



September 8, 2008

To the High Commissioner of Human Rights: Submission on Azerbaijan

- 1) Azerbaijan continues to fall below the acceptable human rights standards established in the UN Declaration of Human Rights by using defamation and criminal charges to restrict freedom of the press and freedom of expression. Religious freedom exists, but the recent arrests of two Baptist pastors raise the question of how true this will continue to be in future years. Treatment of refugees, displaced persons, and trafficking victims also lands sub par to the basic definition of human rights laid out by international standards.
- 2) Possibly the greatest concern regarding human rights is the crackdown on journalists and any other politically-motivated arrests. Human Rights Watch reports that the end of 2007 left at least ten journalists imprisoned and high-profile government officials, businessmen, and opposition politicians remained in custody. With elections coming up in October 2008, human rights organizations fear that this highly corrupt country has set the scene yet again for an unfair vote. Azerbaijan was ranked 150 out of 179 countries surveyed in Transparency International's 2007 Corruption Perceptions Index.
- 3) For journalists, this means mistreatment and arbitrary arrests if they publish in opposition to the state. According to the Observatory for the Protection of Human Rights Defenders (OPHRD), pressure on the media intensified and journalists who were critical of President Aliiev's administration were sentenced to long prison sentences for "defamation," "encouraging terrorist acts" or even "hooliganism." Azerbaijan's constitution guarantees freedom of speech and press, but Freedom House reports that in practice, the media linked to the regime survives and independent and opposition newspapers struggle for circulation and have staff frequently imprisoned. Most news in Azerbaijan is distributed via broadcast media, so newspapers already have a disadvantage.
- 4) Two widely read opposition papers were shut down by the government in 2007. Several human rights organizations including Freedom House and Human Rights Watch document the arrest of newspaper editor Eynulla Fatullayev, who was convicted of criminal libel and insult and sentenced to 30 months in prison in April 2007. Amnesty International confirms Fatullayev's sentence to eight and a half years' imprisonments on separate charges from The Ministry of National Security of terrorism, incitement of ethnic hatred and tax evasion. He denied all charges against him. Fatullayev was known for reporting on issues of official corruption and is considered a prisoner of conscience.
- 5) Rovshan Kabrili, editor, and Yashgar Agazade, reporter, of an opposition newspaper, *Mukhalifat* reportedly received 30-month prison sentences in a separate libel case for exposing government corruption. In May, Samir Sadetoglu

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- and Rafik Tagi, editor and correspondent for the weekly *Senet* were respectively sentenced to five and three years of imprisonment for “inciting religious hatred” when unfavorably comparing Christianity to Islam (HRW).
- 6) Oppositional journalists have faced hostile conditions as far as physical bullying and jail conditions. Several have been hospitalized from attacks made on them motivated by their work.
  - 7) In response to the Organization for Security and Co-operation in Europe’s (OSCE) representative on Freedom of the Media’s criticism that Azerbaijan had the most imprisoned journalists in OSCE countries and should decriminalize defamation, President Aliiev responded by pardoning five journalists in 2006 and 2007. Despite the public show, the police violently disperse demonstrations for freedom of the press. The OPHRD uses the Baku demonstrations on June 14, 2007 as an example of violent reactions to 50 journalists protesting against the pressure of the authorities on the press where one person was seriously wounded.
  - 8) The Commission of the European Communities’ (CEC’s) 2008 Progress Report on Azerbaijan highlights the limitations on the media and the insufficiency of the law on freedom of information. Three journalists remain in prison from 2007. No progress was noted towards developing an independent public broadcasting service.
  - 9) Freedom of assembly is severely restricted for any political criticism of the government. Registration with the Ministry of Justice is required to legalize nongovernmental organizations (NGOs), but the process is “cumbersome and nontransparent” according to Freedom House. In 2005, Azerbaijan lifted a ban preventing NGOs from monitoring elections if they received more than 30 percent of their funding from foreign sources. The majority of trade unions and industries are state owned or state affiliated despite the law permitting the formation of trade unions and the right to strike. The CEC discusses the potential improvement offered by the draft amendments in December 2007 on the currently restrictive law on freedom of assembly.
  - 10) Torture is widespread and a largely unacknowledged problem in Azerbaijan. HRW points to the June 2007 murder conviction of three boys between the ages of 15 and 17 who were arrested based on false confessions and incriminating statements that were driven by severe beatings and other forms of torture. The government failed to sincerely investigate their claims of being coerced.
  - 11) Azerbaijanis who are politically opposed to the regime are often arbitrarily detained for long periods without restricted access to lawyers according to the 2008 Freedom House report. Harsh interrogation and torture are used to get confessions by the police and terrible prison conditions without medical care are commonplace.

