

Human rights situation on the eve of COP29 in Azerbaijan

QUEST FOR JUSTICE IN A CLIMATE OF UNPRECEDENTED REPRESSION

Foreword by Oleksandra Matviichuk

Head of 2022 Nobel Peace Prize-awarded Center for Civil Liberties



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September 2024

This report is published by the Anar Mammadli Campaign to end repression in Azerbaijan.

The publisher wishes to thank all individuals who have contributed to the research for this report, for their availability for interviews and for sharing background material, as well as all individuals involved in the peer-review of the report. The publisher further thanks donors that made this work possible. Special thanks goes to the independent researcher who drafted this report. The publisher regrets that the names of these individuals, as well as their organisations, cannot be made public due to security concerns.

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Anar Mammadli Campaign, “Quest for Justice in a Climate of Unprecedented Repression. Human rights situation on the eve of COP29 in Azerbaijan”, Baku and Geneva, September 2024.

In regard to the foreword, please use the following reference:

Oleksandra Matviichuk, *in*: Anar Mammadli Campaign, “Quest for Justice in a Climate of Unprecedented Repression. Human rights situation on the eve of COP29 in Azerbaijan”, Baku and Geneva, September 2024.

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Foreword

By Oleksandra Matviichuk

Ukrainian human rights lawyer

Head of Nobel Peace Prize-awarded Center for Civil Liberties

I know what it is to be at war. When the Russian Federation launched its war of aggression against Ukraine, everything that we call peaceful life was shattered. Beyond the battlefield, the war crimes committed – the targeting of civilians, bombing of infrastructure, torturing of people in filtration camps, mass deportations – were deliberate acts by Russia to provide enormous pain to the people of Ukraine; to break their resistance and occupy the country.

When the war and invasion started, international organisations evacuated their personnel, but ordinary people remained. Ukraine's civil society became a crucial force in documenting war crimes, supporting displaced people, maintaining democratic resilience and resisting Russian aggression. This war is not just about territories; it is about the survival of democratic values, with civil society being the front line of defence.

Civil society is not just witness to this fight – it is the glue holding together the spirit of resistance, the voice for justice and the architect of peace for the future.

Peace is not merely the absence of war; it is fraternity, social justice, ending poverty, gender equality, accountability to international law and co-operation amongst nations and within communities. Peace is the possibility to live without fear of violence and to have a long-term outlook.

It is impossible to achieve peace without a vibrant civil society that protects freedom and human rights. Civil society strengthens the foundations of peace by building trust in institutions and holding power accountable. When human rights are protected, and when citizens trust the state, disputes can be resolved peacefully, creating lasting stability and harmony.

Autocrats often fail to grasp that it is not their personal rule, but the rule of law, that should prevail. Recognising this danger, humankind designed a multilateral system, supported by international law, to prevent such leaders from violating the rights of others. However, this system is only as strong as the commitment of its member states to uphold it. Even the best legal frameworks can falter without collective resolve and cooperation, leaving space for autocrats to undermine peace and justice.

When we fail to uphold human rights and the rule of law, one thing is for sure: it never leads to peace.

As I write this foreword for this report, I think of my friend and colleague Anar Mammadli, again sitting behind bars in a prison in Azerbaijan. Our message to Anar is loud and clear: we are here to uphold the rule of law for all, because we see what happens to you when it is scorned. To the international community: it is now your time to join the fight for human rights. The fight that Anar Mammadli – and all those held as political prisoners in Azerbaijan – steadfastly undertake despite the fear in their bones, at the cost of those they hold dear, risking their sacred right to liberty.



About Oleksandra Matviichuk

Oleksandra Matviichuk is a human rights lawyer who works on issues in Ukraine and the Organisation for Security and Co-operation in Europe (OSCE) region. She heads the human rights organisation Center for Civil Liberties, which was awarded the 2022 Nobel Peace Prize for its pioneering role in holding guilty parties accountable for their crimes.

In 2016, Oleksandra Matviichuk received the OSCE's Democracy Defender Award for her "Exclusive Contribution to Promoting Democracy and Human Rights". In 2017, she became the first woman to participate in the Ukrainian Emerging Leaders Programme of Stanford University. In 2022, Oleksandra Matviichuk was awarded with the Right Livelihood Award and recognised as one of the world's 25th most influential women in the world by the Financial Times.



Executive Summary

This report investigates the worsening human rights situation in Azerbaijan, focusing on the continued repression of human rights defenders, lawyers, journalists, media actors, and civic and political activists; the legislative measures aimed at criminalising their activities; the systemic imprisonment of dissenting voices; and the harsh treatment of those targeted by the government for daring to express their opinions or associate with others in doing so.

At the time of writing, almost no independent civil society actor remains free in Azerbaijan. Since 16 December 2013 – the day of Anar Mammadli's first arrest – not a single day has passed without at least one person imprisoned in Azerbaijan on political grounds. Independent media outlets have seen their leadership arrested; the authorities have increased pressure on legal professionals, academics and scholars; and the repression is becoming increasingly focused on young individuals.

Yet, this report is published weeks before the opening of the COP29 in Baku, which is seen by the Azerbaijani government as a major opportunity to enhance its international image. However, this global event is taking place amidst a climate of unprecedented repression on human rights in the country's history, as exemplified by the recent re-arrest of Anar Mammadli – a prominent democracy and human rights defender, and the name behind our campaign to end repression in Azerbaijan. The authorities have long used international events as cover for increased repression, aiming to project an image of stability whilst suppressing criticism. Anar Mammadli's arrest is part of a broader pattern of systemic repression, where dissent is met with fabricated charges, arbitrary detentions, and judicial harassment.

Azerbaijani authorities continue to bring unfounded and unrelated criminal charges against those who criticise or oppose the government, in particular human rights defenders, lawyers, journalists, media actors and civic and political activists. Common charges include tax evasion, extortion, illegal business activity, money laundering, drug-related offenses, smuggling and administrative charges like disobeying the police and hooliganism. The judiciary lacks independence and remains subordinate to the executive, preventing any chance of a fair trial, with many cases resulting in pre-determined outcomes.

Azerbaijan's laws and regulations governing civil society organisations, media outlets, political parties, public participation and freedom of assembly are construed in such a way that they are used to wilfully target and sanction these organisations and individuals. Amendments to the legal system have virtually eliminated the possibility for NGOs to operate freely or receive foreign funding, whilst amendments to media laws have eroded the right to freedom of expression. These laws serve not to govern society, but to silence dissenting voices, intimidate civil society and prosecute those who challenge the government.

The country now has 319 political prisoners, many of whom face fabricated charges and harsh detention conditions, including ill-treatment, torture, and the withholding of medical care. Political prisoners in Azerbaijan are subjected to mistreatment at every stage: from arbitrary arrests and abuse during initial interrogations, to torture and inhumane conditions in detention. The Azerbaijani government uses these prisoners as leverage in international diplomacy, manipulating their release in exchange for political gain. Even after their release, they continue to face repression, with many facing travel bans and exclusion from their professions.

International human rights bodies, including the Parliamentary Assembly of the Council of Europe, the European Court of Human Rights, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the European Commission for Democracy through Law (Venice Commission), the United Nations Human Rights Committee, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and the United Nations Committee against Torture, have repeatedly condemned Azerbaijan's practices, and called on Azerbaijan to comply with its obligations under international human rights law.

However, Azerbaijan has consistently disregarded such calls to improve its human rights record. The country's failure to implement European Court judgments underscores its unwillingness to address systemic violations. Azerbaijan is increasingly distancing itself from the Council of Europe, systematically ignoring its recommendations and judgments while showing indifference to suspensions and international criticism.



Calls on Azerbaijan to reform have largely failed, resulting mostly in cosmetic changes, as Azerbaijan distances itself further from the principles of the international human rights system.

The country continues to restrict the rights of journalists, lawyers, media actors, opposition members and critics, sending a clear signal that it has no intention of abiding by its obligations under international human rights law or reforming its policies to respect the rule of law.

We call on the government of Azerbaijan to address them. We also urge the international community to strengthen its response, support Azerbaijani civil

society and the media, and increase accountability for political repression.

The time has come for the international community – including and especially the Council of Europe – to rethink how it should address the human rights situation in Azerbaijan. The response to developments in Azerbaijan will be decisive not only for the future of human rights and democracy in Azerbaijan but also in the region.

The alternative is stark: without immediate and decisive action, more and more journalists and media actors, lawyers and human rights defenders – like Anar Mammadli – will face politically motivated imprisonment.



Highest number of political prisoners since Azerbaijan joined the Council of Europe



Academics, scholars, and trade unionists are increasingly being targeted.



Media crackdowns have intensified, with raids and arrests at Abzas Media, Toplum TV, and Kanal 13.

319 Political prisoners recorded in September 2024

The number of political prisoners has surged by 243% over the past 19 months, increasing from 93 individuals in February 2023 to 319 in September 2024.

+243%



Introduction

The chairmanship of the 29th session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP29), to be held in November 2024, fell to the Eastern European group of the United Nations.¹ Azerbaijan's bid was ultimately accepted, despite a deadlock in negotiations that was exacerbated by conflict in the region.²

The decision to organise COP29 in Azerbaijan has been criticized by human rights organisations and analysts due to the country's record of human rights violations and its dependence on fossil fuels.³ The human rights situation in Azerbaijan has indeed deteriorated significantly since 2013, with a crackdown on civil society, independent media, and the legal profession. In 2024, the country witnessed its most severe repression yet, with a sharp rise in political prisoners, targeting of academics, and the harshest media restrictions in its history as a member of the Council of Europe.

However, the Azerbaijan state news agency asserted that "Azerbaijan's hosting of COP29 stands as a commendable achievement and is poised to be a 'great success.' [...] The country has earned increasing respect on the international stage through its impactful actions, steadfast deeds, and forward-thinking policies. Azerbaijan's growing influence is a testament to its commitment to lasting peace, proactive involvement in cooperative endeavors, international solidarity, and dedication to collaborative initiatives."⁴

Global indexes referenced:

- BTI Transformation Index 2024, *Bertelsmann Stiftung*, available at <https://bti-project.org/en/reports/country-dashboard/AZE>;
- Democracy Index 2023, *Economist Intelligence*, available at <https://www.eiu.com/n/campaigns/democracy-index-2023>;
- Civil Liberties Index 2023, *Varieties of Democracy (V-Dem)*, processed by *Our World in Data*, available at <https://ourworldindata.org/grapher/human-rights-index-vdem>;
- Global Freedom Score 2024, Internet Freedom Score 2023 and Democracy Percentage 2024, *Freedom House*, available at <https://freedomhouse.org/country/azerbaijan>;
- Human Freedom Index 2023, *Cato Institute*, available at <https://www.cato.org/human-freedom-index/2023>;
- World Press Freedom Index 2024, *Reporters without Borders*, available at <https://rsf.org/en/index?year=2024>;
- Corruption Perceptions Index 2023, *Transparency International*, available at <https://www.transparency.org/en/cpi/2023/index/aze>.

