

IHF FOCUS: good governance; national human rights protection; elections and referenda; freedom of expression, free media and information; peaceful assembly; judicial system; right to fair trial and effective remedies; torture, ill-treatment and police misconduct; arbitrary arrest and detention; conditions in prison and detention facilities; freedom of religion and religious tolerance; freedom of movement and human contacts; national and ethnic minorities; equal rights of women and men; aggressive nationalism, racism, xenophobia and hate speech; migrants, asylum seekers, refugees and IDPs; trafficking in human beings.

Azerbaijan has been led by the authoritarian regime of the Aliyev family since 1993. After the death of Heydar Aliyev in 2003, his son Ilham Aliyev took over as president. The change in leadership provoked internal competition within ruling circles, which was apparent during the campaign leading up to the parliamentary elections of 6 November 2005.

Inspired by the “colored revolutions” in Georgia, Ukraine and Kyrgyzstan, the political opposition stepped up its activities during the pre-election period. Their activities, however, were obstructed by media bias in favor of candidates of the ruling party, New Azerbaijan and violations of the right to peaceful assembly. There were numerous crackdowns on opposition rallies, where participants were beaten and arbitrarily arrested. Journalists covering opposition activities were also the targets of police violence. Although the elections were characterized by irregularities, no large-scale protests followed in their aftermath. The opposition, however, refused to participate in the work of the new parliament, where it won 10 out of 125 seats.

There was a visible gap between the country’s legal framework and its implementation. Courts demonstrated dependence on the executive branch, especially in property cases and politically sensitive cases. The authorities failed to take effective measures to combat the use of torture and ill-treatment by law enforcement officials and there were reports of officials being promoted after resorting to abusive practices. A series of prison riots in February

were quashed through the use of excessive force. The dismissal of incompetent high-ranking officials within the penitentiary system as well as improved access of human rights defenders to prison facilities, however, represented positive steps toward improving prison conditions.

An anti-corruption campaign initiated by the government resulted in dismissals and arrests of mid-level officials. However, top-ranking officials involved in corruption retained their positions, and corruption remained a powerful factor in political and social life.

The unresolved conflict with Armenia over Nagorno-Karabakh as well as the presence of about 830,000 refugees and internally displaced persons (IDPs) in Azerbaijan contributed significantly to aggravating the economic, social and political situation in the country.<sup>1</sup> About 20% of the country’s territory continued to be occupied by Armenian forces. Peace negotiations were stalled during the election campaign.

The human rights situation in Azerbaijan was discussed by the Parliamentary Assembly of the Council of Europe (PACE) in June. PACE reiterated its concerns that some of Azerbaijan’s obligations before the Council of Europe remained unimplemented well after the deadline given to Azerbaijan upon its accession to the Council of Europe. For example, new legislation on national minorities was yet to be adopted, the right to alternative civil service to military service was not observed, and many political prisoners remained detained – despite a series of releases.

\* Based on the report *Status of Civil and Political Rights in Azerbaijan in 2005* by the Human Rights Center of Azerbaijan.

Several prominent opposition figures remained in exile.

### Good Governance

The 2004 "Corruption Perception Index" put together by Transparency International (TI) ranked Azerbaijan as country 140 out of 145, with the countries at the end of the list representing the most corrupt ones. TI Chairman Peter Eigen noted that "oil-rich Angola, Azerbaijan, Chad, Ecuador, Indonesia, Iran, Iraq, Kazakhstan, Libya, Nigeria, Russia, Sudan, Venezuela and Yemen all have extremely low scores. In these countries, public contracting in the oil sector is plagued by revenues vanishing into the pockets of western oil executives, middlemen and local officials."<sup>2</sup> A new anti-corruption law entered into force in January, and during the year there were a number of high-profile arrests of officials on corruption charges.

### National Human Rights Protection

#### National Institutions

On 25 March, Ombudsperson Elmira Suleymanova reported to the parliament about the work of her office in 2004. It received a total of 6,300 complaints in 2004, 70% more than in 2003. A majority of the complaints concerned police activities, the operation of courts and corruption. According to Suleymanova, bribery was a "norm" in public life. On the basis of recommendations made by the Ombudsperson, 34 prisoners were pardoned in 2004.

On 30 December, the newly elected parliament of the Nakhchivan Autonomous Republic (NAR) voted to establish an ombudsperson institution in the republic. This official will act separately from and will not be subordinate to the ombudsperson of Azerbaijan.

#### Human Rights Defenders

There was some cooperation between government officials and human rights de-

fenders. Human rights activists were, for example, invited to participate in government working groups. Those addressing the issue of political prisoners, however, remained the targets of attacks by high-ranking officials and media.

