



# **Fact Sheet-2019**

## **On Human Rights Situation in Azerbaijan**

# The situation of human rights in Azerbaijan,

## Summary of 2019

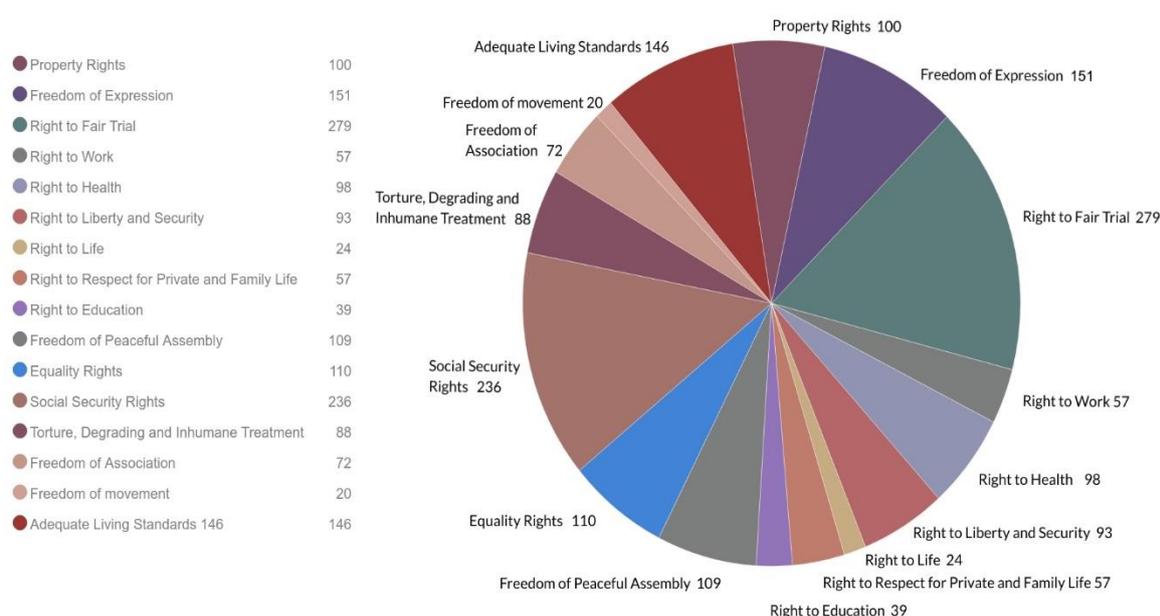
Election Monitoring and Democracy Studies Centre (EMDS) prepared this report on the situation of human rights in Azerbaijan covering the year 2019 based on publicly available and alternative sources of information.

EMDS is a non-profit organization promoting human rights and democracy in Azerbaijan. Annual summary of human rights violations

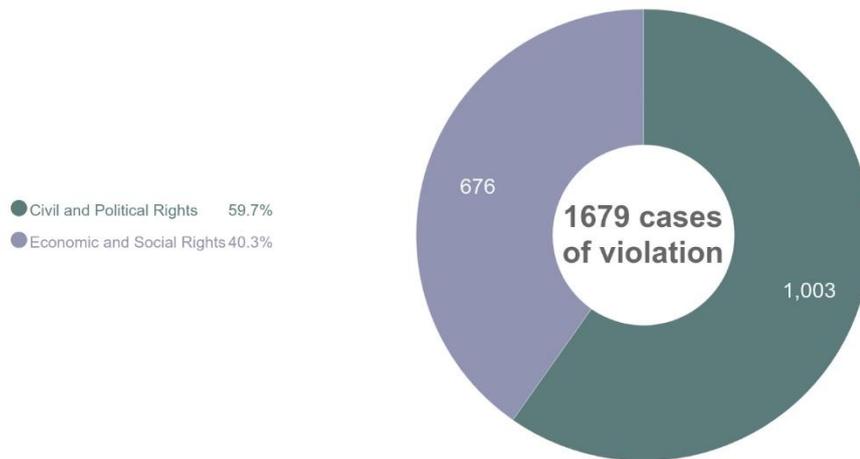
### Annual summary of human rights violations

In 2019, no significant progress has been monitored in the advancement of the protection of human rights and lack of political will remained as one of the main reasons. Throughout the year, EMDS has collected information on **1679** human rights violations over **1180** facts. Though, the number of political prisoners – just over 100 – decreased in the end of the year in comparison with the start of the year, only few political prisoners got released and politically motivated detentions continued all along the year. The right fair trial and social security rights stand as the most violated rights, the restrictive political and legal measures on the activities of the civil society organizations have not been lifted, human rights lawyers taking politically sensitive cases remained under pressure by authorities. The situation of the removal of travel bans of civil society activists and journalists became relatively improved where several previously banned people are free now to travel abroad, however, there are few new faces in the list as well. Nonetheless, the amount of information on human rights violations available to collect should not be translated as the rest of the rights are violated less or none.

