

Azerbaijan

Capital: Baku
Population: 8.8 million
GNI/capita, PPP: US\$9,270

Source: The data above were provided by The World Bank, *World Development Indicators 2012*.

Nations in Transit Ratings and Averaged Scores

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Electoral Process	5.75	6.00	6.25	6.50	6.50	6.50	6.75	6.75	7.00	7.00
Civil Society	4.25	4.50	4.75	5.00	5.25	5.25	5.50	5.75	5.75	6.00
Independent Media	5.50	5.75	6.00	6.00	6.25	6.25	6.75	6.75	6.75	6.75
Governance*	5.75	5.75	n/a							
National Democratic Governance	n/a	n/a	6.00	6.00	6.00	6.00	6.25	6.50	6.50	6.75
Local Democratic Governance	n/a	n/a	6.00	6.00	6.00	6.00	6.25	6.25	6.50	6.50
Judicial Framework and Independence	5.25	5.50	5.75	5.75	5.75	5.75	5.75	6.25	6.25	6.50
Corruption	6.25	6.25	6.25	6.25	6.25	6.25	6.50	6.50	6.50	6.50
Democracy Score	5.46	5.63	5.86	5.93	6.00	6.00	6.25	6.39	6.46	6.57

* Starting with the 2005 edition, Freedom House introduced separate analysis and ratings for national democratic governance and local democratic governance to provide readers with more detailed and nuanced analysis of these two important subjects.

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

In October 2011, Azerbaijan celebrated 20 years of independence from the Soviet Union. In its early period of transition and statebuilding, Azerbaijan experienced several years of instability, including a war with Armenia and Armenians from Nagorno-Karabakh over the breakaway region. Although a ceasefire agreement was signed with Armenia in 1994, the conflict remains unresolved and continues to pose serious challenges to regional security.

President Heydar Aliyev came to power in 1993 and remained in office for ten years, during which he strengthened his hold on the country by concentrating power in the executive branch. In October 2003, Aliyev was succeeded by his son, Ilham, following disputed elections that were deemed neither free nor fair by the Organization for Security and Cooperation in Europe (OSCE). All subsequent popular votes have failed to meet international standards.

President Ilham Aliyev's rule has moved Azerbaijan towards full-fledged authoritarianism characterized by intolerance for dissent and disregard for civil and political rights. This trend continued in 2011, with the regime taking a more systematic approach to cracking down on youth and opposition activism and imposing increasingly restrictive measures on religious freedom. The government also committed violations of property rights, especially in Baku, where residents were forcefully evicted and their homes illegally demolished.

National Democratic Governance. The ruling elite further strengthened its authoritarian grip on Azerbaijan in 2011. The regime brutally crushed burgeoning, Arab Spring-inspired youth and opposition demonstrations by detaining protesters and jailing lead opposition figures. Significant hydrocarbon wealth and success in obtaining nonpermanent member status at the United Nations Security Council in October 2011 further boosted the regime's confidence and weakened any possible leverage international pressure might have on rights and governance reform. Military spending continued to grow, increasing the possibility of escalating the Nagorno-Karabakh conflict. Owing to the government's increasingly systematic approach to stifling dissent, *Azerbaijan's national democratic governance rating drops from 6.50 to 6.75.*

Electoral Process. No election in Azerbaijan has been assessed as free and fair since the adoption of the country's constitution in 1995. Frequent irregularities have included the abuse of administrative resources, intimidation and harassment of the opposition, and election day violations. A repressive media environment also undermines the electoral process. The November municipal election reruns were characterized by voter apathy and marred by severe irregularities. *Owing to the*

authorities' interference in electoral process and severe harassment of political opponents, Azerbaijan's electoral process rating remains at 7.00.

Civil Society. Authorities cracked down on civil society activities in early 2011 with renewed intensity. The regime especially targeted opposition movements and youth activists using social media to organize protests in March and April 2011 and Azerbaijan Islamic Party members protesting the ban of the *hijab* in schools. Further restrictions were imposed on foreign nongovernmental organizations (NGOs), leading to the shutting down of the Human Rights House in March. *Authorities' harsh crackdown on civil society activists and further restrictions against NGOs cause Azerbaijan's civil society rating to decline from 5.75 to 6.00.*

Independent Media. The regime's systematic suppression of independent broadcast, print, and online media has effectively silenced public debate. In 2011 pressure against online activists increased. Violent attacks on opposition journalists continued in 2011, with full impunity for perpetrators. Libel continues to be a criminal offense. On a more positive note, newspaper editor Eynulla Fatullayev, whose release had been ordered by the European Court of Human Rights in April 2010, was finally set free in May after four years in prison on politically motivated charges. *Overall, Azerbaijan's media situation remains unchanged; therefore, the independent media rating stays at 6.75.*

Local Democratic Governance. Local self-government is controlled by the executive branch; in effect it is an extension of the patronage-based national governance system dominated by the ruling Yeni Azerbaijan Party. Municipalities are seriously underfunded and lack meaningful responsibilities or decisionmaking authority. Local elections are widely believed to be controlled by the executive. November 2011 saw rerun municipal elections in some 330 municipalities. The exclave of Nakhchevan enjoys a strong degree of autonomy, but is also the most repressive region of Azerbaijan. Due to the continued subordination of local governance to central authorities, *Azerbaijan's local democratic governance rating remains unchanged at 6.50.*

