

Crushing Dissent: Repression, Violence and Azerbaijan's Elections

SUMMARY.....	2
RECOMMENDATIONS.....	4
BACKGROUND: THE CENTRALIZATION OF THE PRESIDENTIAL POWER IN AZERBAIJAN.....	8
PRE-ELECTION ABUSES.....	11
The Bias of the Central Election Commission.....	11
Obstruction of Local Rallies.....	12
Official Violence and Intimidation.....	14
Restrictions on Monitoring Efforts.....	17
October 15, 2003: Election Day Fraud.....	19
POST-ELECTION VIOLENCE.....	21
Unprovoked Attack on Musavat Headquarters.....	21
Violence at Azadliq (“Freedom”) Square.....	22
POST-ELECTION ARRESTS.....	26
Torture of Opposition Leaders at the Organized Crime Unit (OCU).....	27
Arrests and Abuse of Regional Opposition Chairpersons and Activists, and Election Officials and Observers.....	36
Arrest and Abuse of Election Officials and Observers.....	36
Arbitrary Arrest and Abuse of Opposition Officials and Members.....	39
DISMISSALS OF OPPOSITION MEMBERS, AND PRESSURE TO DENOUNCE MEMBERSHIP IN THE OPPOSITION.....	45
THE ROLE OF INTERNATIONAL COMMUNITY.....	50

SUMMARY

The October 2003 presidential elections in Azerbaijan—the first since Azerbaijan became a member of the Council of Europe—were supposed to herald a new era of democracy and respect for human rights in the country. As the ten-year presidency of Heidar Aliev began to draw to a close, many in Azerbaijan—buoyed by visible, significant support by the international community for free elections in the country—began to hope that after years of political repression, they would finally have the chance to participate in free and fair elections.

These hopes were crushed by the government's determination to ensure the succession of President Aliev's son, Ilham Aliev, to the presidency. The pre-election environment was manipulated to ensure that the opposition could not campaign effectively, with police violence and arbitrary arrests serving to intimidate the population and opposition supporters. On voting day, the government carried out a well-organized campaign of fraud throughout the country to ensure a victory for Ilham Aliev, right in front of the largest international election monitoring team ever deployed in the country. When post-election violence erupted, the government responded with brutal and excessive force, unleashing its security forces to beat hundreds of demonstrators unconscious, and killing at least one protester.

Today, Azerbaijan is experiencing its gravest human rights crisis of the past decade. In the aftermath of the election, nearly one thousand people were arrested—among them opposition leaders, local opposition party members, activists of nongovernmental organizations (NGOs) who supported the opposition, journalists, and election officials and observers who challenged the fraud. Serious beatings at police stations were routine, and many opposition leaders held at the Organized Crime Unit (OCU) of the Ministry of Interior endured torture, including through electric shocks, severe beatings, and threats of rape.

By mid-January 2004, more than one hundred opposition leaders and supporters remained in detention, facing charges that could lead to up to twelve years of imprisonment. More than one hundred opposition supporters and their relatives have been fired from their jobs in retaliation for their political affiliation and activities, and opposition activists throughout Azerbaijan face constant police harassment. The government of Azerbaijan is attempting to crush the opposition with few attempts to hide it.

Government repression of opposition politicians and supporters violates Azerbaijan's obligations as a party to the International Covenant on Civil and Political Rights (ICCPR),¹ and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).² Opposition activists and supporters have been subjected to arbitrary arrest and detention,³ torture and other mistreatment,⁴ and lack of access to counsel among other due process violations.⁵ Abuses related to the election campaign and its aftermath include violation of the rights to freedom of assembly,⁶ expression,⁷ and to participate in public affairs.⁸ The government's actions also contravene its commitments under the Copenhagen document of the Organization for Security and Cooperation in Europe (OSCE),⁹ which elaborates standards for the conduct of free and fair elections, and its obligations as a member state of the Council of Europe.

This report documents the pre-election, election-day, and post-election violations of human rights in Azerbaijan. The findings of this report are based on two missions to Azerbaijan, the first from September 29 to October 18, 2003, and the second from November 11 to November 25, 2003. During these missions, Human Rights Watch researchers conducted interviews with more than 200 victims and witnesses of human rights abuses. Research was conducted in the capital, Baku, as well as in cities and villages around the country, including Ali Bairamli, Gotchay, Ganja, Jalilabad, Khajmaz, Lankaran, Masalli, Mingechevir, Saatli, Saliyan, Sekhi, Sumgait, and Zagatala, and through phone interviews with many other areas. The report does not address human rights violations in Nakhchivan, an enclave of Azerbaijan wedged between Armenia and Iran, because safe access to that area was not available. However, reports from local activists consistently suggest that the situation in Nakhchivan is even more severe than in other areas of Azerbaijan.

¹ International Covenant on Civil and Political Rights (ICCPR), 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 ICCPR in 1992.

² European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), (ETS No. 5), 213 U.N.T.S. 222, entered into force September 3, 1953. Azerbaijan ratified the ECHR in 2002.

³ ICCPR Article 9 and ECHR Article 5.

⁴ ICCPR Article 7 and ECHR Article 3.

⁵ ICCPR Article 14 and ECHR Article 5.

⁶ ICCPR Article 21 and ECHR Article 11.

⁷ ICCPR Article 19 and ECHR Article 10.

⁸ ICCPR Article 25.

⁹ Conference for Security and Cooperation in Europe, Document of the Copenhagen Meeting of the Conference on the Human Dimensions of the CSCE, Copenhagen, June 29, 1990 [online], <http://www.osce.org/docs/english/1990-1999/hd/cope90e.htm> (retrieved January 6, 2004).

Human Rights Watch calls on the government immediately to release those opposition supporters who have been arbitrarily arrested, to thoroughly investigate acts of torture alleged by those arrested in the aftermath of the election, and to conduct a special investigation of police units, particularly the OCU, which have been implicated in torture in the post-election period. Azerbaijan is in a profound political crisis created by its flagrant violations of international law and the rights of its citizens. We urge the government to undertake political reforms that will ensure free and fair elections in the future. The absolute power of the presidency must give way to a more balanced political system, in which parliament, the judiciary, and municipal authorities are granted real power, which can check abuses of authority by the presidency.

The international community needs to intensify pressure on Azerbaijan to improve its human rights record. Immediate action is needed from the government to restore the public confidence in the country's political system, by establishing, with international cooperation, a truly independent investigation into election abuses. Allegations of torture and police abuse have to be investigated and prosecuted, and those dismissed persons allowed to return to work. Arbitrary arrests must stop, and opposition leaders who have been arbitrarily detained must be released.

RECOMMENDATIONS

To the Azerbaijan government:

- Establish, with the cooperation of opposition political parties and the international community, an independent commission of inquiry to investigate the widespread and credible allegations of fraudulent practices during the October 2003 presidential elections. The commission must include representatives of the opposition and the international community. Its proceedings must be transparent and its findings made public.
- Investigate allegations of physical abuse and torture, particularly at the Organized Crime Unit of the Ministry of Interior, and police stations in Baku, Zagatala, Quba, and Khadjmaz. The investigations must be carried out in a competent, independent and impartial manner, and officials found implicated in torture or physical abuse must be disciplined or prosecuted as appropriate.
- Conduct an independent review of the Organized Crime Unit of the Ministry of Interior and make it subject to outside supervision by a civilian review panel, to ensure that its staff is held accountable for acts of torture and ill-treatment.

- Provide training to all members of the security forces on international and domestic human rights standards; members of the security forces should be held accountable for deviations from these standards. This program should pay special attention to inter alia, the problems of torture and ill-treatment, unlawful and arbitrary detentions, and proper professional conduct. It should convey a clear explanation to all security officials of what acts constitute torture. Ensure independent oversight of all detention facilities to monitor torture and other human rights abuses.
- Immediately review the cases of all remaining detainees arrested on suspicion of involvement in the October 15 and 16 violence. Investigate allegations of torture and abuse against these detainees. Release unconditionally all detainees against whom no specific evidence of illegal activities exists.
- Carry out an investigation into the excessive use of force by the police, military, and other security services during October 15 and 16. Bring security officials who used excessive force to account. Mechanisms should be instituted to allow victims of security force violence to come forward without fear of retaliation.
- End the abuse of administrative detention procedures, and ensure that all persons arrested and detained have the right to all fair trial guarantees, including access to legal representation and to be formally charged.
- Immediately reinstate all persons fired from their positions because of their political activities. End job discrimination against members of the political opposition, and issue clear instructions to government officials that such discrimination is an abuse of authority and will be punished in accordance with the law.
- Create a political climate free of violence and intimidation for all political parties.
- Stop repressive actions and intimidation against the political opposition and opposition journalists, such as the closure of opposition offices, and harassment of opposition journalists and newspaper vendors.
- Ensure that the judiciary is independent of the other branches of government.
- Undertake local government reform required by the Council of Europe.

To the international community, including the OSCE, the Council of Europe, and governments of Europe and the United States:

- Strongly condemn and demand an end to the abuses committed in Azerbaijan, including the failure to allow fair campaigning conditions, election day fraud, post-election violence, impunity for police abuse, pressure of election officials and monitors, unlawful arrests of opposition supporters, use of torture and physical abuse, abuse of administrative detention procedures, dismissals of opposition employees, arbitrary detention of opposition leaders, and the general climate of repression faced by the opposition.
- Consistently and publicly condemn any further abuses committed by the Azerbaijani authorities, such as refusals to allow political opposition rallies, reprisals against the media, and any acts of political repression. The international community should stand united in demanding greater respect for freedom of assembly, association, and expression in Azerbaijan.
- Call for, and participate in, an independent commission of inquiry with international participation to investigate the election violations and the post-election abuses that occurred during the 2003 presidential elections; a national commission of inquiry, without international participation, would not be credible.
- Demand an immediate, transparent review of the detention of all remaining persons arrested after the October 15 elections, and the release of all persons against whom no direct evidence of involvement in illegal activities exists. Establish a trial monitoring program for any prosecutions arising out of the October 15-16 events, and ensure that credible allegations of torture and confessions gathered under torture are reviewed by the judiciary.
- Demand an immediate end to torture and physical abuse by security forces, and a transparent and independent investigation into the allegations of endemic torture at the Organized Crime Unit of the Ministry of Interior. If torture or other human rights abuses have been committed, demand that the responsible authorities are brought to account.
- Demand that all persons who were dismissed from their work because of opposition activities, or because of the opposition activities of their relatives, are reinstated. In order to end endemic job discrimination, ensure that international assistance programs have monitoring mechanisms to prevent job discrimination against opposition members.
- In light of the failure of Azerbaijani authorities to respond adequately to abuses committed by its officials, ensure that victims of government abuses have access to embassies and international organizations in order to report incidents of

abuse, and that follow-up mechanisms exist to raise such abuses with the authorities and demand remedial action.

- Promote the creation of an independent judiciary.
- The OSCE should lead a review of the international community's recent effort to ensure free and fair presidential elections in Azerbaijan. In view of the fact that the Azerbaijani presidential elections were widely manipulated despite years of international efforts to end mass election fraud, and one of the largest OSCE/ODIHR election missions ever deployed, international organizations with representation in Azerbaijan should review the effectiveness—or lack thereof—of their election monitoring mechanisms.

In addition,

- **The European Union and the United States government** should closely monitor any funding provided to the Azerbaijani government, particularly security-related funding and anti-terrorism funding, to ensure that it does not go towards security agencies implicated in torture. Ensure that all security-related and anti-terrorism funding has a human rights training component, and monitoring mechanisms to prevent torture and other human rights abuses.
- **The Council of Europe** should inform the Azerbaijani delegation to the Parliamentary Assembly that they risk suspension of their credentials should Azerbaijan fail to remedy the abuses detailed in this report and make adequate progress in meeting its Council of Europe commitments.
- **The Council of Europe's Committee for the Prevention of Torture (CPT)** should continue to monitor closely torture in Azerbaijan, particularly by the OCU, and should consider conducting an ad-hoc visit to the country in 2004.
- **The World Bank and the European Bank for Reconstruction and Development (EBRD)** should make political reform to promote independence of the judiciary, and to strengthen parliament and local government, prominent elements of their country assistance strategies. When assessing Azerbaijan's compliance with Article 1 of the Agreement establishing the Bank, the EBRD should make clear that the nature and level of engagement will be contingent on measurable progress in human rights. The EBRD should set specific benchmarks for such progress, building on the recommendations presented in this report and by other authoritative sources.

BACKGROUND: THE CENTRALIZATION OF THE PRESIDENTIAL POWER IN AZERBAIJAN

All across Azerbaijan, the government has posted permanent large signs with popular sayings attributed to President Heidar Aliyev. One of the most common slogans found on these sign posts states simply “Heidar is the Nation. The Nation is Heidar.” During his ten-year reign as President, Heidar Aliev made this slogan a political reality, consolidating immense power in the presidency and its representatives at the national, provincial, and local level, in the process marginalizing other government departments and the parliament.

At the national level, the presidency reigns supreme. Parliament holds little authority and the judiciary lacks independence from the presidency.¹⁰ The presidency directly controls two separate budgets, the national budget and the equally large State Oil Fund. Parliament has almost no power over government spending, as explained by a detailed study:

Parliament’s powers are narrowly defined in the constitution, while the president’s are left open-ended. ... Neither the [parliament] nor the public exercise effective control over public finance. Parliament can neither draft nor amend the annual budget, but can only approve or reject the budget. ... In its annual assessment, the Council of Europe expressed “deep concern over the undue interference of the executive in the functioning of institutions” and noted that “it is to be regretted that parliament exercises no oversight of the government’s activities, which means that the public at large is similarly excluded from this process.”

