

Azerbaijan

by H. Kaan Nazli

Capital: Baku
Population: 8.4 million
GNI/capita: US\$5,430

The social data above was taken from the European Bank for Reconstruction and Development's *Transition Report 2007: People in Transition*, and the economic data from the World Bank's *World Development Indicators 2008*.

Nations in Transit Ratings and Averaged Scores

	1999	2001	2002	2003	2004	2005	2006	2007	2008
Electoral Process	5.50	5.75	5.75	5.75	6.00	6.25	6.50	6.50	6.50
Civil Society	4.75	4.50	4.50	4.25	4.50	4.75	5.00	5.25	5.25
Independent Media	5.50	5.75	5.50	5.50	5.75	6.00	6.00	6.25	6.25
Governance*	6.25	6.25	6.00	5.75	5.75	n/a	n/a	n/a	n/a
National Democratic Governance	n/a	n/a	n/a	n/a	n/a	6.00	6.00	6.00	6.00
Local Democratic Governance	n/a	n/a	n/a	n/a	n/a	6.00	6.00	6.00	6.00
Judicial Framework and Independence	5.50	5.25	5.25	5.25	5.50	5.75	5.75	5.75	5.75
Corruption	6.00	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.25
Democracy Score	5.58	5.63	5.54	5.46	5.63	5.86	5.93	6.00	6.00

* With the 2005 edition, Freedom House introduced separate analysis and ratings for national democratic governance and local democratic governance to provide readers with more detailed and nuanced analysis of these two important subjects.

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

EXECUTIVE SUMMARY

Azerbaijan had a brief period of independence between 1918 and 1920 and regained independence when the Soviet Union collapsed in 1991. The transition was complicated by the war with Armenia and separatist Armenians over the Nagorno-Karabakh enclave. The conflict resulted in massive social problems and more than one million internally displaced persons. The sides signed a cease-fire agreement in May 1994, shortly after President Heydar Aliyev (Heydər Əliyev) came to power. During his 10-year term in office, Aliyev strengthened his hold on the country through an enormous concentration of power in the presidency. In October 2003, the presidency changed hands when former prime minister İlham Aliyev (İlham Əliyev), son of Heydar Aliyev, gained the office following controversial elections that were deemed not free and fair by the OSCE. The 2005 parliamentary elections, including the reruns in May 2006, registered improvement in some areas, mostly on the campaigning period, but did not meet a number of international standards. The lack of comprehensive election reform and continued governmental pressure on the political opposition in 2007 weakened hopes further that the İlham Aliyev administration would push forward a genuine democratization program.

National Democratic Governance. President Aliyev continued to enjoy significant authority in Azerbaijan's governmental system in 2007 and was able to sustain political and economic stability thanks to a high level of economic growth. The National Assembly, Azerbaijan's legislative branch, maintained a low profile. Opposition participation in parliamentary proceedings has been low, owing to a continued boycott of the Parliament by some opposition parties. *Owing to a lack of significant changes in the balance of power between the president and the legislature in 2007, Azerbaijan's rating for national democratic governance remains at 6.00.*

Electoral Process. There was little discussion during 2007 about electoral processes as there were no by-elections or reruns and the presidential elections will be held no earlier than late 2008. Both the government and the ruling party signaled that they would coalesce behind President Aliyev in the coming elections, while the authorities continued talks with the Council of Europe Venice Commission on reforming election commissions to increase opposition representation, with no obvious sign of progress in 2007. Governmental pressure on local opposition representatives continued. *The lack of any significant changes on the legislative or policy environment leaves Azerbaijan's rating for electoral process unchanged at 6.50.*

Civil Society. Little progress was made in 2007 in Azerbaijan's civil society sector, with nongovernmental organizations (NGOs) still facing registration, tax, and

funding problems. The trend of increasing governmental pressure on NGOs and religious communities continued. *Owing to little change in the legislative or policy environment for organizations, Azerbaijan's rating for civil society remains at 5.25.*

Independent Media. The media continued to operate under governmental and legal pressure, with Azerbaijan criticized by the international community for having the highest number of imprisoned journalists among all members of the OSCE. President Aliyev did not respond to local and international demands raised throughout the year to pardon seven journalists currently in prison, and there was no progress in changing press laws to expand freedom of speech. *Azerbaijan's rating for independent media remains at 6.25.*

Local Democratic Governance. Local governance in Azerbaijan is not democratic, as the government continues its practice of directly appointing local administrators. The national government continued to dominate local governance in 2007. *Reflecting the central government's continued authority in local governance, Azerbaijan's rating for local democratic governance remains at 6.00.*

Judicial Framework and Independence. The government maintained substantial authority over the judiciary in 2007. The trials of Farhad Aliyev (Fərhəd Əliyev) and former health minister Ali İsanov (Əli İsanov) on corruption charges were concluded nearly two years after the arrests of the former government ministers. *Owing to the judiciary's continued restrictions on the access of media to high-profile trials (such as Ali İsanov and Farhad Aliyev) and capricious implementation of the rule of law, Azerbaijan's rating for judicial framework and independence remains 5.75.*

Corruption. Corruption continued to be a pervasive and problematic issue for Azerbaijan in 2007, as the auditing capacity of the legislative branch remained weak and government investigations of former officials and civil servants appeared to be politically driven. More time is needed to assess whether certain improvements regarding the transparency of the State Oil Fund of Azerbaijan Republic (SOFAZ) represent a long-term trend that is sustainable in the absence of international pressure. The government maintains a strong presence in anticorruption commissions. *Azerbaijan's rating for corruption remains 6.25.*

Outlook for 2008. President İlham Aliyev is expected to maintain his position in the presidential elections in October 2008 thanks to Azerbaijan's impressive level of economic growth from substantial oil revenues, which will increase even further as the Baku-Tbilisi-Ceyhan oil and South Caspian natural gas pipelines step up exports. Rising inflation and the overwhelming share of oil exports in the national economy will continue to pose challenges to the authorities. There appears to be little chance of progressing toward a resolution of the Nagorno-Karabakh conflict in 2008, as both Armenia and Azerbaijan face presidential elections in which the Karabakh issue is expected to feature prominently.

