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Report

**Azerbaijan: The situation for regime critics**



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**Report Azerbaijan: The situation for regime critics**

## SUMMARY

Since approximately 2014, Azerbaijani authorities have intensified their reactions towards regime critics. A number of leaders of NGOs, well-known journalists and human rights lawyers have been arrested and sentenced to lengthy prison terms. Azerbaijani authorities use three «methods» in particular to convict critics: politically motivated charges, fabricated charges and organizational charges. Travel restrictions/bans are also used as a reaction. Abuse and ill-treatment of detainees are reported after arrest, while in detention.

The political opposition has for many years faced reactions from the authorities. Active members have been arrested, while less active members have experienced restrictions on the job market as a result of their party affiliation. However, the authorities do not consider the political opposition to be a major threat. In addition, the opposition has not renewed itself in the last ten years. Thus, alternative oppositional groups with greater ability to mobilize the masses than the political opposition have appeared. It is first and foremost these groups that are considered a threat by the authorities.

## SAMMENDRAG

Omtrent siden 2014 er det registrert en intensivering av reaksjoner mot regimekritikere i Aserbajdsjan. En rekke ledere av ikke-statlige organisasjoner, kjente journalister og menneskerettighetsadvokater har blitt pågrepet og dømt til lengre fengselsstraffer. Aserbajdsjanske myndigheter benytter særlig tre «metoder» for å fengsle kritikere: politisk motiverte anklager, fabrikkerte anklager og organisasjonsrettede anklager. Utreisebegrensninger anvendes også som en reaksjon. Det rapporteres om mishandling av regimekritikere etter anholdelse.

Den politiske opposisjonen har over mange år møtt motstand fra myndighetene. Arrestasjoner har rammet aktive medlemmer, mens mindre aktive medlemmer har opplevd begrensninger på jobbmarkedet som følge av sin partitilhørighet. Myndighetene vurderer imidlertid ikke partiopposisjonen som noen stor trussel, og den har i liten grad fornyet seg de siste ti årene. Dette gjør at alternative grupper av opposisjonelle, som har større evne til å mobilisere massene enn partiopposisjonen, har vokst frem. Det er først og fremst disse gruppene myndighetene reagerer mot.

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# 1. INTRODUCTION

This report discusses the situation for regime critics in Azerbaijan. In this context, regime critics include human rights lawyers, critical journalists and bloggers, political dissidents and people who conduct oppositional and critical activities from abroad. The reason why these groups are in focus is that they frequently encounter problems as a result of critical activities against the authorities.

The report examines reactions towards these groups; who are affected by the reactions and what kind of reactions are they subjected to.

## 1.1 BACKGROUND

Azerbaijan is an oil-rich country in the South Caucasus, with a population of 9.6 million inhabitants (World Bank 2017). President Ilham Aliyev has ruled Azerbaijan since 2003 when he took over the leadership after his father, Heydar Aliyev, who had governed the country since it became independent in 1991. Ilham Aliyev was re-elected as president in 2008 and in 2013. International actors have described elections in the country as being thoroughly characterised by fraud, intimidation of the opposition and limited access for oppositional candidates to the media and to election meetings (HRW 2013b, p. 9; Freedom Now & HRHN 2015, p. 19). The Norwegian Foreign Policy Institute (NUPI) describes Azerbaijan as a pseudo-democracy – it is an authoritarian regime, with a “democratic” appearance (NUPI 2017, p. 5).

The Azerbaijani president has great power and the regime is authoritarian. Several constitutional amendments in recent years have given the president even more power. In 2009, a referendum (on amendments to the constitution) abolished the number of terms the president could serve (previously a maximum of two terms). In a new referendum in September 2016, the term for which a president is elected was extended from five to seven years (Freedom House 2017, p. 6-7).

Corruption is widespread in Azerbaijan. According to Transparency International's corruption perceptions index for 2016, which measures the population's perception of corruption in the public sector, Azerbaijan is ranked 123rd out of 176 countries/regions (most corrupt). The country finds itself between Malawi and Djibouti on the index (Transparency International 2017). In Transparency International's corruption barometer from 2013, which maps the population's experience of corruption, health services, the police and the judicial system were perceived as the most corrupt sectors (Transparency International 2013).

Since around 2014, there has been a noticeable intensification of reactions against regime critics. A number of NGO<sup>1</sup> leaders, well-known journalists and human rights lawyers have been arrested and sentenced to long prison sentences. According to HRHF (meeting in Tbilisi, November 2016), the worsening situation for critics is partly due to the international human rights campaigns such as Sing for Democracy

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<sup>1</sup> Non-governmental organisation.

and Sports for Rights, which were launched ahead of the Eurovision Song Contest and the European Games<sup>2</sup>, having provoked the Azerbaijani authorities.

Human Rights Watch (HRW) wrote in a report from 2016 (2016b, p. 3, 14) that the authorities have amnestied or reversed sentences of conditional imprisonment for a number of people, but that many of those released have been denied exit from the country. During 2016, particularly in August and before the referendum in September 2016, the authorities continued to arrest critics: political and other activists, as well as bloggers. Relatives of activists who have travelled abroad to conduct activities from there are also reported to have been harassed, arrested and accused.

The organisations Freedom Now & Human Rights House Network (HRHN) (2015, p. 11) have pointed to three "methods" in particular that the Azerbaijani authorities apply to imprison critics: politically motivated accusations, fabricated accusations and accusations directed at organisations (see section 2.3).

## 1.2 METHODOLOGY

Landinfo has consulted written sources available on the Internet. A number of key human rights organisations are closely following the situation in Azerbaijan, including Human Rights Watch (HRW), Freedom House and Human Rights House Foundation (HRHF). Information from these sources form an essential basis for this report. Landinfo has also used oral sources from fact-finding missions to Georgia in November 2016 and to Azerbaijan in 2013. Landinfo has visited Azerbaijan a number of times: in 2006, 2009 and in 2013, during which the situation of regime critics was on the agenda.

Landinfo has not consulted government sources in preparing the report. The reason for this is that the government disapproves of and actively opposes a free exchange of views related to the human rights situation, despite the fact that multilateral organisations such as the UN and the Council of Europe, international human rights organisations and many Western countries assess the situation as problematic.

Access to information has been made difficult in recent years by the fact that the Azerbaijani authorities have denied entry into the country for organisations and actors. For example, HRW has not had access to the country since March 2015. However, the organisation has interviewed a number of primary sources via Internet or by phone. Activists from Azerbaijan have been going in exile in Georgia, to get a break from the pressure they experienced in their home country.<sup>3</sup> This means that there are sources of information about the situation in Azerbaijan in Georgia. On a fact-finding mission to

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<sup>2</sup> An international sporting event in the Olympic tradition, with participants from European countries. The first time this sporting event was held was in Baku in 2015 (Wikipedia 2017).

<sup>3</sup> However, after a known journalist from Azerbaijan, Afghan Mukhtarli, was arrested in Georgia in the spring of 2017 and sent back to Azerbaijan (Reuters 2017), questions have been raised as to how safe Azerbaijani regime critics are in neighbouring countries.

Georgia in November 2016, Landinfo interviewed HRHF, which has thorough knowledge of the situation for regime critics in Azerbaijan.<sup>4</sup>

Several of the oral sources in the report are anonymous for security reasons. As mentioned, Landinfo met many of these sources on a fact-finding mission to Azerbaijan in 2013. There is a risk that some of the information they gave Landinfo is outdated. Where information from this mission is used, it is because newer sources substantiate the information from 2013, as they report a similar situation.

One group of regime critics that the government is harshly cracking down on are representatives of political Islam. These are both Shiite and Sunni Muslims who, by peaceful means, fight for an alternative state formation in Azerbaijan. The report does not include this group, but there is a report from Landinfo concerning this group from 2013 (Landinfo 2013b). However, it must be noted that the information in the mentioned report is not updated.

