

AZERBAIJAN

NGO PROGRESS REPORT ON THE FOLLOW-UP OF THE CONCLUDING OBSERVATIONS

27 JUNE 2011

(CCPR/C/AZE/CO/3)

The contribution to this report is given by:

Institute for Reporters' Freedom and Safety (IRFS)

Legal Education Society (LES)

IRFS and LES are the former and current national coordinators of the South Caucasus Network of Human Rights Defenders and partners of the Human Rights House Azerbaijan.

With the support of:



NGO/CCPR Centre Implementation Assessment

Paragraph 11

Recommendation	Grade	Summary
Establish independent body to receive and investigate complaints	C	No action taken.
Ensure all complaints are examined thoroughly and victims compensated.	C	No serious investigation and no one has been punished.
Those responsible should be prosecuted and punished	C	No one has been criminally prosecuted.
Places of detention are subject to regular independent inspection	B3	Selected NGOs can visit prisons upon 24 hour notice. Unclear proposals to legislation.
Adequate training to law enforcements and prison officials to ensure protection of Rights	C	There is according to the NGOs no official information that systematic trainings have been held.
Systematic use of audio and video in police stations and detention facilities	C	No systematic implementation.

A: Fully Implemented

B1: Partially Implemented-Most of the requirements met

B2: Partially Implemented-Progress made, but addition action needs to be taken

B3: Partially Implemented-Initial action taken (no steps in the implementation)

C: Not implemented at all

Paragraph 15

Recommendation	Grade	Summary
Take measure to end direct and indirect restrictions on freedom of expression	C	Increased restriction outweighs potential improvement
Legislation on defamation should be brought into line with art. 19.	B3	Law not yet adopted but is expected to be during fall 2011. Current laws used to intimidate journalists.
Finding a balance between information on "public figures", and the right of a democratic society to be informed.	B3	Draft legislation of defamation is made, not adopted.
Effectively protect media workers against attempts on their integrity and life.	C	No action taken. Many documented violations.
State should not unreasonably restrain independent newspapers, as well as radio stations.	C	No action taken and further restriction on foreign radio stations.
State should treat users of non-conventional media in strict compliance with art. 19.	C	Activists using social media are being suppressed, imprisoned and threatened.

NGOs did not provide responses to Paragraphs 9 and 18. Responses to Paragraphs 11 and 15 are found below.

Recently documented violations or relevant incidents are cited throughout the response. They are listed by number and are found at the end of each Paragraph chart.

Documented violations or relevant incidents are cited more than once is appropriate.

Paragraph 11

The Committee is concerned at persistent reports of confessions obtained under torture and ill-treatment during investigation. It is also concerned at information that such confessions have served as evidence in court on a number of occasions, and that torture and ill-treatment complaints are not being duly and systematically investigated. The Committee is also concerned about reports of deaths in police detention centres, remand centres, or prison facilities. Finally, it remains concerned at the lack of a fully independent mechanism for investigating complaints against acts by members of the police or prison guards, despite the explanations of the delegation as to the existence of an inspectorate to control the execution of punishments and a department of human rights and public relations (Ministry of Justice) with certain prerogatives in this respect (art. 2, 6, 7, 9, 10, 14).

Committee Recommendation	Actions taken by the State	Further action needed	Other comments from the NGOs
<p>The State party should establish without delay an independent body with authority to receive and investigate all complaints of use of force incompatible with the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169) and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), and other abuses of power by law enforcement officials</p>	<p>-No action taken.</p>	<ul style="list-style-type: none"> - State needs to establish a new independent body with the authority to receive and investigate all complaints of use of force. - A lack of safeguards and procedures from the beginning of custody, and a failure to abide by regulations that do exist, leave people at risk of violations of their fundamental right not to be subjected to torture or ill-treatment. 	<p>-The Office of the Ombudsperson lacks the level of independence to be the national institution responsible for investigating complaints of torture and other human rights violations, as well as to serve as the National Prevention Mechanism. While UN and ECHR identified several cases of violations of CAT and CPT, the Ombudsman’s office failed to disclose any single case during 8 years of work. However, a hotline for torture victims has been established, which has the intention to facilitate complaint procedures to the Office. Local NGOs are concerned of the ineffectiveness of the Ombudsman’s Office as the National Preventive Mechanism under the UN OPCAT. The Ombudsman has not involved the public organizations in Preventive Mechanism, only the employees of Ombudsman’s office, which receive salary from the state budget, constitute this Mechanism.</p>

