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# REPORT

## AZERBAIJAN'S DARK ISLAND: Human rights violations in Nakhchivan



NORWEGIAN HELSINKI COMMITTEE



Map of Azerbaijan with Nakhchivan. www.joshuakucera.net

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We are deeply grateful to all those who have shared information with us, sometimes exposing themselves to danger in the process.

## A Summary

Nakhchivan<sup>1</sup> is an Autonomous Republic under the former Soviet republic of Azerbaijan in the Southern Caucasus.

Nakhchivan is the most repressive and authoritarian region of Azerbaijan, where the political scene is characterised by uncertainty, and where a sense of public apathy is likely to stem from and geographically.

Vasif Talibov, who is related by marriage to Azerbaijan's ruling family, the Aliyevs<sup>2</sup>, has been the chairman of the local parliament – Ali Majlis (Supreme Assembly) – and unchallenged leader of Nakhchivan for the past twelve years. More than a decade of Talibov's rule has left the society with little hope, while widespread poverty and a high unemployment rate have had a dramatic negative impact on living conditions. The authoritarian rule and the destruction of civil society has been reinforced by strict censorship and grave human rights abuses.

In 2003, Human Rights Watch characterised the situation in Nakhchivan as “even more severe than in other areas of Azerbaijan”.<sup>3</sup> Nakhchivan's record on human rights and political liberties has been dismal over the past decade, and has grown worse. Political opponents of the regime are under pressure, and human rights activists have faced increased harassment, intimidation and violence. Civil society and independent media have almost disappeared, while journalists working for foreign news services also face similar attacks. We have also seen cases of outspoken people being forced into mental asylums or facing deportation from Nakhchivan<sup>4</sup>, in a chilling reminiscence of Soviet times.

According to Jeffrey Gedmin, President of the Radio Free Europe/Radio Liberty (RFE/RL), Azerbaijan is a dangerous place for journalists and activists, but “the risk is magnified in Nakhchivan, where arbitrariness seems to be the only rule”.<sup>5</sup> Despite the elimination of formal censorship, newspapers and broadcasting remain

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1 The international media use various spellings, including Nakhichevan, Naxcivan, Naxçıvan, Nakhitchevan, Naxchivan and Nakhdjevan. In this report, the Norwegian Helsinki Committee (NHC) uses only Nakhchivan, which most correctly reflects the name in Azerbaijani.

2 Azerbaijan has been ruled by the strong Aliyev family on and off for the last 40 years. The Soviet and post-Soviet era strongman Heydar Aliyev ruled the country from 1969–1983, and again from 1993–2003. His son, Ilham Aliyev, entered office during a controversial and carefully orchestrated power succession in 2003, which has been dubbed as the first dynastic succession among the former Soviet states.

3 Human Rights Watch, “Azerbaijan: Election Run-up Not Free and Fair”, 13 October 2003;

4 US State Department, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices, 2007 and 2008; IWPR, “Nakhichevan: Disappointment and Secrecy”, Adalet Bargarar, 19 May 2004  
RFE/RL, “Police in Azerbaijan threaten protesters with psychiatric confinement”, 06

5 RFE/RL, “Azerbaijan correspondent released, but faces troubling new charges”, 10 December 2007.

exclusively under state control, and opposition journalists work under constant, rigid pressure from the authorities.

Though a part of Azerbaijan, Nakhchivan is largely independent. Many representatives of western organisations, human rights organisations and critical journalists still continue to experience difficulty in travelling freely and in obtaining direct information from Nakhchivan<sup>6</sup>. On several occasions, security agents have followed, detained and deported foreign and local outspoken journalists and human rights activists from Nakhchivan. Foreign citizens arriving at Nakhchivan airport have to submit their passports even when arriving there on domestic flights within Azerbaijan. Their local IDs issued by the central government in Baku are not accepted.

With the collapse of the Soviet Union, even though reforms have been adopted, they have often been measures to concentrate resources in yet fewer hands, giving almost unlimited power to the regime and closing off avenues of advancement for most people. Since power is concentrated in the hands of Chairman Vasif Talibov, the judiciary system continues to be subservient to, and manipulated by, the ruling elite.

The regime in Nakhchivan relies on the security forces and police to prevent and control any signs of public discontent and to crush dissent. Torture and ill-treatment are widespread in places of detention. The police perpetrators enjoy virtual impunity.<sup>7</sup> Imposing fear in the population is a key instrument for ensuring obedience and limiting public dissent.

Azerbaijan is one of the fastest-growing economies in the world, mainly due to vast oil revenues and foreign investments in the energy sector. However, this wealth has not translated into the improvement of living standards, and many Azeris<sup>8</sup> complain that the oil revenues are not equally distributed. It is still difficult for many to make ends meet in Azerbaijan. Transparency International (TI) ranked Azerbaijan 158th on its index of the 180 most corrupt countries in 2008.

From the outside, Nakhchivan gives an impression of prosperity that does not reflect the deep poverty of most of the population. The feudal-style system in Nakhchivan manipulates the national budget to support grandiose projects (i.e. construction), primarily for the financial gain of the political elite. The national budget provides a sizeable amount of money to Nakhchivan, but a large portion of it gets lost to

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<sup>6</sup> Human Rights Watch, "Letter to President Aliyev", 1 October 2003; Also see, <http://hrw.org/press/2003/05/azer053003ltr.htm>

<sup>7</sup> US State Department, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices, 2008 and 2009.

<sup>8</sup> The word "Azeri" is used to refer the ethnic group that speaks the Azeri language, whether in Azerbaijan, Iran, Russia, Turkey, the United States or elsewhere. The language that Azeris speak is either called Azeri Turkish or simply Azeri. As Nakhchivan is a part of Azerbaijan, the Azeri language is spoken there with a specific dialect.

corruption instead of being used for its intended purpose. The unemployment level has forced people to migrate to Turkey, Russia and the capital Baku in search of work.<sup>9</sup> Too often, the international community in Azerbaijan has ridiculed the comical despotism and strong-arm rule of Talibov, and treated him as a rather bizarre eccentric, who bans teahouses, urges his ministers to clean the streets and prohibits the drying of any clothing on balconies. But the reality is much more ominous and dangerous. The international community, mainly the western diplomats in Baku, needs to continue and intensify its true engagement with Nakhchivan.

If the present situation continues and the international community continues to back the regime uncritically, the remaining few outspoken organisations, such as the 2009 Rafto award winner Malahat Nasibova's Democracy and NGO Development Centre, may have disappeared by the time of the parliamentary elections in November 2010. It is very important that the international community does everything possible to stop the totalitarian regime and to support a civil society in danger of disappearing altogether.

This report tries to provide a full assessment of the grim human rights situation on the ground. The report is based on field research, interviews and a handful of published articles. For security reasons, most of the people interviewed are not named.

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<sup>9</sup> For more analyses, see The Economist, "Boom and Gloom", 8 March 2007; Eurasianet, "Life Along the Pipeline: BTC Impact on Azerbaijan", Rovshan Ismayilov, [www.eurasianet.org](http://www.eurasianet.org), 15 March 2007;

## B Nakhchivan: Background and Political System

Nakhchivan is a geographically isolated region, separated from the rest of Azerbaijan by a strip of Armenian territory. It became an exclave following the war on Nagorno Karabakh between Azerbaijan and Armenia in the late 1980s, which eventually ended with the Armenian occupation of a large portion of Azerbaijani territory.<sup>10</sup>

The Nakhchivan region was politically lively and dynamic in the early 1990s. Nakhchivan came to the attention of the international media when the thorny barbed wire between the Soviet territory and Iran was dismantled by Nakhchivan people at the end of 1989 in order to reunite themselves with the Azerbaijanis across the border (according to some estimates, between 20 and 30 million Azerbaijanis live in Iran, primarily and originally in the provinces of Eastern and Western Azerbaijan, which border Nakhchivan)<sup>11</sup>. This incident was later criticized by the central authorities in Moscow, and was one of the reasons why Red Army troops marched to Azerbaijan SSR on 20 January 1990, killing some 130 protesters and civilians in the streets of Baku, Lenkoran and Guba.<sup>12</sup>

Nakhchivan is today a little-known entity, even though it has produced Azerbaijan's political leaders and intellectuals. It is not only the hometown of late president Heydar Aliyev and his son, the current president Ilham Aliyev, but also of Abulfaz Elchibey<sup>13</sup>, father-figure of the National Movement against the Soviet Union in late 1980 and President of Azerbaijan from 1992–1993.<sup>14</sup>

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10 Fighting between Azerbaijan and Armenia over the Nagorno Karabakh region killed 18,000–40,000 people and left up to one million Azerbaijanis displaced in the early 1990s. Nagorno Karabakh was an autonomous region inside Azerbaijan with a large ethnic Armenian population. Today, Nagorno Karabakh and seven districts around it have been under Armenian occupation since the volatile ceasefire of 1994. The internationally mediated talks under the OSCE Minsk Group are yet to produce any progress. For more details, see the International Crisis Group report, *"Nagorno Karabakh: Viewing the Conflict from the Ground"*, *Europe Report No. 166*; Thomas de Waal, *Black Garden: Armenia and Azerbaijan through Peace and War*, New York, 2003, and Ali Abasov and Harutyun Khachatryan, "Karabakh Conflict: Resolution Options, Ideas and Realities", 2004. Abasov and Khachatryan put the number of people killed at 40,000.

11 With the Turkmenchay Treaty between Russia and Iran in 1828, Azerbaijan was effectively split into two, with the south part remaining under Iranian rule and the north part under Russian rule. Azerbaijanis in Iran live in the country's north-western provinces. Nationalist aspirations to reunite south and north Azerbaijan are often being highlighted by nationalist groups. B. Shaffer, *"Borders and Brethren: Iran and the Challenge of Azerbaijani Identity"*, 2002; D. Nissman, *"The Soviet Union and Iranian Azerbaijan: the use of nationalism for political penetration"*, 1987; R. Olson, *"The 'Azerbaijan' Question and Turkey-Iran Relations"*, 2003.

12 T. Goltz, *"Azerbaijan Diary: A Rogue Reporter's Adventures in an Oil-Rich, War-Torn, Post-Soviet Republic"*, 1998; T. Swietochowski, *"Azerbaijan: Perspectives from the Crossroads"*, Central Asian Survey, 1999;

13 Ebulfez Elchibey was born on 24 June 1938, in the small village of Keleki, Nakhchivan. As chairman of the national Popular Front party and a former dissident who rose to be the key figure in the Nationalist Movement in the late 1980s, he was swept into office by anti-Soviet sentiment in June 1992 and overthrown in June 1993. He was the first elected non-communist president and pro-western nationalist democrat. Unlike leaders in neighbouring Georgia and Armenia, he was successful in forcing the removal of most Russian troops and bases from his country and moving Azerbaijan away from Russian dominance. He died in August 2000. New York Times, *"Elchibey, who led free Azerbaijan, dies at 62"*, Douglas Frants, August 23 2000; Thomas Goltz, *"Azerbaijan Diary: A Rogue Reporter's Adventures in an Oil-Rich, War-Torn, Post-Soviet Republic"*, 1998.

14 The Nakhchivan clan remained dominant in Azerbaijan's politics mostly after 1993, when late president Heydar Aliyev came to power. See the paragraphs below for more information.

The Nakhchivan Autonomous Republic's new, post-Soviet constitution was adopted in 1998, and it referred to Nakhchivan as an "autonomous state within Azerbaijan".<sup>15</sup> Many experts believed that this wording was incorporated into the Nakhchivani and subsequently into the Azerbaijani constitution to show the level of legal status Azerbaijan could offer to the Armenians of Nagorno-Karabakh, the breakaway region of Azerbaijan.<sup>16</sup>

For 18 years, Nakhchivan has been divided from the rest of Azerbaijan and the territory cannot be accessed by land from mainland Azerbaijan. The only access to Nakhchivan has until now been via plane, but recently, a bus route opened through Iran to carry people from Nakhchivan to Baku through Iranian territory.

The size of the Nakhchivan Autonomous Republic is 5,500 sq. km. The regional capital is Nakhchivan City. Other districts within the Autonomous Republic are Sherur, Babek, Julfa, Sederek, Kengerli, Ordubad and Shahbuz. Nakhchivan borders Armenia (border length 246 km), Turkey (11 km) and Iran (204 km). Nakhchivan is the only part of Azerbaijan that has a direct land border with Turkey.

Nakhchivan is an ancient and historic part of Azerbaijan. It was occupied by Arabs in 654 and then by Seljuk Turks in 1064. In the 12th century, it became the capital of the state of Atabegs of Azerbaijan, before being invaded by the Mongol Empire in 1236. In 1747, the Nakhchivan Khanate (kingdom) emerged in the region after the death of Nadir Shah of Safavids dynasty. Russian colonial rule over Nakhchivan Khanate was established in 1828. However, Nakhchivan has always firmly sided with Azerbaijan, including both during the Tsarist era and the short-lived period of independence between 1918–20 prior to the Soviet occupation. Nakhchivan only became isolated from Azerbaijan when Soviets presented Armenia the Azerbaijani province of Zangezur in the early 1920s, the sleeve of land which had attached Nakhchivan to the rest of Azerbaijan<sup>17</sup>.

