



QUARTERLY FACT SHEET ON THE SITUATION OF HUMAN RIGHTS IN AZERBAIJAN

(January-March 2021)

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

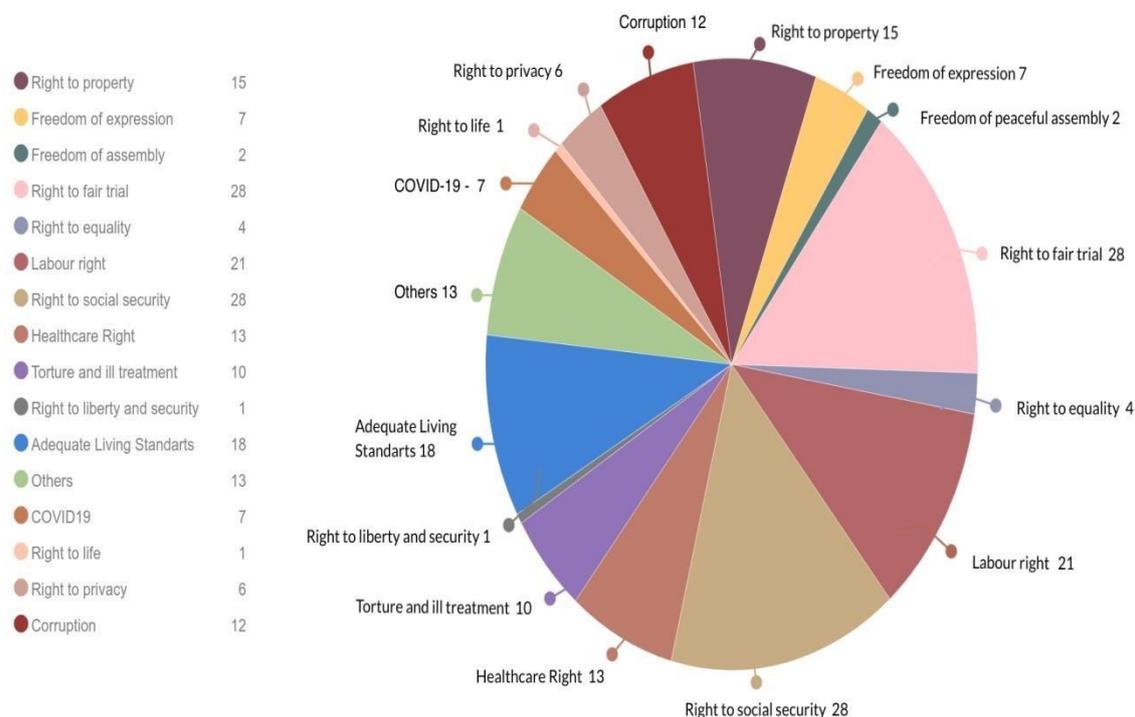
Quarterly Fact-Summary

During the first quarter of 2021, EMDS registered a total of 193 human rights violations based on 144 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 compared to the previous quarter is in the categories of fair trial, freedom of expression and social rights. Of the human rights violations reported this quarter, 89 were related to civil and political rights and 104 to economic and social rights.

This quarter was marked by a number of socially significant events. Thus , 475 convicts were released from the unserved part of their sentences by the pardon decree signed by the President on March 16, 2021. 39 of them were identified as political prisoners by the Working Group on the Unified List of Political Prisoners. The sentence of one political prisoner has been halved. After the mentioned pardon order, the Working Group recognized 53 people as political prisoners¹.

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 193 HUMAN RIGHTS VIOLATIONS RECORDED DURING THE QUARTER UNDER 16 CATEGORIES:



Civil and political rights

The right to a fair trial

Most of the human rights violations that took place in January-March 2021 are in the category of fair trial. Thus, 28 facts of violation of the right to a fair trial were registered, which accounted for 15% 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 trial², were remembered for violating the principles of a reasoned court decision. There were cases when the court was given incorrect opinions³ on the cases under consideration by the court, and the objections of the defense were ignored⁴. The decisions of the higher courts were formal and limited to upholding the decisions of the lower courts. The resolution of substantive and procedural rights violated through higher instances has largely been impossible.

