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July 06, 2001

Situation of Human Rights in Azerbaijan Republic (January to June 2001)

Elections and referenda¹

The 5 November 2000 elections to the *Milli Majlis* (Parliament) of the Republic of Azerbaijan took place in a political context marked by the country's accession to the Council of Europe and questions about its future course. The elections marked some progress over previous occasions. Regrettably, this progress was overshadowed on election day - polling was marred by numerous violations and the vote count was completely flawed.

As a result, the Central Election Commission and the Constitutional Court cancelled the results in 11 constituencies where serious violations were found, and ordered repeat elections only for the single-mandate contests. Some officials responsible for the violations were dismissed, and a few prosecuted under the criminal code. As the partial repeat elections were limited to the single-mandate contests, some 16% of the electorate were disenfranchised so far as the nation-wide proportional ballot was concerned.

In a marked improvement, the CEC addressed complaints on candidate registration for the repeat elections more efficiently than during the run-up to the 5 November ballot, reinstating 10 candidates whose registration had been denied. Local authorities again interfered in the election process, instructing and exerting pressure on election commissions.

On 7 January, polling took place in a calm and orderly manner, and in contrast to 5 November, observers were generally able to conduct their work unhindered. However, observers again noted a number of irregularities, including some cases of ballot stuffing and a flawed counting and tabulation process.

Freedom of expression and the media, including

- freedom of expression

The Marine officer Djan-Mirza Mirzoyev was arrested in 2000 after his long campaign against a Minister of Defense who was accused by Mirzoyev of serious abuses. Mirzoyev was arrested on suspicion of hidden information about murder of his direct chief and since June 20 is under the trial.

¹ Quoted from: Republic of Azerbaijan. Parliamentary Elections 5 November 2000 & 7 January 2001 OSCE/ODIHR Final Report



freedom of the media

As a recently accepted member of the Council of Europe, Azerbaijan has made commitments² to strengthen its media legislation, including creating more transparent broadcast licensing laws. The drafts of amendments to Media Law have been presented to Council of Europe for its expertise. Six of the eight television stations operating in Azerbaijan's outlying regions do not hold licenses to operate, yet continue to broadcast based on loose agreements with local governors. Their lack of licenses has led to frequent shutdowns. For example, four regional TV stations, Minqechevir TV, DMD TV, Qutb TV and Khayal TV were deprived their frequencies in 2001.

In May 2001, the Ministry of Press and Information was abolished. There is a plan to establish some National Media Council with participation of journalists, political parties, non-governmental organizations.

On June 18, the President decreed transfer the Azeri media from Cyrillic to Latin fonts since August 1. It provoked some discussion because the older generation does not accept Latin, although the idea was already approved in 1991. Many editors consider that it would be harmful for the marketing the printed media.

The governmental monopoly for newsprint as well as huge fines are the problem of popular newspapers. Late May, there was stopped the printing of one of the influential opposition newspaper "Azadliq". The editors of the newspaper has related this event to financial difficulties and obstacles created by the government for the independent media. On January 25, in day of Azerbaijan's accession to the Council of Europe, the journalists tried to have a street rally of protest against the artificial increased prices of newsprint. On January 31, about one hundred of journalists picketed the State Customs Committee with the same goal.

The media maintain the contacts across a front line with Armenia. The Armenian journalists have visited Baku on June 20-22. They have participated in a seminar devoted the regional co-operation of mass media.

- harassment of journalists

There were recorded the cases of serious harassment of journalists which are not properly investigated. For example, on January 18, two unidentified people attacked a journalist of Azadliq newspaper Zamin Hadjiyev. On January 19, the unknown persons had beaten an Editor-in-Chief of Etimad newspaper Etibar Mansuroglu.

Some of cases of beatings of journalists are related with police abuse during journalists' professional work. For example, on February 6, journalist of "Ekho" newspaper Namiq Ibrahimov was beaten and deprived his camera by police. On May 12, six journalists were beaten by police during an unallowed street rally of opposition Azerbaijan Democratic Party. One of them, journalist of Impuls newspaper Idrak Abbasov spent several weeks in hospital because of head trauma.