Nakhchivan received its status as autonomous republic within Azerbaijan in 1921 following the Kars and Moscow treaties between the USSR and Kemalist Turkey.<sup>18</sup> The latter wanted a guarantee that this territory would remain within the "brotherly"

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15 The status of the Nakhchivan Autonomous Republic, a territory which has no common border with the rest of Azerbaijan, is determined by Chapter VIII (Art. 134) of the Azerbaijan Constitution of 12 November 1995. The Autonomous Republic is not a separate legal entity in international law, but may have contacts with foreign states and international organisations.

16 NHC interview with political experts, Baku, October 2009.

17 Thomas de Waal, *"Black Garden: Armenia and Azerbaijan through Peace and War"*, New York, 2003.

18 It is probably due to these two treaties that after the independence of Azerbaijan from the USSR in 1991 and further conflict with Armenia over the Nagorno-Karabakh Autonomous Oblast, the status of Nakhchivani autonomy was strengthened not weakened.

Azerbaijan and would not be handed to a third party (i.e. Armenia SSR), and envisaged intervention by Turkey if this was not observed<sup>19</sup>.

According to official statistics, in 2009 Nakhchivan had a population of 398,000<sup>20</sup>. Most of its population consists of Azerbaijanis, who constituted 99% of the population in 1999, while ethnic Russians (0.15%) and a minority of Kurds (0.6%) constituted the remainder. Experts say at least a third of the Nakhchivan population have either left for good or emigrated to Baku, Russia and Turkey in search of seasonal work due to high unemployment.

Nakhchivan has a unique system of government management. The Chairman of the Supreme Assembly (*Ali Majlis*) is the highest official in the Nakhchivan Autonomous Republic<sup>21</sup>. Nakhchivan has all the same ministries as in Baku, except the Ministry of Foreign Affairs and the Ministry of Defence. These two ministries have their own local presence – the Department of Foreign Affairs and the Nakhchivan Military Garrison, respectively.

Nakhchivan has its own constitution, which must not contravene the constitution and laws of the Azerbaijan Republic.<sup>22</sup> Executive power in Nakhchivan lies with the Cabinet of Ministers, while the 45-member Supreme Assembly (*Ali Majlis*) holds the legislative power. Following the last parliamentary elections of November 2005, 37 members of parliament represent the ruling New Azerbaijan Party (YAP) and seven represent independent parties, who are politically no different than MPs from the incumbent YAP representatives. A single MP representing the opposition was elected, but he was “urged” to resign after he criticised the Nakhchivani leadership.<sup>23</sup> All previous elections to the local parliament have been seriously flawed, while all members of the Supreme Assembly are in reality those pre-approved by Vasif Talibov, the head of Nakhchivan’s parliament. The weak parliament, in which all seats are filled by Azerbaijan’s ruling YAP party, meets only occasionally to accept laws already promulgated by Talibov.<sup>24</sup>

19 The treaty of Kars allowed Turkey the right of intervention if Nakhchivan were threatened by a third force. This factor prevented Armenia from occupying Nakhchivan during the fierce fighting between Azerbaijan and Armenia in the early 1990s.

20 APA news Agency, “Population size reaches 8 922 000 in Azerbaijan”, April 2009

21 Article 5 of the Constitution of Nakhchivan states that the chairman of parliament (*Ali Mejlis*) is the republic’s highest official; among other tasks, he or she is responsible for representing the republic abroad and for ensuring state succession in the Nakhchivan Autonomous Republic. Article 37 also lists the competences of the President of the *Ali Mejlis* (parliament).

22 The provisions of the Constitution of the Autonomous Republic may not be contrary to the Constitution of the Azerbaijan Republic, which takes precedence over the Constitution of Nakhchivan (see Article 134 of the Constitution of the Azerbaijan Republic).

23 Zahid Ismayilov, the only opposition party MP in the Nakhchivan Parliament, was urged to resign. Police were quick to smear and harass him, claiming “Ismayilov was a gambler, so a criminal case could be brought”. Ismayilov calls the claims politically motivated.

24 NHC interview with former Nakhchivan Parliament member, Baku, 2009.

Elections to Nakhchivan’s parliament have never been competitive. Authorities often refuse to register opposition party activists, who are frequently subject to violent attacks and arrests.<sup>25</sup> Security agents are always mobilised to intimidate and violently bar public participation, even at small gatherings of opposition activists.<sup>26</sup>

Public trust towards the election process is extremely low, as many believe the authorities themselves will decide whom to elect. International observers have always reported dozens of instances of fraud and significant irregularities, including ballot box stuffing, police abuse, widespread manipulation by government officials, tampered protocols and organised multiple voting.<sup>27</sup>

Talibov has the de-facto power to control the local government of Nakhchivan and appoint all the ministers, and the courts are accountable only to him. The judiciary, as in other parts of Azerbaijan, is subservient to the regime and operates under the order of Chairman Vasif Talibov. Politically motivated arrests and property confiscation, in addition to many other illegal actions taken without due process, are frequently seen and widely thought to be carried out on the orders of the chairman. A 2008 report by the Nakhchivan-based Democracy and Human Rights Defence Center stated the following:<sup>28</sup>

All courts are completely corrupt and pronounce ordered judgements orchestrated by Nakhchivan’s leadership. [...] There is no independent legal profession institution or any independent lawyer in the region. [Therefore,] none of the decisions made by the European Court of Human Rights (ECHR) has ever referred to the complaints from Nakhchivan.

Corruption has severely damaged the health system, which has been financially starved over the years, and many qualified doctors have left. The majority of the Nakhchivani people prefer to go to neighbouring Iran’s hospitals, even for minor medical check-ups, as they are required to give bribes and informal payments in all Nakhchivan-based hospitals for access to specialists and an acceptable level of treatment.<sup>29</sup>

25 Human Rights Watch, “Azerbaijan: Election Run-up Not Free and Fair”, 13 October 2003.

26 OSCE/ODIHR, “Republic of Azerbaijan, Presidential Elections, Final Report”, 12 November 2003.

27 Human Rights Watch, “Azerbaijan: Election Run-up Not Free and Fair”, 13 October 2003; OSCE/ODIHR, “Republic of Azerbaijan, Presidential Elections, Final Report”, 12 November 2003.

28 Democracy and Human Rights Defence Center report, “Human Rights in Nakhchivan”, 2008.

29 NHC interview with an opposition politician, October 2009, Baku.

## 1. A family affair

The Chairman of the Supreme Assembly, Vasif Talibov, 49, is closely related by marriage to the Aliyev family, which has ruled Azerbaijan since 1993. Talibov is late president Heydar Aliyev's niece's son-in-law, and was appointed by the same president in 1997. When Heydar Aliyev left the Soviet Union Supreme Soviet in the late 1980s, he came to Nakhchivan, where he stayed for a long time at Talibov's house, in the Sherur district, as a guest.<sup>30</sup> This close friendship led to Aliyev promoting him to Chairman of the Supreme Assembly of Nakhchivan in 1997. As one political expert from the opposition argues, Talibov's current position is a "gift" given by the late president in return for his loyalty.<sup>31</sup>



Heydar Aliyev photo Ivar Dale

Talibov is an influential member of President Aliyev's New Azerbaijan Party (YAP). He is also probably one of the country's wealthiest people. Azerbaijan has a high unemployment rate, and loyalty to the ruling YAP party is often a precondition for

<sup>30</sup> T. Swietochowski, "Azerbaijan: Perspectives from the Crossroads", Central Asian Survey, 1999; Also see T.Goltz, "Azerbaijan Diary: A Rogue Reporter's Adventures in an Oil-Rich, War-Torn, Post-Soviet Republic", 1998;

<sup>31</sup> Talibov is considered one of the closest official's to the ruling Aliyev family. Both the late and current presidents always favoured and admired Talibov's management capabilities. NHC interview with an analyst, October 2009, Baku.

employment in many positions, mainly in government. A 2008 US State Department report said: "Opposition party members in the exclave of Nakhchivan reported instances of pressure by local officials to join the ruling party."

Since the current president Ilham Aliyev appears determined to nurture a personality cult focused on his late father, Heydar Aliyev, and to create a national myth around him, Vasif Talibov of Nakhchivan has been an obsessive achiever of this instruction: pictures of Heydar Aliyev and monuments to him have been erected all over Nakhchivan, while many state enterprises – be it schools, culture houses, streets, avenues, art centres, libraries, museums or parks – are named after him.<sup>32</sup>

Critics often compare Talibov with the late president of Turkmenistan, Saparmurat Niyazov (Turkmenbashi), an authoritarian leader infamous for his repression of the population in Turkmenistan. Like Niyazov, Talibov forces public employees, including his ministers, to clean the streets near their offices, cultivate the land and harvest grains and vegetables for local consumption. He has instructed all small kiosks and stores to close and forbidden the placing of clotheslines on private



President Ilham Aliyev and wife with Vasif Talibov photo RFERL

<sup>32</sup> Constructing a massive personality cult around both senior and junior Aliyevs has been a rampant and increasing trend since the last decade across Azerbaijan. NHC observations in Azerbaijan.

balconies. For many years, Talibov had an unofficial ban on the import of any foreign-made cars that could appear fancier or more expensive than his own.<sup>33</sup> Opposition papers and people with opposing views have nicknamed Talibov as king, or “Khan”, a ruler of a province or vassal state in medieval Azerbaijan.

Authorities and pro-government politicians in Baku not only support Talibov, but also justify the suppression of Nakhchivani inhabitants. Many high-ranking officials, including ministers, choose their words carefully when speaking about Talibov. The head of the pro-government “Ana Vatan” party, Fazail Agamaly told Institute of War and Peace Reporting (IWPR) that:<sup>34</sup>

Talibov can not be blamed for the tough regime we have in the Autonomous Republic. The region is an exclave cut off from the rest of the country and surrounded by Armenia on three sides. Chaos and anarchy would have broken out if there had not been a firm hand in charge.

## 2. The economic role of the family

During his 12 years in power, Talibov has consolidated his grip not only on the political system, but also on the economy.

Talibov’s family and relatives are at the centre of the economic system, and appear ready to do almost anything to retain their privileged lifestyles. Through their control of business and the economy, they have also gained control of society itself.

Talibov’s brother, Meherrem Talibov, controls all the important industries in the region. His “Cahan” and “Gemigaya” holdings control all major business. This includes production of tobacco, mineral water and juice, building materials and oil products as well as running bazaars and trade centres, catering services, developing property, car sales and other lucrative fields. The Nakhchivan “Kanal 35” TV channel and some other media and publishing outlets in Baku are also owned by the family.

Talibov’s eldest son owns the Nakhchivan Bank and runs the “Cahan” and “Gemigaya” holdings together with his uncle, as well as many restaurants, shopping centres and other moneymaking commercial ventures.

In order to stay in control of the business sector, the family imposes severe restrictions on any other businesses operating outside their control or attempting to

<sup>33</sup> NHC observations in Nakhchivan and interviews with Nakhchivan-origin business people, September 2009.

<sup>34</sup> IWPR, “Nakhichevan: Another Azerbaijan”, Sabuhi Mammadli, 2 August 2007.

be independent. It is hostile to any free trade and development of any small business. Reportedly, a businessman protesting against the excessive interference of the authorities with his business was forcibly admitted to a psychiatric hospital.<sup>35</sup>

Bazaars and other trading centres belonging to non-family members were destroyed with little or no warning to make way for construction projects being undertaken by the Talibovs or their allies. In many cases, those suffering damages are not provided any compensation, forcing them to go out of business or to seek jobs outside the country. According to one merchant, the bazaar known as “57” in downtown Nakhchivan was destroyed, forcing people to do their shopping at the “Cahan” trading centre, one of the chains of the Talibov family’s business.<sup>36</sup>

## 3. The Nakhchivan clan: A driving force in Azerbaijani politics

Since late President Heydar Aliyev, came to power in 1993, the influence of regions and clan was strengthened in the political and economic sphere in Azerbaijan. Heydar Aliyev, a charismatic figure of both Soviet and post-Soviet period, dominated Azerbaijan for more than 30 years. The British journalist Thomas De Waal describes him,

Of all men who ruled the 15 new post-Soviet states, his career was the most dramatic – from a Stalinist intelligence officer in the Forties to a Politburo member in the Eighties, disgrace and exile, and then rebirth as the pro-western leader of independent Azerbaijan.<sup>37</sup>

When he passed away in 2003, he successfully managed to hand power to his son, Ilham Aliyev<sup>38</sup>. The power transfer made Azerbaijan into the first post-Soviet country to embrace dynastic succession.

<sup>35</sup> Azadliq newspaper, “Dozens of people kept in mental hospital”, October 2009.

<sup>36</sup> NHC interview with activists who wish to remain anonymous, September 2009, Baku.

