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Azerbaijan

Capital: Baku
Population: 9.3 million
GNI/capita, PPP: US\$9,410

Source: The data above are drawn from the World Bank's *World Development Indicators 2015*.

Nations in Transit Ratings and Averaged Scores

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Electoral Process	6.50	6.50	6.50	6.75	6.75	7.00	7.00	7.00	7.00	7.00
Civil Society	5.00	5.25	5.25	5.50	5.75	5.75	6.00	6.25	6.50	6.75
Independent Media	6.00	6.25	6.25	6.75	6.75	6.75	6.75	6.75	6.75	6.75
National Democratic Governance	6.00	6.00	6.00	6.25	6.50	6.50	6.75	6.75	6.75	6.75
Local Democratic Governance	6.00	6.00	6.00	6.25	6.25	6.50	6.50	6.50	6.50	6.50
Judicial Framework and Independence	5.75	5.75	5.75	5.75	6.25	6.25	6.50	6.50	6.50	6.75
Corruption	6.25	6.25	6.25	6.50	6.50	6.50	6.50	6.75	6.75	6.75
Democracy Score	5.93	6.00	6.00	6.25	6.39	6.46	6.57	6.64	6.68	6.75

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

EXECUTIVE SUMMARY

Azerbaijan is ruled by an authoritarian regime characterized by intolerance for dissent and disregard for civil liberties and political rights. After President Heydar Aliyev came to power in 1993, he secured a ceasefire in Azerbaijan's war with Armenia (1994) and established relative domestic stability, but he also instituted a Soviet-style vertical power system based on patronage and the suppression of political dissent. Ilham Aliyev succeeded his father in 2003, continuing and intensifying the most repressive aspects of Heydar's rule. Since then, the inflow of significant oil revenues has fueled presidential patronage, strengthened the state's security apparatus, and partially subdued both domestic and foreign criticism of the regime.

Azerbaijani leaders present the country as a modern, secular, Muslim-majority state that is an island of stability in a dangerous neighborhood. The state uses repressive legislation and a subservient court system to punish or preempt criticism and its total control of the media to ensure the dominance of the official narrative. The government has marginalized all opposition parties other than those which in reality favor the ruling Yeni [New] Azerbaijan Party (YAP).

Repressive measures against perceived threats to regime stability have escalated rapidly since 2009 and became more severe in 2014. Throughout the year, human rights activists, journalists, and other regime critics were subjected to criminal charges and physical and financial harassment. Numerous nongovernmental organizations (NGOs) had their bank accounts frozen and many were forced to close, further reducing the space for political discourse. Youth movements and associated bloggers are particularly threatening to the regime, and were key targets of the crackdown.

Several of Azerbaijan's strategic allies expressed concern at the heightened pressure on civil society, but the regime resolutely rejected any criticism of its human rights record. At year's end President Aliyev's chief of staff publicly accused the United States of conspiring with NGOs to overthrow the government.¹

No progress was made toward settlement of the Nagorno-Karabakh conflict in 2014. Clashes along the line of contact between Azerbaijani forces and Armenian-held areas were more numerous and deadly, especially in August.² In November, the Azerbaijani military shot down an Armenian helicopter.³

National Democratic Governance. Although Azerbaijan held the rotating chairmanship of the Council of Europe's executive body from May to November, putting it in the international spotlight, the government intensified its already severe persecution of regime critics and made no changes to law or practice to alter its strongly centralized system. Deadly clashes occurred along the line of contact

in Nagorno-Karabakh, spiking in August and ending with the downing of an Armenian helicopter in November. A number of high-level diplomatic meetings to mediate the crisis yielded no additional progress toward a political settlement. Owing to continued concentration of power in the executive branch and heightened repression of regime critics, *Azerbaijan's rating for National Democratic Governance remains unchanged at 6.75*

Electoral Process. Elections since the early 1990s have been marred by the regime's exploitation of power and resources during campaigns and voting, as well as the lack of political balance on electoral commissions, which are dominated by the ruling party. In 2014, the government addressed none of the reforms reiterated by the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights following the deeply flawed presidential elections of 2013. Municipal elections in December were fraught with irregularities and took place without international observers. *Azerbaijan's Electoral Process rating remains unchanged at 7.00*

Civil Society. Recent legislation has further limited the range of activities of NGOs and their ability to receive foreign grants. Bank accounts of many NGOs, and those of some NGO leaders, were frozen during the summer and remained inaccessible at year's end. The authorities froze the bank accounts of two U.S.-based NGOs, IREX and the National Democratic Institute (NDI), and raided the offices of IREX in September, forcing both groups to close their operations in the country. From late July through December, numerous prominent human rights defenders, lawyers, and opposition journalists were arrested on politically motivated charges and placed in pretrial detention, where they remained at year's end. The crackdown on civil society in 2014 was unprecedented in scale, demonstrating both the brutality of the Aliyev regime where perceived threats are concerned and its total imperviousness to international criticism. As a result, *Azerbaijan's rating for Civil Society declines from 6.50 to 6.75*.

Independent Media. Throughout 2014, authorities sought to silence journalists, bloggers, freedom of expression organizations, and the country's few remaining independent media outlets. Beatings of journalists went uninvestigated and unpunished. Media organizations like the Institute for Reporters' Freedom and Safety (IRFS) had their bank accounts frozen. Investigative journalist Khadija Ismayilova was arrested on dubious charges in December and remained in detention at year's end, along with several other prominent journalists. At the end of December, authorities searched and closed the Baku office of Radio Free Europe/Radio Liberty. The National Assembly also passed a new law making it easier to close down media outlets. As the Aliyev regime continues to stamp out independent voices in the media, *Azerbaijan's rating for independent media remains unchanged at 6.75*.