The European Court of Human Rights issued a number of rulings on appeals from Azerbaijan on 14 January, recognizing that the rulings violated the applicants' right to a fair trial, among other rights⁵.

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. Steps taken to combat the COVID-19 pandemic have disproportionately restricted freedom of expression.

In particular, law enforcement agencies continued to unjustifiably interfere in the freedom of expression of political rivals and critics of the government by abusing pandemic regulations. Elmir Abbasov, a member of the NIDA Civil Movement, said he was taken to police on January 13 for writing a critical status. Speaking to RFE / RL, Abbasov said he had posted a status about President Ilham Aliyev on Facebook⁶.

On March 5, 2021, lawyer Shahla Humatova was expelled from the Bar Association by the decision of the Baku Administrative Court on the basis of the appeal of the leadership of the Bar Association of the Republic of Azerbaijan. In its appeal to the court, the board said that Humatova had not paid the membership fee for more than six months. Sh. Humatova said the decision was a political order and the court was implementing it. Sh Humatova represented several people arrested in connection with the June 2018 events in Ganja. On March 4, 2020, the US State Department presented the Brave Women Award (IWOC) to Shahla Humatova⁷.

Ibrahim Khudayi (Khudiyev), a young satirist living in Salyan, was taken to the local police department on March 5, 2021. According to the public activist, a preventive talk was held with him at the district police department⁸.

Shahin Hajiyevev, a member of the Popular Front Party of Azerbaijan (PFPA), was arrested for 30 days on March 19, 2021 by the decision of the Kapaz District Court⁹. The party said that the reason for Sh. Hajiyevev's arrest was the statuses he wrote on Facebook.

This quarter, independent media outlets received official warnings and were subjected to cyber attacks.

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. 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.¹⁰¹¹ In particular, APFP members were beaten, tortured and ill-treated in various cities of the country. According to reports, they were tortured to testify in various institutions¹².

The right to privacy

During the quarter, the number of violations of the right to privacy increased significantly.

Public activist Narmin Shahmarzadeh's Facebook account was seized and personal correspondence and some other information about her were made public¹³.

Arrested journalist Afgan Sadigov's wife, Sevinj Sadigova, said she was blackmailed by SSS officers for spreading intimate images¹⁴.

On March 28, 2021, videos about the personal life of Gunel Hasanli, the daughter of the chairman of the National Council Jamil Hasanli, were spread on social networks.

The chairman of the National Council, Jamil Hasanli, described the incident as a "provocation carried out by special services" with a political order¹⁵.

Social-economic rights

The right to social security

In January-March 2021, 28 complaints of violations of the right to social security were registered, which accounted for 14% of all violations. Unreasonable extension of pensions, artificial obstacles to the provision of targeted state social assistance in this quarter formed the basis for violations of the right to security. The main complainants were local executive authorities and municipalities, employment centers, and the Ministry of Labor and Social Protection.

Adequate living standards

During the quarter, 18 complaints of violations of social-economic rights were related to noncompliance with adequate living standards¹⁶. There were a number of problems with electricity and gas supply in the regions. Also, at a time when online services and distance education are predominant, the massive problems with the Internet have sparked protests from citizens¹⁷. In addition, utilities in the newly created arrays in the regions provision of services was very low. It was noted that despite complaints to Azersu, Azerishig and Azergaz, the problems remained unanswered and unresolved¹⁸.

Right to health

During the first quarter of 2021, violations of the right to medical care also prevailed with 13 complaints. During the quarter, a number of artificial barriers were created by the Medical and Social Expertise Commissions to persons with disabilities¹⁹.

