



UPR Submission
Azerbaijan
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Summary

Azerbaijan's human rights record has been on a continual decline since the previous UPR in 2009, casting serious doubt on the government's willingness to abide by its commitments and to reform. The long-repressive atmosphere for independent journalists, political activists, and human rights defenders has grown acutely hostile, with authorities using imprisonment as a tool for political retribution and clamping down on freedom of assembly, breaking up peaceful demonstrations, often violently. Excessive restrictions on freedom of expression and religion persist; torture and ill-treatment remain a serious problem; and the government's "beautification" campaign in Baku has resulted in the forcible eviction of thousands of families and illegal demolition of their homes.

Freedom of expression and media

During the previous UPR in 2009, Azerbaijan accepted the recommendation to "take effective measures to ensure the full realization of the right to freedom of expression and of the media." It also committed to "modifying or repealing the criminal legislation on defamation to take away the possibility of depriving anyone of his or her liberty on accounts of opinion" and to ensuring that libel law is not used "in such a manner as to stifle honest and professional reporting." These recommendations have not been implemented by the government of Azerbaijan.

Three years on, the atmosphere for journalists and other critics in the country remains extremely hostile. Journalists in Azerbaijan continue to face prosecution on bogus charges, harassment, intimidation and physical attacks. Defamation remains criminalized. Authorities released one wrongfully imprisoned social media activist, **Bakhtiar Hajiyev**, in June 2012, but a steady flow of criminal cases brought against journalists on what appears to be politically motivated charges shows the problem continues:

- In September 2012 a court sentenced **Aydin Janiyev**, a reporter with the newspaper *Khural*, to three years in prison on hooliganism charges, apparently in retaliation for his journalism. **Avaz Zeynalli**, *Khural's* editor, has been in custody since his October 2011 arrest, and is currently on trial on dubious extortion charges brought by a member of parliament from the ruling party. If convicted, Zeynalli could face up to 12 years in prison. *Khural*, which regularly published allegations of government corruption, was closed in October 2011 when a court ordered the seizure of its property to pay fines imposed in three defamation cases. *Khural's* profile raises concerns about the legitimacy of the charges against both men and the likelihood of a fair trial.
- In March 2012 police arrested **Vugar Gonagov** and **Zaur Guliyev**, executive director and editor-in-chief of *Xayal TV*, who remain in custody pending trial on charges of organizing social unrest and abuse of authority. The charges are linked to a video

posted to YouTube showing the governor of Guba insulting local residents in a speech, which many believe was the catalyst for large protests in Guba in March 2011.

- In June 2012 a court convicted **Anar Bayramli**, a journalist for the Iranian satellite television station *Sahar TV*, on trumped-up charges of illegal drug possession. His two-year prison sentence was subsequently halved on appeal.
- **Hilal Mammadov**, editor-in-chief of *Tolishi Sado* newspaper, was arrested in June 2012 on bogus drug possession charges and remains in custody pending trial.
- In June 2012 police also detained **Mehman Huseynov**, a blogger and photographer at the Institute for Reporters' Freedoms and Safety, a local media monitoring organization, and released him pending investigation on trumped-up charges of hooliganism.
- In August 2012 a court sentenced **Faramaz Novruzoglu**, a freelance journalist, to four and a half years in prison on bogus charges of illegal border crossing and inciting mass disorder, stemming from Facebook postings in spring 2011, made under a pseudonym, calling for riots and claiming he would set himself on fire. Novruzoglu has denied the allegations and claims they are retribution for his investigations into business ties of high-level officials.

Intimidation and attacks against journalists are also commonplace in Azerbaijan and occur with impunity. According to the Institute for Reporters' Freedoms and Safety, a local media monitoring organization, 50 domestic and foreign journalists were harassed or attacked in 2011 alone. **Rafiq Tagi**, a journalist with *SanetWeekly*, was attacked and died after being stabbed 6 times near his home in November 2011. His death, as well as the 2005 murder of editor-in-chief of the independent journal *Monitor*, **Elmar Huseynov**, remains unresolved. More recently, in April 2012 police and private security personnel brutally attacked and beat unconscious **Idrak Abbasov**, a journalist, as he was attempting to film a forced eviction in a Baku neighborhood.

