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Introduction

This country of origin information report was prepared on the basis of the questions and points of focus in the Terms of Reference (ToR) drawn up by the Ministry of Justice and Security. The ToR for this report was defined on 15 March 2021. An anonymised version of it, together with the report, is available on the website of the Dutch Government.¹

This official country report describes the situation in Azerbaijan insofar as it is relevant for the assessment of asylum applications by persons originating from that country and for decisions related to the return of rejected Azerbaijani asylum seekers. It is an update of the general country report of July 2020. The reporting period runs from July 2020 to August 2021. Relevant developments up to the publication date have been included. The report is a factual, neutral and objective representation of the findings for the period under consideration and does not offer any policy recommendations.

This report was created on the basis of public and confidential sources, using carefully selected, analysed and verified information. Information from non-governmental organisations (NGOs), specialist literature, media coverage and the relevant government agencies was used to create this official country of origin information report. Unless stated otherwise or when the facts are generally undisputed, the content in this general country of origin information report is based on multiple sources. The public sources that were consulted are listed in the appendices to this official country report.

Use is also made of confidential information from the diplomatic mission of the Netherlands in Azerbaijan, as well as confidential conversations and correspondence. The information that was obtained confidentially is mainly used to support and supplement passages based on public information. The confidential sources are marked 'confidential source' in the footnotes and dated.

Chapter One deals with the political and security situation. Chapter Two deals with documents and citizenship legislation. Chapter Three deals with the human rights situation. It focuses on the position of a number of specific groups, including political activists, members of the extra-parliamentary opposition, human rights activists and journalists. Chapter four deals with the situation of displaced persons and refugees. Chapter Five considers the return of Azerbaijanis to their country of origin.

The Azerbaijani alphabet has 32 letters, with 9 vowels and 23 consonants. The letters that deviate from the Dutch alphabet are: Çç, Əə, Ğğ, Xx, İi, Öö, Şş and Üü. For the sake of legibility and pronunciation, the letters Cc, Əə, Xx, İi and Iı have been replaced by Jj, Aa/Ee, Khkh, Ii and Ii, respectively. So İlham Aliyev instead of İlham Əliyev, Akhundov instead of Axundov and Ganja instead of Gəncə.

Azerbaijani surnames can appear with different suffixes in the sources, despite referring to the same person. The suffix '-ov' comes from Russian. Azerbaijanis sometimes omit this suffix from their surname or modify it, including to the suffix '-li', which comes from Azerbaijani, or the suffix '-zade', which comes from Farsi.

¹ <https://www.rijksoverheid.nl/documenten/>.

Examples of this are Khadija Ismayilova and Khadija Ismayil, Ali Karimov and Ali Karimli, and Taleh Bağırov and Taleh Bağırzade.

This report mainly uses Azerbaijani toponyms.

1 Political and security situation

This chapter follows on from the description of the political and security situation as described in the country of origin information report of July 2020 and describes relevant developments since July 2020.

1.1 Political situation

The centre of power in the Republic of Azerbaijan lies with the presidential apparatus. President Ilham Aliyev has ruled the country since 31 October 2003. In 2018, he began his fourth term in office, which will end in 2025.² During the reporting period, his popularity was increased by the outcome of the Second Nagorno-Karabakh War (see 1.2.2).³ His wife, Mehriban Aliyeva, has held the position of first vice president since 21 February 2017.⁴ Ali Asadov remained prime minister during the reporting period.⁵ Colonel General Zakir Hasanov remained Defence Minister.⁶

Azerbaijan ranks 146 out of 167 on the Global Democracy Index 2020 produced by *The Economist*. The Economist regards the authorities in the countries ranking 111 and below as authoritarian.⁷

1.1.1 The New Azerbaijan Party (NAP)

Azerbaijan has a multi-party system. The ruling party, the NAP, is by far the largest party. According to the NAP, it had nearly 761,000 members in July 2021.⁸ During the reporting period, this party was entirely subservient to its chairman, President Aliyev. The NAP dominated parliament, with 70 of the 125 seats.⁹ On 5 March 2021, the seventh extraordinary party congress took place. This congress appointed Mehriban Aliyeva as the party's first deputy chairperson. It also expanded the party's Board from 20 to 40 members. In addition, the congress dissolved the 84-member Political Council. Some prominent members of this council were appointed to the new 35-member Council of Veterans.¹⁰

² Bertelsmann Stiftung, *Combatting and preventing corruption in Armenia, Azerbaijan and Georgia. How anti-corruption measures can promote democracy and the rule of law*, 28 October 2020, p. 46; Freedom House, *Freedom in the world 2021, Azerbaijan*, 3 March 2021, p. 2.

³ RFE/RL, *Analysis: Nagorno-Karabakh war transforms the legacy of Azerbaijani president Aliyev*, 17 December 2020; Carnegie Europe, *Unfinished business in the Armenia-Azerbaijan conflict*, 11 February 2021; Freedom House, *Nations in transit 2021, Azerbaijan*, 28 April 2021, p. 2; Confidential source, 20 April 2021.

⁴ Meydan TV, *First lady of Azerbaijan instated as first vice-president*, 21 February 2017; Freedom House, *Freedom in the world 2021, Azerbaijan*, 3 March 2021, p. 3.

⁵ Parliament of the Republic of Azerbaijan, *Cabinet of ministers' annual report is heard at a milli majlis sitting*, 16 March 2021; Freedom House, *Freedom in the world 2021, Azerbaijan*, 3 March 2021, p. 3.

⁶ In Azerbaijani his military rank is *general-polkovnik*. This is usually translated 'Colonel General'. Hasanov has held this position since 22 October 2013; RFE/RL, *Aliyev appoints new Azerbaijani cabinet*, 22 October 2013; AzerNews, *Azerbaijan, Pakistan mull navy cooperation, security*, 9 June 2021.

⁷ The EIU, *Democracy index 2020. In sickness and in health?*, 2 February 2021, p. 11-12.

⁸ The name of this party in Azerbaijani is *Yeni Azərbaycan Partiyası* (YAP); NAP, <http://yap.org.az/az/>, accessed 3 September 2021.

⁹ OC Media, *Constitutional court approved final results of Azerbaijani elections*, 6 March 2020; Parliament of the Republic of Azerbaijan, *Milli Majlis members*, <https://meclis.gov.az/cat-dep.php?cag=VI&cat=51&lang=en&sorted=okruk>, accessed 3 September 2021.

¹⁰ Among other things, the Political Council was involved in resolving personnel and other issues within the party and advising the party's Board. Chairman Ilham Aliyev reduced the Political Council's influence to the point where it could be dissolved. The Council of Veterans played no further significant role within the party; APA, *7th congress of New Azerbaijan Party held*, 5 March 2021; Turan, *New Azerbaijan congress abolished party's political council*, 5 March 2021; Turan, *What caused the structure of the change in the Yeni Azerbaijan Party?*, 5 March 2021; AzerNews, *Mehriban Aliyeva appointed as first deputy chairperson of ruling New Azerbaijan Party*, 5 March 2021;

1.1.2

Changes at the top

During the reporting period, some notable changes took place within the ranks of the political elite and military leadership. On 16 July 2020, President Aliyev fired the Foreign Minister, Elmar Mammadyarov, because of his attitude to work during the fighting in Tovuz (see 1.2.1). Mammadyarov had held this position since 2004. Many people were surprised by his dismissal.¹¹ The then Minister of Education, Jeyhun Bayramov, succeeded him. Emin Amrullayev then took up the post of Minister of Education on 27 July 2020.¹²

In July and August 2020, the state security service arrested a number of employees of the Ministry of Foreign Affairs on suspicion of corruption. One of them was Eldar Hasanov, who had been ambassador to Serbia since 2013. His arrest on 13 August 2020 took place under Articles 308.2 (abuse of office) and 308-1.1 (misuse of government budgets) of the Criminal Code (CC). No conviction was known to have taken place by the end of the reporting period.¹³

On 27 September 2020, the Second Nagorno-Karabakh War began. On 4 October 2020, the Ministry of Defence published a photo of a videoconference showing among other participants the chief of staff of the armed forces, Colonel General Najmeddin Sadiqov. A few days later, the ministry removed all information about Sadiqov from its official website. On 28 January 2021, the ministry confirmed that he was no longer serving. Local media reported that he had undergone heart surgery in Moscow.¹⁴ On 23 July 2021, the president appointed Lieutenant General Karim Valiyev as the new chief of staff.¹⁵

Lieutenant General Rövşan Akbarov was then arrested on 16 March 2021 for his alleged connection to a murder in Ukraine in 2001. The Ukrainian authorities identified him as a suspect in 2003, after which they handed the case over to the Azerbaijani authorities. According to some sources, the indictment in 2021 was an excuse to get rid of him. No conviction was known to have taken place by the end of the reporting period.¹⁶

Azerbaijan 24, *Political council of Azerbaijan's ruling party abolished*, 5 March 2021; Turan, *Congress under cover of secrecy*, 6 March 2021; Confidential source, 24 July 2021.

¹¹ Eurasianet, *Azerbaijan fires foreign minister*, 16 July 2020; RFE/RL, *Azerbaijani president replaces longtime foreign minister amid conflict escalation with Armenia*, 16 July 2020; Meydan TV, *Aliyev sacks foreign minister amid border clashes with Armenia*, 16 July 2020.

¹² Turan, *Emin Amrullayev appointed minister of Education*, 27 July 2020; JAMnews, *"Very active and highly critical": Azerbaijan's unexpected new education minister*, 29 July 2020.

¹³ Turan, *Eldar Hasanov's arrest period extended by four months*, 24 October 2020; AzerNews, *Arrest term for Azerbaijani ex-ambassador to Serbia extended*, 4 May 2021; Turan, *The court of appeal leaves Eldar Hasanov in custody*, 8 May 2021; Turan, *Eldar Hasanov underwent surgery at the hospital*, 13 July 2021; Caucasian Knot, *Advocates state grave condition of Eldar Gasanov, former Azerbaijani GPO head*, 1 August 2021; Turan, *Eldar Hasanov again admitted to SSS hospital*, 2 August 2021; Turan, *Investigation in the case of former prosecutor general Eldar Hasanov completed*, 16 August 2021; Turan, *The trial of Eldar Hasanov postponed to September 3*, 27 August 2021; Caucasian Knot, *Gasanov's defence accuses court of obstructing work of journalists*, 27 August 2021.

¹⁴ APA, *Azerbaijani MoD: Najmeddin Sadikov is not currently in military service*, 28 January 2021; JAMnews, *Is the Azerbaijani chief of general staff retired, fired or hospitalised?*, 28 January 2021; BBCM, *Azeri defence ministry says chief of general staff 'relieved from active duty'*, 29 January 2021; Eurasianet, *The mystery of Azerbaijan's missing army chief*, 3 March 2021.

¹⁵ BBCM, *Azeri president makes senior appointments in army*, 23 July 2021; APA, *Lieutenant general Karim Valiyev appointed chief of staff of the Azerbaijani army*, 23 July 2021.

¹⁶ In Azerbaijani his military rank is *general-leytenant*. This corresponds to the rank of Lieutenant General; JAMnews, *Azerbaijani general arrested for murder 20 years ago in Ukraine?*, 16 March 2021; Eurasianet, *Azerbaijan national hero, lieutenant general arrested on 20-year-old murder charges*, 19 March 2021; OC Media, *Azerbaijani 'hero general' arrested over 2001 murder*, 19 March 2021; Turan, *Preliminary investigation into General*

1.2 Security situation

After the Four-Day War in April 2016, the negotiation process between Azerbaijan and Armenia to find a solution to the conflict over Nagorno-Karabakh and the seven neighbouring districts¹⁷ once again stalled. Since 5 April 2016 a ceasefire had been in effect, but incidents continued to occur along the line of contact (LoC).¹⁸ On 6 July 2020, President Aliyev stated in an interview on three local television channels that peace negotiations with Armenia had stalled and that videoconferences between the two foreign ministers were pointless.¹⁹

1.2.1 The fighting in Tovuz

On 12 July 2020, the situation escalated on the Armenian-Azerbaijani border, which is not clearly defined in all places.²⁰ The two sides pressed each other with tanks, heavy artillery, mortars and other means. Several locations along the border were shelled, including the villages of Ağdam and Dondar Quşçu in the Azerbaijani district of Tovuz and the town of Berd and the village of Aygepar in Armenia's Tavush province.²¹ On 14 July 2020, a resident of the village of Ağdam was killed.²² Twelve soldiers died on the Azerbaijani side between 12 and 16 July 2020, including Major General Polad Həşimov and Colonel İlqar Mirzoyev.²³ Four soldiers were killed on the Armenian side,²⁴ and a fifth died of his injuries on 23 July 2020.²⁵ Although the fighting became less intense from 16 July 2020, machine guns, grenade launchers and sniper rifles were used almost daily after that point.²⁶ On 27 July 2020, an

Akperov's case completed, 1 July 2021; APA, *Trial of general Rovshan Akbarov begins*, 16 July 2021; Turan, *The court refused to transfer Rovshan Akperov under house arrest*, 16 July 2021; Confidential source, 20 April 2021.

¹⁷ Administratively, the Republic of Azerbaijan consists of 63 districts (*rayonlar*), 14 city districts (*şəhər rayonları*), 79 cities (*şəhərlər*) and 1 autonomous republic, the Autonomous Republic of Nakhchivan. The districts are subdivided into municipalities (*belediyyələr*). The seven districts bordering Nagorno-Karabakh that were not fully under the control of the Azerbaijani authorities until 2020 were Kalbajar, Ləçin, Qubadli, Zangilan, Füzuli, Jabrayıl and Ağdam; SSC, *Population of Azerbaijan 2020*, 3 May 2021, p. 11.

¹⁸ AA, *Azerbaijani soldier martyred in Armenian attack*, 5 March 2020; Caucasian Knot, *Azerbaijan reports enemy losses in Karabakh conflict zone*, 24 March 2020; Caucasian Knot, *Soldier of Nagorno-Karabakh army killed in Karabakh conflict zone*, 20 May 2020.

¹⁹ President of the Republic of Azerbaijan, *İlham Aliyev attended the inauguration of modular hospital for treatment of coronavirus patients opened in Khatai district of Baku*, 6 July 2020; Eurasianet, *Azerbaijani president calls into question negotiations with Armenia*, 7 July 2020.

²⁰ ICG, *Preventing a bloody harvest on the Armenia-Azerbaijan state border*, 24 July 2020; RFE/RL, *The new old frontier: Demarcation sparks tensions as Azerbaijani control returns along southern Armenian border*, 13 January 2021; Eurasianet, *Perspectives – On the Armenia-Azerbaijan border, the map is not the territory*, 15 March 2021.

²¹ AA, *Armenian army attacks civilian areas in Azerbaijan*, 14 July 2020; Garda, *Armenia: Azeri forces shell Berd (Tavush province) July 14*, 15 July 2020; RFE/RL, *'It was horrible': Villagers caught up in Armenian-Azerbaijani border clashes*, 16 July 2020; Armenpress, *Azerbaijan continues targeting Armenian peaceful civilian settlements, shells village kindergarten*, 16 July 2020.

²² AzerNews, *Azerbaijani MFA: Murder of Azerbaijani civilian by Armenian armed forces is bloody crime*, 14 July 2020; Trend, *Azerbaijani civilians' houses destroyed after shelling by Armenian armed forces*, 16 July 2020; OC Media, *The July escalation: Azerbaijani civilians in the line of fire*, 12 August 2020.

²³ In Azerbaijani his military rank is *general-mayor*. This corresponds to the rank of Major General; Meydan TV, *Azerbaijani general killed in border clash*, 14 July 2020; Turan, *The battles in the Tovuz direction continue*, 16 July 2020; MEI, *New old dynamics at play in the Armenia-Azerbaijan conflict*, 17 July 2020; APA, *Polad Hashimov, İlqar Mirzayev and İbad Hüseynov named National Hero of Azerbaijan*, 9 December 2020; ICG, *The Nagorno-Karabakh conflict: A visual explainer*, <https://www.crisisgroup.org/content/nagorno-karabakh-conflict-visual-explainer>, accessed 3 September 2021.

²⁴ JAMnews, *Armenia-Azerbaijan border calmer on 4th day of outbreak of fighting*, 15 July 2020; NEWS.am, *Armenian soldiers killed in Azerbaijani clashes are laid to rest*, 17 July 2020; NEWS.am, *Armenia president visits parents of captain Sos Elbakyan killed after Azerbaijani aggression*, 24 July 2020.

²⁵ NEWS.am, *Insurance fund for servicemen to grant compensation to deceased Armenian soldier's family*, 23 July 2020; Panorama.am, *Fallen soldier Artur Muradyan buried in Yerevan with full military honors*, 25 July 2020; NEWS.am, *Armenian soldier who died in Azerbaijani aggression is laid to rest*, 25 July 2020.

²⁶ RFE/RL, *Armenia accuses Azerbaijan of launching fresh attack on border*, 22 July 2020; APA, *Armenia violates ceasefire with Azerbaijan 65 times*, 6 September 2020; Azertac, *Armenia violates ceasefire with Azerbaijan 69 times throughout the day*, 24 September 2020.

Armenian soldier was killed by a sniper,²⁷ and on 23 August 2020, the Azerbaijani armed forces captured an Armenian soldier in Goranboy district.²⁸ According to the Azerbaijani Ministry of Defence, an Azerbaijani soldier was killed near Tovuz on 21 September 2020.²⁹

1.2.2 *The Second Nagorno-Karabakh War*

On 27 September 2020, heavy fighting broke out along the 250-kilometre-long, heavily militarised LoC. This fighting lasted for 44 days. A description is given below of the overall developments and a number of notable incidents. It is not the intention here to provide a complete overview of all events.

1.2.2.1 The outbreak of the war

Both Armenia and Azerbaijan denied being the instigators of the fighting on 27 September 2020.³⁰ According to the Azerbaijani Ministry of Defence, Armenian armed forces carried out artillery shelling around 6 am. The Azerbaijani armed forces then counterattacked using tanks, artillery missiles, planes, helicopters and drones.³¹ However, according to the Armenian defence minister, Azerbaijani armed forces launched several attacks in the morning, after which the Armenian-backed armed forces of Nagorno-Karabakh counterattacked.³² At just after 8.30 am, Armenian Prime Minister Pashinyan declared martial law and ordered a general mobilisation.³³

1.2.2.2 The partial mobilisation

On 28 September 2020, President Aliyev ordered a partial mobilisation.³⁴ The State Service for Mobilization and Conscription (SSMC) only called up a portion of the conscripts, for specific tasks, since there were enough reservists and volunteers. The SSMC did not call up everyone, but only reservists, sailors and non-commissioned officers up to the age of 35 and officers up to the age of 50, and sometimes older in the case of specific knowledge and experience. The call-up was carried out by telephone, text message or in person.³⁵ On 30 September 2020, the Ministry of

²⁷ Zartok Media, *Armenian soldier Ashot Mikaelyan killed by Azeri sniper fire*, 27 July 2020; APA, *Armenian soldier who resorted to provocation on border with Azerbaijan was destroyed*, 27 July 2020; Eurasianet, *Fighting between Armenians and Azerbaijanis spills beyond Caucasus*, 27 July 2020.

²⁸ JAMnews, *Azerbaijani defense ministry reports 'diversion attempt' of Armenian forces, Armenia denies claim*, 24 August 2020; OC Media, *Azerbaijan 'captures Armenian saboteur'*, 24 August 2020; Trend, *International Committee of Red Cross starts talks regarding captured Armenian officer*, 25 August 2020.

²⁹ AzerNews, *Azerbaijani serviceman killed in Armenian attack on border*, 21 September 2020; Daily Sabah, *Azerbaijani soldier killed as Armenia violates cease-fire in Tovuz*, 21 September 2020; RFE/RL, *Baku says soldier killed on border with Armenia*, 21 September 2020.

³⁰ Al Jazeera, *Armenia-Azerbaijan clashes: Live news*, 27 September 2020; Forbes, *Tanks ablaze as Azerbaijani forces attack Armenian troops in disputed Nagorno-Karabakh*, 27 September 2020; VOA, *Armenia, Azerbaijan exchange accusations over heavy fighting in Nagorno-Karabakh*, 27 September 2020; BBC News, *Armenia and Azerbaijan fight over disputed Nagorno-Karabakh*, 28 September 2020; The Guardian, *Why are Armenia and Azerbaijan fighting and what are the implications?*, 5 October 2020.

³¹ MinDef, *Civilians and human settlements of Azerbaijan exposed to enemy fire*, 27 September 2020.

³² Nagorno-Karabakh declared its independence on 2 September 1991. Although the international community does not recognise this state, Nagorno-Karabakh behaves de facto as an independent republic with its own legislature, executive and judiciary, under Armenian influence and with the protection of the Armenian armed forces. The armed forces of Nagorno-Karabakh are also known as the Defence Army of the Republic of Artsakh. There is extensive cooperation between Nagorno-Karabakh and the Republic of Armenia in the area of defence; Ministry of Defence of the Republic of Armenia, *The message of Minister of Defence of the Republic of Armenia David Tonoyan*, 27 September 2020; Armenpress, *Artsakh Defense Army exists, will remain and will become more combative – President Harutyunyan*, 18 May 2021.

³³ France 24, *Armenia, Azerbaijan in clashes over disputed Nagorno-Karabakh region*, 27 September 2020; Reuters, *Armenia declares martial law and mobilization over Nagorno-Karabakh*, 27 September 2020.

³⁴ MinCom, *Order of the President of the Republic of Azerbaijan on the announcement of partial mobilization in the Republic of Azerbaijan*, 28 September 2020; Reuters, *Azerbaijan declares partial military mobilisation – president's decree*, 28 September 2020.

³⁵ Under Azerbaijani law, any man who completes his military service and chooses not to remain in the army as a professional soldier may be called up as a reservist until the age of 50; AA, *Azerbaijan declares partial military*

Defence also called on people with combat experience to contact the SSMC and volunteer.³⁶ See 3.1.2.4 for more information about the deployment of conscripts during the war.

1.2.2.3

The advance of the Azerbaijani forces

During the war, the Azerbaijani forces proved to be better equipped than the Armenian forces and the Armenian-backed forces of Nagorno-Karabakh.³⁷ However, because there was widespread disinformation during the war and no independent observers on the ground, it was not really possible to verify the reporting of the Azerbaijani and Armenian authorities on the course of the war.³⁸

On the morning of 27 September 2020, the Azerbaijani Defence Ministry reported the capture of four villages in the Füzuli district and two villages in the Jabrayil district. In the afternoon, it reported the capture of Mount Murovdağ, which is strategically located near the main road between the cities of Vardenis in Armenia and Martakert in Nagorno-Karabakh.³⁹ However, the de facto authorities in Nagorno-Karabakh disputed these claims.⁴⁰

On 4 October 2020, President Aliyev then reported the capture of the city of Jabrayil and a number of surrounding villages.⁴¹ The de facto authorities in Nagorno-Karabakh disputed these claims.⁴²

On 9 October 2020, President Aliyev reported the capture of the town of Hadrut.⁴³ The de facto authorities in Nagorno-Karabakh disputed this claim.⁴⁴ Around 14 October 2020, two video recordings appeared on Azerbaijani Telegram channels. The first recording, lasting almost two minutes, showed Russian and Azerbaijani-speaking soldiers capturing two Armenian soldiers near Hadrut. The second recording showed two men who looked like the two Armenian men in the first video being shot dead in a park in Hadrut. According to the Azerbaijani Ministry of

mobilization, 28 September 2020; SSMC, *Every citizen of Azerbaijan has responded with great enthusiasm to the call for mobilization*, 29 September 2020; Eurasianet, *Armenians and Azerbaijanis are called to war*, 30 September 2020; Confidential source, 6 April 2021; Confidential source, 1 July 2021.

³⁶ MinDef, *Azerbaijani defence ministry addresses volunteers who want to join fighting*, 30 September 2020.

³⁷ Al Jazeera, *Infographic: Military arsenals of Armenia and Azerbaijan*, 1 October 2020; Financial Times, *Drones and missiles tilt war with Armenia in Azerbaijan's favour*, 28 October 2020.

³⁸ BBC News, *Nagorno-Karabakh: The Armenian-Azeri 'information wars'*, 26 October 2020; IPHR, Truth Hounds & Global Diligence LLP, *When embers burst into flames. International humanitarian law and human rights law violations during the 2020 Nagorno-Karabakh war*, May 2021, p. 9.

³⁹ The city of Martakert is called Ağdara in Azerbaijani; MinDef, *Azerbaijani army liberates several occupied villages*, 27 September 2020; Daily Sabah, *Azerbaijan destroys Armenian military equipment in retaliation, Aliyev says*, 27 September 2020; AA, *Azerbaijan frees 7 villages from Armenian occupation: Envoy*, 27 September 2020; MinDef, *An important high ground in the Murovdag mountain range was liberated*, 27 September 2020; Trend, *Azerbaijani defense ministry: Murovdag peak of Murov mountain system liberated*, 27 September 2020; AzerNews, *Azerbaijan showcases Armenia's military equipment captured in Fuzuli*, 1 October 2020.

⁴⁰ OC Media, *First day of clashes between Armenia and Azerbaijan*, 27 September 2020; The Armenian Weekly, *Artsakh Defense Army holds its own in second day of heavy fighting*, 28 September 2020.

⁴¹ AA, *Azerbaijan liberates Jabrayil town from Armenian occupation*, 4 October 2020; Daily Sabah, *Azerbaijan liberates key Jabrayil province from Armenian occupation*, 4 October 2020; Meydan TV, *Jabrayil region and several villages under Azerbaijani control*, 4 October 2020.

⁴² Armenpress, *Artsakh denies Aliyev's claim on Azeri forces capturing Jabrayil*, 4 October 2020; NEWS.am, *Artsakh conforms: Reports spread by Azerbaijani media about alleged capture of Jabrayil is lie*, 4 October 2020.

⁴³ AA, *Azerbaijan liberates town, several occupied villages*, 9 October 2020; JAMnews, *Karabakh: the battle for Hadrut and why it's important*, 12 October 2020.

⁴⁴ Caucasian Knot, *Armenia and Azerbaijan make conflicting statements about control over Hadrut*, 9 October 2020; Public Radio of Armenia, *Aliyev's claims on having captured Hadrut denied*, 9 October 2020; Armenpress, *Azeri forces launch sabotage raid on town of Hadrut in Artsakh*, 10 October 2020.

Defence, these recordings were staged. However, research collective Bellingcat concluded that the recordings were authentic.⁴⁵

On 20 October 2020, President Aliyev reported the capture of the city of Zangilan and villages in Zangilan, Khojavand, Füzuli and Jabrayil districts.⁴⁶ Then, on 2 November 2020, the president reported the capture of eight villages in Jabrayil, Zangilan and Qubadli districts.⁴⁷ On 8 November 2020, the president reported the capture of the strategically positioned city of Şuşa (in Armenian: Shushi) in Nagorno-Karabakh. This meant that Azerbaijani forces had taken one third of Nagorno-Karabakh. Following this news, the people of Baku took to the streets en masse to celebrate the conquest of Şuşa.⁴⁸ However, according to the Armenian authorities, the fighting for this city was still in full swing at the time.⁴⁹

1.2.2.4

Violence against the civilian population

According to several human rights groups, both sides were guilty of indiscriminate violence against the civilian population during the war.⁵⁰ From the first day of the war, shelling occurred in parts of Azerbaijan, Armenia and Nagorno-Karabakh, causing many civilian casualties.⁵¹ On 7 December 2020, the Azerbaijani public prosecutor's office announced that one hundred Azerbaijani civilians had died between 27 September 2020 and 7 December 2020.⁵² On 29 January 2021, the Ombudsman's office in Stepanakert announced that at least 72 Armenian citizens had died between 27 September 2020 and 28 January 2021.⁵³ According to the International Crisis Group (ICG), 92 Azerbaijani civilians and 77 Armenian civilians were killed.⁵⁴ According to Amnesty International (AI), at least 94 Azerbaijani civilians and at least 52 Armenian civilians were killed.⁵⁵ The following are some examples of violence against the civilian population. This list is by no means exhaustive.

⁴⁵ Bellingcat, *An execution in Hadrut*, 15 October 2020; BBCM, *Azerbaijan probing video of 'Armenian POW execution'*, 16 October 2020; BBC News, *Nagorno-Karabakh conflict: 'Execution' video prompts war crime probe*, 24 October 2020; OC Media, *Videos appear to show more war crimes in Nagorno-Karabakh*, 24 November 2020; IPHR et al., *When embers burst into flames*, May 2021, p. 76.

⁴⁶ AA, *Azerbaijan frees Zangilan city, more occupied villages*, 20 October 2020; SMS, *President Ilham Aliyev announced the names of newly liberated residential settlements*, 20 October 2020; AP, *Nagorno-Karabakh fighting continues despite truce efforts*, 20 October 2020; Eurasianet, *Azerbaijan continues advance deeper into Armenian-held territory*, 21 October 2020.

⁴⁷ AA, *Azerbaijan liberates 8 more villages from Armenia's occupation*, 2 November 2020; JAMnews, *News, reports, media on combat in Karabakh. November, 2, 2020*, 2 November 2020.

⁴⁸ The Guardian, *Azerbaijan claims to have captured key town in Nagorno-Karabakh*, 8 November 2020; AP, *Azerbaijani leader: Forces seize key Nagorno-Karabakh city*, 8 November 2020; AA, *Shusha, more than just a city for Azerbaijanis*, 8 November 2020; Eurasianet, *Azerbaijanis celebrate retaking of Shusha*, 8 November 2020; RFE/RL, *Azerbaijani military takes over key town in Nagorno-Karabakh*, 9 November 2020.

