

**Flygtningenævnets baggrundsmateriale**

|                                 |                                                                                                                    |
|---------------------------------|--------------------------------------------------------------------------------------------------------------------|
| <b>Bilagsnr.:</b>               | <b>114</b>                                                                                                         |
| Land:                           | Aserbadsjan                                                                                                        |
| Kilde:                          | Udlændingesservice.                                                                                                |
| Titel:                          | Notat vedrørende Azerbaijan Democratic Party og begivenheder omkring den 5. november 2005 og den 5. november 2008. |
| Udgivet:                        | 5. maj 2011                                                                                                        |
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Dato: 5. maj 2011

Notat vedr. Azerbaijan Democratic Party og begivenheder omkring den 5. november 2005 og den 5. november 2008

### **Azerbaijan Democratic Party (ADP)**

ADP blev dannet i 1994 under ledelse af Sardar Jalal.<sup>1</sup> Andre kilder oplyser, at ADP blev grundlagt i 1991, og at formandens navn er Sardar Jalaloglu.<sup>2</sup>

Forud for parlamentsvalget den 6. november 2005 dannede de tre oppositionspartier Azerbaijan Democratic Party (ADP), the Popular Front Party og Musavat Party en alliance ved navn Azadliq (frihed).<sup>3</sup>

ADP gennemgik en større krise i begyndelsen af 2007 i forbindelse med et magtskifte i partiet mellem på den ene side ADPs mangeårige formand og tidligere parlamentsformand, Rasul Guliyev, og på den anden side Sardar Jalaloglu. Magtkampen endte med, at Jalaloglu overtog ledelsen af partiet.<sup>4</sup>

LandInfo refererer i et respons dateret den 31. oktober 2009 til oplysninger fra en lokal aserbajdsjansk menneskerettighedsorganisation og en vestlig ambassade, hvorefter det fremgår, at "Ambassaden legger til at ADP i dag er svært lite aktiv. Partiet er splittet i to deler (e-postkorrespondanse oktober 2009). Menneskerettigheds-organisasjonen presiserer at ADP fremdeles eksisterer, selv om det ikke er så aktivt som tidligere. Partiet ble svekket da lederen Rasul Guliyev forlot partiet. Han dannet Open Society Party i 2007 (e-postkorrespondanse oktober 2009)."<sup>5</sup>

I samme respons refererer LandInfo til oplysninger fra en lokal aserbajdsjansk menneskerettighedsorganisation, som i oktober 2009 oplyste at "I dag sitter to

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<sup>1</sup> *Political Parties of the World*, red. Alan J. Day, Richard German og John Cambel, Cartermill Publishing 1996 (4. udg.)

<sup>2</sup> Blandt andre Europa Publications, *Eastern Europe and the Commonwealth of Independent States*, 1997 (3. udg.). NB Partiet blev sandsynligvis dannet i 1991 men først officielt registreret nogle år senere. Aserbajdsjans *Law of the Republic of Azerbaijan on Political Parties* blev vedtaget den 3. juni 1992 [[http://www.venice.coe.int/docs/2004/CDL\(2004\)043-e.pdf](http://www.venice.coe.int/docs/2004/CDL(2004)043-e.pdf)].

<sup>3</sup> Ifølge BBC Monitoring bestod Azadliqs valgprogram forud for parlamentsvalget den 5. november 2005 valget af følgende: "Reforming all spheres of life; Solving the country's pressing problems; Free and fair elections key to Azerbaijan's integration into Europe; Eliminate inequality before laws; Fighting corruption." BBC Monitoring, Azerbaijan: *Guide to parliamentary election 6 Nov 05*, 28. oktober 2005, <http://www.bbcmmonitoringonline.com/mmu/mmu?page=81&action=view&target=0002163094&desc=AZERBAIJAN+%3A+GUIDE+TO+PARLIAMENTARY+ELECTION+6+NOV+2005>

<sup>4</sup> Radio Free Europe/Radio Liberty, Azerbaijan: Leadership Struggle Within Opposition Party Nears Climax, 8 marts 2007, <http://www.rferl.org/articleprintview/1075148.html>

<sup>5</sup> LandInfo, *Aserbajdsjan: Medlemskap i ADP og mulige reaksjoner*, 30. oktober 2009, [http://landinfo.no/asset/1049/1/1049\\_1.pdf](http://landinfo.no/asset/1049/1/1049_1.pdf)



personer med tilknytning til ADP i fængsel. Begge ble arrestert i kjølvannet av valget i 2005. Etter 2005 har ingen ADP-medlemmer blitt arrestert (e-postkorrespondanse oktober 2009).”

