

Azerbaijan: deterioration of the situation of human rights on the eve of the forthcoming parliamentary elections

Paris, June 7, 2005 - The International Federation for Human Rights (FIDH) is deeply concerned about the deterioration of the situation of human rights and fundamental freedoms in the Republic of Azerbaijan.

According to the information received from the Human Rights Center of Azerbaijan (HRCA), the situation of civil society has worsened significantly following the October 2003 presidential elections, which were marred by widespread fraud to ensure victory for Mr. Ilham Aliev, the son of former President Heidar Aliev's, and the current crackdown on democratic freedom in advance of parliamentary elections scheduled in November 2005 is stronger than ever.

Pressure on civil society and human rights defenders

The acts of intimidation and harassment are increasing against human rights defenders¹ and civil society lives in a permanent pressure.

It is to be feared that these acts of intimidation and harassment are linked with the upcoming parliamentary elections scheduled on November 6, 2005 and that they are part of the government's policy to silence the voices of civil society.

The Attorney General, Mr. **Zakir Qaralov**, who was one of responsables of the post-electoral repression in Sheki in 2000 and in Baku in 2003 stated in the speech held for his re-election for a second mandate, on April 26, 2005 that « all the attempts against the civil and political stability will be repressed ». This threat was obviously addressed to the opposition which made a number of appeals to guarantee democratic elections.

Moreover, human rights defenders are the target of regular smear campaigns based on accusations of collaboration with Armenians. For example, on May 9, 2005, the weekly magazine *Hesabat* (Report) published an article about alleged relations between the Human Rights Center of Azerbaijan (HRCA) and Armenians, mentioning the fact that a grant project received by the

¹ See Annual report 2004 of the Observatory for the Protection of Human Rights Defenders (joint programme of FIDH and OMCT) and Open Letter to Mr. Ilham Aliyev, President of the Republic of Azerbaijan on « Threats and defamation against several human rights defenders », April 29, 2005, www.fidh.org.

HRCA was signed for the Open Society Institute - Budapest by an ethnic Armenian. It is to be noted, that the published contract letter was sealed and signed by OSI only, while the contract was signed by HRCA just after the reception. Then, it can be concluded that the contract was copied before the reception by HRCA, which would mean that HRCA correspondence is illegally intercepted and read.

Furthermore, this incident showed that the press has an access to the intercepted information and uses it to discredit human rights defenders.

FIDH recalls that the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms guarantees in its article 13 that « Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means ».

A human rights defender and author **Kerim Yildiz**, British citizen and Executive Director of London-based NGO Kurdish Human Rights Project (KHRP), was detained for 13 hours in Azerbaijan on February 9, 2005 while he arrived to the country on behalf of the KHRP in order to collect statements from applicants to the European Court of Human Rights and to organize human rights training for human rights lawyers. He was returned back to Great Britain and the Azerbaijani officials banned him from returning to the country, effectively preventing him from continuing his human rights activities.

Moreover, some channels communicate false and provocative statements concerning human rights defenders in order to discredit their action. On April 5, 2005 a false and provocative statement was made in the evening program of *ATV* channel that the list of political prisoners prepared by **Leyla Yunus**, member of the Institute for Peace and Democracy (IPD), and **Eldar Zeynalov** (HRCA) included terrorist Azer Aslanov that exploded a subway. The interview with him was given on the background of the photos of L.Yunus and E.Zeynalov. On April 12, 2005, a false statement was made in the evening program of *SPACE TV* channel that former political prisoner Rahim Qaziyev "passed Leyla Yunus a huge sum of money before his imprisonment. She did not return it and Qaziyev threatened to kill her". On April 18, 2005, Mr. Qaziyev publicly denied this information during a round table discussion in Baku.

At the end of March 2005, **Mrs. Leyla Yunus** learned from some private sources that her name was on the « black » list of the special services and that she « had to be careful ». She has also been subjected to defamation campaigns. In one of the evenings from March 26-28, 2005, the speaker of the program *167 Saat* of *Lider TV* channel literally stated that « The whole activity of

Leyla Yunus is directed against the statehood of Azerbaijan. And yet she applies to the law-enforcement bodies for protection. Should such people be protected at all? ».

