Human Rights in Azerbaijan

Presidential Elections, Minority Rights and the Rule of Law
EXECUTIVE SUMMARY

With the European Union maintaining close links with Azerbaijan through a variety of instruments, including the Eastern Partnership, the EU-Azerbaijan Partnership and Cooperation Agreement, the European Neighbourhood Policy, various EU assistance programmes and the Euronest Parliamentary Assembly, it becomes clear that Azerbaijan is of growing importance and interest to EU policy-makers.

In this context, the October 2013 presidential elections, resulting in an extension of the decade-long rule of Ilham Aliyev, provided a useful opportunity to objectively assess the progress that Azerbaijan has made in recent years, both generally and specifically with regard to the ideals the EU was founded on, i.e. “respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights”.

The continued persecution of journalists, political, human rights and minority activists in Azerbaijan that intensified in the run-up to the 2013 October elections raised major concerns among international observers and civil society organizations. Although the Azerbaijani government insists on its adherence to pluralistic and democratic principles, the many cases of arrests conducted on bogus charges, harassment and intimidation of civil society activists, as well as discrimination of minority representatives, are notoriously abundant.

The 2013 October elections revealed a number of limitations during the technical preparations, including the candidates’ ability to campaign, as well as numerous violations during the actual voting and counting processes. Overall, the lack of equal opportunities in regard to the opposition and minority representatives during the 9 October 2013 presidential elections, is a concrete example violation of national legislation and international standards by the Azerbaijani authorities.
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<table>
<thead>
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<th>Full Form</th>
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<tr>
<td>CEC</td>
<td>Central Election Commission</td>
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<td>CIS</td>
<td>Commonwealth of Independent States</td>
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<td>CoE</td>
<td>Council of Europe</td>
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<tr>
<td>CSCE</td>
<td>Conference on Security and Co-operation in Europe</td>
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<td>FCNM</td>
<td>Framework Convention on National Minorities</td>
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<td>ICESCR</td>
<td>International Covenant on Economic, Social and Civic Rights</td>
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<td>IEOM</td>
<td>International Election Observation Mission</td>
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<td>NCDF</td>
<td>National Council of Democratic Forces</td>
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<td>ODIHR</td>
<td>Office of Democratic Institutions and Human Rights</td>
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<td>OSCE</td>
<td>Organization on Security and Co-operation in Europe</td>
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<td>REAL</td>
<td>Republican Alternative</td>
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<td>YAP</td>
<td>Yeni Azerbaijan Party</td>
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INTRODUCTION

The Republic of Azerbaijan is the largest country of the South Caucasus, situated in a geographically important position, linking Europe and Asia. Apart from its coastline with the Caspian Sea, Azerbaijan has borders with Russia to the North, Georgia to the North-West, Armenia to the West and Iran to the South.

Azerbaijan is often accredited for being the first democratic and secular Muslim country in the world. The short-lived Azerbaijan Democratic Republic (1918-1920) was the first Muslim country that granted women the right to vote, and it did so prior to many Western countries, including the United Kingdom and the United States. Its constitution “[g]uaranteed to all its citizens within its borders full civil and political rights, regardless of ethnic origin, religion, class, profession, or sex” and “[e]ncouraged the free development of all nationalities inhabiting its territory”. This progressive state was soon reabsorbed into the Soviet Union and only regained its independence in 1991.

Whilst 71 years of authoritarian Soviet rule has left a lasting imprint on Azeri politics, the Aliyev family, who has ruled Azerbaijan almost continuously since 1969, has increasingly turned towards the West and in particular towards Europe.

According to data provided by the State Statistical Committee of the Republic of Azerbaijan, the total population in 2012 was estimated at approximately 9.2 million.¹ The economy has experienced an exponential growth over the past decade, with the World Bank indicating Azerbaijan’s GDP in 2012 to have reached 68.73 billion US$,² compared to 676.15 US$³ in 1992, right after independence. The reason for this rapid economic growth is closely linked to the country’s natural resources, which in recent times have gained much international attention, in particular from the EU.

Being a member of a number of important human rights bodies, including the UN Human Rights Council and the Council of Europe, Azerbaijan has theoretically made many commitments to protect human rights. However, the government of President Aliyev has been criticised by a variety of different organisations for widespread human rights violations and for running the country in an authoritarian or even dictatorial style.

CHAPTER ONE
BACKGROUND TO THE CURRENT SITUATION IN AZERBAIJAN

Like any other former Soviet country, Azerbaijan has moved from a command to a market economy over the past two decades. In many ways, Azerbaijan has a more advanced economy than its neighbours and other similar countries. However, it is far less diverse as it is largely focused around the country's wealth of natural resources. This explains the growing interest of the European Union in fostering cooperation with Azerbaijan.

1.1. Political Climate: The Rise of Ilham Aliyev

By 2003, the health of President Heydar Aliyev had severely deteriorated, as illustrated by his collapse on live national television in April that year. Aliyev started grooming his son Ilham to take over, appointing him as Prime Minister two months before the October 2003 elections, in which he controversially made his son the only candidate for the ruling party. Already in 1994, Aliyev had appointed his son Vice-President of the State Oil Company of Azerbaijan (SOCAR), and he later became member of the National Assembly of Azerbaijan and head of both the National Olympic Committee and the country's delegation to the Council of Europe.

In October 2003, Ilham Aliyev won highly disputed elections to succeed his father as President. Official results state that Aliyev received 76.8% of the vote, with his nearest rival Isa Gambar of the Musavat party (a member of ALDE) receiving 14.0%. Human Rights Watch "found that the government has heavily intervened in the campaigning process in favour of Prime Minister Ilham Aliyev, son of current President Heydar Aliyev".

In the 2008 presidential elections, Ilham Aliyev was re-elected with 87.34% of the vote. The main challenger of Aliyev's six competitors, Igbal Aghazade of the Hope Party, managed to get just 2.82% of the votes. Many of Azerbaijan's main opposition parties, including Musavat and the Azerbaijan Liberal Party, boycotted the elections due to government oppression of political opponents and allegations of poll fixing. More than 500 external observers, including representatives from the OSCE, the Council of Europe and the European Parliament, observed the election and concluded that the elections did not meet international standards. The OSCE did, however, acknowledge that the government had made progress when compared to previous elections.

1.2. Azerbaijan on its Path to Europe: Energy Cooperation

The relationship between the EU and Azerbaijan has been described as "inconsistent" and even "schizophrenic". This split approach to Azerbaijan could be characterised as a conflict between European interests on the one hand, in the form of Azerbaijan's natural resources, and European ideals on the other, in the form of liberty, democracy, equality, the rule of law and respect for human rights.

Overall, the European Union and the Republic of Azerbaijan have a positive relationship, which has grown closer in recent years. The current government is pro-Western and in favour of further European integration. In a speech on 16 September 2006, President Aliyev stated the
Azerbaijan’s desire to be seen as part of the European community stretches beyond its membership and cooperation with European organisations. The government is also keen to ensure that Azerbaijan becomes an integral part of European cultural institutions, demonstrated by the enthusiasm for the Eurovision Song contest and bid to host the Euro 2020 football championships. The government has even gone as far as to sponsor top Spanish football team Atletico Madrid in a $16 million deal.

The first milestone in the relations between the European Union and Azerbaijan was the signing of the EU-Azerbaijan Partnership and Cooperation Agreement (PCA) in 1996. This agreement, which entered into force in 1999, has strengthened the EU’s political and economic ties with Azerbaijan, for instance through the creation of parliamentary cooperation committees. The European Neighbourhood Policy grew out of the Euro-Mediterranean Partnership of 1995 and Azerbaijan joined in 2006 along with Armenia and Georgia. The aim of the policy is to bring the EU’s near neighbours closer to the European Union, both politically and economically. Azerbaijan is an active participant in the ENP and therefore cooperates even more closely with the European Union than previously. As a member of the ENP, there is the possibility of an Association Agreement (AA) with the EU, which is among the closest agreements that the EU can have with a non-member state.

In addition, Azerbaijan's impressive oil and gas reserves offer an alternative way for the EU to diversify its energy resources and become less dependent on Russia. In this regard, the Baku-Tbilisi-Ceyhan pipeline, inaugurated in May 2005, has been seen as a key development in EU-Azerbaijan relations, as it transports crude oil from Azerbaijan’s Caspian oil fields to the Turkish city of Ceyhan on the Mediterranean coast. This makes oil accessible to the European Union without going through the territory of the Russian Federation or its allies (the pipeline loops around Armenia). This venture is also of great interest to companies from EU countries: The pipeline is owned and operated by a consortium of companies, of which BP (British Petroleum) has the largest share (30.1%), compared to only 25% for the State Oil Company of Azerbaijan (SOCAR). Total from France and Eni from Italy each have a 5% share of the pipeline.

Energy has become one of the major issues in the Azerbaijan-EU relationship. In June 2013, President Ilham Aliyev held meetings with the Presidents of the European Council and the European Commission, Herman Van Rompuy and José Manuel Barroso, respectively, in Brussels. The focus of these talks was oil and gas, including the planned Southern Gas Corridor that would transport gas from the Caspian Sea and the Middle East to Europe. The Southern Gas Corridor is an initiative by the European Commission, to which Azerbaijan is considered a key partner. Another European Commission energy programme involving Azerbaijan is INOGATE.

1.3. International Legal Commitments

With regard to Azerbaijan’s legal commitments, it is first of all worth noting that there is a certain inconsistency in the relations between the country’s national legislation and its international commitments. Regardless that Article 151 of the Azerbaijan Constitution clearly refers to the primacy of the international legal agreements, to which the Azerbaijan Republic is party, over the country’s national normative-legal acts, the same Article makes a significant note

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4 EU-Azerbaijani relations: good, but could be even better, Occasional Paper № 17, Caspian Information Centre, November 2011, p. 3
regarding two expectations that do not fall under this category. These are the Constitution of the Azerbaijan Republic itself and acts accepted through referendum. Furthermore, in this regard Article 12 of the Constitution stipulates that the “rights and liberties of a person and citizen listed in the present Constitution” should be implemented in accordance with the international commitments of Azerbaijan.

1.3.1. Council of Europe

In 2001 Azerbaijan became the 43rd country to join the Council of Europe, thus committing to democratic development as expected by all CoE members. In fact, one of the conditions for Azerbaijani membership was an acceleration of the country’s democratic transition. In particular, one of the agreed commitments was the release by the Azerbaijani government of all political prisoners and the banning of the prosecution of civil activists on politically motivated charges.