<sup>37</sup> Thomas De Waal, “Heydar Aliyev: a political colossus”, IWPR, London, December 2003;

<sup>38</sup> Ilham Aliyev was born in 1961 and graduated from Moscow State Institute for International Relations. He taught at the university for a brief period and then ran a business in Turkey before his father’s return to power in 1993. Ilham later became the vice-president of the State Oil Company (SOCAR). In 1999, he became the first deputy chairman of the YAP party, which was founded by his father in early 1990s. He was destined to become the ruler of Azerbaijan after 2002, when the government staged a manipulated constitutional referendum that would give his father the discretion to appoint his son as acting president should he step down. When Heydar Aliyev disappeared from public view after collapsing during a public meeting on 21 April 2003, the regime mobilised all its power to support his son, Ilham Aliyev, as his successor. Ilham was quickly named as Prime Minister in August 2003. Following a hastily arranged constitutional amendment, this position handed him sole presidential power in the absence of his father the president. He became president following the controversial elections of 15 October 2003, which the international observers regarded as not free and fair, and “a missed opportunity for a credible democratic process”. Police and internal troops clashed with opposition activists protesting against a fraudulent result. Four people were reportedly killed and at least 625 arrested. For more information, see OSCE/ODIHR, Republic of Azerbaijan Presidential Elections 2003, Final Report”, 12 November 2003; Sabine Freizer, “Dynasty and Democracy in Azerbaijan: A warning for Central Asia”, 8 December 2003.

A key factor in the power structure built by Heydar Aliyev was the selection of managers based on close contacts and family ties. Under the rule of the senior and junior Aliyevs, the country was, and is still, dominated by two main clans – the Nakhchivan and the Yerevan Azerbaijanis (the YerAz clan). The Yerevan Azerbaijanis are ethnic Azerbaijanis from Armenia who were deported in the 1950s and most recently in 1988.<sup>39</sup>

Heydar Aliyev and his family were originally from the Sisian province in the Zangezur region, which is now part of Armenia. They later moved to Nakhchivan. This associated President Aliyev with these two powerful regional groups, the YerAz and the Nakhchivanis. Aliyev skilfully played both power bases during his presidency from 1993–2003. He founded his powerful political party, the New Azerbaijan Party (YAP), in 1991 in Nakhchivan. The party is dominated by Nakhchivan and YerAz clan officials, and they dominate the party board. As YAP membership is a precondition for employment in a public sector job, the role of the party is similar to that of the Communist Party of the Soviet era.

The 2008 US State Department report describes the situation thus:

The ruling YAP continued to dominate the political system. Domestic observers reported that membership of the ruling party conferred advantages such as being given preference for public positions.

The ability to start a business or run an economic enterprise depends on good connections or membership of one of these two clan networks. The clans evidently compete with each other for control of a pyramidal distribution structure that allows substantial funds to be skimmed from the businesses they are running.

As this report is only about Nakhchivan, the analysis focuses on the Nakhchivan clan.

Immediately after taking in power in Baku in 1993, Heydar Aliyev dismissed a large number of civil servants and replaced them with handpicked loyal people, mainly from Nakhchivan, where he used to be the parliament speaker and unchallenged leader. Experts believe that Aliyev relied on and promoted the same Nakhchivanis during his direct and indirect rule of Azerbaijan SSR between 1969 and 1983.

He appointed and promoted many Nakhchivanis – his friends, relatives and trustful former employees – to the most central positions in the government as well as in the profitable industrial and business sectors. The heads of many strategically and profitably important institutions – posts in state agencies/ministerial positions, police

39 International Crisis Group, “Azerbaijan: Turning Over a New Leaf”, Europe Report N° 156, 12 May 2004;

chiefs, hospital directors, heads of factories, academics and so on – were from Nakhchivan. Aliyev’s policy was to secure a tight grip on power with the help of loyal people during a period when the country was in the middle of a situation akin to civil war as well as being at war with Armenia over Nagorno Karabakh.<sup>40</sup> Some political analysts believe that this clan-based state management proved to be an effective way of re-establishing order during the political chaos of the early 1990s.<sup>41</sup>

Through such appointments, Aliyev established the base for a patronage network to promote nepotism. In return for absolute political loyalty, the people – the Nakhchivanis – that Heydar Aliyev had promoted were free to use their official positions to generate income, including by way of corruption.<sup>42</sup>

Today, the powerful ministers who are part of the Nakhchivan clan centre on the Aliyev family and its close networks and continue to make use of the sizable revenues from oil and gas to maintain their networks. Ministers have gone further and opened their own newspapers and political parties to secure their business and political interests. Reports claim that many ministers have actually bought their positions with hard cash.<sup>43</sup> Successful businessmen are dependent on such high-level state officials to maintain control of their businesses.

Many officials in top state posts, as well as some members of the parliament, are direct members of the Aliyev family, and they continue to hold various positions of responsibility and parliamentary mandates. In the highly flawed parliamentary elections of 2005, 54 members of the 125-seat parliament were those MPs that served in previous parliaments and were mainly close relatives and friends of the senior Aliyev. For instance, Vasif Talibov, head of the Nakhchivan Autonomous Republic, is the son-in-law of the niece of the late president. Jalal Aliyev, uncle of the incumbent president, was elected to parliament for the third time in succession.

Officials in top posts and influential oligarchs of Nakhchivan origin are notable for their personal loyalty to the Aliyev family: Minister for Emergency Situations

40 Following independence, Azerbaijan witnessed several instances of civil war in the period between 1992-1995. In 1993, rebel army commander Colonel Surat Huseynov took control of Azerbaijan’s second biggest city, Gandja, and marched on Baku to overthrow Ebulfez Elchibey’s government. This grave turmoil accompanied a civil war that triggered President Elchibey’s removal. He went into exile in his home village of Keleki to avoid further civil war. This resulted in the rise to power of Heydar Aliyev, who in 1995 foiled an attempt to overthrow him by the head of the military police (OMON). Government troops crushed the rebellion by Rovshan Jovadov’s special police in Baku and dozens of rebels and many civilians were killed. Aliyev had also managed to avert civil war in the south part of Azerbaijan, where Talysh national minority representative Alikram Humbetov, with the support of the local tank regiment and possibly from Iran and Russia as well, declared a de-facto “independent republic” of Talysh-Mughan Autonomous Republic in 1993. However, the revolt leader was soon arrested and the revolt collapsed, costing the lives of civilians. For more information, see T. Goltz, “Azerbaijan Diary: A Rogue Reporter’s Adventures in an Oil-Rich, War-Torn, Post-Soviet Republic”.

41 NHC interview with a pro-government NGO leader, Baku, 2009.

42 NUPI, “The Battle for Azerbaijan”, Stina Torjesen, Indra Overland (eds), 2006.

43 Ibid.

Kamaladdin Heydarov; President of the State Oil Company of Azerbaijani Republic (SOCAR) Rovnag Abdullayev; Prime Minister Artur Rasizade; First Deputy of the Ministry of the Interior Vilayat Eyvazov; Ministry of National Security Eldar Mahmudov; Head of the Presidential Administration Ramiz Mehdiyev; Head of the Socio-Political Department of the Presidential Administration Ali Hasanov; First Deputy Speaker Ziyafet Askerov; Head of the Baku Underground Tagi Ahmadov; the president's Head of the Presidential Guard Baylar Ayyubov. In addition to the aforementioned positions, the governors of several big districts, many police chiefs, prosecutors in Baku and remote areas of the country, chiefs of many hospitals, heads of many large trading centres, bazaars and other lucrative business fields have always been heavily 'Nakhchivanised'.

When political power was transferred from Heydar Aliyev to his son Ilham Aliyev in 2003, there were speculations that a power vacuum after Aliyev senior's departure would lead to a collapse of the state, mainly due to internal fighting within the clan. Aliyev senior's absence shook up the regime, with the Minister of Health, Ali Insanov, who was considered the godfather of the YerAz clan, being arrested.<sup>44</sup> His arrest has reportedly weakened the influence of the YerAz clan considerably and strengthened the Nakhchivan clan, leading to the re-emergence of the Baku clan, dominant during the very early years of the 90s, with new networks of political and economic patronage. However, the former Speaker of the National Parliament of Azerbaijan, Murtuz Aleskerov, who is of YerAz clan origin, has been replaced by another member of the YerAz clan, Ogtay Asadov. Prior to this appointment, Asadov was merely the manager of Baku water supply company AzerSu. Some still believe that he was appointed in order to avoid upsetting the YerAz clan.<sup>45</sup>

Of all these ministers, both Heydar and his son Ilham always had a closer relationship with Vasif Talibov. Enjoying the great trust of the Aliyev family, in practice Talibov has the green light to do whatever pleases him. He is essentially unchallenged and has more power than most other ministers in the Azerbaijani government. He has also managed to appoint his own people to surround the current president and to senior posts in the government.

Nevertheless, the powerful and wealthy Nakhchivan elite in Baku are far from ordinary Nakhchivanians, and their wealth has not been reflected in the life of ordinary Nakhchivanians, who live in poverty and under the suppression and fear imposed by the local authorities. According to an old seller in a Nakhchivan bazaar, the Nakhchivan clan in Baku itself have nothing to do with improving the life of ordinary Nakhchivanians:

<sup>44</sup> International Crisis Group, "Azerbaijan: Turning Over a New Leaf", Europe Report N° 156, 12 May 2004.

<sup>45</sup> NHC interview with an analyst who wishes to remain anonymous, Baku, October 2009.

They are the reason for our impoverished and depressed life. [They] monopolised the economy. Everything belongs to them.



Waiting for a visa to Turkey. Photo Ivar Dale

## C. Violations of basic rights in Nakhchivan

Azerbaijan's human rights record under Aliyev's regime has gone from bad to worse. Its vast oil and gas reserves in the Caspian Sea provide enormous wealth, which the incumbent regime uses for its own benefit to strengthen the authoritarian-style leadership and dismantle civil society and political opposition.<sup>46</sup>

In Nakhchivan, the human rights situation is worse still. With the lack of NGOs and independent media, very little information on the grave human rights violations comes out of Nakhchivan. Only one NGO, headed by Malahat Nasibova, and one media-related organisation, the Institute of Reporters' Freedom and Safety, remain independent under the difficult political circumstances in Nakhchivan and can report to the outside world and provide balanced and true information. However, this organisation is a target for harassment most likely orchestrated by the authorities.



After the attack, Ilgar Nasibov and wife Malahat Nasibova. Photo: Malahat Nasibova

<sup>46</sup> For more in-depth analyses, see Center on Democracy, Development, and the Rule of Law, "Azerbaijan's 2005 Parliamentary Elections: A Failed Attempt at Transition", Valerie Bunce and Sharon Volchik, Working Paper N89, 2005; Farid Guliyev, "Absolute Power Corrupts Absolutely", 2009.

On 15 December, 2009, Ilgar Nasibov and his colleague Vefadar Eyvazov were beaten by a group of Nakhchivan State University students and teachers with the order of the University leadership. Both Nasibov and Eyvazov sustained physical damages, including rib fractures caused by heavy blows to abdomen and spine. They were conducting a survey at the University in the frame of the anti-corruption project supported by the Norwegian Embassy in Baku. Doctors refused to render medical aid, though both activists were hospitalized. Doctors were believed to be intimidated by local officials to stay away from providing medical help to the activists.

The routine police violence and abuses against ordinary people goes largely unreported, mainly because the relatives do not want to cause a scandal and/or physical and financial harm to their family members. There is very little access to international organisations, most of which are based in Baku.

The published cases provide merely a small glimpse of a much wider, grim reality. The repressive treatment to any alternative view has set back the development of political opposition and civil society considerably.

Nakhchivan's government maintains a Soviet-style state control over society. The regime's fear of opposition or any unsanctioned activity is demonstrated by its treatment of civil society groups. Fearing its wealth and absolute power may be lost or endangered, the political system employs rigid surveillance of its opponents.

Civil society groups and opposition parties operate under severe restrictions, and activists cooperating with or working for international organisations face threats, persecution and arrest on fabricated charges. Human rights defenders are systematically persecuted and impeded while attempting to interview families of victims, report on violations and communicate their findings to the international press or organisations.

Major opposition parties have been temporarily evicted from their offices, their members threatened, and they have also been effectively cut off from financial resources.<sup>47</sup>

The past decade has not seen any sign of political liberalisation. NGO activist Malahat Nasibova said in an interview<sup>48</sup> that:

<sup>47</sup> The offices of the opposition party Musavat, the Popular Front Party and the Democrat Party in Nakhchivan have been repeatedly raided and searched by police in the past. Most of the time, these parties had shared small and dilapidated offices. Musavat, the Popular Front Party and the Umid Party were only recently granted an office space to share under the pressure of international organisations. Malahat Nasibova's Democracy and NGO Development Center is also located here. NHC interview with Malahat Nasibova, October 2009.

<sup>48</sup> NHC interview with Malahat Nasibova, 2009.