Local Democratic Governance. Local government remains politically and financially subordinated to the central government. A new law created Public Councils for discussion of draft legislation but their role is entirely consultative. The 2015 budget provides increased investment for water and electric systems and other infrastructure improvements for rural areas. Local elections in December were reportedly marred by ballot stuffing and carousel voting. Despite increased investment, centralizing laws and practice remain unchanged; therefore, *Azerbaijan's Local Democratic Governance rating remains unchanged at 6.50*

Judicial Framework and Independence. Azerbaijan's corrupt and subservient judiciary plays a major role in the government's ongoing crackdown against perceived regime threats. Throughout 2014, Azerbaijani courts levied harsh sentences against human rights activists and journalists on fabricated charges and froze the bank accounts of NGOs. Persons arrested in 2014 reported severe violations of due process. Detainees are often held for long periods before trial, and their access to lawyers is restricted. Police abuse of suspects during arrest and interrogation reportedly remains common and prison conditions are severe. Even after a raft of presidential pardons in late December, human rights groups counted more than 90 political prisoners still behind bars. As the judiciary blindly serves the needs of an increasingly authoritarian regime, *Azerbaijan's rating for Judicial Framework and Independence declines from 6.50 to 6.75.*

Corruption. The state's control over oil resources and the oligarchic structure of the economy contribute to widespread corruption in Azerbaijan, as does the existence of a Soviet-style bureaucracy. The authorities have begun going after low-level corruption—introducing one-stop public service centers and e-government services intended to reduce petty bribery—but the executive branch's dominance of the judicial system and most media means that there is no accountability for systemic and high-level graft. *Azerbaijan's corruption rating remains unchanged at 6.75.*

Outlook for 2015. The ruling YAP party will dominate the November 2015 parliamentary elections and no genuine opposition parties will win seats. The government's promises and rhetoric will concentrate on energy policy, state and regional security, and low-level anticorruption measures. The decline of oil prices will create pressure to curtail state spending, leading to higher unemployment.

The government will continue to whitewash its image abroad with intensive lobbying efforts and foreign investments, rather than democratic reforms. It may release a few more political prisoners ahead of the 2015 European Games, but no policies introduced during the year will increase the space for political dialogue or competition. The regime will cultivate closer relations with Russia, which never complains about Azerbaijan's democratization or human rights record. Azerbaijan will also make the minimum effort required to maintain its position in Western organizations like the Council of Europe.

MAIN REPORT

National Democratic Governance

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
6.00	6.00	6.00	6.25	6.50	6.50	6.75	6.75	6.75	6.75

Separation of powers is guaranteed by Azerbaijan's constitution, but in practice the executive branch controls both the judiciary and the Milli Majlis (parliament), a rubber-stamp body with no oversight or public debate function. The 125-seat legislature is dominated by the New Azerbaijan Party (YAP), in power since the election of current president Ilham Aliyev's father, Heydar Aliyev, in 1993.

No genuine opposition party won seats in the fraudulent parliamentary elections of 2010. Independent deputies in the parliament vote overwhelmingly with Aliyev's YAP and the many small, pro-YAP parties. After the deeply flawed elections of October 2013, President Aliyev began his third term by strengthening his control over politics and society. He vigorously suppressed critics, distributed budget funds to local executive branches in the regions, and deployed relentless propaganda via state-controlled media.

Azerbaijan's natural resource wealth, which fueled a vast GDP growth in the mid-2000s, has entrenched the executive's control over the country and financed the growth of the state's security apparatus. Despite the economic growth of the last decade, wealth and economic power remain largely concentrated among the president, his family, and a small group of oligarchs, creating a dangerous convergence of political and economic interests.⁴

About 25 percent of the population is employed by the state, down from a third in 2000.⁵ As was true under Soviet rule, civil servants are effectively forced to join and support the ruling party because they depend on the state for work and access to patronage networks. Outside of the state security services, wages and pensions for state employees are extremely low. Although average national earnings rose by about 4 percent in 2014, civil servants received no wage increases during the year. Low earnings and the absence of comprehensive social policy are partly compensated for with illegal petty trade in the shadow economy, contributing to the high level of corruption in the country. Workers in the state bureaucracy regularly supplement their incomes by demanding bribes in exchange for expedited work.

As the Euromaidan demonstrations in Ukraine led to the ouster of President Yanukovich and subsequent Russian military interference, the Aliyev regime escalated its multiyear crackdown on government critics under the pretext of preempting threats to Azerbaijan's independence and security. Throughout 2014, the state brought charges of tax evasion, fraud, and even treason against non-governmental organizations and individual regime critics while presenting itself as a vigilant defender of the rule of law. Representatives of the already marginalized

political opposition were also subjected to harassment and arbitrary arrests on dubious charges in 2014. In late May, the parliament introduced amendments to the Law on Citizenship that define reasons for stripping an individual of her/his citizenship in Azerbaijan. An individual may now be deprived of citizenship for “behav[ing]” in a way that is “damaging to state security”⁶—a phrase open to broad interpretation.

As the regime’s crackdown on human rights defenders, journalists, and NGOs persisted, Western governments and international organizations voiced their concerns. In December, the head of Aliyev’s presidential staff, Ramiz Mehdiyev, responded to mounting international criticism with a 13,000-word denunciation of the “foreign interests” that seek to destabilize Azerbaijan.⁷ In his statement, which was issued in Azerbaijani and Russian, Mehdiyev accused EU President Martin Schultz and U.S. President Barack Obama of using NGOs and sympathetic Azerbaijani citizen groups to overthrow the Aliyev regime under the pretext of building democracy.⁸ Two days later, Azerbaijani authorities arrested journalist Khadija Ismayilova, whose investigations into the Aliyev family’s finances had made her a target of informal reprisals for several years. On 26 December, the Azerbaijani government closed the office of Radio Liberty (*Azadliq*), a US-funded organization that has operated in Azerbaijan since the 1990s. Equipment was seized and staff were taken for questioning on multiple occasions without legal representation.