AZERBAIJAN

Government

President of the Republic, since 2003

- Ilham Aliyev

Vice-President, since 2017

- Mehriban Aliyeva, wife of Ilham Aliyev

Previous Former President, 1993-2003

- Heydar Aliyev, father of Ilham Aliyev

Prime Minister, since 2019

- Ali Asadov, formerly economic advisor to the President

Global indexes

Bertelsmann BTI Transformation Index 2024

- 102 of 137 jurisdictions for political transformation

Democracy Index 2023

- 130 of 167 jurisdictions

Civil Liberties Index 2023

- Score: 0.36 (max 1.00)

Global Freedom Scores 2024

- Score: 7/100 ("Not Free" for the 20th year in a row)

Internet Freedom Score 2023

- Score: 37/100 ("Not Free")

Democracy Scores Percentage 2024

- Score: 1/100 ("Consolidated Authoritarian Regime") (Democracy Percentage: 1.19)

Human Freedom Index 2023

- 126 of 165 jurisdictions

World Press Freedom Index 2024

- 164 of 180 jurisdictions

Corruption Perceptions Index 2023

- 154 of 180 jurisdictions (score: 23/100)



Hosting COP29 will indeed be seen by the Azerbaijani authorities as a major consecration. For many years, the authorities have worked to improve Azerbaijan's branding and international image, including by hosting several large international events, such as the 2012 Eurovision Song Contest,⁵ the inaugural European Games in 2015,⁶ the annual Formula One Azerbaijan Grand Prix,⁷ the 2019 Union of European Football Associations (UEFA) Europa League final⁸ and the 2020 UEFA European Football Championship. The country has also hosted dozens of international conferences, exhibitions, and trade shows.

Meanwhile, Azerbaijani authorities have endeavoured to keep the appalling human rights situation out of the public eye. Thus, these international events are often preceded by crackdowns, waves of repression and the erection of fences and facades to “keep guests away from the less elegant side of life in Azerbaijan’s capital city”.⁹

Azerbaijani authorities excel in promoting good relationships with some of the multilateral organisations of which the country is a member. By treading a fine line in its response to Russia’s war of aggression against Ukraine, and by virtue of its natural resources and strategic location, Azerbaijan has benefitted both economically and politically from the geopolitical consequences of the war.¹⁰ In particular, Azerbaijan has managed to use the political and diplomatic stand-off between Russia and the international community to strengthen its ties with both Russia and Europe, and thus its local and global political influence.

However, Azerbaijan also has a history of poor treatment of other multilateral organisations. Indeed, as it prepares to host COP29, Azerbaijan’s relations with the Council of Europe are at an all-time low. Since becoming the 43rd member of the Council of Europe on 25 January 2001, Azerbaijan has regularly refused to cooperate with the Council’s monitoring bodies and human rights institutions. As we document in this report, Azerbaijan has ignored several suspensions for its infringements, threatening to leave the Council of Europe¹¹ rather than showing any willingness to address its systemic deficiencies. This is exemplified by the following events from just this year:

- In January 2024, after Azerbaijan repeatedly forbade rapporteurs from the Parliamentary Assembly of the Council of Europe (PACE) to visit the country and meet with political detainees, PACE resolved to withhold its ratification of the credentials of the Azerbaijani parliamentary delegation. It was highlighted that, at the time of the resolution, “at least 18 journalists and media actors [were] in detention in Azerbaijan”;¹²
- Under the regulations of the Council of Europe, PACE has an “inalienable right” to observe the parliamentary and presidential elections of states under the monitoring procedure, such as Azerbaijan.¹³ The fact that Azerbaijan refused to invite PACE representatives to observe the February 2024 presidential elections further validated PACE’s resolution of January 2024. Indeed, a state’s “lack of cooperation with the Assembly, or its refusal to accept an election observation mission from the Assembly may give rise to [...] the challenging of the credentials of the national delegation concerned”.¹⁴ It should be noted that Azerbaijan also refused to invite a PACE observation mission for the parliamentary election of September 2024;
- Furthermore, in July 2024, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) of the Council of Europe took the “exceptional decision” to issue a public statement addressing the Azerbaijani authorities’ “outright refusal” to cooperate with the CPT, and to make public the report on its latest visit in 2022, given “the seriousness of the issues at stake, relating to ill-treatment and even torture by law enforcement officials of detained persons”, and the fact that no action had been undertaken by Azerbaijan to implement the CPT’s recommendations to end such practices.¹⁵ This decision was further underpinned by the fact that the CPT had received no responses to its letters or notification of a visit to Azerbaijan, which it considered “a fundamental and unprecedented breach of the [European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment]”.¹⁶

This report documents how the already dire human rights situation in Azerbaijan has steadily worsened since 16 December 2013 – the day on which Anar Mammadli, a prominent democracy and human rights defender, and the name behind our campaign to end repression in Azerbaijan, was first arrested following his critical assessment of the presidential elections in Azerbaijan.

At the time of writing this report, almost no independent civil society actor remains free in Azerbaijan. Independent media outlets have seen their leadership arrested; the authorities have increased pressure on legal professionals, academics and scholars; and the repression is becoming increasingly focused on young individuals.



Whilst this report discusses a few emblematic political prisoners, the repression in Azerbaijan should not be reduced to a number of isolated individuals. The first chapter of this report describes the development of legislation – which started in the years preceding Anar Mammadli’s initial detention and continues to the present day – designed to criminalise the activities of human rights defenders, civil society and media actors, with the aim of justifying their arrests. The second chapter discusses the systematic imprisonment of dissenting voices and the reality for those affected.

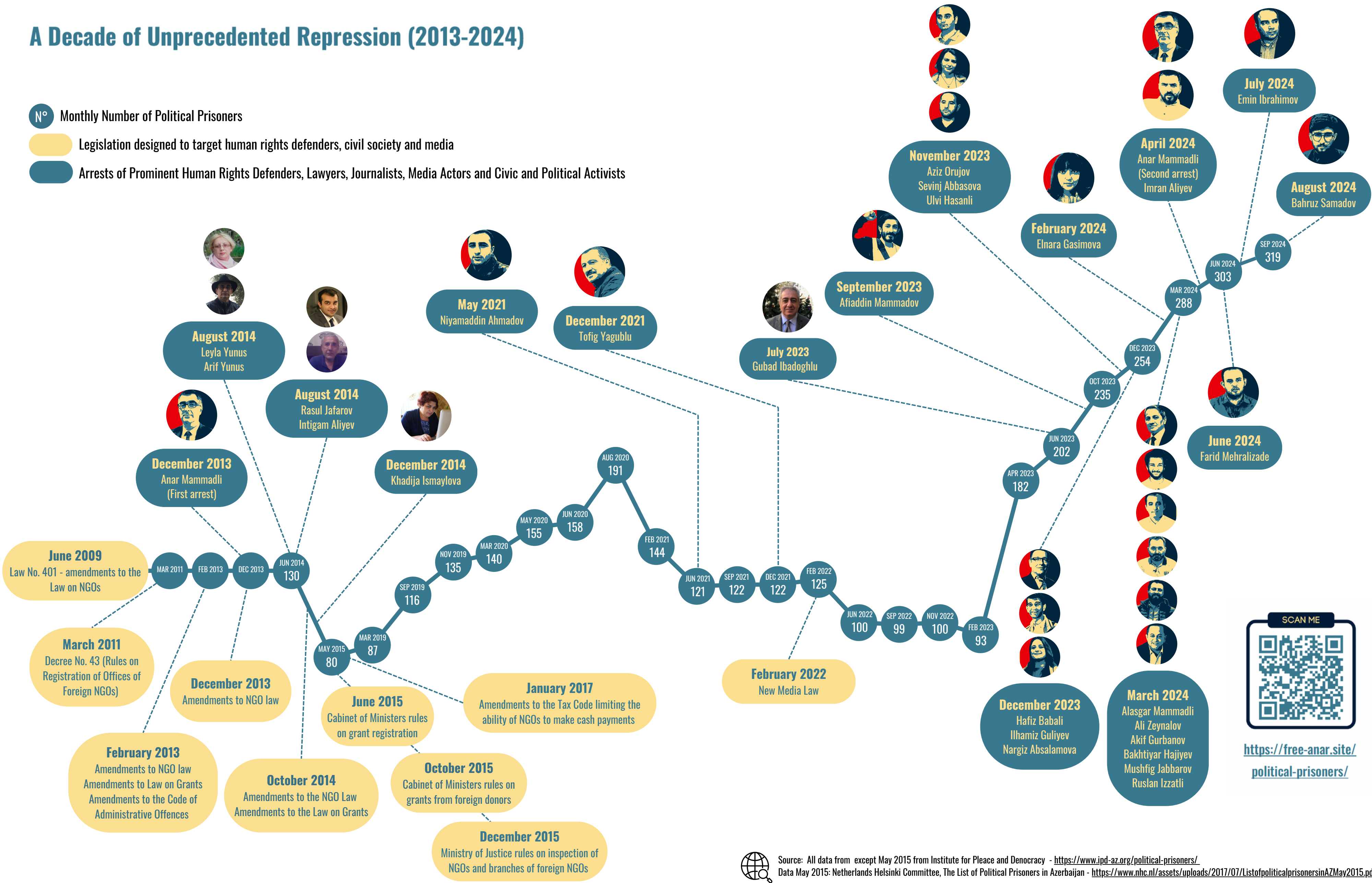
This long decade of unprecedented repression peaked in 2024: a year of all-out silencing of dissent, dissonance and disagreement, whilst reinforcing power. President Ilham Aliyev called a snap presidential election for 7 February 2024¹⁷ and snap parliamentary elections for 1 September 2024. The elections were qualified by Organization for Security and Co-operation in Europe and Office for Democratic Institutions and Human Rights observers as “uncompetitive”, “taking place in a restrictive environment” and “falling short of international standards”.^{18,19}

In short, in 2024, Azerbaijan has seen:

- A significant surge in the number of human rights defenders and civic activists incarcerated, resulting in the highest prevalence of political prisoners since Azerbaijan's accession to the Council of Europe in 2001. Azerbaijani civil society sources indicate that 319 individuals were in detention on politically motivated grounds in September 2024, a figure that is nearly three times higher than that recorded in February 2023.²⁰ Furthermore, the number of political prisoners continues to rise;
- The sharpest crackdown on media since Azerbaijan became a member of the Council of Europe, using new legislation adopted in 2022, with raids on Abzas Media, Toplum TV, and Kanal 13, and the imprisonment of their leadership and journalists;
- A new trend of targeting academics and scholars, as well as trade unionists.

