

**FACT SHEET-2017**

**ON HUMAN RIGHTS**

**SITUATION**

**IN AZERBAIJAN**



## Fact sheet -2017 on human rights situation in Azerbaijan,

This report was prepared by Election Monitoring and Democracy Studies Centre (EMDS) and aims at creating an alternative pool of information for the general public, NGOs, researchers, academics and other interested parties. EMDS is a non-profit organization promoting democratic elections and human rights in Azerbaijan.

The report includes analysis of main developments with regards to human rights in the country and information on human rights violations received from citizens.

Human rights situation in Azerbaijan, the country with the worst human rights record in Europe, has further deteriorated in 2017. The authorities did not take any steps for improving the situation. On the contrary, the number of political prisoners increased, 6 websites of independent media were blocked, the operation of civil society was paralyzed, and the freedom of assembly remained blocked.

Throughout 2017 EMDS has undertaken fact-finding activities in Azerbaijan to assess the extent to which the country complies with its human rights obligations. The organization classified 386 violations under 9 categories: freedom of assembly, freedom of expression, freedom of association, property rights, right to fair trial, educational rights, social rights and economic rights. The report is divided into several categories according to the prioritized issues.





Source: [www.gozetci.az](http://www.gozetci.az)

### Freedom of expression

The restrictions of freedom of expression increased in 2017. In March, Mehman Huseynov, a blogger well known for documenting illegally obtained wealth of ministers and other high-level officials, was sentenced to two years in prison on defamation charges after he stated in an interview that he was ill-treated by the police. Police rejected the claim and initiated a criminal case accusing Huseynov of libel with aggravating circumstances. Huseynov also led the satiric Sancag page on social media which covered corruption in various state bodies.

The government blocked access to main independent news website extending its grip over the media to the internet. In May, the court ruled a decision blocking access to the website of the Azerbaijani Bureau of Radio Free Europe/Radio Liberty, Berlin-based Meydan TV, the main opposition newspaper Azadliq and other independent media websites based on the claim of the Ministry of Communication and High Technologies.



Mehman Huseynov

Earlier in March, the amendments to the legislation allowed the government to block any website at its discretion. These websites continue to operate using alternative links or calling their viewers to use Virtual Private Networks to avoid the ban. Several other news websites were blocked later in the year as well suggesting that the government is likely to resort to the strategy in 2018 again before the upcoming presidential elections.

The last remaining independent news agency Turan had to temporarily suspend its operations due to the pressure from the authorities and its editor-in-chief Mehman Aliyev was detained on 24 August. In September Aliyev was released after 20 days, following the strong domestic and international reaction, however his release was not accompanied with convenient grounds for functioning of independent media outlets.

#### Freedom of association and assembly

There has been no improvement with regards to freedoms of association and assembly in 2017. Draconian amendments of the law on NGOs and grants introduced in 2014-2015 remained in place blocking the access of independent NGOs to foreign funding and making it impossible for them to operate freely. Furthermore, the authorities continued to deny independent NGOs the state registration. All attempts to restore operations of international organizations in Azerbaijan remained ineffective.

The criminal case against independent domestic and international organizations launched by the Prosecutor General in 2014 remain open while NGOs and their leaders continue to face arrest of their bank accounts, travel bans, and tax fines. Due to the illegal travel bans around 60 journalists, advocates, and civil society activists could not leave the country.

The authorities continued to misinterpret the law on freedom of assembly to restrict the gatherings of the opposition and independent groups. The Azerbaijani legislation requires the organizers of an assembly only to inform the local authorities who in turn can refuse to authorize the assembly only if the security cannot be provided or it overlaps with another assembly. However, the authorities have implemented an illegal blanket ban on all opposition demonstrations in the city centre since 2006. In a blatant violation of the freedom of assembly, the opposition was allowed to hold assemblies only in venues outside of the capital Baku under the tight control of the police, undue checks and inspections, and intimidation tactics like filming all participants. The authorities have broken up unsanctioned ones – often with violence – and have arrested and imprisoned peaceful protestors and organizers. The misdemeanor trials and administrative arrests of those charged for involvement in unsanctioned protests were accompanied with violation of the requirements of due process.

The opposition groups held three sanctioned rallies in April, September and October. However, even when the rallies were officially approved, members of the opposition faced different restrictions undermining their participation or punish them after the events in the form of administrative arrests, fines, and dismissal from work. 64 persons were subjected to administrative sanctions of various forms during the rally in September alone while the number increased to 82 during the October rally.

