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Azerbaijan Parliamentary Elections 2005 Lessons Not Learned

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Summary	2
Background	4
Past Elections	5
Official Positions in the Lead-up to the 2005 Election Campaign	6
Election Commissions	8
Voter Cards, IDs and Voter Lists.....	8
Registration of Candidates.....	9
Media	10
Local Government Interference	11
Candidates' Meetings With Voters.....	11
Rallies	13
In the Capital, Baku.....	13
In the Regions.....	16
Pre-emptive Detentions Associated With the October 1 Baku Rally.....	17
Other Arrests, Beatings, Intimidation and Pressure to Stop Campaigning.....	18
Yeni Fikir Cases	18
Attacks.....	22
Detentions.....	24
Detentions During the Attempted Return of Rasul Guliev	25
Conclusion	28

Summary

Since the recent political upheavals in Georgia, Ukraine, and Kyrgyzstan, the opposition in Azerbaijan has had increased hopes for international support, expecting its demands for democracy to lead to a change of government, either through elections or revolution. It has viewed the parliamentary elections set for November 6, 2005, as a possible turning point. Yet, refusing to implement key reforms, the Azerbaijan government has showed an apparent lack of political will to ensure free and fair elections. The existing climate of intimidation, particularly against the opposition Azadliq bloc, has sent a strong message to voters about whom they should support. Equally worrisome, judging from the government's harsh response to protests after the October 2003 presidential election, is a real potential for violent confrontation if the opposition decides to attempt large scale protests after the November elections.

Azerbaijan has a history of elections that fall far short of international standards, and of government-sponsored repression of opposition parties. The high level of unemployment and poverty – and especially the high rate of public sector employment—makes the population particularly vulnerable to government pressures. Threats of dismissal from work and other unofficial economic sanctions are enough to ensure the loyalty of many to the government. The culture of impunity further compounds an environment in which government election violations go unheeded.

Although it simply restated existing law, a May 11 decree by President Ilham Aliyev calling on local authorities to ensure that the November parliamentary elections are held in a democratic manner, and to refrain from unlawful interference, was welcomed by the international community as a positive sign of political will to hold free and fair elections. The decree, however, has not been implemented, and as the election campaign has advanced, it has become clear that local government authorities, as well as law enforcement officers, are consistently interfering in the election campaign.

Problems in the electoral process, pinpointed by local and international observers in past elections, have not been remedied and similar patterns of violations have recurred during the pre-election campaign for the November 6 parliamentary elections. In particular, election commissions rarely decide complaints in favor of candidates who present credible evidence of violations. The government refused to change the composition of the elections commissions and for the most part, the members of the election commissions, some of whom were implicated in fraud in the 2003 presidential elections, have remained the same. The ruling Yeni Azerbaijan Party (YAP), headed by President Ilham Aliyev, dominates the electoral commissions. It nominated the chairpersons of the election commissions at all levels and holds a majority on every commission.

The government also refused to consider inking voters' fingers as a mechanism for reducing the risk of multiple voting, a relatively simple measure that international election experts believe to be crucial if fraud through multiple voting is to be avoided. Instead the government introduced voter cards. However, local and international election monitors found that voter cards were not being distributed in a controlled fashion, rendering them ineffective as a mechanism to stop multiple voting.

A positive development was the registration, without party-based bias, of candidates for the election, an issue that had been problematic in previous elections. However, after the registration period ended and the campaign began, it was clear that serious violations of Azerbaijani law and international standards were taking place on a regular basis and threatened the integrity of the election.

Media monitoring found that although state media was honoring its commitment to allocate free airtime to the major parties and blocs and grant free space in state-owned newspapers, all other coverage was overwhelmingly pro-governmental in character. All the nationwide television stations, whether private or state run, were similarly biased in favor of the government. The government closed down a radio station in the city of Shaki, which broadcast a daily half-hour program with views from opposition as well as government candidates in the election. Police beat journalists trying to report on opposition rallies; in at least one case a journalist was rendered unconscious and hospitalized after a police beating.

Local government authorities and law enforcement officers have obstructed the opposition's efforts to campaign. Reports of pressure on government workers, particularly teachers, to attend the ruling YAP candidates' meetings with voters have been common. There were incidents of police interfering with and dispersing opposition and independent candidate meetings with voters. Police detained campaign workers for opposition and independent candidates and warned them to stop their political work. On numerous occasions, campaign workers who were putting up campaign posters were detained, charged with public order offenses, and sentenced to several days in prison.

The authorities have restricted freedom of assembly, refusing to allow the opposition Azadliq bloc to hold rallies in the center of the capital, Baku. When opposition supporters attempted to gather for the unauthorized rallies, police responded with violence, beating the demonstrators with batons, and arrests. As the campaign progressed, police violence escalated. The police response to an attempted rally on October 9 was reportedly highly aggressive, with police beating people indiscriminately. International observers saw many protesters injured, some unable to stand. In at least one incident, police also brutally beat detainees in a police station after arrest. Many demonstrators were sentenced to several days in prison for public order offenses.

The authorities targeted the opposition-affiliated youth movement, detaining and harassing their members. Of particular concern were the August and September arrests of three members of Yeni Fikir (New Thinking), a youth organization affiliated with the Popular Front Party, are accused of attempting to violently overthrow the government. Although Human Rights Watch is not in a position to investigate the government's allegations against Yeni Fikir, the context and timing of the arrests suggest that they may be politically motivated. In what appeared to be a well organized campaign, for days after the arrest of Ruslan Bashirli, the leader of Yeni Fikir who was accused of cooperating with Armenian secret service agents, pro-government demonstrators carried out protests, and at times attacks, on offices of the Popular Front Party throughout the country. In most cases, police failed to take action to protect the Popular Front Party

offices and members, and did not bring any prosecutions for the attacks.

The attempted return of Rasul Guliev, the exiled leader of the Azerbaijan Democratic Party (ADP) and former parliamentary speaker accused by the authorities of embezzlement of state funds, was accompanied by mass detentions and the deployment of military and police personnel throughout Baku. Law enforcement authorities targeted relatives of Guliev for arrest. On October 17, the day of Guliev's announced return, police arrested probably hundreds of his supporters, charging most of them with public order offenses. Guliev's failure to return, apparently thwarted by Azerbaijani authorities, was followed by dismissals of high-level government officials and the arrests of a government minister and his brother, who were accused of an attempted coup d'état.

The research for this paper was carried out in Azerbaijan from August to October 2005. Persons interviewed by Human Rights Watch included opposition and independent candidates in the forthcoming elections, activists, supporters, and their relatives; local and international observers; members of diplomatic missions and international organizations; representatives of local and international media outlets; representatives of nongovernmental organizations; and lawyers. Human Rights Watch also met with representatives of the Nakhchivan Electoral Commission and the Ministry of Internal Affairs. Efforts by Human Rights Watch to secure appointments to meet representatives of the Procurator-General's Office, the Presidential Administration, and the Central Election Commission, were unsuccessful.

Background

Azerbaijan has a poor record on civil and political rights.¹ The transition from the Soviet Union to independence brought instability to the country, including revolutions and war. In 1993 Heydar Aliev, a former high-level KGB official and former first secretary of the Soviet Azerbaijan Communist Party, resumed the leadership of Azerbaijan, and responded to the instability in the country by cracking down on all forms of opposition.² This included restrictions on legitimate opposition political activity, with opposition party activists often being forced into exile or into a precarious existence, facing the possibility of being treated as an enemy of the state, fired from work, or sent to prison.

President Heydar Aliev died in 2003, after illness had forced him to withdraw from the presidential election held that October. The election was won by his son, Ilham Aliev, but it fell far short of international standards, with the Organization for Security and Co-operation in Europe (OSCE) finding that it was fraudulent. Although the international community raised concerns over the elections and the subsequent crackdown on the opposition, the response was somewhat muted: it seemed that the United States and member states of the European Union were willing to accept the result in the hope that President Ilham Aliev's government would maintain stability and begin to introduce

¹ Azerbaijan is a party to a number of human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), which it ratified in 1992, and the European Convention for the Protection of Human Rights and Fundamental Freedoms, which it ratified in 2002. Human Rights Watch assesses Azerbaijan's human rights record by the standards set out in these treaties.

² "Obituary: Heydar Aliev," Guardian Unlimited, [online]
<http://www.guardian.co.uk/obituaries/story/0,3604,1107041,00.html> (retrieved October 17, 2005).

democratic reforms.

The record of the new government, however, has been no better than the previous one. Human rights abuses against the political opposition have continued, and the media remains hampered by government controls and repression. Under threat of political sanctions from the Council of Europe, a series of presidential decrees ordered the release of significant numbers of political prisoners. However, the system that created political prisoners remains in place and continues to operate.

The issue of stability took on a new meaning regionally when government fraud in the November 2003 parliamentary elections in Georgia led to a popular uprising and then revolution in that country. This was followed in late 2004 and early 2005 by a similar upheaval in Ukraine, and then in Kyrgyzstan in March and April 2005. Suddenly, people in the region began to believe that it was possible to resist fraudulent elections, a hallmark of post-Soviet countries.

Particularly after the Ukrainian revolution, opposition supporters in Azerbaijan began to hope for international support for their calls for free and fair elections, expecting this to lead to a change in government, either through elections or revolution.³ The government made it clear that Azerbaijan was not a place for revolution. Judging from the government's response to protests after the October 2003 presidential election, there is a real potential for violent confrontation if the opposition decides to carry out protests against the results of the November 2005 parliamentary elections.

Past Elections

International and domestic observers have found that parliamentary, presidential, and municipal elections from 1995 to 2004 fell far short of established international standards.⁴ In each of these elections, there were irregularities on election day itself that breached the integrity of the elections. However, it was also clear from election monitoring that violations, as an extension of an already established pattern of persecution of opposition party supporters, began during the early stages of the election campaigns.⁵

Many of the election violations that have taken place in previous elections, and that are

³ Human Rights Watch interviews with opposition leaders and party members, Baku and other regions of Azerbaijan, April and August-October 2005.

⁴ See, for example, "Republic of Azerbaijan Presidential Election 15 October 2003 OSCE/ODIHR Election Observation Mission Report," OSCE, Office for Democratic Institutions and Human Rights, Warsaw, November 12, 2003, and Human Rights Watch, "Azerbaijan Parliamentary Elections Manipulated," *Human Rights Watch Backgrounder*, October 30, 2000. Human Rights Watch interviews with members of the international community, Baku, August and September 2005.

