



## ON THE SITUATION OF HUMAN RIGHTS IN AZERBAIJAN

### ANNUAL FACT-SHEET 2020

The Election Monitoring and Democracy Studies Center (EMDS) has prepared an Annual Fact-Sheet based on information gathered from alternative and open sources on the human rights situation in Azerbaijan. EMDS is a non-governmental organization operating in Azerbaijan to promote human rights and democratic institutions.

#### Annual summary of human rights violations

Systematic problems in the field of human rights protection in the Republic of Azerbaijan, which have been going on for years, not resolved in 2020. On the contrary, a number of political and socio-economic rights were under threat, especially during the COVID-19 pandemic, which engulfed the world and affected Azerbaijan. During the year, EMDS observed 1,162 human rights violations based on 705 facts. As in previous years, the right to a fair trial and the right to social security were among the most violated. Of the 1,162 violations, 567 were civil and political rights, and 595 were social and economic rights.

The year began with early parliamentary elections and was marked by election irregularities and post-election pressures. In late February, quarantine measures were launched in the country in connection with the new COVID-19 pandemic and continued intermittently until the end of the year. As a result of numerous measures, a number of citizens' rights have been legitimately restricted, and businesses have been closed for a long time. For 105 days a year, citizens were able to go out to the streets only with the permission of SMS.<sup>1</sup> However, the pandemic period was accompanied by legitimate restrictions, abuse of quarantine rules by the authorities, and politically motivated punishment of more than 50 government critics and activists.

On September 27, the second Karabakh War began between Azerbaijan and Armenia. During the war, which ended with a tripartite statement signed on November 10, 100 people were killed, 406 were injured and hundreds of houses and facilities were destroyed or damaged as a result of the Armenian armed forces targeting civilians in Azerbaijan.<sup>2</sup>

The number of political prisoners remained around 100 throughout the year. Although this figure has changed with a number of amnesties and the release of political prisoners who have completed their sentences, the case of new persons has been monitored by a working group on a single list of political prisoners, as politically motivated arrests have not subsided. By the end of 2020, number of political prisoners stayed around 95.

As a usual, local executive authorities did not allow peaceful assemblies for various reasons, and with a few exceptions, police interfered with all peaceful assemblies, often interfering with police violence, arrests, and forcible removal of participants from the scene.

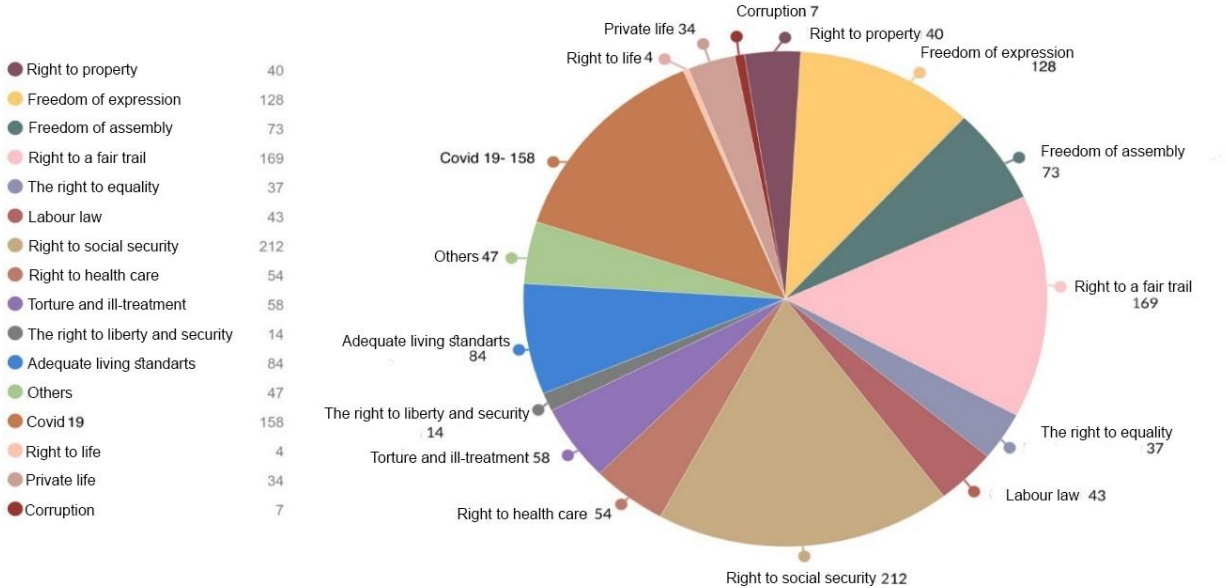
Independent media and freedom of expression have also come under pressure this year, especially during the quarantine period due to the pandemic. Independent media bodies and professional