Parliamentary control is further dampened by the lack of detail provided in the draft budget. The budget is less than 20 pages long and does not provide data below the level of aggregate departments. ... As a result of these limitations, debate over the budget is stymied. In 2001, the budget

¹⁰ The Council of Europe has expressed concern about the lack of impartiality in the nomination of judges. See, “Honouring of obligations and commitments by Azerbaijan, PACE Resolution 1305 (2002) [online], www.assembly.coe.int/documents/adoptedtext/ta02?ERES1305.htm (retrieved January 6, 2004). For more analysis of the judiciary’s lack of independence, see, Freedom House, “Nations in Transit 2002,” Azerbaijan, Rule of Law, June 2003 [online], <http://www.freedomhouse.org/research/nattransit.htm> (retrieved January 6, 2004); and Human Rights Watch, “Azerbaijan: Impunity for Torture,” *A Human Rights Watch Report*, August 1999, Vol. 11, No. 9 (D), section “Lack of Judicial Redress.”

was approved after only twenty minutes of discussion. Neither has the Parliament ever exercised its prerogative of rejecting the budget or sending it back to the President.¹¹

The judiciary is equally subservient to the presidency. One former judge told Human Rights Watch how he was called to the office of the then-Minister of Justice after he issued an order the president's office disagreed with, and being told, "Heidar Aliev is your law, your morality, and your principles."¹²

The absolute control at the national level is replicated throughout the country through the power wielded by the local executive authorities, "who are appointed by and solely subordinate" to the president.¹³ To date, Azerbaijan has not fulfilled its commitment to the Council of Europe to reform these structures.¹⁴ At the town and village level, the executive authorities hold vastly more power than the local municipal authority. The executive authority can order the arrest and detention of individuals or the dismissal of employees, and makes decisions on public demonstrations. In the pre-election environment, executive officials regularly used violence against opposition supporters with impunity. The municipal authorities, who were elected and often have opposition representation, are nearly invisible and powerless. Absolute loyalty to the presidency is a prerequisite for executive authority officials.

But the power of the presidency extends much further. In one of Europe's poorest countries, with high unemployment rates and nearly half of the population living below the poverty line,¹⁵ employment opportunities in both the government and private sector are almost completely linked to membership in the ruling Yeni Azerbaijan Party (YAP). Executive authorities control appointments to employment in the state sector, which

¹¹ Caspian Revenue Watch, *Caspian Oil Windfalls: Who Will Benefit* (New York: Open Society Institute, 2003), pp. 98-99 (citing Parliamentary Assembly of the Council of Europe, Resolution 1305 (2002)(1)).

¹² Human Rights Watch interview, Baku, October 12, 2003.

¹³ International Foundation for Electoral Systems, Summary Description of the Division of Powers between Municipalities and State Local Executive Authorities, November 2002.

¹⁴ In 2002 the Parliamentary Assembly expressed regret at the lack of progress in "the development of local self-government in Azerbaijan." It noted that "[t]he executive in Azerbaijan still exercises a predominant role." It expresses deep concern over the undue interference of the executive in the functioning of institutions. See Parliamentary Assembly of the Council of Europe, Resolution 1305.

¹⁵ A 2001 household survey carried out by the Azerbaijani government found 49 percent of the population living in poverty, including 17 percent who were living in extreme poverty. The poverty line is defined by the Azerbaijani government based on a daily minimum calorie requirement, adjusted for age and gender. Extreme poverty is defined as having household expenditures less than half of the household-specific poverty line. Government of the Republic of Azerbaijan, *Azerbaijan Republic State Programme on Poverty Reduction and Economic Development*, Appendix 3: Poverty Measurement Methodology, (2001) [online], <http://economy.gov.az/PRSP/Reports.htm> (retrieved January 6, 2004).

accounts for nearly half of all jobs in Azerbaijan.¹⁶ Teachers, electricity workers, and even shopkeepers risk their livelihood if they support the opposition.

The struggle to maintain complete dominance of the presidency at all levels of society is at the root of Azerbaijan's political crisis, and also a major cause of the abuses documented in this report. The absence of power-sharing institutions in Azerbaijan, like parliament or municipal authorities with real power, makes politics an all or nothing game: a party either controls the presidency and with it all of the institutions of power, as well as most of the employment opportunities in the country; or it controls nothing, and its supporters face impoverishment. In this scenario, it is not surprising that government officials from the national to the local level participated so vigorously in the election abuses and fraud: their jobs and economic survival were on the line.

Ultimately, resolving the political crisis in Azerbaijan will require fundamental institutional reform to limit presidential power and to create democratic power-sharing centers outside the control of the presidency.

¹⁶ 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 [online], <http://www.unece.org/stats/documents/ces/sem.41/24.s.e.pdf> (retrieved January 6, 2004).

PRE-ELECTION ABUSES

The October 15 presidential elections in Azerbaijan took place at a time of significant political uncertainty in the country. On April 20, 2003 Heidar Aliev, who had dominated Azerbaijani political life since returning to power in 1993, following a long career as Azerbaijan's KGB (internal security) chief, its Communist Party leader, and a member of the USSR's Politburo, suddenly disappeared from public view after collapsing during a public address.¹⁷ The presidential apparatus rapidly mobilized fully around the candidacy of Heidar's son, Ilham Aliev, and waged a campaign of bureaucratic interference and political intimidation that made a free and fair pre-election campaign environment impossible.¹⁸

The Bias of the Central Election Commission

Ignoring the core recommendations of the Council of Europe's Venice Commission and OSCE's Office of Democratic Institutions and Human Rights (ODHIR), the government of Azerbaijan appointed a Central Election Commission (CEC) that was heavily stacked in favor of the government and effectively excluded the opposition from the decision-making process.¹⁹ The CEC's lack of independence was clearly apparent throughout. The CEC excluded major opposition candidates—such as Rasul Guliev, the chair of the Azerbaijan Democratic Party (ADP) and a former speaker of parliament, and Eldar Namazov, a former head of President Heidar Aliev's presidential apparatus—from registration on several grounds, some of them spurious, others unsubstantiated and unclear.²⁰ The CEC registered both Heidar and Ilham Aliev as candidates, as well as four other minor pro-governmental candidates. It also 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 (APFP-R), Isa Gambar of Musavat ("Equality"), and three other opposition candidates.²¹

¹⁷ The Azerbaijani government announced Heidar Aliev's death on December 12, 2003.

¹⁸ The human rights abuses committed during the pre-election period were detailed in a twenty-page briefing paper released by Human Rights Watch on the eve of the elections, *Azerbaijan Presidential Elections 2003: A Human Rights Watch Briefing Paper*, October 13, 2003 [online], <http://hrw.org/backgrounder/eca/azerbaijan/index.htm> (retrieved December 1, 2003). The section of the present report summarizes the findings of that briefing paper.

¹⁹ The Venice Commission provides assistance to states in adopting constitutions that conform to Europe's standards.

²⁰ Rasul Guliev was excluded on the incorrect basis that he was a U.S. "green card" holder, when in reality Guliev has refugee, not residence, status in the U.S. Eldar Namazov was excluded on the technical ground that he had not authenticated his identity documents, even though the CEC had allowed a pro-government candidate to revise his application for similarly minor errors on a separate occasion.

²¹ 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-

The CEC proved ineffective in addressing violations committed against opposition candidates and regularly ignored abuses of the election code by pro-government candidates. When four separate opposition rallies were disrupted by police violence that left scores of people injured, the CEC sided with the government, adopting the fictitious version of events advanced by the Ministry of Internal Affairs: “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 cause clashes. The protesters also called on the local inhabitants for civil disobedience and the overthrow of state institutions.”²²

Obstruction of Local Rallies

Local authorities, particularly the local executive authorities, constantly attempted to frustrate opposition candidates’ campaigning efforts by refusing to grant adequate venues for opposition rallies, impeding access to the venues itself, and lowering attendance by forcing employees and students to remain at work or school, even outside normal work hours. Such interference decreased only in the days before the election, when hundreds of international monitors began to arrive in Azerbaijan.

Almost without exception, opposition rallies were assigned inadequate venues. For example, Baku executive authorities confined two rallies of the most popular opposition candidate, Musavat leader Isa Gambar,²³ to small movie theaters that seated only 500 persons each, and hundreds of police violently dispersed the crowds that gathered for the rallies when the venue proved inadequate, injuring dozens of civilians, journalists, and party leaders gathered outside. In Saatli, the executive authority confined both the October 2 ANIP/APFP and the October 6 Musavat rallies to the small public space in front of the local house of culture, even though the main public square located just one hundred meters away was available. In Mingeshevir, an October 8 appearance by Musavat leader Isa Gambar was assigned to a cul-de-sac street on the outskirts of the town near the local stadium. In the town of Ali Bairamli, the executive authority assigned the tiny 280-seat house of culture, located in a distant part of town, as a venue for an

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

²² The statement of the CEC as reported by Radio Free Europe/Radio Liberty, Azerbaijan Report, September 26, 2003.

²³ In a pre-election poll of the Center for Political and Economic Research, 36.3% of the individuals surveyed stated they would vote for Isa Gambar in the presidential elections of 2003. According to the poll, Isa Gambar was 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).

appearance by Isa Gambar, ignoring requests for the central and easily accessible Azadliq Square, which had been the venue for pro-Ilham Aliev events.

Even when permission for rallies was granted, local executive authorities went to great lengths to limit attendance at opposition events. In some cases, they attempted to simply block access to events altogether. At the October 6 Saatli rally, Human Rights Watch found local officials parked by the main access roads from the villages, carefully noting who went into town that morning. Several cars heading towards town turned around when they noticed the officials. Thirty minutes prior to the rally, Human Rights Watch observed as police officials blocked off all the main access roads into town with large trucks, effectively sealing off the area where the rally was to take place. Similarly, in Mingeshvir, local officials blocked off the main road into town and suddenly began cutting down trees and blocking other roads, and directing minibus traffic away from the rally site, just before a Musavat rally was about to start.

Local executive authorities also frequently attempted to lower attendance at rallies by forcing municipal employees, factory workers, teachers, and students to remain at work or in class, even when rallies took place outside normal work hours. In Mingeshvir, Human Rights Watch found that the authorities had locked between 3,000 and 5,000 workers inside the electrical plant during an October 7 Musavat rally for a mandatory and unprecedented “safety event.” In anticipation of a Sunday, October 6, Musavat rally in Saatli, the local executive authority took the unprecedented step of declaring Sunday a work day, requiring students to go to school and officials to work. On that same day, the executive authority in Ali Bairamli organized an unprecedented “Teacher’s Day” event at Azadliq Square to coincide with and draw down attendance from a Musavat rally, and made attendance mandatory for teachers, students, and government officials.²⁴

Opposition activists also faced great difficulties putting up campaign posters, often risking arrest and police violence. In a typical case, which occurred on October 1, three Musavat activists were detained and beaten by police in the Nardaran district of Baku while putting up posters for Isa Gambar a day before a rally. While the activists were putting up the posters, a police captain stopped his car, began yelling, “You bastards, pull down those stupid posters,” and assaulted the men. The police captain and other police pulled down all the posters, beat the activists to the ground, and then took them to the local police station, where the activists were again beaten. When the activists tried to assert their rights under the election code, the beatings became more vicious. Similarly, the head of the local executive authority in Saatli came to the local ANIP

²⁴ Opposition supporters instead converged on Azadliq Square, the venue they had originally requested for their rally, 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. Human Rights Watch telephone interview with Abdullah Rafizadeh, October 8, 2003.

office in Saatli as the head of the local branch was putting up ANIP posters in anticipation of the next day's ANIP rally. The head of the executive authority began cursing the ANIP branch chief and pulling down the posters, and threatened the activists present. When the police arrived, they arrested the ANIP branch chair. Dozens of similar incidents took place throughout Azerbaijan, and shopkeepers were often threatened by government officials if they put up opposition posters. As a result, there were very few opposition posters, in sharp contrast with the ubiquitous posters and billboards for Ilham Aliev, including at many government offices and public buildings.

Official Violence and Intimidation

Many pre-election rallies in Azerbaijan took place free of police violence, with the police professionally carrying out their duties—particularly as the number of international monitors increased in the days prior to the election. However, police abuse and vigilante violence was a regular occurrence during the pre-election period. Together with the massive deployment of police in riot gear at even small opposition rallies, the level of police abuse created a palpable climate of intimidation at almost all opposition events, even those that proceeded peacefully. In addition, executive authority members fomented and participated in violence against opposition members, and did so with impunity.

Human Rights Watch documented dozens of cases of severe police beatings, some of them involving broken bones or similarly severe injuries, in the pre-election period. In these instances, the police initiated the violence, responding to activities that are considered acceptable in a democratic society, such as the carrying of banners or the shouting of political slogans. In many instances of police violence, the victims were then brought to court and sentenced to terms of administrative detention²⁵ for periods up to fifteen days for “resisting” or “insulting” the police, even if the evidence before the judges clearly indicates that the accused were the victims of police abuse—a clear indication of the lack of judicial independence in Azerbaijan.

Some of the most severe cases of police violence documented by Human Rights Watch involved ADP activists who held bi-weekly pickets in front of the CEC building to protest the CEC's decision to deny the candidate registration of ADP leader Rasul Guliev. The police consistently responded with violence. In a typical case on October 3, the police stormed a group of about fifty ADP protesters who were simply holding

²⁵ Administrative detention is customarily understood to mean detention ordered by a non-judicial body. Here it refers to detention ordered by a court, for violations of the Azerbaijani Code of Administrative Offenses, which are minor offenses. For the sake of clarity, this report will use the term administrative detention for such cases. Most of the administrative detention hearings documented by Human Rights Watch lasted only a few minutes, and ignored major fair trial guarantees such as the right to a lawyer and the right to present a defense to the charges.

banners and shouting the name of their leader. The police chased four women activists into a garden and beat one of them unconscious with their rubber batons. Similar police violence went on for months before the election. Fuad Hassanov, the ADP secretary for international affairs and founder of the human rights NGO “Against Violence,” detailed a police attack that occurred during a demonstration in favor of fair elections on May 25:

There were buses filled with police already [at Fizuli 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 beating us on the head and face, my lip was bleeding. All of us were beaten like this.²⁶

Human Rights Watch has documented dozens of similar accounts of pre-election police violence. On September 26, 2003, twenty-five persons were seriously injured by police when they tried to hold a protest at Fizuli Square in Baku. Latifa Allaverdieva, whose thirty-year-old sister was still bedridden with a knee injury one month after the attack, explained how the police began beating them immediately after the protesters began shouting the name of ADP leader Rasul Guliev:

We came out of the underground, a group of women shouting “Rasul-bey! Rasul-bey!” 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...she was unconscious.²⁷

Elderly protesters were not spared: seventy-year-old Famil Hassanov had several ribs broken after being beaten by police at a July 21 protest in front of the CEC and was bedridden for a month; seventy-three-year-old Ramitin Makhsudova received a hip injury when police beat her while she was assisting a young woman during a September protest, and a wrist injury during an October 1 protest in front of the CEC.²⁸

On September 21, police violently dispersed thousands of Musavat supporters gathered at rallies at two small cinemas in Baku, injuring scores of peaceful activists. Panah

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

²⁷ Human Rights Watch interview with Latifa Allahverdiyeva, Baku, October 4, 2003. "Bey" is an honorific ending for a respected person's given name. Rasul-bey is the honorific name for Rasul Guliev.