⁵ Government repression of opposition politicians and supporters violates Azerbaijan's obligations as a party to the International Covenant on Civil and Political Rights. Abuses related to previous election campaigns, as well as those documented in this briefing paper during the election campaign for the November 2005 elections, include violation of the rights to freedom of assembly (article 21), expression (article 19), and to participate in public affairs (article 25). Those participating in election rallies have been subjected to arbitrary arrest and detention (article 9), beatings and other mistreatment (article 7), and lack of access to counsel (article 14), among other due process violations. The government's actions also contravene its commitments under the OSCE's Copenhagen document, which elaborates standards for the conduct of free and fair elections, and its obligations as a member state of the Council of Europe.

also documented in this briefing paper as taking place during the run-up to the November 2005 election, were committed by local government authorities and law enforcement agencies. The power of local government authorities to influence the election environment is enormous. Government authorities in Azerbaijan employ approximately 30 percent of the workforce.⁶ They also have a significant level of control over the ability of others to make a living, for example, through issuing licenses, controlling borders, and policing trading regulations. The high level of unemployment and poverty that exists in Azerbaijan means that people acutely fear losing their livelihood, and as evidenced during the crackdown after the October 2003 presidential election, local authorities are prepared to punish opposition supporters or others who are seen as not supporting the government by taking away employment. Human Rights Watch documented over 100 cases of opposition supporters being dismissed from work or having their working hours sharply curtailed after the October 2003 election, and the real figure of dismissals was probably much higher.⁷ While carrying out research for this briefing paper, on repeated occasions people refused to speak to Human Rights Watch about alleged pressure on them from local authorities, for fear of losing their employment.

Violations of the electoral code are rarely prosecuted, adding to what the OSCE has called “a culture of impunity and non-accountability.”⁸ The lack of an independent judiciary in Azerbaijan perpetuates impunity for government interference in the electoral process. Judges are renowned for both corruption and bias in favor of prosecuting authorities. The public has little trust in the justice system and consequently often will not bring complaints before the courts. Similarly, prosecuting authorities are reluctant to bring prosecutions for electoral fraud. Following the 2003 election, OSCE calls to prosecute those responsible for violations of the electoral code were ignored.⁹ Although the Central Election Commission referred some one hundred cases of election fraud to the prosecutor’s office, no election officials were tried for violations or fraudulent conduct.¹⁰

Official Positions in the Lead-up to the 2005 Election Campaign

In the lead up to the 2005 parliamentary election campaign, which began on September 7, there were some positive signs from the government that it was willing to respond to calls to improve the political environment before the elections. President Ilham Aliev continued to authorize the release of political prisoners through presidential decree,¹¹

⁶ Statistics for the year 2004, taken from International Labour Organization [online] <http://laborsta.ilo.org/> (retrieved October 13, 2005).

⁷ Human Rights Watch, “Crushing Dissent: Repression, Violence, and Azerbaijan’s Elections,” *Human Rights Watch Report*, January 2004, Vol. 16, No. 1.

⁸ OSCE/ODIHR Election Observation Mission, Republic of Azerbaijan – Parliamentary Elections 2005, Interim Report No.1 (5-23 September 2005).

⁹ “Republic of Azerbaijan Presidential Election 15 October 2003 OSCE/ODIHR Election Observation Mission Report,” OSCE, Office for Democratic Institutions and Human Rights, Warsaw, November 12, 2003.

¹⁰ OSCE/ODIHR Election Observation Mission, Republic of Azerbaijan – Parliamentary Elections 2005, Interim Report No.1 (5-23 September 2005).

¹¹ Parliamentary Assembly of the Council of Europe, Committee on Legal Affairs and Human Rights, Political Prisoners in Azerbaijan, May 31, 2005, Doc. 10564.

and on May 11 he signed a decree forbidding interference by local government authorities in the electoral process.¹² Although the decree was mainly a restatement of the existing law, the international community welcomed it as a positive sign of political will to hold free and fair elections.¹³ On June 4, local authorities gave permission to the opposition to hold a rally in Baku, ending a de facto ban on opposition gatherings since the October 2003 election (see below for more details).

However, at the same time the authorities refused to heed calls from the international community to amend the electoral code in compliance with OSCE and Council of Europe recommendations.¹⁴ In particular, the authorities refused to change the composition of the government-dominated election commissions, a factor that in past elections has played a central role in facilitating falsifications of the vote count. It refused to eliminate restrictions on Azerbaijani nongovernmental organizations (NGOs) that receive foreign funding from registering observers, a restriction that effectively bars nearly all local NGOs from registering to observe the elections.¹⁵ The government also refused to introduce inking of voters' fingers as a mechanism for reducing the risk of multiple voting, a relatively simple measure that international election experts believe to be crucial if fraud through multiple voting is to be avoided.¹⁶

In mid-2005, the courts expunged the convictions of seven opposition leaders imprisoned for the post-election violence in October 2003, allowing them to stand as candidates in the parliamentary elections. However, over 100 other people who had been imprisoned for the same reasons were precluded from standing as candidates because of their criminal convictions.¹⁷ In the months before the period of registration of

¹² Executive Order of President of Republic of Azerbaijan on Improvement of Election Practice in Republic of Azerbaijan, May 11, 2005, [online] http://www.president.az/s22_decrees/_decrees_e.html (retrieved October 24, 2005). The decree also ordered government officials to facilitate the realization of exit polls for the elections. The U.S. government is funding the provision of an exit poll for the November 2005 elections. United States Agency for International Development, "U.S. Government-Supported Exit Poll Up-Date," press release, September 26, 2005.

¹³ "U.S. Embassy Statement on Right of Peaceful Assembly," press release of the U.S. embassy in Baku, May 20, 2005. "Former PACE Head Says Marking of Electors Fingers with Special Ink Necessary," Turan Information Agency, September 5, 2005. Parliamentary Assembly of the Council of Europe, Functioning of Democratic Institutions in Azerbaijan, June 22, 2005, PACE Resolution 1456 (2005).

¹⁴ "Republic of Azerbaijan Presidential Election 15 October 2003 OSCE/ODIHR Election Observation Mission Report," OSCE, Office for Democratic Institutions and Human Rights, Warsaw, November 12, 2003, and "Joint Recommendations on the Electoral Law and the Electoral Administration in Azerbaijan," Venice Commission and OSCE/ODIHR, adopted at the 8th meeting of the Council for Democratic Elections and endorsed by the Venice Commission at its 58th Plenary Session, March 12-13, 2004. The electoral code was adopted in May 2003 and has been amended on six occasions, most recently in June 2005. The OSCE found, however, that "the recent amendments are mostly of a technical nature, and for the most part did not address longstanding recommendations from the OSCE/ODIHR and the Council of Europe's Venice Commission." OSCE/ODIHR Election Observation Mission, Republic of Azerbaijan – Parliamentary Elections 2005, Interim Report No.1 (5-23 September 2005).

¹⁵ NGOs circumvent this restriction by having each of their observers register individually. However, individual registration is a cumbersome solution, particularly for election monitoring groups that plan to have hundreds of short-term observers.

¹⁶ Human Rights Watch interview with international elections experts, Baku, September 29, 2005, and Baku, October 3, 2005. On October 25, President Aliyev signed an instruction recommending that the parliament and Central Election Commission allow the use of special invisible ink on election day. However, according to international election experts, even by early October it was too late to introduce invisible ink by voting day, since it would be necessary to import special lamps to view the ink and provide training for polling station officials.

¹⁷ This included Ilgar Ibrahimoglu, a religious freedom activist and supporter of the opposition, who applied to

candidates, government pressure on opposition party members increased. A stark example of this was the April 7, 2005 police beating of Isgender Hemidov, a former political prisoner and chairman of the National Democratic Party.¹⁸

Election Commissions

Election commissions are responsible for the administration of the elections and, among other things, are responsible for preparing voter lists, providing voter cards, registration of candidates and observers, counting votes, and publishing the voting results. For the most part, election commission members, some of whom were implicated in fraud in the 2003 election, remain the same as in 2003.¹⁹ The ruling Yeni Azerbaijan Party (YAP), which is headed by President Ilham Aliyev, dominates the election commissions. It nominates the chairpersons of the election commissions at all levels and holds a majority on every commission.²⁰

Although election commissions receive complaints with credible allegations regarding breaches of the election code, the OSCE has found that to date the Central Election Commission and the Constituency Election Commissions “have decided in favor of the complainant in very few decisions in cases in which a candidate has complained of campaign violations or interference from local executive bodies.”²¹

Voter Cards, IDs and Voter Lists

Problems with issuing and distributing identification documents and voter cards could end up disenfranchising a significant proportion of the population. According to the law, a voter must present both a voter card and a valid identity document in order to be able to vote.²² As of mid-2005, Soviet passports were no longer being accepted as valid identity documents, making it necessary for some citizens to obtain new identity documents. The Ministry of Internal Affairs deployed mobile units around the country to issue these documents and promised to have issued them to all voters by election day.²³ However, by the end of August, an estimated one million citizens remained

court to expunge his conviction. The court rejected his application, as did an appeal court. E-mail communication from Ilgar Ibrahimoglu to Human Rights Watch, August 17, 2005.

¹⁸ Isgender Hemidov told Human Rights Watch that police arrested him and five associates and beat them with batons, transported him with a black cloth bag on his head, and threatened to “destroy him” unless he left the country or ceased his political activities. According to Hemidov, the next day he was taken to the local court, where the judge gave him an official warning for petty hooliganism and released him. He said that three of his associates were sentenced to up to twelve days in prison on the same charges. Hemidov told Human Rights Watch that the beating left him with a broken hand and scratches and bruises to his body and face. Human Rights Watch interview with Isgender Hemidov, Chairman of the National Democratic Party, Baku, April 17, 2005 and with Rena Sadaddinova, Azerbaijan Foundation of Democracy Development and Human Rights Protection, Baku, April 16 and 17, 2005. A Human Rights Watch researcher saw Hemidov’s hand in a cast. There are various spellings of Hemidov’s name, including Iskandar Hamidov.

¹⁹ Human Rights Watch interview with two international election observers, Baku, August 30, 2005.

²⁰ There are three levels of electoral commission, the Central Election Commission, the constituency election commissions, and the precinct election commissions. OSCE/ODIHR, Election Observation Mission, Republic of Azerbaijan – Parliamentary Elections 2005, Interim Report No. 2 (24 September–7 October).

²¹ OSCE/ODIHR, Election Observation Mission, Republic of Azerbaijan – Parliamentary Elections 2005, Interim Report No. 2 (24 September–7 October).

²² Article 104.6 of the Election Code.

²³ Human Rights Watch interview with Meherim Gasanov, Nakhchivan Autonomous Republic Election Commission, Nakhchivan, October 11, 2005.

without valid identity documents.²⁴ Local observers and individuals trying to get identity documents told Human Rights Watch that there were delays in issuing the documents, the fees were prohibitive for some people, and the issuing authorities demanded bribes.²⁵

The government's main justification for introducing a system of voter cards was to avoid multiple voting.²⁶ Local and international election monitors have found that voter cards—which have been introduced for the first time for the November 2005 elections—were not being distributed in a controlled fashion. Usually, the precinct election commission officials took on the responsibility to distribute voters cards, but at times local government officials and building supervisors for apartment blocks were handing them out.²⁷ The OSCE found that “the lack of procedural uniformity in issuing voter cards is a development that raises concern.”²⁸ With the government having opted for voter cards and not for inking of voters' fingers (as noted above), the lack of control over the distribution of the cards renders them ineffective as a mechanism to stop multiple voting.

