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Quarterly Report on the situation of human rights in Azerbaijan

Quarterly report of Human Rights in Azerbaijan (October-December 2019)

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.

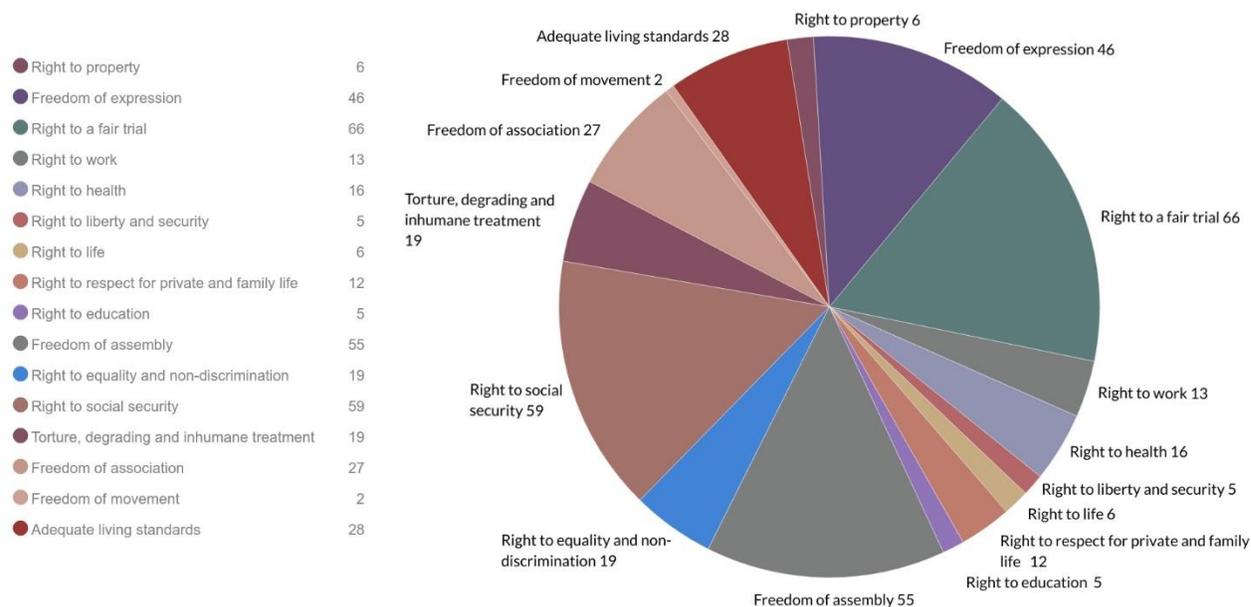
Quarterly Summary of Human Rights

The EMDS recorded **384** human rights violations in the fourth quarter of 2019 based on **244** facts collected in the country as a result of monitoring human rights cases and investigating citizens' complaints. Though this figure is lower in comparison to previous quarters, the number of human rights violations according to respective categories remained similar. Violations were recorded in all categories of human rights and complaints about any type of violations did not decrease significantly. In particular, violations regarding fair trial, freedom of expression, freedom of assembly, and social rights prevailed throughout the quarter.

During the quarter, the working group on Unified List of Political Prisoners reported that 112 people had been imprisoned for political reasons. The ban on access to the websites of independent media outlets still remains. Several rallies and pickets took place throughout this quarter and it was marked by numerous violations, particularly related to freedom of assembly, freedom of expression and right to liberty and security. Municipal elections took place in the last quarter of 2019 as well, and EMDS states that the interference of executive bodies in the low-key election process and the lack of political will have limited the ability of the people to freely express their will¹. Elections, including election day, was marked by numerous irregularities. Procrastination, arbitrary decisions made by respective state bodies, persecution of political activists, and unfair court decisions formed the basis for complaints from the regions. Other factors that led to violations include inaction of corresponding state bodies regarding inadequate living standards in different regions, bureaucratic obstacles to accessing social security, emergency situation due to lack of control over felling, inaction of local executive bodies and the police or their unlawful actions.

¹ EMDS issued the preliminary report on the 23 December Municipal Elections in Azerbaijan: <https://smdtaz.org/en/emds-issued-the-preliminary-report-on-the-23-december-municipal-elections-in-azerbaijan/>

EMDS divides 384 human rights violations collected during this quarter into 16 categories:



Civil and political rights

- Freedom of assembly

The last quarter of 2019 was not satisfactory in terms of ensuring civil and political rights. Thus, as in other quarters, the majority of human rights violations observed during the quarter were civil and political.

Restrictions on freedom of assembly have not been eliminated in this quarter. On the contrary, 55 violations were recorded which is four times more than in the previous quarter (13). Although the main opposition forces - the National Council of Democratic Forces, the Musavat Party and the Movement for Democracy and Welfare of Azerbaijan- appealed to the local executive authorities to gather in the central part of the city at various times, their appeals were considered inappropriate on the grounds that they would obstruct traffic and people and they were offered to gather in Lokbatan settlement which is considered to be inconvenient and far away from the city center. Rallies and pickets throughout the quarter were marked by police interference and detention. On the eve of the October 19 rally of the National Council, the movement of ground and underground vehicles in the city center was suspended, the area planned for the rally was blocked by police, the use of the relevant subway exit was banned, and Internet access was disrupted. In general, the rallies and pickets were marked by a brutal police crackdown, dozens of people were detained, more than 30 activists were sentenced to administrative detention,

politically motivated criminal cases were filed against 2. At the same time, in the run-up to and after these events, hundreds of opposition activists and others in Baku and the regions were summoned to police stations, they were threatened and pressured for participating or their suspected participation at the rallies. In addition, several detainees, including Ali Karimli, chairman of the Popular Front Party and National Assembly, and Tofiq Yagublu, a member of the National Council, were tortured in detention facilities, thus their right not to be tortured was violated. Numerous international media outlets and human rights organizations have reported on this case².