²⁸ Human Rights Watch interviews with Ramitin Makhsudova and Famil Hassanov, Baku, October 4, 2003.

Husseinov, a former prime minister and head of the Khalq party (which supported the candidacy of Isa Gambar), was attacked by a group of police and pro-government protesters who beat him severely and broke his nose and wrist.²⁹ Anar Naticoglu, a journalist who was covering the rally for *Yeni Musavat* (Azerbaijan's main opposition paper, linked to the Musavat party), explained how the police rudely told the gathered crowd to "Get away from here, you bastards," and then attacked a group of gathered journalists:

We were pushed inside the little [entrance] 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.³⁰

On the same day, police and pro-government supporters violently attacked rallies held by Etibar Mamedov (ANIP) and Ali Kerimli (APFP) in Lenkoran and Massaly district, injuring many people who had come to attend the rally. The candidates told Human Rights Watch that they had been personally targeted during the attacks, and that the police and pro-government supporters appeared to be working together.³¹

Local officials, particularly the executive authorities, were also directly involved in fomenting violence against the opposition, and in some cases participated directly in the violence. During the October 2 ANIP/APFP rally in Saatli, the head of the executive authority, 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. Mubaris F., who does not belong to any political party, was one of many witnesses who recounted how the executive authority members and their relatives gathered at the rally holding axe and spade handles, and proceeded to violently beat the attendees:

²⁹ Human Rights Watch interview with Panah Husseinov, Baku, October 6, 2003.

³⁰ Human Rights Watch interview with Anar Naticoglu, Baku, October 2, 2003.

³¹ Human Rights Watch interview with Etibar Mamedov and Ali Kerimli, Goitshai, October 8, 2003. The two leaders were saved from injury by their bodyguards, but seventeen opposition members were arrested and released only the next day.

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 [Ibragimov] very hard from behind on his jaw [which was broken in two places.] He fell down and they started kicking him. I helped him stand up and we tried to get away. Two more 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 his cousin]. ... The police did nothing. They [police] were all around us during the beating.³²

Many others were beaten by the same group of executive authority officials and their relatives, both during and after the rally.

Restrictions on Monitoring Efforts

The government of Azerbaijan severely restricts the activities of NGOs in general, and the authorities commonly exploit onerous registration procedures to impede the registration of NGOs whose pro-government stance is questionable. The NGO law specifically limits the rights of local NGOs to monitor elections, prohibiting any NGO that receives foreign funding from serving as election monitors.³³ In effect, this clause prohibits the entire NGO community, including well-trained election monitoring NGOs, such as For the Sake of Civil Society, from monitoring elections, since almost every NGO in Azerbaijan receives some of its funding from the international community.

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, and opposition political parties also registered many of their members as election observers. Effective monitoring by local NGOs provides one of the most reliable safeguards against massive fraud. In failing to freely allow domestic NGOs to monitor elections, the government of Azerbaijan has prevented transparency of the electoral process, which has facilitated the fraud and voting irregularities that have occurred in elections in recent years.

³² Human Rights Watch interview with Mubaris F., Baku, October 6, 2003. Mubaris F. is a pseudonym.

³³ The Law on NGOs and Public Foundations, Article 2.4.

Human rights activists and voter rights educators also faced attack and violent interference with their work that appears to have been organized by local executive authorities.³⁴ On September 25, 2003, a group of women's human rights activists—including Novella Jafaroglu, the 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 voter educators who had come to the region to educate young voters on a project sponsored by the Open Society Institute.³⁵

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 only need 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 one hour later. When police and security officials finally arrived, they advised the women to leave Nakhchivan, saying they could not guarantee their security. The activists explained that they were expecting Serbian guests and could not leave.³⁶

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 they were kicking her and throwing eggs and tomatoes at us, all 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. Sadagat [Pashaeva] had her head banged into the floor."³⁷ The women were beaten for about fifteen minutes.

³⁴ Earlier in 2003, several Baku-based Azerbaijani human rights defenders endured mob attacks, physical harassment and intimidation that appeared to have been instigated by the authorities, following the participation by one of the human rights defenders in a conference on Nagorno-Karabakh. See Human Rights Watch letter to President Aliiev regarding harassment of human rights defenders, April 30, 2003 [online], <http://hrw.org/press/2003/05/azer053003ltr.htm> (retrieved December 3, 2003).

³⁵ Human Rights Watch interview with Novella Jafaroglu, Baku, October 1, 2003; Human Rights Watch interview with Saadat Benaniarly, Baku, October 1, 2003.

³⁶ Human Rights Watch interview with Saadat Benaniarly, Baku, October 1, 2003.

³⁷ *Ibid.*

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 to come to their assistance, the activists believe that the attacks were organized by the Nakhchivan local administration, and filed a complaint with security officials in Baku. The activists later received a letter from Minister of Interior Ramil Usubov stating vaguely that the responsible persons had been reprimanded, but not identifying who had been responsible, or how they had been reprimanded.³⁸

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. The police also 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 plane to Baku.³⁹

October 15, 2003: Election Day Fraud

With the constant obstruction of opposition rallies, the regular police and vigilante violence, the beatings and arrests of hundreds of opposition activists, and an administration openly siding with the campaign of Ilham Aliev, the presidential elections were already far from fair prior to election day itself.

The international community, particularly the OSCE, the Council of Europe, and various embassies including of the United States and European states invested heavily to prevent the kind of massive fraud that had marred all previous elections—including the 2000 parliamentary elections, characterized by the OSCE as a “crash course in the different methodologies of manipulation.”⁴⁰ Western embassies financed tools for an entirely revised voting day procedure—transparent election boxes, complex protocols, and other safeguards. The OSCE deployed the largest-ever international election monitoring presence in Azerbaijan, deploying more than 600 monitors for the election.

³⁸ Human Rights Watch email correspondence, January 7, 2004

³⁹ 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 Shahla Ishmailova, Baku, October 1, 2003.

⁴⁰ OSCE ODIHR, Republic of Azerbaijan Parliamentary Elections, 5 November 2000 and 7 January 2001, Final Report.

Despite these safeguards, officials throughout the country committed fraud at polling stations using similar techniques and on a scale that indicated national coordination. The OSCE observer mission, which declared that the elections “failed to meet OSCE commitments and other international standards,” found “significant irregularities during voting and widespread fraudulent practices during the counting and tabulation of election results.”⁴¹ Among the practices witnessed by international observers during the voting was ballot-stuffing, the use of ballots pre-marked for Ilham Aliev, the use of non-numbered ballots, the issuance of ballots to voters not on voter lists, the addition of large numbers of people to voter lists on election day, multiple voting, the turning away of large numbers of opposition voters who had been left off the voters list, and blatant attempts to influence or intimidate voters—in some cases, Aliev supporters accompanied voters into the voting booth.⁴² Opposition monitors were subjected to serious intimidation when they tried to stop abuses, and were sometimes expelled from the voting stations.⁴³

The violations observed by international monitors increased during the counting process. At many polling stations, opposition observers and even opposition commission members were ordered to leave during the counting process, in flagrant violation of the election code. Although vote counting was supposed to start immediately after the polls closed, at the polling station observed by Human Rights Watch, the chairwoman of the election commission stated that she was tired and needed a nap, and walked away with the voter list, a crucial document to prevent fraud, for one hour. International observers found that procedures to prevent fraud were widely ignored, and that ballots had been unaccountably inflated in many polling stations. Many protocols (the voting tabulations for individual polling stations) were delivered incomplete or even blank to the higher-level constituency commissions, creating what the OSCE described as “one of the gravest lapses in the election procedures, creating widespread opportunities for fraud.”⁴⁴

The level of fraud in the election is perhaps best indicated by what the OSCE politely calls “implausible” results at individual voting stations. One hundred thirty-five polling stations reported that every valid vote in their station had been in favor of Ilham Aliev; in thirty-five of these stations, the voter turn-out was reported as an impossible 100%.⁴⁵ The determination of the Azerbaijani authorities to carry out such blatant fraud in front

⁴¹ OSCE ODIHR, Republic of Azerbaijan Presidential Elections 15 October 2003, Final Report, pp. 1-2.

⁴² At the Baku polling station monitored by Human Rights Watch, 200 of 700 votes had been cast by voters not on the voter list.

⁴³ *Ibid.*, p. 18.

⁴⁴ *Ibid.*, p. 23.

⁴⁵ *Ibid.*, p. 25.

of international monitors seriously calls into question the commitment of the Azerbaijani authorities to democratic practices and its obligations to the Council of Europe and the OSCE. It poses a difficult question for international organizations that monitor elections: how can they be effective at preventing mass fraud when the administration is bent on ensuring its retention of power at all costs?

POST-ELECTION VIOLENCE

On the October 15 election eve and on October 16, two violent clashes took place between government forces and opposition supporters that provided the pretext for the government crackdown on the opposition that followed. The first clash, on the night of October 15, involved an unprovoked attack by security forces on peaceful protesters gathered in front of the Musavat headquarters. The second clash, which began at 2:00 p.m. on October 16, involved violence from the side of the protesters, but was ultimately crushed by the security forces using brutal and excessive force.

In putting down the rallies, Azerbaijani security forces did not abide by the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.⁴⁶ The Basic Principles provide that “law enforcement officials, in carrying out their duty, shall as far as possible apply non-violent means before resorting to the use of force. ... Whenever the lawful use of force ... is unavoidable, law enforcement officials shall ... exercise restraint in such use and act in proportion to the seriousness of the offense.”⁴⁷ The legitimate objective should be achieved with minimal damage and injury, and preservation of human life respected.⁴⁸

Unprovoked Attack on Musavat Headquarters

On October 15, Musavat supporters began gathering in the street in front of the Musavat headquarters. Emotions ran high as the level of fraud committed during the elections became apparent, and at some point a reporter working for the pro-government Lider TV channel was attacked by unknown assailants. The number of security forces deployed around the Musavat headquarters increased throughout the evening, until the headquarters were completely surrounded by police and army units, as well as masked men belonging to the feared Organized Crime Unit (OCU) of the

⁴⁶ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Eighth U.N. Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990).

⁴⁷ Basic Principles on the Use of Force and Firearms, principles 4 and 5.

⁴⁸ *Ibid.*, principle 5.

Ministry of Interior.⁴⁹ Shortly after midnight, the head of the OSCE observer mission, Peter Eicher, came to meet with Musavat leader Isa Gambar to urge him to ask his supporters to remain peaceful. Tensions grew through the night, as Musavat leaders emerged to declare that Isa Gambar was the real victor in the elections.

At 1:00 a.m., the security forces moved in on the protesters. OSCE monitors attempted to form a cordon between the Musavat supporters and the security forces to avoid violence, but the masked, black-clad members of the OCU broke through the cordon and beat the Musavat supporters with rubber truncheons and their fists, injuring dozens in an unprovoked attack. When Human Rights Watch observers reached the headquarters at about 2:00 a.m., three dozen wounded Musavat supporters, some of them with serious injuries, were still trapped inside the surrounded headquarters. Three teenage boys who had just attempted to leave the headquarters had been attacked by pro-government vigilantes operating in plain view of the security forces. Later in the night, at about 4:00 a.m., security forces again attacked the Musavat headquarters, beating more supporters. Most of the opposition supporters trapped in the building were finally able to leave as morning approached, but security forces continued to surround the headquarters and block access to the building the next day.

Violence at Azadliq (“Freedom”) Square

Azadliq Square in Baku is an important symbol to many Azeris as the place where millions gathered in the millions in the late 1980s to demand their independence from the Soviet Union and where opposition rallies gathered soon after independence. However, since Heidar Aliiev came to power, the opposition has consistently been banned from holding rallies at Azadliq Square. Only pro-government events (including Ilham Aliiev’s inauguration event) are regularly held in the square.

Prior to the elections opposition leaders warned Human Rights Watch that “if the vote is falsified, we will consider this a coup d’etat and we will struggle against it.”⁵⁰ The day after the vote, on October 16, thousands of opposition protesters took to the street at about 2:00 p.m. The demonstration quickly grew violent, at least in part because once the protesters began to congregate, police and military forces immediately surrounded them. The protesters briefly beat back the security forces and marched from the Musavat headquarters to Azadliq Square. During their march, protesters beat dozens police officers and soldiers, some of whom were hospitalized. The protesters also destroyed a number of police and military vehicles, and damaged government buildings

⁴⁹ The members of the OCU dress in distinctive all-black uniforms, and often wear black balaclavas masking their faces. Their distinctive dress, clearly designed to intimidate, made it easy to spot them at the October 15 and 16 events.

⁵⁰ Human Rights Watch interview, Baku, October 6, 2003.

along the way. At Azadliq Square, the protesters were joined by some leading opposition figures, who briefly addressed the crowds.

Human Rights Watch opposes the use of violence by members of the opposition, and had met repeatedly with opposition leaders in the days prior to October 16 to urge peaceful means in all protests. We believe the violence (which occurred on October 16th) could have been avoided, had the Azerbaijani authorities allowed the opposition to organize peaceful protests as the law demands. But as documented in this report, such political space has not existed in Azerbaijan for nearly a decade, and the government consistently failed to allow peaceful political protests in the lead-up to the elections.

Almost immediately after opposition supporters arrived at Azadliq Square, several thousand riot police and military troops, supported by masked and black-clad members of the OCU, surrounded the entire square. The security forces stormed the opposition protest, using tear gas, rubber bullets, police dogs, and truncheons. Opposition supporters who had commandeered a military truck rammed the vehicle into the advancing security forces, but were quickly overwhelmed. For the next thirty minutes, a Human Rights Watch researcher witnessed as the security forces chased down protesters, surrounded them, and viciously beat them unconscious. At one end of the square, the security forces gathered a pile of semi-conscious bodies, beating those who tried to move. Human Rights Watch observed how a number of pro-government supporters in civilian clothes participated in the beatings with the security forces.

