

Human Rights Watch

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

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World Report 2009 Introduction By Kenneth Roth

With its October 2008 presidential election Azerbaijan largely wasted an opportunity to demonstrate improvements in human rights. Opposition parties boycotted the election, and freedom of assembly and media remained restricted. President Ilham Aliyev was re-elected with 82.6 percent of the vote.

The release of five journalists in December 2007 was a welcome step, but at least five other journalists remain in prison on questionable charges relating to their work. Torture and ill-treatment in police custody, political prisoners, and harassment and intimidation of human rights defenders remain serious problems.

On November 2, 2008, at talks convened by Russian President Dmitry Medvedev, President Aliyev and his Armenian counterpart signed an agreement to intensify efforts for a political settlement over Nagorno-Karabakh. Some commentators hailed it as the most significant step toward a breakthrough over the separatist enclave and contiguous Armenian-occupied territories since the 1994 ceasefire.

Azerbaijan has a history of seriously flawed elections. All major opposition parties boycotted the October 15 presidential election, charging that the government failed to implement the recommendations of the Organization for Security and Co-operation in Europe (OSCE) and Council of Europe from past elections. International observers from the OSCE, Council of Europe Parliamentary Assembly (PACE), and the European Parliament cited some progress in 2008's election, but noted as shortcomings the lack of competition and little media discourse, and that it "thus did not reflect all principles of a meaningful and pluralistic democratic election."

In the pre-election period, domestic election observers noted improvements in voter list verification, but documented local officials interfering in signature collection during the nominating process. Experts also noted that June election code amendments did not address Council of Europe or local NGO recommendations.

The authorities prevented the opposition from organizing demonstrations prior to the election. On July 11, police prevented the Musavat party from holding a rally near the Baku municipal building to protest violations of freedom of assembly; eight people were detained briefly. Police prevented another Musavat demonstration on June 17, briefly detaining 16 party members and two journalists.

In September the government banned foreign television and radio companies from using satellite equipment for live broadcasting during the presidential election, apparently intending to prevent or delay broadcast of election information.

Journalists, particularly those critical of the government, continue to face politically-motivated charges. In December 2007 five journalists serving sentences for criminal libel or other charges were released under a presidential pardon, but five remained in prison—two of them already convicted and the other three pending trials completed in 2008. On November 14, 2008, a court sentenced the editor-in-chief of the *Ideal* newspaper, Ali Hasanov, to six months' imprisonment on criminal libel charges.

Eynulla Fatullayev, the outspoken founder and editor-in-chief of two newspapers—*Realny Azerbaijan* and *Gundelik Azerbaijan*—was

convicted in October 2007 on charges of fomenting terrorism and libel and sentenced to eight-and-a-half years in prison. He continues to serve his sentence, which was upheld on appeal by the Supreme Court on June 3, 2008. Fatullayev has filed an application with the European Court of Human Rights. Mirza Sakit, a reporter and satirist for the opposition daily *Azadlyg*, is serving a three-year prison sentence for alleged narcotics possession.

Ganimed Zahid, *Azadlyg* editor-in-chief, was sentenced to four years' imprisonment in March 2008 on questionable hooliganism charges. Mushfig Husseinov, a *Bizim Yol* newspaper journalist, was sentenced to six years in January and banned from journalism for two years on questionable extortion charges; in April the appeals court reduced Husseinov's sentence to five years and left the ban unchanged. Novruzali Mammadov, editor of the *Talishi Sado* newspaper and head of the Talysh Cultural Center and of the Science Academy's Linguistics Department, was sentenced to 10 years' imprisonment on June 24 for high treason. After more than 16 months in pretrial detention, he was convicted for "distribution of Talysh nationalist ideas and attempts to destroy the foundations of the Azerbaijani state," and for spreading "a negative image of Azerbaijan" internationally by writing about abuses against minorities.

On October 7 *Azadlyg* and *Yeni Musavat* were allowed to resume publishing temporarily, after having been closed following court decisions in libel cases.

The government failed to meaningfully investigate violence against journalists. In February two security officers beat *Azadlyg* correspondent Agil Khalil. One month later, four unknown assailants stabbed Khalil in the chest. On July 15 a Baku court sentenced Sergei Strekalin, whom they claim was Khalil's former lover, for the stabbing, to which Strekalin allegedly confessed; the conviction apparently "demonstrated" that the attack on Khalil was not political. In September 2007 Hakimeldostu Mehdiyev, a reporter for *Yeni Musavat*, was detained, threatened, and beaten severely in police custody. He was sentenced to 15 days' imprisonment for a misdemeanor.

