

At the beginning of 2006, the Azerbaijani government came under strong criticism by the Parliamentary Assembly of the Council of Europe (PACE) for the November 2006 parliamentary elections, which were marred by irregularities.<sup>1</sup> The PACE monitors observing re-run elections in May reported some progress in the conduct of the voting on election day, but concluded that control over – and interference with – the electoral process by local executive bodies and economic interests remained a serious issue of concern.<sup>2</sup>

The political opposition and independent media remained under pressure. Attempts by opposition political parties to stage demonstrations were repeatedly suppressed by police and the December eviction of an opposition party and its newspaper from their offices caused an international outcry.

NGOs estimated that at least 50 political opponents remained imprisoned at the end of the year. Six out of 14 decisions involving Azerbaijan delivered by the European Court of Human Rights (ECtHR) concerned former political prisoners.

The European Committee for the Prevention of Torture (CPT) visited Azerbaijani prisons in November, assessing in particular the treatment and regime of life-sentenced and other long-term prisoners.<sup>3</sup>

A new public body charged with overseeing the country's penitentiary system was established within the Ministry of Justice, which gave rise to hopes for progress in this field. A series of examinations for prospective judges continued and several ministries administered examinations for candidates for governmental service.

Despite optimistic forecasts, there was no real progress with respect to the peaceful resolution of the conflict with Armenia over Nagorno-Karabakh. The conflict was aggravated by a constitutional referendum held by the separatist authorities in December, the conduct of which was condemned by the international community.

On 9 May, Azerbaijan became a member of the newly established UN Human Rights Council for a period of three years.<sup>4</sup>

### **Elections and referenda**

During the PACE session in January, the credentials of Azerbaijan's twelve-member parliamentary delegation to the assembly were challenged on grounds of the November 2006 parliamentary elections in the country, in which the ruling YAP party secured its hold on power. The assembly regretted that these elections did not meet a number of international standards.<sup>5</sup> Among the major violations reported by the PACE monitors were: intimidation and arbitrary arrests of opposition candidates; media bias; lack of impartiality of election commissions; disproportionate use of force by the police in dispersing unauthorized rallies; interference of local authorities in the electoral process; abuse of administrative resources; ballot stuffing; and serious violations during the counting and tabulation of results.<sup>6</sup>

PACE noted that while certain administrative and legal measures had been taken following the elections, these measures could not "repair the serious damage caused by the violations" as a result of which the newly elected parliament lacked "the democratic credentials of the Azerbaijani people."<sup>7</sup> However, despite the criticism, the credentials of the Azerbaijani delegation members were approved and at its June session, PACE decided not to reconsider the previously ratified credentials, although most of the recommendations to the Azerbaijani authorities had yet to be complied with. Instead the assembly instructed a special monitoring committee to continue to "follow closely the developments in the country" and report back to it at its spring 2007 session.<sup>8</sup>

On 10 December, the separatist authorities of the self-proclaimed "Nagorno-Karabakh Republic" organized a referen-

dum on the adoption of a “constitution” for the region. The voter turnout was reportedly 87%, with more than 98% endorsing the text of the draft constitution put forward. The referendum was not approved by the Azerbaijani government, and was criticized by the international community. The Council of Europe’s Committee of Ministers concluded that the conduct of such a referendum, pre-empting the outcome of ongoing negotiations, “cannot contribute to the resolution of the conflict.”<sup>9</sup>

### **Torture, ill-treatment and police misconduct**

During its visit to Azerbaijan in November, the CPT paid particular attention to the situation in the Qobustan Prison, which was the only facility where life-time prisoners were held. Prior to the CPT visit, several hunger strikes were organized in the prison to protest abuses allegedly sanc-

tioned by the prison director (see photo). Numerous suicides, which were not adequately investigated, were also reported from the facility. Shortly prior to the visit of CPT mission, the prison director was dismissed, and a criminal case was initiated against him under criminal code articles 308.1 (abuse of power) and 317.2 (violation of the rules of detention wards).

In connection with the violent events in the penitentiary system in 2006, in which several prison riots were forcefully repressed,<sup>10</sup> a total of 72 prison officials from different institutions were prosecuted on charges of abuse of power, and more than 200 staff members were disciplined.<sup>11</sup>

Human rights NGOs and the ombudsman reported several cases of death in police and military custody. Criminal investigations were opened in at least two such cases, in the cities of Lenkaran and Mingachevir.



