



AZERBAIJAN: PRESIDENTIAL ELECTIONS 2003

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Summary

On October 15, 2003, citizens of Azerbaijan will vote for a new president, following an election campaign that from the beginning was heavily manipulated by the government to favor Prime Minister Ilham Aliev, son of President Heidar Aliev. The government ensured that election commissions would be stacked to favor Aliev, and banned nongovernmental organizations (NGOs) from monitoring the vote. As the election drew nearer, government officials openly sided with Ilham Aliev, obstructed opposition rallies, and sought to limit participation in them. Police have beaten and arbitrarily detained hundreds of opposition activists, including a seventy-three-year-old woman.

Human Rights Watch documented many of these abuses in the lead-up to election day. Beginning September 30, we traveled to five districts in Azerbaijan and interviewed political activists, government officials, journalists, and others about the current situation. The present briefing paper is based on the findings of this research. While the campaigning climate has improved slightly with the arrival of international monitors, particularly those sponsored by the Organization for Security and Cooperation in Europe's (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) and the U.S. Embassy, government-created obstacles remain a daily reality for the opposition. Opposition activists have continued to campaign and organize despite the intimidation, harassment, and manipulation. For the ordinary voter, however, the impact of the government-sponsored campaign against the opposition is less clear. Without a doubt, many ordinary voters have been intimidated by the pre-election violence, and the government has successfully prevented the opposition from getting its message across to much of the nation.

Government repression of opposition politicians and supporters violates Azerbaijan's obligations as a party to the International Covenant on Civil and Political Rights.¹ Abuses related to the election campaign include violation of the rights to freedom of assembly (article 21), expression (article 19), and to participate in public affairs (article 25). Those participating in election rallies and journalists covering them have been subjected to arbitrary arrest and detention (article 9), beatings and other mistreatment (article 7), and lack of access to counsel (article 14), among other due process violations. The government's actions also contravene its commitments under the OSCE's Copenhagen document, which elaborates standards for the conduct of free and fair elections, and its obligations as a member state of the Council of Europe.

The direct result of the government-sponsored campaign against the opposition is that the October 15 presidential elections in Azerbaijan will be of questionable legitimacy, regardless of the fairness and transparency of the election-day procedures. Too much manipulation,

¹ International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976. Azerbaijan ratified the Covenant in 1992.

too many arrests, and too many beatings have taken place already for the presidential elections to be considered free and fair.

These violations of fundamental rights did not occur in a vacuum. Azerbaijan has a sorry history of election fraud. The OSCE called the most recent national vote, the 2000 parliamentary elections, a “crash course in the different methodologies of manipulation.” Current violations of electoral rights stem from the government’s long-term efforts to minimize dissent and limit pluralism and its poor record on accountability for abuse.

By limiting political competition in violation of international law, the government has polarized the political landscape. As they face the prospect of yet another illegitimate election, some opposition party leaders have voiced their intent to launch massive protests in the aftermath of yet more election fraud. One opposition leader told Human Rights Watch, “If we see Ilham wins the election in a democratic way, we will shake his hand and take our seats in the opposition. But if he falsifies the election, we will struggle against him as is our right.” A second opposition leader sounded equally determined: “If the vote is falsified, we will consider this a coup d’etat and we will struggle against them. They won’t stop us by breaking our noses.”

Background

Azerbaijan’s October 15 presidential elections take place at a time of significant political uncertainty in the country. President Heidar Aliev has dominated Azerbaijani political life since returning to power in 1993, following a long career as Azerbaijan’s KGB chief, its Communist Party leader, and a member of the USSR’s Politburo. Despite his failing health, Aliev attempted to run in the current elections. In August 2002, the government staged a constitutional referendum that would give him the discretion to appoint his son, Ilham Aliev, as acting president should he step down. Like other votes in Azerbaijan, the referendum was marked by fraud and voter intimidation.² President Aliev disappeared from public view after collapsing during a public meeting on April 21, 2003, and is believed to be on life-support at a hospital in the United States. In early August, parliament appointed Ilham Aliev, then speaker of parliament, to the post of prime minister. On October 2, 2003, Azerbaijani state television announced the withdrawal of Heidar Aliev’s candidacy for president, reading a statement from the president that urged citizens to vote for his son.

President Heidar Aliev consolidated immense power in the presidency and its representatives at the national, province, and local level during his ten-year rule. Other government departments and parliament have only marginal power compared to the presidency. For

² National Democratic Institute, Azerbaijan Presidential Elections 2003 Election Watch Report One, September 15, 2003.

example, the presidency sends a draft budget with almost no details on spending to the parliament, and in 2001 parliament adopted the state budget after only twenty minutes of discussion.³ In addition, the presidency exercises almost complete control over the State Oil Fund, which falls outside the regular budget of Azerbaijan.

The vast power of the presidency is reproduced at the provincial and local level throughout Azerbaijan through the heads of local executive authorities, “who are appointed by and solely subordinate” to the president.⁴ At the town and village level, the executive authorities have more power than the local municipal authority. For example, they control appointments to employment in the state sector, which accounts for the vast majority of jobs in Azerbaijan.⁵ As this report documents, it is these executive authorities that are most directly involved in frustrating the efforts of opposition activists at the local level.

One of the reasons why local executive authorities and many other government officials have been so vehement in their support for the ruling Yeni Azerbaijan Party (New Azerbaijan Party or YAP) and its candidate Ilham Aliyev is that they believe their own job security depends on its continued rule. With its high unemployment levels, loyalty to the ruling party is often a requirement for many types of employment in Azerbaijan, particularly for government positions. As most government appointments are directly controlled by the presidency, many government officials fear losing their livelihood in case of a victory by the opposition—many of whose supporters are currently unemployed in part because of job discrimination by the ruling party.