Judicial Framework and Independence. Although legislation guarantees judicial independence, in reality, the judiciary is deeply dependent on the executive. In 2011, the government increasingly exploited courts to punish its opponents. Scores of opposition and youth activists as well as religious leaders were detained and convicted on dubious charges, while egregious property rights violations committed by the authorities were either condoned or ignored. The justice system does not provide effective redress against rights violations and remains rife with corruption. Unfair trials and violations of due process are commonplace. Owing to the government's increasing use of the judiciary to crack down on opponents and cover up for its own rights abuses, especially property rights violations, *Azerbaijan's judicial framework and independence rating drops from 6.25 to 6.50.*

Corruption. At the beginning of 2011, President Aliyev announced an anti-corruption campaign in a loosely veiled attempt to improve the regime's image and prevent the type of mass antigovernment protests taking place across the Arab world. The campaign required state agencies to dismiss officials guilty of engaging in corrupt practices and publish lists of dismissed offenders. However, the media reported that some dismissal lists contained the names of dead or retired civil servants. High-level officials were neither forced to disclose their assets, nor held accountable when implicated in corrupt activities. Owing to the continued lack of transparency in oil revenue expenditures and a lack of political will to genuinely address systemic corruption, *Azerbaijan's corruption rating stagnates at 6.50.*

Outlook for 2012. Authoritarianism will continue to deepen in 2012 under President Aliyev, especially in the runup to the 2013 presidential race. Corrupt elites will continue to profit from the country's hydrocarbon wealth, while providing basic benefits to the general population in hopes of avoiding public outcry against deepening socioeconomic inequalities. Respect for civil and political rights is unlikely to strengthen substantially, although international attention on the 2012 Eurovision Song Contest may bring about some cosmetic improvements. Azerbaijan's militarization and precarious security along the Nagorno-Karabakh border with Armenia will continue to risk the escalation of the conflict.

MAIN REPORT

National Democratic Governance

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
n/a	n/a	6.00	6.00	6.00	6.00	6.25	6.50	6.50	6.75

Since coming to power in 2003, President Ilham Aliyev has effectively consolidated power in the executive branch and moved Azerbaijan from semiauthoritarian rule to full-fledged authoritarianism. Stability is maintained at the expense of basic rights and civil liberties. Meanwhile, the authorities' campaign against critics of the regime has ensured a strong degree of compliance and self-censorship on the part of the general population and civil society.

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 (National Assembly) is a rubber-stamp body with no oversight or public debate function. The country's top-down governance system operates through patronage networks, which extend well into the country's regions, where they control local self-government structures.

Despite the government's demarches to stomp out dissent, popular opposition appeared reinvigorated in 2011, partly inspired by the prodemocracy movements in the Middle East and Northern Africa. For the first time in Azerbaijan, Facebook and other social media played a central role, particularly for youth activists, in organizing a series of antigovernment demonstrations in early 2011, calling for the president's resignation and dismissal of the government. Over 4,100 people signed up on Facebook to join so-called "Great People's Day" protests on 11 March, which attracted small, spontaneous protests throughout Baku.¹ Social media platforms were also used to promote the so-called "Great Day of Wrath" demonstration organized by popular opposition parties Musavat and Popular Front on 2 April in downtown Baku. Other opposition demonstrations organized jointly by Musavat and Popular Front took place throughout March and April. Claiming the demonstrations lacked authorization, the authorities brutally cracked down on all of the protests. According to the United States State Department Human Rights Report, Azerbaijani police detained on administrative charges some 400 people in the days before and after the March and April demonstrations and briefly detained but released the same day without charges 350 other individuals who participated in the protests.²

As in previous years, law enforcement agencies acted with impunity in 2011. Arbitrary arrests and detentions continued to occur, most often targeting opposition figures, youth activists, or outlawed religious groups. Police and military are widely criticized for the ill-treatment of detainees, and excessive use of force and torture. In January 2011, 31-year-old Elvin Askerov died in police custody at the Nizami District Police Station in Baku. Officials claim he sustained injuries while trying to

escape the police, but Askerov's family argues that his death was a result of brutal beatings he received at the station. Harsh, often life-threatening, conditions have also been reported in Azerbaijani prisons.

Rights activists report that several dozen political prisoners remain jailed. The Peace and Democracy Institute lists 61 Azerbaijanis as political prisoners and notes that while a few prisoners were released in 2011, for each one that is released 10 to 20 more are arrested.³ Meanwhile, the government continues to bar the Parliamentary Assembly of the Council of Europe's Rapporteur on Political Prisoners Christoph Straesser from entering the country.

