

Azerbaijan¹

IHF FOCUS: Elections; freedom of expression and the media; freedom of association; peaceful assembly; judicial system, independence of the judiciary and fair trial; torture, ill-treatment and misconduct by law enforcement officials; conditions in prisons and detention facilities; religious intolerance; freedom of movement; protection of ethnic minorities; intolerance, xenophobia, racial discrimination and hate speech; returnees and displaced persons; death penalty; international humanitarian law; human rights defenders.

The media remained under serious pressure in Azerbaijan: journalists faced judicial proceedings on various charges (including criminal libel) and the fines handed down by courts were high enough to place media outlets on the brink of closure. One television and radio station was closed down, officially because it was owned by a foreign citizen, but presumably on political grounds. Both opposition and independent monitors recorded numerous irregularities in the December local elections.

In 1999, Azerbaijan was in the process of carrying out a prison reform which would bring about improvements in the treatment of prisoners. The prison population decreased substantially, and some court sentences were softened. On the negative side, torture and ill-treatment by law enforcement officials remained commonplace; public assemblies were rarely permitted and "illegal" ones dispersed. Dozens of public associations were unable to register. Other human rights problems included discrimination against Armenians and Russians, violations of freedom of movement and discrimination against members of "non-traditional" religious groups.

Elections

The first municipal elections since Azerbaijan's independence were held on 12 December. The radical opposition, which withdrew an earlier decision to boycott the elections, reported numerous irregularities at all levels of the preparation and the conduct of the poll.

On 8 September, the formation of the Territorial Electoral Commissions (TEC) was completed. According to the opposition, the majority of TEC members were appointed by the authorities, and members of local election commissions by local governments, while independent candidates or opposition members were rejected. Further, the opposition claimed it was not informed in good time about the rules of the Central Electoral Commission (CEC) on the nomination of TEC members. In some regions, the date and place at which to form TECs was reportedly kept secret from the opposition. The courts and the CEC, however, rejected the opposition's complaints.

On 17 November, the registration of the candidates for the elections was completed. The TECs reportedly registered only 13–15 percent of the opposition nominees. It was claimed that the signature lists of candidates close to the ruling New Azerbaijan Party (YAP) were filled with the help of loyal authorities and underwent no serious scrutiny, while the opposition signatures, particularly those on the lists of Musavat, the popular Front Party, the Citizen's Solidarity, Vahdat, People's Party, and Ahrar, were often regarded as false.

The opposition claimed that only 12–15 percent of the electorate went to the polls, however, the CEC reported a 52.6 percent turnout. According to opposition observers and some members of electoral commissions, police and authorities interfered

¹ Based on the Human Rights Center of Azerbaijan, *Annual Report 1999: Azerbaijan*.

Azerbaijan

with the voting process, for example, by placing pre-marked ballot papers into the ballot boxes. The head of the Council of Europe's observer mission, Allan Lloyd, summarized the voting at 60 stations saying that in general the atmosphere of the elections was "free and open," but "serious violations" which could effect the results were also registered.

In the Narimanov district of Baku, the irregularities were reportedly so serious that the president dismissed the head of the executive, Mubariz Radjabov, for interfering with the electoral process.

Freedom of Expression and the Media

By the year's end, there were 485 registered media institutions (48 more than in 1998), including 344 newspapers, 86 magazines, 25 news agencies and 30 television and radio companies. The media faced serious harassment, including ill-treatment of journalists and criminal proceedings against them. A controversial media law was adopted and access to information was also a problem.

Media Law

On 7 December, the parliament adopted a law on "Mass Media." There was concern among journalists and human rights activists that the new law contained provisions that could be used to restrict free expression. Article 8 did not define in which cases access to information could be restricted, an omission that could be easily abused. Article 50, dealing with the accreditation of journalists, limited journalists' access to information from state organs according to the internal regulations of those bodies, and journalists were obliged not to "insult" state organs. There was no right of appeal against deprivation of accreditation. Article 14 prohibited the establishment of electronic mass media by political parties, creating unequal condi-

tions between ruling and opposition parties. Also, non-registered public associations were banned from creating media outlets. Articles 19 and 43 allowed the executive to temporarily suspend the operation of a radio or television station without a court decision. Article 44 stated that individuals could bring a case against a media outlet immediately, without first giving it a chance to retract a defamatory statement or article.

