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 PORTUGUÊS FRANÇAIS ПУКОЛН
 ESPAÑOL 中文 العربية

 HOME
 CONTRIBUTE
 COMMUNITY
 NEWS RELEASES
 CURRENT EVENTS
 PUBLICATIONS
 ABOUT HRW
 INFO BY COUNTRY

 • Africa
 • Americas
 • Asia
 • Europe/Central Asia
 • Middle East/N. Africa
 • United States

GLOBAL ISSUES

 • Arms
 • Children's Rights
 • HIV/AIDS
 • International Justice
 • Prisons
 • Refugees
 • Women's Rights
 • More...

CAMPAIGNS

 BOOKSTORE
 FILM FESTIVAL
 PHOTO ESSAYS
 SITE MAP
 CONTACT US

SEARCH

GO

[Table of Contents > Europe & Central Asia >](#)

Azerbaijan

- [Human Rights Developments](#)
- [Defending Human Rights](#)
- [The Role of the International Community](#)

HUMAN RIGHTS DEVELOPMENTS

The government resumed its practice of attempting to suppress public expression of social discontent without alienating the Council of Europe and other international partners. This balancing act broke down on June 4, when police opened fire on demonstrators in the village of Nardaran, killing one. International criticism of Azerbaijan peaked in September, after the government staged a referendum that was clearly aimed at ensuring that eighty-year-old President Heidar Aliyev could appoint his son as acting president should he step down.



The government moved forward in adopting reform legislation, such as that introducing an ombudsman institution and ratifying the European Convention on Human Rights. But its continued poor human rights practices—the continued detention of political prisoners, harassment of independent media, and repression of social and political movements—drew criticism, particularly from the Parliamentary Assembly of the Council of Europe (PACE). A September PACE resolution stated that it was "disturbed and shocked" by violations of basic freedoms. The government tried unsuccessfully to bully the PACE by demanding—unsuccessfully—that one of the PACE Monitoring Committee's rapporteurs assigned to monitor Azerbaijan be replaced.

On June 4, police killed one and wounded dozens of others while attempting to quell demonstrations in Nardaran, about twenty-five kilometers north of Baku, the capital. The shooting culminated months of public discontent over deteriorating social and economic conditions in the village. Significantly, protesters had not been deterred by the example the government had set in 2000 and 2001, when in Baku and several provincial towns it used force to disperse protesters calling attention to social issues, and prosecuted individual protesters. In January (shortly after a stinging PACE resolution), the government responded to public demands by improving the electricity supply and public transportation, and by promising new jobs. But public trust crumbled in May, and the town elders led more protests, driving Nardaran's Baku-appointed mayor out of office.

[Table of Contents](#)[Download](#)[Printer Friendly Version](#)[Order Online](#)[Press Release](#)[More on Azerbaijan](#)

Europe & Central Asia

[Albania](#)[Armenia](#)[Azerbaijan](#)[Belarus](#)[Bosnia and Herzegovina](#)[Croatia](#)[Georgia](#)[Kazakhstan](#)[Kyrgyzstan](#)[Macedonia](#)[Russian Federation](#)[Tajikistan](#)[Turkey](#)[Turkmenistan](#)[Ukraine](#)[Uzbekistan](#)[Federal Republic of Yugoslavia](#)

On the morning of June 3 the authorities arrested eight Nardaran elders they had invited to discuss the appointment of a new mayor and simultaneously sent a large detachment of police and Interior Ministry troops into Nardaran. In the evening security forces exchanged blows with a large crowd that had gathered on Nardaran's main square to protest the detentions. Reportedly, they attacked demonstrators with truncheons, and the latter threw stones. Security forces fired automatic weapons as a means of crowd control. One demonstrator was killed, a dozen sustained serious bullet wounds, and fifty more reportedly suffered minor bullet injuries. The security forces withdrew, making apparently random arrests as they quit Nardaran.

Instead of acting to calm the situation, the government issued a statement on June 5 that blamed all violence on the demonstrators, claiming that they had opened fire on the police, and failed to acknowledge any use whatsoever of firearms by the security forces.

In the following weeks, security forces controlled movement to and from the village, but rarely ventured in. Several waves of further arrests, primarily outside the town, inhibited Nardaran men from leaving its bounds. On July 29 police allegedly detained Vasif Aliev as a hostage, to induce his father, a protester, to give himself up. On September 20, plainclothes officers arrested Nardaran elder Jebrael Alizade and members of his family. His son alleged that officers secured Alizade's compliance by putting a pistol to the temple of his five-year-old grandson. The authorities held two to three dozen arrested men from Nardaran in incommunicado detention for various periods. Several of them on release claimed they had been tortured. As of October, fifteen remained in detention.