## **2. REACTIONS THAT CAN AFFECT DIFFERENT TYPES OF CRITICS**

### **2.1 TRAVEL RESTRICTIONS**

No travel permit is required for Azerbaijani citizens to leave the country. However, according to the migration law, article 9.3, the right to leave the country may be temporarily restricted for the following groups of persons (amongst others): persons under investigation, convicted persons waiting to serve their sentence, persons who have been given a suspended sentence and persons who are called to military service (Azerbaijani Migration Act 2015).

According to HRHF, travel restriction is a common reaction for regime critics in Azerbaijan, even for less profiled activists. Travel restrictions can also affect family members of critics. Based on the source's information, it is Landinfo's impression that when family members face travel restrictions the critics are usually well-known. According to HRHF people who are subject to travel restrictions are not always aware of this, but find out either when exiting or entering the country (HRHF, meeting in November 2016; HRHF, e-mail correspondence, May 2017). For instance, a journalist for the opposition TV channel Meydan-TV (as quoted in Salimova 2016) stated that upon returning to Azerbaijan from Ukraine in September 2015, she and several

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<sup>4</sup> HRHF's work mainly covers human rights activists and journalists. HRHF assists these groups in exile: with shelter, with medical and mental health assistance, and with language courses. HRHF also monitors cases of the most famous human rights protesters (HRHF, meeting in November 2016).

colleagues discovered that they were subject to a travel ban due to their status as witnesses in a criminal case against the TV channel.

There are three scenarios when travel restrictions can be imposed (HRHF, e-mail correspondence, May 2017):

- The police start investigating a person who, with status as a suspect, cannot leave the country while the investigation is ongoing.
- The authorities have a "blacklist" of persons who cannot leave the country, which includes critics of the government. A person may not know if he/she is on the blacklist. In such scenarios, there have also been cases where people find out about this either when exiting or entering the country.
- Released political prisoners have sometimes been denied exit. For example, Khadiya Ismayilova and the lawyer Intigam Aliyev, who were released last year, were both denied exit for 5 years. The two are still serving suspended sentences

## 2.2 PUBLIC HUMILIATION

According to HRW's report *Harassed, imprisoned, exiled. Azerbaijan's continuing crackdown on governing critics, lawyers and civil society*, many types of critics have in recent years been subjected to public humiliation. For example, imprisoned critics are pressured, or attempts are made to pressure them, to apologise on national TV in exchange for release/amnesty. Several activists from the youth organisation NIDA<sup>5</sup> were subjected to this in 2016. The imprisoned leader of the opposition movement REAL, Ilgar Mammadov, refused to accept such a "deal", and was not given amnesty (HRW 2016b, p. 2, 29).

## 2.3 SITUATION IN DETENTION

HRHF claimed in a meeting with Landinfo that several critics who have travelled to Georgia have been subjected to abuse and torture in Azerbaijan. According to HRHF (meeting in November 2016), the abuse particularly occurred in prison and after detention. In prison, abuse primarily consisted of poor sanitary conditions, poor ventilation, poor lighting, too many prisoners in the cells and limited opportunity to get air.

After detention, serious abuse can occur, particularly in the first days after detention (Jafarov, meeting in April 2013; lawyer, meeting in April 2013; HRHF, meeting in November 2016). However, this does not happen to everyone. There are two detention centres that are under direct control of the security authorities, and according to HRHF (meeting in November 2016), it is relatively likely that persons who end up in these facilities will be subjected to torture. Berit Lindeman, senior advisor and Azerbaijan

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<sup>5</sup>NIDA means *exclamation mark* in Aseri. NIDA describes itself as a non-violent organisation that fights for democratic reforms, legal security, an independent civil society and social and economic reforms (HRW 2013, p. 19).

expert at the Norwegian Helsinki Committee<sup>6</sup>, refers to the isolation centre at the Ministry of National Security as particularly infamous. According to her, several key prisoners of conscience have been held there for a long time and subjected to torture and torture-like abuse. Most of the regime critics are put in another prison: Kurdakhani (Lindeman, e-mail correspondence September 2017).

When asked what determines whether someone is subjected to violence or possibly tortured, HRHF (meeting in November 2016) informed that it depends on what the person has done. Several members of the youth organisation NIDA have reported serious abuse and torture. The NIDA activists had supposedly "insulted the nation" by tagging a statue of former president Heydar Aliyev (the current president's father), something the authorities strongly resented. Those arrested in the "Nardaran case"<sup>7</sup> were also reportedly tortured. HRHF also pointed out that the authorities view political Islamists as a threat and that the Nardaran case was supposed to serve as an example – they wanted to show what happens if someone tries to destabilise Azerbaijan.

According to various UN agencies (as quoted in Freedom Now & Human Rights House Network 2015, p. 70), torture and abuse also include being denied food, placement in crowded cells, absence of basic sanitary conditions and medical treatment, threats of torture, violence and killing, isolation or beating, shocked with electricity, hung up by the hands or simulated drowning.

Claims of abuse of detainees are widespread in Azerbaijan, and sources believe that the claims are credible. Abuse appears to be particularly widespread outside the capital of Baku, and youth activists appear to be particularly vulnerable (Freedom Now & HRHN 2015, p. 70, 71).

## 2.4 FABRICATED ACCUSATIONS

To an increasing degree after 2012, and particularly after 2014, activists and critics in Azerbaijan were imprisoned on the basis of false accusations. The authorities have applied a number of articles from the penal code to justify the arrests (Freedom Now & HRHN 2015, p. 39).

In addition to criminal prosecution under the penal code, the Azerbaijani authorities use the administrative law on misdemeanours, such as resisting the police or not obeying the police, in order to detain activists for up to 90 days. According to HRW (2016b, p. 14), such accusations seem to be used as a direct reprisal for activism. So-called "administrative litigation" often lasts no more than 15 minutes, and the verdict is almost exclusively based on the testimony of the police. In 2016, HRW documented 30 cases where the authorities used the administrative law on misdemeanours to imprison political and civil activists. In none of the cases documented by HRW did the

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<sup>6</sup> Currently on leave.

<sup>7</sup> The clerical Shiite Muslim Taleh Bagirzade and around 70 members of his Muslim Unity Movement were arrested in Nardaran (a conservative Shiite community, about an hour north of Baku) in November 2015. They were accused of murder, terrorism and planning a coup. Bagirzade had previously served a prison sentence due to politically motivated charges (Runey 2016). In January 2017, Bagirzade was sentenced to 20 years in prison, and a number of others were sentenced to between 10 and 20 years in prison (IRFS 2017a).

activists have the opportunity to obtain a lawyer at their own discretion (HRW 2016b, p. 22).

In the following sections the most common accusations against human rights activists, journalists and political opponents are presented.

#### **2.4.1 Politically motivated accusation**

The most common politically motivated charges have included the following: inciting hatred (penal code § 283), organisation or calls for or participation in riots (penal code § 220) and treason (penal code § 274). In such politically motivated accusations, the authorities can openly state that the arrested person's statements, affiliation or political activities are the basis for the arrest. Human rights activist Leyla Yunus was sentenced on the basis of accusations of treason, most probably as a result of her work on dialogue with Armenians. Journalist and minority advocate Hilal Mammedov's<sup>8</sup> conviction of inciting hatred was due to his criticism of the authorities' treatment of the Talysh minority in the country (Freedom Now & HRHN 2015, p. 39, 41, 43).