MAIN REPORT

National Democratic Governance

1999	2001	2002	2003	2004	2005	2006	2007	2008
n/a	n/a	n/a	n/a	n/a	6.00	6.00	6.00	6.00

Azerbaijan has a centralized presidential system, with an executive branch made up of the president, the Office of the President, the prime minister, and the Cabinet of Ministers. The president enjoys significant authority over the executive, legislative, and judicial branches and is elected directly by the people for a five-year term. The president appoints all cabinet-level government administrators.

President Ilham Aliyev (İlham Əliyev) maintained his strong position throughout 2007 as his authority went uncontested, and an impressive level of economic growth continued to fuel the administration's popular support. Economic growth in 2007 was 25 percent, as exports from the Baku-Tbilisi-Ceyhan oil pipeline increased and the Baku-Tbilisi-Erzurum natural gas export pipeline began operations. Aliyev stated in April that his administration had created 535,000 jobs, an impressive achievement, if confirmed—most of them permanent and outside of Baku.¹ The president had pledged in 2003 to create as many as 600,000 jobs. Inflation also surged in the same period: 20 percent in 2007.

The administration undertook an ambitious infrastructure upgrade campaign in 2007, spending 87 percent of the government's US\$2.2 billion investment program for the year for this purpose.² Under this plan, Azerbaijan will upgrade existing airports and build new ones. At the same time, the government plans to spend US\$500 million (an increase of 80 percent over last year's expenditures) on construction and repair of highways.

The president serves as commander in chief of the Azerbaijani armed forces. In this capacity, he oversees defense and security efforts undertaken by the prime minister and the ministers of defense, internal affairs, and security. The Defense Council, created prior to Azerbaijan's independence in 1991, reports to and advises the president on defense matters. There is no civilian oversight of the Defense Council.

Azerbaijan's first National Security Concept, signed by Aliyev on May 24, emphasizes a need to improve the country's defensive capabilities in order to better respond to separatism and regional conflicts.³ The document highlights the alignment of the Azerbaijani military more closely with NATO standards.⁴ Annual military spending was reported to have reached US\$1 billion in 2007 and is expected to go up to US\$1.2–1.3 billion in 2008.⁵ The government's priority remains that Azerbaijan start manufacturing its own military *materiel* in 2008, when a defense review focused on the 2009 to 2015 timeframe is scheduled to be finalized by the administration.

A June 10 meeting between President Aliyev and his Armenian counterpart, Robert Kocharian, did not make any visible progress on the resolution of the conflict over Nagorno-Karabakh,⁶ and the work toward resolution appeared to be almost frozen through the year.⁷ President Kocharian himself acknowledged in October that chances of a settlement are low before the 2008 presidential elections in both countries.⁸

The legislative branch consists of the 125-member National Assembly (*Milli Məjlis*). Members are elected for five-year terms from single-mandate constituencies—a rule that was established by a constitutional referendum in August 2002. The third National Assembly since independence was chosen in the November 2005 parliamentary elections, which gave the ruling New Azerbaijan Party (YAP) the largest number of seats—58 out of 125. The opposition parties won 10 seats, with the *Azadlıq* (*Azadlıq*—meaning Freedom) bloc getting 6, while the mostly pro-government independents won the remaining 42 seats. YAP gained 5 additional seats in the rerun elections in May 2006, bringing its total to 63.

While the president cannot dissolve the Parliament, he enjoys a high level of authority over the legislature through YAP. Parliamentary sessions in 2007 were boycotted by the mainstream opposition parties except for the *Musavat* (*Müsavat*—meaning Equality) party of former parliamentary Speaker *İsa Gambar* (*İsa Qəmbər*), which won four of the six seats awarded to the *Azadlıq* bloc that joined *Musavat* with the Popular Front of Azerbaijan (AXCP) and the Democratic Party of Azerbaijan in the run-up to the November 2005 elections.

President İlham Aliyev maintained his strong support from within YAP in 2007, with high-level YAP officials announcing already that Aliyev will be the party's nominee for the 2008 presidential elections.⁹ The party itself, however, did not seem fully cohesive owing to tensions among different factions. *Sirus Təbrizli* (*Təbrizli*), a founding member of YAP and its deputy chairman, was expelled in an emergency session of the party on March 27 after accusing a group allegedly led by *Ramiz Mehdiyev* (*Məhdiyev*), head of the Office of the President, of providing the president with false information about the situation in Azerbaijan.¹⁰ YAP deputy and high-profile businessman *Hüseyn Abdullayev* was arrested and stripped of his parliamentary immunity in March after denouncing the government's performance in a heated session at the National Assembly.