Local and international monitors have also raised concerns about the accuracy of the voters lists.²⁹ Voters did not actively check the lists during the period when changes were able to be made.³⁰ Monitors and opposition members fear manipulation of results through bogus voting on behalf of absentees, particularly migrant workers from Azerbaijan currently working in neighboring countries such as Russia and Turkey.³¹

Registration of Candidates

The process of registration of candidates significantly improved compared to previous

²⁴ Human Rights Watch interview with Anar Mammadli, Election Monitoring Center of Nongovernmental Organizations, Baku, August 30, 2005.

²⁵ The official fees for issuing the document were approximately U.S.\$10, a large sum for many in Azerbaijan where in 2005 the minimum wage was approximately U.S.\$33 per month. Local monitoring groups said that the issuing authorities regularly sought bribes to issue documents, thus increasing the cost. Human Rights Watch interview with Anar Mammadli, Election Monitoring Center of Nongovernmental Organizations, Baku, August 30, 2005. Human Rights Watch interviewed one Azerbaijani citizen who said that the authorities demanded a bribe in the amount of 100,000 manat (more than U.S.\$20). Human Rights Watch interview with an Azerbaijani citizen seeking a passport, Baku, September 27, 2005.

²⁶ Human Rights Watch interview with Dan Blessington, IFES, Baku, October 3, 2005.

²⁷ Human Rights Watch interview with Anar Mammadli, Election Monitoring Center of Nongovernmental Organizations, Baku, August 30, 2005.

²⁸ In particular, the report went on to say: “Voter cards are not strictly accounted for. They are often left with neighbours or family members, or left in the post box of private residences. The EOM has observed multiple cases of proxy signing in receipt of voter cards in a number of constituencies. Cases of voter cards issued in the name of deceased persons have also occurred, indicating that the required ID check did not take place.” OSCE/ODIHR, Election Observation Mission, Republic of Azerbaijan – Parliamentary Elections 2005, Interim Report No. 2 (24 September–7 October).

²⁹ See, for example, Weekly Report 5 (August 24-31), Election Monitoring Center, on file with Human Rights Watch, and OSCE/ODIHR, Election Observation Mission, Republic of Azerbaijan – Parliamentary Elections 2005, Interim Report No. 2 (24 September–7 October).

³⁰ In September, lists were publicly displayed and voters had the right to check the lists for their names and then seek changes directly with the election commission, if they found inaccuracies. From October 1, a voter needed to apply to court to seek a change to the voter list.

³¹ Some people estimate that more than two million Azerbaijani citizens are working in Russia and Turkey, many of whom support their families back in Azerbaijan. The government says the figure is much lower. See, for example, “Ramil Usbov Has Told the PACE Mission About Pre-Election Situation in the Country,” Turan Information Agency, October 13, 2005. Monitors and candidates also raised concerns with Human Rights Watch about the possible misuse of the votes of other groups, such as internally displaced persons and soldiers.

elections.³² Over 2,000 candidates were registered for 125 seats in parliament. According to the OSCE, “[r]efusals to register candidates appeared, in most instances, justified.”³³

The November 2005 elections will be the first parliamentary elections to be held in Azerbaijan since amendments to the Constitution in 2002 eliminated the proportional list element of the elections. This institutes a single-mandate constituency first-past-the-post system. The high number of candidates in the elections, averaging at least sixteen candidates per constituency, means a candidate can win with only a small percentage of the total votes in his or her area.

Media

Blocs or parties with candidates registered in more than sixty constituencies are entitled to free air time and print space in national state media.³⁴ Human Rights Watch received no complaints of abuse of these entitlements, and according to OSCE media monitoring this requirement is being fulfilled.³⁵ However, media monitoring by local groups and the OSCE shows that television, the medium from which most of the population receives their news, broadcasts news with overwhelmingly pro-government content.³⁶

On September 30, the National Television and Radio Council, the body in charge of

³² The registration period ran from July 24 to September 7. For further information on the election timetable and responsible authorities, see the Central Election Commission official website, [online] <http://www.cec.gov.az/en/4millimajlis2005/calendar/calendar.htm> (retrieved October 18, 2005). In previous elections, election commissions put barriers in the way of registration for opposition members who wanted to become candidates and arbitrarily refused to register them.

³³ OSCE/ODIHR Election Observation Mission, Republic of Azerbaijan – Parliamentary Elections 2005, Interim Report No.1 (5-23 September 2005). The OSCE raised concerns about the refusal to register Mr. Zalmanovich, the head of the Baku European Jewish Center, on the grounds that he is a professional clergyman, despite the fact that he is not a rabbi. Article 14.3 of the Election Code prohibits clergymen engaged in professional religious activity from being candidates. The annulment of Hajiaga Nuri's registration also raised concerns. Initially the decision to annul the registration was based on his being a professional clergyman, but on appeal, which Nuri lost, the Central Election Commission argued that it was because he was the head of an unregistered party. However, under the law an election bloc can nominate candidates that are not members of political parties that are included in the bloc. Human Rights Watch interview with Hajiaga Nuri, Baku, September 27, 2005.

³⁴ Human Rights Watch interview with Dan Blessington, IFES, Baku, October 3, 2005. Four blocs and parties are entitled to free airtime in the run-up to the November elections: the YAP; the Liberal Party of Azerbaijan; New Policy (YeS) bloc, an opposition coalition of smaller parties and well-known political figures; and the Azadliq bloc. Azadliq is a coalition of three opposition parties, Azerbaijan Democratic Party (ADP), Musavat, and the Popular Front of Azerbaijan–Reformers Faction (Popular Front Party). Forty-eight political parties and blocs are contesting the 125 seats in parliament. OSCE/ODIHR Election Observation Mission, Republic of Azerbaijan – Parliamentary Elections 2005, Interim Report No.1 (5-23 September 2005).

³⁵ OSCE/ODIHR Election Observation Mission, Republic of Azerbaijan – Parliamentary Elections 2005, Interim Report No.1 (5-23 September 2005).

³⁶ For example, in its second interim report, the OSCE found that in the first four weeks of the campaign period, state owned AzTV devoted 99 percent of its political and election coverage to activities of the incumbent president, government, and the YAP. The most balanced coverage was provided by the private ANS channel, which allocated 81 percent of its political and election coverage to the president, government, and YAP. OSCE/ODIHR, Election Observation Mission, Republic of Azerbaijan – Parliamentary Elections 2005, Interim Report No. 2 (24 September–7 October). Prior to the beginning of the official election campaign in September, a local organization, the Najaf Najafov Foundation, carried out a media monitoring project “Parliamentary Elections in the Mirror of Mass Media: monitoring and discussing,” funded by the Eurasia Foundation, which came to very similar conclusions of an overwhelming pro-government bias in media reporting on Azerbaijan television. Round table meeting on media monitoring by the Najaf Najafov Foundation, International Press Center, Baku, August 12, 2005, attended by Human Rights Watch.

broadcast media, ordered *ANS* radio to close down its Shaki branch radio station. The Shaki branch had been broadcasting a daily thirty-minute news program since September 1, 2005 in which it aired interviews and debates with a broad range of parliamentary candidates from the region. The Council stated that *ANS* had breached the terms of its license in broadcasting the program. *ANS* disputed this, as did the Minister of Communications.³⁷ According to *ANS*, a representative of the National Television and Radio Council claimed that *ANS* had violated the law by broadcasting "wrong information." The case raises concern of a politically motivated closure because of the content of the radio station's programming.

Local Government Interference

Under the election code it is forbidden for state employees to interfere in the election campaign process.³⁸ Although President Ilham Aliyev's May 11 decree restated this principle, his government has failed to back it up with enforcement. Human Rights Watch has received credible information from local monitors, opposition party members, independent candidates and their supporters in several regions of the country that local government authorities, which answer directly to the presidential administration, have been campaigning for YAP candidates, putting pressure on state employees to support YAP candidates and not to attend opposition rallies or meetings, and using government resources to campaign for YAP candidates.³⁹ And, as noted above, the election commissions that are supposed to investigate complaints of such violations rarely rule against the local authorities.

Candidates' Meetings With Voters

At the beginning of the election campaign period, in each constituency local government authorities designated meeting places for candidates to meet with voters.⁴⁰ Although many candidates have been able to meet with voters in these designated places without problems, Human Rights Watch received persistent complaints from independent and opposition candidates about police and local government authorities' interference in carrying out meetings.⁴¹

³⁷ Statement from *ANS*, received by Human Rights Watch on October 3, 2005, on file with Human Rights Watch. OSCE/ODIHR, Election Observation Mission, Republic of Azerbaijan – Parliamentary Elections 2005, Interim Report No. 2 (24 September–7 October).

³⁸ Article 115 of the Election Code, articles 39-48 Administrative Code, and articles 159-61 of the Criminal Code.

³⁹ In September and October 2005, Human Rights Watch interviewed people in Baku, Gazakh, Tovuz, Ganja, Jalalabad, Lenkoran, and Nakhchivan, as well as in some villages surrounding these locations. These findings are supported by the findings of the OSCE in its second interim report (OSCE/ODIHR, Election Observation Mission, Republic of Azerbaijan – Parliamentary Elections 2005, Interim Report No. 2 (24 September–7 October), as well as by monitoring carried out by the Election Monitoring Center of Nongovernmental Organizations. Government authorities particularly pressure school teachers to attend YAP candidate meetings. For example, Human Rights Watch documented a case in which teachers of one school were forced to interrupt their lessons to attend a YAP candidate's meeting with voters, while the school children played in the yard. Human Rights Watch interview with a teacher from the school, village in Azerbaijan, October 2005.

⁴⁰ Central Election Commission official website, [online] <http://www.cec.gov.az/en/4millimajlis2005/calendar/calendar.htm> (retrieved October 18, 2005).

⁴¹ The Deputy Minister of Internal Affairs, Oruj Zalov, said that he had not received any complaints about police interfering in candidates' meetings with voters. He said: "I would like you to rest assured that no interventions by police in candidate meetings with voters have taken place. It is absolutely beyond our competence." Human Rights Watch interview with Oruj Zalov, Baku, October 18, 2005.