<p>The State party should ensure that all complaints relating to torture or ill-treatment are examined promptly and thoroughly and that the victims are compensated.</p>	<p>-No action taken.</p> <p>-There is no requirement at present for a detained person to be brought promptly before a judge, nor are there any procedures whereby a person can challenge in court the lawfulness of their detention or their continued detention – violations of Azerbaijan’s fair trial obligations under the International Covenant on Civil and Political Rights.</p> <p>- Although the prosecutor’s agencies are entitled, no serious investigation on the issue raised by the right defence organizations or punishment of anyone was observed in practice.</p>	<p>-State needs to ensure that all complaints relating to torture or ill-treatment are examined promptly and thoroughly and that the victims are compensated.</p>	<p>-According to the Azerbaijan Committee against to Torture, at least one prisoner reportedly died in custody in 2010 after alleged ill-treatment</p> <p>-See below for an instance when recent complaint was not examined (1).</p>
<p>Those responsible should be prosecuted and punished.</p>	<p>-No action taken.</p> <p>-Torture and ill-treatment in custody continue with impunity.</p> <p>- In 2010 the Azerbaijan Committee against Torture, an independent prison monitoring group, received over 150 complaints alleging torture and ill-treatment in custody. The Ministry of Interior took disciplinary measures against several officers, but failed to criminally prosecute any of them. There is not a single case in which police investigated and brought the people accountable to justice.</p> <p>- All the motions concerned to the ill-treatment which were brought by lawyers of detainees have been rejected by courts and prosecuting organ. They justified the rejection by absence of direct evidences. For example, in the case of two bloggers (Emin Milli and Adnana Hajizada), who were deprived of speaking to lawyers at the moment of their detention in July 2009.</p>	<p>-Those responsible should be prosecuted. There should be restrictions and better control of police as well as an independent judiciary.</p> <p>-Torture and ill treatment in the police stations has been reported and none of these allegations has ever been thoroughly and fairly investigated by the relevant government bodies. The culture of impunity for torture will continue unless restrictions and better control of police activity are put in place, and unless an independent judiciary starts holding perpetrators of violations for their acts.</p>	<p>-See below for recent individual cases of confessions obtained under torture or ill-treatment during investigation and lack of prosecution by the State (1, 2).</p> <p>-See below for recent cases of mistreatment during detention (1, 2, 3, 4, 5, 6).</p>

<p>The State party should ensure that all places of detention are subject to regular independent inspection</p>	<p>- For those NGOs, which are not the members of the Civic Prison Monitoring Committee (also called Public Committee), established by the Ministry of Justice, there are no special procedures established on getting access to detention facilities. The Civic Prison Monitoring Committee has a right to visit prisons only, under subordination by the Ministry of Justice - with 24 hours prior notice to the Ministry. It never monitored situation in the pre-trial detention places and police stations. Elchin Behbudov, the chairman of Azerbaijan Committee against Tortures, however, has access to detention institutions (but not to prisons) without any concrete procedure. There are some unclear proposals regarding visits of civil society representatives to prisons in the Code of Execution of Punishment of the Republic of Azerbaijan.</p>	<p>-State should allow, without prior notice, unrestricted access of NGOs to prisons, pre-trial detention facilities, and police stations.</p>	<p>-Institute for Reporters Freedom and Safety (IRFS) has twice appealed to Ministry of Justice requesting permission to visit jailed journalist, but it was refused of permission. In addition, human rights defender Rasul Jafarov has also twice appealed to the Ministry of Justice to hold trainings for prisoners on their rights for early release in frame of the project of International Bridge to Justice (IBJ), but he was refused of permission to do it.</p>
<p>The State party should provide adequate training to its law enforcement and prison officials and ensure that the rights under the Covenant are fully protected.</p>	<p>-According to the NGOs there are no official information about the trainings being held.</p>	<p>-State should provide adequate systematic training to its law enforcement and prison officials to ensure that the rights under the Covenant are fully protected. States should also allow prisoner right education.</p>	
<p>The introduction of systematic use of audio and video equipment in police stations and detention facilities should also be seriously considered.</p>	<p>-No action taken</p>	<p>-Audio and video equipment should be used in police stations and detention facilities. No cameras have been so far installed in these facilities.</p>	