Azerbaijan’s police are part of the Ministry of Internal Affairs (MIA). By law, they are not only responsible for combatting crime, protecting individuals and property, and maintaining public order, but also for protecting human rights.⁹ Although some sections of the Police Code reference limits on police power, the only active check against them is non-civilian, “intra-corporate” oversight.¹⁰ Regulations governing service in the MIA do not specify any particular type of oversight.¹¹

Personnel changes within the MIA are totally opaque to the media and general public. Appointments to the MIA are made by the head of state, but when Lieutenant General Asker Alekperov stepped down after 13 years as deputy minister of the MIA in October 2014, the fact was not announced on the official website of the office of the president.¹² The opposition newspaper *Azadliq* speculated that the resignation might be followed by the departure of Minister of Internal Affairs Ramil Usubov, an appointee of Ilham Aliyev’s predecessor and father, Heydar. By year’s end, however, no other changes had been made to the president’s cabinet.

The state’s largest source of revenue is oil—which brought in about \$25.3 billion in 2014, according to the government—followed by taxes and customs duties.¹³ The 2015 state budget approved in November 2014 assumes an average oil price of \$90/barrel¹⁴ and reflects higher revenues and expenditures, targeting a state budget deficit of 2.8 percent of GDP (roughly \$2 billion).¹⁵ As oil prices dropped, Azerbaijan sharply reduced oil exports in late 2014.¹⁶ Still, the government announced a budget surplus at year’s end, thanks in part to large transfers from the State Oil Company of the Azerbaijan Republic (SOCAR). SOCAR transferred an estimated 1.8 billion to the state budget in 2014, an increase of approximately 17 percent from the previous year.¹⁷

Azerbaijan's military spending has increased dramatically in the last decade ("over twentyfold," according to Aliyev himself). In November, Finance Minister Samir Sharifov announced that in 2015 Azerbaijan's defense budget would increase 27 percent to \$4.8 billion, 17.9 percent of the government's budget expenditures.¹⁸ Azerbaijan buys arms from Russia, Turkey, the U.S., and Israel, which also gets about 40 percent of its oil from Azerbaijan.¹⁹ Arms sales from Russia evoke criticism from Armenia, whose dependence on Russia is partly related to fear of Azerbaijani military aggression.²⁰

Meanwhile, internal troubles in the armed forces suggest that it may not be a reliable fighting force. According to the Doktrina Journalists' Center for Military Investigations, a total of 19 military servicemen in Azerbaijan died in non-combat situations between January and June 2014.²¹

Despite the Aliyev regime's deplorable human rights record, Azerbaijan is or has been a member of numerous international organizations, many of which exist to promote and support accountable government, civil liberties, and peaceful cooperation between nations. Azerbaijan has been a member of the European Commission for Democracy through Law (Venice Commission) since 1996. In 2001, it joined the Council of Europe. While it is not a member of the North Atlantic Treaty Organization (NATO), Azerbaijan is part of the NATO Partnership for Peace plan. At a press conference in Brussels in January 2014, NATO Secretary General Anders Fogg Rasmussen called Azerbaijan "a staunch member of the program from the beginning." At the same conference, President Aliyev added €1 million to Azerbaijan's existing €2 million commitment to NATO's Afghanistan National Army Trust Fund.²²

From mid-May to mid-November 2014, Azerbaijan chaired the executive body (Committee of Ministers) of the Council of Europe (CoE). A stocktaking document issued by the CoE at the conclusion of Azerbaijan's chairmanship praised Azeri leadership for "deploy[ing] considerable efforts in furthering the objectives of the Council of Europe around its three key pillars—human rights, rule of law, and democracy."²³ The document makes no mention of Azerbaijan's human rights record at home. Instead, it highlights numerous major CoE conferences hosted or chaired by Azerbaijan, including one on corruption in sports and another on "public service delivery in the context of human rights and good governance." Another conference organized by Azerbaijan during this period focused on the problem of hate speech against minorities and Islamophobia, a quality the Azerbaijani government has been quick to ascribe to its critics.

Since 2003, Azerbaijan has been a founding member of Extractive Industries Transparencies Initiative (EITI)—an organization dedicated to promoting greater transparency about state revenues earned from energy extraction and mining operations. Also inherent in EITI membership is a commitment by member states to protect civil liberties, particularly freedom of the press and broad access to information. Azerbaijan's reporting of oil revenues has been judged compliant with the organization's standards since 2009; however, in 2014, EITI threatened to review Azerbaijan's compliance ahead of schedule and said Azerbaijan might be expelled from the organization due to the recent crackdown on individual

liberties and its implications for transparency.²⁴ In response, Azerbaijan threatened to withdraw from EITI, criticizing the organization for “mov[ing] away from its original goals” and “beginning to resemble an organization for the protection of human rights, and more specifically, NGOs.”²⁵ Transparency Azerbaijan, which monitors energy sector finances, had its bank accounts frozen in the summer and was denounced in the National Assembly for “treasonous” criticism.²⁶

After a long standoff between Azerbaijan and the Organization for Security and Cooperation in Europe (OSCE), the mandate of the OSCE Office in Baku was reduced in 2014 to “special projects” that “support cooperation” of the Azerbaijani government with the OSCE.²⁷

Violent clashes between the armed forces of Azerbaijan and those of the breakaway territory of Nagorno-Karabakh, supported by Armenia, escalated dangerously in 2014. In March, Azerbaijan had an opportunity to champion the inviolability of internationally recognized borders by voting in favor of a United Nations General Assembly resolution calling on states not to recognize Russia’s annexation of Crimea. (Armenia voted against the resolution.)²⁸

Fighting along the heavily militarized line of contact between Azerbaijani forces and Armenian-held areas peaked in August with the use of heavy weapons that resulted in over 20 combatant deaths.²⁹ Despite a series of high-level meetings³⁰ between the foreign ministers of Azerbaijan and Armenia—mediated by the OSCE-appointed Minsk Group co-chaired by France, Russia, and the United States—the conflict deteriorated further in November 2014 when Azerbaijani forces shot down an Armenian helicopter flying over occupied territories near the town of Aghdam, near the line of contact.³¹ Azerbaijani authorities said the helicopter was in Azerbaijan’s airspace and shooting at ground positions. Armenia denied this, insisting the helicopter was unarmed and on a training mission.³² Criticism from the European Parliament was followed by calls from both the U.S. and NATO to exercise restraint. No further fighting followed the incident.³³