A sitting member of parliament and candidate for the Popular Front Party, Jamil Gasanli, told Human Rights Watch that local authorities denied him permission to hold a meeting on September 21 with voters from his constituency, even though the meeting was to be held in a place previously designated by the local authorities for such meetings. According to Gasanli, approximately one hundred police officers dispersed the crowd that had gathered for the meeting and police detained two of his election campaign staff, holding them for about one-and-a-half hours in the Narimanov regional police station in Baku. On September 27, Gasanli again attempted to hold a meeting with voters, and although local authorities gave permission for the meeting and it went ahead, about twenty minutes after it began, police warned the organizers that they must not use voice amplification; the microphone had to be turned off, making it very difficult for people to hear. Gasanli said that there was a large police presence at the meeting, including police in civilian clothes, and that participants reported that police were approaching people and warning them not to attend the meeting. People were also videotaping the meeting. He said that people were afraid to attend his meetings, fearing negative consequences from the police: “Lots of people are very poor, selling nuts and herbs [in the street]... [The police] notice those who come to our meetings. They are persecuted by the police, who don’t allow them to sell their produce.”⁴²

In Ganja, Human Rights Watch documented police interference in two meetings with voters that the local Musavat party candidate wanted to hold. On October 3, Jahangir Amirov, Musavat candidate for constituency number 38 in Ganja, organized a meeting with voters in a designated meeting place on Mukhtar Hajier Street. The meeting was scheduled to begin at 6 p.m. At about 5.30 p.m. police came to the building, and the meeting organizers who were outside the building saw the police speak with the landlord’s representative, who then locked the building and left. Musavat representatives then approached a member of the local election commission to ensure that the door would be opened for the meeting. The landlord’s representative, however, did not want to open the door. Police gathered outside the building, and when Amirov tried to hold the meeting in front of the building, police told those gathered to disperse.⁴³ The next day, Amirov tried to hold another meeting at 81 Nizami Street, a place designated by the local authorities for such meetings. Again the meeting organizers had difficulties getting the key, the building supervisor finally telling one of them that the police had told him not to give the key to them. About ten police officers were in front of the building, and when Amirov tried to hold the meeting in the street, police surrounded the participants, interrupted the meeting, and tried to detain a seventy-two-year-old man who was videotaping the events; they only desisted when two OSCE observers intervened.⁴⁴

In Lenkoran, a candidate for the National Unity Party, Hajibaba Azimov, told Human Rights Watch of interference when he tried to hold a meeting in the village of Darguba on October 3. The designated area was in the grounds of a local school. However, when he and his supporters arrived, they found that the school authorities had closed all the

⁴² Human Rights Watch interview with Jamil Gasanli, Popular Front Party candidate for constituency number 18 and member of parliament, Baku, September 30, 2005.

⁴³ Human Rights Watch interview with Jahangir Amirov, candidate for constituency number 38, and Vagif Sadigkhov, Musavat party, Ganja, October 6, 2005.

⁴⁴ Ibid, and Human Rights Watch interview with OSCE long-term observers, Ganja, October 6, 2005.

doors, even to the courtyard area. Azimov had to hold the meeting in a nearby cafe.⁴⁵

Rallies

The Azerbaijan authorities have restricted freedom of assembly, refusing to allow the opposition Azadliq bloc to hold rallies in the center of Baku, the country's capital, or in certain of Azerbaijan's regions. Under human rights treaties such as the International Covenant on Civil and Political Rights, permissible restrictions on freedom of assembly must be no more than are "necessary in a democratic society." While on occasion there may be legitimate grounds of public order or security to justify denying permission for a demonstration in a specific location or on a specific date, the restrictions imposed on opposition rallies in Azerbaijan clearly go beyond this justification.

In the Capital, Baku

Since the October 2003 presidential election, the government imposed a de facto ban on public gatherings by opposition party members or those affiliated with opposition parties. On the few occasions when opposition members decided to go ahead with unauthorized public gatherings, the police broke up the demonstrations, sometimes detaining participants and using violence. With mounting international pressure on the government to allow freedom of assembly in the run up to the elections, a coalition of opposition parties (later to become the Azadliq bloc) decided to hold a rally on May 21, 2005. The authorities refused permission for the rally on the grounds that it would be held too close to the May 25 official opening ceremony for the Baku-Tbilisi-Ceyhan (BTC) oil pipeline. When opposition members attempted to go ahead with the peaceful rally, police brutally beat and detained dozens of participants.⁴⁶ After this, the opposition parties again requested permission to hold a rally on June 4, and the authorities finally granted permission for a rally to be held near the January 20 metro station, in the suburbs of Baku. From June until September, opposition groups held several rallies in this location.

The lifting of the de facto ban on public gatherings was not without continuing restrictions, however. In Baku, local authorities granted permission for rallies only in the suburbs or outlying areas.⁴⁷ In other towns and cities throughout the country, local authorities similarly refused to allow rallies in the centers.⁴⁸

After the government rejected several requests from the opposition to hold rallies in the center of Baku, the Azadliq bloc announced that it would go ahead with an unauthorized rally on September 25 near the square at the May 28 metro station, in the city center.

⁴⁵ Human Rights Watch interview with Hajibaba Azimov, National Unity Party candidate, Lenkoran, October 9, 2005.

⁴⁶ Human Rights Watch, "Azerbaijan: Ensure Freedom of Assembly for the Opposition," Letter to President Ilham Aliiev, May 24, 2005.

⁴⁷ This was widely reported in local media. Also Human Rights Watch interviews with Sardar Jalilovlu, Azerbaijan Democratic Party, Baku, August 31, 2005, Ali Keremli, Popular Front Party, Baku, September 1, 2005, and Isa Gambar, Musavat, Baku, September 1, 2005.

⁴⁸ Local monitors widely reported on this. Human Rights Watch confirmed this in many interviews with local and international monitors and opposition members in several regions of the country, and while monitoring rallies in Tovuz, October 5, 2005, and Ganja, October 6, 2005 (this rally did not go ahead due to the opposition rejecting the place offered by the local authorities).

Prior to the announced rally, police blocked access to the square, putting up road blocks and stationing police officers who denied pedestrians access to areas close to the square. Large numbers of riot police gathered in groups around the city, as well as other police, both in uniform and civilian clothes. In various parts of the city, when opposition members tried to gather together, police dispersed them, sometimes beating them with their batons. Dozens of people were detained.⁴⁹ In one incident, police attacked the car in which Isa Gambar, the leader of Musavat, was a passenger. They smashed several windows before the car drove away.⁵⁰ One international observer told Human Rights Watch that police chased him down the street for several blocks trying to take his camera from him, after they saw him photographing the events.⁵¹

Just prior to the announced 4 p.m. rally, government officials reportedly approached the Azadliq bloc to negotiate over the holding of the rally. At about 5 p.m., government representatives, as well as a YAP representative, met with representatives from Azadliq. Although there was no result from the negotiations, they agreed to meet again.⁵² Further meetings took place to negotiate the location for rallies. However, each side maintained its position, the government offering several locations outside the city center, and the opposition pursuing its right to hold a rally in the city center.⁵³

On October 1 and 9, the Azadliq bloc again attempted to hold unauthorized rallies. On both occasions large numbers of police closed off the streets, and beat and detained opposition supporters and candidates attempting to participate in the rallies.

At the attempted rally on October 1, opposition members tried to gather in various parts of the city center. Police dispersed any opposition members who gathered, using force and intimidation. A Human Rights Watch researcher saw police use batons to beat a group of opposition members as they walked along the street, and saw others with head injuries—including one with an open bloody wound to the head—that the injured said had been caused by police beating. Human Rights Watch spoke to several international observers who saw the police filling buses with people they had detained from among the crowds in the city center that afternoon. The detainees included at least four opposition candidates for the election.⁵⁴

At a press conference that afternoon, the deputy chief of the Baku city police stated that

⁴⁹ A Human Rights Watch researcher observed the attempted rally, and also spoke with eyewitnesses and international observers, September 25, 2005. Police officials said that forty-two people were detained, while the opposition maintained that the figure was more than 200.

⁵⁰ Human Rights Watch interviews with two international eyewitnesses, Baku, September 25 and 29, 2005.

⁵¹ Human Rights Watch telephone interview with international observer, Washington, October 2, 2005.

⁵² Human Rights Watch was present at the press statement given by Arif Hajili, deputy leader of Musavat, International Press Center, Baku, after the meeting took place, September 25, 2005.

⁵³ On September 29, government officials failed to attend a scheduled meeting for negotiations with the opposition, hosted by the OSCE. Ali Hasanov, the head of the presidential administration's political department, stated that the government welcomed dialogue, "but non-constructive position of radicals does not allow to carry on dialogue at present." "Ali Hasanov: Interests of the State Superior to International Rating of the Country," Turan Information Agency, Baku, October 1, 2005.

⁵⁴ Human Rights Watch interviews with international observers, Baku, October 1, 2005. Approximately half an hour after the candidates were arrested, police offered to release them. However, they refused to be released until all the opposition detainees in the police station were released. They were all released approximately two to three hours after having been arrested.

at the attempted rally several protesters, led by Rauf Arifoglu, a deputy leader of Musavat and editor-in-chief of the opposition daily newspaper, *Yeni Musavat*, carried iron bars wrapped in newspapers, which they used to hit police.⁵⁵ Police said that nine policemen were injured. Opposition leaders, including Rauf Arifoglu, denied the allegations, stating that they had used only peaceful means of protest.⁵⁶ A Human Rights Watch representative had observed Rauf Arifoglu with a group of protesters at the attempted rally, and noted that they were peaceful in their protest and that police hit the protesters with batons to disperse them. Other international observers reported to Human Rights Watch that they had not seen any violence from the side of the protesters.⁵⁷

The police response to the attempted rally on October 9 was reportedly even more aggressive, with police beating people indiscriminately.⁵⁸ International observers saw many injured protesters, some unable to stand. One foreign journalist for an international news agency told Human Rights Watch that he saw four police officers beating a man who was lying on the ground.⁵⁹ According to press and other reports, police beat several journalists, including a journalist for the independent *Zerkalo* newspaper, Idrak Abbasov, who was seriously injured. He reportedly lost consciousness and was taken to the hospital, where police reportedly put him under guard and refused to allow journalists access to him.⁶⁰ International observers reported to Human Rights Watch that they had not seen any violence from the side of the protesters.⁶¹ The authorities said that eleven policemen were injured during the demonstration.⁶²

Human Rights Watch spoke to two members of the Popular Front Party whom police detained in local police station number 22 in Baku. One of them, an old man who did not want to be identified for fear of retribution against his relatives, told Human Rights Watch: "I was with a group of people. The police began to beat me on the legs and then my head and back with a baton. They swore at us, at our party, and our mothers ... They detained me until 9 o'clock, for five hours ... I heard shouts [in the police station] and screams of people being beaten. I said 'why are you doing that?' A policeman hit me in the stomach with a baton and said 'be quiet!' They threatened to break my legs, if they see me again. I am old, so I waited in the corridor while they beat the young ones in the room."⁶³

⁵⁵ Human Rights Watch interview with an independent journalist, Baku, October 1, 2005. "Baku Police Accuses Demonstrators of Aggressive Attitude Towards Law Enforcement Agencies," Turan Information Agency, October 1, 2005. "Rauf Arifoglu Refutes Accusations of Deputy Chief of Baku Police," Turan Information Agency, October 1, 2005.

