

Human rights situation in Azerbaijan post COP29

AZERBAIJAN'S DEFIANCE: A DECADE OF CONTEMPT FOR THE COUNCIL OF EUROPE



CAMPAIGN
TO END REPRESSION
IN AZERBAIJAN

In partnership with:

IPHR International
Partnership
for Human Rights

Azerbaijan's Defiance: A Decade of Contempt for the Council of Europe

Human rights situation in Azerbaijan post COP29

December 2024

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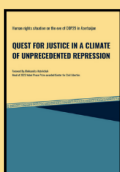
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1. Setting the Scene of Azerbaijan's Contempt for the Council of Europe

The report “Quest for Justice in a Climate of Unprecedented Repression”, published in September 2024, examines how the decade-long repression increased ahead of the COP29, the crackdown on human rights defenders, and their organisations, as well as on media and journalists, using the Media Law adopted in 2022, and aiming specifically at Abzas Media, Toplum TV, Kanal 13, and Meydan TV. Furthermore, it documents how the authorities have weaponised the country’s legal system and abused the criminal legislation to serve a policy of repression. The report brings to light that each major wave of repression is heralded in by the adoption of more laws restricting civil liberties, allowing to criminalise, prosecute, harass, and intimidate any dissenting voice.

The present report documents the policy of repression through the lens of Azerbaijan’s commitments as a member of the Council of Europe, the country’s compliance with the judgments of the European Court for Human Rights, decisions and recommendations made by the Council of Europe’s monitoring bodies, and its engagement with the institution.

This report does not provide a chronology or an in-depth analysis of the complex legislative and regulatory frameworks governing civil, media and political freedoms. It focuses on how this structural denial of the exercise of civil and political rights, and the ensuing systemic repression, has been dealt with by the Council of Europe and its institutions.

Upon accession to the Council of Europe, Azerbaijan undertook to honour its commitments as spelt out in the Parliamentary Assembly’s Opinion 222 (2000). Instead, for the past 20 years, it has progressively consolidated a policy of repression and systemic human rights violations, which leaves no space for the exercise of fundamental freedoms and the protection of human rights, leading to cycles of violent crackdowns, such as the wave of repression in 2013-2014, and the present one.

Over this decade of repression, the authorities continuously abuse their power, applying the same well-established abusive methods to silence dissent by arbitrarily detaining human rights defenders, journalists, and civic activists, and by criminally charging them with spurious offences — a process facilitated by the use of restrictive legislation designed to serve this purpose, and the misuse of criminal law by an obedient judiciary.

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)

The main restrictions of this regulatory system targeted the registration, access to funding and the implementation of activities of NGOs and media outlets, which together with the wide discretion and arbitrariness exercised by the authorities in the interpretation of these laws, progressively eroded the right to freedom of association and media freedoms. The amendments introduced between 2009 and 2015 which facilitated the massive crackdown on civil society are discussed in detail in the report “Quest for Justice in a Climate of Unprecedented Repression.”¹

For many years, the European Commission for Democracy through Law (Venice Commission) has been issuing opinions to the successive amendments to the NGO laws and other laws regulating rights to other freedoms, putting forth suggestions aimed to bring them in line with international standards. The authorities have consistently ignored them, despite the Venice Commission’s warning of the effect of such laws on the exercise of these rights.

In the decade since that crackdown, no structural reforms called for by the Venice Commission and the European Court’s judgments have been implemented which could have prevented the current repression.

Instead, more repressive amendments were brought to the already repressive legislation governing the regulation and funding of associations (NGO laws and laws on grants), the media and political parties, which had been recognised by the Council of Europe’s experts as failing to meet international standards. No efforts have been made to establish the rule of law or to reform the judiciary with the aim of ending its subordination to the executive. Azerbaijan has

2024: Unprecedented Levels of Repression

Whilst 2024 has recorded the sharpest increase and highest number of political prisoners since Azerbaijan’s accession to the Council of Europe in 2001, since the publication of “Quest for Justice”, the repression has continued. Two weeks after the closure of the 29th session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP29), the repression picked up further:

- On 3 December 2024, human rights defender Rufat Safarov was detained and charged with “fraud involving significant damage” (Article 178.3.2 of the Criminal Code), “hooliganism” (Article 127.2.3) and “intentional infliction of less serious harm to health” (Article 221.1). If convicted faces 10 years in prison;

continued to disregard the judgments of the European Court of Human Rights and their execution, persistently ignored calls to improve the human rights situation in the country, and generally, cooperated with the Council’s institutions selectively and on its own terms.

Azerbaijan is experiencing an intensification of the repression, with a new generation of Azerbaijani civil society facing increased repression, which escalated as of the summer of 2023, targeting media and any form of dissent, including members of newly formed democratic movements, trade unionists and academics.

The case of Anar Mammadli, the name behind the Campaign to End Repression in Azerbaijan, is emblematic of this long decade of repression: he has experienced the two waves of repression, first arrested on 16 December 2013 and charged with illegal entrepreneurship, tax evasion and abuse of office, sentenced to over five years in prison and subsequently pardoned in 2016. While in prison, he was awarded the Vaclav Havel Prize of the Parliamentary Assembly of the Council of Europe; he was not released to attend the ceremony. In April 2018, the ECHR ruled that his detention was unlawful and ordered that his conviction be quashed. Six years later, the Court’s judgment has still not been implemented. In April 2024, he was arrested again, this time for smuggling.

His new case, and the cases of the human rights defenders, lawyers, journalists, media actors and civic and political activists arrested since the acceleration of the crackdown in June 2023, are documented in the report “Quest for Justice”.

- On 6 December, six Meydan TV journalists were detained and charged with “smuggling of foreign currency” (Article 206.3.2 of the Criminal Code), and the next day, placed in pre-trial detention for four months, namely Khayala Agayeva, Aytaj Ahmadova (Tapdig), Aynur Ganbarova (Elgunesh), Ramin Jabrayilzade (Deko), Natig Javadli, and Aysel Umudova;
- On 8 December Azer Gasimli, activist and director of the Institute of Political Management, was arrested and was placed in pre-trial detention pending an investigation for “extortion through threats” (Article 182.2.3 of the Criminal Code).

As of 10 December 2024, the number of people detained on politically motivated grounds had increased by 256 per cent compared to February 2023, to 331 people.²



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.

331 Political prisoners recorded in December 2024

The number of political prisoners has surged by 256% over the past 21 months, increasing from 93 individuals in February 2023 to 331 in December 2024.

+256%

2. Background to Azerbaijan's Engagement with the Council of Europe

In January 2024, the Parliamentary Assembly of the Council of Europe (PACE) adopted resolution 2527 (2024)³, taking the unprecedented decision not to ratify the credentials of the delegation of Azerbaijan. The credentials were challenged on substantive grounds (Rule 8.2 of the Rules of Procedure⁴) referring to the deteriorating human rights situation, Azerbaijan's failure to meet its statutory obligations and commitments, and its lack of cooperation with the Assembly and its monitoring procedures. This is the first time that the Assembly makes a move to send a strong signal to the Azerbaijani government.

Since the adoption of this resolution, authorities have intensified repression and continued to refuse to cooperate with the institutions and monitoring mechanisms of the Council of Europe.