*“Understandably, people become increasingly afraid of getting involved with either political organisations or NGOs. Human rights defenders and ordinary people who speak out against local or central authorities face harassment or arrest.”*

Nakhchivan authorities have always been reluctant to allow international NGOs to act freely in implementing programmes, particularly in the areas of politics or human rights. Likewise, the majority of international organisations have never felt encouraged to, or interested in, working in Nakhchivan, or even to support local projects in the region. According to the Nakhchivan-based Democracy and Human Rights Defence centre:<sup>49</sup>

*“They [Donors] consider that the efficiency of the project financed by them may be little because of the current rigid political regime in Nakhchivan”.*

Today, Nakhchivan society has been effectively muzzled, with almost all the outspoken people having been driven out, placed in custody or forced to stop their political activities. Since 2005, the local government has banned most teahouses, where people would typically meet to have political conversations. A journalist in Nakhchivan warned that the systematic repression of people may ultimately lead to protests. “The lack of channels for discontent is feeding frustration among the population, and that may be a primary reason for violent turmoil”, an analyst said.<sup>50</sup>

Many measures are used to discourage people from political activity, including pressure at work, humiliation in their community, forced commitment to mental hospitals<sup>51</sup> and, as a last resort, arrest or deportation<sup>52</sup>. Malahat Nasibova told Eurasianet that the police detained many opposition politicians and deported them to Turkey without documents and money on the eve of the 2005 parliamentary elections.<sup>53</sup>

As part of the broader campaign to threaten opposition activists on the eve of the 2005 parliamentary elections, police arrested Sahib Huseynov, a very active member of the opposition Popular Front Party in Nakhchivan in July 2005. After beating and



Sahib Huseynov. Photo Malahat Nasibova

harassing him, police then deported him to Turkey. Sahib Huseynov described his case to Human Rights Watch:<sup>54</sup>

They (the police) beat me and I lost consciousness. They went to my house and took my passport. After that, four people forced me into a police car. They took me to the river [which borders Turkey]. They hit me there and forced me to go to the border with Turkey. [They threatened me], “If you don’t go across the border, we’ll kill your family and burn your house.” They accompanied Huseynov to the border crossing, giving his passport to the Azerbaijani border officials to stamp. They paid for a Turkish visa stamp and forced Huseynov to cross into Turkey.”

“Enemies of the state” are widely covered in local newspapers and television, something that is clearly intended to warn the public that any involvement in political activity may result in punishment. Activist Malahat Nasibova says she has often experienced similar pressure.

In a local newspaper article, my husband and I were blackened and portrayed as “national enemies”. Police distributed that particular newspaper among the 8th form class students where my daughter studies. The intention was to psychologically depress my daughter, make her shy and feel uncomfortable before her schoolmates.<sup>55</sup>

49 Democracy and Human Rights Defence Centre report, “Human Rights in Nakhchivan”, 2008.

50 NHC interview with Ilgar Nasibov, 2009.

51 RFE/RL, “Police in Azerbaijan threaten protesters with psychiatric confinement”, 6 January 2009.

52 For instance, in February 2009, Idrak Abbasov, a journalist working for the Baku-based Institute of Reporters Freedom and Safety (IRFS), was beaten by the security police and deported from Nakhchivan. In 2007, local opposition journalist Hekimeldostu Mehdiyev was also forced to leave and was told to “never come back”. Institute of Reporters Safety and Freedom (IRFS), Special report: the case of Journalist Hekimeldostu Mehdiyev in Nakhchivan, 30 September 2007; IRFS/IFEX, “Idrak Abbasov briefly detained, mistreated by National Security Ministry personnel in Nakhchivan”, 21 February 2009.

53 For instance, see Eurasianet article, [www.eurasianet.org/departments/insight/articles/eav080405.shtml](http://www.eurasianet.org/departments/insight/articles/eav080405.shtml)

54 Human Rights Watch, “Azerbaijan Parliamentary Elections: Lessons Not Learned”, 31 October 2005; <http://www.reliefweb.int/library/documents/2005/hrw-aze-31oct.pdf>

55 NHC phone interview with Malahat Nasibova, September 2009.



Office of Popular Front Party after 2005 attack. Photo Malahat Nasibova

Before the 2005 parliamentary elections, the authorities orchestrated a smear campaign to disgrace the oppositional Popular Front Party. On 6 August 2005, a large group of people, organised for the occasion, stormed the party office in Nakhchivan, destroying furniture and all other equipment inside and beating opposition supporters. The opposition journalist Muhammed Rzayev, who was severely beaten, suffering a broken nose, said the local police stood outside in the street and did not intervene to stop the attack. The attackers later wrote on the outside walls of the party offices many slogans and words like “Betrayers”, “Fascists”, “Homosexuals”, “PKK terrorists” and “Down with traitors”.<sup>56</sup>

In many cases, opposition party activists are harassed and threatened into making a statement and publicly denouncing the party.<sup>57</sup> Baku-based opposition party leaders and parliamentary or presidential candidates of opposition parties have not managed to come from Baku to Nakhchivan to hold any meeting with the electorate or their proponents in almost 15 years. They were all explicitly threatened that their security would be at stake.<sup>58</sup>

56 Eurasianet, “Regional branches of opposition party attacked”, 11 August 2005, <http://www.eurasianet.org/resource/azerbaijan/hypermail/200508/0026.shtml>; Human Rights Watch, “Azerbaijan Parliamentary Elections: Lessons Not Learned”, 31 October 2005; <http://www.reliefweb.int/library/documents/2005/hrw-aze-31oct.pdf>

57 Among many such cases, there was a case where an opposition activist in Nehram village was forced to make such a denouncing statement and was then employed in exchange for doing so. NHC interview with journalist Ilgar Nasibov, September 2009.

58 NHC interview with deputy-chairman of opposition Democrat Party, October, 2009; Also see, Democracy and NGO Development Centre, Final Report, Observation of Presidential Elections of 15 October 2008; Democracy and Human Rights Defence Center report, “Human Rights in Nakhchivan” 2008–2009.

Human rights defenders from Baku have faced numerous incidents of orchestrated mob attacks, physical harassment and intimidation in Nakhchivan that clearly appeared to have been instigated by the incumbent authorities.<sup>59</sup>

In October 2003, shortly before the controversial presidential elections, when several Baku-based NGO leaders, including the well-known human rights activist Novella Jafarova, tried to hold an international seminar in Nakhchivan with assistance from an international election-training team. A crowd of approximately 40 women attacked the activists, beating them and pelting them with tomatoes, shouting “Leave Nakhchivan now and never come back!” The attackers apparently had not initiated the attack themselves.

Some of the activists were injured, and they were all put on a plane together with the international election trainers and deported to Baku. As the attack happened right in front of a dozen policemen, who were unwilling to intervene, the activists believe that the attacks were organised by the local Nakhchivan administration.<sup>60</sup>

## 1. The media

### Overview over the media situation in Azerbaijan

There is a growing environment of state hostility towards the independent and opposition media throughout Azerbaijan. Freedom of expression has become a serious source of concern during the last five years of the reign of President Ilham Aliyev. Since then, there has been a sharp increase in violent attacks and intimidation aimed at silencing opposition and independent journalists.<sup>61</sup>

The most appalling episode occurred in Baku on 2 March 2005, when an unknown attacker gunned down Elmar Huseynov, a founder and editor of the prominent and independent weekly magazine *Monitor*, which regularly published articles critical of the government, including articles exposing corruption among high-level government officials. Though the government swiftly denied involvement in the killing, the perpetrators have yet to be apprehended. This contributes to the perception of a climate of impunity for violence against journalists.<sup>62</sup>

59 OSCE/ODIHR, “Republic of Azerbaijan Presidential Elections, Final Report”, 12 November 2003;

60 Human Rights Watch, Briefing Paper, “Azerbaijan: Presidential Elections 2003”, 13 October 2003; Human Rights Watch, “Azerbaijan: Election Run-up Not Free and Fair”, October 13, 2003; OSCE/ODIHR, “Republic of Azerbaijan Presidential Elections, Final Report”, 12 November 2003;

61 For more in-depth analyses, see Amnesty International, “Azerbaijan: the contracting space for the freedom of expression,” 25 March 2009; RFE/RL, “Authorities intensify pressure on independent media”, 29 November 2006.

62 Azerireport, “In Memory of Elmar Huseynov”, 2 March 2009

[http://azerireport.com/index.php?option=com\\_content&task=view&id=1071&Itemid=48](http://azerireport.com/index.php?option=com_content&task=view&id=1071&Itemid=48); IWPR, “Azerbaijan: Rage at Editor’s Murder”, Shahin Rzayev, 9 March 2005.

There is no single recorded case where vicious physical assaults against journalists have been fairly inspected by the authorities. The politically motivated arrests of journalists have also been rising dramatically.<sup>63</sup> Azerbaijan is the OSCE member state with the highest number of journalists in jail. At least half of the journalists imprisoned in Azerbaijan since 2006 were convicted on charges of criminal libel or defamation.<sup>64</sup>

In 2008, Amnesty International documented cases where opposition and independent Azerbaijani journalists are “increasingly living under the threat of politically motivated arrests, physical assault and even death”.<sup>65</sup>

International media is under pressure as well. In early 2009, authorities expanded a clampdown on independent media outlets by banning the Azerbaijani service of Radio Liberty, Voice of America (RFE/RL) and transmission of BBC Radio on local frequencies.<sup>66</sup> A plurality of political views, dissenting voices and alternative information in Azerbaijan were only available through these media outlets. These stations can now only be received via satellite or the Internet, whereas they used to be aired on FM frequencies and were accessible in many parts of the country. Apart from these western radio stations, almost all of Azerbaijan’s electronic media is reluctant to report on controversial issues, fearing official retribution, including the revocation of broadcast licences and fabricated tax evasion charges.<sup>67</sup>

The ruling regime effectively uses the defamation provisions to obstruct investigative journalism, prevent public debate and stifle open criticism of the government. As the country has a long history of deep corruption, investigative journalism that seeks to expose cases of corruption is always hampered by the authorities. Therefore, the more the journalists dig into these corruption cases, the higher the risk of ending up in courts for publishing “defamatory” articles.

All TV channels – both private and state-run – are under tight government control, with no access for government critics to air their views. Hints of criticism of the government only occasionally creep into programmes. Few opposition newspapers remain operational, as they have limited circulation and are very rarely distributed outside the capital.

63 Index on Censorship, “President Aliyev’s Tight Grip on the Press Has Severely Damaged His Country’s Democracy”, October 15 2008;

64 RFE/RL, “Authorities intensify pressure on independent media”, 29 November 2006.

65 Amnesty International, “Azerbaijan: the contracting space for the freedom of expression,” 25 March 2009.

66 New York Times, “Azerbaijan restricts foreign broadcasting companies”, Sabrina Tavernise, January 2009; <http://www.nytimes.com/2009/01/06/world/asia/06iht-azer.4.19132222.html>;

US State Department, Bureau of Democracy, Human Rights, and Labor, Country Reports on Human Rights Practices, 2008;

67 Daisy Sindelar, “Azerbaijan bans RFE/RL, other foreign radio from airwaves”, 30 December 2008;

Azerbaijan is ranked 146th out of 175 countries in the 2009 Reporters Without Borders (RSF) press freedom index. It lags well behind the other two states in Southern Caucasus – Armenia and Georgia.

While the media situation in Azerbaijan is bad in general, conditions are even worse in Nakhchivan.

### **Nakhchivan’s media**

Access to information is tightly limited in Nakhchivan: no independent or opposition media is allowed to be printed, aired or distributed. The 2007 US State Department human rights report found that, “the authorities in the exclave of Nakhchivan continued to block distribution of opposition newspapers”.<sup>68</sup>

Despite the removal of formal censorship, newspapers and broadcasting media outlets remain entirely under state control. Opposition papers that are published in Baku are not allowed to be sold in newspaper kiosks in Nakhchivan. Very rarely, a few street vendors sell them by hand<sup>69</sup>. If they contain an article that shows Nakhchivan’s leaders in a negative light, the authorities try to confiscate them before they even reach the region, usually at Baku or Nakhchivan airport. According to journalist Malahat Nasibova, all the state workers fearing reprisals refrain from openly talking to the independent or opposition media: “Any official talking to or giving an interview to the independent media greatly risks being sacked from his/her job”.<sup>70</sup>

A street trader in Nakhchivan, who wished to remain anonymous, said he was detained for 15 days and fined 200 AZN (USD 240) by police when he loudly announced the sensational headline article published in the opposition newspaper “Musavat”. The article containing the critical content was about the luxurious business centres and wealth of Nakhchivan’s president.

Though there are two television stations, two radio channels, nine newspapers and one magazine operating in the Nakhchivan Autonomous Republic, the whole region suffers under an information vacuum, and most of the people have little information about developments in the country. The media routinely ignores unpleasant facts, uncomfortable problems and human rights abuses, but continues to smear the political opposition. The State Television and Radio Broadcasting Committee of Nakhchivan Autonomous Republic is the highest authority which regulates the

68 US State Department, Bureau of Democracy, Human Rights, and Labor, Country Reports on Human Rights Practices, 2007.

69 IWPR, “Nakhichevan: Disappointment and secrecy”, Adalet Bargarar, 19 May 2004; RFE/RL, “In ‘Azerbaijan’s North Korea,’ Journalist Crackdown Continues”, 7 December 2007.