Recent cases relevant to Paragraph 11:

1. On 4 May 2011, **Jabbar Savalanli**, a member of the Azerbaijan Popular Front Party's (APFP) youth group, sentenced for 2,5 years on drugs charges, after his contribution to the recent pro-democratic demonstrations in Azerbaijan. During the police examination, he was faced with pressure and was forced to give evidence against himself. All the motions submitted to the court related to this matter have been rejected by the court without any justification.
2. 29 years old activist **Bakhtiyar Hajiyev**, who was detained on 4 March 2011 and convicted for 2 years in prison for allegedly avoiding military service, passed a letter to his lawyer during the court hearing, saying he had been beaten, tortured and threatened with rape by police in custody. He has been on hunger strike in protest against the treatment.
3. **Dayanat Babayev**, a member of the Youth Committee of Popular Front Party, who assisted in organizing protests, was detained on 4 March 2011 and was held in incommunicado for two days. The fact about his detention was only found out by unofficial inquiries. He met with his lawyer for the first time since his arrest 2 days after detention.
4. The youth activist **Etibar Salmanli** was detained on 17 April 2011 and stayed in camera detention cell without any seat for 9 hours. He was refused access to water.
5. On the peaceful demonstration on 02 April 2011 the leader of the Youth Committee of the Popular Front Party and reporter for the Azdliq (Freedom) newspaper, **Abulfaz Qurbanli**, was detained and brought to the Yasamal Police Department. Abulfaz Qurbanli was brought to an isolated room on the upper floor of the Police Daprtment by people in civil cloth and police officer. There he was beaten. When they noticed journalist's ID in his pocket the police stopped the violence and Abulfaz Qurbanli was released. As a result of the beatings, Qurbanli has bruise under his eye, and dozens of the scratches and other traumatic traces on his body.
6. **Tural Abbasli** the leader of Youth Department of Musavat Party was kidnapped from the taxi prior to the peaceful demonstration of the Musavat party at on 12.March 2011. Abbasli faced with ill treatment in the detention. He was factually kidnapped from the taxi and was delivered to the police station. He was not informed about his rights and was not explained the reasons for the detention. Moreover, was not allowed to inform his relatives about the detention. He was detained for more than 5 hours without any reason.

Paragraph 15

The Committee remains concerned at the extensive limitations to the right to freedom of expression of the media, the closure of independent newspapers, and the removal of licences to broadcast locally for a number of foreign radio stations. It also remains concerned at reports of a pattern of harassment and criminal libel suits or hooliganism charges against journalists. Furthermore, the Committee is concerned at reports of killings or beatings of journalists which have not been elucidated. Finally, the Committee is concerned at the recent arrest and detention on remand of individuals who had expressed opinions in non-conventional media, especially since no explanation was provided as to why the arrest took place after the individuals had reported to the police attacks on themselves and why the judicial proceedings against them for hooliganism were not held in public (art. 19).