Resettlement of Azerbaijani IDPs from the Karabakh war continued in 2014. Two of the newest settlements are close to the territories occupied by ethnic Armenians, in Aghdam and Ganje.³⁴

Electoral Process

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
6.50	6.50	6.50	6.75	6.75	7.00	7.00	7.00	7.00	7.00

The political environment in Azerbaijan is neither pluralistic nor competitive and no election since the early 1990s has been deemed free or fair by international observers. Opposition candidates’ access to campaign funding and their ability to organize and hold rallies are heavily restricted. They have virtually no access to coverage on television, which remains the most popular source for news and information in Azerbaijan. Voter intimidation, carousel voting, and ballot stuffing are regular election day practices.

Although Azerbaijan has closely cooperated with organizations like the Venice Commission and the OSCE in reforming its electoral laws and ensuring a free and fair electoral process, the key recommendations of these international bodies remain unimplemented. The OSCE's Office of Democratic Institutions and Human Rights (OSCE/ODIHR) described the October 2013 presidential elections as "undermined by limitations on the freedoms of expression, assembly and association... allegations of candidate and voter intimidation and a restrictive media environment" and called on Azerbaijan to make changes in law and practice to meet international standards. The election handed incumbent Ilham Aliyev a third term in office with 84.6 percent of the vote.

A delegation from the European Parliament (EP) initially called the 2013 presidential election "free, fair, and transparent." Some critics speculated that the positive assessment was the result of successful lobbying efforts on the part of the Azerbaijani government and European business interests in the country. The EP ultimately backed away from its own delegation's findings and supported the conclusions of the OSCE/ODIHR. No elections laws were changed in 2014.³⁵

The country's two main opposition parties, Musavat and Azerbaijan Popular Front, lost representation in the 2010 parliamentary elections. Aliyev's YAP emerged with 71 seats, up from 61 in 2005, and the remaining mandates went to 41 independents and 10 minor parties, none of which garnered more than three seats. Azerbaijan's next parliamentary elections are scheduled for November 2015.

The 18-member Central Electoral Commission (CEC) continues to be dominated by the ruling party and its non-party supporters: The CEC chair and five regular commission members are from YAP; the deputy chair, one secretary, and four other members are non-party YAP supporters; and six other members, including one CEC secretary, hail from parliamentary minority parties that also vote with YAP on most matters.

The Baku-based Election Monitoring and Democracy Studies Center (EMDS) declined to monitor the municipal elections held on 23 December 2014. EMDS explained that the contest could not be considered democratic due to "gross violations of human rights and crackdown on civil society and opposition political parties, as well as systematic restriction of political freedoms, particularly, freedom of expression, assembly and association."³⁶ Some election observers and journalists visited several polling stations and observed ballot stuffing, including some incidents caught on camera in the presence of the official election monitors. When one journalist from Meydan TV tried to question a woman who had just put a thick wad of ballots into the ballot box, he was evicted from the polling station by the monitors.³⁷ Video footage of the latter incident was published online by Meydan TV—by this time already forced to operate from outside of Azerbaijan—as well as by Radio Liberty (Azadliq). Radio Liberty's Baku offices were raided and shut down by the authorities three days later.

The official CEC report on the municipal elections claimed that unnamed international and local monitors had successfully monitored all polling stations and no complaints were reported in official sources. The CEC report also noted

the successful implementation of reforms “facilitating the pre-election campaign on equal footing.”³⁸

Civil Society

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
5.00	5.25	5.25	5.50	5.75	5.75	6.00	6.25	6.50	6.75

Conditions for civil society activity in Azerbaijan have been deteriorating for at least a decade, but in the last four years the government has committed to an intense crackdown on civil society organizations, nonstate media, and other independent voices perceived as threatening to the regime. Throughout 2014, the government used legal and extralegal means to harass and intimidate regime critics into silence.

According to official data, there are more than 2,700 nongovernmental organizations (NGOs) registered with the state,³⁹ while as many as 1,000 remain unregistered.⁴⁰ Some of the organizations, such as Institute for Peace and Democracy or the Election Monitoring and Democracy Training Center, have been trying to register for years.⁴¹ The Government of Azerbaijan has lost at least five cases before the European Court of Human Rights, which has found denials of registration to violate the freedom of association.⁴²

Legislation passed in 2013 requires NGOs to register all grants and donations with the Ministry of Justice, and to inform authorities of all donations over \$250; those that fail to acquire proper registration are prohibited from opening or maintaining bank accounts. In February and November 2014, additional changes were made to the Law on Grants, the Law on State Registration of Legal Entities, and the State Registry and the Code of Administrative Offenses, creating new obstacles to the work of Azerbaijani and foreign organizations. They introduce new registration requirements—extending the existing ones from organizations to individual grant recipients—as well as new rules for grant use and reporting and harsh penalties for violations of the law.⁴³ A December 2014 report by the Venice Commission criticized Azerbaijan’s latest NGO legislation for raising barriers to the registration and activity of NGOs; imposing excessive fines for errors in applications; and effectively precluding foreign donors from making grants to local NGOs, among other serious problems.⁴⁴ The commission’s rapporteurs requested a visit to Azerbaijan that was never arranged by the government and eventually had to be cancelled.

