



QUARTERLY FACT SHEET ON THE SITUATION OF HUMAN RIGHTS IN AZERBAIJAN

JULY - SEPTEMBER 2021

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.

Quarterly Fact-Summary

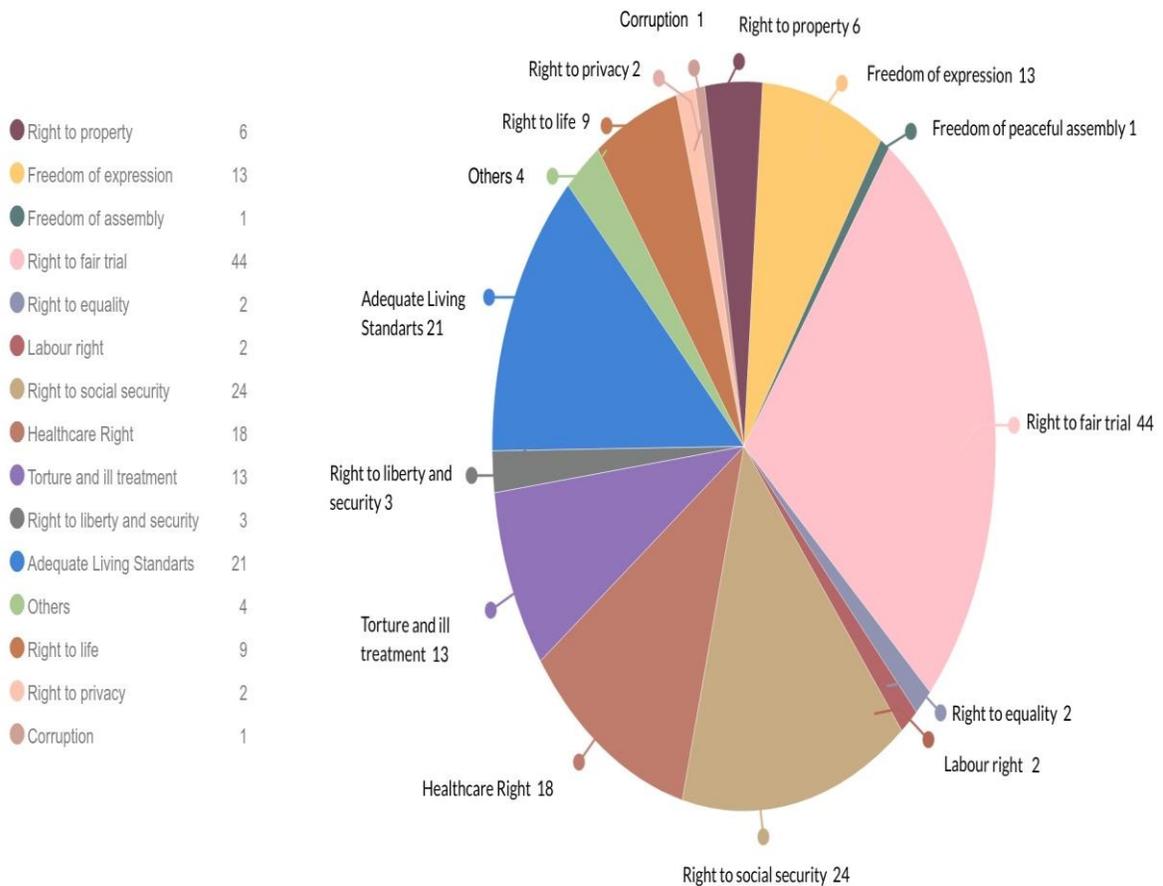
During the third quarter of 2021, EMDS registered a total of 179 human rights violations based on 122 facts collected as a result of monitoring human rights developments in the country and investigating complaints from citizens.

Most of the increase in human rights violations is in the categories of fair trial, torture and illtreatment, freedom of expression and social rights. Of the human rights violations reported this quarter, 106 were related to civil and political rights and 69 to economic and social rights.

This quarter was marked by a number of socially significant events. In particular, the mass arrests of party members and public activists on unfounded and false charges have left a mark on the quarter.

EMDS also monitored human rights in the country this quarter, regularly monitoring the government's actions against political opponents and critics of the government through open sources and citizen complaints, and regularly informing the public.

EMDS COMPILED HUMAN RIGHTS VIOLATIONS RECORDED DURING THE QUARTER UNDER 18 CATEGORIES:



Civil and political right

The right to a fair trial

As in the previous quarter, most of the human rights violations recorded in this quarter are in the category of fair trials. Thus, 44 facts of violation of the right to a fair trial were registered, which accounted for 24% of all violations.