*Life prisoners at Qobustan prison after three weeks on hunger strike to protest their treatment. July 2006. © Zerkalo*

The following forced return gave rise to serious concern in light of Azerbaijan's international obligations relating to torture:

◆ On 13 October, journalist Elif Pelit, a Turkish citizen of Kurdish ethnicity accused of involvement in the Kurdish Worker's Party (PKK), was forcibly returned from Azerbaijan to Turkey. Prior to this, Pelit, who was granted refugee status in Germany in 1999, had spent two years in detention in Azerbaijan. She was initially arrested on charges of illegally crossing the border and was subsequently held on the basis of the extradition request from the Turkish authorities. The UN High Commissioner for Refugees criticized Pelit's return, saying that it was contrary to Azerbaijan's obligations under the 1951 UN refugee convention and in clear violation of the principle of *non-refoulement*.<sup>12</sup>

## Freedom of expression and free media

### *Obstruction of opposition forces*

The situation with respect to freedom of expression continued to deteriorate in the country, with non-state media and opposition movements experiencing growing pressure.

A major event took place on 24 November, when the country's oldest opposition party AXCP and the popular opposition newspaper *Azadliq* were forced to leave their office premises at a central location in Baku, close to the headquarter of the ruling YAP party (see photo). The eviction was carried out although the AXCP and the *Azadliq* did not have any opportunity to see the text of the court decision sanctioning it or to appeal this decision. The two opposition forces were offered new premises at an inconvenient location far from the city center.

On the same day as the controversial evictions were carried out, the private TV and radio station ANS was also taken off air, allegedly because of unresolved licens-

ing issues. Two weeks later, on 11 December, the National TV and Radio Council announced that the ANS, as an exceptional measure, would be allowed to resume broadcasting. The council asserted that this decision was the result of "the good will" of President Aliyev and numerous appeals from civil and rights activists.<sup>13</sup>

### *Independent journalists*

While a growing number of attacks on independent journalists were reported during the year, the authorities failed to take adequate measures to investigate and prosecute these attacks. No perpetrator was found or held accountable in any of the following cases, all of which took place in the capital Baku:

◆ On 6 March, unidentified perpetrators kidnapped Fikret Huseynli, correspondent for the opposition *Azadliq* newspaper, and brutally beat him up. He suffered life-threatening injuries – including cranial trauma and a knife wound to the throat – but survived.<sup>14</sup>



*Police guarding the editorial office of the oldest opposition *Azadliq* newspaper. The office was forcefully closed just one hour after the first instance court ruling. 24 December 2006.*

© Echo

- ◆ On 3 May, Rustem Mikayilli, correspondent of the Russian-language *Zerkalo* newspaper, was beaten up.
- ◆ Late on 18 May, Bahaddin Haziyeu, editor-in-chief of the *Bizim Yol* newspaper was abducted by at least five individuals, severely beaten and left on a lake bank outside Baku. Before leaving, the abductors drove over Haziyeu's legs. The attack left him disabled. *Bizim Yol* had repeatedly published articles presenting government officials in an unfavourable light.<sup>15</sup>

Criminal defamation charges continued to be used to intimidate and punish critical journalists, with the trials typically being conducted in violation of international fair trial standards.

- ◆ On 10 August, Shahin Agabeyli, editor of the opposition *Milli Yol* newspaper, was sentenced to one year imprisonment for allegedly insulting the "honor and dignity" of a member of parliament representing the ruling party. The accusations related to an article published in *Milli Yol* a year earlier, which implicated the deputy in election fraud. It was not clear whether Agabeyli had written this article.<sup>16</sup> On 21 October, the president pardoned Agabeyli.
- ◆ On 26 September, the Yasamal District Court of Baku city found Eynulla Fatullayev, editor of the *Real Azerbaijan* newspaper, guilty of criminal libel and insult and gave him a conditional two-year prison sentence and ordered him to pay a fine equivalent to about EUR 10,000.<sup>17</sup> The case was initiated on the basis of an article accusing the minister of interior of covering up criminal activities led by high rank police officers.

In other cases, outspoken journalists faced other forms of apparently politically motivated charges.

- ◆ On 4 October, the Nasimi District Court in Baku sentenced Sakit Zakhidov, a prominent reporter and satirist for the newspaper *Azadliq*, to three years in pri-

son on charges of drug use. He denied the charges and claimed that drugs were planted on him in connection with his arrest in July. The investigation in the case was blatantly inadequate, and a "test" said to demonstrate his purported drug addiction consisted of a half-hour-long observation by doctors. Zakhidov was well-known for his criticism of the government and his arrest came three days after the executive secretary of the ruling party publicly stated that "someone should put an end [to Zakhidov's slanders]."<sup>18</sup>

### Political opponents

A considerable number of opposition politicians continued to serve prison sentences on politically motivated grounds. While the president pardoned six political prisoners, an estimated 50-70 opponents remained imprisoned at the end of the year.