The sanctions targeted even representatives of the creative sector. Three theatre actors Ayshad Mammadov, Ilgar Jahangir and Abbas Gahramanov were dismissed from their workplaces and were publicly condemned by the authority due to their participation in the rallies criticizing the government.



Actors who faced pressure due to their participation in the public protests

The authorities obstructed the opposition group Republican Alternative (REAL) movement from forming a political party and denied them a venue to hold their constitutive meeting. In a blatant violation of the law on political parties, the authorities refused to allocate the legally required place for the movement, while private hotels declined to rent their venues to REAL out of the fear of retribution by the authorities. When another opposition party Musavat decided to allocate their office for the event, its leadership was summoned to the police and warned against it. Consequently, REAL was prevented from forming a party.

### **Political pressure**

This year number of political prisoners was more than 145. According to the information provided by local human rights defenders in January 2018, out of 145 prisoners, 11 are journalist and bloggers, 12 are political activists, 1 is human rights defender, 2 are writers, 83 are religious people arrested on political motive (59 of which were arrested as a result of Nardaran operation) and 2 are former governmental authorities. In addition, 17 people were arrested as a result of public social protests in regions. 10 people from the list are convicted in conspiring to seize the power in Azerbaijan, insurrection and terrorism.

Relatives of politically active persons faced criminal persecution- widely considered as a repressive tool to discourage the criticism against government. 4 people are in jail with aforementioned issues and 3 are life prisoners.

Head of REAL political movements Ilgar Mammadov remains behind bars despite the 2014 judgment of the ECHR which ruled that the actual purpose of his prosecution and detention was to silence or punish him for criticizing the government and called for his immediate release. In October 2017, the Council of Europe initiated the unprecedented infringement procedure due to the refusal of the Azerbaijani authorities to release Mammadov. Azerbaijan could face suspension of voting rights or other sanctions if continues to refuse to implement the judgment<sup>1</sup>.

Family members of another Azerbaijani activist living in the Netherlands Ordukhon Teymurkhan were harassed by the authorities. The court sentenced his brother and nephew to 30 days of administrative detention on bogus charges.



Əfqan Muxtarlı Gürcüstanda keçirilən etiraz aksiyasında

On 26 on May the deputy chair of the opposition Popular Front Party Gozal Bayramli was detained in May for allegedly not declaring 12,000 USD while crossing from Georgia to Azerbaijan and was charged with illegal money smuggling. Bayramli is one of the prominent faces of Azerbaijani opposition always in the lead of protest rallies of Azerbaijan National Front Party.

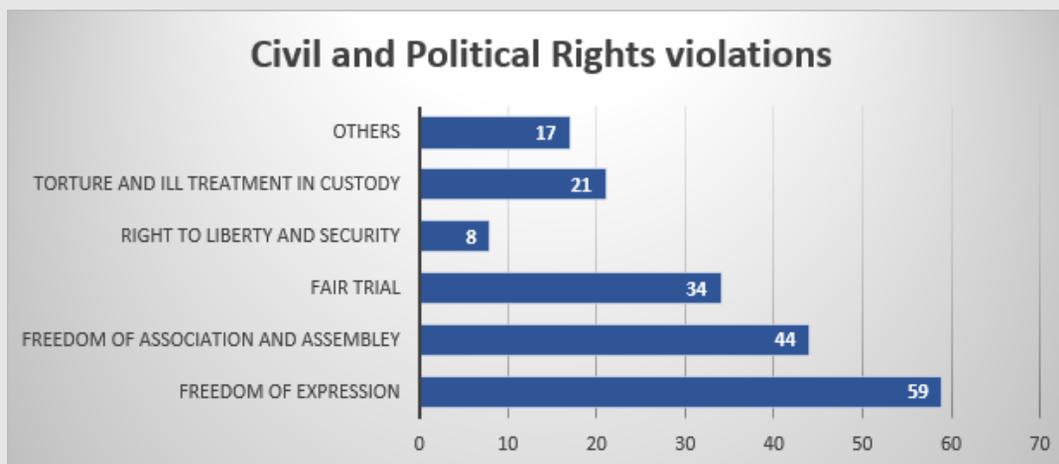
The repressions by the government spilled beyond the borders of the country in May 2017. The authorities abducted the investigative journalist living in neighboring Georgia Afgan Mukhtarli in May and put him on trial for illegal border crossing, smuggling, and assault on border patrol. Mukhtarli claims that he was abducted by Georgian security forces, who passed him onto their Azerbaijani colleagues at the border. Mukhtarli was sentenced to 6 years in prison subsequently.