◆ Commenting on criticism voiced by human rights defenders concerning the problem of political prisoners in Azerbaijan, the head of the political department of the presidential administration – Ali Hasanov – openly declared that he does "not respect" human rights defenders and that they are "not worthy" to be citizens of Azerbaijan.<sup>3</sup>

Several human rights activists involved in work on political prisoners were reportedly intimidated, and in at least one case an activist received a death threat.

During the year, a so-called Public Council on Control over Political Prisoners was established by a number of pro-government NGOs. It denied the existence of the whole problem of political prisoners. While many human rights NGOs critical of official policies continued to be denied registration, the new council was registered rapidly.

In September, the UN special representative for human rights defenders, Hina Jilani, participated in a conference in Baku to support Azerbaijani human rights defenders. At this event, a group of local human rights NGOs announced the establishment of a Human Rights House, which will include a conference hall, a library and other facilities for human rights defenders.

### Elections and Referenda

On 6 November 2005, elections were held to the unicameral parliament (*Milli Medjlis*). The number of electoral constituencies had been increased to 125, compared to 100 in the 2000 elections, which caused some confusion. Separate electoral constituencies were set up in areas where IDPs sought protection during the 1991 hostilities between Armenia and

Azerbaijan and one electoral constituency was created for the residents of the part of Nagorno-Karabakh controlled by Armenia.

The process of candidate registration was more liberal than in 2000, and 2,063 out of 2,148 persons applying for candidate status were granted registration. Among those registered were several former political prisoners and others who had emigrated for political reasons. While 41 candidates were denied registration or had their registration revoked, 476 withdrew their candidacy, in some cases allegedly under pressure.

According to official information, the voter turnout was 42%. This figure did not seem to reflect the active participation observed in the country, and put into question official figures of the number of eligible voters resident abroad. The ruling party New Azerbaijan gained 55 out of 125 seats in the new parliament, compared to 74 in the previous election. Among the other candidates elected, 10 were members of opposition parties, 42 were not affiliated with any political party and the rest were representatives of pro-governmental parties or did not mention their political affiliation.

Despite some improvements, such as the use of fingerprint inking to prevent multiple voting and improved access of election observers, election day proceedings were characterized by numerous violations. The most frequent violations reported by domestic observers included interference by local governments and police in polling station proceedings; prevention of voting because names were missing in the voter lists; participation of voters living outside the electoral district; violation of the principle of secret voting; intimidation of observers and members of election commissions; and unlawful election propaganda. In some polling stations instances of disorder were also reported.<sup>4</sup> International observers assessed that the vote count was conducted badly or very badly in 43% of all cases

observed. For example, unauthorized persons were directing the vote count and final protocols were tampered with.<sup>5</sup>

Until a few days before the elections, restrictions were in place that prohibited NGOs with up to 30% of foreign funding from monitoring the elections. As a result, many NGOs were prevented from obtaining foreign grants to conduct election observation. Additionally, monitoring teams by some international organizations were refused accreditation, received invitations too late to make use of them or were prevented from entering the country.

An ad hoc PACE committee was present to observe the elections. In its report, the committee concluded that the elections did not meet a number of Council of Europe commitments and standards for democratic elections, noting that despite certain improvements, shortcomings were evident both during the pre-election period and the proceedings of the elections day.<sup>6</sup> These findings were echoed by the OSCE mission, which noted that although some features of the pre-election campaign, in particular the inclusive candidate registration, represented progress compared to previous elections, interference from local authorities and media bias in favor of incumbents "resulted in a failure to ensure equitable conditions for all candidates."<sup>7</sup> Moreover, the mission found that while voting was generally calm, "the election day process deteriorated progressively during the count and, in particular, during the tabulation of votes."<sup>8</sup> As in previous elections, the observer mission from the Commonwealth of Independent States (CIS) gave a positive evaluation, saying that the violations observed "did not significantly effect the free expression of voters' will and the results of the polls."<sup>9</sup>

In response to international criticism, the results of the elections were abolished in a total of 10 constituencies and by-elections were scheduled for 13 May 2006.

The prosecutor's office initiated 11 criminal investigations in cases related to the elections, the outcome of which was unknown at the end of 2005. Three regional governors were dismissed for intervening in the electoral process.