The security forces beat to death at least one person, fifty-two-year-old Hamidaga Zakhidov, whose corpse was viewed by Human Rights Watch. His bloodied body was covered in bruises and his skull had been smashed in. According to his brother, Zakhidov had come to Azadliq Square from Saatli, where he was an election observer, to “protect his rights.” Another of his brothers was also severely injured by the security forces, but a clinic refused to treat him.⁵¹

At least 300 persons sustained serious injuries during the clashes, according to hospital officials and other sources. Many wounded were unable to walk and had to be carried away from the square. Among the wounded were dozens of local journalists, many of whom required hospitalization.⁵² The journalists were beaten by the security forces even after they showed identification. Several dozen army and police personnel were also wounded in the clashes.

⁵¹ Human Rights Watch interview, Baku, October 15, 2003.

⁵² See “Azerbaijan: Presidential Elections—Many journalists beaten or detained,” Reporters Sans Frontieres press release, October 16, 2003 [online] http://www.rsf.org/article.php3?id_article=8274 (retrieved December 23, 2003). It lists the names of twenty-five injured journalists.

Following the clashes at Azadliq Square, heavy concentrations of army troops and riot police continued to aggressively patrol the streets of Baku, beating anyone they suspected of supporting the opposition. Some of the victims later identified by Human Rights Watch were entirely unconnected to the opposition. For example, Asif Aliskerov, aged twenty-eight, was shopping for shoes in the center of Baku when he was beaten unconscious by a group of fifty police and army officers.⁵³

“Saidali Muradov” (not his real name), a twenty-one-year-old ADP activist who served as an election observer, told Human Rights Watch about his experience at Azadliq Square and during his subsequent arrest. He explained that he had participated in the protest, but not the violence, and had been beaten there by civilians and soldiers. He was part of a group of protesters that, when chased by security forces, fled towards the Caspian Sea (on the eastern border of Azadliq Square); some of his friends jumped into the water to escape the violence. He was taken back to the square by pro-government civilians, and made to lie in a large pile of protesters, who were beaten whenever they made the slightest movement.⁵⁴

Muradov was among a group of eighty-three protesters who were taken to Narimanov police station, and from there to Binegedi temporary detention facility, where they were kept for three days without food or water. One of Muradov’s cellmates begged for water, and was taken out of the cell and brutally beaten. On the fourth day of detention, the detainees were ordered to write statements saying they had attacked the police, and those who refused were beaten. Police officials would regularly enter the cells to announce that detainees who denounced the opposition would be released immediately. Muradov offered to criticize the violence, but was told he would have to criticize opposition leaders Isa Gambar, Rauf Arifoglu, and Sardar Jalaloglu by name, which he refused to do. Muradov said that after delegates of the International Committee of the Red Cross (ICRC) visited the detention facility on the fourth day, conditions began to improve. Muradov and his fellow detainees were all sentenced to fifteen days of detention, but on the ninth day—after intense pressure from the international community—police officials ordered the detainees to write “urgent appeals” to the court of appeals to have their sentences shortened, and released most of the detainees soon thereafter.⁵⁵

⁵³ Human Rights Watch interview with Asif Aliskerov, Baku, October 15, 2003.

⁵⁴ Human Rights Watch interview with “Saidali Muradov” (not his real name), Baku, November 15, 2003.

⁵⁵ Ibid.

Another ADP supporter, who requested anonymity, was beaten both on October 15 and October 16, and then again in detention.⁵⁶ At the Azadliq protest, he said, “I was among the group made to lie down on a pile [of people], they just threw us on a pile and kept kicking, and beating, and insulting us.” He was first taken to the Narimanov police station, but then transferred that same night to Azizbekov police station. The next day, five policemen came into their cell of twelve and beat the detainees with truncheons for about ten minutes. Only on October 20 was he taken to court, where he was sentenced to fifteen days administrative detention. On October 23, he was ordered to appeal his sentence to the court of appeals, and released three hours later.⁵⁷

Ingilap Mamedov, a Musavat member from Khajmaz, was in Baku on October 16 but did not participate in the Azadliq Square protests. At about 6:00 p.m., long after the protest in Azadliq Square had ended, he was attacked by a group of civilian-dressed “sportsmen” who beat him nearly unconscious in the street. After the beating, the men pulled Mamedov by his necktie into a police bus which took him and other detainees to Yasamal police station. Upon arrival at the police station, the detainees were forced to walk through a cordon of policemen who beat them with truncheons. Then, the Yasamal police chief came and began cursing them and Isa Gambar. Mamedov, who suffers from heart problems, explained to the police chief that he was a doctor and was feeling faint, and the police chief responded, “A doctor? So you joined Musavat to be our Minister of Health?” and punched Mamedov several times in the face. The police chief then moved on to the next man and beat him also, and spat in his face. Mamedov was taken to court at midnight and explained his health condition to the judge, who cursed at him and sentenced him to fifteen days detention. He spent a total of seven days in detention, part of it at the Binegedi administrative detention facility, where an official threatened to rape him with a bottle if he did not denounce Musavat.⁵⁸

⁵⁶ He explained that he was in front of Musavat headquarters at 1:00 a.m. on the night from October 15 to 16, talking to OSCE observers and listening to singer Flora Karimov telling the crowd not to be violent and the police “not to attack their brothers.” Suddenly, the police cordon opened and “about fifty sportsmen dressed in black with sticks came out”—OCU agents in their distinctive uniforms—and began beating the protesters: “They attacked us with truncheons and sticks, I almost lost consciousness. I and some others fell down and were under their feet. I was badly hurt.” Human Rights Watch interview, Baku, November 16, 2003. The term “sportman” is used in the Caucasus to refer to muscular sports-club members who are often involved in protection or criminal activity.

⁵⁷ Human Rights Watch interview, Baku, November 16, 2003.

⁵⁸ Human Rights Watch interview with Ingilap Mamedov, Khajmaz, November 23, 2003.

POST-ELECTION ARRESTS

Immediately after the October 16 violence, the Azerbaijani government unleashed a massive and brutal campaign of arrest and torture against the political opposition. While the October 16 violence served may have provided the official justification for the massive arrest campaign, the authorities began arresting not only persons who had been directly involved in the October 16 violence, but also hundreds of opposition leaders and supporters, including many branch party chiefs throughout the country. In addition, more than one hundred opposition election officials and official opposition election observers were detained, often because they had refused, after witnessing fraudulent practices, to sign the vote-count protocols that needed to be issued by each polling station.

The arrests began with opposition party leaders. On October 17, Minister of Interior Ramil Usubov stated in a televised address that his investigation had concluded that a number of opposition leaders had organized the October 16 violence and would be held to account.⁵⁹ A number of national opposition leaders were among those immediately arrested, including Sardar Jalaloglu, secretary-general of the Azerbaijan Democratic Party; Igbal Agazadeh, a member of parliament (who was stripped of his parliamentary immunity on October 17) and leader of the Umid (“Hope”) Party; Panah Husseinov, a former prime minister of Azerbaijan (1992-93) and leader of the Khalq party; and Etimad Asadov, the chairperson of the Karabagh Invalids’ Association, which joined the pro-Musavat *Bizim Azerbaijan* (Our Azerbaijan) block.

Isa Gambar, the leader of the Musavat party, remains at liberty, but four of his deputies have been detained: Sulheddin Akper, deputy chief of international affairs; Ibrahim Ibrahimli, deputy chief for humanitarian affairs; Arif Hajiev, deputy chief for organizational affairs; and Rauf Arifoglu, the deputy chief for propaganda issues and editor-in-chief of the *Yeni Musavat* newspaper, who sought refuge for four days in the Norwegian embassy and was detained after he left it.

By early January 2004, the Azerbaijani authorities continued to detain some 128 persons, including all of the opposition leaders mentioned above, under three-month-long investigative detention sentences. Azerbaijan’s criminal procedure code allows judges to sentence persons to investigative detention if it is determined that the person poses a flight risk, could cause additional disorder, is dangerous to society, or refuses to

⁵⁹ See Azeri Interior Minister Warns Opposition Leader Against Fresh Riot, BBC Monitoring Newsfile, October 17, 2003. The opposition leaders accused by Interior Minister Usubov of organizing the violence were Isa Gambar, Arif Hadjiev, Panah Husseinov, Sulheddin Akper, Ibrahim Ibrahimli, Mehdi Mehdiiev, Igbal Agazadeh, Rauf Arifoglu, and “others.”

cooperate with the investigators.⁶⁰ The persons who are currently in investigative detention have been charged with “organizing and participating in mass disorder” (article 220.1 of the criminal code) and “causing injury to officials” (article 315.2 of the criminal code). No dates have yet been set for their trials, but if found guilty, the opposition leaders and members could receive sentences of up to twelve years in prison. The three-month investigative detention sentences begin to expire in mid-January (depending on the date of the individual’s arrest), but it is unclear whether trials will then commence or whether the courts will simply extend the investigative detention period.

Azerbaijan already has a long list of persons who are imprisoned for political reasons, and the Council of Europe and other international organizations have demanded their release.⁶¹ Council of Europe experts have been severely critical of the trials of political prisoners, describing three recent retrials of major political prisoners (Iskender Hamidov, a former interior minister, Rahim Gaziev, a former defense minister, and Alikram Humbatov, an ethnic Talish former militia leader) as a “sham” controlled by the authorities rather than the judiciary.⁶² In light of the fact that the authorities are using torture and coercion to gather evidence against the persons detained for the October 15-16 violence and the lack of independence of the judiciary in Azerbaijan, Human Rights Watch is deeply concerned that the trials for the October 15-16 events, if they occur, will be deeply unfair.

Torture of Opposition Leaders at the Organized Crime Unit (OCU)

The OCU carried out many of the arrests of national opposition leaders. The unit has a long history of using torture and severe physical abuse.⁶³ OCU personnel often appear in public dressed in all black and masked with balaclavas, an appearance designed for maximum intimidation. The OCU was directly involved in some of the worst post-election violence, including the unprovoked attack on Musavat supporters on October 15 and the violence at Azadliq Square on October 16.

The OCU was created in the mid-1990s and employs about 300 persons. The head of the OCU is Vilaet Evasin, who is believed to have served as a bodyguard to Minister of

⁶⁰ Azerbaijan Criminal Procedure Code, Articles 155.1-155.3.

⁶¹ Parliamentary Assembly of the Council of Europe, Committee on Legal Affairs and Human Rights, Political Prisoners in Azerbaijan, June 6, 2003, Doc. 9826; PACE Opinion No. 222 (2000); PACE Resolution 1272 (2002).

⁶² *Ibid.*, paragraphs 52-53.

⁶³ See, for example, Amnesty International, Azerbaijan: Torture and Ill-Treatment: Comments on the Forthcoming Review by the United Nations Committee Against Torture, October 1, 1999 (documenting cases of torture occurring at the OCU in 1998 and 1997). According to Azerbaijani lawyers interviewed by Human Rights Watch, the OCU has been implicated in torture since at least the mid-1990s.

Interior, Ramil Ubusov, prior to his appointment to the OCU. Numerous victims and witnesses, interviewed separately by Human Rights Watch, said that the Vahif Mamedov, chief of the OCU's department against banditry, personally participated in torture and beatings and threatened some of the detainees with electric shocks and even rape. Similar abuses at the OCU, including abuses in the presence of Vahif Mamedov, were also documented by Human Rights Watch during the pre-election period.⁶⁴

The OCU is responsible for torture of many of the detainees, including leading political figures, who were detained at their Baku headquarters. The torture methods used by the OCU include severe beatings, painful beatings to the soles of the feet, electric shocks and threats of rape. Many of the detainees still bore signs of their torture, including injured limbs and severe bruises, when they were brought before the courts or transferred to other detention facilities. But judges and detention facility officials asked no questions about these marks, thus perpetuating the impunity with which the Baku OCU torture center operates.

Since most of the senior national political figures arrested still remain in detention at the time of writing, detailed testimonies about their ill-treatment cannot be obtained from them at this time. However, the testimonies of those detained with them clearly show the extent of the abuse experienced at the hands of OCU.

Among those arrested and tortured at the OCU were four bodyguards and the driver of Isa Gambar, detained outside Gambar's apartment building on the evening of October 16. Sardar Agaev, the driver, explained to Human Rights Watch how a group of about forty masked men had taken them from the yard of Gambar's building to the OCU at about 7:30 p.m. and forced them to sign blank statements and another statement saying they did not need a lawyer. Then, the men were taken to the Narimanov District Court, where they were falsely accused of insulting a police officer and sentenced to fifteen days of administrative detention.⁶⁵

After their sentencing, the men were returned to the Organized Crime Unit. After being stripped naked, they were separated and the beatings began:

I was taken to a cell located at the end of the corridor. There, seven people—four in black, one in green camouflage and two in civilian clothes—began beating me. I was beaten with fists and rubber

⁶⁴ Human Rights Watch Briefing Paper, *Azerbaijan: Presidential Elections 2003*, October 13, pp. 16-17.

⁶⁵ The OCU alleged that they had been arrested on Tabriz Street while shouting insulting statements about the government, rather than at Gambar's house.

truncheons, and being kicked. I was like a ball in their hands. They beat me, and when one got tired he would push me to another. Several times, I fell down. Once I was hit very strongly in the chest, and as I fell they began hitting me on the back with something heavy. Their beating lasted for an hour or so. They were threatening, saying “We have a bottle and we will rape you now,” things like that. ...At about 1:00 a.m. I was taken back to the cell. Because of the heavy beating to my back, I couldn’t walk straight.⁶⁶

The next morning, Agaev was beaten again in the morning by a group of four men:

They were very strong men, I was like a chicken to them. Two of them had rubber truncheons and the other two were punching and kicking me. My head was injured, they hit me many times in the head. They also focused their punches on my kidneys, they surrounded me and punched me wherever they wanted. After this, I had blood in my urine. [At the end] I lost consciousness and they threw water over me.⁶⁷

Agaev was never really interrogated, just beaten. After an ICRC delegate met with him on October 20, the beatings stopped. On October 23, he was transferred to Khataye temporary detention center, and was released early on October 25, after being ordered to appeal his sentence to the Court of Appeals.