Prosecution of Journalists

Senior officials brought numerous court cases for insult against the independent and opposition media with the clear aim of silencing them or having them shut down. On the basis of article 188-6 of the penal code, journalists could be imprisoned for up to six years for insulting the president, and two such cases were concluded by the courts. The fines stipulated were high enough to drive many media outlets out of business. In early March, the OSCE Representative on Freedom of the Media, Freimut Duve, noted to President Heydar Aliyev that article 188-6 combined with the insufficient independence of courts resulted in greater protection of senior officials than of ordinary individuals where cases of insult were considered.

■ Close relatives of the president filed criminal charges against the Chairman of the Popular Front Party, Abulfaz Elchibey, and President of the Society of the Victims of Illegal Political Repressions, Ashraf Mehdiyev, claiming that they had insulted and slandered the president during the presidential election campaign in 1998. On 6 February, the president dropped the case against Elchibey, but the case against Mehdiyev was pending at the year's end.

■ On 13 January, the Supreme Court considered an appeal by opposition newspapers *Azadliq*, *Yeni Musavat*, *Muxalifat*, *Hurriyet*, and former presidential candidate Ashraf Mehdiyev. On 15 December

Azerbaijan

1998, the Baku City Court had sentenced them for slandering the family of President Aliyev by publishing articles claiming that his family was of Kurdish origin, and that the president had played a role in the establishment of the PKK. On 22 January, the property of *Yeni Musavat* was seized and its bank account frozen.

■ On 18 June, MP and brother of President Aliyev, Jalal Aliyev, filed charges against journalist Irada Huseynova, who had stated that J. Aliyev had control over the gas stations in Baku. In September, she received a one-year suspended prison sentence for slander. In December 1998, the journalist had been fined in a civil suit initiated by J. Aliyev on the same matter.

The Human Rights Center of Azerbaijan recorded 20 cases in which charges were brought against the media by officials and opposition activists. 14 of these were concluded in 1999, of which three had been won and 11 lost by the media. As a result, the government seized the property of three media outlets. The courts convicted several pro-government newspapers in cases filed by opposition activists for publishing false information. On two occasions, *Yeni Azerbaijan*, the newspaper of the ruling party, lost cases brought by opposition politicians. Still, in most such cases the courts favored pro-governmental media outlets.

On 19 August, the Trade Union of Journalists of Azerbaijan, the International Press Institute (Vienna), and the Committee to Protect of Journalist (New York) announced a campaign to put an end to unfair court rulings against the mass media. The campaign resulted in the liberation of a journalist with the *Chag* newspaper, Fuad Qahramanli, sentenced to prison in 1998 for an article which was never published.

Harassment of Journalists

Reports claimed about 100 journalists were harassed in 1999, with no progress in police investigations. According to incomplete data, at least 11 journalists were beaten in 1999, mainly by state representatives (in eight cases). Two journalists were killed, but it remained uncertain whether this was related to their professional activity.

■ On 3 January, a *Yeni Musavat* correspondent, Yalchin Imanov, was beaten in the building of the Barda Regional Executive Power, where he had come to obtain information. Imanov filed a complaint with the police but was subsequently beaten by police officers and unlawfully detained for two days.

■ On 21 April, while dispersing an opposition rally, police beat a journalist of *Uch Noqte* and confiscated his ID. Soon after that, the police forced their way into the editorial offices of *Azadliq* and beat its deputy chief editor Rovshan Hadjiyev, and a journalist of *Tezadlar*, Allahverdi Donmez.

■ A 6 August attack by "unidentified individuals" on journalist Mirjavad Rahimov of the newspaper *Uch Noqte* triggered a joint protest by 25 media outlets.

■ On 9 October, police entered the editorial offices of Sara TV, ending transmission and ordering staff to leave the offices. One employee was taken to a police station, and another employee – who was pregnant – had to be hospitalized. On 6 October, the Ministry of Justice had annulled the station's registration because it had allegedly violated the terms of its broadcast agreement by televising political programs rather than focusing on culture and entertainment, after Sara TV had broadcast an interview with two opposition leaders who had called the public to participate in an anti-governmental demonstration. The

Azerbaijan

Ministry also annulled the registration of the radio station Sara FM, the newspaper *Sara Ekspress* and the news agency Sara, officially because they were established by a foreigner. Baku City Court sentenced Sara TV to pay a fine of U.S.\$ 62,000 for insulting and slandering officials, and in August, tax officers had reviewed Sara TV's financial documents and publicly suggested Sara TV should be punished for financial abuses. Several of those protesting the closures went on hunger strike and had to be hospitalized.