⁵⁶ "Rauf Arifoglu Refutes Accusations of Deputy Chief of Baku Police," Turan Information Agency, October 1, 2005, and press conference of Ali Keremli, leader of the Popular Front Party, October 1, 2005, attended by Human Rights Watch.

⁵⁷ Human Rights Watch interviews with international observers, Baku, October 1, 2005.

⁵⁸ One international observer told Human Rights Watch that "in Baku I saw riot police at 4 p.m. on Sunday [October 9]. I saw them beat up elderly men who had nothing to do with the meeting [demonstration] at all." Human Rights Watch interview with international observer, October 11, 2005.

⁵⁹ Human Rights Watch interview with foreign journalist, Baku, October 10, 2005.

⁶⁰ "President Aliyev Urged to Stem Attacks on Journalists," Reporters Without Borders Press Release, October 11, 2005. "Police Does Not Allow Journalists to Visit Zerkalo Newspaper's Correspondent," Turan Information Agency, October 10, 2005.

⁶¹ Human Rights Watch telephone interviews with international observers, Baku, October 10 and 13, 2005.

⁶² "Demonstrators Beat 11 Policemen, Reports Main Baku Police Department," Turan Information Agency, October 10, 2005.

⁶³ Human Rights Watch interview with a member of the Popular Front Party, Baku, October 10, 2005. A Human Rights Watch researcher saw bruises on his legs.

A demonstrator, Mustafa M. (not his real name), who was also detained at police station number 22, told Human Rights Watch that he was one of three people taken into a dark room and beaten. He said that a police commander tried to force them to swear at their party leaders, as well as at George Bush and other U.S. officials, and that several police beat them with batons on the head and body for about two hours. One of the other men lost consciousness. Mustafa M. recalled: "It was as though they were drunk or under the influence of drugs. Their eyes were so frightening. We asked, 'why are you beating us?' They said because you shouted 'Azadliq' (freedom). They said, 'if we see you again, we'll kill you and bury you in the forest.'"

Mustafa M. was taken to the Nasimin regional court and fined for not following police instructions. He told Human Rights Watch that the two other men were each sentenced to thirteen days in prison.

In response to allegations of police brutality towards opposition protesters, the Deputy Minister of Internal Affairs, Oruj Zalov, told Human Rights Watch that the ministry trains the police to show maximum restraint and tolerance. He admitted that sometimes emotions run high and police officers could react to stressful situations in a less than perfect manner. He also said that if an individual police officer abuses his position, the ministry takes action against that officer. He did not have specific information about punishment of police officers for abusive behavior at opposition rallies or other election-related events.⁶⁴

In the Regions

In July, the opposition tried to hold rallies in the regions of Azerbaijan. Many rallies were authorized by local authorities and were held successfully. However, in some regions local authorities refused to authorize rallies, and police harassed and detained those who tried to participate.⁶⁵

In October, two leaders of Azadliq bloc parties, Isa Gambar and Ali Keremli, traveled to the north-western regions of Azerbaijan to participate in rallies. On October 5, they participated in rallies in Gazakh, Akstafa, and Tovuz. All three rallies were authorized and held in places designated by the local authorities. Although the rallies were able to go ahead, a sense of intimidation was created by the large police presence and controlling tactics of the police and local authorities. According to representatives of the Western Resource Center, a local NGO, the rally in Gazakh was held in a small square with an entrance that the participants had to pass through. High-ranking police officials

⁶⁴ Human Rights Watch interview with Oruj Zalov, Deputy Minister of Internal Affairs, Baku, October 18, 2005. He said that in the first nine months of 2005, four police officers were held criminally liable for misconduct, six were discharged, one was dismissed, and thirty-six were given administrative penalties.

⁶⁵ This was widely reported in the local press. For example, Turan press reported that on July 2, police beat and detained opposition supporters who tried to hold rallies in the center of the cities of Sumgait and Sabirabad. "Authorities Have Prevented Conduction of Rally of Opposition in Sumgait," Turan Information Agency, October 2, 2005, and "Rallies of Opposition 'Azadliq' Have Taken Place," Turan Information Agency, October 2, 2005. On July 13, police reportedly detained about thirty opposition party members who wanted to hold a rally in Kurdamir, and similarly interfered to stop planned rallies in Sabirabad, Lenkoran, Masally, and Jalalibad. "Oppositionists Targeted in Rural Azerbaijan," Radio Free Europe/Radio Liberty, July 19, 2005.

stood near the entrance and observed who attended the rally.⁶⁶ Road police accompanied Gambar and Keremli and told those accompanying them that they all must travel behind the police. In Akstafa, the two leaders wanted to visit the election headquarters of Sabir Azeri, an Azadliq candidate, but police stopped them, stating that it was not on their schedule.⁶⁷ The roads around the place designated for the rally were blocked by trucks and cars, and the Azadliq bloc leaders had to go on back roads to get into Akstafa.⁶⁸ After the rally, the leaders wanted to go and place flowers on a memorial for the war dead, but again police stopped them.⁶⁹ In Tovuz, many shops were closed, and roads leading from the place designated for the rally to the center of the town were blocked.⁷⁰ Trucks poured water down an underpass that led to the city center, effectively blocking the main road.⁷¹

On October 6, the Azadliq bloc leaders cancelled a planned rally in Ganja, since the place designated by the local authorities was in a sports stadium, not in the city center, and they believed that the police presence at the entrance to the stadium would be intimidating for rally participants.⁷²

Pre-emptive Detentions Associated With the October 1 Baku Rally

Azer Babaev, a bodyguard of Isa Gambar, was detained during the night of September 30-October 1, and the next day was sentenced to twelve days in prison on public order charges. By the time his lawyer arrived at court, the judge had already issued the ruling.⁷³

Vali Guliev, a bodyguard for Ali Keremli, recounted to Human Rights Watch how the police surrounded his apartment block at about midnight on October 1: "They knocked on the door. I saw through the peephole that it was the police. I saw that they were in the courtyard as well. My wife asked them through the door what it was about. They said 'about the elections.'" Guliev refused to come out and they began kicking the door and shaking the bars on the windows of the ground floor apartment. They continued to knock at the door until about 3 a.m. They remained outside the building all night and much of the next day, only leaving at about 6.30 p.m. on October 1, after the scheduled 4 p.m. attempted rally had taken place. Guliev told Human Rights Watch that the same night, police similarly surrounded the building in which another of Ali Keremli's bodyguards was located, effectively holding him under house arrest until the early evening of October 1.⁷⁴

⁶⁶ Human Rights Watch interview with Maharram Goyushoglu, Western Resource Center, Gazakh, October 5, 2005. Goyushoglu went on to say that the police observation is intimidating for local people who fear retribution for having attended the rally.

⁶⁷ Human Rights Watch interview with Isa Gambar and Ali Keremli, Tovuz, October 5, 2005.

⁶⁸ Human Rights Watch interview with international observers, Tovuz, October 5, 2005.

⁶⁹ Ibid, and Human Rights Watch interview with Isa Gambar and Ali Keremli, Tovuz, October 5, 2005.

⁷⁰ This was observed by a Human Rights Watch researcher, Tovuz, October 5, 2005.

⁷¹ Ibid, and local authorities told international observers that they were cleaning mud from the road, although the observers said that they had traveled on that road in the morning and there had been no mud. Human Rights Watch interview with international observers, Tovuz, October 5, 2005.

⁷² Human Rights Watch interview with Jahangir Amirov, Musavat party, Ganja, October 5, 2005. A Human Rights Watch researcher went to the place designated for the rally at the time originally announced and observed a large police presence.

⁷³ Human Rights Watch telephone interview with Adyl Ismailov, lawyer for Azer Babaev, Baku, October 3.

"Police Encircled Musavat Party Headquarters," Turan Information Agency, Baku, October 1, 2005.

⁷⁴ Human Rights Watch interview with Vali Guliev, Baku, October 3, 2005, "Police Started Mass Arrests Before

At about 3 p.m. on October 1, prior to the announced rally, police surrounded the home of Ali Keremli himself. When Keremli's four bodyguards arrived to escort him to his headquarters, police arrested them. Keremli then rang journalists from opposition and independent media, and only left his home once they had arrived and were recording events. He was able to go to his headquarters.⁷⁵ A judge in the Nasimin regional court in Baku sentenced three of his bodyguards to between eight and ten days in prison for failing to follow police instructions. Lawyers who wanted to appear for the defendants were not allowed into court.⁷⁶ Keremli also claimed that his fourth bodyguard was remanded into custody on unknown criminal charges and that after detention he was not allowed access to a lawyer of his choice.⁷⁷

There were media reports that police also surrounded the headquarters of Musavat prior to the announced rally.⁷⁸

Other Arrests, Beatings, Intimidation and Pressure to Stop Campaigning

Police and local authorities have used a range of other pressures, including beating, threats, and detentions, to dissuade opposition parties and independent candidates from active campaigning. Apart from the cases outlined below, Human Rights Watch documented and received information about other cases, but the victims of abuse were too frightened to give permission for their cases to be made public.⁷⁹

Yeni Fikir Cases

A government campaign against Yeni Fikir (New Thinking), a youth organization that is closely aligned to the Popular Front Party, began in August 2005, raises concerns. Although Human Rights Watch is not in a position to investigate the government's allegations against Yeni Fikir, the context and timing of the campaign suggest that it may be politically motivated. Certainly, the government would like to discredit Yeni Fikir and the Popular Front Party in particular, and the opposition movement in general. Since the revolutions in Ukraine and Georgia, where youth movements had the reputation of playing a key role in bringing change, in Azerbaijan the profile of opposition-oriented youth organizations rose significantly. The authorities' persecution of these groups has increased throughout 2005.⁸⁰ The effect of the government's recent actions has been to

Opposition Demonstration," Turan Information Agency, October 1, 2005.

⁷⁵ Human Rights Watch interview with Ali Keremli, leader of the Popular Front Party, Tovuz, October 5, 2005.

⁷⁶ Human Rights Watch telephone interview with Elshad Nuriev, Popular Front Party, Baku, October 1, 2005.

⁷⁷ Human Rights Watch interview with Ali Keremli, Tovuz, October 5, 2005.

⁷⁸ "Police Encircled Musavat Party's Headquarters," Turan Information Agency, October 1, 2005.

⁷⁹ In one such case, local authorities pressured a person close to a candidate to resign from work and threaten to fire that person. In another, local authorities confiscated a car from someone involved in political work.

