

REPORT

On the Human Rights Situation in Azerbaijan 2013-2022

*Implementation by Azerbaijan
of its commitments and obligations
before the Council of Europe
in the field of fundamental freedoms*



Institute for Reporters' Freedom and Safety

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When Azerbaijan joined the Council of Europe on January 25, 2001, it agreed to comply with both the commitments and obligations incumbent on all member states under Article 3 of the Organization's Statute and also several specific obligations set out in Opinion 222 (2000) on Azerbaijan's application for membership of the Council of Europe.

Despite hopes that accession to the Council of Europe in 2001 would have a significant impact on the development of fundamental rights within the country, the citizens of Azerbaijan continue to suffer.

Repression and violations affect almost the entire spectrum of human rights.

The Institute for Reporters' Freedom and Safety (IRFS) notes with concern that the Azerbaijani authorities continue to brazenly neglect their commitments and obligations. The Azerbaijani government has been taking repressive measures against the media and critical voices and passing legislation contrary to international standards, which casts serious doubt on its conscientiousness in fulfilling its commitments and obligations.

Solving the problem of political prisoners by releasing them or holding a new objective trial of persons who are recognized as political prisoners was one of the obligations that Azerbaijan assumed upon joining the European Convention on Human Rights (ECHR). Although more than 21 years have passed since the accession, politically motivated arrests are still widely practiced in Azerbaijan.

In 2017, the Committee of Ministers of the Council of Europe (CMCE) referred a question to the Grand Chamber of the European Court of Human Rights (ECtHR) in the case of the refusal by the Azerbaijani government to comply with a judgment of the ECtHR. Recognition of a state as a violator of its obligations under Article 46 of the European Convention on Human Rights (Binding force and execution of judgments) may lead to expulsion from the Council of Europe.

In recent years, the Council of Europe has been criticized for its weak response to violations committed by its members. Thus, in 2014, Human Rights Watch reported about the ongoing "systemic persecution of human rights activists and dissidents" in Azerbaijan, indicating a complete disregard for commitments and obligations before the Council of Europe. Similarly, the European Stability Initiative demonstrated how the issue of political prisoners in Azerbaijan was outvoted at the Parliamentary Assembly of the Council of Europe (PACE) in 2013.

This report examines Azerbaijan's implementation of its commitments and obligations before the Council of Europe regarding fundamental freedoms of expression, assembly, and association in the period from 2013 to 2022.

During these ten years, the government of Azerbaijan has been routinely violating Article 1 (Obligation to respect human rights), Article 3 (Prohibition of torture), Article 6 (Right to a fair trial), Article 10 (Freedom of expression), Article 11 (Freedom of assembly and association), and Article 14 (Prohibition of discrimination) of the European Convention on Human Rights.

Starting in 2013, the situation in Azerbaijan in the field of freedom of expression, assembly, and association worsened. The government arrested large numbers of political activists and critical journalists on trumped-up charges, disrupted peaceful protests, and amended laws to further restrict fundamental freedoms. The concerned international players were unable to pressure the authorities to improve the human rights situation in the country as they were ineffectual in fully exploiting the potential of cooperation with the Azerbaijani government.

Elections

The government's repressive policies continued after the October 2013 presidential election. As a result of this election, the incumbent President Ilham Aliyev was re-elected with 84.5% of the vote and won his third term as the leader of the country.

International observers from the Organization for Security and Cooperation in Europe (OSCE) criticized the presidential election, saying it did not meet international standards. Observers estimated that in 58% of polling stations, the process of counting votes had been poor.

Detention of opposition activists and threats used against them, restrictions on the media, and violations of freedom of assembly and association negatively impacted the election campaign.

International election observers from the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament mildly criticized the election.

In 2015, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) refused to send an observer mission to the November 1 parliamentary election, citing government restrictions on the mission's activities.

ODIHR had previously stated that arrests, indictments, and other harassment of journalists had a negative impact on the electoral environment.

The European Parliament and the OSCE Parliamentary Assembly also refused to send their respective election missions. The limited election mission of PACE reported the vote was "generally in line with international standards." However, three observers said there were shortcomings "in terms of free and democratic elections."

In April 2018, President Ilham Aliyev won his fourth term as the head of state in an election that international observers said was uncompetitive and "held in a restrictive political environment and under the laws restricting fundamental rights and freedoms." International observers have reported widespread voting disruption, lack of transparency, and lack of competition in the presidential election.

Taking into account that major opposition parties boycotted the election, and there was a lack of freedom of the media, it could be said that there was no "real competition" during that in Azerbaijan, the OSCE said in its statement at the time.

On February 9, 2020, an early parliamentary election was held in Azerbaijan. OSCE observers noted numerous violations during the voting and counting of results. International observers noted significant procedural violations during the vote counting and raised the issue of transparency and fairness of the election.

Many international observers expressed concern over the violation of fundamental rights and freedoms, the International Election Observation Mission said in an official statement.

Politically motivated persecution

From 2013 to 2022, Article 14 of the European Convention on Human Rights (Prohibition of discrimination) has been periodically violated in Azerbaijan.

In 2013, the government was using various trumped-up charges to arrest political activists who were critical of the government. These fabricated charges included possession of drugs and weapons, disorderly conduct, sectarian and political discrimination, and even treason.

Among those detained and arrested in the country were high-ranking members of the opposition parties, such as the leader of the REAL Movement Ilgar Mammadov, deputy chairman of the Musavat Party Tofiq Yagublu, adviser to the chairman of the Musavat Party Yadigar Sadigov, and activist of the Free Youth organization Ilkin Rustamzadeh.

In 2014, the human rights situation in the country was exacerbated by the repression by the Azerbaijani government against its critics. The government again used the aforementioned false charges to arrest political activists who were critical of the authorities.

That year, the authorities arrested or imprisoned at least 33 human rights defenders, political and social activists, journalists, and bloggers on politically motivated charges. Some activists were forced to flee the country or go into hiding. The government froze bank accounts of independent civil society groups and their leaders and severely hampered their work by refusing to register foreign grants. Some heads of organizations were banned from leaving the country. Persons detained by the authorities complained of ill-treatment at police stations.

