



Azerbaijan and the European Neighbourhood Policy

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The European Union can and should engage Azerbaijan through the use of mechanisms provided under the European Neighbourhood program to improve Azerbaijan's human rights record.¹

Introduction

Since independence in 1991, Azerbaijan has ratified all the major international human rights treaties and the European Convention on Human Rights, but its human rights record has been consistently poor.

Notably, though, successive governments have made small, positive changes in response to pressure from their European and United States partners, particularly in the areas of legislative reform and releases of political prisoners. An example of this is the series of releases of political prisoners in 2004 and 2005 in response to pressure from the Council of Europe.²

In recent years, Azerbaijan has received increasing attention from Europe and the United States, accompanied by increased aid allocations and defense and other cooperation.³ The Azerbaijani government recognizes and seeks the benefits of developing closer relations with Europe and the United States.⁴ This suggests that the

¹ In 2004, the European Union (E.U.) announced that Armenia, Azerbaijan, and Georgia would be eligible for the European Neighbourhood Policy (ENP). Under this policy, the E.U. laid out a process for increasing ties with the south Caucasus countries. Firstly, it prepared country reports with a brief description of the political, economic, social, and institutional situation in the countries, including a section on human rights and fundamental freedoms. The Commission approved the country reports for Armenia, Azerbaijan, and Georgia in April 2005, and confirmed that the ENP could go to the next stage of negotiating action plans with each of the countries. The action plans include benchmarks in each of the areas covered by the country report. If the benchmarks are fulfilled, over a three year period, then the E.U. will proceed to enter into negotiations with the countries for closer economic, social, and cultural ties.

² President Ilham Aliyev has issued decrees for the release of political prisoners on March 17, May 10, September 3, and December 29, 2004, as well as on March 20, 2005. Council of Europe, "Follow up to Resolution 1359 (2004) on political prisoners in Azerbaijan," Document 10473, March 14, 2005, Parliamentary Assembly. Azerbaijan Federation of Human Rights, "List of Political Prisoners liberated on pardon of March 20, 2005," e-mail communication received by Human Rights Watch on March 20, 2005.

³ After the September 11, 2001 attacks in the U.S., the U.S. lifted the Section 907 Freedom Support Act restriction on assistance to the Government of Azerbaijan, and consequently increased its direct aid and cooperation with Azerbaijan. U.S. State Department, "U.S. Assistance to Azerbaijan- Fiscal Year 2002," Fact Sheet, Bureau of European and Eurasian Affairs, Washington DC, June 6, 2002, [on-line] <http://www.state.gov/p/eur/rls/fs/11028.htm> (retrieved May 30, 2005). In 2001, the E.U. confirmed its willingness to play a more active role in the south Caucasus countries, as described in the Country Report on Azerbaijan. European Union, Commission Staff Working Paper, European Neighbourhood Policy, Country Report, Azerbaijan, 2005.

⁴ For example, in his address on Azerbaijan's Day of the Republic, President Ilham Aliyev stated Azerbaijan's willingness to be aligned with Europe and the West: "The Azerbaijan Democratic Republic is an example of the

relationship with the E.U. can be an important lever in prevailing on the Azerbaijani government to pursue reform in law and in practice. Thus far, however, the international community has not provided Azerbaijan with sufficient incentive to carry out serious reforms that would ensure compliance with the standards to which it has committed itself.

Action Plan as a Tool for Improvements

The European Neighbourhood Policy Action Plan provides the E.U. with a unique opportunity to strengthen incentives for change in Azerbaijan. It is the first time that the E.U. has been able to offer closer economic, political, and cultural relations in exchange for progress on concrete benchmarks. It could prove to be a useful tool for promoting reform, provided that Azerbaijan sees that the E.U. is serious about tying these incentives to real and lasting improvements in human rights. In order to achieve this, the Action Plan should include concrete benchmarks focusing not only on improvements in Azerbaijan's legislative framework that can be achieved in the short term, but also on implementation, which may require a longer term approach. Long- and short-term benchmarks should have a clear timetable for implementation and should be followed up with a rigorous monitoring system.

