



FACT SHEET - 2018

ON HUMAN RIGHTS SITUATION IN
AZERBAIJAN

The situation of human rights in Azerbaijan, Summary of 2018

Election Monitoring and Democracy Studies Centre (EMDS) prepared this report on the situation of human rights in Azerbaijan covering the year 2018 based on publicly available and alternative sources of information. EMDS is a non-profit organization promoting human rights and democracy in Azerbaijan.

Annual summary of human rights violations

There has been no progress in the situation of human rights in Azerbaijan in 2018 while the government has not demonstrated the political determination required to improve the situation.

Politically motivated persecutions continued and the number of political prisoners reached 131. The freedom of expression remained limited. The number of blocked news websites increased to 40 while the travel bans imposed on independent journalists and civil society activists remained unchanged. The work of the civil society organizations continued to be obstructed as did the freedom of assembly.

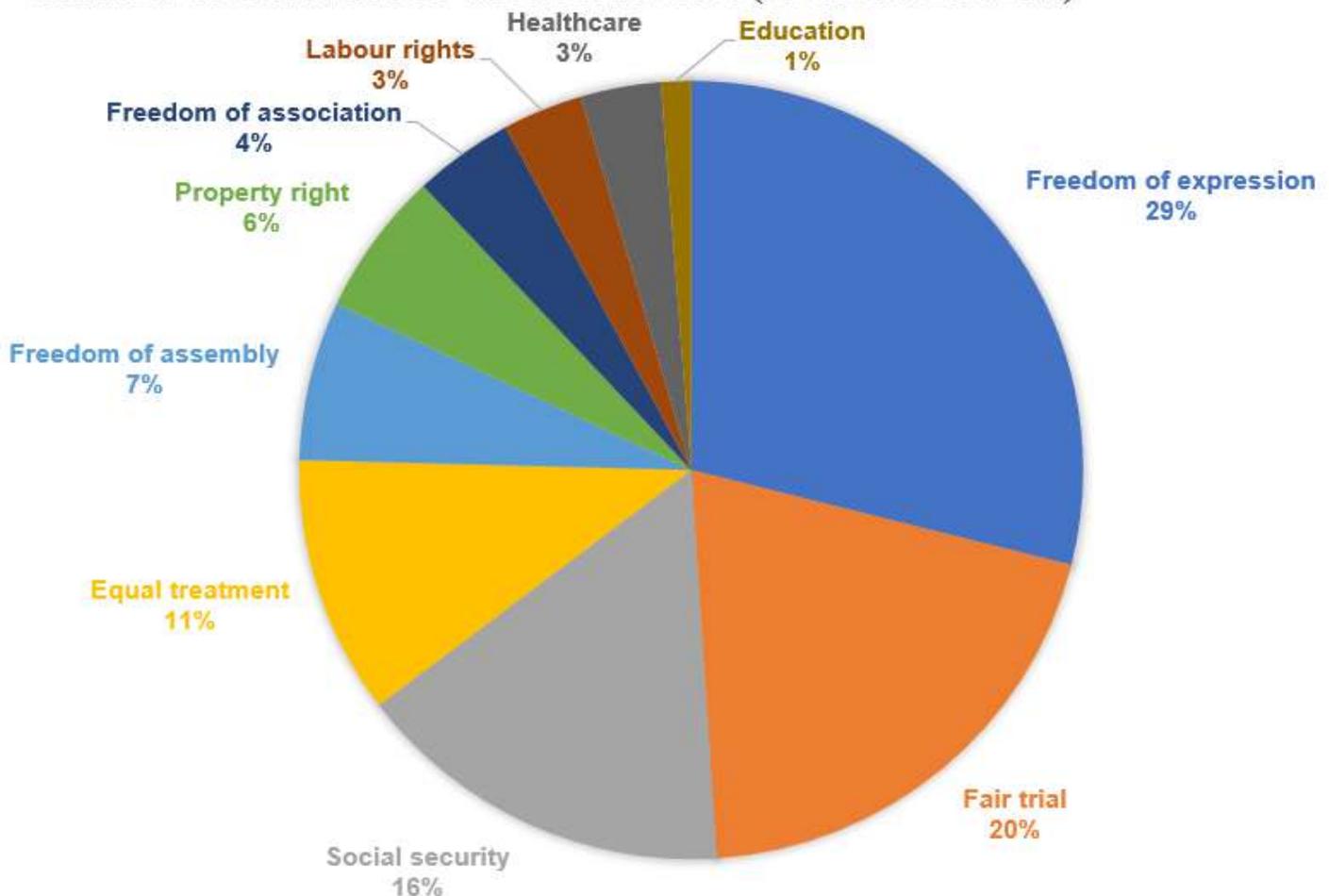


In front of Sabail Police Department 17 November © Radio Free Europe/ Radio Liberty

EMDS recorded 484 human rights violations in 2018. They are grouped under the following 10 categories:

Freedom of expression	140
Fair trial	97
Social security	76
Equal treatment	52
Freedom of assembly	32
Property right	29
Freedom of association	20
Labour rights	16
Healthcare	16
Education	6

SUMMARY OF HUMAN RIGHTS VIOLATIONS IN 2018 (JANUARY-DECEMBER)



EMDS compiled the report based on reports submitted by citizens and the monitoring of events across the country.