Several groups, including the country's leading human rights organizations, have been forced to suspend their activities or close down completely. The wave of repressions in the country continued in May when Azerbaijan began to chair the Committee of Ministers of the Council of Europe on a six-month rotation basis.

Among those detained were prominent human rights activists, including Leyla Yunus, the director of the Institute of Peace and Democracy, who was arrested in July, and her husband, Arif Yunus, who was arrested in August. They were charged with treason, tax evasion, and illegal entrepreneurship. Also arrested were human rights activist Rasul Jafarov and head of the Society for Legal Education Intigam Aliyev.

In May, eight members of an opposition youth movement were sentenced to imprisonment terms varying from six to eight years. During their trial, at least three of these young men stated that they had been beaten while in police custody. The prosecutor's office did not conduct an effective investigation into any of these allegations.

In March, Ilgar Mammadov, a well-known political scientist and leader of the REAL Movement, and Tofiq Yagublu, deputy chairman of the Musavat Party and an employee of the Yeni Musavat newspaper, were sentenced to 7 and 5 years in prison, respectively. Both were convicted on charges of inciting riots and using violence. In May, the European Court of Human Rights ruled in favor of Ilgar Mammadov, saying that by arresting Mammadov, the government "wanted to silence him and punish him for criticizing the government."

In 2015, the practice reached its peak. Continued government pressure destroyed the independent non-governmental organizations (NGOs) and media.

Courts sentenced leading human rights defenders, political activists, and journalists to lengthy prison terms in politically motivated unfair trials. Many were harassed, arrested, banned from leaving the country, or forced to leave the country.

Those convicted included human rights activist Intigam Aliyev, human rights activist Leyla Yunus and her husband Arif Yunus, prominent investigative journalist Khadija Ismayilova and human rights activist Rasul Jafarov. They were sentenced to imprisonment terms varying from six to eight and a half years.

The Yunusovs claimed they had been mistreated during detention and imprisonment. However, the authorities did not investigate these and other allegations.

Politician Ilgar Mammadov and journalist Tofiq Yagublu remained in detention in 2015 on charges of inciting unrest, although the European Court of Human Rights (ECtHR) had repeatedly demanded the release of Ilgar Mammadov since the 2014 decision, and in November 2015 the ECtHR ruled that Tofiq Yagublu's arrest also illegal.

That year the authorities banned international human rights observers and journalists from entering the country on numerous occasions.

Azerbaijan's international partners expressed concern about the use of lawsuits and widespread repression against government critics, but they were unable to pressure the government to improve the situation in the country.

In June 2015, Azerbaijan hosted the first European Games in Baku, but the European Olympic Committee took no action against Azerbaijan for non-compliance with the principles of freedom of the media and respect for human dignity, guaranteed by the Olympic Charter.

In 2016, the government continued its crackdown on dissent, leaving a large gap in Azerbaijan's once vibrant independent civil society. At least 25 government critics remained illegally incarcerated, including political activists and bloggers who had been detained and arrested in 2016. Restrictive laws continued to prevent NGOs from operating independently. Torture and other ill-treatment were reported throughout the year.

A constitutional referendum in September 2016 abolished minimum age requirements for presidential and parliamentary candidates, increased the presidential term from five to seven years and expanded the powers of the president.

On the eve of the constitutional referendum, the government detained eight activists on a series of false, politically motivated charges, including drug possession, disorderly conduct, incitement, and illegal business activities.

Police also arrested three REAL members: Natig Jafarli, the party's executive secretary, who publicly criticized the constitutional referendum, and two other REAL activists who opposed the referendum.

In 2017, authorities continued to use various criminal and administrative charges to stifle critics.

In January, courts sentenced 18 people, including prominent religious scholar Taleh Bagirzadeh, to lengthy prison terms after a trial marred by allegations of torture and ill-treatment.

Also in January, the Baku Court on Grave Crimes sentenced 31-year-old youth activist Elgiz Gahraman to five and a half years in prison on bogus drug-related charges. After his arrest in August 2016, the police did not inform Gahraman's relatives of his whereabouts and denied him access to a lawyer for several days. During the trial, Gahraman claimed that the police had beaten him and threatened him with sexual violence to force him to confess to drug possession. The authorities failed to effectively investigate these allegations.

Three members of the opposition Azerbaijan Popular Front Party (APFP) were convicted during the year, and at least nine were imprisoned on politically motivated charges. In January 2017, the Baku Court on Grave Crimes sentenced APFP member Fuad Gahramanli

to 10 years in prison for inciting religious and ethnic hatred. Yet in reality, he only criticized the government on Facebook.

In May, authorities arrested APFP deputy chairperson Gozel Bayramli at the border with Georgia and charged her with smuggling.

In 2018, the appalling human rights situation in Azerbaijan did not improve. Authorities continued to imprison critics on politically motivated charges.

At least 43 human rights defenders, journalists, and political and religious activists remained illegally imprisoned, and dozens more were detained or continued to be under criminal investigation, faced harassment and travel bans, or fled Azerbaijan. Restrictive laws continued to hinder the independent operation of non-governmental organizations. Other chronic human rights issues included systematic torture, undue interference with defense lawyers' activities, and restrictions on media freedom.

Azerbaijan's international partners criticized the abuses but did not condition relations with Azerbaijan upon improvements.

In August, authorities released prominent political activist Ilgar Mammadov on a two-year suspended sentence after he had spent more than five years in prison on charges that the European Court of Human Rights (ECtHR) had found unlawful and in retaliation for his activism. In December 2017, the Committee of Ministers of the Council of Europe initiated an unprecedented legal proceeding against Azerbaijan for non-enforcement of the ECtHR decision in the Mammadov case.

Elnur Farajov, an opposition party member imprisoned on bogus drug charges, had been denied adequate medical care in prison and died of cancer shortly after his release in May under a presidential pardon.

Authorities continued to harass leading and rank-and-file members of opposition political parties. In January, a court sentenced Gozel Bayramli, deputy chairperson of the Azerbaijan Popular Front Party (APFP), to three years of imprisonment on false charges of smuggling. In September, Mammad Ibrahim, an adviser to the APFP chairman, was due to be released after a three-year sentence on fictitious charges of hooliganism. However, on the day of his expected release, officials brought additional charges against him, saying they had allegedly found a knife under his pillow. If found guilty, he could face up to six additional months in prison.