A Decade of Unprecedented Repression (2013-2024)

- N° Monthly Number of Political Prisoners
- Legislation designed to target human rights defenders, civil society and media
- Arrests of Prominent Human Rights Defenders, Lawyers, Journalists, Media Actors and Civic and Political Activists



Source: All data from except May 2015 from Institute for Pleace and Denocracy - <https://www.ipd-az.org/political-prisoners/>
Data May 2015: Netherlands Helsinki Committee, The List of Political Prisoners in Azerbaijan - <https://www.nhc.nl/assets/uploads/2017/07/ListofpoliticalprisonersinAZMay2015.pdf>



Recommendations

Recommendations to the authorities of the Republic of Azerbaijan:

- ⇒ **Immediately and unconditionally release** Anar Mammadli, Afiaddin Mammadov, Alasgar Mammadli, Ali Zeynalov, Akif Gurbanov, Aziz Orujov, Bakhtiyar Hajiyev, Bahruz Samadov, Elnara Gasimova, Emin Ibrahimov, Famil Khalilov, Farid Mehralizade, Hafiz Babali, Ilhamiz Guliyev, Imran Aliyev, Mushfig Jabbarov, Nargiz Absalamova, Nazim Mammadov, Niyamaddin Ahmadov, Ruslan Izzatli, Sevinj Vagifgizi Abbasova, Tofiq Yagublu, Ulvi Hasanli, and all other human rights defenders and civil activists, Soyudlu protestors, and journalists whose arrests are politically motivated or remaining under home arrest or travel ban, including Gubad Ibadoghlu, and fully rehabilitate each one of the released individuals.
- ⇒ **Cease immediately to prosecute, harass, and intimidate human rights defenders, lawyers, journalists and civic and political activists.**
- ⇒ **Review the legislation designed to target human rights defenders, civil society and media, and criminalise their activities**, in line with Council of Europe Venice Commission recommendations.
- ⇒ To this end, fundamentally **revise and bring in line with international standards laws adopted and amended since 2009 on non-governmental organisations** (public associations and foundations), state registration and state register of legal entities, grant, and Code of Administrative Offenses, and simplify state registration of non-governmental organisations, including branches or representative offices of international non-governmental organisations, and eliminate obstacles for access of NGOs to international grants and domestic donations, and ensure any measure taken to govern non-governmental organisations, and their registration, is strictly necessary.
- ⇒ With no further delay, **implement all components of all judgments concerned by the Mammadli Group of cases of the European Court of Human Rights**, as requested by the Council of Europe Committee of Ministers, both regarding full restitution of the remaining cases and by addressing the general measures requested by the Court.
- ⇒ To this end, and as recommended by the Parliamentary Assembly of the Council of Europe in the past, **put in place a Working Group to review the use of arbitrary detention in the country and develop mechanisms necessary to prevent such a use**, composed by members of the government, the judiciary, the parliament, and representatives of the Council of Europe, in consultation with civil society.
- ⇒ **Cooperate in full with monitoring mechanisms of the Council of Europe and the United Nations**, especially through substantive engagement with the Council of Europe Committee on Prevention of Torture in view of implementing its recommendations, meaningful cooperation with the monitoring mechanism of the Parliamentary Assembly and its monitoring and thematic rapporteurs and through issuing a standing invitation to Human Rights Council special procedures in view of rapidly agreeing to a country visit by the special rapporteurs on human rights defenders and on freedom of association and peaceful assembly in view of a genuine collaboration and implementation of their recommendations.
- ⇒ In line with its reporting and cooperation obligations under the relevant United Nations human rights treaties, **submit reports due to the Human Rights Committee and the Committee against Torture in consultation with civil society**, in view of a genuine review of Azerbaijan's legislation and practices and implementation of the concluding observations and recommendations issued by the committees.



Recommendations to the international community:

- ⇒ **Call for the immediate and unconditional release** and full rehabilitation of Anar Mammadli, Afiaddin Mammadov, Alasgar Mammadli, Ali Zeynalov, Akif Gurbanov, Aziz Orujov, Bakhtiyar Hajiyeve, Bahruz Samadov, Elnara Gasimova, Emin Ibrahimov, Famil Khalilov, Farid Mehralizade, Hafiz Babali, Ilhamiz Guliyev, Imran Aliyev, Mushfig Jabbarov, Nargiz Absalamova, Nazim Mammadov, Niyamaddin Ahmadov, Ruslan Izzatli, Sevinj Vagifgizi Abbasova, Tofiq Yagublu, Ulvi Hasanli, and all other human rights defenders and civil activists, Soyudlu protestors, and journalists whose arrests are politically motivated or remaining under home arrest or travel ban, including Gubad Ibadoghlu.
- ⇒ **Ensure that the international community is regularly present at court hearings** of the above mentioned individuals and other human rights defenders and civil activists, environmental activists, and journalists whose arrests are politically motivated; publicly disseminate court hearing monitoring notes; visit these individuals in prison or under house arrest on a regular basis; and visit and provide support to families of such political prisoners.
- ⇒ **The Committee of Ministers should note in a public declaration the lack of cooperation with Council of Europe mechanisms**, especially in regard to the repeated findings of the European Court of Human Rights of violations of Article 18 of the Convention and in regard to the stated “persistent lack of cooperation by the Azerbaijani authorities” with the Committee for the Prevention of Torture; in light of the lack of willingness to cooperate by the authorities, demand that the Secretary General of the Council of Europe launches an **inquiry under Article 52 of the European Convention on Human Rights into Azerbaijan's** implementation of the Convention.
- ⇒ In this sense, and if clear benchmarks related to the release of the aforementioned individuals, to the implementation of the Mammadli group of cases before the Committee of Ministers, and the review of legislation designed to target human rights defenders, civil society and media, and criminalise their activities are not met, **the Parliamentary Assembly of the Council of Europe should continue to refuse to ratify the credentials of Azerbaijan's parliamentary delegation.**
- ⇒ In view of the persistent lack of cooperation and the unprecedented level of repression, **the Secretary General of the Council of Europe should reconsider the Council of Europe Action Plan for Azerbaijan 2022-2025 and include clear benchmarks to be met to develop a new Action Plan** related to the release of the aforementioned individuals, to the implementation of the Mammadli group of cases before the Committee of Ministers, and the review of legislation designed to target human rights defenders, civil society and media, and criminalise their activities.
- ⇒ **The European Union should create mechanisms to support civil society organisations and independent media of Azerbaijan**, whether they operate from within the country or abroad, similarly to the way Belarusian civil society and media is supported.



Recommendations to the international community in view of COP29:

- ⇒ Ensure that as delegates from COP29 participating states **avoid contributing to Azerbaijan self-satisfaction through high-level political endorsement of the COP29 host country's political leadership.**
- ⇒ **Publicly condemn Azerbaijan's blacklisting of individuals critical of the government to prevent their presence in Azerbaijan during COP29**, including human rights defenders and lawyers, journalists and media workers, independent academics and researchers, political and environmental activists, as well as MPs, including members of PACE.
- ⇒ **Participate to public events at COP29 raising the human rights situation in Azerbaijan** and discussing Azerbaijan's climate and environmental record, and at these events call for the immediate and unconditional release and full rehabilitation of Anar Mammadli, Afiaddin Mammadov, Alasgar Mammadli, Ali Zeynalov, Akif Gurbanov, Aziz Orujov, Bakhtiyar Hajiyeve, Bahruz Samadov, Elnara Gasimova, Emin Ibrahimov, Famil Khalilov, Farid Mehralizade, Hafiz Babali, Ilhamiz Guliyev, Imran Aliyev, Mushfig Jabbarov, Nargiz Absalamova, Nazim Mammadov, Niyamaddin Ahmadov, Ruslan Izzatli, Sevinj Vagifgizi Abbasova, Tofiq Yagublu, Ulvi Hasanli, and all other human rights defenders and civil activists, Soyudlu protestors, and journalists whose arrests are politically motivated or remaining under home arrest or travel ban, including Gubad Ibadoghlu.
- ⇒ **Delegates travelling to Azerbaijan, especially members of governments and distinguished Council of Europe and United Nations officials, should visit the aforementioned individuals in detention** and publicly underline the importance of their activities.

“

By deliberately attempting to make independent human rights work in Azerbaijan impossible, the restrictive legislative framework constitutes an integral part of the pattern of judicial harassment and reprisals against human rights defenders prevailing in Azerbaijan.

”



Nils Muižnieks

Council of Europe Commissioner for Human Rights

16 March 2015



Weaponisation of the Legal System against Civil Society

Human rights violations are endemic in Azerbaijan, backed by a legislative framework that is designed to repress and punish dissent.

In 2015, in his third-party intervention to the European Court of Human Rights (ECtHR) in the case of *Intigam Aliyev v. Azerbaijan*, the then Council of Europe Commissioner for Human Rights, Nils Muižnieks, noted that “by deliberately attempting to make independent human rights work in Azerbaijan impossible, the restrictive legislative framework constitutes an integral part of the pattern of judicial harassment and reprisals against human rights defenders currently prevailing in Azerbaijan”.²¹

Azerbaijan regulates the rights to freedom of expression, freedom of association and freedom of peaceful assembly by a complex and restrictive legal and regulatory framework which, according to the European Commission for Democracy through Law (known as the Venice Commission) of the Council of Europe and the Human Rights Committee of the United Nations, falls short of international standards. The overly detailed and stringent requirements and wide discretion given to the Azerbaijani authorities in their interpretation of the law, as well as the punitive sanctions for non-compliance, have a chilling effect on the exercise of human rights and fundamental freedoms human rights in Azerbaijan.

Right to Freedom of Association

Azerbaijan’s very first law on non-governmental organisations (NGOs), adopted in 2000, required civil society organisations to register with the Ministry of Justice of the Republic of Azerbaijan through a cumbersome and opaque process in order to function as a legal entity. Successive amendments over the next two decades introduced further restrictive clauses which steadily eroded the right to freedom of association. The result is a convoluted legislative framework for the registration, operation and funding of NGOs, which today makes it virtually impossible for civil society organisations to function normally within the purview of the law.

Each raft of amendments has allowed Azerbaijan to further crack down on civil society organisations and restrict the civic space. The amendments introduced between 2009 and 2014 were particularly detrimental, allowing the authorities to shut down organisations and detain their representatives, human rights defenders and lawyers. The adoption of Law No. 401 of 2009²² and Decree No. 43 of 2011²³ prompted PACE

Criminalisation of activities of civil society, media and democratic opposition



Akif Gurbanov



Imran Aliyev



Afiaddin Mammadov



Ruslan Izzatli

to request an initial opinion from the Venice Commission, which recommended the removal of the problematic provisions regarding the registration of branches and representations of international NGOs, as well as the liability and dissolution of NGOs.²⁴

The government of Azerbaijan ignored these recommendations, as well as a call by PACE in January 2013 to address the concerns and review the law.²⁵ Instead, one month later it introduced more amendments to the Law on NGOs, as well as to the Law on Grants and the Code of Administrative Offences, limiting access to donations and grants and stiffening sanctions for NGOs that received funding without prior approval from the Ministry of Justice.

