

Azerbaijan

by H. Kaan Nazli

Capital: Baku
Population: 8.3 million
GDP/capita: US\$4,185
Ethnic Groups: Azeri (90.6%), Dagestani (2.2%),
Russian (1.8%), Armenian (1.5%)
other (3.9%)

The economic and social data on this page were taken from the following sources:

GDP/capita, Population: *Transition Report 2006: Finance in Transition* (London, UK: European Bank for Reconstruction and Development, 2006).

Ethnic Groups: *CIA World Fact Book 2007* (Washington, D.C.: Central Intelligence Agency, 2007).

Nations in Transit Ratings and Averaged Scores

	1999	2001	2002	2003	2004	2005	2006	2007
Electoral Process	5.50	5.75	5.75	5.75	6.00	6.25	6.50	6.50
Civil Society	4.75	4.50	4.50	4.25	4.50	4.75	5.00	5.25
Independent Media	5.50	5.75	5.50	5.50	5.75	6.00	6.00	6.25
Governance*	6.25	6.25	6.00	5.75	5.75	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
Local Democratic Governance	n/a	n/a	n/a	n/a	n/a	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
Corruption	6.00	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

* 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 of this report. The opinions expressed in this report are those of the author. 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 eventually regained independence when the Soviet Union collapsed in 1991. The transition was particularly complicated by the massacre of several hundred civilians by Russian forces on January 20, 1990, as well as a war with Armenia and separatist Armenians over the Nagorno-Karabakh enclave, which began as a low-level conflict between 1988 and 1990 and resulted in massive social problems and more than one million internally displaced persons. The sides signed a cease-fire agreement in May 1994 under President Heydar Aliyev (Heydər Əliyev), a former member of the Politburo and First Vice-chairman of the Soviet Cabinet of Ministers in Moscow.

The rule of Əliyev, who had spent three isolated years in the Nakhichevani (Naxçıvan) exclave prior to his regaining power, was preceded by the presidencies of Ayaz Mutallibov in 1991–1992 and Abulfaz Elçibay (Əbülfəz Elçibəy) in 1992–1993. Elçibəy was the country's first democratically elected president and was ousted by a national referendum in August 1993 following a military intervention.

The country achieved a period of relative political and economic stability under Əliyev, who continued to strengthen his hold on the country through an enormous concentration of power in the presidency. During his 10-year term in office, Əliyev pursued a balanced foreign policy aimed at maintaining close ties with the United States, Russia, Iran, and Turkey and struck oil and gas deals with Western energy companies. A secular state with a population composed primarily of Shiite Muslims, Azerbaijan has been a member of the Council of Europe since 2001.

The presidency changed hands in October 2003. Former Prime Minister İlham Aliyev (İlham Əliyev), son of Heydər Əliyev, assumed the presidency following controversial elections that his ailing father could not participate in and that were deemed not free and fair by the Organization for Security and Cooperation in Europe (OSCE). The president has so far maintained political and economic stability in the country and has pursued a successful foreign policy, enhancing ties with the United States and the European Union (EU); its neighbors, Russia, Iran, and Turkey; and other former Soviet republics. Nonetheless, the Əliyev administration has yet to push forward a genuine democratization program, hopes for which were weakened by the irregularities observed in the November 2005 parliamentary elections. The country's economic growth prospects remain favorable, although income disparity and the diversification away from the oil and gas sectors of the economy continue to be challenges for the authorities. Meanwhile, chances remain low for a Nagorno-Karabakh agreement with Armenia.

National Democratic Governance. President Əliyev continued to enjoy significant authority in Azerbaijan's governmental system in 2006 and was able to sustain political and economic stability thanks to a high level of economic growth. There was little change in the Council of Ministers in 2006, while the National Assembly, Azerbaijan's legislative branch, maintained a low profile. Opposition participation in parliamentary proceedings has been low, owing to a limited number of active opposition deputies and a continued boycott of the Parliament by others. *Owing to no significant changes in the balance of power between the president and the legislature in 2006, Azerbaijan's rating for national democratic governance remains at 6.00.*

Electoral Process. The reruns of the November 2005 legislative and December 2004 municipal elections, held in May and October 2006, respectively, registered a number of technical improvements that were noted by international observers. The dual elections also witnessed irregularities, although their impact was difficult to assess owing to a boycott by a number of opposition parties. Continued intimidation of the political opposition and irregularities in vote tabulation favored ruling party candidates. *Technical improvements in the campaigning period were offset by continued pressure on the national opposition, leaving Azerbaijan's rating for electoral process unchanged at 6.50.*

Civil Society. Little progress was made in 2006 in Azerbaijan's civil society sector, with nongovernmental organizations (NGOs) still facing registration, tax, and funding problems. While the Justice Ministry registered an increased number of NGOs, cases of state pressure on NGOs also increased, particularly among youth groups affiliated with the opposition. *Owing to the expulsion of student activists, police detainment, and warnings issued to civil society leaders and youth organizers, Azerbaijan's rating for civil society worsens slightly from 5.00 to 5.25.*

Independent Media. The media continued to operate under governmental and legal pressure, despite a number of positive steps such as the annulment of newspaper debts to the state-owned printing house and the president's pardon of two editors who received one-year sentences for libel. The investigation regarding the tragic March 2005 murder of opposition journalist Elmar Hüseynov proceeded, but its apparent link to a parallel trial against former Interior Ministry officials raised questions. *Owing to the government's closure of ANS TV and ANS CM radio, continued mistreatment of opposition journalists, and legal and other pressure on independent media, and despite the presidential pardon of newspaper debts and the sentences of two opposition journalists, Azerbaijan's rating for independent media worsens from 6.00 to 6.25.*

Local Democratic Governance. Local governance in Azerbaijan is not democratic, as the government continues its practice of directly appointing local administrators. The government continued to dominate local governance in 2006 as President Əliyev made a significant number of replacements to the heads of

local executive committees, and the ruling party won an overwhelming majority of municipal council seats in the local election reruns on October 6, which showed technical improvements according to international observers. *Reflecting the ruling party's continued authority in local governance despite some improvements to the local election processes, Azerbaijan's rating for local democratic governance remains at 6.00.*