⁸⁰ For example, on May 25, police reportedly detained at least six youth movement activists from the group Dagma, when they were handing out leaflets entitled "Know your rights and try to protect them." On May 31, two activists from YOX youth movement were also reportedly detained for leafleting. On June 9, police reportedly briefly detained four Yeni Fikir movement activists, including its leader Ruslan Bashirli, in Ganja after holding meetings with supporters in the city, and forced them to return to Baku. See, statement from Leila Yunus, Institute of Peace and Democracy, May 25, 2005, on file with Human Rights Watch. Statement from YOX movement, Human Rights Watch received by e-mail on May 31, 2005. "Azerbaijani Youth Activist Targeted in Gyandja," Radio Free Europe/Radio Liberty, June 13, 2005.

significantly hamper youth groups' activism, forcing them to focus mainly on their own survival.

In early August, law enforcement officers in camouflage uniforms and black masks arrested Ruslan Bashirli, the head of Yeni Fikir. The next day the Prosecutor General's Office made a statement that Bashirli was being charged with attempting to forcefully overthrow the government, accusing him of meeting with Armenian security service officers in Georgia on 28-29 July and accepting U.S.\$2,000 from them.⁸¹ The statement said that one of the Armenian agents had suggested using live gunfire during an opposition rally in order to destabilize the country. The statement also accused the National Democratic Institute (NDI), a U.S. nonprofit organization, closely aligned to the U.S. Democratic Party, that trains political parties and civil society groups, of giving instructions and money to Bashirli to support a revolution. NDI denied the charges. For days after Bashirli's arrest, Azerbaijani television showed video footage of Bashirli drinking at a table with the two alleged Armenian agents and another member of Yeni Fikir, Osman Alimuradov.⁸² The prosecuting authorities claimed that the alleged Armenian agents had filmed the meeting and then had given the video cassette to Alimuradov, threatening to use it against the Yeni Fikir members should they change their minds about cooperation. Back in Baku, Alimuradov allegedly began to feel uncomfortable about the meeting in Tbilisi, and decided to inform on Bashirli, handing the tape over to the Azerbaijani authorities.⁸³ It is not clear how the television stations received copies of the video tape.

Bashirli's lawyer, Elchin Gambarov, told Human Rights Watch that he was denied access to his client for two days and that law enforcement authorities questioned Bashirli without him, in the presence of a state-appointed lawyer instead. Gambarov recounted that during this questioning, law enforcement officers put pressure on Bashirli to give evidence against Ali Keremli, offering that if he made a statement on television saying that he gave Keremli U.S.\$1,000 of the money he received in Georgia, he would be released within twenty-four hours. Bashirli refused to make such a statement.⁸⁴ After charges were officially brought against him, he was remanded into custody for three months.

Ruslan Bashirli's father, Jalil Bashirov, told Human Rights Watch that he and his family were attacked and harassed after his son's arrest. He recounted: "On August 6... about 100 [unknown] people attacked our house. They threw eggs and stones on our house, after it was shown on television. [Ruslan's] eighty-five-year-old grandmother, an invalid

⁸¹ "Azerbaijani Youth Movement Leader Arrested, Charged with Planning Coup," Radio Free Europe/Radio Liberty, August 5, 2005. Human Rights Watch interview with Elchin Gambarov, lawyer for Ruslan Bashirli, Baku, September 2, 2005. Bashirli is charged under article 278 of the criminal code, which, according to his lawyer, is punishable by a prison sentence of between ten years and life.

⁸² "Azerbaijan: Youth Activist Arrest Fuels Campaign Tensions," Eurasia Insight, EurasiaNet, October 15, 2005. Human Rights Watch interview with Elchin Gambarov, lawyer for Ruslan Bashirli, Baku, September 2, 2005.

⁸³ Ibid.

⁸⁴ Gambarov told Human Rights Watch that Bashirli was invited to attend a conference in Georgia on democracy, and that he met with the two men shown in the video, whom he believed were Georgian democracy activists. He further claimed that the video footage was edited, but that even on the prosecution's presentation of the material against Bashirli, there was no evidence of attempting to use force to overthrow the government. Human Rights Watch interview with Elchin Gambarov, lawyer for Ruslan Bashirli, Baku, September 2, 2005.

with only one leg, was in the courtyard. Two stones hit her... We live in a village and now noone dares to visit us. If someone just says hello to us, that person will immediately be called to the prosecutor's office. I was the director of a school. The head of the department of education rang me and called me to his office and demanded that I resign. On August 26 I left the school.”⁸⁵

In what appeared to be a well-organized campaign, for days after Bashirli's arrest pro-government demonstrators also carried out protests, and at times attacks, on offices of the Popular Front Party throughout the country.⁸⁶ For example, in Baku, the protesters threw eggs and tomatoes at the office.⁸⁷ On August 6, people attacked the Popular Front Party office in Nakhchivan, storming the office and attacking opposition supporters. They beat Mohammad Rzaev, a journalist for the opposition newspaper, *Azadliq*. He told Human Rights Watch: “They broke my nose. This was filmed on video and we told the prosecutor's office, but they weren't even interested... They refused to take this shirt [a shirt covered in blood that he had been wearing during the attack] and the video.”⁸⁸

According to Rzaev and other members of the Popular Front Party who were present during the attack, police stood outside in the street, but refused to intervene to stop the attack.⁸⁹

Similarly, in Lenkoran on August 10, people stormed the Popular Front Party office, insulting the occupants, throwing furniture and equipment to the floor, and throwing stones.⁹⁰

In most cases, police failed to take action to protect the Popular Front Party offices and members, and did not bring any prosecutions for the attacks. Although the demonstrations were unauthorized, in contrast to the unauthorized rallies of the opposition the police in most cases did not take action to disperse the crowds, and did not detain or bring charges against participants when there was evidence of criminal activities.

During the next few weeks after Bashirli's arrest, prosecutors called in members of Yeni Fikir for questioning, demanding that they make statements against their organization and the Popular Front Party. One of the members was Sarvan Sarhanov, who told Human Rights Watch that three prosecutors questioned him at the Prosecutor General's office. He said that they demanded that he appear on television and make a statement against Yeni Fikir, the Azadliq bloc, and the Popular Front Party. They threatened him

⁸⁵ Human Rights Watch interview with Jalil Bashirov, Baku, September 2, 2005. He was the director of the Gussein Hanli Middle School in the village of Zarbad.

⁸⁶ At the same time colored posters with gruesome photographs of corpses of women and children, slaughtered in a massacre during the Nagorno-Karabakh conflict, were juxtaposed with still shots from the video of Bashirli drinking with the alleged Armenian agents and photos of a receipt for U.S.\$2,000, allegedly signed by Bashirli and an Armenian “in the name of democratic forces of Armenia.” A copy of the poster is on file with Human Rights Watch.

⁸⁷ “PPFA Members Repulsed Pickets,” Turan Information Agency, August 6, 2005.

⁸⁸ Human Rights Watch interview with Mohammad Rzaev, Nakhchivan, October 11, 2005.

⁸⁹ Ibid., and Human Rights Watch interview with Asaf Guliev, head of Nakhchivan branch of the Popular Front Party, and Abdul Abdulaev, member of the Popular Front Party, Nakhchivan, October 11, 2005.

⁹⁰ Human Rights Watch interview with five opposition party members, Lenkoran, September 9, 2005.

with imprisonment, and brought in a pair of pliers that they threatened to apply to his fingers. After holding him for about six hours, they let him go.⁹¹

On September 12, police arrested Said Nuri, a deputy head of Yeni Fikir, and accused him also of attempting to violently overthrow the government. The authorities accused him of entering into criminal relations with Bashirli and continuing “his activities in Warsaw, the capital of Poland, from 30 July 2005 to 03 August 2005 as a preparation stage for the provision of weapons and equipment, material needs and other supports for seizing power [in Azerbaijan].”⁹² He had been in Poland during this period for a conference run by the European Institute for Democracy.⁹³ After spending a day in the police lock-up, his health deteriorated due to a pre-existing serious blood disorder, and he was hospitalized. According to his lawyer, Yaver Hussein, the conditions in the hospital were horrific. He told Human Rights Watch: “On the day they put him in the hospital ... the doctor refused to take the documents [outlining his health condition] or to talk to me. She was scared and under pressure. She was accompanied by the police ... He was put in a terrible place. The doctor said that there was no other place for him ... He was lying in a place where there was no electricity, not in a room, but a dirty place ... where they throw dirty things away. There was a terrible smell. They said there were rats in there ... I didn’t see. It was dark.”⁹⁴

After Hussein made complaints and found another hospital that agreed to take Nuri, the hospital relocated him to a ward.

Under Azerbaijani law, a detainee must be taken to court and charges officially brought within forty-eight hours of arrest. The authorities did not organize a court hearing for Nuri, yet he remained under police guard in the hospital. Police also controlled access to Nuri, allowing only his lawyer, mother and sister to see him. Almost three weeks after his arrest, he remained under guard in the hospital and police blocked access by his friends and colleagues, as well as by a diplomatic delegation.⁹⁵

On September 13, Ramin Tagiev, also a deputy head of Yeni Fikir, gave a press conference at which he said that people were following him and watching his house. He feared imminent arrest.⁹⁶ The next day police detained him.⁹⁷ They accused him also of attempting to violently overthrow the government while traveling around the country, and of “molding opinion about the falsity of elections among the population.”⁹⁸ On

⁹¹ Human Rights Watch interview with Sarvan Sarhanov, Yeni Fikir, Baku, September 28, 2005.

⁹² This is taken from the Decision on arrest document, dated September 12, 2005, and signed by A.T. Guliyev, a public prosecutor from the Department of Criminalistics of Azerbaijan. A copy of this document is on file with Human Rights Watch. Unofficial Human Rights Watch translation.

⁹³ Human Rights Watch interview with Yaver Hussein, lawyer for Said Nuri, Baku, September 30, 2005. The European Institute for Democracy is an NGO based in Poland that was set up with the assistance of the National Democratic Institute to support democratic transition within Poland and the former Soviet bloc.

⁹⁴ Human Rights Watch interview with Yaver Hussein, lawyer for Said Nuri, Baku, September 30, 2005.

⁹⁵ Ibid.

⁹⁶ “Deputy Chairman of Youth Organization ‘Yeni Fikir’ Ramin Tagiyev States That He Has Been Shadowed,” Turan Information Agency, September 13, 2005.

⁹⁷ “Press-service of General Prosecutor Has Confirmed Fact of Detain of Deputy Chairman of ‘Yeni Fikir’ Ramin Tagiyev,” Turan Information Agency, September 14, 2005.

⁹⁸ This is taken from the Decision on arrest document, dated September 15, 2005, and signed by Ali Guliyev, from the Procurator-General’s office. A copy of this document is on file with Human Rights Watch. Unofficial

September 16, he was remanded into custody for three months.⁹⁹

Attacks

Apart from police violence against rally participants, there have been individual attacks against opposition and independent candidates and supporters. These attacks have uniformly gone unpunished.

