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AZERBAIJAN

Human Rights Watch

Submission on Azerbaijan to the PACE Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe

Introduction

This memorandum highlights Human Rights Watch's principal concerns about the human rights situation in Azerbaijan. In view of the recent visit to Azerbaijan by the co-rapporteurs of the Parliamentary Assembly of the Council of Europe's Monitoring Committee, we would like to draw their and the Committee's attention to areas in which Azerbaijan is failing to meet its accession commitments.

Our main human rights concerns are government violation of freedom of expression, including harassment, intimidation, and violence against journalists, detention and imprisonment of journalists on bogus charges, and criminal libel laws; severe restrictions on freedom of assembly; politically-motivated prosecutions of civil and political activists; ill-treatment and torture in police custody; illegal expropriations and forced evictions of Baku residents; and violations of freedom of religion. We hope the information provided below complements information the committee has gathered to date and can inform the committee's forthcoming report on Azerbaijan.

Freedom of Expression, Media Freedoms

The space for freedom of expression has shrunk considerably in recent years in Azerbaijan. Most of the patterns of violations of media freedoms extensively documented in Human Rights Watch's 2010 report, "[Beaten, Blacklisted and Behind Bars: The Vanishing Space for Freedom of Expression in Azerbaijan](#)," persist today. Independent and pro-opposition journalists in Azerbaijan are frequently subject to harassment, intimidation, and attacks. At this writing, at least seven journalists are behind bars. Criminal libel statutes remain in force. Such statutes were not used against journalists currently in custody, but authorities instead have exacted retribution against a number of journalists by pressing a host of

bogus criminal charges, including narcotics and weapons possession and abuse of office. By 2010, at least 10 journalists had fled Azerbaijan in recent years out of fear for their safety.

Harassment of and Violence Against Journalists

Independent and pro-opposition journalists in Azerbaijan are frequently subject to harassment, intimidation, and attacks. Most of these attacks remain unsolved. The Institute for Reporters' Freedom and Safety, a local media monitoring organization, reported that more than 50 domestic and foreign journalists were harassed or attacked in 2011. Harassment continued in 2012. Several examples are described below.

Idrak Abbasov, a correspondent for the Azerbaijani media watchdog Institute of Reporters Freedom and Safety (IRFS) and for independent newspapers *Ayna* and *Zerkalo*, was severely beaten on April 2012 by some 20 policemen and security guards wearing jackets with insignia of the State Oil Company of Azerbaijan (SOCAR). The attack took place while Abbasov was filming the demolition by SOCAR of dozens of houses in his community. Abbasov temporarily lost consciousness and was hospitalized with multiple bruises and hematomas. SOCAR later blamed Abbasov for instigating the attack. The Azerbaijani government has a poor record on punishing those responsible for attacks on journalists, and Abbasov's case was no exception. The authorities failed to thoroughly investigate this attack and conduct an impartial investigation into the conduct of SOCAR security guards and other law enforcement officials who were at the scene. At the time of this writing, no one has been held responsible for his beating.

In March 2012, unknown persons attempted to blackmail **Khadija Ismailova**, an investigative reporter and talk show host at the Azerbaijan service of Radio Free Europe/Radio Liberty (RFE/RL), in retaliation for her investigation into the business holdings of the president's family and close associates. On March 7, 2012, Ismailova received an envelope from an anonymous sender containing explicit photos of her and her boyfriend with a note warning her, "Whore, behave. Or you will be disgraced." Ismailova continued to pursue her investigative work and on March 14 a secretly-recorded video of a personal nature of Ismailova was posted on the internet. The day before the video of Ismailova was posted, a pro-government newspaper ran a long article attacking the journalist and criticizing her personal life.

In November 2011, **Rafik Tagi**, correspondent for the weekly newspaper *Senet*, was stabbed on the street outside of his apartment and died from the wounds. His family and lawyer have told Human Rights Watch that the official investigation into his death has been slow and to date ineffective. In 2007, Tagi had been sentenced to three years in prison for inciting religious hatred after writing an article that unfavorably compared Christianity to Islam. He received a presidential pardon in December 2007.

In March 2011, six masked men abducted and beat **Seymur Haziyeu**, a journalist for the opposition daily *Azadlig*, warning him to stop writing articles criticizing the authorities.