Youth activists Ilkin Rustamzadeh, Elgiz Gahraman, Giyas Ibrahimov, and Bayram Mammadov continued to serve long prison terms on politically motivated charges. Authorities also held dozens of critics in jail for up to 30 days following formal court hearings on bogus wrongdoing charges, including six members of the opposition political party REAL after they had organized a peaceful march in Baku in May to mark the centenary of the Republic of Azerbaijan.

In 2019, the Azerbaijani government continued to maintain tight control, severely restricting freedom of association, expression, and assembly. At least 30 illegally imprisoned persons remained incarcerated, and the authorities routinely targeted their critics and other dissidents.

Other human rights problems persisted, including torture and ill-treatment in places of detention and incarceration, violations of freedom of assembly, undue interference with defense lawyers, and restrictions on media freedom.

In 2020, in five separate cases, the European Court of Human Rights (ECtHR) found that between 2014 and 2016, Azerbaijani authorities had been illegally imprisoning government critics in retaliation for their activism.

Restrictive laws continued to hinder the independent operation of non-governmental organizations (NGOs). Torture and ill-treatment were reported throughout the year.

The early parliamentary election in February 2020 was marred by credible allegations of electoral irregularities and led to the continued dominance of the ruling New Azerbaijan Party.

In March, authorities again detained Tofiq Yagublu on bogus charges of hooliganism. In September, he was convicted and sentenced to four years and three months in prison. Observers of the trial noted numerous procedural violations, including the refusal of the court to grant the defense's motion to extract and present CCTV footage that could confirm Yagublu's innocence. In September, the court ordered Yagublu to be placed under house arrest after he needed hospitalization due to health problems resulting from his hunger strike.

In 2021, facts of persecution of young activists were registered.

During the year, multiple violations were recorded in the field of political freedoms, personal inviolability, fair trial, freedom of opinion, and freedom of the media.

More than once, facts of pressure on government critics, physical abuse, and torture of detainees were recorded.

In May, there was also pressure on the former political prisoner Ilkin Rustamzadeh and his relatives, as well as on the former political prisoner Orkhan Bakhishli. The reason for the pressure was the criticism of the government expressed by the said activists on social networks.

During the year, facts of torture by employees of the law enforcement agencies were registered.

One can also point to the criminal prosecution of believers and oppositionists.

The rights to confidential communication with a lawyer and access to quality medical care were also violated.

Media freedom

In May 2013, the Milli Majlis (National Assembly) of Azerbaijan expanded the scope of criminal prosecution for defamation and insult.

Nine journalists were detained or imprisoned on politically motivated charges.

In addition to journalists, two activist bloggers Rashad Ramazanov and Ilkin Rustemzadeh were also convicted and sentenced to lengthy prison terms. They are believed to have been targeted for expressing critical views.

The smear campaign against Radio Free Europe/Radio Liberty correspondent Khadija Ismayilova, which began in 2012, continued throughout 2013 following her investigation into the president's family and the businesses of people close to the family. Pro-government newspapers and websites harassed the journalist and her family members, writing articles and posting videos against Ismayilova.

In November, the opposition Azadlig newspaper suspended its publication due to financial difficulties. The financial difficulties were caused by lawsuits brought by some government officials against the newspaper, the freezing of the newspaper's bank account, and government restrictions on the distribution of the newspaper.

In 2014, twelve journalists and bloggers were detained or imprisoned on politically motivated charges.

At least six Facebook and other social media activists have been arrested or jailed on trumped-up drug charges.

The above-mentioned Khadija Ismayilova, a well-known journalist known for her investigations into government corruption, including the business interests of the ruling family, was interrogated several times by law enforcement agencies as a witness in a case concerning the leaking of state secrets.

In October, Ismayilova was banned from leaving the country. However, the legal basis for the decision was not disclosed. The smear campaign against Ismayilova in the pro-government media, which began in 2012, continued throughout 2014.

In December 2014, authorities raided the Baku office of Radio Free Europe/Radio Liberty, interrogated employees, confiscated items, and sealed the premises.

In December 2014, the country's parliament amended the law to allow courts to shut down foreign-funded media outlets for spreading false information more than twice a year.

In the run-up to the European Games in June 2015, authorities deported or banned several international journalists from entering the country.

In June 2015, the Swiss government succeeded in removing Emin Huseynov, founder of the Institute for Reporters' Freedom and Safety, from Azerbaijan to Switzerland. In August 2014, fearing political arrest, Emin Huseynov had taken refuge at the Swiss Embassy in Azerbaijan and remained there until June 2015.

The Azadlig daily newspaper was again on the verge of closure due to government restrictions on sales, refusals by government distributors to pay debts to the newspaper, and fines imposed for false allegations of defamation.

In 2016, seven journalists and bloggers were under arrest. Independent media outlets were harassed and shut down, and critical journalists faced threats and intimidation aimed at silencing them.

In April, authorities launched a criminal investigation into alleged tax evasion and related economic wrongdoings, allegedly involving 15 journalists who were working for Meydan TV, an Azerbaijani-language independent Berlin-based online outlet that provides critical reporting on human rights, corruption, and similar matters.

In September, the state-owned printing house refused to print the Azadlig newspaper because it failed to pay the company's debt after the paper's executive director Faig Amirli had been detained. As a result, the Azadlig was forced to suspend the publication of its printed edition for an indefinite period.

In July, authorities first suspended and then revoked the broadcasting license of the privately owned, strongly pro-government TV station ANS after it had announced its intention to broadcast an interview with Fethullah Gülen, a Turkish Islamic scholar and preacher residing in the United States.

In 2017, twelve journalists and bloggers were under arrest. Authorities continued to use false tax evasion and other criminal charges to imprison critical journalists and bloggers.