Throughout 2014, Azerbaijan’s NGO laws were used to put pressure on both local and foreign organizations. The authorities froze the bank accounts of two U.S.-based NGOs, IREX and the National Democratic Institute (NDI), and raided the offices of IREX in September, forcing both groups to close their operations in the country.⁴⁵ Transparency International experienced difficulty accessing funds in Azerbaijan.⁴⁶ Oxfam and the National Endowment for Democracy had bank accounts frozen and were forced to reduce or eliminate activities.⁴⁷ District courts also froze the bank accounts of the Media Rights Institute, Democracy and Human

Rights Resource Center, Azerbaijan Lawyers Association, and Center for National and International Studies, among others.⁴⁸

Transparency and accountability NGOs, including the National Budget Group and the EITI NGO Coalition, were also pressured into curtailing or abandoning their activities. Funding to the Economic Research Center, which acts as a financial agent for the EITI Coalition, was blocked. Two members of the coalition board and one member of the multi-stakeholder group (MSG) were forced to leave the country. Most of the board and MSG members were investigated by the state prosecutor's office.⁴⁹ The bank accounts of the Democratic Institutions and Human Rights Public Union, another organization on EITI's national steering committee, were frozen, as was the personal bank account of its director, Elchin Abdullayev. The Justice Ministry also rejected the group's application to register a foreign grant.⁵⁰

The apparent aim of the new NGO laws and their aggressive application is to drive independent organizations from Azerbaijan and leave behind only GONGOS that rely on the central government for funding. In 2014, government officials repeatedly accused foreign-funded NGOs of undermining political stability (see National Democratic Governance section).⁵¹ They emphasized that the Azerbaijani state budget is more than capable of funding cultural, humanitarian, and social projects within the country's borders, as it already does abroad.⁵²

When Azerbaijan assumed chairmanship of the executive body of the Council of Europe in May 2014, a group of prominent civil society actors sent a letter to CoE Secretary General Thorbjørn Jagland, drawing the council's attention to the escalating legal persecution and harassment of critical voices in Azerbaijan:

As organizations and individuals working against the odds in Azerbaijan, we count on your voice, and your moral authority, to be heard in condemning the systemic human rights crackdown in Azerbaijan, a Council of Europe member state since 2001... As an immediate step, we urge you to demand the immediate release of all journalists, bloggers, political activists and human rights defenders in prison or detention in connection with exercising their rights to freedom of expression, assembly and association, and to stop using the courts to imprison critics and opponents. Furthermore, we ask you to mandate a group of independent experts to examine cases of other alleged political prisoners in Azerbaijan and to render opinions on the said cases as to whether the persons in question may be defined as political prisoners on the basis of the criteria adopted in previous Council of Europe documents. We ask you to remind the Azerbaijani government of the rules of a fair hearing, as set out in the European Convention on Human Rights and clarified in case law of the European Court of Human Rights, to be applied in every case. Finally, we ask you to publicly highlight that intimidation and harassment of activists in Azerbaijan is unacceptable and to demand an immediate end to these practices...⁵³

In November, Jagland published an opinion piece in *The Guardian*, stating, "Azerbaijan's human rights are on a knife edge" and urging Europe's leaders not to walk away.⁵⁴

Numerous civil society activists who had been arrested in 2013 were sentenced in 2014, including 7 activists from the youth network NIDA, who were sentenced to 6–8 years in prison on trumped up drug charges in the spring.⁵⁵ Anar Mammedli, founder and head of the Election Monitoring and Democracy Studies Center, was arrested in December 2013 after his organization's criticism of the conduct of presidential elections in October; in May 2014, Mammedli was convicted of illegal entrepreneurship, tax evasion, abuse of official authority, and sentenced to 5.5 years in prison. In August, the Parliamentary Assembly of the Council of Europe (PACE) awarded its prestigious Vaclav Havel Human Rights Prize to Mammedli, who remained in prison at year's end.⁵⁶

New arrests and harassment of individual activists did not decline during Azerbaijan's chairmanship of the Committee of Ministers. On the contrary, they spiked, targeting some of the country's best-known human rights defenders. Leyla Yunus, the director of the Institute for Peace and Democracy, was arrested on 30 July 2014 and charged with treason, fraud, tax evasion, and forgery. Her husband, historian Arif Yunus, was charged with treason and fraud. At first, he was placed under house arrest because of his poor health, but was then incarcerated on 5 August.

Leyla had recently been engaged in citizen-to-citizen (or "Track II") diplomacy with Armenian counterparts over the conflict in Nagorno-Karabagh. With lawyer and human rights defender Rasul Jafarov, she had also spearheaded the compilation of a comprehensive list of Azerbaijan's political prisoners. By the time the 93-page report⁵⁷ was issued in late August 2014, both Yunus and Jafarov were in detention themselves.

Ilqar Nasibov, a human rights defender and journalist working for the Resource Centre for Development of Democracy and NGOs in Nakhchivan City, was hospitalized in August 2014 after a brutal attack by unknown assailants. Nasibov has been involved in researching cases related to the torture and ill-treatment of Nakhchivan residents by the local branch of the Ministry of National Security.⁵⁸

Members of the political opposition were targets of questionable arrests and harsh prison sentences throughout 2014. Yadigar Sadiqov, a leading member of the opposition party Musavat, was convicted in January 2014 of assaulting a man with his mobile phone in a tea house in June of 2013. Sadiqov was sentenced to 6 years in prison, though an appeals court reduced the sentence to 4 years. Sadiqov maintains that the alleged victim actually assaulted him. Murad Adilov, an activist in the Popular Front opposition party, was arrested during a police raid in August 2014 on his parents' house in a village in the Sabirabad region. During a search of the home, the police said they had found 600 grams of a drug under a pillow. Adilov was charged with concealing drugs and sentenced to three months' pretrial detention.⁵⁹ He remained in jail at year's end.