Freedom of Association

At the end of 1999, there were 31 political parties, 49 trade unions, and about 1,000 NGOs registered in Azerbaijan. Many others operated without registration. Dozens of political parties had not been registered because they did not have the minimum of 1,000 members required for registration. Sometimes, however, authorities arbitrarily refused registration, as in the case of the Azerbaijan Democratic Party, stripped of registration in 1995 and unable to re-register. Opposition activists often faced harassment by the authorities. Sometimes, even legally registered parties came under pressure. In May, the state insurance company tried to remove the registered party Vahdat from its office.

Some NGOs had problems registering, as did the Trade Union of Journalists of Azerbaijan or the Society of Homeless People. In December 1999, the Human Rights Center of Azerbaijan was officially registered, yet as of March 2000, it had still not received the certificate of registration.

Peaceful Assembly

In 1999, two public mass meetings were allowed in Baku: on 1 May, the leftist parties held a rally, and on 9 October the Movement for Electoral Reform and Democratic Elections (SIDSUH) organized a demonstration. In addition, a couple of

small rallies by the Free Consumers Union's were held. In general, however, the government restricted the right to peaceful assembly. Local authorities turned down numerous applications for public meetings, street rallies and pickets. Unsanctioned rallies were dispersed and their participants sometimes beaten or detained by the police. Notably, there were also cases in which the police did not interfere in unsanctioned rallies and others in which authorized rallies were dispersed, e.g. the 1 June picket in front of the Republican Prosecutor's Office.

From January to March, the courts sentenced 33 opposition members for their participation in public meetings that had resulted in riots in September and November 1998. Apart from the General Secretary of National Democratic Party, Qazanfar Muxtarli, who was imprisoned, all the defendants received suspended prison sentences.

In contrast to previous years, the police tried to avoid mass arrests of demonstrators, although many people were taken to police stations for ID checks and fines.

Judicial System, Independence of the Judiciary and Fair Trial

On 9 October, President Aliyev signed a decree on the improvement of the functioning and resources of the courts. About U.S.\$2.5 million was allocated for that purpose.

There were well-grounded concerns about the lack of independence of the judiciary in politically motivated or politically sensitive cases. Furthermore, judges usually ignored allegations of torture and other violations during pre-trial proceedings.

According to article 109 of the constitution, all judges were appointed by the president and could be dismissed by the parliament on the initiative of the Ministry

Azerbaijan

of Justice that, again, was under presidential control. Article 188-6 of the criminal code, providing for proceedings in cases of “insult or slander against the president,” could potentially be used as a pretext to dismiss a judge in controversial cases.

Local human rights activists reported that the verdicts in politically motivated trials or trials against opposition media² were “ordered” by the authorities in unfair proceedings. Usually, the presumption of innocence was violated through massive media campaigns suggesting the guilt of the defendant. Official accusations were virtually always confirmed by the sentence.

■ On 15 February, former Prime Minister Suret Huseynov was sentenced to life imprisonment for crimes including high treason and other acts related mainly to the attempted *coup d'état* of October 1994. His cousin, Keramet Kerimov, was accused of the same crimes. During their trials, dozens of witnesses withdrew their statements, saying that they had been forced under duress to sign false statements. The judge did not order the allegations to be investigated. On 21 May, Keramet Kerimov was sentenced to life imprisonment.

The 28 October law “On the Police” vested judges, rather than prosecutors as earlier, with the right to approve a decision by a police officer to place individuals suspected of planning to commit a crime in preventive custody. The same law gave the police the right to detain a person for 48 hours without a court permit and for 24 hours without informing the court about the case. Although the maximum term of detention without court control was shortened from 72 to 48 hours, the period remained long enough to facilitate abuses in detention.

² See *Freedom of Expression and the Media*.

³ CAT/C/37/Add.3.

⁴ CAT/C/23/5.

In October 1999, all three investigation isolation facilities of the Ministry of Internal Affairs (accommodating about 2,500 prisoners) were transferred from the control of the Ministry of Interior to that of the Ministry of Justice – a move proposed by local and international NGOs. However, the Ministry of National Security and the Military Counter-Intelligence Service still had their own investigation facilities, which were not subject to independent control.