⁴⁹ France 24, *Azerbaijan says has taken key Karabakh town of Shusha*, 8 November 2020; BBC News, *Nagorno-Karabakh: Azerbaijan 'takes key town' in Armenia conflict*, 8 November 2020; VOA, *Armenia denies claim Azerbaijan captured key city in Nagorno-Karabakh*, 9 November 2020.

⁵⁰ AI, *Azerbaijan/Armenia: Scores of civilians killed by indiscriminate use of weapons in conflict over Nagorno-Karabakh*, 14 January 2021; HRW, *World report 2021, Azerbaijan*, February 2021; IPHR et al., *When embers burst into flames*, May 2021, p. 5.

⁵¹ MinDef, *Armenian army kills 5 members of Azerbaijani family*, 27 September 2020; Azertac, *Gurbanovs' family became victims of Armenian provocation: two of those killed were schoolchildren*, 28 September 2020; AzerNews, *Two schoolchildren among Azerbaijani civilians killed in Armenian attack*, 28 September 2020; Trend, *Azerbaijani Ombudsman investigating civilian casualties from new Armenian aggression*, 29 September 2020; Reuters, *Armenia reports first deaths on its soil after Azeri shelling*, 29 September 2020; RFE/RL, *Azerbaijani, Armenian civilians under fire as conflict flares over Nagorno-Karabakh*, 30 September 2020; HRW, *Armenia: Unlawful rocket, missile strikes on Azerbaijan*, 11 December 2020; AI, *In the line of fire. Civilian casualties from unlawful strikes in the Armenian-Azerbaijani conflict over Nagorno-Karabakh*, 14 January 2021, p. 12.

⁵² Azertac, *Death toll from Armenian military's crimes against Azerbaijani civilian population reaches 100*, 7 December 2020; AzerNews, *Civilian death toll in Armenian attacks reaches 100*, 8 December 2020.

⁵³ Armenpress, *Artsakh Ombudsman's office updates interim report on killing of civilians by Azerbaijani forces*, 29 January 2021.

⁵⁴ ICG, *The Nagorno-Karabakh conflict: A visual explainer*.

⁵⁵ AI, *In the line of fire*, 14 January 2021, p. 5 and 13.

In the first week of October 2020, the Azerbaijani army shelled the regional capital Stepanakert, killing at least four civilians, according to AI.⁵⁶ According to various sources, the Azerbaijani army used, among other things, unguided Smerch MLRS artillery rockets and LAR-160 artillery rockets with cluster munitions. These rockets can cause great damage in populated areas. In addition, they can cause further civilian casualties after coming down, as not all submunitions explode on impact.⁵⁷

Various sources reported that rocket attacks took place on Ganja, Azerbaijan's second largest city, on 4-5 October 2020. Human Rights Watch (HRW) reported that Smerch rockets struck residential areas of the city.⁵⁸ One civilian was killed and at least 40 were injured.⁵⁹ On 11 October 2020, an R-17 (Scud-B) ballistic missile then landed in a residential area of the city of Ganja. Ten civilians were killed and at least 40 were injured.⁶⁰ On 17 October 2020, three R-17 (Scud-B) missiles hit a residential area and a factory in Ganja. At least 13 civilians were killed and 40 were injured.⁶¹

In addition, according to various sources, there was shelling on 8 October 2020 in which the nineteenth-century Ghazanchetsots Cathedral in the city of Şuşa (in Armenian: Shushi), which was still under Armenian control at the time, was hit twice. After people came to assess the damage after the first shelling, a second shelling took place, in which two Russian journalists were injured.⁶²

Various sources also reported that during a funeral in the Azerbaijani city of Terter on 15 October 2020, four civilians were killed and four were injured after the cemetery was shelled.⁶³ HRW investigated this event and spoke to witnesses about it.⁶⁴

⁵⁶ The city of Stepanakert is called Khankendi in Azerbaijani; Armenpress, *Civilians killed by Azeri bombardments of Stepanakert city and Shushi*, 4 October 2020; AI, *In the line of fire*, 14 January 2021, p. 14.

⁵⁷ LAR stands for Light Artillery Rocket system. MLRS stands for Multiple Launch Rocket Systems; Panorama.am, *Azerbaijan using LAR-160 cluster munitions against Artsakh civilians*, 3 October 2020; AI, *Armenia/Azerbaijan: Civilians must be protected from use of banned cluster bombs*, 5 October 2020; Janes, *Armenia and Azerbaijan trade heavy fire*, 8 October 2020; HRW, *Azerbaijan: Cluster munitions used in Nagorno-Karabakh*, 23 October 2020; HRW, *Azerbaijan: Unlawful strikes in Nagorno-Karabakh*, 11 December 2020.

⁵⁸ HRW, *Armenia: Unlawful rocket, missile strikes on Azerbaijan*, 11 December 2020.

⁵⁹ Al Jazeera, *Nagorno-Karabakh: Azerbaijan says civilian killed in Ganja*, 4 October 2020; DW, *Azerbaijan accuses Armenian forces of shelling Ganja*, 4 October 2020; The Guardian, *Nagorno-Karabakh: Azerbaijan accuses Armenia of rocket attack*, 5 October 2020; IPHR et al., *When embers burst into flames*, May 2021, p. 43.

⁶⁰ Daily Sabah, *Armenia's overnight shelling in Ganja kills 9 civilians: Azerbaijan*, 11 October 2020; AA, *Azerbaijan: 10 dead in Armenian strike on Ganja city*, 12 October 2020; Al Jazeera, *Hours after truce agreed, children became orphans in Azerbaijan*, 15 October 2020; HRW, *Armenia: Unlawful rocket, missile strikes on Azerbaijan*, 11 December 2020; IPHR et al., *When embers burst into flames*, May 2021, p. 48.

⁶¹ Al Jazeera, *Civilians killed in Ganja as Nagorno-Karabakh conflict escalates*, 17 October 2020; JAMnews, *Azerbaijani city of Ganja hit by second missile strike, dozens amongst dead, wounded*, 17 October 2020; BBCM, *Azerbaijan says 12 killed in Armenian missile strike on western city*, 17 October 2020; Garda, *Azerbaijan: Death toll from Ganja rocket attack rises October 17/update 18*, 17 October 2020; Caucasian Knot, *Count of victims of strike on Ganja reaches 65*, 17 October 2020; Daily Sabah, *Armenian missile attack kills 13 civilians in Azerbaijan's Ganja*, 17 October 2020; NOS, *Azerbeidzjan meldt burgerdoden na Armeense aanval, Armenië ontkent*, 17 October 2020; Trend, *Damage to Azerbaijan's Ganja city from Armenian aggression revealed*, 20 October 2020; Turan, *Russian citizen becomes victim of shelling of Ganja*, 24 October 2020; HRW, *Armenia: Unlawful rocket, missile strikes on Azerbaijan*, 11 December 2020; Turan, *Ganja residents who suffered from missile strikes received apartments*, 22 March 2021; IPHR et al., *When embers burst into flames*, May 2021, p. 52.

⁶² In Azerbaijani this cathedral is called the Qazançi kilisesi; CPJ, *Shelling injures 2 Russian journalists in Nagorno-Karabakh; Armenian government revokes journalist's accreditation*, 8 October 2020; Garda, *Azerbaijan: Journalists injured in alleged artillery strike on cathedral in Shusha (Nagorno-Karabakh) October 8/update 10*, 8 October 2020; BBC News, *Nagorno-Karabakh: Armenia accuses Azerbaijan of targeting cathedral*, 8 October 2020; AP, *Armenia says cathedral shelled in clashes with Azerbaijan*, 9 October 2020; HRW, *Azerbaijan: Attack on church possible war crime*, 16 December 2020; Eurasianet, *Azerbaijan begins controversial renovation of Armenian church*, 7 May 2020; IPHR et al., *When embers burst into flames*, May 2021, p. 97.

⁶³ MinDef, *Azerbaijani MFA: Armenia's shelling of Terter cemetery – another act of barbarism*, 15 October 2020; AA, *Armenia shelling kills 3 in Azerbaijan funeral ceremony*, 15 October 2020; Caucasian Knot, *Eight persons fell*

On 27 October 2020, according to various sources, a rocket attack on the village of Qarayusifli in Azerbaijan's Barda district killed five civilians and injured at least 13.⁶⁵ The next day, a number of Smerch missiles struck the centre of the city of Barda, including near two clinics. One of the missiles hit a busy intersection. The attack left at least 21 civilians dead and more than 70 injured.⁶⁶

On 22 November and 3 December 2020, two beheading videos appeared on social media, including Telegram. One recording showed the beheading of an Armenian citizen who, according to his fellow villagers, came from the village of Madatashen (in Azerbaijani: Madadkend) in the Khojali district. The other recording showed the beheading of an Armenian citizen who, according to his fellow villagers, came from the village of Azokh (in Azerbaijani: Azikh) in the Khojavand district.⁶⁷

1.2.2.5 Prosecution of military personnel and others

The Azerbaijani prosecutor general's office reported on 14 December 2020 that two Azerbaijani soldiers had been charged with mutilating the bodies of fallen Armenian soldiers. Two soldiers were also charged with destroying Armenian tombstones in a village in Khojavand district. It is not known whether these four soldiers were ultimately convicted.⁶⁸ The same office also initiated criminal proceedings against a number of soldiers who had fought on the Armenian side.⁶⁹

During and after the Second Nagorno-Karabakh War, reports and video images emerged of the mistreatment and torture of Armenian soldiers and civilians during their imprisonment, while they were being transported as prisoners or during their stay in the various detention facilities in Azerbaijan.⁷⁰ Reports also emerged of

victim to shelling attack on a cemetery in Terter, 15 October 2020; Daily Sabah, Armenia hits civilians visiting cemetery in Azerbaijan's Tartar, 15 October 2020; Trend, Azerbaijan discloses names of those killed, wounded at Tartar cemetery during Armenian armed forces' shelling, 15 October 2020; Trend, Death toll as result of deliberate shelling of cemetery in Azerbaijan's Tartar by Armenia increases, 15 October 2020.

⁶⁴ HRW, *Armenia: Unlawful rocket, missile strikes on Azerbaijan*, 11 December 2020.

⁶⁵ Garda, *Armenia: Missile strike kills civilians in Barda as clashes continue in Nagorno-Karabakh region October 27 /update 21*, 27 October 2020; AI, *In the line of fire*, 14 January 2021, p. 11; IPHR et al., *When embers burst into flames*, May 2021, p. 57-60.

⁶⁶ Reuters, *Civilians killed as Nagorno-Karabakh conflict deepens*, 28 October 2020; Daily Sabah, *Armenia's rocket attack on Azerbaijan's Barda kills at least 21 civilians*, 28 October 2020; AI, *Armenia/Azerbaijan: First confirmed use of cluster munitions by Armenia 'cruel and reckless'*, 29 October 2020; HRW, *Armenia: Cluster munitions kill civilians in Azerbaijan*, 30 October 2020; RFE/RL, *The Smerch rocket: A fearsome symbol of the Nagorno-Karabakh war*, 9 November 2020; AI, *In the line of fire*, 14 January 2021, p. 10; IPHR et al., *When embers burst into flames*, May 2021, p. 60.

⁶⁷ JAMnews, *Throat cutting video from Karabakh sends Armenian, Azerbaijani public into uproar – for different reasons*, 9 December 2020; Eurasianet, *Evidence of widespread atrocities emerges following Karabakh war*, 9 December 2020; AI, *Armenia/Azerbaijan: Decapitation and war crimes in gruesome videos must be urgently investigated*, 10 December 2020; RFE/RL, *Probe sought into Nagorno-Karabakh 'decapitations,' other 'war crimes'*, 10 December 2020; The Guardian, *Two men beheaded in videos from Nagorno-Karabakh war identified*, 15 December 2020; Der Spiegel, *Zwei Zivilisten in Bergkarabach enthauptet – mutmaßlich durch aserbaidjanische Soldaten*, 15 December 2020; The Washington Post, *Videos from Nagorno-Karabakh conflict prompt accusations of war crimes*, 25 December 2020.

⁶⁸ BBC News, *Nagorno-Karabakh conflict: Azeri soldiers charged with war crimes*, 14 December 2020; Al Jazeera, *Azerbaijan arrests soldiers suspected of war crimes*, 14 December 2020; RFE/RL, *Azerbaijani soldiers arrested for desecration, vandalism during Nagorno-Karabakh conflict*, 14 December 2020; USCIRF, *Annual report 2021*, April 2021, p. 59.

⁶⁹ Azertac, *Azerbaijani prosecutor general's office launches criminal case against those who established terrorist organizations in occupied territories*, 3 November 2020; Trend, *Prosecutor demands 20 years in prison for Lebanese citizen accused of terrorist activity against Azerbaijan*, 8 June 2021; BBCM, *Azerbaijan jails two Armenian captives for four years*, 3 July 2021; AzerNews, *Two Armenians receive lengthy prison terms for torturing Azerbaijani POWs*, 2 August 2021.

⁷⁰ HRW, *Azerbaijan: Armenian prisoners of war badly mistreated*, 2 December 2020; Eurasianet, *Evidence of widespread atrocities emerges following Karabakh war*, 9 December 2020; AI, *Armenia/Azerbaijan: Decapitation*

Armenian prisoners who may have died as a direct result of severe mistreatment or torture.⁷¹ It is not known whether Azerbaijani soldiers or others have been convicted for this in Azerbaijan.

1.2.2.6

The ceasefire agreement of 9 November 2020

On 9 October 2020, 17 October 2020, and 25 October 2020, Armenia and Azerbaijan agreed temporary ceasefires, none of which lasted long.⁷² Ultimately, on 9 November 2020, the two countries agreed, together with Russia, on a nine-point ceasefire agreement that did last.⁷³ However, this trilateral declaration was not a peace treaty. It also made no mention of the role of the OSCE Minsk Group, which has been working for a lasting and peaceful solution to the conflict since the 1990s. Nor did it say anything about the future status of Nagorno-Karabakh.⁷⁴

Azerbaijan celebrated the provisional outcome of the conflict as a major victory. This was followed by a major victory parade in Baku on 10 December 2020, in the presence of Turkish President Erdoğan.⁷⁵

On the basis of information from the Azerbaijani and Armenian authorities, the Second Nagorno-Karabakh War (27 September 2020 – 10 November 2020) claimed the lives of more than 6,600 Armenian and Azerbaijani soldiers. The Azerbaijani Ministry of Defence published a list of 2,907 names of fallen soldiers and 7 names of missing persons on 14 July 2021.⁷⁶ On 24 August 2021, the Armenian Prime Minister Pashinyan announced that the death toll at that time was 3,773 Armenian soldiers, with a further 243 missing in action.⁷⁷

Point 1 of the ceasefire agreement required the fighting to end on 10 November 2020 at midnight Moscow time. Both sides stopped at their positions, after which they dug in.⁷⁸ Nevertheless, incidents continued to occur after 10 November 2020, sometimes resulting in fatalities.⁷⁹ For example, on 11 and 12 December 2020,

and war crimes in gruesome videos must be urgently investigated, 10 December 2020; The Washington Post, *Videos from Nagorno-Karabakh conflict prompt accusations of war crimes*, 25 December 2020; JAMnews, *Everything known about Armenian PoWs in Azerbaijan*, 28 December 2020; HRW, *Azerbaijan: Armenian POWs abused in custody*, 19 March 2021; BBCM, *Azerbaijan rejects HRW report on POW abuse as 'one-sided'*, 23 March 2021; Vice News, *'They chained me to a radiator and beat me': Armenian POWs speak out*, 26 April 2021; EUobserver, *The glowing embers of Nagorno Karabakh*, 8 June 2021.

⁷¹ Open Democracy, *Survivors of unlawful detention in Nagorno-Karabakh speak out about war crimes*, 12 March 2021; Armenpress, *Azerbaijani servicemen tortured and killed 19 Armenian POWs*, 3 May 2021; OC Media, *Nineteen Armenians 'killed in Azerbaijani captivity'*, 4 May 2021; CivilNet, *Legal appeals filed over Armenians executed in Azerbaijani custody*, 4 May 2021.

⁷² The Guardian, *Fresh Azerbaijani shelling shatters peace after fragile ceasefire agreed*, 10 October 2020; The Guardian, *Nagorno-Karabakh: Armenia and Azerbaijan accuse each other of breaking fresh truce*, 18 October 2020; The Guardian, *Azerbaijan and Armenia trade accusations of breaking US-brokered truce*, 26 October 2020.

⁷³ President of Russia, *Statement by president of the Republic of Azerbaijan, prime minister of the Republic of Armenia and president of the Russian Federation*, 10 November 2020; JAMnews, *Karabakh truce: return of outlying regions, Azerbaijani refugees, introduction of Russian peacekeepers*, 10 November 2020.

⁷⁴ Chatham House, *Russia's peace imposed on Armenia-Azerbaijan bloodshed*, 12 November 2020; Eurasianet, *Perspectives: The OSCE's Minsk Group: A unipolar artifact in a multipolar world*, 11 May 2021.

⁷⁵ RFE/RL, *Azerbaijan displays military hardware in 'victory' parade after conflict with Armenia*, 10 December 2020; Al Jazeera, *Azerbaijan celebrates Nagorno-Karabakh victory, Erdogan attends*, 10 December 2020.

⁷⁶ MinDef, *List of servicemen who became shehids in the Patriotic War*, 14 July 2021.

⁷⁷ Armenpress, *Number of Artsakh war casualties is 3773, another 243 MIA – says PM Pashinyan*, 24 August 2021.

⁷⁸ Midnight Moscow time corresponds to 1 am in Armenia and Azerbaijan; OC Media, *Armenia and Azerbaijan agree peace deal over Nagorno-Karabakh*, 10 November 2020; BBCM, *Russia oversees new Karabakh peace deal – full Kremlin statement*, 10 November 2020; ICG, *Post-war prospects for Nagorno-Karabakh*, 9 June 2021, p. 7.

⁷⁹ RFE/RL, *Shots ring out: On the front line in a divided Karabakh village*, 18 December 2020; Report, SBS: *Armenia committed provocations on border with Azerbaijan*, 22 April 2021; BBCM, *Azerbaijan, Karabakh report truce violations*, 22 April 2021; Al Jazeera, *Armenia says soldier killed in border shoot-out with Azeri forces*, 25 May 2021; Daily Sabah, *Azerbaijan captures 6 Armenian servicemen trying to cross border*, 27 May 2021; RFE/RL,

clashes took place near the town of Hadrut, during which the Azerbaijani army captured more than 60 Armenians.⁸⁰ Furthermore, the Azerbaijani Ministry of Defence stated on 13 December 2020 that four soldiers had died since the ceasefire.⁸¹ The ministry also stated that an Azerbaijani soldier and six Armenian assailants were killed in an attack on 28 December 2020 in Khojavand district.⁸²

Tensions rose again on 12 May 2021 after Azerbaijani soldiers took up positions around Qaragöl ('Black Lake'). Referring to a Soviet-era border marker, Azerbaijan stated that the soldiers had not crossed the border. However, Armenia referred to a topographical map from the 1970s which suggests the border runs right through the lake. The next day, Armenia reported that Azerbaijani troops had also occupied new positions in two other places along the border.⁸³ In response, Russia proposed to set up a commission to oversee the fixing of the border between Armenia and Azerbaijan.⁸⁴

Point 2 of the ceasefire agreement stated that Armenia was to hand over the district of Ağdam to Azerbaijan on 20 November 2020. On the morning of 20 November 2020, Azerbaijani troops entered Ağdam, after the Armenian forces had withdrawn from the district the day before. Many Armenian residents set their homes on fire when they left.⁸⁵ There are no reports of ethnic Armenians remaining in this district.

Point 3 stipulated that a peacekeeping mission would be set up in the region to monitor the ceasefire, with 1,960 lightly armed Russian peacekeepers to be stationed along the LoC with the area of Nagorno-Karabakh not under the control of the Azerbaijani authorities and along the section of the Lachin corridor connecting the

Azerbaijan captures six Armenian soldiers in latest border incident, 27 May 2021; Al Jazeera, *Azerbaijan captures six Armenian soldiers as border tensions rise*, 27 May 2021; Al Jazeera, *Azerbaijan accuses Armenia of shooting as border tensions rise*, 28 May 2021; RFE/RL, *Azerbaijan claims soldier wounded in Armenia shelling*, Yerevan denies, 28 May 2021; Turan, *Positions of the Azerbaijani armed forces in the Tovuz direction were shelled*, 28 June 2021; MinDef, *A serviceman of the Azerbaijan army was wounded*, 6 July 2021; RFE/RL, *Armenian soldier killed in latest shoot-out along Azerbaijani border*, 14 July 2021; OC Media, *Fresh clashes on Nakhchivan border*, 20 July 2021; The Independent, *Clashes on Armenia-Azerbaijan border leave 3 dead, 4 wounded*, 28 July 2021; RFE/RL, *Azerbaijan, Armenia trade blame over latest deadly border clashes*, 28 July 2021.

⁸⁰ JAMnews, *Azerbaijani forces attack Armenian post in Karabakh, several wounded*, 12 December 2020; The Guardian, *Nagorno-Karabakh: both sides blame each other over ceasefire violations*, 12 December 2020; RFE/RL, *Armenia, Azerbaijan trade accusations for Nagorno-Karabakh cease-fire violations*, 12 December 2020; Al Jazeera, *Ethnic Armenians accuse Azeri forces of taking troops prisoner*, 16 December 2020; RFE/RL, *Dozens of Armenian soldiers 'captured' in Nagorno-Karabakh raid*, 16 December 2020; Al Jazeera, *Azerbaijan jails 13 Armenian military personnel for six years*, 23 July 2021.

⁸¹ VOA, *Azerbaijan says 4 soldiers killed amid cease-fire violations in Nagorno-Karabakh*, 13 December 2020; DW, *Nagorno-Karabakh: Azerbaijan discloses troop deaths despite cease-fire*, 13 December 2020; AA, *Azerbaijan says Armenia violated cease-fire in Karabakh*, 13 December 2020; RFE/RL, *Azerbaijan says four soldiers killed amid cease-fire violations in Nagorno-Karabakh*, 13 December 2020.

⁸² Al Jazeera, *Nagorno-Karabakh: Azerbaijan says one dead in Armenian attack*, 28 December 2020; Daily Sabah, *Armenian forces violate cease-fire in Nagorno-Karabakh, kill 1 Azerbaijani soldier*, 28 December 2020; RFE/RL, *Leaders of breakaway Nagorno-Karabakh reject Azerbaijani claims of deadly attack*, 28 December 2020.

⁸³ In Armenian: *Sev Lich*. This border lake is located near Mount Ishkhanasar. The mountain overlooks the motorway to the city of Goris in southern Armenia; Asbarez, *Soviet-era maps being used to mark Armenia-Azerbaijan border*, 29 March 2021; The Armenian Mirror Spectator, *Azerbaijani intruders pressured to retreat as Armenia puts CSTO alliance to the test*, 14 May 2021; Eurasianet, *Armenia and Azerbaijan in new border crisis*, 14 May 2021; RFE/RL, *Armenia turns to Russian-led CSTO amid border standoff with Azerbaijan*, 14 May 2021.

⁸⁴ Al Jazeera, *Russia offers to help demarcate Armenia-Azerbaijan border*, 19 May 2021; RFE/RL, *Russia proposes Armenia-Azerbaijan commission to demarcate border amid incursion dispute*, 19 May 2021; AA, *Russia suggests organizing commission on Armenia, Azerbaijan border delimitation*, 20 May 2021; TASS, *Baku backs Russia's proposal for solution to Azerbaijan's border dispute with Armenia – PM*, 29 May 2021.

⁸⁵ AP, *Azerbaijani leader hails handover of region ceded by Armenia*, 20 November 2020; RFE/RL, *Azerbaijani troops take control of Agdam as Armenians flee*, 20 November 2020; RFE/RL, *Azerbaijani army rolls into Agdam, a day after Armenians move out*, 20 November 2020; Caucasian Knot, *Agdam district passes under Azerbaijan's control*, 20 November 2020.

enclave to Armenia. They would have 90 armoured infantry vehicles, 380 other motor vehicles and special equipment. Between 11 and 20 November 2020, the Russian military arrived, setting up observation posts along roads in Nagorno-Karabakh and along the Laçın corridor.⁸⁶ The peacekeepers also had transport helicopters, combat helicopters and drones at their disposal.⁸⁷ Point 4 of the ceasefire stated that the peacekeepers' mandate lasted for five years. If neither party indicated its intention to end this arrangement at least six months before the expiry of that period, the five-year period would be automatically extended for another five years.⁸⁸

Point 5 was that a centre would be established to monitor the ceasefire. Russia and Turkey signed a memorandum to this end.⁸⁹ This centre opened near Qiyamedinli village in Ağdam district on 30 January 2021, from where daily monitoring took place by Russian and Turkish military personnel using drones.⁹⁰

Point 6 stated that Armenia had to hand over the district of Kalbajar by 15 November 2020, with the exception of the eastern part of this district, which was part of the autonomous region (*oblast*) of Nagorno-Karabakh in the Soviet era. Before the First Nagorno-Karabakh War (1988-1994), the western part of this sparsely populated district was mainly inhabited by ethnic Azerbaijanis and was under the control of the Azerbaijani authorities.⁹¹ Part of the Soyudlu goldfields also lies in the western part of the district.⁹² On 15 November 2020, Azerbaijan and Armenia agreed a ten-day extension for the transfer of Kalbajar due to poor weather conditions and the presence of only one access road, which had delayed the eviction of the district.⁹³ As in Ağdam, some ethnic Armenians in Kalbajar set fire to their homes on their departure and cut down all their trees.⁹⁴ Azerbaijani troops entered

⁸⁶ The Russian peacekeepers are recognisable by their blue logo with the abbreviation MC in yellow letters. This stands for *Mirotvorcheskiye Sily* (Peacekeepers); JAMnews, *Karabakh: Russian and Turkish peacekeepers, Azerbaijani and Armenian military – who's where*, 21 November 2020; France 24, *Azerbaijani forces enter Lachin, last district handed over by Armenia*, 1 December 2020; NOS, *'De grootste winnaar van de wapenstilstand in Nagorno-Karabach is Rusland*, 1 December 2020.

⁸⁷ TASS, *Russian helicopters to be involved in peacekeeping operation in Nagorno-Karabakh*, 12 November 2020; Eurasia Daily Monitor, *Russian 'Peacekeeping' in Karabakh: Old model, new features, mission creep (part two)*, 22 January 2021.

⁸⁸ BBCM, *Russia oversees new Karabakh peace deal – full Kremlin statement*, 10 November 2020; EUISS, *In Russia's hands. Nagorno-Karabakh after the ceasefire agreement*, 8 April 2021, p. 6.

⁸⁹ Sputnik International, *Russia, Turkey sign memorandum on creation of joint centre to control ceasefire in Karabakh*, 11 November 2020; TASS, *Russia, Turkey agree creation of Nagorno-Karabakh ceasefire monitoring center*, 11 November 2020; RFE/RL, *Turkey approves sending troops to joint Russian monitoring center in Azerbaijan*, 17 November 2020.

⁹⁰ The full name of this centre in Turkish is: *Türkiye-Rusya Ortak Merkezi* (Turkey-Russia Joint Centre); Daily Sabah, *Turkish-Russian observation center opens in Nagorno-Karabakh*, 30 January 2021; AA, *Turkey, Russia begin monitoring Karabakh truce*, 30 January 2021; Report, *Joint monitoring center inaugurated in Agdam*, 30 January 2021; RFE/RL, *Report warns of 'fragile' prospects for postwar Nagorno-Karabakh*, 9 June 2021.

⁹¹ Eurasianet, *For Armenians, they're not occupied territories – they're the homeland*, 6 August 2018; Daily Sabah, *Armenians leaving Kalbajar in Nagorno-Karabakh set homes, forests on fire, reports say*, 13 November 2020.

⁹² JAMnews, *Gold deposit on new Armenian-Azerbaijani border – whose mine is it?*, 28 November 2020; Turan, *The armed forces of Azerbaijan occupied 74% of the territory of the Soyudlu gold mine*, 2 December 2020; Eurasianet, *Following war with Armenia, Azerbaijan gains control of lucrative gold mines*, 27 January 2021.

⁹³ Al Jazeera, *Nagorno-Karabakh: Ethnic Armenians prepare to give up homes*, 13 November 2020; Eurasianet, *After days of chaos, Armenia and Azerbaijan delay territory handover*, 15 November 2020; AP, *Azerbaijan delays takeover, denounces fleeing Armenians*, 15 November 2020.

⁹⁴ Daily Sabah, *Armenians leaving Kalbajar in Nagorno-Karabakh set homes, forests on fire, reports say*, 13 November 2020; The Guardian, *Nagorno-Karabakh: Villagers burn their homes ahead of peace deal*, 14 November 2020; Al Jazeera, *Ethnic Armenian villagers burn houses before Azerbaijan takeover*, 14 November 2020.