In terms of cooperation with the Parliamentary Assembly, the situation only got worse. In reaction to the challenge of its credentials, the Azerbaijani delegation withdrew from the Assembly's debates and threats were made by the President to leave the Council of Europe.⁵ On 25 August 2024, the head of the press service of Azerbaijan's Ministry of Foreign Affairs Aykhan Hajizade announced that the 76 parliamentarians who had voted in favour of resolution 2527 were declared *personas non grata* in Azerbaijan, and that they would not be allowed to enter the country until the Azerbaijani delegation's credentials were accepted by the Parliamentary Assembly.⁶

After having turned down a PACE observation mission during the February presidential election, Azerbaijan also refused to invite PACE representatives to observe the parliamentary elections in September.

Azerbaijan's Defiance: Breaking Commitments to the Council of Europe



Since joining the Council of Europe in 2001, Azerbaijan has systematically defied its human rights commitments.

Azerbaijan ignores European Court of Human Rights rulings, including Anar Mammadli (2018) and six others from his group case.

Selective reforms mask systemic repression. Political prisoners continue to rise: 331 recorded by December 2024.

Azerbaijan undermines the Council of Europe's credibility, acting in bad faith while enjoying full membership.



The Council of Europe must enforce accountability for the respect of the principles of the rule of law, human rights and fundamental freedoms.

Note: The group case of Anar Mammadli (2018) also includes Intigam Aliyev, Leyla Yunus, Arif Yunus, Khadija Ismayilova, Giyas Ibrahimov, and Bayram Mammadov.

Azerbaijan's Council of Europe Chairmanship: The Court Starts Questioning Azerbaijan's Good Faith

Azerbaijan's cooperation with the Council of Europe institutions has been selective and on its terms. It chooses the issues and the modalities. It refuses to engage when it chooses not to do so, and strategically proffers piecemeal reforms and cosmetic changes when need be — all whilst continuing its policy of repression at home, without facing any proactive reaction to its consistent disregard of its obligations and commitments.

In May 2014, at the height of the crackdown, Azerbaijan assumed the Chairmanship of the Committee of Ministers, whilst human rights defenders, lawyers and civic activists were being arrested and sentenced to prison on politically motivated charges and authorities were investigating local and international NGOs on trumped-up criminal charges, freezing their bank accounts, and forcing them to close.

At the end of Azerbaijan's Chairmanship, Niels Muižnieks stated the following:⁷

“Azerbaijan will go down in history as the country that carried out an unprecedented crackdown on human rights defenders during its chairmanship.”

Two developments shed light on the real nature of Azerbaijan's engagement with the Council of Europe:

- Firstly, in September 2017, with the publication of a joint investigation by OCCRP and several international media into a money laundering scheme that was named the “Azerbaijani Laundromat”, allegations appeared of former and sitting members of PACE being among its beneficiaries.⁸ This led PACE to order an investigation which brought to light the practice of “Caviar diplomacy” and that Azerbaijan had

been bribing members of PACE to whitewash its human rights record.⁹ As a result, 13 members of PACE were expelled from the Council of Europe,¹⁰ among whom parliamentarians who had been instrumental in lobbying against the mandate on political prisoners in Azerbaijan which culminated in the PACE vote in January 2013 defeating the draft resolution on “The follow up to the issue of political prisoners in Azerbaijan”;¹¹

- Secondly, as of 2016, the European Court of Human Rights began issuing its judgments in the cases of the human rights defenders, civic and political activists and journalists who had been arrested and imprisoned in the context of the 2013-2014 crackdown. In all 11 of them, the Court found violations of Article 18, in conjunction with Article 5 of the Convention. Out of the total number of 29 judgments in which the Court found violations of Article 18, 11 have been issued against Azerbaijan (for a total of 17 individuals), making it the leading country in violating this critical provision, which serves as a key safeguard against the abuse of power by the state and the restriction of rights for ulterior purposes.

The predominance of cases in which the Court invokes Article 18 puts into question a fundamental issue, namely whether a State is acting in good faith. This issue was raised in a separate opinion by three judges in *Merabishvili vs Georgia*.¹²

“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”.

Azerbaijan's Aim to Transform the Council of Europe: An Institutional Failure to Respond to Repression

Furthermore, in July 2024, in an unprecedented move, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) 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 fact that no action had been undertaken by Azerbaijan to implement the CPT’s recommendations to end such practices”, a decision 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 Torture Convention.

The recommendations of the Venice Commission, on the NGO laws, Media Law, and the Law on Political Parties, which have hitherto been ignored, should be fully implemented. Furthermore, the recent case law of the Court on Azerbaijan identifies the structural gaps that need to be addressed to put an end to the misuse of criminal law and which require a comprehensive reform of the judiciary aimed at ensuring its independence. The Committee of Ministers should use these as a basis for a strategic approach to its supervision of the implementation of

general measures. Such reforms, if implemented, would put an end to the repression which repeatedly generates politically motivated detentions, and pave the way for improving the situation of human rights in Azerbaijan.

In fact, Azerbaijan has gradually distanced itself from the Council of Europe, openly flouting its values and refusing to abide by its rules, whilst enjoying full and uncontested membership. Over the years, not only the Assembly but the Council of Europe institutions

generally have demonstrated a remarkably conciliatory approach to Azerbaijan, even at times of widespread repression.

This failure presents a risk of credibility to the Council of Europe — the observation of which should constitute a turning point for the Council of Europe, which will have to find another approach to deal with members that evidently act in bad faith, as we detail below (chapter 4).

The Case Rasul Jafarov vs Azerbaijan

Jafarov vs Azerbaijan, 4 July 2016, paras. 121-129: European Court of Human Rights findings on the use of the 2014 amendments on NGOs and funding in the misuse of criminal law



Rasul Jafarov was arrested in 2014 and charged inter alia with illegal entrepreneurial activity, tax evasion and abuse of power.

He was accused of operating an NGO without state registration and receiving grants between 2010 and 2014 which he had failed to register with the Ministry of Justice. The financial activities involving the grant were considered “illegal entrepreneurial activity” because the grants had not been registered; the grant money received during that period was deemed to be “profit”, on which he had allegedly failed to pay taxes leading to the charge of “tax evasion”. This was also the basis for charges of abuse of power.

The authorities had refused to register the organisation he co-founded and led since 2010. Although organisations could legally function without state registration, they could not open bank accounts or receive funding as a legal entity, which pushed heads of unregistered organisations to conduct financial and contractual operations such as managing grants in their individual capacity. The obligation to register grants received in individual capacity was introduced in the 2014 amendments.



The Court noted:

1. That it was not prohibited by law to operate without state registration and to receive grants in individual capacity;
2. That before February 2014, there was no procedure to register grants in an individual capacity;
3. 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;
4. That domestic authorities and the Government were unable to refer to any provision of the Criminal Code which specifically criminalises a failure to register grants;
5. “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”;
6. It could not accept the Government’s argument that a mere failure to register a grant implied that the money was “received illegally”;
7. the prosecuting authorities never demonstrated the existence of any information or evidence showing that the applicant might have used the money for generating profit or for purposes other than those indicated in the grant agreements;
8. that according to the legislation, the requirement to submit grants for registration to the Ministry of Justice was merely a reporting requirement, and not a prerequisite for legal characterisation of the received financial assistance as a “grant”; failure to meet this reporting requirement was an administrative offence punishable by a fine, applicable to grants received in individual capacity only after February 2014.