Further, in order to ensure consistency with international human rights standards when carrying out reforms through changes in legislation or the creation of other legal documents, we propose that the Action Plan include the requirement that all such draft documents be reviewed by the Venice Commission of the Council of Europe or other independent body of experts.

To maximize the potential of the European Neighbourhood Policy process, we suggest that:

- during the process of negotiating the Action Plan and its subsequent implementation, the E.U. consult and speak not only with the Azerbaijani government, but also engage with the Azerbaijani media and civil society about the process, the benchmarks, and results of monitoring;

new state and society, integrally synthesizing the European democratic values, features of Eastern culture and our national cultural wealth. Being the Muslim country, Azerbaijan at the same time along the history willingly joined the Western values, culture, and the Azerbaijan intelligentsia and politicians saw the future of the country in modern education, science, in the family of civilized peoples." President of the Republic of Azerbaijan, "Congratulation to the People of Azerbaijan on the Occasion of May 28- Day of the Republic," 2005, [on-line] http://www.president.az/s23_statements/_statements_e.html (retrieved, May 30, 2005).

- the E.U. coordinate with other international institutions, including the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE), and bilateral partners, including the United States, to ensure that the benchmarks in the Action Plan are consistent with and complementary to other current or prospective programs;
- the Cooperation Council set up a body charged with monitoring of the benchmarks. This body should make regular trips to Azerbaijan to consult with government, civil society, and other interested parties, speak publicly about progress in the Azerbaijani media, and make recommendations about how to improve progress towards the benchmarks.

Below we summarize long-standing human rights problems, cite recent examples of violations, and suggest benchmarks for the Azerbaijan Action Plan in six areas: elections, torture and ill-treatment, independence of judges and lawyers, media freedom, freedom of assembly, and civil society. The information presented is based on an April 2005 research mission to Azerbaijan, during which Human Rights Watch interviewed representatives of nongovernmental organizations (NGOs), opposition parties, and international organizations; government officials; journalists; lawyers; victims of human rights violations; and members of the diplomatic community. The benchmarks are concrete, and achievable, and if implemented, would show a real improvement in the human rights environment in Azerbaijan.

Areas of Concern

Elections

Azerbaijan has a history of seriously flawed elections.⁵ For example, the OSCE found that the October 2003 presidential elections were fraudulent. The political opposition and civil society have still not recovered from the government crackdown on opposition

⁵ For example, the 2000 parliamentary and the 2003 presidential elections were described by international observers as falling far short of international standards. OSCE ODHIR International Observer Mission, Republic of Azerbaijan, Election to the Milli Majlis, Statement of Preliminary Findings and Conclusions, Baku, November 6, 2000; Statement of the National Democratic Institute (NDI) International Observer Delegation to Azerbaijan's November 5, 2000 Parliamentary Elections, Baku, November 7, 2000; Human Rights Watch, "Azerbaijani Parliamentary Elections Manipulated," *A Human Rights Watch Memorandum*, December 29, 2000. "Republic of Azerbaijan Presidential Election 15 October 2003 OSCE/ODIHR Election Observation Mission Report," p.2, OSCE, ODHIR, Warsaw, November 12, 2003 and Human Rights Watch "Crushing Dissent: Repression, Violence and Azerbaijan's Elections," *Human Rights Watch Report*, January 2004, Volume 16, No. 1(D).

members and supporters that followed the 2003 post-election violence.⁶ The 2004 municipal elections also failed to comply with international standards.⁷ With parliamentary elections scheduled for November 2005, serious concerns remain about the lack of a framework for a free and fair electoral process. Regarding the legislative framework, the law allows for election commissions to be dominated by pro-government members, forbids NGOs that receive foreign funding from appointing election observers, and does not have clear criteria for refusing to register a candidate, leading to arbitrary rejections.⁸