Kalbajar on 25 November 2020.⁹⁵ As far as is known, only a few ethnic Armenians remained in this district, in the Dadivank monastery complex.⁹⁶

Point 6 also stated that Armenia had to hand over the Laçın district to Azerbaijan by 1 December 2020. Like Kalbajar, this district lies to the west of Nagorno-Karabakh.⁹⁷ Only the five-kilometre-wide Laçın corridor that encircled Şuşa came under the control of the Russian peacekeepers. Within three years a plan had to be drawn up for the construction of a new road through the Laçın corridor.⁹⁸ Before the First Nagorno-Karabakh War, this sparsely populated district was mainly inhabited by ethnic Azerbaijanis and was under the control of the Azerbaijani authorities.⁹⁹ When they left Laçın, some ethnic Armenians also set fire to their homes and cut down their trees.¹⁰⁰ Some ethnic Armenians indicated in interviews that they intended to stay, but it is not known whether this actually happened.¹⁰¹

Point 7 concerned the return of all internally displaced persons and refugees to Nagorno-Karabakh and neighbouring districts, under UNHCR supervision.¹⁰² During the First Nagorno-Karabakh War, hundreds of thousands of people had already been displaced (see 4.1). During the Second Nagorno-Karabakh War, a large additional number of displaced persons joined them. According to UNHCR, about 90,000 people fled to Armenia during the second war and 80,000 people were temporarily displaced in Azerbaijan.¹⁰³ During the reporting period, the presence of war remnants and the absence of infrastructure made it difficult for the hundreds of thousands of internally displaced persons (IDPs) to return to Nagorno-Karabakh and neighbouring districts. Since the end of the Second Nagorno-Karabakh War there have been casualties almost every week as a result of explosives left behind from the war.¹⁰⁴ In particular, there were many war remnants in the vicinity of the cities of Terter and Ağdam and in the districts of Füzuli and Jabrayil. The Azerbaijan National Agency for Mine Action (ANAMA) is engaged in clearing these.¹⁰⁵

Point 8 concerned the exchange of prisoners of war, hostages and other detainees, and the exchange of the bodies of the dead.¹⁰⁶ In this context, on 14 December

⁹⁵ VOA, *Azerbaijan army moves into second district handed back by Armenia*, 24 November 2020; JAMnews, *Karabakh: Armenia hands over Kelbajar region. Maps, videos, who's where*, 25 November 2020; AA, *Azerbaijani army enters Kalbajar region after 27 years*, 25 November 2020.

⁹⁶ Forum 18, *Azerbaijan: "They hold services and pray there, but without a congregation"*, 8 July 2021; The New York Times, *In Nagorno-Karabakh, land mines, bulldozers and lingering tensions*, 25 July 2021.

⁹⁷ The area of this district is slightly greater than that of the province of Utrecht; France 24, *Azerbaijani forces enter Lachin, last district handed over by Armenia*, 1 December 2020; RFE/RL, *Azerbaijan reclaims third district from Armenia under Nagorno-Karabakh truce*, 1 December 2020.

⁹⁸ BBCM, *Russia oversees new Karabakh peace deal – full Kremlin statement*, 10 November 2020; JAMnews, *Russian peacekeepers, Armenian civilians and the Azerbaijani army: who's got control of Lachin?*, 4 December 2020.

⁹⁹ Eurasianet, *Armenia's strategic Lachin corridor confronts a demographic crisis*, 15 September 2006; AA, *Karabakh: Lachin region handed over to its real owners*, 1 December 2020.

¹⁰⁰ Report, *Armenians leave Lachin by burning houses*, 26 November 2020; Caucasian Knot, *Azerbaijani general prosecutor's office accuses Armenia of cutting down Lachin forests*, 21 June 2021.

¹⁰¹ Al Jazeera, *Azerbaijan fully reclaims lands around Nagorno-Karabakh*, 1 December 2020; Confidential source, 20 April 2021.

¹⁰² BBCM, *Russia oversees new Karabakh peace deal – full Kremlin statement*, 10 November 2020.

¹⁰³ UNHCR, *Global trends. Forced displacement in 2020*, 18 June 2021, p. 14.

¹⁰⁴ Caucasian Knot, *Five persons blown up by a mine in Agdam district*, 17 March 2021; APA, *Two Azerbaijani servicemen blow up on mine during searches for missing persons*, 6 April 2021; Caspian News, *Armenia's refusal to share landmines maps hampers demining of Azerbaijan's Karabakh region*, 7 April 2021; Turan, *Civilian injured in Agdam*, 18 April 2021; Al Jazeera, *Azerbaijani journalists, official killed in landmine explosion*, 4 June 2021.

¹⁰⁵ Daily Sabah, *Azerbaijan clearing mines in areas newly liberated from Armenian occupation*, 30 November 2020; Turan, *After second Karabakh war, 9,584 mines and 7,081 unexploded ordnance cleared*, 19 March 2021; UNDP, *ANAMA and UNDP join forces to support mine action in Azerbaijan*, 24 March 2021.

¹⁰⁶ AA, *Azerbaijan, Armenia exchange bodies of soldiers*, 14 November 2020; Caucasian Knot, *Red Cross announces exchange of bodies of 200 Nagorno-Karabakh casualties*, 18 November 2020; RFE/RL, *EU hails end of Nagorno-Karabakh fighting, urges parties to stick to cease-fire*, 19 November 2020.

2020, an exchange took place in which Azerbaijan transferred a group of 44 people, consisting of 30 military personnel and 14 civilians, to Armenia. Armenia, in turn, handed over 12 people, including two civilians who had already been held for six years.¹⁰⁷ On 28 December 2020, Azerbaijan handed over four people to Armenia and Armenia handed over two to Azerbaijan.¹⁰⁸ Further exchanges took place on 28 January 2021 and 9 February 2021.¹⁰⁹

President Aliyev stated on 26 February 2021 that they had handed over all prisoners of war captured by Azerbaijan before the ceasefire declaration. According to him, 62 Armenians were still in detention. These had been captured in December 2020. The president stated that they were not prisoners of war, but terrorists and saboteurs.¹¹⁰ However, according to the Armenian Ombudsman, Azerbaijan had not complied with Point 8 of the ceasefire declaration and had not provided information about the exact number of prisoners of war still held in Azerbaijan after all exchanges.¹¹¹

On 4 May 2021, Azerbaijan put three people on a plane belonging to the Russian peacekeepers, who took them to Armenia.¹¹² Azerbaijan also handed over 15 people to Armenia on 12 June 2021 in exchange for mine clearance maps of the Ağdam district.¹¹³ On 3 July 2021, Azerbaijan handed over 15 more people to Armenia, this time in exchange for mine clearance maps of localities in the districts of Füzuli and Zangilan.¹¹⁴

Point 9 was that all transport connections in the region were to be opened up. These included new transport links, which would come under the supervision of the Russian border guards. On 11 January 2021, a meeting was held in Moscow between President Vladimir Putin, Prime Minister Nikol Pashinyan and President Ilham Aliyev. Following this meeting, they presented a statement indicating that a joint working group would meet on 30 January 2021, which would focus on the implementation of Point 9 of the agreement.¹¹⁵ One of the sticking points was the construction of new transport links between the exclave of Nakhchivan and western Azerbaijan through

¹⁰⁷ RFE/RL, *Azerbaijan, Armenia swap prisoners as part of Nagorno-Karabakh truce deal*, 14 December 2020; Daily Sabah, *Azerbaijani prisoners return after 6 years in Armenian captivity*, 15 December 2020; JAMnews, *Everything known about Armenian PoWs in Azerbaijan*, 28 December 2020; Yeni Avaz, *State Commission: It was proposed to immediately release Dilgam Asgarov and Shahbaz Guliyev from captivity*, 7 January 2021.

¹⁰⁸ Caucasian Knot, *Peacekeepers report new stage of POW exchange between Armenia and Azerbaijan*, 28 December 2020; MinDef, *Azerbaijan hands PoW over to Armenia*, 28 December 2020.

¹⁰⁹ AA, *Prisoner swap takes place between Armenia, Azerbaijan*, 28 January 2021; JAMnews, *Armenia and Azerbaijan exchange prisoners again*, 29 January 2021; AzerNews, *Azerbaijan, Armenia exchange prisoners as part of peace deal*, 10 February 2021; JAMnews, *Three more prisoners of war returned to Armenia from Azerbaijan*, 5 May 2021.

¹¹⁰ JAMnews, *62 Armenian citizens in Azerbaijan: prisoners of war or saboteurs?*, 9 January 2021; OHCHR, *Nagorno-Karabakh: captives must be released – UN experts*, 1 February 2021; Azerbaycan 24, *"We have returned all prisoners of war" – Ilham Aliyev*, 26 February 2021; RFE/RL, *Armenia accuses Azerbaijan of breaking truce deal over prisoners' release*, 9 April 2021; JAMnews, *Plane allegedly returning PoWs from Baku lands empty in Yerevan*, 9 April 2021; JAMnews, *Why an empty plane from Azerbaijan landed in Yerevan – comments from Baku*, 9 April 2021; BBCM, *Azeri minister, Lithuanian counterpart discuss Armenian captives*, 30 April 2021.

¹¹¹ JAMnews, *Everything known about Armenian PoWs in Azerbaijan*, 28 December 2020; JAMnews, *Yerevan accuses Baku of using prisoners of war as political hostages*, 4 June 2021; CivilNet, *Relatives of POWs protest in Armenia as trials move ahead in Baku*, 28 June 2021; Eurasianet, *Armenian soldiers on trial in Azerbaijan*, 1 July 2021.

¹¹² Turan, *Azerbaijan has released three Armenian prisoners of war*, 4 May 2021; BBCM, *Baku releases three Armenian prisoners*, 5 May 2021.

¹¹³ APA, *Ilham Aliyev's another victory: Maps of mined areas have been handed over to Azerbaijan*, 12 June 2021; Reuters, *Azerbaijan swaps 15 Armenian prisoners for map showing landmines*, 12 June 2021; RFE/RL, *Azerbaijan says 15 Armenian military prisoners swapped for land-mine map*, 12 June 2021; Euractiv, *Georgian mediation obtains the release of 15 Armenian POWs by Azerbaijan*, 14 June 2021.

¹¹⁴ APA, *Armenia provides Azerbaijan with the maps of mines planted in Fuzuli and Zangilan*, 3 July 2021; JAMnews, *Azerbaijan hands over 15 more Armenian citizens in exchange for minefield maps*, 4 July 2021.

¹¹⁵ DW, *Armenia-Azerbaijan: Putin urges 'next steps' after peace*, 11 January 2021; Eurasianet, *Leaders of Armenia and Azerbaijan hold first post-war meeting*, 11 January 2021; RFE/RL, *Interview: De Waal sees 'tricky game' to stabilize Armenian-Azerbaijani peace*, 30 January 2021.

the southern Armenian province of Syunik. On 20 April 2021, President Aliyev stated that he would use force if necessary to create these links.¹¹⁶

1.2.3 Freedom of movement

The war had consequences for freedom of movement in Azerbaijan. From 28 September 2020, Azerbaijan was under martial law. In addition, six cities and 16 districts had curfews from 9 pm to 6 am. In the curfew areas, people were not allowed to go out on the streets or in public places without special permission and without being in possession of identity documents. In those areas, a special entry and exit regime and measures to limit the number of traffic movements also applied.¹¹⁷ Martial law and the curfew ended at midnight on 12 December 2020.¹¹⁸ However, from 14 December 2020, new restrictions on freedom of movement followed in a number of places to prevent the spread of coronavirus. One of these restrictions was that in certain cases people were only allowed to go outside for three hours a day if they had received permission to do so via a notification. This measure applied until 18 January 2021. In addition, a special entry and exit regime applied in these places until 25 January 2021.¹¹⁹

1.2.3.1 Travel abroad

Martial law made it legally possible to impose travel restrictions to and from Azerbaijan.¹²⁰ However, this did not happen. Nevertheless, the international airport near Baku limited air traffic from 27 September 2020. Some airlines, including Azerbaijan Airlines (AZAL), cancelled some regular flights through to 4 October 2020.¹²¹

Due to the proclamation of the partial mobilisation on 28 September 2020, it was legally possible to prohibit men under the age of 35 from travelling abroad and to revoke any deferral of military service that had been granted.¹²² However, the decree of 28 September 2020 did not contain any travel restrictions. Nor did travel bans follow in connection with the partial mobilisation.¹²³ According to a source, no deferrals were revoked during the war, because there were enough reservists and

¹¹⁶ BBCM, *Armenians see Baku's plans for link to Naxcivan as security threat*, 12 March 2021; BBCM, *Azeri president toughens rhetoric on Naxcivan corridor, Armenia responds*, 21 April 2021; Daily Sabah, *Zangezur corridor between Turkey, Azerbaijan to revive region*, 1 June 2021; Caspian News, *Azerbaijan, Turkey agree to expand efforts to open Zangazur corridor*, 19 June 2021.

¹¹⁷ The curfews applied to the cities of Baku, Ganja, Sumqayıt, Yevlakh, Mingəçevir and Naftalan, as well as to the districts of Abşeron, Jabrayıl, Füzuli, Ağcabadi, Beylaqan, Ağdam, Barda, Terter, Goranboy, Göygöl, Daşkəsən, Gadabay, Tovuz Qazakh and Ağstafa; Garda, *Azerbaijan: Parliament declares martial law in several regions from September 28/update 1*, 27 September 2020; AzerNews, *Azerbaijan introduces partial mobilization*, 28 September 2020.

¹¹⁸ AzerNews, *Azerbaijan to abolish martial law following presidential decree*, 11 December 2020; JAMnews, *Martial law cancelled in Azerbaijan*, 12 December 2020.

¹¹⁹ This measure applied to the cities of Baku, Ganja, Sumqayıt, Mingəçevir and Şirvan, Lankaran, Masallı, Jalilabad, Şeki, Zaqatala, Quba, Khaçmaz, Yevlakh, Barda, Bilasuvar and İsmayilli, and to the district of Abşeron; JAMnews, *Azerbaijan reintroduces SMS permission to leave home*, 8 December 2020; APA, *Duration of permits to leave the place of residence on the basis of an SMS message will be 3 hours*, 8 December 2020; Trend, *Azerbaijan brings back SMS-permit system as anti-COVID measures strengthen*, 8 December 2020; Report, *Azerbaijan cancels SMS permission system*, 16 January 2021; Garda, *Azerbaijan: Authorities extend national quarantine until at least April 1; certain restrictions eased /update 26*, 17 January 2021.

¹²⁰ Article 10.1.16 of the Martial Law Act of 14 February 2017 (Law 530-VQ), <http://e-qanun.az/framework/35170>, accessed 3 September 2021.

¹²¹ Daily Sabah, *Azerbaijan cancels all international flights amid fighting in occupied Nagorno-Karabakh*, 28 September 2020; Turan, *Due to martial law, activities of Heydar Aliyev International Airport limited*, 29 September 2020.

¹²² Articles 5.1.10 and 5.1.11 of Mobilisation Training and Mobilisation in the Republic of Azerbaijan Act of 10 June 2005 (Law 923-IIQ), <http://www.e-qanun.az/framework/10850>, accessed 3 September 2021.

¹²³ MinCom, *Order of the President of the Republic of Azerbaijan on the announcement of partial mobilization in the Republic of Azerbaijan*, 28 September 2020; Confidential source, 28 July 2021.

volunteers.¹²⁴ According to another source, a rumour appeared on social media during the war that men under the age of 35 were not allowed to leave Azerbaijan and that they could not obtain passports. However, this rumour was not officially confirmed and the media were also unable to find out whether it was accurate.¹²⁵

1.2.3.2 Visits to the former war zones

After the war, people were not allowed to travel beyond the checkpoints to the former war zones because of the large number of explosive war remnants left behind.¹²⁶ During the reporting period, several people were arrested for entering these zones without permission.¹²⁷ On 27 April 2021, four people who had travelled to the former war zones without authorisation were sentenced to 10 days in detention under Article 535.1 (disobeying police orders) of the Code of Administrative Offences.¹²⁸

1.2.4 *Security incidents elsewhere in Azerbaijan*

Outside the former war zones around Nagorno-Karabakh, a major security incident occurred on 14 July 2020 related to anger over the soldiers who were killed at Tovuz (see 1.2.1). Large-scale protests spontaneously broke out in various parts of the country, including in the city of Sumqayit, where General Həşimov's funeral took place. The largest protest took place in Baku. On 14 July 2020, people from the Baku area took to the streets in large numbers to show support for the military. Among other things, growing crowds walked to the city centre. At the end of the march some people gathered on Martyrs' Lane and others in Freedom Square or opposite the parliament building. Slogans could be heard such as 'Karabakh is ours', 'Down with the Armenians' and 'We must return to Karabakh'. Some also called for the resignation of the Chief of Staff, General Sadiqov (see 1.1.2). Estimates of the number of protesters ranged from 10,000 to 30,000.¹²⁹

Around 4 am, a number of demonstrators forced their way into the parliament building. According to some sources, they wanted to put pressure on the government in this way to declare a mobilisation.¹³⁰ According to other sources, they were provocateurs acting on the instructions of the state security service in

¹²⁴ Confidential source, 1 July 2021.

¹²⁵ Confidential source, 24 May 2021.

¹²⁶ AzerNews, *One killed, two seriously wounded in land mine blast in Aghdam region*, 14 December 2020; AzerNews, *President Aliyev says demining of liberated lands priority*, 4 February 2021; APA, *Azerbaijani President: "I ask Azerbaijani citizens not to travel to the liberated lands without permission and illegally"*, 4 February 2021; APA, *Azerbaijani MIA warns those who want to illegally enter liberated territories*, 19 February 2021; APA, *10 civilians killed as stepped on mine after the ceasefire in the liberated territories of Azerbaijan*, 10 March 2021; Turan, *Three residents of Agjabedi blown up by mines*, 26 April 2021; AzerNews, *One civilian killed, another injured in mine blast in liberated Fuzuli*, 8 July 2021.

¹²⁷ APA, *Persons, who illegally entered territories, liberated from occupation, detained*, 10 February 2021; Trend, *Several more civilians who illegally travelled to liberated Azerbaijani lands detained*, 10 February 2021; AzerNews, *Six civilians detained for illegally visiting liberated lands amid mine threats*, 11 February 2021; Turan, *The police detained five people who tried to enter the liberated territories*, 12 June 2021.

¹²⁸ Trend, *Police detain people who illegally enter Azerbaijan's liberated Khojavend*, 27 April 2021; AzerNews, *Another civilian killed, two injured in mine explosion in liberated lands*, 27 April 2021; Confidential source, 6 August 2021; Confidential source, 6 August 2021.

¹²⁹ Gozetzci, *At least 60 people detained following the support for Karabakh rally on 14 July*, 14 July 2020; Heinrich Böll Stiftung, *Azerbaijan update: From COVID-19 to the new war in Nagorno-Karabakh*, 10 December 2020; Freedom House, *Freedom in the world 2021, Azerbaijan*, 3 March 2021, p. 11.

¹³⁰ Eurasianet, *Pro-war Azerbaijani protesters break into parliament*, 15 July 2020; BBC News, *Azerbaijan protesters demand war after Armenia clashes*, 15 July 2020; RFE/RL, *Azerbaijani authorities launch probe over rally amid military conflict with Armenia*, 15 July 2020; OC Media, *Thousands of pro-war protesters rally in Azerbaijan*, 15 July 2020; AA, *Azerbaijanis call for mobilization against Armenia*, 15 July 2020; JAMnews, *Riots in Baku after bodies of those killed on border with Armenia brought back home*, 15 July 2020.

order to discredit the demonstrators. However, the state security service denied this.¹³¹

After the demonstrators broke into the parliament building, the police put an end to the demonstration, using tear gas, water cannons and batons to disperse the protesters. They also confiscated equipment from some journalists. In addition to some protesters, seven police officers were also injured, according to the Ministry of the Interior. It is not known exactly how many demonstrators were arrested in the centre of Baku on the night of 14 to 15 July 2020. According to various sources, more than 70 people were arrested during the protests, including two journalists.¹³² The Ministry of the Interior stated that seven people faced criminal charges for resistance against a government official and participation in mass riots.¹³³ Forty-six people were detained for 15 to 60 days under Article 206 (drug use) or 211.1 (violation of quarantine rules) of the Code of Administrative Offences. The other detainees were released without charge within three days.¹³⁴

¹³¹ Turan, *Rauf Khalafov performed official duties in the Milli Majlis – State Security Service*, 17 July 2020; CivilNet, *Arif Yunusov: Azerbaijani authorities do not know how to talk to people*, 20 July 2020.

¹³² Gozetçi, *At least 60 people detained following the support for Karabakh rally on 14 July*, 14 July 2020; EMDS, *On the rally of 14-15 July and aftermath*, July 2020; Turan, *Human rights activists condemn violations of rights of detainees in connection with July 15 rally*, 18 July 2020; HRW, *Azerbaijan: Relentless crackdown on opposition*, 19 August 2020; AI, *Amnesty International report 2020/21. The state of the world's human rights*, 7 April 2021, p. 76.

¹³³ Under Article 127.2.1 CC, deliberately inflicting minor bodily harm carries a sentence of one to five years' imprisonment. Under Article 186.2.1 CC, deliberately inflicting grievous bodily harm carries a sentence of three to seven years' imprisonment. Under Article 233 CC, actively participating in actions that disrupt public order can be punished, among other things, with community service for a maximum of two years or a fine of 5,000 to 8,000 manat. Finally, under Article 315.1 CC, resistance against a government official carries a maximum sentence of five years' imprisonment; Meydan TV, *Seven detained in overnight rally, and Azerbaijani general buried in Baku*, 15 July 2020; BBC News, *Azerbaijan protesters demand war after Armenia clashes*, 15 July 2020.

¹³⁴ Administrative detention in the Azerbaijani context means detention for an offence under the Code of Administrative Offences. This is in contrast to a prison sentence for a crime under the Criminal Code; EMDS, *On the rally of 14-15 July and aftermath*, July 2020; AI, *Azerbaijan: End brutal crackdown on opposition activists*, 5 August 2020.

2 Identity, nationality and documents

2.1 Identification requirement, identity and travel documents

2.1.1 Identification requirement

Azerbaijani citizens are not obliged to carry an identity card with them at all times. However an obligation to carry an identity card does apply if there is a curfew during martial law (see 1.2.3).¹³⁵ The police may also ask citizens on the street for proof of identity if there is reasonable suspicion that the person concerned has committed an offence or crime.¹³⁶

2.1.2 National identity card

Every citizen who reaches the age of 15 and anyone who acquires Azerbaijani citizenship must apply for an identity card within one month. Citizens must keep this card safe.¹³⁷ With effect from 1 January 2022, an identity card will be mandatory for every citizen, regardless of age.¹³⁸

It is not possible to apply for or renew a national identity card from abroad.¹³⁹ The application and renewal requirements can be found on the websites of ASAN Service and the Main Passport, Registration and Migration Department (MPRMD).¹⁴⁰ Azerbaijan has issued biometric identity cards since 1 September 2018.¹⁴¹ In the case of children under the age of five, this document is valid until the child is five years old. For children aged five or over, the document is valid until the child is 15 years old.¹⁴² The card is valid for ten years for those aged 15 or over and indefinitely for those aged 55 or over.¹⁴³

On 25 February 2020, Azerbaijan and Turkey signed an agreement stating that their citizens could travel to each other's countries visa-free. Subsequently, on 10 December 2020, both countries signed Protocol No. 1, which amended the agreement of 25 February 2020. On the basis of this protocol, citizens of Azerbaijan were able to travel visa-free to Turkey from 1 April 2021, using a biometric identity card as a travel document.¹⁴⁴

¹³⁵ Article 10.1.19 of the Martial Law Act; Confidential source, 5 July 2021.

¹³⁶ Article 17, point 2, of the Police Act of 28 October 1999 (Law 727-IQ), <http://www.e-qanun.az/framework/2937>, accessed 3 September 2021.

¹³⁷ Article 1 of the Identity Card Act of 14 June 1994 (Law 817), <http://www.e-qanun.az/framework/9009>, accessed 3 September 2021; Article 7.1.1 of the Dactyloscopic and Genome Registration Act of 29 June 2018 (Law 1197-VQ), <http://www.e-qanun.az/framework/39863>, accessed 3 September 2021.

¹³⁸ Article 9.1 of the Identity Card Act; Report, *Entry into force of Law "on issue of identity card of citizen of the Azerbaijan under 15" postponed*, 12 July 2019; Confidential source, 4 June 2021.

¹³⁹ Ministry of Foreign Affairs of the Republic of Azerbaijan, *Services provided by the diplomatic missions and consulates of the Republic of Azerbaijan in foreign countries*, <https://mfa.gov.az/en/category/services-provided-by-the-diplomatic-missions-and-consulates-of-the-republic-of-azerbaijan-in-foreign-countries>, accessed 3 September 2021; Confidential source, 11 March 2021.

¹⁴⁰ ASAN service, *Issuance and renewal of identity cards*, <https://asan.gov.az/en/service/asan-xidmetler/seksiyyet-vesiqelerinin-verilmesi-ve-deyisdirilmesi>, accessed 3 September 2021; MPRMD, *Procedures on issuing identity card*, <https://www.bpqmi.gov.az/?/en/menu/7L>, accessed 3 September 2021.

¹⁴¹ Ministry of the Interior of the Republic of Azerbaijan, *A joint meeting on the application of the new generation identity card was held*, 30 August 2018; AzerNews, *New generation biometric ID to be issued in Azerbaijan*, 31 August 2018; Turan, *New generation identity cards introduced*, 1 September 2018.

¹⁴² Article 9.5 of the Identity Card Act.

¹⁴³ Article 4 of the Identity Card Act.

¹⁴⁴ MinCom, *Azerbaijan, Turkey signed bilateral documents*, 25 February 2020; News.az, *Visa-free regime between Azerbaijan, Turkey enters into force*, 1 April 2021; Caspian News, *Azerbaijan, Turkey launches passport-free travel regime*, 3 April 2021.

2.1.3 *Passport*

An ordinary passport is the most important proof of Azerbaijani nationality on departure from the country. In addition, Azerbaijani nationals can prove their nationality on entry and exit using a diplomatic passport, a service passport or a seaman's book.¹⁴⁵ Azerbaijan has issued biometric passports since September 2013.¹⁴⁶ Biometric passports issued to children under one year of age are valid for one year. For children between one and three, their validity period is three years. For children between three and 18, it is five years. Passports for those over the age of 18 are valid for ten years.¹⁴⁷

With the passport application, the applicant must submit the following documents:

- An identity card;
- Proof of payment of the fee;
- For children under the age of 18: a consent form from the parents or legal representatives, together with the child's birth certificate and the identity cards of the parents or legal representatives;
- For men between the ages of 18 and 35: a document showing that the applicant has a military service exemption or deferral or has already completed military service.¹⁴⁸

2.1.4 *Document fraud*

Illegally produced and issued documents are common in Azerbaijan. For example, according to the public prosecutor's office, there have been instances of students obtaining fake university diplomas through bribery. According to the Azerbaijani Ministry of Education, there have also been instances of Azerbaijanis buying fake diplomas abroad and then presenting them to the Azerbaijani authorities for recognition.¹⁴⁹ On 30 October 2019, the news agency APA reported that the Azerbaijani police had arrested three people in possession of fake Georgian driving licences.¹⁵⁰ In addition, the Ministry of Labour and Social Protection withdrew more than 7,000 disability certificates during the reporting period, because these documents had been wrongly issued in return for payment. The certificates could be used to apply for benefits or to request exemption from military service.¹⁵¹ During the coronavirus crisis, fraud also took place in connection with COVID-19 test results and vaccination certificates.¹⁵²

¹⁴⁵ Azerbaijan also issues official passports. However, several Schengen countries do not recognise these passports. Article 5 of the Passport Act indicates that these passports are intended, among other things, for civil servants; Ministry of Foreign Affairs of the Republic of Azerbaijan, *Ordinary passport*, <https://mfa.gov.az/en/category/services-provided-by-the-diplomatic-missions-and-consulates-of-the-republic-of-azerbaijan-in-foreign-countries/ordinary-passport>, accessed 3 September 2021; PRADO, *Recognised travel documents*, <https://www.consilium.europa.eu/prado/en/prado-recognised-documents.html>, accessed 3 September 2021; Article 5 of the Passport Act of 14 June 1994 (Law 813), <http://www.e-qanun.az/framework/9008>, accessed 3 September 2021.

¹⁴⁶ Azertac, *President Ilham Aliyev handed over first biometric passport of Azerbaijani citizen*, 2 September 2013; PRADO, *Document: AZE-AO-02002*, <https://www.consilium.europa.eu/prado/en/AZE-AO-02002/index.html>, accessed 3 September 2021.

¹⁴⁷ Article 4 of the Passport Act; MPRMD, *Procedures on the issue of an international passport to citizens under 18 years old*, <https://www.bpqmi.gov.az/?/en/menu/24/>, accessed 3 September 2021.

¹⁴⁸ ASAN service, *Issuance and renewal of passport of citizen*, <https://asan.gov.az/en/service/asan-xidmetler/umumvetendas-pasportlarinin-verilmesi-ve-deyisdirilmesi>, accessed 3 September 2021; MPRMD, *The procedure for the issue of passports*, <https://www.bpqmi.gov.az/?/en/menu/22/>, accessed 3 September 2021.

¹⁴⁹ OECD, *Anti-corruption reforms in Azerbaijan. 4th round of monitoring of the Istanbul Anti-Corruption Action Plan*, October 2016, p. 81 and 86; OECD, *Istanbul Anti-Corruption Action Plan. Fourth round of monitoring. Azerbaijan. Progress update report*, March 2019, p. 122.

¹⁵⁰ APA, *Group, preparing fake driving licenses of Georgia, neutralized in Baku*, 30 October 2019.

¹⁵¹ Turan, *More than 7 thousand false disability certificates were cancelled*, 23 March 2021; Eurasianet, *Azerbaijan's disabled seek to restore benefits*, 18 June 2021.