3. Azerbaijan's Commitments to the Council of Europe to End Politically Motivated Imprisonment

A key commitment of Azerbaijan as it joined the Council of Europe was to release political prisoners and to put in place reforms to guarantee the respect for the rule of law and a framework for the exercise of civil and political rights. This would have created the structural conditions for non-repetition and put an end to repression.

In her first report to PACE, the rapporteur on political prisoners Þórhildur Sunna Ævarsdóttir reminded that the issue of political prisoners in Azerbaijan had been a concern for the Council of Europe since before the country's accession.¹³

Amongst the commitments listed in PACE Opinion 222 (2000), Azerbaijan was indeed supposed to "release or to grant a new trial"¹⁴ to the persons considered political prisoners — tacitly referring to

releasing those who at that time were imprisoned for political motives.

Those who were imprisoned at the time were eventually released, or most of them. They were however replaced with new ones, in what Khadija Ismaylova coined as "revolving doors".¹⁵

The United Nations Special Rapporteur on human rights defenders, Michel Forst, noted in his report on his visit to Azerbaijan in 2016:¹⁶

[T]he gravity of the arbitrary detention of defenders in Azerbaijan is illustrated through the continuous efforts by civil society to monitor and document how many political prisoners are in detention at a given time".

Azerbaijan's Council of Europe Membership: A Path to Increased Repression

Opinion 222 contained several other commitments, aimed at the establishment of the rule of law, the separation of powers, democratic processes of political participation, the independence of the judiciary, and the exercise of the rights to the freedoms of association and expression, including the independence of the media. If these commitments had been honoured, the practice of holding political prisoners would have ceased to exist.

The complex and opaque framework of laws and regulations governing civil society organisations and media has over the years imposed more and more restrictions, in particular the amendments brought between 2009 and 2015, which had disastrous effects for the civic space and were used to harass, threaten, arrest, and imprison human rights defenders, journalists, lawyers, and activists, and to force local and international NGOs to close.

In its conclusions on cases arising from the 2014 crackdown, the Court found similarities among a number of them, including identical charges, and combination of charges, that were brought against a certain number of the applicants, and similar or identical proceedings. Criminal offences such as abuse of power, illegal entrepreneurship, large-scale tax evasion, large-scale tax evasion, high level embezzlement and forgery in public office were among the fabricated charges used to imprison several leading human rights defenders and close their organisations.¹⁷

The findings of the Court in the cases of the Mammadli Group bring to light how the lack of an independent judiciary enables the misuse the judicial system for politically motivated purposes and how the restrictive legislative framework designed to serve the repression, is used to criminalise those who attempt to exercise their right to fundamental freedoms.

Besides the "criminal" charges fabricated by planting false evidence such as drugs, weapons or cash, or "hooliganism", financial charges are fabricated, in particular "organisation-directed" charges used against heads and members of organisations, such as embezzlement, forgery, illegal business activity, tax evasion and abuse of office, based on alleged failures to comply with the complex laws governing the regulation of organisations and of managing funding and grants. None of these laws foresee criminal charges and prison terms for non-compliance with their requirements — they fall under administrative law and are sanctioned by fines.

The mechanism of how criminal proceedings are constructed based on administrative laws and used to hand down prison sentences is well described in the report "Breaking point in Azerbaijan":¹⁸

"... [T]he authorities are accusing these individuals of infractions of the NGO Regulation Laws, but then actually charging them with separate violations of the Criminal Code, using the administrative violations as supporting evidence of the crime committed. ...

[A]uthorities begin with the claim that a particular grant was not properly registered. However, the authorities do not charge the organisation or its officers under the relevant administrative laws. [...] Instead, [they charge them] with unrelated Criminal Code violations, such as laws against illegal business activity (operating a for-profit business that is not registered when such registration is required), tax evasion (failure to pay taxes on “entrepreneurial” activity), and abuse of office (operating an NGO as a personal business and not a charitable organisation).”

As brought to light by the Court in several judgments, in the argumentation of the prosecution a failure to comply with an administrative requirement places the whole action of an organisation outside of the scope of non-commercial activity. For example, because a grant was not registered, the funds received were not considered as a grant but as a “profit” and the financial and other activities involving the grant money as “illegal entrepreneurial activity” because the grants had not been registered, thereby subjecting such operations to the regulatory requirements for commercial activity.¹⁹ The authorities then argued that the organisation failed to comply with these obligations, which then gives rise to criminal liability.²⁰

Jafarov vs Azerbaijan, Mammadli vs Azerbaijan, Aliyev vs Azerbaijan, Mustafayev vs Azerbaijan: Alert Signals Sent by the European Court of Human Rights

As the Court pointed out, the cases of Rasul Jafarov, Anar Mammadli and Intigam Aliyev bore striking resemblance, both in the charges brought against them in the context of managing grants and the proceedings leading to their convictions, and consequently relied largely on its Jafarov judgment to determine violations of Article 5 in the cases of Mammadli and Aliyev. In these three cases, it examined the reasonableness of suspicion in their deprivation of liberty in the context of “the harsh and restrictive legislative framework”²¹ governing the registration and operation of nongovernmental organisations, linked to the ulterior purpose of punishing and silencing, concluding to a violation of Article 18 in conjunction with Article 5.

The Court has since progressively expanded the application of Article 18 to other rights, in particular to Article 8 (right to private life) in the case Aliyev, in which it concluded that the search of his home and office was conducted for the purpose of silencing and punishing him and impeding his work. More recently, in *Democracy and Human Rights Resource Centre and Mustafayev vs Azerbaijan*, the Court concluded to that the freezing of bank accounts of the human rights defender Asabali Mustafayev and his NGO and the imposition of a travel ban were ordered for the purpose of punishing him and impeding his work, amounting to violations of Article 1 of Protocol 1 and Article 2 of Protocol 4, in conjunction with Article 18²² — both of

which are current practice used to silence and harass human rights defenders, journalists, lawyers and civic activists.

