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NATIONS IN TRANSIT



7

Azerbaijan

Azerbaijan | Nations in Transit 2014 | 2014

DRAFT REPORT



PDF version

Capital: Baku
 Population: 9.3 million
 GNI/capita, PPP: US\$9,410

Source: The data above are drawn from The World Bank, *World Development Indicators 2014*.

Nations in Transit Ratings and Averaged Scores

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Electoral Process	6.25	6.50	6.50	6.50	6.75	6.75	7.00	7.00	7.00	7.00
Civil Society	4.75	5.00	5.25	5.25	5.50	5.75	5.75	6.00	6.25	6.50
Independent Media	6.00	6.00	6.25	6.25	6.75	6.75	6.75	6.75	6.75	6.75
National Democratic Governance	6.00	6.00	6.00	6.00	6.25	6.50	6.50	6.75	6.75	6.75
Local Democratic Governance	6.00	6.00	6.00	6.00	6.25	6.25	6.50	6.50	6.50	6.50
Judicial Framework and Independence	5.75	5.75	5.75	5.75	5.75	6.25	6.25	6.50	6.50	6.50
Corruption	6.25	6.25	6.25	6.25	6.50	6.50	6.50	6.50	6.75	6.75
Democracy Score	5.86	5.93	6.00	6.00	6.25	6.39	6.46	6.57	6.64	6.68

2014 SCORES

6.68

REGIME CLASSIFICATION
Consolidated Authoritarian Regime

6.75

7.00

6.50

6.75

6.50

6.50

6.75

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

EXECUTIVE SUMMARY:

Azerbaijan is ruled by an authoritarian regime characterized by intolerance for dissent and disregard for civil liberties and political rights. When President Heydar Aliyev came to power in 1993, he secured a ceasefire in Azerbaijan's war with Armenia and established relative domestic stability, but he also instituted a Soviet-style, vertical power system, based on patronage and the suppression of political dissent. Ilham Aliyev succeeded his father in 2003, continuing and intensifying the most repressive aspects of his father's rule. Since then, the inflow of significant oil revenues has fueled presidential patronage, strengthened the state's security apparatus, and partially subdued both domestic and foreign criticism of the regime.

In October 2013, President Aliyev secured a third term in office through deeply flawed elections. The incumbent's landslide victory was widely anticipated due to the administration's monopoly over state resources and its ruthless intimidation tactics. However, unlike in previous elections, a wide spectrum of opposition groups—including political parties, youth movements, and nongovernmental organizations (NGOs)—managed to unite under the umbrella of the National Council of Democratic Forces.

The year was also marked by a series of protests in the capital and in the regions. Some of these demonstrations were organized by the opposition; others appeared spontaneous, most notably the riots in the town of Ismayilli at the end of January and rallies in Baku protesting violence in the military in March. Throughout the year, the regime arrested and detained political opponents, activists, and journalists and used bogus charges against its critics.

The authorities continued to crack down on public protests in 2013, imposing high fines for participation in and organization of unauthorized protests. New legal amendments introduced in March, including NGO registration requirements, restrictions on funding, and higher fines for administrative offenses, made the day-to-day operation of civil organizations critical of the regime increasingly difficult.

National Democratic Governance. The Aliyev regime continued to exercise tight control over Azerbaijani society, maintaining a near-monopoly on power. After scrapping constitutional term limits in 2009, President Aliyev ran for and won a third term in office in October. Following the elections, the president reshuffled a few positions in government but the most notorious oligarchs kept their ministerial positions. There was no progress on negotiations over the breakaway region of Nagorno-Karabakh. *Azerbaijan's national democratic governance rating remains unchanged at 6.75.*

Electoral Process. Like every national vote held in Azerbaijan since the adoption of the 1995 constitution, the presidential elections of 2013 were marred by candidate and voter intimidation, multiple voting, ballot stuffing, and other serious irregularities. For the first time, opposition parties ran behind a single candidate. The Central Electoral Commission (CEC) disqualified their first nomination, Oscar-winning screenwriter Rustam Ibragimbekov, but accepted their second choice, Jamil Hasanli. In the end, President Aliyev won his third term with a reported 84.5 percent of the votes. Participation

was at 71.6 percent. *Azerbaijan's electoral process rating remains unchanged at 7.00.*

Civil Society. Over the last decade, the regime has steadily increased its control over civil society activities through a variety of legal and extralegal means. New restrictions adopted in 2013 created onerous reporting requirements for NGOs, limited cash donations, and imposed high fines for administrative offenses. Authorities also continued to suppress public protests throughout the year, cracking down on demonstrations, targeting youth movements, and prosecuting the regime's critics on bogus charges. As the regime's repression of political dissent escalates, *Azerbaijan's civil society rating declines from 6.25 to 6.50.*

