

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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### Annual reports

Events of 2005

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Azerbaijans government has a long-standing record of pressuring opposition political parties and civil society groups and arbitrarily limiting critical expression. In the run-up to the November 2005 parliamentary elections the repressive environment intensified, despite considerable efforts by the international community to encourage Azerbaijan's compliance with international human rights standards. Election day itself fell far short of these standards.

In the elections the government used a variety of tactics that impaired the integrity of the process and ensured that pro-government candidates won the majority of seats. Government policies appear to support an environment in which state officials are free to use violence to achieve their ends without fear of being held accountable. Although the government has released political prisoners, the system of repression against perceived government critics ensures that new politically motivated cases will continue to be generated. Independent and opposition press face major barriers to their work.

#### *Elections and Associated Rights*

Azerbaijan has a history of seriously flawed elections. In 2005, repression and harassment of opposition party members, an overwhelmingly pro-government bias in the electronic media, and government control of election commissions ensured that the parliamentary elections would not be free and fair. The government's registration of candidates without party-based bias was an improvement on previous elections but was later overshadowed by other serious violations. Measures taken to improve the election process, such as allowing inking of voters' fingers with invisible ink to prevent multiple voting and lifting the ban on monitoring by foreign-funded nongovernmental organizations (NGOs), proved ineffective because they were introduced late in the election campaign.

During the election campaign period, the government continued to restrict freedom of assembly, despite lifting the absolute ban on opposition gatherings that had existed until June 2005. The authorities refused to allow rallies to be held in city centers, and police carried out mass arrests and beat protesters who attempted to gather for unauthorized meetings or rallies. Officials exerted pressure on government workers, particularly teachers, to attend the ruling Yeni Azerbaijan Party candidates' meetings with voters. At the same time, police detained campaign workers for opposition and independent candidates and warned them to stop their political work. The timing and circumstances surrounding two separate alleged coup d'états by opposition groups raised serious concerns that the government was using these cases to increase repression against the opposition and to influence the elections. Based on these two sets of allegations, the government arrested three youth movement members and about a dozen high-level government officials and opposition supporters, and accused them of preparing a coup d'état.

Election day was marred by numerous irregularities throughout the country. Local and international observers documented serious violations, including ballot box stuffing, repeat voting, and tampering with results of protocols. At the time of writing, the authorities had responded to international calls to rectify falsifications on election day by cancelling the results in several election districts, firing several local officials, and detaining four others.

#### *State Violence*

Torture, police abuse, and excessive use of force by security forces are widespread in Azerbaijan. In pre-trial detention severe beating is

a common form of torture, although electric shock, threats of rape, and threats against family members are also used, usually to coerce a confession or other information from a detainee. Torture and ill-treatment is less common in post-conviction prison facilities, although a series of incidents were alleged in the context of a February 2005 special operation by Ministry of Interior troops to combat illegal activity in the prisons. Former inmates of prisons number 12 and 13 told Human Rights Watch that security forces beat hundreds of prisoners, forcing some to run through a gauntlet of troops who beat them with batons.

The government has not taken any significant measures to combat the environment of impunity for government officials who commit torture or other forms of ill-treatment. On the contrary, Vilyat Eviazov, the head of the Organized Crime Unit, a body known for its use of torture, was promoted to deputy minister of interior in April 2005.

### ***Political Prisoners***

The existence of political prisoners is a long-standing problem that Azerbaijan committed to resolving when it joined the Council of Europe in 2001. In the eighteen months prior to June 2005 Azerbaijan made progress on this issue, releasing more than one hundred political prisoners. However, according to the Council of Europe, political prisoners remain in custody and Azerbaijan is yet to find a permanent solution to this problem, such as increasing the independence of the judiciary. In 2005 opposition supporters continued to be imprisoned and charged in what appear to be politically motivated cases.

### ***Media Freedom***

Authorities use a variety of informal measures to prevent or limit news critical of the government from reaching the public. The government pressures opposition and independent media outlets by limiting their access to printing houses and distribution networks, initiating defamation cases resulting in the imposition of crippling fines, restricting access to official information, and harassing journalists. Major television outlets, from which the vast majority of the population gets its news, are either state-owned or affiliated, and the government controls the issuing of radio and television broadcast licenses through a board that consists entirely of presidential appointees. A public television station, set up by the government because of its obligations to the Council of Europe, started broadcasting in August 2005.