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. Sometimes no emergency medical care was provided due to the workload. Azerbaijani Management Union of Medical Territorial Units – TABIB was one of the main targets of the complainants. Citizens face serious problems in obtaining free medicines²⁰. During the quarter, abuses of existing conditions led to an increase in bribery cases, and law enforcement bodies ignored complaints²¹. Political prisoners also noted the poor quality of medical care in detention facilities and the lack of pandemic response.

Labor law

Some of the human rights violations recorded during the quarter were related to labor rights violations of the complaints related to the violation of social-economic rights were related to violations of labor rights. The complaints were mainly related to non-compliance with the terms of the employment contract, failure to submit the final invoice, as well as noncompliance with safety regulations. Deprivation of money allocated to soldiers also prevailed during the quarter among violations of labor rights.

¹Gozatchi, Classification of political prisoners to be released by pardon (18 mart 2021)

<http://gozetci.az/az/%c9%99fv-s%c9%99r%c9%99ncami-il%c9%99-azadliga-buraxilacaqsiyasim%c9%99hbuslarin-siyahisi/>

²Gozatchi, Ganja case: 'They showed me and said that you will oppose it, ' (27 yanvar 2021)

<http://gozetci.az/az/g%c9%99nc%c9%99-isi-m%c9%99ni-gost%c9%99rib-dedil%c9%99r-kibunun-uzun%c9%99-duracaqsan/>

³ Gozatchi, Goychay resident: A criminal case should be opened against the official for

giving a wrong opinion <http://gozetci.az/az/pozuntular/goycay-sakini-yanlis-r%c9%99yverildiyn%c9%99-gor%c9%99-m%c9%99muraqarsi-cinay%c9%99t-isi-acilmalidir/>

⁴ Gozatchi, Arif Ahmadov: "A young man was arrested without any guilt, and he is never

seen talking to his mother" <http://gozetci.az/az/pozuntular/arif-%c9%99hm%c9%99dovg%c9%99nc-bir-adami-hec-bir-gunahi-olmadan%c9%99bs-edibl%c9%99r-anasi-il%c9%99danismasini-da-cox-gorurl%c9%99r/>

⁵Gozatchi, The ECHR has announced its new decisions on Azerbaijan (14 yanvar 2021)

<http://gozetci.az/az/aihm-az%c9%99rbaycanla-bagli-yeni-q%c9%99rarlarini-aciqlayib/>

⁶ Gozatchi, A NIDA member says he was taken to the police (15 yanvar 2021)

<http://gozetci.az/az/pozuntular/nida-ci-g%c9%99nc-polis%c9%99-aparildigini-deyir/>

⁷ Meydan tv, Shahla Humbatova was expelled from the Bar (5 mart 2021)

https://d9mc3ts4czbpr.cloudfront.net/az/article/sehla-humbetova-vekillerkollegiyasindancixarildi/?utm_medium=socialmedia&utm_campaign=news&utm_source=article

⁸Gozatchi, The satirist said he was taken to the police (6 mart 2021)

<http://gozetci.az/az/pozuntular/satirik-sair-polis%c9%99-aparildigini-bildirib/>

⁹Gozatchi, APFP: A member of the party was arrested for 30 days (21 mart 2021)

<http://gozetci.az/az/pozuntular/axcp-partiya-uzvu-30-sutka-h%c9%99bs-edilib/>

¹⁰ Gozatchi, The NIDA activist spoke in court about being beaten and throwing drugs in

his pocket (4 mart 2021) <http://gozetci.az/az/pozuntular/nida-ci->

[f%c9%99alm%c9%99hk%c9%99m%c9%99d%c9%99-doyulm%c9%99sind%c9%99n-v%c9%99cibin%c9%99-narkotik-atilmasindan-danisdi/](http://gozetci.az/az/pozuntular/oglum-polis%c9%99rt%c9%99r%c9%99find%c9%99nv%c9%99hsic%c9%99sin%c9%99-doyulub/v%c9%99cibin%c9%99-narkotik-atilmasindan-danisdi/)