Windfalls from oil and gas have permitted Azerbaijan's economy to perform relatively well despite the economic crisis. Growth slowed in 2011 compared to the 2003–08 period, when annual gross domestic product (GDP) grew at an average of 20 percent,⁴ but GDP still grew 0.5 percent by October 2011.⁵ Oil output also slowed in 2010, but increased oil prices promise continued high revenues.⁶ Natural gas resources are abundant; the French oil giant, Total, announced in September that another natural gas field had been discovered in Azerbaijan's Caspian basin.⁷

Reliance on oil and gas revenues has stalled the development of other sectors of the economy. However, in 2011 President Aliyev emphasized that the non-oil economy had grown 8.2 percent due to large public sector investment projects.⁸ The government has attempted to boost transportation, tourism, and agriculture, but growth in the non-energy sectors remains rooted in construction and financial services.

Rising food prices and inflation in 2011 negatively impacted low-income populations as the price of sugar and potatoes rose by 9.5 and 12.5 percent, respectively, in February.⁹ Many residents living near the border areas travelled to Iran to stock up on food. While significant poverty-reduction has been achieved over the past decade, dramatic disparities persist between the country's rich and poor.

Baku's military expenditures, which have soared over the past few years, continued to grow in 2011 with the defense budget projected to rise by an additional 45 percent between 2010 and 2011 or nearly 20 percent of the state budget.¹⁰ Azerbaijan's military budget exceeds the GDP of the Republic of Armenia. The military buildup and increasingly aggressive war rhetoric exacerbated the Nagorno-Karabakh conflict. An increasing number of serious incidents along the border demonstrated the precarious stability of the cease-fire. Although talks facilitated by Russian president Dmitri Medvedev in June raised hopes of mediating a resolution of the conflict, dissension prevented Armenia and Azerbaijan from agreeing to Russia's Basic Principles framework.

Azerbaijan's position as energy supplier and strategic location along the Afghanistan supply route have shielded it from direct pressure to improve its human rights record and progress on democratic reform from both the European Union (EU) and the United States. The regime largely escaped heavy condemnation for its violent crackdown on civil society and opposition protests in 2011. Moreover, Azerbaijan was rewarded with a new EU energy deal in January and a seat as non-permanent member of the United Nations Security Council in October. Because

the regime enjoys a comfortable income from oil and gas revenues, international actors have little economic bargaining power and fail to exert direct diplomatic pressure regarding human rights abuses and the lack of democratic reform. The international community's unwillingness to confront Azerbaijan on these issues has bolstered the regime's confidence, leading it to commit rights abuses with less and less restraint.

Electoral Process

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
5.75	6.00	6.25	6.50	6.50	6.50	6.75	6.75	7.00	7.00

Electoral processes have been deeply flawed in Azerbaijan since its 1991 independence (although the 1992 presidential poll did feature a degree of genuine contestation). No election since the 1995 constitution has met international standards of freedom and fairness. Most recently, the October 2008 presidential elections, March 2009 referendum, December 2009 municipal elections, and November 2010 parliamentary elections have further demonstrated citizens' inability to achieve a peaceful change of power under the prevailing system.

Grave irregularities in recent elections have included the extensive use of administrative resources by the ruling party for campaign purposes, voter intimidation, harassment of the opposition, and vote buying. Traditional election day violations have also included ballot stuffing, illegal campaigning, carousel voting, and voter list irregularities as well as restrictions on observers and flawed vote tabulation. The overall electoral environment is marred by serious restrictions on political participation, a lack of political competition, and the near absence of open public debate; this is further exacerbated by the government's effective control of the media.

Since the severe government crackdown on demonstrators protesting the conduct of the 2003 and 2005 parliamentary elections, and given the growing pressure against all forms of dissent, the population in Azerbaijan has been minimally engaged with electoral processes. There are no meaningful redress mechanisms against widespread election fraud or human rights abuses, and election results appear to be accepted by the population with a strong degree of resignation.

The Yeni Azerbaijan Party (YAP) dominates the election commissions. Traditional opposition parties have not participated in electoral commissions since 2005 and are restricted from public assembly, rallies, or meetings during the non-election period. In contrast to the partial boycott of the 2008 and 2009 polls, all parties chose to participate in the 2010 election. However, opposition parties faced serious registration difficulties. On average, the four opposition blocs managed to register one in three hopefuls.¹¹ Only 719 candidates (compared with 2,062 in 2005) were registered out of a total of 1,407 hopefuls and 27 of these subsequently withdrew.¹² Every YAP would-be candidate was allowed to register, while only 17 out of 120 hopefuls successfully registered for the Democracy bloc.¹³ For the first

time, Azerbaijan's two main opposition parties did not win a single seat in the new Milli Majlis.

In January 2011, the final observation report on the November 2010 parliamentary elections by the Organization for Security and Cooperation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR) concluded that the poll failed to conform to a number of key OSCE commitments for democratic elections as well as national election law. Specifically, the report stated that the electoral environment did not provide the conditions necessary for a meaningful and competitive election, citing limitations on the freedom of assembly and expression as well as a deficient candidate registration process, biased media coverage, disparity in candidates' access to campaign resources, misuse of administrative resources and interference by local authorities in favor of the ruling party's candidates.¹⁴ Rerun municipal elections took place in 86 electoral districts on 30 November, with 460 municipal council seats contested in 330 municipalities.¹⁵ There was very little public interest in or media coverage of the by-election which was by and large a pro-forma process.