journalists have been hacked for accessing their websites due to their professional activities and continued to face police obstruction, confiscation of equipment, and even arrest.

The Bar Association also used political pressure on lawyers involved in politically sensitive cases through disciplinary action. Civil society, on the other hand, had to act in the presence of legislative changes that imposed restrictive and severe reporting requirements in 2013-14 and 2016-17. Although a number of government officials held meetings with a number of civil society bodies in 2020, non-specific meetings did not yield results in 2020.

2020 was not a good year for the protection of socio-economic rights. Thus, especially in the context of the pandemic, there was a crisis in medical management, the population was not informed about the criteria for social assistance packages and quarantine, the process of formation and allocation of assistance packages took place in a non-transparent environment and was accompanied by citizen complaints.

**EMDS COMPILED HUMAN RIGHTS VIOLATIONS RECORDED DURING 2020 UNDER 15 CATEGORIES:**



**Civil and political rights:**

**The right to a fair trial**

The highest number of civil and political rights violations during the year was on the right to a fair trial. Thus, 169 violations of this right were registered this year, which is 14% of the total violations. Formal court hearings during politically motivated arrests, the courts' unwavering acceptance of the findings of investigative bodies, and widespread violations of the principles of the right to a fair trial were the main violations. In particular, those detained after the July 14 in Support of Karabakh rally have been charged with a number of baseless charges. The higher courts also upheld the lower courts' decisions, and the violated material and procedural rights could not be resolved. EMDS

says the government has also abused quarantine rules against political rivals and activists, who have been charged with fabricated charges and have not been tried objectively in court.<sup>3</sup>

### **Right to free elections, right to run as a candidate, to vote, and participation in political life**

The beginning of the year coincided with the nomination of candidates and the campaign period for the early parliamentary elections on February 9. The government exerted political pressure on independent and opposition candidates, including members from Musavat and Real parties, to withdraw their candidacies from their workplaces and local executive authorities, and created various artificial barriers. In general, the elections were held in a climate of suppression of political rights, the election process and day were accompanied by traditional violations of the law, and as a result, the results of free and unfair elections did not reflect the will of the Azerbaijani people.<sup>4</sup>

### **Freedom of expression**

In 2020, 10% of violations were related to freedom of expression. The ban on access to the websites of Radio Liberty, Azadlig newspaper, Meydan TV, Turan TV, and Azerbaijan Saati continued in 2017. On March 17, the Milli Majlis amended the Law on "Information, Informatization and Protection of Information" to determine the responsibility of social media users for false information disseminated on social media. After the decision was made, the traditional enforcement process continued, and a number of violations occurred after the abuse of public and political activists. Independent media organizations received official warnings and were subjected to cyber attacks. During the year, citizens were persecuted and harassed for the critical views they shared on social media accounts and for their alternative political views in general, and their freedom of expression was violated, along with other fundamental rights.

### **Political prisoners and the right to equality**

The pressure on lawyers continued this year. Elchin Sadigov, the lawyer of journalist Polad Aslanov, who writes on religious issues, has problems in defending his client.<sup>6</sup> On July 13, lawyer Nemat Karimli was warned by the administration of the Bar Association which he is a member, due to information about Tofiq Yagublu member of the Musavat Party and National Council member had been tortured at the Nasimi District Police Office.

