

Human Rights Watch

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

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The government continues to use defamation and other criminal charges to intimidate independent and opposition journalists, some of whom have also been assaulted by unknown men. Media freedoms rapidly deteriorated in 2007, with at least ten journalists imprisoned. High-profile government officials, businessmen, and opposition politicians remain in custody, and politically-motivated arrests and trials, torture in police custody, and conditions of detention remain unresolved problems. Less than a year ahead of major presidential elections in Azerbaijan, the ground is set for an unfair presidential campaign.

Independent and opposition media is subject to state intimidation. In April 2007 Eynulla Fatullayev, the outspoken founder and the editor-in-chief of two newspapers-Realny Azerbaijan and Gundelik Azerbaijan-was sentenced to two-and-a-half years in prison on charges of libel and insult for an internet posting blaming Azerbaijanis for a 1992 massacre in Nagorno-Karabakh. Fatullayev denied writing the posting. In July Azerbaijan's Ministry of National Security pressed additional charges against him for terrorism and inciting religious and ethnic hatred for articles printed in Realny Azerbaijan. Further tax evasion charges were filed against him in September. Both newspapers, which had the largest circulations among print outlets in the country, were effectively shut down in May after Emergency Ministry and National Security Ministry personnel evicted staff from the papers' premises, confiscated computer hard drives, and sealed the office shut.

In January, Faramaz Allahverdiev, correspondent for the Nota Bene newspaper, was sentenced to two years of imprisonment for libel and insult charges brought by the minister of interior and another official. In May, Samir Sadetoglu and Rafik Tagi, editor and correspondent for the weekly Senet were sentenced to five and three years of imprisonment, respectively, for inciting religious hatred because of an article in *Senet* unfavorably comparing Christianity to Islam. In the same month, Rovshan Kebirli and Yashar Agazadeh, editor and correspondent for the newspaper Mukhalifet, were sentenced to two-and-a-half years on libel and defamation charges brought by a member of parliament for an article exposing government corruption. In July, Mushfig Husseinov, who wrote a series of articles on government corruption for the newspaper Bizim Yol, was arrested on spurious charges, which NGOs believe were the result of entrapment. In November, Nazim Guliev, editor of *Ideal* newspaper, was sentenced to two-and-a-half years for defamation charges filed by a ministry of interior official. In the same month, a judge ordered Ganimet Zahid, editor-in-chief of opposition Azadlig daily, to be held for two months to await trial on spurious hooliganism charges. Mirza Sakit Zakhidov, a reporter and satirist for the daily Azadlyg, remains in prison after his 2006 conviction on spurious drug charges.

The government failed conclusively to investigate numerous reports of violence and threats of violence against opposition and independent journalists. In December 2006, Nijat Husseinov, an Azadlyg journalist, was attacked by four unknown assailants and required three weeks of hospitalization to recover from his injuries. The attack was precipitated by anonymous, threatening phone calls referring to his journalism. In April 2007 unknown assailants attacked Realny Azerbaijan's Uzeyir Jafarov, who sustained serious injuries. At least two other journalists, Hakimeldostu Mehdiyev and Suhayla Gamberova, were hospitalized with injuries they sustained following assaults in 2007 related to their work.

The president appoints all nine members of Azerbaijan's National Television and Radio Broadcast Council, which grants broadcasting licenses. The independent television station ANS faced problems renewing its broadcast license for three years after it expired in 2003,

and was taken off the air for a short time in November 2006. In April 2007 its license was extended for six years, but as a result of the licensing ordeal, ANS's content now appears to be prone to self-censorship.

Torture remains a widespread and largely unacknowledged problem in Azerbaijan. Emblematic of this is the June 2007 murder conviction of three boys, who were between the ages of 15 and 17 when they were arrested, based on confessions and incriminating statements that they stated repeatedly, including at trial, had been coerced under severe beatings and other forms of torture. The government has failed to conduct meaningful investigations into these and other allegations of abuse.

The Azerbaijani government says that it has invested in training for law enforcement officials, but this effort is not matched with rigorous prosecutions of abusive officers. Of 11 cases the government has investigated, 10 dealt with suspicious deaths in custody. Six cases were dismissed for lack of evidence, two are still pending, and three officers were convicted for such minor offenses as negligence and abuse of office, receiving prison sentences from one to three years.