This consolidation of power shields the government from effective parliamentary or judicial scrutiny. The government escapes more broad public accountability because since gaining independence with the collapse of the Soviet Union in 1991, Azerbaijan has never had a free and fair election. The last elections conducted in Azerbaijan, the 2000 parliamentary elections, were marred by widespread manipulation by governmental authorities, intimidation of the opposition, significant police abuse, and massive fraud on election day. They were declared as falling far short of international standards by international observers from the OSCE, the National Democratic Institute, and Human Rights Watch.⁶

³ Caspian Revenue Watch, *Caspian Oil Revenues: Who will Benefit?* (New York: Open Society Institute, 2003), p. 99.

⁴ International Foundation for Electoral Systems, Summary Description of the Division of Powers between Municipalities and State Local Executive Authorities, November 2002.

⁵ Statistics from 1998 indicate that the state sector accounted for nearly half the jobs in Azerbaijan. See Joint ECE Eurostat-ILO Seminar on Measurement of the Quality of Employment, CES/SEM.41/24, March 1, 2000, <http://www.unece.org/stats/documents/ces/sem.41/24.s.e.pdf>, retrieved October 8, 2003.

⁶ OSCE ODHIR International Observer Mission, Republic of Azerbaijan, Election to the Milli Majlis, Statement of Preliminary Findings and Conclusions, Baku, November 6, 2000; Statement of the National Democratic Institute (NDI) International Observer Delegation to Azerbaijan’s November 5, 2000 Parliamentary Elections, Baku, November 7, 2000; Human Rights Watch, “Azerbaijani Parliamentary Elections Manipulated,” *A Human Rights Watch Backgrounder*, November 2000; Human Rights Watch, “Azerbaijani Parliamentary Elections Manipulated,” *A Human Rights Watch Memorandum*, December 29, 2000.

OSCE/ODHIR described the 2000 Parliamentary elections as “a crash course in the different methodologies of manipulation.”⁷

Many of the election violations observed in previous elections are recurring with the same intensity in the current election period. The Azerbaijani authorities have fully mobilized in support of the candidacy of Ilham Aliev, and are waging a campaign of bureaucratic interference and political intimidation against the opposition, making a free and fair pre-election campaign environment impossible.

The Central Election Commission and Registration of Candidates

With the participation of the OSCE’s ODHIR, the Azerbaijani government undertook major revisions to its Election Code, consolidating five previous codes into a one central code, which was adopted by the national parliament on May 27, 2003.⁸ The adoption of the code followed months of negotiations over some of its most controversial clauses, and the Azerbaijani opposition ultimately boycotted those negotiations, stating that the government had refused to negotiate in good faith.⁹

Although the Council of Europe’s Venice Commission and OSCE/ODHIR have assessed the Electoral Code as meeting international standards in most respects, their final analysis also points to some major shortcomings.¹⁰ Among the most fundamental flaws is the composition of the fifteen-person Central Election Commission (CEC), which takes the most important decisions affecting the election, such as the registration of presidential candidates. The Electoral Code apportions six seats to the ruling YAP, three seats to opposition parties in the parliament, three seats to the “independent” parties in the parliament, which currently have a pro-government orientation, and three seats to the opposition not represented in the parliament. By combining the six YAP votes, the three pro-government “independent” votes, and the vote of the Communist Party member from the opposition within parliament, an effective two-thirds majority has been formed on the CEC. This shuts out the opposition from the decision-making process at the CEC and is exactly what was feared by the international experts advising the Azerbaijani government on its Electoral Code. This disproportionate representation is replicated in the composition of many local election commissions.

⁷ OSCE/ODHIR, Republic of Azerbaijan, Parliamentary Elections, 5 November 2000 and 7 January 2001, Final Report.

⁸ The consolidated electoral code is titled the Electoral Code of the Republic of Azerbaijan. The Venice Commission provides assistance to states in adopting constitutions that conform to Europe’s standards.

⁹ International mediators who worked on the Electoral Code with the government complained to Human Rights Watch that the “boycott” culture of the opposition contributed to the difficulty in seeking compromise.

¹⁰ OSCE/ODHIR and European Commission for Democracy through Law (COE Venice Commission), Joint Final Assessment of the Electoral Code of the Republic of Azerbaijan, Opinion no. 214/2002, September 1, 2003.

The CEC's lack of independence was clearly demonstrated during the registration process for presidential candidates. It disqualified several candidates on grounds criticized by the OSCE/ODHIR observer mission, which stated that "CEC procedures were irregular and substantive reasons for refusal were not persuasive."¹¹

The CEC registered both Heidar and Ilham Aliev as candidates, as well as four other minor pro-governmental candidates.¹² It registered several major opposition candidates, including Etibar Mamedov of the National Independence Party of Azerbaijan (ANIP), Ali Kerimli of the Popular Front of Azerbaijan-Reformers faction, Isa Gambar of Musavat ("Equality"), and three other opposition candidates.¹³

However, other major opposition candidates were arbitrarily rejected. The most egregious case involved the head of the Azerbaijan Democratic Party (ADP), Rasul Guliev, a former speaker of parliament who fell out with President Aliev in 1996, left Azerbaijan, and lives in exile in the United States. The CEC rejected Guliev's candidacy on the inaccurate basis that he was a U.S. "green card" holder, and refused to reconsider its decision after documentation was provided that Guliev in fact had refugee, not residency, status in the United States.¹⁴ Also rejected was the application of Eldar Namazov, the former head of President Aliev's presidential secretariat, on the minor ground that he had not authenticated his identification documents before a notary—even though on a separate occasion, the CEC allowed a pro-governmental candidate to revise his application for such minor errors.¹⁵

The CEC has also sided with the government in most of its pronouncements, even criticizing the opposition after four separate opposition rallies on September 21 were disrupted by police violence that left scores of people injured (see below). After the September 21 abuses, the CEC released a statement which adopted the position of the Ministry of Internal Affairs on the clashes, unfairly blaming the opposition for the unrest with a fictitious version of events: "the participants of the protest ignored demands made by the police and reacted aggressively to the local population, insulting them, as well as trying to

¹¹ OSCE/ODHIR Election Observation Mission to Azerbaijan, Presidential Election 2003, Interim Report 2, September 26, 2003.