Det fremgå endeligt af Landinfos respons fra oktober 2009 at ”I en Landinfo respons fra 2008 er problemstillingen situasjonen til en lokal ADP-leder som ble truet til å vitne falskt i en sak mot daværende ADP-leder, Sardar Jalaloglu, i 2004, og hva han eventuelt kunne risikere for å ha nektet å vitne. Responsen henviser til to reiserapporter, fra 2004 og 2006: ”I 2006, som i 2004, ble det vist til at medlemmer av opposisjonspartiene utsettes for trakasseringer og trusler i tillegg til at de har vanskeligheter med å få jobb”. Landinfo var også i kontakt med en lokal menneskerettighetsadvokat for å få hans syn på den lokale lederens situasjon. Advokaten uttalte at det ikke ville være i myndighetenes interesse å forfølge opposisjonen for en utdatert hendelse. Jalaloglu var på denne tiden for lengst satt fri (Landinfo 2008).”<sup>6</sup>

U.S. Department of State opplyser i den seneste menneskerettighedsrapport vedrørende politiske fanger i Aserbajdsjan følgende:

“Local NGOs maintained that the government continued to hold political prisoners, although estimates of the number varied. During the year the government released between 11 and 14 individuals whose imprisonments were considered to have been politically motivated, including six journalists and two bloggers and youth activists (see section 2.a.). At year's end, NGO activists maintained that the government held between 20 and 46 political prisoners.

Elchin Amiraslanov, Safa Poladov, and Arif Kazimov, who had been listed in the 2005 Council of Europe experts report on political prisoners, remained incarcerated during the year.

Some estimates of the number of political prisoners included persons arrested in 2005 on charges of plotting a coup and subsequently convicted of corruption.

There were no reliable estimates of the number of political detainees. Most political detainees received sentences of between 10 and 15 days in jail, which were often described as "administrative detention" sentences.”<sup>7</sup>

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<sup>6</sup> LandInfo, *Aserbajdsjan: Medlemskap i ADP og mulige reaksjoner*, 30. oktober 2009, [http://landinfo.no/asset/1049/1/1049\\_1.pdf](http://landinfo.no/asset/1049/1/1049_1.pdf)

<sup>7</sup> United States Department of State, *2010 Country Reports on Human Rights Practices - Azerbaijan*, 8 april 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154413.htm>



## **Guliyevs planlagte tilbagevenden til Aserbajdsjan**

Før parlamentsvalget i november 2005 annoncerede Guliyev, at han ville vende tilbage til Aserbajdsjan den 17. oktober 2005. Guliyev havde da opholdt sig i eksil i USA siden 1996 som konsekvens af, at han offentligt havde udtrykt kritik af den daværende præsident Heydar Aliiev. Guliyev blev senere in absentia idømt en fængselsstraf for underslæb med offentlige midler i størrelsesordnen 100 millioner dollar.<sup>8</sup>

Human Rights Watch oplyser i en rapport fra den 31. oktober 2005 i detaljer om begivenhederne omkring Guliyevs planlagte tilbagevenden til Aserbajdsjan den 17. oktober 2005:

“[...]The authorities made it clear, in repeated statements, that they would arrest Guliev if he tried to return to Azerbaijan. On October 11, the ADP announced that Guliev would return to Azerbaijan on October 17.

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, 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. 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.

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 they were afraid to leave the house,

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<sup>8</sup> Radio Free Europe/Radio Liberty, *Azerbaijan: Alleged Plotters Confess On State Television*, 2. november 2005, <http://www.rferl.org/content/article/1062580.html>

BBC Monitoring, *Azerbaijan: Guide to parliamentary election 6 Nov 05*, 28. oktober 2005, <http://www.bbcmonitoringonline.com/mmu/mmu?page=81&action=view&target=0002163094&desc=AZERBAIJAN+%3A+GUIDE+TO+PARLIAMENTARY+ELECTION+6+NOV+2005>



in case of arrest or other harassment. 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.

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, although other reports indicated much higher numbers of arrests. 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. Human Rights Watch received information that there were hundreds of people detained in the Nizamin Main Police Station in Baku. 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.

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. Troops were deployed at the airport, and, according to one eyewitness, snipers were stationed at points throughout the airport. 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.