Parliamentary sessions are generally open to the media, but the public and media have little direct access to the financial operations of the government. It is difficult for the public or nongovernmental organizations (NGOs) to obtain copies of draft laws and deputies' voting records, since these are not published in a consistent or timely fashion. The prime minister and the Cabinet of Ministers are required to present an annual report to the National Assembly at the beginning of the year, and this is made available to the public according to amendments approved by the 2002 constitutional referendum.

Electoral Process

1999	2001	2002	2003	2004	2005	2006	2007	2008
5.50	5.75	5.75	5.75	6.00	6.25	6.50	6.50	6.50

Elections in Azerbaijan have been characterized by significant irregularities and government interference in nearly all elections since independence. The October 2003 elections that brought then prime minister İlham Aliyev (İlham Əliyev) to power with 77 percent of the vote and the November 2005 parliamentary elections were deemed fraudulent by monitors, although the latter showed some improvements in election legislation and campaigning.

Limited discussion related to electoral processes occurred in 2007, since no reruns or by-elections were held and Azerbaijan's next presidential election is not scheduled until October 2008. All indications are that President Aliyev would seek re-election, with YAP executive secretary, Ali Ahmadov (Əli Əhmədov), stating that the party had no doubts about the president's overwhelming victory in the polls.¹¹

There were also indications that YAP's tendency to present loyalty to the regime as a guarantee for public employment would continue in the election year. In September, Education Minister Misir Merdanov (Mərdanov) called on teachers in Baku to promote the successes achieved under Aliyev's presidency, particularly during the 2008 election year.

Meanwhile, the political opposition has given mixed signals about its level of engagement, ranging from a potential boycott of the polls to the possibility of a candidate from a unified opposition.¹² Ali Kerimli (Kərimli), leader of the reformist wing of the AXCP, argued that shortcomings on rule of law and media freedom made it difficult for the party, as well as the Azadliq bloc—now comprising the Liberal and the Citizen and Development parties—to participate in the election. Signaling intentions to contest the elections,¹³ Musavat chairman Isa Gambar (Qəmbər) continued to call for changes in the election code that would ensure parity between pro-government and opposition parties in district electoral commissions.

The OSCE Office for Democratic Institutions and Human Rights confirmed on December 19 that it will monitor the presidential elections in October 2008. Central Election Commission (CEC) Chairman Mazahir Panahov (Məzahir Pənahov) assured the international organization that the election process would be smooth, citing the construction of new buildings for election commissions and training courses for members of district election commissions and staff at polling stations.¹⁴

The election code divides the 18-member CEC equally among candidates put forward by the ruling party, opposition parties represented in the Parliament, and independent deputies. But the code continues to favor the ruling party in elections since most independents are pro-government and there were only six opposition deputies in the Parliament in 2007.

The Venice Commission of the Council of Europe continued consultations in 2007 with the authorities on election code modifications to overcome the dominance of YAP, whose representatives currently hold chairmanships in both constituency and precinct commissions. Panahov announced in November that a document including amendments and suggestions to the election code was being developed and would be submitted to the legislature;¹⁵ the document was not finalized by the end of 2007.

Both AXCP and Musavat signaled their openness to presenting a single opposition candidate despite differences between the parties that led to Musavat's departure from the Azadliq bloc shortly after the November 2005 elections. Having garnered four of the six deputies won by Azadliq in the elections, Musavat chose its representatives to be involved in the new National Assembly, differing from other Azadliq allies who then pushed for a boycott of the legislature in protest of election irregularities.

Meanwhile, governmental pressure on political opposition continued. The office of the local branch of the AXCP in the exclave of Nakhichevan (Naxçıvan)—the Nakhichevani Autonomous Republic—was closed down in 2007. Prominent AXCP member Alesker İsmaylov (İsmaylov) was arrested on September 20 and, after interrogation, taken to a local psychiatric institution,¹⁶ an unfortunate yet common way of dealing with political opponents in post-Soviet republics. His detention followed an incident in which he formally filed complaints about his neighbor, Farid Mammadov (Fərid Məmmədov), the local police chief in the Sadarak region. The U.S. embassy in Baku sent two representatives to Nakhichevan to discuss İsmaylov's case, but there had been no change in his status by the end of 2007.

Civil Society

1999	2001	2002	2003	2004	2005	2006	2007	2008
4.75	4.50	4.50	4.25	4.50	4.75	5.00	5.25	5.25

In Azerbaijan, freedom of association is recognized and protected by Article 58 of the Constitution and the European Convention on Human Rights, which came into force in the country in 2002. While grassroots activity continues to flourish, the Aliyev administration exerts a dominating influence on civil society organizations, particularly those critical of the government's democratic shortcomings, and the National Assembly has shown little willingness to engage NGOs in the legislative process or invite their input on draft legislation.

There are approximately 2,100 NGOs in Azerbaijan. The strongest and most active are concerned with internally displaced persons (IDPs) of the Nagorno-Karabakh region, health and children's issues, human rights, women's rights, and environmental and ecology issues. There are also 74 international aid organizations active in the country, mainly assisting the roughly one million IDPs who have

been expelled as a result of the Nagorno-Karabakh conflict. NGO representatives continue to complain about government restrictions, in particular how the government keeps many groups in legal limbo by not registering them officially.