¹² The other pro-government candidates registered and their affiliations were: Abutalib Samedov (Alliance for the Sake of Azerbaijan); Khafiz Hajiyev (Modern Musavat); Gudrat Gasanguliyev (Popular Front of Azerbaijan-Uniters Faction); and Yunus Aliev (National Unity).

¹³ The other opposition candidates registered and their affiliations were: Lala Shovket (National Unity); Sabir Rustamkhanli (Civil Solidarity), and Araz Alizade (Social Democratic Party).

¹⁴ See Azerbaijan Federation of Human Rights Organizations, "Report 1 about the Monitoring of the Situation before the Presidential Elections in Azerbaijan," June 15-August 31, 2003, p. 4.

¹⁵ The candidate is Togrul Ibragimli. See *ibid.*, p. 5. Other opposition candidates who were rejected but whose rejection did not draw equal controversy included former Azerbaijani president Ayaz Mutalibov, currently living in exile in Moscow; Elshad Musaev, on the grounds that his political party "Great Azerbaijan" was not registered with the Ministry of Justice; Zakir Tagiev; and Rufat Agaev, the former head of executive authority for Baku.

cause clashes. The protesters also called on the local inhabitants for civil disobedience and the overthrow of state institutions.”¹⁶

Obstruction of Opposition Rallies

Local authorities, particularly the local executive authorities, have been deeply involved in election-period interference. Their constant attempts to frustrate opposition candidates’ campaigning efforts contrasted sharply with their open support for the candidacy of Ilham Aliiev and have created a deeply unfair election climate in Azerbaijan.

First among the tactics pursued by local authorities is a refusal to grant adequate venues for opposition rallies. They routinely refuse such permission outright, delay their approval until the last moment, or grant inadequate venues for the rallies.

For example, on September 21, Baku city authorities finally gave permission to the Musavat party’s candidate Isa Gambar—one of the most popular opposition candidates—to hold two rallies in the capital, but confined the rallies to two small movie theaters that could seat only around 500 persons each.¹⁷ When large crowds tried to listen from outside the cinemas, hundreds of police armed with rubber batons violently dispersed the crowds, beating and injuring dozens of civilians, journalists, and party leaders gathered outside.¹⁸

Almost all of the six opposition rallies monitored by Human Rights Watch involved similar problems. In Saatli, both the October 2 ANIP/ANFP rally and the October 6 Musavat rallies were assigned to take place in front of the local House of Culture with only a small public space in front, instead of the main public square just 100 meters away that was available.

In the town of Goitshai, ANIP/ANFP applied for a permit more than a week in advance of their October 8 event. After they were first assigned the small House of Culture, the local authorities suddenly began “repairs” on the building in order to obstruct any additional crowd outside. On the morning of October 8, the local activists still had not heard where their rally would take place, and had to ask the ANIP/ANFP presidential candidates to wait until the matter could be sorted out. The authorities relented only after Human Rights Watch and U.S. Embassy representatives approached them for clarification of the situation.

¹⁶ Radio Free Europe/Radio Liberty, Azerbaijan Report, September 26, 2003.

¹⁷ In a recent poll of the Center for Political and Economic Research, 36.3% of the individuals surveyed stated they would vote for Isa Gambar, the leader of the Musavat party, in the upcoming presidential elections of 2003. According to this poll, Isa Gambar is currently the most popular presidential candidate. “Opposition Gains Confidence as Azerbaijan Presidential Election Approaches,” Eurasianet, October 6, 2003 [online], <http://www.eurasianet.org/departments/insight/articles/eav100603.shtml> (retrieved October 10, 2003).

¹⁸ Human Rights Watch interview with Anar Natikoglu, October 2, 2003.

They rally was allowed to proceed in a small square in town. According to the ANIP/ANFP representatives, the local authorities had previously organized a large free concert for the candidacy of Ilham Aliev in the main Heidar Square in town, a venue that the ANIP/ANFP knew was so off limits that they did not bother to apply to use it.

In Mingshevir, Musavat leaders asked the executive authority for a space that could accommodate 5,000 persons for an October 8 appearance by Isa Gambar, and were assigned a cinema seating 600, which also suddenly started to be repaired. When the Musavat local leader explained to the authorities that he was worried that clashes could erupt if the crowd was gathered in such a small place, the local police chief threatened to arrest him.¹⁹ At the last moment, the event was assigned a cul-de-sac street on the outskirts of town near the local stadium. At the same time, workers were giving the entire central area of the city a major face-lift in anticipation of a visit by Ilham Aliev, who is scheduled to appear in the town's main square.

In the large town of Ali Bajramli, the executive authority designated the tiny, 280-seat House of Culture, located in a distant part of town, as the venue for an appearance by Gambar, even though the executive authority had itself held a number of pro-Ilham Aliev events at the large and easily accessible Azadliq Square.

The difficulties opposition candidates face in obtaining venues is only the beginning of government interference. At many of the opposition rallies monitored by Human Rights Watch, local officials simply blocked off many of the access roads into the town to prevent participants from reaching the venue. At the October 6 Musavat rally in Saatli, Human Rights Watch found groups of ten local officials parked by the side of the two main access roads to the villages around Saatli, carefully watching who went into town that morning. Several cars heading to town turned around when they saw the groups of officials. About thirty minutes before the start of the rally, Human Rights Watch observed as police officials blocked off all the main artery roads into town with large trucks, effectively sealing off the area where the rally was to take place.