70 NHC interview with journalist Malahat Nasibova, September 2009; Also see IRFS, “Three journalists beaten in Nakhchivan, equipment broken”, 28 August 2008.

activity of broadcasting media, and it controls the issuing of radio and television broadcast licences. The committee is under the absolute control of the political authorities and is staffed by pro-government people.

“Nakhchivan TV” (NTV) is a state-run channel reminiscent of the Soviet-era television broadcasts in terms of the content of its programmes. The broadcasts are almost entirely devoted to the glorification of the incumbent leaders of Nakhchivan and Azerbaijan.

It provides a rosy picture of happy workers, growing investment, new employment opportunities and a prosperous economy that is far from the reality on the ground. The so-called private channel of Nakhchivan is “Kanal 35”, which broadcasts mostly entertainment programmes. It belongs to the brother of the Nakhchivan’s “president”, Meherrem Talibov.

Even though most households can receive these two channels, only a small proportion of the population actually watch them. Almost all the residents of the Autonomous Republic have satellite dishes – rooftops and balconies are covered with them – and they prefer to watch Turkish television channels rather than Nakhchivan’s own channels. According to a media analyst, Nakhchivan’s local authorities have not banned satellite TV because “the most-watched Turkish channels primarily tend to be entertainment or about Turkish domestic politics rather than airing any political programme on Azerbaijan’s domestic politics”.<sup>71</sup>

With the help of Internews, a US media assistance organisation, an independent newspaper, “Sizin Nakhchivan” (Your Nakhchivan) was founded, but its criticisms of corruption, social problems, migration and human rights abuses in the justice system were too much for the local authorities. The paper was closed in 2005 following pressure from the Nakhchivan government’s leadership.<sup>72</sup>

The only consistent source of news about Azerbaijan, including Nakhchivan, is from (Turksat) satellite broadcasts by “Radio Azadliq”, which is the Azerbaijani service of Radio Free Europe/Radio Liberty (RFERL) accessible via satellite dish<sup>73</sup> and the Internet. An opposition activist says:

Many Nakhchivanians listen to Radio Azadliq via their TVs, as almost every house has a satellite antenna. It is the only outlet that airs the alternative views

and true information about the sad realities [of the country] that all other media outlets are afraid to air.<sup>74</sup>

Internet access is available only through a single government provider and is closely monitored. Very often, the pro-opposition and independent news websites are purposely and temporarily made inaccessible. According to the US State Department’s 2008 annual report, “greater restrictions on the Internet in Nakhchivan, where residents claimed they were unable to view opposition Web sites” were reported.<sup>75</sup> In November 2008, the websites of the Radio Azadliq (the Azeri service of RFERL), the opposition Turan news agency, Institute of Reporters Freedom and Safety (IRFS) and opposition [www.nakhchivan.org.az](http://www.nakhchivan.org.az) were inaccessible for several days throughout the Autonomous Republic. Media activists say the websites are often deliberately blocked by the local internet provider, mainly when they publish articles criticising the Nakhchivani authorities.<sup>76</sup>

Newspapers concentrate on presidential speeches or glowing reports of newly opened enterprises. Like the broadcasting media outlets, the papers never publish any social or political criticism directed at the authorities, but glorify the incumbent and economic developments.

According to the Institute of Reporters Freedom and Safety (IRFS), all state agencies and education enterprises in Nakhchivan are forced to subscribe to the pro-government newspapers.

“Sherq qapisi”, “Naxchivan” and “Nuh Yurdu” are published in Nakhchivan City, while each of the seven districts has its own newspaper: “Arazin sesi” (Julfa district), “Sherurun sesi” (Sherur district), “El heyati” (Ordubad district), “Yeni Heyat” (Kengerli district), “Oguz Yurdu” (Sederek district) and “Oguz sesi” (Shahbuz district).

The salaries of all public-sector employees – teachers, doctors and even university students – are cut monthly by a certain percentage on the grounds that they receive free subscriptions to any of these newspapers. A teacher in Hajivar settlement near Nakhchivan City said that 20 AZN (USD 25) is forcibly deducted from his salary every month as a subscription fee for the “Sherq qapisi” newspaper and membership fee for the ruling YAP party.<sup>77</sup>

71 IWPR, “Nakhichevan: Disappointment and secrecy”, Adalet Bargarar, 19 May 2004.

72 According to Malahat Nasibova, she had received several phone calls threatening to stop publication. The distribution of the paper was almost blocked and staff were threatened. Donors recognising the danger stopped further financial support for the project.

73 Since early November 2009, broadcasts via satellite were also stopped. It is still not clear if the blocking is a temporary technical fault or a politically motivated closure to further block the outreach of Radio Azadliq.

74 NHC interview with journalists Ilgar Nasibov and Hekimeldostu Mehdiyev.

75 US State Department, Bureau of Democracy, Human Rights, and Labor, Country Reports on Human Rights Practices, 2007–08.

76 NHC interview with IRFS reporter, September 2009.

77 Such forcible subscription and huge cut in salaries are widespread in almost all schools in Nakhchivan. NHC interview with a teacher who wishes to remain anonymous, September 2009.

These papers cover only the official chronicle of the Azerbaijan president and Nakhchivan leadership, which no one is interested in following. A media activist argues that none of the nine newspapers is oppositional or independent.<sup>78</sup>

Even the reading of opposition newspapers, which are only published in the capital Baku, is banned in Nakhchivan. One cannot sell or read them openly. If any public sector employee is caught reading opposition newspapers, he will be identified and sacked from his job.

### Cases of outspoken journalists

As an exclave where authorities exercise strong control over media outlets, independent media has been wiped out. Nakhchivanian journalists working for the Azerbaijani service of western media outlets like RFERL and the Baku-based opposition newspapers like the “Musavat” and “Azadliq” dailies often face threats, persecution, politically motivated imprisonment, fabricated charges and constant pressure from Nakhchivan’s political and security authorities.<sup>79</sup>

Malahat Nasibova and her husband Ilgar Nasibov are two of the few journalists reporting regularly on the human rights situation in Nakhchivan for “Radio Azadliq” and the opposition’s “Turan” news agency. Both have faced many vicious pressures, ranging from physical attacks to home searches and detention.<sup>80</sup>

On 6 December, Ilgar Nasibov was arrested and sentenced to 90 days in prison on charges of slandering police officers after he sent an e-mail to Azerbaijani President Ilham Aliyev where he complained about police harassment of journalists in Nakhchivan. Investigating the case, the police forcefully entered their apartment, frightening the three children, and confiscated the family’s computer, disks and files. While Nasibov was in jail, his family were unable to find out where he was being held and were not provided with a copy of the indictment against him or the court’s verdict. Under the pressure of the international condemnation of the trumped-up and politicised charges against Nasibov, the local authorities released him after a month, but with a one-year suspended sentence. Nasibov has appealed his case at the European Court of Human Rights.<sup>81</sup>

Malahat Nasibova, as an outspoken journalist and human rights defender, has been repeatedly beaten, threatened with death or offered bribes to cease her investigative and critical reporting on local officials in Nakhchivan.

78 NHC interview with local journalist for Musavat newspaper, Hekimeldostu Mehdiyev, September 2009.

79 RFE/RL, “In ‘Azerbaijan’s North Korea,’ journalist crackdown continues”, 7 December 2007.

80 RFE/RL, “Police detain wife of imprisoned RFE/RL correspondent in Azerbaijan”, 7 December 2007.

RFE/RL, “RFE/RL Azerbaijan correspondent released, but faces troubling new charges”, 10 December 2007.

81 NHC interview with Ilgar Nasibov, September, 2009.



Attack on Nasibovas office. Photo RFERL

She was brutally assaulted on 4 November 2007 when she was reporting about police cruelty in the region. She was insulted by Nakhchivan City Police Department Deputy Chief, who tried to confiscate her Dictaphone, threatening to arrest her and saying, “You eat Nakhchivan’s bread, but then you speak out against Nakhchivan”.<sup>82</sup> On 7 December 2007, the police forcefully entered their apartment frightening their three children and confiscating the family’s computer, disks, and files. The same day, Nakhchivan police searched the office of Nasibova and seized several computers and documents.<sup>83</sup>

In August 2007, when Malahat and Ilgar Nasibova, together with another opposition journalist, Elman Abbas, were covering police violence in Nehram village, plain-clothes police attacked the journalists and broke their tape recorder and video equipment. The three journalists received numerous cuts and bruises in the attack and were forced to walk the approximately 10 kilometres back to Nakhchivan City because no one would give them assistance.<sup>84</sup>

Hekimeldostu Mehdiyev, a regional correspondent for the opposition newspaper “Yeni Musavat”, was arrested on 23 September 2007 and sentenced to 15 days in

82 RFE/RL, “Police detain wife of imprisoned RFE/RL correspondent in Azerbaijan”, 7 December 2007; RFE/RL,

“Azerbaijan urged to release imprisoned journalist”, 26 September, 2007; RFE/RL, “Azerbaijan: RFERL journalist jailed for slandering police”, 26 September 2007.

83 RFERL, “Azerbaijani police detain wife of jailed journalist”, <http://www.rferl.org/content/article/1144010.html>

84 RFE/RL, “In ‘Azerbaijan’s North Korea,’ journalist crackdown continues”, 7 December 2007;

prison for “resisting police” after reporting for “Radio Azadliq” on the gas and electricity problems in Nakhchivan. Mehdiyev was reportedly badly beaten in the detention cell. Furthermore, police and local authorities closed down Mehdiyev’s family-owned teahouse and small shopping mall, intending to leave Mehdiyev’s family without income.<sup>85</sup>

A correspondent for the opposition newspaper “Azadliq”, Mahammad Rzayev, was kidnapped twice by police and tortured.<sup>86</sup> Elman Abbasov, another journalist with the opposition newspaper “Musavat”, was jailed after police raided his home and confiscated his computer on the evening of 6 December 2007.<sup>87</sup>

Aytekin Alkhasli, a reporter with Baku-based private channel ANS TV, was attacked, humiliated and deported from Nakhchivan shortly after her news piece on the socio-economic problems of Nakhchivani citizens. According to a senior member of ANS TV staff, the Nakhchivani authorities openly threatened the ANS TV leadership, telling them “not to send any reporters to Nakhchivan”. Since then, ANS TV covers only non-political, “non-harmful” issues and uses very soft language when reporting on Nakhchivan.<sup>88</sup>

Journalists coming from other parts of Azerbaijan to Nakhchivan for reporting purposes are also subject to violence and intimidation. In February 2009, Idrak Abbasov, a journalist working for the Baku-based Institute of Reporters Freedom and Safety (IRFS), visited Nakhchivan to compile a human rights report. He was invited to Nakhchivan’s Ministry of National Security in response to his request for an interview. When he arrived for the meeting, he was restrained, blindfolded and beaten. He was urged to leave immediately and never come back.<sup>89</sup>

The Media Rights Institute says police have never investigated any of these attacks against independent and opposition journalists. Since the executors of these crimes were not punished, this contributes to the perception of a climate of impunity for violence against journalists. Reporters Without Borders (RSF), which has included the Azerbaijani president on its list of “Media Predators”, classified Nakhchivan as among the most repressive regions in the country.

85 Institute of Reporters Safety and Freedom (IRFS), Special report: the case of Journalist Hekimeldostu Mehdiyev in Nakhchivan, 30 September 2007.

86 Democracy and Human Rights Defense Center, report, “Human Rights in Nakhchivan” 2008–2009.

87 NHC interview with Elman Abbasov, September 2009; IRFS, “Three journalists beaten in Nakhchivan, equipment broken”, 28 August 2008.

88 NHC interview with journalist Malahat Nasibova, September 2009.

89 IRFS/IFEX, “Idrak Abbasov briefly detained, mistreated by National Security Ministry personnel in Nakhchivan”, 21 February 2009.

## 2. Police brutality: an instrument to silence critics

As in many other former Soviet republics, both the Ministry of Internal Affairs (MVD) and the Ministry of National Security (MNS) in Nakhchivan fulfil important political roles on behalf of the regime. Corruption is widespread among the law enforcement bodies, which often are used for political purposes and which enjoy immunity, with no real accountability under the justice system. The procuracy, the police, the National Security Service (the former KGB) and the military are directly subordinate to the ruler of Nakhchivan, Vasif Talibov.

These ministries’ methods of control include gathering information on government critics and their relatives, investigating their means of support, keeping them under constant surveillance and sometimes placing them on blacklists. Apart from direct arrests and beatings, a favourite method of the authorities is to make threats of possible reprisals against family members.