In 2017, repression against Mehman Huseynov, a well-known journalist and blogger, reached its climax. Mehman Huseynov is one of the most renowned Azerbaijani journalists and bloggers, thanks to his vivid exposés of police brutality and alleged government corruption, which have earned him hundreds of thousands of followers on social media. The security forces have been repeatedly harassing and intimidating Huseynov for many years. In 2014, authorities confiscated his ID card, falsely claiming it was fake. Without it, he would not have been able to hire a lawyer, get medical care, or open a bank account. The authorities imposed a travel ban on him.

Government efforts to silence Mehman Huseynov culminated in January 2017, when several plainclothes police officers grabbed him in central Baku, put a bag over his head, tasered his groin, and beat him. Authorities then accused him of resisting the police. Huseynov publicly demanded justice in connection with the aforementioned abuses. Instead of investigating the allegations, the authorities said that by making the information public, Huseynov had defamed the entire staff of the police station. In March, a court sentenced him to two years in prison for defamation.

In March, the country's parliament passed laws tightening control over online media, and in June increased the maximum penalty for "insulting the honor and dignity of the president" to five years in prison.

In May 2017, the government permanently blocked the websites of prominent independent and opposition media outlets, including the Azerbaijani service of Radio Free Europe/Radio Liberty, the opposition Azadlig newspaper, and Berlin-based Meydan TV, alleging national security threats.

In the same month, unidentified individuals abducted journalist and political activist Afgan Mukhtarli in the Georgian capital Tbilisi and illegally brought him to Azerbaijan. Then the Azerbaijani authorities accused Mukhtarli of illegally crossing the border, smuggling, and resisting a representative of the authorities. Mukhtarli had been living in Georgia since 2015 out of fear for his safety.

Also in May, police detained Aziz Orujov, director of the online TV channel Kanal-13, and sentenced him to 30 days in jail for allegedly resisting police. During his detention, authorities brought criminal tax-related charges against him.

In August 2017, the authorities detained Mehman Aliyev, director of the Turan News Agency, the country's only independent news agency, on trumped-up criminal charges, but dropped the case in November.

In 2018, ten journalists and bloggers were under arrest. All mainstream media remained under tight government control. Libel and defamation remained criminal offenses. People who publicly criticized the authorities faced detention and threats aimed at silencing them.

Opposition journalist Seymour Hazi, satirist poet Tofiq Hasanli, and well-known blogger Mehman Huseynov remained in prison on trumped-up charges.

In August, courts in Baku ruled to block three local news websites: az24saat.org, xural.com, and monitortv.info, after officials had filed defamation charges against them.

In 2019, all mainstream media remained under tight government control. Six journalists and bloggers remained under arrest.

In June, Polad Aslanov, editor of the independent news sites Xeberman and Press-az, was jailed on treason charges that he claimed were in response to his criticism of government officials and an ongoing investigation into alleged corruption within the National Security Ministry.

Journalists Afgan Mukhtarli, Ziya Asadli, Araz Guliyev, and Elchin Ismayilli, who had been publicly criticizing the authorities, remained incarcerated on trumped-up charges.

In 2020, seven journalists and bloggers were under arrest.

In its February decision, the ECtHR ruled that Azerbaijan had illegally imprisoned investigative journalist Khadija Ismayilova from 2014 to 2016 to silence and punish her.

In November 2020, journalist Polad Aslanov was sentenced to 16 years in prison on charges of high treason, while Araz Guliyev and Elchin Ismayilli continued to serve prison sentences. Investigative journalists Khadija Ismayilova and Shahvalad Chobanoglu were banned from entering the country.

In September, the Prosecutor General's Office put a group of political exiles who were criticizing the country's authorities on the international wanted list, which included well-known bloggers Tural Sadigli and Ordukhon Babirli.

Under amendments to the Law on Information passed by the country's parliament in March 2020, online content owners face up to three years in prison for failing to prevent an online post that authorities believe is false and could pose a threat to public safety. There are at least 10 known cases in which the authorities used the law to force website owners, bloggers, and Facebook users to remove online posts critical of the government's response to the COVID-19 pandemic.

Arrests of journalists, bloggers, and political activists did not stop in 2021. By the end of the year, 8 journalists and bloggers have been still under arrest. These are:

1. Polad Israil oglu Aslanov, founder and editor of information websites www.xeberman.com and www.press-az.com
2. Elchin Mammad, head of the NGO "Legal Enlightenment of Sumgayit Youth" and editor-in-chief of the site www.yukselis.info
3. Bahruz Imangulu oglu Aliyev, editor-in-chief of the website www.nia.az
4. Afgan Sadigov, editor-in-chief of the news portal "Azel TV"
5. Aslan Gurbanov, blogger

6. Elvin Isayev, blogger

7. Magsud Mahmudov, blogger

8. Sameddin Mammadov, blogger

On November 6, 2021, founder and editor-in-chief of the Bumeranq TV YouTube channel Elchin Rahimzadeh was detained by the State Security Service (SSS) of Azerbaijan and interrogated for 12 hours. The editorial office of Bumeranq TV was searched, and computers and other equipment were confiscated. The journalist was interrogated for 12 hours. The journalist told the Institute for Reporters' Freedom and Safety that the SSS officers had given him a week to think, otherwise, he would not be able to continue his journalistic activities. The journalist was required to give up independent activity and carry out the instructions of the State Security Service, only in this case Bumeranq TV would be able to continue its activities, as he was told.

As a result of psychological pressure, the journalist's condition worsened, and he is currently under medical supervision. The journalist's Facebook, Instagram, YouTube, WhatsApp, and Gmail accounts were hacked. The Bumeranq TV YouTube account was also hacked and is still not available to the journalist.

Violations of freedom of expression were also registered. Thus, on March 3, the Sheki Court of Appeal sentenced activist and journalist Elchin Hasanzadeh and blogger Ibrahim Turksoy to eight months in jail on charges of slander and insult. The basis was the complaint of the head of the Mingachevir city Housing Department Shahriyar Mustafayev.

However, the real reasons for the arrest were the facts of corruption of local officials and violations of the law revealed by the activists. On November 3, Elchin Hasanzadeh and Ibrahim Turksoy have been released due to the completion of the arrest period.