Torture, Ill-Treatment and Misconduct by Law Enforcement Officials

On 8–19 November, the 23rd session of the UN Committee Against Torture (CAT) reviewed the initial report by Azerbaijan.³ Several human rights NGOs had submitted to CAT reports on the use of torture in Azerbaijan. The conclusions and recommendations of CAT were published on 17 November.⁴ It expressed its concern about the absence of a definition of torture in law with the subsequent result that torture was not appropriately punishable as a specific crime. The CAT also noted the numerous and continuing allegations of torture and other cruel, inhuman and degrading treatment and punishment committed by law enforcement personnel, and condemned the apparent failure to investigate fully, promptly and impartially allegations of torture and to prosecute the alleged perpetrators; the absence of guarantees for independence of the legal profession (particularly with reference to the judiciary that was appointed to a limited renewable term of years); and the use of amnesty laws that also covered torturers.

The most alarming problem regarding torture was the wide impunity enjoyed by the perpetrators and the court’s ignorance.

Azerbaijan

■ On 17 January, Bahram Sadiqov, a displaced person from the Lachin region, was allegedly beaten to death by police officers in the custody of the Sumqayit City Police Directorate. He had been suspected of a theft. Officially, Sadiqov had committed suicide. An investigation into the case was initiated but no results were reported as of the end of 1999.

■ In early July, customs officers opened fire at the border cross point Sadarak, killing one person and wounding several others. As a result, the head of the local regional authority was dismissed in October, but the officers directly involved in the incident were not punished. In early December, the parliament passed the law "On Service in the Customs Organs." The status and ranks of the personnel of the customs service became equal with those of law enforcement agencies.

In January, at an annual meeting of high-ranking officers of the Ministry of Interior, the Prosecutor General Eldar Hasanov accused the police of violating citizens' rights and even of falsifying of evidence. On 13 March, the Chief of the Investigation Department of the Ministry of Interior, Nizami Qodjayev, was arrested and accused of several crimes. The trial was underway at the year's end.

The October Law "On the Police" obliged the police to record all the cases in which they used physical force, special measures or firearms. According to the law, firearms may not be used against women, minors and, handicapped.

In contrast to the CAT recommendations, the general amnesty of 10 December, in connection with the 50th anniversary of the Council of Europe, was applicable also to persons accused under article 176 of

the penal code, concerning intentional false arrest, and those accused under article 177.2, concerning illegal methods during interrogation of suspects – i.e. abusive law enforcement officials.

Conditions in Prisons and Detention Facilities

On 7–8 January, a group of rioting political prisoners took over Qobustan prison, taking weapons and 28 hostages and releasing all prisoners, including Armenian prisoners of war. Thirteen people died when the uprising was suppressed. This incident increased calls for penal reform, and on 11 February, President Aliyev ordered the establishment of an ad hoc commission of senior officials led by Prime Minister Arthur Rasizade, to prepare a program of legal, organizational and other reforms for correctional labor institutions and investigation isolation facilities.⁵

On 22 September, the government and the Council of Europe discussed the reform proposals. Council of Europe experts proposed 61 recommendations for reform, including the transfer of all penal institutions for civilian prisoners to the control of the Ministry of Justice; the establishment of new provincial prisons, close to the prisoners' families; trained women officers for every remand prison; education and work for prisoners; and the improvement of air and natural light conditions in the cells. The report also advised the prison administration to develop contacts with NGOs and allow NGOs access to prisoners.

On 9 October, the president ordered the transfer of the investigation isolation facilities from the Ministry of Interior to the Ministry of Justice. Another decree signed on the same day aimed at organizing work for prisoners, the establishment of a train-

⁵ *Presidential Decree on the "Measures to Strengthen the Legality, Provision of Order of Execution of Penalties and the Implementation of Legal Reforms in the Correctional Labor Institutions and Investigation Isolators," 11 February 1999.*

Azerbaijan

ing center for personnel, improvement of prison medical facilities, and the allocation of some additional funds for prisons.