Since April 2002 Azerbaijan is party to the Convention for the Protection of Human Rights and Fundamental Freedoms, as well as to its ten additional Protocols. This document is considered to be one of the most significant legal instruments of the CoE in the sphere of protection of human rights. Additionally, Azerbaijan is subject to the European Convention of Torture and Inhuman or Degrading Treatment or Punishment, ratified on 15 April 2002.

In terms of the protection of ethnic minorities, it is crucial to note that within the framework of the CoE Azerbaijan ratified the Framework Convention for the Protection of National Minorities (FCNM) on 26 June 2000. At the same time, Azerbaijan falls into the list of six member states which have not yet acceded to the European Charter for Regional and Minority Languages. This, in turn, indicates that there are clear issues with regard to the situation of ethnic minorities in Azerbaijan.

Looking at the numerous human rights violations in the context of the past three elections, it is not hard to draw the conclusion that Azerbaijan, after 12 years of CoE membership, has failed to keep its promise. In light of the contradictory results of the country’s 2005 Parliamentary elections, a group of CoE members argued for the suspension of the Azerbaijani delegation’s right to vote – a practice that had previously been used to denounce the human rights violation by the Russian Federation during the War in Chechnya in April 2000. However, their proposal was rejected as the majority of the Council members were against such strict measures.

Later on, in 2010, the Parliamentary Assembly of the Council of Europe (PACE) did not even mention the issue of widespread violations in the aftermath of the Parliamentary elections. On the contrary, the PACE election monitoring team underlined positive and lawful results of the election procedure, regardless the critique given by the Office of Democratic Institutions and Human Rights (ODIHR).

On 20 December 2012, PACE published a new report on Azerbaijan, recording the country’s main democratic shortcomings. The authors, Pedro Agramunt and Joseph Debono Grech, both co-rapporteurs of the PACE Monitoring Committee, recognized progress in terms of efforts to develop a comprehensive legislative framework in certain fields crucial for the functioning of democratic institutions. At the same time, they called upon the Azerbaijani government to

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5 See more: Treaties signed and ratified or having been the subject of accession as of 5 November 2013, Azerbaijan, http://conventions.coe.int/Treaty/Commun/print/ListeTraites.asp?PO=AZE&MA=44&S1=2&DF=&CM=3&CL=ENG
6 Other CoE Member states that have not signed the European Charter for Regional and Minority Languages include: Albania, Georgia, Moldova, Russia and "the former Yugoslav Republic of Macedonia".
revise the judiciary and to promote basic freedoms, "including freedom of expression, freedom of assembly and freedom of association".7

Regarding recent developments, it is remarkable to note that the Azerbaijani government refused to give PACE rapporteur and Member of the German Bundestag (SPD), Christoph Strässer, permission to visit the country, in order to collect necessary facts for a report on political prisoners in Azerbaijan. Thus, the German parliamentarian had to prepare the report without being able to conduct research in Azerbaijan. The document was presented at the Parliamentary Assembly of the Council of Europe on 23 January 2013, and subsequently declined by 125 votes to 79. Azerbaijani delegates, together with the majority of other PACE members strongly opposed the report, in particular the definition of political prisoner given by the author.8

Due to Azerbaijan’s failure to implement its obligations as a member of CoE, which is particularly serious in light of Azerbaijan’s upcoming chairmanship of the Council’s Committee of Ministers in May 2014, the public event “Pre-election crackdown: human rights in Azerbaijan” was held on 2 October 2013 in the Council of Europe. The event was organized by the Baku-based Human Rights Club, Institute for Reporters’ Freedom and Safety (IRFS), International Media Support, Platform London, and the Polish Helsinki Foundation for Human Rights. CoE MPs together with representatives of Azerbaijani civil society and international human rights organizations pointed out ongoing violations of the fundamental freedom of expression, as well as cases of harassment and imprisonment of human rights and political activists. The participants called on PACE to put pressure on Azerbaijan and to call for the immediate release of all political prisoners in Azerbaijan.9

At a press conference with President José Manuel Barroso in Brussels in June 2013, President Aliyev stated the following: “First of all, I’d like to say that none of my political opponents are in prison. This is absolutely wrong information... At the same time, I’d like to tell you that there are no political prisoners in Azerbaijan, if you read carefully the comments after the session of the Parliamentary Assembly of the Council of Europe this January, which rejected the report about political prisoners of Azerbaijan. I think that this chapter is closed”.

As regards the October 2013 presidential elections, it is crucial to mention that the PACE of the CoE and the European Parliament (EP), regardless of the criticism by the OSCE of the numerous cases of violations before and during the elections, announced their approval of the elections and considered them to be “free, fair and transparent”.10 Such selective outcomes on part of the EP and CoE undermine not only the credibility of international election observation as a whole, but also that of the European institutions.

1.3.2. OSCE

Not long after Azerbaijan had joined the Conference on Security and Co-operation in Europe (OSCE) on 30 January 1992, the ongoing conflict between Armenia and Azerbaijan developed into a fully-fledged war. Therefore, an emergency meeting was held on 24 March 1992, during which the CSCE Council of Ministers called upon the creation of a permanent forum for

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negotiations towards a peaceful settlement of the crisis in the Nagorno-Karabakh region. As an outcome of this meeting the Minsk Group was created, aimed at encouraging peaceful negotiations and search for the resolution to the conflict.

Ever since, peace talks over Nagorno-Karabakh have continued but with little progress. Furthermore, Azerbaijan has regularly threatened with a military takeover of the region, should the talks fail. Hundreds of thousands of Azeris and Armenians have been displaced by this conflict.

Apart from the Minsk Group peace negotiations, the OSCE Permanent Council adopted Decision № 318 on 16 November 1999, which called for the establishment a new OSCE local office in Baku. Additionally, the monitoring of elections, both parliamentary and presidential, has become a crucial task of the OSCE in Azerbaijan.

By joining the OSCE, Azerbaijan has committed to upholding OSCE values, including those related to human rights. Furthermore, as a member of OSCE, Azerbaijan is also subject to the implementation of the following politically-binding documents within the organisation: the 1990 Copenhagen Document, the 1990 Charter of Paris, and the 1991 Moscow Document. However, regardless of the aforementioned commitments, the OSCE lacks a very important enforcing mechanism to exercise pressure on the participating states to fulfil their obligations.

1.3.3. United Nations

The current situation in Azerbaijan cannot be fully understood without understanding Azerbaijan’s unique role within the international community, the country's important geostrategic position and historical ties and conflicts.

Soon after the restoration of its independence, the Republic of Azerbaijan approached the UN General Assembly and the international community with the request to join the United Nations (UN). Subsequently, on 2 March 1992, Azerbaijan was officially admitted to the UN. On 6 May 1992, the Permanent Mission of the Republic of Azerbaijan to the UN was established in New York and in November 1992 the Permanent Mission of the UN to Azerbaijan was opened in Baku.

In addition to the 1948 Universal Declaration of Human Rights, Azerbaijan has signed and ratified the following international human rights documents:

- International Covenant on Economic, Social and Cultural Rights (ratified by Azerbaijan according to the decision of the Milli Mejlis № 226 of 1 July 1992);
- International Covenant on Civil and Political Rights (ratified by Azerbaijan according to the decision of the Milli Mejlis № 227 of 1 July 1992);
- Convention on the Political Rights of Women (ratified by Azerbaijan according to the decision of the Milli Mejlis № 255 of 4 August 1992);
- International Convention on the Elimination of All Forms of Racial Discrimination (ratified by Azerbaijan on 16 August 1996);
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment (ratified by Azerbaijan on 28 January 2009).

Overall, Azerbaijan is party to almost all the major international human rights treaties guaranteeing the basic human rights and fundamental freedoms.

1.4. Transparency and Corruption

Regardless of having ratified the UN Convention against Corruption on 1 November 2005, bribing in government and public institutions remains an issue of major concern in Azerbaijan. For instance, in accordance with Transparency International’s Global Corruption Barometer issued in July 2013, 42% of the households surveyed indicated mistrust in the judiciary, considering it to be an extremely corrupted institution.

Furthermore, Transparency International’s 2012 Corruption Perceptions Index ranks Azerbaijan 139th out of 176 countries with a score of just 27, well below the global average of 43.27 and the EU average of 63.04. Azerbaijan’s reputation for corruption stems largely from the activities of President Ilham Aliyev and his family and friends, who have amassed a vast private fortune and hold many of the most important posts within the Republic. A leaked 2009 diplomatic cable from the American Embassy in Baku compared Aliyev to a mafia boss, and in 2012 he was named “Person of the Year” by the Organised Crime and Corruption Reporting Project (OCCRP) for his corrupt and criminal activities. The Guardian (UK) recently revealed that the Aliyev family holds millions of dollars in offshore accounts.
CHAPTER TWO
CLAMPDOWN ON FREEDOMS IN AZERBAIJAN

This chapter focuses on the worrying pre-election crackdown on political activists, journalists and human rights defenders. It analyses cases of harassment, arbitrary arrests and/or ill-treatment of civil activists by governmental officials in the aftermath of the January and March 2013 protests and during the 2013 pre-election campaign.

2.1. Freedom of Expression in Media

Internet first appeared in Azerbaijan in 1994, and became available for all citizens in 1996. With regard to the report of the Commissioner of Human Rights of the Council of Europe (2010), the Azerbaijani authorities stated that “more than 65% of the population has access to Internet, whereas 50% are users of broadband”.

It is important to note that in all recent rallies, organised by youth activists and opposition leaders in Azerbaijan, Internet Social Media was used as a means to encourage public mobilization against corruption and human rights violations in the country. The Arab Spring uprisings in the Middle East and North Africa inspired wide mass protests also in Central Asian countries, including in Azerbaijan. Youth activists used Facebook and other social media as tools for mobilization in March and April 2011, as well as in May 2012 in connection to the Eurovision Song Contest.

While the Azerbaijani government does not censor or restrict access to online content per se, public officials did, however, express a critical attitude towards the impact of social media on young people, in the aftermath of the above mentioned protests. Moreover, taking into account the increasing popularity of social media, the government has, following the 2011 rallies, taken on a careful stance, with regard to the potential of social media to mobilize the public. In this context, monitoring of online activities continues and calls for public protests communicated via Facebook have been used to arrest a number of activists. Alarmingly, these online calls have also been used as a pretext to arrest individuals unconnected to the protests.