Elchin Hasanzadeh, after being released, again faced the threat of detention. After his release, the blogger criticized the actions of the local authorities of the city of Mingachevir on social networks and in various media. After that, the Head of the Executive Authority of the city of Mingachevir, Ilham Ismayilov, appealed to the prosecutor's office with a demand to arrest the blogger. The head of the Executive Authority accused the blogger of blackmail. However, according to the blogger, he only wrote about a car accident involving the son of the head of the Executive Authority, in which that son had struck two pedestrians, and also about the facts of corruption in the city of Mingachevir.

According to the blogger, after his release from prison, the Youtube channel Kanal-45 he manages, as well as his Facebook profile, have been under attack.

Journalist Jamil Mammadli was brought to court for criticizing the head of the Guba District Executive Authority.

On May 5, imprisoned blogger Aslan Gurbanov was placed in solitary confinement.

On December 18, journalist Sakhavat Mammad, known for his investigations and critical articles about arbitrariness and corruption in the Azerbaijani Army, was fined 500 Azerbaijani manats by a court. The journalist had been previously summoned to the Prosecutor General's Office and interrogated. After interrogation, the journalist was taken to court, where he was charged under Article 388-1.1.1 of the Code of Administrative Offenses (Placing information in an information resource or in an information and telecommunications network, the dissemination of which is prohibited by the Law of the Republic of Azerbaijan "On information, informatization and protection of information") and fined 500 manats.

The websites olke.az, manevr.az, and several other online publications were also fined 1,500 manats under article 388-1.1.1 for "propaganda, justifying suicide as a way to solve problems," and explaining how to commit suicide.

Several independent and opposition websites remain blocked: azadlıq.info, azadlıq.org, meydan.tv, kanalturan.com, azerbaycansaatı.tv. In October, the websites deyerler.az, maide.az, ahlibeyt.az, ehlibet.az, shia.az, islaminsesi.org have also been blocked.

In December 2021, the Milli Majlis of Azerbaijan adopted the Law on Media, which restricts the rights of the media and strengthens the government's control over the media.

The law contradicts Article 10 (Freedom of expression) of the European Convention on Human Rights, which states that "everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers."

Freedom of assembly and association

Azerbaijan undertook an obligation before the Council of Europe to respect and protect freedom of assembly and association (Article 11 of the ECHR). In fact, the Azerbaijani authorities have not fulfilled these obligations and violate them regularly.

In 2013, the country's authorities violently dispersed peaceful protests and detained protesters. Under laws passed by the Azerbaijani parliament in November 2012 and May 2013, the statutory fines for participating in and organizing unsanctioned protests increased more than a hundredfold. According to other changes, the maximum term of detention for disorderly conduct has been increased from 15 to 60 days.

Police used water cannons and tear gas to disperse a peaceful rally in central Baku on March 10, 2013.

Legislative changes made in February 2013 made it impossible for unregistered organizations to legally receive grants and donations. These changes have made things more difficult for groups that criticize the government and which the government refuses to register.

The amount of the fine imposed on NGOs receiving donor funding, if they do not sign and register the appropriate grant agreement with the Ministry of Justice, has been increased fivefold.

The government refused to officially register the Human Rights Club, which had been applying for registration since 2011.

In February 2014, with the signing of amendments to the legislation on NGOs by President Ilham Aliyev, additional restrictions and requirements were introduced. All of them included fines and formal warnings against NGOs. The amendments also provided for tougher financial and criminal penalties for minor infractions. All this allowed the authorities to refuse registration to any local or international NGO, and to close it temporarily or permanently.

A series of other restrictive changes, signed by President Aliyev in November of the same year, introduced a requirement for all foreign donors to sign an agreement with the government, and for each project to be approved by the appropriate authority.

As part of a criminal investigation against several foreign donors and NGOs, the courts seized the bank accounts of at least 50 organizations. Tax inspectors audited many of these organizations, and the employees of these NGOs were repeatedly interrogated by prosecution authorities.

As a result of all these measures, at least 3 organizations were forced to close down completely, and many NGOs' activities were frozen due to the inability to conduct banking operations. These problems have also led to the suspension of organizations involved in international initiatives to ensure natural resource transparency.

In August, police raided the office of the Institute for Reporters' Freedom and Safety (IRFS), a well-known media monitoring organization, confiscated computers, and reports, and sealed the premises. The authorities repeatedly summoned the organization's employees for interrogation at the prosecutor's office and banned its leader, Emin Huseynov, from leaving the country.

In August, the government also sealed the office of the Society for Legal Education after confiscating computers and documents. The organization, headed by lawyer Intigam Aliyev, has filed numerous complaints with the European Court of Human Rights about human rights violations in Azerbaijan. The prosecutor's office also sealed the office of the organization headed by Leyla Yunus.

A 2014 report by the Venice Commission of the Council of Europe states that since 2012, changes to the NGO law in Azerbaijan on mandatory registration and reporting requirements, harsh penalties, and a ban on foreign funding have "restricted the activities of NGOs in Azerbaijan."

Severe restrictive and punitive regulations on NGOs in 2014 and 2015 made it nearly impossible for independent groups to fund and carry out their work. In February 2016, new rules came into effect giving the Ministry of Justice broad powers to conduct intrusive inspections of NGOs on a wide range of grounds.

Azerbaijani legislation requires NGOs to provide banks with proof of grant registration to access grant funds.

Azerbaijan continued to have severely restrictive and punitive rules against NGOs in 2017, making it nearly impossible for independent groups to fund and carry out their work.

Several NGO leaders continued to face travel bans, harassment, and interrogations.

In 2019, Azerbaijan effectively imposed a total ban on protests in central Baku and instead offered demonstrators a remote location on the outskirts of the city to hold rallies. The number of people sentenced to administrative fines or short jail terms for allegedly violating the country's restrictive rules on public gatherings was several times higher than in 2018.

In 2020, Azerbaijan continued to have a complete ban on holding protests in the central districts of Baku.

In 2021, the right to freedom of assembly in Azerbaijan has been virtually eliminated. Violence was used against people trying to gather and protest.