An almost identical situation occurred in Mingshevir on October 8, where local officials blocked off the entire main road of the town and suddenly began cutting down trees and blocking other roads just before a Musavat rally was about to start. Local minibuses, which normally traveled close to the rally venue, were redirected through different parts of town. Immediately after the rally, the main road was re-opened. Local police officials claim that the road closures are implemented for the security of the opposition rallies. However, the thoroughness of the blockades—particularly the blocking of access roads between villages and the main town—as well as the context of all other restrictions and obstacles imposed on

¹⁹ Human Rights Watch interview with Ilham Aleskerov, Mingshevir, October 7, 2003.

opposition rallies strongly suggests that the aim of the blockades is to draw down attendance at the opposition rallies.

The executive authorities and other local officials have also attempted to lower attendance at rallies by forcing municipal employees, factory workers, teachers, and students to remain at work or in class, even when the rallies take place outside work hours. In one of the most egregious cases documented by Human Rights Watch, on October 7 authorities in Minsheshevir locked between 3,000 and 5,000 workers inside the electricity plant after the end of their normal workday, forcing the workers to attend a mandatory and unprecedented “safety” event at the factory. The workers were supposed to be kept at the factory until 8:00 p.m., while a Musavat rally was scheduled in the town from 5:00 to 7:00 p.m. After a Human Rights Watch researcher asked the local officials for an explanation and began photographing the locked-in workers, the workers were released at 6:45 p.m., many telling Human Rights Watch that they had been kept at the factory against their will.

In anticipation of a Sunday, October 6, Musavat rally in Saatli, the local executive authority declared Sunday a work day, requiring students to go to the schools and officials to work. After the rally, Human Rights Watch observed many students heading home from school. The students confirmed to Human Rights Watch that the executive authorities had declared that Sunday an obligatory school day, and could not recall another time that they had been forced to attend school on a Sunday.

In Ali Bajramli, the executive authority organized an unprecedented “Teacher’s Day” event to take place at Azadliq Square at the same time as a Musavat rally on October 6, and made attendance at the event mandatory for teachers, students, and government officials in order to draw down attendance from the opposition rally.²⁰ The outraged opposition supporters instead converged on Azadliq Square, and in a violent confrontation, stormed the stage of the “Teacher’s Day” event and held their rally there. The next morning, police went to the Musavat office and arrested and severely beat Ilqar Gafarov, a Musavat activist, who happened to be present in the office at the time. Gafarov was released the next day, but had extensive injuries from the beatings.²¹

In almost all areas of Azerbaijan, opposition activists have faced great difficulties putting up campaign posters for opposition candidates, often risking arrest or other consequences. In a typical case that occurred on October 1, three Musavat members were detained by the police and beaten at the local police station in the Nardaran district of Baku while putting up Musavat posters the day before a rally for Isa Gambar. The Musavat activists had put up about fifty posters along the road when a police captain stopped his car, started shouting, “You bastards, pull down those stupid posters,” and began assaulting the men, causing one

²⁰ Human Rights Watch interview with Abdullah Rafizadeh, Ali Bajramli, October 6, 2003.

²¹ Human Rights Watch telephone interview with Abdullah Rafizadeh, October 8, 2003.

of them to fall from the ladder he was standing on. The police captain, soon reinforced by three other policemen, pulled down all the posters, and beat one of the Musavat activists to the ground before arresting the group. At the station, a group of five policemen badly beat the activists. When the opposition activists referred to their rights to put up posters under the Electoral Code, the police beatings became even more vicious, according to the men.²²

Also on October 1, the head of the Saatli executive authority came to the town's ANIP office after the party activists had put up posters in anticipation of the next day's rally. They proceeded to pull down all of the ANIP posters in the office and threaten the three activists present. The argument degenerated, and police officers came to arrest the local head of ANIP soon thereafter.²³

Local human rights organizations and opposition political parties have reported dozens of similar cases in which authorities beat activists who were putting up posters. They have also reported that government officials in some areas threaten shopkeepers who have allowed opposition posters to be displayed. As a result, there are very few opposition posters visible in most parts of Azerbaijan, in sharp contrast with a complete blanketing of most spaces, including many government offices and public buildings, with posters for Ilham and Heidar Aliev. Opposition activists reported that their posters are taken down almost immediately by government officials, and Human Rights Watch saw many defaced or torn down opposition posters around the country. In contrast, the campaigns of Ilham and Heidar Aliev have broadly ignored the requirement that campaign posters display the publishing house, sponsoring organization, quantity of posters issued, and date of production, but neither the CEC nor local authorities have taken steps to rectify this blatant disregard for the Electoral Code.²⁴

Official Violence and Intimidation at Opposition Rallies

Many political opposition rallies in Azerbaijan have taken place free of violence, with the police professionally carrying out their duties. However, police abuse continues to occur at many opposition rallies, and the fear of being caught in such violence is a common reason why ordinary persons chose not to attend them. The level of police violence during the election campaign, and the presence of large numbers of police at most opposition rallies, has created a palpable climate of intimidation at almost any opposition rally, even those who proceed peacefully. In addition, in some cases local executive authorities foment violence against rally participants.

²² Human Rights Watch interviews with Shahin Zodanov, Rasim Aliev, and Asef Zainalov, Baku, October 5, 2003.

²³ Human Rights Watch interview with Azer Husseinov, Saatli, October 3, 2003.

²⁴ Election Code, Article 87.3.