Mahir Gambarov, a cousin of Isa Gambar, was another one of the men arrested with the drivers and bodyguards. He told Human Rights Watch about similarly severe beatings, which only grew more intense when his attackers found out he was related to Isa Gambar. As soon as he entered the OCU building, he was beaten:

They took me to a room, there were three civilians and many others dressed in black. They asked me my name, and when I said Gambarov, as soon as they heard that, they began beating me. I was beaten so much that my feet barely touched the ground. ... It was awful. They pushed me against the wall, and continued to beat me, taking turns. There was a portrait of Heidar Aliev, and seven or eight of them were holding me,

⁶⁶ Human Rights Watch interview with Sardar Agaev, Baku, November 14, 2003.

⁶⁷ Ibid.

making me beg the portrait for mercy. I was in that room for about one hour and the whole time I was beaten.⁶⁸

Gambarov was sentenced to fifteen days of administrative detention on falsified charges, according to which he had been arrested in the street while insulting the government; in fact, he was arrested at Isa Gambar's apartment. He was kept the entire time at the OCU, and where he endured beatings and torture for ten days. His detailed description of the torture he experienced directly implicates Vahif Mamedov, the head of the subdepartment against banditry inside the OCU:

On October 17, they began to take us up [from the basement cells] for interrogation. I was questioned about the financing of Musavat and Isa Gambar, who gave Musavat money. I couldn't answer, because I know nothing about this. Every time I couldn't answer, Vahif's assistants would beat me. I was punched in the chest, slapped in my face, beaten with rubber truncheons on my legs. They handcuffed me, because I had tried at first to protect my face.

Then they took off my shoes and socks and began beating me on the soles of my feet.⁶⁹ They kept saying, "Don't think you will just get away with beatings, we will rape you, we will fuck you and shame your family."

Once I was taken to Vahif... Vahif started screaming at his assistants, saying I had confessed nothing. Then he turned to me and said: "We get even the most honorable of men to speak here—do you know how? Have you been taken to the backroom yet? We have an electric chair there, and once you go there, you will speak, you won't be able to stop speaking." Vahif then told his men, "Just take him and make him speak. If he doesn't speak, take him to the backroom."

⁶⁸ Human Rights Watch interview with Mahir Gambarov, Baku, November 17, 2003.

⁶⁹ Beating of the feet, commonly referred to as *falanga*, *falaka* or *basinado*, is a widely recognized form of torture which can have severe consequences, including muscle necrosis, vascular obstruction, and chronic disability and pain. See Action For Torture Survivors, *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* ("The Istanbul Protocol"), August 1999, for a detailed medical description of the effects of *falanga* torture.

At other times, when I was handcuffed, they would pull my fingers apart with all their strength. They had a homemade tool with rubber pincers, and they would pinch my fingers until I screamed out in pain. Then they would plunge my hand into ice-cold water until I couldn't feel my fingers anymore. ...Another time, they put my feet under the legs of a chair and made a fat man sit in the chair, pressing down on my feet. Another man was behind me and pinching my fingers with the rubber tool. The fat man kept sitting up and down in the chair. One of the police man turned to me and said, "If the opposition had won, we would have traded places."⁷⁰

One of Isa Gambar's bodyguards, who wished to remain anonymous for fear of further persecution, told Human Rights Watch that he had also been threatened with rape by Vahif Mamedov, and that Mamedov's assistants had actually begun to carry out the threat when the bodyguard stopped them by agreeing to cooperate:

[After returning from sentencing on the night of October 16], they took me to Vahif and his deputy. There was another very big man. They wanted me to testify that I had a weapon. I was beaten twice as much as before because I refused. ... I was on the ground holding my head, to protect it. They kept kicking me on the ground. Then they ordered me to insult Isa Gambar, and became even more aggressive. ... Then they threatened to rape me. Vahif said, "OK, let's fuck this bastard." One held me and two of them tried to pull down my pants. I was trying to hold up my pants and they were beating me on my hands with their truncheons. I knew that they were serious about raping me, so I said, "OK, I will insult Gambar." They brought a dictaphone and told me to repeat their curses. They were going to use their truncheons to rape me.⁷¹

Human Rights Watch was able to confirm one case in which electric shocks torture was actually used at the OCU, almost resulting in the death of the victim. The electric shocks were administered through a sophisticated electric chair, not an ad-hoc system. The victim, a respected village leader and Musavat chair from a village around Baku who wished to remain anonymous, explained how he was taken to a room at the OCU on October 18:

⁷⁰ Ibid.

⁷¹ Human Rights Watch interview with Gambar bodyguard, Baku, November 20, 2003.

There was a chair in the room and they tied my hands and arms into the chair. There were two masked men in the room, dressed in black. One of them said, “Will you tell us what you know or should we start?” I told them I had nothing to tell them. He said, “OK, let’s start then,” and burned my hand by extinguishing his cigarette on it. Then they put an apron over me and something like headphones over my head. He said, “We ask you for the last time.” I said I had nothing to say. Then he said, “OK, enjoy the music.”

They turned on the current and I felt the current going through me—my artificial teeth fell out and broke. My tongue came out and my nose started bleeding—they only stopped the current when my nose started bleeding. There was blood all over the apron. Then one said, “Do you want to die here? Just tell us what we want to know.”

They took off my shoes and socks and brought a flat plate that had sockets for my feet which could be locked. They connected this with the current. After this, I lost consciousness and don’t remember anything. When I woke, I was lying on a bench and someone dressed in white, a doctor, was pressing on my chest [giving CPR]. The two masked men were still there. At the moment I woke, one of the masked men said “Is it enough now, will you tell us what we want to know?” and hit me. The doctor started cursing them, saying “Are you not human? Don’t you see I just saved this man’s life?” Then a man in civilian clothes came in and told the masked men, “That’s enough for today, you are not needed anymore.”⁷²

Many of the opposition leaders detained also endured severe abuse. The OCU detained Natik Jabiev, the ADP elections secretary together with ADP Secretary-General Sardar Jalaloglu at the latter’s house on the evening of October 18. The masked, armed OCU members broke in through the windows of the home and began beating Jabiev and Jalaloglu immediately before taking them to the OCU office. After being forced to lay on the wet ground of the OCU’s courtyard for thirty minutes, the whole time being kicked and beaten, Jabiev was taken to the office of Vahif Mamedov, where he was questioned and beaten for nearly four hours. Mamedov wanted Jabiev to implicate ADP chair Rasul Guliev and secretary-general Jalaloglu in the post-election violence. When Mamedov

⁷² Human Rights Watch interview, Baku region, November 15, 2003.

found the business card of Peter Eicher, the head of the OSCE's elections monitoring team, in Jabiev's pocket, he went so far as to demand that Jabiev state that Eicher himself had been involved in the planning of the post-election violence. Before beginning the interrogation, Vahif Mamedov personally beat Jabiev for about forty-five minutes:

At first Vahif was alone with me. I was handcuffed. He was beating me with his fists and kicking me. He also hit me several times on the ears with his open palms [trying to burst my eardrums], and punched me in the kidneys. He told me to stand up and then kicked me in the testicles, so I fell down. During the beating, he broke my chair [hitting me with it], so they had to bring another chair. He didn't ask me anything, he only insulted me.⁷³

After the initial beating, Vahif was joined by two investigators, including a senior official in the investigative division of the OCU. Still handcuffed, Jabiev continued to be beaten while being questioned for the next three hours. After the interrogation, he was taken to the basement cells, where a group of masked men dressed in black administered another severe beating.⁷⁴

Jabiev was released on October 25, but Jalaloglu has been sentenced to three months of investigative detention. Jalaloglu's lawyer said that he noticed only minor injuries on his client when he saw him during a court hearing on October 19, but was shocked to find a severely injured Jalaloglu when he managed to finally see his client again at Bayil prison on October 22. The lawyer told Human Rights Watch: "He had a big hematoma on his right hip, I saw it with my own eyes. ... He had many more injuries all over his body."⁷⁵

Iqbal Agazadeh, the leader of Umid party and a member of parliament, was stripped of his parliamentary immunity by a special session of parliament on October 17 after the broadcast of a tape showing him addressing the Adazdliq protesters on October 16. He was similarly abused. His brother Ilgar, who was arrested with him, described how masked OCU members came to the family home on October 17 and started shooting in the air before arresting Iqbal and four others. On the way to the OCU, one of the OCU members with a steel-reinforced glove continuously punched Iqbal Agazadeh in the face.

⁷³ Human Rights Watch interview with Natic Jabiev, Baku, November 12, 2003.

⁷⁴ Ibid.

⁷⁵ Human Rights Watch interview with Vugar Khasaev, Baku, November 17, 2003.

When they arrived at the OCU, they were made to lie down in the courtyard, where they were handcuffed and then beaten with rubber truncheons and kicked. Suddenly, one of the officer planted a gun on Ilgar—who had already been subjected to a detailed body search when he was first arrested—and then “discovered” the gun, allowing the OCU to charge Ilgar Agazadeh falsely with unlawful possession of a weapon. Mubaris Garaev, Iqbal Agazadeh’s lawyer who was also arrested with him, told Human Rights Watch that he had witnessed the planting of the gun on Ilgar Agazadeh.⁷⁶

Iqbal Agazadeh was brutally tortured at the OCU. When his lawyer finally gained access to him on October 20, Agazadeh had just been forced to give an interview to ANS television in which he denounced Musavat and Isa Gambar for their role in the October 16 violence. The involvement of ANS and Lider television channels in the taping of dozens of coerced confessions and denunciations of Musavat by persons showing evident signs of torture shows an absolute disregard for professional journalistic ethics. The interview was extracted after days of torture, according to his lawyer:

The most awful torture began after [he was returned from administrative court on the night of October 17]. [He told me] one of his legs was hit fifty times without stopping. When I went to visit him [at Bayil prison] he showed me the bruises all over his body. ... Iqbal could withstand the torture [but then] they said, “If you don’t denounce Musavat, we will arrest your sister and you can guess what we will do to her.”⁷⁷

Another detainee at the OCU saw how a virtually unconscious Iqbal Agazadeh was brought back to his cell after a beating:

I saw Iqbal Agazadeh being brought to the cell block. He was being dragged along the ground. He was handcuffed behind his back, and there were about 20 men in masks surrounding him...one of them was pulling Iqbal by his clothes, and the others were beating him.⁷⁸

⁷⁶ Human Rights Watch interview with Ilgar Agazadeh, Baku, November 12, 2003; Human Rights Watch interview with Arif Halilov, Baku, November 12, 2003. Human Rights Watch interview with Mubaris Garaev, Baku, November 15, 2003.

⁷⁷ Human Rights Watch interview with Mubaris Garaev, Baku, November 15, 2003. A second lawyer, who was present during a medical exam of Iqbal Agazadeh, confirmed the injuries: “He was exposed to torture from October 17 to October 20 at the Organized Crime Unit... There were swellings on his head, injuries on his back, and his leg was seriously injured, swollen and covered in bruises. Even now Iqbal has not recovered from his injuries.” Human Rights Watch interview with Osman Kazimov, November 17, 2003.

⁷⁸ Human Rights Watch interview, Baku, November 20, 2003.

Nearly a month after the beatings, in mid-November, Iqbal Agazadeh was still barely able to walk because of the injuries caused by the beatings to his leg.

Ibrahim Ibrahimli, the deputy chair of Musavat for humanitarian affairs was, according to his lawyer, beaten while handcuffed in a chair at the OCU. His right index finger was crushed in a steel door, when he refused to denounce Musavat and Isa Gambar, and implicate himself in the October 16 events. When his lawyer finally managed to see him on October 18, Ibrahimli was unable to speak because he had not been allowed to eat or drink since his October 16 arrest: “His left hand was swollen and he had to hold it up (with his other hand). His right hand’s index finger was swollen and black. He had bruises on his face. He had difficulty walking, and he later showed me the soles of his feet which were completely black.”⁷⁹

Paneh Husseinov, the former prime minister of Azerbaijan and leader of the Khalq party, faced similar torture, although he has been reluctant to talk about it. His cellmate at the OCU, a bodyguard of Isa Gambar, recounted: “Paneh was brought to my cell. He kept being taken from his cell and was beaten many times. His face got all swollen and red, and I saw the bruises all over his body—his arms were black with bruises.”⁸⁰ His lawyer confirmed that Husseinov had received severe injuries: “There were traces all over his body and face.”⁸¹

The beatings and torture at OCU extended over weeks, even after OSCE and other international representatives had visited the facility and raised their concerns with the authorities. Etimad Asadov, the chairperson of the Karabagh Invalids’ Association, was arrested and taken to the OCU on October 26. The fact that he is a war veteran with an artificial leg made no difference: like so many others, he was apparently severely beaten at the OCU. His lawyer, who visited Asadov at Bayil prison on October 29, told Human Rights Watch he noticed bruises on his back, arms, and chest.⁸²

⁷⁹ Human Rights Watch interview with Mirishmail Hadi, Baku, November 16, 2003

⁸⁰ Human Rights Watch interview, Baku, November 20, 2003.

⁸¹ Human Rights Watch interview with Mirishmail Hadi, Baku, November 16, 2003.

⁸² Human Rights Watch interview with Javer Husseinov, Baku, November 17, 2003.

Arrests and Abuse of Regional Opposition Chairpersons and Activists, and Election Officials and Observers

The crackdown on the opposition went far beyond the arrests of national opposition leaders and persons directly involved in the October 15 and 16 incidents. Throughout Azerbaijan, local police officials detained hundreds of opposition activists and local opposition leaders who had nothing to do with the events in Baku. In the days following the October 16 violence, Human Rights Watch confirmed the arrest of more than 400 persons throughout Azerbaijan, although the actual number of detentions was no doubt significantly higher, because information from many regions was unavailable. In addition, hundreds more were summoned to police stations or prosecutor's offices for "talks" that often involved demands to renounce their membership in opposition political parties.

These arrests throughout Azerbaijan sought to pressure opposition members to renounce their membership in opposition political parties and to denounce Musavat and other opposition parties. They did not appear to be part of a genuine criminal inquiry. Police frequently beat opposition members in custody. The courts were wholly complicit in the repression: opposition members who were detained without resistance or even went voluntarily to the police station were sentenced to administrative detention sentences up to fifteen days for resisting or insulting the police. Judges also consistently ignored evidence of torture and beatings, sometimes increasing sentences when detainees tried to bring evidence of abuse to their attention.