Torture and ill-treatment

Azerbaijan is a party to the European Convention for the Prevention of Torture. However, violations of basic human rights by law enforcement agencies, torture of detainees, and ill-treatment have been continuing in the period specified in this report. Between 2013 and 2022, Article 3 (Prohibition of Torture) of the European Convention on Human Rights, which states that no one shall be subjected to torture or to inhuman or degrading treatment or punishment, has been regularly violated.

In 2013, torture and ill-treatment continued in an atmosphere of impunity. According to the Azerbaijan Committee Against Torture, which independently monitors prisons, the organization received 96 complaints of ill-treatment in places of detention in the first nine months of 2013. Although there were credible reports of beatings, threats, and other forms of

violence against political activists in detention facilities, the authorities did not conduct an effective investigation.

In 2014, torture and ill-treatment against members of the opposition continued. In September, the UN Subcommittee on Prevention of Torture (SPT) suspended its visits to Azerbaijan due to obstacles from officials.

In May 2014, on the day the verdict was pronounced against the young members of the Nida Civic Movement (N!DA), an opposition activist Kamala Bananyarli was detained by the police. She later said that during the interrogation at the police station, police officers had hit her on the head several times. According to her lawyer, as a result of blows to the head, Bananyarli had developed several tumors in the head, which led to headaches and vomiting. The Ministry of Internal Affairs of Azerbaijan denied the allegations and did not investigate the matter.

Young activists detained in 2014 complained of being beaten, threatened, and forced to confess while in police custody. They also complained that they had not been provided with a defense lawyer. The government failed to effectively investigate these allegations.

In 2015, the climate of impunity for torture and ill-treatment continued. In July and August, Ilgar Mammadov communicated from prison information that he had been attacked by fellow inmates for not asking President Ilham Aliyev for a pardon. In August, the Secretary-General of the Council of Europe sent a letter to the Minister of Justice of Azerbaijan asking for an immediate investigation into the matter. Later Mammadov also said he had been beaten by prison officers in October. The authorities failed to conduct an effective investigation once again.

In April, the UN Subcommittee on Prevention of Torture visited Azerbaijani penitentiary institutions and stated that the authorities did not provide "many basic legal and procedural security measures" in prisons, including "access to a lawyer and access to a doctor or a family member."

In 2016, torture and ill-treatment again continued with impunity. In August, police detained Elgiz Gahraman, a member of an opposition youth movement, and held him incommunicado for six days. Gahraman told his lawyer that the police had beaten him and threatened him with sexual humiliation to force him to confess to false charges of drug possession. The authorities failed to conduct an effective investigation.

In May, police arrested youth activists Giyas Ibrahimov and Bayram Mammadov for graffitiing a monument to former President Heydar Aliyev and demanded from them an apology in front of a video camera. When they refused, the police beat them and threatened to rape them with batons to force them to confess to drug possession. The authorities failed to effectively investigate allegations of ill-treatment. In October, Ibrahimov was sentenced to 10 years in prison.

In July of the same year, 18 out of 68 defendants in a high-profile anti-terrorism case told the court they had been repeatedly beaten by police to extract confessions and testimonies. The case in question was centered on allegations by the authorities against Taleh Bagirzadeh, a religious activist who had been previously imprisoned on politically motivated charges. The prosecution was alleging that he had been conspiring with others to overthrow the government.

In 2017, torture and ill-treatment continued with impunity as well. At the January trial of those arrested in November 2015 in the settlement of Nardaran, 17 men presented credible allegations of their ill-treatment during detention. The aim was to use pressure to force them to confess and testify against other defendants. Some of them also said that officials had used electric shocks on them and threatened to rape their wives or sisters. The authorities failed to effectively investigate these allegations.

In early January, several officers in civilian clothes attacked journalist Mehman Huseynov in central Baku. They blindfolded and gagged him, put a bag over his head, tasered his groin, and punched him before detaining him. The next day, a court found Huseynov guilty of allegedly disobeying police orders and fined him. After Huseynov went public with the story of his ill-treatment at the hands of the police, the court sentenced him to two years in prison for slander.

In 2018, the Committee of the Council of Europe for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (European Committee for the Prevention of Torture, ECPT) published reports on six visits to Azerbaijan between 2004 and 2017. The ECPT found that torture and other ill-treatment by the police and other law enforcement agencies and impunity for these actions remained systemic and widespread. Detainees were often denied access to a lawyer of their choice.

The authorities again failed to effectively investigate all these serious allegations of torture and ill-treatment.

No progress was made in investigating the suspicious death of detained blogger Mehman Galandarov, who the authorities said had been found hanged in a prison cell and quickly buried without witnesses.

In 2019, the authorities dismissed complaints of torture and other ill-treatment in places of detention, and the practice continued with impunity. The authorities did not conduct an effective investigation into the continuing allegations.

In 2020, torture and other ill-treatment in detention continued with impunity, and complaints were routinely dismissed by the authorities.

In 2021, facts of torture in law enforcement agencies have been registered. The rights to confidential communication of detainees with a lawyer and access to quality medical care have also been violated.

Reactions of international organizations

Although the European Union, the United States, and other international and regional institutions have been criticizing Azerbaijan since 2013 for its human rights record, they did not exert enough political pressure on the government of that country to improve it.

A resolution adopted by the Parliamentary Assembly of the Council of Europe (PACE) in January 2013 expressed concern about "alleged false accusations against political activists and journalists" and called on Azerbaijan to release prisoners, especially those whose "arrest raises suspicion and legitimate concerns." PACE did not adopt a resolution on the issue of political prisoners in Azerbaijan.

In July 2013, Commissioner for Human Rights of the Council of Europe Nils Muižnieks expressed serious concern about "a significant increase in the practice of unjustified criminal prosecution of critical journalists and others." He also criticized restrictions on freedom of expression, assembly, association, and property rights in Azerbaijan.

In February 2013, High Representative of the European Union for Foreign Affairs and Security Policy Catherine Ashton and EU Commissioner for Enlargement and European Neighborhood Policy Štefan Füle demanded from the Azerbaijani authorities "to investigate the charges against Ilgar Mammadov and Tofiq Yagublu as soon as possible, fairly, transparently and independently" and called on them to refrain in the future from arrests of political activists and journalists seeking to exercise their fundamental rights and freedoms.