In just one week of interviews, Human Rights Watch documented dozens of cases of severe police beatings, some of them involving broken bones and similarly severe injuries. In these instances, the police initiated the violence, responding to activities that would be considered acceptable in a democratic society such as the carrying of political banners or the shouting of slogans. The cases documented below do not represent an exhaustive overview of police beatings, but rather illustrate the pervasiveness of such abuses. Human Rights Watch has documented many more cases of police beatings cases during the current presidential election campaign than during the 2000 parliamentary election campaign, a disturbing trend of escalation of political violence.

In many cases in which police beat political activists, the activists are then brought to administrative courts and sentenced to terms of imprisonment for periods up to fifteen days on misdemeanor charges. Judges and police do not allow detainees access to counsel at the administrative hearings, and judges almost inevitably side with the police in sentencing the political activists to detention for “resisting” or “insulting” the police, even if the evidence before them clearly indicates that the accused were the victims of police abuse.

Among the most severe cases of police violence documented by Human Rights Watch targeted activists of the Azerbaijan Democratic Party (ADP), who hold bi-weekly pickets in front of the CEC building to protest the commission’s decision to deny the candidate registration of Rasul Guliev. Police have consistently responded by beating the protesters.

In a typical case that occurred on October 3, a group of about fifty persons protested in front of the CEC. The police stormed the protesters and beat them with rubber batons. They managed to chase a group of four women activists into a nearby garden, where they beat the women severely, bruising them all over their bodies. Three of the women managed to flee, but police caught Jofar Almadova and beat her again. The woman lost consciousness, and an ambulance was called when she arrived at the police station. However, when the ambulance driver was informed that the woman was an ADP activist, he refused to treat her.²⁵

Police violence against political activists has been increasing in Azerbaijan for months, only slightly beginning to decrease with the arrival of international monitors in early September. Fuad Hassanov, the ADP secretary for international affairs and founder of a human rights organization named Against Violence, was beaten and arrested at a May 25 demonstration demanding democratic elections in Fizuli Square:

²⁵ Human Rights Watch interview with Jofar Almadovo, Baku, October 4, 2003.

There were buses filled with police already [at the square], with truncheons. They didn't even allow us to gather. We realized we couldn't hold a rally, so we decided to just shout our slogans. At that very moment, the police started beating us with truncheons, and kicking us. I was pushed into a minibus... They continued to beat us on the head and face, my lip was bleeding. All of us were beaten like this.²⁶

After the beating, the detained activists were taken to a local administrative court where the police charged them with resisting arrest and insulting the police, misdemeanor offenses. The judge refused to listen to their accusations of police brutality, and sentenced them to fifteen days of detention.²⁷

Rafik Zeinalov and about ten others were beaten during an ADP protest in July, and then sentenced to ten to fifteen days of detention for resisting arrest. On October 1, 2003, Zeinalov took part in another picket in front of the CEC, where he was violently beaten, and watched as the police beat unconscious a fellow ADP activist, Nuradin Ishmailov.²⁸

On September 6, police beat many ADP protesters during a large unauthorized protest at Fizuli Square in Baku, injuring twenty-five persons. Latifa Allaverdieva, a forty-year-old teacher, recalled how she was beaten at the rally:

We came out of the underground, a group of women shouting "Rasul-bey! Rasul-bey!"²⁹ Immediately, the police started beating us with truncheons. We started to disperse. There were many police, five or ten for each woman. They separated us, and beat us individually. [After], I saw my sister laying on the ground, badly injured. We had to get men to come and help get her to a taxi, she was unconscious.³⁰

The beating also left Allaverdieva's thirty-year-old sister with severe injuries to her knee, and she was still bedridden a month later. After the beatings, the police arrested three other protestors, who were subsequently sentenced to three and four day sentences for "resisting the police."³¹

²⁶ Human Rights Watch interview with Fuad Hassanov, Baku, October 2, 2003.

²⁷ Ibid.

²⁸ Human Rights Watch interview with Rafik Zainalov, Baku, October 4, 2003.

²⁹ "Bey" is an honorific ending for a respected person's given name. Rasul-bey is the honorific name for Rasul Guliev.

³⁰ Human Rights Watch interview with Latifa Allahverdiyeva, Baku, October 4, 2003.

³¹ Human Rights Watch interview with Eldar Zeynalov, Baku, October 4, 2003. Zeynalov was one of the men sentenced to administrative detention.

Elderly demonstrators are not spared. Seventy-year-old Famil Hassanov had several ribs broken when police beat and kicked him during a July 21 ADP protest at the CEC, and spent a month recovering from his injuries. Seventy-three-year-old Ramitin Makhsudova participated in an ADP rally in early September, and tried to come to the assistance of a young woman who was being violently beaten by the police: “They beat me badly with truncheons and then arrested the woman. I couldn’t stand after the beating and some young men had to help me. ... I hurt my hip and was in bed for ten days.” A month later, on October 1, 2003, she again participated in an ADP protest at the CEC, and seriously injured her wrist when she was hit by a police truncheon: “They approached me to hit me, so I tried to protect my head with my arms—when they hit me they injured my wrist.” When asked why she continued to protest despite her age and the injuries, she explained that her retirement only amounted to 70,000 manat (U.S. \$14) per month, and that she hoped an ADP administration would improve conditions for the retired.³²

Local journalists attending the opposition rallies are not immune from police violence, and displaying press accreditation often makes them targets of it. Tabriz Vefali, a journalist with the ADP-aligned *Hurriyet* newspaper, wrote an article on October 2 about witnessing a police captain taking the mobile phone of an ADP activist he was beating on October 1. The next day, he was observing another ADP picket at the CEC building, and a group of police which included the police captain approached him accusing him of slandering the police: “They started beating me, punching me on all parts of my body. I was hit in the face, making my lip bleed.” The journalist still had trouble speaking when interviewed by Human Rights Watch on October 4, because of injuries to his face.³³

While ADP activists have borne the brunt of the violence and arrests, other political opposition parties have faced similar violence on a number of occasions. On September 21, when several thousand Musavat supporters gathered at rallies for Isa Gambar at two cinema houses in Baku (see above, “Obstruction of opposition rallies”) police violently dispersed the crowds outside the cinemas, injuring scores of peaceful activists at each event. The opposition leaders and journalists believe that the police specifically targeted some of them present at the meeting, and their evidence does suggest that they were singled out for abuse.

