

**Flygtningenævnets baggrundsmateriale**

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## Azerbaijan

Dozens of government officials, opposition politicians, and others arrested in November 2005 on charges of attempting to organize a coup remain in custody awaiting trial, and a few were sentenced. Torture in police custody, conditions of detention, and politically motivated arrests remain unresolved problems. Media freedom deteriorated, with violence against and arrests of journalists, as well as numerous defamation cases orchestrated by government officials. Many international actors publicly criticized the Azerbaijani government for its poor human rights record.

### Politically-Motivated Arrests

In advance of the November 2005 parliamentary elections, authorities arrested dozens of high-profile government officials, businessmen, and opposition politicians on allegations of attempting to overthrow the government. Almost all remain in pre-trial custody more than a year after their arrests. Many complain of severe health problems caused or exacerbated by their conditions of detention. Deputy Chairman of the opposition Azerbaijan Democratic Party Natiq Efendiev was sentenced in September 2006 to five years' imprisonment for illegal possession of firearms, after charges of plotting a coup were dropped. Former Economic Development Minister Farhad Aliev appealed to the European Court of Human Rights concerning his arrest, prolonged detention, and other alleged violations.

Among others arrested were three members of the youth group New Thinking, including its head, Ruslan Bashirli, and his two deputies, Ramin Tagiev and Said Nuri, on charges of accepting funds from the Armenian secret services to carry out a coup. Their trial began on March 31, 2006, and for several weeks was closed allegedly due to concerns about national security and the safety of witnesses. The trial was later made public, but there is evidence that it did not meet fair trial standards. At trial Bashirli stated that he had been beaten and offered money in an attempt to persuade him to confess. On July 12 all three were convicted of attempting violent overthrow of the

government. Bashirli and Tagiev received prison sentences of seven and four years respectively, and Nuri received a five-year conditional sentence owing to his severe health problems. On September 28 the Court of Appeal reduced Tagiev's prison term by one year.

On December 20, 2005, police in Bilasuvar district arrested opposition activist and election commission member Gadir Musaev on drug charges. During the 2005 election Musaev refused to sign election result protocols that he said were falsified. He received a seven-year prison sentence.

## **Torture and Inhuman Treatment**

Torture remains a widespread and largely unacknowledged problem in Azerbaijan.

In May 2006 the trial began of three boys from a village near Baku who were subjected to severe beatings and other forms of torture by police and investigators in March 2005. The main evidence against the boys were the coerced confessions and incriminating statements against one another for participation in a murder, which they all maintained none of them committed. The government refused to conduct a meaningful investigation into these and other allegations of abuse.

At least two people died in pre-trial custody in 2006: Namik Mamedov, on April 3, and Rasim Alishev, on July 25. It is not known whether authorities carried out effective investigations into their deaths.

Nongovernmental organizations continued to receive reports of torture, particularly in police lockups. Sentenced prisoners complained of ill-treatment in the form of beatings, inadequate food, insufficient medical care, and lack of information and purposeful activities. Dozens of prisoners serving life sentences in Gobustan prison went on hunger strikes to protest their particularly harsh conditions, and three suicides were reported in that facility.

## Media Freedom

Journalists, particularly those associated with opposition publications, face violence and criminal charges. In March 2006 Fikret Huseinli, a reporter for the opposition daily *Azadlyg*, was severely beaten and slashed by unknown assailants. In May unidentified attackers beat Bahaddin Haziev, the editor-in-chief of the opposition newspaper *Bizim Yol* and deputy chairman of the opposition party People's Front of Azerbaijan, and demanded that he stop criticizing the government. In July police and other government officials harassed and threatened *Ayna-Zerkalo* and Institute for War and Peace Reporting correspondent Idrak Abbasov and confiscated his notebook and tape recorder while he was preparing a report on the destruction of houses in the Binagedi district of Baku.