Committee Recommendation	Actions taken by the State	Further action needed	Other comments from the NGOs
<p>The Committee urges the State party to take the necessary measures to put an end to direct and indirect restrictions on freedom of expression.</p>	<ul style="list-style-type: none"> -No significant action taken. Lots of documented violations. - The national law provides for freedom of speech and of the press. However, in practice the government often does not respect these rights. - Even though the Presidential decree was adopted in 2009, establishing a state fund to support the development of the mass media in Azerbaijan, it usually provides financial aid to the persons close to the Foundation authorities and the newspapers with low circulation; unimportant projects are financed. - The government in Azerbaijan has been cracking down on critical voices in the country in an attempt to prevent the type of protests in North Africa and the Middle East from spreading to Azerbaijan. The Government of Azerbaijan has prevented peaceful assembly of opposition groups in central Baku, and detained opposition party activists. See below for individual cases (6, 9, 10, 11, 12, 14). -As a part of the broader government campaign against those who raise their critical voices, an alarming pressure is put on the activities of independent lawyers and human rights defenders, and their organizations. 	<ul style="list-style-type: none"> -State needs to take measures to put an end to direct and indirect restriction on freedom of expression. -The limited media independence remained a problem. 	<ul style="list-style-type: none"> - Several lawyers have been openly warned not to defend the rights of those detained. In addition to harassment, concrete actions are taken against those lawyers who dare to provide legal counsel to those who criticized the government. See below for cases of state action against human rights lawyers (14, 15, 16, 17, 18). -Some private television stations operated, but their programs are biased in favor of the ruling party. -See below for cases of government influence over independent media (20). -See below for examples of state restrictions on freedom of expression (5, 6, 9, 10, 11, 12). Such incidents illustrate the Azerbaijani government's efforts to silence the rising dissent in the country. The Azerbaijani authorities have increased repression of the opposition and human rights

			<p>activists after the protests against the government. See below for individual cases of government pressure on activists (19).</p> <p>-Several students were expelled from the universities on their public activities. See below for specific cases of student expulsion due to pro-democratic protests (13, 21, 22, 23, 24, 25).</p> <p>-Government has taken a strong stance against NGOs, including those hosting press conferences and defending journalists. See below for specific cases of Human Rights organizations working to promote and defend freedom of expression being targeted especially the last six months in Azerbaijan (26, 27, 28, 29).</p>
<p>Legislation on defamation should be brought into line with article 19 by ensuring a proper balance between the protection of a person's reputation and freedom of expression.</p>	<p>-Law on Defamation has not been adopted yet, which means that the Criminal Code still contains articles leading to journalists' and other critical voices' arrest for defamation.</p> <p>-Criminal and civil defamation laws have long been used extensively in Azerbaijan to intimidate journalists and human rights defenders: several journalists and editors were put in prison under defamation charges.</p> <p>-In May 2011, the amendments to defamation law were discussed with the OSCE involvement and the new revised law is expected to be adopted in the autumn session of the Parliament.</p>	<p>-Legislation on defamation should be brought into line with article 19 and adopted in the parliament.</p>	<p>-International and national organizations have repeatedly advised the government to change criminal defamation and libel laws to a civic law.</p>

<p>The State party is urged to consider finding a balance between information on the acts of so called “public figures”, and the right of a democratic society to be informed on issues of public interest.</p>	<p>-See below for a recent case of a journalist being punished for criticising authority (3).</p>	<p>-State should find a balance between information on the acts of “public figures”, and the right of a democratic society to be informed on issues of public interest.</p>	
<p>The State party is also urged to effectively protect media workers against attempts on their integrity and life, and to pay special attention and react vigorously if such acts occur.</p>	<p>- The bloggers E.Milli and A.Hajizada, who were victims of an apparently staged attack in July 2009 and subsequently convicted of hooliganism were released on conditional term in November 2010 after serving over half of their sentences.</p> <p>The editor Eynulla Fatullayev was pardoned by the president in 26 May 2011 after four years imprisonment as a result of international pressure and in accordance with the ECHR decision from April 2010.</p> <p>-See below for other recent cases of journalist abuse (2, 4, 7, 8).</p>	<p>-State needs to take steps to protect media workers against attempts on their integrity and life, and to pay special attention and react vigorously if such acts occur.</p>	
<p>The State party should not unreasonably restrain independent newspapers, as well as local broadcasting of radio stations.</p>	<p>-The broadcasting of foreign radio stations has been suspended in FM frequencies, which is the only clause in legislation meeting international standards and that raises questions. The Azerbaijani language services of Radio Liberty, BBC and Voice of America have been effectively lifted away from broadcasting in local FM frequencies in January 2009.</p>	<p>-State should not unreasonably restrain independent newspapers, and renew the licenses for the international closed radio stations to broadcast in local FM frequencies.</p>	<p>These radios were one of the few platforms offering a plurality of political views, dissenting voices and alternative information to the Azerbaijani public. The ban on radios was seen as a politically motivated decision of the national authorities to further block the independent and critical media. These radios remain only accessible via Internet.</p>
<p>Finally, the State party should treat users of non-conventional media in strict compliance with article 19 of the Covenant.</p>	<p>- In early 2010, the government expressed its intent to require internet-service providers (ISPs) to obtain licenses and sign formal agreements with the Ministry of Communications and Information Technology, although those plans seem to have been put on hold.</p>		