The FIDH is also deeply concerned about the acts of pressure and harassment committed against a number of members of the Azerbaijani Committee of the Helsinki Citizen's Assembly (HCA). **Mrs. Arzu Abdullayeva**, Chairperson of the Azerbaijani National Committee of the HCA and Co-President of HCA International, and **Mr. Zardusht Alizade**, President of the Caucasian Center of Crisis Situations have been subjected to targeted threats in March and April 2005. Besides, since the beginning of 2005, Mrs. Abdullayeva has indeed noticed on a number of occasions that she was followed by unknown individuals. However, their attitude was so visible, that she believes they aimed more to intimidate her psychologically rather than to subject her to surveillance.

Moreover, on April 25, 2005 **Mr. Ali Gasanov**, chairman of the Department for Civil and Political Questions of the Presidential Administration, told the *Turan* agency that «human rights defenders do not deserve to be human rights defenders, nor even Azerbaijani citizens ». This threat is all the more concerning, that one of the recently released political prisoners, **Mr. Alakram Hymmatov**, released by pardon of President Ilham Aliyev on September 9, 2004 was deprived of his citizenship by the President's order the day he was freed, and banished out of the country after two more days in detention.

Furthermore, the right to broadcast information about the human rights situation is extensively flouted. On April 4, 2005, **Mr. Ilgar Ibrahimoglu**, the Co-ordinator of the Centre for the Protection of Conscience and Religious Freedoms (DEVAMM) and Secretary General of the International Religious Liberty Association (IRLA) was prevented from attending the United Nations Commission on Human Rights, which had been taking place in Geneva despite the fact he was officially invited. He has been already prevented on several occasions from travelling abroad as a result of his human rights activities. On September 13, 2004, he was prevented from going to the Organization for Security and Co-operation in Europe (OSCE) Conference on Tolerance and the Fight against Racism, Xenophobia and Discrimination, held in Brussels on September 13 and 14, 2004. Indeed, Mr. Ibrahimoglu was sentenced on April 2, 2004 for « active participation » in the post-presidential electoral disturbances in 2003 to suspended five years imprisonment. However, his sentence carried no ban on leaving the Azerbaijani territory. This harassment against Mr. Ibrahimoglu took place in a background of repression of DEVAMM. Since April 2004, the police attacked the Juma Mosque on several occasions during prayer and used force against the faithful.

The right to freedom of assembly

The right to freedom of assembly is also a matter of a serious concern.

Azerbaijani authorities have denied all public manifestations in the city of Baku the last 19 months and have not sanctioned any opposition protests or rallies since the controversial presidential elections in 2003.

On the eve of opposition demonstration scheduled for May 21, 2005 the authorities have arrested 29 opponents from several political parties (the *Musavat*, *Popular Front*, *Democratic and Umid parties*) as well as some members of NGOs, (members of *Yeni Fikir Youth Organization*, *Association of Invalids of Qarabag War*, "*Mashal*" Association to protect social rights of wounded fighters and martyrs' families, *YOX* Movement). They have been imprisoned for 5 days for « violation of public order or resistance to the police ». The FIDH fears that these arrests were connected to the rally planned on May 21, 2005.

On May, 2005 Azerbaijani authorities had refused to authorize the rally of three major opposition parties organized by the *Ugur* (Success) opposition election bloc citing concerns that it fell too close to the day on which the government schedules an inauguration ceremony for the US-supported Baku-Tbilisi-Ceyhan (BTC) major oil export pipeline, an event due to be attended by foreign dignitaries from 30 countries on 25 May. The decision of the Mayor of Baku, **Hajibala Abutalibov**, was to refuse the permission and warned the organizers that police would take the necessary measures to prevent it on May 20, 2005. That decision contradicts the Presidential Decree on May 12, 2005, which orders the local authorities to allow political rallies.

Though, the rally was maintained and the Azerbaijani police broke it up. Moreover, police in Baku resorted to arrests and violence on May 21, 2005 to prevent isolated groups of would-be participants in an opposition rally from convening at the designated venue, Turan information Service reported. Turan estimated that police beat hundreds of would-be participants and detained at least 149. According to an official statement of the General Service of the Police of Baku, 45 participants, members of electoral block «Block of Three», has been arrested on May 21, 2005. Police also forcibly dispersed some 100 opposition supporters who congregated outside the U.S. Embassy to request Washington's support for democracy in Azerbaijan.