On 6 November, the residents of the Nakhchivan Autonomous Republic of Azerbaijan also elected a new local parliament (*Ali Medjlis*). The new *Ali Medjlis* included 38 members of the ruling party, 5 non-party members, and two members of the opposition party Popular Front of Azerbaijan. No complaints about the election process were reported from this area.<sup>10</sup>

## Freedom of Expression, Free Media and Information

### *Independent Journalists*

During the period leading up to the November parliamentary elections, journalists reporting on political opposition activities were subject to police abuse. Many journalists were the targets of police violence during – often non-authorized – protests organized by the political opposition despite the fact that they wore blue waistcoats to identify themselves as journalists. Complaints about such abuses were frequently ignored, but there were exceptions:

- ◆ On 21 May, journalist Farid Teymurxanlı was beaten by a police officer while covering an opposition meeting. As a result of the complaint he filed about the incident, the police officer was dismissed.
- ◆ While covering an opposition event in Baku on 9 October, journalist Idrak Abbasov from the *Ayna* newspaper was severely beaten by plain clothed police officers. Following strong protests by journalists unions, a criminal investigation was initiated in late December.
- ◆ During an opposition rally in the Yasamal district of Baku on 9 November, the deputy chief of the district police administration beat journalists Sarvan Rizvanov

and Mehman Safarli in the presence of witnesses. The district prosecutor's office refused to open a criminal investigation into the case, which prompted the journalists to file a complaint. However, on 27 January 2006, the Sabayil District Court rejected the complaint, and on 8 February 2006 this decision was upheld by the Court of Appeals.

The following high-profile case was seen as a serious attack on freedom of expression by independent journalists:

- ◆ In the evening of 2 March, Elmar Huseynov, chief editor of the opposition *Monitor* magazine, was brutally killed outside his apartment in Baku. Huseynov was reportedly shot several times as he walked up the stairwell of his building. Several lawsuits had previously been brought against the *Monitor* magazine because of its critical reporting and its journalists had repeatedly faced harassment. The general prosecutor's office opened a criminal case and invited foreign experts to participate in the investigation of the murder. However, at the end of the year, no perpetrator had been arrested.<sup>11</sup>

### *Access to Information*

Access to information remained a problem. A study undertaken by the League for Protection of Citizens' Labor Rights showed that written request was the most effective way of obtaining information from authorities. However, also in such cases, requests were often ignored; only 17 of 27 requests made by the NGO received a response. In December, a new law safeguarding the right to access to information was signed by the president. The law establishes timelines for authorities to make information available. In most cases information should be provided within seven days, but in certain cases it should be provided within 24 hours upon request. The law lists over 30 types of information that the authorities have to

make public. The law also creates the position of a commissioner on freedom of information, who has powers to initiate court cases against state and municipal authorities as well as public institutions for failure to comply with the law.

### *Political Prisoners*

According to estimates by the Federation of Human Rights Organizations of Azerbaijan, 185 political prisoners remained detained in late 2004 and the topic of political prisoners in Azerbaijan remained on the agenda of the PACE in 2005.<sup>12</sup>

In February, a 98-page report was published detailing the findings of an OSCE mission that monitored the so-called October cases, in which participants in the post-election protests in October 2003 were tried. The report concluded that the trials did not comply with Azerbaijan's OSCE commitments on human rights and the rule of law and that some aspects of the conduct of the trials as well as treatment of the defendants "appeared clearly to contravene" Azerbaijan's legal obligations under the International Covenant on Civil and Political Rights, the UN Convention Against Torture, the European Convention on Human Rights (ECHR) and the European Convention on the Prevention of Torture.<sup>13</sup>

◆ In February, 20-year-old opposition member Algaiyt Maharramov, who was serving a three-year prison sentence for participating in the post-election protests in October 2003, died in prison. His relatives expressed some doubts as to whether his death was natural, given the fact that he had always been fit and healthy and had not complained about any deterioration of his health condition. The official investigation into the death showed, however, that his death was natural and his relatives did not pursue their concerns further. The case contributed to

putting pressure on the authorities to release prisoners held on political grounds.

The release of the OSCE report provided the background for a series of pardons in May and June, which affected a total of 72 political prisoners, although none of those sentenced in the October cases. As a result of the work of a joint Task Force on Political Prisoners, which was established in June by representatives of the parliament, government and human rights groups, another 39 political prisoners were released. In addition, thirteen prisoners were cleared of politically motivated charges and had their sentences reduced, and several previous political prisoners had their convictions lifted so as to enable them to run in the parliamentary elections.