#### **2.4.2 Common fabricated accusations**

It is a well-known fact that the Azerbaijani authorities fabricate accusations against critics. These are accusations that cannot clearly be attributed to the person's statements, organisation or activities. Common fabricated accusations have included possession of drugs and weapons (penal code § 234 and § 228), hooliganism (penal code § 221) and embezzlement (penal code § 179) (HRW 2016b, p. 1-5, 19, 56; Freedom Now & HRHN 2015, p. 44, 45). Freedom Now and HRHN (2015, p. 44, 45) have reported that in many cases of arrest on possession of weapons or narcotics, the arrested person has been questioned about his/her political position or activity on the Internet. The arrested person or others claim to have witnessed drugs being planted. In cases of accusations of embezzlement, the arrested person has often been affiliated with an NGO, and organisation-focused accusations have thus been used.

#### **2.4.3 Organisation-focused accusations**

A third strategy that has been used particularly in the last seven to eight years is organisation-focused accusations. This includes accusations such as illegal business activity (penal code § 192), tax evasion (penal code § 213) and abuse of position/office (penal code § 308). Such charges have particularly been directed against heads of NGOs (Freedom Now & HRHN 2015, p. 47; HRW 2016b, p. 34-49).

### **2.5 GÜLEN<sup>9</sup>-ACCUSATIONS**

After the attempted coup in Turkey in July 2016, accusations against regime critics for being Gülen followers have been increasingly used in Azerbaijan. Azerbaijan has

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<sup>8</sup> Mammedov was given amnesty in March 2016 (Freedom House 2017).

<sup>9</sup> Store norske leksikon (SNL) writes the following about the Gülen movement:

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cultural and economic ties to Turkey, and the two countries are close economic and political partners. By September 2016, five Gülen followers were arrested and 50 were dismissed from teaching jobs. A university and a newspaper that were probably affiliated with Gülen were closed shortly after the attempted coup (Safarova 2016; Mukhtarli 2016).

Accusations about affiliation with Gülen have not necessarily had any connection to reality. According to Reporters Without Borders (as quoted in Mukhtarli 2016), the Azerbaijani authorities have used Gülen-accusations to crack down on oppositional forces in the country. For instance, Faig Amirov from the opposition newspaper Azadliq was arrested in August 2016, charged with promoting religious hatred. According to the accusations, Amirov was an imam for the Gülen movement in Azerbaijan, which Amirov himself and the opposition in Azerbaijan have strongly rejected. In July 2017, Amirov was sentenced to three years in prison (Safarova 2016; Mukhtarli 2016; Caucasian Knot 2017).

## 2.6 GEOGRAPHICAL VARIATIONS

On several fact-finding missions to Azerbaijan, most recently in 2013, Landinfo was told by sources (western embassy A, meeting in April 2013; Leyla Yunus, meeting in April 2013) that the authorities have been most repressive towards critics in the Azerbaijani exclave (region) Nakitsjevan.<sup>10</sup> The president's family comes from Nakitsjevan. The region has a high degree of autonomy and traditionally there have been close ties between the president's family and the local leader Vasif Talibov (Norwegian Helsinki Committee 2009, p. 5-12). According to Berit Lindeman this means that Talibov has great power to commit injustices if they serve his own interests (Lindeman, e-mail correspondence September 2017).

## 2.7 REACTIONS DUE TO REGIME CRITICISM ABROAD

Based on reports from sources, there are reasons to believe that Azerbaijani authorities observe criticism and oppositional activities abroad. For example, the leader of the Berlin-based opposition TV channel Meydan-TV has claimed that the Azerbaijani Minister of Youth and Sports made threats as a result of the channel's critical reporting.

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*The Gülen movement, Gülen hareketi, Hizmet, is a transnational religious and social movement based in Turkey. The movement has branches in Europe, the Middle East, the U.S. and Central Asia. The Gülen movement is led by the pastor, author and political actor Fetullah Gülen, who has lived in exile in the U.S. since 1999 (Fosshagen 2016).*

The Gülen movement has had a clear presence in Azerbaijan since the country's independence (Mukhtarli 2016). For more information about the Gülen movement, see Landinfo's report Turkey: The Gülen movement, attempted coups and purges (Landinfo 2017).

<sup>10</sup> Nakitsjevan is an Azerbaijani region, geographically separated from the rest of Azerbaijan by a strip of Armenian territory. The area became an exclave in the late '80s in connection with the conflict over Nagorno-Karabakh between Armenia and Azerbaijan. Nakitsjevan is the hometown of former president Heydar Aliyev and the current president. Nakitsjevan is an autonomous region within Azerbaijan and is led by Vasif Talibov, who married into the Azerbaijani presidential family (Norwegian Helsinki Committee 2010, p. 5-12).

Similarly, journalists working for the same TV channel have reported harassment and threats against family members in Azerbaijan (HRW 2016a).

HRHF has also claimed that the Azerbaijani authorities closely monitor activists' activities abroad. Media loyal to the government often publish articles about "traitors" who lead "fake" campaigns against Azerbaijan (HRHF, e-mail correspondence May 2017). One example is from 4 May 2017, when a journalist loyal to the government gave the names of critical voices located in Georgia, and claimed that a revolution was being planned from the Georgian capital Tbilisi (Fatullaev 2017). Another example is from late May 2017, when an Azerbaijani journalist in exile in Georgia, Afghan Mukhtarli, was abducted. Mukhtarli had written about corruption in the Azerbaijani Ministry of Defence and in President Aliyev's business network in Georgia. Mukhtarli reappeared in Azerbaijan, detained and accused of illegal border crossing, smuggling and violently resisting the police (HRW 2017). HRHF has also previously informed Landinfo (meeting in November 2016) that the Azerbaijani authorities closely follow activists who have travelled to Georgia, and that some do not feel safe in Georgia.

According to HRW, the authorities have often reacted against relatives of profiled journalists and activists who have fled abroad, and who have continued their activities from there. The organisation has documented several examples of this (HRW 2016b, p. 4). In the summer of 2015, the authorities arrested two relatives of Ganimat Zahidov, editor of the opposition newspaper Azadliq, who lives abroad. In November 2016, the two relatives condemned the editor, but had not been released by the beginning of 2017 (U.S. Department of State 2017, p. 16). Mehman Hüseynov, brother of the head of the NGO Institute for Reporters' Freedom and Safety (IRFS), Emin Hüseynov, who has received protection in Switzerland, has been under investigation since 2012. He was sentenced to two years in prison in March 2017 for defamation (HRW 2016b, p. 4; RFE/RL 2017a). In the human rights circles in Azerbaijan and internationally, the charges are considered to be politically motivated. According to the journalist Arzu Geybullaeva (2017), who writes for the online news outlet Eurasianet, the Azerbaijani authorities are leading an increasingly aggressive campaign against critics abroad. Geybullaeva states that one of the measures the authorities use is to direct reactions against critics' families in their home country.

## **2.8 AMNESTIES**

President Aliyev occasionally grants amnesty to inmates. In March 2016, 148 inmates were amnestied, including 14 people who human rights organisations had defined as political prisoners.<sup>11</sup> Human rights organisations welcomed the amnesty, while simultaneously pointing out that there were still regime critics that remained imprisoned (BBC 2016). None of the regime critics who were released in March 2016 had their sentences annulled (Freedom House 2017, p. 7). Azerbaijani authorities have also previously given amnesties, several times in connection with the celebration of Novruz (pre-Islamic New Year's celebration) (RFE/RL 2017a).

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<sup>11</sup> Including the leaders of Human Rights Club, Rasul Jafarov, and Democracy Studies Center, Anar Mammadli (Freedom House 2017, p. 7).

### **3. HUMAN RIGHTS LAWYERS**

HRW stated in its report from 2016 (2016b, p. 5) that in recent years the authorities have directed reactions against lawyers – also referred to as human rights lawyers – who defend regime critics in legal cases. The reactions vary from arrest and subsequent prosecution, investigation of organisations run by lawyers, travel restrictions, disciplinary processes that have resulted in disbarment or threats of disbarment and exclusion from the Bar Association.