The seven opposition leaders who were imprisoned after the presidential elections have now been released.⁹ However, they and other recently released political prisoners are disqualified as candidates in the upcoming parliamentary elections because of their criminal records.¹⁰ The Azerbaijan government has thus far chosen not to expunge their convictions. Government pressure on opposition members has increased. A stark example of this was the April 7, 2005 police beating of Isgender Hemidov, a former political prisoner and chairman of the National Democratic Party. About thirty police in uniforms and masks from the Organized Crime Unit stopped Hemidov and his five colleagues on their way home, pulled them out of their car, and beat them with batons. The police then put Hemidov into a black jeep, put a black cloth bag on his head, handcuffed him and continued to beat him. They took him and his colleagues to the Organized Crime Unit. In the court yard, police beat Hemidov again and then threatened to “destroy” him unless he left the country or ceased his political activities. The next day Hemidov was taken to the local court, where the judge gave him an official warning for petty hooliganism and released him. Three of his colleagues were sentenced

⁶ For further background, see Human Rights Watch, “Azerbaijan: Human Rights Update,” *Human Rights Watch Submission to the EBRD*, February 9, 2005, and Human Rights Watch, “Azerbaijan: Ensure Freedom of Assembly for the Opposition,” *Letter to President Ilham Aliiev*, May 24, 2005.

⁷ Human Rights Watch interview with members of the diplomatic community, Baku, April 2005. OSCE, “Low polling and some problems accompany Azerbaijan’s municipal election,” Statement by the OSCE Baku office, December 21, 2004, [online] <http://www.osce.org/baku/news.html> (retrieved, May 30, 2005).

⁸ Joint Recommendation on the Electoral Law and the Electoral Administration in Azerbaijan, by the Venice Commission and the OSCE/ODIHR, adopted at the 8th meeting of the Council for Democratic Elections and endorsed by the Venice Commission at its 58th Plenary Session (Venice, 12-13 March 2004) on the basis of comments by Mr. Richard Barrett (Venice Commission Expert, Ireland), OSCE/ODIHR Strasbourg, June 1, 2004, Opinion no. 286/2004 and Council of Europe CDL-AD(2004)016rev Or.Engl.

⁹ They were released by a March 20, 2005 presidential decree.

¹⁰ Human Rights Watch interview with Rauf Arifoglu, the chief editor of *Yeni Musavat* and deputy head of Musavat party, Baku, April 15, 2005, with Sardar Jalaloglu, Secretary-General of the Azerbaijan Democratic Party, Baku, April 18, 2005, and with members of the diplomatic community, Baku, April 2005.

to up to twelve days in prison on the same charges. The beating left Hemidov with a broken hand and scratches and bruises to his body and face.¹¹

Other pre-conditions for free and fair elections are not in place. A level playing field for all the candidates does not exist. Due to government policies, the media remains dominated by pro-government outlets, and independent and opposition media face constant barriers to its free operation. Further, the government restricts the ability of the opposition to campaign, refusing to permit opposition rallies and thereby violating freedom of assembly (see below for further details on freedom of the media and freedom of assembly).

Benchmarks

- Implement the recommendations from the Presidential Election 15 October 2003 OSCE/ODIHR Election Observation Mission Report, and the Joint Recommendations on the Electoral Law and the Electoral Administration in Azerbaijan by the Venice Commission and the OSCE/ODIHR, 12-13 March 2004.¹²

Torture and Ill-treatment

Detainees in police custody are at significant risk of torture. Although local and international organizations have documented many of the problems that lead to an environment in which torture occurs, the authorities have not implemented the necessary reforms.¹³ After the October 2003 presidential elections, Human Rights Watch documented cases of torture in the Organized Crime Unit of the Ministry of Interior, including through the use of electric shocks, severe beating, and threats of rape, as well

¹¹ Human Rights Watch interview with Isgender Hemidov, Chairman of the National Democratic Party, Baku, April 17, 2005. There are various spellings of Hemidov's name, including Iskandar Hamidov.

¹² Priority should be given to the revision of the Election Code to ensure that election commissions are not dominated by pro-government members, that NGOs that receive international funding are allowed to appoint election observers, that reasons for rejecting registration of a candidate are limited and clearly defined, and that reasons for rejections should be given to allow aggrieved persons to bring complaints to court.