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. (The Azerbaijani authorities denied this version of events, saying that they gave permission for the airplane to land.) After landing in Ukraine, police arrested Guliev on an international warrant with a request for extradition to Azerbaijan, 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'etat."<sup>9</sup>

Radio Free Europe/Radio Liberty oplyste den 2. november 2005, at det påståede kupforsøg udover Guliyev blandt andre involverede Finansministeren, Fikrat Yu-

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<sup>9</sup> Human Rights Watch, *Azerbaijan Parliamentary Elections 2005: Lessons Not Learned*, 31. oktober 2005, <http://www.hrw.org/legacy/backgrounder/eca/azerbaijan1005/>



sifov, den tidligere leder af det statsejede olieselskab Azerkimya, Fikrat Sadyqov, og den tidligere Sundhedsminister Ali Insanov.<sup>10</sup>

### **Demonstration den 5. november 2008 på Azadliq pladsen i Baku**

Det har ikke været muligt at finde oplysninger om en demonstration på Azadliq Pladsen den 5. november 2008 efter præsidentvalget den 15. oktober.<sup>11</sup>

Blandt andre er følgende kilder konsulteret i forsøget på at finde oplysninger om den ovenfor nævnte demonstration: BBC Monitoring, Radio Free Europe/Radio Liberty, de aserbajdsjanske nyhedsbureauer APA og Today.az, Human Rights Watch, U.S. Department of State, Keesing's Record of World Events, Caucasian Knot, UNHCR RefWorld og ACCORD ecoi.net. Dertil kommer helt brede internetsøgninger med Google. Alle søgninger har involveret adskillige forskellige relevante søgekriterier og herunder søgninger, der er afgrænset til henholdsvis 2008 og oktober-november 2008 i de kilder, hvor en sådan tidsmæssig afgrænsning er mulig.

U.S. Department of State oplyser i sin 2008 menneskerettighedsrapporten følgende om oppositionens forsøg på at gennemføre ikke-godkendte demonstrationer:

“On June 17, July 11, and August 1, police broke up small, unsanctioned pickets held by the Musavat party in central Baku, each time detaining several demonstrators for a few hours. The Baku Municipal authorities denied permission to hold these three events due to the proximity of the pickets to the municipal authority headquarters, which is prohibited under the law. In addition Baku municipal authorities prevented several other planned opposition rallies and protests by denying permit requests and insisting on venues the opposition considered unacceptable due to their distance from central Baku.”<sup>12</sup>

OSCE/ODIHR, som monitorerede præsidentvalget oplyser, at oppositionens boykot betød at ”The campaign was generally low-key, generated little public interest and was characterized by a distinct lack of political debate. While candidates were able to convey their messages to the voters at campaign events without major impediments, in some regions few or no campaign activities were noted, other than

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<sup>10</sup> Radio Free Europe/Radio Liberty, *Azerbaijan: Alleged Plotters Confess On State Television*, 2. november 2005, <http://www.rferl.org/content/article/1062580.html>

<sup>11</sup> Radio Free Europe/Radio Liberty oplyste den 5. november 2008 følgende: “[...]Azerbaijan's Azadliq (Liberty) political alliance has written a letter of protest against government plans to halt foreign broadcasting on national frequencies.[...]. Radio Free Europe/Radio Liberty, *Opposition Protests Azerbaijan's Decision To End Foreign Broadcasts*, 5. november 2005, [http://www.rferl.org/content/Opposition\\_Protests\\_Azerbaijans\\_Decision\\_To\\_End\\_Foreign\\_Broadcasts/1338769.html](http://www.rferl.org/content/Opposition_Protests_Azerbaijans_Decision_To_End_Foreign_Broadcasts/1338769.html)

<sup>12</sup> United States Department of State, *2008 Country Reports on Human Rights Practices - Azerbaijan*, 25. februar 2009, <http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119068.htm>



those of the ruling YAP. The President toured the country extensively in his official capacity, inaugurating numerous new infrastructural facilities.

These visits were widely covered in the media, blurring the distinction between the official activities of the incumbent and his campaign.”<sup>13</sup>

Jan Olsen  
Dokumentation

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<sup>13</sup> OSCE/Office for Democratic Institutions and Human Rights (ODIHR), *REPUBLIC OF AZERBAIJAN PRESIDENTIAL ELECTION 15 October 2008*; OSCE/ODIHR Election Observation Mission Final Report, Warsaw 15 December 2008, <http://www.osce.org/odihr/elections/azerbaijan/35625>