◆ However, the conviction of Ilqar Ibrahimoglu, a well-known religious freedom activist who was given a five-year-suspended prison sentence following the 2003 post-election protests, remained in force. Because of this sentence, Ibrahimoglu - who is coordinator of the Center for Protection of Religious Freedom and Conscience (DEVAMM), secretary general of the International Religious Liberty Association (IRLA, Azerbaijan) and director of the Institute of Human Rights and Civil Stand (IHRCS) - was not allowed to leave the country. Thus, he was, for example, not able to travel to the April 2005 session of the UN Commission on Human Rights in Geneva to present a report about religious prosecution in Azerbaijan.

While the number of political prisoners decreased to 70 because of the wave of releases during the first half of the year, new politically motivated arrests were carried out during the final period of the election campaign.

◆ On 17 October, Natiq Efendiyev, deputy chairman of the opposition Democratic Party was detained on allegedly politically motivated charges of plotting a

coup d'état. It was also believed that his arrest was motivated by his close relationship to opposition leader Rasul Quliyev. His lawyer alleged that he was tortured in detention and had to be hospitalized and some of his fellow detainees reported a deterioration of his health. At the end of the year, Efendiyev remained in detention and it was unclear when his case would be put on trial.

PACE renewed its request to the Azerbaijani parliament to pass a law granting a general amnesty to those involved in certain political events so as to make possible the release from prison of presumed political prisoners and enable the return of political exiles.<sup>14</sup>

Although no amnesty was announced, a few political exiles returned in 2005.

- ◆ Saday Nazarov, accused of involvement in the attempted coup d'état in October 1994, returned from the Czech Republic on 10 January. He was arrested, but later released after the prosecutor's office lifted the charges against him.

- ◆ Fakhraddin Abbasov, leader of the parliament of the self-proclaimed Talysh Mugan Autonomous Republic (TMMR) in 1993, and Hilal Mammedov, leader of the Party of Equality of Peoples of Azerbaijan that initiated the establishment of the TMMR, returned in August without any repercussions.

- ◆ In late 2005, Fuzuli Huseynov, bodyguard of former Prime Minister Suret Huseynov returned from Russia. He was arrested upon his return on charges of participation in an illegal armed group (article 279 of criminal code), the court hearing began in January 2006.

The most prominent exiled figures were, however, prevented from returning. In particular, opposition leaders Ayaz Motalibov and Rasul Quliyev were openly threatened by arrest, should they try to re-

turn. Both men were accused of attempting to organize a coup d'état.

- ◆ On 17 October, Rasul Quliyev tried to travel to Baku from London. During a stop in Ukraine, he was, however, arrested by the National Bureau of Interpol, and later returned to London. In the meantime, police arrested dozens of people who gathered to meet him in Baku.<sup>15</sup>

### Peaceful Assembly

Following violent clashes between police and opposition members after the presidential elections held on 15 October 2003, the government did not allow the organization of any opposition rallies until mid-2004. Also in 2005, during the campaign leading up to the November parliamentary elections, permission to organize opposition events was often rejected with reference to the need to maintain law and order, and unauthorized mass events were violently suppressed by police.

- ◆ After a non-authorized opposition rally was announced in Baku on 21 May, police surrounded the headquarters of three leading opposition parties, blocked the announced place of the rally and beat and arrested dozens of protestors who had already gathered there.

In June, PACE called on the Azerbaijani authorities to urgently "comply with European standards and practice as regards the organisation of rallies and maintenance of law and order by the police and stop the practice of arbitrary arrests of opposition supporters based on the presumption that they are potential trouble-makers."<sup>16</sup> Following this, government policies with respect to the organization of assemblies became more liberal. For example, up to 50,000 people were allowed to gather for an opposition meeting in Baku on 9 July, and in Nakhchivan the first opposition meeting since 1993 was held on 26 July. According to the minister of interi-

or, 20 of 26 applications for street rallies and open-air meetings organized by opposition parties were approved during the election campaign, which officially started on 5 July.

However, in several cases shortly before and after the elections, protesters were violently dispersed when opposition parties sought to organize meetings without prior permission.

- ◆ On 9 October, a non-sanctioned opposition rally was dispersed in Baku, and some 30 people were beaten, including journalists dressed in blue waistcoats marking their profession.

- ◆ On 17 October, police arrested and beat hundreds of people who had gathered at the Baku airport to meet opposition leader Rasul Quliyev, who was due to return to the country from the UK. The government ordered an investigation into the incident, while the Constitutional Court adopted an urgent resolution to explain the content of freedom of assembly as protected by the Azerbaijani Constitution. The resolution noted that restrictions on freedom of assembly can be imposed to the extent that they are "necessary in a democratic society" and "defined by law." This statement was reportedly subsequently used by law enforcement authorities to justify excessive use of force against protesters.

- ◆ During a non-authorized demonstration in Baku on 18 December, police detained 23 people and beat up dozens.