Judicial Framework and Independence. The government maintained substantial authority over the judiciary in 2006, particularly as the trials of Farhad Aliyev (Farhəd Əliyev) and former health minister Ali İnsanov (Əli İnsanov) for an alleged plot to overthrow the constitutional order remained unconcluded more than a year after the arrest of the former government ministers. The investigation of the 2005 murder of Elmar Hüseynov continued to make headlines during 2006, although it was not completed by the end of the year, and its links to the Farhəd Əliyev trial raised some questions. *Owing to the judiciary's continued enforcement of trial processes that violate political rights and civil liberties, Azerbaijan's rating for judicial framework and independence remains 5.75.*

Corruption. Corruption continued to be a problematic issue for Azerbaijan in 2006, as the auditing capacity of the legislative branch remained weak and government investigations of former officials and civil servants appeared to be politically driven. The country registered some improvement in combating corruption at the local level with a number of policemen expelled on the grounds of corruption and the conclusion of the trial of a former high-level presidential administration official. The country demonstrated some improvement in Transparency International's Corruption Perceptions Index as the government continued to enforce the Extractive Industries Transparency Initiative. *Though more time is needed to assess whether the aforementioned improvements represent a long-term trend that is sustainable independent of political infighting and international pressure, the government continues to enjoy strong influence in anticorruption commissions. Therefore Azerbaijan's rating for corruption remains 6.25.*

Outlook for 2007. President İlham Əliyev is expected to maintain his position thanks to Azerbaijan's impressive level of economic growth from substantial oil revenues, which will increase even further as the Baku-Tbilisi-Ceyhan pipeline steps up oil exports and a sister pipeline begins operations carrying natural gas from the Shah Deniz field in the Caspian Sea through Georgia to the Turkish town of Erzurum. Rising inflation and the overwhelming share of oil exports in the national economy will continue to pose challenges to the authorities. The government seems unlikely to push forward a genuine democratization program in 2007, while infighting between and within opposition parties should continue to weaken them. There appears to be little chance of progressing toward a resolution of the Nagorno-Karabakh conflict in 2007, as Armenia faces parliamentary elections in which the Karabakh issue is expected to feature prominently, although the possibility of a military standoff between Azerbaijan and Armenia is also remote.

MAIN REPORT

National Democratic Governance

1999	2001	2002	2003	2004	2005	2006	2007
n/a	n/a	n/a	n/a	n/a	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 İlham Aliyev (İlham Əliyev) maintained his strong position throughout 2006. His high-level ministerial and local executive appointments went uncontested, and an impressive level of economic growth continued to fuel the administration's popular support. In February, the president appointed Kemaleddin Heydarov (Kəmaləddin Heydərov), former chairman of the State Customs Committee, as minister of emergency situations and Füzuli Alakbarov (Füzuli Ələkbərov), formerly in the private sector, as labor and social welfare minister.

Economic growth in the first nine months of the year came at an impressive 34 percent in comparison with the same period in 2006, partly because of the opening of the Baku-Tbilisi-Ceyhan oil export pipeline in late 2005. President Əliyev announced in October that 120,000 new jobs were created in 2006, while the total number of new jobs created since his election in 2003 reached 470,000.¹

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. President Əliyev announced in September 2005 that defense spending had increased from US\$175 million in 2004 to US\$300 million in 2005 and would double in 2006 to reach US\$600 million.² There were several announcements in 2006 of progress made toward drafting a new National Security Concept. This was requested by the president in 2005 to precede the formulation and implementation of a new military doctrine³ as part of the country's Individual Partnership Action Plan with NATO, but the document had not been completed by the end of 2006.

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 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 Free-

dom (Azadlıq) bloc getting 6 of these, and the mostly pro-government independents won 42 seats. The Nakhichevani (Naxçıvan) Autonomous Republic, an exclave of Azerbaijan bordering Armenia, Iran, and Turkey, has a 45-seat regional legislature, which was also renewed in November 2005. The YAP won 37 seats, while non-partisan candidates won 6 seats and Azadlıq 2 seats. The YAP gained 5 additional seats in the rerun elections in May 2006, bringing its total to 61; these polls were held in 10 districts where election results were annulled by the Constitutional Court.⁴ The opposition won 2 seats (İlyas İsmayılov [İlyas İsmayılov], leader of the Justice Party, and Fazail İbrahimli [Fəzail İbrahimli], deputy chairman of the Civic Solidarity Party), with the remainder won by independents.

While the president cannot dissolve the Parliament, he enjoys a high level of authority over the legislature through the YAP, which remained firmly under his leadership in 2006. High-level YAP officials have already announced that Əliyev will be the party's nominee for the 2008 presidential elections, and preparations for the poll will begin as early as 2007.⁵ During the year, the Parliament was boycotted by the mainstream opposition parties except for former parliamentary Speaker İsa Qambar (İsa Qəmbər)'s Equality (Müsavat) party, which won four of the six seats awarded to the Azadlıq bloc that joined Müsavat with the Popular Front of Azerbaijan (AXCP) and the Democratic Party of Azerbaijan (ADP) in the run-up to the November 2005 elections.⁶ Lala Şovket Hacıyeva (Lalə Şövkət Hacıyeva), leader of the opposition Liberal Party, also rejected her mandate despite winning a parliamentary seat in November; a rerun vote for this vacant seat has yet to be announced.⁷

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 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, according to amendments approved by the 2002 constitutional referendum.

The National Assembly's Chamber of Commerce has not been effective in auditing governmental functions, and the Ministry of Finance has initiated only a few investigations into oil enterprises and Azerbaijani embassies abroad, which revealed irregularities. The Ministry of Economic Development's investigation into customs practices disclosed serious discrepancies in tariffs imposed on imported food products, yet no sanctions have been imposed on the State Customs Committee.