The reforms led to a fall in the number of prisoners, already lessened by the December 1998 presidential amnesty, releasing some 12,000 prisoners. In addition, on 10 December 1999, an amnesty law⁶ was passed covering about 11,000 prisoners and detainees. The law also brought reductions in the sentences of some prisoners. However, the new law did not cover people sentenced for crimes deemed “political” by human rights defenders (covered by articles 57-64, 70(2), 82(1), 188(3)-188(6) of the criminal code). The president used special powers to release at least eight political prisoners and halved the terms of at least three more. On 17 November, three former leaders of the Islamic Party of Azerbaijan, imprisoned in 1996 as Iranian spies, were pardoned by the president.

The Ministry of Justice cooperated with the International Committee of Red Cross on treatment to combat tuberculosis, a disease affecting about ten percent of the prison population. Prison conditions were also in the focus of the CAT session in November. The CAT noted with satisfaction the ongoing reforms to improve conditions in prisons, and to offer training and education on the prohibition of torture to law enforcement and medical personnel. It also acknowledged the noticeable decrease of arrested persons in recent years. On the negative side, the CAT criticized the continuing evidence of torture and ill-treatment of prisoners and detainees.⁷

Religious Intolerance

In early 1999, more than 700 registered and non-registered religious communities operated in Azerbaijan. In June, the Ministry of Justice registered the Roman Catholic Church and Georgian Jewish Congregation. According to the U.S. State Department, the government claimed to have registered approximately 190 Muslim organizations and 50 “other” groups. In practice, however, the registration process suffered from a lack of transparency, particularly within the Department of Religious Affairs. Long delays in registration were commonplace and officials responsible for registration took bribes to facilitate registration.⁸

Religious groups could operate without registration, but such groups could not maintain a bank account, legally rent property, or generally act as a legal entity. Also, they could not produce, import or disseminate their religious literature, which was banned from bookstores.⁹

While “traditional” religions – e.g. Islam, Orthodox Christianity and Judaism – enjoyed wide freedoms, the constitutional rights of “non-traditional” religions were frequently violated. Several of them, such as the Word of Life, were refused registration, without any reason given. As a result, the police were allowed to disperse their gatherings and to punish their participants under the code on administrative violations. Jehovah’s Witnesses were finally registered on 22 December, following years of refusal and continuous harassment.

⁶ *Decision of Milli Mejlis (parliament) “On Amnesty in Connection to the 50th Anniversary of the Council of Europe,” 10 December 1999.*

⁷ *See Torture and Ill-Treatment and Misconduct by Law Enforcement Officials.*

⁸ *U.S. State Department, Annual Report on International Religious Freedom for 1999, 9 September 1999.*

⁹ *Ibid.*

Azerbaijan

■ In April alone, several meetings of Jehovah's witnesses were broken up, and 40 persons were fined. One foreigner was expelled and another was served with a deportation order.¹⁰

Foreign missionaries were deported from the country as a form of administrative punishment, legitimated by a 1996 amendment to the law on the "Freedom of Religion," and the law on the "Legal Status of the Aliens and Stateless Persons" prohibiting religious activities of foreign or stateless persons. In recent years, dozens of foreigners were deported. In July, two Russian Jehovah's Witnesses were deported, and in September, several foreign Baptists were deported following a dispersed Baptist gathering.

However, the government approved two Protestant churches' long-standing applications for registration in December. Almost simultaneously, visas were issued for a German Lutheran pastor and a Polish Catholic priest to continue serving their respective congregations in Baku.¹¹

Many local adherents of non-registered "sects" were subjected to administrative sanctions, particularly fines for the participation in "illegal" meetings. Some "sect" members were dismissed from their jobs.

■ On 1 September, six women employees of the Azerbaijani Gas Refinery, who were Jehovah's Witnesses, were dismissed "on the basis of the decision of the work collective" for violating articles 70(d) and 72 of the labor code, i.e., for violating their labor obligations and for distributing religious propaganda.¹² In November, the

women were able to return to work but received no restitution through the court.

All Armenian churches, many of them damaged in ethnic riots which took place over a decade ago, remained closed.¹³

Freedom of Movement

The Soviet-era *propiska* (internal residence permit) system was still practiced and limited freedom of movement. In January, the authorities reported that in the previous year about 7,000 people had had no *propiska*, 5,299 had been punished under administrative orders for the violation of internal passport rules, and 6,849 citizens had had no internal passports at all. Violations of *propiska* regulations could be punished by fines, and some "suspicious" persons without *propiska* could be placed in special detention facilities of the Ministry of Interior Affairs for their identity to be investigated. Most inmates of such places were illegal migrants without proper documents and beggars.