In December the Council of Europe's Venice Commission sternly criticized new draft amendments to the Law on Political Parties for raising the registration threshold from 1,000 to 5,000 members.¹⁶

Civil Society

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
4.25	4.50	4.75	5.00	5.25	5.25	5.50	5.75	5.75	6.00

The government's stifling of Azerbaijani public life continued in 2011 with renewed assertiveness. The country's political opposition has been effectively undermined over the past years; consequently, authorities have no serious political rivals. Civic and political apathy is widespread, and self-censorship is prevalent in civil society work. Despite these repressive conditions, opposition parties and civil society demonstrated an unusual boost of activism at the beginning of 2011. However, instead of developing into a larger public movement for change, the spring protests gave way to harsher and more systematic crackdowns on dissent.

Demonstrations that took place in the Arab world in spring 2011 seemed to energize Azerbaijan's opposition parties and youth activists, who organized antigovernment protests early in the year. Authorities were particularly unnerved by nonpartisan youth activists and youth wings of opposition parties, who made increasing use of internet platforms, such as social networking sites, like Facebook and blogs, to express antiregime sentiment and promote prodemocracy demonstrations. Wary of the potential impact of demonstrations, authorities preemptively intimidated and arrested activists in the runup to the widely publicized "Great People's Day" protests of 11 March. Despite its internet publicity, the aggressive response of authorities detracted many would-be participants and the event was very sparsely attended.

The Musavat party's 12 March protest in downtown Baku attracted several hundred protesters, calling for greater protection of civil and political freedoms, release of political prisoners and President Aliyev's resignation. In an effort to limit participation, police beat and detained people, who were on their way to the demonstrations. Many of those arrested were tried in late-night closed trials and at least 30 people were sentenced to 5–15 days in prison on charges of disobeying police orders or participating in an unsanctioned rally.¹⁷

On 2 and 17 April, opposition parties held more unsanctioned rallies in downtown Baku, which were attended by hundreds, further unnerving the authorities. The police used force to disperse both rallies and detained scores of demonstrators. On 26 April, police raided Musavat's headquarters, searching for information on the activities of the Public Chamber, an umbrella organization of opposition party representatives, civil society, and human rights activists. A European Parliament resolution, deeply critical of the human rights situation in Azerbaijan, concluded that more than 200 people were detained on 2 April, including the head of Musavat's youth organization, Tural Abbasli.¹⁸ Amnesty International considers 17 persons sentenced in the runup to and during the protests to be prisoners of conscience.¹⁹

Although the constitution of Azerbaijan guarantees freedom of religion, some religious groups experience considerable harassment. Groups the authorities see as beyond their reach are frequent targets of government pressure. These include Islamic groups, such as the Salafis, that are not registered with the State Committee for Work with Religious Structures or that do not cooperate with the Board of Muslims of the Caucasus, a Soviet-era body that officially runs Islamic affairs in the country. Other targets include certain protestant communities and the Jehovah's Witnesses.

Throughout 2011, the government continued its crackdown on Islamic leaders, especially those engaging in demonstrations against the December 2010 ban of the hijab, the Muslim headscarf, in schools. While no law specifically prohibits the hijab, the Law on Education requires school children to wear uniforms and the Ministry of Education insists on a strict application of this law. The ban led to demonstrations in late 2010, continuing through 2011. Movsum Samadov, the head of the pro-Iranian Shiite Azerbaijan Islamic Party (AIP), which was stripped of its registration in 1995, and other members of the AIP were detained in early January for alleged public disorder and sentenced to 12 years imprisonment in October. Several dozen other Islamist activists were also arrested in January on similar charges. On 6 May police again clashed with protesters at an unauthorized demonstration against the ban in Baku.

The ban has also divided Muslim communities within Azerbaijan. Salafi communities, for example, have not joined the Shiite AIP's push against the hijab ban since they generally do not wear Islamic dress. Laws regulating the hijab run the risk of radicalizing the broader, largely secular community by politicizing of the issue.

Baku will host the 2012 Eurovision Song Contest and local and international rights activists are using the opportunity to campaign against rights abuses in the

country. In August, several local rights organizations launched the “Freedom Songs in a Non-Free Country” campaign, calling for the release of political prisoners, greater media pluralism, and respect for the freedom of assembly and property rights.²⁰ In response, Prime Minister Artur Rasizade pledged to guarantee all freedoms and ensure all contest participants secure and problem-free entry to Azerbaijan, including the Armenian delegation, which is one of the Eurovision’s preconditions. The Armenian delegation’s easy entrance into Azerbaijan would represent a significant achievement since past Eurovision contests have been battlegrounds for conflict between the two countries.

