

# Human Rights Watch

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

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Intensifying Attacks on Human Rights Defenders, Organizations, and Institutions

Health Providers Complicity in Torture and Cruel, Inhuman or Degrading Treatment

In Search of Authoritative Local Voices

Azerbaijan's human rights record further deteriorated. A February 2009 referendum on constitutional amendments abolished presidential term limits, which many local and international observers believed will make it possible for President Ilham Aliyev to remain in office indefinitely. The government continued to use defamation and other criminal charges to intimidate and punish journalists and bloggers expressing dissenting opinions; at least nine are serving prison sentences at this writing.

New amendments to the religion law restrict freedom of conscience. Other serious problems persist, including torture and ill-treatment in police custody, political prisoners, and harassment of human rights defenders.

Since November 2008 at least nine independent or pro-opposition journalists and editors were convicted on criminal libel or defamation charges. They were: Ali Hasanov, the editor of *Ideal* newspaper, who was sentenced in November 2008 to six months in prison, and pardoned in April 2009 after serving all but one month of his sentence; Asif Merzili, chief editor of the newspaper *Tezadlar*, and Zumrud Mammadova, a journalist there, who in April were sentenced to one year in prison and six months of corrective labor respectively (a higher court annulled the convictions two days later); Nazim Guliyev, the founder of *Ideal*, convicted in May and sentenced to six months in prison; Sardar Alibeili and Faramaz Allahverdiev, editor-in-chief and a correspondent of *Nota* newspaper, who in October received four- and three-month prison terms respectively, and staffer Ramiz Tagiyev, who received a six-month suspended sentence; and Zahir Azamat, chief editor of sports website, *Fanat.az*, and a staff member, Natig Mukhtarli, who were sentenced in October to six months and one year of corrective labor respectively.

In July youth activists and bloggers Emin Milli and Adnan Hajizade were physically attacked, apparently unprovoked, in a Baku restaurant. They were detained, interrogated, and put in custody when they went to the police to complain about the attack; their attackers were released. Milli and Hajizade were convicted in November of hooliganism and deliberately causing bodily harm and sentenced to two-and-a-half and two years in custody, respectively.

Other imprisoned journalists include Eynulla Fatullayev, an outspoken government critic and editor-in-chief of two newspapers, who was convicted of fomenting terrorism and other criminal charges in 2007 and sentenced to eight-and-a-half years for his writings; Ganimed Zahidov, editor-in-chief of the opposition daily *Azadlig*, who was convicted in March 2008 on questionable hooliganism charges and sentenced to four years in prison; and Mushfig Huseynov, opposition daily *Bizim Yol* correspondent, who is serving a five-year term handed down in January 2008 (to be followed by a two-year publishing ban), on questionable extortion charges.

The government failed to meaningfully investigate several incidents of violence and threats against journalists. In February 2009, Idrak Abbasov, of the media monitoring organization Institute for Reporter Freedom and Safety (IRFS), visited Nakhichevan autonomous region, where he was called to the local ministry of security and allegedly blindfolded and beaten. IRFS Nakhichevan regional correspondent Elman Abbasov received telephone death threats throughout the year, and no official investigation followed his numerous

complaints. In October the Baku Appeals Court upheld a district court decision not to investigate the illegal detention and ill-treatment by police of IRFS chairman Emin Huseynov, who had been detained in June 2008, beaten in custody, and hospitalized for more than 20 days for his injuries. In April ANS TV employees Nijat Suleymanov, Elmin Muradov, and Azer Balayev were allegedly beaten up by about 30 policemen as they were trying to document the destruction of a mosque in Baku. Police temporarily confiscated the filming equipment, which they also broke; they did not return the confiscated videotape. In May Elchin Hassanov, a correspondent for two newspapers, sustained multiple bodily injuries from an alleged assault by police at the Sabail district police department as he inquired about a group of detained youths.

In December 2008 the National Television and Radio Council banned the transmission of foreign radio stations via FM frequencies, making them accessible only through satellite receiver or the internet. The February 2009 constitutional amendments ban the audio recording, filming, or photographing of a person without his or her consent, seriously hampering investigative journalism in Azerbaijan. March amendments to the mass media law allow the government to request a court to suspend a media outlet for up to two months for several reasons, including failure to send free obligatory copies to "relevant government bodies."