In June 2013, Ashton and Füle expressed their disappointment with legislation to further criminalize defamation.

In the European Neighborhood Policy (ENP) Progress Report, presented in March 2013, the EU noted that Azerbaijan "has only implemented a few key recommendations contained in the last year's ENP Progress Report." The report reflected serious violations of freedom of speech, assembly, and association in the country.

In April 2013, discussions on Azerbaijan entered the second phase of the Universal Periodic Review (UPR) of the UN Human Rights Council. The Azerbaijani government invited UN rapporteurs on human rights to visit the country. While the government accepted criticism on the matter of freedom of speech, assembly, and association, it continued to deny the existence of any serious wrongdoings in the country.

OSCE Representative on Freedom of the Media Dunja Mijatović criticized the Azerbaijani government's restrictions on freedom of expression, including greater criminalization of defamation, as well as the sentencing of journalist Avaz Zeynalli to a nine-year prison term.

In July 2013, the Azerbaijani government reduced the full mandate of the OSCE Baku Office to the level of a project coordinator.

In its annual report on the human rights situation in Azerbaijan, the US Department of State expressed concern about restrictions on freedom of speech and assembly and politically motivated arrests in the country.

In 2015, except for the European Parliament, other EU institutions and member states did not react uniformly to Azerbaijan's pressure in relation to human rights and did not make any changes to bilateral relations. Negotiations on a strategic partnership agreement between the EU and Azerbaijan continued.

The EU Special Representative for Human Rights Stavros Lambrinidis, who visited Azerbaijan in February 2015, was unable to use his visit to promote basic human rights in the country. The EU High Representative for Foreign Affairs and Security Policy Federica Mogherini also made several statements. These statements also denounced "disproportionate" punishments applied to civil society. However, these statements did not require the release of others who were critical of the government, except Leyla Yunus and Arif Yunus.

The EU report on Azerbaijan's implementation of the European Neighborhood Policy stated that the situation with human rights and fundamental freedoms had "deteriorated."

The US Department of State issued a series of statements condemning the arrest of human rights activists.

In March 2015, the UN Committee on the Elimination of Discrimination against Women condemned Azerbaijan's failure to adopt the Council of Europe Convention on preventing and combating violence against women and domestic violence. He also criticized the lack of adequate measures against violence against women, including child marriage, restrictions on NGO legislation, and the harassment and detention of women journalists and activists.

In June, the Parliamentary Assembly of the Council of Europe (PACE) adopted a charter condemning "human rights violations in Azerbaijan" and calling for an end to "systematic repression." The Secretary-General of the Council of Europe and the President of PACE adopted statements on the trials that were seen as part of these repressions.

In October, the Secretary-General announced that the Council of Europe had withdrawn from the working group on human rights in Azerbaijan, citing the deteriorating situation of human rights defenders.

On several occasions, the Council of Europe Commissioner for Human Rights appealed to the European Court of Human Rights, citing "clear examples of repression in Azerbaijan against those who criticize the government."

In June, a major Irish initiative at the UN Human Rights Council that condemned the "systematic silencing of critical voices" in Azerbaijan was supported by 25 states. The document called for the "immediate and unconditional release" of those who criticized the government. On August 20, six UN experts issued a joint statement condemning the arrest of Leyla Yunus, calling it a "clearly politically motivated" arrest and calling for an end to "pressure on human rights defenders" in Azerbaijan. In September, the UN High Commissioner for Human Rights condemned the crackdown and called for the release of government critics.

The activities of the OSCE, whose status had already been downgraded in Baku, were completely suspended by a government decision in July 2015. The OSCE Special Representative on Freedom of the Media issued several statements about the persecution of journalists, the investigation of Radio Free Europe/Radio Liberty, and the death of Rasim Aliyev.

In 2016, the United States, the European Union, and Azerbaijan's other bilateral and international partners failed to effectively use the potential of their relationship with the government to push for significant improvements in the sphere of human rights.

Following a visit to Azerbaijan in May 2016, the United Nations Working Group on Arbitrary Detention (WGAD) claimed to have received "large amounts of evidence of torture and ill-treatment" towards persons held in detention. The working group also noted the "terrible living conditions and high level of negligence in an institution for women" and expressed concern about "the use of chemical means of restraint of freedom of action against children who were 'lightly' tasered in one institution."

Following his September visit, the United Nations Special Rapporteur on the situation of human rights defenders Michel Forst urged the government to end the criminalization of human rights defenders for their peaceful and legitimate activities, release all detained human rights defenders, and lift criminal and administrative sanctions against them and their families.

In its October concluding remarks, the UN Human Rights Committee called on the Azerbaijani authorities to stop "repression against public associations, to ensure that they can act freely and without fear of retribution for their legitimate activities."

At the end of 2015, Thorbjørn Jagland, Secretary-General of the Council of Europe, launched an investigation into Azerbaijan's failure to comply with the judgments of the European Court of Human Rights. Jagland's special representative could not visit Azerbaijan in 2016, apparently due to the lack of cooperation from the government in the implementation of this initiative.

In December 2015, a bipartisan bill was introduced in the US House of Representatives calling on the Azerbaijani government to release all "political prisoners." The bill, among

other things, provided for a ban on issuing visas to unnamed high-ranking Azerbaijani officials responsible for repressions.

In 2016, during her March visit to Baku, European Union High Representative for Foreign Affairs and Security Policy Federica Mogherini announced the EU's intention to speed up negotiations on a new partnership agreement with Azerbaijan, making little mention of the horrendous human rights abuses in the country.

International financial institutions have continued or increased funding for the Azerbaijani government, including in the extractive industries, despite the deteriorating situation with human rights.

In 2017, the United States, the European Union, and other bilateral and international partners of Azerbaijan continued to condemn the government's attacks on critics. They, however, failed again to effectively use their relationship with the Azerbaijani government to secure meaningful improvements in the field of human rights protection.

In February 2017, President Ilham Aliyev visited Brussels to open negotiations on a new partnership agreement between the EU and Azerbaijan to strengthen political and economic ties. The EU failed to condition the talks on the release of unjustly imprisoned journalists and activists and the lifting of restrictions on NGOs.