Oppressive government policies and a strategy of selective funding have left the still-developing nongovernmental organization (NGO) sector splintered and without significant impact. Over 3,000 NGOs are officially registered but only a small subset can be considered genuinely effective. Most active organizations are based in the capital, Baku. Registration procedures for NGOs are vague and nontransparent. It has been especially difficult for NGOs to work in areas the government perceives as sensitive; activities seeking systemic democratic change typically encounter the strongest obstacles. A 2009 law on NGOs gives the authorities significant discretionary powers, such as banning any NGO activity if it presents an unlawful “appropriation of” or “interference with” the state’s powers. In October 2011, the Venice Commission issued an opinion calling the law “problematic.”²¹

In early 2011, the government stepped up pressure against NGOs by tightening restrictions on registration for foreign NGOs and limiting the activities of both local and foreign organizations. Starting on 17 March, foreign NGOs are required to receive prior approval from the authorities in order to conduct activities in Azerbaijan. Furthermore, they must respect so-called “national moral values,” which remain undefined, and they are prohibited from engaging in political or religious propaganda. In March 2011, the Human Rights House Azerbaijan, a branch of the international Human Rights House Foundation, was closed down by order of the Ministry of Justice because its activities were not approved. In March, the United States–based National Democratic Institute, which has been denied registration since 2006, was also shut down by police for lacking proper registration, but was allowed to reopen in September and continues to operate. Three local NGOs in the city of Ganja were also evicted from their premises without formal notification or apparent legal ground.²²

A growing number of government-organized nongovernmental organizations (GONGOs) operate in the country, often funded by the President’s Council on State Support to NGOs. Since its establishment in 2007, the council has allocated nearly US\$6 million in funding to supposedly nongovernmental organizations.²³ Analysts suspect that the government uses the council as a means to monopolize the civic sector with regime-loyal civil society organizations, all under the guise of official support for diversity and pluralism.

Independent Media

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
5.50	5.75	6.00	6.00	6.25	6.25	6.75	6.75	6.75	6.75

Azerbaijan's Law on Mass Media, adopted in 2000, guarantees freedom of speech, support for the media, access to information, and protection of journalists' rights. In practice, the authorities have used violence, intimidation, and criminal laws to stifle public debate and silence dissenting voices.

Official state censorship was abolished in 1998, but the authorities' campaign of intimidation and harassment of journalists has resulted in a strong degree of self-censorship. It is not uncommon for journalists reporting on controversial topics to be charged with criminal lawsuits or even assassinated. In October, Avaz Zeinalli, editor-in-chief of the *Khural* newspaper, was arrested for allegedly extorting bribes. In reality, Zeinalli had published an article that claimed an official had offered him a large sum of money in exchange for loyalty to the government. Rafiq Tagi, a well-known writer and journalist, was jailed in 2007 for articles deemed critical of Islam. He was later pardoned, but his work sparked outrage in religious communities in Azerbaijan and Iran.²⁴ In November, Tagi was stabbed to death in Baku.

Libel remains a criminal offense in Azerbaijan, despite strong, repeated criticism from international organizations, including the Council of Europe (CoE) and the OSCE Representative on Freedom of the Media. Politically motivated libel charges, which carry punishments ranging from large fines to three years' imprisonment,²⁵ are often filed against journalists. In the first half of 2011, authorities initiated seven libel cases.²⁶

According to the Institute for Reporters' Freedom and Safety, a local media watchdog, over 50 journalists were attacked or harassed in 2011, many for their criticism of the government's lack of transparency and human rights abuses. In 2011, as in previous years, several attacks on journalists elicited no credible investigation by the authorities. Among the most shocking attacks was the 2005 murder of Elmar Huseynov, the editor-in-chief of *Monitor*, whose perpetrators were never brought to account.

As traditional media stagnate under government constraints, internet media have become increasingly significant in Azerbaijan, especially for promoting sociopolitical movements during the spring 2011 prodemocracy protests. In the runup to the March demonstrations, authorities jailed several online activists in an attempt to prevent largescale protests. Among the highest profile cases were those of Bakhtyar Hajiyev and Jabbar Savalan. Hajiyev, member of the youth movement Positive Change, was arrested after posting Facebook messages in support of the 11 March protests and calling on the police not to harm protesters. In May, he was sentenced to two years in prison;²⁷ a Baku court rejected his appeal for early release in December. According to rights groups, Hajiyev suffered ill-treatment while in detention. Jabbar Savalan, a history student and opposition activist, was arrested after re-posting articles criticizing the authorities on Facebook. He signed a false

confession in custody while under extreme duress and was sentenced to over two years in prison on drug possession charges.

Opposition journalists from traditional media outlets were also violently attacked in 2011. Seymour Khaziyev, a journalist for the opposition newspaper *Azadlyg*, was abducted and tortured by masked men on 26 March. Several days later, another *Azadlyg* reporter, Ramin Deko, was abducted by three unidentified men and subjected to psychological torture and intimidation. The following day Deko was attacked again and beaten for speaking to the press about the incident.

Authorities also sought to thwart reporting on public protests. During the 2 April “Great Day of Wrath” protest, police prevented some 30 journalists from accessing Fountain Square, the location of the rally. International journalists have also been targeted: three of Sweden’s First National TV reporters were detained on their way to cover a 17 April opposition demonstration in Baku and accused of illegally taking photographs, despite having acquired press accreditation.

Other international journalists were attacked or prevented from reporting on issues unrelated to the spring protests. In June, American freelance writer Amanda Erickson and British activist Celia Davies were severely beaten in downtown Baku. In July, Bloomberg photographer Diana Markosian was deported, presumably because of her Armenian surname.