"Ruh" Committee of Journalists' Protection reports that during first 6 months of the year, nearly 70 irregularities against journalists happened. In particular, 5 journalists were taken to the police stations without any ground and 17 journalists were beaten by the police or other officials during the reporting period. The head of the financial department of ABA TV channel Shamil Safiev was arrested for 2 months, first deputy editor-in-chief of the newspaper "Yeni Musavat" Shahin Jafarli

² Opinion No. 222 (2000) Azerbaijan's application for membership of the Council of Europe

was sentenced to administrative imprisonment for 1 year. Another 10 newspapers were under the trials. Plaintiffs demand 310 million manates in total from the newspapers. Sixteen journalists have faced with pressures by the local government representatives of Tovuz region at the trip organized with the initiative of the "Azad Soz" Journalists' Union.

- access to information

In 2001, the journalists faced a difficulties to access to the some politically sensitive trials. For example, the trial on the case of Djan-Mirza Mirzoyev started in June 20 in the conference hall of Bayil Prison, and the journalists, local human rights defenders and foreign diplomats of Norway and Netherlands have the obstacles to get in this investigation prison which usually is closed for visits.

During another trial, the video camera of ANS TV correspondent Mubariz Djafarov was taken from him during a trial and he was isolated at the cage together defendants.

In Baku, the new Mayor instructed to destroy the news-stands of private press distribution firms Qaya, Sada and Chapar as "illegal ones". However, the news-stands of governmental firm Qasid are not destroyed.

Peaceful assembly

In April to June, the Azerbaijan Democratic Party (ADP) which requests for approval of street rallies was rejected held several attempts of peaceful unallowed actions. All of them were forcibly dispersed by police. Some participants were imprisoned for several days, fined or transported in police stations and warned. The violence was used against women and journalists.

State Department spokesman Philip Reeker said in this connection that "the government of Azerbaijan should respect its citizens' rights to freedom of assembly." Reeker referred to police dispersal of a 21 April demonstration in which both demonstrators and officers were hurt.

In Imishli region, on June 1 the local police imprisoned a leader of regional branch of ADP Mehbub Zulfuqarov on false accusation one day before a planned action. Only hunger-strike forced to release an oppositioner in 9 days instead 15 days. The meeting of June 2 in Imishli was dispersed.

Some peaceful actions of social protest were resulted of clashes after police had tried to disperse them. For example, attempt of police to disperse a peaceful hunger-strike of Karabakh War Invalids resulted of injuries of tens people from both sides and arrests of some leaders of invalids. However, the meeting of protest of the same public association on June 16 in Baku was allowed by the city mayor despite the Ministry of Justice deprived it an official registration.

Fair trial and detainees' rights

The Council of Europe recommended to Azerbaijan "to release or to grant a new trial to those prisoners who are regarded as "political prisoners" by human rights protection organisations, especially Mr Iskander Gamidov, Mr Alikram Gumbatov and Mr Raqim Gaziyeu"³. In February, the ad hoc expert mission was appointed by the CE Secretary General Walter Schwimmer. In May, the

³ Parliamentary Assembly of the Council of Europe. Opinion No. 222 (2000). Azerbaijan's application for membership of the Council of Europe

experts had visited Azerbaijan and met the local human rights defenders. Until July 16, the report must be prepared at a basis of analyse of cases of "pilot group" of alleged political prisoners.

The human rights defenders and political parties are now consolidating their lists of alleged political prisoners which number different from 50 to 730 while government accepted a list of 205 prisoners claiming that a rest of list are liberated or died persons.

The media and human rights defenders doubts the fairness of the procedures of a range of politically sensitive cases which were tried in January to June, e.g., so named "Sheki Case" on the clashes in Sheki region last November, "Case of War Invalids" on the clashes between police and invalid protesters in February, etc.

Torture, ill-treatment and misconduct by law enforcement officials

Being adopted in Council of Europe on January 25, Azerbaijan obliged to sign and ratify, within one year of its accession, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and its protocols⁴.

There are still allegations of violent deaths in police custody. For example, on January 19, the 30-years-old resident of Ganja city Aydin Hasanov died in one week after he was arrested by police officers of local Department of Struggle Against Organized Criminality as suspect of illegal drug possession. Despite of lack of evidences he had been illegally detained five days and in five days was liberated in bad health condition. Two days later he died. There is still not publicized the results of investigation.

