

Azerbaijan

The Azerbaijani government has a long-standing record of pressuring civil society groups and arbitrarily limiting critical expression and political activism. It has done so with a new intensity following the October 2003 presidential elections, which international and domestic observers said were marred by widespread fraud.

Trials of opposition supporters, accused of the 2003 post-election violence, did not comply with fair trial standards and showed once again how the authorities use the criminal justice system to discourage government critics. An environment of impunity for government officials implicated in acts of torture, excessive use of force, and election fraud, shows that the government did not seriously attempt the reconciliation that the international community was urging after the political and human rights crisis surrounding the presidential elections. Freedom of assembly for groups seen to be associated with the political opposition remains severely curtailed and independent and opposition press face major barriers to their work.

Post-Election Trials

Over one hundred opposition party members and supporters were tried on charges relating to the post-election violence. Only four were released on bail, the rest remained in pre-trial detention for up to six months. Azerbaijani courts convicted all of the defendants, sentencing forty-six people to custodial sentences ranging from two to six years. The remainder were released on three- to five-year suspended prison sentences. On October 22, the Court of Grave Crimes sentenced seven opposition leaders to between two and a half and five years in prison for their role in the post-election violence. According to local observers, prosecution witnesses retracted their testimony in court, claiming that Ministry of Interior officials had tortured and coerced them into signing statements incriminating the defendants. Independent observers raised serious allegations of procedural abuses, including defendants' restricted access to lawyers, and the admission of evidence in court that was based on confessions extracted under torture. Judges' failure to address these deficiencies called into question, as in the past, the independence of the judiciary.

State Violence

Torture, police abuse, and excessive use of force by security forces are widespread in Azerbaijan. Peaceful protests are frequently met with the use of force and arbitrary arrest. Severe beatings at police stations are routine and torture methods in pre-trial detention include electric shock and threats of rape. In 2004, the government failed to address these problems, perpetuating an environment of almost total impunity for security force abuses surrounding the October 2003 presidential elections. Although

international interlocutors repeatedly called on Azerbaijan to investigate allegations of torture by the Organized Crime Unit of the Ministry of Interior, and security forces' use of excessive violence during the protests following the elections, at the time of writing the authorities had not prosecuted any cases.

Political Prisoners

Azerbaijan is making some progress toward releasing or retrying political prisoners, a long-standing problem. By July 2004, following several amnesties in late 2003 and early 2004, the government had released thirty-two political prisoners and agreed to retry eleven, from a Council of Europe list of forty-five. However, the Council of Europe and local groups maintained that additional political prisoners remain in custody, and that the recent imprisonment of opposition supporters, accused of the post-election violence, added to their ranks. The chance of a fair trial for political prisoners facing retrial remains slim because of the lack of an independent judiciary. The Council of Europe previously condemned retrials of political prisoners as a "sham" controlled by the presidential authorities rather than the judiciary.

Civil Society Organizations

The government attempts to tightly control civil society and pressures and harasses groups that are critical of government policies. In a dramatic example of this tendency, the authorities tried Ilgar Ibrahimoglu, the head of the Center for the Protection of Conscience and Religious Freedom, and a government critic, for alleged participation in the post-election violence. In April 2004, a Baku court found him guilty and handed him a five-year suspended prison sentence, despite serious allegations that the charges were falsified. While Ibrahimoglu was in custody, a court ordered the eviction of the Juma Mosque community, which Ibrahimoglu headed, from the mosque it had used since 1992. In June, police forcefully evicted worshippers from the mosque, detaining several of them. On July 30, police prevented the community from meeting at a private house, raiding the premises and temporarily detaining all twenty-six members present.

Media Freedom

Authorities use a variety of informal measures to prevent or limit news critical of the government from reaching the public. Major television outlets are either state-owned or affiliated and the government fully controls the issuing of radio and television broadcast licenses through a licensing board that consists entirely of presidential appointees. The opposition and independent media are under constant pressure, through limited access to printing presses and distribution networks, imposition of crippling fines from government-initiated defamation cases, and harassment of journalists. In 2004, *Hurriet*, an opposition newspaper affiliated with the Azerbaijan Democratic Party, had to suspend publishing due to financial burdens and government harassment leading to difficulties distributing and selling the newspaper outside of Baku. In addition, journalists and editors face the threat of physical assault by unknown attackers bent on intimidation. For example, on July 17, four masked men kidnapped the editor-in-chief of the independent *Baki Khaber* ("Baku News") newspaper and demanded that he cease his journalism work, beating him for two hours before releasing him. Also at the end of July, an unknown assailant attacked a

journalist for the *Monitor*, an independent weekly magazine. At the time of writing no one had been prosecuted for either attack.

Key International Actors

Construction on two new major oil and gas pipelines routed across Azerbaijan, Georgia, and Turkey is currently underway. The huge foreign investment in these projects has focussed 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 in Azerbaijan. Correspondingly, Azerbaijan has cooperated in U.S. military operations, with approximately 150 troops in Iraq and thirty in Afghanistan. The U.S. role in Azerbaijan has been marred by inconsistent and sometimes weak responses to rights abuses, particularly in response to the 2003 presidential elections.

In September 2004, the European Union (E.U.) and Azerbaijan met under the framework of the Partnership and Cooperation Agreement. Unfortunately, the E.U. failed to use this forum publicly to encourage human rights improvements, issuing a press release that did not raise human rights concerns. In a step that could increase the ability of the E.U. to influence Azerbaijan on human rights, the E.U. included Azerbaijan in its European Neighborhood Policy, which brings with it economic benefits. Officials signaled that these benefits would not flow until at least 2007, when Azerbaijan will have begun to implement action plans on economic and political reforms.

The Council of Europe has played a constructive role in attempting to address 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 January 2004, the Parliamentary Assembly of the Council of Europe (PACE) expressed concern about events surrounding the 2003 presidential elections and called on the government to rectify the abuses. In October, the PACE reviewed Azerbaijan's compliance with the January resolution, and stated that although some progress had been made, it was inadequate.

The European Bank for Reconstruction and Development (EBRD) is one of the largest multilateral investors in Azerbaijan, having committed more than U.S. \$473 million in projects. Although article 1 of the bank's founding document commits the EBRD to promoting democracy, human rights, and the rule of law, the Bank did not raise human rights concerns during the human rights crisis surrounding the 2003 presidential elections. Its board approved financing of U.S. \$125 million for the Baku-Tbilisi-Ceyhan oil pipeline in November 2003 and provided the government with \$41 million for road reconstruction projects in July 2004 with no conditions addressing democracy, human rights, or rule of law concerns.

The Organization for Security and Cooperation in Europe's Minsk Group, co-chaired by the U.S., France, and Russia, led talks on the conflict over Nagorno-Karabakh between Armenia and Azerbaijan; however, no breakthrough appears imminent.

Human Rights Watch
350 Fifth Avenue, 34th floor
New York, New York 10118-3299
Tel. +1 212 216 1200 Fax +1 212 736 1300
www.hrw.org