In April 2011, three unidentified assailants kidnapped *Azadlig* reporter **Ramin Deko**, held him for eight hours, and warned him against using social media to criticize the government.

Imprisonment of Journalists

Dozens of journalists have been prosecuted and imprisoned or fined in recent years, often on politically motivated criminal defamation charges or fabricated drug-related charges in apparent retaliation for their critical or investigative journalism. At this writing, three journalists are serving prison sentences and at least five other journalists are in pretrial detention on fabricated charges.

Journalists Serving Prison Sentences

Faramaz Novruzoglu, a freelance journalist who has faced years of persecution in reprisal for his coverage of alleged government corruption, was sentenced on August 27, 2012 to four and a half years' imprisonment on bogus charges of illegal border crossing and inciting mass disorder. The inciting mass disorder charge stems from Facebook postings, made under a pseudonym and falsely attributed to him, calling for protests on the eve of the March 2011 rally. Human rights activists believed that he was targeted in retaliation for critical articles he wrote alleging high-level corruption in the export of Azerbaijani crude oil and the import of Russian timber.

Aydin Janiyev, who published articles in the newspaper *Khural*, was sentenced to three years in prison in November 2011 on trumped-up charges of "disobeying a government official." Janiyev was accused of breaking windows and assaulting an official of the local religious board, but the prison sentence appears to be in retaliation for his publications.

Janiyev had previously alleged in *Khural* that the religious board member was involved in drug trafficking.

Anar Bayramli, a journalist for Iranian *Fars News* and *Sahar TV*, was detained on February 17, 2012 on spurious drug possession charges. Bayramli voluntarily went to a local police station after officers came to his home to tell him the police chief wanted to speak with him. Upon arrival at the police station, Bayramli was asked to leave his jacket in one room and then was escorted to another room. The police chief never showed up, and Bayramli was not questioned, but escorted back to the first room, where officers proceeded to search him. According to Bayramli's lawyer, police "discovered" 0.387 grams of heroin in his jacket pocket. Bayramli was sentenced on June 11 to two years in prison on drug possession charges. The Baku Appeal Court halved his sentence, making him eligible for release in February 2013. Bayramli's driver, also detained on the same day as Bayramli, was released on May 16, 2012.

In Pretrial Detention

Nijat Aliyev, the editor-in-chief of *Azadxeber.az*, another Islamist-oriented website, was detained on May 20, 2012 while distributing CDs with material on house demolitions, the Nagorno-Karabakh conflict, and other controversial issues. Aliyev's lawyer told Human Rights Watch that police beat and threatened him to compel him to sign a confession. Aliyev is currently being held in pretrial custody on narcotics possession charges. In the lead-up to the Eurovision Song Contest, Aliyev had published a series of articles against the Eurovision contest and against a proposed gay pride parade in Azerbaijan.

Hilal Mammadov, the editor of the newspaper *Tolyshi Sado* and the deputy head of the Talysh Cultural Center, was arrested on June 21, 2012 on dubious charges of drug possession. On July 4, he was additionally charged with treason and incitement of hatred, hostility, and ethnic discrimination. The previous editor of *Tolyshi Sado*, Novruzali Mammadov, died in suspicious circumstances in prison in 2010 while serving a 10-year sentence on politically motivated charges of high treason.

Mammadov filed a complaint that he was beaten during arrest and on the way to the police station. The prosecutor's office conducted an inquiry but concluded that he was not ill-treated and claimed that he fell while getting into the police vehicle, causing his bruises.

Vugar Gonagov and **Zaur Guliyev**, executive director and editor-in-chief of *Xaya! TV* in Guba, respectively, were arrested in March 2012 and charged with organizing and participating in social unrest and abuse of power. The charges are apparently linked to their posting on YouTube of a speech by the governor of Guba, which many believe was the catalyst for mass protests in Guba on March 1, 2012. The pretrial investigation of eight individuals on charges related to the protest, including Gonagov and Guliyev, is ongoing. Guliyev was allowed no visits from his lawyer from March 13 until April 6; Gonagov was allowed two visits from his lawyer, but on the second visit, apparently under pressure, he told his lawyer that he no longer wanted his services.