- ◆ The trial of former minister of economy, Farhad Aliyev, who was arrested on suspicion of organizing a *coup d'etat* in October 2005, was still pending at the end of the year.<sup>19</sup>

During the year, at least two political opponents who had fled to Russia were extradited to Azerbaijan on accusations relating to the turbulent political events of the 1990s.

In a speech given on 7 December, the president accused the political opposition of engaging in "intimidation" and "illegal" actions, attempting to "destabilize" the country and conducting an "anti-national" policy. At the same time, he expressed readiness for political dialogue.<sup>20</sup>

### Freedom of association and assembly

The situation concerning state registration of non-governmental organizations improved. During the year, more than 400 NGOs were registered with the authorities, which was twice as many as in the previous year. As a result, a total of about 2,300

NGOs had official status.<sup>21</sup> Some of the NGOs that obtained registration had struggled for registration for a long time. Among them was the Association of Karabakhi War Invalids, which had been refused registration since 2001 and was registered only after a decision by the European Court of Human Rights.<sup>22</sup> Some NGOs continued to operate without registration.

Freedom of assembly continued to be violated with respect to opposition meetings. On numerous occasions, police dis-

persed demonstrations organized by the political opposition, and participants were given administrative penalties.

◆ On 23 November, 13 members of the opposition were sentenced to the maximum of 15 days of administrative detention for attempting to organize a non-sanctioned picket to protest government plans to evict the opposition AXCP and its newspaper *Azadliq* from their offices (see above). Another person was sentenced to one day of detention, while 15 were fined.<sup>23</sup>

### SOURCES FOR FURTHER INFORMATION:

◆ Human Rights Center of Azerbaijan, at [www.aihmm.info](http://www.aihmm.info)

#### Publications:

- ◆ IHF and Human Rights Center of Azerbaijan, "A Joint Call for Freedom of Expression and Due Process in Azerbaijan: The Case of Journalist Sakit Zakhidov, at [www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=58&d\\_id=4282](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4282)
- ◆ International Federation for Human Rights (FIDH) and Human Rights Center of Azerbaijan, *Après l'abolition de la peine capitale, les condamnés à perpétuité en danger de mort. Torture et mauvais traitements dans les prisons d'Azerbaïdjan*, 29 January 2007, at [www.fidh.org/IMG/pdf/Az465fr.pdf](http://www.fidh.org/IMG/pdf/Az465fr.pdf)
- ◆ *Human Rights Watch World Report 2007*, Azerbaijan chapter at <http://hrw.org/english/wr2k7/docs/2007/01/11/azerba14789.htm>
- ◆ Amnesty International, *2006 Elections to the Human Rights Council: Background information on candidate countries*, (IOR 41/006/2006), 1 May 2006, at <http://web.amnesty.org/library/Index/ENGIOR410062006?open&of=ENG-AZE>
- ◆ Amnesty International, *Europe and Central Asia: Summary of Amnesty International's Concerns in the Region: January–June 2006*, at [www.today.az/news/politics/31159.html](http://www.today.az/news/politics/31159.html)
- ◆ Amnesty International EUR 55/003/2007, *Azerbaijan: the contracting space for freedom of expression*, 24 January 2007, <http://web.amnesty.org/library/print/ENGEUR550032007>
- ◆ CPJ, "Azerbaijan: CPJ calls for end to crackdown on independent media," 2 October 2006, at [www.cpj.org/protests/06ltrs/europe/azer02oct06pl.html](http://www.cpj.org/protests/06ltrs/europe/azer02oct06pl.html)
- ◆ PACE Resolution 1480 (2006), *The challenge of still unratified credentials of the parliamentary delegation of Azerbaijan on substantial grounds*, at <http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta06/eres1480.htm>
- ◆ PACE Resolution 1505 (2006), *Implementation of Resolution 1480 (2006) on the challenge of credentials of the parliamentary delegation of Azerbaijan*, at <http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta06/eres1505.htm>

- ▶ PACE Doc. 10941, *Ad hoc Committee to Observe the partial re-run of the Parliamentary elections in Azerbaijan (13 May 2006)*. 31 May 2006, at <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc06/EDOC10941.htm>