Independent Media. In the run-up to presidential elections, government authorities took further steps to silence independent media. The government extended the scope of defamation provisions to the internet, punishing offensive statements online with up to three years in prison. The authorities used fabricated charges to muzzle critical journalists on numerous occasions, while violence and attacks against journalists remained common. The economic situation of independent outlets remained fragile; by the end of the year, two opposition newspapers, *Azadlyq* and *Yeni Musavat*, were in danger of closing down due to exorbitant defamation fines. *Azerbaijan's independent media rating remains at 6.75.*

Local Democratic Governance. Local self-government bodies are subordinate to local branches of state administration and financially dependent on the central authorities. Power is distributed through a system of patronage, and several regions in the country are ruled as fiefdoms by oligarchs and state officials. In January, a minor car accident in the Ismayilli region triggered rioting over economic inequality, corruption, and the arbitrary distribution of local executive power. In the preelection period, Azerbaijani citizens were discouraged from attending the rallies of opposition parties on numerous occasions. *Azerbaijan's local democratic governance rating remains unchanged at 6.50.*

Judicial Framework and Independence. The executive branch routinely uses the country's court system and security apparatus to suppress or preempt perceived regime threats. Several activists, bloggers, and politicians were harassed or arrested during the year, including presidential candidate Ilgar Mammadov and the head of a local election observation mission, Anar Mammadli. Journalists, activists, and opposition figures found themselves charged with more serious crimes in 2013 than in the previous year. Following the October presidential elections, the courts began trying and sentencing persons arrested in the first half of the year. *Azerbaijan's judicial framework and independence rating remains unchanged at 6.50.*

Corruption. The state's control over oil resources and the oligarchic structure of the economy contribute to widespread corruption in Azerbaijan, as does the existence of a Soviet-style bureaucracy. In 2013, the Azerbaijani government attempted to fight low- and mid-level corruption by improving access to official documents, such as passports or birth certificates, which had changed hands in exchange for petty bribes in the past. However, high-level corruption remained wholly

unaddressed, and the Aliyev family, state officials, and their relatives continued to amass significant personal wealth. A stream of video leaks documenting corrupt power-brokering in the legislature continued in 2013. Gular Ahmadova, the parliamentary deputy implicated in the first of these videos (in 2012), was sentenced to three years in prison in December. *Azerbaijan's corruption rating remains unchanged at 6.75.*

Outlook for 2014. The government will have little motivation to undertake serious policy reforms in the coming year. With the presidential elections tackled, the Aliyev regime will continue to consolidate its power. Oil production and growth in the non-oil sector are not likely to increase enough to address economic and social inequalities. Moreover, price increases of oil products at the end of 2013 will result in rise of basic commodity prices. These economic frustrations will result in growing social pressure that the regime is most likely to address by strengthening its repressive apparatus. Although oligarchs' informal control over the regions is firmly entrenched, the upcoming 2014 local elections will offer another opportunity for the opposition to mobilize and attempt to challenge to the regime.

NATIONAL DEMOCRATIC GOVERNANCE:

Although the separation of powers is guaranteed by the constitution, in reality the executive branch fully dominates both the legislature and the judiciary. The 125-seat Milli Majlis (parliament) is a rubber-stamp body with no oversight or public debate function. The fraudulent 2010 parliamentary elections further reinforced this role, as neither of the two major opposition parties, Popular Front and Musavat, got seats in parliament. The parliament remains dominated by the New Azerbaijan Party (YAP), in power since the election of former president Heydar Aliyev in 1993.

In 2013, President Ilham Aliyev was reelected for a controversial third term and strengthened his system of control and patronage through the distribution of budget funds to local executive branches in the regions and raising the salaries of law enforcement bodies. He also maintained his effective control over the country's strategic oil resources. Azerbaijan's natural resource wealth, which fueled a vast GDP growth in the mid-2000s, has helped assure the stability of the executive's control over the country.

Despite the past ten years' exceptional boom, economic power stays largely concentrated among the president, his family, and a small group of oligarchs, creating a dangerous convergence of political and economic interests. There is a significant wealth gap and the average Azerbaijani continues to earn little.^[1] The lack of a comprehensive social policy is partly compensated by the shadow economy, which contributes to the high level of corruption in the country. State employees continue serve as a major power base for the ruling party because of their dependence on their employer through a ruling party membership and patronage networks. Their numbers remained high according to official statistics: more than 850,000 people—or by other sources 10-18 percent of the population—are employed by the state. Salaries in the public sector increased by 6.9 percent in 2013. This symbolic raise however did not result in a visible improvement of living conditions; especially since

the Tariff Council decided to increase the retail price of gasoline and diesel and the wholesale price of some petroleum products in December.[2]

Azerbaijan was at the center of an increased international attention in 2013. In January, following a heated debate, the Parliamentary Assembly of the Council of Europe (PACE) voted down Special Rapporteur on Political Prisoners Christoph Strässer's report on the situation in the country. Critics debated the definition of "political prisoner" and questioned the accuracy of the report as Strässer had been denied a visa to Azerbaijan. The Baku-based Human Rights Club released an updated list of 142 political prisoners in October and claimed the number of politically motivated arrests increased dramatically after the failure to adopt the PACE report.[3] As of 31 December, the OSCE office in Baku was replaced by an OSCE Project Coordinator the request of Azerbaijan.[4] The new office will operate at a more technical level, with fewer responsibilities.