According to HRHF (meeting in November 2016), by 2016 there were 900 lawyers who could bring cases to criminal court in Baku. Only 12 of these worked with so-called "political cases"/human rights cases. HRHF claimed that lawyers are not at risk if they work on civil cases defending a "normal" (non-political) person. Lawyers who work with politically sensitive cases against the government – such as defending critical journalists or political activists such as NIDA – are according to the source at risk.

Berit Lindeman points out that the percentage of human rights lawyers who have had reactions directed against them is high (given the low number of lawyers involved in such cases). She says that this has negative consequences, including making it very difficult to recruit lawyers to take on such cases (Lindeman, e-mail correspondence September 2017).

#### **3.1 REACTIONS AGAINST HUMAN RIGHTS LAWYERS**

##### **3.1.1 Disbarment/expulsion from Bar Association**

A number of lawyers who have worked as defenders in political cases or cases involving human rights activists have over the years been disbarred or expelled from the Bar Association (HRHN 2015, p. 22). This seems to be a common reaction. If lawyers have been disbarred they cannot represent clients in criminal cases. For example, this happened with the lawyer Khalid Bagirov (HRW 2016b, p. 58). However, HRHF (meeting in November 2016) pointed out that lawyers who have been disbarred may still work on cases relating to the European Court of Human Rights (ECHR) if they have experience with such cases.

Examples from HRW (2016b, p. 61-62) include two lawyers, Bahruz Bayramov and Elchin Sadigov, who defended a journalist who had previously been sentenced on the basis of politically motivated charges. The lawyers received a reprimand from the Bar Association in Azerbaijan, allegedly due to Bayramov having criticised the judge's decision in the appeal hearing. Another example is lawyer Alaif Hasanov, defender of the human rights activist Leyla Yunus (who was arrested in 2014 and sentenced in 2015 on what was considered false charges). He conveyed a complaint from Yunus that she was being harassed in prison by a cellmate. The cellmate responded by filing a lawsuit on defamation against the lawyer. The lawyer was found guilty of defamation in 2014 and sentenced to 240 hours of community service and disbarred.

The Bar Association's lack of independence has been pointed out as a serious problem, including by the International Commission of Jurists (Freedom House 2017, p. 11).

### **3.1.2 Travel restrictions**

According to HRHF (meeting in November 2016) a number of human rights lawyers have been subjected to travel restrictions, which prevents lawyers from representing clients at ECHR. HRW (2016b, p. 58) pointed out that this also prevents them from attending international meetings or courses, conferences and further education abroad. If they are not subject to travel restrictions, they are routinely checked at the border (HRHF, meeting in November 2016).

One example referred to by HRW (2016b, p. 58–59) is lawyer Intigam Aliyev. After release from prison (see section 3.1.3), he was subject to travel restrictions for five years and cannot travel abroad without special permission as a result of his continued suspended sentence. Another example from HRW is the lawyer Asabali Mustafayev in the Resource Center for Democracy and Human Rights. Mustafayev's travel ban was still in force as of October 2016 (Landinfo has no information about whether it is still in force today).

### **3.1.3 Arrest**

Based on reports from sources, it is Landinfo's impression that only a few human rights lawyers have been arrested and convicted. Amongst the exceptions reported (HRW 2016b, p. 58) are Intigam Aliyev, one of the most well-known and respected human rights lawyers in Azerbaijan, and head of the organisation Legal Education Society (LES). Aliyev was arrested in August 2014 and convicted to seven and a half years of imprisonment in April 2015 for tax evasion and illegal entrepreneurship. In March 2016, the Supreme Court reversed the sentence to a conditional sentence, and Aliyev was released.

Another example that was previously reported by HRW (2013a, p. 51) is the human rights lawyer Bakhtiyar Mammadov, who was arrested in 2011 and sentenced to eight years in prison in 2013 on charges of extortion. Mammadov had represented several families who were evicted from their houses due to construction ahead of the Eurovision Song Contest. In connection with the question of government compensation, Mammadov alleged corruption by the authorities. Mammadov was pardoned in May 2014 (Caucasian Knot 2014).

### **3.1.4 Other reactions**

Several lawyers have had their bank accounts or their organisation's bank accounts frozen as part of the investigation against themselves or the organisation (HRW 2016b, p. 58-59).

According to HRHF (meeting in November 2016) other reactions against human rights lawyers include campaigns against them in newspapers (meeting in November 2016). HRHF also pointed out that they could be placed under surveillance by the authorities. In several cases written correspondence between lawyers and ECHR had been

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hindered. This was a relatively new phenomenon that by November 2016 had not yet been confirmed. When asked how this might have happened, HRHF answered that the written correspondence had probably been stopped in the mail.

## **4. CRITICAL JOURNALISTS/WRITERS ON SOCIAL MEDIA**

### **4.1 MEDIA**

Online media has become widely used in the past eight to ten years in Azerbaijan. The use of social media has also increased significantly, particularly Facebook, especially among young people who have a need to express themselves (director of a news agency, meeting in April 2013; Freedom House 2016). In general, there is a lot of critical writing on social media in Azerbaijan.

According to the director of a news agency (meeting in April 2013), in 2005 there were about 20-30 independent media agencies (newspapers, radio, TV) in Azerbaijan. However, in 2013 there were almost none left. Reporters without Borders wrote in 2017 that there is only one independent news agency left: Turan Agency (RWB 2017c). The director of the news agency that Landinfo met in 2013 further stated that in 2013 there were two more or less independent paper newspapers: Azadlıq<sup>12</sup> and Yeni Müsavat (these also had online editions) as well as multiple independent newspapers, including Yeni Müsavat, Azadlıq, Objektiv TV, Contact.az, Azadlıq Radio, Minval.az.

Reporters without Borders (b) has more recently announced that several independent online newspapers have been closed after 2013, including Azadlıq, Meydan-TV, RFE/RL (service in Azerbaijan) and online TV channels Azerbaijan Saati and Turan-TV. The editor of Turan News Agency, Mehman Aliyev, who ran the online newspaper Contact.az, was arrested on 24 August 2017 as a result of a legal case against Turan (RFE/RL 2017c).<sup>13</sup> The future of Turan New Agency (and Contact.az), considered Azerbaijan's last independent news portal, is thus uncertain.

Azerbaijan is placed in 162nd place out of 180<sup>14</sup> countries on the Reporters without Borders Press Freedom Index (RWB 2017a).

Independent media in Azerbaijan have struggled with funding. This has particularly been the case for independent online media, which have been dependent on revenues from advertising. There are few businesses who have wanted to advertise in independent online media, as they have been afraid of reactions from the government (Media Rights Institute, meeting in April 2013). Newspapers are sold from retail

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<sup>12</sup> Affiliated with the opposition People's Front Party.

<sup>13</sup> On 11 September, Mehman Aliyev was transferred to house arrest while the tax case is still under investigation.

<sup>14</sup> 180th place represents the worst score.

outlets, but they also struggle as less people buy newspapers, in addition to the fact that there are generally few retail outlets for newspapers (director of news agency, meeting in April 2013). It has also been difficult to get independent newspapers printed because printing companies are either under the control of, or loyal to, the authorities (Media Rights Institute, meeting in April 2013).

The Azerbaijani authorities recently stepped up the fight against critical online activity. In March 2017, parliament passed a law prohibiting the publication of a number of specific topics on the Internet.<sup>15</sup> In addition, parliament has twice in the past year increased the penalty for defamation of the president on the Internet – the last legislative amendment in June 2017 increased the penalty from three to five years in prison (Geybullaeva 2017).