Cases Related to Paragraph 15:

1. In July 2010 a court sentenced **Eynulla Fatullayev**, chief editor of two newspapers and an outspoken government critic, to an additional two-and-a-half years in prison on spurious drug charges brought by prison authorities. Fatullayev was sentenced to eight-and-a-half years in prison in 2007 on charges of fomenting terrorism and other criminal charges, which were widely believed to be politically motivated. In April the ECtHR found that Azerbaijan “grossly” and “disproportionately” restricted freedom of expression by imprisoning Fatullayev and ordered his immediate release. In October the decision became final after the court’s Grand Chamber refused to admit the government’s appeal. On 26 May 2011 the journalist E. Fatullayev was released on the basis of the presidential pardon.
2. Several journalists suffered physical attacks by police and others. In May 2010 police detained **Seymur Haziiev**, a reporter for the Azadlig newspaper, at an opposition rally in Baku. Haziiev was questioned without his lawyer, charged with resisting arrest, and sentenced to seven days imprisonment. S.Haziiev reported that two officers kicked and hit him periodically during the interrogation.
3. In February 2010 a Baku Court convicted **Ayyub Karimov**, editor in chief of the Femida 007 newspaper, of slander and ordered him to pay a fine, in response to a Ministry of Internal Affairs complaint regarding A.Karimov’s articles criticizing the ministry. In February 2011, the Ministry of Education officials filed a criminal complaint against Aloysat Osmanli, a mathematician, for articles in the Azadlig newspaper criticizing the ministry for mistakes in mathematics textbooks.
4. In July 2010 unidentified men attacked **Elmin Badalov**, a reporter for “New Musavat” (“Yeni Musavat”), and Anar Garayli, the deputy editor of “National Way” (“Milli Yol”), while they took photographs for an investigative story about luxury villas near Baku believed to be built by the transportation minister.
5. In May 2010 Baku airport security forced Norwegian journalist **Erling Borgen** to place his camera and recorded DVD footage in his checked bags. Upon arrival in Oslo Borgen discovered that all footage from his visit to Azerbaijan for a documentary on Eynulla Fatullayev had disappeared.
6. Police interfered with journalists’ efforts to document public protests. Police broke up a Baku demonstration by opposition party Musavat 12 March 2011; and prevented journalists from filming.
7. On 17 April 2011, three Swedish journalists who were trying to cover a protest were taken to police headquarters and deported the day after from the country. Three employees from the Swedish state-owned "Channel 1", **Charlie Laprevote**, **My Rohwedder Street**, and **Charlotte Wijkström** were arrested in Sahil Park while they were covering the Public Chamber opposition party protest yesterday. Undercover agents took the journalists to Sabail District Police Department N 39. Following this, they were taken to the Anti Illegal Immigration Department of the Interior Ministry's Passport Registration and Migration Office. The Press Council of Azerbaijan stated that the foreign journalists should have obtained accreditation from the Ministry of Foreign Affairs. Reporters did not produce any formal charges, but on April 18 told them about the deportation flight Baku-Istanbul.
8. On the night 15 June 2011 an American journalist **Amanda Erickson** and British human rights activist, working for IRFS, **Celia Davies**, were physically attacked by four unidentified men in the centre of Baku. They were severely beaten and injured. Nothing was stolen from the women. IRFS does not except the possibility of relation of their professional duties with the incident.
9. On January 7, 2011 were arrested chairman of the Islamic Party of Azerbaijan (AIP) **Movsum Samedov**, his deputy **Vagif Abdullayev**, an activist of the Party Elchin Hasanov and chairman of the IPA driver Mirguseyn Kazimov. By decision of the Binagadi District Court they were detained for 10 days. The government claimed that M. Samadov was not only inciting revolution and suicide attacks on the government, but also that they found weapons in his home. Over 20 other believers were arrested.

