



January 2011

country summary

Azerbaijan

Azerbaijan's human rights record remained poor in 2010. The government continued to use criminal defamation and other charges to intimidate and punish journalists expressing dissenting opinions; an outspoken journalist remained in prison on spurious criminal charges, apparently in retaliation for his work. The parliamentary elections of November 7 failed to meet international standards. Other serious problems persisted, including restrictions on freedoms of religion, assembly, and association, and torture and ill-treatment in custody.

The European Court of Human Rights (ECtHR) found Azerbaijan had violated freedom of expression by imprisoning journalist Eynulla Fatullayev and called for his immediate release.

Media Freedom

Government officials initiated 26 criminal defamation cases against journalists and other critics in the first half of 2010; courts delivered 14 sanctions. In addition officials filed 36 civil defamation claims, 30 of which were successful. For example, in February 2010 a Baku court convicted Ayyub Karimov, editor in chief of the *Femida 007* newspaper, of slander and ordered him to pay a fine, in response to a Ministry of Internal Affairs complaint regarding Karimov's articles criticizing the ministry. Also in February Ministry of Education officials filed a criminal complaint against Alovzat Osmanli, a mathematician, for articles in the *Azadlig* newspaper criticizing the ministry for mistakes in mathematics textbooks.

In July a court sentenced Eynulla Fatullayev, chief editor of two newspapers and an outspoken government critic, to an additional two-and-a-half years in prison on spurious drug charges brought by prison authorities. Fatullayev was sentenced to eight-and-a-half years in prison in 2007 on charges of fomenting terrorism and other criminal charges, which were widely believed to be politically motivated. In April the ECtHR found that Azerbaijan "grossly" and "disproportionately" restricted freedom of expression by imprisoning Fatullayev and ordered his immediate release. In October the decision became final after the court's Grand Chamber refused to admit the government's appeal. Fatullayev remains imprisoned at this writing.

Political activists and bloggers Emin Milli and Adnan Hajizade who were victims of an apparently staged attack in July 2009 and subsequently convicted of hooliganism were released in November 2010 after serving over half of their sentences.

Several journalists suffered physical attacks by police and others; the government failed to meaningfully investigate these incidents. In February a police officer attacked Leyla Ilgar, a correspondent for the *Yeni Musavat* newspaper, as she reported at a local market. Police interrogated her and deleted the photographs from her camera. In May police detained Seymur Haziiev, a reporter for the *Azadlig* newspaper, at an opposition rally in Baku. Haziiev was questioned without his lawyer, charged with resisting arrest, and sentenced to seven days imprisonment. Haziiev reported that two officers kicked and hit him periodically during the interrogation.

In July unidentified men attacked Elmin Badalov, a reporter for *Yeni Musavat*, and Anar Garayli, the deputy editor of *Milli Yol*, while they took photographs for an investigative story about luxury villas near Baku believed to be built by the transportation minister. In August an unidentified assailant stabbed Rasul Shukursoy, a sports writer for *Komanda* newspaper, in the arm. Shukursoy links the incident to his article criticizing a famous football player.

Police interfered with journalists' efforts to document public protests. In June as police broke up a Baku demonstration by opposition party Musavat, they also shoved journalists and prevented them from filming. In July presidential administration guards detained and erased the recordings of four journalists filming a protest by Sabirabad region residents complaining about the government's response to severe flooding in southern Azerbaijan.

In May Baku airport security forced Norwegian journalist Erling Borgen to place his camera and recorded DVD footage in his checked bags. Upon arrival in Oslo Borgen discovered that all footage from his visit to Azerbaijan for a documentary on Eynulla Fatullayev had disappeared.

In February the parliament approved amendments to several laws that ban media representatives from videotaping, photographing, or audio recording without a subject's prior knowledge or consent, except in "operative-investigative cases" carried out by law enforcement. In June the government placed restrictions on street newspaper vending in central Baku, allegedly for aesthetic reasons, limiting many newspapers' distributions and revenues.

Elections to Milli Mejlis (Parliament)

The ruling Yeni Azerbaijan Party won an overwhelming majority in the November 7 parliamentary elections; only one clear opposition candidate gained a seat in the country's 125-member parliament. Restrictions on political parties and free expression of political views, due to restrictions on the freedoms of assembly and association, marred the pre-election campaign. International observers criticized the elections for failing to meet international standards.

In September the ECtHR found Azerbaijan violated the right of opposition candidate Flora Karimova to free elections when it invalidated 2005 parliamentary election results in the district she had won.