In 2020, there was a lack of political will to solve the problem of traditional political prisoners, and no action was taken to solve the problem. On June 10, a "working group on a single list of political prisoners" composed of local human rights defenders and lawyers shared a new report.<sup>7</sup> According to the report, a total of 108 people, including 4 journalists and 12 socio-political activists, are imprisoned for political reasons. Afghan Mukhtarli, who was detained in Georgia in 2017 and forcibly brought to Baku and arrested, was released on March 18. But as soon as he was released, he was deported and sent to Germany.

### **The right freedom from torture or cruel, inhuman, or degrading treatment or punishment**

Of the violations reported in 2020, 58, or 5% of the total, were related to torture and ill-treatment. In most of the complaints about the above-mentioned violations, PFPA activists were victims. The practice of confessing to torture and ill-treatment continued this year. Arrested and detained people from different cities and regions of the country were beaten with revenge motives and faced a number of pressures.

In particular, PFPA members detained after the Support to Karabakh rally, were beaten, tortured and ill-treated in detention facilities. Natig Adilov, spokesman for the PFPA, said on his Facebook account on July 20 that Ramid Nagiyev and Bakhtiyar Imanov had been tortured to testify against party chairman Ali Karimli. They were not allowed to meet with their lawyers. Babek Hasanov, a

member of the PFFA, and Abbas Huseynov, a member of the Muslim Union Movement, were ill-treated for protesting against the pandemic situation in prisons.

On June 7, one of the residents of the building located on Dadash Bunyadzadeh Street in Yasamal district was detained by police for going out in the yard of the building. He was then mistreated by police and other residents of the building, threw rubbish at police as protest. On June 8, more than 100 police entered the yard of the building. Police raided the building and detained 11 people. Videos taken by the police themselves and later posted on social media showed police forcibly entering people's private property and subjecting detainees to degrading treatment and disproportionate physical violence along the way.<sup>8</sup>

Despite numerous allegations of torture and ill-treatment of detainees in Azerbaijan during the year and condemnation statements from international organizations, the authorities and the Ombudsman's Office generally denied the allegations.

### **Freedom of assembly**

During the year, 73 of the violations and 6% of the total violations were related to violations of freedom of assembly. In 2020, citizens' freedom of assembly was severely violated, numerous obstacles were created to hold rallies, venues were not accepted and rally organizers were offered out-of-town, inconvenient venues, and rallies were often broken up by serious police violence. Thus, in fact, as in previous years, freedom of assembly was banned during this year.

On 11 and 16 February, a number of citizens, candidates and observers to protest in front of the Central Election Commission. Roads, where protesters could reach the protest area, were closed, and participants were put on police buses and dropped off in the suburbs of Baku.

The feminist rally "Ours Free Streets" on March 8 was also accompanied by police violence against protesters and journalists. A group of people protesting against the arrest of Mubariz Mansimov, a businessman living in Turkey, gathered in front of the Turkish Embassy in Baku on March 18 to protest. The action was also broken up by police violence, and violence was used against journalists.

On June 1, 49 people from a group holding a flash mob in the center of Baku on the occasion of International Children's Day were sentenced to administrative detention. A criminal case was opened against one of the organizers. Peaceful protests in front of the Interior Ministry and the Ministry of Education over police violence and problems in the education system during the pandemic were also broken up by police, participants were removed from the march, and some participants were fined.

After the clashes on the Azerbaijani-Armenian border on July 14, at least 20,000 citizens marched in the central streets of Baku, gathered in the Milli Majlis and Freedom Square. Outraged by the losses, the marchers expressed support for the army. The rally, which was mostly peaceful, was broken up by police using disproportionate force, tear gas, rubber bullets and water cannons after a group of people entered the parliament building. On the night of the march, more than 70 people were detained on the central streets of Baku and taken to police stations.