Activists working on politically sensitive issues were not the only ones singled out for harassment in 2014. Hasan Huseynli, the head of the education charity Intelligent Citizen, was sentenced to six years in prison in July for a stabbing incident that he said was fabricated.⁶⁰

As the Aliyev regime's reprisals against independent civil society escalated, so did international attention and criticism.⁶¹ In August, CoE Human Rights Commissioner Nils Muižnieks visited Anar Mammadli and Leyla Yunus in prison. Muižnieks called the wave of arrests "totally unacceptable" and said the pattern "flies in the face of the human rights obligations undertaken by Azerbaijan" when it joined the 47-nation European human rights body.⁶² U.S. State Department spokesperson Jan Psaki echoed these concerns in December, declaring, "The government of Azerbaijan is not living up to its international human rights commitments and obligations. We urge the government to respect the universal rights of its citizens and allow them to freely express their views. They will be best able to ensure their future stability and prosperity by allowing a more open society."⁶³ In September, the European Parliament adopted a resolution recognizing the worsening of the human rights situation in Azerbaijan over the last five years.⁶⁴

Independent Media

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
6.00	6.25	6.25	6.75	6.75	6.75	6.75	6.75	6.75	6.75

Azerbaijan's constitution and legislative framework guarantee freedom of expression as a fundamental right. However, the authorities regularly use violence, intimidation, and criminal laws to stifle public debate and silence dissenting voices. At the end of 2014, over 15 journalists and bloggers were in custody in Azerbaijan, up from 8 at the end of 2013.⁶⁵ Azerbaijan was ranked 160th out of 180 countries in the 2014 Reporters Without Borders press freedom index.⁶⁶

The government completely controls broadcast media. The president appoints the head of the National Television and Radio Council, which regulates broadcast outlets and allocates licenses and frequencies. There is one state channel, Azerbaijan Television (AzTV), and one public channel, İctimai Television (ITV).⁶⁷

Although there is more pluralism in the print media, some 80 percent of newspapers are owned by the state, and circulation and readership are relatively small. Independent and opposition papers struggle financially and have faced heavy fines and imprisonment of their staff. State-owned companies rarely if ever advertise in such papers. Local radio broadcasts of key international news services, including the British Broadcasting Corporation (BBC), RFE/RL, and Voice of America, were banned in 2009, though they are available via shortwave and online for those with connections.

Defamation remains a criminal offense punishable by exorbitant fines and imprisonment, and the law was amended in 2013 to specifically include online content and commentary. No steps were taken to amend laws on defamation or to decriminalize libel in 2014.⁶⁸ Laws restrict access to information that may damage "the protection of public order, health and morality."⁶⁹

Journalists are threatened and assaulted with impunity, and several have been jailed on fabricated charges of drug trafficking, weapons possession, ethnic hatred,

high treason, and hooliganism, among other offenses. A series of such arrests and harsh sentences were reported during 2014. Parviz Hasimli of the news website Moderator and the opposition daily *Bizim Yol* was sentenced in May to eight years in prison for illegal weapons possession,⁷⁰ and blogger Omar Mammadov was sentenced to five years in July on similarly dubious drug charges.⁷¹ In August, Seymur Hazi of the opposition paper *Azadliq* was arrested on suspicion of hooliganism.⁷²

Rauf Mirqadirov, an award-winning journalist critical of both Azerbaijani and Turkish regimes, was deported from Turkey shortly after Turkish President Erdogan's visit to Baku. He was told his visa had expired but it had in fact been extended. He was immediately jailed in Baku on charges of providing state secrets to Armenia.⁷³

In the year's most highly publicized case, investigative journalist Khadija Ismayilova of RFE/RL was ordered into pretrial detention in December as part of a case in which she was accused of encouraging a man to commit suicide.⁷⁴ She had already faced years of intense harassment and trumped-up criminal charges as a result of her reporting on the Aliyev family's finances. Two days before her arrest, Aliyev's chief-of-staff Ramiz Mehdiyev published his article denouncing Western attempts to subvert Azerbaijan using Azerbaijani citizens and NGOs as a "fifth column." Mehdiyev specifically named Ismayilova as an agent of such "anti-state" efforts.⁷⁵ She remained in detention at year's end.

On 16 December, the parliament passed a law allowing courts to shut down a media outlet if it is found to be receiving funding from abroad, or if it has had two guilty verdicts against for defamation in the space of one year.⁷⁶ Ten days later, the Baku office of RFE/RL (Radio Azadliq), was raided and closed down by interrogators from the state prosecutor's office. Computers and other equipment were seized. Employees were detained en masse, including a cleaning woman. The procurator's office said staff would be brought for questioning the following week, to give them time to find legal representation, but over the weekend staff members were forcibly taken from their homes, some during the night, for questioning. OSCE Representative on Freedom of the Media Dunja Mijatović denounced Azerbaijan's targeting of RFE/RL's Baku bureau as "another severe blow to free media and free expression."⁷⁷ In a statement on its website the EU said the closure of the Baku office of Radio Free Europe/Radio Liberty "contraven[es] Azerbaijan's international commitments to protect media freedom."⁷⁸

Persecution of freedom of expression watchdogs also increased in 2014 in tandem with the regime's broader crackdown on nongovernmental activity in the country. The accounts of about one dozen media-related NGOs were frozen on 5 August. Among these were the Azerbaijan section of IREX, the legal NGO Media Rights Institute (MRI), and the Institute for Reporters' Freedom and Safety (IRFS). The latter two groups had been at the forefront of calls to fully decriminalize libel and defamation in Azerbaijan.⁷⁹ Both IRFS director Emin Huseynov and Rashid Hajili, the director of MRI, had their personal accounts frozen.⁸⁰ On 6 August, Huseynov was notified that he was prohibited from leaving the country. He went into hiding shortly after IRFS's offices were searched on August 8.⁸¹ Huseynov has

been a consistent critic of regime repression of civil society activists. His brother, Mehman, a political blogger who works for IRFS, was detained, questioned, and released on his way to an OSCE meeting in Tbilisi in November, and once again in early December.