In 2004 and 2005 Azerbaijan released more than 100 political prisoners, but the government has made no more progress in this area. The government officials, businessmen, and opposition politicians arrested in advance of the November 2005 parliamentary elections on allegations of attempting to overthrow the government remain in custody; some have been convicted, and many remain in detention pending trial. In almost all cases the government replaced accusations of coup plotting with charges of economic crimes or abuse of office. For example, in October 2007, former Economic Development Minister Farhad Aliyev was sentenced to 10 years of imprisonment for corruption, tax evasion, and other economic crimes. Similarly, in April, former Minister of Health, Ali Insanov, was convicted of abuse of office and other economic charges. Parts of Insanov's and Aliyev's trials were completely closed, and lawyers complain of numerous procedural violations. The March 2007 presidential pardon provided for the release of only one person out of what human rights activists estimate to be dozens of prisoners sentenced on politically motivated charges.

Human rights defenders are the targets of public smear campaigns on television and in print media, physical and verbal attacks, and other forms of pressure and harassment. For example, in July 2007 the pro-government Modern Musavat party held a protest outside of the Institute for Peace and Democracy (IPD), a human rights NGO, throwing eggs and tomatoes and shouting offensive remarks. The organization's head, Leyla Yunus, believes that the protest was prompted by the IPD's May appeal to the Council of Europe calling for sanctions against Azerbaijan because of its deteriorating human rights record. Throughout 2007, staff of the Institute for Reporter Freedom and Safety (IRFS), an outspoken media monitoring organization, were subjected to police beatings, arbitrary detention, and surveillance by the security services. In July, an elderly man was brutally beaten just outside the IRFS's office. The IRFS believes the attackers assumed the victim was an employee of the organization. The police failed to respond promptly or open an investigation citing the victim's unwillingness to file a complaint. On August 29, the IRFS director and a staff member were detained while reporting on a protest, they were released after several hours of police questioning about IRFS's work.

Key actors made public statements of concern about Azerbaijan's human rights record. These concerns appear to have little impact on these actors' relationships with Azerbaijan, likely due to the country's geostrategic importance and hydrocarbon resources. As part of the European Neighborhood Policy (ENP) Action Plan signed by the EU and Azerbaijan in 2006, the two parties adopted a European Neighborhood Policy Instrument (ENPI) for financial assistance totaling 92 million for 2007-2013. Funding priorities include strengthening democratic structures, good governance, and poverty reduction efforts.

The annual EU-Azerbaijan Partnership and Cooperation Council meeting in October underscored the "importance of the protection of human rights and fundamental freedoms" as "essential elements in the bilateral dialogue."

A March statement by the German Presidency of the EU on media freedom in Azerbaijan expressed concern that "criminal defamation suits initiated by public officials are being used in order to limit media freedom," and called the authorities to "create an environment where the media can work freely, effectively and without fear."

A strongly critical resolution adopted in April by the Council of Europe Parliamentary Assembly highlighted many shortcomings in Azerbaijan's record of honoring its membership obligations.

In its second report on Azerbaijan, the Council of Europe's Commission against Racism and Intolerance (ECRI) noted some positive steps, such as improved access to public school for children of non-citizens, but noted that "there are still cases of racist and inflammatory speech or promotion of religious intolerance by some media, members of general public and politicians."

In January, the European Court of Human Rights issued its Chamber judgment in the case of Mammadov (Sardar Jalaloglu) v. Azerbaijan, unanimously finding violations of Article 3 (prohibition of torture) and of Article 13 (right to effective remedy) of the European Convention on Human Rights. Police had arrested Jalaloglu, secretary general of the Democratic Party of Azerbaijan, following the October 2003 presidential elections for "organizing public disorder" and "use of violence against a state official."

In March 2007, the United States and Azerbaijan signed an agreement aimed at improving security and cooperation in the Caspian Sea region energy sector. In August, the US and Azerbaijan conducted the third round of their bilateral dialogue on democracy and human rights, initiated by the US in December 2006. Key issues were discussed, and some US concerns about Azerbaijan's human rights record were made public.

The Organization for Security and Cooperation in Europe (OSCE) Representative on Media Freedom, Miklos Haraszti, harshly criticized the Azerbaijani authorities in his report to the Permanent Council on June 21, 2007, expressing particular concerns "about the continuous harassment of independent media and journalists," and urging the government to decriminalize defamation. The OSCE in Baku issued numerous statements echoing the problems of media freedoms.

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