Gonagov and Guliyev hired a new lawyer who was allowed to meet with them before they were transferred to the pretrial facility. In a letter dated October 16, Vugar Gonagov wrote that his health deteriorated significantly in prison, that prison management denied him medication when he was ill, and that Interior Ministry officials threatened him with sexual abuse and other consequences if he did not confess. The prosecutor's office issued a public statement alleging that Gonagov's abuse claims were false and were aimed at diverting public attention and hindering the investigation. A trial date has not yet been set for Gonagov and Guliyev.

Avaz Zeynalli, editor of *Khural*, was detained in October 2011 and is currently in pretrial detention on questionable extortion charges apparently brought in retaliation for *Khural's* critical reporting. The charges against Zeynalli were pressed by a member of the parliament from the ruling party who recently resigned from her seat after being implicated in a corruption scandal. Additional tax evasion charges were brought against Zeynalli in March 2012. *Khural's* property was seized by court bailiffs in October 2011 after it failed to pay a total of 19,000 AZN (US\$24,300) in court-issued fines for defamation cases brought by the head of the presidential administration and the director of the Mass Media State Support Fund. At this writing, Zeynalli's trial was ongoing.

Recently Released

Bakhtiyar Hajiyeu, a Harvard University graduate and a member of the youth movement Positive Change, was arrested on March 4, 2011 in advance of a March 11 protest that he actively promoted through social media. He was charged with evading mandatory military

service and sentenced to two years in prison. Hajiyeu alleged police severely beat him while he was in their custody; the prosecutor's office has failed to investigate his complaint about the abuse. In June 2012, Azerbaijan's Supreme Court released Hajiyeu on parole.

The chief editor of *Islamazeri.az*, a website that promotes a strict interpretation of Islam and is run by individuals close to Iranian religious circles, **Ramin Bayramov**, was arrested on August 11, 2011. Soon after his arrest, Azerbaijan's prosecutor general and National Security Ministry published a joint statement saying that Bayramov was suspected of treason; however, Bayramov was convicted of illegal possession of firearms and drugs. He was granted early release on August 17, 2012 after serving 13 months of an 18-month prison sentence.

Abulfaz Bunyadov, a journalist with the newspaper *Truths of Islam*, another publication that promotes a strict interpretation of Islamic values, was arrested in February 2012 and sentenced to fifteen months' imprisonment on May 14, 2012 on bogus narcotics charges. He was released on August 18, 2012 on a suspended sentence.

A Note on the Misuse of Narcotics Charges

Authorities in Azerbaijan commonly use bogus drug possession charges to retaliate against independent and pro-opposition journalists. This was the case in five of the ten cases described above. Three additional cases of misuse of narcotics charges further illustrate this pattern.

Jabbar Savalanli, a 21-year-old youth activist, was convicted in April 2011 and sentenced to two-and-a-half years in prison on bogus drug charges apparently in retaliation for criticizing the authorities on social media sites. He was amnestied in December 2011 after serving over eight months in prison. Savalanli continued his activism following his release, and in April he was drafted, although he had been previously exempted from military service for health reasons.

Outspoken editor **Eynulla Fatullayev** was charged with illegal drug possession while already serving eight-and-a-half years on trumped-up terrorism charges. He was released

in 2011 following a 2010 European Court of Human Rights judgment in his favor ordering his immediate release.

Azadlig newspaper journalist and satirist **Mirza Zakit** served three years in prison from 2006 to 2009 for alleged heroin possession.

Defamation Charges

Defamation and libel remains a criminal offense even though the government's national action plan for human rights included a commitment to decriminalize defamation in 2012. In recent years, Azerbaijani public officials have used criminal and civil defamation charges to stifle critical and opposition journalists, although the numbers of such suits have decreased by about half since 2010. According to the Media Rights Institute, during the first six months of 2012, 17 defamation suits were brought against media outlets or journalists, 6 of which were criminal defamation suits brought chiefly against pro-opposition newspapers. The Media Rights Institute also found that in 2011, 24 civil and 8 criminal defamation suits were filed.

