

FACT-SHEET ON THE SITUATION OF HUMAN RIGHTS IN AZERBAIJAN

JANUARY-MARCH 2020



The Fact-Sheet on the situation of human rights in Azerbaijan (January - March 2020)

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 Fact-Sheet

During the first quarter of 2020, EMDS recorded 218 human rights violations upon 141 facts based on the analysis of information received from citizen complaints and monitoring of events on human rights violations. In particular, violations regarding the right to a fair trial, social security rights and freedom of expression stood out among others. Out of 218 overall violations, 142 were connected to civil and political rights where social and economic rights were violated in rest 76 of the cases.

The quarter was accompanied by several important events. The beginning of the year coincided with the 9 February extraordinary Parliamentary Elections. Late February marked the first instance of a confirmed case of coronavirus infection in Azerbaijan whereas the quarantine measures followed since the mid-March.

Issue related to the political prisoners remains unsolved throughout the quarter, alongside the block put on the access to the websites of independent media outlets. The highlights of the quarter concerning human rights were the electoral irregularities, post-election protests and the start of a wave of political persecution against the opposition members and activists during the pandemic.

EMDS noted that the restriction brought upon the freedom of expression, assembly and association remained not lifted during the Parliamentary Elections held on 9 February. [1] The electoral process alongside the Election day was accompanied by the number of serious irregularities and thus “failed to reflect the free will of the people of Azerbaijan” [2]

Unfair court processes and the omissions of relevant state bodies in the provision of adequate living standards remained as the main reasons for violations. Artificial bureaucratic hindrances and corruption come as other outstanding reasons for most of the complaints of the violation of human rights during the quarter.

The measures to combat the COVID-19 pandemic were abused under a new wave of political pressure at least 10 activists were punished under trumped-up accusations such as, among others, disobeying the legal command of the police, violating quarantine rules and so on. Overall, systemic issues concerning the human rights in Azerbaijan remained unsolved



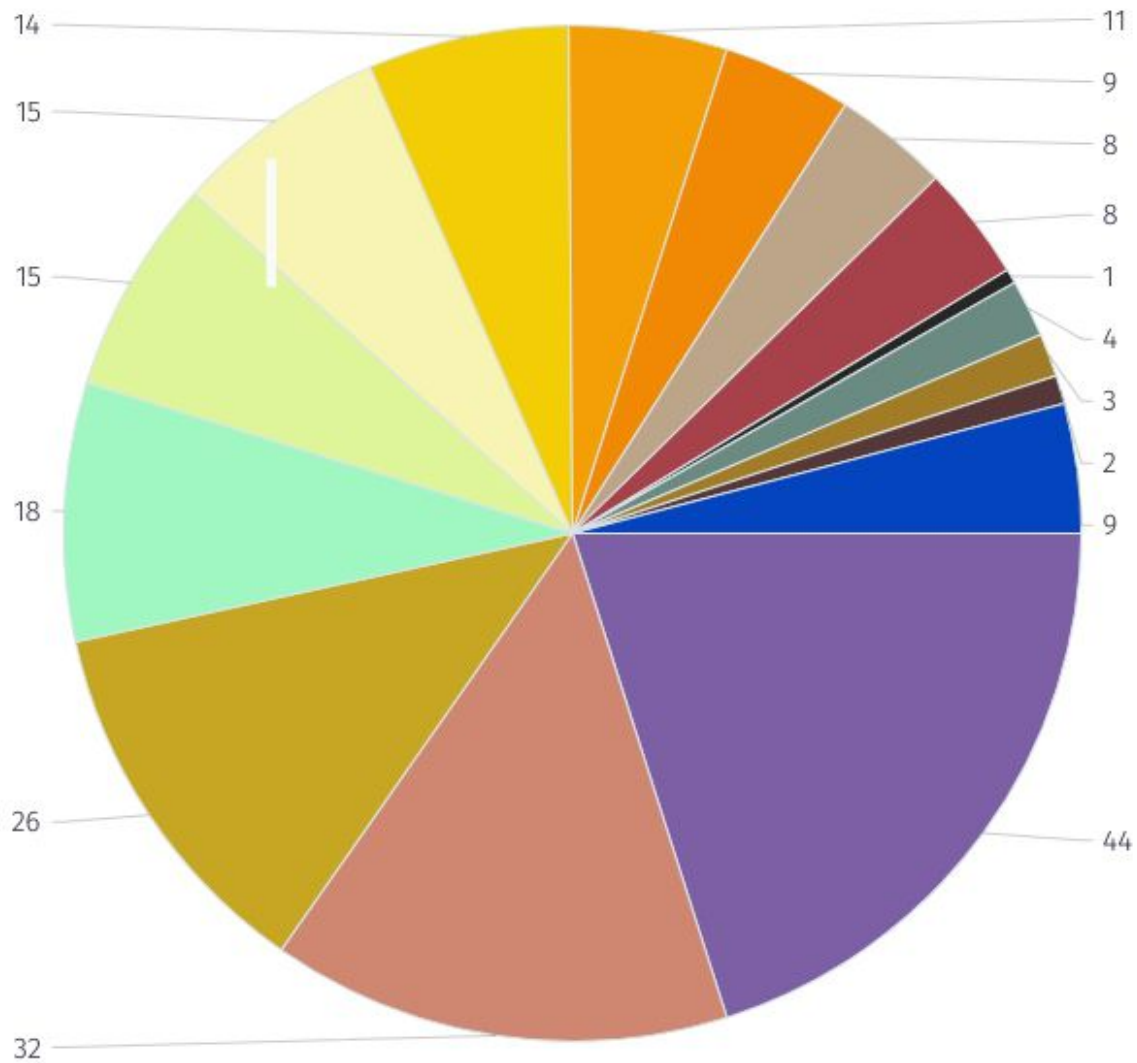
*Election Monitoring
and Democracy
Studies Center, 2001*