Many journalists have suffered injuries during the clashes between policemen and demonstrators. Although journalists wore a special jacket identifying their belonging to mass media, the policemen beat them violently. For example, **Farid Teymurkhanly**, *Zerkalo* newspaper's correspondent was severely beaten.

Restrictions on Media Freedom

The freedom of media seriously deteriorated since the presidential elections in 2003. Consequently, the situation of the opposition media sharply worsened. Some journalists are subjected to threats, or even murdered.

On March 2, 2005, **Mr. Elmar Husseynov**, founder and editor-in-chief of the *Monitor*, a weekly newspaper which has a close affiliation with the opposition activists, was murdered. He was shot dead by unknown attackers in the entrance hall of his home in Baku. Until now, the identity of the murderer has not been established.

After the 2003 presidential elections, **Mr. Rauf Arifoglu**, editor-in-chief of the opposition newspaper *Yeni Musavat*, was arrested on October 27, 2003 on charge of participation in the post-political disturbances and has been maintained in custody. On February 9, 2004, he began a hunger strike to protest against his detention, but he had to cease ten days later for medical reasons. He was released on the basis of a presidential pardon decree on March 20, 2005.

A number of acts of harassment against journalists were also reported to the FIDH. On February 3, 2005 **Mr. Akber Hasanov**, a journalist working for the independent weekly newspaper *Monitor* was abducted by military officers and held in detention for five hours at Baku military headquarters. According to Mr. Hasanov, he was detained in retaliation for denouncing in an article the abuses and the mismanagement in an Azerbaijani military unit of the Geranboy region. He was forced to write a refutation of this article.

Additionally, on February 25, 2005, around midnight, two journalists, publisher **Qanimat Zahidov** and technical editor **Azer Ahmedov** of the newspaper *Azadliq* were seized in the capital of Baku as they left the newspaper offices. They were threatened, beaten up and humiliated in the *Three Palms* restaurant in Baku then forced to sign confessions at a local police station in Khatai, a Baku suburb, before being released several hours later. The day after, the pro-governmental *Lider TV* channel showed photos of the naked journalists in the program *167 Saat* with the comment « This is the immoral way that opposition journalists spend their free time ». The Ministry of Interior confirmed on February 28, 2005 that both journalists had been arrested on charges of immoral behaviour in the *Three Palms* restaurant. On February 28, 2005 the Media Council of Azerbaijan appealed to the Prosecutor Office to investigate the event, but without results. Moreover, on March 1, 2005 during the session of Parliament, some deputies demanded to close down the *Azadliq* newspaper. On March 3, the editor-in chief of *Azadliq* brought a case against the *Lider TV*. On March 8, the journalist of *Lider TV* program *167 Saat* presented his public excuses.

Post-electoral flawed trials

Following the October 2003 presidential elections, over hundred opposition activists were charged relating to the post-election disturbances. The HRCA raised serious allegations that unfair trials have taken place in which prosecution witnesses have been coerced and access to counsel for the defendants has been restricted.

On October 22, 2003, the Court of Grave Crimes in Baku sentenced seven of them to between two and a half and five years in custody. Those seven leaders were convicted for their participation in the post-political disturbances: **Mr. Sardar Jalaloglu**, general secretary of the Azerbaijan Democratic Party; **Mr. Iqbal Agazade**, a member of Parliament and leader of the Umid party; **Mr. Panah Huseynov**, a former prime minister of Azerbaijan (1992-1993) and leader of the Khlaq Party; **Mr. Etimad Asadov**, the chairperson of the Karabakh Invalid's Association; **Mr. Rauf Arifoglu**, a deputy chair of the Musavat party and chief editor of the opposition daily *Yeni Musavat*; **Mr. Arif and Mr. Ibrahim Ibrahimli**, both deputy chairs of the Musavat party. On March 20, 2005 the seven prisoners were considered political prisoners by the Council of Europe.