*EMDS summarized the human rights violations monitored throughout 2019 into 16 categories:*



The right to fair trial and social security rights suffered the direst conditions over the year among the 1679 violations. Overall, approximately the 60% (1003) of the violations are related to social and economic rights whereas the remaining 40% (676) belong to the civil and political rights



1003 out of 1679 cases of violation of human rights in Azerbaijan throughout 2019 are of economic and social rights whereas there have been 676 cases of violation of civil and political rights.

### Civil and Political Rights

EMDS collected 279 cases where right to fair trial was violated which makes up the 17% of the overall count of the violations. The main violations were monitored in cases where courts failed to provide reasonable explanation for their decisions, petitions submitted by the accused were mostly denied, the results of the investigation of law-enforcement bodies were not questioned by courts, the claims of torture by the accused were not ordered to be investigated further by courts. The Ganja Courts of Grave Crimes and Appeal stand as the courts which caused the most of the abovementioned violations, since 57 people were charged with grave punishment due to the Ganja case where the mayor got shot and two police were killed during the 2017 riots in front of the local executive government building. The court trials which resulted in punishment of accused people were accompanied by several procedural violations and in the absence of reasonable evidences.

The procedural violations were also monitored in dozens of other trials over the year, especially, in the cases where the people were arrested with political motives. The courts has become a stage for political discriminations.

9% of the violation facts belonged to the freedom of expression in 2019. The politically motivated detentions continued over the course of the year, human rights lawyers faced political pressure, independent media outlets continued to suffer from the block of access to their websites, whereas 5 journalists remained in the jail over politically motivated bogus charges.

2019 ended while the websites of the several independent media outlets remained unavailable to access. On September 10<sup>th</sup>, the Supreme Court reviewed the complaint on the blockage of the access to the websites of Radio Free Europe/Radio Liberty Azerbaijan, “Azadliq qazeti”, “Meydan” TV, “Turan” TV and “Azərbaycan Saati”, annulled the decision of the Baku Appeal Court and sent back the decision for the re-assessment. In 2017, the Parliament granted the ministry of the Ministry of Transport, Communications and High Technologies with authority to block the websites of the information sources without court decisions. Thus, nowadays the websites of more than 40 media outlets remain under blockage. Unsurprisingly, in the index of the media freedom, Azerbaijan stands as the 166<sup>th</sup> among 180 countries.<sup>1</sup>

All quarters have been accompanied by the summoning to police stations and intimidation and administrative arrests of opposition activists and journalists for their professional work and social media posts. According to the report issued by EMDS in April on the politically motivated administrative detentions, at least 40 people were administratively arrested in the first 4 month of 2019.<sup>2</sup> Timing of such arrests, especially, coincided with the 19 January and 19 October demonstrations of the opposition where more than 100 participants, opposition members and journalists were administratively arrested.



*Participant of 19 October demonstration of the opposition lying on the ground.*

Another trend of curtailing freedom of expression was related to Azerbaijani activists living exile and abroad where their relatives faced intimidation and arrests due to the activists' criticism of the Azerbaijani government.

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<sup>1</sup> Reporters Without Bordes, ‘Press Freedom Index’, <[https://rsf.org/en/ranking\\_table](https://rsf.org/en/ranking_table)>

<sup>2</sup> Election Monitoring and Democracy Studies Center, ‘Politically Motivated Administrative Detentions’, 9, <<https://smdtaz.org/wp-content/uploads/2019/04/%C4%B0H-doc.pdf>>

Moreover, attacks on the freedom of expression included the artists as well. In 2019, rappers Parviz Guluzade (“Paster”), Aydin Huseynov (“Ruzgar”) and singer in the genre of satirical songs Vugar Abdullayev were sentenced to administrative arrests because of the verses of their singles. Overall, while the Police have been the key player in curtailing the freedom of expression, the Prosecutor’s Office also stands out in undesirable manner on this matter.