In a June resolution, the European Parliament condemned the kidnapping of Afgan Mukhtarli and called on the Azerbaijani authorities to release him and others detained on politically motivated charges.

In June 2017, the US expressed concern over the kidnapping and arrest of Afgan Mukhtarli, as well as the arrest of APFP deputy chairperson Gozel Bayramli, and called on the government to release "all the persons arrested for exercising their fundamental freedoms."

In October 2017, the Committee of Ministers of the Council of Europe made an unprecedented decision to initiate a case of violation of rights against Azerbaijan in connection with the failure to comply with the decision of the European Court of Human Rights concerning Ilgar Mammadov.

Also in October, the Parliamentary Assembly of the Council of Europe adopted two scathing resolutions calling on Azerbaijan to end its ruthless crackdown on critics.

In 2018, the United States, the European Union, and other bilateral and international partners of Azerbaijan continued to criticize the Azerbaijani government's attacks on critics.

In March 2018, the European Investment Bank (EIB) approved a loan of 932 million euros for the construction of the Trans-Anatolian Gas Pipeline (TANAP), which brings natural gas from Azerbaijan through Turkey to Western Europe. The EIB did not conditionalize the loan

on human rights improvement, although its obligations under the EU Charter of Fundamental Rights meant that it must not fund projects that would encourage or support human rights violations.

In 2019, the EU continued negotiations on a new partnership agreement with Azerbaijan to strengthen political and economic ties. In April, after meetings with senior Azerbaijani officials, then EU High Representative Federica Mogherini said she had expressed concern about the "limited space for civil society and human rights defenders in Azerbaijan." The statement also said that the EU intended to make human rights an important element of its cooperation with Azerbaijan.

Following his July visit to Baku and meeting with President Aliyev, then European Council President Donald Tusk stressed the "essential importance" that the EU "attaches to respect for the rule of law, human rights, and fundamental freedoms" in cooperation with Azerbaijan. Tusk also met with civil society activists to hear their concerns.

In January, the European Parliament adopted a resolution on the Mehman Huseynov case and called for the immediate and unconditional release of all political prisoners.

In September, the rapporteur of the Parliamentary Assembly of the Council of Europe on political prisoners Þórhildur Sunna Ævarsdóttir met with four prisoners, representatives of civil society, and others. Her report was expected by the end of 2019.

In July, Council of Europe Commissioner for Human Rights Dunja Mijatović visited Baku, where she expressed concern about arbitrary arrests and abuses of criminal law against critics and stressed the need to release "all persons detained because of their expressed views." She also urged the authorities to create better opportunities for the lives of internally displaced persons.

The EU and the Council of Europe Commissioner for Human Rights (CoE), as well as the rapporteurs of the Parliamentary Assembly of the CoE on Azerbaijan, issued statements expressing concern about the violent crackdown against the October protests and calling for an effective investigation and the release of all detainees.

In January 2020, the Parliamentary Assembly of the Council of Europe (PACE) adopted a resolution that described the political prisoners' problem in Azerbaijan as "systemic in nature." The resolution stressed that this problem must be resolved once and for all.

In February, PACE, the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE), and other independent observers found that the 2020 Azerbaijani parliamentary elections fell short of international standards for free and fair voting.

In March, PACE rapporteurs on Azerbaijan expressed outrage that the government was "launching another round of concerted political repression," noting that the case against Tofig Yagublu was "fabricated."

In September, the US Embassy urged the government to "reverse a string of recent politically motivated detentions, review the Tofig Yagublu case, and respect fundamental freedoms of speech and association."

In a September statement, a spokesman for the EU Foreign and Security Policy said that Yagublu's conviction raises questions "about the authorities' commitment to protecting and strengthening political freedoms for all" and called for a review of the case.

Conclusion

The whole point of regional cooperation in Europe is to guarantee minimum human rights standards for the people living on the continent, respect for the rule of law, and the promotion of genuine democracy.

Unfortunately, this is not the case in Azerbaijan. Although officially a European country from the point of view of the Council of Europe it is unrecognizable as such from the point of view of human rights.

The member states of the Council of Europe have pledged to respect fundamental rights and freedoms. Despite these binding commitments and obligations, some member states continue to display authoritarian tendencies, especially by persecuting any form of dissent.

Azerbaijan in particular violates its mandatory and fundamental obligations to ensure freedom of expression, assembly, and association in a serious and consistent manner.

The IRFS states that all three fundamental freedoms have been curtailed in recent years.

As this report shows, despite the government's increasingly hostile attitude, the Parliamentary Assembly of the Council of Europe continues to consider human rights issues in Azerbaijan, thus, keeping them on the international agenda and producing some positive results, such as the release of many political prisoners on the list of special rapporteurs.

The IRFS believes that the Council of Europe, particularly its Parliamentary Assembly, plays a permanent and key role in ensuring respect and protection of the human rights and freedoms of Azerbaijani citizens.

Preventing further violations of human rights and fundamental freedoms of the citizens of Azerbaijan must remain one of the top priorities of the Council of Europe for the foreseeable future.

To this end, the IRFS calls on PACE to ensure that its relevant committees, including the Committee on Legal Affairs and Human Rights and the Committee on the Honoring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), step up their efforts to monitor the Azerbaijani government's practices in the field of human rights and hold it accountable for any violations or degressions in terms of compliance with its commitments and obligations before the Council of Europe.

The IRFS calls on the Council of Europe as a whole, as well as on its individual member states, not to turn a blind eye to the human rights crisis in Azerbaijan and condemn the serious and persistent violations of fundamental human rights and freedoms in that country.

The IRFS condemns the Azerbaijani government for its unjustified failure to fulfill its commitments and obligations in the field of human rights undertaken before the Council of Europe.

The IRFS urges the Parliamentary Assembly of the Council of Europe to take a tougher stance against member states which are not fulfilling their commitments and obligations. If member states are allowed to escape responsibility for egregious violations and non-compliance with the rules and treaties of the Council of Europe, the organization as such loses both respect and influence.