Nardaran has a reputation for devout religiosity, and the authorities in retrospect claimed the protests were the first step in a foreign-backed bid by Islamic "radicals" to take over the country. The government adamantly dismissed social and economic deprivation as its driving factor.

During the year the government acted against several manifestations of Islam that fell beyond its control, restricting some independent mosques and impounding imported religious literature. The Interior Ministry refused identity documents to Muslim women who insisted on being photographed in headscarves.

Nontraditional Christian groups also came under pressure. In October, the head of the State Committee for Work with Religious Organizations announced his intention to revoke registration of the Jehovah's Witnesses.

On November 15, 2001, Baku police beat and detained journalists protesting the banning of *Milletin Sesi* (The People's Voice) and *Bakinskii Bulvar* (Baku Boulevard) newspapers. A month later President Aliev held a roundtable with representatives of the opposition and independent media, and subsequently the government eased restrictions and pressure on such outlets by allowing some regional television stations to resume broadcasts and improving economic conditions for newspapers.

The respite, however, was short-lived. Punitive libel prosecutions of newspapers and journalists continued. The long-banned magazine *Monitor*, after briefly resuming publication in April, was immediately sued by the Defense Ministry and denied further printing by its printing press. Journalists who investigated alleged abuses by the customs service risked physical reprisals. The authorities continued to tear down kiosks run by Gaia, a private newspaper distribution company, eliminating outlets for

independent press in the regions. After protests from newspaper editors, Aliiev softened some provisions of a draconian September decree that made editors responsible for preserving state secrets, which a flawed 1996 state secrets law allowed the government to define arbitrarily.

With President Aliiev determining to stand in presidential elections slated for the end of 2003, on August 24 the government staged a referendum on constitutional changes. The referendum proposed changes that would give President Aliiev the discretion to appoint his son Ilham as acting president should he step down, and that would scrap parliamentary mandates based on proportional representation in favor of single mandate constituencies. Few in Azerbaijan or the international community took at face value government statements that the referendum aimed to bring the constitution into line with Azerbaijan's Council of Europe commitments.

The referendum passed, with more than 96 percent approval, as the government employed massive fraud and intimidation and ignored opposition boycotts and objections from the international community. Government claims of 88 percent voter turnout defied both feasibility and the headcounts by independent and opposition observers, who concluded that less than 30 percent of the electorate participated. Pressure for a yes vote was applied through the ranks and dependent relationships of Azerbaijan's large state sector, particularly the education system. There were many reports of falsified votes and arrests and intimidation of polling station commission members and opposition observers who refused to acquiesce in ballot stuffing.

The change in the future distribution of parliamentary seats threatened to exclude opposition parties from Azerbaijan's political system. The referendum galvanized support for a newly united group of opposition parties, which had called for a boycott of the vote and mustered tens of thousands at protest rallies held in Baku in September and October.

In October the pro-government parliamentary majority threatened to legislate new restrictions upon opposition parties and their newspapers, and the education minister warned teachers and students not to participate in opposition rallies. During the year, on several occasions police arrested opposition party activists prior to rallies, securing their detention for five to fifteen days for alleged public order misdemeanors.

In February and April respectively the authorities forcibly broke up rallies in Sumgait staged by the opposition Azerbaijan Democratic Party and the Musavat (Equality) party. In September 2001 authorities had detained three local leaders of the Adalat (Justice) party; on February 9 they released two, shortly after the third had died in custody.

In September, five supporters of former President Aiaz Mutalibov were handed prison sentences of five to ten years, for allegedly plotting a coup, a charge for which the authorities presented little evidence.

As of this writing hundreds of men whom Azerbaijani human rights groups considered to be political prisoners remained in prison, although several presidential mass pardons during the year had reduced their numbers. After demands from the Council of Europe, prominent prisoners Rahim Gaziev, Iskender Hamidov, and Alikram Gummatov were granted retrials, yet the authorities conducted them inside prisons, and with procedural violations (the retrials were ongoing at this writing).

Azerbaijan reported 10 percent growth in gross domestic product, but few

benefited from it, due to extensive official corruption and to monopoly control by the ruling party of the most profitable sectors of the state economy.