Local financial support to NGOs is limited, as the tax code does not allow tax-deductible contributions. The code does provide tax exemption to charitable organizations, unless they engage in entrepreneurial activities. Therefore, most NGOs rely primarily on foreign grants to continue their activities. The Law on NGOs prohibits civil society organizations from providing political parties with financial and other kinds of assistance, although they can conduct advocacy activities to improve laws and regulations.

The breakup of public protests by the use of force is common. Mahammad (Məhəmməd) Rzayev, head of the Civic Union for a Healthy Future, a local NGO in the Nakhichevani Autonomous Republic, has claimed to have been kidnapped by police and beaten in August.¹⁷ In a separate event, on August 20–22, police forcefully broke up a demonstration by opposition Azerbaijan National Independence Party in Baku. The demonstration was a protest to what the party views as violations of the rights of the (sizeable) population of ethnic Azerbaijanis in Iran and was organized in response to Iranian president Mahmoud Ahmadinejad's visit to the Azeri capital.¹⁸

Azerbaijan's educational system includes approximately 4,600 primary and secondary schools, 180 technical high schools, 90 colleges, and 27 institutions of higher education (including 8 universities and 5 academies). Education is compulsory for at least eight years according to the Constitution; the state guarantees to cover educational costs. The Ministry of Education develops state education policy and manages the educational system.

Nearly 96 percent of Azerbaijanis are Muslim. There are 1,300 officially certified mosques in the country, although no more than 500 offer regular religious services. The government founded the State Committee for Work with Religious Associations (SCWRA) in 2001 to re-register religious groups, giving its chairman sweeping powers that included control over religious literature. The SCWRA reported 392 registered religious communities in the country.

The U.S. State Department Bureau of Democracy, Human Rights, and Labor issued a report in October 2007 that criticized the SCWRA for not registering the Christian-Baptist communities in the Aliabad and Neftcala districts. The report also claimed that there is a negative attitude toward Azerbaijanis who have adopted Christianity and that difficulties are created for those with Christian names to obtain birth certificates. The SCWRA said that it had not received an application from the community of Aliabad and the application from Neftcala was lacking documents.¹⁹ The committee confirmed that it registered 48 new groups from May 2006 through June 2007, all of which were Muslim communities, but said it did not reject any completed applications.

Muslim religious groups must receive a letter of approval prior to registration with the SCWRA from the state-dominated Caucasus Muslim Board (DUMK), a body that appoints Muslim clerics to mosques and monitors sermons. The DUMK

has been subject to interference by the SCWRA, which has attempted to share control over the appointment and certification of clerics and internal financial control of the country's mosques. The DUMK, headed by Sheikh Allahsukur Pasazade (Allahşükür Paşazadə), also organizes annual pilgrimages to Mecca for the Muslim Hajj.

Azerbaijan has a long secular tradition during which religion has not played a central role in political or social life. Post-independence government policies have aimed at developing a “national Islam” and diminishing Sunni-Shiite cleavages while strengthening the national identity. There are signs, however, that more radical strains of Islam have been developing in Azerbaijan. Many young Azerbaijanis are turning to the Salafi strain of Sunni Islam, a trend that has been attributed partly to the corruption and poor image of the local Shiite clergy,²⁰ although a more radical version of Shiite Islam promoted by missionaries from Iran is also on the rise.

The Ministry of National Security announced on October 29 that it had arrested several individuals linked to Islamic radical groups that planned to undertake a terrorist attack in Baku.²¹ A first lieutenant in the Azerbaijani Armed Forces, identified as Kamran Asadov (Əsədov), was suspected to have supplied the group with arms, including 4 machine guns, a mortar, and 20 hand grenades. The ministry associated the suspects with Wahhabism, a puritanical form of Islam with roots in Saudi Arabia. The announcement was seemingly taken very seriously by the U.S. and U.K. embassies in Baku, and several foreign oil companies such as the United Kingdom's British Petroleum (BP) and Norway's Statoil chose to close their offices that day. The alleged conspiracy was reported to have targeted a number of Azerbaijani government buildings and the U.S. embassy. Media reports suggested that roughly 10 officers and cadets at Azerbaijan's Higher Military School were being questioned in connection with the incident, although no formal linkage was made by the end of the year. Since the initial October 27 raid, Azerbaijani authorities have been carrying out a security sweep in and around Baku, resulting in the detention of at least 17 individuals.

The Court for Serious Crimes began the trial of 16 men involved in a group named Nima in a closed session on October 8.²² The Ministry of National Security claims that the group—allegedly led by Said Dadashbayli (Səid Dadaşbəyli), an Azerbaijani citizen—worked with radical Islamic organizations and Iranian intelligence agents to set up a religious fundamentalist regime²³ and has gathered intelligence about U.S. and Israeli embassies in Baku. Dadashbeyli is a well-educated cleric who is considered to have a rising influence in Azerbaijan. The group, which claims to have been involved in charity work only,²⁴ is charged with high treason, illegal arms possession, illegal contact with foreign intelligence services, robbery, and other crimes.²⁵

A more moderate strain of Islam (yet characterized by the authorities as radical) is promoted by Ilgar Ibrahimoglu (İbrahimoglu), a young Islamic scholar who received religious education in Iran and studied human rights in Poland. His open criticism of the corruption and democratic shortcomings of the ruling regime has attracted many followers. Ibrahimoglu was given a five-year suspended sentence in