Human Rights Watch documented arbitrary arrests of opposition members and election officials in Baku and in Agsu, Ali Bairamli, Agstafa, Astara, Baku, Barda, Beilagan, Bilesuvar, Fizuli, Ganja, Garadagh, Gazakh, Gebele, Gedebe, Gobustan, Goichai, Guba, Gusar, Imishli, Ismailly, Jabrail, Jalilabad, Khajmaz, Khanlar, Kurdamir, Lenkaran, Masalli, Nakhchivan, Saatli, Sabirabad, Salyan, Shamkir, Shekie, Siazan, Sumgait, Ter-ter, Tovuz, Yardimli, Zagatala, and Zangilan. The following cases document only a small number of the arrests and abuses that took place in these locations; but are illustrative of similar arrests and abuses that took place all over Azerbaijan.

Arrest and Abuse of Election Officials and Observers

Among those detained and abused were more than one hundred election officials and observers who, after witnessing fraudulent practices, had refused to sign their voting stations' protocols which certify the station's vote count, or who had made official complaints about the fraud that they had witnessed. Police apparently detained these officials and observers for the purpose of pressuring them to sign the protocols, or to punish them for publicizing the widespread fraud committed during the presidential elections. In Azerbaijan's second-largest city, Ganja, alone, Human Rights Watch documented the cases of thirty-six election officials and observers who had been detained or questioned for their election-related work.

Arzu Ishmailov, a Musavat member who served on a district election commission in Ganja, went to the police station on the afternoon of October 16, after he had received reports that some opposition election officials from the polling stations had been detained. When he arrived, he himself was arrested and found that a total of seventeen opposition election officials were being detained at the Nizami police station. From 2:00 a.m. to 8:00 a.m. on October 17, the men were interrogated about the events in Baku the previous day, even though none of them had been to Baku that day.⁸³ Police punched two of the election officials and beat them with truncheons. After pressure from the OSCE, the group was released on October 17 at about 3:00 p.m., but many continue to face police harassment and other problems.

Another of the seventeen detained election officials, Vahif Sadigov, was arrested at his home during the night of October 16 and detained for eleven hours. The first question he was asked at the police station was why he had refused to sign the protocol. He was then pressured to denounce Musavat and give up his membership.⁸⁴

Tahir Tahirov, a teacher of Azeri literature, served as a Musavat commission member at a polling station in the Jalilabad area. When he refused to sign the polling station protocol on election day—in part because the polling station had recorded votes for people whom he knew were dead, and because the chairman had produced from his office a half-filled voting box that was supposed to be empty up to that stage—the polling station chairman physically assaulted him. On October 17, he was arrested and taken to the police station, where the police chief yelled at him for refusing to sign the protocol, and falsely accused him of having participated in the October 16 violence. The police chief then told his officers, “Take him away and give him ten days.” The court quickly sentenced him, but he was released on the third day, apparently after pressure from the OSCE.⁸⁵

Mehdi Israfilov served as a Musavat election observer in the district election commission in Masalli. When he protested irregularities during the vote counting, the commission chairman pushed him out of the room. Israfilov went to the OSCE observers to complain, and informed them of the fraud he had witnessed. Since then, he has been called four times to the local prosecutor’s office, whose questions focused on why Israfilov contacted the OSCE observers, and why he reported fraud to the OSCE—never mentioning any suspected wrongdoing on the part of Israfilov.⁸⁶

⁸³ It would have been difficult for them to have been to Baku and back that day, as Ganja is about six hours by car from Baku.

⁸⁴ Human Rights Watch interview with Vahif Sadigov, Ganja, November 21, 2003.

⁸⁵ Human Rights Watch interview with Tahir Tahirov, Jalilabad, November 19, 2003.

⁸⁶ Human Rights Watch interview with Mehdi Israfilov, Masalli, November 18, 2003.

Zaur Shekirov, a Musavat member and polling station commission member in Khajmaz, refused to sign his polling station's protocol because he noticed many irregularities on voting day. On the evening of October 16, he was called to the local police station, presented with the protocol that lacked only his signature, and ordered to sign or "face problems." He agreed to sign, but was fired from his position at the local electricity plant the same day.⁸⁷

A Musavat polling station official in Godat village who refused to sign the protocol because of the fraud he had witnessed was taken to the police station on October 18. The chairwoman of the polling station was also at the police station, and told him that she was having problems because of his refusal to sign the protocol. The police officials tried to get him to sign a statement that the local Musavat chair had instructed him over the phone not to sign the protocol.⁸⁸ Another member of the same commission had similar problems when he refused to sign the protocol. On the night of October 15, a large group of armed police came to his home and demanded that he sign. Out of fear for his safety, he complied.⁸⁹

Davud Gurbanov was a commission member at a polling station in Jalilabad who also refused to sign his polling station's protocol because of the fraud he had witnessed. On October 17, he was arrested and taken to the police station. The chief of police asked him if he had refused to sign the protocol and had gone to Baku on October 16. When Gurbanov answered yes, he was taken directly to court. The judge asked if he had refused to sign the protocol, and when Gurbanov answered affirmatively, he was sentenced to fifteen days of administrative detention. When Gurbanov asked the judge the reason for the sentence, the judge got angry and told him he did not need a reason. He and another polling station official, Tahir Tagiev, were detained for only two days and then released following pressure from the OSCE—whose observers were outside the police station when the men were released.⁹⁰

Farhad Adjirgaev was a district election commissioner in Zagatala; on the evening of October 16, police arrested him at home. When he arrived at the police station, a deputy police chief began cursing him about the October 16 violence, and Adjirgaev asked him not to curse him, saying that he could use the same curses if needed. The deputy punched Adjirgaev in the mouth, and when Adjirgaev fell down a group of policemen began kicking him. His mouth bleeding and his ribs aching, Adjirgaev managed to run

⁸⁷ Human Rights Watch interview with Zaur Shekirov, Khajmaz, November 23, 2003.

⁸⁸ Human Rights Watch interview, Khajmaz, November 23, 2003. The witness requested anonymity.

⁸⁹ Human Rights Watch interview with Telman Yagubov, Khajmaz, November 23, 2003.

⁹⁰ Human Rights Watch interview with Davud Gurbanov, Jalilabad, November 23, 2003.

into the office of the police chief, and told him he had just been beaten, believing the police chief would intervene. The police chief replied, “Good for those who did this [beating], you are a rude and impudent man and I will put you in jail.” Adjirgaev was then falsely charged with attacking a police officer and taking his gun, and sentenced to two months investigative detention. After appealing to the Court of Appeals, he was released on October 29.⁹¹

Abakir Gardashov, a Musavat member and polling station commission member who refused to sign the protocol, was detained when he voluntarily went to the police station. Two days later he was sentenced to administrative detention on the false charge that he resisted and insulted the police—when he tried to explain to the judge that he had voluntarily gone to the police station, the judge rudely told him to “shut up.” When he was released after seven days, he found that the Zagatala market police had destroyed his teahouse, the only source of income for his family.⁹²

Arbitrary Arrest and Abuse of Opposition Officials and Members

The abuse and arbitrary arrests faced by local opposition party officials and their members was more severe than that endured by election officials. In some towns, the police simply arrested the entire leadership of the opposition. In Ali Bairamli for example, the police detained the chairs of Musavat, the Azerbaijani Popular Front Party (APFP), the ADP, Umid, and well as a number of Musavat members. In nearby Saatli, police detained the chairs of Musavat, the Liberal Party, APFP, and ADP, as well as other members of most of these parties.

Abdullah Rafizadeh, the Ali Bairamli chair of Musavat, received a phone call on October 17 from a criminal investigator who asked to meet him outside a sports center in town. As soon as Rafizadeh got out of the car, a thug came up to him and punched him hard in the face with a pair of brass knuckles, causing serious injury. On his way to the hospital, Rafizadeh, his son and three Musavat members were stopped by the police and arrested, without incident. The next day, they were brought to court on the false charge of insulting the police and sentenced to fifteen days. The police refused to allow Rafizadeh to see a doctor, and the detainees were forced to sweep the road and pick up garbage. He was released after ten days, after the police forced him to pay a \$500 bribe, or face investigative detention for months.⁹³

⁹¹ Human Rights Watch interview with Farhad Adjirgaev, Zagatala, November 22, 2003.

⁹² Human Rights Watch interview with Abakir Gardashov, Zagatala, November 22, 2003.

⁹³ Human Rights Watch interview with Abdullah Rafizadeh, Ali Bairamli, November 13, 2003.

Some of the Musavat members were beaten at the Ali Bairamli police station. Elishafa Husseinov, a member of Musavat, was detained on October 17 while shopping at the market, and beaten by eight policemen at the station: “They were beating me with their hands and fists, all of them. I finally fell down but they continued to kick me. After this, I had a hard time breathing for several days.” He was detained for five days.⁹⁴

Many of the detentions seem to have been for the sole purpose of getting opposition members to renounce their party membership and make public statements against Musavat. For example, Alibey Zeinalov, a Musavat member who also served as a polling station commission member, was arrested at his home on October 17, and sentenced to administrative detention for resisting the police, even though he had voluntarily accompanied them. During his detention, he was repeatedly taken to the police chief, who ordered him to denounce Musavat publicly, threatening to close his brother’s teahouse and to arrest his relatives if he refused. Zeinalov finally relented to protect his family, and was filmed by Lider TV reading a pre-prepared statement that he was resigning from Musavat, blamed Musavat for the October 16 violence, and that the elections were democratic. The statement was broadcast on October 22.⁹⁵

In many areas, police simply detained opposition leaders and members and tried to get them to give evidence against the opposition, without significant physical violence. In other areas, detained opposition members faced severe violence and extortion attempts from the police.

Severe police abuse took place in many police stations in Baku. Rovshan Ahmedov, a member of ADP, was called to police station 9 in Baku on November 9, and was beaten there by three police officials who assaulted him with rubber truncheons, fists and with a chair, trying to force him to denounce ADP Secretary-General Sardar Jalaloglu. He was then taken to the prosecutor’s office where he was questioned for two days and pressured to denounce Jalaloglu.⁹⁶ Ulvi Hakimov, the president of the Azerbaijan National Democracy Foundation, was detained on October 18 after being wrongly identified on the Lider TV channel as being responsible for the beating of one of Lider’s journalists on October 15. At the police station, he was hit hard on the ear about twenty times by an official who demanded that he confess to his involvement in the beating of the Lider journalist. He was then taken to the prosecutor’s office, and from there to the home of the Lider journalist, who Hakimov said was unable to identify him as the perpetrator.⁹⁷

⁹⁴ Human Rights Watch interview with Elishafa Husseinov, Ali Bairamli, November 13, 2003.

⁹⁵ Human Rights Watch interview with Alibey Zeynalov, Ali Bairamli, November 13, 2003.

⁹⁶ Human Rights Watch interview with Rovshan Ahmedov, Baku, November 15, 2003.

⁹⁷ Human Rights Watch interview with Ulvi Hakimov, Baku, November 17, 2003.

Akif Bederli, the Musavat chairperson in Jalilabad, was detained together with a group of other Jalilabad opposition figures in Baku at about 5:00 p.m. on October 16. The men had gone to Baku to report their election observations to the Musavat headquarters, reaching Baku long after the protest in Azadliq Square had finished. However, a roving group of pro-government vigilantes and police spotted a *Yeni Musavat* paper being held by one of the men as they stood discussing what to do, and rapidly detained the group. The men were taken to Yasamal police station. The station chief told his officers to “bring two more of these dead men,” and the officers brought Bederli and another Musavat activist from Jalilabad, sixty-seven-year-old Hadjibala Agaev, to his office. They were then beaten by about ten police officers:

About ten police officers entered the room. They had been watching television [broadcasts of the Azadliq events] and began cursing us and Isa Gambar in an awful way. They began beating me. Then I was told to kneel. One of the policemen kicked me in the face, breaking my nose and making it bleed. Four others were beating me on my back. Hajiballa is sixty-seven years old, but he was beaten more violently than me. Then they took me to the bathroom and made me clean up the blood on the floor [of the police chief’s office], while cursing us the whole time. For us [culturally], it was even more painful to be cursed at this way than to be beaten.⁹⁸

Police abuse against opposition figures was particularly severe in Khajmaz and Guba provinces, located about 100 miles north of Baku. At least fifty opposition supporters were detained in Khajmaz and Guba and suffered severe beatings, threats of rape, humiliation, and attempts at extortion. Victims consistently named top police officials who were directly involved in the abuses. Their names are on file with Human Rights Watch.

“Aidan Agaev” (not his real name), a member of APFP and an election observer was detained in the afternoon of October 17 and taken to Guba police station. As soon as he arrived, three top police officials punched and kicked him, and beat him with truncheons. He was then taken to court, accused of assaulting the police, and sentenced to twelve days administrative detention. The next day, two deputy police chiefs took Agaev to the police chief. He was made to kneel in front of the police chief, who began beating him on the ears with cupped hands, attempting to burst his ear drums. The police chief then suggested they rape Agaev, saying “Bring the bottle, we will take off his

⁹⁸ Human Rights Watch interview with Akif Bederli, Jalilabad, November 19, 2003.

pants and make him sit on the bottle.” The police officers began pulling down Agaev’s pants, as he begged them to stop. He was then told to write a statement denouncing APFP and joining the ruling YAP party, which he refused to do.

Two days later, he was taken to the office of one of the deputy chiefs, who showed him a video of the October 16 violence and suggested that if he decided to send Agaev to Baku he would face torture. The deputy chief then suggested Agaev pay a \$3,000 bribe for his release. Agaev refused. When he was released two days later, he found out that the deputy had contacted his brother and extorted a \$2,000 bribe from the family, threatening that otherwise Agaev would be sent to Baku and detained for years.⁹⁹

It appears that the Guba police officials arrested and abused opposition officials for the express purpose of extorting money. A regional Musavat official went voluntarily to the Guba police station on October 17 because some of his members were detained, and himself soon became a victim of abuse:

There were three police in the room, and without any explanation they attacked me with their fists, clubs, and kicks. One of the deputy chiefs, [name withheld] kicked me into another room, [made] me sit in a chair [and] began beating me with a truncheon and his fists.

Then I was left alone with [deputy chief], who explained that I could be jailed for two to five years, and taken to the Organized Crime Unit where I would be tortured. He said he would only help me if I gave him \$1,000, then he would get me released.¹⁰⁰

The detainee was then released and told he had one hour to collect the money, and ultimately paid a \$500 bribe.