10. 29 years old activist **Bakhtiyar Hajiyev**, was detained on 4 March 2011 for allegedly breaching a court order not to leave his native town of Ganja and was questioned by police about his views posted on Facebook where he called on young people to join protests in March 2011. He was remanded in custody for two months by a court in Ganja district, pending a trial for evading military service. On 18 May 2011 Hajiyev was sentenced to two years imprisonment on draft evasion charges.

11. **Jabbar Savalanli**, a member of the Azerbaijan Popular Front Party's (APFP) youth group, was detained on 13 February 2011 and sentenced on 4 May 2011 for two and a half years on drugs charges after he posted on Facebook calling for a "Day of Rage", inspired by protests in the Middle East and North Africa. Savalanli is a youth activist, frequently using social media to air his political views. Lawyers and human rights defenders claim the arrest is politically motivated and trumped-up charge to scare and refrain the youth from active political involvement.

12. **Dayanat Babayev**, a member of the Youth Committee of Popular Front Party, who assisted in organizing pro-democratic protests, was detained on 4 March 2011. He was sentenced to 10 days administrative detention for obstructing the police. According to the police, he was detained on the street in Baku for cursing on the telephone. However, D. Babayev maintains that he was arrested by security services agents in an internet café. He was provided with a possibility to meet his lawyer 2 days after his detention.

13. **Etibar Salmanli**, a student who has been distributing leaflets advertising to join the 11 March 2011 protest, has gone into hiding after police called at his home while he was out, reportedly to question him over allegations that he allegedly cursed a woman in the street.

14. Azeri law student and journalist **Elnur Majidli**, currently studying in France, has been charged in absentia for plotting to violently overthrow the Azerbaijani government, and faces a possible 12-year sentence. Majidli is one of the organizers of the actions "March 11 – Great People Day" and "April 2 – Day of Great Anger" on social networks. Majidli will not return to Azerbaijan for fear of arrest and incarceration. According to Majidli his family is being "pressured" and the authorities are listening to the telephone conversations and watching his home in Baku Majidli was charged according to Article 281 of Criminal Code. Press service of the Ministry of Internal Affairs of Azerbaijan confirmed that Elnur Majidli was declared wanted by Interpol on the charge of mobilization of anti-government actions. Majidli's father has reportedly been sacked from his job and his mother has been told by her supervisors at work that they are under pressure to fire her.

15. A criminal case has been raised against an outspoken lawyer **Khalid Bagirov** on the charges of defamation for disseminating information in the media about alleged police involvement in the ill-treatment and death of Elvin Askarov.

16. On 4 February 2011, the prominent Azerbaijani lawyer **Osman Kazimov** was suspended of his activities as a legal counsel by the government-regulated Azerbaijani Bar Association was suspended, following the falsified accusations of the Ministry of Internal Affairs on illegal acts in a criminal case. The case was brought to the district court by the Bar Association with the request to disbar Kazimov from the Bar Association. Currently, his case is pending before the national courts. Mr. Kazimov alleges that his disbarment is related with membership to one of the main opposition parties in Azerbaijan and his participation in several criminal cases of high political sensitivity as a defense counsel.