Electoral Process

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

Elections in Azerbaijan have been characterized by significant irregularities and government interference in the voting process since independence, except for the

June 1992 election in which Abulfaz Elchibey (Əbülfəz Elçibəy), leader of the nationalist opposition AXCP, was elected president. Other elections were marred by serious fraud, including the 1993 presidential elections (in which Heydar Aliyev [Heydər Əliyev] won 99 percent of the vote after forcing out Elçibəy in an armed rebellion), the 1995 parliamentary elections, the 1998 presidential elections (in which Əliyev received more than 70 percent of the vote), and the 2000 parliamentary elections. The October 2003 elections that brought former prime minister İlham Əliyev to power with 77 percent of the vote and the November 2005 parliamentary elections were also deemed fraudulent by monitors, although the latter showed some improvements in election legislation and campaigning.

Azerbaijan held two rerun elections in 2006—reruns of parliamentary elections on May 20 and municipal elections on October 6—both of which showed some technical improvements. The election code was revised to divide the 18-member Central Election Commission 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 there are only a few opposition deputies in the Parliament (six from five different parties), which hindered efforts to increase opposition representation in the commission prior to the reruns.

The parliamentary reruns in May were held in 10 constituencies (out of 125 in Azerbaijan) with an average turnout of 30 percent⁸ and 154 candidates in the running.⁹ The YAP gained five seats, the opposition gained two, and the independents gained three. The results of a U.S.-funded exit poll organized by the International Republican Institute did not significantly deviate from the results announced by the Central Election Commission. The election observation mission of the Parliamentary Assembly of the Council of Europe noted “improvements in voting process,” indicating that there were no problems with the registration of candidates and that balloting on election day was conducted “at a proper and professional level.” A May 15 statement by the OSCE’s Office for Democratic Institutions and Human Rights called the vote “a welcome step toward increased transparency,” praising authorities for “inclusive candidate registration” and “a largely unimpeded campaign.” It also stressed a need for further electoral reforms and cited several “issues of concern, including the composition of election commissions, instances of interference by local authorities in the election process, and the handling of complaints and appeals by election commissions and courts.”¹⁰

The government announced in June that repeat local elections would be held on October 6 in municipalities, where the results of the December 2004 polls were annulled. The government’s decision came shortly after the Council of Europe threatened to exclude Azerbaijan from the Congress of Local and Regional Authorities if the reruns were not held by the end of 2006. The election was boycotted not only by the Azadlıq bloc, but also by Müsavat (which had attended the parliamentary reruns). Council of Europe observers noted technical improvement but also irregularities in the reruns, where the YAP won 1,115 of 1,931 contested seats.

The national opposition failed to maintain the unified stance it had briefly kept prior to the legislative elections in November 2005, and infighting between and within individual opposition parties dominated much of the year. The opposition *Müsavat* withdrew from the *Azadlıq* election alliance in February amid disagreements with its coalition partners over whether or not to participate in the reruns.¹¹ The second most influential opposition election alliance, *New Politics (Yeni Siyasət)*, participated in the May revote but failed to win any seats.¹²

The central committee of the Azerbaijani National Independence Party (AMIP) decided to suspend the mandate of its leader, Ali Aliyev (Əli Əliyev), on January 9 owing to intra-party disagreements.¹³ In late May, a congress of the opposition *Müsavat* reelected Isa Qəmbər unopposed for a third term, ignoring its own rule that party chairmen may serve no more than two consecutive terms. The party congress was held after a failed attempt to elect a new chairman of the party's governing council, which revealed a confrontation within *Müsavat's* senior leadership.

While tensions between and within opposition parties remained high, the government's attitude toward them also remained hostile throughout 2006. A Baku district court turned down an appeal by Ali Kerimli (Əli Kərimli), leader of the *AXCP*, to drop a criminal case brought against him in 1994. (Kərimli, who cannot get a passport until the district prosecutor's office closes the case, is forced to travel using special documents.) In July, a Baku court sentenced *AXCP* activist Sakhavat Babayev (Səxavət Babayev) to three years in prison for "commercial crimes." The authorities evicted the *AXCP* from its headquarters, citing commercial issues in November,¹⁴ and a group of *AXCP* activists who protested the eviction in front of the Office of the President were jailed for almost two weeks.¹⁵ Another local court sentenced *ADP* deputy chairman Natiq Afandiyev (Natiq Əfəndiyev) to five years in prison on charges of illegal possession of weapons.¹⁶

Civil Society

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

In Azerbaijan, the 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 Əliyev 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 and women's rights, and environmental and ecology issues. There are also 74 international aid organizations

active in the country, mainly assisting 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.

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 and is guaranteed by the state. The Ministry of Education develops state education policy and manages the educational system, which since independence has undergone no major structural changes. Those changes that have occurred include the reestablishment of religious education, banned during the Soviet Union's hegemony. Changes to the curriculum emphasize the use of the Azerbaijani language and have eliminated Marxist-Leninist content.

While universities are increasingly venues for political activity, the cases of Turan Aliyev (Turan Əliyev) and Namik Feyziyev (Namiq Feyziyev), students at Baku State University and Azerbaijan State Pedagogical University, respectively, represented a trend in rising governmental pressure on youth activists. Əliyev (no relation to the president) was involved in the AXCP, while Feyziyev was a member of the New Thinking (Yeni Fikir) youth organization. Expelled at the end of 2005, the students joined other opposition activists in a 21-day hunger strike, claiming the expulsions were politically motivated. This event received significant international attention,¹⁷ especially after four strike participants, including Əliyev and Feyziyev, were hospitalized. After a January 19 meeting attended by U.S., U.K., and Norwegian diplomats and representatives of the Council of Europe and Azerbaijani NGOs, Education Minister Misir Mərdanov (Misir Mərdanov) pledged that the students would be allowed to resume their education, although they would have to repeat a year to make up for missed classes. But Mərdanov's decision was ignored by the heads of the two universities, and neither of the students was reinstated by the end of the year. As a result of his expulsion, Turan Əliyev was called to do his military service, and by last account, both students had left the country to seek political asylum in Western Europe.¹⁸

