candidate’s family, victims of a police attack on December 14, 2010. The entrances and exits of the village were blocked by three cars. Several men in civilian clothes suddenly appeared in front of the group’s car, but the driver was able to keep going without hitting anyone. The car’s bonnet was damaged by stone-throwing while passing a barricade. Later they received threatening phone calls from unknown persons. The police did not investigate the incident. Finally, since March 15, 2011, the owner of the offices rented by the Democracy and NGO Development Resource Centre has refused to extend their lease following pressure exercised by the local authorities²⁷.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Democracy and NGO Development Resource Centre	Harassment	Urgent Appeal AZE 002/1209/OBS 196.1	January 8, 2010
Mr. Novruzali Mammadov	Impunity	Urgent Appeal AZE 001/0808/OBS 139.7	February 2, 2010
Human Rights House Azerbaijan	Closure	Urgent Appeal AZE 001/0311/OBS 034	March 15, 2011

27 / See Democracy and NGO Development Resource Centre and IRFS.