12 more people were sentenced to lengthy prison terms from 12 to 15 years on Nardaran case in December bringing the total number of people convicted as a part of the case to 87. They were convicted of terrorism, inciting ethnic, religious, social hatred and attempt to overthrow the government. Two other trials were finalized in 2016 and January 2017.

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<sup>1</sup>Ilgar Mammadov case: Council of Europe notifies Azerbaijan of intention to launch a special procedure for the execution of the judgment Available at: [https://www.coe.int/en/web/portal/news-2017/-/asset\\_publisher/StEVosr24HJ2/content/ilgar-mammadov-case-council-of-europe-notifies-azerbaijan-of-intention-to-launch-unprecedented-legal-action](https://www.coe.int/en/web/portal/news-2017/-/asset_publisher/StEVosr24HJ2/content/ilgar-mammadov-case-council-of-europe-notifies-azerbaijan-of-intention-to-launch-unprecedented-legal-action)

**Nardaran case** was launched in December 2015 after the special operation carried out in Nardaran village on the outskirts of Baku to prevent allegedly religious extremism. According to the Ministry of the Interior, the arrests were conducted to neutralize “an armed criminal group acting under the cover of religion and planning to commit acts of terrorism”. Taleh Bagirzade, leader of the group denied all the charges and stated that the arrests were politically motivated. During the operation, two police officers and five civilians were killed. Detainees reported dozens of cases of torture and inhumane treatment to obtain confessions, violation of fair trial guarantees, denial of medical care in prison and incommunicado detention.



Source: [www.gozetci.az](http://www.gozetci.az)

#### Pressure to members of the bar association

Throughout the year human rights lawyers and lawyers defending political prisoners were subjected to pressure by the authorities. Yalchin Imanov, who represented many political prisoners, was disbarred for making his client's torture allegations public in October. Five other lawyers – Elchin Sadigov, Agil Layijov, Nemat Karimli, Asabali Mustafaev, and Fakhraddin Mekhtiyev – were warned and their license can be suspended.

In November, Azerbaijan adopted an amendment to the law barring lawyers who are not members of the Bar Association from taking part in legal proceedings. With just 900 lawyers for its 10 million citizens, Azerbaijan occupies the last place in the Council of Europe when it comes to the number of lawyers per inhabitants. This will effectively leave hundreds of thousands of citizens, including the political prisoners without legal defense. The new administration of the Bar Association vowed to hold exams regularly and to increase the number of its members, but there is a possibility that the body will create obstacles for lawyers working with political prisoners.

## LGBT

The authorities carried out mass arrests and harassment of LGBTQ people in September. 56 persons were sentenced to administrative detention for petty hooliganism and resisting lawful orders of police, according to the statement of the Ministry of Interior Affairs. The authorities claimed that 83 persons were detained in total, 18 of whom were fined and 9 were warned. Human rights groups, however, reported that more than a hundred people were detained by police, subjected to beatings, verbal abuse, and forced medical examinations. The official statement of the authorities described the mass arrests as a fight against prostitution and sexually transmitted diseases. Government-controlled media back the narrative up. However, according to the testimonies of the LGBT community the arrests did not cover only gay men and transgender women engaged in sex work but also included random detentions on streets of Baku.

## Economic and social rights

People's economic and social rights were frequently violated in the light of the ongoing economic crisis. The majority of received reports of violations by the EMDT was on economic and social rights. One-third of reported violations were related to social rights including abuse of power by local authorities, corruption, poor public service delivery, sanctions related to non-payments of bank credits, delays of salary payments by the state institutions and other similar cases.

Citizens reported growing number of cases when local executive authorities violated rights of farmers, and Small and Medium Enterprises in regions outside of the capital. Land expropriation by local authorities using the police force and involving students and employees of state-funded organizations into the forced labor were among main complaints of citizens. Eviction of from houses in connection with the demolition works in Baku and regions was another form of the violation of property rights.



[www.smdtaz.org](http://www.smdtaz.org)