April 2004 for charges of involvement in the mass clashes between the police and opposition supporters after the October 2003 presidential elections.²⁶ The police forced his congregation (never registered formally with the DUMK) to vacate the Juma mosque in Baku that it had used since 1992. Ibrahimoglu complained in October that the Center to Protect Freedom of Conscience and Faith, a rights group he heads, had received several female students who were being forced to endure disciplinary interviews by school administrations for wearing the Islamic head scarf.²⁷

Independent Media

1999	2001	2002	2003	2004	2005	2006	2007	2008
5.50	5.75	5.50	5.50	5.75	6.00	6.00	6.25	6.25

The National Assembly adopted Azerbaijan's Law on Mass Media in 2000. It guarantees freedom of speech, support for media, access to information, and protection of journalists' rights. In practice, though, Azerbaijan's media sector encounters numerous obstacles to conducting its work and maintaining independence; this is especially true of media that are critical of official corruption and the government's democratic shortcomings. Azerbaijani authorities resist demands by the OSCE and the Council of Europe to abolish Articles 147 and 148 of the criminal code, which make a journalist criminally responsible for defamation.

Television serves as the chief media source in Azerbaijan. There are 7 channels that broadcast to a national audience (state-owned AzTV, ANS, Space TV, ATV, Lider TV, ITV [the state-owned public TV], and Xazar, in order of date of establishment) and 12 regional TV channels. A November 2006 opinion poll conducted by the Democratic League of Journalists among 1,000 people in Baku and Sumqayit (Sumqayıt) found ATV (Azad Azerbaijan TV) to be the most popular television station with 44 percent of the viewers surveyed, followed by independent TV channel ANS and the state-owned ITV (opened in 2005 by the authorities to meet a Council of Europe demand to establish a public broadcaster). ANS and ITV were watched regularly by 32 percent of the viewers. Meanwhile, 72 percent said they prefer ANS for news, while 73 percent said they preferred ITV for entertainment programs. AzTV was considered the most biased broadcaster, leading 69 percent to report they preferred to keep up with current news developments by watching ANS.

Ending months of uncertainty, the authorities decided to grant a broadcast license to private television and radio broadcaster ANS on April 27.²⁸ The National Television and Radio Council (NTRC), the state media watchdog, had suspended ANS broadcasting in November 2006, only to restore it a month later under public and international pressure but leaving the future of the channel in a legal limbo until the license was renewed in April.²⁹

The NTRC initially dragged its feet regarding the issuance, claiming that the law required the council to receive applications from alternative bidders before approving any tender, and granted it only after tenders for ANS's frequency did not attract any other bidders. This approach contradicted a fall 2006 decision by the NTRC to issue licenses in Alibayramli (Alibayramlı) and Yevlakh districts to two new regional television companies that were also the only bidders for their broadcast frequencies.

A monitoring study by the independent Najaf Najafov (Nəcəf Nəcəfov) Foundation into the activities of ITV between June and November 2006 found an increase over the previous period in broadcasting in foreign languages, particularly Russian and English, with the share of Azerbaijani-language programs reduced to 76 percent from 90.8 percent. Entertainment programs made up 56 percent of the broadcasts. Some 79 percent of ITV's programming was deemed impartial, although this did not include news programs that, according to the study, maintained a one-sided coverage of events. Results for August found that there had been an improved level of impartiality since the 2005 parliamentary election and that ITV allotted most of its airtime to local developments (62.8 percent), while foreign news was broadcast 37.2 percent of the time. In total 37.8 percent of the news was about social issues, 37 percent about politics, 10 percent about sports, 8 percent about the weather, 5.2 percent about economics, and 2 percent about culture.

Since the formal banning of censorship in 1998, the print media in Azerbaijan have remained freer than television and radio outlets, although they too are generally biased in their coverage. Of the 2,470 newspapers and journals published in Azerbaijan, the most popular are *Yeni Musavat* (*Müsavat*; 7 percent of readers surveyed), *Zerkalo* (7 percent), *Azərbaycan* (*Azərbaycan*; 5 percent), *Xalq Gazeti* (*Gəzəti*; 5 percent), *Azadlıq* (4 percent), *Ekho* (4 percent), and *Azərbaycan Muallimi* (*Azərbaycan Müəllimi*; 4 percent). The Russian dailies *Ekho* and *Zerkalo* are generally considered to be nonpartisan. Newspapers such as *Yeni Musavat* and *Azadlıq* serve as the political mouthpieces of certain opposition parties and are generally faulted for unprofessional reporting. The pro-government, state-funded newspapers *Xalq Gazeti* and *Azərbaycan* cover only the ruling party's position on issues.

Opposition journalists continued to face legal and other troubles throughout 2007. OSCE Representative on Freedom of the Media Miklós Haraszti told President Aliyev in April that the country has the highest number of arrested journalists among all 56 members of the OSCE.³⁰ Since then, the number of imprisoned journalists has risen from five to seven with the May 16 sentencing of opposition newspaper *Muxalifat* editor Rovshan Kebirli (Rovşan Kəbirli) and correspondent Yashar Agazada (Yaşar Ağazadə). Each received prison sentences of two years and six months for allegedly slandering Jalal Aliyev (Əliyev) the president's uncle. Agazada had described Jalal Aliyev as "the most corrupt person in Azerbaijan."³¹ Aliyev demanded evidence of the charges, which the newspaper did not provide. In May, a Parliamentary amnesty for prisoners was granted at the suggestion of Mehriban Aliyeva (Əliyeva), the president's wife and a YAP parliamentarian—however, imprisoned journalists were excluded.