### **Judicial System and Right to Fair Trial and Effective Remedies**

The quality of the work of judges was often poor, which was attributed not only to lack of professionalism but also to heavy workloads. For example, in some regional courts, judges dealt with 500-600 cases per month.

In September, the five-year term established for judges of first instance courts expired but was prolonged until new judges were elected. The process of selecting new judges began during the year but will be concluded in 2006. It includes several stages of exams and interviews and is monitored by foreign diplomats, lawyers and human rights defenders.

On recommendation by the Council of Europe, the Law on Advocates and Bar Activities was amended in 2004 and a new bar association was established. The new association, however, denied membership to some 150 licensed advocates, which prompted a group of 18 lawyers who were rejected membership to initiate a court case. In February, the Nasimi district court closed this case, arguing that existing legislation did not foresee any possibility to bring lawsuits against the bar association. Following this ruling, on 14 June, amendments were adopted to the 2004 law, which guaranteed the right of licensed advocates to join the bar association. Despite this decision, the rate of barristers remained low in Azerbaijan compared to other countries; while there were 0.6 barristers per 10,000 inhabitants in Azerbaijan, the corresponding figure was 1.5 in Armenia and 4.1 in Russia.

A newly established Forum of Lawyers of Azerbaijan failed to gain official registration and a court complaint by the organization was turned down, cementing the monopoly of the bar association.

### **Torture, Ill-Treatment and Police Misconduct**

The report documenting the findings of the OSCE mission monitoring trials held after the post-election protests in October 2003 recommended that the Azerbaijani authorities undertake a prompt, serious, wide-ranging and independent investigation of all allegations of excessive use of force, ill-treatment and torture related to

these events. The report emphasized that the authorities “should take all necessary steps to ensure that law enforcement measures are commensurate with circumstances and do not exceed the needs of enforcement, and law enforcement personnel are held accountable for excesses. The authorities should ensure that victims of torture, ill treatment or excessive use of force are able to seek compensation. The authorities should also ensure that all those who are granted compensation by court also receive such.”<sup>17</sup> However, despite the creation of a new Ministry of Interior department charged with preventing police abuse, no concrete changes in law enforcement practices were observed during the year.

During the pre-election period, numerous cases of police misconduct were reported during opposition rallies.<sup>18</sup> New cases of torture and ill-treatment against detainees held in pre-trial detention were also reported during the year.

◆ In November, a police officer of the Ganja city police directorate was arrested on charges of exceeding authority (article 309.2 of the criminal code). He had reportedly beaten and raped a man suspected of theft as well as the mother of this man. At the end of the year, the case was still pending.

◆ On 17 December, 47-year-old Nariman Veliyev, suspected of burglary, committed suicide by jumping from the third floor of the building of the Binaqadi district police administration. He did so one hour after being handed over to police officers for investigation. A criminal investigation was opened under article 125 of the criminal code (“driving someone to commit suicide”).

PACE condemned, in particular, maltreatment and torture inflicted on political prisoners and presumed political prisoners and called on the Azerbaijani authorities to

“put an end to the impunity enjoyed by certain units of the security forces.” The assembly also expressed dismay over reports that law enforcement officials guilty of torture have been promoted in recognition of their “services.”<sup>19</sup> In April, the head of the Organized Crime Unit, which is known as a “torture center,” was promoted to the position of deputy minister of the interior.

In connection with a series of prison riots in February, excessive use of force was reported from several prison institutions. For example, prisoners were deprived of food, held for hours in freezing temperatures and beaten. Several suicide attempts were reported from the Qobustan prison and prison no. 8.

There were new cases of extradition of foreign terrorist suspects to countries where their safety was seriously endangered.

◆ On 26 October, the Supreme Court rejected an appeal by Kurdish journalist Elif Pelit and sanctioned her extradition to Turkey. She was accused of involvement in the Kurdish Workers’ Party (PKK), which is considered a terrorist organization by the Turkish authorities. The decision was taken although Pelit enjoyed refugee status in Germany and was at serious risk of persecution in Turkey. She was first arrested for illegally crossing the Azerbaijani border in November 2005, on her way back from Iraq to Germany.<sup>20</sup>

◆ In early December, two Turkish Kurds, Ahmed Kirboga and Atesh Edip, were extradited to Turkey on charges of participation in PKK as well as violent activities. They had both been arrested in the Azerbaijani exclave Nakhchivan when trying to cross the border illegally.

In relation to the allegations of secret US detention centers in the region of the Council of Europe, local media quoted the Turkish minister of transportation as saying



that CIA planes had allegedly landed in Baku on 30 October and 15 November.