Freedom of expression in Azerbaijan continues to be constrained. The 2013 Press Freedom Index compiled by Reporters Without Borders, which measures the freedom of journalists, news organisations and bloggers in a given country, ranked Azerbaijan as 156th out of 179. Freedom House’s Freedom of the Press Survey for 2013 categorises Azerbaijan’s press as “Not Free” and notes that the situation is deteriorating. Journalists who are critical of the government or bodies close to the government are frequently attacked, harassed, intimidated and obstructed. There is also a culture of impunity for those who commit these crimes against dissenting journalists.

Prior to the October 2013 elections, the Azerbaijani government increased their control over journalists. Despite that several wrongfully blamed journalists were released in 2012, at least 6 more have been sentenced to prison on bogus charges, most possibly due to their criticism of the ruling political party, since January 2013.

On 14 May 2013, the Azerbaijani government adopted new legislative amendments to Articles 147 and 148 of the Criminal Code thus expanding defamation and insult also to online content, including social networks, and to public demonstrations. The International Partnership Group for Azerbaijan (IPGA) criticized these new amendments stating that, they are in fact “designed to silence all those who continue to speak out despite the already and increasingly repressive climate”.13

Defamation and libel are nowadays considered as criminal offences in Azerbaijan. According to data provided by the Media Rights Institute, 36 defamation suits were filed against journalists and media, in the first half of 2013.14 When a case is defined as civil defamation, media outlets and journalists are obliged to pay fines that are often extremely high. For example, according to HRW, “in June 2012 a court ordered Azadlig to pay 30 000 Manat (approximately 36 000 USD) to the head of the Baku Metro Service, a position appointed by the government and considered to equivalent to a public official. The lawsuit related to an article published in Azadlig’s April 8, 2012 issue about an increase in metro fares”.15

This is not the only case of discrimination against Azadlig reporters. For instance, on 3 April 2011, Ramin Deko was kidnapped and beaten up by unknown assailants in civilian clothes.16 Later on, in May 2012, the same journalist was fined by a court order the amount of 3 000 Manat (approximately 3 800 USD) for defaming, in his article, a pro-government member of parliament, Novruyali Aslanov.

Below is a list of other journalists, who have been prosecuted in light of the 2013 presidential elections:

**Avaz Zeynalli**, editor-in-chief and founder of Khural newspaper and heavy critic of the ruling authorities, was arrested on 28 October 2011 in Baku. He was accused of trying to extort money from one of the members of the ruling YAP party. On 12 March 2013 Zeynalli was convicted by the Baku Grave Crimes Court and was fined 4 076AZN (approximately 5 250 USD) for tax evasion and sentenced to nine years of imprisonment.17

**Vugar Gonagov**, executive director of Khayal TV, and Zaur Guliyev, editor-in-chief of Khayal TV in Guba were convicted on 15 March 2013 in the Guba region of Northern Azerbaijan for organizing mass disorder. Accused of having provoked the mass riots that broke out two weeks earlier, on 1 March 2013, through the publishing of an online speech by the regional governor and making humiliating remarks about local citizens, Gonagov and Guliyev face up to three years in prison under Articles 233 and 309.2 of the Criminal Code. In an open letter published on 16 October 2013, Gonagov complained about the harsh conditions and prison management, who denied providing him with necessary medication. Additionally, Gonagov accused Interior Ministry officials of threatening him with sexual abuse in case he did not confess.

**Sardar Alibeyli**, editor of the pro-opposition newspaper Nota Bene and of PS Nota news portal, was charged under Article 221.3 of the Criminal Code (hooliganism with the use of

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15 HRW Report on AZE, p. 35.
a weapon or an object used as a weapon that causes bodily harm), having frequently written articles criticizing the President and his family's businesses, as well as posted pro-opposition statements in Social Networks. On 31 July 2013, the police forcibly detained Alibeyli in a teahouse in Baku for assault and violence against Namiq Amirov. According to the information provided by Alibeyli's lawyer, Elchin Sadigov, the journalist had never even met the man who claimed to be the victim in the aforementioned case. According to the latest news, on 14 November 2013, Alibeyli was sentenced to four years in prison on hooliganism charges.10

**Faramaz Novruzoglu**, freelance journalist, whose publications appear in independent newspapers Milletim, 24 hours and Nota Bene, was arrested in April 2012 on the grounds of organizing mass disorder during March 2011 protests, and inciting violence against citizens under Article 220.2 of the Criminal Code, as well as for crossing protected Azerbaijani borders without necessary documents, under Article 318.1. According to Novruzoglu himself, the real reason for his arrest seems to be his critical statements against government corruption, published in Nota Bene and Milletim. On 27 August 2012, Novruzoglu was sentenced to four and a half years of imprisonment. Previously, the journalist was imprisoned twice, in 2007 and 2009 in cases thought to be excogitated in response to his work as a journalist.

**Nijat Aliyev**, editor-in-chief of Azadheber.net, published several articles criticising the high public spending invested in organizing the Eurovision Song Contest in 2012 in Baku. The journalist is charged for distribution of religious literature (Article 167.2.2.1 of the Azerbaijani Criminal Code), illegal purchase or storage of narcotics (Article 234.1), calling for forceful change of the ruling authority (Article 281.2), and incitement of national, racial, or religious hatred (Article 283.2.3). If convicted, Nijat Aliyev could face up to eight years in prison and a 1900 AZN (approximately 1 793 USD) fine.

**Araz Guliyev**, editor-in-chief of Xeber44.com was arrested on 8 September 2012 in Masalli due to his frequent critique of government actions against certain Muslim communities. He was charged on 5 April 2013 with hooliganism (Article 221.2.1 of the Azerbaijani Criminal Code) and for resisting the representatives of the authorities (Article 315.1). Subsequently, he was sentenced to eight years of imprisonment. Guliyev's lawyer Fariz Namazli has underlined that his client will wait until a written decision has been issued, before filing an appeal.

**Parviz Hashimli**, correspondent of the "Bizim Yol" newspaper, editor of the Moderator.az website and head of the NGO Defense Center for Political and Civil Rights (DCPCR), was detained on 17 September 2013 by members of the Ministry of National Security (MNS). The office where Hashimli used to work, as well as his house, were searched the same day. Hashimli’s wife, Ilaha Hashimova described in an interview with Amnesty International, the brutality used by the MNS operatives when breaking into the house, and how they threatened her and her five-year old child. She claimed that the MNS officers damaged or covered three outside CCTV cameras in order not to leave any proof of their search. Overall, the search of the house lasted for 6 hours and resulted in the discovery of a loaded Makarov pistol and a bag of approximately 30 grenades. On 18 September 2013 the Sabail District Court in Baku ordered pre-trial detention for Hashimli, for a period of two months. If convicted, Hashimli, who has denied the allegations, faces up to 13 years in jail. On 4 October 2013, the Appellate Court rejected a petition by Hashimli to change the measure of restraint to house arrest.

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18 See more: Azerbaijani Blogger, Editor Sentenced o Lengthy Jail Terms (RFE/RL) http://www.rferl.org/content/azerbaijan-ramazanov-alibeyli-lengthy-jail-terms/25168118.html
Mehman Huseynov, blogger and photo correspondent at the Institute for Reporters’ Freedoms and Safety (IRFS), was taken to the Prosecutor General’s office on 2 October 2013, where two officials asked him about his politically motivated online activities. In fact, the reason for his questioning was a video that Huseynov had uploaded onto YouTube on 1 October 2013, of a scene from a popular Hollywood film, dubbed with the voice of Jamil Hasanli, criticising incumbent President Aliyev. The security officers also presented Huseynov with a list of his online activities on social media and warned him that he should be careful in the future - otherwise he might face criminal charges of distributing content of a violent nature. Huseynov had been arrestend once before, on 12 June 2012, after highlighting abuses during a rally organised in light of Eurovision Song Contest on 21 May 2012. Furthermore, Huseynov had participated in the “Sing for Democracy” campaign group which inspired the winner of 2012 Eurovision contest to speak out against human rights violations in Azerbaijan. Huseynov was accused of bogus “hooliganism” charges, and was released from detention on 13 June 2012, after he had provided "recognizance not to leave”.

2.2. Freedom of Assembly

Freedom of assembly continues to be restricted in Azerbaijan with no rallies permitted in central Baku. In light of the October 2013 presidential elections, the ability of opposition candidates to travel throughout Azerbaijan was also reported to be restricted with unknown groups attacking the cars of opposition candidates in an effort to prevent them from campaigning.

In 2005, the Azerbaijani government lifted a blanket ban on opposition gatherings following public pressure. Whilst this in theory finally gave the citizens of Azerbaijan the right of freedom of assembly, in reality, permission to hold such gatherings is often denied and when they do take place they are often broken up, sometimes through excessive and disproportionate force on part of government forces. No protests have been sanctioned in Baku since 2006 and maximum fines for participating in protests rose from €955 to €7,600 in 2012.

Furthermore, amendments to the Criminal Code that came into force on 1 January 2013 have had a further impact on the right of Azerbaijani citizens to peacefully assemble. According to Article 169.1, the penalty for organizing or participating in a legally banned assembly is "at a rate up to three hundred of nominal financial unit, or restriction of freedom for the term up to one year, or corrective works for the term up to two years, or imprisonment for the term up to two years". Additionally, Article 233 of the same legislation envisages up to three years of imprisonment for the participation or organization of actions breaking social order that lead to “insubordination to the legal demands of the government officials causing disturbance to the normal operation of transport, companies and organizations”.

Moreover, further amendments adopted in May 2013 have increased the penalty for the organization of an unauthorized demonstration from 100 - 500 AZN (€93 - €466 EUR), to between 5 000 – 8 000 AZN (€4 662 - €7460 EUR). Similar increases were made to the Administrative Code of the Republic of Azerbaijan.

Another issue of concern is violence often used by the police to disperse street gatherings and meetings, one example being the peaceful demonstration held in Baku on 26 January 2013, in which about 63 people took part. Police officers showed little tolerance for this unsanctioned rally, fining 23 people from 300 to 2 500 AZN, and taking others into custody.