Moreover, a new set of amendments was adopted in December 2013 that gave the Azerbaijani authorities excessive control over the statutes and internal functioning of NGOs, and which extended the obligation of registering grants with the Ministry of Justice to recipients in their individual capacity. Further amendments in October 2014 introduced additional rules



regarding the receiving of grants, which virtually excluded the possibility of receiving donations from foreign sources. In September 2014, the then Secretary General of the Council of Europe requested the opinion of the Venice Commission on all amendments adopted since 2011.

The Venice Commission noted that Azerbaijan had failed to address its previous recommendations and had in fact imposed new obligations and “further wide-ranging legal restrictions on NGOs”²⁶. It concluded that “the cumulative effect of those stringent requirements, in addition to the wide discretion given to the executive authorities regarding the registration, operation and funding of NGOs, [was] likely to have a chilling effect on the civil society, especially on those associations that are devoted to key issues such as human rights, democracy and the rule of law”²⁷.

The 2013 and 2014 amendments dealt a heavy blow to the freedom of association of civil society and facilitated the crack down on NGOs in 2014. Specifically, the provisions allowed the authorities to refuse the registration of NGOs under the pretext of missing information or omissions in their documents, to inspect their financial activities and carry out tax inspections, to seize their bank accounts and the accounts of their leaders, and to order their dissolution.

In the years following the 2014 crackdown, yet more provisions were adopted that further restricted NGOs from operating and accessing funding. In particular, in June and October 2015, the Cabinet of Ministers of the Republic of Azerbaijan adopted rules respectively on “the Registration of Grant Agreements/Contracts” (Resolution No. 216) and on “Obtaining the Right to Provide Grants in the Republic of Azerbaijan by Foreign Donors” (Resolution No. 339), followed in December 2015 by the Collegium Decision of the Ministry of Justice entitled “Rules on Studying the Activity of NGOs and Branches or Representations of Foreign NGOs”,²⁸ which provided broad powers to the Ministry to inspect and punish NGOs. In January 2017, changes to the Tax Code limited the ability of NGOs to

make cash payments.²⁹ These restrictive laws have made it virtually impossible for NGOs to operate or receive funding without government approval. Moreover, the laws enable the authorities to outlaw and penalise organisations critical of the government.

Although Azerbaijan has repeatedly asserted that the legislation does not prevent NGOs from conducting activities without registration, the successive amendments essentially prevent unregistered organisations from opening bank accounts, carrying out financial operations and receiving foreign funding.³⁰ This has forced the heads of NGOs to act in their individual capacity, who are then held liable as individuals. Especially during the 2014 crackdown, such “organisationally-directed charges” were used to target the leaders of prominent NGOs in Azerbaijan, holding them personally liable on criminal charges such as illegal business activity, tax evasion and abuse of office.³¹

In its judgment on the case of *Rasul Jafarov v. Azerbaijan*,³² the ECtHR noted that “the applicant conducted the impugned activities in his individual capacity” owing to the difficulties faced by unregistered organisations (para. 123). Regarding the obligation to register grants, the ECtHR found that “the reason why [Rasul Jafarov] had not registered the grants was that, before February 2014, a procedure for registering grants received by individuals had not been established” (para. 124) and that moreover, “Even assuming that such a procedure had been in place and that the applicant had failed to comply with it, the Court remains unconvinced that such misconduct could have given rise to a reasonable suspicion that he had committed a criminal offence. Neither the domestic authorities nor the Government were able to refer to any provision of the Criminal Code which specifically criminalises a failure to register grants. Instead, rather inexplicably, the prosecuting authority claimed that the alleged failure by the applicant to register the grants should result in characterisation of the use of those grants as illegal commercial (“entrepreneurial”) activity” (para. 125).

Right to Freedom of Expression and Media Rights

Along with the restrictions on NGOs, the last decade has also seen extensive legislative crackdowns on independent media, which have had a heavy toll on the media landscape of Azerbaijan, both offline and online. The increasingly restrictive regulatory and legislative framework, along with the criminalisation of defamation, financial pressures, closure of media outlets and revocation of licences, has stifled independent journalism and media in the country.

In 2001 already, the United Nations Human Rights Committee had already expressed concern at the “extensive limitations on the right to freedom of expression of the media” and at “reports of harassment and criminal libel suits against journalists”,³³ which it reiterated in 2009 and 2016 (the date of its last review of Azerbaijan).³⁴ For over 20 years, several international and European human rights institutions, including PACE, the Council of Europe Commissioner for Human Rights, and the OSCE Representative on



Freedom of the Media, have been calling on Azerbaijan to bring its media legislation in line with international standards, to decriminalise defamation and to cease the harassment, intimidation, persecution and imprisonment of journalists, bloggers and media professionals, to no avail.

Successive amendments to the media framework have chipped away at the right to freedom of expression. For example, in 2022, a new media law was adopted that introduced more registration requirements for media outlets, consolidating the extent of government oversight and control over the media environment and journalistic activity, and making it easier to punish media platforms and journalists. The Venice Commission's opinion on this law³⁵ states that the law "is a clear case of overregulation in a legislative environment which was already very restrictive" with "a problematic focus on restricting the activities of the media rather than creating the necessary conditions enabling the media to fulfil their 'public watchdog' role", concluding that it will have a "chilling effect" on independent journalism and media in Azerbaijan.

The right to freedom of expression has been further curtailed by a series of laws, decrees and regulations, including the Law on Access to Information, the Law on Information, Informatisation and the Protection of Information, the Law on Commercial Secrets and various defamation laws. Additionally, criminal liability for defamation, as outlined in Articles 147 ("slander"), 148 ("insult") and 323 ("discreditation or humiliation of honour and dignity of the Head of Azerbaijani State") of Azerbaijan's Criminal Code, imposes fines and prison sentences of up to five years.

International human rights bodies and mechanisms have long demanded the decriminalisation of defamation in Azerbaijan. In several cases brought against Azerbaijan, the ECtHR has found that the application of the provisions of Azerbaijan's Criminal Code on defamation were contrary to Article 10 of the European Convention on Human Rights.^{36,37}

Independence of the Judiciary and Attacks on the Legal Profession

Basic elements of a safe and enabling environment for civil society include a conducive institutional and legal framework, but also access to justice. Both are absent in Azerbaijan. Despite *de jure* independence, both the judiciary and the Bar Association remain under the effective control of the executive – both being subordinate to the executive and susceptible to political pressure. The politically motivated criminalisation of human rights defenders, journalists, lawyers, media actors and other opponents and critics is possible due to the participation of all actors of the judiciary. Furthermore, it undermines the right to a fair trial and enables the manipulation of the judicial system for

Legislative crackdowns on independent media



Ali Zeynalov



Aziz Orujov



Mushfig Jabbarov

Defamation is not the only criminal charge used to stifle freedom of expression: the authorities also misuse provisions of the Criminal Code that deal with incitement of violence and hate speech, applying them arbitrarily to statements taken out of context. For example, in its judgment on the case of *Fatullayev v. Azerbaijan*, the ECtHR found a violation of Article 10 of the ECHR for charges brought under Articles 214 ("terrorism or threat of terrorism") and 283 ("incitement to ethnic hostility") of the Criminal Code for articles criticising the government's domestic and foreign policies.³⁸

political purposes, often leading to trials on fabricated charges with pre-determined outcomes.

Prosecutors bring unfounded and unrelated criminal charges – such as for tax evasion, extortion, illegal business activity, money laundering, drug-related offenses, smuggling and administrative charges like disobeying the police and hooliganism. Trial observers have repeatedly reported violations of the right to a fair trial at all stages of the criminal process – for instance, judges merely copying the prosecution's



written submissions and approving trial transcripts that do not reflect actual proceedings.³⁹ Indeed, the ECtHR's case law on Azerbaijan is replete with examples of violations of Article 5 but also of Article 6 of the ECHR,⁴⁰ including violations of the presumption of innocence, the right to a fair hearing and right of the defence. The proceedings of the ECtHR have also brought to light a number of cases in which defendants were denied a lawyer of their choice or where lawyers were denied access to their clients and their files, as well as violations of lawyer-client confidentiality.

In its judgment on the case of *Anar Mammadli v. Azerbaijan*, the ECtHR concluded that “the domestic courts [...] consistently failed to verify the reasonableness of the suspicion underpinning the applicant's arrest [...]. In their decisions, the domestic courts limited themselves to copying the prosecution's written submissions and using short, vague and stereotyped formulae for rejecting the applicant's complaints as unsubstantiated [...]. In essence, the domestic courts limited their role to one of mere automatic endorsement of the prosecution's applications, and they cannot be considered to have conducted a genuine review of the ‘lawfulness’ of the applicant's detention. That is contrary not only to the requirements of Article 5.4 of the Convention, but also to those of the domestic law as interpreted and clarified by the Plenum of the Supreme Court” (para. 75).⁴¹

Defendants stand no chance of a fair trial in such flawed proceedings. the flawed judicial system, the absence of due process and the lack of protection for lawyers defending such cases leave Azerbaijani citizens with practically no access to justice for human rights violations.

Attacks on the Legal Profession



Farid Mehralizade



Emin Ibrahimov



Nazim Mammadov

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Domestic courts [...] consistently failed to verify the reasonableness of the suspicion underpinning the applicant's arrest. In their decisions, the domestic courts limited themselves to copying the prosecution's written submissions and using short, vague and stereotyped formulae for rejecting the applicant's complaints as unsubstantiated.

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Anar Mammadli v.s Azerbaijan, Judgment
European Court of Human Rights (ECtHR)
19 April 2018



Systematic Imprisonment of Dissenting Voices

In Azerbaijan, the sentencing of those who voice criticism of the government – human rights defenders, lawyers, journalists, media actors and civic and political activists – on spurious charges, as a form of retaliation, punishment and deterrence, is a systemic policy.

This pattern has only intensified since the first arrest of Anar Mammadli in December 2013. Over the past decade, a convoluted legislative framework has been built up to target every aspect of the operations of civil society and media organisations. A clear trend has emerged: whenever the authorities resolve to close down an organisation or media outlet, or to silence their leaders, a new set of legislative amendments is introduced to facilitate their criminalisation and prosecution. Fundamental principles of the rule of law, such as necessity and proportionality, have been routinely ignored, even when the Venice Commission has at multiple times called for proposed amendments to align with these principles. The authorities have furthermore shown a clear lack of interest in the consequences of the legislation, resulting in the systematic dismantling of civil society and media organisations and the imprisonment of human rights defenders, lawyers, journalists, media actors and civic and political activists.