¹⁵² APA, *General's prosecutor office of Azerbaijan investigates 96 fake coronavirus tests*, 19 May 2021; Turan, *A lawsuit against falsifiers of medical certificates*, 11 June 2021; Turan, *The police arrested those issuing false*

Since 2015, more information has become available on organised fraud relating to migration from Azerbaijan.¹⁵³ During the coronavirus crisis, reports also appeared of fraud in connection with certificates. Details of these matters are given below.

2.1.4.1 Visa applications

Fraud takes place in Azerbaijan using fake employer's statements and fake salary slips for visa applications. One of those arrested in 2017 for this type of counterfeiting was Ramin Hajili, then chair of a youth movement, the Azerbaijani European Movement (AED). According to the Berlin-based media organisation Meydan TV, its travel agency was reportedly involved in more than 100 visa applications per month from asylum seekers pretending to be tourists. On 4 October 2017, Nasimi District Court gave him a two-year suspended sentence under Articles 178.2.2 (multiple fraud) and 178.2.4 (fraud resulting in significant damage) CC. He and five others are alleged to have been involved in embezzlement, the forging of official documents, awards, seals, stamps and statements, and the illegal production, sale and/or use of forged documents. On 4 June 2018, border guards arrested him in the Balakan district while he was trying to cross the border illegally. He was released more than nine months later.¹⁵⁴ In July 2021, the public prosecutor's office opened fresh criminal proceedings against him and seven others under Articles 178.3.1 (fraud by an organised group) and 320 (document forgery), CC. The group are said to have forged documents for the purpose of asylum procedures abroad.¹⁵⁵

2.1.4.2 Asylum-related fraud

From 2015, reports emerged that members of opposition party *Müsavat* (see 3.1.3.2) were involved in the illegal production and/or issuance of membership cards and reference letters. Asylum seekers, including former *Müsavat* members, stated that they had paid for fake membership cards and reference letters from prominent *Müsavat* members for use in asylum applications. To make asylum applications more convincing and easier, they were advised to make sure that they received police summons and court documents, as well as to take photos and videos of their participation in demonstrations or protest marches.¹⁵⁶ According to Meydan TV, the necessary items were mostly produced illegally in Europe.¹⁵⁷ According to other sources, it was also possible to obtain documents from the police and courts with

certificates of vaccination, 31 August 2021; OC Media, *Azerbaijan pursues doctors selling fake COVID-19 passports*, 1 September 2021.

¹⁵³ Rheinische Post, *Bundespolizei nimmt Schleuserin fest*, 1 March 2018; Meydan TV, *Europe at all costs: The pitfalls of pursuing a better life abroad*, 13 December 2018; RFE/RL, *Revealed: How fake used-car sales in Sweden let migrants slip into workforce*, 2 December 2019.

¹⁵⁴ Turan, *Ramin Hajili is reelected the president of AED*, 19 February 2015; APA, *Azerbaijani court issues verdict against Ramin Hajili and others who sought to get U.S. visa with fake documents*, 12 October 2017; Meydan TV, *Destination: Germany*, 22 October 2017; Turan, *Frontier service detains Ramin Hajili*, 6 June 2018; Azeri Daily, *Ramin Hajili detained trying to escape the country*, 6 June 2018; APA, *Ramin Hajili faces new charges, gets pre-trial detention extended*, 30 July 2018; Report, *Ramin Hajili released*, 9 April 2019; Confidential source, 24 May 2021.

¹⁵⁵ APA, *Ramin Hajili arrested*, 10 July 2021; Meydan TV, *European Movement Azerbaijan chair Ramin Hajili arrested*, 12 July 2021; Turan, *Ramin Hajili is again accused of fraud and arrested*, 12 July 2021.

¹⁵⁶ OC Media, *Azerbaijan's opposition in hot water over German migrant trafficking scandal*, 17 December 2019; Global Voices, *Inside the party membership scandal rocking Azerbaijan's opposition*, 21 December 2019; Confidential source, 24 May 2021.

¹⁵⁷ Meydan TV, *Running into a trap: The emigration mafia of Azerbaijan*, 23 May 2017.

bribes.¹⁵⁸ Other sources stated that asylum seekers also used fake documents from the Azerbaijan Popular Front Party (APFP, see 3.1.3.1).¹⁵⁹

In 2016, the prosecutor general's office in Azerbaijan launched a criminal investigation into allegations that asylum seekers were applying for asylum in Europe using fake documents from Müsavat. In connection with this investigation, in February 2017 the office questioned, among others, former party chairman Isa Qambar, his successor Arif Hajili, and deputy chairman Gülağa Aslanli. However, this investigation was never completed.¹⁶⁰ Two deputy chairmen of Müsavat resigned because of this issue.¹⁶¹ In August 2019, party chairman Arif Hajili stated that he had issued reference letters to 197 people in five years.¹⁶² Prominent Müsavat member Tofiq Yaqublu (see 3.1.3.2) also stated on 20 November 2019 that he had repeatedly asked the party leadership to stop issuing reference letters to people who were clearly not Müsavat members for the purposes of their migration to Europe.¹⁶³

On 13 November 2019, the German police carried out simultaneous raids on 13 offices and homes in Cologne, Frankfurt am Main, Düsseldorf and elsewhere.¹⁶⁴ During these raids, the police found membership cards, reference letters and stamps, among other things.¹⁶⁵ One day later, Germany expelled 61 Azerbaijanis on a charter flight.¹⁶⁶ According to the news agency *Turan*, many of the people who were involved were said to have claimed to be Müsavat members.¹⁶⁷ According to Müsavat, one or two of the 61 persons may have actually been members of Müsavat.¹⁶⁸ The German authorities subsequently charged seven people, including at least four Müsavat members, with smuggling more than 20 people for payment and committing document fraud.¹⁶⁹ According to the pro-government website *Trend*,

¹⁵⁸ Open Democracy, *Azerbaijani mafia in the heart of Europe ?*, 5 April 2018; Confidential source, 11 March 2021.

¹⁵⁹ *Turan*, *Musavat on the results of the initial investigation of the "migrant case"*, 22 November 2019; Confidential source, 19 May 2021.

¹⁶⁰ Meydan TV, *Running into a trap: The emigration mafia of Azerbaijan*, 23 May 2017; *Turan*, *Musavat on the results of the initial investigation of the "migrant case"*, 22 November 2019; OC Media, *Azerbaijan's opposition in hot water over German migrant trafficking scandal*, 17 December 2019; Global Voices, *Inside the party membership scandal rocking Azerbaijan's opposition*, 21 December 2019; Confidential source, 19 May 2021; Confidential source, 23 May 2021.

¹⁶¹ OC Media, *Azerbaijan's opposition in hot water over German migrant trafficking scandal*, 17 December 2019; Global Voices, *Inside the party membership scandal rocking Azerbaijan's opposition*, 21 December 2019; Confidential source, 23 May 2021; Confidential source, 4 June 2021.

¹⁶² APA, *Former member of Musavat Party revealed next forged document given by the party to political migrant*, 16 November 2019; *Trend*, *Member of Azerbaijan's opposition Musavat party completely exposes it*, 23 November 2019; Global Voices, *Inside the party membership scandal rocking Azerbaijan's opposition*, 21 December 2019.

¹⁶³ OC Media, *Azerbaijan's opposition in hot water over German migrant trafficking scandal*, 17 December 2019.

¹⁶⁴ Presseportal, *Bundespolizei durchsucht Wohnungen wegen des Verdachts des gewerbs- und bandenmäßigen Einschleusens aserbajdschanischer Staatsangehöriger, der Urkundenfälschung und der Geldwäsche*, 13 November 2019; Der Spiegel, *Bundespolizei geht mit Großeinsatz gegen Schleuser vor*, 13 November 2019; APA, *Azerbaijanis detained in Germany on charges of forging documents and organizing illegal migration*, 14 November 2019.

¹⁶⁵ Caucasus Watch, *Seven Azerbaijani citizens detained in Germany due to suspicions of illegal migration*, 14 November 2019; Report, *Germany applies preventive measure of remand in custody in respect of 7 citizens of Azerbaijan over migrant trafficking*, 14 November 2019.

¹⁶⁶ JAMnews, *61 Azerbaijani citizens deported from Germany, opposition party members accused of illegal migration business*, 15 November 2019; APA, *Migration Service: Germany departs 61 Azerbaijani citizens*, 15 November 2019; Meydan TV, *Germany departs 61 Azerbaijani citizens*, 19 November 2019; Azeri Daily, *Radio Liberty correspondent: 'Musavat earned €300 thousand on fake certificates'*, 21 November 2019.

¹⁶⁷ *Turan*, *Authorities confirm deportation of 61 Azerbaijani citizens from Germany*, 15 November 2019.

¹⁶⁸ *Turan*, *Musavat on the deportation of Azerbaijani citizens from Germany*, 15 November 2019; OC Media, *Azerbaijan's opposition in hot water over German migrant trafficking scandal*, 17 December 2019.

¹⁶⁹ Caucasus Watch, *Seven Azerbaijani citizens detained in Germany due to suspicions of illegal migration*, 14 November 2019; *Turan*, *Political immigrants from Azerbaijan detained in Germany*, 14 November 2019; AzerNews, *New fact on "emigration business" of Azerbaijani opposition Musavat party disclosed*, 19 November 2019; Azeri Daily, *Koblenz prosecutor on 'Musavat case' in Germany: 'Detained persons may be imprisoned for up to 10 years'*, 20 November 2019; *Trend*, *German court: Shocking facts about profiteering from Azerbaijani immigrants*, 20 November 2019; *Trend*, *Ex-member of Azerbaijani opposition party exposes those feeding from "emigrant business"*, 22 November 2019.

one of the suspects, who was chairman of the Müsavat European Coordination Center,¹⁷⁰ had allegedly issued 80 fake membership cards in one day.¹⁷¹ The German authorities released the suspects a few months later. According to various sources, the criminal case in Germany was not concluded during the reporting period.¹⁷²

The German authorities released one of the suspects, Alovzat Aliyev, on bail in February 2020. He had been admitted to Germany as a refugee. He established the Leqat Integration Center in Germany, which provided legal advice to migrants.¹⁷³ In Azerbaijan he had, among other things, been the head of the passport department at the Ministry of the Interior and the head of the Migration Center. In 2015, the Azerbaijani authorities initiated a criminal investigation into his involvement in the case of a general's wife who had left for Georgia with her four children using a false passport. Aliyev claimed he had only given her legal advice. No information is known about the outcome of this investigation, so it is not possible to provide more detail about these allegations against Aliyev.¹⁷⁴

Furthermore, the pro-government daily newspaper *Kaspi* reported in 2015 about the involvement of journalist Qanimat Zahid, who lives in France, in asylum fraud. He was said to draw up reference letters for asylum seekers for a fee.¹⁷⁵ However, no information is known about a criminal investigation in Azerbaijan or in France into this allegation, making it impossible to comment on it further. The same goes for the allegations against Hasan Qafarov, who was affiliated with the Azerbaijan Democratic Party (ADP). Şahin Novruzlu, a member of the civic movement N!DA who had left Azerbaijan after his release from detention, claimed on social media that Qafarov had received money from him to prepare his documents, but that he had not done so. Again, there has been no sign of any criminal investigation in Azerbaijan or elsewhere, making it impossible to comment further on this allegation.¹⁷⁶

2.1.4.3

Press cards

On 30 March 2018, an unknown gunman in the commune of Colomiers near Toulouse in southern France shot Aida Namazova at close range in her car. Her husband, Rahim Namazov, was injured in the shoulder. Namazov had reportedly stated during the French asylum procedure that he feared persecution in Azerbaijan because of his journalistic activities for the newspaper *Eliller*. However, inquiries with a journalist from this newspaper revealed that Namazov had not worked there as a journalist, but as a newspaper seller. This journalist suggested that Namazov may have received a press card from the editor-in-chief when he worked for the

¹⁷⁰ In Azerbaijani the name of this organisation is *Müsavat Avropa Koordinasiya Merkezi* (Müsavat AKM).

¹⁷¹ Trend, *80 fake membership cards per day issued by Azerbaijan's Musavat opposition party*, 23 November 2019.

¹⁷² Report, *10 more Azerbaijanis deported from Europe*, 26 December 2020; Confidential source, 19 May 2021; Confidential source, 20 July 2021; Confidential source, 6 September 2021.

¹⁷³ Caucasus Watch, *Seven Azerbaijani citizens detained in Germany due to suspicions of illegal migration*, 14 November 2019; APA, *Sabir Rustamkhanli: "German government suspected Alovzat Aliyev of illegal transportation of citizens"*, 14 November 2019; Turan, *No charges brought against Alovzat Aliyev*, 21 November 2019; Turan, *Musavat on the results of the initial investigation of the "migrant case"*, 22 November 2019; AzerNews, *Members of Azerbaijan's Musavat opposition party being interrogated in Europe*, 16 December 2019; Turan, *German authorities release member of Musavat ECC*, 8 January 2020; Report, *Germany releases Alovzat Aliyev, arrested for migrant trafficking*, 13 February 2020; Turan, *German police released Alovzat Aliyev on bail*, 13 February 2020; OCCRP, *The Advocate*, 11 June 2020.

¹⁷⁴ Turan, *The ex-wife of a police general is accused of stealing*, 22 June 2015; APA, *General Emin Shekinski's brother-in-law put on Interpol's wanted list*, 19 August 2015.

¹⁷⁵ Kaspi, *Qanimat Zahidin "mühacir" amaliyyati (The immigrants operation of Qanimat Zahid)*, 25 July 2015; OC Media, *Photos of alleged torture by police published in Azerbaijan*, 12 August 2020; Azərbaycan Saati, *The Azerbaijani dictator does not limit his actions of torture and repression within the country*, 18 March 2021.

¹⁷⁶ Confidential source, 24 May 2021.

newspaper. The chairman of the Azerbaijan Press Council also stated that Namazov had never been a journalist, and that many people had acquired a press card for use in an asylum procedure.¹⁷⁷

2.1.4.4 Certificates

To prevent the spread of the coronavirus, from 5 April 2020 only certain categories of people were able to travel, on the basis of a certificate. These included MPs and representatives of the media. Some government agencies and other bodies, such as media organisations, were allowed to issue these certificates to their staff. Other categories of people were allowed to travel if their employer had entered their details on the website www.e-gov.az. All others were allowed to go outside for a maximum of two hours per day after requesting permission by text (number 8103) and stating the reason.¹⁷⁸ On 6 April 2020, the authorities stated that they had found that some media organisations had issued certificates to persons not working for them.¹⁷⁹ In April and May 2020, the authorities arrested several people for selling fake certificates.¹⁸⁰

2.2 Citizenship

This report uses the term 'citizenship' rather than 'nationality', as the latter can cause confusion in countries that belonged to the former Soviet Union. In Russian, the term *natsionalnost* denotes ethnic origin. An explanation is given below of the different ways of acquiring and losing Azerbaijani citizenship.

2.2.1 Multiple citizenship

It follows from Article 10 of the Citizenship Act that multiple citizenship is in principle not recognised in Azerbaijan. On 1 May 2020, the second provision of this article was amended. As a result of this change, it is no longer a criminal offence for an Azerbaijani citizen who has obtained citizenship of a foreign state to fail to inform the Ministry of Foreign Affairs and the State Migration Service (SMS) in writing within one month. Article 318-2 CC also changed on 1 May 2020. This article stated that failure to provide this written information within one month was punishable by a fine of 3,000 to 5,000 manat (AZN)¹⁸¹ or 360 to 480 hours of community service.

¹⁷⁷ France 24, *Exiled Azeri shot, wife killed in southern France*, 30 March 2018; DW, *Azeri journalist in exile shot in southern France*, 30 March 2018; Reuters, *Gunman shoots exiled Azeri journalist in southern France*, 30 March 2018; Meydan TV, *Shooting in Toulouse*, 30 March 2018; The Globe Post, *Azerbaijani exile claiming to be journalist shot in France, wife murdered*, 30 March 2018; Turan, *Citizen of Azerbaijan shot dead in France*, 30 March 2018; La Dépêche du Midi, *Fusillade à Colomiers: un journaliste réfugié politique d'Azerbaïdjan blessé, son épouse tuée*, 31 March 2018; France Blue, *Un homme se présentant comme un journaliste d'Azerbaïdjan en exil cible d'une fusillade près de Toulouse*, 31 March 2018; Open Democracy, *Azerbaijani mafia in the heart of Europe ?*, 5 April 2018; RFE/RL, *Azeri killed, husband injured in drive-by shooting in France*, 31 March 2018.

¹⁷⁸ Trend, *Operational headquarters under Azerbaijani cabinet of ministers decides on movement restriction*, 2 April 2020. APA, *Duration of permits to leave the place of residence on the basis of an SMS message will be 3 hours*, 8 December 2020; Report, *Azerbaijan cancels SMS permission system*, 16 January 2021.

¹⁷⁹ Trend, *Azerbaijani Operational Headquarters: Severe measures to be taken towards quarantine regime violators*, 6 April 2020.

¹⁸⁰ For example, they were charged under Articles 139-1.1 (violation of quarantine rules) and 320.1 (document forgery) CC; Turan, *People selling fake journalist IDs detained*, 8 April 2020; Eurasianet, *Azerbaijanis adjust to strict stay-at-home regime*, 9 April 2020; AzerNews, *Azerbaijan mulls extending quarantine regime term, tightening rules*, 9 April 2020; Global Voices, *Azerbaijanis required to send SMS notification before leaving their homes*, 10 April 2020; Turan, *Press Council member detained for selling fake documents*, 16 April 2020; Eurasianet, *Several local officials arrested in Azerbaijan for COVID corruption*, 5 May 2020; AzerNews, *Azerbaijan arrests another district head over COVID-19-related corruption*, 7 May 2020; State Security Service of the Republic of Azerbaijan, *Information of the Public Relations Department of the State Security Service*, 7 May 2020; Turan, *Criminal case of the former head of the municipality of Binagadi village sent to court*, 22 May 2021.

¹⁸¹ 3,000 to 5,000 manat is equivalent to 1,476.97 to 2,461.62 euros. Conversion rate according to www.wisselkoers.nl, accessed 3 September 2021.

However, penalties have no longer been imposed since 1 May 2020, since Article 318-2 has been repealed.¹⁸²

2.2.2 *Acquisition by operation of law*

By law, a child acquires Azerbaijani citizenship through being born in Azerbaijani territory, through having at least one parent with Azerbaijani citizenship, or through adoption by at least one parent with Azerbaijani citizenship.¹⁸³

2.2.3 *Acquisition through naturalisation*

Foreign citizens and stateless persons may submit a naturalisation application to the SMS through the front office of ASAN Service or the website www.e-gov.az. After the registration step has been completed, the required documents may be submitted or uploaded. They are as follows:

- The completed application form;
- The number of the permanent residence permit;
- Four passport photos (3x4 cm);
- Proof of family composition;
- Proof of payment of the fee;
- A document proving uninterrupted residence of at least five years in Azerbaijani territory prior to the application. A person who has outstanding achievements in science, technology, culture or sport or who is otherwise of special value to Azerbaijan may obtain citizenship without fulfilling this requirement of residence for a period of at least five years;
- A reference from the Ministry of Education certifying the applicant's knowledge of the Azerbaijani language;
- A copy of an identity document;
- A document showing that the applicant has a legal source of income;
- If the applicant has outstanding achievements in the field of science, technology, culture or sport, and has been invited to Azerbaijan by a government agency for that reason: a document showing that the applicant has been invited and that he or she has a legal source of income;
- If the applicant is a citizen of a country with which Azerbaijan has concluded a treaty to prevent dual nationality: a document showing that the applicant intends to acquire Azerbaijani citizenship. The competent authority of the country of which the applicant is a citizen issues such a document. If the applicant is unable to acquire such a document, he or she must indicate this on the application form.

After these documents have been submitted, the application may be sent. The applicant will receive a confirmation by email. If the SMS rejects the application, the applicant will receive an email stating the reason for rejection.¹⁸⁴

¹⁸² Act of 1 May 2020 amending the Citizenship Act (Law 70-VIQD), <http://www.e-qanun.az/framework/45104>, accessed 3 September 2021; Act of 1 May 2020 amending the Criminal Code (Law 68-VIQD), <http://www.e-qanun.az/framework/45109>, accessed 3 September 2021.

¹⁸³ Under Article 12 of the Citizenship Act, a child born in the territory of the Republic of Azerbaijan, both of whose parents are foreigners, is not a citizen of Azerbaijan. A child born in the territory of the Republic of Azerbaijan, one of whose parents does not have Azerbaijan citizenship and the other of whose parents is stateless, is also not an Azerbaijan citizen. A child born in the territory of the Republic of Azerbaijan, both of whose parents are stateless, is a citizen of Azerbaijan; Articles 11, 12 and 23 of the Citizenship Act of 30 September 1998 (Law 527-IQ), <http://www.e-qanun.az/framework/3187>, accessed 3 September 2021.

¹⁸⁴ Article 14 of the Citizenship Act; E-government, *Acquiring citizenship of Azerbaijan Republic*, <https://www.e-gov.az/en/services/read/3308/1>, accessed 3 September 2021; SMS, *Documents required for acquisition of the citizenship of the Republic of Azerbaijan by foreigners and stateless persons*, https://www.migration.gov.az/en/page_detail/700, accessed 3 September 2021; Confidential source, 29 June 2021.

Since 2016, the SMS has been running a campaign to offer stateless persons the opportunity to naturalise. UNHCR issued a brochure in connection with this campaign in December 2020.¹⁸⁵ The first meeting of a working group focused on identifying stateless persons in Azerbaijan was held on 22 September 2020.¹⁸⁶

According to the SMS, in 2020, 409 people, including stateless persons, acquired Azerbaijani citizenship by presidential decree.¹⁸⁷ The majority of the stateless persons were ethnic Azerbaijanis from Georgia or Iran.¹⁸⁸ In addition, a number of people obtained Azerbaijani citizenship during the reporting period because of their efforts or the efforts of their living or dead relatives during the Nagorno-Karabakh War.¹⁸⁹

2.2.4

Accession through restoration

Persons who have held Azerbaijani citizenship in the past or whose citizenship has lapsed may submit a re-acquisition request to the SMS through the front office of ASAN Service or the website www.e-gov.az. After the registration step has been completed, the required documents may be submitted or uploaded. They are as follows:

- The completed application form;
- Four passport photos (3x4 cm);
- Proof of payment of the fee;
- A copy of an identity document;
- The name of the body that made the decision to terminate Azerbaijani citizenship, as well as the date and number of the decision;
- Proof of family composition;
- If the applicant has left Azerbaijan in the meantime: a certificate showing that the applicant has undergone an AIDS test, and a health certificate.¹⁹⁰

A person residing outside Azerbaijan must submit the application through a diplomatic mission.¹⁹¹

2.2.5

Termination on request

Azerbaijani citizens may submit a citizenship termination application to the SMS through the front office of ASAN Service or the website www.e-gov.az. After the

¹⁸⁵ UNHCR, *Fact sheet Azerbaijan*, 1 February 2021, p. 3.

¹⁸⁶ SMS, *A Working Group started its work to eliminate statelessness in the territory of the country*, 22 September 2020; Ombudsman, *The Working Group on Statelessness where the Ombudsman Office is also represented has started its work*, 23 September 2020.

¹⁸⁷ Trend, *How many people received Azerbaijani citizenship in 2020?*, 14 January 2021; AzerNews, *52 foreigners applied for refugee status in Azerbaijan in 2020*, 14 January 2021.

¹⁸⁸ USDoS, *Azerbaijan 2020 human rights report*, 30 March 2021, p. 32.

¹⁸⁹ SMS, *Information of the State Migration Service on acquisition of citizenship of the Republic of Azerbaijan*, 30 December 2020; APA, *Mothers of national hero Ilgar Mirzayev and two more martyrs granted Azerbaijani citizenship*, 30 December 2020; SMS, *Relevant references presented to the persons acquired Azerbaijani citizenship*, 18 March 2021.

¹⁹⁰ E-government, *Restoration of the citizenship of Azerbaijan Republic*, <https://www.e-gov.az/en/services/read/3309/1>, accessed 3 September 2021; SMS, *Documents required for restoration of foreigners and stateless persons to the citizenship of Azerbaijan Republic*, https://www.migration.gov.az/en/page_detail/714, accessed 3 September 2021; Ministry of Foreign Affairs of the Republic of Azerbaijan, *Resumption of Azerbaijan Republic nationality*, <https://mfa.gov.az/en/category/services-provided-by-the-diplomatic-missions-and-consulates-of-the-republic-of-azerbaijan-in-foreign-countries/resumption-of-azerbaijan-republic-nationality>, accessed 3 September 2021.

¹⁹¹ Consulat General of the Republic of Azerbaijan in Los Angeles, *Restoration of the citizenship*, <https://www.azconsulatela.org/Consular-and-Legal-Issues/Citizenship/V%C9%99t%C9%99nda%C5%9F%C4%B1%C4%9Fa-b%C9%99rpa>, accessed 3 September 2021; SMS, *What is the procedure for applying for acquisition, restoration and revocation of citizenship of the Republic of Azerbaijan?*, https://www.migration.gov.az/en/page_detail/1646, accessed 3 September 2021.

registration step has been completed, the required documents may be submitted or uploaded. They are as follows:

- The completed application form;
- Four passport photos (3x4 cm);
- Proof of family composition;
- A request addressed to the President of the Republic of Azerbaijan;
- Documents demonstrating that the applicant has no unfulfilled obligations towards the state or natural and legal persons in Azerbaijan. An overview of these documents can be found on the website www.e-gov.az.¹⁹²

A person residing outside Azerbaijan must submit the application through a diplomatic mission.¹⁹³

2.2.6

Involuntary loss

According to the US State Department (USDoS), one person was deprived of Azerbaijani citizenship in 2020. The reason for this is not known.¹⁹⁴

¹⁹² E-government, *Online application – to renounce citizenship of Azerbaijan Republic*, <https://www.e-gov.az/en/services/read/2523/1>, accessed 3 September 2021; SMS, *Documents required for revocation of citizen of the Republic of Azerbaijan from citizenship of the Republic of Azerbaijan*, https://www.migration.gov.az/en/page_detail/699, accessed 3 September 2021.

¹⁹³ Consulat General of the Republic of Azerbaijan in Los Angeles, *Relinquishing citizenship*, <https://www.azconsulatela.org/Consular-and-Legal-Issues/Citizenship/V%C9%99t%C9%99nda%C5%9F%C4%B1qdan-%C3%A7%C4%B1xma>, accessed 3 September 2021; SMS, *What is the procedure for applying for acquisition, restoration and revocation of citizenship of the Republic of Azerbaijan?*

¹⁹⁴ USDoS, *Azerbaijan 2020 human rights report*, 30 March 2021, p. 32.

3 Human rights

This chapter focuses on the human rights situation in Azerbaijan since the previous country of origin information report of July 2020.

3.1 Position of specific groups

3.1.1 *Ethnic minorities*

The 2009 census showed that more than 91 percent of the population belonged to the majority ethnic group, the Azerbaijanis. Less than 9 percent of the population belonged to one of the ethnic minorities, such as the Lezgins, Armenians, Russians, Talysh, Avars, Turks, Tatars, Tat, Ukrainians, Tsakhur, Georgians, Jews, Kurds and Udi.¹⁹⁵ The Constitution recognises the right to retain one's own ethnic identity, including a prohibition of enforced changes of ethnicity, as well as the right to education in one's own language. The Constitution does not address ethnic minorities' right to self-determination.¹⁹⁶ Furthermore, there is no specific law guaranteeing the rights of ethnic minorities, although there are some laws that affect these rights, such as the Education Act. This law emphasises that the language of education is Azerbaijani.¹⁹⁷ However, the law states that education may be given in minority or foreign languages, as long as the Azerbaijani language, literature, history and geography are also taught. It follows that, under certain conditions, educational institutions using a minority language could be established.¹⁹⁸ There is also the Language Act. This is almost entirely devoted to the Azerbaijani language and does not provide for any protection and development of the languages of ethnic minorities.¹⁹⁹

3.1.1.1 Lezgins

Lezgins live mainly in the Qusar district, where they form a local majority, in the Quba and Khaçmaz districts of North-East Azerbaijan and across the border in the south of the Republic of Dagestan. Most Lezgins are Sunni Muslims.²⁰⁰ During the reporting period, Lezgins were taught Lezgian language and culture for two hours once a week at school up to ninth grade. During the reporting period, the use of Lezgian textbooks from Russia was not allowed, because they did not meet the requirements of the Azerbaijani government.²⁰¹

3.1.1.2 Talysh

Talysh live mainly in the south-eastern districts of Lankaran, Astara, Masalli and Lerik, in the capital Baku and across the border in the north-western Iranian

¹⁹⁵ SSC, *Population of Azerbaijan 2020*, 3 May 2021, p. 21.

¹⁹⁶ Articles 2 (right to self-determination), 25 (equality), 42 (right to education), 44 (right to national identity) and 45 (use of the mother tongue) of the Constitution.

¹⁹⁷ Article 7.1 of the Education Act of 19 June 2009 (Law 833-IIIQ), <http://www.e-qanun.az/framework/18343>, accessed 3 September 2021.

¹⁹⁸ Article 7.2 of the Education Act; Confidential source, 24 May 2021.

¹⁹⁹ The Language Act of 30 September 2002 (Law 365-IIQ), <http://www.e-qanun.az/framework/1865>, accessed 3 September 2021.

²⁰⁰ OC Media, *Lezgins – a prominent ethnic group in Azerbaijan*, 5 April 2017; Confidential source, 24 May 2021.