In this regard, one of the most worrying cases concerns two political activists who took part in the January protests. One of them is Ilgar Mammadov, the leader of the opposition Republican Alternative (REAL), who was supposed to stand as a candidate in the October 2013 elections. The other one is Tofiq Yugublu, an independent journalists and the deputy chair of the opposition Musavat Party. Both of them were arrested on charges of sparking violent protests in January in Ismayili. Many believe that this was a pretext for arresting the two activists in the run-up to the October 2013 elections, due to their political activism and critique of Ilham Aliyev.

Another peaceful protest was broken up by the police, using rubber bullets, tear gas and water cannons, on 10 March 2013. Some of the protestors were taken forcibly by the police officers and left in the middle of nowhere ten miles outside Baku. Several demonstrators were injured after being beaten by the police during their arrest or later when held in custody.

2.3. Pressure on Youth Political Movements

NIDA ("exclamation mark") is a youth non-violent opposition movement in Azerbaijan. Founded in 2010, NIDA is pursuing a highly critical position as regards the ruling party, constantly calling for democratic reforms, the rule of law, a free civil society, and social and economic change in the country.

The bulk of arrests of members of the NIDA youth movement took place in the run-up to the October 2013 elections. In particular, on 7 March 2013 Bakhtiyar Guliyev, Shahin Novruzlu and Mahammad Azizov were arrested. They were all accused of preparing violent attacks to be carried out during a peaceful protest scheduled for 10 March 2013. According to the investigation, bottles of so-called "Molotov cocktails", as well as drugs, were found in the apartments of the detainees. However, relatives to the youth activists stated that the substances were brought there beforehand by law enforcement officers.

A week later, on 14 March 2013 another board member of NIDA, Rashad Hasanov, was arrested by policemen dressed as civilians. According to the information provided by his lawyer, Asabali Mustafayev, Hasanov is facing charges of illegal weapons possession (Article 228.3) and if found guilty, could be imprisoned for up to eight years.

On 30 March 2013, two more board members of NIDA, Uzeyir Mammadli and Rashadat Akhundov were arrested. Like the previous detainees, they were charged with illegal possession of weapons (Article 228.3). The following day, 1 April 2013, Zaur Gurbanli, another NIDA member, was detained on the same grounds. Gurbanli was taken to the Yasamal Police Department and then to the office of an NGO, "Positive Change", where the police officers in civilian clothes, who had presented themselves as employees of the Office of Fight against Organized Crime, started to raid the NIDA posters and documents. The actual reason for Gurbanli’s detention remains unknown.

Following the above listed arrests, on 30 April 2013 three other youth activists were arrested in Baku, namely, Turgut Gambar (one of the founders of NIDA), Abulfaz Gurbanli (head of the youth wing of the opposition Popular Front Party, and Ilkin Rustamzade (member of the "Free Youth Movement"). According to information provided by Turgut Gambar, the three of them were forcibly shaved by prison officials while in custody, something which the latter explained to be an order from the "top".

20 Read more about specific cases in the next sections §4.4 and §4.5.
On 17 May 2013, two days after Ilkin Rustamzade was released from prison, he was arrested again for organizing and participating in an unsanctioned peaceful protest, and for posting the "Harlem Shake" video on YouTube. Apart from the fact that the clip is apolitical, Rustamzade himself was not involved in the shooting of or acting in the video.

Another worrying case concerns a member of the opposition Popular Front Party, Dashgin Melikov. The young political activist was arrested on 26 March 2013 in Sumgait by civilian dressed policemen on charges of illegal drugs possession. Due to the deterioration of Melikov's health, he was transferred in July 2013 to a hospital and later to the Ministry of Justice's Chief Medical Office Treatment Unit.

A couple of months later, on 1 October 2013, in the run-up to the presidential elections, Melikov wrote an open letter to the Azeri media, in which he expressed his support for the incumbent President and rejected his membership in the opposition Popular Front Party. The father of Dashgin, in an interview told BBC that his son's illness affected this decision, and that Dashgin had been promised freedom in return for his declared support for Ilham Aliyev.\(^\text{22}\)

2.4. Assault and Harassment of Civil and Human Rights Activists

Regardless of numerous concerns expressed by the international community, harassment of civil and human rights activists and extreme police brutality continue to go unpunished. The police often resorts to violence, attacking protesters and bystanders. Moreover, instead of calling for a tolerant behaviour towards citizens, the President of Azerbaijan publicly stated in July 2013 that no single policeman in the country would be punished, which has further encouraged the latter to use force. Below are a few cases of human rights activists complaining about police violence or threats used against them:

**Idrak Abbasov**, Guardian Journalism Award winner and human rights defender, was severely beaten on 9 September 2011 near the village of Sulu Tepe. Four unknown men in masks broke into his house and started beating him and other members of his family. In addition, they also destroyed part of the fence surrounding Abbasov's house with an excavator. According to Abbasov, the intruders were affiliated with the oil company “Binagadi Oil” and claimed the area belonged to their company. However, most probably the incident is connected to the political activities of the journalist.

What is more, on 18 April 2012, Abbasov was brutally attacked again, now by about 20 policemen and security guards wearing jackets with an emblem of the State Oil Company of Azerbaijan (SOCAR). The incident took place while the prominent journalist was filming SOCAR's demolition of houses in the area.

**Khadija Ismayilova**, Radio Free Europe/Radio Liberty journalist, is well-known for her investigations of several cases of elite corruption in Azerbaijan, including reports on the members of President Aliyev's family. The intimidation campaign against Ismayilova started on 7 March 2012, when she received an envelope with intimate photos taken of her and her partner. In addition to the images there was a note with the following threat: “Whore, behave, otherwise you will be disgraced”. A week later, on 14 March 2012, a secretly recorded video of Ismayilova having sex with her boyfriend was posted on YouTube. More recently, on 26 August 2013, the pro-government newspaper SES published a scandalous article entitles "Khadija's Armenian mother should die". Apart

from accusing Ismayilova’s mother of being Armenian (considered as a code for treason), the article accused her sister of being a child trafficker and prostitute.

**Yafez Hasanov (Akramoglu)**, Radio Azadlig reporter, was detained in Nakhchivan in August 2011, where he was investigating the mysterious death of Turach Zeynalov. Zeynalov had been arrested and charged of espionage for Iran and died while in custody. Later on, in November 2012, Hasanov was threatened again via text messages, social media and emails. Unidentified men asked Hasanov to lay down his investigation, otherwise they threatened him to attack him and his family members. On 4 April 2013, Hasanov received a package containing a CD that suggested he was having intimate relations with several women. When Hasanov denied that the man on the recordings was him, he received a telephone call from an anonymous person, threatening to edit and present the material in such a way that people would believe it was Hasanov.
CHAPTER THREE
ETHNIC MINORITY RIGHTS

Minority groups, including the Lezghin, the Farsi-speaking Talysh, the Avars and other ethnicities, share a variety of problems caused by the aforementioned assimilation policy of the Azeri government. The promotion of Azeri culture and language at the expense of minorities has intensified in recent years. Furthermore, the limitation on minority rights, in particular in the run-up to the October 2013 presidential elections, was reflected in the clampdown on ethnic Talysh and Lezghin activists.

A five-day fact-finding mission to Dagestan (Russian Federation) and Azerbaijan in August 2013 was organized by UNPO in cooperation with the Federal Lezghin National Cultural Autonomy (FLNCA). The aim of the fact-finding mission was to draw international attention to the deteriorating situation of democracy and minority rights in oil-rich Azerbaijan, in the run-up to the presidential elections. The mission delegates (amongst them an MEP, Members of the Flemish parliament, academics and journalists) had the opportunity to interview numerous people and gather evidence on minority rights violations in Azerbaijan.

Upon the completion of the mission, a comprehensive report was drafted, highlighting the troubling state of democracy and minority rights in Azerbaijan. The report collected the findings and recommendations into three categories: political representation, socio-economic conditions, and culture and language. Subsequently, it was presented in the European Parliament on 18 September 2013. (For more information, see http://unpo.org/article/16364)

3.1. General Overview of Azerbaijan’s Ethnic Composition

The Advisory Committee on the Framework Convention for the Protection of National Minorities noted that discrimination and intolerance within the broader society in Azerbaijan - including minority communities – was irrelevant and uncommon. In 1992, a presidential decree was issued to protect the rights and freedoms of minorities as well as provide state support to promote their language and cultures. Regrettably, the war in Nagorno-Karabakh prevented the implementation of this law, and since the Aliyev family gained power in 1993, little has been done on the issue.

Minority groups mostly inhabit the Northern part of Azerbaijan. These groups include Georgians, Lezghins (Aghuls, Rutuls, Tabasarians and Tsakhurs), Tats and some other North-Caucasian ethnicities (Khinalughs, Kryts). The Farsi-speaking Talysh minority inhabit mainly the Southern part of the country.

Disagreement over the size of minority populations is one of the key issues for minority rights in Azerbaijan. According to the latest national census, conducted in 2009, 91.6% of the population or 8.17 million people were indicated as being Azerbaijanis. The 2009 Census puts the Lezghin population at 180,300 or 2.02% of the population. However, this figure is highly disputed with other figures from Lezghin and independent sources put the number at between

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600,000 and 800,000. The disparity between these two figures can largely be explained by the success of Azeri assimilation policies which have forced many Lezghins to denounce their Lezghin identity in order to avoid discrimination and poverty.

In that same census, two Dagestanian ethnicities, the Khinalugs and the Kryts, living in the Kuba and Khachmass regions, appeared for the first time, while others disappeared or were never listed. Examples of this are the Rutul and the Budukh.

The Talysh are believed to be one of the most integrated minorities in Azerbaijan. According to the 2009 Azerbaijani census, their number reached 112,000. However, experts judge that their numbers go as high as 500,000.

Azerbaijan is traditionally a Shia Muslim country. This is in contrast to the Lezghin population which, except for a very small minority, is Sunni Muslim. It is estimated that up to 35% of the population in Azerbaijan is Sunni Muslim. This number includes mostly ethnic minorities and a very small percentage of ethnic Azeri in the northern part of the country.

A special role was designated by the authorities to Allahshukur Pashazade, Mufti of Azerbaijan. He heads the Spiritual Board of Muslims of the Caucasus, a derivative of the Soviet board, which aims to control all religious Muslim movements in the country. He is ill-famed for the ban to call Muslims for prayers through loud-speakers and conduct Islamic proselytism in the country. Since 2010 it has been officially prohibited to wear hijabs in schools.