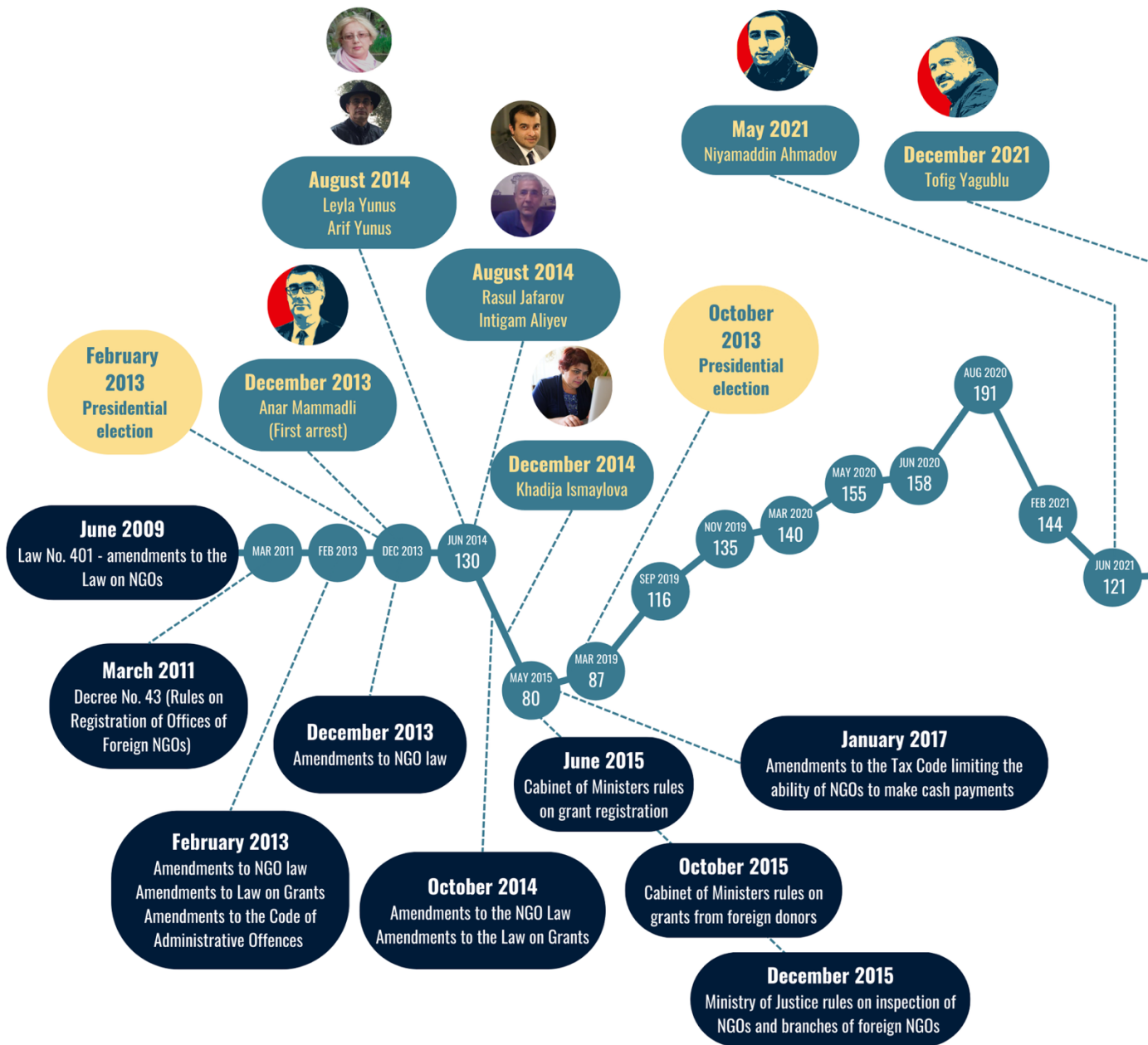
In *Aliyev vs Azerbaijan* and its subsequent judgments in cases related to the repression during and following the 2013-2014 crackdown — the Court pointed to a “pattern of arbitrary arrest and detention of government critics, civil society activists and human-rights defenders through retaliatory prosecutions and misuse of criminal law in defiance of the rule of law” and raised the risk of repetition stemming from the criminalisation of normal civic activities and exercise of fundamental freedoms:²³

“... [T]he actions of the State stemming from this pattern may give rise to further repetitive applications. Indeed, the Court cannot overlook in this regard the fact that a number of applications raising issues similar to those outlined above have either been communicated to the Azerbaijani Government or are currently pending before the Court.”

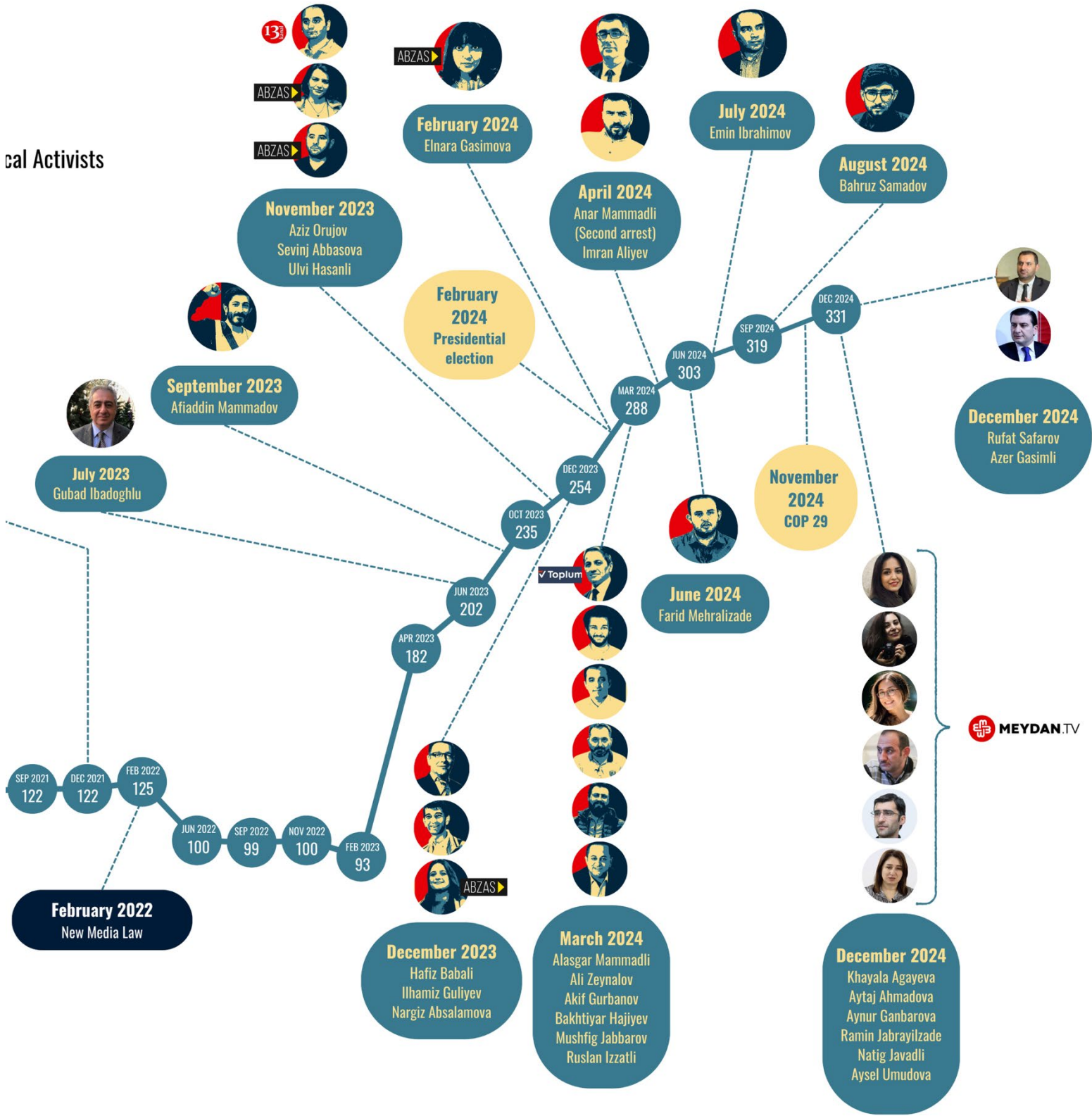
Instead of bringing its legislation and practice in line with international standards and with its commitments, Azerbaijan progressively put in place a system of repression which allows to arbitrarily detain, sentence and release anyone at any given time, with the aim to punish, to silence, or to deter.