Yet, at its second Universal Periodic Review (UPR, a mechanism addressing the situation of human rights in all UN members) adopted on 20 September, the country received 162 recommendations, 5 times as many as in the first cycle of UPR in 2009.[5] Except for four submitted by Armenia, the Azerbaijani government accepted or partly accepted all recommendations.

Azerbaijan is covered by the European Neighborhood Policy of the European Union (EU) and is a member of the Eastern Partnership Program (EaP) but focuses mainly on cooperation in energy-related issues. The country signed a visa facilitation agreement on the Vilnius EaP Summit on 29 November, but negotiations on a Deep and Comprehensive Free Trade Agreement (DCFTA) did not start as Azerbaijan has yet to gain admittance to the World Trade Organization (WTO). According to the 2013 Eastern Partnership Index, Azerbaijan lags behind on a number of democratic indicators, such as fighting corruption, accountability and democratic control over law enforcement institutions, and the participation of civil society.[6]

The economy continued to grow in 2013 as oil revenues picked up after two consecutive years of decline and the non-oil sector expanded by almost 10 percent.[7] The country's budget is still highly dependent on oil, according to the Center for Economic and Social Development (CESD), oil sector revenues account for 66 percent of the 2014 budget.[8] This extreme dependence on the oil sector makes the country's economy vulnerable to external shocks and contributes to the regime's insecurity, which in turn feeds repression and an increasing intolerance for dissent. Microcredits and other types of loans have become accessible to widening share of population; about 18 percent were paying loans in 2013.[9] Interest rates are often high however and the need to repay them forces people to work several jobs. The country's military budget continued to grow, reaching \$3.73 billion in 2013.[10] Moscow began delivering around \$1 billion worth of weapons to Baku in accordance with a fense contracts signed 2 years ago.[11]

The absence of negotiations in 2013 in the breakaway Nagorno-Karabagh region confirmed that parties had reached a deadlock. A ceasefire brokered between Armenia and Azerbaijan in 1994 has routinely been

violated.^[12] The conflict was on the electoral campaign agenda and presidential candidates addressed it during televised debates in 2013. Despite the lack of progress on the official level, civil society actors continued to hold meetings and discussions during the year.

Following the elections, the president replaced a few of his ministers, including former ministers of defense Safar Abiyev and of social policy Fizuli Alekberov. The positions of the most notorious oligarchs—Minister of Emergencies Kamaladdin Heydarov and Minister of Transport Ziya Mammadov—however were left untouched. Other changes included the promotion of Minister of Agriculture Ismet Abbasov to deputy prime minister and the appointment of former head of the Audit Chamber Heydar Asadov to minister of agriculture.^[13]

ELECTORAL PROCESS:

Azerbaijan has had a dire track record of organizing elections for the most part of its post-Soviet independence. The government has extensively misused administrative resources—which have exponentially increased since 2005 due to skyrocketing oil revenues—to control and manipulate elections. International election observation missions have on numerous occasions claimed the legal framework falls short of international standards and criticized serious irregularities during elections, including voter intimidation, carousel voting, and ballot stuffing.

Although Azerbaijan has closely cooperated with international organizations, such as the Venice Commission of the Council of Europe (CoE) or the Organization for Security and Cooperation in Europe (OSCE), in reforming its electoral laws and ensuring a free and fair electoral process, the key recommendations of these international bodies have remained unimplemented. Among the problems cited are the regime's exploitation of power and resources during campaigns and voting, as well as the lack of political balance on electoral commissions, which are dominated by the ruling New Azerbaijan Party (YAP). Constitutional amendments adopted through a questionable referendum in 2009 eliminated presidential terms limits,^[14] allowing Ilham Aliyev to run for a third term in 2013, while regressive legal changes in 2010 reduced the length of election cycles and eliminated state financing for campaigns.

In 2013, contrary to the 2008 presidential election when the opposition boycotted the vote, the major opposition forces united under the umbrella of the National Council of Democratic Forces. The Council, representing the previously fragmented opposition landscape amalgamated political parties and civil society activists, and stood beside a joint candidate, the Oscar-winning screenwriter Rustam Ibragimbekov. Ibragimbekov's candidacy, however, was rejected by the Central Election Commission (CEC), based on his double citizenship (Russian and Azerbaijani) and the fact that he was not a permanent resident of Azerbaijan. Before the decision, Ibragimbekov had unsuccessfully tried to renounce his Russian citizenship. The National Council replaced him with university professor and historian Jamil Hasanli. Altogether, the CEC registered nine candidates in addition to incumbent president Aliyev, out of which only one, Jamil Hasanli, could be characterized as an opposition candidate. The remaining eight were

representing mainly progovernment or “pocket opposition” parties, established to maintain a facade of plurality.