Thus, even though the Azerbaijani government insists it adheres to pluralistic and democratic principles, the examples of State-level discrimination related to differences in mother tongue and religious denomination are notoriously abundant. This does not comply with the Article 2.2. of the ICESCR that requires the participating states to undertake steps to “guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.

Certain minorities have, however, received better protection from the Azerbaijani authorities than others. The government has, for example, taken steps to reduce anti-Semitism and the number of attacks on the country’s Jewish population has decreased. The country’s Russian population also experiences fewer problems than other communities with many Russian-language schools being present.

Since the Nagorno-Karabakh conflict, Azerbaijan’s sizeable Armenian community has left Azerbaijan, and hate-speech against Armenians is common in state media. Even civil society groups within Azerbaijan that promote reconciliation between ethnic Azeris and Armenians have been targeted with violence and intimidation. This discrimination is compounded by the fact that Armenians and nationals from other countries with obvious Armenian heritage, who, for example, have a surname ending in the suffix ‘yan’, are banned from entering Azerbaijan.

3.2. Language and Education

The promotion of Azeri culture and language has intensified in recent years at the expense of the country’s minorities. Officially, Azerbaijan is committed to the protection of minority rights. The linguistic rights of minorities are enshrined in the country’s Constitution (Article 21.II and Article 45.III) and Azerbaijan has both signed and ratified the Council of Europe’s Framework
Convention on National Minorities (FCNM). In reality, however, the FCNM significantly often uses the phrase “as much as possible”, allowing flexibility on the part of signatories.

Article 21 of the Constitution of Azerbaijan declares Azerbaijani as an official language of the country. In addition, Article 45 of the Constitution provides for the right “to use his/her mother tongue”. It underlines that everybody has “the right to be educated, carry out creative activity in any language, as desired.”

At the same time, in 2002, a law on State language was adopted which significantly reduces language rights of minorities. This law, which made Azerbaijani the official language of the country, imposed further limitations on the use of minority languages. For example, members of linguistic minorities no longer have the right to communicate with the local government in their own language.

Dominance of the Azeri language and culture has caused further assimilation, particularly of young people. The State language law was predated by the transition, in 2001, from Cyrillic to Latin script in the Azeri language. Some minority languages followed suit, but others such as Lezghin, retained the Cyrillic script. Concurrently, young people in Azerbaijan are no longer taught how to read the Cyrillic alphabet, leading to further alienation of younger generations from their native culture.

In 2005, a law was passed which allowed public broadcasting in minority languages. Overall, there are only a few radio stations that broadcast in the Avar, Lezghin and Tat languages in the Belokan and Khachmaz regions. Broadcast and print media in Russian are better represented, particularly in big agglomerations. Newspapers in Lezghin and Talysh languages are also available, but do not receive sufficient funds and have poor distribution networks. Those newspapers and radio stations that do publish or broadcast in these languages have such a limited circulation or broadcast range, that very few, if any, of the target communities are aware of their existence.

Classes in native languages have turned into a formality, with children not having a good command of their mother tongue. There has been a considerable drop in a number of representatives of ethnic minorities learning their native languages, apart from Jews and Khinaluchs (see Table 1 below). Almost all textbooks in ethnic minority languages that are used in Azerbaijan come from Dagestan. It is currently impossible to mail them to Azerbaijan as there is a ban on the usage of Russian books in Azeri schools.

Table 1: Native languages in secondary schools in Azerbaijan

<table>
<thead>
<tr>
<th>Number of students studying native language as a separate subject</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Talysh</td>
<td>21744</td>
<td>21261</td>
<td>18893</td>
<td>19277</td>
<td>15690</td>
<td>17478</td>
</tr>
<tr>
<td>Lezghin</td>
<td>24104</td>
<td>21221</td>
<td>21747</td>
<td>21238</td>
<td>20569</td>
<td>18671</td>
</tr>
<tr>
<td>Tsakhur</td>
<td>895</td>
<td>822</td>
<td>723</td>
<td>665</td>
<td>597</td>
<td>564</td>
</tr>
</tbody>
</table>

3.3. Socio-economic Conditions

While interviewing local citizens in Qusar, the fact-finding mission discovered that economic opportunities for the ethnic Lezghin population are limited, especially when economic activity is so clearly linked to ethnicity. During Soviet times, people were engaged into “kolkhoz” (“collective farm”) or had their private households linked with tobacco cultivation or the preparation of natural silk that was then sent to Russia. Since then, the situation has changed dramatically. None of the previously working canning factories are functioning. The bread factory has already been closed for three years. Vineyards are no longer taken care of. Extremely high level of unemployment and poverty characterize the region and forces local people to emigrate or go for temporal work to Russia.

In addition to the aforementioned problems, local people complain that they are being suppressed in the region, in particular, with regard to their socio-economic development. As an example, the mission delegation was informed about an incident whereby a local businessman in a neighbouring town of Qusar owned a little shop on a market square where he sold t-shirts. Some t-shirts had a design featuring the words ‘Dagestan’ or ‘Lezghin’ on them. In March 2013, the vendor was told by a police officer in charge of patrolling the local market that it was forbidden to sell these t-shirts, and if he wanted to do so, “He should go to his Dagestan.”

Another case reported to the mission was that of a local Lezghin businessman who wanted to open a shop in Qusar. When ordering the banner for his store, which he wanted to name ‘Eagle’ in the Lezghin language, he was told by the owner of the banner store that he was not allowed to have anything printed in any other language than Azeri. He was unable to provide our respondent with any official order from the government, but explained that these were indirect orders he had received. When driving around Qusar, our respondent pointed at several shops that had had Lezghin names in the past.

The mission had the opportunity to talk to a Lezghin activist in Qusar who has been unable to find a job since 1990 because of his political work. He informed the members of the delegation that, even though the majority of inhabitants of Qusar are Lezghin, the lack of economic investment from the central government in the region – and thus the lack of jobs and economic prospects – forces Lezghin youth to leave and look for opportunities elsewhere. In his opinion, this neglect from the Azeri government is actually a deliberate policy through which it aims to disperse and assimilate ethnic groups in the north of the country.

<table>
<thead>
<tr>
<th></th>
<th>Avar</th>
<th>Udin</th>
<th>Khinalugh</th>
<th>Ivrit</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2771</td>
<td>364</td>
<td>98</td>
<td>102</td>
</tr>
<tr>
<td></td>
<td>2536</td>
<td>281</td>
<td>96</td>
<td>73</td>
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<tr>
<td></td>
<td>2283</td>
<td>288</td>
<td>92</td>
<td>79</td>
</tr>
<tr>
<td></td>
<td>2087</td>
<td>226</td>
<td>80</td>
<td>62</td>
</tr>
<tr>
<td></td>
<td>2014</td>
<td>251</td>
<td>83</td>
<td>64</td>
</tr>
<tr>
<td></td>
<td>1859</td>
<td>223</td>
<td>113</td>
<td>159</td>
</tr>
</tbody>
</table>

**Table**: Regional employment data in Qusar.
A similar situation is being observed in the Zaqatala region, which is densely inhabited by other subgroups of the Lezghin ethnicity, namely Tsakhurs and Rutuls. For instance, in the town of Suvagil where almost all inhabitants are of Tsakhr origin (approximately 5,000 people), classes in their native language are provided only up until the 4th grade. No radio, TV channel or newspapers are being issued in a native language. Corrupt and extremely low-level medical service together with the sub-standard medicines being sold in the local pharmacies, led to a number of incorrect treatments of patients, resulting in a lethal outcome in some cases.

3.4. Political Representation

Azerbaijani legislation does not provide any specific guarantees for national minority representation within political structures. Although efforts have been made to improve the situation due to pressure from the international community, the fact remains that there are no political parties representing the interests of ethnic minorities. In this regard the Advisory Committee notes the difficulties that numerically small communities encounter “when attempting to register national minority cultural organizations”.26

In order to be officially registered, minority organizations face a number of obstacles, as do other civil society and human rights groups. Therefore, most of them operate without official approval, and subsequently, do not receive any financial support from the government.

As a result of intimidation there is no political organisation in Azerbaijan representing the Lezghin community. The only Lezghin organisation operating officially in the country is “Lezghin National Centre Samur”, which was founded in 1992 and registered officially by the Ministry of Justice on 28 January 1993. The main purpose of the centre is to preserve cultural values of the Lezghin people along with other Lezghin ethnic minorities in Azerbaijan. The organisation is chaired by Shair Gasanov and Muradaga Muradagayev. The centre issues its newspaper “Samur” in the Lezghin inhabited areas. The editor-in-chief of the newspaper is the famous Lezghin writer, Sedaget Kerimova.

Furthermore, appointees from Baku often fill many positions in the local administration of minority-inhabited areas. In the Qusar region only, where 95% of the population is of Lezghin origin, all the main positions are occupied by Azeri’s. The only position that is left to the Lezghins is that of chief executive. According to the information provided by one of the civil activists of the region, “the only duty that is left to the chief executive of the Qusar region is to explain regularly to the higher authorities that he is not part of “Sadval” while all inhabitants are, which is why he is the only one who knows how to deal with them”.27

3.5. Arbitrary Arrests in the Run-up to the October 2013 Presidential Elections

In the run-up to the October 2013 presidential elections, ethnic minorities together with other civil activists experienced severe pressure from the authorities. The fact that none of the representatives of an ethnic minority were allowed to register as a candidate for the elections demonstrated a particular sensitivity of the situation. Additionally, a number of arrests of the FLNCA activists and Tałыш representatives before the elections clearly showed a government clampdown on minority activities.

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27 Murtuzayev, I., Reflections on Provincial Biopolitics, Qanun Nesriyyati, Baku, 2011, p. 11. [in Russian]
3.5.1. FLNCA Lezghin activists

Tensions between the FLNCA and the Azerbaijani authorities were confirmed after the recent arbitrary arrests of four relatives of the president of FLNCA, Arif Kerimov in Azerbaijan. The UNPO fact-finding mission to Azerbaijan made an inquiry on these issues and conducted interviews with the lawyers of the arrested in Baku.