¹³ See, for example, Council of Europe, Report to the Azerbaijani Government on the visit to Azerbaijan carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 24 November to 6 December 2002, CPT/Inf (2004) 36. United Nations, "Conclusions and recommendations of the Committee against Torture," Committee against Torture, Thirtieth session, 28 April-16 May 2003, CAT/C/CR/30/1, May 14, 2003.

as other incidents of torture in police stations throughout the country.¹⁴ Although the Council of Europe, OSCE, and other diplomatic missions called on Azerbaijan to fully investigate the allegations and punish those responsible, the authorities did not initiate any prosecutions.¹⁵ On the contrary, in April 2005, Vilyat Eviazov,¹⁶ the head of the Organized Crime Unit, a body known for its use of torture, was promoted to deputy minister of interior.¹⁷

Although less common, torture and ill-treatment also occur in post conviction prison facilities. Several former prisoners told Human Rights Watch that at times prison guards hit and beat prisoners who do not comply with prison rules.¹⁸ Corruption is rife, and prisoners must pay prison guards for privileges and sometimes even for such basic rights as health care.¹⁹ Organized criminal activity within the prisons is also a problem. On February 19, hundreds of troops from the Ministry of Interior carried out a special operation in several prisons to stop such illegal activities. Former inmates of prisons 12 and 13 told Human Rights Watch that the troops beat hundreds of prisoners, forcing some to run through a gauntlet of troops with batons who beat them. The witnesses saw prisoners with bloody injuries and bruising to the head and arms, and some were coughing up blood. The troops forced prisoners to undress in the cold and stand for several hours in uncomfortable positions.²⁰ While the authorities acknowledged that the operation occurred, they denied any mistreatment.²¹

¹⁴ Human Rights Watch "Crushing Dissent: Repression, Violence and Azerbaijan's Elections," *Human Rights Watch Report*, January 2004, Volume 16, No. 1(D).

¹⁵ Human Rights Watch interviews with many representatives of nongovernmental organizations and members of the diplomatic community, Baku, April 2005.

¹⁶There are several spelling of his name.

¹⁷ Human Rights Watch interviews with many representatives of nongovernmental organizations, opposition parties, and members of the diplomatic community, Baku, April 2005. "Staff Reshuffles in Interior Ministry," Turan Information Agency, Azerbaijan, April 15, 2005.

¹⁸ Human Rights Watch interview with Rauf Arifoglu, former political prisoner, the chief editor of *Yeni Musavat* and deputy head of Musavat party, Baku, April 15, 2005, and with Sardar Jalaloglu, former political prisoner and Secretary-General of the Azerbaijan Democratic Party, Baku, April 18, 2005.

¹⁹ Ibid, and Human Rights Watch interview with Murad Sadaddinov, Azerbaijan Foundation of Democracy Development and Human Rights Protection, Baku, April 16, 2005.

²⁰ Ibid.

²¹ Human Rights Watch interview with Faiq Qurbanov, Ministry of Justice, Baku, April 20, 2005.

Although the authorities give NGOs intermittent access to the prisons, there is no system of independent monitoring of prisons or other detention facilities.²²

Benchmarks

- Request publication of the report on the visit to Azerbaijan in 2004 of the European Committee for the Prevention of Torture, and implement its recommendations.
- Accede to the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as soon as possible.
- Set up a system of legal aid that ensures free legal counsel to any detainee who cannot afford a lawyer, and that ensures such lawyers are independent.
- Reform the procuracy to ensure that prosecutorial and judicial tasks are performed by separate bodies that are fully independent of each other.

Independence of Judges and Lawyers

Although Azerbaijan's legislative framework formally establishes the independence of the judiciary and fair trial rights, in practice neither trial procedures nor judicial conduct comply with these principles.²³ The OSCE documented problems in the criminal justice system in its Report from the Trial Monitoring Project in Azerbaijan, 2003-2004, finding that trials fell well short of international standards, including the right to an impartial and independent tribunal, the right to a fair hearing, and the right to a reasoned judgment. It found that judges accepted as evidence confessions or statements made under duress.²⁴

The independence of the judiciary is compromised by both executive control over the decisions of judges and by the pervasive practice of judges accepting bribes.²⁵ Although the government denies exercising executive control over judges, it admits the serious

²² Human Rights Watch interview with Murad Sadaddinov, Azerbaijan Foundation of Democracy Development and Human Rights Protection, Baku, April 16, 2005, and with Eldar Zeynalov, Helsinki Federation for Human Rights, Baku, April 17, 2005.