Former students of the Independent Azerbaijan University (IAU), whose license was revoked by the Ministry of Education in May, staged several protests during 2006, demanding the return of tuition fees and transfers to other universities. Police dispersed the most recent rally on November 8, at which there were 200 demonstrators, with 1 detained and 3 injured. A group of former IAU students who

were hunger striking were expelled by force from the university by an independent security firm on November 2, with 1 of the students beaten.¹⁹ A group of 57 students who were not transferred to other universities started another hunger strike on November 21²⁰ and had not stopped by the end of the year. The State Commission for Student Admission, which is responsible for approving admissions to all higher education institutions, announced on November 21 that it had never approved the admission of nearly 1,700 students to the IAU.²¹

The prominent role played by young people in Georgia's Rose Revolution in 2003 and Ukraine's Orange Revolution in 2004 has led in part to the Azerbaijani government's suspicion of youth involvement in civil society-related projects. Underscoring that suspicion was the 2005 arrest of Ruslan Bashirli (Ruslan Bəşirli), head of the Yeni Fikir youth group, on charges of conspiring to carry out a coup attempt. Yeni Fikir—one of the largest youth organizations in the country, with a reported membership of 2,000—often cooperates with Azadlıq. In a closed proceeding in July, the Court on Serious Crimes sentenced Bəşirli and his two deputies, Ramin Tağıyev (Ramin Tağıyev) and Said Nuri (Səid Nuri), to four to seven years' imprisonment each for the alleged coup attempt. The opposition condemned the verdict as politically motivated, while the United States and OSCE also criticized the ruling. The court of appeals upheld the rulings while reducing Tağıyev's imprisonment term by one year.²² Ali İsmayilov (Əli İsmayilov), chairman of the No (Yox) movement, was detained briefly by the Baku Police Department on October 17²³ and warned not to organize a rally in the city for the country's Independence Day on October 18. He later claimed to have been detained overnight by unidentified people who questioned him on the planned rally.²⁴

Youth initiatives that focus less on the government's democratic shortcomings and more on day-to-day issues and education have managed to overcome official skepticism. The Baku-based Alumni Network is pressing ahead with a campaign named the Future Does Not Come on Its Own, which calls on the administration to use oil and gas export profits to improve the educational system. The group wants the government to fund 500 scholarships for deserving students to study at top international universities. The American Alumni Association, another youth initiative, has gained prominence by promoting public debate on several issues, including Baku's traffic problems, education reform, and the socially conscious use of oil and gas revenues.²⁵

Meanwhile, NGOs criticized a trip made by the Azerbaijani National Committee of the Helsinki Citizens' Assembly to Armenia to meet representatives from Armenia and the Karabakh region. The Civic Solidarity youth organization announced on September 11 that the meeting attendees, including rights activists and journalists, should be stripped of their citizenship,²⁶ while the Karabakh Liberation Organization criticized the trip as being against Azerbaijan's national interests, reminding the public that the Gughark camp meeting site was where over 30 Azerbaijanis were killed during the Karabakh war in the early 1990s.²⁷

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 reregister religious groups, giving its chairman sweeping powers that included control over religious literature. The SCWRA has registered 321 Muslim and 31 non-Muslim communities so far. Of the registered non-Muslim communities, 20 represent Christianity, 7 Judaism, 3 Baha'ism, and 1 Krishnaism.²⁸ A group of female students sued Sumqayıt State University in November for not being allowed to attend classes wearing the Muslim head scarf.²⁹ The Ministry of Education later announced that Azerbaijani law does not ban students from wearing head scarves in school,³⁰ and the students were reinstated following an intervention by Ombudsman Elmira Süleymanova.³¹ An opinion poll conducted by Ray (Opinion) monitoring center among 600 people in Baku and Sumqayıt found that 76.1 percent of respondents think there is no danger of an Islamic revolution in Azerbaijan. Only 6.3 percent believe there is danger of an Islamic revolution, and 17.6 percent could not answer.³²

Muslim religious groups must receive a letter of approval prior to registration from the state-dominated Caucasus Muslim Board (DUMK), a body that appoints Muslim clerics to mosques and monitors sermons. The DUMK, headed by “Sheikh” Allahsukur Pasazada (Allahşükür Paşazadə), also has a monopoly over the selection of pilgrims and the organization of the Hajj, the annual Muslim pilgrimage to Mecca. The first chairman of the SCWRA, Rafiq Aliyev (Rafiq Əliyev), was replaced with Hidayat Orujov (Hidayət Orucov), who in August 2006 held the committee’s first meeting with the DUMK since its establishment five years ago. Orucov pledged increased cooperation with the DUMK during his term, while blaming the committee’s previous management for thwarting the registration of religious communities and failing to adequately monitor religious groups, particularly religious texts imported to Azerbaijan.³³

Independent Media

1999	2001	2002	2003	2004	2005	2006	2007
5.50	5.75	5.50	5.50	5.75	6.00	6.00	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 journalist 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 dominates radio and newspapers as the chief media source in Azerbaijan. There are 6 channels that broadcast to a national audience (AzTV, ITV, ANS, ATV, Lider TV, and Space TV) and 12 regional TV channels. Russian

state-owned and Turkish channels also broadcast in Azerbaijan. A November 2006 opinion poll conducted by the Democratic League of Journalists among 1,000 people in Baku and Sumqayıt found Azad Azərbaycan TV (ATV) to be the most popular television station with 44 percent of the viewers surveyed, followed by independent TV channel ANS and the state-owned Public TV. The latter, also known as ITV, was opened in 2005 by the authorities to meet a Council of Europe demand to establish an independent public broadcaster. Both channels were watched regularly by 32 percent of the viewers. Meanwhile, 72 percent said they prefer ANS for news, while 73 percent said they preferred ATV for entertainment programs. AzTV was considered the most partial broadcaster,³⁴ leading 69 percent to report they preferred to keep up with current news developments by watching ANS.³⁵

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 56 percent of the broadcasts, while 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.³⁶ 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 percent of the news was about politics, 5.2 percent about economics, 37.8 percent about social issues, 2 percent about culture, 10 percent about sports, and 8 percent about the weather.³⁷