Violations in this category were mainly recorded in politically motivated proceedings and were marked by violations of the basic principles of the right to a fair trial - equality of arms, litigation, participation of the applicant or his representative in the proceedings, open trial, were remembered for violating the principles of a reasoned court decision.

The resolution of substantive and procedural rights violated through higher instances has largely been impossible. The requirement to give false testimony in court was one of the main violations of the right to a fair trial.

There were cases when the court was given incorrect opinions on the cases under consideration by the court, and the objections of the defense were ignored. The decisions of the higher courts were formal and limited to upholding the decisions of the lower courts.

On July 12, 2021, Polad Aslanov, the founder and editor of the website xeberman.com, who was detained in Prison No. 1, went on a hunger strike to protest the false accusations against him and the court decision¹.

According to the verdict of the panel of judges chaired by Siyavush Hajiyev, Ahmadov was found guilty under Articles 214-1 (financing of terrorism), 28.281 (preparation for public incitement against the state) and 233-1 (acquisition, possession of items not allowed by law)².

Freedom of expression and political prisoners

During the reporting quarter, the percentage of complaints of violations of freedom of expression was higher among civil and political rights violations. Law enforcement agencies continued to

unjustifiably interfere in the freedom of expression of political opponents and critics of the government.

On July 16, 2021, actor Elmin Badalov was detained by police and taken to the 27th Police Station. The incident took place after the actor's performance of the street play "Seventh Place" in the Winter Park. He said that he had appealed to the Ministry of Culture and the Baku City Executive Power to show street performances for about three years. The head of the ADO, who did not receive a positive response, appealed to the Baku Administrative-Economic Court No. 1 in 2019. Although the decision of the first instance was in favor of the theater, it was later annulled after an appeal to the Court of Appeal of the Baku City Executive Power³.

On September 30, member of the Popular Front Party of Azerbaijan Elmaddin Ahmadov was administratively arrested. This was reported by the party. It was reported that Elmaddin Ahmadov was arrested for participating in a rally demanding water from residents of Nabatakend, Cholpu and Orta Mugan villages of Saatli region⁴.

On October 6, journalist and public activist Anar Abdulla was administratively detained for 15 days for writing on his Facebook account. He said he was subjected to violence at the police station⁵.

On October 9, Fuad Ahmadli, co-founder of the Central Public Union for the Protection of Political Prisoners and Victims of Torture and an APFP activist, was arrested for 30 days on charges of disturbing public order⁶.

On October 13, 2021, Elmir Abbasov, one of the activists protesting against the "arrest of political activists" and the "Change of the Republic Day" in front of the former YAP headquarters, was administratively detained for 30 days⁷.

Musavat Party member Rovshan Huseynov was detained on October 13 and on the same day the Surakhani Court found him guilty under Article 535.1 of the Code of Administrative Offenses (disobedience to the police) and detained him for 25 days. The Musavat Party linked Huseynov's arrest to a march to the monument to Mohammad Amin Rasulzade in Novkhani settlement on October 11 on the occasion of the party's 110th anniversary⁸.

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

In this quarter violations of the right freedom from torture or cruel, inhuman, or degrading treatment or punishment are registered. The practice of confessing to torture and ill-treatment continued. 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, APFP members were beaten, tortured and ill-treated in various cities of the country. Political activists were reportedly tortured to testify in various institutions.

On August 13, Joshgun Isgandarov, a lawyer who was reportedly beaten by police in the Shirvan Court of Appeal, appealed to the Prosecutor General's Office. According to his lawyer, the police officers who used violence against him were the ones who brought the accused to court from the private police department⁹.

Zamin Salayev, a member of the Popular Front Party of Azerbaijan arrested on 22 September, said he had been tortured in Prison No. 17. This was reported by the PPFA. According to the party, Zamin Salayev called him a few days ago and tortured him twice to get him to sign an application to leave the party¹⁰.

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

Social-economic rights

Freedom of assembly

Restrictions on freedom of assembly have not been lifted this quarter, but the number of violations has more than doubled since the previous quarter. Rallies and pickets during the quarter were followed by police interference and detention. At the same time, dozens of opposition activists and others in Baku and the regions were summoned to police stations and faced threats and pressure for participating in or holding rallies.