²³ American Bar Association Central European and Eurasian Law Initiative (ABA CEELI) "Legal Profession Reform Index for Azerbaijan," February 2005, and OSCE, Report from the Trial Monitoring Project in Azerbaijan 2003-2004.

²⁴ OSCE, Report from the Trial Monitoring Project in Azerbaijan 2003-2004, [on-line] http://www.osce.org/documents/odhr/2005/02/4233_en.pdf (retrieved July 14, 2005).

²⁵ Human Rights Watch interviews with Leila Yunus, Director of Institute of Peace and Democracy, Baku, April 20, 2005, and with representatives of international organizations, Baku, April 2005.

problem of corruption.²⁶ Both practices lead to systematic violations of international fair trial principles, as documented by the OSCE (see above).

Since 1999, members of the international community have been calling on Azerbaijan to strengthen the right to counsel of choice through reform of the criminal defense bar. Bar membership, a requirement in addition to a license for lawyers to practice criminal law, was tightly controlled by the government, and since 1999 no new members have been admitted to the bar. The ratio of criminal defense lawyers to population was among the lowest in the Newly Independent States, and in some areas of the country there were no lawyers who were members of the bar. Licensed lawyers who are not members of the bar are excluded from practicing criminal law. Lawyers and representatives of international organizations told Human Rights Watch that independent lawyers who would vigorously defend their clients were systematically excluded from bar membership. After extensive negotiations and assistance from the OSCE, Council of Europe and others, amendments to the Law on Advocates came into effect in August 2004. The law was designed to open up the bar and increase the numbers of criminal defense lawyers. However, the Ministry of Justice and the bar's organizational committee interpreted the law in a narrow and restrictive manner, and lawyers and international organizations have said that very few new members were admitted. This, combined with other legislative changes, has served to restrict the public's access to lawyers outside of the bar in other fields, such as administrative violations and constitutional law. As a result, the government has maintained control over the legal profession and persons in need of counsel have a reduced possibility of obtaining a lawyer who will vigorously represent his or her interests.²⁷

Benchmarks

- Implement the recommendations of the OSCE Report from the Trial Monitoring Project in Azerbaijan, 2003-2004.²⁸

²⁶ Human Rights Watch interview with Shahin Aliev, Presidential Administration, Baku, April 20, 2005.

²⁷ ABA CEELI, and OSCE, Report on the Situation of the Lawyers in Azerbaijan, March 14, 2005, and ABA CEELI, "Legal Profession Reform Index for Azerbaijan," and Legal Education Society, "Policy Recommendations on the Legal Defense System in Azerbaijan", e-mail communication received by Human Rights Watch on May 24, 2005, and Human Rights Watch interviews with lawyers and representatives of international organizations, Baku, April 2005.

²⁸ They include reinforcing impartiality and transparency in the procedure of nomination of judges, dropping the requirement of defense counsel to present letters from the investigator or prosecution in order to gain access to their clients, and dropping the requirement of such letters in order for defendants and their defense counsel to gain access to all information, documents and evidence that might help prepare the case.

- Implement the recommendations of the OSCE and ABA CEELI (American Bar Association, Central and European and Eurasian Law Initiative) Report on the Situation of the Lawyers in Azerbaijan.²⁹

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 presses and distribution networks, initiating defamation cases resulting in the imposition of crippling fines, restricting access to official information, and harassing journalists. Major television outlets, which supply the overwhelming majority of Azerbaijani residents with their news, are either state-owned or affiliated,³⁰ and the government fully controls the issuing of radio and television broadcast licenses through a licensing board that consists entirely of presidential appointees.³¹ In April, the authorities refused to register a newly established independent television station, Yeni TV, citing an inconsistency of two provisions of the proposed charter with the relevant legislation.³²