Ilgar Javadov, a 28-years-old engineer who was arrested on 13 May 2001 in the presence of his wife and of a friend after he was unable to produce his identity documents was taken to the 9th police station of Sabail district police department, Baku city, where according to the available information was beaten by police. The officers further sought to extract a bribe from his wife in return for his release. In half of hour, Mr. Djavadov died in police custody suffering numerous broken bones. Despite of claims of police that Javadov committed a suicide or accidentally jumped from the roof trying to escape, there are the serious allegations on his violent death. To day, 3 policemen of the 9th police station are under the investigation on accusation of abuse of duties and are not detained.⁵

In May and June 2001, the defendants on the "Sheki Case" about public disorders in Sheki region on November 18, 2001 alleged on ill-treatment and torture in custody. However, the judge did not react.

It is necessary to note that allegations of torture and ill-treatment in detention in Azerbaijan are usually related to the detention facilities located at the same buildings as the rooms of investigators. Such cells are in the buildings of the police offices of big cities and the Department of Struggling Organized Crime. Numerous detailed allegations publicized by detainees, their relatives and lawyers are permanently rejected by police as "groundless" at the basis of internal investigation. In many cases, the victims avoid to inform the public being afraid for their safety.

The Human Rights Center of Azerbaijan (HRCA) got a complaint of Mr. Elchin Behbudov, whose allegations on torture in detention were mentioned by the UN Special Rapporteur, Sir Nigel

⁴ Opinion No. 222 (2000) Azerbaijan's application for membership of the Council of Europe

⁵ Open letter of IHF Executive Director Aaron Rhodes to the President of Azerbaijan Republic, 28 May 2001.

Rodley⁶. Mr.Behbudov claims that after the Nigel's report was published, the torturers who are still enjoying impunity organized the campaign of pressure at him. They publish the deffamation articles in the pro-governmental media, try to deprive him a flat.

Conditions in prisons and detention facilities

The situation in the prisons is slowly improved. Despite of new alternative punishments were entered last September, the amnesties and pardons are still main ways to decrease a prison population. For example, on February 1, there was declared a next amnesty in connection to the Azerbaijan's membership in Council of Europe. The amnesty released from opunishment more than 2,700 sentenceds and defendants.

The opposition continue to claim that imprisoned oppositioners face more severe and inhuman treatment in custody than simple criminals. For example, in his press conference on June 12, a head of Commission on Protection of Prisoners' Rights of Popular Front Party ("Classics") Ulvi Hakimov stated that 11 of 39 members of Party are in bad health situation but do net get an adequate medical treatment.

One of members of Party, alleged political prisoner Yusif Aliyev died in custody on June 2. Another alleged political prisoner, former policeman Sultan Salimov arrested in May 2000, died in one year because of hepatitis after 3 months of absence of medical treatment. The former Minister of Education, Rafiq Feyzullayev accused of financial crime died in June in Shuyelian Investigation Prison from heart attack, allegedly because of bad prison conditions.

Two of alleged political prisoners personally mentioned in recommendations of Council of Europe, R.Qaziyev and A.Hummatov, hungerstriked in February and June protesting against violations of their rights. In particular, Hummatov would like to get an opposition and independent media as well as ventilator for his cell. In March, the lifers were provided the portable radios.

Freedom of religion (and religious intolerance)

On June 21, the President decreed establishment of the State Committee on Work with Religious Bodies and appointed Rafiq Aliyev as its Chairman. Media relate that with his reputation as strong opponent of a non-traditional Islam. ANS TV station on 23 April reported that over 850 of the country's 1,250 mosques have not registered with authorities and that many propagate Wahhabism.

Freedom of movement

There were no reports on the limitation of freedom of movement of Azerbaijani citizens. Hundreds of them tried to escape from the warring country with stagnating economy claiming for asylum in USA and Europe. According to the information of Human Rights Center of Azerbaijan, there were 294 Azerbaijani citizens seeking asylum in the Netherlands in January to April, 73 - in Belgium in the same period, 29 - in Noeway in January to May, 14 - in Austria in January to March, etc.