The highest-profile journalist case in 2007 involved Eynulla Fatullayev (Fatullayev), editor of the now defunct *Realny Azerbaijan* and Azeri-language *Gündalik Azərbaycan* (*Gündalik Azərbaycan*) newspapers, who was sentenced to 30 months in prison in April for slander and insulting the Azerbaijani people after *Realny Azerbaijan* published a statement by an Armenian army officer who said that Armenian forces kept open an exit corridor for civilians during the 1992 Khojali massacres in Nagorno-Karabakh. His replacement at *Gündalik Azərbaycan*, Uzeir Jafarov (Üzeyir Cəfərov), was beaten brutally the day of Fatullayev's sentencing. He claimed that a police officer who attended Fatullayev's trial was among his assailants. The charge had not been investigated by the close of the year.³²

The Ministry of National Security pressed further charges against Fatullayev in July for inciting ethnic and religious hatred and promoting "terrorism."³³ Fatullayev faced a third charge in September that he concealed 242,522 manats (roughly US\$279,000) from *Realny Azerbaijan's* accounts.³⁴ The Court for Serious Crimes sentenced Fatullayev to eight-and-a-half years in prison on both charges in October. He was fined more than 200,000 manats (approximately US\$235,000) on the charge of tax evasion.³⁵

Sanat newspaper editor Samir Sadagtoğulu (Sadagtoğulu) and reporter Rafiq Taghi (Rafiq Tağı) received three- and four-year prison sentences, respectively, on May 4 for the publication of a 2006 article that described Christian values as more progressive than Islamic values. The Office of the Prosecutor General had brought charges against the journalists for "inflaming religious conflict". A Baku court sentenced Faramaz Novruzoglu (Novruzoglu), a reporter with the weekly *Nota Bene* newspaper, to two years in prison for allegedly slandering Interior Minister Ramil Usubov and State Committee for Diaspora Affairs chairman Nazim Ibrahimov. The newspaper's editor in chief, Sardar Alibeyli (Sərdar Əlibəyli), received a suspended one-and-a-half-year sentence.

Hakimeldostu Mehdiyev (Mehdiyev), the *Yeni Musavat* correspondent for Nakhichevan, was arrested after giving an interview to Radio Free Europe/Radio Liberty about conditions in the autonomous republic.³⁶ He was sentenced by a court to 15 days in prison on a charge of resisting arrest yet was released after three days in custody.

In September, Council of Europe Commissioner for Human Rights Thomas Hammarberg discussed with government officials the imprisonment of seven Azerbaijani journalists, all on charges of defamation or incitement and formerly working for non-government-controlled or pro-opposition media outlets. In a June 2007 report to the OSCE Permanent Council, Freedom of the Media Representative Miklós Haraszti also urged that the seven journalists be released and that the persecution of the remaining independent media be stopped.

The OSCE has also pushed for changes that would make libel, defamation, and verbal insults civil rather than criminal code violations. A draft law on the topic has been under consideration in the National Assembly since late 2006, but President Aliyev's approach has generally been to issue presidential pardons for imprisoned journalists occasionally rather than facilitating legislative changes that would loosen government restrictions on independent media.

Internet access remains free of governmental control and influence, but a small percent of the country is actually connected to the Internet. According to the International Telecommunications Union, in 2007 there were 23 Internet subscribers per 1,000 people in Azerbaijan. The number of Internet cafés around the country has increased rapidly, but there were a few instances where owners were harassed by the authorities.

Local Democratic Governance

1999	2001	2002	2003	2004	2005	2006	2007	2008
n/a	n/a	n/a	n/a	n/a	6.00	6.00	6.00	6.00

Azerbaijan is divided into 59 districts, 11 cities, and 1 autonomous region (Nakhichevani Autonomous Republic, which itself is subdivided into 7 districts and 1 city). Local executive committees (excoms) and municipal councils share power at the local governmental level. Although the Constitution defines municipalities as bodies for local self-government, the municipal councils lack a complete legal framework and proper funding and are subordinate to the excoms. The president appoints the members and heads of the excoms, as required by the Constitution, whereas seats on municipal councils are filled through municipal elections held every five years. The government set up municipal councils for the first time in 1999, but the municipal elections held that same year and in December 2004 were characterized by the OSCE as falling short of international standards.

According to a 2006 decree issued by Vasif Talibov (Talibov), chairman of the local legislature in the Nakhichevani Autonomous Republic, all staff members of publicly funded agencies are required to do weekly volunteer work, such as cleaning streets, working in the fields, and collecting rubbish.³⁷ Nakhichevan state television has referred to such unpaid weekend work and those taking part as “subbotniks,” making a thinly veiled comparison to similar practices during the Soviet period when people were called to work in the fields on Saturdays. The scheme has been criticized as a means of allowing forced free labor.

The World Bank estimates that a third of Azerbaijan’s 8.4 million population lived below the poverty line in 2007. Some 80 percent of rural households receive remittances from friends and relatives abroad to help make ends meet, according to the government’s 2005 Household Survey Data. The United Nations World Food Programme has estimated that food supplies are uncertain for between 400,000 and 600,000 residents of the country’s rural regions, which contain just over 48 percent of the population.