In accordance with its obligations to the Council of Europe, Azerbaijan is setting up a public television station. In April, the station's new board, whose majority of members are pro-government, appointed Ismail Omarov, editor-in-chief of political programs for Azerbaijani State Television, as the director of the public broadcaster.³³ Representatives of NGOs, opposition parties, and opposition and independent media criticized the appointment, saying that Omarov had used his position in state television to attack opposition members.³⁴

²⁹ They include admitting all lawyers who have had a license to practice law to the bar association (Collegium), holding a new constitutive meeting and bar exam, and establishing an independent appeal body to handle complaints about the bar exam process.

³⁰ The government exercises significant editorial control over the state-owned television stations, and appears to significantly influence the content of the state affiliated ones.

³¹ For further background, see Human Rights Watch, "Azerbaijan: Media, the Presidential Elections and the Aftermath," *Human Rights Watch Briefing Paper*, August 4, 2004.

³² According to the founders of Yeni TV, the Ministry of Justice refused to register Yeni TV because the charter did not specify the dates of the fiscal year that the station would use, and under the charter the chairman and executive director are elected by the board, rather than by a general meeting. "Azerbaijani Authorities Refuse to Register Independent TV Channel," Radio Free Europe/Radio Liberty, May 2, 2005.

³³ "Concern of the Democratic Society has [sic] Confirmed- General Director of the Public Television has Become the Protege of the Ruling Elite," Turan Information Agency, Azerbaijan, April 16, 2005.

³⁴ *Ibid.*, and Human Rights Watch interviews with representatives of NGOs, opposition parties, and independent media, Baku, April 2005.

Harassment and attacks against journalists continue. In one of the worst attacks in many years, on March 4 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. As a consequence, it faced constant harassment by the authorities. The murder appeared to be well organized and aimed at silencing the magazine's criticism.³⁵ The authorities classified the killing an act of terrorism, and the national security service is investigating. *Monitor* stopped publication after Husseinov's death.³⁶

Benchmarks

- Repeal criminal insult and libel provisions from the criminal code.
- Amend the civil code to establish a reasonable statutory cap on civil awards for non-pecuniary damages in cases of defamation.
- Set up a parliamentary commission of investigation or other body to investigate violence against journalists and informal censorship. The body would work with the OSCE Special Representative on Freedom of the Media to produce a program of action to improve press freedom in the country.
- Ensure that the public television station is genuinely independent, in accordance with the commitments and obligations stemming from membership in the Council of Europe.
- Create a new broadcast licensing system that has an independent decision-making body, a transparent process, and clear criteria for determining the issue of broadcasting licenses.
- Take measures to ensure impartial access for journalists to government information and facilities.

³⁵ Human Rights Watch telephone interview with Shahla Ismailova, Women's Association for Rational Development, Baku, March 3, 2005, and with Azer Hasret, Central Asian and Southern Caucasian Freedom of Expression Network (CASCEN), Baku, March 4, 2005. Human Rights Watch interview with Eynulla Fatulaev, former journalist from *Monitor*, Baku, April 20, 2005. Human Rights Watch, "Azerbaijan: Editor of Independent Weekly Shot Dead," *Press Release*, March 4, 2005.

³⁶ OSCE, "OSCE Office expresses concern over banning of political rally in Baku," *Press Release*, May 19, 2005.

Freedom of Assembly

The authorities had de facto banned opposition parties and affiliated groups from public gatherings from the October 2003 presidential election until June 4, 2005, when municipal authorities allowed the Ugur (Success) opposition election bloc to hold a rally in Baku.³⁷ Local authorities have consistently refused to give permission for such gatherings, and in at least two cases when protesters gathered to peacefully protest, in defiance of the ban, police beat and detained the participants.³⁸ In one case, Baku city authorities denied the Ugur permission to hold a rally on May 21, 2005, on the grounds that it was to be held too soon before the May 25 event planned for the opening of the Baku-Tbilisi-Ceyhan (BTC) oil pipeline. When opposition members attempted to go ahead with the peaceful rally, police brutally beat and detained dozens of participants.³⁹ In March 2005, a large number of police in civilian clothes reportedly attended the wake for Elmar Husseinov (see above) and tried to restrict opposition members from speaking publicly at the gathering.⁴⁰ Representatives of several diplomatic missions in Baku told Human Rights Watch that the government has promised to remove the ban prior to the parliamentary elections, scheduled for November, but gave no date for implementation.⁴¹

Benchmarks

- Publicly reaffirm the right of groups to assemble and end the practice of denying permits to political opposition groups.
- Amend the Law on Freedom of Assembly in accordance with international standards by limiting the powers of local authorities to restrict public gatherings.