Media monitoring carried out by independent monitors during the pre-election campaign showed that the content of all the national television stations' news broadcasts was overwhelmingly pro-governmental.

In one of the worst incidents of violence against journalists in Azerbaijan in many years, on March 4, 2005, an unknown attacker shot dead Elmar Husseinov, founder and editor of the independent weekly magazine Monitor. The magazine regularly published harsh criticism of the government, including allegations of corruption among high-level officials and their families. Monitor stopped publication after Husseinov's death.

### ***Human Rights Defenders***

The authorities continue to deny registration to many human rights NGOs, usually on minor technical grounds. Human rights defenders are at times subjected to physical and verbal attacks and other forms of pressure and harassment. For example, in March and April 2005, pro-government television channels made harsh and provocative statements against human rights defenders. According to Leila Yunus, the Director of the Institute for Peace and Democracy, in late March a presenter on Lider TV stated, The whole activity of Leyla Yunus is directed against the statehood of Azerbaijan. And yet she applies to the law-enforcement bodies for protection. Should such people be protected? On April 2 the authorities refused to allow Ilgar Ibrahimoglu, religious freedom activist, to leave the country to present a statement at the United Nations Commission on Human Rights in Geneva.

### ***Key International Actors***

By the end of 2005 construction of the new major oil pipelines routed across Azerbaijan, Georgia, and Turkey had been completed, and a gas pipeline was due for completion in mid-2006. The huge foreign investment in these projects has focused international attention on issues of security and stability in the region, sometimes at the expense of human rights.

United States policy toward Azerbaijan has focused on military cooperation and oil interests. Since 2001, U.S. military aid and cooperation has increased significantly, and Azerbaijan has cooperated in U.S. military operations, sending approximately 150 troops to Iraq. Although the U.S. government criticized the parliamentary elections and put pressure on Azerbaijan to investigate and rectify incidents of falsification on election day itself, its response to pre-election violations was inconsistent and sometimes weak.

In April 2005, the European Union decided to proceed with preparing the European Neighbourhood Policy action plans with the countries of the south Caucasus, including Azerbaijan. This is the first time that the E.U. has offered closer economic, political, and cultural relations in exchange for progress on concrete human rights benchmarks, and therefore marks a significant opportunity for the E.U. to encourage human rights improvements in Azerbaijan. However, the potential of this opportunity to trigger meaningful reforms will depend on the specificity of the human rights benchmarks in the final action plan document, which was being negotiated between the Azerbaijani government and the E.U. throughout the latter half of 2005.

The Council of Europe has played a constructive role in addressing human rights problems in Azerbaijan, pressing for the release of political prisoners, greater pluralism, and a devolution of political power away from the presidency. In 2005, it concentrated on promoting free and fair parliamentary elections, and resolving the issue of political prisoners.

The European Bank for Reconstruction and Development (EBRD) is one of the largest multilateral investors in Azerbaijan, having committed more than 459 million in projects, approximately half of which goes to the private sector. Although acknowledging many serious shortcomings in Azerbaijan's human rights record and transition to democracy, the EBRD's strategy for Azerbaijan, approved in May 2005, confirmed the government's commitment to the principles of article 1 of the bank's founding document, which includes multiparty democracy, pluralism, and market economics. Despite its conclusion that Azerbaijan's progress in implementing these principles was slow and uneven, and that many challenges remain, the Bank did not make use of its political mandate to link further engagement to concrete human rights improvements.

The Organization for Security and Co-operation in Europe (OSCE) was deeply involved in election monitoring for the parliamentary elections, providing 665 election observers from forty-two countries. During the election campaign period and immediately following the elections, the OSCE published three interim reports and a preliminary report that described numerous violations of OSCE commitments and Council of Europe standards for democratic elections.

Human Rights Watch defends the rights of people in 90 countries worldwide, spotlighting abuses and bringing perpetrators to justice

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