In a controversial November decision, the National Television and Radio Broadcasting Council (NTRBC) demanded that local channels, particularly ANS TV and ANS CM radio, acquire a special license to rebroadcast programs from international media, such as the British Broadcasting Corporation (BBC), Radio Free Europe/Radio Liberty (RFE/RL), and Voice of America, and stated that rebroadcasting foreign news material without a license would be punishable by severe sanctions.³⁸ (The NTRBC was set up in 2003 but began active work in March 2005 after the National Assembly amended the Law on TV and Radio Broadcasting.)³⁹ Ali Hasanov (Əli Həsənov), head of the public and political department of the presidential administration, stated in October that the dispute stemmed from differences in pricing for local and foreign companies (US\$600 and US\$100,000, respectively) and that local media outlets that had received frequencies at such discounted prices should not sell or rent them to foreign companies.⁴⁰ The radio and television stations affected by the NTRBC decision retransmit foreign broadcasts for 30 to 45 minutes a day, according to media estimates.⁴¹

On November 24, without prior written notification or court order, the authorities closed down ANS TV and ANS CM radio⁴² for continued violations of the Law on TV and Radio Broadcasting, according to the NTRBC.⁴³ Their frequencies were put to a public tender on December 2, and participants were given just over a month to make bids.⁴⁴ The channels were allowed to resume operations a week

later owing to national⁴⁵ and international protest,⁴⁶ although under the condition that ANS participate in the tender by January 5 to reclaim its frequencies.⁴⁷ The NTRBC also issued separate broadcasting frequencies to the BBC and RFE/RL on December 8.⁴⁸ The council decided on December 28, however, that only those Russian or Turkish channels that are covered by intergovernmental agreements with the respective countries would be allowed to continue broadcasting in Azerbaijan.⁴⁹

ANS faced other troubles in 2006, as the Ministry of Taxes began an inspection of all enterprises in the ANS Group in March. The ministry claims that the company owes 31,000 manats (nearly US\$35,000) for various tax violations. ANS itself maintains that an audit by Ernst & Young and local companies found no evidence of wrongdoing,⁵⁰ yet it lost an appeal against the fine at Economic Court I, leading to a temporary freeze of the company's accounts by the Ministry of Taxes.⁵¹ Additionally, the company's top two officials were questioned by the prosecutor's office in connection with a criminal case initiated by employees of the Azerbaijani National Academy of Sciences, who accused ANS of breaching intellectual copyrights in a book titled *Azeris*, published by ANS.⁵²

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. The overall quality of journalism and reporting remains substandard and unprofessional. Most newspapers cover scandal-oriented political news rather than social or economic developments. Of the 2,470 newspapers and journals published in Azerbaijan, the most popular are *Yeni Məsəvat* (7 percent of readers surveyed), *Zerkalo* (7 percent), *Azərbaycan* (5 percent), *Xalq Gəzeti* (5 percent), *Azadlıq* (4 percent), *Ekho* (4 percent), and *Azərbaycan Müəllimi* (4 percent). The Russian dailies *Ekho* and *Zerkalo* are generally considered to be neutral and bipartisan. Other popular newspapers such as *Yeni Məsəvat* and *Azadlıq* serve as the political mouthpieces of certain opposition parties and are generally blamed for unprofessional reporting. The pro-government, state-funded newspapers *Xalq Gəzeti* and *Azərbaycan* cover only the ruling party's position on issues.

The State Committee for the Management of State Property sent a letter on July 4 to the editorial office of *Azadlıq* demanding rent payments for the years 1997 to 2006, a total of 30,904 manats (nearly US\$35,375)—the newspaper refused to pay unless it is allowed to sign a rental agreement.⁵³ In response, the committee filed a suit demanding that the paper and other entities in the building (that is, the Turan news agency, *Bizim Yol* newspaper, and the AXCP) be evicted and the debt to the state recovered. The committee announced on November 16 that it offered the institutions new premises in separate districts, yet the new premises were located in suburbs and are much smaller than the current offices.⁵⁴ Despite national and international protest, the entities were evicted from their headquarters on November 24.⁵⁵ An official order issued in 1992 (when the AXCP was in power) by the Baku Office of the Mayor ruled that the entities could use their current building rent-free indefinitely, but the management of the building was transferred to the state committee upon its establishment in 1997.⁵⁶ With 6,000 copies in circulation, *Azadlıq* is one of the most popular opposition newspapers in Azerbaijan.

In November, Qanimat Zahidov (Qənimət Zahidov), the newspaper's editor in chief, held a 15-day hunger strike in protest of the government's eviction efforts and was subsequently hospitalized.⁵⁷

Opposition journalists continued to face legal and other troubles throughout 2006. Bahaddin Haziyeu (Bahəddin Həziyev), editor of *Bizim Yol* and a deputy chairman of the AXCP, was severely beaten by unidentified assailants on May 19.⁵⁸ *Azadlıq* reporter Fikret Huseynli (Fikrət Hüseynli) was kidnapped and beaten by unidentified assailants on March 5 in Baku.⁵⁹ Sakit Zahidov (also known as Mirza Sakit [Mirzə Sakit]) from *Azadlıq* was sentenced to three years in prison on charges of possession and use of illegal drugs, a decision that was criticized by Reporters Without Borders and the Committee to Protect Journalists as “trumped up” and “politically motivated.”⁶⁰ The sentence was upheld by the court of appeals on December 15.⁶¹ Nicat Hüseynov, another *Azadlıq* journalist who has written on official corruption, was assaulted at knifepoint and wounded on December 25.⁶²

Tensions between Interior Minister Ramil Usubov and media outlets over their decade-long reporting on the criminal gang led by ministry official Haji Mammadov (Hacı Məmmədov) resulted in a series of lawsuits during the year. A Baku district court gave Einulla Fatullayev (Eynulla Fətullayev), editor in chief of the weekly *Realny Azerbaydjan* and the daily *Gündəlik Azərbaycan*, a suspended two-year jail sentence (later turned into a one-year suspended sentence) and a fine of 5,000 manats (nearly US\$5,650) on September 26, while *Realny Azərbaycan* was fined 10,000 manats (nearly US\$11,300) for having “insulted the honor and dignity” of the minister.⁶³ An article in the weekly had alleged that Usubov must have known about the gang. Founded in 2005, *Realny Azerbaydjan* has become one of the best-read political publications in Azerbaijan, with a circulation of 30,000 copies. Its daily partner has a circulation of 11,000.⁶⁴