During the campaign and in the televised debates, most of the candidates were defending the candidacy and policies of the incumbent—who himself did not participate in any of them—while attacking and discrediting Hasanli. In the government-controlled media, only one TV channel, the public ITV, provided Hasanli airtime, allotting him and each candidate 18 minutes per week each. In the pre-campaign period, the incumbent received 98 percent of all coverage devoted to presidential candidate, with the remaining 9 candidates receiving 2 percent.[15] Although the president had announced that he would not be campaigning, the major broadcasters widely covered his regional visits, reporting about the inauguration of new schools, hospitals, and infrastructure projects. Since January President Aliyev allocated AZN 205.6 million (\$260 million) from the Presidential Reserve Fund to 69 regions and towns, distributing AZN 2 to 7 million (\$2.5 to \$9 million) to each for the purpose of social economic development.[16] The lack of transparency however casts doubts on whether the money was used for the indicated purpose.[17]

According to the CEC, the official turnout was at 71.6 percent at the 9 October elections and 84.5 percent of votes were cast in favor of incumbent president Ilham Aliyev, with National Council candidate Jamil Hasanli receiving 5.27 percent.[18] CEC and the Constituency Election Commissions (Conecs) registered nearly 46,000 party and citizen observers, however the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) reported that while present in more than two thirds of the polling stations, local observers frequently could not recall which organization they represented.[19]

Local and international observers noted serious irregularities, including candidate and voter intimidation, violations of the secrecy of the vote, multiple voting, and ballot stuffing, both in the regions and in the capital.[20] The OSCE/ODIHR report cited clear indications of ballot box stuffing in 39 polling stations and assessed the vote count as “bad or very bad” in 58 percent of the polling stations;[21] up from 23 percent 5 years ago.[22] The local monitoring organization Election Monitoring and Democracy Studies Center (EMDS) conducted monitoring in 769 polling stations and found violations in 91 percent of them.[23] In addition, a mobile election app accidentally published the “results” a day before the actual election. The government claimed the error was caused by a test run.[24]

The Baku Court of Appeals received 18 appeals, mainly related to the televised debates, candidate registration, and the accreditation of organizations conducting exit polls.[25] OSCE/ODIHR monitored all hearings and cited numerous problems with the appeals process.[26] The local EMDC stated the CEC, the Court of Appeals, and the Supreme Court failed to ensure a mechanism of impartial investigations of electoral violations.[27]

CIVIL SOCIETY:

Conditions for Azerbaijan’s civil society have been steadily deteriorating in the past decade, with repressive

laws and restrictions on the right to association and assembly leading to a dramatic decline in the past two years.[28] The regime has gradually increased its control over the activities of civil society and in 2013, among other things, made the registration process more difficult, demanded the registration of grants, and imposed high fines for minor administrative offenses.

According to official data there are more than 2,900 nongovernmental organizations (NGOs) registered with the state,[29] while as many as 1000 remain unregistered.[30] Some of the organizations, such as Institute for Peace and Democracy or the Election Monitoring and Democracy Training Center, have been trying to register for years.[31] Several of them were denied registration in 2013 by the Baku Court of Appeals, including the public Union "Center to Protect Interests of Society" and the Human Rights Club.[32]

The regime markedly stepped up legal restrictions on NGO activities in 2013. In a packet of legislation, amending the Law on NGOs, the Law on Grants and the Law on Administrative Offenses, the authorities required NGOs to notify them about donations exceeding AZN 200 (\$255), banning cash donations altogether except in the case of charitable organizations. The latter made it practically impossible for unregistered NGOs to receive funding legally. The March amendments—which were justified as a means to increasing transparency and prevent the international funding of terrorist organizations—also included large fines in case NGOs failed to report donations.[33] Together with 2012 amendments that set out increased fines for organizing unauthorized meetings, these measures intended to decrease political participation on the eve of presidential elections. The Ministry of Justice prepared an additional round of amendments in December, introducing new offenses punishable by heavy fines and additional administrative requirements for NGOs. The bill, which was waiting for the president's signature at year's end, could potentially compel NGOs to reregister every three months with the Ministry of Justice; it also obliged foreign NGOs to appoint Azerbaijani citizens as deputy chiefs.[34]

At the same time, however, the amount of domestic funds available to NGOs increased in 2013. While in 2012, the government transferred AZN 3.8 million (\$4.9 million) from the Reserve Fund of the President of the Republic to the Council of State Support to NGOs, this amount grew to AZN 5 million (\$6.4 million) in 2013.[35] Additionally, more than 2 million manats (\$2.5 million) were transferred from the state budget to the Youth Foundation under the President of the Republic of Azerbaijan.[36]

The regime also continued to strictly regulate social protests. Following 2012 amendments that drastically increased fines for participation in and organization of unauthorized protests, the parliament increased the time of detention from 15 days to 60 days in May 2013. The new regulations allowed authorities to effectively isolate activists before and during the elections. Several protesters, who refused to pay the fines as an act of civil disobedience, had their property confiscated by a court order or were sentenced to community service.[37] The authorities reportedly filmed activists performing

community service in an attempt to discredit them.