Hassan Hassanov, the ANIP chairman in Guba, was also arrested on October 17 and taken to the Guba police station. When he arrived at the police station, a deputy police chief slapped him in the face and ordered a group of policemen to beat him, stating that he had warned Hassanov he would arrest him after the election because he brought ANIP opposition candidate Etibar Mamedov to Guba. At about 2:00 a.m. on October 18, he was taken to the office of the police chief, where he was again beaten, and

⁹⁹ Human Rights Watch interview with “Aidan Agaev” (not his real name), Khajmaz, November 23, 2003.

¹⁰⁰ Human Rights Watch interview, Khajmaz, November 23, 2003. The witness requested anonymity.

threatened with rape, being told “We will rape you, and take photos and distribute them to your family and on the street. We will put the photos up the same way you put up posters of Etibar [Mamedov].” The police insisted that he denounce ANIP. When he was released five days later, he was told to go report to the head of the executive authority, who ordered him to renounce ANIP and to release all his members from ANIP as well. Since then, Hassanov has asked his ANIP members not to come to the ANIP office, out of concern that they will face problems.¹⁰¹

Similarly severe beatings took place at the Khajmaz police station. Police there kept the detainees outside in the yard of the police station for about fifty hours, forcing the detainees to stand and sleep in the rainy, cold weather, not even bothering to take them to court. At one point, a top police official, whose name is on file with Human Rights Watch, came into the courtyard and ordered one of the detainees to kiss his feet. When the man refused, he was brutally beaten:

The police chief said, “Take him away and explain to him that he will kiss my feet.” They took him away and we heard awful noises and screams. They brought him back a bloody mess and threw him at the feet of the police chief. That time, he kissed the chief’s feet. He was then told to repeat some curses against Isa Gambar.¹⁰²

Human Rights Watch documented at least ten additional cases where opposition members were forced to pay bribes ranging from \$500 to \$1,000 to be released from the Khajmaz and Guba police stations, after being threatened with torture, transfer to the OCU in Baku, or long-term detention. As far as Human Rights Watch is aware, none of the detainees forced to pay the bribes had any connection to the October 16 events.

Similar abuses also took place in other areas around Khajmaz. In Godat, north of Khajmaz, the police arrested in October 17 a school teacher, who was a member of Musavat and had also served as a commission member at a local polling station. At the police station, a senior police officer in Godat demanded that the teacher renounce his membership in Musavat and asked for his Musavat membership card. When the teacher tried to argue, the senior officer took out a gun and pointed it at the teacher, telling him he would rape him and publicize the pictures if he did not resign from Musavat. The teacher signed a statement that had been prepared by the police. As he was released, the

¹⁰¹ Human Rights Watch interview with Hassan Hassanov, Khadjmaz, November 23, 2003.

¹⁰² Human Rights Watch interview with former detainee, Khadjmaz, November 23, 2003. The witness requested anonymity.

senior officer warned the teacher that he would arrest him “for life” if he ever saw him again at any Musavat events.¹⁰³

Human Rights Watch also documented severe beatings in Zagatala, a town located close to the Georgian border, and the birthplace of detained Musavat deputy chair Arif Hajiev. A number of opposition members and pro-opposition journalists were severely beaten at the Zagatala police station, often in the presence and with the participation of a top police official whose name is on file with Human Rights Watch.

Vugar Muradli, a journalist for the opposition newspaper *Hurriyet* and an election observer for the ADP, went to Baku on October 16 to report his election observations to the ADP headquarters, but did not participate in the October 16 incident, as he reached Baku only around 5:00 p.m. When he returned to Zagatala on October 17, he went directly to the police station because his family had already been harassed by police officials looking for him. As soon as he arrived at the station, he was taken to the office a top police official and a deputy chief of the traffic department:

[One] started cursing me and pushed me towards the wall. [The other] started beating me, punching me in the face with his fists. I fell down, and both started kicking me aggressively. I told them the OSCE was coming. Then [one] said, “Don’t beat him in the face.” So they got some truncheons. I was already bleeding from my mouth and the side of my head was bruised. They began hitting me on the back of the head with truncheons, and on my arms because I was trying to protect my head, and on my legs—they were also punching me in the kidneys. ... They beat me for thirty minutes without stopping, and then only stopped because they were tired. They were insulting and cursing me, and when I fell to the ground, they began spitting all over me.¹⁰⁴

The next day, Muradli was taken to court, charged with resisting police—even though he had voluntarily come to the police station and clearly showed signs of beating—and sentenced to seven days administrative detention. He was released after five days.

Opposition members in Zagatala also faced arbitrary detention, beatings, and retaliatory actions by the local officials. Aidan Shabanov, a Musavat member who was in Baku on October 16 but did not participate in the protests, was detained for eight days and said

¹⁰³ Human Rights Watch interview with teacher from Godat who requested anonymity, November 23, 2003.

¹⁰⁴ Human Rights Watch interview with Vugar Muradli, Baku, November 14, 2003.

he was repeatedly beaten at the police station.¹⁰⁵ Saleh Sultanov, the chair of Musavat in Zagatala, also voluntarily went to the police station after he returned from Baku on October 17, where he had gone to deliver his election report. He was sentenced to ten days administrative detention on the false charge of resisting the police, but was not mistreated during his detention.¹⁰⁶ In addition, two election commission members in Zagatala were arrested for their refusal to sign election protocols (see above).

DISMISSALS OF OPPOSITION MEMBERS, AND PRESSURE TO DENOUNCE MEMBERSHIP IN THE OPPOSITION

Human Rights Watch has documented more than one hundred cases—no doubt only a fraction of the actual number¹⁰⁷—in which opposition supporters or their relatives were dismissed from their jobs or had their work hours sharply curtailed. Cases of dismissal were confirmed by Human Rights Watch in Baku as well as in the cities and towns of Abseron, Agstafa, Ali-Bairamli, Balakan, Barda, Beylagan, Bilesuvar, Dashkesen, Devechi, Fizuli, Ganja, Gebele, Gobustan, Goychay, Hajigabul, Jalilabad, Khajmaz, Lenkaran, Mingechevir, Oguz, Saatli, Salyan, Siyezen, Ujar, and Zagatala. In most of the cases documented by Human Rights Watch, the dismissals were carried out at the request of the local head of the executive authority, again demonstrating the immense power these presidential representatives wield at the local level.

Azerbaijan is a country with a severe unemployment problem.¹⁰⁸ In most rural areas and even in the main cities, entire families depend on the income of a single wage-earner, and the dismissal of that wage-earner can have severe consequences for many people. About half of employment opportunities in Azerbaijan are in the government sector, and thus under the control of the executive authorities. The fear of dismissal prevents many opposition-minded individuals from openly supporting or even voting for opposition candidates. The wave of dismissals that followed the 2003 presidential elections will have a lasting impact on the democratic development of the country, by

¹⁰⁵ Human Rights Watch interview with Aidan Shabanovm Zagatala, November 22, 2003.

¹⁰⁶ Human Rights Watch interview with Saleh Sultanov, Zagatala, November 22, 2003.

¹⁰⁷ The cases documented by Human Rights Watch include only those that could be directly confirmed by the organization by interviewing the victim or by obtaining information from reliable local sources. However, in each town and city visited, Human Rights Watch documented additional, previously unknown cases of dismissals. Since many towns and cities were not visited by Human Rights Watch, the actual number of dismissals is likely to be significantly higher than the documented cases.

¹⁰⁸ Unemployment is estimated at 16 percent. <http://www.cia.gov/cia/publications/factbook/fields/2129.html> (retrieved January 12, 2004). The official rate is 1.2 percent.

ensuring that employed Azeris—and even those with employed relatives—will think twice before supporting the opposition in future elections.

The following cases are based on accounts provided by dismissed persons to Human Rights Watch. Many of those interviewed by Human Rights Watch explained that they had been repeatedly warned during the campaigning period that they would lose their jobs if they (or their relatives) continued their opposition activities. In many cases of dismissals, the victims were explicitly told that they were being fired for opposition activities, and often given the choice between losing their jobs or denouncing the opposition and joining the ruling Yeni Azerbaijan Party (YAP).

Because of long-term job discrimination policies by the ruling YAP, most of the opposition supporters were already unemployed prior to the election, and thus personally immune to dismissals. However, relatives of opposition members, many of whom themselves were not active politically, faced work-related problems. In a typical case, on October 20, the father of a village Musavat chair in the Khajmaz region was demoted from his position of engineer at the local oil exploration office—where he had been working since the 1960s and had once headed the trade union—to the position of ordinary worker, and his monthly salary was reduced by 350,000 manats (about \$70). The father was told to quietly accept the reduction in rank and salary, or face the long-term detention of his son.¹⁰⁹ In the same village, the sister of a Musavat member was dismissed from her position as a typist in the office of the executive authority when her brother refused to publicly denounce his membership in the opposition.¹¹⁰ On October 22, Arif Halilov, the brother-in-law of detained opposition leader Iqbal Agazadeh, was dismissed from his position as English teacher at Baku International University, a position that he had held without disciplinary problems since 1995. A neighbor of Iqbal Agazadeh who worked in the same department was dismissed at the same time.¹¹¹

Most of the cases of dismissals of opposition members clearly show the political motive of the dismissal. Zaur Shekirov, a Musavat member from the Khajmaz region who served as an election commission member and refused to sign the election protocol, was fired from his position at the local electric plant on October 16. A friend who works at the local executive authority told Shekirov that the decision to dismiss him and others had been taken during a meeting of the executive authority, where a list of attendees at a pre-election Musavat rally was used to decide whom to dismiss. After his dismissal, Shekirov was told that he could get his job back if he denounced Musavat and joined YAP.¹¹² Saidali Memmedli, a member of the national leadership of Musavat, was fired

¹⁰⁹ Human Rights Watch interview with Mardan Mehdiyev, Khajmaz, November 22, 2003.

¹¹⁰ *Ibid.*

¹¹¹ Human Rights Watch interview with Arif Halilov, Baku, November 12, 2002.

¹¹² Human Rights Watch interview with Zaur Shekirov, Khajmaz, November 22, 2003.

from his position as docent at the Azerbaijan State Oil Academy on October 25: “The head of the department told me that I was dismissed. She said the Academy was a state institution, and Musavat had acted against the state, so no Musavat member could work there. She told me I had to choose between Musavat and my job.”¹¹³

Marif Sultanov, the local chair of the ADP in Goytshay, was told by the director of his school on October 18 that he had been fired from his job as a French teacher, a position he had held for thirty-two years. The official reason was his two-day absence on Oct 16-17, when he had traveled to Baku to report the election results to his headquarters. According to Sultanov, when he argued that a two-day absence from his work hardly justified his dismissal after his thirty-two-year tenure, the director admitted that the real reason for his dismissal was his political activism and his son’s refusal to sign the final protocol at the voting station where he was a commission member. When Sultanov went to appeal to the local department of education, he was told that he could have his job back—if he publicly resigned from ADP, publicly criticized the opposition for the October 15-16 events, and got all of his ADP members to give up their membership. When he wrote a general statement that the violence on October 15-16 was wrong and the responsible persons should be prosecuted, he was told that this was insufficient, and that he had to specifically demand the prosecution of ADP Secretary-General Sardar Jalaloglu and Musavat leader Isa Gambar in his public statement, which he refused to do.¹¹⁴

Yadigar Sadigov, a history lecturer at Lenkoran University, was dismissed from his position on October 22, after being repeatedly warned by the director of the University to stay out of opposition politics. Right after the election, the director of the University called at least ten of Sadigov’s students to his office, threatening them with expulsion if they did not accuse Sadigov of fomenting rebellion against the government. Sadigov said that after his dismissal he was told by the director he could have his position back if he denounced Musavat.¹¹⁵ At least seven students at the University who were active in Musavat still faced dismissal at the time of Human Rights Watch’s visit on November 18.

Abbasali Husseinov, a lawyer and member of Musavat, was called to the office of the chief of the Massali telecommunications office, where he worked for five years, on October 22. Husseinov said that the chief told him that he had two options: keep his job by renouncing his Musavat membership and making a public statement criticizing

¹¹³ Human Rights Watch interview with Saidali Memmedli, Baku, October 14, 2003. Memmedli’s official dismissal paper was back-dated October 13, and stated that the reason for his dismissal was non-attendance. However, the only days he did not attend to classes were six days after the election (and after the date of the dismissal order), and he had obtained permission for this absence.

¹¹⁴ Human Rights Watch interview with Marif Sultanov, Baku, November 14, 2003.

¹¹⁵ Human Rights Watch interview with Yadigar Sadigov, Lankeran, November 18, 2003.

Musavat, or lose his job. He declined to renounce his membership, and was fired on the spot. When he finally obtained his dismissal papers on November 18, they falsely stated that he had resigned for health reasons.¹¹⁶

On October 29, Gulaga Abassov, who served as a commission member in Deveshi, was fired from his job at the Deveshi Center for Hygiene and Epidemiology, where he had worked since 1999. Prior to the election, his director had told him several times to renounce his Musavat membership or face dismissal. On October 29, the director called him to his office and stated that the executive authority had told him to bring either Abassov's dismissal letter or a public letter signed by Abassov denouncing Musavat for the events of October 16. Abassov refused, and was fired that same reason for being "unqualified" for the position he had held since 1999.¹¹⁷

Mirzara Akund, the chair of Musavat in Salyan, was fired from his job in the education department—a department he had headed in 1992-93. During the election period, the director of the village's education department repeatedly told Akund that the executive authority was pressuring him to fire Akund, saying "It is either you or me." On October 19, Akund was called to the office of the deputy chief of the educational department, and shown his dismissal order. The deputy chief asked Akund to resign, saying he would fire him if he didn't resign. Two days after his resignation, the deputy chief called Akund back to his office, saying he would restore him to his position if he resigned from Musavat, which Akund refused to do.¹¹⁸

Teachers were particularly targeted for dismissal or reduction of work hours. In the relatively small town of Saatli alone, Human Rights Watch documented the cases of ten teachers who had been dismissed or had their work hours and pay severely curtailed, a trend that seems to have taken place over much of the country. Some of the teachers in Saatli were able to return to work after pressure from international organizations, but some are still dismissed and most others still have reduced work hours and pay.