Tariel Sarkarov is one of the founders of the Moscow Regional Lezghin National Cultural Autonomy. Sarkarov lives in Moscow but decided to come to Azerbaijan to visit his father's grave in the Kamervan village of the Qabala region. On 9 August 2013, Sarkarov was asked to come to the police station in order to talk. During the interrogation, police discovered 9g of heroin in his pocket. The case appears to be fabricated, because Sarkarov does not even smoke tobacco and has never used any narcotics. Sarkarov cannot prove the fact that the police planted the drugs, but says that until the arrest took place there was nothing in his pockets. The police yelled at the detainee and requested him to sign a confession. In the absence of any lawyers or interpreters, the officers threatened him, stating that if he did not sign the written deposition, he and his relatives would have serious problems. Consequently, Sarkarov signed under psychological pressure. Sarkarov is convicted under Article 234.4.3 (detention of narcotics). On 10 August, 17 procedures were passed on Sarkarov's case. This is highly unlikely to have happened due to the fact that each procedure takes at least 30 minutes.

Aiaz Azakhov was taken to his home by 15 members of the Special Units Force on 25 August 2013, where policemen were already waiting for him. The police officers accused Azakhov of possession of weapons (one Kalashnikov gun, 2 grenades and ammunition), which if convicted leads up to three years of imprisonment under Article 228.1. As was the case with Tariel Sarkarov, Aiaz Azakhov signed the written deposition under pressure.

Javid Babayev is the head of an oil and gas industry equipment production factory. The reason for his arrest is most probably the fact that he is the nephew of the FLNCA president, Arif Kerimov. Babayev was arrested on 6 August 2013 in Baku, where he was visiting his parents. Four unknown people in civilian clothes approached him when he was waiting for his sister and wife in front of the shop. Babayev initially resisted and managed to call his close friend to ask him to come and pick up his wife and sister who were inside the shop. Babayev was taken by force to the Ministry of Interior, and subsequently to the Anti-Terrorist Unit. On the way there, they stopped to change cars, handcuffed him and called for two witnesses to be present. While checking Babayev's pockets in the presence of the two summoned witnesses, an envelope with heroin came out. Babayev's car was also checked and heroin was found there too. Consequently, Babayev signed the declaration admitting the presence of heroin in his pockets and car, while denying it belonged to him. On 12 August 2013, with the assistance of the Russian Embassy in Azerbaijan, Babayev was allowed to hire a lawyer. Nonetheless, the lawyer was denied the possibility of visiting his client and had to wait until the evening of 13 August 2013. Thus, Babayev was detained for over a week without having access to legal representation.

Eldar Mamedov is an entrepreneur and brother-in-law of Arif Kerimov. On 29 July 2013, Eldar Mamedov was kidnapped in Oguz and brought to Baku by officers of the Drug Abuse Control Department at the Ministry of Interior of Azerbaijan. In Baku, the police officers had already planted drugs in Mamedov's pockets in order to accuse him of illegal
It is crucial to note that the Azerbaijani authorities did not try to hide the reason behind the arrest. For instance, Tariel Sarkarov was told directly that he had been arrested because of the “anti-Azeri” activities of his brother (Amil Sarkarov). According to the information provided by FLNCA, the Russian authorities were not informed about the detention of the Russian citizens; relatives of the arrested had to denounce the situation a couple of days later.

According to recent information, pressure from the Russian authorities resulted in the release of Arif Kerimov’s three relatives, who hold Russian citizenship, on 23 September 2013. Due to his Azerbaijani citizenship, Eldar Mamedov was detained for a longer period but on 16 December 2013 was subsequently released.

3.5.2. The case of Hilal Mammadov

The harassment and arrest of Hilal Mammadov highlights the pressure being placed upon the Talysh people. Mammadov is a Talysh human rights defender and editor-in-chief of Tolishi Sado (“Talysh Voice”), the only newspaper issued in the Talysh language in Azerbaijan.

On 21 June 2012, Hilal Mammadov was arrested on charges of treason and incitement of ethnic hatred together with the possession of illegal drugs. The defendant initially refused to give any testimonies, but later became involved in legal proceedings. Regardless of his denial of all the above mentioned charges, on 11 September 2013, the prosecutor asked the court to imprison Mammadov for a period of six years. Mammadov attests that the real reason for his arrest was a satirical political rap video in traditional Azeri style that he posted on YouTube. The song became very popular in Russia, and Mammadov was even invited to take part in a TV Programme on Russian NTV television.

Mammadov stated that he was beaten on the day of his arrest by the police. However, the prosecutor’s office denied this statement and concluded that he was not ill-treated. It was claimed that, the fact that he had bruises all over his body was because he had fallen down while trying to get into the police car.

It is crucial to note that the previous editor of Tolishi Sado, Novruzali Mammadov, also from Talysh origin, was sentenced to ten years in prison on 26 December 2008. On 17 August 2009, Mammadov died in jail under suspicious circumstances. Currently, his case is at the European Court of Human Rights, but for unspecified reasons it is not being considered.

What is interesting about both cases of Hilal Mammadov and Novruzali Mammadov is the presence of National Service officer Elman Guliyev at the court procedures of both men, giving controversial testimonies. During Novruzali Mammadov’s court session in 2007, Guliyev stated that the convicted person never had any meetings with H. Mammadov. Later in 2012, E. Guliyev, during the hearing of H. Mammadov, told the court that both of the Talysh activists met in 2006 and were involved in espionage activities.

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28 To watch the video, follow the link: http://www.youtube.com/watch?v=UFUlTdlgEYwK
29 Interview with the lawyer Elnur Melikov, 712_0032 (Fact-finding mission).
30 Interview with the Head of Talysh cultural centre Rafik Jalalov, 30.08.2013, Qusar.
CHAPTER FOUR
2013 ELECTIONS - LEGAL FRAMEWORK AND RESULTS

Based on the reports of national and international election observers, this section describes the tensions among opposing political factions in Azerbaijan during the 2013 October presidential elections. Furthermore, it lists major violations during the pre-election campaign, as well as legal restrictions on the Election Day. It also seeks to present the critique received by the Azerbaijani government from the international observers.

4.1. Recent Amendments to the Election Code

The presidential elections in Azerbaijan are regulated by the Election Code, adopted by the national parliament (“Milli Majlis”) on 27 May 2003, as well as by the 1995 Constitution of the Republic of Azerbaijan (last amended in 2009). The Election Code provides comprehensive information and procedural rules for referendums, as well as for parliamentary, presidential and municipal elections. It was initially prepared with the support of the Venice Commission and the OSCE-ODIHR, and has since been amended several times.31

According to the legislative provisions regulating presidential elections in Azerbaijan, the president is elected for a 5-year-term and has the right to be re-elected once. However, due to tensions among opposing political factions in the country, which became explicit in particular after the 2008 presidential elections, a referendum on the term limit for presidency was held in 2009. As a result, President Aliyev controversially signed into law a constitutional amendment that overturned Azerbaijan’s limit to two consecutive terms for Presidents. Some have argued that, given that President Aliyev was inaugurated for his second term in 2008, and took the presidential oath on the country’s constitution as it was then, his standing for president in 2013 is possibly illegal.

Apart from this, the amendments to the Election Code made in June 2008, shortened the election period from 120 days to 75 days and the registration fee, considered to be an alternative to the registration of candidates, was abolished. Thus, the possibility to provide a money deposit in case of an insufficient number of signatures collected during the nomination and registration period was eliminated. In addition, further requirements were added to the registration of candidates, as will be shown in more detail in the following section of this report.

Furthermore, in the run-up to the parliamentary elections in 2010, the Election Code was edited again on 18 June 2010, this time narrowing down the election period from 75 to 60 days, as well as reducing the pre-election campaign period from previously 28 to 23 days. Accordingly, a deterioration of the procedures in other stages of the election campaign – the nomination of candidates, the collection of signatures, registration, etc. – also took place. In addition, changes to the legislation implied abolishment of the allocation of funds from the state budget to candidates for the election campaigning.

4.2. Registration of Candidates

The official candidate registration period started on 2 August 2013 and finished on 16 September 2013. According to Article 100 of the Constitution of Azerbaijan, the right to stand for president is granted to any voter, who is at least 35 years of age, has permanently lived on the territory of Azerbaijan for more than 10 years, has no previous conviction, has completed a university degree, and does not have dual citizenship nor obligations before other states. The requirements to hold a university degree and to be resident for 10 years have been criticized by the OSCE who considers them to be “at odds with international standards”.\(^{32}\)

Nomination could be done by an individual or on behalf of a registered political party, bloc of political parties, or an initiative group composed of a minimum of 100 voters. As mentioned above, in accordance with the recent amendments to the Election Code, all nominated candidates had to submit no less than 40 000 signatures of registered voters, of which at least 50 should be collected from 60 different constituencies.\(^{33}\)

Furthermore, in line with the relevant legislation, the Central Election Commission (CEC) decided on registration or non-registration of the candidates within 7 days of receiving the signature sheets and other required documents. Overall, prior to the 2013 October presidential elections, CEC received signature collection forms from 21 candidates, of which only 10 were registered (eight by political parties, one by an initiative group and one self-nominated).

The CEC rejected the nomination of Rustam Ibrahimbekov, a 74-year-old intellectual and dramatist, who wrote the Oscar-winning 1994 Russian film, *Burnt by the Sun*. Ibrahimbekov was running as a candidate for the newly-created National Council of Democratic Forces (NCDF), an umbrella group pulling together the country’s main opposition parties, including the Musavat, the Azerbaijani Popular Front Party (PFP), Open Society Party and Forum of Intelligentsia. The reasoning behind the rejection was that Ibragimbekov has dual citizenship (he also holds a Russian passport) and on CEC’s assertion that he is not a permanent resident of Azerbaijan. Consequently, NCDF put forward prominent historian Jamil Hasanli as its new candidate for the presidential elections. Hasanli is a 61-year-old former parliamentarian and deputy chairperson of one of the oldest opposition forces, the Popular Front Party of Azerbaijan. He is known as a professor at Baku State University and for being the author of several books on foreign policy under the pre-Soviet Azerbaijani Democratic Republic and on the Cold War.

Overall, apart from Ilham Aliyev and Jamil Hasanli, eight other candidates participated in the election race:

- *Iqbal Aghazade* from the political party “Umud”;
- *Zahid Oruj*, non-partisan MP;
- *Ilyas Ismailov* from the political party “Adalat”;
- *Gudrat Hasanguliyev* from the United Popular Front of Azerbaijan Party;
- *Faraj Guliyev* from the National Revival Movement Party;
- *Araz Alizade*, chairman of the Social Democratic Party;
- *Sardar Mammadov*, chairman of the Democratic Party;
- *Hafiz Hajiyev*, head of the pro-government party “Yeni Musavat”.