For example, in June 2012 a court ordered *Azadlig* to pay 30,000 AZN (approximately \$36,000) to Tagi Ahmadov, the head of the Baku Metro Service, a position appointed by the government and considered to be equivalent to a public official. The lawsuit related to an article published in *Azadlig's* April 8, 2012 issue of the newspaper about an increase in metro fares.

In May 2012, a court fined Ramin Deko of *Azadlig* 3,000 AZN for defaming Novruzali Aslanov, a pro-government member of the parliament. The article cited local residents' negative views of Aslanov's work and drew an unfavorable parallel between Aslanov and a character from an Azerbaijani novel.

Imprisonment and Harassment of Human Rights Defenders

In addition to its harassment of journalists and social media activists, the government of Azerbaijan also attempts to silence critics and human rights defenders who work on issues that are controversial and crucial to the public interest, or who call for governmental accountability. Several examples from 2012 are below.

Human rights defender **Ilham Amiraslanov**, who worked on behalf of flood victims and investigated the alleged misappropriation of state funds by local authorities, was arrested in June 2012 on bogus weapons possession charges. Law enforcement bodies did not thoroughly investigate Amiraslanov's claims that he was ill-treated in custody, and on September 12, a court sentenced him to two years of imprisonment.

Blogger and human rights defender **Taleh Khasmammadov** was sentenced to four years of imprisonment on April 20, 2012 on charges of hooliganism and physically assaulting a public official. Khasmammadov had published allegations of involvement by law enforcement officials in human trafficking and narcotics sales. He published articles in such pro-opposition newspapers as *Azadlig* and *Gundem Xeber*. Police arrested Khasmammadov in November 2011 when he went to the station to present his allegations of police abuses. Five policemen claimed that Khasmammadov assaulted and beat them.

Vidadi Isganderov, a human rights defender, was sentenced to three years in prison on August 27, 2011. After running for office in the November 2010 parliamentary elections, Isganderov submitted a complaint to the authorities alleging vote rigging in his district. Despite video footage and other materials in support of Isganderov's allegations, the authorities failed to investigate. Instead, they brought charges against him, and he was found guilty of interfering with the election.

Oktay Gulaliyev, a human rights defender from the "Kur" civil society organization, was arrested in April 2012 for inciting unrest and violence and resisting orders from government officials. Gulaliyev was released on June 13 but continues to face criminal charges. Gulaliyev claimed several police officers beat him during arrest. His lawyer filed a complaint with the prosecutor's office, but the authorities did not investigate the allegation. Gulaliyev claims his arrest is linked to an investigation he launched into how money earmarked for rebuilding damage caused by a flood on the Kura River was spent.

Mehman Huseynov, a photographer and social media activist with the Institute for Reporter Freedom and Safety (IRFS) who photographed and exposed police violence as Azerbaijan prepared for the Eurovision Song Contest in May 2012, was detained in June on spurious hooliganism charges. He was released shortly after on his own recognizance, but still faces criminal prosecution.

Zaur Gurbanly, one of the leaders of the Nida youth movement, was arrested on September 29 by several plainclothes men who said they were personnel from the Interior Ministry's organized crime department. He was forced into a car and kept incommunicado for 48 hours at an unknown location without being allowed access to a lawyer or his family and without any official explanation for his arrest. Two days later, the ministry's press office announced that a court had sentenced Gurbanly to 15 days of administrative detention for allegedly disobeying a police order. He was released after 15 days.

In 2012, Azerbaijan's Ministry of Justice issued two formal warnings to the Institute for Reporters' Freedom and Safety (IRFS). One warning alleged that IRFS had disseminated "biased" information, and another alleged that IRFS had failed to inform the Ministry of Justice of changes in the organization's chairmanship. IRFS has said that it made no changes to its founding documents. In the event of a third warning, the Ministry of Justice may request a court to deregister IRFS.

In February 2012, the Foreign Ministry of Nakhchivan, an autonomous republic within Azerbaijan, issued a warning to the Nakhchivan-based Democracy and NGO Development Resource Center. In its letter, the ministry ordered the organization to stop disseminating "false" information about human rights in the region.

In March 2011, the Ministry of Justice suspended the Azerbaijan Human Rights House (AHRH), a member of the International Human Rights House Network and a registered organization that served as a training and resource center and conference venue for local groups.