Fikrat Faramazoglu (Fikrət Fərəməzozoğlu), editor in chief of *24 Saat*, was also given a one-year suspended sentence on August 25 after Usubov sued him for libel and insult.⁶⁵ The Press Council appealed to Usubov after *Yeni Müsavat* editor Mustafa Hajibayli (Mustafa Hacıbəyli) and correspondent Sabuhi Mammadli (Səbuhi Məmmədli) received threats in connection with articles covering the Məmmədov trial.⁶⁶ The personnel of Baku's Nizami District Police Department and police veterans issued a public statement on September 6 praising Usubov for his professionalism and loyalty to the state and demanding the closure of newspapers that published reports that, in their view, damaged the reputation of the police.⁶⁷

Samir Sadaqatoglu (Samir Sədaqətoğlu), editor of *Sənət*, and Rafiq Tagi (Rafiq Taği), a *Sənət* writer, were sentenced to a two-month imprisonment for publishing an article that insulted the prophet Muhammad. It is noteworthy that some high-profile opposition supporters such as İlqar İbrahimoglu (İlqar İbrahimoglu), the former imam of the Juma (Cümə) mosque in Baku, made supportive comments of the decision, while residents of the conservative town of Nardaran near Baku stated that the writers should be given death sentences.⁶⁸ It was rumored that the detainees were sent to the National Security Ministry's remand center, as the authorities were

concerned that the Muslim inmates in a high-security prison could harm them.⁶⁹ The issue triggered public protests against *Sənət* and the detainees.⁷⁰

There were some positive developments regarding independent media in 2006. On February 9, President Əliyev issued an order that annulled some US\$420,000 in debts owed by more than 150 media outlets to the main state-held printing press, a course of action that Əliyev stated would further the development of a free and independent press.⁷¹ The bulk of the debt was held by *Səs*, published by the YAP, but many independent newspapers owed significant amounts to the printing house as well. President Əliyev also pardoned Sahin Agabeyli (Şahin Ağabəyli) of *Milli Yol* and Sami Adıgözelli (Samir Adıgözəlli) of the newspaper *Böyük Millət*, who were convicted of slandering Minister Usubov and a university official, respectively.⁷² Both men had already served 10 and 4 months of their 1-year prison sentences, respectively,⁷³ which were earlier protested by the OSCE.⁷⁴

Internet access remains free of governmental control and influence, but a mere 5 percent of the country is actually connected to the Internet, according to the International Telecommunications Union. There are currently 15 to 18 computers 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
n/a	n/a	n/a	n/a	n/a	6.00	6.00	6.00

Azerbaijan is divided into 59 districts, 11 cities, and 1 autonomous region, the Naxçıvan Autonomous Republic (NMR), 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.

President Əliyev replaced seven district heads in 2006. In October, he appointed Vidadi Maharramov (Vidadi Məhərrəmov) to replace Sahib Alakbarov (Sahib Ələkbərov) as head of the Kelbajar (Kəlbəcər) district—currently under occupation—and Aziz Azizov (Əziz Əzizov) was appointed to replace Taleh Qaraşov as head of the Jalilabad (Cəlilabad) district. Qaraşov was subsequently reappointed to replace Fazail Alisov (Fəzail Alışov) as head of the Neftçala (Neftçala) district. In September, Xazar Aslanov (Xəzər Aslanov) was appointed head of the Yardimli (Yardımlı)

district, replacing Qazanfar Ağayev (Qəzənfər Ağayev), who became head of the Masalli (Masallı) district excom. Mahir Quliyev replaced Oqtay Abbasov as regional excom head for the Astara district,⁷⁵ while Nimzami Alakbarov (Nizami Ələkbərov)—brother of the labor and social security minister—was appointed to replace Rovsan Sadixov (Rövşən Sadıqov) as head of the İsmayilli (İsmayilli) district. He also dismissed Aftandil Aliyev (Aftandil Əliyev)—no relation to the president—as head of the executive authorities of Sadarak (Sədərək) district in the NMR.

The government held repeat local elections in 603 municipalities on October 6, where results from the December 2004 polls were annulled. The decision came shortly after the Council of Europe threatened to exclude Azerbaijan from the Congress of Local and Regional Authorities if the reruns were not held by the end of the year. The voter turnout was nearly 34 percent.⁷⁶ The opposition Azadlıq bloc and Müsavat boycotted the election, citing vote rigging in previous polls. Council of Europe observers noted technical improvements alongside some irregularities in the reruns, where the YAP won 1,115 of 1,931 contested seats. On October 25, the Central Election Commission deemed the results invalid in three municipalities owing to serious violations of the law. The election in Nardaran village outside Baku was postponed, as only 11 candidates ran for the 11 seats there; under the law, the number of candidates must exceed the number of seats.⁷⁷

The transfer of a special Baku police unit to the Ministry of the Interior raised questions over whether the government was seeking to strengthen the ministry's influence in the regions. The Rapid Reaction Regiment was used to disperse unsanctioned opposition rallies in Baku during the 2005 parliamentary election campaign. In August 2006, Interior Minister Ramil Usubov issued instructions to place the unit, which to date had operated only in Baku, under his ministry's authority.⁷⁸ Based on the order, the regiment will also include a new special-purpose police detachment to ensure public order. Interior Ministry spokesperson Ehsan Zahidov explained the transfer as an effort to centralize special-purpose police operations.