Escape from Azerbaijan and refusal to return were decriminalized on September 1, 2000 in the new Crime Code, and there are no reports about any punishment of returnees.

⁶ Report of the UN Special Rapporteur, Sir Nigel Rodley, submitted pursuant to Commission on Human Rights resolution 2000/43, E/CN.4/2001/66/Add.1 14 November 2000.

In June 2001, eight foreigners, supporters of Kurdish Workers' Party (PKK) fighting against the Turkish government were sentenced for imprisonment from 4 to 10 years for illegal crossing a state border in Nakhchivan Autonomous Republic. Despite it was their only crime against Azerbaijan, their party affiliation always was mentioned by court and media as an aggravating circumstance.

The Chechen refugees in Azerbaijan complain for absence of travel documents to escape from Azerbaijan to avoid harassment and possible refoulement to Russia.

Intolerance, xenophobia, racial discrimination and hate speech

In early June, the Azerbaijan Ambassador to the international organization in Geneva Isfandiyar Vahabzade sent a letter to Azerbaijani Parliament discussing a draft law "About Diplomatic Service". He expressed an idea that descendants of mixed marriages as well as spouses of Armenians cannot be appointed as Azerbaijani diplomats. The message was debated in Parliament and provoked a public discussion about xenophobia.

Protection of refugees and immigrants

About 8 to 10 thousands of refugees from Chechnya are routinely refused of official status. In this situation, they are in permanent conflict situation with law. Policemen forced them to pay bribes to avoid punishment for a lack of permanent residence or passport registration. Some of refugees complain to the human rights groups about a refusal of local UNHCR office to aid them.

In 2001, some of Chechen refugees were extradited in Russia as suspects of terrorism and gangsterism. Because of bilateral agreement between Azerbaijan and Russia, the procedure did not included any trial of cases.

The situation resulted of establishment of non-registered Committee of Chechen Refugees in Azerbaijan led by Firuddin Abbasov⁷.

Death penalty

After almost 80 years of usage of the 5th wing of Bayil prison in Baku for the detention initially of persons in death row, and then of life prisoners, it, at last, transforms to one of ordinary wings of this investigatory isolator. On January 5, the lifers remaining in its 16 cells were transferred in Qobustan prison of a closed type, where more than hundred prisoners of this category already is detained. The bad-known 5th wing became ordinary wing of the investigation prison.

The Ministry of Justice plans to open there a museum of death penalty and repairs the execution cellar.

International humanitarian law (incl. accountability for war crimes)

On March 1, 2001, the President instructed to re-establish the State Commission on Prisoners of War, Hostages and Missed Citizens chaired by Minister of National Security. Besides the officials, there were included 5 members of Parliament as well as some academicians, journalists and loyal non-governmental activists. It is notable that new Commission aims not only search and return

⁷ See also section "Human Rights Defenders".

prisoners of war and hostages but also a global propaganda of "policy of genocide against Azerbaijan nation by Armenia".

To day, 4,959 citizens of Azerbaijan are recorded as missed in operations, while 1,086 citizens were liberated in prisoners exchange since 1992. Azerbaijani authorities claim that 784 citizens are allegedly still detained in Armenia and Nagorno-Karabakh.

In June, a group of independent experts on prisoners of war and hostages including Azerbaijan citizen visited the conflict Nagorno-Karabakh region and discussed with local authorities the problems of search of Azeris missed in operations. The group also visited the places of alleged detention of Armenian prisoners in some Azerbaijan regions.

On June 29, the International Committee of Red Cross publicly denied the claims of newspaper of the ruling Party "Yeni Azerbaijan" on alleged partiality of ICRC in Karabakhi conflict and its work for religious goals.

There are still violations of cease-fire at the different parts of front line. For example, on June 28, a group of armed Armenians reportedly crossed a state border and tried to capture Azeri civilians, shepherds in Hadjyly village, Ghedabey region. When the mission failed, they killed both shepherds Kamandar Huseynov and Asker Niftaliyev. In the same region, one more civilian was killed in April.

Women's rights.