The Justice Ministry official told AHRH the organization was in breach of June 2009 amendments to the Law on Nongovernmental Organizations. The amendments require all international groups or their local affiliates in Azerbaijan to sign separate agreements with the government allowing them to operate. The group had been registered and operating since 2007, and the amended law did not state whether the requirement applied retroactively to groups already registered, nor did it define the nature of such an agreement or what it should contain or consist of.

The ministry had not issued any prior warnings that the group was in violation of the law, nor did it provide a grace period to rectify the problem. Instead, the ministry ordered the organization shut down immediately, which suggests that the authorities were using technical and seemingly benign bureaucratic rules to punish and silence AHRH.

The shutdown followed two previous incidents of police harassment against AHRH. In February 2010, police asked for the names of everyone who visited the office, demanded to be informed of all the organization's planned activities, and threatened to "convince" the office landlord to terminate AHRH's lease. In January 2010, shortly after AHRH activists spoke at the Council of Europe about Azerbaijan's human rights record, the speaker of the parliament made public statements that the organization's work was "negatively affecting Azerbaijan's international image" and urged the authorities to "take steps" against such groups.

Freedom of Assembly

Azerbaijani authorities also limit freedom of expression in other ways, including by breaking up peaceful protests, often with violence, and arresting and sentencing peaceful protestors, organizers, or participants. The Azerbaijani authorities have effectively banned all forms of peaceful protest from the center of Baku and instead force all demonstrations into designated zones on the outskirts of the city. Since early 2006, authorities have not authorized a single opposition protest in the center of Baku.

On November 17, police violently broke up an unsanctioned demonstration by opposition groups in downtown Baku demanding the dissolution of parliament. Police detained some individuals before they could reach the planned protest venue, and clubbed and roughed up demonstrators and two journalists who managed to get to the venue. At least 9 people were sentenced up to 7 days of detention, while 4 were fined.

On October 20, 2012, police rounded up dozens of protestors in an unsanctioned, peaceful rally in central Baku, roughing them up and forcing them into police cars and buses. Many were fined and released, but at least 13 were sentenced to up to 10 days of detention on misdemeanor offenses. Several detainees refused the services of a state-provided lawyer, and they were not allowed to obtain a lawyer of their choosing.

The authorities dramatically restricted freedom of assembly and cracked down on the several peaceful protests in the days before the 2012 Eurovision Song Contest was to begin in Baku. On May 21, 24 and 25, police and plainclothes security officials used excessive force to disperse peaceful protesters, violently rounding them up and arbitrarily detaining dozens.

On April 7, 2012, the day before a sanctioned opposition protest on the outskirts of Baku, police detained 20 activists who had been distributing flyers encouraging people to attend the rally. Seven were found guilty of disobeying police orders and were sentenced to administrative imprisonment from 10 to 15 days. The others were released after several hours or were fined and released.

On March 17, 2012, police detained two musicians from the popular band Bulistan as it played at a peaceful demonstration. The musicians allege that they were beaten by police during their arrest and at the police station where they were initially held. They, together with one of the protest organizers arrested with them, served 5 to 10 days in administrative detention.

On March 6, 2012, Baku police violently dispersed a peaceful demonstration, ill-treating at least two activists while arresting them. Police allegedly beat several other demonstrators in police custody before fining and releasing them after several hours.

During peaceful protests in March and April 2011 inspired by the Arab Spring, hundreds of demonstrators were detained; dozens were sentenced to up to 15 days' administrative detention; and 14 of them were convicted on criminal charges and imprisoned for up to three years. In 2012, 12 were released by presidential pardons, but some were forced into Soviet-style denunciations of their political beliefs and colleagues as a condition of their release. Shahin Hasanli, an opposition Popular Front Party activist and one of the organizers of the April 2011 protests, remains in prison since his arrest on March 31, 2011. In July 2011, a Baku district court convicted him of spurious weapons possession charges and sentenced him to two years' imprisonment.

New Legislation

In November, the parliament increased sanctions for participating in and organizing unauthorized protests, establishing fines of up to 1,000 AZN (\$1,274) for participation and 3,000 (\$3,822) for organizing.