In early December, the parliament passed an act on the obligatory registration of the place of residence, retaining the *propiska* system.

One problem related to the freedom of movement concerned the refusal of some Muslim women to have a passport photograph taken without a veil or a scarf.

■ Eight Muslim women who had refused to remove their veils for photographs filed a case against the Division of Visa and Registration (OVIR) of the Interior Ministry and won the case in the district and Baku

¹⁰ *Ibid.*

¹¹ Barbara, G. Parker, *Compass/Human Rights Without Frontiers*, "Azerbaijan Loosens Religious Freedom Restrictions: Protestant Churches Registered, Foreign Clerics Granted Visas," 21 January 2000.

¹² Letter of the Factory Director H. F. Miralamov No. 773-HM, 22 November 1999.

¹³ See also *Protection of Ethnic Minorities*.

Azerbaijan

City courts. However, in late September the Supreme Court overturned the verdict. As a result, Muslim women who refused to have a passport photograph without a veil were unable to leave the country.

Protection of Ethnic Minorities

The main problem of the Armenian, Russian and other Slav minorities remained the illegal seizures of their apartments by Azeri refugees from Armenia and displaced persons from Nagorno Karabakh, or by criminals, as well as other criminal activities related to their real estate. An act prohibiting the removal of refugees from the apartments remained in force. The fact that many Armenians and Russians were protected by their Azeri relatives helped to keep the scale of this problem relatively small.

In his July statement, President Aliyev rejected the commonly held belief among Azeris of the collective guilt of Armenians for the conflict in Nagorno Karabakh and called for justice for Armenians living in Azerbaijan. He particularly emphasized the rights of Armenian spouses and children of mixed marriages, and their positive contribution to Azerbaijani society. Still, those Armenians not coming from prominent families continued to experience problems in employment and the implementation of property rights, etc. Their passport included information on their ethnicity, facilitating discrimination by authorities. They were also discriminated against in judicial proceedings while trying to protect their property. This resulted in increasing numbers of mixed Armenian-Azeri families leaving the country to seek refuge in Europe. Attempts of the Society of Homeless People of Azerbaijan to defend the rights of Armenians in courts or assist them in other ways were met with negative media coverage.¹⁴

Due to the emigration of Jews from Azerbaijan, there were few complaints from the Jewish community. In May, a Jewish community leader, S.Ikhihilov, charged in an open letter that the executive authority in the Yasamal district of Baku had not reacted to the community's request for numerous shopping centers built nearby an old Jewish cemetery Chemberikend to be removed. According to Ikhihilov, the commercial activities had brought litter and waste to the cemetery.

In June 1999, the Ministry of Justice registered the Georgian Community in Azerbaijan. At the same time, the religious community of Georgian Jews in Azerbaijan was registered additionally to the communities of European and Mountainous Jews. From September 1999, instruction in the Georgian language was offered in two Baku secondary schools.

Intolerance, Xenophobia, Racial Discrimination and Hate Speech

According to the Human Rights Center of Azerbaijan, allegations of the Armenian or Kurdish heritage of high-ranking officials related to xenophobia and intolerance among the public. The court rulings on these issues tended to enforce intolerant attitudes.

■ In March, opposition leader Nizami Sulleymanov faced trial in the Yasamal district court (Baku city) because he had stated during an election campaign that Telli Aliyeva, the mother of the chief executive of Ganja city, Rasim Dashdamirov, was an ethnic Armenian. Dashdamirov considered that as an insult. The court ruled in his favor and decided that the defendant was obliged to apologize to the family of Dashdamirov.

¹⁴ See also IHF press release, "Azerbaijan ready to be a Member of the Council of Europe?", 29 July 1999.

Azerbaijan

The problems of Kurdish terrorism and possible underground activity of the Kurdish Workers' Party (PKK) in Azerbaijan were also enduring themes of media speculation. In April, security officers in Baku detained 32 Kurds, citing a PKK conspiracy. Four of them were deported and others released after a brief interrogation. It appeared to be related to a May court statement by PKK leader Abdullah Öcalan, which stated that the PKK had agents in Azerbaijan and secret supporters among its government officials, a fact immediately denied by the authorities.