In the lead up to the period for registration of election candidates, the Popular Front Party in the autonomous republic of Nakhchivan¹⁰⁰ held a rally, the first such to be authorized by the authorities in twelve years, and meetings with communities.¹⁰¹ On July 18, Sahib Husseinov, a party member from Nehram village, accompanied Asaf Guliev, the leader of the Nakhchivan branch of the Popular Front Party, to a meeting with community members in his village. According to Husseinov, law enforcement officers approached him during the meeting, and told him to leave and not to accompany Guliev. He refused and continued to accompany Guliev during and after the meeting. Husseinov told Human Rights Watch: “The next day, police forced me to go to the regional police station. They asked me if I have an international passport. They beat me and I lost consciousness. They went to my house and took my passport. After that, four people forced me into a police car ... They took me to the river [which borders Turkey]. They hit me there and forced me to go to the border with Turkey. [They threatened me], “if you don’t go across the border, we’ll kill your family and burn your house.”¹⁰²

They accompanied Husseinov to the border crossing, giving his passport to the Azerbaijani border officials to stamp. They paid for a Turkish visa stamp, and forced Husseinov to cross into Turkey. Once he was in Turkey, he rang home and told his father what had happened and then returned to the border. The Turkish border officials let him pass, but he told Human Rights Watch that the Azerbaijani officials refused to allow him back into Azerbaijan. He waited for about six hours, until midnight. Then the border officials let him through. He found out later that after he rang his father, people in his village had carried out a demonstration, blocking the main highway nearby, and demanding his return. He gave interviews to the media and made complaints to the Prosecutor General’s Office and other official government bodies. However, he was not aware of any action having been taken in relation to his complaints.¹⁰³

In a second attack, on September 27, after going to the local election commission to organize his registration as a candidate in the Nakhchivan Autonomous Republic

Human Rights Watch translation. The document also says that Tagiev had the “aim of providing the movement... with weapons, money and other supports” and that he acted to instigate acts of force.

⁹⁹ Human Rights Watch interview with Mubaris Garaev, lawyer for Tagiev, September 30, 2005. Copy of the court decision on file with Human Rights Watch.

¹⁰⁰ Nakhchivan is an Azerbaijani enclave to the west of Azerbaijan proper, surrounded by Armenia, Iran, and Turkey. It has status as an autonomous republic, giving it a higher level of autonomy than other regions of the country, including a regional parliament.

¹⁰¹ Human Rights Watch interview with Asaf Guliev, leader of the Nakhchivan branch of the Popular Front Party, Nakhchivan, October 11, 2005. “Opposition Stages Demonstration in Azerbaijani Enclave,” Radio Free Europe/Radio Liberty, July 27, 2005.

¹⁰² Human Rights watch interview with Sahib Husseinov, Nehram Village, October 11, 2005.

¹⁰³ Ibid. “Nakhchivan Police Continues Violence Against Opposition Activists,” Turan Information Agency, July 20, 2005.

parliamentary elections, two men beat Husseinov in Nehram village, leaving him with head injuries and two broken ribs.¹⁰⁴ He believed that the attack was politically motivated, and was carried out to dissuade him from putting up his candidacy in the elections.¹⁰⁵ He claimed that prior to the attack, law enforcement agents had been following him and one of the attackers had previously threatened him when he had attended an opposition meeting. Observers from the OSCE documented the case, and the authorities arrested the two attackers and charged them with the assault. The authorities claimed that the assault was a response to a personal conflict that had occurred some months previously in Istanbul between Husseinov and the two men.¹⁰⁶ Husseinov refuted these claims, stating that he was not in Istanbul but in Azerbaijan at the time alleged.¹⁰⁷

On August 10, there was another attack in Nakhchivan on a Popular Front Party member, Abdul Abdulaev. He told Human Rights Watch that in the middle of the day two men forced him into a car and took him out of the city: "I came out of my apartment. Two men said that I should get into their car. [I refused.] Two police who I know from the criminal investigation department were watching and didn't do anything as the men forced me into the car, which was without any license plate ... They took me out of the city and cut my hair with scissors, and painted me with the colors of the Azerbaijani flag."¹⁰⁸

According to Abdulaev, they spray painted him from head to toe with blue, red, and green, telling him that "this will be a lesson to others not to carry the state flag at rallies."¹⁰⁹ (He had carried the Azerbaijani flag during the July 26 opposition rally in Nakhchivan.) They brought him back to the city center and left him. Although Abdulaev made complaints to the prosecutor's office and other official government bodies, no one has been prosecuted.¹¹⁰

On August 22, in an attack in Baku that appeared to be politically motivated, unknown men beat Yashar Jafarli, the head of an unregistered election bloc, Builders of Civil Society, and head of an NGO called the Union of Retired and Reserve Army Officers. Several men entered the election bloc office and beat Jafarli, leaving him unconscious, his face swollen and his body bruised all over.¹¹¹ They ransacked the office, leaving computers and other technical equipment overturned and on the floor. At the time of the attack, the bloc was preparing forty-two candidates for registration in the election, including several former army officers who were calling for reforms in the army. Some days prior to the attack, Jafarli gave a long newspaper interview in which he was very

¹⁰⁴ The Nakhchivan Autonomous Republic parliamentary elections are being held simultaneously with the national parliamentary elections.

¹⁰⁵ Human Rights Watch interview with Sahib Husseinov, Nehram Village, October 11, 2005.

¹⁰⁶ Human Rights Watch interview with Meherim Gasanov, head of the Nakhchivan Autonomous Region Election Commission, Nakhchivan, October 11, 2005.

¹⁰⁷ Human Rights Watch interview with Malakhat Nasibova, journalist for Radio Free Europe/Radio Liberty, Nakhchivan, October 11, 2005.

¹⁰⁸ Human Rights Watch interview with Abdul Abdulaev, Popular Front Party, Nakhchivan, October 11, 2005.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ Human Rights Watch viewed photographs of the injuries to Jafarli's face. Human Rights Watch interview with Yashar Jafarli, Builders of Civil Society, Baku, October 2, 2005.

critical of the government, criticized the lack of human rights in the army, and stated his support for opposition parties. Jafarli told Human Rights Watch that prior to the attack, a local police officer had been to his office several times, warning him and his colleagues not to work with opposition parties and not to be involved in rallies. After international attention to the attack, prosecuting authorities opened a criminal case, but this has not resulted in any prosecutions.¹¹²

Detentions

Apart from detentions of opposition members and supporters attempting to attend unauthorized rallies, police have targetted candidates' relatives and campaign workers, in an apparent effort to discourage candidates from campaigning. Others were detained while trying to put up campaign posters or handing out campaign leaflets, and sometimes were sentenced to several days in prison on public order offenses. The cases outlined below are only a sampling of the many such detentions documented by Human Rights Watch.

In late August, police detained a campaign worker for an independent candidate, Haji Ibrahim Nehremli, in the Babek region of Nakhchivan. Idiat Husseinli, the campaign worker, told Human Rights Watch that at about 9 p.m. approximately eight police officers circled the park where he was sitting, and told him to come with them to the police station. They took him to the Babek regional police station, where they "told me that since I used to be a YAP member, I shouldn't help Haji Ibrahim." Then the head of the police station warned Husseinli that if he continued to campaign for Nehremli, the police would take "appropriate measures." After about an hour, they let Husseinli go.

On September 20 and 21, in Ganja, police detained and visited at home members of the Azerbaijan Democratic Party (ADP). In the early evening on September 20, about thirty police officers stood outside the ADP headquarters while the party held a members' meeting to discuss the upcoming elections. When people left the meeting, police detained one member, Ilgar Halilov, charged him with a minor public order offense, and he was sentenced to three days in prison. That day, police also visited the home of deputy head of the Ganja branch of the ADP, Bakhtiar Yusupov. Yusupov was not at home, but police warned his family that he should stop going to political meetings and said that he should come to the police station. The next day they visited again and repeated the request that he go to the police station. On September 21, police detained another party member, Garay Novruzov, while he was visiting his sister's house, and similarly charged him with minor public order offenses, for which he was sentenced to eight days in prison.¹¹³ Yusupov told Human Rights Watch: "Now people don't come to our office. They are scared to come."¹¹⁴

On October 4, in the middle of the day, police detained Elnur Sadiqov, the son of Chengiz Sadiq, a candidate for the Ata bloc in constituency number 37 in the city of

¹¹² Human Rights Watch interview with Yashar Jafarli, Builders of Civil Society, Baku, October 2, 2005.

¹¹³ Human Rights Watch interview with Bakhtiar Yusupov, deputy head of the Ganja branch of the ADP, Ganja, October 6, 2005.

¹¹⁴ Ibid.

Ganja.¹¹⁵ Police from the Nizami regional police station in Ganja rang Sadiqov and asked him to go to the police station. When he got there, they took his mobile telephone. He told Human Rights Watch: “They told me to sign a statement that at 11 a.m., today I insulted some policemen. I said that it is absurd because I was at home at 11 a.m. Then they slapped me around to force me to sign it.”¹¹⁶

He refused to sign the statement. After threatening to bring charges against him, a high-level police officer warned him not to be involved in politics any more. They let him go after holding him for about five hours.¹¹⁷

In another case of pressure on family members of candidates, on October 7 police detained forty-eight-year-old Alem Mustafaev, brother of Nuradin Mustafaev, an independent candidate in constituency number 40 in Ganja. Alem Mustafaev's lawyer and brother claim that the arrest was politically motivated and aimed at pressuring Nuradin Mustafaev to withdraw his candidacy in the elections¹¹⁸. According to Alem Mustafaev's lawyer, at 1 p.m. police came to Alem Mustafaev's house and asked him to come to the Kapaz regional police station. A senior police officer spoke to him and told him to tell his brother to withdraw his candidacy. Mustafaev replied that he would not do that, but that even if he did, his brother would not withdraw. Then police officers began to slap him around and insult him, his parents, and his family. They held him until the next day, when they said that they were bringing charges against him, accusing him of trying to attack two police officers in the police station the day before, and breaking a chair.¹¹⁹ Law enforcement officers questioned Mustafaev without a lawyer present. On October 10 his lawyer from Baku arrived and appeared for him in court. The judge refused bail, despite serious concerns for Mustafaev's health, and remanded Mustafaev into custody for two months.¹²⁰

Detentions During the Attempted Return of Rasul Guliev

Early in the election campaign, leaders of the ADP announced that Rasul Guliev, the Chairman of the ADP and former parliamentary speaker, who had been in exile in the U.S. for nine years, would return to Azerbaijan before election day. Guliev had left Azerbaijan after a disagreement with President Heydar Aliiev in 1996, and was later charged in absentia with embezzlement of state funds.¹²¹ During the registration period

¹¹⁵ According to Chengiz Sadiq, the Ata bloc is made up of twenty-one parties, including the Taraki (Progress) party, which Sadiq heads. Human Rights Watch interview with Chengiz Sadiq, Ganja, October 6, 2005.