The head of the Khalq party (which supports the candidacy of Isa Gambar) and former prime minister, Panah Husseinov, was outside the Tabriz cinema to try and stop the police violence, but he himself soon became a target of the violence. Although the police had just cleared the lobby of the cinema, they pushed Husseinov back inside, and a group of about twenty-five police and pro-government protesters beat him severely, breaking his nose and

³² Human Rights Watch interview with Ramitin Mahsudova, Baku, October 4, 2003.

³³ Human Rights Watch interview with Tabriz Vefali, Baku, October 4, 2003.

wrist. He believes that he, Isa Gambar, and *Yeni Musavat* [New Musavat] newspaper editor Rauf Arifoglu were specifically targeted by the police.³⁴

At the same rally, police also beat a group of journalists. Anar Natikoglu, who was covering the rally for *Yeni Musavat*, was standing at the entrance to the cinema with four other journalists when the violence erupted. He described how the police rudely told the gathered crowd, “Get away from here, you bastards,” and began beating the crowd. Suddenly, the police focused their beating on the gathered journalists:

We were pushed inside the little hall and the doors were closed. The police began to beat us very violently, and we couldn’t escape. I was on the ground, and they were beating me with truncheons and kicking me. The beatings lasted for about ten minutes. Forty policemen beating twenty people—you can imagine what it was like. I was badly hurt, and unable to stand. Two activists tried to help me. The police beat me again on my back and I fell down again, and they began kicking me. I was about to faint when the activists pulled me away.³⁵

Also on September 21, police and pro-government supporters violently attacked rallies held by Etibar Mamedov (ANIP) and Ali Kerimli (APFP) in Lenkoran and Masally district, injuring many people who had come to attend the rally. Mamedov and Kerimli told Human Rights Watch that they had been personally targeted by the violence, and that the police and pro-government supporters appeared to be working together. The two leaders were saved from injury by their bodyguards, but seventeen opposition members were arrested, to be released only the next day.³⁶

Local officials, particularly the local executive authorities, have also been involved in fomenting violence against opposition supporters.

In one case documented by Human Rights Watch, the head of the executive authority in Saatli, Gulhussein Akhmedov, and a large number of his relatives—including two brothers and several cousins—together with other members of the executive authority, beat opposition supporters during the October 2 ANIP/ANPF rally in Saatli. According to many witnesses interviewed independently by Human Rights Watch, the executive authority members and their relatives gathered at the protest holding axe and spade handles, and proceeded to severely beat attendees on their way to the opposition rally.

³⁴ Human Rights Watch interview with Panah Husseinov, Baku, October 6, 2003.

³⁵ Human Rights Watch interview with Anar Natikoglu, Baku, October 2, 2003.

³⁶ Human Rights Watch interview with Etibar Mamedov and Ali Kerimli, Goitshai, October 8, 2003.

Among those beaten most severely was twenty-year-old Abdelali Ibragimov, who was hit in the face with a wooden stick and had his jaw broken in two places. Mubaris F., who does not belong to a political party, decided to go to the rally “because I am interested in democracy,” and witnessed the beating of Ibragimov:

We were few in numbers, and the main group of [attendees] was in front of us. Suddenly, we saw a group of people with posters of Heidar and Ilham Aliev, shouting pro-government slogans. The group had axe and spade handles. At first they hit Abdelali very strongly from behind on his jaw. He fell down and they started kicking him. I helped him stand up and we tried to get away. Two more of the provocateurs came and took him out of my hands, took him into a shop and locked the door. They were beating him more there. ... Among the group was Khanhussein [Akhmedov, the brother of the head of the executive authority]. He was leading the group that was doing the beating [as was a cousin]... The police did nothing. They [police] were all around us during the beating.³⁷

Ibragimov was taken to the local hospital in Saatli, where doctors were too afraid to treat him, saying they were not allowed. The family had to arrange for a doctor to secretly come to a nearby house to examine him, and then took Ibragimov to Baku for treatment.³⁸

Nazim Abasov also told Human Rights Watch that he had been hit in the face with a spade handle by Khanhussein Akhmedov, right after the beating of Ibragimov:

I heard someone say, ‘they are beating him [Abdelali].’ I looked and saw it was the brother of the head of the executive authority, Khanhussein Ahmedov. At that moment, Khanhussein hit me on the nose and eye with a spade handle. I almost lost consciousness, the hit was very strong. Two others were standing next to him also with spades. The assistant of the head of the executive authority was also there. They pushed me facedown into the water channel and started to kick me.³⁹

Another opposition supporter, Azer Narimov, was hit in the face by the same group of people, causing a broken tooth.⁴⁰

³⁷ Human Rights Watch interview with Mubaris F., Baku, October 6, 2003. Mubaris F. is a pseudonym. [ok?]

³⁸ Human Rights Watch interview with Gandashali Ibrahimov, Baku, October 4, 2003.

³⁹ Human Rights Watch interview with Nazim Abasov, Saatli, October 3, 2003.

⁴⁰ Human Rights Watch interview with Azer Narimanov, Saatli, October 3, 2003.