■ On 29 June, the trial opened in the Sabayil district court of Baku city of Ashraf Mehdiyev, the Chairman of the Azerbaijan Association of the Victims of Political Repression and the leader of opposition party Qeyrat, who had been a presidential candidate in the 1998 elections. The charges were based on article 188-6 (insulting the honor and dignity of president), article 121 (slander) and article 122 (insult) of the criminal code, initiated by Jalal Aliyev, the president's brother, together with two other relatives. The reason for the charges was an interview following the 1998 presidential elections in which Mehdiyev had alleged that the newly elected president was not an ethnic Azeri, but a Kurd. The media outlets that had published this statement had already been fined in 1998. The case continued as of the end of 1999.¹⁵

The Human Rights Center of Azerbaijan considered that the court decision in Mehdiyev's case was insulting to the Kurdish minority and appeared to be part of an anti-Kurdish campaign, initiated after the May statement of Abdullah Öcalan.

In 18 August, Azerbaijan presented its second periodic report¹⁶ to the UN Commit-

tee on the Elimination of Racial Discrimination (CERD). In its comments, CERD welcomed, for example, the efforts to support teaching in minority languages and other measures in the fields of education, culture and human rights information. However, it expressed concern about the continuing decline in the number of Russian-speaking and Armenian minorities and, about the problems members of the Armenian, Russian and Kurdish minorities encountered when seeking employment, housing and education.¹⁷

Returnees and Displaced Persons

There were about 600,000 internally displaced persons who were victims of the conflict in Nagorno Karabakh. Despite the cease fire of 12 May 1994 and peace negotiations under the umbrella of the OSCE, no significant results were reached and their return remained uncertain. In February 1999, when Georgia became a member of the Council of Europe, it undertook an obligation to allow the Meskhetian Turks to return to Georgia in the next 12 years. In Azerbaijan, about 50–60,000 Meskhetians were awaiting repatriation.

Death Penalty

Azerbaijan abolished the death penalty in 1998. On 22 January 1999, it became party to the Second Optional Protocol to the ICCPR, aimed at the abolition of the death penalty. The treaty came into force in Azerbaijan on 22 April. However, Azerbaijan included a reservation to preserve the death penalty for grave crimes in times of war or threat of war. Consequently, on 5 October, the President Aliyev signed a decree that allowed for the imposition of the death penalty in wartime for "particularly grave" military crimes.

¹⁵ See *Freedom of Expression*.

¹⁶ CERD/C/350/Add.1.

¹⁷ *Concluding Observations of the Committee on the Elimination of Racial Discrimination: Azerbaijan*. 25/08/99. CERD/C/55/Misc.51/Rev.5.

Azerbaijan

Human Rights Defenders

The IHF mission to Azerbaijan in June 1999 noted that local human rights NGOs operated professionally and efficiently.¹⁸ In the past two years, more than 10 human rights NGOs were established in Azerbaijan.

However, many human rights NGOs operated without legal registration, a fact that was regarded by the Ministry of Justice as a violation of the law on "Public Associations." Some of these organizations had repeatedly applied for registration in vain, others preferred not to be registered to retain a more advantageous taxation status. Many NGOs active in politically sensitive issues had been refused registration.

■ In February, the Azerbaijan Committee on Democracy and Human Rights appealed to a court after the fifth refusal of registration. However, about 25 human rights NGOs of mainly pro-government orientation were registered during 1996–1999.

On 26 November, the Ministry of Justice ordered some human rights NGOs to apply for official registration or to stop their activities within 10 days. All the listed organizations were well-known and established NGOs. Only the Human Rights Center of Azerbaijan responded and was registered on 6 December. Many other human rights NGOs did not respond because they considered the Ministry of Justice had no intention of registering them: for example in 1996–1998, many NGOs were required to register but all applications were turned down without grounds being given.

On 9 December, the Defenders' Day, the International League for Human Rights honored Annagi Hadjiyev, attorney and president of the Association of Lawyers of Azerbaijan – an NGO denied registration by authorities despite repeated court appeals. He had defended refugees, the poor, and other public interest cases, and worked to assist his colleagues who had been harassed or denied access to court in the course of their defense work. ■

¹⁸ See Andrzej Rzeplinski, *Report from the Mission to Azerbaijan, 23–30 June 1999*.