Four years after the murder of Elmar Huseynov, the editor-in-chief of the independent journal *Monitor*, the case remains unresolved.

In November the government announced the discontinuation in 2009 of local transmission of three international radio services-BBC, Radio Free Europe/Radio Liberty, and Voice of America, making them accessible only through satellite receiver or the internet.

Torture and ill-treatment in custody continues to be a widespread problem. Three teenage boys convicted in June 2007 of murdering another boy have stated repeatedly, including at trial, that they confessed after beatings and other ill-treatment by police and investigators. The government failed to conduct a meaningful investigation into these allegations. In October, imprisoned journalist Ganimed Zahid was beaten in custody. Azerbaijan has not allowed publication of the European Committee for the Prevention of Torture's reports on its last three visits. In November 2007 Faina Kungurova, a member of the Democratic Party of Azerbaijan, died of starvation following a hunger strike, after six weeks in detention on drug-related charges believed to be politically motivated. From 2002-2004 she had also served a prison sentence on politically-motivated charges.

In October videos of Azeri army officers beating conscripts, apparently as part of a hazing ritual, became widely available. Two officers were subsequently arrested for their role in the beatings.

Government officials, businessmen, and opposition politicians arrested prior to the November 2005 parliamentary elections on allegations of attempting to overthrow the government remain in custody, including brothers Farhad and Rafiq Aliyev, respectively former economics minister and former president of the Azpetrol oil company, and former health minister Ali Insanov. Parts of their trials were completely closed and lawyers cited procedural violations, raising concerns about the trials' fairness.

Human rights defenders continue to face pressure and harassment. On June 14, police detained Emin Huseynov, chairman of the Institute for Reporter Freedom and Safety (IRFS), an outspoken media monitoring organization. Police beat and threatened Huseynov in custody, and he was hospitalized for 24 days. Huseynov filed a complaint, but the court refused to open an investigation, and an appellate court upheld that refusal on September 2. IRFS staff had been the target of attacks and government surveillance in 2007.

On May 14 a Baku court found the Election Monitoring Center (EMC), an independent domestic observer organization, in violation of registration laws and ordered its liquidation. EMC staff and others believe the decision was politically motivated. After being denied registration six times, the EMC had received registration in February, but in April the Ministry of Justice suspended it, claiming the EMC had provided inaccurate information, and petitioned for its liquidation. In June the EMC lost an appeal against the May court decision.

A number of international and regional institutions and bilateral partners criticized Azerbaijan's human rights record, especially regarding media freedoms. In a strongly-worded June resolution, the Council of Europe Parliamentary Assembly expressed concern about the deteriorating human rights situation and outlined urgent reforms needed prior to the presidential election. The PACE also called for decriminalization of defamation; an immediate moratorium on criminal libel charges; the release of journalists and political prisoners; and implementation of the European Court of Human Rights judgments. In a February report on his April 2007 visit to Azerbaijan, the United Nations special rapporteur on freedom of opinion and expression, Ambeyi Ligabo, encouraged the government to consider repealing criminal defamation laws and to institute a moratorium on criminal libel prosecutions. He also noted the problem of impunity for crimes targeting media professionals. Others making strong statements on the media situation in 2008 included Council of Europe Secretary-General Terry Davis; the PACE rapporteur on Azerbaijan, Andreas Herkel; OSCE Representative on the Freedom of the Media Miklos Haraszti; and United States Assistant Secretary for Democracy, Human Rights, and Labor David J. Kramer.

On January 8, 2008, the European Union welcomed the presidential pardon of the imprisoned journalists, and called for the release of the remaining journalists and for a moratorium on defamation proceedings. The EU's European Neighbourhood Policy Action Plan progress report released in April also noted that "the rapid solution" of the cases of the remaining journalists in jail, and a revision of the current norms on libel and defamation "would contribute to improving the attainment of the relevant Action Plan objectives." It highlighted the problem of torture, noting that "effective investigation of allegations of torture remained minimal." It also called for the government to ensure judicial independence.

Azerbaijan is due to be reviewed under the Universal Periodic Review mechanism of the UN Human Rights Council in February 2009.

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