- Freedom of expression

One of the most common violations during the quarter was related to the freedom of expression. Thus, compared to the previous quarter (29), 46 cases were registered. The ban on access to the websites of "Radio Liberty", "Azadliq" newspaper, "Meydan TV", "Turan TV" channel and "Azerbaijan Saati" remained unchanged.

In addition, dozens of journalists were called from police stations for covering opposition rallies and pickets and were summoned to police stations and subjected to harassment. At the same time, there have been cases of people being summoned to police stations and sentenced to administrative detention due to opposition materials shared on social media. There were cases of disproportionate interference with the freedom of expression of lawyers. The lawyers, defending people facing politically motivated charges have faced politically motivated punishments themselves and the lawyer Shahla Humbatova was even disbarred. Important international human rights organizations believe that disbarment proceedings against Humbatova have political grounds, and consider the decisions of the Bar Association against lawyers as an attack on their freedom of expression and professional activity³. Rapper Parviz Guluzade was sentenced to 30 days of administrative detention for critical verses in his music. Blogger and former political prisoner Mehman Huseynov, who protested against Guluzade's detention in front of the Ministry of Internal Affairs, was abducted by plainclothes men and was taken to the outskirts of the city, where he was beaten and tortured by his detainees.

- Travel ban

The use of travel ban in political purposes continues to be an issue in this quarter. As in the previous quarter, travel restrictions imposed on more than 10 civil society activists, members of

² Human Rights Watch, 'Azerbaijan: Peaceful Rallies Dispersed Violently',

<https://www.hrw.org/news/2019/10/22/azerbaijanpeaceful-rallies-dispersed-violently>;

Bloomberg, 'Worst Baku Clashes in Years Followed by Claims of Critic's Abuse',

www.bloomberg.com/news/articles/2019-10-20/worst-baku-clashes-in-years-followed-by-claims-of-critic-s-abuse;

Freedom House, 'Azerbaijan: Government Must Respect Freedom of Peaceful Assembly',

<https://freedomhouse.org/article/azerbaijan-government-must-respect-freedom-peaceful-assembly>

³ Meydan TV, 'Open Letter Regarding the Human Rights situation in Azerbaijan'

<https://www.meydan.tv/az/article/open-letter-regarding-the-human-rights-situation-in-azerbaijan/>

political parties and journalists have not been eliminated. At the same time, the freedom of movement of one more journalist was violated. Thus, Avaz Zeynalli was not allowed to leave the country and considered the decision to be politically motivated

-Political prisoners

There were not taken any positive steps regarding the issue of political prisoners throughout the quarter. According to the report of the Working Group on the Unified List of Political Prisoners dated November 25, 2019, 112 people continued to be imprisoned for political reasons during the respective period. Though several political prisoners were released by the end of the quarter, the situation with those remaining was left unchanged. Besides that, the Working Group is studying attentively the cases of 11 prisoners presumably charged with political motives but who were not able to provide all the relevant documents for evaluation.

- Elections

Municipal elections were held on December 23, 2019. EMDS states that the nomination and registration of candidates, the campaign period, as well as the election day and post-election period was marked by characteristic irregularities. Pressure on election participants during the election period, interference of local executive bodies and the police in the election process were the main human rights violations, and as a result, EMDS states that the elections did not express the will of the Azerbaijani people.

On December 5, 2019, the Milli Majlis adopted an appeal to the President on dissolution and the Constitutional Court approved that the appeal is consistent with the Constitution. After that, early elections to the Milli Majlis were scheduled for February 9, 2020. The period of nomination and registration of candidates was from December 6 to January 7, 2020. EMDS states in its first interim report that violations of law during this period mainly took place against the opposition party members and independent candidates who have been intimidated and pressured by local executive authorities, election commissions or their workplaces to withdraw their candidacies. In some cases, citizens were denied getting the signature sheets and the participants of the signature collection process have been pressured as well.

- Right to a fair trial

The right to a fair trial was violated 66 times, making it one of the most violated rights throughout the quarter. As in the previous quarters, the main content of the complaints was the courts' failure to provide 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 and non-investigation of allegations of torture in courts.

Economic and social rights

As in the previous quarters, violations of the right to social security still prevailed among the registered violations of economic and social rights. The majority of the registered complaints were from the regions and mostly related to the refusal to grant disability pensions, unemployment benefits and targeted social assistance through procrastination, bureaucratic obstacles and poor coordination between respective bodies. In addition, incompetence of respective officials and inadequate amount of benefits were the main causes of violations. The main target of the complainants is the Ministry of Labor and Social Protection and its regional offices, as the Ministry is responsible for the violations of the right to social security.

There have been reported 28 violations resulting from inadequate living conditions. Most of these complaints were related to interruptions in the supply of gas and electricity or their absence throughout the country and especially in the regions, failure of the respective bodies to provide needed assistance to households which are in a catastrophic situation and non-payment of a fair compensation for the demolished houses. The main government bodies responsible for these violations are Ministry of Emergency Situations, Azersu, Ministry of Ecology and Natural Resources, police bodies, local executive authorities, especially the executive bodies of Yasamal, Binagadi, Mingachevir and Sheki.

It is noteworthy to mention, that fewer records on violations of some rights does not mean that the situation with these rights is better than with others. For instance, severe restrictions on freedom of assembly, arrests and high fines for participants in rallies and demonstrations resulted in the reduction of the exercise of this right.

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