The Baku-Tbilisi-Ceyhan (BTC) Pipeline Company, comprising Azerbaijani and international companies and responsible for oil exports from the BTC Pipeline, paid over US\$14.7 million to Azerbaijani landowners during the pipeline’s three-year construction period for use of their land, according to BP, the project’s largest

investor. The single largest compensation (US\$300,000) was paid to a farmer in the region of Tovuz, while the smallest (US\$150) went to a family in the region of Hajigabul, about 20 kilometers from Baku. A group of 14 families in the village of Hajali, located in western Azerbaijan accused local authorities of illegally registering the land under the names of their own relatives to gain compensation.³⁸ When the Azerbaijani Supreme Court rejected the families' claims, they appealed to the European Court of Human Rights. In 2007 the Court had not yet issued a ruling.

The Azerbaijani government continued to have no administrative control over the self-proclaimed Nagorno-Karabakh Republic and the seven surrounding regions (Kelbajar [Kəlbəcər], Gubatli [Qubadlı], Djabrail [Cəbrayıl], Fizuli, Zengilan [Zengilan], Lachin [Laçın], and Agdam [Ağdam]) that are de facto controlled by Armenia. This area constitutes about 17 percent of the territory of Azerbaijan. The self-declared regime in Nagorno-Karabakh held presidential elections on July 19. Bako Saakian (Bako Saakyan) formerly the territory's security chief, backed by outgoing de facto president Arkady Ghukassian (Arkadi Qukasyan), won more than 85 percent of the vote, in contrast with the 12 percent won by de facto deputy foreign minister Masis Mailian (Masis Mailyan).³⁹ The region also held local elections on October 14.⁴⁰ The international community did not pass judgment on the legitimacy of either of the ballots because the entity is not internationally recognized.

Azerbaijani ambassador to Russia, Polad Bulbuloglu (Bülbüloğlu), along with the Armenian ambassador to Russia, Armen Smbatian, led a cultural delegation to Nagorno-Karabakh on June 30 to meet with Ghukassian. This was the first meeting of official delegations from Azerbaijan and Armenia since the 1994 cease-fire. The trip included a visit to the town of Shusha, which holds strong cultural symbolism for Azerbaijan, and a meeting with Armenian president Robert Kocharian in Yerevan. The meetings produced no concrete progress in the peace talks, however.

Judicial Framework and Independence

1999	2001	2002	2003	2004	2005	2006	2007	2008
5.50	5.25	5.25	5.25	5.50	5.75	5.75	5.75	5.75

The Azerbaijani Constitution, adopted in 1995, provides a wide range of human rights protections, yet these rights are often violated in practice. Judicial power is implemented through the Constitutional Court, Supreme Court, Economic Court, and the ordinary and specialized courts. Judges of the high courts are appointed by the National Assembly on the recommendation of the president and remain heavily dependent on the executive branch. The president appoints and dismisses the prosecutor general of the Azerbaijan Republic.

The Law on the Judicial Legal Council, as well as the law amending and completing the 1997 Law on Courts and Judges, entered into force in January

2005. In a positive move, the National Assembly made changes to the Law on Advocacy that went into effect in August 2005, simplifying the requirements for over 200 formerly licensed lawyers to join the Collegium of Advocates (the bar) and practice law whether or not they have passed a separate bar exam. Other legislation established a new selection process for judges, which has set a more professional standard according to international observers.

The trial of former economic development minister Farhad Aliyev (Fərhəd Əliyev) was concluded on October 31, 2007. In October 2005—just prior to the parliamentary elections in November—Farhad Aliyev and his brother Rafiq Aliyev (Əliyev), former head of Azpetrol International Holdings, the country's then largest private oil services firm, were arrested. The two men were initially charged with attempting to stage a coup—a charge that was later dropped. Farhad Aliyev was instead tried on charges of corruption, abuse of power, and other “economic crimes.”⁴¹ An earlier allegation that he had ordered the 2005 murder of journalist Elmar Hüseynov (Hüseynov) was not considered.

A Baku criminal court handed the former minister a 10-year sentence, along with the confiscation of his property, after a trial of some five months, while Rafiq Aliyev received a 9-year term for alleged smuggling and tax evasion.⁴² Four former high-ranking ministry officials also were sentenced to jail terms of varying length. Another 13 defendants—all former ministry officials and businessmen—were released, but with restrictions on their movements and activities.

The ability of journalists and international observers to attend the trial was restricted,⁴³ while defense attorneys complained that they were not permitted to fully review the evidence against their clients. One attorney for Farhad Aliyev was not allowed to attend the trial, while another one was removed by the Azerbaijani Bar Association for alleged violation of procedural rules. Isakhan Ashurov (İsaxan Aşurov), another of the attorneys, asserted that the judge denied defense requests for “more than 30” individuals to testify at the trial.⁴⁴

The trial of former health minister Ali İsanov (Əli İsanov), a YAP founder who was arrested at the same time as the Aliyev brothers, was concluded in July. Initial charges against him of planning to overthrow the government were transformed similarly into corruption charges during his arrest. Facing charges that he misappropriated US\$3.5 billion from health care privatizations, public displays of support for İsanov, have been muted as his 12-year term in charge of the country's health care system was seen to be highly corrupt. İsanov argued that his arrest was politically driven and due mainly to his criticism of government policies in YAP meetings. He did not deny that his relatives enjoyed privileges during privatization tenders but said that all government members had conceivably acted in a similar manner.⁴⁵ A number of opposition media and international correspondents were blocked from several of İsanov's trial sessions, although the ban was later lifted.