The freedom to demonstrate was curtailed in the Absheron (Abşeron) district with the arrest of around 60 residents, reportedly to preempt protests on socioeconomic problems during the president's visit to the region.⁷⁹ The police dispersed a demonstration outside the Iranian embassy in Baku on June 16, briefly detaining 10 activists from the AXCP who protested the violence against the ethnic Azeri minority in Iran.⁸⁰ On January 25, gunfire broke out between police officers and residents of Nardaran. Three people were killed and a number of civilians injured.⁸¹

The Baku Office of the Mayor refused several requests by the AXCP and independent media representatives to hold protests against their headquarters evictions, and unauthorized pickets by the groups were dispersed forcefully by the police.⁸² Müsavat party representatives were also refused permission by the Office of the Mayor to hold an antigovernment rally in Baku,⁸³ while an unauthorized rally attempt by the radical Karabakh Liberation Organization ahead of an OSCE visit to Baku was thwarted by the police.⁸⁴

Meanwhile, the right to strike was generally respected by authorities. Most recently, about 30 local staff from the Great Wall Drilling Company of China operating in Salyan went on strike on September 30 to demand pay raises, proper overtime pay, and the reinstatement of employees who were reportedly fired by the company when they raised these issues. The Confederation of the Trade Unions of Oil and Gas Industry Workers said that it would try to resolve the issue, although the Chinese company was not a union member.⁸⁵ Demands by workers of the Saki Silk (Şəki Silk) joint stock company to reduce work hours and increase wages were partially met following September talks between the company's management and the excom of the Şəki district.

According to a decree issued by Vasif Talibov, chairman of the local legislature in the NMR, all staff members of publicly funded agencies are required to do weekly volunteer work, such as cleaning streets and collecting rubbish. Reportedly, two schoolteachers, Tavakkul (Təvəkkül) and Yaqub Seyidov, were sacked on November 1 for refusing to do community work.⁸⁶

Official statistics on regional living conditions are scarce. The World Bank estimates that 49 percent of Azerbaijan's 8.4 million population lived below the poverty line in 2005.⁸⁷ 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 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 [Zəngilan], Lachin [Laçın], and Agdam [Ağdam]) that are de facto controlled by Armenia. This area constitutes about 17 percent of the territory of Azerbaijan. On December 10, the Nagorno-Karabakh Republic held a constitutional referendum (unrecognized by the Azerbaijani authorities and the international community)⁸⁸ in which a draft Constitution was approved by a majority of voters.⁸⁹

Judicial Framework and Independence

1999	2001	2002	2003	2004	2005	2006	2007
5.50	5.25	5.25	5.25	5.50	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 judiciary's independence and efficiency continued to be questioned in 2006 as the trials of former government ministers, including former economic development minister Farhad Aliyev (Farhəd Əliyev) (no relation to the president) remained unconcluded—or not yet opened—after more than a year and an investigation into the tragic murder of journalist Elmar Hüseynov had not yet been completed.

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 Collegiums 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.

Meanwhile, more than a year after their arrest, the case of former economic development minister Farhəd Əliyev and former health minister Ali İsanov (Əli İsanov), both charged with plotting a coup on the eve of Azerbaijan's 2005 parliamentary elections, had yet to come to court. The allegations raised by the Office of the Prosecutor General suggested that the former ministers—as well as Əliyev's brother Rafiq Aliyev (Rafiq Əliyev), former chairman of the energy firm Azpetrol (not to be confused with former SCWRA chairman Rafiq Əliyev)—and other former government officials were involved in a far-reaching plot to take over the government, a charge that was denied by all defendants.⁹⁰ Amnesty International and Human Rights Watch voiced concerns over the delay in granting Farhəd Əliyev a public hearing, while a case for the violation of his right to a fair trial was registered with the European Court of Human Rights. Əliyev's lawyers claimed that Əliyev and his brother were being kept in solitary confinement and were forbidden to meet with their families and legal counsel.⁹¹ On October 13, the Office of the Prosecutor General barred lawyer Adil İsmayilov (Adil İsmayılov) from defending Farhəd Əliyev owing to “a grave violation of criminal and procedural law and the norms of attorney ethics,” which was nevertheless unspecified by the authorities.⁹²

On October 4, a district court judge prolonged the detention of Əliyev, İsanov, and others for an additional six months while the investigation into their case continued.⁹³ Under the criminal code, pretrial detention can last for up to 18 months. Alihüseyn Şaliyev (Əlihüseyn Şaliyev), a former department head in the Ministry of Economic Development who was among those accused of plotting the coup, committed suicide in custody on August 24. This occurred while Şaliyev was in the prison's hospital, recuperating from an earlier hernia operation.⁹⁴ Farhəd Əliyev complained on several occasions of the authorities' failure to respond to his health problems, especially the inadequacy of the Justice Ministry hospital, where he claimed he was unable to receive a proper heart exam.⁹⁵ A Baku court decided on December 12 that Farhəd Əliyev's property should be impounded.⁹⁶

Akif Muradverdiyev, a former presidential administration official also arrested for involvement in the alleged coup attempt, was sentenced in a separate trial involving detailed charges of corruption and embezzlement.⁹⁷ Meanwhile, Fikret (Fikrət) Yusifov, a former finance minister who had made the allegation that the Əliyev brothers were cooperating with opposition leader Rasul Guliyev (Rəsul Quliyev) to overthrow the regime, was reportedly released on November 9 on the basis that he had served two-thirds of his 18-month sentence for illegal possession of weapons.⁹⁸ A local court sentenced ADP deputy chairman Natiq Afandiyev (Natiq Əfəndiyev)—a former Ganja city police chief who was among those arrested in October 2005—on charges of a coup attempt and organizing mass disturbances; he received five years in prison on charges of illegal possession of weapons. Əfəndiyev's lawyer, Vuqar (Vüqar) Xasayev, stated on September 7 that the court had not satisfied any of the solicitations of the defense and refused to question witnesses for the defense.⁹⁹ The court of appeals upheld the sentence on November 20.¹⁰⁰

The trial became further complicated on August 18 when Haji Mannadov (Hacı Məmmədov) announced that he had ordered the March 2005 murder of opposition journalist Elmar Hüseynov on behalf of Fərhəd Əliyev.¹⁰¹ Məmmədov was already facing charges for running a large criminal gang over the past decade that conducted contract killings and abductions for ransom.¹⁰² The alleged crimes included the murders of Rovshan Aliyev (Rövşən Əliyev), who was then deputy chief of the Serious Crimes Department within the Office of the Prosecutor General, and the abduction of the wife of the chairman of the International Bank of Azerbaijan. Fərhəd Əliyev rejected the accusations in a public statement on July 26.¹⁰³ Usubov also expressed reservations about the reliability of Məmmədov's statements.¹⁰⁴

Despite the confusion created by Məmmədov, there were indications that the authorities had made progress in finalizing the investigation into the Hüseynov murder. Visiting Brussels in early November, President Əliyev pledged that the government was carrying out a serious investigation and Hüseynov's murderers would be found swiftly. He said Azerbaijan was cooperating with international law enforcement agencies on the issue and waiting for Interpol to make progress in finding the suspected killers (Teymuraz Aliyev [Teymuraz Əliyev] and Tahir Xubanov, both citizens of neighboring Georgia), who were outside the country.¹⁰⁵

Azerbaijan's prison conditions remained harsh in 2006. 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.