²⁰¹ These conditions are laid down in the General Education Act of 29 March 2019 (Law 1532-VQ), <http://www.e-qanun.az/framework/42543>, accessed 3 September 2021, as well as Decree 67 of the Council of Ministers on the rules for compiling textbooks of 25 February 2020, <http://e-qanun.az/framework/44610>, accessed 3 September 2021; Confidential source, 4 May 2021; Confidential source, 4 June 2021.

province of Gilan. Most Talysh are Shia Muslims.²⁰² The majority of Talysh are bilingual and well integrated into Azerbaijani society.²⁰³

In 2019, the Talysh Public Council of Azerbaijan (TPCA) was established. This organisation champions the cultural rights of the Talysh living in Azerbaijan. However, after its establishment, it did not succeed in officially registering with the Ministry of Justice. According to the TPCA, this may have been related to the use of the word Talysh in the organisation's name.²⁰⁴ The TPCA states that there is a lack of qualified teachers and teaching materials for Talysh language lessons in primary education. The Azerbaijani Ministry of Education compiled textbooks in Talysh for Talysh language lessons in grades 2 to 4 of primary school in 2006. No new textbooks for Talysh language lessons have been issued since then. In addition, in some schools in the south-eastern districts, Talysh pupils in grades 1 to 4 have language lessons for one hour a week. According to the TPCA, these lessons are optional and are sometimes given by teachers with little or no knowledge of Talysh. Some teachers also use these hours for other lessons or have the pupils perform other activities.²⁰⁵ According to a source, it is not possible to organise Talysh language courses outside the regular education system in the south-eastern districts.²⁰⁶ Furthermore, it is not possible to study Talysh at universities in Azerbaijan.²⁰⁷

The Talysh activist Fakhraddin Abbasov died in the reporting period. On 14 February 2020, a court in Baku sentenced this historian to 16 years in prison under Articles 274 (high treason), 281.2 (inciting insurrection) and 283.1 (inciting ethnic hatred), CC. He was accused, among other things, of having advocated an independent Talysh state in his publications. On 13 October 2020, a human rights activist released a statement from Abbasov in which he said that his life was in danger and that reports that he had committed suicide should never be believed. Abbasov died in Gobustan prison on 9 November 2020. The prison management stated on 13 November 2020 that he had committed suicide because he was shocked at the capture of the city of Şuşa. The TPCA cast doubt on this explanation and called for an independent inquiry. As far as is known, no further investigation has taken place.²⁰⁸ As far as is known, during the reporting period there were no further problems arising from a call for secession in the Talysh community in Azerbaijan.

²⁰² Eurasianet, *Azerbaijan: Baku keeps lid on ethnic minorities*, 5 September 2012; MRGI, *World directory of minorities and indigenous peoples - Azerbaijan: Talysh*, March 2018.

²⁰³ OC Media, *Prominent Talysh activist dies in prison in Azerbaijan*, 12 November 2020; Eurasia Review, *Azerbaijan's ethnic minorities overwhelmingly back Baku's opposition to any special status for Armenians in Karabakh*, 22 November 2020.

²⁰⁴ The name of this organisation is *Azərbaycan Talışların İctimai Şurası* (ATİŞ) in Azerbaijani, *Azərbayconli Tolışon İctimai Şura* (ATİŞ) in Talysh and *Obshchestvennyy sovet talyshy Azerbaydzhana* (OSTA) in Russian; Turan, *Talysh question is an unanswered question*, 16 December 2019; Turan, *Talysh Public Council on necessary measures for development of Talysh language*, 21 February 2021; Confidential source, 4 May 2021.

²⁰⁵ Turan, *Talysh question is an unanswered question*, 16 December 2019; Talish.org, *Statement by The Talysh Public Council of Azerbaijan in the Republic of Azerbaijan on current status of the Talysh language*, 22 February 2020; Confidential source, 30 August 2021.

²⁰⁶ Confidential source, 11 March 2021.

²⁰⁷ ACCORD, *Query response on Azerbaijan: Information about the Talysh community (rights and treatment)*, 16 May 2017; Confidential source, 12 May 2021.

²⁰⁸ For more information on Fakhraddin Abbasov's case, see section 3.1.1 of the general country report on Azerbaijan of July 2020; Turan, *Talysh separatist detained in Moscow at the request of Azerbaijan*, 10 September 2018; AI, *Azerbaijan authorities must release Talysh activists*, 8 June 2020; Turan, *Fakhraddin Abbasov's suicide in prison?*, 10 November 2020; OC Media, *Prominent Talysh activist dies in prison in Azerbaijan*, 12 November 2020; APA, *PS: Fakhraddin Abbaszade had deep psychological shock from liberation of Shusha and committed suicide*, 13 November 2020; Meydan TV, *"If Fakhraddin Abbasov had a deep concussion, he should have been hospitalized"*, 19 November 2020; AI, *Amnesty International report 2020/21*, 7 April 2021, p. 75; Confidential source, 29 April 2021.

During the reporting period, a suspect of Talysh origin also had additional charges relating to his origin brought against him. This was Aslan Qurbanov, who was arrested in connection with the protests of 14 July 2020 (see 1.2.4). On 15 April 2021, a court in Baku sentenced him to seven years in prison under Article 281.2 (sedition) and 283.1 (inciting ethnic hatred), CC. The sentence was confirmed on appeal on 23 June 2021. Qurbanov was accused, among other things, of having held a Talysh flag. The charges also concerned his activities on Facebook and WhatsApp. For example, he had written on Facebook about the Talysh language and culture. According to several sources, the trial and judgment were unfair and groundless.²⁰⁹

3.1.1.3 Armenians

There are no reliable recent figures on the number of ethnic Armenians living in the former war zones, and the number of Armenians living in the rest of Azerbaijan is a highly politicised question.²¹⁰ According to Minority Rights Group International (MRGI), an estimated 300,000 ethnic Armenians left Azerbaijan during the First Nagorno-Karabakh War (1988-1994). In the mid-1990s, it was estimated that around 18,000 ethnic Armenians were still living in Azerbaijan, at a time when reliable figures were not available on the Armenian population in Nagorno-Karabakh.²¹¹ According to the 2009 census, 120,306 Armenians were living in Azerbaijan at that time. This included ethnic Armenians living in Nagorno-Karabakh and the seven adjoining districts.²¹² Anecdotally, the figure of 30,000 has been mentioned since the early 1990s as the number of ethnic Armenians living in Baku. For example, an article in *Caspian News* on 12 October 2020 stated that according to data from the Azerbaijan National Academy of Sciences, 100,000 Armenians were living in Azerbaijan in 2017, including an estimated 20,000 to 30,000 in Baku.²¹³ Furthermore, President Aliyev stated in interviews in October 2020 that there were thousands of Armenians living at various places in Azerbaijan and Baku.²¹⁴ However, several sources indicate that the figure of 30,000 ethnic Armenians in Baku is most likely an exaggeration and that the other numbers that are quoted cannot be taken seriously.²¹⁵ It is therefore not known how many ethnic Armenians were living in Azerbaijan during the reporting period.

According to various sources, most of the ethnic Armenians who had remained in Azerbaijan were elderly Armenian women with Azerbaijani husbands.²¹⁶ Ethnic

²⁰⁹ Turan, *PCTA condemned arrest of Talysh blogger*, 28 July 2020; UFPPA, *List of political prisoners*, 4 June 2021, p. 4; AIW, *Blogger handed seven year jail sentence*, 16 April 2021; OC Media, *Talysh blogger sentenced to 7 years in Azerbaijan*, 20 April 2021; Turan, *PCTA condemned the verdict of the blogger Gurbanov*, 4 May 2021; OC Media, *Talysh blogger 'illegally moved' from pre-trial detention*, 5 May 2021; Confidential source, 30 April 2021; Confidential source, 29 June 2021.

²¹⁰ ECMI, *ECMI minorities blog: Armenia-Azerbaijan at war and new uncertainties for the minorities of Nagorno-Karabakh*, 9 December 2020; Confidential source, 24 May 2021.

²¹¹ MRGI, *World directory of minorities and indigenous peoples - Azerbaijan: Armenians*, March 2018; Confidential source, 19 June 2021.

²¹² MRGI, *World directory of minorities and indigenous peoples - Azerbaijan: Armenians*, March 2018; SSC, *Population of Azerbaijan 2020*, 2021, p. 21; UN Statistics Division, *Population by national and/or ethnic group, sex and urban/rural residence*, <http://data.un.org/Data.aspx?d=POP&f=tableCode:26>, accessed 3 September 2021.

²¹³ *Caspian News*, *Armenians living in Baku urge Yerevan to end occupation of Azerbaijani lands*, 12 October 2020;

²¹⁴ Azertac, *CNN International TV channel's "Connect the World" program broadcast interview with President Ilham Aliyev*, 9 October 2020; Trend, *Today in Azerbaijan there are thousands of Armenians, but in Armenia, all Azerbaijanis have been expelled - President Aliyev*, 10 October 2020; JAMnews, *Ilham Aliyev: "Azerbaijanis are not the enemy of the Armenian people"*, 15 October 2020.

²¹⁵ Confidential source, 20 April 2021; Confidential source, 4 May 2021; Confidential source, 24 May 2021.

²¹⁶ MinDef, *Woman of Armenian origin among wounded civilians in Ganja*, 4 October 2020; Turan, *Criminal case launched against leader of Karabakh separatists*, 4 October 2020; AzerNews, *Armenian national among casualties in Ganja attack*, 5 October 2020; Report, *Appeal from Baku Armenians to Catholicos Karekin II, Armenians of world, Armenians in Karabakh*, 9 October 2020; Azeri Daily, *General Harutyunyan's sister in Kurdamir: My brother didn't know that my son was in Azerbaijani trenches' (human tragedy)*, 8 November 2020; Trend, *Sister of former Armenian defense minister Arutunyan lives in Azerbaijan - president Aliyev*, 9 November 2020; Meydan

Armenians in Azerbaijan keep their ethnicity hidden as far as possible. Since the end of the First Nagorno-Karabakh War, almost all ethnic Armenians in Azerbaijan have changed their names to Azerbaijani names. Sometimes they pretend to be Russians, Jews or Udin.²¹⁷ Their way of life does not differ from that of Azerbaijanis. As a result, they are no longer recognisable as ethnic Armenians within Azerbaijani society.²¹⁸ According to one source, it is very likely that many ethnic Armenians refrain from active participation in public life in Azerbaijan in order to avoid revealing their ethnicity. If this does become known, they may face discrimination. Local residents who know ethnic Armenians in their immediate circle generally try to prevent this information from becoming known to a wider public.²¹⁹

Many Azerbaijani media outlets, politicians and residents of Azerbaijan use hate speech towards Armenians. Calling someone an Armenian can be regarded as an insult.²²⁰ Azerbaijani education also contributes to the negative image of Armenians.²²¹ This image is confirmed in the Military Trophies Park in Baku which opened on 14 April 2021, where Armenian soldiers are portrayed very negatively.²²²

Although the law does not prohibit people with an Armenian surname from entering Azerbaijan, the border police do not allow them into Azerbaijan. For example, the Russian Ministry of Foreign Affairs complained that in the first half of 2017, 25 Russian nationals were refused entry to Azerbaijan because of their Armenian surnames or Armenian origin. According to Azerbaijan, this was related to security measures to avoid provocations. Furthermore, border posts reportedly often subjected persons with Armenian stamps in their passports to additional checks.²²³ Those who have been to the part of Nagorno-Karabakh not under the control of the Azerbaijani authorities without official permission are not allowed to enter Azerbaijan. There is also a list of persons who have been declared persona non grata after visiting Nagorno-Karabakh.²²⁴

TV, *Baku soldier's Armenian mother: "War brings grief to everyone"*, 15 June 2021; Confidential source, 16 April 2021; Confidential source, 20 April 2021; Confidential source, 4 May 2021; Confidential source, 19 June 2021.

²¹⁷ The Udin mainly live in the village of Nij in the Qabala district. Their language is related to Lezgian. They are Orthodox Christian; AzerNews, *Udins praying for liberation of occupied Caucasian Albanian churches in Azerbaijan*, 3 November 2020; Azertac, *Albanian Church of Blessed Virgin Mary in Nij settlement restored by Heydar Aliyev Foundation*, 8 November 2020; Eurasianet, *Perspectives: Who were the Caucasian Albanians?*, 7 June 2021.

²¹⁸ Confidential source, 20 April 2021; Confidential source, 19 June 2021.

²¹⁹ Confidential source, 24 May 2021.

²²⁰ Turan, *Xenophobic fake from 1news.az website*, 4 July 2020; BBCM, *Azerbaijan: Young activists complain of 'moral terror'*, 9 July 2020; Turan, *The reason for the contradictions in the behavior of Siyavush Novruzov*, 24 August 2020; Confidential source, 4 May 2021.

²²¹ IWPR, *History lessons in Armenia and Azerbaijan*, 2 March 2012; Eurasianet, *Azerbaijani teacher fired after call for peace with Armenia*, 11 January 2018; Freedom House, *Freedom in the world 2021, Azerbaijan*, 3 March 2021, p. 10; Confidential source, 4 May 2021.

²²² Eurasianet, *Perspectives: Azerbaijan's authoritarianism and Baku's "Military Trophies Park"*, 16 April 2021; RFE/RL, *Azerbaijan's 'ethnic hatred' theme park draws ire, imperils reconciliation*, 22 April 2021; Carnegie Europe, *Unfinished business in the Armenia-Azerbaijan conflict*, 11 February 2021.

²²³ Caucasian Knot, *Azerbaijan voices entry conditions for Russian citizens with Armenian surnames*, 17 October 2019; Azerbaijan Travel International, *Armenia-Azerbaijan (for tourists that want to visit Azerbaijan after visiting Armenia)*, 8 July 2020; USDoS, *Azerbaijan 2020 human rights report*, 30 March 2021, p. 43; Confidential source, 2 April 2021; Confidential source, 4 May 2021.

²²⁴ The Washington Post, *Anthony Bourdain just got banned from Azerbaijan*, 27 October 2017; Meydan TV, *Azerbaijan adds foreign MPs to 'persona non grata' list for traveling to Nagorno-Karabakh*, 1 September 2017; AzerNews, *Baku removes Swiss citizen's name from personas non grata list*, 10 January 2020.

3.1.2 *Conscientious objectors and deserters*

Compulsory military service applies to all male citizens between the ages of 18 and 35 who are deemed fit for military service by the SSMC.²²⁵ This also applies to men living outside Azerbaijan. There is no official buyout scheme for military service.²²⁶ Men who have reached the age of 35 can no longer be called up.²²⁷ Women are not subject to military service. However, if they are between the ages of 19 and 40, they may serve on a voluntary basis as professional soldiers in the army.²²⁸ The Constitution provides for an alternative form of national service that must be regulated by law. However, no alternative national service law was approved during the reporting period, making alternative national service impossible in practice.²²⁹

All male citizens who have reached the age of 15 must register at one of the SSMC's district offices between January and March. The purpose of this initial registration is to establish their fitness for military service. An initial medical examination takes place at the SSMC in this context.²³⁰ Boys who are medically approved receive a call-up for military service on reaching the age of 18.²³¹

The president issues a quarterly decree calling up conscripts in monthly rounds. At the same time, those who have completed their military service are discharged from service and designated as reservists. The four call-up rounds are in January, April, July and October.²³² When the conscript responds to the call-up and appears at the SSMC district office, a medical examination is performed. After the SSMC has approved a conscript, it decides where he will perform his active military service.²³³ Failure to respond to the call is a crime under the Azerbaijani Criminal Code and is punishable by up to two years in detention.²³⁴

In the first 40 days of their service, conscripts receive basic military training. After this initial training, an oath is taken during a ceremony. Conscripts may only be assigned combat duties or be deployed on combat missions if they have taken the military oath. Only then may they be issued with weapons and military equipment.²³⁵

²²⁵ Article 2.0.8 of the Military Service Act of 23 December 2011 (Law 274-IVQ), <http://www.e-qanun.az/framework/23021>, accessed 3 September 2021; USDoS, *Azerbaijan 2020 human rights report*, 30 March 2021, p. 37; EBCO, *Azerbaijan*, <https://ebco-beoc.org/azerbaijan>, accessed 3 September 2021.

²²⁶ Article 12.8 of the Military Service Act; Confidential source, 27 May 2021; Confidential source, 28 May 2021; Confidential source, 19 June 2021.

²²⁷ Article 18.2 of the Military Service Act.

²²⁸ A female professional soldier is referred to in Azerbaijani as a *Qadin Harbi Qulluqçu* (QH). QHs enter into a contract for three years. This contract can be extended by three or five years up to the age limit of 40; Article 3.4 of the Military Service Act; Defence.az, *Women officers of Azerbaijan army*, 8 March 2021; Confidential source, 4 June 2021.

²²⁹ USCIRF, *Country update: Azerbaijan*, March 2021, p. 3; EBCO, *Conscientious objection to military service in Europe*, 15 February 2021, p. 3; USDoS, *Azerbaijan 2020 international religious freedom report*, 12 May 2021, p. 6.

²³⁰ Articles 6.1 and 6.2 of the Military Service Act; Confidential source, 17 May 2021; Confidential source, 24 May 2021.

²³¹ Article 12.2.1 of the Military Service Act.

²³² Article 12.3 of the Military Service Act; AzerNews, *October conscription for active military service ends in Azerbaijan*, 31 October 2020; Trend, *Azerbaijani president signs order on conscription for military service*, 22 December 2020; AzerNews, *President Aliyev signs order on military conscription*, 23 December 2020; MinDef, *The process of distributing conscripts to military units has been completed*, 28 June 2021; MinDef, *The departure ceremony of servicemen discharged from military service was held in the Azerbaijan army*, 6 July 2021.

²³³ Article 15 of the Military Service Act.

²³⁴ Refusal to serve in wartime carries a prison sentence of three to six years; Article 321 of the Criminal Code (CC) of 30 December 1999 (Law 787-IQ), <http://e-qanun.az/framework/46947>, accessed 3 September 2021.

²³⁵ Article 29.3 of the Military Service Act; Defence.az, *Military oath taking ceremonies held in Azerbaijan army*, 7 February 2021; Confidential source, 17 May 2021; Confidential source, 24 May 2021; Confidential source, 19 June 2021.

In peacetime, military service lasts 18 months. A period of 12 months applies to those with a university degree.²³⁶ The time spent by a conscript in a penal battalion does not in principle count as a period of active military service.²³⁷

Reservists may be called up for exercises or for deployment in a conflict situation up to the age of 50. For example, on 21 September 2020, the SSMC called up reserve officers for mobilisation training; at the same time, the police conducted large-scale seizures of vehicles that could be used for military purposes.²³⁸ Furthermore, the SSMC called up reservists from 28 September 2020 for deployment during the war.²³⁹ They were demobilised again from early December 2020.²⁴⁰

On completion of compulsory military service, conscripts may continue to serve in the military for up to three years on a contractual basis. The three-year contract may be extended by three or five years up to a certain age limit. The age limit depends on the person's military rank.²⁴¹

3.1.2.1 Deferral

There are five grounds for deferral of military service: special family circumstances, health reasons, studies, participation as a candidate in elections or holding certain positions such as that of a judge or ombudsman.²⁴² Article 19 of the Military Service Act provides an explanation of special family circumstances. Article 20 addresses health reasons. Article 21 relates to study. Article 21.1.4-1 was added on 23 February 2021. According to this article, conscripts who have passed the first entrance examination for a doctoral programme are given a three-month deferral. Under Article 22, conscripts are temporarily exempt from call-up if they have been sentenced but have not yet served their sentence, if criminal proceedings against them are still in progress or if they are in detention.²⁴³

3.1.2.2 Exemption

There are five categories of persons who are exempt from active military service in peacetime. First, citizens with a doctorate. Second, conscripts who are unfit for active military service in peacetime because of their health and who have limited fitness for service in wartime, or who are unfit for both peacetime and wartime military service. Third, conscripts who have not completed military service before the age of 35. Fourth, conscripts who have been assigned to alternative national service; in practice, however, alternative national service is not possible. Fifth, citizens who are naturalised and have previously served in the country where they previously held citizenship.²⁴⁴

²³⁶ Article 38.1.1 of the Military Service Act; Forum 18, *Azerbaijan: Will regime implement alternative service commitment?*, 28 April 2020; EBCO, *Conscientious objection to military service in Europe*, 15 February 2021, p. 17.

²³⁷ Conscripts may be temporarily assigned to a penal battalion as a punitive measure. Such a military unit focuses on punishment, correction of behaviour and re-education of conscripts; Article 6 of the Presidential Decree of 23 July 1992 (Decree 75), <http://www.e-qanun.az/framework/7595>, accessed 3 September 2021.

²³⁸ APA, *Azerbaijan's State Service lends clarity to the issue of conscription of military officials*, 21 September 2020; OC Media, *Azerbaijan calls on reservists and confiscates cars after 'provocation'*, 22 September 2020; JAMnews, *In Azerbaijan, police confiscate pickups en masse: inspection is stated as the reason*, 22 September 2020.

²³⁹ AzerNews, *Azerbaijan introduces partial mobilization*, 28 September 2020; Eurasianet, *Armenians and Azerbaijanis are called to war*, 30 September 2020.

²⁴⁰ Caucasian Knot, *Partial demobilization announced in Azerbaijan*, 2 December 2020; MinDef, *The process of a phase-by-phase demobilization of citizens called up for military service on mobilization started*, 25 December 2020; AzerNews, *Azerbaijan announces demobilization of military servicemen*, 25 December 2020.

²⁴¹ These professional soldiers are referred to by the abbreviation MAXE. This stands for *Müddetden Artıq Haqiqi Harbi Xidmət eden Harbi Qulluqçu* (literally: 'a soldier who performs active military service for a long time'); Confidential source, 24 May 2021; Confidential source, 4 June 2021.

²⁴² Article 18.1 of the Military Service Act.

²⁴³ Article 22 of the Military Service Act.

²⁴⁴ Article 23 of the Military Service Act.

3.1.2.3 Initiation rituals

It is not known whether there were any casualties during initiation rituals in the reporting period.²⁴⁵ According to a source, such rituals have been less common in military units because of the war and because the military leadership has become much more professional in recent years.²⁴⁶

3.1.2.4 Deployment during the Second Nagorno-Karabakh War

It is not possible to state exactly how many soldiers took part in the Second Nagorno-Karabakh War. Information about the exact number of soldiers in the Azerbaijani armed forces is also disputed, despite the Treaty on Conventional Armed Forces in Europe setting a limit of 70,000 soldiers.²⁴⁷

According to one source, there are more than 300,000 reservists, but it is not known how many of them were involved in the war in 2020. The SSMC did not disclose the number of reservists it had called up from 21 September 2020 onwards. There is also no official information on how many reservists were mobilised due to the presidential decree of 28 September 2020 (see 1.2.2.2).²⁴⁸

Furthermore, the SSMC reported on 26 July 2020 that between 12 and 22 July 2020, more than 55,130 civilians had registered to volunteer for active military service. Of these, only those under the age of 35 and those with particular specialisations were called up. However, it is not known how many volunteers ended up taking part in the war.²⁴⁹

According to a source, although the Ministry of Defence did not release figures for conscripts deployed during the war, the number of military decorations awarded provides some indication. Every soldier who served at the front or behind the lines during the conflict received an award. A total of 82,000 people were decorated²⁵⁰ for their participation in the war. About 30 percent of the Azerbaijani army consists of conscripts. On this basis, the same source estimates that around 23,000 to 25,000 conscripts were called up for deployment during the conflict.²⁵¹ Another source estimates that around 20,000 conscripts were called up.²⁵²

It is not known how many conscripts were deployed at the front during the conflict and how many away from the front. According to a source, the deployment of conscripts at the front may have been relatively limited due to the use of drones, sensors, long-range artillery and missiles.²⁵³ According to another source, only those conscripts who had had military training for more than six months were deployed at the front.²⁵⁴ On 14 July 2021, the Ministry of Defence published a list of 2,907

²⁴⁵ The practice of initiation rituals is known in Russian as *dedovtsjina*; Ani Paitjan & Naila Dadash-Zadeh, *Armenia and Azerbaijan: Cross views on army and homosexuality*, 19 February 2020; Confidential source, 24 May 2021.

²⁴⁶ Confidential source, 19 June 2021.

²⁴⁷ Azerbaijan ratified this treaty in 1992; MinDef, *Cooperation with OSCE*, <https://mod.gov.az/en/cooperation-with-osce-029/>, accessed 3 September 2021; Confidential source, 24 May 2021.

²⁴⁸ Confidential source, 24 May 2021.

²⁴⁹ AzerNews, *Over 55,000 Azerbaijanis sign up for military service*, 26 July 2020; Reuters, *With ropes and wooden guns, returning Armenians train for war*, 29 October 2020.

²⁵⁰ It should be noted here that civilians could also be eligible for an award and that some military personnel received several awards; Confidential source, 4 June 2021.

²⁵¹ Confidential source, 7 March 2021.

²⁵² Confidential source, 11 March 2021.

²⁵³ Confidential source, 24 May 2021.

²⁵⁴ Confidential source, 19 June 2021.

names of soldiers killed during the Second Nagorno-Karabakh War and 7 names of missing persons. There is evidence that about 1,900 of these were conscripts.²⁵⁵

According to a source, there is no official information about conscripts refusing deployment in the conflict. According to this source, criminal prosecutions would have been initiated if this had occurred on a large scale. However, there are no known criminal cases of conscripts who refused deployment in the conflict.²⁵⁶ According to various sources, it was possible during the war to evade mobilisation by paying bribes. However, this did not happen on a large scale.²⁵⁷ According to a source, reports about this did not appear in the official media during the war, but they did appear on social media. However, it is not possible to verify this information.²⁵⁸

Various sources indicate that they had not heard anything about deserters during the war. There were probably no deserters, as there was considerable social pressure to participate in the war.²⁵⁹

3.1.3

Members of opposition parties and political activists

The Ministry of Justice is responsible for the registration of political parties. In 2020, it registered seven parties, including the National Front Party (NFP) led by Razi Nurullayev and the Republican Alternative Party (ReAl) led by Ilqar Mammadov. Since 15 December 2020, 62 parties have been registered.²⁶⁰

The Azerbaijani parliament has 125 seats, 120 of which were occupied during the reporting period. One seat is vacant because it is reserved for an MP from the Armenian community of Nagorno-Karabakh. Furthermore, there were no MPs from constituencies 33 (Khatai), 35 (Khatai), 74 (Lankaran) and 80 (İmişli-Beylaqan). The Central Election Commission (CEC) declared the results of the parliamentary elections in these four constituencies invalid on 13 February 2020. The CEC was supposed to then set a new date for the elections in these districts. However, this had not yet happened by the end of the reporting period.²⁶¹

The following 11 parties were represented in parliament during the reporting period:

- *New Azerbaijan Party* (NAP, in Azerbaijani: *Yeni Azərbaycan Partiyası*, YAP, 70 seats);
- *Civil Solidarity Party* (CSP, *Vətəndaş Həmrəyliyi Partiyası*, VHP, 3 seats);
- *Popular Front Party of Whole Azerbaijan* (PFPWA, *Bütöv Azərbaycan Xalq Cəbhəsi Partiyası*, BXAC, 1 seat);
- *Great Order Party* (GOP, *Böyük Quruluş Partiyası*, BQP, 1 seat);
- *Motherland Party* (MP, *Ana Vətən Partiyası*, AVP, 1 seat);

²⁵⁵ MinDef, *List of servicemen who became shahids in the Patriotic War*, 14 July 2021; Confidential source, 24 May 2021.

²⁵⁶ Confidential source, 24 May 2021.

²⁵⁷ Confidential source, 11 March 2021; Confidential source, 20 April 2021.

²⁵⁸ Confidential source, 24 May 2021.

²⁵⁹ President of the Republic of Azerbaijan, *Ilham Aliyev and first lady Mehriban Aliyeva visited Fuzuli, Zangilan, Lachin and Jabrayil districts*, 14 February 2021; Confidential source, 20 April 2021; Confidential source, 19 June 2021.

²⁶⁰ JAMnews, *Two opposition parties registered in Azerbaijan*, 1 September 2020; Meydan TV, *Opposition parties officially registered in Azerbaijan*, 2 September 2020; APA, *Deadline for political parties to file annual financial report to CEC expires tomorrow*, 31 March 2021; CEC, *Information on political parties included in state registration in the Republic of Azerbaijan*, <http://www.msk.gov.az/uploads/partiyalar/2020/UmumiMelumat.php>, accessed 3 September 2021.

²⁶¹ Article 172 of the Electoral Law of the Republic of Azerbaijan of 27 May 2003 (Law 461-IIQ), <http://e-qanun.az/framework/46953>, accessed 3 September 2021; OC Media, *Azerbaijan cancels election results for 'at least 4 constituencies' due to electoral fraud*, 13 February 2020; Confidential source, 21 April 2021.