The year 2011 brought positive developments in the long-standing case against Eynulla Fatullayev—the editor-in-chief of two newspapers, *Gundelik Azerbaijan* and *Realniy Azerbaijan*, and a vocal critic of the authorities. Under strong international and domestic pressure, President Aliyev finally pardoned and released Fatullayev on 26 May. The pardon came after the CoE’s Committee of Ministers urged Azerbaijan on 10 March to uphold the ECHR ruling that determined Fatullayev’s detention was illegal and called for his release.

Television and radio remain the most influential media in Azerbaijan. AzTV, the country’s main national broadcaster, is financially supported by the state and operates under direct control of the president’s office. Print media have small circulation and unreliable distribution beyond Baku. The handful of relatively influential newspapers tend to be politicized and only a few, such as the Russian-language *Zerkalo*, offer independent, reliable coverage.

Local Democratic Governance

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
n/a	n/a	6.00	6.00	6.00	6.00	6.25	6.25	6.50	6.50

Azerbaijan’s system of local self-government was defined by the 1995 constitution, and is carried out by both local bodies of state administration and elected municipal governments. The Law on Municipal Elections and the Law on the Status of Municipalities were adopted in 1999, the year of Azerbaijan’s first municipal polls. Since then, 2,757 municipal governments have been established, ranging from small rural villages to large cities.

Municipal councils consist of 5 to 19 members, depending on the number of people residing in the territory governed. Councils are elected for 5-year terms, and elections are held by a relative majority system in multi-mandate territories. In September 2009, the Milli Majlis passed a law on the unification of municipalities whereby their number decreased to 1,766. Authorities argued that the reform increased the efficiency of local self-government, especially in territories with a small population. Critics, however, said this may result in fewer posts for local representatives.

In 2001, Azerbaijan ratified the European Charter of Local Self-Government, which endows municipalities with substantial responsibilities and decisionmaking authority. However, in reality, municipalities have few responsibilities and remain fully subordinate to the executive. Constitutional amendments in 2009 further decreased the independence of local self-governments, granting the state powers to “oversee” activities of municipalities, without clearly defining the exact scope of this supervision.²⁸ Another ambiguously worded amendment called for municipalities to submit regular reports to the Milli Majlis; this represents yet another mechanism for imposing YAP’s authority at the local level.

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, 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.

Local branches of state government carry out most functions assigned to municipalities (community service projects, renovations, citizen registration, social services, etc.), while municipal authorities handle issues such as road construction or social assistance for households not benefiting from state social programs. Patronage and access to resources without accountability are characteristic of local governance throughout the country. The mayor of Baku continues to be appointed by the president despite Azerbaijan’s commitments under the Charter of Local Self-Government and strong calls by the CoE to make this an elected office.

There is little transparency in the work conducted by self-governance structures, and citizens have only vague ideas about what elected or appointed officials actually do. As a consequence, public trust in local self-government structures is low, especially in larger urban areas. Municipal authorities also lack adequate funding, as their real revenue represents only a small percentage of budgetary needs. Local authorities have been known to make up their own rules, inappropriately using force to maintain order, at times with the help of central authorities. In December, in the Caspian coastal Lankaran district, police detained nine fishermen after border guards sought to prevent them from fishing beyond the 2-mile limit. When around 150 other villagers arrived to demand their release, Interior Ministry troops used tear gas and rubber bullets against them.²⁹

In contrast to other municipalities, the exclave of Nakhchevan enjoys a strong degree of autonomous governance, but is also the most repressive region of

Azerbaijan. The chair of the local parliament for the past 13 years, Vasif Talibov, who is related by marriage to the Aliyev family, is said to run the region as his personal fiefdom. Restrictions on rights and freedoms are severe, and authorities engage in extreme authoritarian practices with full impunity.

Nakhchevan's village of Bananyar witnessed a violent crackdown by the authorities on peaceful demonstrations in late 2009 and early 2010. The demonstrations followed an incident in which 15 village elders were detained for marking the day of Ashura, a Shiite religious holiday, which the police saw as an "unauthorized gathering." This sparked a 10-day standoff between demonstrators and the police, who were backed by troops from the Interior Ministry. In 2011 other religious communities, such as Sunni Muslims and Jehovah's Witnesses were targeted. Reportedly, a Shia imam associated with the official religious structures was appointed to run Nakhchevan's only Sunni mosque in early 2011.³⁰

Police brutality is a common occurrence in the region of Nakhchevan. Turac Zeynalov, a technician, was found dead in the Nakhchevani Ministry of Security on 29 August, a day after having been summoned there on charges of "working for Iran." The Zeynalov family said his body showed signs of torture and his head had been disfigured, while authorities claim he died of cancer.³¹

In 2011, Nakhchvani authorities continued to threaten independent media and opposition activists and generally avoid opportunities for criticism. While investigating Zeynalov's case, Radio Free Europe/Radio Liberty (RFE/RL) reporter Yafez Hasaov was expelled from the exclave by three men, who forced him into a car, drove him to the Iranian border and warned him not to come back.³² In December, Zeynal Bagrizade, a member of the Nakhchvan branch of the opposition party Popular Front was taken into custody on charges of "faking his disability and stealing from the state." His family said he had been tortured in detention before being hospitalized and his brother said the family had been warned by the authorities to give up its political activities.³³ When United States ambassador to Azerbaijan Matthew Bryza sought to visit the ancient Armenian cemetery in the Nakhchvani town of Julfa in April 2011 in order to investigate the reported 2005 destruction of Armenian religious grave markers (*khachkars*), his request was denied without explanation.