Most police chiefs in the provinces have been replaced with those originally from the Sharur province of Nakhchivan, from where Vasif Talibov himself originates. Government informers in each village and town of Nakhchivan are encouraged and promoted<sup>90</sup>. Holding a wider network of informers, law enforcement agents employ various brutal methods to stop any independent or opposition activity. In some instances, these state agencies cooperate closely in order to kidnap and physically assault opponents, defame opposition members or parties, use blackmail, spread false information about opponents, and torture and expel them from Nakhchivan.<sup>91</sup>

According to NGO activist Malahat Nasibova, the police and special security agencies immediately prosecute independent NGOs that collaborate with international organisations<sup>92</sup>.

In order to discredit such NGOs, the law enforcement units spread inappropriate rumours to defame them. Offices are often searched by police raids, and the people who work in such NGOs are exposed to pressure, ranging from physical assault and detention to deportation from Nakhchivan.

Nakhchivan is often called “a region with a police regime”, as police tyranny dominates the region. One western diplomat characterised it thus: “The police are a law unto themselves, with little political control and no fear of repercussions for

90 “Nakhchivan: The world’s worst spies”, Joshua Kucera, 22 May 2008, <http://www.slate.com/id/2191588/entry/2191673/>

91 Democracy and NGO Development Centre report, 2008.

92 NHC interview with Malahat Nasibova, September 2009.

brutality”<sup>93</sup>. Hekimeldostu Mehdiyev, an opposition journalist, does not believe that the security police, who violently beat him in September 2007, will ever stand responsible before the court. According to a 2007 US State Department report:

Mehdiyev suffered head injuries, a broken rib, and sustained extensive bruising to his arms and legs. Mehdiyev complained that authorities subjected his family to constant harassment, and by the end of 2007, he remained in Baku after reportedly being threatened not to return to Nakhchivan.<sup>94</sup>

The sense of frustration and powerlessness is widely felt in the face of police harassment. Law enforcement bodies, primarily the police, to an increasing extent function as a state within the state, with greater powers than the political authorities. “The police enjoy *carte blanche* to intimidate, extort money and commit all kinds of violent acts against ordinary people”, said a university professor. “No one ever holds the police accountable for such misdeeds and ill-treatment”<sup>95</sup>.

Large numbers of policemen are not only deployed in Nakhchivan City and district centres, but also in small, remote villages in order to carry out surveillance on the community, arrest outspoken individuals – often on fabricated charges – and extract money under duress. A politician working with the Baku-based “Musavat” party, originally from Nakhchivan himself, said:

The Nakhchivani police are engaged in constant control of the population and in hunting dissidents. The police have become a powerful tool of political repression in recent years and are behind frequent kidnappings, beatings and threatening of pro-opposition activists and journalists.<sup>96</sup>

In general, Azerbaijan’s law enforcement bodies tend to be better funded than other state institutions as well as being politically well connected. A majority of senior police officers in Nakhchivan are related to the Talibov family, and they gather personal wealth through corruption and running their own businesses or by serving as “umbrellas” for clandestine and private businesses. For instance, the chief of the Nakhchivan City Police Department, Sabuhi Novruzov, is Vasif Talibov’s brother-in-law.

Though many low-level police officers receive meagre salaries, they at least seem satisfied with having a permanent job and enjoying a *de facto* green light to bully

93 NHC interview with a European diplomat, October 2009, Baku.

94 US State Department, Bureau of Democracy, Human Rights, and Labor, Country Reports on Human Rights Practices, 2007.

95 NHC interview with a professor of Nakhchivan State University, September 2009, Baku.

96 NHC interview with a senior opposition activist, October 2009, Baku.

and elicit money from people. Such police units are potentially major players politically, primarily in the event of any unrest, when their reaction could be crucial.

One former police officer in Sherur district admitted that most of the police personnel are uneducated, badly trained, and that the majority have “bought” their position in the police with bribes.<sup>97</sup>

The relationship between the police and society is based on hatred and hostility, as society does not see the police as representative of the state, but as personal enemies. [That is because] police have defamed themselves by treating people aggressively, dealing in corruption and violating [people’s] rights at every step.

A member of the opposition Popular Front Party, Musfig Alakbarov, was arrested in 2005 after a pro-government parliamentarian complained about him to the police. The police accused Alakbarov of illegal weapons possession and harassed him and his family for a long time. Human rights organisations believe that the case was politically motivated to stifle dissent. Alakbarov still remains behind bars.

Businessmen who refuse to pay bribes and try to assert their rights against the authorities are another group vulnerable to police violence. Their assets or businesses are often confiscated while they are placed in detention or even deported. In many cases, large amounts of money are demanded to close important cases that have been initiated on the basis of fabricated evidence.

### **The events in the village Bananyar in December 2009 and January 2010.**

The situation was tense in Bananyar village when this report went to publication. The crackdown in Bananyar came following the villagers attempt to mark traditional Shiite religious ritual, Ashura day, in the village on 26 December. The next day, police arrested and tortured around 15 elderly men allegedly because of their overly emotional mourning in the ritual. Yunis Aliyev, whose 66-year-old father was arrested and other family members were abused by police, set himself on fire to protest the lawlessness and police anarchy.<sup>98</sup>

On the night of 5 January, 2010 over 500 police and Interior troops stormed to Bananyar village, beating and arresting up to 200 village people and cruelly interrogating many men and women in detention cells<sup>99</sup>. There were reports that

97 NHC interview with a former policeman, September 2009.

98 The police reportedly ignored Yunis Aliyev as he poured gasoline on his body and set himself on fire. Eyewitnesses said the Aliyev was first hospitalized to Nakhchivan city hospital, where allegedly doctors refrained to help, so he was taken to neighbouring Iran for medical treatment.

99 Eyewitnesses say the security forces started to beat village people in the street and entered violently many houses, used force and took many to an unknown destination in the police cars. With many villagers heavily wounded, also dozens of small malls were destroyed and plundered. Interview with local villagers, 7 January, 2009, Baku.

some of the arrested were forcibly placed in a psychiatric hospital.<sup>100</sup> According to the village people, all of the arrested women and several men were released by 8 January, while around 15 men remained behind the bars. Among those who remained in prison was 70-years-old Rza Nuriyev, the local chair of opposition Azerbaijan Popular Front Party (APFP).<sup>101</sup> His two sons were released on 8 January.

In an official statement, Nakhchivani authorities accused Nuriyev and the opposition APFP of masterminding the clashes in Bananyar. The statement said Yunis Aliyev, the man who burned himself, was “mentally ill” and was used by opposition APFP to “create chaos” in the village<sup>102</sup>. It also said that many family members of the Aliyev “in fact was retarded people getting psychiatric treatment at the hospital” while “his uncle died of mental disease in 2002”.

However, villagers and right activists told NHC that Aliyev never had any mental disease in the past. “Accusing the protesters of “mental shortage” and embroiling the opposition PFP to the unrest is aimed to divert the attention from the reality. It was a public resistance displaying social discontent against to the increasing police abuse in the village”, said an activist commenting the official statement<sup>103</sup>. According to a villager, the police long ago wanted to punish this outspoken village, which often used to resist the police abuse and disorder in Nakhchivan<sup>104</sup>. Activists said the crackdown is “intended for further instilling fear and arresting the few opposition party activists left in Nakhchivan”.<sup>105</sup>

Following the crackdown, independent journalists and rights activists at the time of publication of this report continue to face problems in entering the village. The military troops have left, but police patrol and security forces are still in the village. There are also reports that the home phones are tapped and villagers who were interviewed by local and international media have been threatened or apprehended.<sup>106</sup>

100 NHC interview with villagers of Bananyar, January 2010, Baku.

101 Nuriyev gave himself away on 5 January when masked police forces took hostage his wife and urged him to surrender to police otherwise his wife would be arrested. His house was searched and relatives said on 8 January that they fail to identify the detention center Nuriyev is being kept. NHC interview with Nuriyev family members, January 10, 2010, Baku.

102 According to the statement, party’s chairman Rza Nuriyev forced the “mentally-ill man, Yunis Aliyev, to get drunk and to go to the local administration and demand the reopening of some kiosks that had been closed in the village.[...] Upon the demand was turned down, Yunis Aliyev had set himself alight”.

103 NHC interview with rights activist, Malahat Nasibova, 12 January 2010, Baku.

104 NHC interview with Bananyar villager, who wished to be anonymous, 12 January 2010.

105 NHC interview with Nakhchivani rights activists, Saadat Bananyarly and Novella Jafaroglu, 12 January 2010, Baku.

106 Khadija Ismayilova, “Azerbaijani villagers held by police in exclave”, RFRERL, 7 January 2010.

### 3. The practice of torture

Witness reports suggest that torture and ill-treatment are extensively used in all prisons and detention centres in Nakhchivan. There has never been any international or any independent local NGO representatives accessing and monitoring the prison system in Nakhchivan. Many trials are closed to public access, while the police continue to harass detainees and threaten witnesses and detainees’ families are prevented from making torture allegations public. With the absence of free media, there is almost no access to information about torture allegations.

According to witnesses who prefer to remain anonymous, torture and degrading treatment begins at the time of detention and continues during and after sentencing. Beating with truncheons, use of electric shocks, pulling out nails, asphyxiation with gas masks and sexually demeaning methods are widely used.

A former prisoner said he was kept in a penitentiary in the vicinity of Sherur district under the common yet vague accusation of having “resisted the police”. He was left for six days without food and hung from his legs when he refused to make a forced public confession of a crime that he was not involved in.<sup>107</sup> Judges never investigate claims of torture and ill treatment, and no perpetrators of torture have been held accountable.

Forcible detention of prisoners of conscience and government critics in mental hospitals as well as drugging with psychotropic substances are widespread techniques used to extract confessions from suspects. Since there are very few independent lawyers in the Nakhchivan Autonomous Republic, detainees do not have access to a counsel of their choice. The lawyers provided by the courts are mostly used as middlemen to mediate in extortion cases. The trials of politically minded people show no respect to due process.

All these publicised cases illustrate merely a small glimpse of a much wider reality on the ground. The police force is well beyond serving as neutral arbiter of law and order. Police violence, abuse of power and a culture of impunity for torture will continue unless restrictions and better political control of police activity are put in place, and unless an independent judiciary starts holding perpetrators of violations accountable for their acts.

107 NHC interview with a former detainee, September 2009, Baku.

## 4. Psychiatric hospitals: “curing” opponents

The Nakhchivani authorities, unlike in other parts of Azerbaijan, effectively use punitive psychiatry as a tool to silence government critics<sup>108</sup>. Such crackdowns against dissent evoke troubling memories of the Soviet-era repression.

According to a Nakhchivani activist, the use of such Soviet-era techniques scares the ordinary people, as the police explicitly terrorise ordinary outspoken people with forced confinement in psychiatric hospitals without a psychiatric evaluation.

The detained regime critics are kept isolated, with no hope of family contact. Witness testimonies show that the psychiatric hospitals are not only of inferior quality, but also worse than ordinary detention centres, as the detainees are subjected to psychotropic medicines, which eventually may cause mental unsteadiness and behavioural problems.<sup>109</sup>

The confinement of government critics in psychiatric hospital has taken place when high-level delegates visit Nakhchivan. It is reportedly done to deter people from complaining about the hard life and anarchy in Nakhchivan<sup>110</sup>. For instance, when the International Summit of Turkic Speaking Nations took place in Nakhchivan in early October 2009, around 100 people from different parts of Nakhchivan were forcibly detained in mental hospitals days before the event and kept there for several days until the summit ended. Those forcibly confined were primarily those people close to opposition parties and ordinary outspoken people. Among them was reportedly a schoolteacher and his wife, as the couple were planning to pass a letter of complaint to the President of Azerbaijan during the event<sup>111</sup>.

The cases below are confirmed cases of detention in a psychiatric hospital:

**Case of Mahammad Gurbanov:**<sup>112</sup> On 11 September 2009, Nakhchivani merchant Mahammad Gurbanov, 56, was placed in a psychiatric hospital by the employees of the Internal Affairs Ministry of Nakhchivan because of his refusal to pay a bribe to the employees of the Sadarak customs station. His communication with the press about the pervasive corruption and shortcomings in the work of the Sadarak customs point resulted in his forcible incarceration in a psychiatric hospital, while all his goods that he imported from Turkey were destroyed by customs employees. A physical invalid, Gurbanov told an RFE/RL journalist through an open hospital window that he was forced “to write a request to be treated at the mental

108 RFE/RL, “Does demanding right mean madness?”, Babek Bekir, 15 September 2009.

109 NHC, phone interview with a former detainee, September 2009.

110 RFE/RL, “Police in Azerbaijan threaten protesters with psychiatric confinement”, 6 January 2009.

111 NHC interview with an opposition activist, September 2009.

112 IRFS, “Owner placed in psychiatric hospital for denouncing corruption”, 16 September 2009.

hospital”.<sup>113</sup> He was released only after 27 days, and he was not allowed to meet his family, relatives or lawyer during his time at the mental hospital.