Timeline: 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 Politic
- Presidential election and major events



Political Activists



Source: All data from except May 2015 from Institute for Peace and Democracy - <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>

4. Unprecedented Levels of Repression in Azerbaijan: A Challenge to the Council of Europe's Credibility

Azerbaijan has clearly set its red lines regarding issues it categorically will not engage on, such as political prisoners, whose existence it denies — without any significant reaction from the Council of Europe. It does engage on issues such as reform of the judiciary, civil society, media, or freedom of association and expression but does so selectively, refusing any discussion of fundamental structural changes that would jeopardise the system of repression which it is

intent on maintaining. It shows its good will by proffering piecemeal and cosmetic changes, when it decides to do so, and which are welcomed by the Council of Europe institutions as “progress”. Despite evidence that significant human rights violations and lack of rule of law persist and are unaddressed, the Council of Europe’s approach to cooperation with Azerbaijan remains conciliatory, leading to a normalization of inadequate reforms.²⁴

Lack of Serious Reaction: Azerbaijan's Disdain for the Committee of Ministers

Azerbaijan uses the same tactics in its cooperation with the Committee of Ministers on the execution of judgments. Azerbaijan has one of the highest numbers of cases before the European Court, and one of the lowest rates of compliance with its judgments.

In December 2017, the Committee of Ministers launched infringement proceedings against Azerbaijan under Article 46(4) of the Convention in relation to the government’s persistent refusal to execute the individual measures of the Court’s 2014 judgment in the case of Ilgar Mammadov. In August 2018 he was released from prison and handed a suspended sentence. In May 2019, the Court issued its judgment in the infringement proceedings, and in April 2020, the Azerbaijan Supreme Court quashed his conviction: it took six years and an infringement procedure to achieve the execution of the individual measures ordered by the Court.

Ilgar Mammadov was the lead applicant in a group of cases, all of which related to the crackdown as of 2013, and in which the Court had found, among other, violations of Article 18 in conjunction with Article 5 for arrests and detentions designed to silence dissent. After the annulment of his conviction and the closure of his case, the group was renamed with Anar Mammadli as lead applicant.

Some of the cases of this group were closed following the annulment of their convictions. Five cases concerning seven individuals continue to be pending. Azerbaijan has for almost two years now not acted on the individual measures regarding the seven remaining applicants, who continue to suffer serious consequences of the abusive criminal proceedings. Anar Mammadli, for example, at the moment of his re-arrest, still had a criminal record, and Intigam Aliyev’s bank accounts are still frozen.

To date, no concrete indication has been received by the Committee of Ministers as to the execution of the remaining individual measures.

Obtaining full execution of the Mammadli Group case, not only of the individual measures, but also of appropriate and targeted general measures which effectively address the systemic violations underlying the repression which generated these cases, will be crucial for the credibility of the Committee of Ministers and its ability to act as guardian of the observance of the human rights enshrined in the European Convention.

Its success to enforce individual measures has been largely ineffective vis-a-vis Azerbaijan's blatant disregard to implement Article 18 judgments of the Court. To date, since 2020, when the group was renamed to the Mammadli Group, the Committee of Ministers has adopted 14 decisions and three interim resolutions on its supervision of the case’s execution. From one session to another, its decisions laconically repeat the same concerns and calls. At its March 2024 meeting it issued a decision in which it expressed “profound concern that no information has been provided on the outcome of the long-awaited domestic court judgments and deeply regretted that the applicants’ convictions, in which the European Court found to have been the result of misuse of criminal law intending to punish and silence them, still stand”.²⁵ In its latest decision issued on 5 December 2024, it “deeply deplored that, despite previous assurances, no progress was reported and the remaining applicants’ convictions still stand” and urged Azerbaijan “to urgently intensify their efforts to remedy the applicants’ situation.”²⁶

This is the latest in a long chain of exchanges with the Azerbaijani authorities, which come back with vague promises to examine the Committee of Ministers’ request — without any outcome. Since 2020, the government submitted 11 communications under rule 8.2 a), the latest one in September 2023, and five action reports.

The most recent substantial information received from Azerbaijan in respect of individual measures dates to

October 2022, informing that the convictions of the applicants *Azizov and Novruzlu* were quashed, which led to the closure of their case.²⁷ Regarding the outstanding individual measures, the subsequent communications from the Azerbaijani authorities inform that “consideration of the remaining cases by the Plenum of the Supreme Court is expected to take place at the forthcoming plenary meetings” — limbo persists.



Azerbaijan's Demonstrated Unwillingness to Reform: Ignoring General Measures Requested by the Court

In all these cases, the Court found violations in conjunction with Article 18, relating them to a “pattern”, stressing the need for guarantees of non-repetition, and calling for general measures, which imply a push for structural changes.

The Court, however, does not specify which measures should be taken — this task falls upon the Committee of Ministers. Hitherto, the CM has engaged with the Azerbaijani authorities on the execution of general measures focusing on the judiciary, without any substantial progress. The CM has called for the need to ensure stronger independence of the judiciary, but without specific recommendations for what should be done, or any coherent framework for the structural reforms this should entail.

No substantial measure has been implemented during this time by Azerbaijan which would vest the judiciary with the necessary safeguards to shield the judiciary from the executive exerting its influence.

In September 2023 the government communicated to the Committee of Ministers on changes to the composition of the Judicial-Legal Council which it considered “a significant milestone.”²⁸ Whilst reducing the number of non-judge members could be seen as a positive development, the process of electing judges to the Council through the newly formed judge conferences lacks transparent rules and safeguards to ensure that all judges are adequately represented. It is also not clear what the direct positive impact will be on the prevention of politically motivated cases.

The judiciary continues to remain under strong presidential influence, especially concerning the appointment of judges of Supreme and Constitutional Courts, who are nominated by the President. The 2016 constitutional amendments allow the President to dissolve Parliament if it rejects his judicial nominations, which as noted by the Venice Commission increases the dependence of the judiciary on the executive.²⁹ Furthermore, no changes have been made to the appointment process or performance evaluation system of judges, which also undermine their independence.

The success of measures aiming at judicial reform may be assessed by the ongoing judicial proceedings against those who have been detained since 2023 for political motivations. A joint NGO submission to the Committee of Ministers notes that in all the currently ongoing cases, their lawyers report that “Azerbaijani courts failed to carry out meaningful judicial oversight. Judicial decisions merely echoed the prosecution's arguments, often by copying and pasting text without providing relevant and sufficient reasoning, in the same pattern as widely observed in the cases of the Mammadli Group. All these cases demonstrate that arbitrary arrests and detentions as tools of retaliation through misuse of criminal law against critical media members, human rights defenders and opposition activists continue, making the scrutiny of Azerbaijan's actions under the Mammadli Group all the more urgent.”³⁰ The submission further argued that as one of the general measures in this group case, the Committee of Ministers should urge Azerbaijan to put an end to the current wave of prosecution and provide concrete evidence of domestic courts exercising effective oversight as proof of increased independence of the judiciary.³¹

The supervision of the execution of the Mammadli case judgments occurs at a time of a new crackdown which has intensified since the end of 2023, with arbitrary arrests and detention of civic activists and journalists, leading to the highest ever recorded number of political prisoners, in a context reminiscent of the 2013-2014 crackdown. The repression is fuelled by the amendments made to the Media Law and the Law on political parties in 2022 and slander campaigns, and criminal law is misused to bring trumped up charges, many of which, like in the 2014 cases, relate to funding — this time mostly in the form of accusations of allegedly “smuggling Western funds” into Azerbaijan.