Local Democratic Governance

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
6.00	6.00	6.00	6.25	6.25	6.50	6.50	6.50	6.50	6.50

The constitution of Azerbaijan provides for local self-governance, which is carried out through elected municipal authorities and the local bodies of state administration. Azerbaijan ratified the European Charter of Local Self Government in 2002, granting municipalities substantial responsibilities and decision-making authority. In practice, however, municipalities serve as arms of the country's executive branch, a reality reinforced in 2012 by a new presidential decree that significantly extended the control of state authorities over the local structures of national ministries.⁸²

The patterns of governance at the local level in Azerbaijan mirror those at the higher levels of administration. Municipal authorities align themselves with local branches of state administration, which are extensions of the ruling party and its structure. These provide access to and further distribute patronage, also ensuring electoral victory at the municipal level for individuals who comply with the ruling party's wishes. The first municipal elections took place in 1999 in Azerbaijan, but a national association of municipalities was set up only in 2006. The body, however, has existed largely as a formality so far. In 2010, in order to increase their efficiency, the Milli Majlis reduced the number of municipalities from 2,757 to 1,766.⁸³ The move did not result in increased powers for local government bodies vis-à-vis local executive power structures, and an EU committee expressed regret that Azerbaijan did not make a simultaneous reduction in the number of local authorities working for the state administration.

Municipalities continue to be seriously underfunded and do not use the property remaining in their hands profitably. Instead of leasing it to local citizens, municipally owned lands are often sold off. According to the Chairman of the State Committee on Land and Cartography, only a minor part of the 5 million acres owned by municipalities was leased to citizens in 2013.⁸⁴

Despite a number of regional development plans adopted in the past few years, regional disparities remain significant. The Absheron region, for example, constitutes only 3.9 percent of Azerbaijan's territory but produces 80 percent of overall industrial output and accounts for about 90 percent of all oil and non-oil investment.⁸⁵

The central government's 2015 budget earmarks about 1.5 billion AZN (\$1.9 billion) for investment in highway, electricity, water supply and other infrastructure projects throughout the country. Although the government forecasts that revenue to regions and cities will increase 6.7 percent in 2015 (to 835 million AZN), that

amount is far short of local governments’ projected expenses for the year (about 1.6 billion AZN).⁸⁶ The shortfall must therefore be made up by the central government, preserving the pattern of dominance and dependency⁸⁷ between the central government and the rest of the country.

The state’s official long-term regional development strategy (“Azerbaijan 2020”) stresses the improvement of education, agriculture, infrastructure, and technology in rural areas. The document highlights the need to address the material wants of youth and to incorporate them into society but makes few references to political plurality, self-government, or democratization. With regard to NGOs, many of which are rural and address rural needs, the document’s emphasis is on cultivating their cooperation with the government and state funding for NGOs.⁸⁸

As the chair of the CoE Committee of Ministers for mid-May through mid-November 2014, Azerbaijan hosted the annual conference of the CoE Congress of Local and Regional Authorities on 18 June.⁸⁹ The official CoE theme for 2014 was supposed to be “Empowering Youth” but the Baku conference chose instead to explore “Local Self-Government and Youth Policy.”⁹⁰

In January 2014, President Aliyev signed a new law on the creation of Public Councils under central and local executive authorities. These councils, which are composed of civil society organizations, are charged with initiating public consultations. However, their deliberations are purely consultative and have no force in the legislative process.⁹¹

Judicial Framework and Independence

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
5.75	5.75	5.75	5.75	6.25	6.25	6.50	6.50	6.50	6.75

Despite occasional demonstrations of independence, Azerbaijan’s courts are largely tools of the regime, which uses them to protect its own interests. The influence of the executive branch undermines citizens’ equality before the law and the judiciary’s ability to impartially interpret and enforce the constitution. In addition to political interference, courts are plagued by a lack of professionalism. Throughout 2014, Azerbaijan’s justice system meted out legal harassment of NGOs and their employees, individual activists, opposition figures, and journalists, serving as the primary weapon in the regime’s escalating crackdown on dissent.

Fundamental to the judiciary’s flaws is an entrenched structure of control, patronage, and corruption. Courts are financed from the state budget, but the salaries of judges are low, which feeds into widespread graft. The selection of judges is a complicated process based on exams and lacks external monitoring to ensure fairness. After exams and training, judicial candidates are put forward by a judicial legal council chaired by the minister of justice; they are then appointed by the president or the parliament, depending on the court. This system provides no safeguards against political favoritism in the selection process.

The government has implemented several reforms in the past few years, overhauling the system of military courts, increasing the number of judges, and establishing administrative-economic courts in seven regions. However, these changes have had no impact on the independence of the judicial system. Arbitrary arrests and detention are common. Detainees are often held for long periods before trial, and their access to lawyers is restricted. Police abuse of suspects during arrest and interrogation reportedly remains common; torture is sometimes used to extract confessions. Allegations of such abuses are regularly dismissed in the prosecutorial stage without further investigation.⁹²

The opposition figures, journalists, and civil society activists who were arrested or sentenced during 2014 reported a variety of due process violations, evidence that was allegedly fabricated or withheld from the defense, and abuse in custody. Leyla Yunus, for example, reported suffering psychological and physical abuse in jail, and her health worsened as chronic illnesses (including Yunus's diabetes) were left untreated.⁹³ Yunus was also deprived of several of her team of lawyers when they were declared by authorities to be witnesses in the case against her.⁹⁴ The Ministry of Justice spokesperson dismissed Yunus's reports of abuse, without investigation, as a fabrication of the attorneys.⁹⁵

Initial pretrial detentions of 2–3 months are common, even when the evidence points against any “flight risk.” This was the case with Khadija Ismayilova, who had returned to Azerbaijan from Europe even after threats to arrest her had been circulated by the authorities. Leyla Yunus, Rasul Jafarov, and journalist Seymour Hazi all had their initial pretrial detentions extended in 2014.

In several cases in 2014, lawyers were prevented from defending their clients altogether. Popular Front activist Murad Adilov was arrested during a police raid of his parents' house on 12 August but was not permitted to see an attorney for two days, by which time he had already been awarded three months' pretrial detention.⁹⁶ Leyla Yunus's attorneys were declared to be witnesses in her case.