Lawyers taking the politically sensitive cases also suffered from political pressure in 2019. The freedom of expression of the lawyers have been disproportionately interfered with, they have faced various punishment for defending the opposition members, journalist and civil society activists. Lawyer Nemat Karimli was reported to the Bar Association by the Prosecutor’s Office for publicising that Tofiq Yagublu, who the lawyer defends the rights of, faced torture in the detention centre. Previously, several lawyers were fined or expelled from the Bar Association upon such complaints of Prosecutors Office and other governmental bodies. Another lawyer Shahla Humbatova was expelled from the association on another case. International human rights NGOs expressed their regret concerning the pressure applied against the independent lawyers and called for the halt of the proceedings against them in a joint statement.<sup>3</sup>

In 2019 too, the problem of political prisoners remained unsolved as the necessary steps were not taken as a result of the absence of the political will. The number of the political prisoners decreased by the end of the year, several prominent opposition members and journalists such as Mammad Ibrahim, Asif Yusifli and Seymur Hazi were released. However, political persecution continued during 2019, where for instance Pasha Umudov, the driver of the opposition leader Ali Karimli was detained on October 15, was launched a criminal case against and was accused of drug trafficking. Overall, about 100 people finished 2019 in prisons over political reasons, including 5 of them as journalists. Human rights defenders deem the actions of the government insufficient on the matter. Moreover, the rapporteur of the Council of Europe, Thorsildur Sunna, on her report on the reported cases of political prisoners in Azerbaijan, mentioned the misuse of administrative detention and called the government for fundamental reforms that are necessary if Azerbaijan is to fulfil its obligations under the Convention.<sup>4</sup>

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<sup>3</sup> ‘Forty two international organizations demand to stop prosecution of lawyers in Azerbaijan’, Contact.az, <<https://www.contact.az/ext/news/2019/12/free/politics%20news/en/85790.htm>>

<sup>4</sup> Thorhildur S. Avarsdottir, ‘Reported cases of political prisoners in Azerbaijan’, <<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=28584&lang=en>>



*Journalist, ex-political prisoner Seymur Hazi was released free!*

7% of the violations in 2019 were about the enjoyment of the freedom of peaceful assembly. Violations of this right category increased more than three times (109) in comparison with what was the number during 2018 (32).

2019 has been accompanied by continuous attacks on the freedom of assembly, the demonstrations and requested places for them are denied on several occasions without reasonable grounds, the groups were suggested an unsuitable venue in the outskirts of the capital Baku. Moreover, the rallies were dispersed with police brutality. De facto, the freedom of assembly was denied throughout 2019.

The first significant socio-political event of 2019 was a rally held on January 19 to protest the new criminal charges brought against political prisoner and blogger Mehman Huseynov short time ahead of his scheduled release from prison. After that, the opposition held two pickets and rallies. only towards the end of the year, in October. More than 200 opposition activists were summoned to police stations before and after the January 19 rally, some were threatened, and more than 40 activists were administratively detained. Analogous protests took place at the end of the year, with a total of about 100 people arrested for exercising their freedom of assembly, hundreds threatened and harassed at police stations, and dozens tortured and ill-treated in police stations and detention centers. In particular, on the eve of the October 19 rally, the use of public transport in the city center, where the rally was planned to be held, was stopped, the area was cordoned off, and internet access was cut in the vicinity of the area for hours. Dozens of international media outlets covered the rally, which was violently dispersed by police. Numerous international human rights organizations, the Parliamentary Assembly of the Council of Europe (PACE) co-rapporteurs on Azerbaijan Stefan Schennach and Roger Gale and the Council of Europe Commissioner for Human Rights Dunja Mijatovic expressed

concern about the case and urged the Azerbaijani authorities to respect the freedom of assembly.



*20 October rally of feminist activists*

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, although the main opposition forces- Musavat Party, the National Council of Democratic Forces (National Council), the Movement for Democracy and Welfare of Azerbaijan (ADR) and other groups appealed to the Baku City Executive Power for holding the rally, they were repeatedly rejected on illegitimate grounds, such as the blocking of people and traffic and they were offered a stadium in Lokbatan, located unsuitably, in the outskirts of the capital Baku. Police and local authorities have been identified as key players in the attacks on the freedom of assembly.

2019 was also marked by torture and ill-treatment at police stations and detention centers, with 88 such complaints constituting about 5% of all violations. A review of the relevant cases shows that the practice of forced confession obtained through torture and ill-treatment is still used in Azerbaijan. Violations regarding torture were mostly related to the Ganja case. Thus, according to court statements and testimonies of relatives of those interrogated in relation to the assassination attempt against Ganja mayor and the murder of two police officers in 2018, it became clear that the detainees were severely tortured in police stations and forced to confess their involvement in the incident.

Tofiq Yagublu, Ali Karimli, Rahim Yagublu, and Pasha Umudov, who were detained regarding the October 19 opposition rally, were also tortured at police stations and forced to testify against others.