Afghan Agaev was dismissed from his position as military instructor at a Saatli primary school on October 17, and told repeatedly that he could have his position back if he denounced Musavat.¹¹⁹ Mirnizam Agaev, a military instructor for the past seven years at a Saatli secondary school was also dismissed from his position on October 17, on the grounds that he had taken part in the October 16 protests in Baku. The director of the

¹¹⁶ Human Rights Watch interview with Abbasali Husseinov, Massali, November 18, 2003.

¹¹⁷ Human Rights Watch interview with Gulagha Abbasov, Khadjmaz, November 23, 2003.

¹¹⁸ Human Rights Watch interview with Mirzara Akund, Salyan, November 19, 2003.

¹¹⁹ Human Rights Watch interview with Afghan Agaev, Saatli, November 13, 2003.

school told him that his dismissal had been ordered by the head of the executive authority, and that he could get his job back if he denounced Musavat.¹²⁰

Mikael Humbatov, the local chair of ADP and a history teacher in Saatli with thirty-six years of experience, was fired from his position after he was released from arbitrary detention on October 27, and told that he could get his job back if he resigned from ADP. After making a formal complaint, he was reinstated on November 6, but had his monthly salary reduced from 550,000 manats (about \$110) to 180,000 manats (about \$36), because his work hours were reduced.¹²¹ Other teachers from the opposition faced similar cutbacks in hours. Abasgulu Abasli, a chemistry teacher since 1974 and the local Musavat secretary, had his weekly hours reduced from thirty-six to fourteen, and his monthly salary cut from 540,000 manats (\$108) to 150,000 manats (\$30).¹²² Rahim Gubadov, a history teacher and Musavat election observer, was dismissed from October 23 until November 11 and told that he had two options: “Denounce Musavat on television and get YAP membership, or resign from my position.”¹²³ He was reinstated (without denouncing Musavat) on November 11, but his weekly hours were reduced from 41 to 27. Namik Kasimov, a history teacher, was dismissed and told to publicly denounce Musavat if he wanted his job back, before being rehired on November 10 when he demanded an official dismissal order.¹²⁴

Hambala Jahangirov, a lab assistant, was fired on October 19 after he refused to sign a statement denouncing Musavat; his brother was a Musavat member. He was rehired on November 11.¹²⁵ Etiban Imanov, a secondary school biology and chemistry teacher, was briefly dismissed for his Musavat membership, and then had his teaching hours reduced from thirty-six to eighteen hours.¹²⁶ Agarazah Miriev, the local chair of Musavat, was also

¹²⁰ Human Rights Watch interview with Mirnizam Agayev, Saatli, November 13, 2003. The written dismissal order reads: “The Presidential Elections, held on 15 October 2003 in the Azerbaijan Republic, were conducted in a fair and democratic way and the presidential candidate, Prime Minister Ilham Aliiev, was elected with a very high number of votes. The opposition, which does not want to accept this, particularly the head of Musavat, Isa Gambar, appealed to his party members and the nation in general to rally in Baku in order to cause intimidation and confrontation. For that reason, on October 16, 2003, there was confrontation and bloodshed. A person who loves his nation and government must not take part in such illegal actions. Though there were repeated appeals to the military chief of the school, [Mirnizam Agaev], not to attend such rallies, he took part in the confrontation on October 16, 2003, without taking care of his lessons.”

¹²¹ Human Rights Watch interview with Mikail Humbatov, Saatli, November 13, 2003.

¹²² Human Rights Watch interview with Abasgulu Abasli, Saatli, November 13, 2003.

¹²³ Human Rights Watch interview with Rahim Gubadov, Saatli, November 13, 2003.

¹²⁴ Human Rights Watch interview with Namik Kasimov, Saatli, November 13, 2003.

¹²⁵ Human Rights Watch interview with Iqbal Jahangirov, Saatli, November 13, 2003.

¹²⁶ Human Rights Watch interview with Etibar Imanov, Saatli, November 13, 2003.

dismissed from his physical education position, and then rehired with his weekly teaching hours reduced from thirty-six to fourteen.¹²⁷

THE ROLE OF INTERNATIONAL COMMUNITY

The international community invested financially and diplomatically in the 2003 presidential elections at level unprecedented for Azerbaijan. Intent on avoiding the massive fraud that characterized prior elections in Azerbaijan, the OSCE/ODIHR and the Venice Commission of the Council of Europe worked closely with the Azerbaijani government to revise its Election Code, consolidating five prior election laws into one central Code. The governments of the United States, Germany, the United Kingdom, the Netherlands, and other countries were the main financial backers 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 and preventing fraud.

During the election period, the OSCE and its Office of Democratic Institutions and Human Rights (ODIHR) deployed one of its largest-ever election observer missions. It joined with the OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe (PACE) to form an International Election Observation Mission (IEOM), consisting of twenty long-term observers (who were deployed about one month prior to the election) and some 600 short-term observers (who were deployed just days before the election). During the pre-election period the long-term OSCE/ODIHR observers often directly intervened to stop abuses, particularly arbitrary arrests and police beatings. Staff from many embassies also monitored the pre-election climate, attending opposition and government rallies and raising concern about abuses with government authorities.

This prominent role led many Azeris to see the international community—and the United States and OSCE in particular—as the “guarantors” of a free and fair election. Consequently, the mild responses by the United States, the OSCE, and the Council of Europe to the massive fraud left many Azeris bitterly disappointed.

In light of the severe election abuses witnessed by their observers, the initial statements of the IEOM were alarmingly upbeat. The head of the OSCE parliamentary delegation, Giovanni Kessler, stated on October 16 that the election showed “an increased vitality

¹²⁷ Human Rights Watch interview with Agarazah Miriev, Saatli, November 13, 2003.

of political life and serious efforts in Azerbaijan towards democracy and international standards.”¹²⁸ Guillermo Martinez Casan, head of the PACE delegation, stated that he hoped the election could “mark the beginning of a new era in Azerbaijan in which progress could be achieved through cooperation of all democratic forces in the country.” Only Peter Eicher, who headed the OSCE/ODIHR observer mission and had repeatedly spoken out about abuses during the pre-election period, gave an accurate assessment: “This election has been a missed opportunity for a genuinely democratic election process.... Future progress towards democracy will depend first and foremost on the political will of the authorities.”¹²⁹

The undeservingly upbeat assessment of the elections led to an unprecedented dissenting statement from 188 election monitors from the Institute for Democracy in Eastern Europe (IDEE) who had accounted for nearly one-third of the OSCE/ODIHR monitors. The dissenting opinion offered a critical overview of the election violations that IDEE monitors had witnessed, and concluded that the presidential election “cannot be qualified as what in the practice of civilized nations is called ‘elections’.”¹³⁰

While the OSCE’s full preliminary and final election reports were thoroughgoing and balanced, it is the OSCE’s initial statement that is most widely publicized and serves as the benchmark for other institutions’ assessments of the elections. The European Union is a case in point. Its statement referred to “shortcomings,” police violence and “unequal conditions for candidates,”¹³¹ but acknowledged “progress over previous elections” and stated that “the election shows significant efforts towards international standards.” Two weeks prior to the elections, when government efforts at manipulation had already been under way for some time, the European Union missed an important opportunity to make a strong public stance on the elections. Its statement on the conclusion of its Cooperation Council meeting with Azerbaijan merely said that the E.U. “will watch closely the presidential elections in Azerbaijan. . .” without flagging problems that had already become apparent.¹³²

¹²⁸ OSCE Parliamentary Assembly, Council of Europe Parliamentary Assembly, OSCE/ODIHR, Joint Press Release: Azerbaijan Voting Generally Orderly But Electoral Process Still Short of International Standards in Several Respects, October 16, 2003.

¹²⁹ Ibid.

¹³⁰ Institute of Democracy in Eastern Europe, *Votum Separatum/Dissenting Opinion of the Institute of Democracy in Eastern Europe observer mission from the OSCE/ODIHR Preliminary Report about the Presidential Elections of October 15, 2003 in the Republic of Azerbaijan*, October 18, 2003.

¹³¹ Declaration by the Presidency on behalf of the European Union on the presidential elections in Azerbaijan, October 17, 2003. Available at 222.ueitalia2003. Accessed November 4, 2003.

¹³² Fifth Meetings of the Cooperation Councils between the European Union, Armenia, Azerbaijan and Georgia, Brussels, 20 September 2003, 13071/03 (Presse 284).

The post-election crackdown led to a more concerned stance from the international community. Significantly, in numerous incidents described in this report, the OSCE/ODIHR mission played a critical role in preventing and stopping excessive police force against demonstrators and in seeking the release of individuals arbitrarily detained.

On October 20, the head of the OSCE/ODIHR, Ambassador Christian Strohal “deeply deplored” the post-election events in Azerbaijan, stating that “a post-election period should not be the occasion for a general crackdown on the opposition.”¹³³ Council of Europe Secretary General Walter Schwimmer and PACE President Peter Schieder expressed public concern about the “arrests of journalists and opposition leaders, excessive use of police force against protesters, as well as the seizure of opposition newspapers.”¹³⁴ On October 29, four U.N. Special Rapporteurs and Representatives—dealing with freedom of expression and opinion (Ambeyi Ligabo), extrajudicial, summary or arbitrary executions (Asma Jahangir), torture (Theo van Boven), and human rights defenders (Hina Jilani)—issued a joint statement expressing their concern about the post-election violence and abuses in Azerbaijan.¹³⁵

The final OSCE/ODIHR report, issued on November 20, was considerably stronger than previous statements in recognizing the serious violations that had taken place during the elections and the post-election crackdown. Ambassador Strohal, who traveled to Baku to release the report, expressed his personal disappointment with the elections, considering that “ODIHR has worked intensively with Azerbaijan since 1998 to improve the election process.”¹³⁶ Ambassador Strohal called on the Azerbaijani authorities to institute an independent and thorough investigation into the election violations, but stopped short of calling for—or offering—the international participation in the investigation which would be crucial to prevent it from turning into a whitewash. Ambassador Strohal also called for the appointment of a Special Elections Prosecutor to investigate and prosecute persons guilty of breaking the election laws.

The U.S. response to the election fraud and post-election repression was confused and contradictory. Deputy Secretary of State Richard Armitage—who served as co-chairman of the United States-Azerbaijan Chamber of Commerce (USACC) and was the 2002 recipient of USACC’s “Outstanding Leadership Award”—phoned Ilham Aliiev on

¹³³ OSCE/ODIHR, “OSCE Human Rights Head Deplores Wave of Arrest in Azerbaijan,” October 20, 2003.

¹³⁴ Council of Europe voices concern over post-electoral developments in Azerbaijan, press release 518a (2003), October 20, 2003.

¹³⁵ United Nations, Human Rights Special Rapporteurs Express Deep Concern over Situation in Azerbaijan, October 28, 2003.

¹³⁶ OSCE/ODIHR, OSCE/ODIHR Human Rights Chief Calls on Azeri Authorities to Recognize Violations During Presidential Election, November 20, 2003.

October 17 to note his “strong showing” in the election and to express America’s “desire to work closely with him and Azerbaijan in the future.”¹³⁷ Armitage’s phone call led to scathing criticism in the U.S. press, with the Washington Post editorializing that “in effect, the baby dictator and his dad were congratulated by a top official for their effectiveness in stealing votes and were promised smooth sailing by Washington.”¹³⁸ The State Department quickly issued a stronger statement about the elections, stating that “Azerbaijan’s leadership missed an important opportunity to advance democratization by holding a credible election,” and calling for an independent investigation. The United States Senate also adopted a resolution, sponsored by Senator John McCain, declaring that the election fraud “cast serious doubt” on the victory of Ilham Aliev and calling for the establishment of a commission of investigation with international participation.

Despite the stated support of the United States for an investigation into election abuses, Human Rights Watch is not aware of any serious attempts by the U.S. administration to foster the establishment of such a commission. Top administration officials have generally attempted to distance themselves from any discussion of the flawed presidential elections, preferring to continue with “business as usual” and focus on military and economic matters. When U.S. Secretary of Defense Donald Rumsfeld visited President Ilham Aliev in Baku on December 4, 2003, to discuss military cooperation, he openly congratulated Aliev on his election victory, and refused to answer questions about whether the presidential elections had met international standards.¹³⁹

Azerbaijan, a Muslim country, shares a border with Iran, a country that has been the focus of Bush administration’s democracy rhetoric. The lack of willingness by the U.S. administration to take a strong stance on the election abuses and the post-election crackdown in Azerbaijan calls into question the commitment of the Bush administration to its recently announced core foreign policy objective of spreading democracy and respect for human rights in the Middle East.

¹³⁷ State Department Office of the Spokesman, Armitage-Aliyev Phone Call, October 20, 2003.

¹³⁸ “A Strong Performance? (editorial),” *Washington Post*, October 22, 2003.

¹³⁹ Bradley Graham, “Rumsfeld Discusses Tighter Military Ties with Azerbaijan,” *Washington Post*, December 4, 2003.

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We challenge governments and those holding power to end abusive practices and respect international human rights law.

We enlist the public and the international community to support the cause of human rights for all.

The staff includes Kenneth Roth, executive director; Michele Alexander, development director; Carroll Bogert, associate director; Allison Adoradio, operations director, Barbara Guglielmo, finance director; Lotte Leicht, Brussels office director; Steve Crawshaw, London office director, Rory Mungoven, global advocacy director, Maria Pignataro Nielsen, human resources director; Iain Levine, program director; Wilder Tayler, legal and policy director; and Joanna Weschler, United Nations representative. Jane Olson is the chair of the board. Robert L. Bernstein is the founding chair.

Its Europe and Central Asia division was established in 1978 to monitor and promote domestic and international compliance with the human rights provisions of the 1975 Helsinki Accords. It is affiliated with the International Helsinki Federation for Human Rights, which is based in Vienna, Austria. Rachel Denber is the acting executive director; Veronika Leila Szenté Goldston is the advocacy director; Matilda Bogner, Julia Hall, Allison Gill, Bogdan Ivanisevic, Diederik Lohman, Acacia Shields, and Jonathan Sugden are researchers; Anna Neistat is the Moscow office director; Alexander Petrov is the Moscow office deputy director; Kristina Alessi, Liudmila Belova, Emily Letts, Anna Sinelnikova are associates. Peter Osnos is the chair of the advisory committee and Alice Henkin is vice chair.