17. The prominent human rights defender and lawyer **Intigam Aliyev** was deprived of his membership in the Bar Association in 2009, despite being eligible to it under the national law. Accordingly, he lodged complaint in this regard with the European Court of Human Rights. Aliyev alleges the refusal to his membership is related to his activities as a human rights defender and his critique against the government, and the Bar Association.

18. **Alaif Hasanov**, current defense counsel of youth activist Bakhtiyar Hajiyev and Shahin Hasanli, a member of Azerbaijan National Front Party, was since March 2011 subjected to smear campaign by local authorities in the region of his residence near Ganja. Letters have been sent to national authorities on behalf of the ordinary people, teachers, doctors of the region, claiming that A. Hasanov is involved in the activities against the state and the criminal activities by assisting the opposition in the country. A. Hasanov lodged a complaint to the Court concerned to humiliation and degradation. This campaign against him most likely was organized by local authorities in the Zardab region, not far from the city of Ganja, where B. Hajiyev was sentenced.

19. The Internal Investigating Department of the Ministry of Internal Affairs questioned the manager of Human Rights House Azerbaijan **Vugar Gojayev** for 4 hours on 23 May 2011 concerning the letter of the Chairwoman of the Subcommittee on Human Rights of the European Parliament to the Minister of Internal Affairs, Heidi Hautala, which mentioned the closure of the HRHA in March 2011, the police inspection in February 2011, and the recent arrest of activists. Gojayev was questioned whether HRHA had sent out information on recent arrests of opposition activists to internationals. After the oral interrogation, Gojayev was requested to provide written answers to questions. He was not given a written copy of his answers. The policemen informed Gojayev that they had monitored his Facebook profile and were aware of his activities, and warned him that "we are watching and consider everything before coming to a decision on individuals".

20. ANS Television, the audience leader, was generally regarded as a source of relatively balanced news coverage prior to its temporary closure by the National Television and Radio Council (NTRC) in 2006. However, ANS had since adopted a more cautious, self-censored approach to news coverage, often broadcasting the same news and news angles as government-sponsored media. In an August ANS analytical program, journalist Mirshahin Agayev criticized imprisoned journalist Eynulla Fatullayev and disparaged civil society and opposition groups for advocating his release. It seemed the program was ordered by the government and demonstrated the decline in the broadcaster's independence. Smear campaigns are used against critical voices, including journalists.

21. **Tural Abbasli**, head of the Musavat party youth wing, was expelled from the University on April 6, 2011. He was studying for a master's degree in journalism and was due to graduate this year. Abbasli was expelled for missing 100 hours of classes and not paying the annual tuition fee of 900 manats (\$1,135) for the period from September 2010 till March 31, 2011. Abbasli's mother, Bashkhanim Abbasli, who is also a member of the Musavat Party, said that he was expelled for his political views. She said two of his exams coincided with the opposition protests on 12 March and 2 April 2011, but he could not take those exams as he was detained on the eve of the protests. Abbasli was detained on 2 April 2011 during an opposition rally. The criminal case was initiated against him under the article of "organization of actions aimed at breaking the public order, or active participation in them" on the basis of 233 Article of Criminal Code. On April 4, the Sabail District Court of Baku ruled to arrest Abbasli for the period of 2 months. On April 10, the Baku Court of Appeal upheld the ruling.

22. The other expelled student is **Javid Mehraliyev**, a member of the opposition Classical Azerbaijan Popular Front Party. He was a 3rd year student of the Department of History of the Baku State University (BSU). He participated in recent opposition protests and was expelled from Baku State University on April 5 2011. His exclusion was due to missing 158 hours of university lessons without valid reason. According to the internal rules of the BSU, after 100 hours of missed lessons the student should be warned. He received no warning. He was called to the dean's office only after his detention at the rally on April 2 and after his 3-day-long administrative arrest. University administration threatened him claiming that he had missed 158 hours of lessons. The young activist had not missed so many classes. On the other hand, in accordance with the Bologna system adopted by the university, the student cannot be expelled for non-attendance, even for academic debts, which he/she can pass in subsequent years. On 12 April 2011 the dean of History Faculty of Baku State University, S. Hajiyev, gave J. Mehraliyev the order dated 6 April 2011 about his expulsion. Javid Mehraliyev had been expelled from the university two times because of his political views. After the first he was allowed to come back to school. He was allowed back after the second expulsion but was made to repeat a year. The young activist appealed to 1st Baki Administrative-Economic Court on 21 April 2011. Baku State University officials denied that he was expelled for his political view.