## **4.2 SOCIAL MEDIA**

After the Arab Spring in 2011, youth activists and political leaders also in Azerbaijan were inspired to protest against corruption and abuse of power. Facebook and other social media were used to organise and inform about mass protests, including in 2011 and in 2012. The authorities quickly became aware of social media's potential to mobilise people, and arrested several high-profile bloggers (HRW 2013b, p. 11; Freedom House 2015, p. 2).

## **4.3 WHAT TRIGGERS REACTIONS AGAINST CRITICAL JOURNALISTS/WRITERS?**

According to sources Landinfo has consulted, it is difficult to provide a clear answer as to which topics can lead to reactions towards critical journalists or social media activists. However, there are some topics, mentioned by several sources, that seem to be more sensitive than others. HRHF (meeting in November 2016) claimed that the most sensitive topic to write critically about is President Ilham Aliyev, his wife and other family members. The critical journalist Khadiya Ismayilova, who has been criminally prosecuted due to her writing, as well as the journalist organisation Institute for Reporters' Freedom and Safety (IRFS), also mentioned this as a sensitive topic during meetings with Landinfo in 2013. For instance, writing about the president's family in a condescending or humiliating manner could lead to reactions.

Satirical publications in social media about former president Heydar Aliyev have repeatedly led to arrests and convictions (HRW 2013b, p. 20). In conversations with sources in 2013 (IRFS; Media Rights Institute; Ismayilova, meetings in Baku in April 2013), investigations into the presidential family's business activities was highlighted as problematic. An example that corroborates this is the arrest of one of Landinfo's interlocutors, Khadija Ismayilova, in December 2014. Ismayilova was sentenced to seven and a half years in prison after having cooperated with the International Consortium for Investigative Journalists, during which connections between

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<sup>15</sup> The law prohibits the promotion and funding of terrorism, the promotion of violence and religious extremism, sharing of state secrets or pornography, promotion of gambling, promotion of suicide and information of an offensive or defamatory nature (IRFS 2017b).

unregistered (not declared) foreign offshore companies and the presidential family in Azerbaijan were disclosed. She was released in the spring of 2016 after the Supreme Court changed the sentence to a three and a half year suspended term (Walker 2016).

HRHF also claimed that it is problematic to write about corruption in the government apparatus (HRHF, meeting in November 2016). Criticising people with major business interests with close ties to the authorities could also lead to reactions. Such "criticism" will typically be accusations of corruption and close ties to the regime (Lindeman, e-mail correspondence September 2017).

Writing about torture or murders suspected to be politically motivated is also considered to be problematic. Politically sensitive cases, such as the Nardaran case, where the Shiite imam Taleh Bagirzade and his followers were arrested in November 2015, may also be a sensitive topic to write about (HRHF, meeting in November 2016).

When asked how extensive the writing would have to be (within the above topics) in order to be subjected to reactions, HRHF stated (meeting in November 2016) that it depends who the journalist or blogger is and how much they have previously written. If the journalist is a newcomer, i.e. unknown, it will probably require more articles or comments to experience reactions. For high-profile or famous journalists, critics or bloggers, it does not require much writing, according to HRHF. Therefore, it seems that established journalists are more or less constantly in the spotlight, but newcomers would have to be "detected" before they risk reactions.

Human rights activists, critical journalists and political opponents often experience Internet harassment, such as rude comments or threats on social media, and through the authorities' use of so-called Internet trolls. Monitoring of mobile phones and Internet communication in Azerbaijan is made possible by laws that give the authorities direct access to communication networks (Freedom House 2016, p. 11-12; Garnieri, Franco & Anderson 2017). According to Amnesty International (as quoted in Garnieri, Franco & Anderson 2017), several known regime critics have experienced that their Facebook accounts have been "taken over" and that fake Facebook accounts have been created in their name. In 2013, several sources also claimed that the authorities, particularly the Ministry of National Security (MNS), monitored the Internet (Media Rights Institute; IRFS; editor of news agency, meeting in April 2013). According to Media Rights Institute, MNS had access to monitoring in accordance with anti-terrorism legislation. This access had also been used against critics. According to the editor of a news agency, the authorities mainly monitored Facebook. As per 2013, the authorities also employed people who would write in support of the authorities on Facebook.

#### **4.4 REACTIONS AGAINST CRITICAL JOURNALISTS/WRITERS**

Critical journalists and writers/bloggers have been insulted and harassed, and sometimes information from their private lives has been misused. There have also been reports of assaults on journalists. According to the Committee to Protect Journalists, there have been six murders of journalists from 1992 up until today (CPJ, unknown year). The degree of direct involvement from the authorities in these murders may be

questioned, but it is indicated that the authorities' general condemnation of critical journalists may contribute to private individuals taking the law into their own hands.

According to HRHF (meeting in November 2016), the most common reaction appears to be arrest as a result of false charges of drug possession, abuse of power, illegal entrepreneurship or hooliganism. Media Rights Institute gave similar information in a meeting with Landinfo in 2013. In November 2016, HRHF pointed out that in the most serious cases the penalties could be quite high, from five to seven years in prison. Hooliganism as a criminal offense is mostly applied in cases involving young and inexperienced journalists, not yet known to the authorities, and in cases with bloggers. According to HRHF, hooliganism is an administrative offense punishable by imprisonment for up to 30 days.

In both 2013 and 2016, sources mentioned that libel (defamation) as a charge against journalists is now less used than before (Ismayilova and Jafarov, meetings in April 2013; HRHF, meeting in November 2016). HRHF believed that it is likely that libel arouses suspicion of restriction of freedom of expression, and that the use of this charge has caused international reactions. Criminal charges of illegal entrepreneurship does not arouse the same reactions, and it is "easier" for the authorities to build a case around this.

## **5. POLITICAL OPPOSITION**

There are about 50 registered political parties in Azerbaijan. The governing party, the New Azerbaijan Party (YAP), is the largest party (U.S. Department of State 2017, p. 29). Many opposition parties were formed in both the early and late '90s. Most of these parties have few members and are not very active, and have traditionally been centred around a single leader, rather than focusing on ideology and party programme (Sultanova 2014; Heinrich 2011). According to a lecturer at the Blavatnik School of Government at Oxford University, who specialises in non-democratic regimes in post-Soviet Eurasia (as referred in IRB 2016, p. 3), political parties in Azerbaijan can best be understood from the degree of support or opposition to the incumbent political leadership.

The authorities have had a practice of establishing parties loyal to the regime with similar names as opposition parties as an attempt to neutralise opposition parties (Heinrich 2011). For instance, there are currently parties in Azerbaijan that have very similar names to the People's Front Party. These are deliberately founded to confuse voters and to give the semblance of opposition in parliament. These include the All Azerbaijani People's Front Party and the Classic People's Front Party (Lindeman, e-mail correspondence September 2017; IRB 2016; Sultanova 2014, p. 25-26).

The People's Front Party and Müsavət are the two largest opposition parties. None of the parties have been represented in parliament since 2010, partly because they have boycotted elections on several occasions (U.S. Department of State 2017, p. 28).

Lindeman in the Norwegian Helsinki Committee (e-mail correspondence in September 2017) points out that there is little reason to believe that the People's Front Party and Müsavat would succeed in winning seats in parliament even without the boycott. No real opposition had the chance to be elected to parliament, although the government's party "only" got 69 of the 125 seats. None of the other representatives are from the real opposition.<sup>16</sup>

However, ahead of the presidential election in 2013 a number of opposition parties and opposition groups (including the People's Front Party and Müsavat) gathered in a coalition called the National Council for Democratic Forces (NCDF). The coalition presented a joint candidate for the election (Abbasov 2013).<sup>17</sup> The council still exists, and is a forum for debate and strategic thinking. According to Berit Lindeman, the relative unit that the council comprises is likely perceived as a threat by the authorities (Lindeman, e-mail correspondence September 2017).