Freedom of expression

Almost one-third of recorded violations fall under the freedom of expression category. None of the imprisoned journalists was released in 2018. On the contrary, on 12 January 2018, the court sentenced Afgan Mukhtarli, Azerbaijani journalist living in exile in Georgia, where he was kidnapped by the security forces, to six years in prison. Currently, there are 10 journalists and bloggers behind bars.



Afgan Mukhtarli being brought to the court 31 May 2017 © Radio Free Europe/ Radio Liberty

The authorities have increased the blocking of independent news websites starting in summer. Following the attempted murder of the Mayor of the country's second largest city Ganja, the Prosecutor General's Office launched a criminal investigation into several news websites claiming that they published "content aimed at provoking the public". The access to news websites "bastainfo.com", "criminal.az", "topxeber.az" and "fia.az" were blocked. Editors-in-chief of "Basta.info" and "criminal.az", Mustafa Hajibayli and Anar Mammadov, have been banned from leaving the country and could be facing lengthy prison time. Hajibayli is also a spokes-person for opposition party Musavat. A month later, "az24saat.org", "xural.com", "arqument.az", "monitortv.info" and "anaxeber.az" news websites were blocked in Azerbaijan at the request of the Ministry of Transport, Communication and High Technologies.

On 1 August, a pro-government news agency and one of the biggest media organizations in the country "APA Holding" abruptly halted its operations. It is reported that the authorities ordered the closure of the privately owned APA Holding after the latter misquoted the president.

On 26 October, the State Security Service arrested the editor of "Realliq.info" news website Ikram Rahimov on charges of "extortion using blackmail". The website was blocked and

Rahimov was put in pre-trial detention. On the same day, a journalist of internet TV “Kanal 13” (Channel 13) Ismayil Islamoglu was detained by the Baku Main Police Directorate. Islamoglu was kept in police custody for three days. On 8 November, the police detained journalist working for “Azadxeber.com” news website Ilkin Mammadli and kept him in custody for two days

On 26 December, the authorities opened a new criminal investigation against imprisoned blogger Mehman Huseynov after the prison administration claimed that he assaulted one of the guards just two months before the end of his sentence. Huseynov launched a hunger strike in a protest. Following domestic and international pressure, the authorities dropped the criminal investigation on 22 January 2019.



Mehman Huseynov being transported from court to prison, 28 March 2017 © Radio Free Europe/ Radio Liberty

The right to a fair trial

Around one-fifth of recorded violations were related to the right to fair trial. The violations included lack of independence in court decisions, the inefficiency of the judiciary system, and complete reliance on testimonies of law enforcement officers in cases on torture by the law enforcement and administrative detentions.

In all of the nine judgments of the European Court of Human Rights (ECtHR) against Azerbaijan issued in 2018, the ECtHR found violations of the right to fair trial. In three of the judgments, the ECtHR recognized the violation of Article 18 of the European Convention on Human Rights and stated that the imprisonments of five applicants were politically motivated.

22 political prisoners were released in 2018. 11 of them completed their sentences, nine were free by the presidential pardon and two were released on suspended sentences. At the same time, 18 more people were imprisoned on politically motivated grounds.

Currently, there are 131 political prisoners in the country according to domestic human rights groups. They include 10 journalists and bloggers, 18 political and social activists, 14 social protest participants, 68 members of the Muslim Unity movement, four family members of political activists, two former government officials, a poet, a human rights defender and others.

Prison terms of three political prisoners – Mammad Ibrahim, Telman Shiraliyev and Elnur Javadov – were extended with new charges just a few days before the end of their sentences.

The authorities used solitary confinement as pressure on imprisoned activists. 19 political prisoners were placed in solitary confinements under groundless basis during the year. The treatment of political prisoners has significantly worsened since September.

The main tool of repression against government critics was administrative detention. 78 activists were sentenced to administrative detentions during the year on various groundless charges. Courts handed down hefty financial penalties to activists as well. A relatively lighter form of political pressure, summoning to the police and verbal warnings were also widespread.