### Arbitrary Arrest and Detention

Many opposition members involved in rallies, election meetings or election work were arbitrarily arrested for administrative violations, such as resistance to police, and held for up to 15 days. In some cases, opposition members were arrested on arbitrary grounds shortly prior to scheduled public events.

◆ In October, the former president of the National Academy of Sciences, 70-year-old Eldar Salayev, was arrested and accused of functioning as a mediator between the exiled opposition leader Rasul Quliyev and his supporters in Azerbaijan and for aiding subversive activities. His arrest gave rise to vocal protests by scientists and human rights activists, and on 16 November he was released on bail.

### Conditions in Prisons and Detention Facilities

A number of prison riots were violently suppressed during the year:

◆ On 15 February, a riot broke out at prison no. 11 on the outskirts of Baku. The revolt was apparently prompted by efforts of the prison administration to dissolve so-called *obschaks*, illegal criminal funds, operating in the prison. More than 100 prisoners escaped from their cells and gathered on the roof of the prison building, where they vocally protested prison policies. The following day, special riot police was called in to end the protest. An unknown number of prisoners and troops were injured and dozens of prisoners were subsequently arrested.<sup>21</sup> A few days later, similar protests took place in several other prisons, which resulted in new riot police operations, even in prisons where no riots were held. Human rights groups that were allowed to visit the prisons in question reported intimidation

and beating of prisoners. In October, trials against riot participants began, and were still ongoing at the end of the year. PACE expressed dismay at the excessive violence used to end the protests.<sup>22</sup>

According to the International Committee of the Red Cross (ICRC), 63 prisoners and two prison officers died because of tuberculosis (TB) between January and November. The number of TB deaths in prison thus appeared to decrease from previous years (157 deaths in 2003 and 93 deaths in 2004).

◆ In November, a life time prisoner lodged an unprecedented complaint against the Bayil prison administration, arguing that he had contracted TB because of being held together with TB infected prisoners. On 24 January 2006, the Sabail District Court rejected the complaint.

A special public council in charge of overseeing NGO work in prisons was dissolved in February, but local NGOs continued to enjoy the right to monitor prison conditions.

### Freedom of Religion and Religious Tolerance

By law, religious communities were required to be registered with the authorities. In a re-registration campaign launched in 2001, 335 religious communities had been registered by the end of 2005. Most of the registered communities were Islamic, but 28 communities of other faiths had also been granted registration.

Some Muslim communities refused to re-register since registration would mean that their activities would be subject to the control of the Caucasus Muslim Board, a Soviet-era institution. Among these communities was the community of Djuma Mosque in Baku, which was violently evicted from its premises in 2004. Members of this community remained vulnerable to harassment in 2005.<sup>23</sup>

◆ On 30 June, police dispersed members of the Djuma Mosque who had gathered outside their former mosque facility on the first anniversary of its closure. The imam of the community, İlqar İbrahimoglu, was detained by police but was released the same day because of protests by human rights defenders.

◆ On 28 October, the mayor of the city of Baku rejected an application of members of the Djuma Mosque to organize a street rally on the International Day of Quads,<sup>24</sup> the purpose of which was to highlight violations of the rights of populations living in occupied territories, promote reconciliation of different cultures and call for implementation of UN resolutions on Palestine and Nagorno Karabakh.

During the year, the State Committee on Religious Structures examined 354 books on suspicion that they contained material propagating religious hatred and prohibited import and reprinting of 89 of these titles. There were concerns that these measures resulted in violations of free circulation of information and freedom of religion and belief.

### Freedom of Movement and Human Contacts<sup>25</sup>

During the run up to the November parliamentary elections, there were some instances of apparently politically motivated denial of entry to the country.

◆ On 15 September, Sergey Yevtushenko, advisor of the Ukrainian Foreign Affairs Ministry and member of the Ukrainian youth movement "Pora" that was actively involved in the so-called Orange Revolution, was denied entry into Azerbaijan and forcibly deported together with his Estonian colleague Andrei Popov. In August Yevtushenko and other representatives of "Pora" had visited Azerbaijan and met with members of local partner organizations.

◆ On 31 October, the Embassy of Azerbaijan to the US refused to provide a visa for travel to Azerbaijan to the president of the Institute of Democracy in Eastern Europe (IDEE), Irena Lasota. Lasota had previously participated in election monitoring in Azerbaijan on numerous occasions, and during the presidential elections in October 2003 she led an OSCE monitoring mission that subsequently criticized the elections as violating international standards.