Judicial Framework and Independence

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
5.25	5.50	5.75	5.75	5.75	5.75	5.75	6.25	6.25	6.50

Although separation of powers is guaranteed by the constitution, in reality the executive branch dominates the judiciary. In 2011, authorities used courts to punish activists protesting the ban of hijab in schools as well as participants in prodemocracy protests. Movsum Samadov, the leader of the AIP, was detained in January after he publically criticized the government for the hijab ban,³⁴ calling for an overthrow of the regime. The government charged him with illegal arms

possession, inciting terror, and seeking to change the constitutional system. Many other leading AIP members and associates were detained on illegal drugs and arms possession charges, including two prominent Islamic activists—the deputy chair of the AIP Arif Gaiev and the editor of the Islamic news website *Islam-azeri.az*, Ramin Bayramov.³⁵ Charges in these cases appeared politically motivated; in some cases National Security Ministry, rather than police, held the suspects. In October, Baku’s Court for Serious Crimes sentenced Samadov and six others, including AIP deputy chairman Vagif Abdullayev and the head of AIP’s regional branch in Astara, Ruffulla Axundzadeh, to prison terms of at least 10 years each.³⁶

The crackdown on opposition protesters and social media activists led to a series of flawed trials. In early March, at least five activists, including Bakhtyar Hajiyev and Jabbar Savalan, were arrested on apparently fabricated charges.³⁷ They were denied access to their lawyers and the families of at least two activists were denied information about their whereabouts.³⁸ On 26 August, six more activists—Arif Alisli, Elnur Israfilov, Elsan Hasanov, Sahib Karimov, Zulfugar Eyvazli, and Babek Hasanov—were sentenced to jail terms ranging from 18 months to 3 years in connection with the 2 April opposition protests.³⁹ On 3 October, four activists—Arif Hajili, Tural Abbasli, Mahammad Majidli, and Fuad Gahramanli—were convicted on charges of conspiracy to violate public order; and on 10 October four more activists—Ahad Mammadov, Ulvi Guliyev, Elnur Medzhidli, and Rufat Hajibeyli—were sentenced on charges of disturbing public order and resisting the police.

Lawyers defending civil society activists face serious intimidation from the regime. Khalid Bagirov, lawyer to the Askerov family, whose son died in police custody in January 2011, was disbarred for one year as a result of his involvement in the case. Similarly, Elchin Namazov, lawyer to Bahtyair Hajiyev, was permanently disbarred and faces criminal charges.⁴⁰

Property rights violations are another area where judicial independence is lacking. Expropriations and property demolitions took place in 2011, carried out as part of first lady Mehriban Aliyeva’s “Urban Renewal” plan, launched in 2009. The plan earmarks a segment of the old town, including all buildings on Shamsi Badalbayli, one of Baku’s older streets, for demolition in order to make space for a city park. As a result, many residents have lost their homes, without adequate compensations or access to appeal. In exchange for their homes in the old town, residents were offered AZN 1,000 (US\$1,900) per square meter (which is at least 50 percent less than the market rate) or property of lesser value in other parts of Baku.⁴¹ Residents have reportedly suffered intimidation from the authorities, including the use of heavy machinery for tearing down houses before residents have vacated.⁴² Azerbaijani authorities are facing severe international criticism on the issue, since expropriation has no legal basis in Azerbaijani law.

In June, prominent human rights defender Leyla Yunus and her husband, whose house had also been marked for demolition, attracted attention to the issue by writing on the walls of their home: “This is private property and the destruction of this house violates the constitution, and the European Convention on Human

Rights.”⁴³ In addition to being the Yunuses’ private residence, the building was home to several civil society organizations: the Yunuses’ Institute of Peace and Democracy, the Azerbaijani Campaign to Ban Landmines, and the only women’s crisis center in Baku. The Yunuses appealed the decision to demolish their property and in May an administrative economic court ruled that demolition was inadmissible without a final court decision.⁴⁴ Nevertheless, their building was torn down on 11 August without prior warning. Employees requesting time to take equipment and documents out of the building before it was destroyed were denied.