The minister of interior filed a libel suit in December 2008 against human rights activist Leyla Yunus based on statements she made in a media interview that simply repeated courtroom testimony by a defendant during an open trial. The lawsuit accused her of "insulting" the ministry and causing "moral damage" to the reputation of the police. The case was dropped in February 2009.

In June the government introduced, but then withdrew, a draft law on NGOs that would have imposed extensive restrictions on the founding and operation of civil society groups.

In May a new religion law and amendments to both the criminal and administrative codes came into force, requiring all registered religious organizations to reregister by January 2010—the third time since the country's independence. The amendments ban a religious organization from conducting religious activity beyond the legal address where it is registered, and also restricts producing, importing, circulating, or selling religious literature without specific permission from the State Committee for Work with Religious Organizations.

In June another set of restrictive amendments were adopted by parliament, requiring all religious rituals of the Islamic faith to be led only by citizens of Azerbaijan who were educated in the country.

Torture and ill-treatment in custody continue to be a widespread problem and occur with impunity. The Azerbaijan Committee against Torture, an independent group that monitors penitentiary institutions, received over 90 complaints alleging torture and ill-treatment in custody. In each case where law enforcement agencies responded to the complaint, they denied that torture or ill-treatment had taken place. At least three prisoners are reported to have died in custody in 2009 after allegedly being ill-treated.

In August Novruzali Mammadov, editor-in-chief of *Talyshi Sado* newspaper, died in custody apparently after the government failed to provide him with adequate treatment for health problems. In February he was kept in solitary confinement for 15 days and deprived of bedding and warm clothes, which is believed to have aggravated his illness. At this writing a court is hearing a wrongful death complaint filed by Mammadov's family.

In April the European Court of Human Rights found Azerbaijan in violation of article 3 (the prohibition against inhuman or degrading treatment) of the European Convention on Human Rights in relation to Mahira Muradova, a participant in opposition protests following the October 2003 presidential election. Muradova alleged that she had been subjected to an act of police brutality and that the authorities failed to carry out an adequate investigation into the incident.

The government continues to hold a number of political prisoners, prompting the Parliamentary Assembly of the Council of Europe in March 2009 to appoint a rapporteur on the issue of political prisoners in Azerbaijan. 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. Parts of their trials were completely closed and lawyers said there were procedural violations, raising concerns about the trials' fairness. Three political prisoners arrested in connection with the 2003 presidential election, Elchin Amirasanov, Safa Poladov, and Arif Kazimov, also remain incarcerated.

A large number of international and regional institutions and bilateral partners criticized Azerbaijan's human rights record, especially regarding media freedoms and the imprisonment of the bloggers Milli and Hajizade. In February 2009 the Council of Europe secretary general expressed concern about the number of imprisoned journalists in Azerbaijan and urged the authorities to examine each case. These concerns were echoed by the Organization for Security and Co-operation in Europe (OSCE) representative on freedom of the media, Miklos Haraszti, in his April and July reports to the OSCE Permanent Council.

In March 2009 the Council of Europe's Venice Commission, the advisory body on constitutional matters, criticized the constitutional amendments, stating that they distort the balance of power and contradict European practice.

Azerbaijani civil society, together with international human rights groups, successfully campaigned against Azerbaijan's reelection to the United Nations Human Rights Council in May. A number of UN treaty bodies reviewed Azerbaijan's treaty compliance, including the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, and the Committee on the Elimination of Discrimination against Women. The resulting concluding observations of these bodies urged Azerbaijan to take immediate steps to bring the country's human rights record into full compliance with the relevant conventions.

In May Azerbaijan and the European Union signed a Joint Declaration on Eastern Partnership. Azerbaijan is already part of the European Neighbourhood Policy (ENP). The April ENP Action Plan progress report was critical of the government for making no or limited progress in implementing the Action Plan, particularly in the areas of political dialogue and reform, including protection of human rights and fundamental freedoms.

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