## Endnotes

- <sup>1</sup> See the chapter on Azerbaijan in IHF, *Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2006 (Events of 2005)*, at [www.ihf-hr.org/cms/cms.php?sec\\_id=71](http://www.ihf-hr.org/cms/cms.php?sec_id=71).
- <sup>2</sup> PACE Resolution 1505 (2006), *Implementation of Resolution 1480 (2006) on the challenge of credentials of the parliamentary delegation of Azerbaijan*, at <http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta06/eres1505.htm>.
- <sup>3</sup> "Council of Europe Anti-torture Committee visits Azerbaijan," 6 December 2006, at [www.cpt.coe.int/documents/aze/2006-12-06-eng.htm](http://www.cpt.coe.int/documents/aze/2006-12-06-eng.htm).
- <sup>4</sup> Azeri-Press Information Agency, at <http://en.apa.az/news.php?id=9527>.
- <sup>5</sup> PACE Resolution 1480 (2006), *The challenge of still unratified credentials of the parliamentary delegation of Azerbaijan on substantial grounds*, at <http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta06/eres1480.htm>.
- <sup>6</sup> *Ibid.*
- <sup>7</sup> *Ibid.*
- <sup>8</sup> PACE Resolution 1505 (2006), *Implementation of Resolution 1480 (2006) on the challenge of credentials of the parliamentary delegation of Azerbaijan*.
- <sup>9</sup> Council of Europe Press release 783(2006), 13 December 2006, at <https://wcd.coe.int/ViewDoc.jsp?id=1073697>.
- <sup>10</sup> For more information about these events, see IHF, *Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2006 (Events of 2005)*.
- <sup>11</sup> Information from *Today.Az*, 1 November 2006, at [www.day.az/news/society/62837.html](http://www.day.az/news/society/62837.html).
- <sup>12</sup> PACE Resolution 1505 (2006), *Implementation of Resolution 1480 (2006) on the challenge of credentials of the parliamentary delegation of Azerbaijan*, at <http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta06/eres1505.htm>.
- <sup>13</sup> OSCE Office in Baku, "OSCE satisfied that private broadcaster in Azerbaijan resumes transmission," 12 December 2006, at [www.osce.org/baku/item\\_1\\_22656.html](http://www.osce.org/baku/item_1_22656.html).
- <sup>14</sup> Radio Free Europe/Radio Liberty, "Press worries increase after assault on opposition reporter," 7 March 2006, at [www.rferl.org/featuresarticle/2006/03/87e78d70-02f3-4335-b943-4beea82ae6bf.html](http://www.rferl.org/featuresarticle/2006/03/87e78d70-02f3-4335-b943-4beea82ae6bf.html).
- <sup>15</sup> See Eurasianet, "Recent attack has independent journalists, civil society activists on guard in Azerbaijan," 5 June 2006, at [www.eurasianet.org/departments/civilsociety/articles/eav060506.shtml](http://www.eurasianet.org/departments/civilsociety/articles/eav060506.shtml).
- <sup>16</sup> Amnesty International, Urgent Action, 16 August 2006, at <http://web.amnesty.org/library/Index/ENGEUR550082006?open&of=ENG-AZE>.
- <sup>17</sup> See CPI, "Azerbaijan: Opposition journalist sentenced to 3 years jail," 4 October 2006, at [www.cpi.org/news/2006/europe/azer04oct06na.html](http://www.cpi.org/news/2006/europe/azer04oct06na.html).
- <sup>18</sup> IHF and Human Rights Centre of Azerbaijan, "A Joint Call for Freedom of Expression and Due Process in Azerbaijan: The Case of Journalist Sakit Zakhidov," at [www.ihf-hr.org/](http://www.ihf-hr.org/)

documents/doc\_summary.php?sec\_id=58&d\_id=4282; CPJ, "Azerbaijan: CPJ calls for end to crackdown on independent media," 2 October 2006, at [www.cpj.org/protests/06ltrs/europe/azer02oct06pl.html](http://www.cpj.org/protests/06ltrs/europe/azer02oct06pl.html).

- <sup>19</sup> Information from *Today.Az*, 12 December 2006, at [www.today.az/news/society/33789.html](http://www.today.az/news/society/33789.html).
- <sup>20</sup> Information from Turan News Agency, 7 December 2006.
- <sup>21</sup> Information from *Today.Az*, 25 November 2006, at [www.today.az/news/society/33096.html](http://www.today.az/news/society/33096.html).
- <sup>22</sup> *Etimad Asadov and Others v. Azerbaijan*, application no. 138/03, judgment of 26 October 2006, at <http://cmiskp.echr.coe.int/tkp197/view.asp?item=4&portal=hbkm&action=html&highlight=Azerbaijan&sessionId=10246069.&skin=hudoc-en>
- <sup>23</sup> Information from *Today.Az*, 24 November 2006, at [www.today.az/news/politics/33029.htm](http://www.today.az/news/politics/33029.htm)