Azerbaijan's prison conditions remained harsh in 2007. Even after a number of renovations and the construction of five new prisons in 2004, the majority of prisoners still depended on their families for basic needs, such as food and medicine, with tuberculosis the primary cause of death in prisons. Some pretrial detainees

were kept in solitary confinement, where interrogators reportedly deprived them of food and sleep to secure confessions (without physical evidence of abuse). Detained poet and journalist Sakit Zahidov (popularly known as Mirza Sakit) went on a hunger strike to protest his transfer on October 20 back to N14 prison, which is notorious for its poor hygiene.⁴⁶ Zahidov, who has heart and stomach problems, had been receiving treatment at a Ministry of Justice medical center.

The Military Court for Serious Crimes sentenced Lieutenant Colonel Rasim Muradov to eight years in prison for bribery on October 22.⁴⁷ His lawyer was not allowed to attend the trial, as “he was late.” The trial was closed to the media. Muradov disputed the charge, saying that he was prosecuted for revealing violations in Azerbaijan’s peacekeeping battalion, which is serving in Kosovo, Afghanistan, and Iraq.

Corruption

1999	2001	2002	2003	2004	2005	2006	2007	2008
6.00	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.25

Corruption remains one of the most problematic issues in Azerbaijan. Despite some improvements in recent years, the government’s strong presence in anticorruption commissions makes any independent inquiry difficult.

Azerbaijan’s rating in Transparency International’s 2007 Corruption Perceptions Index worsened to 2.1 from 2.4 from the year before, and the country was ranked 150 among the 163 surveyed (near the bottom of the scale, which signifies the highest level of corruption perception).

The criminal code does not define penalties for most corrupt activities, other than bribery. It does, however, forbid a government official from receiving gifts valued at more than US\$55, holding other jobs (other than in education or the arts), and being engaged in business activity (whether directly indirectly or through proxies).

The collapse of a nearly finished apartment building in downtown Baku that killed 20 construction workers in August fueled debate about corruption in the construction sector. The Ministry of Emergency Situations has attributed the cause of the implosion of the building to uneven foundations and low-quality construction work.⁴⁸ It was later revealed that Mutefekkir Company, the firm responsible for the building, did not have a construction permit or approval for the final design, which had added three stories to the original plan. A court order in 2002 banning work on the site was later overturned by a Baku appeals court, raising questions that the firm enjoyed support from certain officials in the Baku city government.

In response, President Aliyev issued a decree later in the month giving additional authority to the Ministry of Emergency Situations to intervene in construction projects to ensure quality standards. The government decided to allocate 10,000

manats (about US\$11,700) to the families of workers killed in the incident, and 3,000 manats (about US\$3,500) to families of injured workers.

The authorities also arrested the director and three managers of Mutefekkir, as well as the head of the Baku city government's Department for Apartments and Cooperative Buildings. The authorities announced in September that they confirmed the existence of an additional 74 new buildings in Baku that have been inhabited without authorization. Since the start of the year, eight buildings under construction (seven in Baku, one in Ganja) have entirely or partially collapsed, killing 40 people. A total of 1,200 new buildings were approved for construction since January. Despite these changes, the sector is generally non-transparent, with many construction companies unregistered and operating without paying taxes.

A new Law on Combating Corruption, which defines corruption and outlines official responsibilities, and a State Program on Fighting Corruption came into force in January 2005. In addition, the statute for an Anticorruption Commission set up in April 2004 was approved in May 2005. The commission is led by Ramiz Mehdiyev (Məhdiyev), head of the Office of the President, and is composed equally of presidential, parliamentary, and Constitutional Court appointees, but it lacks the participation of civil society and media representatives. The commission created an ad hoc Anticorruption Legislative Working Group, which has had several meetings but has yet to have a direct effect on any cases. The group is staffed with 13 government officials, 3 NGO representatives, and 2 foreign experts from the American Bar Association's Central European and Eurasian Law Initiative and the OSCE. NGO and international organization representatives do not have voting rights.

In a significant step toward increased transparency, the National Assembly approved a new Law on Access to Information in December 2005, although a number of important provisions have yet to be enforced. The administration has not appointed a media ombudsman, which according to the law should have occurred within six months.

The transparency of operations of the State Oil Fund of Azerbaijan Republic (SOFAZ) improved with the government's 2002 decision to join the Extractive Industries Transparency Initiative, which requires oil companies to publicly report payments to SOFAZ but does not require the government to specifically disclose where money has been spent other than general budget classifications. Set up in 1999, SOFAZ has assets over US\$2 billion and is accountable only to the president, who appoints its chairman and advisory council.

In the IFES 2005 Public Opinion Survey, 49 percent of Azerbaijanis report they have paid bribes to public officials (up from 33 percent in 2004). And 26 percent say they have not been asked for bribes (a decline from 33 percent in 2004). In addition, many more Azerbaijanis reported paying bribes for passports and other official documents.⁴⁹

The National Assembly's Audit Chamber remains weak and inefficient, and NGOs and media lack access to information about its activities or statistics regarding government revenues and expenditures. So far, the state has failed to enforce an

effective legislative or administrative process—and one free of prejudice against political opponents—to investigate the corruption of government officials and civil servants. The law does allow anonymous tip-offs to report on corrupt activities, but as yet there are no effective legal protections for witnesses.

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