¹¹ Gozatchi, "My son was brutally beaten by the police" (10 fevral 2021)

<http://gozetci.az/az/pozuntular/oglum-polis%c9%99rt%c9%99r%c9%99find%c9%99nv%c9%99hsic%c9%99sin%c9%99-doyulub/>

¹² Gozatchi, Ali Karimli's bodyguard: They carried a bag over my head: <http://gozetci.az/az/pozuntular/%c9%99li-k%c9%99rimlinin-muhafiz%c9%99cisi-basimatorba-kecirib-aparirdilar/>

¹³ Voice of America Public activists in Azerbaijan have appealed to law enforcement agencies to interfere in their private lives (13 mart 2021)

<https://www.amerikaninsesi.org/a/az%C9%99rbaycanda-ictimai-f%C9%99allar-%C5%9F%C9%99xsih%C9%99yatlar%C4%B1na-m%C3%BCdxail%C9%99-il%C9%99ba%C4%9F%C4%B1-h%C3%BCquqm%C3%BChafiz%C9%99-orqanlar%C4%B1nam%C3%BCraci%C9%99t-edib-/5813071.html>

¹⁴ Toplum TV, Journalist's wife: "I am being blackmailed by spreading intimate images" (30 mart 2021) <https://toplum.tv/siyaset/jurnalistin-heyat-yoldasi-meni-intim-goruntulerimiyaymaqla-santaj-edirler>

¹⁵ Voice of AmericaPublic, A criminal case has been filed on the fact of intrusion into the private life of the daughter of the chairman of the National Council (30 aprel 2021)

<https://www.amerikaninsesi.org/a/milli-%C5%9Furan%C4%B1n-s%C9%99drinq%C4%B1z%C4%B1n%C4%B1n-%C5%9F%C9%99xsi-h%C9%99yat%C4%B1nam%C3%BCdaxil%C9%99-fakt%C4%B1-%C3%BCzr%C9%99-cinay%C9%99t-i%C5%9Fiqald%C4%B1r%C4%B1l%C4%B1b-/5873037.html>

¹⁶Goatchi, "If they bring the gas line home, to whom will they sell the firewood?" (20 yanvar 2021) <http://gozetci.az/az/pozuntular/qaz-x%c9%99ttini-ev%c9%99q%c9%99d%c9%99r-c%c9%99kibg%c9%99tirs%c9%99l%c9%99r-odunu-kim%c9%99satar/>

¹⁷ Gozatchi, Salyan residents are unable to benefit from distance education due to internet problems (1 fevral 2021) <http://gozetci.az/az/pozuntular/17108/>

- ¹⁸ Gozatchi, Demand for gas and roads from the residents of the new neighborhood in the village of Digah (17 mart 2021) <http://gozetc.az/az/pozuntular/digahk%20ndind%20ki-yenim%20h%20ll%20ninsakinl%20rind%20n-qaz-yolt%20l%20bi/>
- ¹⁹ Gozatchi, “We have been carrying my mother in our arms for years, TSEK does not define group 1 disability” (19 fevral 2021) <http://gozetc.az/az/pozuntular/ill%20rdir-anamiqucagimizda-g%20zdiririk-tsek-1-ci-qrup-%20lillik-t%20yin-etmir/>
- ²⁰ Gozatchi , There are the complainants from Azerbaijani Management Union of Medical Territorial Units TABIB (6 yanvar 2021) <http://gozetc.az/az/t%20bibd%20n-sikay%20t-var/>
- ²¹ Gozatchi, “Agsu resident: One of the doctors said to take a bribe or your child will not be given a degree of disability” (2 fevral 2021) <http://gozetc.az/az/pozuntular/agsu-sakinih%20kiml%20rd%20n-biri-dedi-ki-horm%20tel%20-yoxsa-usagina%20lillik-d%20r%20c%20si-verilm%20y%20c%20k/>

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