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- 12) The CEC notes reforms were made to improve conditions of detention through substantial construction and renovation and improved training of prison staff. These include the introduction of a new recruitment examination, the adoption and distribution of training material to police officers, the establishment of a 24-hour complaints mechanism. Still, the latest reports from the Committee for the Prevention of Torture (CPT) are not public and prisoners with longer term or life sentences remain in problematic conditions. Many claim to be prisoners of conscience.
- 13) In April 2007, the OPHRD reports that the Parliamentary Assembly of the Council of Europe adopted Resolution No. 1545, which emphasized Azerbaijan's "persistent allegations of torture and poor treatment perpetrated mainly by law enforcement officials during police custody or preliminary investigation." 38 inmates of the Qobustan prison went on a hunger strike for authorities to stop ignoring their detention conditions and to demand the implementation of the resolution and review each of the detainees' sentences on a case-by-case basis. A woman who was a member of the Democratic Party of Azerbaijan died of malnutrition in November 2007 in the central prison hospital.
- 14) Internally Displaced Persons (IDPs) and refugees in Azerbaijan lack access to medical care and are often denied economic and social rights. The international law of "non-refoulement" obligates Azerbaijan not to forcibly return refugees to the states where they are at risk for torture, yet two refugees, Hadi Sid Javad Musevi from Iran and Elif Pelit from Turkey, were repatriated back to their countries in April (Amnesty International).
- 15) In September, Amnesty International confirmed that the State Committee on Refugees and Internally Displaced People guaranteed free movement in the country, but acknowledged problems with the registration process. The State Committee prepared a mechanism to address the needs of urban displaced people for housing, but people who resettled were only given "temporary" ownership of their accommodations. This limited the options for the displaced to eventually return if peace returned to their states or to move elsewhere in the country. IDPs cannot sell, sub-let or exchange the land and houses with another party, nor pass them on to their children, and they are not protected against eviction. There is also no written law on resettlement to clarify the legal basis for IDPs' residence in the houses. The settlements are an improvement, but Amnesty reports that "many are located in economically depressed regions without public transport links and are often distant from other communities and administrative centers." Some are within earshot of the Armenian and Azerbaijani fighting.
- 16) Concerning religious freedom, Islam, Russian Orthodox Christianity, and Judaism are considered traditional religions, and their members can generally worship freely, though "nontraditional" minority religious groups have complicated registration requirements and more interference (Freedom House). In August 2007, however, Baptist Pastor Zaur Balaev was given a two year prison sentence

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- for alleged violence denied by his congregation. Although released in March of 2008, his imprisonment was unjust and unfounded. In July 2008, Forum 18 reported the arrest of Baptist pastor Hamid Shabanov, who was supposedly held for possessing a weapon, which was most certainly planted by police. The regional official of the State Committee, Nizami Mamedov, affirms Azerbaijan's religious rights. He told Forum 18, "Here we have freedom of conscience and tolerance at the highest level throughout the world." Both pastors were beaten and not allowed to see family while imprisoned. The government maintains this had no relation to religion, yet this arrest, in addition to the deportation of Jehovah's Witness Imamzade Mamedova on August 22 forbidden to speak about her faith, indicates otherwise.
- 17) Some Azeri officials refuse to register the birth of children who are given Christian names, which ultimately limits access to education, medical treatment, and travel. Police raids have occurred on churches with or without registration. Religious literature is censored and the International Religious Liberty Association Azerbaijan affiliate has not been allowed to register over the last two years.
- 18) Ethnic minorities face certain discrimination in education, employment, and housing. Hundreds of thousands of ethnic Azeris who fled the war in Nagorno-Karabakh remain in Azerbaijan, often living in dreadful conditions. The Council of Europe's Commission against Racism and Intolerance (ECRI) noted positive steps towards ethnic minorities, but called for improvement in "cases of racist and inflammatory speech or promotion of religious intolerance by some media, members of general public and politicians" (HRW).
- 19) The 2008 Trafficking in Persons (TIP) report claims that Azerbaijan is a source and transit country for sex and labor trafficking to countries including Iran, Pakistan, and India. Women and children are trafficked to Turkey and the United Arab Emirates for sexual exploitation and men and boys are trafficked to Russia for forced labor. Freedom House attributes traditional societal norms and poor economic conditions for restricting women's professional roles. No laws exist to counter domestic violence. In 2004, Azerbaijan adopted a new national program to combat human trafficking. The TIP report places Azerbaijan on a Tier 2 Watch List in spite of its "significant efforts" to eliminate trafficking because of its "failure to provide evidence of increasing efforts to combat trafficking in persons, particularly efforts to investigate, prosecute, and punish traffickers."
- 20) Jubilee Campaign supports freedom of belief and expression of ideas or religion. We advocate for the Azerbaijani government to adhere to Rule of Law and stop restricting and persecuting religious minorities and media persons based in political motives. We call for the release of Baptist pastor Hamid Shabanov.

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- 21) The government has the opportunity to ratify the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as a sign of its commitment to change horrible living conditions of prisoners taken into jails arbitrarily, often for political reasons.
- 22) Azerbaijan should continue to make efforts to eliminate human trafficking in all forms and prosecute traffickers in their own country as a significant priority.
- 23) President Aliev should release the 3 (arguably 4) journalists remaining in police custody and stop treating denying rights of fair trial and access to a lawyer to prisoners. A better and freer system of expression should be set into motion that will make registration easier for thought groups and limit the punitive action of the police.

END OF SUBMISSION FOR UPR

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