At the beginning of February 2005, an appeal by the seven opposition leaders has been made to the Supreme Court, the final step to satisfy the requirement to exhaust domestic remedies before a case can be taken to the European Court of Human Rights, which is an intention of the defence. The latest pardon decree of the President, promulgated on March 20, 2005, freed the seven prisoners and other persons imprisoned in connection with the October 2003 presidential elections. However, at the end of March, the Azerbaijani Supreme Court has upheld their accusations so that they can not take part in the political life. Consequently, under the election Code, the convicted people can not run for any elections.

Political prisoners

The existence of numerous political prisoners is a long-standing problem in Azerbaijan. But this phenomenon had increased because of the post-electoral waves of arrests.

On this concern, on January 20, 2004, the Parliamentary Assembly of the Council of Europe (PACE) stated that « even if Azerbaijan has made some progress towards honouring its obligations and commitments (...), this progress is far from satisfactory ». Facing international pressure, particularly from the Council of Europe, the President of the Republic of Azerbaijan, Mr. Ilham Aliiev, has issued four pardon decrees, on March 17, May 10, September 3 and December 29, 2004 respectively. A new presidential pardon decree from March 20, 2005 conducted to the release of 53 prisoners classified as political prisoners by the Council of Europe, among them were the seven political prisoners mentioned above.

However, the process of releasing prisoners is remaining incomplete and must consequently be continued.

In June 2005, the PACE will focus on the question of the political prisoners in Azerbaijan. In advance of this session, the Azerbaijani authorities were attempting to discredit the veracity of the lists of political prisoners written by the human rights defenders, which was submitted to the international organizations, particularly to the Council of Europe. On April 25, 2005, Mr. Ali Gasanov, chairman of the Department for Civil and Political Questions of the Presidential Administration, told the *Turan* agency that these lists were rigged. Besides, on April 26, 2005, the chairman of Parliament, Mr. Myrtyz Aleskerov declared during a parliamentary session that the list mentioning 130 political prisoners was nothing but calumnies.

The conditions of detention are of a great concern. Prisoners are suffering from malnutrition and have a difficult access to medical care. They also are subjected to ill-treatment committed by the penitentiary staff. On February 17, 2005 20 year-old **Algait Magamarov** (or Mahharamov) died in prison No. 17. He was one of the over hundred people who were convicted on charges relating to the 2003 post-electoral protests. He was sentenced to three-year imprisonment. When his relatives visited him last on February 8, 2005 he was in a good health. The reason of his death remains unknown.

On May 18, 2005 another political opponent, Ehtiram Jalilov, a prominent member of the National Democratic Party of Azerbaijan and former political prisoner following events of October 2003, died for unknown reason. He is the second former political prisoner (after Algait Magamarov) who died in mysterious circumstances, within 4 months.

On April 25, 2005 the Monitoring Committee of the Parliamentary Assembly of the Council of Europe declared to « be deeply concerned by the general climate in the country. Six months before the holding of the parliamentary elections, some of the basic pre-conditions for holding free and fair elections – freedom of expression and the right to hold peaceful meetings – are not met ».

The FIDH underlines that the next months are going to constitute a key-period for Azerbaijan. The Azerbaijani authorities should seize the parliamentary elections scheduled in November 2005 as an opportunity to take measures in order to be conformant with the international standards of democratic elections, including the right guaranteed to all citizens by the international treaties to take part in the conduct of public affairs and the right to run for elections.

Therefore, the FIDH calls on the highest Azerbaijani authorities to take all necessary measures to guarantee, in all circumstances, the freedom of expression, the right of peaceful assembly and the freedom of media, according to their commitments to the United Nations and to the Organization for Security and Co-operation in Europe (OSCE) and especially in a pre-electoral period.

Moreover, the FIDH calls on the Azerbaijani authorities to ensure all the citizens a fair trial and to finalise the process of releasing the political prisoners, in accordance with commitments entered into force in Azerbaijan upon its accession to the Council of Europe on January 25, 2001.

The FIDH particularly urges the Azerbaijani authorities to immediately put an end to any kind of pressure and harassment against journalists and human rights defenders. The UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (1999) states in its article 12 that « 1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms. 2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.»