Conscripts were the targets of economic exploitation in the army. Defense Ministry officials levied informal charges for draft exemptions, deferrals, or deployments to units in the least risky areas. In some units officers siphoned off supplies or surreptitiously used conscripts as unpaid laborers on construction projects. Eight conscripts died in one July week alone, from sunstroke.

In June the government allocated U.S.\$75 million from the State Oil Fund to build housing for the population of five camps for refugees and internally displaced persons, and began providing microcredit to internally displaced persons from a World Bank loan. This signaled a welcome change in the government's treatment of people displaced since 1993-4 from territories overrun by Karabakh-Armenian and Republic of Armenia forces. Many observers had criticized the government for failing to integrate the half million internally displaced into local economies and communities.

Nonetheless, there were instances when local authorities grossly abused groups of displaced persons. At the end of May, two hundred riot police and a demolition crew were sent to a settlement near Lake Ganli Gel outside Baku, where, in several incidents over three days, police beat several women and bulldozed seventeen of the sixty-two houses built there by internally displaced persons since 1995. In the exclave of Nakhchivan, the regional authorities reportedly mounted an intimidation campaign in late 2001 to force displaced persons to return to insecure border villages near Sadarak, which were now overlooked by Armenian army posts.

The government refused to recognize as refugees up to ten thousand people who had fled the war in Chechnya. It did not provide for them, admit their children to schools, or prevent their harassment by police. The government also complied with Russia's requests for the extradition of some Chechens, without considering threats to their life and safety in Chechnya.

DEFENDING HUMAN RIGHTS

In the absence of an impartial official inquiry a group of human rights nongovernmental organizations (NGOs) conducted and published their own detailed investigation into the Nardaran violence of June 3. The authorities responded by issuing an official warning to the NGO commission's forensic specialist Ilgar Altai, on the pretext that the commission was prejudicing the official investigation.

Regressive amendments to the law on grants passed in June spurred protests from NGOs, international donor organizations, and the diplomatic community. The amendments made NGOs' receipt of donor funds contingent on the approval of local executive authorities, and subject to registration.

THE ROLE OF THE INTERNATIONAL COMMUNITY

Council of Europe

The Council of Europe became an increasingly effective source of pressure for human rights improvement. Successive PACE resolutions provided a framework for legislative and institutional reform, while the PACE also insisted on implementation of existing legislation, particularly in its strongly-worded September resolution. The PACE correctly resisted pressure from the Azerbaijani delegation for the removal of one of its rapporteurs on Azerbaijan's implementation of its Council of Europe human rights obligations.

The PACE's Committee on Migration, Refugees and Demography's June report on the situation of refugees and displaced persons in the South Caucasus, and the comments of Council of Europe Human Rights Commissioner Alvaro Gil-Robles during his September visit to Azerbaijan conveyed to the government that it had a responsibility to elaborate and implement durable solutions including integration for its internally displaced without further delay, and to refrain from using them as an argument for political aims.

Organization for Security and Cooperation in Europe

The Organization for Security and Cooperation in Europe (OSCE) Office in Baku organized roundtables and sponsored a series of television and radio broadcasts on the upcoming August referendum, on human rights themes, and on reform of the electoral code, thereby creating frameworks and channels for public engagement and debate, particularly between the government and opposition, that were otherwise absent.

In a public statement the office declared that the authorities' conduct of the constitutional referendum failed the "credibility test," accused the Central Election Commission of "creat[ing] obstacles to wider observation and transparency of the process" and observed that reports of fraud and intimidation were too numerous and from such a wide variety of sources to be dismissed.

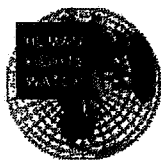
United States

The State Department's *Country Reports on Human Rights Practices for 2001*, published in March, stated that the Azerbaijani government's human rights record "remained poor," and that it "continued to restrict citizens' ability to change their government peacefully." In its *International Religious Freedom Report 2002*, the State Department noted that the authorities harassed and abused some Muslim groups due to concern about their possible links to terrorism.

However, the U.S. government allowed the effect of these criticisms to be undercut as it consolidated partnership with the Azerbaijani government in energy projects and the war against terrorism.

[Back to Top](#)

[Table of Contents](#) > [Europe & Central Asia](#)



[| What You Can Do](#) | [Community](#) | [Book Store](#) | [Film Festival](#) | [Search](#) | [Site Map](#) | [Contact Us](#) | [Press Contacts](#) | [Privacy Policy](#)

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