Freedom of Assembly and Association

The government restricted freedom of assembly. Officials did not authorize any demonstrations in central Baku and police quickly dispersed unauthorized protests. On April 26 the Baku police rounded up about 80 people traveling to a rally on free expression and assembly, releasing some immediately on the outskirts of Baku and detaining others for five hours. Police charged 10 with resisting the police and violating public order. Four days later police briefly detained dozens of political activists outside the State Oil Academy, where they had been commemorating the 2009 deadly shooting there.

The government interfered with the work of NGOs. The Ministry of Justice refused to register the Television and Alternative Media Development Center three times. In August police briefly detained several employees of the Kur Civil Society organization as they monitored flood damage in southern Azerbaijan.

In December 2009, several unknown people beat Ilgar Nasibov and Vafadar Eyvazov of the Democracy and NGO Development Resource Center in the Nakhchivan Autonomous Republic, a landlocked region in southwestern Azerbaijan. The activists believe the attack came in retaliation for their planned anti-corruption seminar.

In September 2010 Elman Abassov and Hekimeldostu Mehdiyev, Nakhchivan-based employees of the Institute for Reporters' Freedom and Safety, a media monitoring organization, reported that security officials regularly interrogate people with whom the activists meet, pressuring them to cease further contact for "their own safety."

Freedom of Religion

All religious communities were forced to re-register with the State Committee for Work with Religious Organizations by January 1, 2010, or face potential liquidation. The 450 communities that successfully re-registered included 433 mosques and two Protestant churches. The state denied registration to Baku's Baptist Church, its Catholic Parish, and its Seventh-day Adventists, Jehovah's Witnesses, and others. Authorities threatened to close several mosques, including the Fatima Zahra Mosque in Baku and a Sunni mosque in the town of Mushfigabad, after refusing to register them.

In March police detained and prosecuted two Jehovah's Witnesses for "distributing religious literature without state permission," fining each US\$250. In September an appeals court upheld the decision to sentence Farid Mammedov, a Jehovah's Witness, to nine months in prison for refusing compulsory military service on religious grounds. In October two Muslim men from the northern Azerbaijan region of Zakatala reported being detained by local police, who harassed them for their long beards and forcibly shaved them off. In October police raided a Baptist harvest festival in the northern Azerbaijani town of Qusar, arresting four participants and sentencing them to five days' imprisonment.

Torture and Ill-Treatment

Widespread torture and ill-treatment in custody continue with impunity. In 2010 the Azerbaijan Committee against Torture, an independent prison monitoring group, received over 150 complaints alleging torture and ill-treatment in custody. Police disciplined several officers, but failed to criminally prosecute any. At least one prisoner reportedly died in custody in 2010 after alleged ill-treatment.

Political Prisoners

The government continued to hold political prisoners. At this writing, NGO activists counted between 23 and 45 political prisoners, including former government officials, businessmen, and opposition politicians arrested prior to the November 2005 parliamentary elections on allegations of attempting to overthrow the government.

Key International Actors

International and regional institutions and bilateral partners voiced concerns about and criticism of Azerbaijan's human rights record, especially regarding media freedoms. In June 2010 Thomas Hammarberg, the Council of Europe commissioner for Human Rights, published a report on his May visit to Azerbaijan, urging the government to remedy a range

of abuses, including police misconduct and violations of freedom of expression and association and fair trial norms.

In a June resolution the Parliamentary Assembly of the Council of Europe called on the government to release imprisoned journalists, decriminalize libel, and refrain from new criminal defamation charges against journalists.

During his United Nations General Assembly speech in September, United States President Barack Obama expressed hope that Azerbaijan would implement democratic reforms and increase human rights protections, including the release of the imprisoned bloggers Milli and Hajizade. Secretary of State Hillary Clinton visited Baku in July and raised a number of concerns with the government, including the imprisonment of the bloggers.

The European Union's April 2010 European Neighbourhood Policy Action Plan progress report commended Azerbaijan for improvements in economic and social governance, but expressed concern about the penitentiary system; torture in custody; and freedoms of expression, assembly and religion. In July 2010 Azerbaijan and the EU began negotiations for an Association Agreement to further strengthen economic relations.

Following its December 2009 review of Azerbaijan's torture record, the UN Committee against Torture urged the government to, among other things, ensure that all allegations of torture are subjected to prompt, impartial, and effective investigation.