*July 14 - 'SupportKarabakhRally (c) RaminDeko*

At another meeting on September 9, protesters gathered in front of the Constitutional Court to demand the release of Tofiq Yagublu. The peaceful protest was broken up by police, and about 40 people were detained by police and removed from the area in police buses.

The denial of permission and the creation of artificial barriers to citizens who are dissatisfied with the illegal actions of municipal and executive authorities in the regions and who want to protest have led to violations of freedom of assembly.

### **COVID-19 and political rights**

Following the confirmation of the first case of coronavirus infection in Azerbaijan on February 27, the relevant governmental bodies were established to organize the fight against the pandemic, and the first quarantine measures were introduced. Then, in late March, a new wave of political persecution began.

Thus, Tofiq Yagublu, a member of the Coordination Center of the National Council and the Musavat Party, was arrested on March 22 on unfounded charges and sentenced to three months pretrial detention. On September 2, the Nizami District Court sentenced Musavat Party activist Tofiq Yagublu to four years and three months in a maximum-security prison. In his closing remarks in court on September 2, Tofiq Yagublu accused the court and authorities of falsifying charges and of political order, and went on a hunger strike to protest.<sup>10</sup> EMDS issued a statement condemning the arrest of Tofiq Yagublu.<sup>11</sup> Finally, on September 18, the Baku Court of Appeal, chaired by Judge Elmar Rahimov, granted the lawyers' request to replace the pre-trial detention of Tofiq Yagublu with house arrest in the Nizami District Court.<sup>12</sup>

The politically motivated arrests and persecutions during the pandemic did not end there. Administrative fines for violating quarantine rules against public-political activists prevailed. Criminal

cases have even been launched against a number of political activists.<sup>13</sup> From March to July, when the pandemic began, 56 people were targeted by such politically motivated decisions.<sup>14</sup>

The US State Department<sup>15</sup>, Council of Europe co-rapporteurs on Azerbaijan<sup>1</sup>, rapporteur on political prisoners in Azerbaijan<sup>17</sup> and Council of Europe Commissioner for Human Rights Dunja Mijatovic<sup>18</sup>, as well as influential human rights organizations Amnesty International<sup>19</sup>, Human Rights Watch<sup>20</sup> and others have accused Azerbaijan of abusing quarantine rules and called not to stifle independent voices.

Representatives of civil society appealed to the President to adopt an amnesty act on political prisoners during the pandemic. The document emphasizes the need for de facto conditions and the adoption of an amnesty act in prisons and detention centers during the COVID-19 pandemic.<sup>21</sup>

### **Civil and political rights during the Second Karabakh War**

On September 27, new fighting broke out with violation of the ceasefire on the line of contact in Nagorno-Karabakh and surrounding regions of the Republic of Azerbaijan occupied by the Armenian military forces. These battles ended on November 10 with a nine-item statement signed jointly by İlham Aliyev President of Azerbaijan, Vladimir Putin President of Russia, and Nicole Pashinian Prime Minister of Armenia.<sup>22</sup>

During 44 days, the Armenian side violated the rules of international humanitarian law and fired ballistic missiles at Tartar and other cities near the war zone of Azerbaijan, as well as Ganja, Barda, Mingachevir, Gabala, Siyazan, and other cities far from the war zone and fired heavy artillery shells at civilians and facilities in those cities using ballistic missiles. About 50 civilians were killed and more than 100 were injured in the attacks on Ganja and Barda.