Yuri Safaraliyev (Yuri Səfərəliyev), an inmate with a life sentence, was reported to have committed suicide at the Qobustan high-security prison on September 25.¹⁰⁶ Another inmate in the same prison, Kamandar Aslanov, died mysteriously on August 14, and Baku's Qaradag (Qaradağ) District Office of the Prosecutor started an investigation into his death.¹⁰⁷ Səfərəliyev was the ninth death in the high-security prison in the past 18 months, according to rights advocates.¹⁰⁸ The tenth

came on December 4, when Mahir Mustafayev, who was serving a life sentence, was reported to have died from burn wounds sustained during a fire that started in his cell.¹⁰⁹

Corruption

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

Corruption remains one of the most problematic issues in Azerbaijan, yet there was improvement in a number of areas in 2006. Fewer complaints were registered with Transparency Azerbaijan, the local partner of the NGO Transparency International. Also, ongoing investigations within the Ministry of the Interior made headway in undercutting day-to-day corruption, and the government appeared to be taking steps toward increasing transparency in the accounting procedures of the country's national oil fund, which has continued to expand with the boom in oil revenues.

Azerbaijan's rating in Transparency International's 2006 Corruption Perceptions Index increased to 2.4 (a slight improvement from 2.2 in 2005), and the country was ranked 130 among the 163 surveyed (near the bottom of the scale, which signifies the highest level of corruption perception). In September, Rana Safaraliyeva (Rəna Səfəraliyeva), executive director of the Baku-based Transparency Azerbaijan, stated that 25 percent of complaints received by the NGO dealt with the judicial system and 15–20 percent with local government bodies and executive authorities. She added that there were “noticeable” positive changes in the traffic police and the pension system from measures taken against corruption.¹¹⁰

During the year, the Ministry of the Interior carried out criminal investigations of 40 policemen who were allegedly involved in corruption, while the same number of policemen were laid off earlier as a result of previous investigations.¹¹¹ Two of those sacked by the minister were Vüqar Abbasov, chief of criminal investigation of the Mingechavur (Mingəçevir) Police Department, and Elchin Musayev (Elçin Musayev), an inspector in the same department, both of whom were involved in the torture and killing of a man named Rasim Alisov (Rasim Alışov) while in custody.

The criminal code does not define penalties for most corrupt activities other than bribery, although it forbids a government official from receiving gifts valued at more than US\$55, holding other jobs (other than teaching or in the arts), and “being engaged in business activity directly, indirectly, or through proxies.” In September 2005, a soft measure against low-level corruption was initiated with the increase of monthly salaries for regular traffic police to US\$350 and for officers to between US\$500 and US\$700. The average monthly salary in Azerbaijan was 138.5 manats (approximately US\$116) for the period between January and August 2006.¹¹²

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, 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 met four times in 18 months 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. The 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. A group of lawyers and rights organizations appealed to President Əliyev on November 4¹¹³ that a number of government agencies, municipalities, and legal entities that possess information of public importance had not yet established information services or Web sites despite such provisions in the law.

In 2006, the transparency of operations of the State Oil Fund of the Azerbaijani Republic (SOFAZ) was the most significant indicator of public accountability in the use of the country's massive oil revenues. Set up in 1999, the SOFAZ had assets totaling almost US\$1.6 billion as of June 2006¹¹⁴ and is accountable only to the president, who has the right to appoint its chairman and advisory council. In 2002, the Azerbaijani government joined an international anticorruption effort called the Extractive Industries Transparency Initiative. The International Monetary Fund and the World Bank welcomed the move, since the initiative requires oil companies to publicly report payments to the SOFAZ.

The SOFAZ spent about US\$288.4 million of the US\$412.3 million it received in the first half of 2006. Approximately US\$29.8 million was allocated to development projects, including housing construction, while over US\$207 million was transferred to the state budget, with no further information provided. The remainder was used to finance Azerbaijan's debt in the Baku-Tbilisi-Ceyhan oil pipeline project.¹¹⁵

Corruption trial against Akif Muradverdiyev, former presidential administration official, was concluded on October 31. Facing charges of serious embezzlement of public funds, abuse of public office, and bribe taking, Muradverdiyev was given a six-year prison sentence.¹¹⁶ The authorities also launched a criminal case on March 3 against Barmek Azerbaijan, a private power distribution company operated by the multinational Turkish firm Barmek Holding. The Office of the Prosecutor General alleged that Fərhad Əliyev struck a deal with Barmek Holding board chairman Hüseyin Arabul to take a 50 percent stake in Barmek Azerbaijan. Since 2002, this company has managed the power distribution system for Azerbaijan's

Abşeron peninsula, including the country's two largest cities, Baku and Sumqayıt. Prosecutors state that under the terms of Barmek's 25-year agreement with the government, the Turkish company was supposed to be the sole owner of Barmek Azerbaijan. On December 8, six employees of the firm were sentenced by the Court on Serious Crimes to 1.5 to 3.5 years in prison on charges of abuse of power and misappropriation.¹¹⁷

Thirty-three percent of Azerbaijanis report they have paid bribes; 20 percent say they have been asked for bribes but have not paid; and 33 percent say they have not been asked for bribes. Among Azerbaijanis who have paid bribes, the most common occasions are for medical care (12 percent) and higher grades for their school-age children (6 percent), states the IFES 2004 survey Public Opinion in Azerbaijan.

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 bans anonymous tip-offs on corrupt activities, but as yet there are no effective legal protections for witnesses.

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