- *Party for Democratic Reforms* (PDR, *Azərbaycan Demokratik İslahatlar Partiyası*, ADIP, 1 seat);
- *Unity Party* (UP, *Vahdat Partiyası*, VP, 1 seat);
- *Civil Unity Party* (CUP, *Vətəndaş Birliyi Partiyası*, VBP, 1 seat);
- *Azerbaijan Democratic Enlightenment Party* (ADEP, *Azərbaycan Demokratik Maarifçilik Partiyası*, ADMP, 1 seat);
- *National Front Party* (NFP, *Milli Cəbhə Partiyası*, MCP, 1 seat);
- *Republican Alternative Party* (ReAl, *Respublikaci Alternativ Partiyası*, 1 seat).²⁶²

As well as the members of these 11 political parties, there were also 38 MPs in parliament who were not formally members of any party during the reporting period. However, these MPs were independent in name only; in practice, their candidacy had been approved by the presidential apparatus and they followed the same line as President Aliyev.²⁶³ According to various sources, no minority party in parliament can be regarded as constituting an opposition.²⁶⁴ According to a source, the 12 MPs of the ten minority parties fully support President Aliyev's policies. In exceptional cases, an MP of the 'loyal opposition' may criticise some officials or certain situations. Most voters in Azerbaijan are not aware of the names of the minority parties or of their leaders, with the exception of ReAl and the CSP led by the poet Sabir Rustamkhamli.²⁶⁵

3.1.3.1 Azerbaijan Popular Front Party (APFP)

The main extra-parliamentary opposition party is the APFP. This nationalist party, which is regarded as part of the traditional opposition, is led by Ali Karimli.²⁶⁶ The APFP boycotted the 2015 and 2020 parliamentary elections.²⁶⁷ During the reporting period, President Aliyev tried on several occasions to discredit this party by stating that the APFP, together with *Müsavat* (see 3.1.3.2), was responsible for the loss of Azerbaijani territory in the years 1991-1994.²⁶⁸

Members of the APFP faced reprisals from the authorities during the reporting period, including dismissal from work, intimidation, assault, arrest and administrative or criminal detention. These reprisals were often based on spurious justifications.²⁶⁹ The APFP has not had a party office since March 2014.²⁷⁰ Furthermore, its leader, Ali Karimli, has been unable to obtain a passport since

²⁶² In Azerbaijani: *Milli Majlis*; APA, *Azerbaijani Popular Front Party headed by Razi Nurullayev renamed*, 28 July 2020; Parliament of the Republic of Azerbaijan, *Milli Majlis members*.

²⁶³ Confidential source, 2 April 2021; Confidential source, 13 April 2021; Confidential source, 24 May 2021.

²⁶⁴ JAMnews, *Who's who in the new Azerbaijani parliament*, 15 March 2020; Confidential source, 2 April 2021; Confidential source, 24 May 2021.

²⁶⁵ Confidential source, 13 April 2021.

²⁶⁶ In Azerbaijani this party's name is *Azərbaycan Xalq Cəbhəsi Partiyası* (AXCP); Bertelsmann Stiftung, *Combating and preventing corruption*, 28 October 2020, p. 57; Heinrich Böll Stiftung, *Azerbaijan update From COVID-19 to the new war in Nagorno-Karabakh*, 10 December 2020; Freedom House, *Freedom in the world 2021, Azerbaijan*, 3 March 2021, p. 5.

²⁶⁷ DW, *Opposition, monitors boycott Azerbaijan election*, 1 November 2015; OC Media, *Azerbaijan's opposition split over snap election*, 13 December 2019.

²⁶⁸ Carnegie Europe, *Unfinished business in the Armenia-Azerbaijan conflict*, 11 February 2021; Mehriban Aliyeva, 7th congress of New Azerbaijan Party held, 5 March 2021; Turan, *National Council's statement regarding Ilham Aliyev's recent hate speech against his rivals*, 6 March 2021; Trend, "You are free, dear Shusha!" – After 28 years of separation, we are in Shusha, 8 May 2021.

²⁶⁹ AIW, *Member of opposition party sentenced to 30 days*, 21 March 2021; Turan, *Activist arrested after refusing to testify against PPFA leadership*, 5 April 2021; BBCM, *Opposition bloc criticises government*, 5 May 2021; Caucasian Knot, *Oppositionist detained in Baku on criminal case*, 12 August 2021; Caucasian Knot, *Wife of Azerbaijani oppositionist Gumbatov worried about his fate*, 15 August 2021.

²⁷⁰ Caucasian Knot, *PPFA believes that its office was blown up intentionally*, 3 March 2014; Caucasian Knot, *Azerbaijani authorities demand from PPFA to vacate the building housing its office*, 4 March 2014.

2006.²⁷¹ During the reporting period, his home's Internet connection was cut off.²⁷² According to a source, APFP members were unable to get jobs with the government.²⁷³ The human rights organisation Union for the Freedom of Political Prisoners of Azerbaijan (UFPPA) identified five APFP members as political prisoners.²⁷⁴

In the reporting period, the APFP, like all other opposition parties, was further marginalised. It has hardly played a significant role in Azerbaijani politics since the Second Nagorno-Karabakh War.²⁷⁵ Karimli expressed his support for the army and the state several times in connection with the war.²⁷⁶

On 15 July 2020, in an opening address to the Council of Ministers, President Aliyev identified the APFP as jointly responsible for the riots and the penetration of the parliament building (see 1.2.2). He spoke about provocative groups that committed acts of hooliganism and tried to disrupt public order and resist the police. According to the president, these were representatives of the 'fifth column'. He called them worse enemies than the Armenians, and stated that the problem of the fifth column needed to be ended.²⁷⁷ According to the APFP, 45 APFP members were subsequently arrested between 16 and 30 July 2020 in connection with the 14 July 2020 protests. Fourteen of these were released without charge within three days after being questioned as witnesses. Fifteen members were given 15 to 30 days' detention under Article 535.1 (disobeying police orders) of the Code of Administrative Offences.²⁷⁸

In addition, the prosecutor's office initiated criminal cases against 36 people. This group reportedly included 16 APFP members, two members of the Muslim Unity Movement (MUM), one member of the Azerbaijan Democracy and Welfare Movement (ADWM)²⁷⁹ and the former deputy interior minister of Nakhchivan, Siyavuş Mustafayev.²⁸⁰ On 27 July 2020, Jamil Hasanli, the chairman of the umbrella opposition movement the National Council of Democratic Forces (NCDF), stated that five APFP members from this group, including former APFP vice-president Fuad Qahramanli, had been arrested, tortured and put under pressure to make incriminating statements against other members of the APFP. One indication of this was that they had not been brought before a court within the legally required 48

²⁷¹ Caucasian Knot, *Ali Kerimli demands from Azerbaijani MIA to issue passport for him*, 28 January 2020; Confidential source, 13 April 2021.

²⁷² Turan, *PFPA leader's internet, phones blocked again*, 15 April 2020; AIW, *Opposition leader's mobile and internet cut off ahead of live interview*, 7 April 2021.

²⁷³ Confidential source, 11 March 2021.

²⁷⁴ UFPPA, *List of political prisoners*, 4 June 2021, p. 6-9.

²⁷⁵ Freedom House, *Freedom in the world 2021, Azerbaijan*, 3 March 2021, p. 2; Confidential source, 8 April 2021; Confidential source, 16 April 2021.

²⁷⁶ Eurasianet, *After huge Baku rally, Azerbaijan rounds up usual suspects*, 17 July 2020; Turan, *Ali Karimli: We are together with our state, army*, 27 September 2020; Meydan TV, *Azerbaijani opposition parties unite behind government*, 7 October 2020; Freedom House, *Nations in transit 2021, Azerbaijan*, 28 April 2021, p. 4.

²⁷⁷ President of the Republic of Azerbaijan, *Opening speech by Ilham Aliyev at the Cabinet meeting on results of socio-economic development in first quarter of 2020 and future tasks*, 15 July 2020.

²⁷⁸ Turan, *Jamil Hasanli: Arrested activists are tortured*, 27 July 2020; USDoS, *Azerbaijan 2020 human rights report*, 30 March 2021, p. 28; Gozetçi, *At the trial in the case of Ruslan Amirov*, 6 April 2021; Confidential source, 24 May 2021.

²⁷⁹ The president of the ADWM is Qubad Ibadoğlu; OC Media, *Azerbaijan's opposition in hot water over German migrant trafficking scandal*, 17 December 2019; Caucasian Knot, *Azerbaijani oppositionist Gusein Melik arrested for 15 days*, 11 September 2020.

²⁸⁰ Gozetçi, *At least 60 people detained following the support for Karabakh rally on 14 July*, 14 July 2020; OC Media, *Azerbaijani opposition hit with new arrests following Aliyev speech*, 17 July 2020; Caucasian Knot, *37 activists face criminal charges following protest in Baku*, 15 September 2020; Confidential source, 4 June 2021.

hours.²⁸¹ For several days, the whereabouts of these five APFP members were not known. Because of this lack of clarity, a rumour arose on social media on 1 August 2020 that Qahramanli might have died from the effects of torture. This prompted the Ombudsman to announce the next day that he was still alive.²⁸² Despite this, his lawyer was not allowed access to his client until 6 August 2020.²⁸³

The courts handled the criminal proceedings against these 36 individuals in three groups of 12.²⁸⁴ All the accused were charged under Articles 127.2.1 (deliberately inflicting minor bodily harm), 186.2.1 (deliberately inflicting grievous bodily harm), 233 (actively participating in actions that disrupt public order) and 315.1 (resistance against a government official), CC.²⁸⁵ APFP praesidium members Fuad Qahramanli and Mammad Ibrahim were also charged under Article 278 (overthrow of the system), CC, but this charge was later dropped.²⁸⁶ Between 17 and 28 July 2020, the 36 suspects were sentenced at first instance to three months of pre-trial detention.²⁸⁷ On 16 November 2020, the court commuted the pre-trial detention of 21 suspects to house arrest from 11 pm to 7 am. They were required to wear an ankle bracelet.²⁸⁸ On 7 December 2020, the remaining 15 suspects were also placed under house arrest.²⁸⁹ On 14, 21 and 22 June 2021, the appeal court in Baku sentenced the individuals from the three groups of 12 to suspended prison terms. Fuad Qahramanli and Mammad Ibrahim were given suspended prison sentences of four years, one month and seven days, with a probation period of 3.5 years. The others received suspended sentences of between 2.5 and 3.5 years.²⁹⁰

A few more examples are given below of APFP members who experienced reprisals during the reporting period. This list is by no means exhaustive.

²⁸¹ OC Media, *Four Azerbaijani opposition Popular Front Party leaders arrested*, 27 July 2020; Turan, *Jamil Hasanli: Arrested activists are tortured*, 27 July 2020; HRW, *Azerbaijan: Relentless crackdown on opposition*, 19 August 2020; Turan, *Family concerned about Fuad Gahramanli's fate*, 27 August 2020.

²⁸² Ombudsman, *Ombudsman conducted a visit to Baku pre-trial detention facility*, 2 August 2020; JAMnews, *Azerbaijani Ombudsman denies death of political prisoner. New reports of torture in prisons. Updated*, 2 August 2020.

²⁸³ Turan, *Lawyer still not allowed to visit Fuad Gahramanli*, 5 August 2020; Turan, *Fuad Gahramanli refused to testify to the investigation*, 6 August 2020; Turan, *MEP concerned about reports of torture of Fuad Gahramanli*, 10 August 2020.

²⁸⁴ Meydan TV, *Son of Azerbaijani opposition member charged with quarantine infraction*, 23 July 2020; Turan, *Trial in the case of the demonstrators on July 14-15, 2020*, 5 May 2021; Turan, *Prosecutor proposed to sentence participants of the "Karabakh action" to suspended sentence*, 9 June 2021.

²⁸⁵ Eurasianet, *After huge Baku rally, Azerbaijan rounds up usual suspects*, 17 July 2020; RFE/RL, *Azerbaijani opposition figure charged with trying to overthrow government*, 25 July 2020; OC Media, *Four Azerbaijani opposition Popular Front Party leaders arrested*, 27 July 2020; RFE/RL, *Azerbaijani opposition figure sent to pretrial detention over unsanctioned rallies*, 29 July 2020; RFE/RL, *Azerbaijan's despotic ruler throws 'tantrum' in unprecedented crackdown on pro-democracy rivals*, 30 July 2020.

²⁸⁶ Turan, *Fuad Gahramanli accused of attempting to seize power*, 24 July 2020; RFE/RL, *Azerbaijani opposition figure charged with trying to overthrow government*, 25 July 2020.

²⁸⁷ Gozetcı, *At least 60 people detained following the support for Karabakh rally on 14 July*, 14 July 2020; RFE/RL, *Azerbaijani opposition activist gets one year in prison*, 1 December 2020; Caucasian Knot, *Baku court refuses to cancel sentence of oppositionist Imanly*, 16 February 2021; Meydan TV, *"I am one of the victims of coronavirus repression"*, 17 February 2021.

²⁸⁸ Meydan TV, *PFPA members released to house arrest*, 16 November 2020; IPD, *The 21 Popular Front Party members arrested after the July 2020 rally organized in support of the army have been placed under house arrest*, 2 December 2020.

²⁸⁹ IPD, *Another 15 people who had been arrested after the July 2020 action in support of the army were put under house arrest*, 7 December 2020; Turan, *Fifteen more defendants of "Karabakh action" released*, 7 December 2020.

²⁹⁰ Turan, *Participants of the "Karabakh action" received a suspended sentence*, 14 June 2021; Caucasian Knot, *Twelve Baku protesters sentenced to conditional terms*, 15 June 2021; Turan, *Twelve participants of the "Karabakh action" received a suspended sentence*, 21 June 2021; Meydan TV, *Karabakh protesters sentenced while Armenian prisoners trial begins*, 22 June 2021; BBCM, *All 36 Azeri pro-war protesters get suspended sentences*, 24 June 2021; Caucasian Knot, *Azerbaijani activists treat reasons for criminal prosecution as political*, 24 June 2021; Caucasian Knot, *Court refuses to stop prosecuting activists for Baku action*, 12 August 2021; Confidential source, 24 May 2021.

On 9 April 2020, the authorities arrested a volunteer bodyguard of Ali Karimli as he was taking his child to a clinic for a medical examination. He was sentenced to 30 days of detention under Article 211.1 (violation of quarantine rules) of the Code of Administrative Offences. A further arrest took place on 29 May 2020, after which he was sentenced to 15 days in detention under Article 510 (hooliganism) of the Code of Administrative Offences. The police then arrested him on 9 October 2020 for causing injury to a police officer during the 14 July 2020 protests. According to the suspect, this was a false accusation. He was charged under Articles 127.2 (deliberately inflicting minor bodily harm), 186.2.1 (deliberately inflicting grievous bodily harm), 186.2.2 (deliberate destruction with serious consequences), 233 (actively participating in actions that disrupt public order) and 315 (resistance against a government official), CC. A court in Baku sentenced him on 17 June 2021 to a four-year suspended prison term with three years' probation.²⁹¹

The authorities arrested another volunteer bodyguard of Karimli on 15 April 2020. This individual was subsequently sentenced to 30 days' detention under Article 211.1 (violation of quarantine rules) of the Code of Administrative Offences. After the end of his detention, another arrest followed. He was charged under Article 214-1 (financing terrorism), CC. On 18 January 2021, charges under Articles 233-1.1 (sale of prohibited goods) and 281.2 (sedition), CC were added. According to the authorities, among other things he had received money from blogger Qabil Mammadov, who lives in Germany.²⁹² A conviction was not known to have taken place by the end of the reporting period.

On 6 July 2020, a court in Göyçay also sentenced an APFP member to 15 days' detention under Article 535.1 (ignoring police orders) of the Code of Administrative Offences. According to his father, this was related to a post on Facebook in which he criticised the police.²⁹³

On 7 August 2020, a court in Baku sentenced Ali Karimli's driver to a prison term of 4.5 years under Article 234.2 (drug trafficking), CC. According to the driver, this was a trumped-up charge and the police had planted drugs in his jacket pocket.²⁹⁴

In addition, on 1 December 2020, a court sentenced an APFP member to one year in prison under Article 139-1.1 (violation of coronavirus rules), CC. According to the APFP member, this was a trumped-up charge. He said that he was arrested by the police on 16 July 2020. They then questioned him about the protests of 14 July

²⁹¹ Turan, *Ruslan Amirov arrested*, 9 April 2020; OC Media, *Six more opposition activists arrested in Azerbaijan*, 11 April 2020; Turan, *Ali Karimli's bodyguard arrested again*, 29 May 2020; Caucasian Knot, *Ruslan Amirov arrested again in Azerbaijan*, 30 May 2020; OC Media, *Azerbaijan re-arrests opposition activists detained for 'quarantine violation'*, 1 June 2020; Caucasian Knot, *PFP activist Ruslan Amirov detained in Baku*, 10 October 2020; Caucasian Knot, *Azerbaijani oppositionist Amirov pleads not guilty*, 23 February 2021; Turan, *Trial of Ali Karimli's bodyguard*, 23 February 2021; Turan, *At the trial in the case of Ruslan Amirov*, 6 April 2021; Turan, *The court sentenced Ali Kerimli's bodyguard to a suspended sentence*, 17 June 2021.

²⁹² JAMnews, *Azerbaijani opposition accused of financing terrorism. Party members consider this revenge by authorities*, 19 May 2020; Turan, *Prosecutor general's office about the case of Niyameddin Ahmedov*, 19 May 2020; Caucasian Knot, *PFP activist Akhmedov faces new charges*, 21 January 2021; Meydan TV, *Investigation into case of Ali Karimli's bodyguard ends*, 10 February 2021; Caucasian Knot, *Azerbaijani oppositionist Akhmedov tells details of torture*, 11 March 2021; Meydan TV, *"Even on holidays the cruelty continues": Imprisoned opposition party member denied contact to family*, 24 March 2021; Turan, *At the trial in the case of opposition leader N. Ahmedov, the court did not satisfy the defense's motion*, 2 April 2021; Turan, *Witnesses testimony are over at the trial of Niyameddin Akhmedov*, 10 July 2021.

²⁹³ Turan, *PFP activist arrested for 15 days*, 6 July 2020; Caucasian Knot, *Azeri opposition activist arrested for 15 days*, 7 July 2020.

²⁹⁴ Turan, *PFP activist sentenced to 4,5 years in prison*, 7 August 2020; IPD, *Pasha Umudov is yet another victim of 2020 severe repressions*, 13 September 2020; HRW, *World report 2021, Azerbaijan*, February 2021.

2020. However, according to the police statement he was not arrested until 20 July 2020.²⁹⁵

Four APFP members were released in the *novruz* pardon of 18 March 2021.²⁹⁶ However, other APFP members were subsequently imprisoned. For example, the authorities arrested an APFP member on 18 May 2020 under Article 221.3 (hooliganism with use of a weapon), CC. He had allegedly stabbed someone at the car wash where he worked. On 28 April 2021, a court sentenced him to 3.5 years in prison. According to the APFP member, it was a trumped-up charge related to his critical messages on Facebook.²⁹⁷

3.1.3.2

Müsavat

Another extra-parliamentary opposition party that also belongs to the traditional opposition is Müsavat. This nationalist party has been led by Arif Hajili since 2014.²⁹⁸ Müsavat boycotted the 2015 parliamentary elections. It did take part in the 2020 parliamentary elections, but failed to win any seats.²⁹⁹ Members of Müsavat faced arrests and convictions on various charges during the reporting period.³⁰⁰ According to various sources, this happened far less to Müsavat members than to APFP members. This was partly because Arif Hajili did not appear to be a strong leader and Müsavat lacked serious support in society.³⁰¹ By the end of the reporting period, no Müsavat members were recorded as political prisoners. A few examples are given below of Müsavat members who experienced reprisals. This list is by no means exhaustive.

Tofiq Yaqublu, a prominent member of Müsavat and member of the NCDF, was arrested on 22 March 2020 after a collision. Charges were brought against him under Article 221.3 (hooliganism with use of a weapon), CC on 23 March 2020. On 2 September 2020, he went on hunger strike. The next day, a Baku court sentenced him to four years and three months in prison. Yaqublu claimed that the collision had been staged.³⁰² His hunger strike drew widespread support on social media, with people posting an image of Yaqublu in their profile photos and calling for his

²⁹⁵ RFE/RL, *Prosecutor seeks prison term for Azerbaijani opposition activist*, 30 November 2020; RFE/RL, *Azerbaijani opposition activist gets one year in prison*, 1 December 2020; UFPFA, *List of political prisoners*, 17 February 2021, p. 11; Meydan TV, *"I am one of the victims of coronavirus repression"*, 17 February 2021.

²⁹⁶ *Novruz* is a holiday period in Azerbaijan that starts on 20 or 21 March. The people celebrate the start of the astronomical new year and the arrival of spring. Almost every year a number of prisoners are pardoned by presidential decree on the occasion of the *novruz* festivities; Azerbaijan 24, *Azerbaijani president signs pardon order*, 18 March 2021; Azeri Daily, *President pardoned four oppositionists*, 18 March 2021; Turan, *38 political prisoners pardoned*, 18 March 2021; RFE/RL, *Political prisoners among individuals pardoned by Azerbaijani president*, 18 March 2021; JAMnews, *625 people pardoned in Azerbaijan, including 38 political prisoners*, 19 March 2021; APA, *Azerbaijan ends execution of pardon order*, 19 March 2021; Meydan TV, *2021 Novruz pardons announced*, 19 March 2021.

²⁹⁷ IPD, *An athlete in opposition to the authorities means he's a bully and will be deprived of his liberty*, 21 July 2020; Turan, *PFFA activist sentenced to 3.5 years in prison*, 28 April 2021; Turan, *Considering the appeal of the PFFA activist*, 8 June 2021.

²⁹⁸ Turan, *Arif Hajili re-elected head of Musavat*, 13 October 2019; Meydan TV, *Azerbaijani opposition parties unite behind government*, 7 October 2020; Turan, *Police prevented Musavat's protest action in front of Russian Embassy*, 8 May 2021.

²⁹⁹ AzerNews, *Musavat party to take part in early parliamentary elections in Azerbaijan*, 7 December 2019; OC Media, *Azerbaijan's opposition split over snap election*, 13 December 2019; OC Media, *Azerbaijani opposition candidates 'prevented from registering for elections'*, 15 January 2020; ALDE, *Musavat Party*, 24 June 2020.

³⁰⁰ Caucasian Knot, *"Musavat" party activist detained in Azerbaijan*, 11 August 2020; Turan, *Musavat reports on detention of its activists*, 15 February 2021.

³⁰¹ Confidential source, 13 April 2021; Confidential source, 24 May 2021.

³⁰² RFE/RL, *Azerbaijani opposition politician sentenced to over four years in prison on 'hooliganism' charge*, 3 September 2020; HRW, *Opposition leader convicted in Azerbaijan*, 3 September 2020; AI, *Azerbaijan: Opposition activist handed outrageous politically motivated sentence*, 3 September 2020; Caucasian Knot, *Opposition activist Tofiq Yaqublu sentenced to imprisonment*, 3 September 2020.

release.³⁰³ People within and outside the country campaigned for his release.³⁰⁴ A group of leftists known as the Free Left Alliance also issued a call on Facebook on 6 September 2020 for a demonstration in front of the Constitutional Court building in Baku on 9 September 2020. However, the police cordoned off the area as a preventive measure on 9 September 2020. The police arrested more than 20 protesters on the day, including Yaqublu's daughter, Nigar Hazi. They allowed some detainees to leave the police station after an hour. Other detainees were left at a deserted location in Lökbatan, on the outskirts of Baku. Police allegedly left one of the organisers at a deserted location in Jalilabad district, about 180 kilometres from Baku.³⁰⁵ Interestingly, the 'new opposition' and several other groups joined in the calls for Yaqublu's release. This included well-known Azerbaijanis, human rights activists and MPs, but also, for example, Taleh Bağırzade of the MUM (see 3.2.2.8).³⁰⁶ On 12 September 2020, Yaqublu was transferred to a clinic due to his deteriorating health condition.³⁰⁷ On 18 September 2020, an appeal court decided to place him under house arrest. Yaqublu responded by ending his hunger strike.³⁰⁸ Subsequently, on 15 July 2021, the appeal court decided to lift the house arrest and commute the remaining part of his prison term to a suspended sentence with a probation period of 2.5 years.³⁰⁹

The news agency Turan also reported that the Surakhani district police summoned a Məsəvat member to the police station on 5 April 2021. At the police station, he was ordered to cancel his Məsəvat membership. When he refused, the police arrested him, after which the Surakhani district court reportedly sentenced him to 20 days' detention under Article 206 (drug consumption) of the Code of Administrative Offences.³¹⁰

On 9 April 2021, Məsəvat's youth organisation staged a protest in front of the Russian embassy in Baku over reports of the discovery of fragments of an Iskander-M missile in Şuşa. The police did not intervene.³¹¹ On 8 May 2021, a number of Məsəvat members staged another protest in front of the Russian embassy in Baku

³⁰³ This happened under the hashtag #TofiqYaqubluyaAzadlıq ('Freedom for Tofiq Yaqublu'); OC Media, *Imprisoned Azerbaijani opposition leader on 'hunger strike until death'*, 4 September 2020; Heinrich Böll Stiftung, *Azerbaijan update From COVID-19 to the new war in Nagorno-Karabakh*, 10 December 2020, p. 2.

³⁰⁴ Turan, *Action in support of Tofiq Yagublu*, 8 September 2020; Turan, *Action in support of Tofiq Yagublu in the center of Berlin*, 8 September 2020; Nordbayern.de, *Vor dem Bamf: Aserbajdschaner treten in den Hungerstreik*, 12 September 2020; Turan, *A hunger strike in support of Tofiq Yagublu is held in front of the office of the German Chancellor for 9 days*, 15 September 2020; OC Media, *Azerbaijanis from Baku to Berlin are demanding freedom for Tofiq Yagublu*, 16 September 2020.

³⁰⁵ In Azerbaijani this group of leftists was called *Azad Sol Ittifaq* (ASI); Garda, *Azerbaijan: Multiple detained in demonstrations in Baku*, 9 September 2020; Turan, *Police detain dozens of protesters in support of Tofiq Yagublu*, 9 September 2020; OC Media, *OC Media contributor detained as police disperse Tofiq Yagublu solidarity protest in Baku*, 9 September 2020; JAMnews, *Over 40 arrested at protest in Baku. Photostory*, 10 September 2020.

³⁰⁶ RFE/RL, *Azerbaijani rights activists call for release of jailed politician*, 10 September 2020; Eurasianet, *Leading Azerbaijani opposition figure enters second week of hunger strike*, 15 September 2020; OC Media, *Azerbaijanis from Baku to Berlin are demanding freedom for Tofiq Yagublu*, 16 September 2020.

³⁰⁷ OC Media, *Imprisoned opposition leader Tofiq Yagublu hospitalised over hunger strike*, 14 September 2020; OBCT, *Azerbaijan: The Yagublu affair*, 14 September 2020.

³⁰⁸ RFE/RL, *Jailed Azerbaijani opposition politician Yaqublu transferred to house arrest*, 18 September 2020; BBCM, *Freed Azeri activist calls on opposition to be united*, 22 September 2020.

³⁰⁹ Turan, *Court of appeal sentenced Tofiq Yagublu on probation*, 15 July 2021; Meydan TV, *Tofiq Yagublu's sentence has been modified to probation*, 15 July 2021; Caucasian Knot, *Court sentenced Tofiq Yagublu to conditional imprisonment*, 16 July 2021.

³¹⁰ Caucasian Knot, *"Musavat" party activist arrested in Azerbaijan*, 6 April 2021; Turan, *Member of the Musavat party arrested*, 6 April 2021.

³¹¹ Turan, *Protest rally in front of the Russian Embassy in Azerbaijan*, 9 April 2021; Caucasian Knot, *Baku protesters accuse Russia of striking Shusha with "Iskanders"*, 10 April 2021.

over Russia's intention to hold a parade in Nagorno-Karabakh the next day. The police quickly put a stop to this action.³¹²

3.1.3.3 Republican Alternative Party (ReAl)

After the release of party leader Ilqar Mammadov in 2018, ReAl changed its strategy. ReAl distanced itself from the rest of the opposition by not refusing to take its seat in parliament after the February 2020 elections. ReAl's MP, Erkin Qedirli, usually voted the same way as the rest of parliament. During the reporting period, the party cooperated more closely with the government and played a constructive opposition role. Not a single ReAl member has been arrested since Ilqar Mammadov's release.³¹³

3.1.3.4 Islamic Party of Azerbaijan (IPA)

In 1995, the authorities revoked the IPA's party registration, although its activities were not subject to any further ban. In the novruz pardon of 18 March 2021, one IPA member was released.³¹⁴ However, party chairman Movsum Samadov, who had been sentenced to 12 years in prison in 2011, remained in prison.³¹⁵ On 29 February 2020, the state security service arrested the acting party chairman, Ilham Aliyev. On 6 May 2021, Turan reported that a court in Baku had sentenced him to 16 years in prison under Article 274 (high treason), CC. His brother-in-law Mehman Rzayev was sentenced to 14 years in prison. Both men were accused by the authorities of spying for Iran.³¹⁶

3.1.4 LGBTI

Various sources indicate that no substantial change occurred in the position of LGBTI individuals and legislation in this area during the reporting period.³¹⁷ Azerbaijan remained in 49th and last place in the *Rainbow Europe Index* of the LGBTI advocacy organisation ILGA-Europe. ILGA-Europe compared the position of LGBTI people in 49 European countries on the basis of 71 criteria. Azerbaijan's was only rated satisfactory on two criteria in 2021.³¹⁸

Homosexuality is a major taboo for many people in Azerbaijan. Few LGBTI people in Azerbaijan are open about their sexual orientation; most are not visible as such to the outside world.³¹⁹ In a survey conducted by JAMnews through the gay.az website, 8.5 percent of respondents said their parents knew about their sexual orientation.

³¹² Turan, *Police prevented Musavat's protest action in front of Russian Embassy*, 8 May 2021; BBCM, *Media hails Russia's move not to hold parade in Karabakh*, 10 May 2021; Turan, *"Line of Defense" on the facts of human rights violations in May*, 3 June 2021.

