



QUARTERLY FACT SHEET ON THE SITUATION OF HUMAN RIGHTS IN AZERBAIJAN

JULY – SEPTEMBER 2020

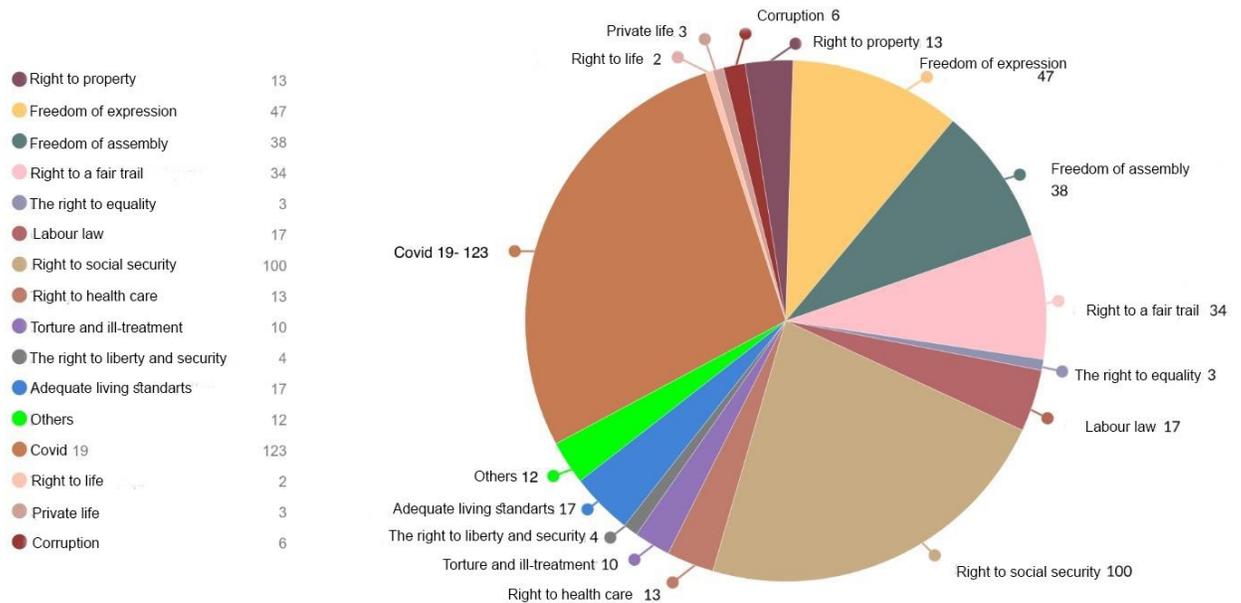
Election Monitoring and Democracy Studies Center (EMDS) presents a quarterly Fact-Summary based on information gathered from alternative and open sources on the human rights situation in Azerbaijan. EMDS is a non-governmental organization operating in Azerbaijan to promote human rights and democratic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

During the third quarter of 2020, EMDS registered a total of 442 human rights violations based on 207 facts collected as a result of monitoring human rights developments in the country and investigating complaints from citizens. In particular, violations of justice, freedom of expression, and social rights prevailed during the quarter. Of the human rights violations reported this quarter, 160 were civil and political rights and 147 were economic and social rights. During the quarter, 123 human rights violations were registered in connection with the COVID-19 pandemic.

The quarter was marked by a number of socio-political events. The main events that marked the quarter were the July 14 Support of Karabakh Rally and the subsequent mass arrests. This quarter, the issue of political prisoners in Azerbaijan remained unresolved, with more than 90 political prisoners. Total restrictions on freedom of expression, assembly, and other fundamental rights and freedoms have not been removed, and there has been an increase in the abuse of power by officials during the pandemic.

EMDS continued to monitor human rights this quarter, regularly monitoring the government's actions against political rivals and critics of the government through open sources and citizen complaints, and regularly informing the public.¹

EMDS COMPILED 442 HUMAN RIGHTS VIOLATIONS RECORDED DURING THE QUARTER UNDER 15 CATEGORIES:



Civil and political rights:

Freedom of expression and political persecution

As in the previous quarter, complaints of violations of freedom of expression in this quarter accounted for a high proportion of violations of civil and political rights. In total, 47 violations accounted for 22% of civil and political rights violations. Freedom of expression has faced increasing threats, especially as part of measures to combat the COVID-19 pandemic.

As in the previous quarter, in the first quarter of July, as part of a wave of political pressure, law-enforcement bodies continued to abuse pandemic measures against political opponents of the government and government critics.

