



Human Rights Watch



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Human Rights Developments

Azerbaijan became a member of the Council of Europe after staging parliamentary elections that the international community and local observers branded as "fraudulent." Having secured its firm grip on the political process and its entree to European institutions, the government harassed the independent media and political parties and cracked down against protesters with social and economic demands. It resisted pressure to release more than a few dozen political prisoners.

The Council of Europe had conditioned Azerbaijan's admission on, among other things, "free and impartial elections," and delayed its final decision on admission until after the vote. The Azerbaijani authorities failed this requirement spectacularly. The November vote gave the ruling party, Yeni Azerbaijan (New Azerbaijan) a majority in Parliament, again delivering President Heidar Aliiev a compliant legislature. Opposition parties such as Musavat, the National Independence Party, and the Democratic Party of Azerbaijan, which enjoy significant support, were virtually excluded.

Repeat elections in eleven of the one hundred districts, urged by the Council of Europe, did not affect the overall result. After a campaign period marred by government interference and intimidation, election officials manipulated turnout figures, falsified vote tallies, and stuffed ballot boxes. The level of fraud prompted the Council of Europe observer mission to comment, "[T]he scale of the infringements doesn't fit into any framework. We've never seen anything like it."

Exploitation of oil and gas resources allegedly secured benefits for a small ruling elite. Transparency International rated Azerbaijan one of the world's five most corrupt countries. The president of the state oil company, SOCAR, twice sued opposition leader Etibar Mamedov for claiming that officials exported one and a half million tons of oil surreptitiously, making it allegedly the country's biggest source of corruption. The broader economy was denuded of government attention and investment. President Aliiev's August decree, ordering SOCAR to pay \$190,000 per month to assist some of the 800,000 Azeris still displaced by the Nagorno Karabakh conflict, appeared to offer implicit acknowledgement of a link between a small elite's control over oil and gas wealth and poverty in society at large.

Opposition parties' protests against the presidential elections combined with local anger about unemployment and electricity and gas shortages. In November 2000 police clashed with demonstrators in Sheki, and

reportedly beat and detained hundreds. In July, a court tried twenty-seven of the protesters, mostly from opposition parties, sentencing most to prison terms of four to six years on charges of instigating public disorder, using violence against police officers, and destruction of property. In January handicapped Karabakh war veterans embarked on a mass hunger strike in Baku to demand pension increases. The government promised to examine their demands, but instead dissolved the Society of Karabakh Invalids, replacing it with a government-controlled entity. On February 19, police stormed the society's Baku headquarters and violently broke up a renewed hunger strike, reportedly beating men on crutches and in wheelchairs. Local authorities began withdrawing concessions that had allowed the handicapped veterans to run shops and minibuses to make a living, and seized all of the society's branch offices and property for the new entity. In July, fifteen were found guilty on charges of participating in public disorders and, absurdly, beating twenty-five policemen, and were given sentences ranging up to six years' imprisonment.

Throughout the year the government harassed opposition parties, intimidated independent media, and deterred social protests, but offered just enough human rights concessions to placate the Council of Europe. In August, after the council had presented the government with a confidential experts' report on alleged political prisoners in Azerbaijan, President Aliiev amnestied or reduced the sentences of ninety-five prisoners, including seven of the Karabakh handicapped veterans. The Council of Europe secretary general urged President Aliiev to release or grant a new trial to all political prisoners, whom Azerbaijani nongovernmental organizations (NGOs) numbered in the hundreds. The October 17 release of only three recently imprisoned newspapermen drew Council of Europe criticism, which President Aliiev's office dismissed as "subjective."

In the second half of 2001 the authorities sharply increased their pressure on the independent media. Tax officials investigated Baku's ABA Television and confiscated equipment, which forced the station's management to shut it down. The authorities withheld licenses from provincial independent broadcasters, closing or fining them at will. In September police in Balakan detained the head of a local television station and shut it down by threatening to imprison him and demolish his home if he attempted to broadcast again.

Local authorities also undermined the production and distribution of independent newspapers. The mayor of Baku ordered the removal of newspaper kiosks belonging to private distribution companies. In September a court ordered the closure of the Baku Printing Press and imprisoned its director on tax charges. He had reduced rates for independent newspapers, challenging the monopolistic high prices for printing and newsprint set by government-controlled enterprises.

State officials used slander laws and obliging courts to close newspapers or issue them crippling fines for publishing articles that alleged government corruption or other misdeeds. In September, after it published a polemical article about state racketeering in which it briefly mentioned the mayor of Baku, a court closed *Bakinskii Bulvar*, gave the editor a suspended prison sentence, imprisoned the owner, and seized his apartment and that of the article's author, who sought asylum abroad. The editor of *Milletin Sesi* (The People's Voice) newspaper was imprisoned after it published an article suggesting a presidential administration official consorted with prostitutes. Both were released on October 17.