On December 15, the human rights organization "HumanRightsWatch" published a report entitled "Armenia used 'cluster bombs' against Azerbaijan."<sup>23</sup> According to the report, the use of cluster munitions violates the laws of war. Prosecutor General's Office of the Republic of Azerbaijan said in its latest report on Armenia's attacks and provocations against the Azerbaijani civilian population that 100 civilians have been killed and 416 wounded since September 27 as a result of attacks and provocations by the Armenian armed forces. Besides, as a result of heavy artillery and rocket fire by the Armenian army, 4,186 houses, 135 apartment buildings, and 548 civilian facilities fell into disrepair.<sup>24</sup>



*Civilian houses destroyed as a result of the attack of the Armenian Armed Forces on the city of Ganja*

However, by acceding to the Third Geneva Convention on the Treatment of Prisoners of War, Armenia has always committed itself to treating prisoners of war humanely, torture and other ill-treatment of detainees were also reported in the testimonies of returnees.<sup>25</sup>

Accordingly, the rights of Azerbaijani citizens to life, liberty, and security, non-torture, and humiliation, protected by the European Convention on Human Rights and the Constitution of the Republic of Azerbaijan, have been violated in various cases.

### **Social-economic rights**

#### **Social-economic rights during the COVID-19 pandemic**

Following the confirmation of the Covid-19 infection in Azerbaijan on February 27, the Cabinet of Ministers has begun to take some measures to fight the pandemic. On April 4, the Cabinet of Ministers approved an action plan to improve the social-economic situation of the population, aggravated by the pandemic.<sup>26</sup> The measures were generally aimed at providing direct assistance, economic incentives to economic sectors affected by the pandemic and workers and entrepreneurs working in this field. As part of these measures, unemployed people received 190 manat, and entrepreneurs affected by the pandemic received direct assistance with a tax rate of at least 250 manat last year.

EMDS believes that during the Covid-19 pandemic, the registration of people in need, including the number of unemployed and low-income families, was not properly determined, and as a result, thousands of citizens were not provided with appropriate social-economic assistance.<sup>27</sup>

EMDS estimates that 1.6-1.8 million pupils and students across the country have limited material and technical resources for distance (online) education. These include shortcomings in the number of Internet access devices, broadband internet services and mobile internet prices. Unfortunately, only 30,000 users and 20 percent of teachers have been trained on how to use the Microsoft Teams platform, which is an online learning platform, during the summer months. In order to ensure quality education in the reality of the pandemic, access to the Internet in the regions, difficulties in the use of the Internet by educators must be addressed, and discounted prices must be achieved for the education sector to use the Internet and provide affordable equipment.

### **The right to social security**

In 2020, the most violations of economic and social rights were in the category of social security rights. Thus, 212 violations in this category accounted for 18% of total violations.

Unreasonable prolongation of pensions, artificial obstacles to the provision of targeted state social assistance were the basis for violations of the right to social security in this quarter. Local executive authorities and municipalities and the Ministry of Labor and Social Protection of Population were the main targets of the complainants.

### **Adequate living standards**

During the year, 84 violations, 7% of total violations, were related to adequate living standards. Problems with water supply in the regions have led to peaceful protests in several districts. In Agsu, Zardab, Goychay, Khachmaz, Beylagan, and a number of other regions and cities, there were serious interruptions in the water supply. Citizens claimed that utilities were provided in the gardens and houses of officials without interruption. In addition, the provision of utilities in the newly established areas in the regions was very low.<sup>28</sup> It was noted that although complaints were filed with official bodies such as Azersu, Azerishig, and the Ministry of Emergency Situations, the complaints remained unanswered and the problems remained unresolved.



*People of Tovuz region held a protest action over the problem of water*



## **Right to health**

During 2020, 54 complaints were received regarding violations of the right to medical care. During the COVID-19 period, the existing problems in the health care system became more apparent, and medical services were not provided later or at all. Citizens face serious problems in obtaining free medicines. The services provided in the modular hospitals established in the regions were low.<sup>29</sup> During the year, abuses of existing conditions led to an increase in bribery cases, and law enforcement bodies ignored complaints. Political prisoners also noted the poor quality of medical care in detention facilities and the lack of pandemic response.