The victims face various baseless allegations. In particular, administrative fines for alleged violations of quarantine rules prevailed. Criminal cases have even been opened against a number of political activists.²

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. Baku city prosecutor İlgar Abbasov complained about the lawyer of T. Yagublu due to a statement of the torture. The prosecutor claimed that Nemat Karimli violated the law by spreading information about the torture of Tofiq Yagublu without waiting for the results of the relevant investigation in the prosecutor's office. Although the Presidium of the Bar Association rejected the complaint, the lawyer was warned. Karimli did not agree with the allegations that he violated the law.

Elchin Sadigov, the lawyer of journalist Polad Aslanov, who writes on religious issues, has problems in defending his client. Elchin Sadigov wrote on his Facebook account that he had been warned not to defend the journalist. On July 3, after Aslanov filed a motion for re-examination, the investigation authorities threatened him. The lawyer said he would take the necessary measures, complain to the country's administration and all relevant structures, and demand the creation of conditions for the safe operation of the lawyer.³

On July 10, disciplinary proceedings were resumed against lawyer Elchin Sadigov. Elchin Sadigov wrote about this on his Facebook account.⁴

Lawyer Elchin Sadigov will be transferred to the Central Legal Bureau (former legal bureau office No. 1) from September 1. This decision was made by the Bar Association without his consent. The lawyer told "Turan" that from September 1, he will not be able to conclude contracts with clients during non-working hours, as well as provide free legal assistance to the citizens. "Citizens must pay at least the minimum amount set by the law firm. This means that low-income people will be left defenseless," Sadigov said.⁵

Political prisoners

One of the unresolved issues in the field of human rights this quarter was related to political prisoners. The arrest of Tofiq Yagublu and his hunger strike in protest were among the events that marked the quarter.

On September 1, the public prosecutor demanded a sentence of 4 years and 6 months in prison for Tofiq Yagublu, a member of the Musavat Party and the National Council. He was charged under Article 221.3 of the Criminal Code (hooliganism with the use of weapons or items used as weapons). It is alleged that Tofiq Yagublu crashed his car, then beat and injured a couple, Elkhan and Javahir Jabrailovs, who were in the other car. Tofiq Yagublu said the accusation was false. He wrote on his Facebook account at the time of the incident that the incident was provoked by pre-trained people.

On September 2, the Nizami District Court sentenced Musavat Party activist Tofiq Yagublu to four years and three months in a maximum-security prison. Thus, Judge Nariman Mehdiyev found Yagublu guilty of hooliganism (Article 221.3 of the Criminal Code) using an object as a weapon. The court also denied the motions to restore the video materials and use them in court. In his last speech on September 2, Yagublu accused the court and the authorities of falsifying the accusation and politically motivated. Yagublu went on a hunger strike to protest against this arbitrariness.⁶

Commissioner for Human Rights Council of Europe Dunja Mijatovic commented on the September 3 arrest of Tofiq Yagublu, a member of the Coordination Center of the Musavat Party and the National Council, for 4 years and 3 months: "Punishment against Tofiq Yagublu "It demonstrates once again that serious measures must be taken to ensure full respect for the rights of all and to a fair trial."⁷ In addition, the European Parliament's rapporteur on human rights, the US and British embassies, Amnesty International, and a number of international organizations have issued statements condemning Tofiq Yagublu's conviction.⁸



Tofiq Yagublu transferred from hospital to house arrest (c) BBC Azerbaijan

EMDS issued a statement condemning the arrest of Tofiq Yagublu. The statement said that Tofiq Yagublu's three prison sentences were illegal and that the verdict was the result of unfair and politically biased treatment. At the same time, the statement stressed that the video footage recorded by Yagublu on the phone during the trial was deleted by the police, the contradictory statements of witnesses and the motions of the accused were not granted. EMDS regretted that the court did not take into account his advanced age, being a veteran of the Karabakh war, as well as suffering from chronic allergic-asthmatic bronchitis. 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.¹⁰

According to the PFPA, Gachay Gafarov, an activist of the Goychay branch of the party, was detained on July 5, and Alikhan Rajabli, an activist of the Masalli branch, was detained on July 4. The party said the arrests were politically motivated.

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 actual conditions in prisons and pre-trial detention centers and the adoption of an amnesty act during the COVID-19 pandemic.¹¹

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

The right to freedom from torture or cruel, inhuman, or degrading treatment or punishment was one of the unresolved rights in this quarter.

In particular, the beating, torture, and ill-treatment of members of the PFPA detained in the detention centers after the Support to Karabakh rally marked a quarter. Natig Adilov, the spokesman of the PFPA, said on his Facebook account on July 20 that Ramid Nagiyev and Bakhtiyar Imanova had been tortured to testify against party chairman Ali Karimli. They were not allowed to meet with their lawyers.