It is important to note that during the candidate registration numerous cases of violations were recorded. Rejected candidates complained about the disqualification of "seemingly identical" signatures by the CEC, based solely on the practice of "assumption". Moreover, identification documents of citizens working at the organizations funded through the state budget were reportedly used for signature collection in favour of certain candidates against citizens' will.

4.3. Voter Registration

In line with Article 56 of the Constitution and Article 12.1 of the Election Code, every citizen, who has attained the age of 18 by the day of the elections, has the right to vote. Only those who are recognized as incapable of voting by a court decision fall outside this realm. Voters are registered in accordance with the place of their permanent residence, where they have to reside for at least six of the past twelve months before the official announcement of the elections.

According to official data by the State Statistical Committee (SSC), as of 1 January 2013, the country's population above the age of 18 years eligible to vote is about 6.9 million. This number contradicts the final list of registered voters, which was 5,016,365 (approximately 1.8 million less than estimated voter-age number of population).

Another non-compliance with international standards was the possibility for voters to be registered on supplementary voter lists on the day of the elections. In line with Paragraph 1.2.iv of the 2002 Venice Commission Code of Good Practice in Electoral Matters, polling stations should not be allowed to register voters on the Election Day itself. Although the CEC informed the international observers that they include supplementary lists into the permanent voter register, there is no legal proof of that.

4.4. Election Administration and Observers

In addition to the aforementioned CEC, the presidential elections were administered by 125 Constituency Election Commissions (ConECs) and 5,273 Precinct Election Commissions (PECs). Additionaly 181 PECs were established in special locations, such as military units, prisons, hospitals, and off-shore oil drilling platforms.

Furthermore, 38 PECs were opened at diplomatic representations, embassies and consulates, creating an opportunity to vote for Azerbaijani citizens residing outside of the country. The CEC even provided trainings for the CEC commission members who were to be present at the special location PECs. Web cameras were installed in 1000 polling stations in different parts of the country.

In total, the CEC registered 51,898 observers for the October 2013 presidential elections, among whom there were individual and candidates’ observers, representatives of NGOs, political parties and international observers from major international organizations. There were “319
ODIHR observers, 27 observers from the OSCE PA, 33 PACE observers and 7 European Parliament observers”.

It should be noted that the accreditation process for some of the domestic observers at the CEC was not free of obstacles. In particular, the Election Monitoring and Democracy Studies Centre (EMDSC), which is one of the country’s major non-governmental observation institutions, was denied official status, and therefore, had to register its observers individually.

According to the information provided by the EMDSC, groundless obstacles were created for the official registration of observers at the 33rd Khatai First ConEC, 125th Zangilan-Gubadli ConEC, 23rd Nasimi-Sabail ConEC, 20th Sabail ConEC, 63rd Sabirabad First ConEC, 91st Ujar ConEC and 118th Aghdam ConEC. Also, reportedly the conduct of EMDSC trainings prior to the elections in several different regions of the country were interrupted either by the police or the local executive authorities.

In total, the registration of 41 individuals supported by the EMDSC, 39 representatives from the Democracy Learning Public Union and 38 persons representing the Western Resource Center, was delayed by the CEC. It was also reported that the Guba regional coordinator of EMDSC, Aftandil Mammadov, most probably due to psychological pressure, had refused to collaborate with the observation centre. On the Election Day itself, the APA information agency published a statement on behalf of Mr. Mammadov announcing that EMDSC recognised the CEC results in the Northern region of the country.

4.5. Campaign Environment and Restrictions on Media

The official campaign period started on 16 September and ended on 8 October. According to a list published by the CEC, a total of 152 indoor and outdoor venues were suggested free of charge for the organization of campaign activities. However, regardless of such a large number of opportunities provided, the places allocated for rallies to the opposition parties were not in the centre, but on the outskirts of the city. Additionally, the limitation of the period of the campaign period to 22 days did not allow the candidates to disclose their ideas and reach out to the voters.

Furthermore, the nominees were obliged to open a dedicated bank account for campaign financing before the signature collection process had started. In addition, the candidates were required to submit financial reports on the campaign expenses and contributions three times: an initial report during the registration period; an interim report between 10 and 20 days before the day of the elections; and a final report not later than 10 days after the presidential elections had taken place. None of the three reports were open to the public. According to Article 130 of the Election Code, disclosure of the expenses is made only in regard to the following cases:

- the size of the referendum fund is more than AZN 10 000;
- legal entities made a donation greater than AZN 5 000 for the campaign;
- individual citizens spent more than AZN 250 for the campaign.

The lack of transparency in financial matters and the absence of audits calls the accountability of the campaign financing into question. This issue was raised also by Jamil Hasanli, whose

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39 Disgraced: Azerbaijan and the end of the election monitoring as we know it”, European Stability Initiative, 5 November 2013, p. 11.
complaint on the request of all candidates’ finances and personal assets was rejected by the Baku Court of Appeal.

The absence of campaign material and ballots in minority languages, particularly Lezghin and Talysh, further highlighted shortcomings and incompliance with international norms. In other words, minority issues did not feature prominently in the pre-election campaign nor during the election process.

Although President Aliyev was not directly engaged in the campaign and did not take part in the debates with his opponents, he frequently appeared on all the main television channels. Whereas the campaigns of the opposition candidates were rather modest and small-scale, the campaigns on behalf the incumbent president appeared to be more impressive.

Since television is considered to be one of the most important means of political information in Azerbaijan, the government used it largely for its own purposes. Of all the public broadcasters, only ITV (“İctimai Televiziya va Radio Yayınıları Şirkəti”) allocated free airtime for candidates in the form of roundtables. In total, an average of 15 hours and 44 minutes of coverage in the primetime news programmes was dedicated to the elections. Of this, 92% was devoted to the incumbent president, and only 8% to the remaining 9 candidates.\(^{41}\)

In addition, a number of media outlets were suppressed during the election campaign. In particular, the Azerbaijani service of Radio Liberty (“Azadliq”), the British Broadcasting Company (BBC), and Voice of America were called upon to stop violating Article 74.4.1 of the Election Code, which prohibits distribution of campaign materials and information by foreign legal entities. Radio Liberty has continuously drawn the attention of the ruling party, due to its active and pluralistic political position. Since the 2013 spring protests, Radio Liberty filed several complaints regarding the boycotting of its satellite broadcasts of the “Different News” show.

Apart from the government’s clampdown on political activists and journalists, discussed in the second chapter, incidents of intimidation of the family members of some of the presidential candidates were reported in the run-up to the elections. In particular, on 22 September 2013 Turkel Kerimli, who is the son of the leader of the Popular Front Party of Azerbaijan, Ali Kerimli, together with his two friends, Ulvi Nuriyev and Joshgun Salakov, the former being a fellow undergraduate at Bristol University and the latter a member of the Popular Front Party, were detained by policemen in central Baku for destroying election posters and violating public order. All three were found guilty on 25 September 2013 for violating Article 310.1 of the Administrative Code of Azerbaijan (“insubordination to lawful demands of the police”).\(^{42}\) Joshgun Salakhov was sentenced to 30 days, and Turkel Kerimli and Ulvi Nuriyev to 25 days of administrative detention.

Furthermore, an attack by unidentified individuals in civilian clothes against Ali Gulaliyev, the son of Oqtay Gulaliyev, who is the spokesperson of Jamil Hasanli, was reported on 23 September 2013. Regardless of the fact that the Ministry of Interior of Azerbaijan denies the fact that Ali Gulaliyev was stabbed and beaten up due to his father’s political activities, international observers and organizations consider this case having purely political motives. Ali Guliyev had already been arrested once in April 2012 on suspicious charges of hooliganism but was released after two months.\(^{43}\)

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\(^{43}\) Election will not be credible unless people are free to criticize the government, 8 October 2013, http://en.rsf.org/azerbaijan-election-will-not-be-credible-08-10-2013,45301.html
4.6. Election Day Observation

A scandal broke out when, for an unknown reason, the results of the presidential elections were released on the official smartphone application the day prior the elections [8 October 2013]. Even though the suspicious programme was quickly removed, a screenshot of the application with the indication of the results was posted on Meydan TV (Berlin-based opposition Internet-TV). It showed 72.76% of votes given to incumbent president Ilham Aliyev, 7.4% to the united opposition candidate Jamil Hasanli, and 5.24% to pro-government candidate Gudrat Hasangulyev.

(Meydan TV)

The CEC explained the appearance of the application as a purely technical mistake. In this regard, CEC spokesman Azer Sariyev, in an interview with RFE/RL, made the following statement:

"The company that produced the application was running tests. The new app became available on the Central Election Commission’s server at 7am on Wednesday. We consider such reports a provocation and believe that Meydan TV is seeking to cast a shadow over our democratic elections".44

Overall, on the election day itself, the OSCE-ODIHR EOM reported on the rather high voter turnout of 72.3%, and that a total of 345 observers from 41 countries were accredited. Despite that the layout and opening of polling stations on the Election Day started at 6:50am, the number of registered voters were not announced in 19% of the polling stations before the voting had started. Observers also complained that the number of ballots received and the number of people appealed for voting outside the polling station were not disclosed in some of the polling stations.

Furthermore, the OSCE-ODIHR EOM reported on ballot box stuffing in 37 of the observed polling stations. They also reported that in seven of the observed polling stations, voters who had already been inked were allowed to vote again. Other serious violations concerned group voting, not properly sealed ballots boxes and some cases of intimidation.

Domestic and international observers indicated serious violations during the vote counting process. According to the OSCE-ODIHR EOM, “the count was reported as overwhelmingly negative, with 58% of the observed polling stations assessed as bad or very bad, indicating serious problems”. Results of voting were not accurately reflected on protocols, and transparency was not ensured during the vote counting process in a number of polling stations. Discrepancies were observed on protocols also between the number of registered voters and the actual number of votes received.

Additionally, several cases of psychological and physical pressure against observers were reported during the Election Day on different polling stations:

- Jahangir Abdullayev, observer at the Precinct № 48 of the 52nd Guba ConEC;
- Sayad Gubadov, observer at the Precinct № 21 of the 10th Binagadi ConEC;
- Nazim Mammadov, observer at the Precinct № 10 of the 7th Ordubad-Julfa ConEC;
- Murad Kamran, observer at the Precinct № 46 of the 124th Shusha-Khojali-Khojavan ConEC;
- Sadigli Rovshan, observer at the Precinct № 38 of the 64th Sabirabad ConEC;
- Huseyn Jafarov, observer at the Precinct № 7 of the 2nd Sharur ConEC;
- Atabay Aghalarbayli, observer at the Precinct № 26 of the 12th Garabagh-Binagadi-Yasamal ConEC;
- Imran Hasanov, observer at the Precinct № 29 of the 21st Nasimi ConEC.