## **Labor law**

During the year, 43 violations of labor rights were registered. The complaints were mainly related to non-compliance with the terms of the employment contract, failure to submit the final invoice, as well as non-compliance with safety regulations. In addition, there were cases during the year in the fight against the COVID-19 pandemic that workers were hired in violation of approved quarantine regulations, as well as layoffs and unresolved issues despite complaints to the courts. Towards the end of the year, cases of deprivation of money allocated to soldiers were also among the violations of labor rights.<sup>30</sup>

- <sup>1</sup> April 5 - May 18, June 21 - August 5, December 14 - December 31
- <sup>2</sup> The Prosecutor General's Office, 'Statistics of crimes against our civilian population as information of 07.12.1220', (7 December 2020), <https://genprosecutor.gov.az/az/post/3253>
- <sup>3</sup> EMDS, 'Measures against the COVID-19 pandemic in Azerbaijan: Political crisis in deepening pressure on freedoms', (September 2020), <https://smdtaz.org/wp-content/uploads/2020/09/SMDT-icmal-22.09.20.pdf>
- <sup>4</sup> EMDS, 'Final Report on Monitoring of Extraordinary Elections to the Milli Majlis of the Republic of Azerbaijan on February 9, 2020', (July 2020), page 2 <https://smdtaz.org/wp-content/uploads/2020/06/SMDT-Yekun-hesabat-09022020-1.pdf>
- <sup>5</sup> 'Law on Information, Informatization and Protection of Information: <http://e-qanun.gov.az/framework/3525>
- <sup>6</sup> Gozatchi, 'Lawyer Elchin Sadigov threatened due to his client', (2020), <http://gozetc.az/az/v%20c%99kil-elcin-sadigov-muv%20c%99kkilin%20c%99-gor%20c%99-h%20c%99d%20c%99l%20c%99nib>
- <sup>7</sup> EMDS, "The updated list of the Working Group on the Unified List of Political Prisoners has been submitted." (June 10, 2020) <https://smdtaz.org/az/vahid-siyasi-m%20C%99hbus-siyahisi-uzr%20C%99-isci-qrupun-yenil%20C%99nmis-novb%20C%99ti-siyahisit%20C%99qdim-edilib-4/>
- <sup>8</sup> MeydanTV, 'Police' garbage operation '- I'm going to die here!', (June 2020), <https://www.youtube.com/watch?v=KxhdusixuLY>
- <sup>9</sup> EMDS, 'Press release on new information on the July 14-15 Rally', (July 15, 2020), <https://smdtaz.org/wp-content/uploads/2020/07/EMDS-170720-1.pdf>
- <sup>10</sup> Gozatchi, 'Tofiq Yagublu was arrested for 4 years and 3 months', (September 2, 2020), <http://gozetc.az/az/tofiq-yaqublu-4-il-3-ay-mudd%20c%99tin%20c%99-h%20c%99bs-edilib/>
- <sup>11</sup> EMDS, 'Statement of the Election Monitoring and Democracy Studies Center on the arrest of well-known opposition political activist Tofiq Yagublu', (September 4, 2020), <https://smdtaz.org/wp-content/uploads/2020/09/SMDT-040920.pdf>
- <sup>12</sup> Gozatchi, 'The court released Tofiq Yagublu under house arrest after 17 days of hunger strike' (September 20, 2020), <http://gozetc.az/az/m%20c%99hk%20c%99m%20c%99-17-gun-acliqdan-sonra-tofiq-yaqublunu-ev-dustaqligina-buraxdi/>
- <sup>13</sup> Gozatchi, 'The number of people detained after the Support of Karabakh rally has reached 69', (July 2020) <https://gozetc.az/az/qarabaga-d%20c%99st%20c%99k-yurusund%20c%99n-sonra-saxlanilan-s%20c%99xsl%20c%99rin-sayi-69-a-catdi-siyahi/>
- <sup>14</sup> EMDS, 'COVID-19 and Azerbaijan: Cases of Political Pressure in the First Months of the Pandemic,' (July, 2020), <https://smdtaz.org/wp-content/uploads/2020/07/SMDT-07092020.pdf>