Zamin Salayev, an arrested activist of the PFPA was reportedly beaten in Prison No. 16. The PFPA told Meydan TV that Salayev himself had been subjected to pressure when he spoke to family members on the

phone on September 17. When Salayev spoke about it, the telephone connection was cut off. Salayev said he had started the same action on September 15 in support of the hunger strike of political activist Tofiq Yagublu.

"He also told his family members that the reason for the pressure was to go on a hunger strike in support of Tofiq Yagublu. He said that since the beginning of the hunger strike on September 15, he has been subjected to pressure and beatings by prison staff every day,"- the party said.

Another member of the PFFA, Fuad Gahramanli, who was detained after a rally in Support of Karabakh, was also reported to have been tortured. Although more than 10 days have passed since his arrest, he has not been allowed to see a lawyer. According to local human rights organizations, Fuad Gahramanli was tortured at the time. In the end, Fuad Gahramanli was able to meet with his lawyer for only a few seconds and he refused his lawyer. Unlike other people arrested for the same march, Gahramanli was also charged under Article 278 of the Criminal Code and faces life imprisonment. As usual, the authorities simply said that Gahramanli was not tortured.

Despite numerous reports of torture and ill-treatment of detainees in Azerbaijan as instruments of punishment and condemnation statements from international organizations, the authorities and the Ombudsman's Office generally refute these allegations.

The right to a fair trial

Most of the human rights violations that took place in July-September 2020 fell into the category of fair trials. Thus, 34 violations accounted for 17% of the total violations. In particular, the basic principles of the right to a fair trial in politically motivated trials, such as equality of arms, adversarial proceedings, the participation of the applicant or his representative in the proceedings, and an open trial, a reasoned judgment, were grossly violated and the objections ignored. The higher courts also upheld the lower courts' decisions, and the violated material and procedural rights could not be resolved.

Freedom of assembly

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.¹²



July 14 - 'SupportKarabakhRally (c) RaminDeko

In President Ilham Aliyev's July 16 speech, a new wave of arrests began after accusations by PFPA activists of incidents, mainly targeting members and activists of various political groups and parties, culminating in the arrest of at least 60 people. Detainees were administratively and criminally prosecuted, and some were tortured. PFPA officials say that party members Seymur Ahmadov, Bakhtiyar Imanov, Ayaz Maharramli, Ramid Nagiyev, and Fuad Gahramanli were severely beaten in various detention centers and were forced to testify against high-ranking party members and chairman Ali Karimli over incidents during the rally.

Some of the detainees were charged under Article 139-1 of the Criminal Code - violation of quarantine, 186.2.1 - destruction and damage to property, 233 - violation of public order and riots, 278 - forcible change of the country's constitutional order, and 315 - resistance and use of force against a government official and sentenced to three months in pretrial detention.¹³

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.

Social-economic rights

The right to social security:

In July-September 2020, more than twice as many complaints - 100 complaints, were registered as in the previous quarter, which accounted for 68% of the total number of complaints on violations of social-economic rights in this quarter. The complaints were mainly related to the various problems faced by citizens in departments and agencies during the quarter and the artificial barriers created by the authorities for

citizens. Local executive authorities, municipalities, and the Ministry of Labor and Social Protection of Population were the main targets of the complainants.

However, the main point related to the violations of social-economic rights registered during this quarter was especially related to the COVID-19 pandemic. Thus, the social packages allocated by the Azerbaijani government for the protection of vulnerable and defenseless groups during the pandemic have been re-applied to the areas of strict quarantine. The packages also apply to entrepreneurs who are registered as unemployed and have to stop working. However, numerous violations were recorded in the receipt of these social benefits by citizens.

During this quarter, about 40 complaints were received regarding the receipt of one-time social benefits for unemployed citizens. The main reasons for the complaints were the refusal of the authorities to provide citizens with a request for payment without giving a specific reason, or the failure to properly consider the appeal or complaint.

Adequate living standards

During the quarter, 18 complaints of violations of social-economic rights were related to non-compliance with adequate living standards. Problems with water supply in the regions have led to peaceful protests in several districts. In Kurdamir, Saatli, 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. 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.

Right to health

During the third quarter of 2020, violations of the right to health also prevailed with 23 complaints. During the COVID-19 period, the health care system's existing problems became more apparent, and medical services were not provided later or at all. Citizens face serious problems in obtaining free medicines. During the quarter, 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

Of the human rights violations recorded during the quarter, 17 were related to labor rights violations. Complaints were mainly related to non-compliance with the terms of the employment contract, incorrect calculation of wages, delays in payment, failure to submit the final invoice, as well as non-compliance with safety regulations. Besides, during the quarter, as part of the fight against the COVID-19 pandemic, there were cases of employees being hired in violation of approved quarantine rules, as well as layoffs and unresolved issues despite complaints in court.