The 2022 Media Law forbids financing local media by foreign sources, state institutions, and natural and legal persons. All seven detained staff members of Abzas Media have been charged with economic crimes — unlawful entrepreneurship, money laundering, cash smuggling, and tax evasion. Abzas had published investigations into state corruption and openly spoken out against the new media law, including the introduction of the Media Registry.³²

Council of Europe's Regular Programming with Azerbaijan: Further and Continued Increase of Repression

The repetition of misusing criminal law based on laws restricting the fundamental freedoms of association and expression reveals the need for measures targeting the structural violations of these rights.

The Council of Europe Commissioner for Human Rights Nils Muižnieks noted:³³

[T]he restrictive legislative framework constitutes an integral part of the pattern of judicial harassment and reprisals against human rights defenders currently prevailing in Azerbaijan.

Against such a backdrop, the Committee of Ministers — and the other institutions of the Council of Europe — cannot carry on with “business as usual” in its relations to Azerbaijan.

At the height of the crackdown, in April 2014, The Council of Europe concluded its (first) Action Plan for 2014-2018 with Azerbaijan, which included objectives such as “to improve sub-legislation and internal regulatory instruments for full enjoyment of the right to freedom of association”, and “to improve existing NGO legislation and its implementation in line with European standards and strengthen the capacity of NGOs and authorities for consultation, dialogue and co-operation.”³⁴

Since then, three such Action Plans have been concluded, the current one going through until 2025, whilst in parallel, the human rights situation in Azerbaijan has not ceased to deteriorate.

One major problem of these action plans is that the activities are adapted to the government narratives. Also, the action plans support the activities of

government-controlled institutions like the Press Council, which does not protect journalists, or the Bar Association, which is not independent and pressures lawyers who defend political prisoners.

Intended activities are often not even implemented — the final report on the Council of Europe Action Plan for Azerbaijan 2018-2021 reveals that overall, 45% of planned activities had not been funded, including 67% of human rights activities.³⁵ In fact, the government is not interested in implementing activities regarding the democracy, human rights, and rule of law. The potential consequences of these unfunded activities are significant, underscoring the importance of the Action Plan.

The outcomes are quantitative without any evaluation of their impact in terms of expected results, such as:³⁶

- 533 legal professionals (74% men and 26% women) from different regions of Azerbaijan increased their knowledge of European human rights standards and their application;
- 170 justice sector actors, namely court chairmen [sic!], judges and court staff from courts in Baku and regions of the country increased their knowledge on judicial time management, measuring the quality of justice and court performance reporting;
- The report further notes awareness on gender equality was raised “with more than 50 000 people reached through publications, media and social media, and more than 200 officials trained on the topic.

“

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

**Council of Europe's Continued Silence:
Endorsing rather than Challenging Azerbaijan's Path**

In her speech at the launch of the 2022-2025 Action Plan³⁷ in Baku in April 2022, in the wake of the adoption of the new Media Law, the Secretary General of the Council of Europe, Marija Pejčinović Burić, praised the fact that in the preceding period, “nearly 500 journalists and civil society representatives have been trained on Council of Europe standards on gender equality and media freedom”.³⁸

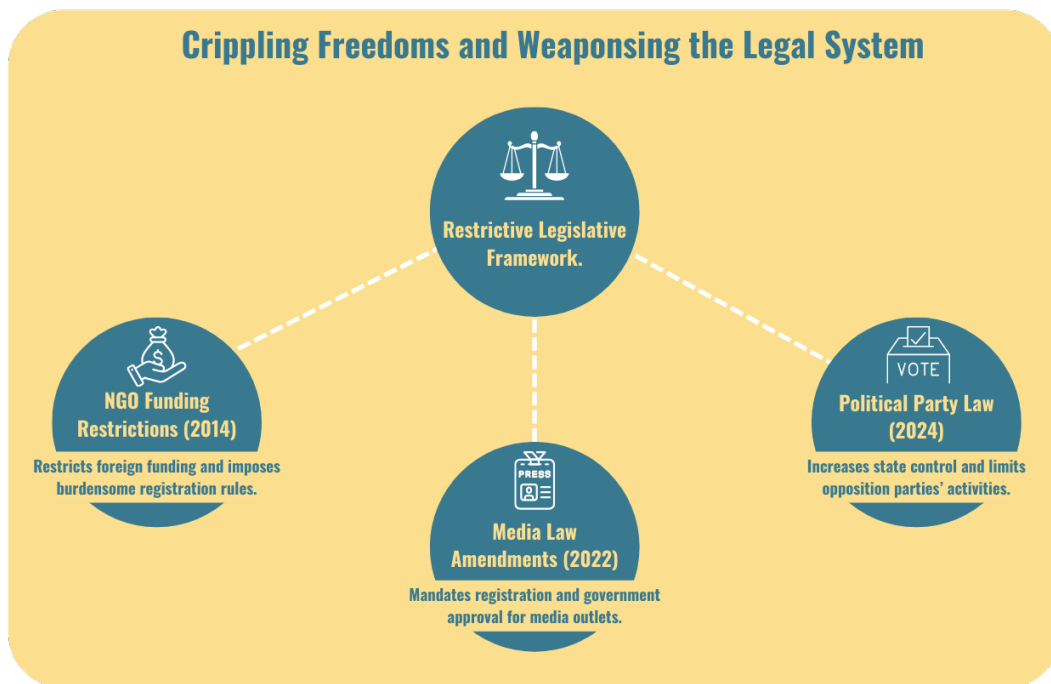
One of the topics for the 2018-2021 Action Plan had been “ethical standards for media professionals, including gender mainstreaming in the media”.³⁹ Whilst such a subject is in itself laudable, engaging on such issues takes away the focus from crucial systemic gaps in media freedom, and does nothing to address the restrictions of the Media Law or to stop the repression against independent media and journalists.

None of the proposed topics and activities in the field of the rule of law in the 2022-2025 Action Plan, such as Council of Europe support to “providing training for the judiciary in the day-to-day management of courts”, “application of the [Council of Europe Commission for the Efficiency of Justice] methodology and tools on judicial time management and quality of justice, including in local courts”, and “developing a communication strategy for the judiciary” — aim to structurally deal with serious human rights abuses or repression in Azerbaijan and to address the lack of judicial independence that paralyzes the rule of law.⁴⁰

In December 2023, as the crackdown was intensifying and the number of political prisoners was rising, the Secretary-General met with President Aliyev during her official visit to Baku at which she emphasised the Council’s support to Azerbaijan through the 2022-2025 Action Plan.⁴¹

It has become increasingly clear that Azerbaijan does not share the values of the Council of Europe and does not care to put any effort in trying to attain them or to abide by the rules which come with membership. Over the past decade, Azerbaijan might indeed have achieved to transform the Council of Europe, whilst the Council of Europe is failing in bringing Azerbaijan to honour its commitments and obligations.⁴²

The current crackdown demonstrates that continued silence and regular programming with Azerbaijan is a failing approach. Firm action is required to face Azerbaijan with the obligations and commitments it undertook to honour. PACE has paved the way — however, addressing the core problem of repression will need a concerted approach among all the Council of Europe institutions, guided by the Council of Europe’s foundational goal to promote human rights, the rule of law and democracy.