Besides the misuse of unfounded and unrelated criminal offences, Azerbaijan's laws and regulations governing the operations of civil society organisations and media outlets, the work of human rights defenders and journalists, as well as those governing political parties, public participation and freedom of assembly, are construed in such a way that they can be used to wilfully target and sanction organisations and individuals.

This is evidenced by the growing number of judgments by the ECtHR against Azerbaijan involving violations of Article 18 of the ECHR, which prohibits the restriction of rights for purposes other than those prescribed by the Convention. In recent judgments against Azerbaijan the Court puts into question whether states are acting in good faith - a fundamental issue that was raised in a separate opinion by three judges in the landmark case of *Merabishvili v. Georgia*: “when there is evident misuse of State machinery for improper political ends, the Court should treat it by default as the predominant purpose and thus find a violation of Article 18”.⁴²

In the first case against Azerbaijan in which the ECtHR concluded to a violation of Article 18,⁴³ the Court found that Ilgar Mammadov's detention was pursued solely with the purpose of silencing and punishing him for criticising the government and attempting to disseminate information which the government had sought to suppress. Since then, the ECtHR has found violations of Article 18 in eleven judgments con-

Systematic Imprisonment of Dissenting Voices



Famil Khalilov



Bakhtiyar Hajiyev



Ilhamiz Guliyev



Niyamaddin Ahmadov



Tofiq Yagublu

cerning eighteen individuals in cases against Azerbaijan. Whilst in the early cases the Court's findings related to violations of Article 18 in conjunction with Article 5, the application of Article 18 to other rights has gradually expanded, reflecting the Azerbaijani government's increasingly repressive policies.

Drawing on contextual factors and a growing body of case law concerning Article 18, the ECtHR has repeatedly concluded that the Azerbaijani government had acted with an ulterior purpose. Ultimately, the ECtHR has identified a pattern of arbitrary detentions targeting government critics, civil society activists, human rights defenders and media actors through retaliatory prosecutions and the misuse of criminal law – in breach of Article 18 – revealing the systemic nature of this practice.



Indeed, during the 2014 crackdown, the Azerbaijani authorities aimed to silence prominent civil society leaders – who had strived to uphold respect for human rights, the rule of law and democratic order in their country – by persecuting and sentencing them or threatening them and their families to encourage them to leave the country. The following biographies exemplify this pattern:

Intigam Aliyev

Intigam Aliyev is a human rights defender, lawyer and head of the Legal Education Society, a human rights organisation that provides legal support to individuals, NGOs and low-income groups. It also publishes legal literature, monitors legislative reforms and organises seminars, conferences and training courses. As a human rights lawyer, Intigam Aliyev has brought more than 200 cases of election rigging and abuses of free speech and right to fair trial to the ECtHR. In 2012, Intigam Aliyev was presented with the Homo Homini Award by People in Need in recognition of his commitment to defending human rights.⁴⁴

Leyla Yunus

Human rights defender Leyla Yunus is the director of the Institute for Peace and Democracy, an organisation involved in promoting the rule of law, conflict resolution and peace-building between Azerbaijan and Armenia. Leyla Yunus and her organisation have faced judicial harassment and intimidation in the past. She was awarded the Theodor Haecker Prize in 2013 in recognition of her work in combatting corruption and promoting human rights and the rule of law.⁴⁵

Arif Yunus

Arif Yunus is an Azerbaijani author, historian and human rights defender. Arif Yunus, along with his wife Leyla Yunus, works to achieve a peaceful resolution to the Nagorno-Karabakh conflict between Armenia

and Azerbaijan. He has published over 30 books and 190 articles related to Azerbaijani history and Armenian-Azerbaijani relations.

Khadija Ismayilova

Khadija Ismayilova is Azerbaijan's most outstanding contemporary investigative journalist. For over a decade, her investigative reporting has revealed a wide range of corrupt and lucrative business deals that benefitted government officials and multinational companies. Her investigations have uncovered damning evidence of corruption involving family members of Azerbaijani President Ilham Aliyev and international companies. She was awarded the Right Livelihood Award in 2017.⁴⁶

Rasul Jafarov

Rasul Jafarov was a finalist for the 2015 Front Line Defenders Award because of his work as head of the Human Rights Club and coordinator of the Art for Democracy campaign, which has launched several campaigns against politically motivated imprisonment, including the Sing for Democracy campaign in the run up to the 2012 Eurovision Song Contest. During this campaign, singers from democratic countries were encouraged to voice their concern at human rights violations in Azerbaijan through their music.⁴⁷

Emin Hüseynov

Journalist and human rights defender Emin Hüseynov is the chairperson of the Institute for Reporters' Freedom and Safety. After being forced into hiding to avoid arrest in Azerbaijan,⁴⁸ Emin Hüseynov fled Azerbaijan and attained political asylum in Switzerland.⁴⁹ His case is emblematic of leading civil society actors and journalists having to flee Azerbaijan for fear of prosecution and not being able to return to the country.

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The Court noted “a troubling pattern of arbitrary arrests and detentions of government critics, civil society activists and human-rights defenders through retaliatory prosecutions and misuse of criminal law in defiance of the rule of law” and that the actions of the state “may give rise to a risk of further repetitive applications”

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Aliyev v. Azerbaijan, Judgment
European Court of Human Rights (ECtHR)
20 September 2018



Political Prisoners and the Council of Europe

Political prisoners are a long-standing issue in Azerbaijan's relationship with Europe and the West. On becoming a member of the Council of Europe in January 2001, Azerbaijan accepted the commitment to release all political prisoners, as stipulated in PACE's Opinion No. 222 (2000)⁵⁰ as a condition to its membership; however, this never transpired, and a "revolving-door of political prison" was put in place⁵¹.

Since 2002, the Council of Europe has regularly published reports on political prisoners in Azerbaijan and repeatedly called on Azerbaijan to release all such prisoners.⁵² In 2019, the PACE rapporteur on political prisoners in Azerbaijan, Thórhildur Sunna Ævarsdóttir, noted in her memorandum to the PACE Committee on Legal Affairs and Human Rights that "[t]he issue of political prisoners in Azerbaijan has been of concern to the Council of Europe since the time of the country's accession".⁵³

The Azerbaijani authorities have, from the very beginning, systematically denied the existence of political prisoners⁵⁴ and continue to do so. Moreover, one of the primary objectives of Azerbaijan's "caviar diplomacy", which aimed to whitewash its human rights record in the Council of Europe, was to obstruct PACE's efforts to address the political prisoner situation. In 2005, Azerbaijan successfully lobbied PACE to not appoint a rapporteur on political prisoners. When Christoph Strässer was eventually appointed to the position in 2009, the Azerbaijani delegation managed to sidestep discussions on the need for a clear definition of political prisoners, whilst simultaneously refusing to cooperate with Christoph Strässer and denying him entry into the country for a fact-finding mission in accordance with his mandate.

Despite these obstacles, Christoph Strässer prepared a report and draft resolution on political prisoners in Azerbaijan,⁵⁵ which was brought to a vote in January 2013. The resolution would have been crucial for holding Azerbaijan accountable to its obligations as a member of the Council of Europe. However, it was ultimately rejected,⁵⁶ marking a major blow for the human rights community. The Azerbaijani authorities seemed to interpret this as a *carte blanche* to continue with politically motivated arrests.⁵⁷

To date, Azerbaijani authorities continue to bring fabricated charges against those who criticise or oppose the government, subjecting them to trials with pre-determined outcomes, as illustrated by the case studies in this report. This strategy serves a dual purpose: to silence and punish those who speak out about human rights violations and corruption, whilst also maintaining a pool of political prisoners to use as bargaining chips when needed.

Political Prisoners and the Council of Europe



Anar Mammadli



Ulvi Hasanli



Sevinj Vagifgizi



Hafiz Babali



Elnara Gasimova

On 16 March 2019, two weeks before the 16th meeting of the Cooperation Council between the European Union and Azerbaijan, 51 political prisoners were amongstst the 431 individuals released from prison by presidential pardon on the occasion of Novruz.⁵⁸ At a press conference following the Cooperation Council meeting, the then High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission of the European Union, Federica Mogherini, stated, "we welcome[] the recent pardoning of political prisoners by President Aliyev."⁵⁹ However, 76 political prisoners remained incarcerated after the pardon.



Over the past two decades, journalists, bloggers, lawyers and activists have repeatedly faced prison sentences on fabricated charges, replacing those who have been released, in what has become a “revolving door” system of repression.

Detention Conditions for Political Prisoners in Azerbaijan

Whilst the charges brought and the lengths of sentences vary, all political prisoners in Azerbaijan endure harsh detention conditions and, often, ill-treatment and torture.

The poor conditions, and widespread mistreatment and use of torture in Azerbaijani prisons have been well-documented, continuing to the present day. The CPT report on its visit to Azerbaijan in 2022, made public in July 2024⁶⁰, painted a horrific picture of the conditions and treatment of prisoners within Azerbaijan’s penal system. The CPT noted that ill-treatment and torture were most prevalent during apprehension, initial interrogations by operational police officers and in pre-trial detention centres.

Furthermore, the United Nations Committee against Torture, in its concluding observations on its review of Azerbaijan in May 2024, reiterated previous recommendations to address the pervasive use of torture and ill-treatment. In addition, it expressed concern that human rights defenders and journalists continue to face both physical and judicial harassment and, in some cases, torture and ill-treatment, citing the allegations of torture against Tofiq Yagublu, the violent abduction and torture of Bakhtiyar Hajiyev, and the arrests and denial of medical treatment to journalists Avaz Zeynalli and Alasgar Mammadli.⁶¹

Ulvi Hasanli, the director of Abzas Media, was arrested in November 2023 and has since been in pre-trial detention. Like other journalists, he has observed and documented the conditions at the facility in which he is held. On 31 July 2024, Abzas Media published a

The number of political prisoners fluctuates as new individuals are imprisoned whilst others are released. Since 16 December 2013 – the day of Anar Mammadli’s first arrest – not a single day has passed without at least one person imprisoned on political grounds.

Political Prisoners and Detention Conditions



Nargiz Absalamova



Alasgar Mammadli

letter from Ulvi Hasanli, describing in detail the recurrent instances of torture. He wrote that, in total, he had documented 58 cases of torture and ill-treatment in the first six months of 2024.⁶²

Both the CPT and the United Nations Committee against Torture have highlighted the adverse living conditions and lack of healthcare in Azerbaijani prisons. The harshness of these conditions adds to the punitive and deterrent nature of detention. A number of political prisoners with pre-existing medical conditions saw their health deteriorate, whilst others developed new health issues due to the lack of medical care in detention.