Apart from legal measures, the regime systematically used violence to suppress social protests. On 12 January, police brutally dispersed an unsanctioned gathering in the center of Baku to protest suspicious deaths in the army. On 24 January, authorities used excessive force to crack down on protests in Ismayilli, and two days later they also dispersed a rally in downtown Baku.[38]

The regime particularly targeted youth movements throughout the year. In March and April, authorities arrested seven members of the youth movement NIDA, for participating in peaceful antigovernment protests. The activists, who extensively used online tools such as Facebook and Twitter to criticize the president and the regime, were charged with inciting violence and illegal weapons possession.[39] In addition to NIDA members, an activist of the Free Youth Movement was also arrested. In April, the prosecutor general's office inspected and closed the Western-funded alternative education project, the Free Thought University–Azad Fikir (AFU).[40] On 30 April AFU—which is run by NIDA and another youth movement—was deprived of its office on a very short notice.

Journalists, opposition members, human rights activists, and their families were harassed and intimidated throughout the year. Ali Gulyaliyev, the 16-year-old son of Oqtay Gulaliyev—a civil activist and spokesperson for opposition presidential candidate Jamil Hasanli—was attacked and stabbed on 23 September by unidentified attackers. Also in September, the son of opposition politician Ali Kerimli was arrested and sentenced to 25 days in prison for not complying with police orders. After the elections, at the end of October, Kerimli's brother in law was sentenced to seven years and six months by the Court of Grave Crimes.[41]

INDEPENDENT MEDIA:

Azerbaijan's constitution and legislative framework guarantees freedom of expression as a fundamental right. In the last two decades, however, authorities have regularly used violence, intimidation, and criminal laws to stifle public debate and silence dissenting voices.

While pockets of free expression exist online and in print media, the government completely controls broadcast media. The president appoints the head of the National Television and Radio Council, which regulates broadcast outlets and allocates licenses and frequencies. There is one state channel, Azerbaijan Television (AzTV) and one public channel, İctimai Television (ITV). In April this year, a new director was elected to the Public Television and Radio Broadcasting company—a statutory corporation created in 2004 to oversee ITV—however experts noted substantial violations of procedure during the election process.[42]

The legislative framework became more restrictive in 2013. The Criminal Code includes strict penalties for libel and insult, which the government pledged to amend after receiving extensive international criticism. The problematic provisions were however not scrapped in 2013 and the parliament extended the scope of defamation laws to the internet in May. The amendment, which was signed into law on 4 June, made defamatory or offensive statements online punishable by up to three

years in prison.[43] The first conviction under the law happened in August, when Astara-resident Mikail Talybov was sentenced to one year of “corrective labor” for creating a Facebook page critical of his former employer, Accessbank.[44] In September, deputy speaker of the parliament Ziyafet Asgerov prepared a draft bill specifically aimed at protecting the “honor and dignity” of the president.[45]

Although the number of criminal defamation charges declined somewhat in the past few years, journalists are repeatedly intimidated and arrested on bogus charges. The list of charges include hooliganism, possession of drugs, failure to cooperate with police, tax evasion, extortion, violating public order, and supporting terrorism.[46] In September, *Bizim Yol* journalist Parviz Hashimli—who also chairs a human rights NGO—was arrested and placed in custody for two months on charges of illegal possession of weapons.[47] In November, chief editor of the independent newspaper *P.S Nota*, Sardar Alibeyli, was sentenced to four years in prison on charges of hooliganism.[48] Both Hashimli and Alibeyli criticized the regime in their articles. At year’s end, eight journalists were behind bars.[49]

Apart from political pressure, critical journalists continue to face threats, blackmail, and physical attacks. According to the Media Rights Institute, an Azerbaijani NGO, there were 47 cases of attacks on journalists in the first half of 2013 alone.[50] The cases included beating, illegal detention, seizure of professional tools, and death threats. Impunity is widespread in law enforcement bodies; in 2013, media reported about two policemen being reprimanded for beating journalists as the first such case in Azerbaijan.[51] There was no progress in the investigation of the murder of two journalists, Elmar Huseynov, killed in 2005, and Rafiq Tagi, killed in 2011; neither in the case of Novruzali Mammadov, who died in prison. The official inquiry in case of investigative journalist Khadija Ismayilova—who has been a target of a smear campaign since 2012—did not move forward in 2013.[52]

Exorbitant fines for defamation continued to be widely used to silence opposition media and critical newspapers. The newspaper *Azadlyq* was on the verge of closure in 2013 due to steep fines in two separate lawsuits, initiated by Baku Metro head Tagi Ahmadov and a shopping center owner.[53] Other outlets, such as *Yeni Musavat* or *Khural*, were targeted by state officials and members of parliament. The biggest fine was approved against *Yeni Musavat*—the courts ordered it to pay AZN 50,000 (\$63,000) to the Gilan factory; the factory originally sued for AZN 1,000,000 (\$1,275,000).[54] According to the Media Rights Institute, claims against media in the first half of the year amounted to AZN 5,000,000 (6,375,000).[55] The institute also noted the increasing number of claims against online media.