Recommendations: To Tackle Azerbaijan's Contempt and To Safeguard the Council of Europe's Reputation

In alignment with Article 3 of the Statute of the Council of Europe, its institutions and mechanisms have repeatedly issued warnings about Azerbaijan's trajectory over the past decade:

- The European Court of Human Rights has cautioned that politically motivated violations of the Convention will persist if the country fails to enforce the implementation of general measures, for which the Committee of Ministers holds a direct responsibility;
- Specialised bodies, such as the Committee for the Prevention of Torture and the Venice Commission, have used strong language to highlight Azerbaijan's deteriorating human rights situation and its lack of cooperation;
- Similarly, the Office of the Commissioner for Human Rights has consistently raised alarms about the intensifying repression;
- Notably, in January 2024, the Parliamentary Assembly of the Council of Europe, despite its history of internal challenges, demonstrated determination in addressing Azerbaijan's non-cooperation.

However, the Council of Europe has failed to act decisively to address these unprecedented levels of repression. This inaction undermines the fundamental purpose of the Council — to uphold the principles of individual freedom, political liberty, and the rule of law, as enshrined in Article 3. Member states are neglecting their responsibility to hold each other accountable, while the Office of the Secretary General must rise to its role as the guardian of human rights in Europe. It is imperative to enforce commitments under the Convention and hold member states accountable to each other.

This failure poses a serious threat to the Council of Europe's credibility. This moment should serve as a turning point, compelling the Council to adopt a new

approach toward member states acting in bad faith. In this context, the position of the Committee of Ministers in bringing to full conclusion the Mammadli Group of cases will be critical to preserving the integrity of the European human rights protection system. Beyond ensuring the execution of individual measures, the Committee must address the structural issues underlying repression by requiring meaningful reforms to prevent recurrence. To achieve this, the Secretary General should initiate an investigation under Article 52 of the Convention.

The European Court of Human Rights indeed indicates the aim of the general measures — to protect critics of the government, civil society activists and human-rights defenders against arbitrary arrest and detention and to ensure the eradication of retaliatory prosecutions and misuse of criminal law against them in a perspective of non-repetition of such practices. This overall goal should be the starting point for the development of a roadmap of general measures — measures aimed at a comprehensive reform not only of the judiciary but also of the entire legal framework regulating civil society, media, and public participation — for Azerbaijan to implement in execution of the group case. Whilst led by the Committee of Ministers, this effort should be fully supported by the other institutions of the Council of Europe in a common, concerted approach.

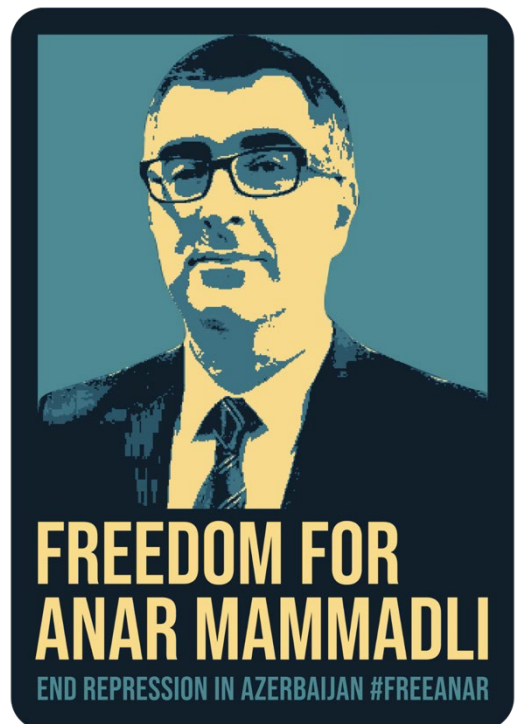
The Convention and Statute provide tools to engage member states engaging in systemic violations, including the arsenal foreseen under Article 8 of its Statute. The Azerbaijani authorities' weaponisation of the legal system and the abuse of criminal legislation to sustain repression demand a clear, public, and strong response by the Council of Europe as a whole, in a unified and coordinated manner. Silence and routine programming in the face of bad-faith actors like Azerbaijan's government only erode the Council's mission. Now is the time for bold, unified action to reaffirm the Council of Europe's commitment to human rights and democracy.

Recommendations to the Parliamentary Assembly of the Council of Europe:

- ⇒ Confirm the non-ratification of the credentials of the Azerbaijani parliamentary delegation to the Parliamentary Assembly of the Council of Europe.
- ⇒ Underline the need for a clear, public, and strong response to the increased levels of repression in Azerbaijan by the Council of Europe as a whole, in a unified and coordinated manner with PACE's decision on the ratification of credentials as one component.
- ⇒ Note the lack of sincere and effective collaboration of Azerbaijan with PACE and other institutions and bodies of the Council of Europe, notably in regard to the execution of judgments of the European Court of Human Rights, and therefore call upon:
 - The Secretary General to initiate an investigation under Article 52 of the Convention on the weaponisation of the legal system to silence civil society and media and the abuse of criminal legislation to prosecute human rights defenders, journalists and media workers;
 - The Committee of Ministers to suspend all programming with Azerbaijan and immediately cease all negotiations extending the current Action Plan for Azerbaijan or developing a new one;
 - Member states to condition any funding under any future Action Plan with clear human rights related milestones through the adoption by the Committee of Ministers of a clear roadmap of engagement with Azerbaijan based on the outcome of the investigation under Article 52.

Recommendations to the Committee of Ministers and the Secretary General of the Council of Europe:

- ⇒ Adopt a Committee of Ministers statement on the human rights situation in Azerbaijan, especially in regard to the lack of implementation of the general measures related to the Mammadli Group of cases and the lack of sincere and effective collaboration of Azerbaijan with the Committee of Ministers and other institutions and bodies of the Council of Europe.
- ⇒ Call on the Secretary General to initiate an investigation under Article 52 of the Convention on the weaponisation of the legal system to silence civil society and media and the abuse of criminal legislation to prosecute human rights defenders, journalists and media workers.
- ⇒ Immediately cease all negotiations on extending the current Action Plan for Azerbaijan or developing a new one. Member states should condition any funding under any future Action Plan with clear human rights related milestones.
- ⇒ Based on the outcome of the investigation under Article 52, develop a roadmap of the Council of Europe's engagement with Azerbaijan, including clear benchmarks Azerbaijan is to meet to fulfil its commitments to the Council of Europe and obligations under the Convention, including:
 - The immediate and unconditional release of 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, Rufat Safarov, Khayala Agayeva, Aytaj Ahmadova, Aynur Gambarova, Ramin Jabrayilzade, Natig Javadli, Aysel Umudova, and Azer Gasimli, as well as 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;



- The immediate cessation of prosecution, harassment, and intimidation of human rights defenders, lawyers, journalists, and civic and political activists;
 - The revision of 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, the fundamental revision of the laws adopted and amended since 2009 on non-governmental organisations (public associations and foundations), state registration and state register of legal entities, grants, and the Code of Administrative Offenses, and simplify state registration of non-governmental organisations, including branches or representative offices of international non-governmental organisations, in view of bringing them in line with international standards, of eliminating obstacles for access of NGOs to international grants and domestic donations and of ensuring that any measure taken to govern non-governmental organisations, and their registration, is strictly necessary;
 - The implementation with no further delay of all components of all judgments concerned by the Mammadli Group of cases of the European Court of Human Rights, both regarding full restitution of the remaining cases and by addressing the general measures requested by the Court
- ⇒ Set up a group of experts to follow the human rights developments in Azerbaijan and advise on the fulfilment of the objectives set forth in the roadmap.