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At first, I would only hear the sounds of torture – slaps, kicks, punches, truncheon blowfists, insult, swearing, insults. Then, I started witnessing first hand ill-treatment and torture: — beatings, inmates handcuffed to the cell bars [handcuffed to the top of the cell bar, in the middle, at the very bottom [...], one hand handcuffed to the top of the bed and, the other hand handcuffed to the leg of the bed and held like this for twelve hours, beating with a truncheon while the inmate was is handcuffed to the cell bars, [.....]. There is even a timetable: all of this takes place between 9 and 10 a.m. The prison management argues that those ill-treated and tortured are problematic inmates and that if these kind of measures were not taken it would be hard to maintain order. When inmates object and demand this treatment stop, pointing at the signs on the prison walls that say “no to torture’torture!”, the management takes notice, and there is relative calm for a few days, then it all begins again.

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Ulvi Hasanli

Letter from Pre-Trial Detention Centre No 1, Kyurdakhani settlement, Baku Sabunchi District, Baku

31 July 2024



Rebuilding Lives after Unjust Imprisonment

Release from prison does not equate to a return to normality for political prisoners in Azerbaijan. None are rehabilitated, nor are their sentences annulled. Instead, upon being pardoned or conditionally released, they often continue to face repression, including travel bans and exclusion from their professions. Many are forced to change their activities, practise self-censorship or leave the country.

The right to reparation is recognised in the United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. Reparations should acknowledge victims, repair the harm done, affirm victims as rights-bearers and reduce the likelihood that violations of human rights will recur. The basic principle governing reparations – *restitutio in integrum* – implies the right of victims to rebuild their lives.

However, Azerbaijani authorities deny political prisoners access to justice and the right to reparation. In particular, Azerbaijan continues to refuse to implement the ECtHR's judgments⁶³ concerning the "Mammadli group" – seven individuals who were arrested and detained between 2013 and 2016 – as well as the related recommendations of the Committee of Ministers of the Council of Europe.

In all these cases, the ECtHR concluded that Azerbaijan had violated Articles 5 and 18 of the Convention and that the actual purpose of the criminal proceedings was to punish the applicants for their activities or prevent their further work. Moreover, in its judgment of *Aliyev v. Azerbaijan*, the ECtHR expressed concern that the violations of Article 18 could not "be considered as isolated incidents" but reflected a "troubling pattern of arbitrary arrest and detention of government critics, civil society activists and human-rights defenders through retaliatory prosecutions and misuse of criminal law in defiance of the rule of law". The ECtHR further warned that these actions by the state "may give rise to further repetitive applications".⁶⁴



Conclusion

Since Anar Mammadli's first arrest on 16 December 2013, after which he spent two and a half years as a political prisoner before being released on a presidential pardon, he has continued his work in providing independent election monitoring in Azerbaijan. However, he was re-arrested on 29 April 2024 amid a renewed crackdown on human rights defenders, civil society activists and media actors in the lead-up to COP29. He remains in detention and, if convicted, faces a sentence of up to eight years. For the second time, he has been deprived of his liberty for no other reason than political motives.

As documented in this report, Azerbaijan has constructed a legislative arsenal designed to target human rights defenders, civil society and media by criminalising their activities. Legislation has been expanded and amended to justify the detention of numerous individuals, including those detailed in this report. Such legislation is aimed not at governing society but at silencing dissent, at intimidating civil society, media and opposition, and at punishing those who dare to express their opinions or associate with others in doing so.

In this regard, 2024 is an unprecedented year. Alongside Anar Mammadli, there are currently over 300 political prisoners in Azerbaijan's penal system, according to Azerbaijani civil society. This year has also seen two unfair elections and the exclusion of Azerbaijan's parliamentary delegation from the Council of Europe's deliberations.

As we publish this report ahead of COP29, we are well aware that Azerbaijan will seek to promote itself and gain prestige from hosting this global event.

However, the country is, in reality, turning away from the international human rights system. Azerbaijan is increasingly distancing itself from the Council of Europe, systematically ignoring its recommendations and judgments and remaining indifferent to its suspensions.

As a party to the European Convention for Human Rights and several of its protocols, as well as eight United Nations human rights treaties Azerbaijan has committed to implementing the provisions of these instruments and abiding by their rules.

Yet for the past decade, Azerbaijan has consistently disregarded the opinions of the Venice Commission on its restrictive and repressive laws; it has ignored numerous resolutions by PACE on the human rights situation in Azerbaijan, including calls for the release of political prisoners; and it has one of the highest number of cases before the ECtHR and one of the lowest rates of compliance with its judgments, all whilst steadfastly denying the existence of political prisoners.

The failure of Azerbaijan to fulfil its human rights obligations extends to the United Nations human rights mechanisms, particularly the Human Rights Committee and Committee against Torture. These bodies have repeatedly issued the same recommendations regarding freedom of expression, association and assembly, torture, fair trial rights and conditions of detention. Azerbaijani authorities have ignored these recommendations and failed to engage in follow-up procedures, instead selectively accepting recommendations made under the United Nations Universal Periodic Review.

In December 2017, the Committee of Ministers of the Council of Europe launched infringement proceedings against Azerbaijan under Article 46(4) of the ECHR – the first such action in the Council of Europe's history. In the case of *Ilgar Mammadov v. Azerbaijan*,⁶⁵ the ECtHR had ruled that Ilgar Mammadov's arrest and detention were unlawful, and that the actual purpose was to silence and punish him for criticising the Azerbaijani government. Infringement proceedings were then launched against Azerbaijan for its failure to fulfil its obligation under Article 46(1) of the ECHR to expunge all criminal charges against Ilgar Mammadov and remove all consequences arising from them.

In another unprecedented move, the CPT issued a public statement in July 2024⁶⁶ denouncing the Azerbaijani authorities' refusal to cooperate and making public the report on its 2022 visit. The CPT has carried out 13 visits to Azerbaijan since 2002, most recently in 2020 and 2022. In the statement, the CPT noted that, "[f]or more than 20 years now, the CPT has consistently expressed its deep concern regarding a number of issues related to the treatment of persons held by law enforcement agencies, in particular those under the Ministry of the Internal Affairs", with no meaningful action taken to address these issues.

Azerbaijan has also gone to extraordinary lengths to whitewash its human rights record. The Azerbaijani authorities have invested heavily in securing allies and friends in the West, employing public relations firms, lobbyists and "cultural" associations, and wooing European lawmakers through what has become known as "caviar diplomacy".⁶⁷ Furthermore, in September 2017, the Organized Crime and Corruption Reporting Project-led investigation into the "Azerbaijani Laundromat" revealed that funds from a USD 2.9 billion slush fund were used to pay off European politicians, including members of PACE.⁶⁸ This scandal had serious consequences, including the rejection of rapporteur Christoph Strässer's 2013 report and resolution on political prisoners in Azerbaijan.



Over the past decade, Azerbaijani authorities have put in place a well-oiled system of repression, leaving no space for civil society, dissent or criticism. Despite ongoing pressure from regional and international bodies and the wider international community to meet its human rights obligations, Azerbaijan has shown limited responsiveness, consisting mostly of piecemeal or cosmetic changes or announcements of plans for reform. At the same time, Azerbaijani authorities have consistently disregarded calls and recommendations from the international community. The country continues to restrict the human rights of journalists, lawyers, media actors, opposition members and critics, and to persecute and sentence them – sending a clear signal that it has no intention of abiding by its obligations under international human rights laws or reforming its policies to respect the rule of law.

The international community, and particularly the Council of Europe, cannot continue to overlook a decade of unprecedented repression, without risking the

loss of its credibility and eroding the very value of the legal instruments it upholds.

The time has come for the international community – including and especially the Council of Europe – to rethink how it should address the human rights situation in Azerbaijan. Against a backdrop of shifting powers, a changing geopolitical context and a rise in authoritarianism, the response to developments in Azerbaijan, particularly those of the Council of Europe, the United Nations and the European Union, will be decisive in influencing – for better or worse – the spread of repression in the region. We are already witnessing this in illiberal regimes such as Hungary, as well as governments inspired by autocracy, such as the Georgian Dream, bolstered by the support of China and Russia.

The alternative is stark: more and more prominent journalists, lawyers, media actors and human rights defenders – like Anar Mammadli – will end up in prisons across Europe for politically motivated reasons.



ANAR MAMMADLI

Human rights defender, advocate for free and fair elections, good governance and political rights, and recipient of the Václav Havel Human Rights Prize by the Council of Europe

Arrested in April 2024

Read more: www.free-anar.site





Methodology

This report was drafted by Progress & Change Action Lab on behalf of the Anar Mammadli Campaign to end repression in Azerbaijan.

The Anar Mammadli Campaign is managed by Progress & Change Action Lab at the behest of several Azerbaijani lawyers, human rights defenders, and

Fact-finding and Drafting

The research for this report and its drafting was undertaken by an independent human rights expert, hired specifically for this purpose by Progress & Change Action Lab. They undertook their research based on first-hand material made available to them by the Campaign and its partners, interviews they conducted, and second-hand material gathered through desk-research and as follow-up to the interviews.

Definition of Political Prisoners

There is no “one” definition of a political prisoner. In writing this report, we have taken the definition to encompass all individuals whose liberty has been deprived arbitrarily or inconsistently, in line with the international standards set forth in the ECHR and its Protocols. In short, “a political prisoner is a person who is deprived of his or her liberty for political rather than strictly legal and acceptable motives”.⁷⁰

Our findings guide us in indicating that such individuals are political prisoners. Similarly, other groups are guided by their findings in indicating who is a political prisoner. Thus, when referring to the work of others, their work is quoted and referenced in the report. In certain cases, the arbitrariness of the detention has been confirmed by independent authorities, such as the ECtHR.

To guide us in our findings, we strictly adhered to the principles set forth by Judge Stefan Trechsel in 2001⁷¹ and PACE Resolution 1900 (2012), on the basis of the independent assessment commissioned by Council of Europe Secretary General on the definition of “political prisoners” by Stefan Trechsel, Evert Alkema and Alexander Arabadjiev.

their organisations. The Campaign is supported by Azerbaijani human rights defenders and NGOs through their pro-bono contributions and invaluable endorsement. Given the climate of sustained repression in Azerbaijan, the names of those endorsing the Campaign are at this stage not made public.

The researcher worked independently and made an initial draft report available for peer-review.

The peer-review involved six individuals, five of whom are Azerbaijani human rights defenders and lawyers.