### National and Ethnic Minorities

In March, the UN Committee on the Elimination of Racial Discrimination (CERD) examined the third and fourth periodical reports of Azerbaijan.<sup>26</sup> The committee, *inter alia*, expressed concern about the lack of programs to support minority languages, and regretted the fact that minority languages are not used in the educational system to an extent commensurate to the proportion of different ethnic communities.

As of the end of 2005, Azerbaijan had not implement its obligations before the Council of Europe "to sign and ratify, within one year of its accession, the European Charter for Regional or Minority Languages" and "to adopt, within three years of its accession, a law on minorities which completes the provisions on non-discrimination contained in the constitution and the penal code and replaces the presidential decree on national minorities."<sup>27</sup>

### Equal Rights of Women and Men

Women remained underrepresented in politics. Only 15 of the 115 new parliamentary deputies who were elected in the November elections were women, and the number of female deputies fell further to 14 when a female opposition candidate withdrew her mandate. The rate of women (12.3%) was still slightly higher than in the old parliament (10.5%).

On 30 September, the parliament adopted amendments to the criminal code, which made kidnapping of brides punishable by up to ten years in prison. Other forms of kidnapping carry the same punishment.

Women who were victims of violence, in particular domestic violence, often refrained from reporting their experiences to police because of fear of social stigmatization and media publicity. Thus, typically only the most serious cases became known to police. For example, in 10 of the 22 cases of rape of women that were registered by police in the period from January to June, the victims were killed. In the other 12 cases, the victims were injured.

### **Aggressive Nationalism, Racism, Xenophobia and Hate Speech**

Hostile attitudes toward Armenians remained widespread because of the unresolved conflict with Armenia over Nagorno-Karabakh. In its concluding comments on the third and fourth periodic reports of Azerbaijan, CERD expressed concern about reported cases of racial discrimination against Armenians, and noted with regret that no cases invoking the provisions on racial discrimination included in the Azerbaijani criminal code have been brought before the country's courts. The Committee also expressed concern about reports indicating that many Armenians who reside in Azerbaijan conceal their ethnic identity to avoid being discriminated against.<sup>28</sup>

◆ According to media reports, in late December, a criminal investigation was opened in the case of an Armenian woman who had changed the indication of ethnicity in her internal passport to "Azeri" in 1994. The investigation was opened under article 320 of the criminal code, which prohibits faked ID's.<sup>29</sup> As of 1 July 2005, the old Soviet internal passport finally be-

came invalid in Azerbaijan and was replaced with a new plastic ID-card, which does not feature information about ethnic affiliation.

Anti-Armenian sentiments were also exploited for political purposes during the election campaign.

◆ A candidate running in constituency number 55, Khuraman Vafa, sought to discredit one of her competitors, Lala Abbasova, by claiming that the latter had "Armenian roots" and "Armenian character." Abbasova filed a complaint with the public prosecutor, alleging insult of her honor and dignity, and an investigation was reportedly opened.<sup>30</sup>

### **Migrants, Asylum Seekers, Refugees and IDPs**

As a result of the unresolved conflict with Armenia over Nagorno-Karabakh, some 650,000 internally displaced persons (IDPs) from Nagorno-Karabakh and surrounding regions as well as over 200,000 refugees from Armenia remained in Azerbaijan.

According to statistics from the Office of the UN High Commissioner for Refugees in Baku, there were about 12,000 registered asylum seekers in the country. Out of these, 85% were Chechens from Russia, while the rest included *inter alia* Afghans (1,500), Iranians (200) and Iraqis (100). Between January and September 2005, only 27 asylum seekers were granted refugee status.

Some asylum seekers were reportedly excluded from the refugee determination procedure on politically motivated grounds. CERD expressed concern about this trend and recommended that Azerbaijan "consider adopting subsidiary forms of protection guaranteeing the right to remain for persons who are not formally recognized as refugees but may still require protection."<sup>31</sup>

### Trafficking in Human Beings

The 2005 report about trafficking in persons published by the US Department of State noted that the government of Azerbaijan "does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so."<sup>52</sup> In May the president approved a National Plan to Combat Trafficking, and the Ministry of the Interior opened a hotline for trafficking victims. The adoption of planned amendments to the criminal code on the issue was postponed.

Despite certain progress in anti-trafficking efforts, most perpetrators of trafficking continued to enjoy impunity. In 2004, 10 of 106 trafficking-related investigations

resulted in convictions, and while eight of those found guilty received one-year prison sentences, two female perpetrators were reportedly released because they had children. In 2005, 159 cases of trafficking – involving 231 victims – were registered and criminal cases were brought against 153 alleged perpetrators. No statistics about convictions were available at the end of the year.