On June 12, 2012, the Azerbaijani parliament adopted legislation that allowed Azerbaijani companies to withhold information pertaining to their registration, ownership structure,

and shareholders. The legislation appeared to be a response to the publication of a series of articles that exposed the private business interests of President Aliyev's family.

Ill-Treatment and Deaths in Custody

Torture and ill-treatment continue with impunity, and two men died in police custody in 2012. In the first eight months of 2012, the Azerbaijan Committee against Torture, an independent prison monitoring group, received 136 complaints alleging ill-treatment in custody.

Forced Evictions and Illegal Demolitions

Since 2008, the authorities in Azerbaijan have been implementing a program of urban renewal in Baku. Human Rights Watch has a substantial body of research on illegal expropriations, forced evictions, and unlawful house demolitions that took place in order to clear homes to make way for parks, roads, and luxury residential buildings.

Our research, which we made public in our February 2012 report, "[They Took Everything From Me](#)," focused on these violations as they affected people who lived in four different neighborhoods in Baku. These neighborhoods have typically been home to middle class Azerbaijanis: teachers, librarians, medical doctors, military officers, and others, some of whom have inherited their homes from their parents and others who managed to save and buy apartments in desirable locations. The human rights violations documented by Human Rights Watch relate to the process by which homes and properties were slated for expropriation and compensation was assessed; the manner in which expropriations, evictions, and demolitions were implemented; and the lack of any effective legal recourse or remedy available to those whose rights were violated. Our research found that the evictions in central Baku were unlawful because they had no basis in national law and directly violated provisions in the national law on expropriation. Further, the government's conduct during the expropriation and evictions processes was abusive and those whose rights were affected have had no effective legal recourse or access to a remedy.

On the illegality of expropriations

While Azerbaijani law envisages expropriation, in the cases Human Rights Watch documented, the authorities did not adhere to the laws governing expropriation and evictions. The expropriations and forced evictions were therefore unlawful.

Under Azerbaijani and international law, authorities should resort to expropriations only in exceptional circumstances for purposes that are clearly in the public interest and with appropriate due process, including the provision of fair compensation and/or alternative housing options. Under Azerbaijani law, as the report notes, the government may expropriate property only in limited circumstances for state needs,¹ with a court order, by purchasing the properties at market prices and by providing residents with at least one year's notification of the impending demolition, among other requirements.

In cases documented in our February 2012 report, there were no court decisions validating the expropriations and demolitions of the properties in Baku. Many of the residents were notified less than a year in advance of demolitions, and property owners had no warning at all or as little as a few hours' or weeks' notification. In some cases, homeowners never received any official notification, but learned about impending demolitions from neighbors. In a number of cases, evictions and demolitions took place in violation of court orders prohibiting the authorities from taking action against the properties.

On authorities' failure to provide fair compensation

Although some residents of the apartment blocks and houses that were slated for demolition were offered US\$1900 per square meter, this was done irrespective of the property's use, age, or condition. The Azerbaijani authorities failed to establish a process for determining the market value of the expropriated properties, including by not conducting independent appraisals.

Furthermore, in some cases documented in our 2012 report, typically when property exceeded 60 square meters, the government offered homeowners resettlement to apartments built in high rise buildings, typically outside of the city center. However, it did not give them an ownership title to these apartments prior to their relocation, instead promising ownership at a later, unspecified date. In addition, photographic evidence and testimony from those living or expected to live in the new apartments indicated that the quality of at least some the apartments, and the buildings themselves, is low and possibly in violation of building code standards. Problems included standing water in the basement, cracks in walls, including load bearing walls, unfinished windows, and peeling and damaged floors.

¹ State requirements justifying forced expropriation are identified as: construction of roads or other communication lines; for purposes of defending a state border; construction of defense facilities; or construction of industrial mining facilities (Law on Expropriation of Land for State Needs, article 3).

On the forcible eviction of residents

The highly abusive manner of the forced evictions in Baku merits the Committee's attention. The authorities often carried out forced evictions and demolitions with willful disregard for the dignity, health, and safety of homeowners and residents. In many cases, the authorities dismantled apartment buildings or houses in which families and individuals continued to live, including by removing roofs, doors, and damaging shared walls, exposing residents to the elements and to the risk of partial collapse of buildings. In many cases, the authorities also cut water, sewer, electricity, gas, or telephone lines while homeowners remained in their homes. These actions rendered the properties uninhabitable, ultimately compelling the residents and homeowners to move out and accept unfair compensation offers.