Etiban Imanov, a teacher, was beaten by a second brother of the head of the executive authority, Mehman Akhmedov. “They became very aggressive. The brother of the executive authority said he would kill me, saying, ‘Just see what happens after October 15. I will kill you. We have the power to do it.’ I was trying to separate the fighting people but then he attacked me. I was hit hard with a wooden stick and knocked out, right on the back of my head.”⁴¹

Despite the heavy police presence at the rally, they did nothing to stop the violence. The local police chief even feigned ignorance of the violence, although he grew visibly uncomfortable when a Human Rights Watch researcher explained that he had evidence of direct involvement by members of the executive authority and the head’s relatives.

The violence continued after the rally. The same group of relatives beat Vahid Mirzaev about one hour after the meeting, as he was walking home from the rally. Some four hours later, two more opposition activists were beaten by people linked to the executive authority.

Arbitrary Arrests of Opposition Members

Police have also arrested some opposition leaders and held them for days in incommunicado detention in order to secretly interrogate them. Human Rights Watch has documented two cases in which opposition leaders were abducted by plainclothes officials, detained for days, beaten, and questioned; police did not inform relatives of their whereabouts. Both cases took place in early September and involved the Ministry of Internal Affairs’ Organized Crime Unit.

On September 5, Taliat Aliev, a member of the ADP’s political council and an alternate member of the CEC, was abducted by plainclothes officials as he made his way home from the ADP office. He was taken to the offices of the Organized Crime Unit, where the chief of the criminal investigation department accused him of organizing armed groups within ADP. The next day, he was taken to the Nariman District Court and accused of resisting arrest in a different district of Baku from where he was actually arrested, a patently false charge. The judge ignored his protests and sentenced him to seven days of detention. As with Guliev, he was taken back to the Organized Crime Unit, where he was regularly beaten by the chief of the investigation department and the head of the Banditry Unit. According to Aliev, the latter several times took out his gun during interrogations and threatened to shoot him unless he confessed. The detention was kept secret, and it took the ADP four days to finally locate Aliev. Aliev’s treatment improved after the ADP located him, but as he was about to be released, the chief of the Banditry Unit warned Aliev not to discuss his

⁴¹ Human Rights Watch interview with Etiban Imanov, Saatli, October 3, 2003.

treatment, threatening that he would “have a car accident” if he did so. Immediately after his release, Aliev gave a press conference to denounce his treatment.⁴²

On September 6, officials in civilian dress abducted Gabir Rzayev, the deputy chief of the UMID opposition party (which supports the candidacy of Musavat leader Isa Gambar) and a former riot police officer while he was shopping with his wife in Sumgait, a town close to Baku. He was taken first to the Organized Crime Unit’s offices, and then to the Narimanov District Court, where he was falsely accused of making a public disturbance in Baku—even though he had been arrested in Sumgait—and sentenced to five days of detention. When he tried to explain that the charges against him were false, six officers took him out of the courtroom and started kicking him. Like the other men, he was taken back to the Organized Crime Unit, where he was accused of organizing armed groups for UMID and Musavat, and organizing a coup d’etat. When he refused to sign a confession, he was beaten by a group of officers. Everyday, he was interrogated by a colonel who worked in the investigative office. For four days, no one knew about his whereabouts until his relatives finally went to the Narimanov District Court and located him.⁴³

Restrictions on Monitoring Efforts

The government of Azerbaijan severely restricts the activities of NGOs in general, and Azerbaijani authorities commonly exploit onerous registration procedures to prevent registration of NGOs. The NGO law specifically limits the right of local NGOs to monitor elections, prohibiting any NGO that receives foreign funding from serving as election monitors.⁴⁴ In effect, this clause prohibits the entire local NGO community from participating in monitoring elections, as almost every NGO in Azerbaijan receives some of its funding from the international community. Well-trained election monitoring NGOs, such as For the Sake of Civil Society, are thus formally prohibited from officially monitoring the elections.

Local NGOs have been able to mitigate the impact of this restriction by registering their members as individual monitors, a right granted under the Election Code. For the Sake of Civil Society has been able to register more than 1,500 local monitors by relying on the individual registration process, about half of the 3,000 monitors they had hoped to mobilize. Election commissions in some regions arbitrarily refuse to allow these individuals to monitor

⁴² Human Rights Watch interview with Taliyat Aliev, October 6, 2003.

⁴³ Human Rights Watch interview with Gabir Rzayev, October 6, 2003.

⁴⁴ The Law on NGOs and Public Foundations, Article 2.4

elections. For example, For the Sake of Civil Society managed to register 92 of their 102 observers in Ganja district by October 2, but only 25 of their 500 observers for Baku.⁴⁵

The Azerbaijani government's failure to freely allow domestic NGOs to monitor elections is of particular concern because of the widespread voting irregularities that have occurred in every previous election in Azerbaijan. Effective monitoring by local NGOs provides one of the most reliable safeguards against massive fraud.

Human rights activists and voter educators have also been targeted for attack and violent interference with their work that appears to have been organized by the local authorities.⁴⁶ On September 25, 2003, a group of women's human rights activists—including Novella Jafaroglu, chair of the Association for the Protection of Women's Rights; Saadat Benaniarly, head of the Azerbaijan chapter of the International Society for Human Rights; and Sadagat Pashaeva, a staff member of the Association for the Protection of Women's Rights—traveled to the enclave of Nakhchivan to open the first independent newspaper in the region, *Bizim Nakhchivan* ("Our Nakhchivan") and to arrange for the visit of a group of six Serbian election educators who had come to the region to educate young voters on a project sponsored by the Open Society Institute.⁴⁷

Hours before the arrival of the Serbian delegation, on September 27, Jafaroglu, Benaniarly, Pashaeva and Melhat Nassibova, the director of the Nakhchivan human rights resource center, arrived at the center to find a group of about fifty women in front of the building. As the four got out of their vehicle, one of the women outside shouted at them, "Are you the ones who brought the Americans and the Europeans here? We need only Iran, because Iran feeds us." The crowd of women then attacked the activists, beating them and pelting them with tomatoes. The four then ran into the resource center and called the police, who appeared only an hour later. When police and security officials finally arrived, they advised the four that they leave Nakhchivan, saying they could not guarantee their security. The activists explained that they were expecting their Serbian guests and could not leave.⁴⁸

The next morning Jafaroglu, Benaniarly, and Pashaeva went to Nakhchivan airport, where they were again attacked. They were about to board their plane when a woman approached them and said, "Yes, leave, and never come back again!" She then began to beat the women. A crowd of others who had been lingering nearby soon joined in the beating. Saadat Benaniarly, one of the activists, told Human Rights Watch: "Novella was on the floor, and

⁴⁵ Human Rights Watch interview with Eldar Ishmailov, Baku, October 2, 2003.