Despite of direct prohibition of police violence against the women by Law About Police, they are routinely subjected of beating during the mass political events. After one of next acts of violence during street rally of Azerbaijan Democratic Party on June 2, a group of victims organized on June 20 a silent sitting action in city center of Baku, but were dispersed and beaten again.

Rights of the handicapped and mentally ill

The economical situation of the disabled people is dramatical. For example, an average pension of the war invalids is nearly 80-90 thousand Azeri manates (20-25 USD), and it composes 1/5 of their minimal living standards. Therefore, since January 22 2001 the leaders of the Karabakh War Invalids' Society (KWIS) began a hunger strike with the claims to increase the pensions and carrying out the privileges while thousands of war invalids surrounded a building to prevent a police attack. Though there has been only social demands at the protest action, the high government officials describe it as political one, organized by opposition Party Musavat. Official propaganda also accused the invalids that they are governed by "domestic and foreign enemies". The government had formed within a week and immediately registered an alternative organization, while the KWIS was deprived its official status. On February 16, the headquarter of KWIS was blocked by policemen preventing journalists and politicians to visit the hungerstrikers. Finally, they provoked a clash with invalids on February 19-20. As a result, 6 war invalids were imprisoned for organizing mass disorders and resistance to police, and 10 more are released until trial. The trial began on June 20, and until the end of June, they were not released or sentenced.

On February 6, 2001 Rey Kerimoglu, head of the press secretariat of the SKWI, has attempted a suicide at the building of the Parliament. He did not bear the deffamation speeches against the

invalids and cut his vein. His life was saved, but he had been deprived his accreditation as a Correspondent of "Aliller" ("Invalids") newspaper.

Rights of homosexuals

Despite the consensual male homosexuality had been decriminalized since September 1, 2001, the police continues to harrass the male prostitutes in Baku. On May 8, the policemen of 9th police station of Sabayil District Police Administration, Baku city arrested three transvesties Bakhysh, Emin and Azer. The Society "Clean World" informed that they were hidden from their families and ill-treated by police. Answering the appeals of human rights groups and journalists, the policemen stated that allegedly liberated the persons in question in two days. However, the transvesties informed later that they were arbitrarily accused of resistance to policemen and small hooliganism and detained during 15 days in Baku City Main Police Administration.

Human rights defenders

The Committee of Homeless Baku Residents (CHBR) is still refused an official registration despite of several years of activity. Its members being homeless people are routinely harrassed by police. On April 14, a group of CHBR activists had visited one person to investigate her complaint on the housing conflict. At the exit of house they were stopped by policeman and delivered in 22nd Police Office of Nesimi District Police Administration, Baku city. The chief of district police N.Meshadiyev threatened the activists of CHBR and promised to arrest CHBR Chairman Eldar Alizade as a person without passport registration. Only reaction of human rights community seved E.Alizade from arrest. Official investigation of the case by Internal Investigation Department of Ministry of Internal Affairs "found out no violation of law".

On May 3, a chairman of the Committee of Chechen Refugees in Azerbaijan (CCRA) Firuddin Abbasov held a press conference disclosing the harrassment of Chechens by law-enforcement officers to extract the bribes. On May 25, F.Abbasov has had a meeting with the Vice-Minister of Interior, Gen. Asker Alekberov who assured that police abuses will be finished. This agreement was implemented properly until June 11 when Alekberov suddenly brought a case demanding \$4,000 and apologies for insult of policemen during the press conference of May 3. The case was to be tried on June 28, but in last moment, the General changed his mind after a serial publications in media.

In general, the officials remain to consider the human rights defenders as some harmful force damaging an "international image of Azerbaijan", more correctly Azerbaijan leadership.

For example, on June 19, the newspaper "Ses" edited by Agabey Askerov, one of the prominent leaders of ruling Party "New Azerbaijan" (YAP) published an article in the connection of case of torture survivor Elchin Behbudov⁸. In the publication was stated that director of the Human Rights Center of Azerbaijan, an human rights NGO which monitor the case, is an Armenian spy and a foreign missionary baptized more than 800 adepts. Last years, several prominent human rights activists had been accused of espionage by Agabey Askerov who is responsible for ideology of YAP.

⁸ See also section "Torture, ill-treatment and misconduct by law enforcement officials".