Police detained journalists, beat them, and confiscated their equipment as they attempted to cover demonstrations. In several cases unknown assailants beat journalists.

The authorities disrupted opposition parties' activities by making it difficult for them to lease office premises, refusing registration, arresting party officials, and violently breaking up their meetings and demonstrations. In August, police in northern Azerbaijan blocked Musavat deputy Rauf Arifoglu's tour of party branches, and beat and detained local Adalyat party officials on the eve of their leader's visit. Police violently dispersed Democratic Party demonstrations in Baku in April, and in Nakhchivan in September, beating and detaining party members.

An alleged culture of corruption, bullying, and neglect in the army continued to cause deaths unrelated to combat. A former Defense Ministry aide reported that since the 1994 Nagorno Karabakh ceasefire, bullying, accidents, infectious disease, and malnutrition had killed or crippled more than 5,000 soldiers. Eighteen soldiers died in a three-week period in August alone, of suicide, sunstroke, and dehydration. The head of a soldiers' mothers' organization linked the deaths of many soldiers with organized extortion. Some of the dead had earlier asked their families for money to hand over to their officers.

Chiefly young men from poor backgrounds were drafted, and it was widely reported that allegedly, a U.S. \$2,000 bribe could assure an exemption from military service on spurious ill-health grounds. Poor and cramped conditions in army barracks exacerbated and spread diseases such as tuberculosis, diphtheria, and typhoid. In November former navy captain Janmirza Mirzoev, who had accused the defense minister of corruption, was sentenced to eight years in prison for his alleged role in a 1993 murder. The only witness said to have offered any evidence against Mirzoev withdrew his testimony in court. The murder charges came after Mirzoev had already endured two years of reported harassment and repeated detentions.

A new criminal code adopted in September 2000 criminalized torture as a specific offence and stipulated a five to ten year prison sentence for officials found to have used torture to extract confessions. However, police continued to torture or ill-treat detainees with relative impunity. The judge who tried the Sheki demonstrators ignored the defendants' assertions that they were tortured or ill-treated in custody. At this writing no police officers had been indicted for the death in custody of SOCAR engineer Ilgar Javadov in Baku in May. Reportedly, a forensic examination established beating as the cause of death, though the police claimed he died jumping from a window.

In a rare exception to the general rule of impunity, and after President Aliiev's intervention in the case, a former Baku police station chief was brought to trial in September for his alleged role in torturing to death a factory trade union leader in 1994.

To a limited extent, conditions and incidence of tuberculosis in the prison system ameliorated. In May, Parliament adopted an extradition law that expressly forbade extraditing people to countries where they face torture, in line with Azerbaijan's obligations under the Convention against Torture. But Azerbaijan continued to extradite suspected Chechen fighters to Russia, and in October extradited two terrorism suspects to Egypt, both countries which systematically tortured criminal suspects.

Defending Human Rights

In a positive move, the Ministry of Justice and four human rights NGOs signed an agreement in September to work together on prison reform.

In October 2001 the Ministry of Internal Affairs arbitrarily expelled Mehti Mekhtiyev, the director of the Human Rights Resource Center, an NGO, back to Baku from Nakhchivan, where he was visiting twenty-two beaten and detained members of the Democratic Party.

The Role of the International Community

United Nations

A November 2000 report by the U.N. special rapporteur on torture concluded that torture in Azerbaijan was widespread and that detainees assumed that they would be tortured. The report concluded that this fostered detainees' acquiescence in investigators' demands and arguably constituted mental torture.

In October 2001 the U.N. Human Rights Committee reviewed Azerbaijan's second periodic report. It requested the government to report back within one year on the measures taken to address the committee's principal concerns: inaction on violence against women and trafficking, harassment and prosecutions of journalists and actions forcing closure of media outlets, and serious executive interference in the electoral process.

Organization for Security and Cooperation in Europe (OSCE)

The Organization for Security and Cooperation in Europe (OSCE) fielded an observer mission to the November 2000 parliamentary election. The head of the OSCE's Office for Democratic Institutions and Human Rights described the conduct of the vote as "a crash course in various types of manipulation" in a press conference, yet criticism was muted in the organization's official report. On October 4, 2001 the OSCE representative on freedom of the media expressed alarm at the growing assault on freedom of media in Azerbaijan. The OSCE Minsk Group intensified its efforts to mediate a negotiated solution to the Karabakh conflict.

Council of Europe

The Council of Europe squandered its leverage over Azerbaijan at the beginning of the year by admitting it to membership despite the fraudulent election. By mid-year both the secretary general and the Council of Ministers had dispatched human rights fact-finding groups to Azerbaijan. Beginning in September the secretary general expressed concern over the crackdown on independent media and stepped up pressure regarding the unresolved situation of political prisoners.

International Financial Institutions

The International Monetary Fund and the World Bank secured pledges of fiscal transparency, particularly in the handling of oil revenues, and prompted the government to design a strategy to reduce poverty and encourage broad-based growth to enable further lending to take place.