¹¹⁶ Human Rights Watch interview with Elnur Sadiqov, Ganja, October 6, 2005.

¹¹⁷ Human Rights Watch interview with Elnur Sadiqov, Ganja, October 6, 2005. Sadiq did not know that his son was detained and he and his family began to search for him. His son's mobile telephone was turned off. They searched in the city, including in police stations. Although the police in the Nizami police station had told family members that Elnur was not there, the family later found out that that was where he was detained. Human Rights Watch interview with Chengiz Sadiq, Ata bloc, Ganja, October 6, 2005.

¹¹⁸ According to Alem Mustafaev's lawyer, Nuradin Mustafaev used to be the Communist Party First Secretary of the Autonomous Republic of Nakhchivan in Soviet times. Human Rights Watch interview with Ilgar Alekperov, lawyer for Alem Mustafaev, Baku, October 12, 2005.

¹¹⁹ According to Mustafaev's lawyer, under Azerbaijani law police should have brought charges within three hours of arrest, or otherwise let him go. Human Rights Watch interview with Ilgar Alekperov, lawyer for Alem Mustafaev, Baku, October 12, 2005 and telephone interview with Nuradin Mustafaev, Ganja, October 10, 2005.

¹²⁰ Mustafaev is diabetic and has a heart condition. Human Rights Watch interview with Ilgar Alekperov, lawyer for Alem Mustafaev, Baku, October 12, 2005.

¹²¹ Human Rights Watch interview with Vugar Gojaev, Human Rights House, September 2005. “Former

for the 2005 elections he was registered as a candidate, something the authorities had refused to do in the 2000 parliamentary and 2003 presidential elections.¹²² However, hours after his registration, the Procurator-General's office announced that the immunity from prosecution that he acquired as a candidate had been withdrawn.¹²³ Lawyers acting for Guliev appealed against the decision, but were unsuccessful in reinstating his immunity.¹²⁴

The authorities made it clear, in repeated statements, that they would arrest Guliev if he tried to return to Azerbaijan.¹²⁵ On October 11, the ADP announced that Guliev would return to Azerbaijan on October 17.¹²⁶

The Azadliq bloc tried to use this planned return as an opportunity to rally their supporters and strengthen their election campaign. The authorities, who said that the call to supporters to meet Guliev upon his arrival was part of a plan to help Guliev avoid arrest,¹²⁷ reacted by making large numbers of arrests, and deploying military and police personnel throughout Baku.

Even before the announcement of Guliev's return, the authorities increased pressure on ADP members. On October 7, Fahraddin Guliev, a distant relative of Rasul Guliev and the head of the ADP's security service, spoke to Human Rights Watch and said that law enforcement officers were following him constantly and he was afraid of imminent arrest.¹²⁸ Later that day, police stopped Fahraddin Guliev in his car with two other party members whom he was taking home. He told Human Rights Watch: "Three black jeeps stopped in front of us with men in civilian clothes. They treated us as though we were gangsters. They didn't show us any documents [to identify themselves as police officers]." The police took them to the Narimanov district police station in Baku and charged Fahraddin Guliev with failing to comply with police instructions. In court, he was not allowed a lawyer of his choice and was sentenced to ten days in prison.¹²⁹

Law enforcement authorities targetted other relatives of Guliev for arrest. According to press reports, the week before Guliev's announced arrival, law enforcement officers began to openly follow Guliev's brother, Telman Guliev, and keep other family members, and his house, under surveillance. Family members reportedly claimed that

Azerbaijani Parliamentary Speaker's Election Application Accepted," Radio Free Europe/Radio Liberty, August 11, 2005.

¹²² Human Rights Watch interview with Sardar Jalaloglu, leader of the ADP within Azerbaijan, Baku, August 31, 2005. "Former Azerbaijani Parliamentary Speaker's Election Application Accepted," Radio Free Europe/Radio Liberty, August 11, 2005.

¹²³ Human Rights Watch interview with Sardar Jalaloglu, leader of the ADP within Azerbaijan, Baku, August 31, 2005.

¹²⁴ "Azerbaijani Courts Rejects Appeals by Two Opposition Parliamentary Candidates," Radio Free Europe/Radio Liberty, September 9, 2005.

¹²⁵ For example, see "Azerbaijan Interior Minister Accuses Opposition of Preparing for Post Election Violence," Radio Free Europe/ Radio Liberty, September 23, 2005.

¹²⁶ Human Rights Watch interview with Malahat Nasibova, journalist for Radio Free Europe/Radio Liberty, Nakhchivan, October 11, 2005.

¹²⁷ Human Rights Watch interview with Oruj Zalov, Deputy Minister of Internal Affairs, Baku, October 18, 2005.

¹²⁸ Human Rights Watch telephone interview with Fahraddin Guliev, Baku, October 7, 2005.

¹²⁹ Human Rights Watch interview with Fahraddin Guliev, Baku, October 19, 2005. Untitled ADP press release, dated October 8, 2005, on file with Human Rights Watch.

they were afraid to leave the house, in case of arrest or other harassment.¹³⁰ Human Rights Watch received information that on October 16, law enforcement authorities visited the house of Isha Jafarov, also a relative of Guliev's. He was not at home, but the family believed that the officers wanted to arrest Jafarov.¹³¹

On October 16 and 17, the number of arrests increased. People were detained on the way to the airport, and from their homes. According to the Ministry of Internal Affairs, twenty-six people were arrested on October 16 and thirty-three on October 17,¹³² although other reports indicated much higher numbers of arrests.¹³³ On October 17, according to press reports, police arrested Etibar and Sabir Guliev, Rasul Guliev's nephews, when they were in a car on the way to Baku airport.¹³⁴ Human Rights Watch received information that there were hundreds of people detained in the Nizamin Main Police Station in Baku.¹³⁵ According to the Ministry of Internal Affairs, three people were charged with criminal offenses of illegal possession of arms and violence towards the police, and the rest were charged with public order offenses.¹³⁶

On October 17, police blocked off the road to the airport, only allowing some cars through. There was a large police presence and a Human Rights Watch researcher saw armed people in what appeared to be army uniforms. Trucks of internal troops were stationed near Azadliq square in the city center and the parliament.¹³⁷ Troops were deployed at the airport, and, according to one eyewitness, snipers were stationed at points throughout the airport.¹³⁸ The Ministry of Internal Affairs claims that on the evening of October 16, police found several caches of arms several hundred meters from where police set up checkpoints.¹³⁹

Guliev left London on a chartered flight to Baku. According to the charter flight company, the airplane flew to Ukraine, en route to Baku, but could not continue because the Azerbaijani authorities refused to give it clearance to land in Baku.¹⁴⁰ (The

¹³⁰ "Rasul Guliyev's Brother Actually Under Home Arrest," Turan Information Agency, October 15, 2005.

¹³¹ Human Rights Watch telephone interview with Elshad Nuriev, Popular Front Party, October 16, 2005.

¹³² Human Rights Watch interview with Oruj Zalov, Deputy Minister of Internal Affairs, Baku, October 18, 2005.

¹³³ The OSCE stated that approximately 200 people were detained and eighty-six were arrested (apparently charged with public order offences and sentenced to up to fifteen days in prison). OSCE, "OSCE Office Head Concerned Over Mass Detentions in Azerbaijan," press release, Baku, October 19, 2005. ADP stated that several hundred people were detained, some of whom were sentenced to several days in prison. E-mail communication from ADP to Human Rights Watch, received October 20, 2005. Human Rights Watch received information that police beat seven members of ADP on their return home to Nakhchivan after having been in Baku for Guliev's arrival. Human Rights Watch telephone interview with one of the men, who did not want to be named for fear of reprisals, Nakhchivan, October 22, 2005.

¹³⁴ "Arrests of Rasul Guliyev's Relatives and Backers Continue," Turan Information Agency, October 17, 2005.

¹³⁵ Human Rights Watch telephone interview with an ADP member detained on October 17, Baku, October 17, 2005.

¹³⁶ In Azerbaijan, public order offenses are dealt with under the Administrative Code and are tried immediately, attracting penalties of warnings, fines, or up to fifteen days in prison. More serious criminal offenses are dealt with under the Criminal Code and involve an investigation period of several months, usually spent in custody, before trial.

¹³⁷ Human Rights Watch interview with a foreign journalist from an international press agency, Baku, October 17, 2005.

¹³⁸ Human Rights Watch interview with an eyewitness who had been at the airport, Baku, October 17, 2005.

Press release of the Coordinating Advisory Council for Free and Fair Elections, October 17, 2005.

¹³⁹ Human Rights Watch interview with Oruj Zalov, Deputy Minister of Internal Affairs, Baku, October 18, 2005.

¹⁴⁰ E-mail communication from the ADP with copy of letter of London Executive Aviation, dated October 18, 2005, received by Human Rights Watch on October 19, 2005.

Azerbaijani authorities denied this version of events, saying that they gave permission for the airplane to land.¹⁴¹) After landing in Ukraine, police arrested Guliev on an international warrant with a request for extradition to Azerbaijan,¹⁴² but on October 20 a court in Ukraine released Guliev and refused to extradite him to Azerbaijan.

Guliev's attempted return was followed by dismissals and arrests of high-level government officials, including a government minister and his brother, who were accused of cooperating with Rasul Guliev in an attempted coup d'état.¹⁴³

Conclusion

By failing to implement key recommendations of the OSCE and Council of Europe that are aimed at safeguarding the integrity of elections, the government has shown an apparent lack of political will to hold elections in accordance with its international commitments. The combination of restrictions on campaigning, an overwhelming pro-government media bias, arrests, beatings, and other forms of intimidation during the election campaign period precludes the possibility of conducting free and fair parliamentary elections on November 6. The environment of intimidation, particularly against the opposition Azadliq bloc, and government campaigning for ruling YAP candidates, sends a strong message to voters about whom they should support.

The government is to be commended for ensuring the registration of candidates without bias in favor or against any political party or bloc, a significant improvement over previous elections. However, this alone is not enough to ensure progress towards free and fair elections. The international community should judge the election process as a whole, and should promptly and unequivocally condemn serious breaches of international standards. International interlocutors should ensure that there are consequences for the government of Azerbaijan if it again flouts its international commitments to hold free and fair elections. Another round of seriously flawed elections should not lead to "business as usual."

¹⁴¹ Human Rights Watch attended a press conference on October 17, given by a representative of Azal, Azerbaijani Airlines, outside the airport in which he said that the airport authorities had given Guliev's airplane permission to come to Azerbaijan from Ukraine, but that the airplane would not be coming that day.

¹⁴² Ibid., and Human Rights Watch telephone interview with a foreign journalist from BBC, Baku, October 17, 2005.

¹⁴³ See, for example, "National Security Ministry Accuses Farhad Aliyev of Sponsoring Coup Attempt," Turan Information Agency, October 20, 2005.