The research for this report scrupulously adhered to the Lund-London Guidelines on International Human Rights Fact-Finding Visits and Reports.⁶⁹

For ease of reference, we present a summary of the criteria which guided us in our work:⁷²

A person deprived of his or her personal liberty is to be regarded as a “political prisoner”:

- a. If the detention has been imposed in violation of one of the fundamental guarantees set out in the ECHR and its Protocols, in particular freedom of thought, conscience and religion, freedom of expression and information, freedom of assembly and association;
- b. If the detention has been imposed for purely political reasons without connection to any offence;
- c. If, for political motives, the length of the detention or its conditions are clearly out of proportion to the offence the person has been found guilty of or is suspected of;
- d. If, for political motives, he or she is detained in a discriminatory manner as compared to other persons; or
- e. If the detention is the result of proceedings which were clearly unfair and this appears to be connected with political motives of the authorities.



Notes

- ¹ The United Nations Climate Change Conferences are hosted by a different ratifying state each year, with geographic rotation amongst the five regional groups of the United Nations.
- ² See *inter alia*, Fiona Harvey, Patrick Greenfield and Damian Carrington, *The Guardian*, “Azerbaijan chosen to host Cop29 after fraught negotiations”, 9 December 2023, available at <https://www.theguardian.com/environment/2023/dec/09/azerbaijan-host-cop29-fraught-negotiations>.
- ³ See *inter alia*, Anna Edgar and Ismi Aghayev, *OC Media*, “Controversy as COP29 to be held in Azerbaijan”, 13 December 2023, available at <https://oc-media.org/controversy-as-cop29-to-be-held-in-azerbaijan>.
- ⁴ Khalid Taimur Akram, *AZERTAC*, “Azerbaijan Declaration of 2024: ‘Green World Solidarity Year’”, 29 December 2023, available at <https://azertag.az/en/xeber/2870053>.
- ⁵ See *inter alia*, Jacqueline Hale, *Open Society Foundations*, “Azerbaijan’s Eurovision Problem”, 17 May 2011, available at <https://www.opensocietyfoundations.org/voices/azerbaijan-s-eurovision-problem>.
- ⁶ See *inter alia*, Jane Buchanan, *openDemocracy*, “Azerbaijan’s European Games: giving sport a bad name”, 16 June 2015, available at <https://www.opendemocracy.net/en/odr/azerbaijans-european-games-giving-sport-bad-name>.
- ⁷ See *inter alia*, Tracy McVeigh, *The Observer*, “As F1 roars into Baku, activists tell drivers: help our fight for human rights”, 19 June 2016, available at <https://www.theguardian.com/world/2016/jun/18/baku-formula-one-grand-prix-azerbaijan-human-rights>.
- ⁸ See *inter alia*, Ewan Morgan, *These Football Times*, “The façade of Azerbaijan and the disgrace of football’s higher powers, from clubs to governing bodies”, 24 May 2019, available at <https://thesefootballtimes.co/2019/05/24/the-facade-of-azerbaijan-and-the-disgrace-of-footballs-higher-powers-from-clubs-to-governing-bodies>.
- ⁹ Sergey Rummyantsev, *openDemocracy*, “Behind Azerbaijan’s facades”, 21 March 2017, translated from Russian by Maxim Edwards, available at <https://www.opendemocracy.net/en/odr/behind-azerbaijan-s-facades>.
- ¹⁰ See *inter alia*, Joshua Kucera, *Radio Free Europe/Radio Liberty*, “One Winner Of The Ukraine War Is Azerbaijan”, 23 April 2024, available at <https://www.rferl.org/a/azerbaijan-winner-caucasus-ukraine-war-russia-relations/32917647.html>.
- ¹¹ *Eurasianet*, “Azerbaijani president threatens to exit top European bodies”, 2 February 2024, available at <https://eurasianet.org/azerbaijani-president-threatens-to-exit-top-european-bodies>.
- ¹² Parliamentary Assembly (PACE), *Council of Europe*, “Challenge, on substantive grounds, of the still unratified credentials of the parliamentary delegation of Azerbaijan”, Resolution 2527 (2024), adopted on 24 January 2024, available at <https://pace.coe.int/en/files/33333/html>.
- ¹³ Parliamentary Assembly (PACE), *Council of Europe*, “Guidelines for the observation of elections by the Parliamentary Assembly”, AS/Elect (2019) 5, 20 August 2019, para. 2, available at <https://assembly.coe.int/LifeRay/APCE/pdf/Elections/GuidelinesElectionObservation-EN.pdf>.
- ¹⁴ *Ibid.*
- ¹⁵ Committee for the Prevention of Torture (CPT), *Council of Europe*, “Anti-torture Committee (CPT) issues public statement on Azerbaijan”, 3 July 2024, available at <https://www.coe.int/en/web/portal/-/anti-torture-committee-cpt-issues-public-statement-on-azerbaijan>.
- ¹⁶ *Ibid.*
- ¹⁷ Originally scheduled to take place in October 2025, the presidential elections were brought forward by President Ilham Aliyev in December 2023.
- ¹⁸ Election Observation Mission, *Organization for Security and Co-operation in Europe (OSCE)*, “Azerbaijan, Early Presidential Election, 7 February 2024: Statement of Preliminary Findings and Conclusions”, 7 February 2024, available at <https://www.osce.org/odihr/elections/azerbaijan/562473>.
- ¹⁹ International Election Observation Mission, *Organization for Security and Co-operation in Europe (OSCE)*, “Azerbaijan, Early Parliamentary Elections, 1 September 2024: Statement of Preliminary Findings and Conclusions”, 2 September 2024, available at <https://www.osce.org/odihr/elections/azerbaijan/575497>.
- ²⁰ Institute for Peace and Democracy, “List of political prisoners. Union for the freedom for political prisoners of Azerbaijan”, 23 September 2024, available at <https://www.ipd-az.org/political-prisoners-for-23-september-2024>.
- ²¹ Nils Muižnieks, Commissioner for Human Rights, *Council of Europe*, “Third party intervention by the Council of Europe Commissioner for Human Rights under Article 36, paragraph 3, of the European Convention on Human Rights. Application No. 68762/14 - Intigam ALIYEV v. Azerbaijan”, CommDH(2015)6, 16 March 2015, para. 23, available at <https://rm.coe.int/third-party-intervention-by-the-council-of-europe-commissioner-for-hum/16806da609>.
- ²² “Law on non-governmental organisations (public associations and funds) of the Republic of Azerbaijan”, Unofficial translation by the European Commission for Democracy through Law (Venice Commission), *Council of Europe*, CDL-REF(2011)049, 13 September 2011, available at [https://www.venice.coe.int/webforms/documents/CDL-REF\(2011\)049-e.aspx](https://www.venice.coe.int/webforms/documents/CDL-REF(2011)049-e.aspx).
- ²³ Cabinet of Ministers of the Republic of Azerbaijan, “Decree No. 43”, Unofficial translation by the European Commission for Democracy through Law (Venice Commission), *Council of Europe*, “Decree on approval of rules for state registration and rules related to the preparation for negotiations with foreign non-governmental organisations and representations in the Republic of Azerbaijan”, CDL-REF(2011)048, 28 September 2011, available at [https://www.venice.coe.int/webforms/documents/CDL-REF\(2011\)048-e.aspx](https://www.venice.coe.int/webforms/documents/CDL-REF(2011)048-e.aspx). The Decree implements the section of the Law on NGOs relating to the registration of branches and representations of international NGOs in Azerbaijan, providing a set of conditions that an international NGO has to fulfil in the course of “negotiations” with public authorities before it can be registered.
- ²⁴ European Commission for Democracy through Law (Venice Commission), *Council of Europe*, “Opinion on the compatibility with human rights standards of the legislation on non-governmental organisations of the Republic of Azerbaijan adopted by the Venice Commission at its 88th Plenary Session (Venice, 14-15 October 2011)”, Opinion no. 636 / 2011, CDL-AD(2011)035, 19 October 2011, available at [https://www.venice.coe.int/web-forms/documents/CDL-AD\(2011\)035-e.aspx](https://www.venice.coe.int/web-forms/documents/CDL-AD(2011)035-e.aspx).
- ²⁵ Parliamentary Assembly (PACE), *Council of Europe*, “The honouring of obligations and commitments by Azerbaijan”, Resolution 1917 (2013), adopted on 23 January 2013, available at <https://pace.coe.int/en/files/19451/html>.