Furthermore, many public and political activists and other detainees complained about torture and ill-treatment at police stations during the year. Blogger and former political prisoner Mehman Huseynov was abducted by plainclothes men and taken to the outskirts of the city, where he was beaten and tortured by his detainees when he was protesting in front of the Ministry of Internal Affairs against the 30 days' administrative detention of Parviz Guluzade, a rapper, detained for critical verses in his music.

In addition, in May 2017, several soldiers were arrested on espionage charges for the Armenian special services. In 2019, after the details of the case went public, it became known that more than 100 soldiers and officers underwent a brutal torture, and 9 people died as a result of tortures.

Restrictive legal and political amendments to the law on the activities of civil society organizations adopted in Azerbaijan in 2013-14 have not yet been eliminated. Norms that complicate the state registration of NGOs, as well as their funding, severe sanctions for violations of these rules remain to be the main legal barriers to NGOs' activities. It is no coincidence that in the civic space rankings of the CIVICUS organization Azerbaijan is among countries with closed civic space for civil society activists and organizations.<sup>5</sup>

2019 was marked by politically motivated use of travel ban against activists, opposition members and journalists. In its assessment report on politically motivated travel bans EMDS states that freedom of movement of 31 people was restricted. In spite of the fact that this number has decreased towards the end of the year, new travel bans have been imposed and at the end of the year, more than 10 citizens were actually banned from traveling due to their political and public activities, political criticism and professional activities.

### **Economic and Social Rights**

In 2019, violations of the right to social security still prevailed among the registered violations of economic and social rights. Thus, 236 violations in this category constituted 14% of the total violations. Most of the complaints received from the regions indicated similar violations during the year.

Thus, procrastination in obtaining social assistance and benefits, arbitrariness and poor coordination between the corresponding bodies were the main reasons for the complaints. Throughout the year, despite meeting the requirements for targeted social assistance, low-income families have been unable to benefit from this assistance for a variety of reasons, especially due to bureaucracy and bribery. Health benefits for people receiving health care have been cut off without any valid reason, there were numerous cases of refusal to grant disability status through bureaucratic obstacles and arbitrary decisions, martyrs' families have not been given the lump-sum allowance granted to them and the incompetence of the corresponding

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<sup>5</sup> CIVICUS, 'Civicus Monitor', <https://monitor.civicus.org/>

officials and low amount of benefits led to adequate protests. The main target of the complainants was the Ministry of Labor and Social Protection and its regional offices, as the Ministry was responsible for the violations of the right to social security.

The number of violations due to inadequate living conditions was 146 last year. There was 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 to households which were in a catastrophic situation as a result of earthquakes and other disasters; transportation problems in many villages and violation of the principle of fair compensation. The main targets of the complainants were the Ministry of Emergency Situations, Ministry of Ecology and Natural Resources, Azersu, Azerishig, Azerigaz, and other responsible agencies, such as police and local executive bodies.



*Anti-sanitary situation in Sumgait, where 66 shops had been forcibly demolished by the local executive authority.*

Among 100 violations of property rights registered in 2019, the main trends were the demolition of dwellings or other facilities by the executive authorities, forced evictions of residents, violation of the principle of fair compensation, forcing citizens to sell their land in the regions, arbitrariness of municipal structures during land acquisition. Additionally, there were numerous complaints regarding material loss in large quantities which farmers faced as a result of acquisition and privatization of their lands used for cattle by farmers for many years. Police, local executive authorities and municipalities are the main bodies responsible for these violations.



*The residents of the demolished “Sovetski” protesting the unfair compensation rates.*

98 violations of right to health recorded during the year were mainly related to the death of patients' during surgery and childbirth due to inexperience and negligence of physicians, requiring payment for free medical care, otherwise, refusal to provide services, sale of medicines which should be free of charge to patients or suspension of these drugs without any cause. Moreover, complaints regarding inadequate reproductive health services for women living in regions, particularly in rural areas, and in remote areas have been recorded. The complainants referred to the Ministry of Health as an address of violations mainly because these cases occurred mostly in public hospitals.

There have been recorded 57 violations of right to work. Examples of the main violation cases are hiring of employees without an employment contract, embezzlement of salaries of official employees by the relevant authorities, deduction or non-payment of wages under various pretexts for several months and the unlawful arbitrary dismissal of employees.

There were cases when employees in some private and state-funded organizations were required to share on social networks in support of the ruling party or to like such posts by others. Another trend was that complaints about employees from government agencies and local executive bodies were sometimes perceived as a valid reason for employee's dismissal.

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