Two lawyers were disbarred from the country's Bar Association while four lawyers' memberships were suspended. All of the targeted lawyers were among the few legal professionals defending the rights of government critics and political prisoners. On 22 January, Fakhraddin Mehdiyev's membership of the Bar Association was suspended for one year for disclosing the statement of the imprisoned chair of the International Bank of Azerbaijan Jahangir Hajiyev. The authorities claimed that it violated the secrecy of investigation. The Bar Association also suspended Nemat Karimli and Asabali Mustafayev on 23 April after the first deputy Prosecutor General lodged a complaint accusing two lawyers in politicising the cases of their clients – jailed journalist Afghan Mukhtarli and deputy chair of the opposition Popular Front Party Gozal Bayramli. On 11 June, the Bar Association asked the court to annul Irada Javadova's membership for filing complaints to various bodies on illegal detention of her client without having official contract and permission of the client. The court upheld the complaint. Elchin Sadigov was removed from the defence of Yunis Safarov, the main suspect in a high profile the case of attempted murder of Ganja city's Mayor, and the Bar Association has launched a disciplinary case against him. He is accused of applying psychological pressure on his client to give false testimony. On 30 October, Agil Layijov's bar membership was suspended for six months for not wearing court robe and slamming the door when leaving the courtroom.

With just 15 lawyers per 100,000 inhabitants, Azerbaijan occupies the last place among 47 members of the Council of Europe.

Social security rights

15.5% of recorded violations were related to social security including corruption by state officials, failing to access social payments stipulated by law, undue delays in payment of benefits and pensions, and prolonged disruptions in the provision of electricity, gas and water.



A secondary school in Internally Displaced Persons' settlement © Gulnar Salim

The bulk of these violations were reported by Internally Displaced Persons from Nagorno-Karabakh and surrounding regions occupied by Armenia. They complained of corruption in the allocation of housing and social payments.

Right to equal treatment

This category received 10.5% of reports and included mainly cases of discrimination on political grounds. During the year, political activists, opposition members and their family members were sacked from their work, faced pressure and discrimination by the police. Political prisoners also faced discrimination in their places of detention where they were denied proper medical treatment, meetings and phone calls with their family members.

Freedom of assembly

6.5% of the recorded violations were related to illegal interference with the right to free assembly. Prior to two opposition rallies organized by the National Council of Democratic Forces, an umbrella opposition organization, during the 11 April 2018 Presidential Election period, the police summoned around 150 opposition members across the country and the court sentenced 21 of them to 15-30 days of administrative detention. Similar repressions took place after the election when 51 people were summoned to the police and seven were sentenced to administrative detention.

15 people were summoned to the police after a peaceful procession organized on 28 May by the Republican Alternative party and a group of civil society leaders on the occasion of 100th anniversary of the Democratic Republic of Azerbaijan. Four REAL members including its deputy chair Azer Gasimli were sentenced to 30 days of administrative detention.



Republic procession, 28 May 2018 (courtesy)

The National Council was illegally prevented from visiting the Martyrs' Alley on 17 November. 50 opposition members were detained and nine of them, including the chair of the popular Front Party Ali Karimli, were kept in police custody for two days. The court sentenced three to 20 days of administrative detention while the rest were fined.

Freedom of association

The calls to eliminate obstacles to the operation of NGOs introduced in 2013-2014 were not addressed. Legal impediments to the registration of NGOs, their financing and hefty fines

remained unchanged. The authorities limited the freedom of association of opposition parties and organizations. Nine opposition members were jailed on criminal charges and 48 were administratively detained in connection with the freedom of association. In May, five members of the Popular Front Party were arrested for illegally financing the party.

Property right

Property right occupied 6% of recorded violations. Illegal demolition of houses in capital Baku and other regions of the country, forced eviction of residents and administrative detention of those who protested these violations took place throughout the year.

Labour rights

3.5% of the violations were related to labour rights. This included the cases of mass poisoning of workers in cotton fields of Saatli, Tartar, and Imishli regions. The largest instance of poisoning took place in Aranli village of Imishli where 80 people were poisoned according to official reports. The workers, however, stated that around 500 people were affected. There were also cases when employees of state-funded organizations were forced to work in cotton fields.

Healthcare rights

Violations of healthcare rights occupied 3.5% of recorded cases. Death as a result of doctors' negligence, lack of adequate equipment in state hospitals, and corruption and payment demands at state hospitals were among the violations.



Chief doctor's room, Karrar hospital, Kurdamir © Gulnar Salim

Right to education

1.5% of recorded violations were related to education and included corruption at schools and universities, illegal actions of school directors, university students being forced to work in cotton fields and other cases.

Note: You can contact EMDS for more detailed information about the violations.

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