



# Quarterly Report of Human Rights in Azerbaijan

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July-September 2019



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The Election Monitoring and Democracy Studies Center (EMDS) presents a quarterly fact-based summary of information on the human rights in Azerbaijan based on alternative and open sources.

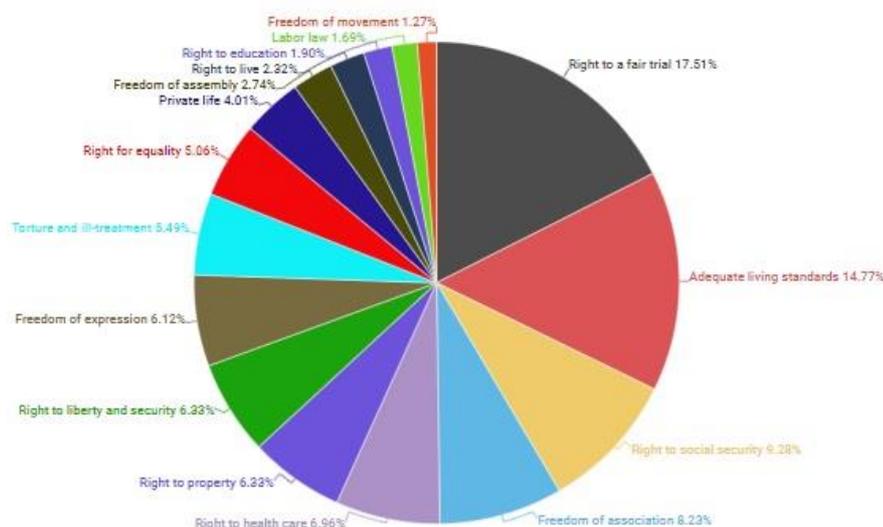
EMDS is a non-governmental organization operating in Azerbaijan to promote human rights and democratic institutions.

### Quarterly Summary of Human Rights

The EMDS recorded **474** human rights violations in the third quarter of 2019 based on **357** facts collected in the country as a result of monitoring human rights cases and investigating citizens' complaints. This figure is higher than in the previous quarters. A tendency for each quarter to increase compared to the previous one has been recorded this quarter too. For comparison, there were 428 offenses in the first quarter of 2019 and 437 in the second quarter. In particular, there has been a greater increase in the number of violations related to a fair trial, the right to association, and social rights.

### EMDS divides 474 human rights violations collected during April-June 2019 into 16 categories:

1. Right to a fair trial	83
2. Adequate living standards	70
3. Right to social security	44
4. Freedom of association	39
5. Right to health care	33
6. Right to property	30
7. Right to liberty and security	30
8. Freedom of expression	29
9. Torture and ill-treatment	26
10. Right for equality	24
11. Private life	19
12. Freedom of assembly	13
13. Right to live	11
14. Right to education	9
15. Labor law	8
16. Freedom of movement	6



### Civil and political rights

During the third quarter of 2019, there has been no significant progress towards eliminating restrictions on civil and political rights and freedoms in previous years. The steps taken were superficial and cosmetic and did not contribute to the restoration of violated human rights and freedoms.

The most common violation during the quarter was related to a fair trial. Thus, while there were 65 violations in this category in the last quarter, it was 83 in the third quarter. Violations by politically motivated courts were also observed during the third quarter. The main violations were the courts' failure to give a fair explanation of the decisions made, the refusal of defendants of the allegations to investigate,

unanimous acceptance of the decisions of the investigating authorities in the courts, non-investigation of allegations of torture in courts. The highest violations during the quarter happened in the Ganja Grave Crimes Court and the Ganja Court of Appeal. For example, the Ganja Grave Crimes Court has been punished 57 persons on so-called "Ganja case" related to the assassination attempt on Ganja mayor and the murder of two police officers without reasonable evidence and numerous procedural violations.

Restrictions on freedom of expression continued throughout the quarter. On September 10, The Supreme Court quashed the Baku Court of Appeal's decision on the appeal against blocking websites of "Meydan TV", "Turan TV" channel and "Azerbaijan Saati" and sent the case back for review. Restrictions on access to these sites still remain. During the quarter, there were also facts about summoning activists to police offices for comments on social networks, punishing them with administrative arrests and journalists being subjected to violence while covering the scene. The official structures that play a key role in the interference with freedom of expression were the police departments. However, such interference is also encountered by prosecutors. Tofiq Yagublu, a member of the Musavat party's office, has been summoned to the Prosecutor-General's Office and has been formally warned of his comments on Facebook.

During the quarter, the number of political prisoners increased again. According to the Working Group on Political Prisoners, there are 112 political prisoners in the country, including five journalists. This figure was 81 in the previous quarter.

The toughest restrictions imposed on freedom of assembly since January have remained. Although the law provides for "prior notification" to executive authorities for rallies, demonstrations, and pickets, this provision is still misleading as "prior authorization" from relevant authorities. As a result, the approval requests for the rally were either not given or were offered far away from the city center. It was noted that the freedom of assembly during the quarter was more violated by the Baku City Executive Power. Thus, the organization responded negatively to all requests for rallies

Allegations of ill-treatment and torture continued during the third quarter. These allegations were often heard in court proceedings related to the "Ganja case", the Ganja General Police Department and the Interior Ministry's Office for Combating Organized Crime were addressed for torture and ill-treatment.

During the quarter, travel ban for five public, political and civil society activists were lifted. However, the practice of using the prohibition of leaving the country as a method of political pressure has been remaining. Currently, 16 people are under the ban on leaving the country for political reasons

### **Economic and social rights**

Among the registered violations of economic and social rights, violations of the right to social security still prevailed. Complaints related to the same or similar problems remain, as no significant steps were taken to address the circumstances that led to the previous quarter's violations. Complaints have been recorded mainly about following issues: refusal to grant disability status through bureaucratic obstacles and arbitrary decisions or requesting a bribe to grant such status; families to receive targeted social assistance, especially large families with many children that lost the main breadwinner, could not receive targeted social assistance; martyrs' families have not been given the lump-sum allowance granted to them. The complainants referred to the Ministry of Labor and Social Protection as the agency responsible for these violations.

There has been an increase in the number of offenses resulting from inadequate living conditions compared to the previous quarter. There were a large number of registered complaints about following issues: interruptions in the supply of gas, water, light; absence of gas and water in some remote areas; failure to provide needed assistance homes are in a catastrophic situation as a result of earthquakes and other disasters;

transportation problems in many villages. The main targets of the complainants are the Ministry of Emergency Situations, the Ministry of Transport, Azersu, Azerishig, Azerigaz, and other responsible bodies.

There has also been an increase in the number of medical care complaints compared to the previous quarter. Of the registered complaints, complaints about bribes for medical services, which are to be provided free of charge, refusal or offered to sell free of charge medication, lack of emergency medical care operations, and death from doctors' negligence, are specifically highlighted. The complainants referred to the Ministry of Health as an address of violations mainly because these cases occurred mainly in public hospitals.

Note that the fact that fewer rights violations are registered in many jurisdictions does not mean that the situation in the country is better in these areas than others.

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