Prominent defense attorney Khalid Baghirov was disbarred on 10 December when he agreed to represent Khadija Ismayilova.⁹⁷

The list of Azerbaijan's political prisoners compiled by a working group led by Leyla Yunus and Rasoul Jafarov in 2014 groups prisoners by type and provides information on each individual, the charges against them, their locations, and the sentences they have received. The largest category (including about 50 names) is that of religious activists, convicted on criminal charges ranging from violent hooliganism or tax evasion to treason or drug possession.⁹⁸

The Aliyev regime maintains that these are legitimate criminal charges and that there are no political prisoners in Azerbaijan.⁹⁹ However, the regime did pardon four imprisoned activists in mid-October. The released inmates had all signed statements renouncing political activity and pledging support for the present government. In a staged event, two of the pardoned prisoners were filmed bringing flowers to the grave of former president Heydar Aliyev.¹⁰⁰ A presidential decree issued on 29 December released several more people considered political prisoners, including two of the jailed NIDA activists and two journalists. Even after these

pardons, human rights groups counted more than 90 political prisoners behind bars at year’s end.¹⁰¹

Prison conditions in Azerbaijan are severe, with many inmates suffering from overcrowding and inadequate medical care. In September, the UN Subcommittee on Human Rights cut short a visit to Azerbaijan because it was barred from visiting “places of detention” to which it had been promised access.¹⁰²

The European Court of Human Rights (ECHR) has issued a number of rulings against politically motivated prosecutions in Azerbaijan. Responding to complaints in the 2013 arrest of Ilgar Mammedov, head of the Republican Alternative Civic Movement (“REAL”), the ECHR issued a ruling on 22 May 2014 that the state of Azerbaijan, in its police and court proceedings against Mammedov, committed five violations of the Convention for the Protection of Human Rights and Fundamental Freedoms. Mammedov had been arrested in connection with a public disturbance in the town of Ismayilli and convicted of organizing mass disorders. The judgment included the conclusion (Paragraph 143) that “the actual purpose of the impugned measures was to silence or punish the applicant for criticizing the Government and attempting to disseminate what he believed was the true information that the Government were trying to hide.” The decision was affirmed 13 October.¹⁰³

In November, the Court ruled in *Islam-Ittihad Association and others v Azerbaijan* (No. 05/5548) that the dissolution by the state of the Islam-Ittihad Association for “religious activity” violated the right to freedom of association under Article 11 of the European Convention on Human Rights (ECHR). The Court stated it was “struck by the fact that the domestic courts, instead of giving an interpretation of the term ‘religious activity’ [...], imposed the burden of proof on the Association, holding that it had failed to submit any reliable evidence proving that it had not engaged in any such activity.”¹⁰⁴

Corruption

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
6.25	6.25	6.25	6.50	6.50	6.50	6.50	6.75	6.75	6.75

Azerbaijan has consistently ranked in the lowest third of global corruption indices as a net result of several factors. State monopoly over oil resources, Soviet-type bureaucracy, and the oligarchic structure of the economy all contribute to low ratings, along with the absence of independent institutions and checks and balances in government.

Several investigative reports published by foreign media in early 2012 revealed that President Aliyev and his immediate family controlled prodigious private assets, including monopolies in the economy’s most lucrative sectors. In response, the president signed a series of legal amendments that allowed companies’ organizational structures and ownership to remain secret, significantly limiting journalists’ ability to uncover corruption.

The lack of transparency in the spending and distribution of state oil revenues has strengthened political patronage, one of the critical building blocks of the Aliyev regime's stability. Complicity in this system can ensure high salaries and kickbacks for public officials close to ruling circles, while income for most civil servants remains very low.

Experts agree that artificially sustained, bribe-based monopolies and links between business and political interests, along with the non-transparent regulatory environment, create obstacles for foreign investment and regular businesses. The size of Azerbaijan's shadow economy remains large, and competitiveness lags behind due to the difficulties of doing business in the country.¹⁰⁵

Formally, Azerbaijan has shown great interest in working to counter corruption. In 2011, Azerbaijan joined the Open Government Partnership (OGP), an intergovernmental organization promoting transparency and civil society involvement in monitoring state finances. In keeping with its membership obligations, the government adopted the National Action Plan for 2012–2015 and set up a State Agency for Public Service and Social Innovations, supervising the Azerbaijani Service and Assessment Network (ASAN). As part of ASAN, nine ministries and agencies offer numerous types of services, including issuing residence permits and birth certificates. In the past, many of these services were accessible to citizens only in exchange for a petty bribe.¹⁰⁶

The regime has widely publicized survey results according to which 68 percent of individuals consider anticorruption measures to be effective, but the implications of such measures only affect low-level anomalies at best.¹⁰⁷ Local experts stress that the involvement of civil society in the OGP remains limited by the weakness of the organizations themselves as well as to the lack of fundamental freedoms and transparency to enable effective monitoring.¹⁰⁸

Azerbaijan has also signed a number of international anticorruption instruments, such as the UN Convention Against Corruption. It was even the first signatory of the Extractive Industries Transparency Initiative. However, despite this formal posturing, there is no effective oversight over corruption, and Azerbaijan's elites have continued to take advantage of this failing.

The civil sector is involved in the monitoring both of production and at least partly of spending income from natural resources through the National Budget Group, an umbrella watchdog organization. Overall, however, oil revenue distribution has not become more transparent, with resource-related income partly disappearing from the budget.¹⁰⁹ A report by economist Gubad Ibadoglu claimed that more than \$12 billion had been "hidden" from the export-import accounts during 2010–12, a major reason that Azerbaijan did not complete its application to join the WTO.¹¹⁰

Prior to her arrest in December, journalist Khadija Ismayilova submitted testimony on the state of corruption in Azerbaijan to a hearing by the U.S. Commission on Security and Cooperation in Europe.¹¹¹ Ismayilova, who has reported extensively on the financial activities of the Aliyev family, was unable to attend the November hearing in person due to a travel ban.¹¹²

In October 2014, Meydan TV produced a three-part series on procurement of supplies to Azerbaijan's military.¹³ The program notes that Azersun Holding, a major supplier of food for the armed forces, and AZENCO, the company that dominates military construction projects, are both linked to President Aliyev's daughters.

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