◆ During the year, the International Organization of Migration (IOM) assisted in the repatriation of five Azerbaijani victims of trafficking from Turkey. The organization also helped repatriate five citizens of Uzbekistan, two citizens of Kyrgyzstan and one citizen of Moldova from Azerbaijan.

### Endnotes

<sup>1</sup> According to the UN High Commissioner for Refugees (UNHCR), there were 829,000 refugees and IDPs in Azerbaijan as of 1 January 2005.

<sup>2</sup> See [www1.transparency.org/cpi/2004/cpi2004.en.html](http://www1.transparency.org/cpi/2004/cpi2004.en.html)

<sup>3</sup> *Turan News Agency*, 15 April 2005.

<sup>4</sup> Human Rights House Network, *Newsletter 13/2005*, at [www.humanrightshouse.org/dllvis5.asp?id=3775](http://www.humanrightshouse.org/dllvis5.asp?id=3775).

<sup>5</sup> PACE Doc. 10751, *Ad hoc Committee to observe the parliamentary elections in Azerbaijan* (6 November 2005), 29 November 2005.

<sup>6</sup> PACE Doc. 10751.

<sup>7</sup> OSCE/ODIHR, *Republic of Azerbaijan: Parliamentary Elections 6 November 2005 - Election Observation Mission Final Report*, 2 February 2006, at [www.osce.org/documents/odihr/2006/02/17923\\_en.pdf](http://www.osce.org/documents/odihr/2006/02/17923_en.pdf).

<sup>8</sup> *Ibid.*

<sup>9</sup> CIS, "Statement of the International Observers from CIS States on the Results of Election Preparation and Election Day Observation of the Elections to the Milli Majlis of Azerbaijan Republic," 7 November 2005.

<sup>10</sup> *Turan News Agency*, 9 November 2005

<sup>11</sup> See also Azerbaijan Human Rights House (HRH), "HRH strongly condemns the murder of Elmar Huseynov," 8 March 2005.

<sup>12</sup> PACE Resolution 1457 (2005) and Recommendation 1711 (2005), Follow-up to Resolution 1359 (2004) on political prisoners in Azerbaijan, 22 June 2005.

<sup>13</sup> Report from the OSCE Trial Monitoring Project 2003-2004.

<sup>14</sup> Resolution 1457 (2005), Follow-up to Resolution 1359 (2004) on political prisoners in Azerbaijan, 22 June 2005.

<sup>15</sup> See Peaceful Assembly.

- <sup>16</sup> PACE Resolution 1456 (2005), Functioning of democratic institutions in Azerbaijan, 22 June 2005.
- <sup>17</sup> Report from the OSCE Trial Monitoring Project 2003-2004.
- <sup>18</sup> See the section on "Peaceful Assembly."
- <sup>19</sup> PACE Resolution 1457 (2005), Follow-up to Resolution 1359 (2004) on political prisoners in Azerbaijan, 22 June 2005.
- <sup>20</sup> See also Center for Journalism in Extreme Situations, *Weekly Bulletin of Events in Mass Media of CIS States*, no. 12 (165), 14-20 March 2005.
- <sup>21</sup> See also RFE/RL, "Protest at Azerbaijani Jail Suppressed," 16 February 2005; CBN, "'Obshak' Issue Sparks Protest," 21 February 2005.
- <sup>22</sup> PACE Resolution 1457 (2005), Follow-up to Resolution 1359 (2004) on political prisoners in Azerbaijan, 22 June 2005.
- <sup>23</sup> See also Political Prisoners under Freedom of Expression, Free Media and Information.
- <sup>24</sup> This is an annual event commemorating what is considered to be the occupation of Quads (Jerusalem) by Israel.
- <sup>25</sup> See also Political Prisoners under Freedom of Expression, Free Media and Information.
- <sup>26</sup> CERD/C/AZE/CO/4, *Concluding observations of the Committee on the Elimination of Racial Discrimination*, 11 March 2005.
- <sup>27</sup> Opinion No. 222 (2000), Azerbaijan's application for membership of the Council of Europe, 28 June 2000.
- <sup>28</sup> CERD/C/AZE/CO/4, *Concluding observations of the Committee on the Elimination of Racial Discrimination*, 11 March 2005.
- <sup>29</sup> Day.Az, 30 December 2005.
- <sup>30</sup> Day.az, 1 November 2005.
- <sup>31</sup> CERD/C/AZE/CO/4, *Concluding observations of the Committee on the Elimination of Racial Discrimination*, 11 March 2005.
- <sup>32</sup> US Department of State, *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report 2005*.