A protest rally was held in central Baku on September 28 demanding the release of Niyamaddin Ahmadov, a member of the Popular Front Party and known as a political prisoner. A group of party

activists marched along the pedestrian section of Nizami Street, chanting "Freedom for Niyamaddin Ahmadov!", "Freedom for political prisoners!", "Either release or resign!", "Resign!" and chanted other slogans. After the intervention of the police the protesters dispersed.

Adequate living standards

During the quarter, 21 complaints of violations of socio-economic rights were related to noncompliance with adequate living standards. There were a number of problems with electricity and gas supply in the regions¹¹.

Also, at a time when online services and distance education are predominant, mass Internet problems have sparked protests. The provision of utilities in the newly created areas in the regions was very low. It was noted that despite complaints to Azersu, Azerishig and Azergaz, the problems remained unanswered and unresolved.

In July-September 2021, 24 complaints of violations of the right to social security were registered, which accounted for 13% of all 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. Problems with the appointment of disability and mass complaints of citizens were noted in this quarter¹².

The main complainants were local executive authorities and municipalities, employment centers, and the Ministry of Labor and Social Protection.

Right to health

During the third quarter of 2021, violations of the right to medical care also prevailed with 18 complaints. During the quarter, a number of artificial barriers were created by the Medical and Social Expertise Commissions to persons with disabilities. During the COVID-19 period, the existing problems in the health care system became more apparent, and the emergency medical service was provided later than a reasonable time.

Azerbaijani Management Union of Medical Territorial Units – TABIB was one of the main targets of the complainants. Citizens face serious problems in obtaining free medicines. During the

quarter, abuses of the existing situation became more widespread, and law enforcement agencies ignored complaints.

Political prisoners with health problems also complained of violations of their right to medical care in detention facilities.

¹ Gozatchi, "Polad Aslanov went on hunger strike in prison" (July 7, 2021)

<http://gozetci.az/az/pozuntular/polad-aslanov-c%99zac%99km%99mu%99sis%99sind%99-acliq-elan-edib/>

² Gozatchi, "Niyamaddin Ahmadov was sentenced to 13 years in prison" (October 8, 2021)

³Gozatchi, "The actor performed a street play and was taken to the police station" (July 16, 2021)

<http://gozetci.az/az/pozuntular/aktor-kuc%99-tamasasi-gost%99rdi-polisbolm%99sin%99-aparildi/>

⁴ Gozatchi, "A member of the Popular Front Party of Azerbaijan was arrested" (September 30, 2021)

http://gozetci.az/axtarisin-neticesi?post_date=01072021+30092021&_sft_category=ifad%99-azadligi

⁵ Gozatchi, "Public activist sentenced to 15 days in prison" (October 6, 2021)

<http://gozetci.az/az/pozuntular/ictimai-f%99al-15-sutka-h%99bs-c%99zasi-aldi/> ⁶

Voice of America, "Fuad Ahmadli sentenced to 30 days in prison" (October 7, 2021)

<https://www.amerikaninsesi.org/a/fuad-%C9%99hm%C9%99dliy%C9%99-30sutka%C4%B1q-h%C9%99bs-c%C9%99zas%C4%B1-verilib/6263448.html>

⁷ Gozatchi, “Elmir Abbasov has been administratively detained for 30 days ”(October 13, 2021)
<http://gozetc.az/az/elmir-abbasov-30-sutka-inzibati-qaydada-h%c9%99bs-olunub/>

⁸ Gozatchi, “Musavat Party member arrested for 25 days” (October 13, 2021)
<http://gozetc.az/az/pozuntular/musavat-partiyasinin-uzvu-25-sutka-h%c9%99bs-edilib/>

⁹ Gozatchi "Lawyer complains to prosecutor's office that he was beaten by police" (August 13, 2021)

<http://gozetc.az/az/pozuntular/polis-t%c9%99r%c9%99find%c9%99n-doyulduyunudey%c9%99n-v%c9%99kil-prokurorluga-sikay%c9%99t-edib/>

¹⁰Gozatchi, "Zamin Salayev is being tortured in prison No. 17" (September 22, 2021)

<http://gozetc.az/az/pozuntular/zamin-salayev%c9%99-17-sayli-c%c9%99zac%c9%99km%c9%99-mu%c9%99sis%c9%99sind%c9%99isg%c9%99nc%c9%99-verilir/>

¹¹Gozatchi, “Water problem in Saatli villages” (September 22, 2021)
<http://gozetc.az/az/pozuntular/21053/>

¹²Gozatchi, “First Karabakh veteran complains about disability pension cut” (August 29, 2021)

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