23. **Ulvi Hasanli** was a student in Azerbaijan Tourism Institute. He was in custody for 7 days related with his public activity on 11-18 March 2011, and that was why he did not attend the lessons. He was excluded from the University for his public activity. Ulvi Hasanli applied to the rector of Azerbaijan Tourism Institute J. Jafarov on 6 April 2011 about validating his absence. On 15 April 2011 he went to the dean's office for the answer to his appeal. In the dean's office he was given no information and advised to contact the General Department of Institute. The dean, N.B. Nasirli, declared that to be under arrest was not a valid reason to miss the lessons. The young activist appealed to 1st Baku Administrative-Economic Court on 8 May 2011.

24. **Parviz Azimov** was a 4th year student at the Lankaran State University and representative of the Dalga Youth Movement. He wrote an article about corruption at his university. On 17 April 2010 he was excluded from the University for publishing an article entitled "Corruption Scandal in Lenkoran University". The claim was lodged to the Lenkoran Court with a demand to reinstate Azimov at the University on April 29 2010. The dean of the Lankaran State University N. A. threatened Parviz Azimov to halt "revolutionary" and "oppositional" internet activism or he would be expelled from the university. Azimov appealed the expulsion. The court decided that the decision to expel him was unfounded and ordered that he be allowed back into the university.

25. **Elmin Badalov**, the editor of "Poligon Information Agency" and fourth year student at the Oil Mechanics faculty at Azerbaijan State Oil Academy (ASOA). On 12 November 2009 Badalov published an article on the pia.az website ("Reportage from the Azerbaijan State Oil Academy") regarding bribery cases and financial fraud at the ASOA. After this, a wave of harassment began against the student journalist. He was called to the dean's office to be interrogated about his article. Badalov eventually failed his exams and course work. He was expelled from the university in January 2010 following an order by the Rector. The student journalist claimed that he had been an exemplary student and that his failures were related to his article. Badalov said that he was subjected to pressure for freely expressing his thoughts and called on ASOA to allow him back to the university.

26. The evening on 7 March 2011 **Mehman Huseynov and Abulfat Namazov** from the **Institute for Reporters' Freedom and Safety (IRFS)** were interrogated by police, for two hours after being forced out of their car in Baku. They were questioned about Huseynov's Facebook account, the protest action on 11 March 2011 and the activities and employees of the IRFS.

27. On 19 January 2011 there was a police inspection at the **Institute for Reporters' Freedom and Safety (IRFS)** in Baku. Participants were hindered to access IRFS' office, whilst three officers without identification questioned IRFS about the events planned in their press centre. IRFS Staff were interrogated by the police on 7 March 2011.

28. 10 February 2011, **the Human Rights House Azerbaijan (HRHA)** was searched by police. On 10 March 2011, the HRHA was asked to stop all activities by the Ministry of Justice. Human Rights House Foundation registered its international branch in Azerbaijan in May 2007 and since then has regularly and timely reported to the respective authorities. HRHA did not receive any notification from the authorities that it was not in compliance with the 2009 law nor that it needed to make changes to its registration documents.

29. On 19 April 2011, the **Media Rights Institute** received a warning from the Ministry of Justice about the possible administrative sanction. The official ground for the warning, as indicated in the letter by the Ministry of Justice, is that the Media Rights Institute did not inform the Ministry about the change of the Chairman of the organization and did not submit the copy of relevant decisions to them. The Media Rights Institute responded that the warning did not apply to them, as the Chairman of the organization has not been changed, but re-elected. The law does not state that information about re-election needs to be sent to the Ministry of Justice. The Media Rights Institute's effort to clarify this issue had not been solved yet.