## 5.1 PEOPLE'S FRONT PARTY

The People's Front Party was formed as a reaction to the Soviet regime in the 1980s and re-established itself as a political party in 1992. The party won the presidential election in 1992, and stayed in power until 1993, when it was removed and replaced by Heydar Aliyev, the father of the current President Ilham Aliyev (Sultanova 2014).

According to the lecturer at the Blavatnik School of Government at Oxford University (as referred in IRB 2016), the People's Front Party is not recognised as legitimate by the government, and has engaged in demonstrations to fight against the political leadership in the country. A scholar at the Department of Political Science at the University of Toronto Mississauga (as cited in IRB 2016) describes the People's Front Party as a moderate nationalistic party with a strong pro-Western<sup>18</sup> position. Both of the above mentioned sources describe the People's Front Party as centred around the leader Ali Kerimli. A researcher at the Center for Russian and Eurasian Studies at Uppsala University (as referred in IRB 2016), who specialises in political activism in Azerbaijan, points out that it is almost impossible for the People's Front Party (and Müsavat) to rent premises for meetings and party congresses, as many business owners are afraid to rent out to them. The lecturer at Oxford University claimed that the party has about 5000 - 7000 active members. Both the lecturer at Oxford University and the scholar at the University of Toronto describe the members as intellectual and educated people who mostly live in urban or semi-urban areas.

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<sup>16</sup> OSCE/ODIHR cancelled election observation for the last parliamentary election in 2015 as a result of unacceptable restrictions imposed on OSCE/ODIHR (Lindeman, e-mail correspondence September 2017).

<sup>17</sup> The National Council for Democratic Forces (NCDF), or National Council (Milli Şura), is led by Jamil Hasanli. NCDF is a coalition of opposition groups, including Müsavat and the People's Front Party, but also other parties and Islamist groups. NCDF was created ahead of the presidential election in 2013, but received just over 5% of the votes (the election was characterised by fraud). However, Müsavat resigned from the coalition in 2014. It was stated that the goal of the NCDF was to unite the opposition during the presidential election. The People's Front Party is still part of the NCDF (Abbasov 2013; RFE/RL 2014). The opposition parties have also previously cooperated in various coalitions, such as Azadliq in 2005 and Public Chamber in 2010 (Landinfo 2013).

<sup>18</sup> For instance the desire to strengthen ties with the U.S., EU and NATO, rather than Russia (IRB 2016).

Based on information from sources such as the U.S. Department of State, it seems as if the People's Front Party in recent years has been subjected to the most harsh reprisals from the authorities. The authorities have for instance tried to associate key people in the People's Front Party with political Shiite groups and the Gülen movement (U.S. Department of State 2017, p. 17, 29).

## **5.2 MÜSAVAT**

In 1992, Isa Gambar, Deputy Chair of the People's Front Party in 1990-1991, formed the party Müsavat. Müsavat is the modern successor to the pro-Turkish party with the same name, which was established in 1911 and supported pan-Islamic and pan-Turkish ideas. Müsavat is currently the country's largest opposition party (Sultanova 2014).

According to Müsavat itself, the party now has 22,000 members. Many of these are probably quite inactive. Both the People's Front Party and Müsavat previously had many regional offices. This is no longer the case, and many previously active members have become inactive. In line with what was previously mentioned about regime loyal parties with similar names as opposition parties, Müsavat also has a "false twin", Muasir Müsavat (Temporary Müsavat), which is not oppositional (Lindeman, e-mail correspondence September 2017).

In September 2014, Arif Hajili took over as head of the party after Isa Gambar (Trend 2014).

## **5.3 THE ENVIRONMENT FOR THE POLITICAL OPPOSITION**

Several sources have pointed out that the political opposition in Azerbaijan is passive and ineffective (Western embassy A and B, meetings in April 2013; Sultanova 2014, p. 26-27). The leaders have been in place for many years, there are no clear formulations of party programmes, and they have shown little willingness to use social media to reach out to people. Even though the parties have sought cooperation with each other before elections, such cooperation usually ceases after the elections are over (Sultanova 2014, p. 26-27). The population seems to be tired of the traditional opposition. The authorities do not seem to be particularly threatened by them (Western embassy A and B, meetings in April 2013). At the same time, the opposition has a poor environment for conducting political activity. Even though the authorities do not appear to be threatened by the political opposition, they still put obstacles in the way of oppositional activity: there is limited opportunity to arrange demonstrations and political meetings, they are not allowed to rent premises and have little access to the public during election campaigns (Sultanova 2014, p. 26-27).

Against this background, alternative groups of critics have emerged, including youth movements, or "the new opposition" as they are also called. They are often educated in the West and have clearer political goals than the traditional opposition (for more information about these groups, see section 6). There has also been an increase in activity among political Islamists and critical journalists in recent years. All of these groups appear to have a greater ability to mobilise the masses in Azerbaijan than the

traditional political opposition does, and it is primarily these groups that are targeted by the authorities.

## **5.4 REACTIONS AGAINST THE POLITICAL OPPOSITION**

Even though the authorities primarily target newer groups of critics that have emerged, it does not mean that the traditional political opposition is left in peace. The following gives an outline of which party members are at risk, and which reactions they can be exposed to.

Landinfo understands "active party member" as a person who participates in demonstrations, is politically active on Facebook, has followers on Facebook, writes in social media about topics sensitive to the authorities, and/or initiates events such as demonstrations or political meetings.<sup>19</sup> All of these criterias do not necessarily have to be fulfilled in order to experience serious reactions, and the severity of the reactions may depend on geographic affiliation.

### **5.4.1 Participation in demonstrations**

According to the Constitution of Azerbaijan § 49 everyone has the right to peacefully assemble after having notified the authorities in advance. However, in practice the authorities require gatherings in public places to be sanctioned by the local authorities. In 2006, the local authorities in Baku imposed a ban on demonstrations organised by the opposition in the city centre. After 2013 and 2014, sources informed that the authorities had often used violence, arrested and imprisoned demonstrators and organisers of demonstrations. The authorities only allowed demonstrations in earmarked places outside the city.<sup>20</sup>

In 2012 and 2013, legislative amendments were adopted that imposed a sharp increase in fines for participating in and organising unauthorised demonstrations. Legislative changes were also adopted increasing the maximum prison sentence for minor breaches of public peace and order, often used to punish demonstrators, from 15 to 60 days (HRW 2013b, p. 4, 69). Sources Landinfo met in Baku in 2013 informed that young people are often not able to pay the fines and that in such cases the authorities have seized their property (international organisation, meeting in April 2013; Gambar, meeting in April 2013).

In the spring of 2013, there were several unsanctioned demonstrations in the centre of Baku. The demonstrations were peaceful, but according to witnesses the police used violence to disperse the demonstrations (HRW 2013b, p. 73-75).

There have been no similar demonstrations in the centre of Baku since 2013. However, ahead of the referendum in September 2016, permission was given to hold a

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<sup>19</sup> This may also include other activists that are not members of political parties.

<sup>20</sup> The authorities cancelled bus departures to designated sites for demonstrations to keep demonstrators from getting there (Yunus, meeting in April 2013).

demonstration on the outskirts of Baku. Prior to the demonstration, the police detained a number of activists, including members of the People's Front Party and NIDA. When the demonstration had ended, the police detained a number of the protesters. The use of violence from the protesters' side was not observed (HRW 2016b, p. 24). It has been speculated as to why permission for the demonstration was given. According to Lindeman (e-mail correspondence September 2017), it can be surmised that since it had been a long time since there last had been demonstrations, the authorities needed to map the protesters: how many and who showed up. All demonstrations are carefully monitored and participants are photographed.