Civil Society

The government attempts to tightly control civil society and pressures and harasses groups that are critical of government policies or that promote independent activism. By early 2005, incidents of government interference in civil society activities had increased, possibly as a result of the up-coming parliamentary elections. In various regions of the country, police harassed employees at human rights resource centers, and local authorities have barred international organizations working in the field of elections and

³⁷ "Long Live Revolution! Is Leitmotif of the Rally of Opposition," Turan Information Agency, June 4, 2005.

³⁸ Human Rights Watch, "Azerbaijan: Media, the Presidential Elections and the Aftermath," p.16.

³⁹ Human Rights Watch, "Azerbaijan: Ensure Freedom of Assembly for the Opposition," Letter to President Ilham Aliiev, May 24, 2005.

⁴⁰ Human Rights Watch interview with Eynulla Fatulaev, former journalist from *Monitor*, Baku, April 20, 2005.

⁴¹ Human Rights Watch interviews with member of the diplomatic community, Baku, April 2005.

rule of law from holding seminars.⁴² In March and April, pro-government television channels made harsh and provocative statements against human rights defenders. According to Leyla Yunus, the Director of the Institute for Peace and Democracy, in late March, the presenter of a program 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?”⁴³ On April 2, the authorities refused to allow Ilgar Ibrahimoglu, the imam of the now closed Juma mosque and religious freedom activist, to leave the country to present a report at the United Nations Commission for Human Rights in Geneva. This is the fifth time in the last year that the authorities have refused to allow Ibrahimoglu to leave the country.⁴⁴

Although the government amended and simplified the laws on registering NGOs in 2003, and there has been an increase in the number of NGO registrations, the authorities continue to arbitrarily deny registration to some independent NGOs. For example, in September 2004, the Ministry of Justice rejected the application for registration of the Azerbaijan Foundation of Democracy Development and Human Rights Protection, on technical grounds that the organization says were not specified in the law on NGOs. The group also applied for registration in 2000, but received no answer from the Ministry. The Oil Workers Rights Protection Committee has tried to register six times since 1996, and again received a rejection, reportedly on minor technical grounds, in March 2005.⁴⁵

Benchmarks

- Issue clear instructions to local government authorities and police not to interfere with the legal activities of local and international NGOs. Ensure that any incidents of unlawful interference are investigated and appropriate remedial action is taken.
- Ensure that the law on registering NGOs is fully implemented, and that impediments are not put in the way of registering independent NGOs.

⁴² Human Rights Watch interview with Novella Jafaroglu-Appelbaum, Association for the Protection of Women's Rights after D.Aliyeva, and Benanyarly Saadat, Azerbaijan National Group of ISHR, Baku, April 18, 2005, and with representatives of international organizations, Baku, April 2005.

⁴³ Human Rights Watch interview with Leyla Yunus, Director of Institute of Peace and Democracy, Baku, April 20, 2005, and statement of Leyla Yunus, e-mail communication received by Human Rights Watch on April 18, 2005.

⁴⁴ Human Rights Watch interview with Ilgar Ibrahimoglu, Baku, April 17, 2005.

⁴⁵ Human Rights Watch interviews with Subhi Kazimov and Faiq Qurbanov, Ministry of Justice, Baku, April 20, 2005, with Murad Sadaddinov, Azerbaijan Foundation of Democracy Development and Human Rights Protection, Baku, April 16, 2005, and with Mirvary Gahramanly, Oil Workers' Rights Protection Committee, Baku, April 20, 2005.