In some cases, the authorities forcibly evicted residents with little or no notice immediately prior to demolishing their houses or apartment buildings. In some cases officials arrived without warning with a bulldozer and other machinery at night or in pre-dawn hours to begin demolishing homes immediately after telling homeowners to vacate. In these circumstances, homeowners had a few hours or less to remove their personal belongings and valuables. In some cases, police escalated the evictions process by detaining homeowners in a police station following their eviction while the authorities demolished their homes.

On the lack of an effective legal remedy

Under Azerbaijan's national laws, property owners may appeal to court to challenge the government's expropriation and compensation mechanisms, including by seeking court injunctions to stop the expropriations and demolitions. However, the government pursued evictions and demolitions in blatant violation of court orders or when court cases were still pending, raising serious questions as to whether the courts can provide an effective means of redress. After learning about the possible demolition of their homes, many homeowners filed complaints with the courts, but the authorities' repeated failure to appear for hearings caused these proceedings to be delayed for months at a time. Furthermore, in at least eight cases, the authorities have demolished homes in violation of court injunctions explicitly prohibiting any harm to the buildings or apartments while court cases challenging the intended demolitions were pending.

Freedom of Religion

In recent years the government has tightened restrictions on freedom of religion, and the past year was no exception. In December 2011, the president signed legislative

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

Recommendations the Monitoring Committee Should Make to the Azerbaijani Government

Regarding freedom of expression, assembly, and association

- Immediately release from custody the journalists, human rights defenders, and bloggers whose cases are described above, including
 - Eight imprisoned journalists and bloggers:
 - Vugar Gonagov
 - Zaur Guliyev
 - Aydin Janiyev
 - Avaz Zeynalli
 - Ramin Bayramov
 - Hilal Mammadov
 - Nijat Aliyev
 - Faramaz Novruzoglu
 - Three imprisoned human rights defenders:
 - Vidadi Isganderov
 - Taleh Khasmammadov
 - Ilham Amiraslaov
- Allow peaceful assemblies. Police should not use force against peaceful protestors and should not interfere with the work of journalists covering demonstrations. Shahin Hasanly, the opposition party activist serving a prison sentence in relation to peaceful demonstrations in 2011, should be freed;
- Unconditionally drop the charges against those facing criminal prosecution in connection with exercising their right to freedom of expression, including Ogtay Gulaliyev and Mehman Huseynov, and expunge the criminal conviction against Bakhtiyar Hajiyev from his record;

- Decriminalize libel and ensure reasonable limits on monetary awards in civil defamation cases;
- Take measures to prevent any further harassment, intimidation, and violence against journalists and social media activists, including by ensuring that all incidents of such nature are promptly and effectively investigated and perpetrators are held to account.

Regarding torture and ill-treatment

- The absolute prohibition on torture and ill-treatment of detainees should be rigorously observed, and authorities should promptly, thoroughly, and effectively investigate all allegations of ill-treatment in police custody and hold responsible officials accountable;
- Ensure everyone detained, including journalists and activists, enjoys full due process rights, in particular access to a lawyer of their choosing, access to their families, and other fair trial norms.

Regarding Expropriation, Evictions, and Demolitions

- Halt all further expropriations, evictions, and demolitions until they can be carried out in a fair and transparent manner and are consistent with Azerbaijani national law and international human rights law;
- Provide those who have already been victims of unlawful expropriations and evictions full and fair compensation for their loss and violations endured;
- Ensure that any future evictions of homeowners who refuse to leave their properties are carried out in accordance with Azerbaijani and international law and with full respect for the safety and dignity of those evicted;
- Provide homeowners and property owners who may lose their property for development with timely, clear information about the legal basis for the expropriation, the timing of the expropriation, their compensation and resettlement options, and the means of appealing decisions;
- Provide all property owners affected by expropriation access to an effective complaint mechanism that addresses grievances in a clear and transparent manner and a remedy.