Overall, according to the preliminary results of the elections announced by the CEC, Ilham Aliyev won, as predicted, with 84,54% of the votes, thus securing his third consecutive five-year term as president of Azerbaijan. Jamil Hasanli received only 5,53% of the votes (see table 1 below).

Table 2: Preliminary results of the Presidential Elections in Azerbaijan conducted on 9 October 2013 (received from 5492 polling stations out of 125 constituencies)

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Number of votes</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ilham Aliyev</td>
<td>3 126 113</td>
<td>84,54</td>
</tr>
<tr>
<td>Jamil Hasanli</td>
<td>204 642</td>
<td>5,53</td>
</tr>
<tr>
<td>Iqbal Aghazade</td>
<td>88 723</td>
<td>2,40</td>
</tr>
<tr>
<td>Gudrat Hasanguliye</td>
<td>73 702</td>
<td>1,99</td>
</tr>
<tr>
<td>Zahid Oruj</td>
<td>53 839</td>
<td>1,46</td>
</tr>
<tr>
<td>Ilyas Ismailov</td>
<td>39 722</td>
<td>1,07</td>
</tr>
<tr>
<td>Araz Alizade</td>
<td>32 069</td>
<td>0,87</td>
</tr>
<tr>
<td>Faraj Guliyev</td>
<td>31 926</td>
<td>0,86</td>
</tr>
<tr>
<td>Hafiz Hajiye</td>
<td>24 461</td>
<td>0,66</td>
</tr>
<tr>
<td>Sardar Mammadov</td>
<td>22 773</td>
<td>0,62</td>
</tr>
</tbody>
</table>

4.7. National and International Responses to the Results of the Elections

“The findings and report of the EP mission to Azerbaijan are a sham and in sharp contrast with those of the OSCE/ODIHR mission and numerous domestic election observers.”

Ulrike Lunacek, MEP (The Greens/EFA)46

Even though the victory of Ilham Aliyev was followed by large and colourful celebrations in Baku, a considerable number of Azerbaijanis was dissatisfied with the results of the elections. A couple of days after the results of the elections had been announced, a protest against the doubtful victory of Ilham Aliyev was held in Baku. The supporters of the opposition coalition together with Jamil Hasanli called for the outcome of the presidential elections to be cancelled over alleged voting violations.

In fact, on 9 October 2013, the PACE and EP delegations, on the one hand, and the OSCE-ODIHR delegation, on the other hand, did not reach a compromise and, thus, decided to present different conclusions, with regard to the conduct of elections. On 10 October 2013, Robert Walter and Pino Arlacchi, the heads of the PACE and EP delegations, respectively, made a joint statement praising the elections in Azerbaijan as “free, fair and transparent”, whereas, the ODIHR heavily criticized the elections calling them “seriously flawed”. In response to the latter, the CEC called the criticism biased and warned about a reassessment of the cooperation between Azerbaijan and OSCE in the future.

The US Department of State also expressed its deep concerns about the transparency of the elections, stating they “fell short of international standards”.48

Furthermore, two joint statements were made by EU High Representative Catherine Ashton and Commissioner for Enlargement and Neighbourhood Policy, Štefan Füle. The first statement was published in the run-up to the elections on 3 October 2013 and underlined worrying cases of pressure on opposition activists, media and civil society.49 The second joint statement appeared on 11 October 2013, two days after the preliminary results of the elections had been publicly announced, and indicated significant problems throughout all stages of election day processes, as well as restrictions of the freedom of assembly and expression.50

Important to note is that joint PACE - EP statement was largely criticized by human rights organizations and European Green Party MEPs, as well as the OSCE, for the mild verdict made by the CoE and some of the EP representatives. The CoE and EP were blamed for their ignorance of the international ODIHR observation report, to the extent that the reputation and credibility of the EP as a whole in its fight for human rights, democracy and rule of law was called into question.

49 See more: Statement by the Spokespersons of High Representative Catherine Ashton and Commissioner Štefan Füle on worrying cases of pressure in opposition, civil society and media in Azerbaijan, 3 October 2013, EEAS, Brussels.
50 See more: Statement by the Spokespersons of EU High Representative Catherine Ashton and Commissioner Štefan Füle on Presidential elections in Azerbaijan, 11 October 2013, European Commission MEMO, Brussels.
Due to criticism and pressure, the European Parliament in its most recent Resolution on the European Neighbourhood Policy, adopted on 23 October 2013, urged the Azerbaijani government to release 14 opposition politicians detained in the run-up to the October 2013 presidential elections (including Tofiq Yagublu and Ilgar Mammadov).\textsuperscript{51} In response to that, the Azerbaijani delegation to the Euronest Parliamentary Assembly suspended its membership, as a sign of protest.

Other short-term international observers present during the October 2013 presidential elections, were mainly pro-Aliyev representatives that obviously did not have any interest in criticizing the elections. These included Nathalie Goulet from the France-Caucasus Parliamentary Friendship Group and Eduard Linter from the Berlin-based Society for the Promotion of German-Azerbaijani Relations (GEFDAB).

The Mission of the Commonwealth of Independent States (CIS), which is a former Soviet grouping, stated that the elections were free and fair, and held in accordance with the legal norms of Azerbaijan and international standards.

\section*{CONCLUSION}

The many concrete examples presented in this report clearly indicate that freedom of assembly and speech continues to be restricted in Azerbaijan, with numerous arrests, harassments of journalists, human rights and minority activists taking place over the course of the year. The pressure on civil society intensified in the run-up to the October 2013 elections, and both domestic and international observers indicated serious violations during the presidential campaign. The elections were characterised by carousel voting, bribing of voters, stuffing of ballot boxes, inflated turnout figures, and coercion of state employees and military personnel to cast ballots for particular candidates. Original polling station tabulations were rarely publicised and instances of malpractice in the recording the ballots of visually impaired voters was also noted. In areas of minority ethnic populations, the use of military personnel was widely felt to encourage manipulation of the electoral process.

Media coverage of the elections remained limited. Editors of opposition papers have been detained and the government has been accused of encouraging ‘supportive’ opposition groups as a means of reducing the airtime available to candidates on public broadcasts. Additionally, inquiries into the funding of election candidates has regularly been met with obfuscation or dismissal.

Azerbaijan failed to implement its legal commitment to ensure freedom from “arbitrary arrest or detention or exile”, as outlined in the Vienna 1989 documents. Journalists, who have been critical of the government, were frequently attacked, harassed, intimidated and obstructed.

There is also a culture of impunity for those who commit these crimes against dissenting journalists. In this regard, the international community should put pressure on the

Azerbaijani government to release all prisoners of conscience and revise unjustifiable actions of the police towards Azerbaijani citizens.

Research done on the minority situation in Azerbaijan clearly shows that even though citizens are technically able to report ethical infractions to government bodies, at the local level, decision-making is heavily influenced by personal friendships and bribe-taking. High levels of unemployment and drastic economic conditions force young people, in particular men from the minority-inhabited regions, to leave their homes in search for a better job abroad.

There are no real attempts among minorities in Azerbaijan to establish organizations, through which they could draw the attention of the government authorities to their problems. Existing research shows that a disproportionate number of political prisoners are members of national, ethnic and religious minorities, as it is claimed that Azerbaijan continues a policy of cultural assimilation. Thus, although ethnic minorities in Azerbaijan may enjoy equal civil rights, in reality official institutions continue to be unresponsive or unhelpful in their response to queries.

RECOMMENDATIONS

To the International Community and the European Union

- To exercise pressure on the Azerbaijani Government in matters of human rights, freedom of expression, assembly, and association, clearly spelling out concrete steps that the country needs to take in order to address concerns in these areas;
- To urge the Government of Azerbaijan to put an end to any kind of harassment and violence against journalists, human rights defenders and opposition members;
- To devote special attention to the arrests of ethnic minority activists and to urge the Azerbaijani authorities to release the Lezghin activist Eldar Mamedov;
- To put pressure on the Azerbaijani Government to sign and ratify the European Charter for Regional and Minority Languages;
- For the European Parliament and the Parliamentary Assembly of the Council of Europe to reconsider the results of ODIHR mission reports and make a renewed impartial statement on the critical situation of human rights and democracy in Azerbaijan;
- For European and international human rights and civil society organisations to establish regional offices based in different regions of Azerbaijan in order to continue monitoring and reporting on the human rights situation in Azerbaijan;
- To publicly raise the issues of civil society crackdown, violations of minority rights and freedom of expression, and to urge the Azerbaijani government to comply with its international commitments;
- To place greater emphasis on dialogue with civil society in Azerbaijan, in particular in the aftermath of the governmental clampdown during the October 2013 presidential elections;
- To visit and gain insights on the situation facing national minorities in Azerbaijan as a first step to encourage international dialogue and debate on models of representation.
To the Government of Azerbaijan

- To immediately release all prisoners of conscience and cease arbitrary arrests on unfounded charges, in accordance with commitments entered into force in Azerbaijan upon its accession to the CoE on 25 January 2001;
- To revise the Election Code in accordance with the provisions of the Venice Commission of the Council of Europe;
- To provide a thorough investigation of complaints and violations received during and after the election process and present publicly official decisions on them;
- To elaborate and adopt comprehensive anti-discrimination legislation and to ensure that any public authority will respect the right of freedom of expression of human rights activists and persons belonging to the opposition, ethnic or religious minorities;
- To develop the educational system in minority-inhabited areas, including through the construction of schools, the development of quality scientific and educational material in minority languages, the inclusion of native languages as an option to the school curriculum, and specific training for minority language teachers;
- To improve living conditions in minority areas, including through the construction of adequate infrastructure and facilities, as well as through the development of communications and transportation networks;
- To ensure the right of peaceful assembly and freedom of media, according to the international commitments of Azerbaijan to the UN (ICESCR), the OSCE and the CoE (FCNM);
- To promote the establishment of civil society and ethnic organisations as a means to open the space for civil society in the country;
- To decriminalize defamation and ensure that the civil defamation legislation is not being used by the officials to suppress freedom of expression.