



Freedom of Expression in Azerbaijan

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Communist Past and Legacy

- Azerbaijan was a Soviet Republic from 1921 until their independence in 1991.
- Joseph Stalin's tyrannical rule from 1924-1953 had a lasting impact on future regimes.
- The communist regime tried to control every aspect of the lives of its citizens.
- Communist authorities in Azerbaijan enforced the same extreme control tactics as the Soviets.
- A former KGB officer and leader of the communist party in Azerbaijan, Heydar Aliyev, held the presidency for ten years immediately after their independence.
- Today, the legacy of communism is still felt by those who lived during and remember the communist period.

Azerbaijani Constitution

- After decades of communist rule, newly independent Azerbaijan held a referendum to pass a constitution in 1995.
- Some of the main articles relating to the freedoms and rights of citizens that are said to be systematically ignored according to the UN and the EU are as follows:

- Article 24(II): Everyone, as from the moment of birth, enjoys inviolable and inalienable rights and freedoms.
- Article 47(I): Everyone has the right to freedom of thought and speech.
- Article 57(II): Citizens of the Republic of Azerbaijan have the right to criticize activity or work of state bodies, their officials, and political parties... Prosecution for criticism is prohibited.
- Article 60(I): Everyone is guaranteed protection of his/her rights and liberties through the administrative remedies and in court.
- Article 68(I): Everyone has the right to conscientious treatment that excludes arbitrariness by state bodies.

Repression of Media and Political Opponents

US Embassy in Azerbaijan Human Rights Report from 2018 explains ongoing human rights issues including:

- 1) *Arbitrary detentions and arrests* → authorities make arrests on bogus charges such as hooliganism, drug possession, economic crimes, tax evasion etc.
- 2) *Political prisoners* → government critics remain incarcerated for politically motivated reasons
- 3) *Physical attacks on journalists and activists* → also includes intimidation and harassment tactics to silence opposition. Police impunity is systematic and endemic
- 4) *Systematic government corruption* → rigged elections, president in control of legislature, lack of transparency, unwillingness to allow the investigation of human rights abuses
- 5) *Unfair trials* → president dominates the judiciary branch, politically motivated cases are not open to the public, intimidation of lawyers to not represent human rights defendants

These are all tactics used to keep opposition parties away and to silence government critics in mass media. All of these are practiced despite the constitution guaranteeing the undeniable rights and freedoms of its citizens.

Why the Democratic Façade?

The Azerbaijani Government has received criticism from numerous international and regional human rights organizations demanding change. A few of these are the Council of Europe, the UN Human Rights Committee, Amnesty International, and the US State Department.

Political analyst and Azerbaijani native Hikmet Hadjy-zadeh classifies Azerbaijan's government as a *pseudo-democracy*, meaning:

- It has all the elements that make up a legitimate democratic society, yet they are not a functioning democracy
- They spend a lot of money on "democratic cosmetics" so that they look the part of a democracy
- Their goal is to establish an anti-democratic regime to the fullest, and submit it to the west as a democratic regime
- Government officials get to remain in total control while warding off outside critiques with superficial democratic claims

Conclusion

The Azerbaijani government and its officials repress freedom of expression by using a variety of intimidation and violence tactics. Some of these practices are reminiscent of those from the communist period, showing the legacy that the Soviets left on their former republics. Government officials systematically abuse their power and manipulate the law to maintain their control. Practices such as arbitrary detentions, unfair trials, and violence against journalists and activists goes against the Azerbaijani Constitution as well as other international human rights agreements that they are a signatory of.

Such behavior from a supposedly democratic regime is an attempt at silencing political opposition and media criticism. An event such as Arab Spring could threaten the strength of President Ilham Aliyev's regime. Therefore, officials are going to extreme measures to repress freedom of expression in Azerbaijan.



- Mehman Huseynov is an Azerbaijani journalist and human rights activist who documents the extensive corrupt practices and human rights violations in Azerbaijan.
- He was arrested in 2017 and charged with disobedience to a lawful order by police officers.
- He was released in 2019 after 2 years in prison when the president pardoned himself and 50 other political prisoners (these include journalists, activists, opposition leaders, social protestors, and previous government officials). This happened after massive pressure came upon the government from national and international human rights organizations and activists.
- There are about 72 political prisoners still in prison.

Sources

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