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1. Election Monitoring and Democracy Studies Center, ‘Preliminary Statement on the Results of Monitoring of the 9 February 2020 Early Parliamentary Elections’, <https://smdtaz.org/wp-content/uploads/2020/02/EMDS-100220.pdf>

2. Ibid

EMDS compiled 218 recorded human rights violations during the quarter under 15 sections



Right to Fair Trial	44	Freedom of Expression	32	Adequate Living Standards	26
Social Security Rights	18	Freedom of Assembly	15	Right to Health	15
Right to Equality	14	Freedom from Torture...	11	Right to Property	9
Freedom of Association	8	Right to Privacy	8	Right to Live	1
Freedom of Movement	4	Right to Education	3	Right to Work	2
Others	9				

Civil and Political Rights

Freedom of expression

2020 has not begun successfully in terms of realization of civil and political rights. Like the previous quarter, these categories of rights took up a major part of the violations in this quarter as well.

The early stages of the quarter coincided with administrative interferences in the electoral process of campaigning for the Parliamentary Elections where candidates of opposition parties such as Musavat and ReAl alongside independent candidates received pressure and threats from their workplaces, local executive authorities and others to withdraw candidacies. The official Facebook account of Musavat Party and 'basta.info' media outlet known for the close relationship with the party faced cyberattacks on January 31, about a week before the election day.

The freedom of expression remained under threat and the past issues regarding the right remained unsolved throughout the quarter whereas 32 cases of violations were recorded. Radio Liberty Azerbaijan, 'Azadliq' newspaper, Meydan TV, 'Turan' information agency, 'Azerbaijan Hour' media outlets continued to suffer from the blockage of access to their websites as a result of the decision by Sabunchu District Court upon the request of Ministry of Transport, Communications and High Technologies in 2017.[3]

The Parliament played a key role in another instance of curtailing the freedom of expression. On 17 March 2020, the parliament adopted amendments to the law on information, informatisation and the protection of information to prevent the spread of false, misleading and disinformation on social networks during the pandemic. According to the amendments made to the Code of the Administrative Offences (article 388) as well, the social network users too will be subjects to the punishment if they share the prohibited information on their accounts.