- ²⁶ European Commission for Democracy through Law (Venice Commission), *Council of Europe*, “Opinion on the Law on non-governmental Organisations (Public Associations and Funds) as amended of the Republic of Azerbaijan, adopted by the Venice Commission at its 101st Plenary Session (Venice, 12-13 December 2014)”, Opinion 787/2014, CDL-AD(2014)043, 15 December 2014, para. 40, available at [https://www.venice.coe.int/webforms/documents/CDL-AD\(2022\)009-e.aspx](https://www.venice.coe.int/webforms/documents/CDL-AD(2022)009-e.aspx).
- ²⁷ *Op. cit.*, para. 93.
- ²⁸ Council of Europe, Civil Society Dialogue in Azerbaijan, *Bringing The Law and Practice relating to NGOs in the Republic of Azerbaijan into Compliance with European Standards*, 12 April 2017, p. 5. available at <https://rm.coe.int/azerbaijan-ngo-legislation-full-final-/16808aee81>
- ²⁹ United States Agency for International Development (USAID), “2016 CSO Sustainability Index for Central and Eastern Europe and Eurasia” (20th ed.), July 2017, p. 35, .
- ³⁰ Report of the Special Rapporteur on the situation of human rights defenders on his mission to Azerbaijan, A/HRC/34/52/Add.3, para. 54.
- ³¹ As documented at the time in, *inter alia*, *Freedom Now and Human Rights House Network*, “Breaking point in Azerbaijan”, May 2015, available at <https://humanrightshouse.org/noop-media/documents/20949.pdf>.
- ³² *Rasul Jafarov v. Azerbaijan (Application no. 69981/14)*, Judgment, 17 March 2016, available at <https://hudoc.echr.coe.int/eng?i=001-161416>.
- ³³ Human Rights Committee, *United Nations*, “Concluding observations of the Human Rights Committee: Azerbaijan”, CCPR/CO/73/AZE, 12 November 2001, para. 22, available at <https://documents.un.org/doc/undoc/gen/g01/459/43/pdf/g0145943.pdf>.
- ³⁴ Human Rights Committee, *United Nations*, “Concluding observations on the fourth periodic report of Azerbaijan”, CCPR/C/AZE/CO/4, 16 November 2016, paras. 36, 37 and 47, available at <https://documents.un.org/doc/undoc/gen/g16/256/20/pdf/g1625620.pdf>.
- ³⁵ European Commission for Democracy Through Law (Venice Commission), *Council of Europe*, “Azerbaijan - Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the Law on Media, adopted by the Venice Commission at its 131st Plenary Session (Venice, 17-18 June 2022)”, Opinion No. 1078/2022, CDL-AD(2022)009, 20 June 2022, available at [https://www.venice.coe.int/webforms/documents/CDL-AD\(2022\)009-e.aspx](https://www.venice.coe.int/webforms/documents/CDL-AD(2022)009-e.aspx).
- ³⁶ *Mahmudov and Agazade v. Azerbaijan (Application no. 35877/04)*, Judgment, 18 December 2008, available at <https://hudoc.echr.coe.int/eng?i=001-90356>.
- ³⁷ *Fatullayev v. Azerbaijan (Application no. 40984/07)*, Judgment, 22 April 2010, para. 127, available at <https://hudoc.echr.coe.int/eng?i=001-98401>.
- ³⁸ *Ibid.*
- ³⁹ Dominika Bychawska-Siniarska, *Helsinki Foundation for Human Rights*, “The Functioning of the Judicial System in Azerbaijan and its Impact on the Right to a Fair Trial of Human Rights Defenders”, September 2016, p. 46, available at <https://www.nhc.nl/assets/uploads/2017/07/Functioning-of-the-Judicial-System-in-Azerbaijan-and-its-Impact-on-the-Right-to-a-Fair-Trial.pdf>.
- ⁴⁰ See, *inter alia*, *Ilgar Mammadov v. Azerbaijan (No. 2) (Application no. 919/15)*, *Fatullayev v. Azerbaijan (No. 2) (Application no. 32734/11)*, *Yunusova and Yunusov v. Azerbaijan (No. 2) (Application no. 68817/14)* and *Khadija Ismayilova v. Azerbaijan (No. 2) (Application no. 30778/15)*
- ⁴¹ *Mammadli v. Azerbaijan (Application no. 47145/14)*, Judgment, 19 April 2018, available at <https://hudoc.echr.coe.int/eng?i=001-182178>.
- ⁴² *Merabishvili v. Georgia (Application no. 72508/13)*, Judgment, 28 November 2017, Joint concurring opinion of judges Yudkivska, Tsotsoria and Vehabović, para. 38. See also Helen Keller and Corina Heri, “Selective criminal proceedings and article 18 ECHR: The European Court of Human Rights untapped potential to protect democracy”, *Human Rights Law Journal*, 2016.
- ⁴³ *Ilgar Mammadov v. Azerbaijan (Application no. 15172/13)*, Judgment, 22 May 2014, available at <https://hudoc.echr.coe.int/eng?i=001-144124>.
- ⁴⁴ *Front Line Defenders*, “Case History: Intigam Aliyev”, n.d., available at <https://www.frontlinedefenders.org/en/case/case-history-intigam-aliyev>.
- ⁴⁵ *Front Line Defenders*, “Case History: Leyla Yunus”, n.d., available at <https://www.frontlinedefenders.org/en/case/case-history-leyla-yunus>.
- ⁴⁶ *Right Livelihood*, “Khadija Ismayilova”, n.d., available at <https://rightlivelihood.org/the-change-makers/find-a-laureate/khadija-ismayilova>.
- ⁴⁷ *Front Line Defenders*, “Case History: Rasul Jafarov”, n.d., available at <https://www.frontlinedefenders.org/en/case/case-history-rasul-jafarov>.
- ⁴⁸ See, *inter alia*, Serena Tinari and Georg Häsler Sansano, *Schweizer Radio und Fernsehen (SRF)*, “Aserbajdschan: Schweiz beschützt Journalist in Botschaft”, 11 February 2015, available at <https://www.srf.ch/news/international/international-aserbajdschan-schweiz-beschuetzt-journalist-in-botschaft>.
- ⁴⁹ *Swiss Federal Department of Foreign Affairs*, “Emin Huseynov arrives in Bern after 10 months at Swiss embassy in Baku”, 13 June 2015, available at <https://www.dfae.admin.ch/eda/en/fdfa/fdfa/aktuell/news.html/content/eda/en/meta/news/2015/6/13/57667>.
- ⁵⁰ Parliamentary Assembly (PACE), *Council of Europe*, “Azerbaijan’s application for membership of the Council of Europe”, Opinion 222 (2000), adopted on 28 June 2000, available at <https://pace.coe.int/en/files/16816/html>.
- ⁵¹ *Organised Crime and Corruption Reporting Project*, “Interview with Khadija: ‘It’s the revolving door of political prison in Azerbaijan’”, 27 May 2016, available at <https://www.occrp.org/en/project/corruptistan-azerbaijan/interview-with-khadija-its-the-revolving-door-of-political-prison-in-azerbaijan>.
- ⁵² Parliamentary Assembly (PACE), *Council of Europe*, “Political prisoners in Azerbaijan”, Resolution 1272 (2002), debated on 24 January 2002, available at <https://pace.coe.int/en/files/16979/html>.
- ⁵³ Committee on Legal Affairs and Human Rights, Parliamentary Assembly (PACE), *Council of Europe*, “Introductory Memorandum: Political prisoners in Azerbaijan”, AS/Jur (2019) 01, 22 January 2019, available at <https://assembly.coe.int/LifeRay/JUR/Pdf/DocsAndDecs/2019/AS-JUR-2019-01-EN.pdf>
- ⁵⁴ In 2002, in his report on political prisoners in Azerbaijan, the rapporteur at the time noted that the authorities of Azerbaijan had “consistently asserted that there are no political prisoners in their country and that the names given by various human right protection organisations are those of prisoners to be classed as ordinary prisoners, convicted of various crimes provided for in the Penal Code”. Georges Clerfayt, Parliamentary Assembly (PACE), *Council of Europe*, “Political prisoners in Azerbaijan”, Doc. 9310, 11 January 2002, para. 38, available at <https://pace.coe.int/en/files/9588/html>.
- ⁵⁵ Christoph Strässer, Committee on Legal Affairs and Human Rights, Parliamentary Assembly (PACE), *Council of Europe*, “The follow-up to the issue of political prisoners in Azerbaijan”, Doc. 13079, 14 December 2012, available at <https://pace.coe.int/en/files/19217/html>.
- ⁵⁶ Parliamentary Assembly (PACE), *Council of Europe*, “PACE votes to reject draft resolution on political prisoners in Azerbaijan”, Doc. 13079 (2012), available at <https://pace.coe.int/en/news/4296>.



- ⁵⁷ Rebecca Vincent, “The Council of Europe and Azerbaijan: A cautionary tale”, in *Institutionally blind? International organizations and human rights abuses in the former Soviet Union*, Adam Hug, ed, Foreign Policy Centre, September 2016, p. 42, available at <https://fpc.org.uk/wp-content/uploads/2016/02/1740.pdf>.
- ⁵⁸ *International Partnership for Human Rights*, “Azerbaijan: 51 political prisoners released during Novruz celebrations”, 19 March 2019, available at <https://iphronline.org/articles/azerbaijan-51-political-prisoners-were-released-in-relation-to-the-novruz-celebrations-full-list>.
- ⁵⁹ Federica Mogherini, *European Union*, “Remarks by High Representative/Vice-President Federica Mogherini at the press conference following the 16th EU-Azerbaijan Cooperation Council”, 4 April 2019, available at https://www.eeas.europa.eu/node/60636_en.
- ⁶⁰ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Council of Europe*, “Report to the Azerbaijani Government on the visit to Azerbaijan”, 3 July 2024, available at <https://rm.coe.int/1680b08fa3>.
- ⁶¹ Committee against Torture, *United Nations*, “Concluding observations on the fifth periodic report of Azerbaijan”, CAT/C/AZE/CO/5, 5 June 2024, available at <https://documents.un.org/doc/undoc/gen/g24/081/03/pdf/g2408103.pdf>.
- ⁶² Ulvi Hasanli, *Abzas Media*, “‘Prisoners are crucified and beaten, hung from the iron bars in the corridors’ - Ulvi Hasanli writes about what he has witnessed in the detention center over the past 6 months”, English version of the text, 31 July 2024, available at <https://abzas.org/2024/7/mhbuslar-carmxa-ckib-doyu570d3ca0-3>.
- ⁶³ [Anar] Mammadli v. Azerbaijan (note 41), Isa Ibrahimov v. Azerbaijan, Ilgar Mammadov v. Azerbaijan (note 58), Khadija Ismayilova v. Azerbaijan, Intigam Aliyev v. Azerbaijan (note 21) and Yunusova [Leyla Yunus] and Yunusov [Arif Yunus] v. Azerbaijan.
- ⁶⁴ Aliyev v. Azerbaijan (Applications nos. 68762/14 and 71200/14) Judgment, 20 September 2018, para. 223, available at <https://hudoc.echr.coe.int/eng?i=001-186126>.
- ⁶⁵ Ilgar Mammadov v. Azerbaijan (Application no. 15172/13), Judgment, 22 May 2014, available at <https://hudoc.echr.coe.int/eng?i=001-144124>.
- ⁶⁶ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Council of Europe*, “Public statement Concerning Azerbaijan”, 3 July 2024, available at <https://rm.coe.int/1680b0ccc5>.
- ⁶⁷ *European Stability Initiative*, “Caviar Diplomacy: How Azerbaijan silenced the Council of Europe”, 24 May 2012, available at https://www.esi-web.org/pdf/esi_document_id_131.pdf.
- ⁶⁸ *Organized Crime and Corruption Reporting Project*, “The Azerbaijani Laundromat”, 4 September 2017, available at <https://www.occrp.org/en/project/the-azerbaijani-laundromat>.
- ⁶⁹ Raoul Wallenberg Institute of Human Rights and Humanitarian Law and International Bar Association Human Rights Institute, “Guidelines on International Human Rights Fact-Finding Visits and Reports”, June 2009, available at <https://www.refworld.org/policy/legalguidance/ibahri/2009/en/67896>.
- ⁷⁰ Stefan Trechsel, Evert Alkema and Alexander Arabadjiev, “Cases of alleged political prisoners in Armenia and Azerbaijan: Addendum to the Report of the Independent Experts”, SG/Inf(2001)34 Addendum 1, 24 October 2001, para. 20, available at <https://rm.coe.int/0900001680928612>.
- ⁷¹ See, Stefan Trechsel, “The notion of ‘political prisoner’ as defined for the purpose of identifying political prisoners in Armenia and Azerbaijan”, *Human Rights Law Journal*, Vol. 23, pp. 293-300 (December 2002).
- ⁷² Stefan Trechsel, Evert Alkema and Alexander Arabadjiev, “Report of the Independent Experts to the Secretary General of the Council of Europe”, para. 10, in *Cases of alleged political prisoners in Armenia and Azerbaijan*, SG/Inf(2001)34, 24 October 2001, available at <https://rm.coe.int/09000016805e27ef>.

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