Mahammad Gurbanov. Photo Malahat Nasibova

**Case of Alasger Ismayilov:**<sup>114</sup> On 22 September 2007, a prominent activist of the opposition Popular Front Party in Nakhchivan, Alasger Ismayilov, 70, was committed to a mental hospital in Mashtagah village, Baku. He used to write complaint letters about the abysmal human rights situation in Nakhchivan to both international organisations and the Presidential Administration in Baku. He was sued by the police chief of Sadarak district.

Ismayilov’s doctor in the psychiatric hospital diagnosed him with “psychopathic paranoia and developing schizophrenia”. Police went even further, saying that seven of Ismayilov’s relatives had written a letter stating that, “Ismayilov was indeed a mentally retarded and psychologically unstable person”. The 2007 US State Department Report on Human Rights said that Ismayilov had reportedly never suffered from mental health problems.<sup>115</sup> With Ismayilov having reported regularly on corruption and anarchy in Nakhchivan, his arrest was purely a politically motivated act, and his relatives were

113 [http://www.rferl.org/content/Azerbaijani\\_Sent\\_To\\_Mental\\_Hospital\\_After\\_Refusing\\_To\\_Pay\\_Bribe/1823008.html](http://www.rferl.org/content/Azerbaijani_Sent_To_Mental_Hospital_After_Refusing_To_Pay_Bribe/1823008.html)

114 NHC interview with journalist Elman Abbasov, September 2009; Also see, RFE/RL, “Azerbaijan: Teachers, doctors in Nakhchivan tend the fields to keep their jobs”, 4 October 2007.

115 US State Department, Bureau of Democracy, Human Rights, and Labor, Country Reports on Human Rights Practices, 2007.

doubtless intimidated into writing such a letter<sup>116</sup>. Ismayilov was said to be terribly disappointed by the silence of the international community towards his situation. He reportedly died in mid 2009, possibly from the effects of psychiatric drugs injected into him during his confinement in the mental hospital.



Alasger Ismayilov. Photo Malahat Nasibova

**Case of Ismayil Huseynov:**<sup>117</sup> On 5 January 2009, 72-year-old Ismayil Huseynov was committed to a psychiatric hospital when he protested against the disproportionate police actions against his son in the Sadarak district of Nakhchivan. Huseynov's son, Elvin, was detained and accused of turning off the lights of Christmas trees in his home district on 26 December 2008. Police beat him heavily and shaved his head before his release.

Having protested against the police violence, Ismayilov went missing on 5 January 2009 and his family was not informed of his whereabouts, only hearing indirectly of his detention in a mental hospital several days later. Police threatened Ismayilov and his family against talking to the media. According to family members, Huseynov was drugged in the mental hospital and he now sleeps all day even though he was a mentally healthy man before his detention.

116 NHC interview with journalists Ilgar Nasibov and Hekimeldostu Mehdiyev, September 2009.

117 RFE/RL, "Azerbaijan police commit elderly protester to psychiatric hospital", 9 January 2009, [http://www.rferl.org/content/Azerbaijani\\_Police\\_Commit\\_Elderly\\_Proteste\\_r\\_To\\_Psychiatric\\_Hospital/1368193.html](http://www.rferl.org/content/Azerbaijani_Police_Commit_Elderly_Proteste_r_To_Psychiatric_Hospital/1368193.html)



Ismayil Huseynov family members waiting outside hospital photo malahat Nasibova

**Case of Gadir:**<sup>118</sup> A former prosperous businessman known as "Tigr Gadir" tried to send a telegram to the President of Azerbaijan criticising the power abuse of Nakhchivan's leadership. As the post offices in Nakhchivan are under order not to accept and send any letters addressed to the Presidential Administration in Baku, Gadir had travelled to neighbouring Iran to send the complaint letter from an Iranian post office. Two days later, Gadir and his wife were arrested and placed in a psychiatric hospital. He was freed several weeks later, but had reportedly been injected with psychotropic medicines.

Misusing the medical facility by forcibly committing government critics to mental hospitals are part of the severe crackdown and sustained repression of dissenting voices.

Appealing to the international and local human rights organisations, the Nakhchivan-based Democracy and NGO Development Resource Center warned that, "If the incarceration of activists in mental hospitals and other injustices that are taking place in Nakhchivan now are not stopped and responded to in a timely manner, maybe this repressive method will also be implemented in the capital Baku and other regions of Azerbaijan in the future."<sup>119</sup>

118 NHC interview with journalist Malahat Nasibova, September 2009.

119 Democracy and NGO Development Centre, "Human rights report", 2009.

## 5. Politically motivated dismissals

Nakhchivani people live their lives under fear and intimidation, even more so than in other parts of Azerbaijan<sup>120</sup>. The fear of dismissal from work prevents people from openly airing their complaints or supporting any view opposing that of the ruling regime.

Because of the long-term job discrimination policies of the ruling regime, a majority of the outspoken and oppositional party supporters remain unemployed. Organisations in the public sector never employ critics of the regime. Family members of opposition party activists who are in employment are threatened and persecuted. Severe restrictions are applied when an opposition activist wants to start a small business – be it a shopping mall or work in the bazaar. Primarily, the police and tax officials exert pressure to prevent him running his business and leave him with no income<sup>121</sup>.

An elderly opposition party activist explains:

If anyone becomes an opposition party member or criticises the political line of the government, that person will be sacked from his job in the public sector and will hardly be able to support his family. What is more, that person's political beliefs will cause trouble for his or her relatives as well, who may lose their jobs, even if they are not politically active themselves.<sup>122</sup>

Azerbaijan has a lucrative oil and gas sector, but poverty and unemployment have reached critical levels, particularly in regions such as Nakhchivan. Bearing in mind that Azerbaijan has a high unemployment rate, entire families very often depend on the income of a single wage earner, whose dismissal may cause severe consequences for many. Therefore, for the sake of keeping their jobs with meagre salaries, people remain silent about the ongoing injustice.

Others argue that unemployment directly affects their political activity. Meydan Babayev, the local representative in Nakhchivan of Azerbaijan's biggest opposition party, "Musavat", argues that government job discrimination based on his political beliefs has put him in an uncomfortable situation. He believes that discrimination is a "part of the broader plan to completely drive out pro-opposition people from Nakhchivan.

To maintain normal political activity, one has to have, at least, minimum normal life. It is difficult when your family starves just because of your political views. I am often out of Nakhchivan to seek a job in construction fields of Baku, find money to afford my family's needs. I am not given any job in Nakhchivan because I represent the opposition party. My frequent absence has become a barrier to deal with normal political activity.

Politically motivated dismissals have long since been widely practiced not only in Nakhchivan, but throughout the rest of Azerbaijan. Throughout previous elections, supporters of opposition parties or their relatives have been dismissed from their jobs or had their work hours and payment severely curtailed as part of the broad campaign to intimidate the opposition. The authorities routinely mobilise all the administrative and financial resources of the state and seek to destroy the outspoken media and political opposition.

There is a growing mistrust of elections due to the lack of popular engagement in electoral politics and a lack of belief among citizens that they can affect any change. In all elections, state workers (public sector) are coerced by their superiors to vote only for the incumbent party's candidates and attend their rallies. The ruling regime fears the lavish incomes may slip through its fingers, so it never allows free and fair elections.

Often the victims of dismissals were explicitly told that they were being fired for opposition activities. Some of them have also been given the choice between losing their jobs or denouncing publicly, preferably on television, the opposition parties and joining the ruling Yeni Azerbaijan Party (YAP).

**Case of Intigam Ismayilov:**<sup>123</sup> Opposition Musavat party supporter and former parliamentary candidate Intigam Ismayilov, 47, was fired in 2003 because he actively supported the opposition's presidential candidate Isa Gambar during the presidential elections of October 2003. Until he lost his job, Ismayilov was working as a teacher in the Nahajir village secondary school in Nakhchivan. For the last few years, Ismayilov has attempted to file a lawsuit claiming unlawful dismissal, but the court has never accepted the case for consideration. Both the school director and the head of the regional education department have confirmed that Ismayilov was fired illegally because of his opposition sympathies. Ismayilov was also arrested for 15 days when he refused to pay a bribe in order to get his new passport from the agency of the Ministry of the Interior.

120 IWPR, "Nakhichevan: Disappointment and secrecy", Adalet Bargarar, 19 May 2004.

121 RFERL, "Teachers, doctors in Nakhchivan tend the fields to keep their jobs", Babek Bekir, 4 October 2007.

122 NHC interview with opposition Popular Front Party member, September 2009.

123 IRFS, "Cassation complaint of teacher who was fired because of his political beliefs rejected", 23 January 2009.

**Case of Ibrahim Valiyev:**<sup>124</sup> When 56-year-old Ibrahim Valiyev, a resident of Heydarabad village in the Sadarak district, complained about police arbitrariness, police arrested him and his wife, Turkan Valiyeva. The couple remained in police custody without knowing the reason for detention and their relatives were not informed about the detainees' whereabouts. Family members believed the arrest happened shortly after the couple signed a complaint letter about police violence. Signing the letter cost Valiyev a great deal: he was immediately fired from his job as a tractor driver with the Waterworks Department of Nakhchivan. The politically motivated dismissals are effective: ordinary employed citizens – even those with relatives who are employed in public service – think twice before complaining or criticising the system in Nakhchivan. Clearly, the people are increasingly dissatisfied, but they are understandably afraid to challenge the ruling political system.

124 IRFS, "Head of Valiyev family which complained about police is arrested", 13 January 2009.

## D THE REGIME'S PECULIAR TOOLS

### 1. Forced weekend work in the fields

The Soviet-era "*subbotnik*" and "*voskresnik*" – weekend days when people had to show up for "voluntary" work – have been actively practiced in recent years in Nakhchivan. Schoolteachers, doctors, nurses, bank employees and other workers in the public sector are forced to do unpaid manual work after hours and at weekends. The list of such tasks is long, including sweeping streets, trimming trees, watering grain fields, harvesting crops, clearing demolition sites and whitewashing walls<sup>125</sup>.

Nakhchivan is considered to be the cleanest city in Azerbaijan, maybe in the whole South Caucasus. As a journalist puts it, "One cannot find a single cigarette stub in the streets and parks".<sup>126</sup> The reason is simple: those getting their salaries from the state budget (public sector employees) – be they teachers, soldiers, doctors, ministerial agents or other public-sector employees – are compulsorily and routinely out cleaning the streets.

Describing the obligatory nature of the weekend work, an employee of Nakhchivan's Ministry of Economic Development says:

One may not come to work to the ministry on weekdays, but attending the weekend public work is a must for everyone. If anyone objects to showing up for weekend work, then he/she must write a resignation letter immediately. Talibov himself keeps an eye on attendance discipline and punishes anyone failing to turn out. Our ministry employees are responsible for planting and trimming trees and watering the private wheat fields that belong to the Talibov family.<sup>127</sup>

A military commander, working in one of the regiments in Nakhchivan City, said he was ordered to take hundreds of soldiers to work on a daily basis in the potato and wheat fields belonging to the Talibov family.

A Nakhchivan university professor, also preferring to remain anonymous, said the Talibov family, one of the wealthiest in Azerbaijan, is gaining tremendous income from this free labour.

125 RFE/RL, "Azerbaijan: Teachers, doctors in Nakhchivan tend the fields to keep their jobs", 4 October 2007.

126 IWPR, "Nakhchivan: Another Azerbaijan", Sabuhi Mammadli, 2 August 2007.

127 NHC interview with a ministry employee who wishes to remain anonymous, September 2009.

It is in Talibov's interest to make everyone work in these fields belonging to him and his brother. As unemployment is very high, public sector employees tend to do whatever Talibov orders, just for the sake of keeping their jobs to earn a monthly salary. Those people fear reprisals, so never resist doing unpaid weekend work in the fields.

Gulara Abbasova, a schoolteacher in Nakhchivan City, said she and her colleagues were warned that they would lose their jobs if they did not show up to do compulsory weekend work.

In early October 2009, when the Nakhchivan government was hosting the International summit of Turkish Speaking Nations, Talibov urged the employees of education enterprises, private office workers, university students, soldiers and officers of the Autonomous Republic to do unpaid cleaning work in the city. Nakhchivan's infamous state television channel, NTV, covers actively covers these cleaning works:

Hardworking voluntary collective teams washed and swept the roads, paved the motorways, covered the sidewalks with stones, cleared the weeds and watered the trees.<sup>128</sup>

Recently, this obligatory weekend work has evolved into an absurd system where everyone seems to be doing someone else's job. For instance, a group of male teachers of one of the schools in Nakhchivan City were dispatched to Sherur district to construct fences for several families<sup>129</sup>. Very often, such "hardworking groups" are divided into several teams and sent off to do unpaid work many kilometres away from their own districts. To make things worse, these "workers" have to pay their own food and transport costs.

## 2. Weird and unwritten laws

The Nakhchivani government is also known for adopting a kind of "unwritten laws", some of which may seem quite bizarre and which it seems are aimed at society and serve as a means for controlling people.

In 2005, authorities ordered the destruction of most of the teahouses, pubs and other gathering places in Nakhchivan, including its districts and villages, saying that the reason was to "beautify the city and not let people kill their time in vain in

<sup>128</sup> Observations from Nakhchivan, September 2009.