In March 2012 unknown persons attempted to blackmail **Khadija Ismailova**, an outspoken journalist with Radio Free Europe/Radio Liberty (RFE/RL), through a vicious smear campaign mounted in apparent retaliation for her investigation into the business holdings of the president's family and close associates.

In September 2012 the opposition daily *Azadlig* faced eviction threats from its premises at the state publishing house for failing to pay its outstanding debts, while at the same time a court fined the paper 35,000 AZN (approximately US\$44,000) in a defamation suit brought by the head of the Baku metro system.

In 2009 the government banned foreign radio broadcasting, including the BBC and RFE/RL, from FM frequencies, a move Azerbaijan was asked to "reconsider" and "permit broadcasting by non-Azeri outlets on FM frequencies."

Freedom of Assembly

Freedom of assembly is severely limited in Azerbaijan, with authorities breaking up peaceful protests, in some cases violently, and indiscriminately arresting activists and passersby. This goes against a number of recommendations accepted by Azerbaijan in 2009, including that it "uphold the respect of the right to peaceful assembly and ensure that the right is effectively implemented," which the government of Azerbaijan has failed to carry out.

While the constitution stipulates that groups may peacefully assemble after notifying the relevant government body in advance, authorities interpret this provision as a requirement for prior permission, effectively banning demonstrations in the capital for years. In March 2012, at the first sanctioned opposition protest in the capital since 2006, police detained two popular musicians as they played at the peaceful gathering. Police beat and denied them access to their lawyer. They were released after five and ten days of detention.

In April 2012 police detained twenty activists distributing flyers encouraging people to attend an opposition rally. Courts sentenced seven of them to 10 to 15 days of detention; others were fined or released.

In the days before and during the Eurovision Song Contest held in Baku in May 2012, police broke up several protests in the city's center. Police rounded up dozens of peaceful demonstrators, forcing them onto buses and beating some in the process. Some were released hours later, while others faced administrative charges for petty hooliganism.

Authorities also arrested hundreds of people in connection with peaceful protests inspired by the popular uprisings in the Middle East in March and April 2011, imprisoning over a dozen. Of those arrested, fourteen were sentenced in unfair trials to up to three years imprisonment. Though nine of them were released immediately preceding the publication on June 26, 2012, of a report by the Council of Europe Parliamentary Assembly, police continue to suppress freedom of assembly, detain protesters, and violently disperse gatherings.

Human Rights Defenders

The Azerbaijani government is deeply hostile to human rights work and independent civil society groups face frequent interference and harassment by the authorities. These practices show that the government of Azerbaijan has failed to implement recommendations it accepted during the UPR in 2009 to “guarantee freedom of assembly and association, to respect the work of human rights defenders” and ensure “that legislation concerning NGOs is implemented accordingly.”

In March 2011 the Justice Ministry suspended the non-governmental organization Azerbaijan Human Rights House, a member of the International Human Rights House Network and a registered organization, which served as an important training and resource center and conference venue for local groups. Human rights defenders also frequently become the target of criminal prosecution in apparent retribution for their civic activism. Recent cases include the following:

- **Ogtay Gulaliyev and Ilham Amiraslanov**, two defenders associated with the nongovernmental group Kur Civil Union, were arrested in, respectively, April and June in retribution for their work protecting flood victims in southern Azerbaijan. Gulaliyev was released pending investigation in June, while a court in September sentenced Amiraslanov to two years of imprisonment on spurious charges of weapons possession. Both men have alleged ill-treatment in custody, which authorities have failed to investigate.
- **Taleh Khasmammadov**, a blogger and human rights defender from Goychay, was sentenced in April 2012 to a four-year prison term on charges of hooliganism and

physically assaulting a public official. Khasmammadov investigated allegations of abuse and corruption by law enforcement officials.