Following the elections, the Baku Metro banned newspapers from subway stations in October.[56] This move exacerbated the already difficult financial situation of media outlets, which continue to suffer from limited access to the advertising market, a reduction in the number of newspaper kiosks, and the limited number of government-dependent distribution companies. In the postelection crackdown, the authorities initiated a tax

investigation against the independent publishing house Qanun, where most of the critical authors publish their materials.[57]

Access to information remains limited, and journalists run into difficulties when requesting data from state institutions. This is partly due to the lack of information departments, but institutions often refuse to give information to opposition and independent media and have repeatedly denied them accreditation to important national and official events.

In recent years, the internet and online media have been increasingly targeted by the government. In November, history professor of the Azerbaijan State University Altay Geyushov claimed he was dismissed by the university management for his "activity in social networks." [58] Besides extending the scope of defamation laws to the internet, the regime continued to intimidate and harass bloggers who challenge taboo topics, such as the prohibition of criticizing the president and his family. On 9 May, for example, police detained the well-known blogger, Rashad Ramazanov, who had posted numerous critical articles on his blog and on Facebook.[59] He was charged with drug possession and sentenced to nine years in prison in November.[60] According to the Institute for Reporters' Freedom and Safety (IRFS), online media portals reported a series of distributed denial of service (DDoS) attacks in January, a day before mass protests against deaths in the army.[61]

LOCAL DEMOCRATIC GOVERNANCE:

The constitution of Azerbaijan provides for local self-governance, which is carried out through elected municipal authorities and local bodies of the state administration. Azerbaijan ratified the European Charter of Local Self Government in 2002, which grants municipalities substantial responsibilities and decision-making authority. In practice, however, municipalities serve as arms of the country's executive branch, a reality reinforced in 2012 by a new presidential decree that significantly extended the control of state authorities over the local structures of national ministries. A group of NGOs, created to promote reform in the area of local self-governance, described the relationship between municipalities and the central government as "governed by the principles of 'dominance' and 'dependency.'" [62]

The patterns of governance at the local level in Azerbaijan mirror those at the higher levels of administration. Municipal authorities align themselves with local branches of state administration, which are extensions of the ruling party and its structure. These provide access to and further distribute patronage, also ensuring electoral victory for individuals at the municipal level who comply with the ruling party's wishes. The Council of Europe criticized local governments' financial dependence on central authorities in Baku and their lack of involvement in decision-making.[63] Other observers, such as the European Commission, also noted the government puts significant resources into improving basic infrastructure (waste management, roads, water, energy), but pays less attention to promoting a more participatory and democratic approach to local self-governance.[64]

The first municipal elections took place in 1999 in Azerbaijan but a national association of municipalities

was set up only in 2006. The body, however, has existed largely as a formality so far. In 2010, in order to increase their efficiency, the Milli Majlis (parliament) reduced the number of municipalities from 2,757 to 1,766.^[65] The move did not result in increased powers for local government bodies vis-à-vis local executive power structures and an EU committee expressed regret that Azerbaijan did not make a simultaneous reduction in the number of local authorities working for the state administration.

Beyond a few presidential decrees ordering the creation of maps or signing off changes in the borders or names of regions, there were no genuine attempts at decentralization in 2013 and power remained concentrated in the hands of the central government.^[66] Despite a number of regional development plans adopted in the past few years, regional disparities are significant and are even, according to some experts, on the rise.^[67] The Absheron region, for example, constitutes only 3.9 percent of Azerbaijan's territory but produces 80 percent of overall industrial output and accounts for about 90 percent of all oil and non-oil investment. The per capita GDP in the non-oil sector is three times higher in the capital, Baku, than the national average.^[68]

Municipalities continue to be seriously underfunded and do not use the property remaining in their hands profitably. Instead of leasing it to local citizens, municipally-owned lands are often sold off. According to the Chairman of the State Committee on Land and Cartography, only a minor part of the 5 million acres—about 23.5 percent of all lands—owned by municipalities was leased to citizens.^[69] At the same time, a bill on seasonal lease of municipal lands was delayed in 2013.^[70]

Regional inequalities, significant disparities between the rich and poor, and numerous human rights violations led to spontaneous social protests in the country's regions in late 2012 and early 2013. As several regions in Azerbaijan are run as personal fiefdoms of wealthy oligarchs close to the ruling clan, the protests were often prompted by cases of corruption and the arbitrariness of local executive power. In January, a seemingly minor car accident involving Vugar Alakbarov—the son of the Labor Minister and nephew of the regional governor—triggered mass protest and clashes with police in the town of Ismayilli. The authorities used the protests as a pretext to harass opposition activists before the upcoming presidential elections, and dozens of protesters were arrested and charged.