<sup>129</sup> Observations and interviews with employees of the Ministry of Education, September 2009.

teahouses". However, many Nakhchivanians believe the order was politically motivated to further control and prevent large gatherings of people. An unemployed inhabitant of Nakhchivan's biggest village, Nehram, where no teahouses are left, said:

*"They [the authorities] do not want to see people gathering together. They want us stay indoors. They see the teahouses as a dangerous place, since people were often discussing social and political problems [in teahouses]."*

The police have imposed a de facto ban on gatherings of more than three people, mainly in the village centres. In Bananyar village, where there used to be an outspoken community, people said the policemen patrol the village all day, breaking up any gatherings of three to four people. According to human rights activist Malahat Hasanova, the ban on small gatherings is effectively exercised in Nakhchivan under strict police observation.

*"Even small numbers of people are not given an opportunity to come together in the streets and in social places to chat. The regime believes those assemblies pose a serious threat".*

Forbidding the citizens of Nakhchivan City from hanging laundry from their balconies is another peculiar order. The official argument is that "laundry spoils the beauty of the city". A team of police is assigned to make sure people follow this instruction. A Nakhchivani citizen said three policemen raided his house and trampled and ruined the laundry hung out to dry, and accused him of "disregarding the order of Nakhchivan's leader". A pro-government parliamentarian in Baku justified this unusual instruction from Nakhchivan's leadership, saying, "it is unethical and against our mentality to hang and show laundry and underwear to strangers".<sup>130</sup>

With the help of the police, the authorities destroyed the ovens (*tendir*) that rural people use to bake bread in their homes. An official said "the ovens harm and pollute the environment, so we outlaw them". However, by banning the ovens, people say the authorities intended to force them to buy bread only from shops owned by the businessmen close to Nakhchivan's leadership.<sup>131</sup>

A taxi driver said a resident of the Julfa district who failed to pay his electricity bills was seized and tied to a tree in front of the police station. Police said he would only be freed when his family paid the utility debt.

<sup>130</sup> Opposition daily newspaper "Musavat" interview with Eldar Ibrahimov, an MP of Nakhchivani origin in the Azerbaijani Parliament, July 2009.

<sup>131</sup> Observations in Nakhchivan, August-September, 2009.

As detailed in the previous chapter, the authorities strictly insist on public sector employees such as teachers, doctors and others to work in the agricultural fields at weekends. Those who object are sacked from their jobs. Starting in 2009, many schools in Nakhchivan City were ordered to provide the military regiments with 50 kilos each of pickled cucumber and cabbage. Teachers in a school in the Aliabad settlement are forced to provide 200 kilos of wheat. Anyone objecting is immediately fired<sup>132</sup>.

Another opposition politician compares Nakhchivan to Pol Pot's Cambodia:

Politically, the situation in Nakhchivan is that of Pol Pot's Cambodia. Pol Pot also banned the wearing of ties and glasses in the country and used to send men to penalty fields to work.

*"These strange instructions illustrate that Nakhchivan is ruled as a private establishment, where no rights and rule of law are working but the unwritten laws of the Nakhchivan leadership, which is above the law", said activist Malahat Nasibova.*

132 NHC interview with Kekimeldostu Mehdiyev and other Nakhchivan activists, September 2009; Also see RFE/RL, "Azerbaijan: Teachers, doctors in Nakhchivan tend the fields to keep their jobs", 4 October 2007.

## E Required action

### 1. The international community: "business as usual"

Rich energy resources and an important geopolitical location between Russia and Iran make Azerbaijan a potentially important ally for the West. Europe, wanting to avoid becoming completely dependent on Russian gas imports, sees Azerbaijan as its vital economic partner. And, since the transportation of oil and gas require stability, the West consistently appears to give stability priority over human rights.<sup>133</sup>

Western countries with commercial interests in Azerbaijan have been only too willing to tone down criticism or avoid it altogether, in return for continued access to the country's vast natural resources in the Caspian Sea.

The oil revenues have given such confidence to the incumbent regime that President Aliyev himself openly warned foreign diplomats in a speech, saying that, "the relations would be damaged if they criticise Azerbaijani government's policies in the field of civil-society development".

The ruling Aliyev family and their close allies' use the income from lucrative oil and gas reserves on grandiose multi-million Manat construction projects of questionable necessity to ordinary Azerbaijanis.

President Ilham Aliyev has indeed maintained stability, but mostly by imposing a total crackdown on opposition, stifling independent and opposition media and curbing fundamental freedoms. Though a semblance of stability exists in the country, the potential for a grave political crisis is growing year by year. The frequent assessment of the international community that the regime in Azerbaijan is unpleasant but fairly stable needs thorough and honest review.

Western governments must understand that the key to Azerbaijan's stability will undoubtedly be the development of rule of law and respect for human rights. Otherwise, instability may rise as a result of accumulated political frustration and public discontent with government policies and international ignorance to them. The current superficial stability in Azerbaijan should not obscure the fact that unrest is a strong possibility.

133 Los Angeles Times, "What's a Corrupt Election Among Friends", Michael McFaul and Chingiz Mammadov, 23 October 2005; Mother Jones magazine, "Crude Doctrine", 2004 September; Crisis Group Europe Briefing No 40, *Azerbaijan's 2005 Elections: Lost Opportunity*, 21 November 2005;

## 2. What can be done?

The international community, primarily consisting of western diplomats in Azerbaijan, avoid publicly criticising the human rights crisis in Nakhchivan. It is not difficult to draw the conclusion that this is a conscious policy aimed at not damaging relations with the powerful Nakhchivan clan in the Azerbaijani government and also to provide personal safety for foreigners in a region which is only accessible by air on flights managed by the national operator AZAL or via a complicated overland route through northern Iran. Speaking off the record, several diplomats admit that Nakhchivan has an appalling human rights record and a repressive local government.

International efforts, if there have been any, to influence Vasif Talibov's rigid policies in Nakhchivan have long been disjointed, lacklustre and inconsistent. While there has been some public criticism of the arbitrary arrests of activists, there are few signs of any coordinated approach that would put real pressure on the government to change its course.

To deflect international criticism, the Ombudsman (Human Rights Commissioner) Institution has recently been launched by Nakhchivan's government, but the history of such institutions in Azerbaijan gives reason for concern: The Ombudsman Institution, based in the capital Baku, has operated since 2002 under strict government scrutiny and has been completely ineffective in stopping human rights abuses, including widespread torture and politically motivated arrests, or in pressing for prosecution of the perpetrators.

While the law enforcement bodies and the judiciary are deeply flawed and politicised, and have lost their credibility as neutral arbiters of law and order, the embassies and intergovernmental organisations (OSCE, EU and CoE offices in Baku) should press these agencies to stop harassment, arbitrary arrest and prosecution of outspoken activists in Nakhchivan.

Recently, the Council of Europe (CoE) and the Norwegian Embassy have been noticeably active, with frequent trips to Nakhchivan to meet the harassed activists and the incumbents. Andres Herkel, CoE rapporteur on Azerbaijan, is working on a report on the workings of democratic institutions in Nakhchivan following his trip to the enclave. USAID and US-based organisations such as IRI and ABA have launched some low-profile programmes in Nakhchivan such as training for leaders and a legal clinic at the Nakhchivan State University, providing law students with an opportunity to practice and provide free-of-charge services to the most needy. Of the international aid organisations, only the International Organization for Migration

(IOM) has a local office in Nakhchivan, its primary role being to help the local population to revive the historical underground water provision systems, "Kahriz". There are reports that the OSCE also plans to open a regional office in Nakhchivan.

In order to launch a joint cooperative effort on Nakhchivan, these international institutions and embassies in Baku need to agree on a common understanding and need to formulate a number of human rights benchmarks to push Nakhchivan's authorities to implement some genuine reform within a definite time frame. The CoE Baku office may be the most effective body to coordinate this initiative.

The international community must be more vocal in its criticism and should put pressure on the Azerbaijani government to improve the situation in Nakhchivan. Should the regime in Nakhchivan ignore democracy benchmarks, a range of political measures to influence the regime ought to be considered. The recommendations in the pending report by the CoE rapporteur Andreas Herkel must be followed up with real action. Efforts must be immediately mobilised to stop the forcible detention of opposition activists and outspoken people in mental hospitals.

Western embassies in Baku and the donor community should consider launching and funding a range of political projects encouraging democratisation, combating corruption and strengthening freedom and pluralism of the media in Nakhchivan. Only free media can help limit the excessive power of law enforcement bodies and the impunity for torture and violence that most of them enjoy. At the very least, it must be ensured that restrictions on the distribution of Baku-based opposition papers and independent newspapers are lifted. It will be extremely difficult to tackle the pervasive corruption and abuse of power without the existence of free media.

Foreign investors, mainly the transnational oil companies operating in Azerbaijan, must work in a more transparent manner and commit themselves to social and educational assistance. There are considerable opportunities for oil companies and the donor community to fund media, NGOs and economic projects.

In projects involving Nakhchivan's government agencies, the international donor community, embassies and their home governments must recognise that the aid flows need to be reconfigured to keep them out of corrupt hands as much as possible and that strict conditionality must be observed.

Nakhchivan may appear as a low priority and a small region for the international organisations and diplomats working in Azerbaijan. However, a unified approach to improving the very serious human rights situation in Nakhchivan can help prevent even greater problems. Activists in Nakhchivan warn that many repressive methods

will spread throughout Azerbaijan if Nakhchivan authorities are not prevented from contributing to these activities.

If the present situation remains and the international community continues to back the regime uncritically, the remaining few outspoken organisations, like Malahat Nasibova's Democracy and NGO Development Centre, may disappear by the time of the parliamentary elections in November 2010. It is very important that the international community does everything possible to stop the totalitarian regime and to support a civil society in danger of disappearing altogether.

### 3. List of recommendations:

To the governments of Nakhchivan and Azerbaijan:

- To take serious steps to reduce the present level of human rights abuses in Nakhchivan, including by releasing prisoners convicted for their political beliefs or arrested because they are relatives of opposition members.
- To launch a credible investigation into the behaviour of the law enforcement bodies and release those arbitrarily arrested and placed in psychiatric hospital in Nakhchivan.
- To allow the International Committee of the Red Cross (ICRC) to have an unrestricted access to all places of detention in the country, including the psychiatric hospital, in compliance with its mandate.
- Stop job discrimination against the opponents and critics of the government in Nakhchivan.
- To allow local and international media to operate freely and to improve access to media by allowing uncensored access to independent and opposition media.
- To guarantee the protection of all journalists and respect their right to inform.
- To end the harassment of human rights activists.
- Create a political climate free of violence and intimidation for all political parties.
- Permit political pluralism by allowing peaceful demonstrations and public expression of criticism.

To the foreign states' representation in Azerbaijan:

- Consult together to develop common and coordinated strategies and approaches related to improvement of human rights in Nakhchivan.
- A diplomatic task force should be set up in Baku to press on Nakhchivani authorities on human rights related issues:

- a The task force should urge the authorities to stop the misuse of psychological hospital and press for the release of those kept in psychological hospital under the politically motivated charges.
- b Diplomats in Baku should frequently travel to Nakhchivan to visit suppressed activists and meet the authorities and demand remedial action.
- c Nakhchivani authorities should be urged to allow international NGOs, researchers and journalists to operate freely in the region.
- d Nakhchivani authorities should be urged to stop repressive actions and intimidation against the political opposition and opposition journalists.
- e Consistently and publicly condemn any human rights abuses committed by the Nakhchivani authorities, such as reprisals against the media, impunity for police abuse, unlawful arrests of opposition supporters, use of torture and physical abuse, dismissals of opposition employees, arbitrary detention of government critics, and the general climate of intimidation and fear faced by the Nakhchivani community.

To the Council of Europe (CoE) and OSCE:

- To appoint a CoE Special Rapporteur on Human Rights for Nakhchivan and press the Nakhchivani government to cooperate with the rapporteur.
- Work on a separate report on human rights in Nakhchivan and identify a list of key benchmarks to be met within a specified period of time, including:
  - a repeal of de-facto restriction on the activities of NGOs.
  - b allow international observers representatives to monitor trials and prisons.
- To publicly strongly condemn and demand remedial action and an end to the abuses being committed by Nakhchivan authorities.
- The CoE's Committee for the prevention of Torture (CPT) should specifically monitor torture cases in Nakhchivan and should consider an ad-hoc visit to Nakhchivan.
- Azerbaijan's national delegation to the CoE should be urged to remedy the abuses in Nakhchivan and make adequate progress in honouring CoE commitments.

To the donor community:

- The donor community, including the foreign embassies in Baku should allocate funding for the publication of independent newspapers and printing house as part of the support to the independent media in Azerbaijan.
- Programs envisaging free legal aid, legal reforms should be launched, in particular to promote the creation of an independent judiciary.
- International businesses operating in Baku should consider financial support to human rights organisations as well as to independent media. Paid advertisement in Azerbaijani media should be published in both independent and state media.