- **Vidadi Isganderov**, also from Goychay region, is serving a three-year sentence following his August 2011 conviction on false charges of interfering with parliamentary elections. After running for office in the November 2010 parliamentary elections, Isganderov submitted a complaint to the authorities alleging vote rigging in his district. They failed to investigate even though video footage and other materials support Isganderov's allegations. Instead, they brought charges against him, and he was found guilty of interfering with the elections.

III-Treatment and Deaths in Custody

Torture and ill-treatment continue with impunity, with at least two known cases of death in police custody in 2012 alone. In the first eight months of 2012, the Azerbaijan Committee against Torture, an independent prison monitoring group, received 136 complaints alleging ill-treatment in custody. In many of the cases of arrested journalists and activists that Human Rights Watch has documented, there were credible allegations of ill-treatment in police custody. However, none of them were effectively investigated. This goes against the 2009 recommendation to the government to establish a "system to follow-up complaints of allegations of torture."

Forced Evictions and Unlawful House Demolitions

Since 2008 the authorities in Azerbaijan have been implementing a program of urban renewal in Baku in the context of which they have unlawfully expropriated and demolished hundreds of properties, primarily apartments and homes in middle class neighborhoods, to make way for parks, roads, and luxury residential buildings. Multiple egregious abuses have characterized this process, including lack of notice or court decision validating the expropriations, willful disregard for health and safety of those evicted, and refusal to provide fair compensation.

Freedom of Religion

In 2009 Azerbaijan accepted the recommendation to "take fully into account the recommendations of the Special Rapporteur on Freedom of Religion aimed at promoting and fully ensuring freedom of religion for all religious communities throughout Azerbaijan." However, freedom of religion is tightly controlled, and the government introduced further restrictions since the previous UPR. Constitutional amendments passed in 2009 and 2011 tightened restrictions on all religious activity, requiring all religious communities to reregister, dramatically increasing fines for unauthorized religious activity and requiring all religious groups to seek prior authorization from the government to gather. Unwarranted raids continue to take place across Azerbaijan, closing down various houses of worship and fining members of their congregations.

In December 2011 the president signed legislative amendments criminalizing the illegal production, distribution, and import of religious literature not approved by the state; they previously were administrative offenses. A new criminal code article punishes the creation of a group that undermines social order under the guise of carrying out religious work. According to Forum 18, an independent international religious freedom monitoring group, police raided several private homes on religion-related grounds.

In December 2010 the government banned women from wearing headscarves in schools and universities, leading thousands to drop out.

Recommendations

- Ensure full respect for freedom of expression in line with Azerbaijan's international commitments, including by:
 - decriminalizing libel and establishing reasonable monetary caps on civil defamation awards;
 - ensuring that all journalists may work freely and without fear of retribution for criticism or coverage of topics that the government may find sensitive;
 - allowing foreign media broadcasts without restrictions and ensuring unfettered access to the country for journalists.
- Immediately and unconditionally release journalists, human rights defenders, and other civil society activists held on politically-motivated charges, including Aydin Janiyev, Avaz Zeynalli, Vugar Gonagov, Zaur Guliyev, Anar Bayramli, Hilal Mammadov, and Faramaz Novruzoglu, Ilham Amiraslanov, Taleh Khasmammadov, and Vidadi Isganderov.
- Ensure thorough, effective investigations into attacks against, harassment of, and threats against journalists, including RFE/RL journalist Khadija Ismailova, Idrak Abbasov, Rafiq Tagi, and Elmar Huseynov.
- Allow peaceful assemblies and investigate all incidents of use of excessive force by law enforcement during demonstrations.
- Thoroughly investigate all allegations of torture and ill-treatment of detainees and hold perpetrators accountable. Make a statement at the highest level condemning torture and ill-treatment.
- Stop all forced evictions and house demolitions until expropriation can be done in a way that ensures the dignity and rights of those affected and that provides adequate and fair compensation; resolve, in a fair and transparent manner, all complaints related to expropriations, evictions, and demolitions, and provide homeowners with fair compensation that reflects the actual values of their homes.
- Lift undue restrictions on freedom of religion.