Given their place in the election manipulation machinery, the regions' importance grew as elections approached. Although the authorities made loud promises about the fairness of elections, the OSCE/ODIHR mission noted citizens in a number of regions were discouraged from attending opposition rallies already during the campaign. People were told not to attend the rallies in Mingachavir on 29 September, in Shaki on 2 October, in Agdash 3 October, and in Sabirabad on 4 October. At the same time, participants were reportedly prevented from leaving the rallies of the ruling party.^[71]

JUDICIAL FRAMEWORK AND INDEPENDENCE:

Despite occasional demonstrations of independence, Azerbaijan's courts are largely tools of the regime, which uses them to protect its own business and political interests. The heavy influence of the executive branch undermines the judiciary's capacity to provide for citizens' equality before the law and impartially interpret and enforce the constitution. In addition to political interference, courts are plagued by a lack of professionalism.

Fundamental to the judiciary's flaws is an entrenched structure of control, patronage, and corruption. Judges are selected on the basis of exams, a complicated process that lacks external monitoring to ensure fairness. Once they have succeeded at exams and in training, judicial candidates are put forward by the Judicial-Legal Council, chaired by the justice minister, and then appointed by the president or the parliament, depending on the court. Given the council and the parliament's allegiance to the ruling government, there are no safeguards against political favoritism permeating the selection process. Moreover, courts are financed from the state budget, but the salaries of judges are low, which feeds into widespread corruption once judges are employed.

The courts are widely recognized as instruments for executing political orders. A survey conducted by the Caucasus Barometer (CB) shows only one-third of the respondents trust the judiciary in Azerbaijan,^[72] reflecting a popular disappointment with an institution plagued by corruption.^[73] The government has implemented several reforms in the past few years; it overhauled the system of military courts, increased the number of judges, and established administrative-economic courts in seven regions.

The reforms however have not reduced the high number of due process violations or politically motivated arrests. Court procedures are fraught with numerous irregularities, including refusing defendants the lawyer of their choice and keeping them in pretrial detention without evidence. In addition to these problems, allegations of beatings, threats, and other abuses are repeatedly dismissed in the prosecutorial stage without further investigation.^[74]

The first half of the year was characterized by the regime's severe crackdown on dissent—faced with the unification of its opposition, controversy around Aliyev's third presidential term, and spontaneous protests in the regions, the ruling elite reacted with intensified repression. Bogus charges employed to silence activists, journalists, politicians, and bloggers became more serious compared to last year.

Ilgar Mammadov, the presidential candidate of the REAL (Republican Alternative) public movement and Tofig Yagublu, the deputy leader of the opposition party Musavat were arrested on 4 February 2013 after visiting the town of Ismayilli to get firsthand information about protests that took place on 23 and 24 January.^[75] Police first took Mammadov and Yagublu to the police station after they arrived on 24 January and released them with a warning, only to rearrest and charge them with organizing mass disorder and inciting violence 10 days later. According to their lawyers, the investigation had serious flaws and the prosecution showed no evidence that the men committed a crime.^[76]

The trial of Mammadov, Yagublu, and 18 other people arrested in connection with the Ismayilli riots started on 18 November at the Sheki court. Although the trial was open to the public, the court did not let journalists, opposition members, and the relatives of the accused get into the courtroom because of the lack of chairs.[77] If convicted, the defendants can face up to 12 years in prison.[78] Earlier, Mammadov's lawyer filed a complaint with the European Court of Human Rights, alleging a violation of the right to liberty and security and the right to a fair trial.[79]

The prosecution continued to serve as the government's extension after the presidential elections.[80] Opposition Musavat party adviser Yadigar Sadikhov was charged with hooliganism by the Lenkoran court on November 5, and faces up to seven years in prison.[81] Following their critical report, the Department for Serious Crimes of the Office of the Prosecutor General started an investigation into the suspected tax evasion and illegal business activities of the Election Monitoring and Democracy Studies Center (EMDS), an unregistered but active local NGO. On 16 December, the head of the organization, Anar Mammadli, was charged with tax evasion, illegal business activity, and abuse of official power and placed in pretrial detention. The arrest was harshly criticized by the international community. The charges carry a maximum sentence of five years.[82]

Detainees and suspects in pretrial detention continued to be tortured and ill-treated during investigation. The Institute for Reporters' Freedom and Safety (IRFS) reported about the torture of the blogger Rashad Ramazanov during custodial interrogation[83].

CORRUPTION:

Azerbaijan has consistently ranked in the lowest third of global corruption indices, the net result of several factors. State monopoly over oil resources, Soviet-type bureaucracy, and the oligarchic structure of the economy all contribute to low ratings, along with the absence of independent institutions and checks and balances in government.