⁴⁶ Earlier this year, several Baku-based Azerbaijani human rights defenders endured mob attacks, physical harassment and intimidation that appeared to have been instigated by the authorities.

⁴⁷ Human Rights Watch interview with Novella Jafaroglu, Baku, October 1, 2003; Human Rights Watch interview with Saadat Benaniarly, Baku, October 1, 2003.

⁴⁸ Human Rights Watch interview with Saadat Benaniarly, Baku, October 1, 2003.

they were kicking her and throwing eggs and tomatoes at us, all of the contents of their bags. A woman was beating me, and I was holding on to a steel pipe, trying not to fall. Another woman came and started beating my head into the pipe. Sadaget [Pashaeva] had her head banged into the floor.”⁴⁹ The women were beaten for about fifteen minutes.

During the incident, government security personnel at the airport disappeared and did nothing to attempt to stop the beatings. Pointing to the unwillingness of the local authorities and the airport security personnel to come to their assistance, the women believe that the attacks were organized by the Nakhchivan local administration. The women filed a complaint with security officials in Baku.

Also on September 28, the team of Serbian election educators was prevented from carrying out three scheduled workshops aimed at educating young voters. Police came to the training at the Nakhchivan resource center and ordered the participants to leave. They ordered a second team of Serbian election educators on the road to Ordubat to turn around. Security officials then told the observers that they would not be allowed to conduct their workshops or stay in Nakhchivan, ordered them to leave the enclave, took them to the airport, and put them on a flight to Baku.⁵⁰

The Role of the International Community

Some international election monitoring organizations have also faced problems in monitoring the elections. The National Democratic Institute (NDI), a U.S. organization that has been present in Azerbaijan since 1995 and has monitored the 1998 presidential elections as well as the 1995 and 2000 parliamentary elections, has not been invited to monitor the current presidential elections. This is only the second time in NDI’s history that this has occurred, the other case being the Zimbabwe election in 2000. NDI has been publicly critical of abuses during the past elections, although it has always done so in a constructive manner with detailed suggestions to the government. Other international organizations that carry out activities nearly identical to NDI’s work, such as the International Republican Institute (IRI), also a U.S. organization, have been invited to monitor the election.

Among the most effective election monitoring mission currently operating in Azerbaijan is the OSCE/ODHIR observer mission, which consists of twenty long-term observers and

⁴⁹ Ibid.

⁵⁰ Human Rights Watch telephone interview with Galuran Mehtiva, October 1, 2003. International aid workers have also been summarily expelled from Nakhchivan. In June 2003, Nakhchivan authorities expelled a Swiss development worker and his Azerbaijani counterpart who had come to investigate the tourism potential of the region, after the two were met at the airport by Melahat Nassibova, the head of the women’s resource center. Human Rights Watch interview with Shabla Ismailova, Baku, October 1, 2003.

more than 600 short-term observers who will be deployed shortly before the election.⁵¹ Opposition leaders report that flagrant abuses by the authorities have diminished somewhat since the deployment of the long-term members, and there has been a particularly significant drop in the use of administrative detentions of arrested opposition activists since OSCE/ODHIR members began to regularly visit police stations following arrests at demonstrations. Many of the opposition activists who were arrested since the deployment of the OSCE monitors stated that the police released them as soon as the monitors came to the police station, in one case telling the released activists to go “thank your OSCE friends” for the release.

The Parliamentary Assembly of the Council of Europe launched a twenty-four person monitoring mission on October 13. A pre-election delegation visited Azerbaijan in mid-September and issued a statement expressing concern about, among other things, the imbalance in the composition of the CEC, media bias favoring Heidar Aliiev, and the absence of meaningful debate. The statement expressed hope that in the month that remained before the vote, “fair and equitable conditions” could still be created.⁵²

Local embassies of foreign governments have also played a role. The U.S. embassy has made a significant effort to prevent the abuses of previous elections from recurring, although most of its advocacy has been done privately with few public statements calling for specific improvements. U.S. embassy staff regularly attend opposition and government rallies to monitor abuses. In addition, the U.S. government and other foreign governments, including Germany, the United Kingdom, and the Netherlands, have been the main financial backer of major technical election reforms, paying for thousands of transparent election boxes, as well as voter education posters, and media announcements aimed at voter education.

Notably, the Azerbaijan government continues to commit serious abuses against the opposition, often right in front of the international monitors who have been deployed. The international community has clearly demonstrated its commitment to free and fair elections through the diplomatic attention paid to the issue, the amount of money spent in technically improving the election process, and the deployment of international monitors. Despite this clear expression of international will, the government of Azerbaijan continues on its determined path to obstruct and abuse the opposition—perhaps the best indicator of all of the lack of commitment of the Azerbaijani ruling party to the principles of democracy and human rights.

⁵¹ Long-term monitors arrived approximately one month prior to election day; short-term monitors just days prior.

⁵² Parliamentary Assembly of the Council of Europe, “Statement of the Council of Europe Parliamentary Assembly’s ‘pre election’ delegation to Azerbaijan, September 16, 2003.