Though the amendments were to prevent the spread of false, misleading and disinformation on social networks during the pandemic, the number of activists were summoned to the police stations and were verbally warned following the amendments after they criticised the methods used by the government to combat the COVID-19.

Media outlets received official warnings for issuing sensitive news faced blockage of access to their websites and cyberattacks. The editor-in-chief and founder of 'jamaz.info' were officially warned the Prosecutor Generals Office for covering the scandal of raping and murder of the 10-year-old girl in Tovuz District. Journalists were physically harassed, prevented from operating and removed from the scene by police officers during the coverage of 8 March rally and protest in front of the Turkish embassy on March 18.

The pressure on lawyers continued in the reporting period. Like the previous quarter, lawyers representing clients in politically sensitive cases faced political pressure. Orkhan Babayev, inspector of the Investigation Department of Prosecutor Generals Office on Grave Crimes complained about the lawyer Zibeyde Sadigova to the Bar Association for submitting a petition about questioning Mushfig Gurbanov who is under arrest in relation with infamous Ganja case. However, the lawyer regarded the development as illegal and part of political pressure applied on human rights lawyers and called Azerbaijani Government and Bar Association. International human rights organizations condemned the pressure against human rights lawyers and called Azerbaijani Government and Bar Association to stop.

3. Azerbaijani Court Blocks Access to 5 Sites, Including Meydan TV, '<https://www.meydan.tv/en/article/azerbaijani-court-blocks-access-to-5-sites-including-meydan-tv/?ref=redirect>'

Civil and Political Rights

Right to Fair Trial

The violations regarding the right to fair trial made up 20 per cent of all violations and took the infamous first place among human rights categories. The trials are politically sensitive cases continued to be formal, tend to last only a few minutes, the petitions of the defendants were mostly refused whereas the account of police officers on incidents was regarded as sole evidence. Especially in late March, the number of members of Azerbaijan Popular Front Party was arrested where trials tend to be accompanied by traditional violations of guarantees for a fair trial. EMDS reports that the government abused the quarantine measures to arrest political opponents and activists by charging them with trumped-up accusations. Moreover, the cases were reported where the lawyers remained in the case despite the refusal of the defendant.



• 8 March 2020, Protest by Feminists 'Free Streets Are Ours'



• Opposition leader Tofiq Yagublu arrest with bogus charges

Freedom of peaceful assembly

The freedom of peaceful assembly was practically prohibited during the reporting period. Groups requesting to enjoy this freedom were usually offered an unsuitable place in outskirts of the capital and the public meetings were dispersed aggressively by police officers. The official responses to the requests for the protest and meetings of 11, 16 February and 8, 18 March displays that the freedom of assembly suffers from the restrictive approach in Azerbaijan where organizers are sought to ask for permission rather than notifying the authorities.

On 11 and 16 February, group of candidates, observers and others protested the irregularities in the election process and the election day. The roads leading to the protest scene were blocked by the police and the protesters were beaten, removed from the scene by being forcibly put into the police buses which drop them off in remote areas. Journalists and protesters were forcibly dispersed and faced physical violence by police officers during 8 March rally by feminists and in front of the Turkish Embassy in Baku in protest at the detention of Azerbaijani businessman Mubariz Mansimov in Turkey.

Freedom from torture or cruel, inhuman or degrading treatment or punishment

The practice of subjecting detainees, especially the members of political opposition and activists to torture or cruel, inhuman or degrading treatment or punishment in detention centres and police stations continued during the first quarter of 2020 as well. The quarter was accompanied by reports of the beating of detained citizens across the Republic with revengous motives and to extract confessions. PFPA member Alzamin Salayev was reported to be tortured and subjected to an electric shock in the toilet of the detention centre by the number of police officers for accusing a police officer of rape of resident. Another PFPA member Pasha Umudov was forced to stand against the wall where police officers kept him under pressure with baseball sticks in their hands. District police departments and Main Organized Crime Department were the key players in violations.