In December, a violent clash occurred between residents of Sulutepe, a settlement on the outskirts of Baku, security employees of the Azerbaijani State Oil Company (SOCAR), and police, resulting in casualties. SOCAR demolished the residents’ homes, claiming that the land had been illegally occupied. Residents argued that the municipality had given them permission to build their homes there and they had received no notifications or court orders commanding the demolition. SOCAR has plans to develop oil production outside of Baku, including the Sulutepe area, where several thousand homes are now disputed.⁴⁵

Corruption

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
6.25	6.25	6.25	6.25	6.25	6.25	6.50	6.50	6.50	6.50

Azerbaijan has consistently ranked among the world’s most corrupt countries. In 2011, Transparency International’s Corruption Perceptions Index ranked Azerbaijan 143rd out of 186 countries assessed, on par with Russia.⁴⁶

On 27 January 2011, President Aliyev announced an unprecedented anticorruption campaign. The campaign appears to have been a calculated attempt by the regime to improve its image in hopes of avoiding an Arab Spring–like scenario. While in the past officials have dismissed or ignored corruption, the anticorruption campaign became the new rhetorical focus of government institutions in early 2011. But despite the government’s insistence on the sincerity of its long-term commitment to fighting corruption, status quo remained throughout the year.

The feature of the campaign that yielded the most impact was a presidential decree prohibiting traffic policemen from receiving fines in cash and allocating 25 percent of the collected fines and customs fees to salaries of policemen and customs officials. The governmental anticorruption commission, headed by the chief of the presidential administration, Ramiz Mehdiyev, met in January, reportedly for the first time since its establishment in 2009.

The decree called for state agencies to dismiss officials guilty of engaging in corrupt practices and publish lists of dismissed offenders. Government institutions competed with each other to achieve the greatest number of dismissals and rhetorically denounced corruption in public meetings. In the first two months of the campaign, the prosecutor general completed 17 corruption investigations

and established a hotline for reporting corrupt practices, which reportedly received nearly 1,000 calls.⁴⁷ The campaign stopped short of targeting top-level officials, but led to the February dismissal of the heads of the AzerSu state water distribution company and the state penitentiary system, both notoriously corrupt institutions in Azerbaijan.⁴⁸

The public as well as many analysts remained skeptical about the authenticity of the campaign, seeing it as a public relations exercise that fell short of tackling high-level corruption and the patronage system. Most state bodies published only the numbers of officials guilty of corrupt practices, not their names, which was reminiscent of Soviet-era practices.⁴⁹ Media reported that some of those allegedly dismissed were in fact moved to different departments or even promoted. The Ministry of Education dismissal lists also included names of deceased or retired civil servants.

Financial disclosure is notoriously lacking among government officials and the anticorruption campaign did not improve transparency of public officials' income and assets as required by a 2006 law. A June 2011 RFE/RL investigation found that President Aliyev's daughters are key shareholders in one of the country's largest mobile phone operators, Azerfon.⁵⁰ The president's wife, Mehriban Aliyeva, and their two daughters are also believed to control several of the country's largest banks.⁵¹ According to a March 2010 *Washington Post* article, the Dubai land registry contains entries of real estate worth US\$75 million owned by Azerbaijanis whose names and ages match those of President Aliyev's children.⁵²

In September, a British Broadcasting Corporation (BBC) report alleged that a top official in the World Series Boxing league (WSB), which is a franchise of the International Amateur Boxing Association (AIBA), had boasted about a secret deal to secure Azerbaijani funding in return for gold medals for Azerbaijani boxers in the 2012 Olympics. All those named in the report denied the allegations. Documentary evidence obtained by the BBC included communications between the AIBA, WSB, and Azerbaijan's Minister for Emergency Situations about an investment agreement for a US\$10 million loan, as well as an email apparently from the WSB official to the ministry with the request to "transfer investment money as soon as possible to WSB's American account."⁵³ The money was reportedly transferred from Azerbaijan, where President Aliyev is the head of Azerbaijan's National Olympic Committee.⁵⁴ Still, there is virtually no public debate in the country regarding high-level corruption.

Although the existing legislative and institutional frameworks for fighting corruption were enhanced in 2011, legal provisions continue to be rarely implemented. Corruption cuts across all classes and spheres of society; bribery is common at all levels with top officials profiting significantly. In addition to being a money-making enterprise, corruption is also a way of exerting political control. Accomplices in corrupt practices are closely tied to the authorities, who selectively apply anticorruption legislation to control potential adversaries.

Banks receive credits at a highly padded rate from the Central Bank. When the Central Bank increased its interest rate in March 2011 from 3 to 5 percent, an independent commentator said this would have no impact on consumer loans,

which are reportedly given at 18–36 percent interest. Even with increased interest rates, banks receive credits, including bribes, at 14–15 percent.⁵⁵

Azerbaijan takes pride in being a successful implementer of the Extraction Industries Transparency Initiative (EITI). Its compliance with EITI has significantly increased the transparency of state oil revenues. However, according to a 2011 Promoting Revenue Transparency report, the state oil company SOCAR scored zero percent for reporting corrupt practices to anticorruption programs. In terms of disclosure of organizational structure, operations, partnerships, and standards, SOCAR scored 50 percent, while other companies scored 65 percent, on average.⁵⁶ The management and expenditure of energy revenue remain largely nontransparent and are prone to high-level corruption. Likewise, there is little transparency in public procurement and contracting; state investments accounted for 34 percent of total expenditures (US\$5.2 billion) in the 2010 budget,⁵⁷ and grew by nearly 40 percent in the first 9 months of 2011.⁵⁸ Azerbaijan's Audit Chamber, the body tasked with overseeing public expenditure, is under political pressure by the authorities and is generally weak.

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