³¹³ Freedom House, *Nations in transit 2021, Azerbaijan*, 28 April 2021, p. 2; Confidential source, 11 March 2021; Confidential source, 13 April 2021; Confidential source, 24 May 2021.

³¹⁴ In Azerbaijani: *Azərbaycan İslam Partiyası (AİP)*; Meydan TV, *2021 Novruz pardons announced*, 19 March 2021; JAMnews, *625 people pardoned in Azerbaijan, including 38 political prisoners*, 19 March 2021.

³¹⁵ Eurasianet, *Koranic rock song ignites debate over secularism in Azerbaijan*, 7 August 2020; UFPPA, *List of political prisoners*, 4 June 2021, p. 11-12.

³¹⁶ Turan, *Acting chair of the Islamic party arrested*, 2 March 2020; Turan, *Acting leader of the Islamic Party sentenced to 16 years in prison*, 6 May 2021; UFPPA, *List of political prisoners*, 4 June 2021, p. 14.

³¹⁷ The abbreviation LGBTI stands for lesbian, gay, bisexual, transgender and intersex; OC Media, *Seven years after the suicide of Isa Shakhmarli – little change for queer Azerbaijanis*, 22 January 2021; JAMnews, *The most homophobic country in Europe, or 'nobody touches them here'? LGBT survey results*, 26 March 2021; Confidential source, 21 May 2021; Confidential source, 24 May 2021.

³¹⁸ These two criteria concerned blood donations and legislation on freedom of expression. The Blood Donation Act does not suggest that it is prohibited for LGBTI people to donate blood; ILGA-Europe, *Annual review of the human rights situation of lesbian, gay, bisexual, trans and intersex people in Europe and Central Asia 2021*, 16 February 2021, p. 28; Rainbow Europe, *Azerbaijan*, <https://www.rainbow-europe.org/#8622/0/0>, accessed 3 September 2021.

³¹⁹ Ani Paitjan & Naila Dadash-Zadeh, *Armenia and Azerbaijan: Cross views on army and homosexuality*, 19 February 2020; Confidential source, 24 May 2021.

12.5 percent of respondents said their colleagues knew.³²⁰ As far as is known, within the Azerbaijani show business world only one well-known singer was open about his homosexual orientation.³²¹

LGBTI individuals are generally not accepted in society. They often have difficulty assimilating into society.³²² Only a small proportion of the younger generation is willing to accept homosexuality.³²³ There is a prevailing view in society that a homosexual orientation is a foreign element imported from the West that is contrary to traditional Azerbaijani values.³²⁴ There are many stereotypes about LGBTI people in Azerbaijan, and little awareness about this issue.³²⁵ In political discourse, politicians sometimes try to discredit their opponents by calling them homosexual.³²⁶

Discussion of LGBTI people on social media is generally negative.³²⁷ This was exemplified when war volunteer Şaiq Kalbiyev was killed on the front in the Füzuli district on 15 October 2020. The Azerbaijani media had extensive coverage of his funeral. By order of the president on 15 December 2020 he was posthumously awarded the medal 'For the motherland'. On 22 March 2021, the pro-government newspaper *İki Sahil* published a long article entitled 'The Motherland's Love for the Azerbaijani Achilles'. At the same time, many on social media reacted to his death by emphasising his homosexual orientation, while others refused to talk about his orientation and simply pointed out that he had fought for his homeland. Kalbiyev had been an activist at the NGO Gender & Development, which among other things works on behalf of the LGBTI community in Azerbaijan. Some people made derogatory comments on social media. The head of the press service of the State Maritime Agency had to resign in October 2020 due to his offensive comments.³²⁸

During the reporting period, Nafas LGBTI Azerbaijan Alliance worked from abroad on behalf of the LGBTI community in Azerbaijan. Activists are also active on behalf of this organisation in Azerbaijan. In March 2020, the organisation lost all its content on Facebook from 2012 onwards following a hacking attack. The Facebook page of the online LGBTI news platform *Minority Azerbaijan* was also targeted in a hacking attack. In an investigation into a hacking attack on the social media accounts of a Nafas LGBTI activist in March 2020, the NGO Qurium Media Foundation found evidence of the involvement of a hacker with ties to the authorities.³²⁹ AZAD LGBT

³²⁰ JAMnews, *The most homophobic country in Europe*, 26 March 2021.

³²¹ Confidential source, 3 May 2021; confidential source, 15 July 2021.

³²² Confidential source, 11 March 2021; confidential source, 3 May 2021.

³²³ Baku Research Institute, *Homosexuality is not a disease*, 20 February 2019; Confidential source, 21 May 2021; Confidential source, 24 May 2021.

³²⁴ Nafas LGBT Azerbaijan Alliance, *Submission to the Committee on the Elimination of Discrimination against Women in relation to the sixth periodic review of Azerbaijan*, 22 October 2020, p. 6-7; Minority Azerbaijan, *Akinchi: Video on homosexuality and propaganda*, 8 March 2021; Confidential source, 21 May 2021.

³²⁵ JAMnews, *The most homophobic country in Europe*, 26 March 2021.

³²⁶ Nafas LGBT, *Submission*, 22 October 2020, p. 5; Confidential source, 24 May 2021.

³²⁷ Minority Azerbaijan, *Overview of May and June attacks against LGBTI+s*, 23 June 2021; OC Media, *Opinion: Making love is a burden in Azerbaijan*, 23 June 2021; Minority Azerbaijan, *Trans people protested in Baku*, 9 July 2021; Minority Azerbaijan, *Another threat from transphobic blogger*, 1 September 2021.

³²⁸ This NGO's name in Azerbaijani is *Gender və Tərəqqi İctimai Birliyi*; ILGA Europe, *Annual review 2021*, 16 February 2021, p. 28; Minority Azerbaijan, *The interview of the LGBTI+ activist faced backlash*, 24 February 2021; Confidential source, 11 March 2021; Confidential source, 3 May 2021; Confidential source, 24 May 2021.

³²⁹ AIW, *Coordinated digital attacks against feminist movement members and LGBT rights activists*, 16 March 2020; OC Media, *Seven years after the suicide of Isa Shakhmarli – little change for queer Azerbaijanis*, 22 January 2021; ILGA Europe, *Annual review 2021*, 16 February 2021, p. 29; Eurasianet, *Two festivals bring queer art to Azerbaijani audiences*, 17 February 2021; Qurium Media Foundation, *"Sandman" attacks again – targets Azeri feminist activist*, <https://www.qurium.org/alerts/azerbaijan/sandman-attacks-again-targets-azeri-feminist-activist/>, accessed 3 September 2021.

Collective was also active in the reporting period.³³⁰ During the reporting period, the number of online initiatives dealing with LGBTI-related topics increased. One example was the online platform *QueeRadar*.³³¹

3.1.4.1 Legislation

Homosexual orientation and the performance of homosexual acts are not in themselves criminal offences or prohibited by law in Azerbaijan.³³² However, same-sex marriages are not legally permitted.³³³ LGBTI interests are not represented in Azerbaijani politics.³³⁴

3.1.4.2 Anti-LGBTI police actions

The authorities tolerated LGBTI people as long as they were not too visible to the outside world. According to various sources, however, there are indications that in the wave of arrests of September 2017 the authorities used technology to identify members of the LGBTI community on Facebook.³³⁵

In the reporting period, there were no reports of (large-scale) police actions targeting the LGBTI community, as was the case, for example, in September 2017 and April 2019.³³⁶ According to a source, this may be because Azerbaijani media never report such matters, unless they receive coverage on social media and cause an uproar.³³⁷

Some uproar was caused when police arrested two trans people in July 2020 on charges of promoting drug use on TikTok. On 22 July 2020, a video recording appeared in the local media in which the two detainees stated that they belonged to a sexual minority and apologised for what they had said about police officers in their TikTok video. The local media further reported that the two trans people had been punished under the Code of Administrative Offences. However, it is not known under which article they were charged.³³⁸ According to ILGA-Europe, this action was intended to discredit LGBTI people.³³⁹

³³⁰ OC Media, *Seven years after the suicide of Isa Shakhmarli – little change for queer Azerbaijanis*, 22 January 2021; Minority Azerbaijan, *Joint statement of Nafas LGBTI Azerbaijan Alliance, Minority Azerbaijan and AZAD LGBTI Collective*, 11 March 2021.

³³¹ See the website www.queeradar.com; ILGA-Europe, *Annual review 2021*, 16 February 2021, p. 28, Freedom House, *Nations in transit 2021, Azerbaijan*, 28 April 2021, p. 9; Confidential source, 8 June 2021.

³³² Freedom House, *Freedom in the world 2021, Azerbaijan*, 3 March 2021; JAMnews, *The most homophobic country in Europe*, 26 March 2021.

³³³ Nafas LGBT Azerbaijan Alliance, Minority Azerbaijan & AZAD LGBT Collective, *Joint submission for the List of Issues in relation to the fourth periodic report of Azerbaijan under the International Covenant on Economic, Social and Cultural Rights*, 26 August 2019, p. 6; Confidential source, 3 May 2021; Confidential source, 21 May 2021.

³³⁴ Nafas LGBT Azerbaijan Alliance et al., *Joint submission*, 26 August 2019, p. 5; Ani Paitjan & Naila Dadash-Zadeh, *Armenia and Azerbaijan: Cross views on army and homosexuality*, 19 February 2020; Nafas LGBT, *Submission*, 22 October 2020, p. 3-4; OC Media, *Seven years after the suicide of Isa Shakhmarli – little change for queer Azerbaijanis*, 22 January 2021; USDoS, *Azerbaijan 2020 human rights report*, 30 March 2021, p. 44; Confidential source, 24 May 2021.

³³⁵ For more information about the wave of arrests of 2017, see the country report of July 2020, p. 49-50; Haaretz, *Revealed: Israel's cyber-spy industry helps world dictators hunt dissidents and gays*, 20 October 2018; AIW, *In Azerbaijan a Telegram channel mobilising a movement, to target LGBTQI*, 29 March 2021; Global Voices, *Pride month marred by crackdown in Azerbaijan*, 27 June 2021.

³³⁶ Confidential source, 21 May 2021.

³³⁷ Confidential source, 10 May 2021.

³³⁸ Report, *"Tik-tok" da narkotik vasitelerin qabulunu tebliğ eden "Maya" və "Banu" saxlanıldı* ('Maya' and 'Banu', who promote drug use on 'Tik-tok', arrested), 22 July 2020; Confidential source, 4 June 2021.

³³⁹ ILGA-Europe, *Annual review 2021*, 16 February 2021, p. 28.

3.1.4.3 Baku and the regions

The difference between the situation for LGBTI people in Baku and in rural areas is considerable.³⁴⁰ According to a source, it is generally very risky for LGBTI people to talk openly about their sexual orientation. This can only be done in an urban environment, such as Baku, where LGBTI people can live more anonymously and find it easier to hide and blend in with the population. They can lead their own lives there to a greater extent without pressure from their relatives or the village elders. In rare cases, this is also possible in rural areas if they have close ties with prominent figures or organisations within a local community.³⁴¹

It is rare for LGBTI people to receive support from those around them when they talk openly about their sexual orientation. They often face harsh criticism and sometimes even physical violence from their relatives. Family members often feel ashamed in their local environment when their child becomes known as a homosexual. Many Azerbaijanis sincerely believe that homosexuality can bring the whole family into disrepute. They regard it as unacceptable and horrifying. As a result, they may see it as their responsibility to use violence against LGBTI people in order to restore the family's honour.³⁴² Homosexuality can also lead to house arrest or forced marriage in order to meet the heterosexual norm.³⁴³ In addition, young LGBTI people are sometimes kicked out by their families, or run away from home and go to Baku.³⁴⁴

LGBTI people usually go to Baku, because there is slightly more tolerance and it is easier to live there than in the rural areas, where social and cultural restrictions are greater. In Baku there is more freedom in many respects than elsewhere, although few LGBTI people in Baku are open about their sexual orientation.³⁴⁵ LGBTI people have more possibilities in Baku of finding a job or somewhere to live. It is also easier in Baku to get in touch with other members of the LGBTI community.³⁴⁶ For example, there are several bars, pubs and cafés in Baku where members of the LGBTI community meet very regularly without any problems. These bars and other venues are not generally known as gay bars. Despite the slightly more favourable conditions in Baku, young LGBTI people who have run away from home to Baku are at risk of ending up in prostitution because of their vulnerable position. In addition, the pressure from family and society also means that LGBTI people often look for opportunities to leave the country.³⁴⁷

3.1.4.4 Discrimination

Discrimination against LGBTI people is a regular occurrence in Azerbaijani society, for example in education, in connection with military service, in the housing and labour markets and in healthcare.³⁴⁸ LGBTI people often have difficulty finding

³⁴⁰ Confidential source, 3 May 2021; Confidential source, 21 May 2021.

³⁴¹ Confidential source, 8 June 2021.

³⁴² Nafas LGBT, *Submission*, 22 October 2020, p. 9; JAMnews, *The most homophobic country in Europe*, 26 March 2021; USDoS, *Azerbaijan 2020 human rights report*, 30 March 2021, p. 44; OC Media, *Transitioning off the grid*, 31 March 2021; Confidential source, 3 May 2021; Confidential source, 21 May 2021.

³⁴³ JAMnews, *The most homophobic country in Europe*, 26 March 2021; Confidential source, 21 May 2021; Confidential source, 8 June 2021.

³⁴⁴ Meydan TV, *Out of work and without support: Trans life in Azerbaijan during a pandemic*, 29 July 2020; Confidential source, 3 May 2021.

³⁴⁵ Confidential source, 24 May 2021; Confidential source, 4 June 2021; Confidential source, 19 June 2021.

³⁴⁶ Confidential source, 11 March 2021; Confidential source, 3 May 2021; Confidential source, 19 June 2021.

³⁴⁷ JAMnews, *The most homophobic country in Europe*, 26 March 2021; Confidential source, 3 May 2021.

³⁴⁸ Ani Paitjan & Naila Dadash-Zadeh, *Armenia and Azerbaijan: Cross views on army and homosexuality*, 19 February 2020; OC Media, *Seven years after the suicide of Isa Shakhmarli – little change for queer Azerbaijanis*, 22 January 2021; Minority Azerbaijan, *The interview of the LGBTI+ activist faced backlash*, 24 February 2021.

housing.³⁴⁹ In addition, they often have difficulty finding a job, as a result of which they cannot be financially independent. Transgender people in particular experience difficulties in finding work. Because of the discrimination on the labour market, many trans women end up in prostitution. However, prostitution is a criminal offence, which leaves them vulnerable to extortion and human trafficking.³⁵⁰ Many LGBTI people have informal jobs, in which they are paid per day. This caused problems with paying the rent during the coronavirus crisis, because many LGBTI people no longer had any income due to the strict coronavirus rules.³⁵¹

Employers sometimes fire LGBTI people when they discover their sexual orientation. As a result, LGBTI people often hide their sexual orientation from their employer.³⁵² Dismissing an employee because of his or her sexual orientation is against the law, but employers would cite other reasons for dismissal in such cases. Usually LGBTI people do not dare to file a complaint or initiate legal proceedings if they are dismissed, for fear that their family and friends will find out about their sexual orientation.³⁵³

Transgender people in particular face discrimination in healthcare. For example, few doctors in Azerbaijan are willing to prescribe hormonal treatment for transgender people. As a result, transgender people usually rely on the black market to obtain medication.³⁵⁴ They sometimes move abroad for a gender reassignment operation, especially to Turkey, because there is a lack of expertise in this area in Azerbaijan.³⁵⁵ During the reporting period, there were instances of doctors refusing to treat transgender people. For example, on 30 July 2020 a trans woman who worked in prostitution went to a state hospital in Baku with multiple stab wounds. The doctors initially refused to treat her. After having her wounds stitched up, she was sent away bleeding. After journalists and others gathered in front of the hospital and put pressure on the doctors, she was admitted. The Ministry of the Interior later stated that they had arrested a suspect in connection with the stabbing. They also linked this suspect to the death of a prostitute.³⁵⁶ In addition, according to ILGA-Europe, a 21-year-old trans woman died in October 2020 because she had received inadequate medical treatment for her TB, hepatitis C and related health issues. This trans woman had been working as a prostitute since the age of 13.³⁵⁷ Minority Azerbaijan also reported that a trans woman working in prostitution was assaulted by hotel staff on 8 June 2021. After she and her boyfriend had reported this to the police, she went to a hospital. The doctors there refused to treat her and sent her to

³⁴⁹ Meydan TV, *Friday wrap-up: Anti-trans violence, medical reprimands and war crimes report*, 11 June 2021; Confidential source, 3 May 2021.

³⁵⁰ Article 524 of the Code of Administrative Offences of 29 December 2015 (Law 96-VQ), <http://e-ganun.az/framework/46960>, accessed 3 September 2021; Minority Azerbaijan, *A trans woman stabbed to death in Baku*, 23 June 2020; Minority Azerbaijan, *Rights defender: Trans lives are in danger*, 30 July 2020; Nafas LGBT, *Submission*, 22 October 2020, p. 7; OC Media, *Voice: 'I was kidnapped by my family'*, 3 March 2021; Confidential source, 3 May 2021.

³⁵¹ IWPR, *Azerbaijan: Trans people hit hard by lockdown*, 7 July 2020; ILGA-Europe, *Annual review 2021*, 16 February 2021, p. 29.

³⁵² JAMnews, *The most homophobic country in Europe*, 26 March 2021; USDoS, *Azerbaijan 2020 human rights report*, 30 March 2021, p. 44; Confidential source, 3 May 2021.

³⁵³ Meydan TV, *Being lesbian in Azerbaijan*, 27 March 2017; USDoS, *Azerbaijan 2020 human rights report*, 30 March 2021, p. 49; Confidential source, 21 May 2021.

³⁵⁴ Nafas LGBT, *Submission*, 22 October 2020, p. 9; OC Media, *Voice: 'I was kidnapped by my family'*, 3 March 2021; OC Media, *Transitioning off the grid*, 31 March 2021.

³⁵⁵ Nafas LGBT, *Submission*, 22 October 2020, p. 9; Confidential source, 21 May 2021.

³⁵⁶ OC Media, *Transgender woman turned away from hospital after being stabbed in Baku*, 31 July 2020; Caucasian Knot, *Transgender people complain about insecurity of LGBT people in Azerbaijan*, 4 August 2020.

³⁵⁷ ILGA-Europe, *Annual review 2021*, 16 February 2021, p. 29; All Out, *Save Aylin – Transgender sex worker*, <https://action.allout.org/en/m/90a7dd03/>, accessed 3 September 2021.

another hospital, where the doctors also refused to help her at first. The next day, police evicted her and two other trans women from their home.³⁵⁸

3.1.4.5 Military service and LGBTI people

LGBTI people can experience difficulties during military service medical examinations because the SSMC deems sexual minorities unsuitable. When they reveal their sexual orientation at these examinations, they are often rejected on the pretext of a personality disorder. Some gay men try to keep their sexual orientation a secret. They perform their military service in order to obtain a military card. Employers usually ask about this military card during job interviews.³⁵⁹

3.1.4.6 Forced medical treatment

Many residents of Azerbaijan generally regard homosexuality as disgraceful and a disease from which a person can be cured.³⁶⁰ Since a change to the law in 2005, it is no longer permitted to diagnose someone with homosexuality as though it were a disease. Despite this, family members sometimes take their children to local doctors for conversion therapy. These doctors are usually homophobic, and often have little information about homosexuality.³⁶¹

3.1.4.7 Violence against LGBTI people

A majority of LGBTI people indicate that they have experienced violence from fellow citizens. A JAMnews survey through the gay.az website had 447 respondents. More than 90 percent of the respondents indicated that they had been victims of violence because of their sexual orientation.³⁶² The online magazine *Minority Azerbaijan* also reported on 28 March 2021 on the concern that arose over the announcement on the Telegram channel *Noooldu +18* that a youth movement called *Pure Blood* (*TəmizQan*) had been set up in Baku. This youth movement was said to be focusing on tracking down and assaulting people with a 'non-traditional' sexual orientation. However, there are no known reports of this youth movement subsequently becoming active.³⁶³

Attacks on LGBTI people sometimes take place in Baku and elsewhere in Azerbaijan.³⁶⁴ For example, a trans woman died from stab wounds on 18 June 2020. Her funeral took place on 22 June 2020, but was not attended by her relatives.³⁶⁵ According to a source, there was no investigation into her death and nobody has been charged.³⁶⁶ In another incident, a trans woman in Baku was injured on 19 June 2020 when she was stabbed in a car.³⁶⁷ In addition, at least seven attacks on LGBTI

³⁵⁸ *Minority Azerbaijan, Trans woman was attacked in Baku*, 9 June 2021; *Minority Azerbaijan, Trans women were evicted by police*, 9 June 2021; OC Media, *Opinion: How Azerbaijan's media ignores anti-queer violence*, 11 June 2021; *Minority Azerbaijan, Overview of May and June attacks against LGBTI+s*, 23 June 2021; Global Voices, *Pride month marred by crackdown in Azerbaijan*, 27 June 2021.

³⁵⁹ Nafas LGBT Azerbaijan Alliance et al., *Joint submission*, 26 August 2019, p. 8; Ani Paitjan & Naila Dadash-Zadeh, *Armenia and Azerbaijan: Cross views on army and homosexuality*, 19 February 2020; USDoS, *Azerbaijan 2020 human rights report*, 30 March 2021, p. 44; Confidential source, 3 May 2021.

³⁶⁰ *Minority Azerbaijan, Hateful statement from Tale Bagirzade*, 11 July 2021; Confidential source, 3 May 2021.

³⁶¹ *Minority Azerbaijan, Homophobic "sex-ed" from a psychologist*, 22 February 2021; Confidential source, 21 May 2021.

³⁶² JAMnews, *The most homophobic country in Europe*, 26 March 2021.

³⁶³ *Minority Azerbaijan, Movement targeting homosexuals has been established*, 28 March 2021; OC Media, *Rumours of violent new anti-queer group spark worry in Azerbaijan*, 29 March 2021; AIW, *In Azerbaijan a Telegram channel mobilising a movement, to target LGBTQI*, 29 March 2021; Confidential source, 10 May 2021.

³⁶⁴ *Minority Azerbaijan, LGBTI+s were attacked on Heydar Aliyev Avenue in Khirdalan*, 13 August 2021.

³⁶⁵ *Minority Azerbaijan, A trans woman stabbed to death in Baku*, 23 June 2020; OC Media, *One dead and another injured in attacks on transgender women in Baku*, 24 June 2020; Pink News, *A sex worker was stabbed 11 times and killed by a client. Her family wouldn't collect her body from the morgue because she's trans*, 26 June 2020.

³⁶⁶ Confidential source, 21 May 2021.

³⁶⁷ OC Media, *One dead and another injured in attacks on transgender women in Baku*, 24 June 2020; Meydan TV, *Out of work and without support: Trans life in Azerbaijan during a pandemic*, 29 July 2020.

people took place in late May and early June 2021. For example, a non-binary person reported having been attacked on 31 May 2021 by two masked men on the street in the city district of Yasamal.³⁶⁸ In addition, on 23 August 2021 residents of the village of Puta found the body of a trans woman who had been murdered a few days earlier. The authorities arrested a possible perpetrator.³⁶⁹

3.1.4.8

Protection by the authorities

It is possible for LGBTI people to report an LGBTI-related crime to the authorities.³⁷⁰ For example, a trans man stated that he had been attacked on the street in central Baku on 30 May 2021 and that he had reported it to the police and the public prosecutor's office.³⁷¹ The reporting of a crime sometimes led to action on the part of the authorities. For example, a non-binary person told of having reported being threatened by a boy from the neighbourhood; the police then told this boy that he would be charged if anything happened.³⁷² A trans man further stated that the police had freed him after he was kidnapped by his relatives.³⁷³ A bisexual also stated that the police had arrested two men who attacked him on the street.³⁷⁴ However, LGBTI people usually do not dare to report a crime or seek protection for fear of retaliation by fellow citizens and social stigma.³⁷⁵ In addition, reporting a crime did not always lead to action or to effective protection on the part of the authorities.³⁷⁶ For example, the police were sometimes reluctant to investigate cases involving LGBTI people who had become victims of crimes, including violent crimes.³⁷⁷ According to a source, an LGBTI person has to be very firm to get the police to take action.³⁷⁸

In addition, LGBTI people do not dare to report discrimination or mistreatment by government officials for fear of social stigma or reprisals. There have also been instances of individual police officers blackmailing LGBTI people, especially those active in prostitution.³⁷⁹

According to a source, the government does not provide support to LGBTI victims of domestic violence. Instead, they have to rely on the support of their own

³⁶⁸ Minority Azerbaijan, *Another homophobic attack in Baku*, 1 June 2021; JAMnews, *Member of Azerbaijani LGBT community talks about violence, discrimination*. Video, 22 June 2021; ILGA-Europe, *Azerbaijan: Investigate attacks on LGBTI+ persons*, 6 July 2021.

³⁶⁹ Turan, *There is a detainee in connection with the murder of a transgender*, 25 August 2021; Minority Azerbaijan, *Trans woman was murdered in Baku*, 25 August 2021; OC Media, *After alleged killing, transgender protesters rally in Baku*, 26 August 2021; Pink News, *Trans woman brutally stabbed and burned alive in Azerbaijan*, 30 August 2021; JAMnews, *Burning of transgender woman in Azerbaijan sparks protests, hate speech*, 3 September 2021.

³⁷⁰ Minority Azerbaijan, *Third phobic attack in Baku in the last five days*, 3 June 2021;

³⁷¹ Minority Azerbaijan, *Trans man was attacked in Baku*, 30 May 2021; OC Media, *Spate of homophobic attacks in Azerbaijan*, 7 June 2021; Minority Azerbaijan, *Overview of May and June attacks against LGBTI+s*, 23 June 2021; JAMnews, *'He grabbed me and started beating me' – Violence against LGBT people in Azerbaijan continues*. Video, 25 June 2021.

³⁷² Minority Azerbaijan, *Gay couple was attacked in Baku*, 6 June 2021; OC Media, *Spate of homophobic attacks in Azerbaijan*, 7 June 2021; JAMnews, *Member of Azerbaijani LGBT community talks about violence, discrimination*. Video, 22 June 2021; Minority Azerbaijan, *Overview of May and June attacks against LGBTI+s*, 23 June 2021.

³⁷³ OC Media, *Voice: 'I was kidnapped by my family'*, 3 March 2021; OC Media, *Transitioning off the grid*, 31 March 2021.

³⁷⁴ OC Media, *Man attacked in Baku 'for having blue hair'*, 1 July 2021.

³⁷⁵ Nafas LGBT, *Submission*, 22 October 2020, p. 5; JAMnews, *The most homophobic country in Europe*, 26 March 2021.

³⁷⁶ OC Media, *Spate of homophobic attacks in Azerbaijan*, 7 June 2021; Confidential source, 24 May 2021.

³⁷⁷ Minority Azerbaijan, *Couple says the police haven't considered the complaint*, 19 February 2020; Minority Azerbaijan, *Homophobic attack in Baku, Azerbaijan*, 23 May 2020; Confidential source, 3 May 2021; Confidential source, 21 May 2021.

³⁷⁸ Confidential source, 11 March 2021.

³⁷⁹ Nafas LGBT, *Submission*, 22 October 2020, p. 8; JAMnews, *The most homophobic country in Europe*, 26 March 2021; Confidential source, 3 May 2021.

network.³⁸⁰ There are no shelters specifically for LGBTI people in Azerbaijan. They can sometimes go to a shelter for women who are victims of domestic violence.³⁸¹

3.1.5 Women

Although men and women are equal under the law, there are many traditional patterns and norms in society that adversely affect the economic, social and cultural position of women, especially outside Baku. Within Azerbaijan's patriarchal society, a traditional view of relations between men and women dominates. One of the consequences of this, for example, is a great difference between the salaries of men and women. According to the State Statistical Committee (SSC), in 2019 the average monthly salary was AZN 443.40 for women and AZN 764.80 for men.³⁸² In addition, women face restrictions in relation to work, for example when work is done at night. Women are also excluded from certain occupations because of the associated hazards. Furthermore, women are under-represented in senior roles in the business world.³⁸³ They are also under-represented in politics. Just 22 of the 120 MPs are women (18 percent).³⁸⁴ There are no female ministers;³⁸⁵ however, the parliamentary speaker is a woman and two state committees have female chairs.³⁸⁶ A woman has the position of Ombudsman.³⁸⁷ Furthermore, the president's wife has the position of first vice president.³⁸⁸

3.1.5.1 Gender-selective abortion

Gender-selective abortion sometimes occurs, with families giving preference to boys.³⁸⁹ According to the State Statistical Committee, the sex ratio at birth in 2019 was 114 boys to every 100 girls.³⁹⁰ On 24 February 2020, the government approved an action plan against selective abortion put forward by the State Committee for Family, Women and Children Affairs (SCFWCA).³⁹¹

3.1.5.2 Domestic violence

Domestic violence against women and girls is widespread and has increased during the coronavirus crisis, according to experts. During the reporting period, various reports appeared of women and girls suffering domestic violence.³⁹² According to the

³⁸⁰ Confidential source, 24 May 2021.

³⁸¹ Nafas LGBT, *Submission*, 22 October 2020, p. 10; Confidential source, 3 May 2021.

³⁸² SSC, *Women and men in Azerbaijan: Statistical yearbook*, September 2020, p. 131; 443.40 manat is equivalent to 219.53 euros. 764.80 manat is equivalent to 378.66 euros. Conversion rate according to www.wisselkoers.nl, accessed 3 September 2021.