“

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”

”



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

Notes

¹ Anar Mammadli Campaign to end repression in Azerbaijan, “Quest for Justice in a Climate of Unprecedented Repression. Human rights situation on the eve of COP29 in Azerbaijan”, Baku and Geneva, September 2024, available at <https://free-anar.site/report-2024/>.

² Institute for Peace and Democracy, “Political Prisoners for 10 December 2024”, available (in Russian) at <https://www.ipd-az.org/political-prisoners-for-10-december2024/>.

³ Parliamentary Assembly of the Council of Europe, “Challenge, on substantive grounds, of the still unratified credentials of the parliamentary delegation of Azerbaijan”, Resolution 2527 (2024), available at <https://pace.coe.int/en/files/33333/html>.

⁴ Rule 8.2 provides the following:

The substantive grounds on which credentials may be challenged are:

- a. serious violation of the basic principles of the Council of Europe mentioned in Article 3 and the Preamble to, the Statute; or
- b. persistent failure to honour obligations and commitments and lack of co-operation in the Assembly’s monitoring procedure.

⁵ 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>.

⁶ Turan News Agency, “A large group of PACE members are banned from entering Azerbaijan”, 25 August 2024, available at <https://turan.az/en/politics/a-large-group-of-pace-members-are-banned-from-entering-azerbaijan-783893>.

⁷ Index on Censorship, “Nils Muižnieks: Azerbaijan’s reprisals against brave activists and journalists must stop now”, 24 November 2014, available at <https://www.indexoncensorship.org/2014/11/nils-muiznieks-azerbaijans-reprisals-brave-activists-journalists-must-stop-now/>.

⁸ Organized Crime and Corruption Reporting Project, “The Azerbaijani Laundromat”, 4 September 2017, available at <https://www.occrp.org/en/azerbaijanilaundromat/>.

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¹⁰ Organized Crime and Corruption Reporting Project, “Council of Europe Body Expels 13 in Azerbaijan Bribe Case”, 3 July 2018, available at <https://www.occrp.org/en/news/council-of-europe-body-expels-13-in-azerbaijan-bribe-case>.

¹¹ Parliamentary Assembly of the Council of Europe, “PACE votes to reject draft resolution on political prisoners in Azerbaijan”, 23 January 2013, available at <https://pace.coe.int/en/news/4296/pace-votes-to-reject-draft-resolution-on-political-prisoners-in-azerbaijan>.

¹² *Merabishvili v Georgia* (Application no. 72508/13), 28 November 2017, joint concurring opinion of judges Yudkivska, Tsotsoria and Vehabović, para. 38.

¹³ Parliamentary Assembly of the Council of Europe, “Reported cases of political prisoners in Azerbaijan”, Report (Doc. 15020), 18 December 2019, available at <https://pace.Council of Europe.int/en/files/28320/html>.

¹⁴ Parliamentary Assembly of the Council of Europe, “Azerbaijan’s application for membership of the Council of Europe”, Opinion 222 (2000), para. 14.4 b), available at <https://pace.coe.int/en/files/16816/html>.

¹⁵ Organized Crime and Corruption Reporting Project, “Interview with Khadija Ismayilova: ‘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>.

¹⁶ United Nations Special Rapporteur on the situation of human rights defenders, “Report of the Special Rapporteur on the situation of human rights defenders on his mission to Azerbaijan”, 20 February 2017 (UN Doc. A/HRC/34/52/Add.3), para. 37, available at <https://documents.un.org/doc/undoc/gen/g17/038/12/pdf/g1703812.pdf>.

¹⁷ In particular, Rasul Jafarov, Anar Mammadli, Intigam Aliyev and Leyla Yunus.

¹⁸ Human Rights House Network and Freedom Now, *Breaking point in Azerbaijan — Promotion and glamour abroad Repression and imprisonment at home*, May 2015, p. 55 available at <https://humanrightshouse.org/noop-media/documents/20949.pdf>

¹⁹ The law in Azerbaijan distinguishes between commercial and non-commercial activity based upon the nature of the activity, unrelated to the administrative regulations on grants. See *Jafarov vs Azerbaijan* (Application no. 69981/14), 4 July 2016, paras. 126-128 and *Mammadli vs Azerbaijan* (Application no. 47145/14), 19 April 2018, paras. 60-61.

²⁰ See *exempli gratia*, *Jafarov vs Azerbaijan*, paras. 121 *et seq.* and *Aliyev vs Azerbaijan* (Application nos. 68762/14 and 71200/14), 4 February 2019, para.159.

²¹ *Aliyev vs Azerbaijan*, para. 153; see also *Jafarov vs Azerbaijan*, para. 120 and *Mammadli vs Azerbaijan*, para. 99.

²² *Democracy and Human Rights Resource Centre and Mustafayev vs Azerbaijan* (Applications nos. 74288/14 and 64568/16), 14 October 2021, para. 111.

²³ *Aliyev vs Azerbaijan*, para. 223.

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- ²⁹ European Commission for Democracy through Law (Venice Commission), “Azerbaijan – Opinion on the draft modifications to the Constitution submitted to the Referendum of 26 September 2016”, 18 October 2016, Opinion No. 864 / 2016, para. 66, available at [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)029-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)029-e).
- ³⁰ Rule 9.2 — Communication from NGOs (Free Voices Collective (FVC), Independent Lawyers Network (ILN), European Human Rights Advocacy Centre (EHRAC) and International Partnership of Human Rights (IPHR)) (08/08/2024) concerning the Mammadli vs Azerbaijan Group of Cases, para. 17, available at <https://free-anar.site/rule-9-2-submission-on-mammadli-group/>.
- ³¹ *Ibidem*, para. 37.
- ³² Eurasianet, “Azerbaijani journalists fight new media registry”, 8 February 2023, available at <https://eurasianet.org/azerbaijani-journalists-fight-new-media-registry>.
- ³³ Council of Europe Commissioner for Human Rights, Nils Muižnieks, Third-party intervention to the European Court of Human Rights in the case *Aliyev vs Azerbaijan*, 18 March 2015, available at <https://www.coe.int/en/web/commissioner/-/commissioner-muiznieks-intervenues-before-the-european-court-of-human-rights-on-the-case-of-intigam-aliyev>.
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- ³⁸ As delivered by Marija Pejčinović Burić, Secretary General of the Council of Europe, 5 April 2022, available at https://www.coe.int/en/web/secretary-general/78/-/asset_publisher/4zZrzGpov7zD/content/launch-of-the-action-plan-for-azerbaijan-2022-2025.
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Article 3 of the Statute of the Council of Europe of 5 May 1949: The past decade led to unprecedented levels of repression in Azerbaijan, in violation of the spirit of 1949 and the country's commitments when joining the Council of Europe in 2001.



Does Azerbaijan Satisfy the Minimum Common Standards of Council of Europe Member States?



The principles of the rule of law, ensuring justice, accountability, and equality before the law for all individuals.



The universal enjoyment of human rights and fundamental freedoms, without discrimination, for everyone within its jurisdiction.



The sincere and effective collaboration with other member states in realizing the shared aims and values of the Council of Europe.

#ClimateOfRepression

CAMPAIGN
TO END REPRESSION
IN AZERBAIJAN

In partnership with:

IPHR International
Partnership
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