- <sup>15</sup> Gozatchi, "The United States has called on the Azerbaijani government to end its crackdown on the opposition and critics of the government," (June 2020). <https://bit.ly/2KAIILk>
- <sup>16</sup> Voice of America, 'Stop Arresting Journalists: Turkey and Azerbaijan Must Comply with Council of Europe Standards', <https://bit.ly/39Mhk5z>
- <sup>17</sup> RFE / RL, 'Council of Europe Concerns Ali Karimli', (May 2020), <https://www.azadliq.org/a/avropa-%20C5%9Furas%20C4%B1-%20C9%99li-k%20C9%99rimd%20C9%99n-narahatd%20C4%B1r/30624001.html>
- <sup>18</sup> Voice of America, 'Council of Europe Commissioner: Pandemic Does Not Justify Violations in Azerbaijan', (June 2020), <https://bit.ly/392BEk6>
- <sup>19</sup> Eurasianet.org, 'Azerbaijan cracks down on opposition amid coronavirus outbreak', (April 2020), <https://eurasianet.org/azerbaijan-cracks-down-on-opposition-amid-coronavirus-outbreak>
- <sup>20</sup> Human Rights Watch, 'Azerbaijan: Crackdown on Critics Amid Pandemic', (April 2020), <https://www.hrw.org/news/2020/04/16/azerbaijan-crackdown-critics-amid-pandemic>
- <sup>21</sup> EMDS, 'Civil society representatives appeal to President to adopt amnesty act during pandemic', (August 1, 2020), <https://bit.ly/392BAkm>
- <sup>22</sup> President.az Ilham Aliyev spoke to the people ', (November 10, 2020), <https://president.az/articles/45924>
- <sup>23</sup> Mikroskop Media, 'HumanRightsWatch: Armenia used cluster bombs against Azerbaijan', (December 15, 2020), <https://mikroskopmedia.com/2020/12/15/human-rights-watch-ermenistan-azerbaycana-qarsi-klastr-bombalarindan-istifade-edib/>
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- <sup>25</sup> AzerTaj, 'The Prosecutor General's Office: A criminal case has been launched on the fact of burning a serviceman of the Azerbaijani Army ', (January 6, 2020), <https://azertag.az/xeber/Bas-Prokurorluq-Azerbaycan-Ordusunun-herbi-qulluqchusunun-yandirilmasi-fakti-uzre-cina-yet-isi-baslanib-1682237>
- <sup>26</sup> The Cabinet of Ministers of the Republic of Azerbaijan, "On a number of measures to reduce the negative impact of the coronavirus (COVID-19) pandemic and, consequently, sharp fluctuations in world energy and stock markets on the economy of the Republic of Azerbaijan, macroeconomic stability, employment and entrepreneurship" On approval of the "Action Plan for the implementation of paragraph 10.2 of the Presidential Decree No. 1950 of March 19, 2020", (April 2020), <https://nk.gov.az/az/document/4367>

<sup>27</sup> EMDS, 'Review Document on the effectiveness of socio-economic measures in the fight against the COVID-19 pandemic in Azerbaijan and the state of medical management during the quarantine period', (December 2020), <https://smdtaz.org/wp-content/uploads/2021/01/SMDT25122020.pdf>

<sup>28</sup> Gözətçi.az, Electricity problem in the new residential area, (October 2020), <http://gozetci.az/az/pozuntular/yeni-yasayis-massivind%c9%99-isiq-problemi>

<sup>29</sup> Gözətçi.az, 'Crisis in Sheki, fights against coronavirus', (November 2020),

<http://gozetci.az/az/pozuntular/s%c9%99kid%c9%99-koronavirusla-mubariz%c9%99-agir-v%c9%99ziyy%c9%99t-alib/>

<sup>30</sup> Gözətçi, 'Unpaid war volunteer', (December 2020),

<http://gozetci.az/az/pozuntular/%c9%99m%c9%99k-haqqi-verilm%c9%99y%c9%99n-konullu/>

Contact:

Email: [emc.az2001@gmail.com](mailto:emc.az2001@gmail.com)

Phone: +994703403434

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

Twitter: SMDT\_EMDS