- ¹ Election Monitoring and Democracy Studies Center, 'Measures against the COVID-19 pandemic in Azerbaijan: POLITICAL CRISIS with deepening pressure on freedoms', (September, 2020), <https://smdtaz.org/az/smdt-az%20c9%99rbaycanda-covid-19-pandemiyasi-dovrund%20c9%99-d%20c9%99rinl%20c9%99s%20c9%99n-siyasi-bohranla-bagli-icmal-s%20c9%99n%20c9%99di-yayib>
- ² Gozatchi, 'The number of people detained after the Support of Karabakh rally has reached 69' (July, 2020), <http://gozetci.az/az/qarabaga-d%20c9%99st%20c9%99k-yurusund%20c9%99n-sonra-saxlanilan-s%20c9%99xsl%20c9%99rin-sayi-69-a-catdi-siyahi>
- ³ Gozatchi, 'Lawyer Elchin Sadigov threatened due to his client', (2020), <http://gozetci.az/az/v%20c9%99kil-elcin-sadigov-muv%20c9%99kkilin%20c9%99-gor%20c9%99-h%20c9%99d%20c9%99l%20c9%99nib>
- ⁴ Gozatchi, 'Disciplinary proceeding were instituted against lawyer Elchin Sadigov', (July 10, 2020), <http://gozetci.az/az/v%20c9%99kil-elcin-sadiqov-bar%20c9%99sind%20c9%99-yenid%20c9%99n-intizam-icraati-basladilib>
- ⁵ Gozatchi, 'Disciplinary proceeding were instituted against lawyer Elchin Sadigov', (July 10, 2020), <http://gozetci.az/az/v%20c9%99kil-elcin-sadiqov-bar%20c9%99sind%20c9%99-yenid%20c9%99n-intizam-icraati-basladilib/>
- ⁶ Gozatchi, 'Tofiq Yagublu was arrested for 4 years and 3 months', (September 2, 2020), <http://gozetci.az/az/tofiq-yaqublu-4-il-3-ay-mudd%20c9%99tin%20c9%99-h%20c9%99bs-edilib/>
- ⁷ Gozatchi, 'Dunja Mijatovic commented on the court decision on Tofiq Yagublu', (September 2020), <http://gozetci.az/az/11700-2/>
- ⁸ Gozatchi, 'Amnesty International: Tofiq Yagublu is a Prisoner of Conscience', (September 2020), <http://gozetci.az/az/amnesty-international-tofiq-yaqublu-vicdan-m%20c9%99hbusudur/>
- Gozatchi, 'US and British embassies condemn Tofiq Yagublu's arrest', (September 2020), <http://gozetci.az/az/abs-v%20c9%99-boyuk-britaniya-s%20c9%99firlikl%20c9%99ri-tofiq-yaqublunun-h%20c9%99bsini-pisl%20c9%99di/>
- Gozatchi 'The European Parliament's Commissioner for Human Rights' condemned the decision against Tofiq Yagublu', (September 2020), <http://gozetci.az/az/avropa-parlamentinin-insan-huquqlari-uzr%20c9%99-m%20c9%99ruz%20c9%99cisi-tofiq-yaqublunun-bar%20c9%99sind%20c9%99-hokmu-pisl%20c9%99yib/>
- ⁹ 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>
- ¹⁰ Gozatchi, 'The court released Tofiq Yagublu under house arrest after 17 days of hunger strike' (September 20, 2020), <http://gozetci.az/az/m%20c9%99hk%20c9%99m%20c9%99-17-gun-acliqdan-sonra-tofiq-yaqublunu-ev-dustaqligina-buraxdi/>
- ¹¹ EMDS, 'Civil society representatives appeal to President to adopt amnesty act during pandemic', (August 1, 2020), <https://smdtaz.org/az/v%20c9%99t%20c9%99ndas-c%20c9%99miyy%20c9%99ti-t%20c9%99msilcil%20c9%99ri-pandemiya-don%20c9%99mind%20c9%99-amnistiya-aktinin-q%20c9%99bulu-il%20c9%99-prezident%20c9%99-muraci%20c9%99t-unvanlayib/>
- ¹² 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>
- ¹³ Gozatchi, 'The number of people detained after the Support of Karabakh rally has reached 69', (July 2020) <https://gozetci.az/az/qarabaga-d%20c9%99st%20c9%99k-yurusund%20c9%99n-sonra-saxlanilan-s%20c9%99xsl%20c9%99rin-sayi-69-a-catdi-siyahi/>

Contact:

Email: emc.az2001@gmail.com

Phone: +994703403434

Website: www.smdtaz.org

Twitter: SMDT_EMDS