On June 23, officials detained Mirza Sakit Zakhidov, a prominent reporter and satirist for *Azadlyg*, on spurious drug charges, apparently to silence him for newspaper columns and poems he wrote criticizing President Ilham Aliev and government corruption; he was sentenced in October to three years' imprisonment. At least six journalists and editors and a number of newspapers faced criminal and civil libel suits brought by government officials. At least three editors received prison sentences for charges including criminal libel and "insulting the honor and dignity" of a state official. On October 1 a court ordered the closure of three major media outlets after their editor, Einulla Fatullaev, was convicted on libel charges deriving from articles he published alleging financial links between Interior Minister Ramil Usubov and Haji Mammadov, a former top Interior Ministry official on trial for leading a criminal gang. Two editors imprisoned for libel were included in a presidential pardon issued in late October.

Haji Mammadov confessed on July 25 to having killed Elmar Huseinov, the editor of *Monitor* magazine who was murdered in 2005, though he was not a suspect. Mammadov claims that he committed the murder at the behest of Farhad Aliev, who in turn maintains that the claim is part of the politically motivated case against him.

Although Azerbaijan opened a public television station in August 2005 as recommended by the Council of Europe, media experts state that it is virtually indistinguishable from pro-government rivals and risks being shut down if too openly

critical of the government. In June 2006 the government targeted the ANS television station, known to be comparatively more independent, by arresting some of its employees and initiating a tax investigation apparently in order to keep the station's managers from acting too independently.

In November, as this report went to press, a court has ordered the eviction of the Azerbaijan Popular Front Party and two newspapers affiliated with it, *Azadlyg* and *Bizim Yol*, from a building they shared; also evicted from the building was the independent Turan News Agency. In addition, the National Television and Radio Council ruled not to extend the license of ANS, Azerbaijan's only remaining independent television station.

### **Human Rights Defenders**

A campaign to discredit long-time human rights activists Rena and Murad Sadaddinov began following their trip to the United States in June 2006, during which they spoke about human rights concerns in Azerbaijan. Two individuals known for their close ties to the government publicly accused the Sadaddinovs of taking bribes to include certain names into lists of political prisoners, and falsely claimed that Council of Europe experts confirmed the accusation. The Sadaddinovs note that they have not prepared lists of political prisoners for more than three years and maintain they have never accepted bribes.

### **Key International Actors**

On May 9, 2006, Azerbaijan was elected to the United Nations Human Rights Council, which replaced the Human Rights Commission, and pledged to cooperate closely with special procedures mechanisms, promote transparency and the participation of NGOs and civil society in UN meetings, and support universal periodic review of human rights records of both council members and non-members.

In January 2006 the Parliamentary Assembly of the Council of Europe (PACE) challenged the credentials of the Azerbaijani delegation in response to violations in the November 2005 parliamentary elections. The PACE ultimately confirmed the credentials, but set out a list of urgently needed reforms. In a March 2006 report on

human rights of members of the armed forces, the PACE found hazing and material conditions for conscripts in Azerbaijan to be serious problems and found violations of the right to conscientious objection.

In April President Aliev traveled to the United States for a meeting with President George W. Bush, which focused on energy security and the fight against terrorism. On July 14, the US Embassy in Baku stated publicly that the right to equal defense before the law and the presumption of innocence were violated during the trial of the New Thinking leaders. The embassy also expressed concern over violence and pressure against journalists.

The European Union completed the European Neighborhood Policy Action Plan with Azerbaijan, which will serve as the primary framework guiding EU-Azerbaijan relations for the next five years. The plan sets out steps that the Azerbaijani government should achieve in fields including the rule of law, democracy, economic and business development, energy, and resolution of internal conflicts. On September 28, European Commission and Council of Europe officials called on the government to undertake reforms in the prison system.

The Organization for Security and Co-operation in Europe (OSCE) observed the May 13 repeat elections in 10 constituencies in which results of the November 2005 parliamentary elections had been annulled on account of fraud. The OSCE found progress in some areas, including a more inclusive representation of candidates, unimpeded campaigning, and increased domestic observation, yet also observed interference by local authorities. In July 2006 the OSCE office in Baku stated that the trial of the New Thinking leaders fell short of international standards in upholding the rule of law. The OSCE representative on freedom of the media raised concerns over the use of defamation suits to silence journalists.