Civil and Political Rights



Journalist Afgan Mukhtarli was freed on March 18

Activists and political opponents who were the target of political pressure during both the post-electoral period and the COVID-19 pandemic.



PFPA member Agil Humbatov was arrested in late March after criticising the president

Right to equality and political prisoners and persecutions

Right to equality was among the categories of right under heavy threats. The elements of discrimination were especially observed in the cases of detention and arrests of activists and political opponents who were the target of political pressure during both the post-electoral period and the COVID-19 pandemic. They have faced several methods of pressure, expelled from their offices, fined while had not violated the quarantine rules, sentenced to administrative arrests and even criminal cases were launched. Unsurprisingly, the European Convention for the Protection of Human Rights and Fundamental Freedoms has found Azerbaijan in breach of the article 18 of the Convention several times where the government was found violating the human rights of applicants with revengous and political motives.

Though some of the political prisoners were released during the quarter the issue in full remained unsolved. Afgan Mukhtarli who was detained in Georgia and brought to Azerbaijan to be arrested in 2017 was released on March 18. However, he was immediately forced to leave the country for Germany.

On the other hand, the arrests and political persecution remained during the reporting period where the government abused the quarantine measures adopted within the framework of COVID-19 response actions against its political opponents and activist.

After President pointed at opposition and signalled a new wave of political persecution in the address to the nation on March 19 in relation with Novruz holiday, the member of Musavat Party and Coordination Center of National Council of Democratic Forces, Tofiq Yagublu was arrested on March 22 on bogus charges and sentenced to 3 months in pre-trial custody. Tofiq Yagublu's car was hit by VAZ 2107 belonging to Elkhan Jabrayilov who accused Yagublu of the incident and accused him of attacking him and his wife with screwdriver and fists. Reporting the incident immediately from his Facebook account, Yagublu called it provocation with political motives. Local human rights defenders point at the logical loopholes in the case whereas several human rights organizations condemned the incident and called the government to free Yagublu.

The arrests in relation with pandemic continued afterwards as well. Around 10 activists and members of PFPA were detained, arrested or faced other threats until the late March. Most of them were accused of breaching the quarantine rules.

PFPA member Agil Humbatov was targeted twice during March. He was detained twice on March 14 and 31 after criticising the president in a video-request from his social media account. Though he was released after a short period in the first instance, Agil Humbatov was forcibly put into Psychiatric Hospital No.1 in early April. Overall, the number of political prisoners are considered to be above 100 during the reporting period.

Social and Economic Rights

The first confirmed case of coronavirus on February 27 increased the importance of ensuring social and economic rights in Azerbaijan.

Right to health

The lack of professionalism among doctors and medical professionals and cases of deprived medical care during the transition period to the compulsory medical insurance were among the reasons leading to complaints on the violation of the right to health. Moreover, the number of convicts were reported to suffer from adequate medical care in detention facilities despite showing symptoms of high fever and throat sore. At the same time, the conditions in detention facilities were reported to be alarming due to the high density of convicts and problems with the provision of food.





Zardab District residents closed highway



Patients in dialysis department in Sabirabad District Hospital were poisoned

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Social security rights

The Ministry of Labor and Social Protection were the main targets in complaints on the violations of social security rights following the same pattern observed in previous quarters. Corruption, bureaucratic and artificial hindrances were cited as the main reason for complaints. Moreover, the website of the Ministry for applying for social allowances failed to operate uninterruptedly and smoothly and caused issues.

Adequate living standards

As same as the previous quarter, the most complaints on the provision of adequate living standards were recorded in regions and rural areas. The interruptions in the provision of gas, electricity and water and requests of bribes for such provisions were reported to be reasons for most of the violations. The internally displaced people and worst-off groups cited the omissions of relevant state bodies as the source of complaints. Moreover, inefficient organization of public transport mostly in regions and rural areas also caused the complaints of locals