In 2011, Azerbaijan joined the Open Government Partnership, an intergovernmental organization promoting transparency and civil society involvement in monitoring state finances. In keeping with its membership obligations, the government adopted the National Action Plan for 2012–2015 and set up a State Agency for Public Service and Social Innovations, supervising the Azerbaijani Service and Assessment Network (ASAN). As part of ASAN, nine ministries and agencies offer numerous types of services, including issuing residence permits and birth certificates. In the past, many of these services were accessible to citizens only in exchange for a petty bribe.[84]

The regime has widely publicized survey results according to which 68 percent of society consider anti-corruption measures to be effective, yet anti-corruption implications of such services affect at best low-level anomalies.[85] High-level corruption continues undisturbed despite the National Action Plan.

There is a great deal of evidence that the presidential family has amassed tremendous personal wealth. The issue of high-level corruption was central to the campaign

of united opposition candidate Jamil Hasanli, however, he did not receive any official responses from President Aliyev or anyone on his behalf. The president kept silent about previous disclosures made by investigative journalist Khadija Ismayilova as well. Since having revealed ownership structures and activities of businesses tied to the presidential family, Ismayilova has been facing increased harassment from government media, courts, and likely from the secret services as well.[86]

The 2012 Gulargate scandal revealed the possibility of purchasing seats in parliament. A string of video recordings released by Elshad Abdullayev, a former government party lawyer and university rector, showed MP Gular Ahmadova promising a seat in parliament in exchange for a bribe. Other footage incriminated other government power brokers who, in exchange for bribes, had offered help to Abdullayev in finding his kidnapped brother—a likely a victim of a feud within the regime also involving the security services. The case has not been properly investigated, however, Ahmadova was tried and sentenced in 2013, while her former assistant died under suspicious circumstances in Turkey in late 2012. High-ranking officials implicated in the videos, including the head of presidential administration, Ramiz Mehdiyev, and government ministers seem to have survived the scandal unharmed, despite the string of releases having continued up until summer 2013.[87]

Azerbaijan joined the Extractive Industries Transparency Initiative (EITI) in 2003, which was hailed by the international community as an important move toward transparency in the oil industry. However, of 14 foreign oil and gas companies operating in the country, only BP and the state oil company SOCAR make their statistics publicly available.[88] The civil sector is involved in the monitoring both of production and at least partly of spending income from natural resources through the National Budget Group, an umbrella watchdog organization. Overall, however, oil revenue distribution has not become more transparent, with resource-related income partly disappearing from the budget.[89]

Assessing the implementation of the National Action Plan, local experts stress that the involvement of civil society in the Open Government Initiative remains limited due to the weakness of the organizations themselves, as well as the lack of fundamental freedoms and transparency to enable effective monitoring.[90] The implementation of the anti-corruption National Action Plan has also been characterized by sluggish introduction of e-services meant to curb petty bribes, and by limited anti-graft actions in corruption-prone sectors, including public procurement and tenders, urban planning and construction, auctions, and real estate transactions.[91] Despite the Open Government Initiative, high level officials continue to defy the 2004 law against corruption, and fail to declare wealth and income.

The net effect of the lack of transparency and noncompliance with existing regulations has been the continuation of past corrupt practices. The regime is able to syphon off oil revenues for its own enrichment, use the state oil fund as a budgetary lifeline, and exclude civil society from participation in the fund's management. The lack of transparency in the spending and distribution of

oil revenues has strengthened political patronage, one of the critical building blocks of the regime's stability. Complicity in this system can ensure high salaries and kickbacks for select public officials, while incomes for most civil servants remain very low.

Political and economic power functions symbiotically in many cases. Corruption extends to issuing export and import permissions, and is worsened by the increased lack of transparency in the ownership structure of companies—the outcome of a law passed in 2012 limiting the duties of enterprises to disclose information about their management. While high ranking officials may not start businesses, their family members often do, and are largely immune to scrutiny partly due to the aforementioned regulation. Transportation Minister Ziya Mammadov's son owns Transgate, the company operating much of the capital's public transportation. He also owns 81 percent of the Bank of Azerbaijan, a major commercial bank, which has other transportation companies among its key clients. Finally, Anar Mammadov is board member of ZQAN, a large holding company, which has a significant presence in the transportation sector and has held major government contracts.^[92] Recent investigative journalism has also revealed that the minister's brother and son co-own the Baghlan group, another major enterprise that was registered in the United Arab Emirates, and has been successful in securing tenders from the ministry of transportation.^[93]

While all connections between political power and business interest remain impossible to map, new findings in 2013 suggest the pervasiveness of the phenomenon. Minister of Agriculture Yunis Abasov's son owns a large \$3,000,000 property in London, and another real estate estimated at \$7,500,000 in Kingston-Upon-Thames, in the vicinity of London. The migration of wealth towards the west is also evidenced by the pro-Aliyev lobbying agency, the European Azerbaijani Society, also based in London and owned by the Taleh Heydarov, the son of the minister for national emergencies.^[94]

Experts agree that artificially sustained, bribe-based monopolies, links between business and political interests, along with the non-transparent regulatory environment create obstacles for foreign investment and regular businesses. The size of the shadow economy remains large and competitiveness lags behind due to the difficulties of doing business in the country.^[95]

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