Landinfo interviewed several sources in Baku in 2013 about the type of reactions a person might risk by participating in an unsanctioned demonstration. The head of a human rights organisation in Baku (meeting in Baku, April 2013), who was made anonymous for security reasons, informed that it was not random who was arrested in connection with the demonstrations. According to the source, the authorities primarily focused on specific persons such as coordinators, leaders<sup>21</sup> and youth leaders. Random protesters could also be arrested. The head of a local NGO, who was also made anonymous for safety reasons, informed in 2013 that the authorities often went after people they knew from before, where activity on Facebook was included in mapping out the protesters. Those arrested were confronted with their Facebook activity after the arrest.

#### **5.4.2 Dismissals from work**

Sources from 2013 claimed that members of the political opposition parties risked losing their jobs, and that they had difficulties being employed or conducting business activities if it became known that they were members of an opposition party (Gambar, meeting in April 2013; NGO, meeting in April 2013; Gahramanli, meeting in April 2013). When asked whether such reactions depend on the membership itself or the level of activity of a person, the head of an Azerbaijani NGO informed that this could vary. Sometimes it was enough to be just a member, at other times it primarily affected active members. According to the source the authorities were selective, and there was not just one approach to this. Dismissals of opposition members especially happen in the government sector (Yunus, meeting in April 2013). The deputy of the People's Front Party, Fuad Gahramanli<sup>22</sup>, informed that none of the members in the People's Front Party were allowed to work in the government apparatus, while some less active members were allowed to work as teachers. Conducting business activities or entrepreneurship was impossible regardless of level of activity. Active members could not work in either public or private sector. The head of another Azerbaijani opposition party, ADP (Azerbaijan Democratic Party), informed that socio-economic problems

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<sup>21</sup> The top leaders of opposition parties do not usually participate in demonstrations (head of a human rights organisation in Baku, meeting in April 2013).

<sup>22</sup> Fuad Gahramanli was arrested in December 2015 for having criticised the authorities on Facebook for using violence during actions against the Shiite group of the imam Taleh Bagirzade and his Muslim Unity Movement. in Nardaran in November 2015. Gahramanli was accused of being associated with extremist Shiite groups (HRW 2016b, p. 19). In January 2017, he was sentenced to 10 years imprisonment (IRFS 2017a).

affected members of all opposition parties: they could not get jobs, were dismissed from jobs and did not have any business opportunities.

According to an international organisation (meeting in April 2013), party members were generally not open about their party affiliation at work in fear of negative consequences.

Landinfo considers this information to still be relevant today. The reason for this is that Landinfo received corresponding information about opposition members' job opportunities as early as 2006.<sup>23</sup> Considering that the human rights situation in the country has further deteriorated over the last three to four years, there are reasons to believe that opportunities for opposition members on the job market have not significantly improved.

### **5.4.3 Arrests**

According to the scholar at the University of Toronto (as quoted in IRB 2016), members of the People's Front Party were constantly harassed by the authorities, and there were cases where people associated with the party were beaten by the police and arrested on false charges. As an example from previous years, the deputy leader of the People's Front Party, Fuad Gahramanli, told Landinfo in 2013 that the leadership of the party currently consisted of 25 people. 20 of these had been in prison at some point. A great many members of the party had been subjected to violence in connection with demonstrations, and many had also been temporarily detained after demonstrations. The same seems to be the case in subsequent years. For instance, according to HRW (2016b, p. 24-25), 12 activists, most of them members of the People's Front Party, were arrested and sentenced to eight days in prison for having resisted police orders after a sanctioned demonstration on the outskirts of Baku on 17 September 2016.

A number of both leading and ordinary activists in the People's Front Party have experienced reactions from the authorities. At least 12 were either imprisoned pending trial or sentenced to prison terms as per 2016 (HRW 2016b, p. 22). Representatives of the youth branch of the People's Front Party were also arrested during 2016 and sentenced to prison under the administrative law on misdemeanours as a result of critical comments about the authorities in social media. The People's Front Party was also accused of having ties to extremist groups within Shiite Islam in connection with the prosecution of deputy leader Fuad Gahramanli in December 2015. Likewise, the authorities have claimed that the party has ties to the Gülen movement in connection with the arrest of the assistant to the head Ali Kerimli, Faig Amirov, and member of the People's Front Party and activist on social media, Fuad Ahmadli in August 2016 (U.S. Department of State 2017, p. 29–30; HRW 2016b, p. 15-17). Fuad Ahmadli was sentenced to four years in prison in June 2017 for allegedly stealing personal

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<sup>23</sup> Landinfo visited Azerbaijan in April 2006.

information from customers of the mobile operator Azerfon, where he had previously worked (RFE/RL 2017b).<sup>24</sup>

## **5.5 REACTIONS AGAINST FAMILY MEMBERS**

U.S. Department of State report that the police frighten, humiliate and sometimes arrest family members of political opponents (U.S. Department of State 2017, p. 16). Landinfo's impression is that this particularly applies to family members of active and high-profile party members. For example, the brother-in-law of the head of the People's Front Party is still imprisoned after having been arrested in 2012. The charges against him are considered politically motivated (U.S. Department of State 2017, p. 16).

The most common reaction against family members seems to be termination of employment (see accounts in U.S. Department of State 2017, p. 16-17). In 2013, the former head of the Müsavat Party, Isa Gambar, claimed that family members of active party members of Müsavat also experienced pressure. Fuad Gahramanli, deputy leader of the People's Front Party was also of the opinion that close relatives of party members, particularly active and high-profile members, risked losing their jobs (meetings with Gambar and Gahramanli, April 2013).

## **6. THE “NEW” OPPOSITION**

### **6.1 YOUTH ORGANISATIONS<sup>25</sup>**

Youth organisations often seem to be quite fearless towards the authorities and have used the Internet and social media actively in their work. They do not define themselves as political parties, but rather as civil movements. Early examples of such movements (mid-2000s) are OL (Free Thought University) and Dalgha (Wave). What the movements have had in common is that they want to change the political culture, establish a strong civil society and democratise the country. After 2010, several such movements emerged, including NIDA (Sultanova 2014, p. 29-30). Landinfo is not aware of the extent and growth of such youth movements today, other than that OL was closed down by the authorities in 2013, and that NIDA is still active (OSCE 2013; HRHF, meeting in November 2016).

When Landinfo visited Azerbaijan in April 2013, sources, including Western embassy A and Khadija Ismayilova, informed that NIDA was the most exposed youth movement. It was explained that NIDA was a group of well-educated people who had "had enough" of the Azerbaijani authorities. The members acknowledged that they had

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<sup>24</sup> Ahmadli was accused of both affiliation with Gülen and of having stolen personal information from customers of the mobile operator Azerfon (HRW 2016b, p. 15).

<sup>25</sup> This chapter does not concern youth branches in the political opposition parties.

no career opportunities due to their membership in NIDA. Most were either unemployed or students. According to HRW (2013, p. 19) NIDA described itself in 2013 as a non-violent organisation that fights for democratic reforms, rule of law, an independent civil society and social and economic reforms.

## **6.2 REACTIONS AGAINST NIDA**

According to HRHF (meeting in November 2016), members of NIDA are subjected to serious reactions and there are reports of a number of incidents during the period from 2013 to 2016.

For example, NIDA member Elgiz Gahraman was arrested and accused of drug possession in August 2016. According to the lawyer, Gahraman had been abused when first detained and was also pressured to sign papers about affiliation with Fethullah Gülen (HRW 2016b, p. 17, 31).

During the period of 2013 to 2016, several sources also reported that members of NIDA were reportedly subjected to serious abuse during and after detention (HRW 2013b, p. 21-22; HRW 2016b, p. 17; HRHF, meeting in November 2016). HRHF has pointed out (meeting in November 2016) that the abuse was partly due to NIDA having "insulted the nation" by tagging a statue of Heydar Aliyev, which particularly offended the authorities.

In 2013 several members of NIDA were arrested and sentenced for possession of drugs and weapons, promoting violence and riots. The reason was most likely the organisation and participation in unsanctioned rallies (HRW 2013, p. 20-22).

## **6.3 THE REAL MOVEMENT**

The REAL movement (Republican Alternative Movement) was established in 2009. Compared to the youth movements, REAL resembles more a political party, even though it dissociates itself from the political opposition, and claims it has clearer political goals. REAL wants to build a strong democratic system. The movement has been described as the most popular of the new opposition groups in Azerbaijan, particularly within the middle class (Sultanova 2014, p. 31-33).

### **6.3.1 Reactions against the REAL movement**

In August 2016, a high-profile critic of the government and organisational secretary for REAL, Natig Jafarli, was arrested and accused inter alia of illegal entrepreneurship. Jafarli was released in September the same year, but the investigation is still ongoing. The charges against Jafarli stem from a criminal case brought by the authorities against NGOs in 2014. Jafarli, who is a renowned economist, has regularly criticised the misuse of state funds on social media (HRW 2016b, p. 19-20).

The head of the REAL movement, Ilgar Mammadov, has been imprisoned since 2013. In 2015, he was sentenced to seven years in prison for promoting civil unrest. In May 2014, Azerbaijan was convicted of having breached the European Convention on Human Rights (ECHR) for the imprisonment of Mammadov (HRW 2016b, p. 29).

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## **7. NGOS AND THEIR LEADERS**

For many years, Azerbaijan has had a large number of active, independent non-governmental organisations (NGOs) – in areas such as human rights, corruption, development of democracy and internally displaced persons. According to HRW, in recent years criminal prosecutions of heads of NGOs who have worked with human rights and government accountability – in addition to the introduction of strict NGO laws – have downscaled civil society, particularly organisations critical of the government (HRW 2016b, p. 3).

### **7.1 LEGISLATIVE CHANGES SINCE 2013**

A number of legislative changes that regulate NGOs' activities came into force in 2014 and 2015. According to HRW (2016b, p. 34), this affected the ability of NGOs to function independently and further limited their activity.

In 2013, changes were introduced to requirements for being registered as an NGO. NGOs in Azerbaijan must register as a legal entity with the Ministry of Justice. HRW (2016b, p. 34–35) describes the registration process as highly bureaucratic with almost unlimited opportunity for the authorities to refuse registration. In some cases, the authorities have denied NGOs registration multiple times, including for minor errors, such as a spelling mistake in the name of the NGO law. Thus, organisations have for many years operated without registration.

In addition to the initial registration, an NGO must apply for renewed registration with the government every time there is a change in the statutes or if there is a change of leadership. Not renewing registration following such changes can lead to fines under the administrative law on misdemeanours, or constitute grounds for criminal charges of illegal entrepreneurship (HRW 2016b, p. 36).

Later, in December 2015, the Ministry of Justice adopted new guidelines for controlling NGOs activities. These guidelines provide the ministry with authorisation to carry out regular and extraordinary inspections of NGOs. There is no maximum limit for how many inspections the authorities can perform annually (HRW 2016b, p. 37).

HRW points to the requirement according to the new rules that anyone who gives financial support to an NGO and anyone who receives support must obtain the government's approval for the grant. Violation of this rule may result in long-term prison sentences. Foreign organisations must also get the authorities' approval to be allowed to donate in Azerbaijan. The Ministry of Finance reportedly has a high level of freedom to deny support, inter alia because the contribution does not seem “expedient” or that there is already sufficient state funding in the relevant field (HRW 2016b, p. 3–4). NGOs are required to report all donations and the identity of the donor to the authorities (HRW 2016b, p. 38).

## 7.2 REACTIONS

### 7.2.1 Limited activities and resources

The legislative changes mentioned above have made it very difficult for NGOs to receive support from foreign donors. This is often the only source of income for organisations that are critical of the government. The requirement of providing the identity of small donors may reportedly also put the donors at risk of reactions from the authorities (HRW 2016b, p. 37-38).

HRW indicates that several local NGOs have had to close their offices in Azerbaijan, such as IRFS, an organisation that has worked to promote media rights and freedom of expression. The offices were closed in 2014 and all bank accounts were frozen. The head of the organisation, Emin Hüseynov, took refuge at the Swiss embassy and then fled to Switzerland in fear of arrest (HRW 2016b, p. 41-42).

According to HRW (2016b, p. 43), other examples show that after the authorities suspended investigations of several donors and recipient organisations in April 2016, the bank accounts of several organisations and their leaders were opened again. However, several organisations cannot use the funds, because the authorities seized key documents without returning them afterwards.

About a third of all active NGOs in Azerbaijan cancelled their operations in 2015 as a result of the loss of their staff and offices. Another third had to shut down the offices and work from home. The leader of an organisation expressed the following in an interview with HRW, published in October 2016:

*It's impossible to plan anything as you never know what will happen tomorrow. [...] There's so much gratuitous paperwork needed for the extensive reporting to the authorities. We are all stressed and afraid of making mistakes [vis-à-vis the authorities]* (as quoted in HRW 2016b, p. 40).

Several heads of NGOs have reported to HRW (2016b, p. 47) that they do not arrange meetings and conferences without the consent of the authorities. It is not a formal ban, but permission in advance from the authorities is required. Hotels will not rent out meeting rooms to organisations that are critical of the government. Similar information was conveyed to Landinfo in Azerbaijan in 2013 (NGO leader, meeting in April 2013). The leader of the Election Monitoring and Democracy Studies Center,<sup>26</sup> Anar Mammadli, expressed the following to Human Rights Watch after being released in 2016: "So yes, we are free, but what can we do?! The only space for us now is on social media [...], or else leave the country" (Mammadli, as quoted in HRW 2016b, p. 47).

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<sup>26</sup> The Election Monitoring and Democracy Studies Center is an organisation that works for free and fair elections and the development of civil society and democratic traditions in Azerbaijan (GNDEM 2015).

### **7.2.2 Investigation and prosecution**

In 2014, the government prosecuted a number of NGOs and their leaders. Although several leaders were released in 2016, no one has had the opportunity to fully resume their work as a result of what HRW (2016, p. 34) describes as a limited operational environment for NGOs.

In 2014, investigations of several major international donors were initiated, including the National Endowment for Democracy, Open Society Foundations and Oxfam. Later that year, the investigation was expanded to include the activities of a number of individuals and NGOs that received support from these donors. During 2015, the government took control of bank accounts of 29 organisations and a number of leaders, conducted tax inspections and introduced travel restrictions for some. Most of the international donor organisations that worked with government accountability and rule of law have now left Azerbaijan (HRW 2016b, p. 40-41).

In 2014, the authorities also convicted a number of NGO leaders (and human rights defenders) for economic crimes such as illegal entrepreneurship and tax evasion. According to HRW, these were false charges. Amongst those convicted were the lawyer Intigam Aliyev (head of the Legal Education Society), Rasul Jafarov (head of Human Rights Club) and Anar Mammadli (head of the Election Monitoring and Democracy Studies Centre). Others fled the country in fear of prosecution. Although several have been released, HRW says that the sentences against them have not been annulled, and many are banned from leaving the country, in part because the sentences have been converted into suspended sentences. Previously imprisoned leaders that have remained in the country state that they cannot fully resume their work because their offices have not been unsealed and they have not retrieved confiscated documents (HRW 2016b, 46-47).

### **7.2.3 Work opportunities**

HRHF (meeting in November 2016) claimed that leaders and employees who have been associated with NGOs that are critical of the government have problems being employed. HRHF stated that family members of people who have been associated with an NGO critical of the government, may also have problems getting a job.

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