³⁸³ Women are excluded from 678 occupations in total; Turan, *Azerbaijan prohibits female labor in 678 professions in 38 industries*, 25 June 2019; Freedom House, *Freedom in the world 2021*, Azerbaijan, 3 March 2021, p. 14, USDoS, *Azerbaijan 2020 human rights report*, 30 March 2021, p. 48-49; RFE/RL, *The rocky road to gender equality: Are women better off now than in 1970?*, 13 April 2021.

³⁸⁴ Parliament of the Republic of Azerbaijan, *Milli Majlis members*.

³⁸⁵ World Economic Forum, *Global gender gap report 2021*, March 2021, p. 15.

³⁸⁶ Parliament of the Republic of Azerbaijan, *Chair of the Milli Majlis*, <https://meclis.gov.az/cat-rehber.php?cat=111&lang=en>, accessed 3 September 2021; Parliament of the Republic of Azerbaijan, *The committee for family and women's and children's affairs*, <https://meclis.gov.az/news-comit.php?id=12&lang=en&cat=55>, accessed 3 September 2021; Parliament of the Republic of Azerbaijan, *The culture committee*, <https://meclis.gov.az/news-comit.php?id=7&lang=en&cat=55>, accessed 3 September 2021.

³⁸⁷ Ombudsman, *Ombudsman conducted monitoring of the unit of the Azerbaijani navy*, 5 May 2021.

³⁸⁸ Mehriban Aliyeva, *First vice-president Mehriban Aliyeva addressed an event in a video format held by ICESCO on International Day of Women and Girls in Science*, 11 February 2021.

³⁸⁹ Sara Tafuro & Christophe Z. Guilmoto, *Skewed sex ratios at birth: A review of global trends*, *Early Human Development* 141, 1 February 2020, p. 3; UNFPA, *Azerbaijan: Gender-biased sex selections explained*, 23 July 2020.

³⁹⁰ SSC, *Women and men in Azerbaijan: Statistical yearbook*, September 2020, p. 53.

³⁹¹ UNFPA, *Azerbaijan adopts action plan to combat gender-biased sex selection*, 3 March 2020; SCFWCA, *"Let's say NO to gender selection of child!"*, 3 March 2021.

³⁹² OC Media, *Domestic violence and violence against women have increased in Azerbaijan*, 5 August 2020; OC Media, *Young woman's suicide shakes Azerbaijan*, 23 February 2021; JAMnews, *Is Azerbaijan experiencing a surge in suicide amongst girls?*, 23 February 2021; Global Voices, *In Azerbaijan, death of young woman renews conversation on domestic violence*, 26 February 2021; Caucasian Knot, *Thousands urge to punish Azeri blogger*

SSC, 1,260 cases of domestic violence were recorded in 2020, in which 59 people were killed, including 41 women. According to experts, this is only the tip of the iceberg, because women and girls are generally reluctant to report violence or seek help. In practice, police and local enforcement agencies dealing with domestic violence complaints tend to reconcile victims of domestic violence with the perpetrators under the pretext of protecting the family. In general, domestic violence against women and girls is seen as a private matter. Moreover, many women fear that filing a complaint would result in social stigma, especially if it ended in divorce. As a result, most cases of domestic violence are not reported or investigated.³⁹³

Azerbaijan did not sign the Istanbul Convention during the reporting period. However, on 27 November 2020, the president approved the *National action plan to combat domestic violence in the Republic of Azerbaijan for 2020-2023*.³⁹⁴ Point 12.5.1 of this action plan was the setting up of a free helpline. On 1 December 2020, the SCFWCA, in partnership with the United Nations Population Fund (UNFPA), launched a direct phone helpline for victims of domestic violence.³⁹⁵ According to a source, this helpline was not always operational during the reporting period. As an alternative, victims of domestic violence are able to phone the general number of the SCFWCA. If victims want to make use of the free legal and psychological assistance provided by the SCFWCA, they can submit a written request. The processing of this request by the SCFWCA takes seven to ten days. In the case of legal assistance, the SCFWCA staff contact the Azerbaijani Bar Association (see 3.3.2.2). The lawyers belonging to this organisation provide free legal advice and help victims, among other things, with preparing documents and writing letters of complaint. However, these lawyers will not represent victims in court, since this is not free. Psychological counselling takes place by telephone. SCFWCA employees speak to victims on the phone and listen to their problems. In general, they refer the victims to the police or the head of the district executive authority during the phone call.³⁹⁶

for his call for violence against women, 15 July 2021; Global Voices, *Fifth woman murdered in Azerbaijan in 10 days*, 28 July 2021; OC Media, *Azerbaijani woman 'murdered by husband' despite appeals to police over abuse*, 4 August 2021; Meydan TV, *Friday wrap-up: Animal rights activists arrests and reports on femicide and mine deaths*, 13 August 2021; Eurasianet, *Amid wave of femicides, Azerbaijan's feminists come under attack*, 17 August 2021.

³⁹³ Emily Claypool & Leyla Ismayilova, A gender-focused analysis of structural and social precipitators to child institutionalization in Azerbaijan: A qualitative study, *Social Science & Medicine* 232, 2019, p. 262-269, 267; OC Media, *Azerbaijani feminists roast MP over domestic violence comments*, 12 January 2021; Freedom House, *Freedom in the world 2021, Azerbaijan* 3 March 2021, p. 16; USDoS, *Azerbaijan 2020 human rights report*, 30 March 2021, p. 40; JAMnews, *Is there a way to end domestic violence in Azerbaijan?*, 13 May 2021; NHC, *Gender based violence in Azerbaijan 2020*, 20 May 2021; UNFPA & SCFWCA, *The economic cost of violence against women in Azerbaijan*, May 2021, p. 21; Meydan TV, *Friday wrap-up: Domestic violence, coronavirus restrictions and channel closures*, 28 May 2021; IWPR, *Azerbaijan: "Half-hearted" state policy blamed for gender violence*, 2 September 2021; Confidential source, 24 May 2021; Confidential source, 26 July 2021.

³⁹⁴ The Council of Europe Convention on preventing and combating violence against women and domestic violence of 11 May 2011 is also called the Istanbul Convention. The convention states that countries must ensure sufficient access to assistance, shelters, medical aid, advice and legal assistance; UN Azerbaijan, *UN Azerbaijan welcomes approval of national action plan on prevention of domestic violence*, 2 December 2020; JAMnews, *What is the Istanbul Convention and why does Azerbaijan need it?*, 12 December 2020; Eurasianet, *Azerbaijan follows Turkey's lead in rejecting domestic violence law*, 12 April 2021; Arzu Geybullayeva, *Systemic abuse of young girls and women in Azerbaijan continues unabated*, 12 April 2021; IWPR, *Fighting for women's rights in Azerbaijan*, 19 May 2021.

³⁹⁵ The phone number is 860 for Baku and 012 860 for the rest of the country and for calls from mobile phones; JAMnews, *Is there a way to end domestic violence in Azerbaijan?*, 13 May 2021; SCFWCA, *A hotline on gender-based violence is opened in Azerbaijan*, 3 December 2020; SCFWCA, *Sadagat Gahramanova and Wendy Morton visited the women's shelter*, 9 February 2021; Confidential source, 24 May 2021.

³⁹⁶ Confidential source, 27 July 2021.

Victims of sexual and gender-based violence, including domestic violence, can make a report verbally or in writing to the police or the public prosecutor's office. Written reports may be submitted by post, fax or email or by phoning the police call centre on 102. The police must decide within three days whether they will handle the report, pass it on to other authorities or add the report to previously submitted reports.³⁹⁷ The police have the option of issuing a warning to the perpetrator to refrain from violence in the future, including issuing a short-term protection order of up to 30 days, possibly followed by a subsequent long-term protection order of 30 to 180 days. A short-term protection order prohibits an offender from seeking out the victim and his or her children. A long-term protection order is issued by a court, and may also contain rules about contact with the children and use of the joint home.³⁹⁸ In practice, protection orders are relatively rare. In 2020, 38 short-term and 2 long-term protection orders were issued. In the first quarter of 2021, 26 people applied for a protection order. In 14 cases, a protection order was subsequently issued.³⁹⁹ According to various sources, these measures are not very effective, because the authorities give them little priority. For example, the authorities sometimes only take a decision on a request for a protection order after 15 to 30 days, instead of within the legally prescribed 24 hours. Furthermore, the authorities do not provide enough capacity to conduct effective investigations and to ensure that protection orders are properly complied with.⁴⁰⁰

During the reporting period, there was no government-funded shelter for victims of domestic violence. The SCFWCA does not have enough resources to finance shelters, and therefore largely confines itself to awareness campaigns. However, some local NGOs receive a small subsidy from the government. Women seeking help are often referred to these NGOs. These NGOs have only a small number of reception places and limited financial resources. For example, the NGO Clean World manages a shelter in Baku that can accommodate no more than 20 women at a time.⁴⁰¹ Rural areas also lack sufficient temporary shelters for victims of domestic violence. In addition, these shelters are mostly used for victims of human trafficking. There are also local NGOs and feminist groups that focus on women's rights, but they, too, receive limited assistance. Due to the restrictive legislation on NGOs, these organisations do not have access to foreign funds.⁴⁰²

3.1.6 (Unaccompanied) minors

The situation of (unaccompanied) minors has not changed during the reporting period.

³⁹⁷ This email can be generated through the website <http://e-muraciet.mia.gov.az/>; Articles 5.1 and 5.2 of the Domestic Violence Prevention Act of 22 June 2010 (Law 1058-IIIQ), <http://www.e-qanun.az/framework/20131>, accessed 3 September 2021; Turan, *In case of violence against women, call 961 – prosecutor's office*, 12 August 2021; Confidential source, 24 May 2021.

³⁹⁸ Articles 10, 11.2 and 12.2 of the Domestic Violence Prevention Act; Gulnaz Alasgarova, *Challenges in the protection of domestic violence victims in Azerbaijan: An overview of the national legislation in light of the 2011 CoE Istanbul Convention*, *Teise* 112, 2019, p. 247-259, 250; UNFPA & SCFWCA, *The economic cost of violence against women in Azerbaijan*, May 2021, p. 47; Confidential source, 22 July 2021.

³⁹⁹ Baku Research Institute, *Domestic violence: A common problem of state and society*, 3 April 2019; NHC, *Gender based violence in Azerbaijan 2020*, 20 May 2021; Confidential source, 22 July 2021; Confidential source, 26 July 2021.

⁴⁰⁰ Confidential source, 24 May 2021; confidential source, 26 July 2021.

⁴⁰¹ In Azerbaijani: *Temiz Dünya*; Nargis Magazine, "Clean World" by Mehriban Zeynalova, 25 May 2020; OC Media, *Domestic violence and violence against women have increased in Azerbaijan*, 5 August 2020; UNDP Azerbaijan, *Azerbaijan's Women's Resource Centers are helping survivors of domestic violence to make their way in the world*, 27 November 2020; NHC, *Gender based violence in Azerbaijan 2020*, 20 May 2021; UNFPA & SCFWCA, *The economic cost of violence against women in Azerbaijan*, May 2021, p. 7; Confidential source, 24 May 2021.

⁴⁰² OC Media, *Azerbaijani feminists roast MP over domestic violence comments*, 12 January 2021; Freedom House, *Azerbaijan: Authorities detain peaceful activists on International Women's Day*, 8 March 2021; Confidential source, 24 May 2021.

People in Azerbaijan are of legal age from the age of 18.⁴⁰³ Children who have reached the age of six before the start of the school year on 15 September are admitted into the first grade of primary education.⁴⁰⁴ The minimum age for criminal liability is 14.⁴⁰⁵ From the age of 15, a child may enter into a written employment contract with parental approval, but this may not involve difficult and dangerous working conditions.⁴⁰⁶

3.1.6.1 Child marriages

The minimum age for marriage is 18 for both boys and girls. However, boys and girls may get married at the age of 17 with the permission of the authorities.⁴⁰⁷ According to the SSC, there were 366 marriages registered in 2019 involving girls under 18 and one marriage involving a boy under 18.⁴⁰⁸ In practice, child marriages are much more common.⁴⁰⁹ According to the United Nations Children's Fund (UNICEF), in the period 2010-2016, 11 percent of all girls in Azerbaijan were married before the age of 18 (legally or illegally).⁴¹⁰ Most child marriages are religious marriages that are not preceded by official registration. By law, the civil registry office must first register a marriage before a religious marriage may take place.⁴¹¹ According to a source, some families are keen to marry off their daughters at a young age because of their poor material circumstances. Sometimes permission can be obtained from the authorities with the help of bribes.⁴¹² There have been cases of girls being abducted in order to force them into marriage.⁴¹³

3.1.6.2 Institutional care

Close relatives usually take care of minors who cannot be looked after by their parents. Adoption is also a possibility; most adoptions are also by relatives.⁴¹⁴ Small-scale residential units for a maximum of 12 children are an alternative to being taken in by relatives. There is a small-scale residential unit for girls in Baku and one for boys in Lankaran. Both units are overseen by the Ministry of Education.⁴¹⁵

⁴⁰³ Article 1 of the Rights of the Child Act of 19 May 1998 (Law 499-IQ), <http://www.e-qanun.az/framework/3292>, accessed 3 September 2021.

⁴⁰⁴ Primary education runs from grades one to four. Lower secondary education runs from grades five to nine and upper secondary education from grades ten to eleven; Article 19.10 of the Education Act; Articles 2.1 and 2.5 of the General Secondary Education Statute, as approved by Decree 5 of the Council of Ministers of 13 January 2011, <http://www.e-qanun.az/framework/21148>, accessed 3 September 2021.

⁴⁰⁵ Article 20 of the Criminal Code.

⁴⁰⁶ Articles 249 and 250 of the Labour Act of 1 February 1999 (Law 618-IQ), <http://e-qanun.az/framework/46943>, accessed 3 September 2021.

⁴⁰⁷ Article 10 of the Family Act of 28 December 1999 (Law 781-IQ), <http://e-qanun.az/framework/46946>, accessed 3 September 2021.

⁴⁰⁸ SSC, *Women and men in Azerbaijan: Statistical yearbook*, September 2020, p. 70.

⁴⁰⁹ USDoS, *Azerbaijan 2020 human rights report*, 30 March 2021, p. 41; JAMnews, *Local authorities save 14-year-old girl in Azerbaijan from marriage*, 21 August 2020; OC Media, *Azerbaijani authorities return 15-year-old girl to family after 'wedding'*, 15 July 2021.

⁴¹⁰ UNICEF, *The state of the world's children 2019: Children, food and nutrition. Growing well in a changing world*, 15 October 2019, p. 234.

⁴¹¹ JAMnews, *Children born out of wedlock in Azerbaijan*, 28 July 2017; Asfar, *A profile of child marriage in the Caucasus*, 11 December 2017; Turan, *The fight for women's rights should go on 365 days a year*, 7 March 2021; JAMnews, *How is attitude towards marriage changing in Azerbaijan?*, 3 August 2021.

⁴¹² Confidential source, 11 March 2021.

⁴¹³ Asfar, *A profile of child marriage in the Caucasus*, 11 December 2017; Claypool & Ismayilova, *A gender-focused analysis of structural and social precipitators to child institutionalization in Azerbaijan*, 2019, p. 266; JAMnews, *Kidnapping of 17-year-old girl in Azerbaijan makes social media headlines 5 months later – police and family statements contradict each other*, 28 August 2020.

⁴¹⁴ SSC, *Alternative care of children in the Republic of Azerbaijan*, 13 November 2014, p. 12; ANN.az, *Azeri president's daughter adopts baby girl from local orphanage*, 27 July 2015; JAMnews, *Kinship adoption in Azerbaijan: solid tradition or social scourge?*, 20 August 2020; Confidential source, 11 March 2021; Confidential source, 20 April 2021; Confidential source, 19 June 2021.

⁴¹⁵ Ministry of Education of the Republic of Azerbaijan, *Small group home for orphans opens in Lankaran*, 21 June 2016; UN CRC, *Combined fifth and sixth periodic reports submitted by Azerbaijan under article 44 of the*

Most children who are not looked after by relatives are placed in institutional care. According to the SSC, more than 13,000 children were in institutional care at the beginning of 2020.⁴¹⁶ They were mainly children from poor families, children of single or divorced parents, children from families that received insufficient social assistance and children whose parents wanted them to have a better education and more structure.⁴¹⁷ Boarding schools are overseen by the Ministry of Education; children's homes are overseen by the head of the district executive authority. The Ministry of Labour and Social Protection provides financial support to children in need and their families, as well as managing some shelters for children in need of special care, including day care centres for children with disabilities and a paediatric rehabilitation centre. The Ministry of Health is responsible for care for babies and toddlers from birth to three years of age.⁴¹⁸ In addition, the SCFWCA manages 11 Child and Family Support Centres (CFSCs). These centres do not take in children, but provide social, psychological and therapeutic support.⁴¹⁹ A number of NGOs also receive an annual subsidy for providing social assistance to women and children.⁴²⁰

There is not a great deal of information available about the conditions in the boarding schools and children's homes.⁴²¹ In 2012, the UN Committee on the Rights of the Child concluded that Azerbaijan had failed to establish an independent monitoring system.⁴²² The supervision of institutional care is not systematic and tends to be left to NGOs. However, these have a chronic lack of financial resources. The last research into violence against children in government institutions conducted by the NGO Alliance for Children Rights was in 2009. NGOs' limited access to government institutions means they are unable to carry out independent monitoring. Sometimes reports concerning violence, sexual abuse, forced labour and the poor quality of food in the homes reach the outside world through media and social media. According to various sources, the level of education in the boarding schools is significantly lower than in normal educational institutions, so that the children have few opportunities to go to university. In addition, the children have limited access to information, free time and individual guidance.⁴²³ The children stay at the boarding schools until the age of 18, unless they continue their studies. Those who

Convention, due in 2018, 16 November 2020, p. 12; Rashad Huseynov & Farida Abbasova, Azerbaijan. In: Ilze Earner & Alexandra Telitsyna (red.), *The development of child protection systems in the post-Soviet states: a twenty five years perspective*, Springer, 2021, p. 13-27, 22-23.

⁴¹⁶ SSC, *Children in Azerbaijan: Statistical yearbook*, August 2020, p. 75.

⁴¹⁷ Claypool & Ismayilova, *A gender-focused analysis of structural and social precipitators to child institutionalization in Azerbaijan*, 2019, p. 264; UNICEF, *Country programme document – Azerbaijan*, 14 December 2020, p. 4.

⁴¹⁸ Huseynov & Abbasova, Azerbaijan, 2021, p. 18-19; Confidential source, 24 May 2021.

⁴¹⁹ IOM, *Assessment report on unaccompanied minors. Assessment of the existing accommodation and reintegration possibilities in Azerbaijan for unaccompanied minors*, 16 May 2014, p. 21; SCFWCA, *Children and family support center*, <http://scfwca.gov.az/en/page/usaq-ve-ailelere-destek-merkezləri>, accessed 3 September 2021; Confidential source, 24 May 2021; Confidential source, 30 July 2021.

⁴²⁰ Huseynov & Abbasova, Azerbaijan, 2021, p. 20; Confidential source, 24 May 2021.

⁴²¹ Ombudsman, *National preventive group monitored orphanages*, 26 November 2020.

⁴²² UN CRC, *Consideration of reports submitted by States parties under article 44 of the Convention. Concluding observations: Azerbaijan*, 12 March 2012, p. 4.

⁴²³ Azerbaijan NGO Alliance for children rights, *Alternative NGO report on situation of children in Azerbaijan Republic and on the implementation of the UN Convention on the Rights of the Child and Concluding Observations of the UN Committee on the Rights of the Child during the period of 2006-2010*, 15 January 2011, p. 17; Reliable Future SIPU, *Alternative NGO Report on situation of children in Azerbaijan Republic and on the implementation of the UN Convention on the Rights of the Child and Concluding Observations of the UN Committee on the Rights of the Child during the period of 2012-2019 submitted to the United Nations Committee on the Rights of the Child in relation to the examination of the combined fifth and sixth periodic report by the Republic of Azerbaijan*, 2020, p. 13; Confidential source, 24 May 2021; Confidential source, 19 June 2021.

do not continue their studies have to leave and live independently. Usually the boys go straight into military service at the age of 18.⁴²⁴

3.1.6.3 Foster care

The concept of foster care appears in the Family Act. The law states that placement in a foster family should occur on the basis of an agreement with a relevant executive authority. The local executive authority is responsible for supervising the children placed in foster care.⁴²⁵ However, the nature and scope of that supervision is unclear. Nor does the Family Act set out clearly how foster parents should be selected. It merely states who is not eligible to be a foster parent. The State Program on De-institutionalization and Alternative Care, which ran from 2006 to 2015, also aimed to set up a foster care system, but the Council of Ministers ultimately did not approve its regulation. As a result, the foster care system has not developed further in Azerbaijan.⁴²⁶

3.2 Compliance and violations

3.2.1 Freedom of expression

The constitution guarantees freedom of expression.⁴²⁷ Despite this, there was little independence and pluralism in the traditional Azerbaijani media during the reporting period. Turan was considered to be the only independent news agency in Azerbaijan. All other independent media operated from abroad.⁴²⁸ Due to the lack of independent media in Azerbaijan, social media and the Internet played an important role as alternative news sources. In addition, Turkish and Russian television channels were popular.⁴²⁹ The authorities tried in various ways to gain control of online news provision, including by blocking the websites of the main independent media outlets operating from abroad, such as the news websites Meydan TV, Azadliq.info, Azadliq.org, Turan TV and Azerbaycan Saati.⁴³⁰ There was also evidence of individuals and organisations associated with the authorities engaging in Internet trolling, spreading of fake news on social media and DDoS attacks.⁴³¹

After the outbreak of the war, the Ministry of Transport, Communications and Technology restricted Internet traffic in Azerbaijan from around 10 am on 27

⁴²⁴ Confidential source, 19 June 2021; confidential source, 21 June 2021.

⁴²⁵ Articles 145.1 and 145.2 of the Family Act; SOS Children's Villages, *SOS Children's Village Baku*, <https://www.sos-childrensvillages.org/where-we-help/asia/azerbaijan/baku>, accessed 3 September 2021.

⁴²⁶ Azerbaijan NGO Alliance for children rights, *Alternative NGO report*, 15 January 2011, p. 17; Trend, *Azerbaijan offers to support foster families*, 7 March 2012; Mike Stein, Young people's transitions from care to adulthood in European and postcommunist Eastern Europe and Central Asian societies, *Australian Social Work*, 2 October 2013, p. 5; SSC, *Alternative care of children in the Republic of Azerbaijan*, 13 November 2014, p. 12; Aytakin Huseynli, Implementation of deinstitutionalization of child care institutions in post-soviet countries: The case of Azerbaijan, *Child Abuse & Neglect* 76, 2018, p. 160-172, 164; Ombudsman, *2019 annual report of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan on the protection of human rights in Azerbaijan*, 24 April 2020, p. 52; JAMnews, *Kinship adoption in Azerbaijan: solid tradition or social scourge?*, 20 August 2020; Huseynov & Abbasova, Azerbaijan, 2021, p. 20.

⁴²⁷ Articles 47 and 50 of the Constitution.

⁴²⁸ Freedom House, *Freedom on the net 2020, Azerbaijan*, 14 October 2020, p. 13; Confidential source, 19 May 2021.

⁴²⁹ Ilgar Seyidov, "As quiet as a mouse": Media use in Azerbaijan, *Communications* 45(1), 2020, p. 893-911, 907.

⁴³⁰ AIW, *OONI measurements indicate censorship remains*, 16 February 2021; IRFS, *Azerbaijani media in 2020*, 17 February 2021; JAMnews, *Web censorship cases drag on for 5th year in Azerbaijan*, 21 February 2021.

⁴³¹ Index on censorship, *Trolls and insults: Azerbaijan's exiled media increasingly under fire*, 31 July 2019; Facebook, *Removing coordinated inauthentic behavior*, 8 October 2020; Freedom House, *Freedom on the net 2020, Azerbaijan*, 14 October 2020, p. 14; The Guardian, *'Facebook isn't interested in countries like ours': Azerbaijan troll network returns months after ban*, 13 April 2021; JAMnews, *The weapon of information in the second Karabakh war. Yerevan's take*, 17 April 2021; Meydan TV, *How Facebook trolls spread pro-regime sentiment in Azerbaijan*, 24 June 2021.

September 2020 in order to prevent panic, disinformation and Armenian provocations. As a result, a number of websites and social media, including YouTube, Twitter and Instagram, were impossible or difficult to access until 12 November 2020.⁴³²

Prosecution for expressing criticism is expressly prohibited. Despite this, human rights activists, journalists, political opponents and their relatives faced threats, arrest, assault and detention during the reporting period. There were instances of the authorities arresting them on false or unclear charges, such as ignoring police orders, illegal possession of drugs or weapons, hooliganism or violating the coronavirus rules.⁴³³

For example, former Defence Minister Rahim Qaziyev experienced problems due to expressing criticism. He gave an interview about the fighting at Tovuz on 12 July 2020 (see 1.2.1), in which he criticised President Aliyev. The next day, he was arrested by the state security service. According to a joint statement from this service and the public prosecutor's office on 13 July 2020, Qaziyev had deliberately spread false information about the fighting at Tovuz on social media. He was then charged under Articles 281 (sedition) and 282 (provocation), CC. The Sabail District Court ordered him to be held in pre-trial detention for four months. On 4 September 2020, the same court decided to replace his pre-trial detention with house arrest until 13 November 2020. In mid-September 2020, the authorities decided to postpone the criminal trial indefinitely due to Qaziyev's state of health.⁴³⁴

During the reporting period, peace activists who spoke out against the war faced threats and intimidation. In Azerbaijan there was little opposition to the war in the autumn of 2020. Only a few activists joined the #NoWar social media campaign. On 30 September 2020, 17 activists also signed an online appeal for peace. These *novarçı* ('No-war people') subsequently faced numerous threats on social media and intimidation from the authorities. An example of this is the state security service questioning Giyas Ibrahimov on 28 September 2020 after he openly spoke out against the war on social media.⁴³⁵ On 13 October 2020, the public prosecutor questioned him after he signed a petition. As far as is known, no criminal prosecution of *novarçı* has taken place since then.⁴³⁶

⁴³² NetBlocks, *Social media restricted in Azerbaijan amid clashes with Armenia over Nagorno-Karabakh*, 27 September 2020; Ministry of Transport, Communications and Technology of the Republic of Azerbaijan (MinCom), *Azerbaijan limits internet access to prevent Armenia's large-scale acts of provocation*, 27 September 2020; AccessNow, *As conflict escalates, Azerbaijan's internet shutdown puts lives further at risk*, 15 October 2020; OBCT, *Azerbaijan, the internet in times of war*, 4 November 2020; AIW, *Country-wide internet disruptions reported in Azerbaijan*, 12 November 2020; AccessNow, *Shattered dreams and lost opportunities. A year in the fight to #KeepItOn*, March 2021, p. 13; Al Jazeera, *Mapping internet shutdowns around the world*, 3 March 2021; JAMnews, *The weapon of information in the second Karabakh war. Yerevan's take*, 17 April 2021.

⁴³³ Freedom House, *Freedom in the world 2021, Azerbaijan*, 3 March 2021, p. 12, USDoS, *Azerbaijan 2020 human rights report*, 30 March 2021, p. 12, AI, *Amnesty International report 2020/21*, 7 April 2021, p. 75; Confidential source, 3 May 2021.

⁴³⁴ Rahim Gaziyeu was Defence Minister in 1992 and 1993; State Security Service of the Republic of Azerbaijan, *Information of the Press Services of the State Security Service and the Prosecutor General's Office of the Republic of Azerbaijan*, 13 July 2020; Turan, *Former minister of Defense Rahim Gaziyeu is detained*, 13 July 2020; APA, *Ex-Defense minister of Azerbaijan Rahim Gaziyeu detained, he is accused of public incitement and provocation against the state*, 13 July 2020; JAMnews, *Former Azerbaijani Minister of Defence detained*, 14 July 2020; Confidential source, 24 May 2021.

⁴³⁵ OC Media, *Anti-war activist detained by Azerbaijani security service*, 28 September 2020; OC Media, *Anti-war statement of the Azerbaijani leftist youth*, 1 October 2020; OC Media, *Peace statement*, 6 October 2020; Open Democracy, *"Prepare to be marginalised": interview with Azerbaijani anti-war activist*, 8 October 2020; Heinrich Böll Stiftung, *Le(f)t's do it: Features, problems and prospects of the left in Azerbaijan*, 28 April 2021.

⁴³⁶ OC Media, *Azerbaijani peace activists called for questioning*, 13 October 2020; OC Media, *Azerbaijani security services 'threatened to kill' activist and family*, 16 November 2020; Eurasianet, *Perspectives: Azerbaijan's peace activists face harassment, and a reckoning*, 20 November 2020; Freedom House, *Freedom in the world 2021*,

3.2.1.1 Human rights activists

During the reporting period, the position of human rights activists continued to be poor. They faced intimidation, arrests and convictions. Sometimes they were subject to smear campaigns and cyberattacks.⁴³⁷ For example, on 20 August 2020 the municipal council of Khol Qaraqasli in Neftçala district suspended the only opposition councillor, who was known to be a women's rights activist. She was staying abroad at the time for medical treatment. She said that her suspension was related to messages she had posted on Facebook. Her Facebook account was then found to have been hacked on 13 March 2021. In addition, in April 2021 she faced online threats that she said came from a police officer and his family members.⁴³⁸

Furthermore, on 14 October 2020, a court in Sumqayit sentenced Elchin Mammad, a human rights lawyer and editor-in-chief of media website *Yükseliş Namine*, to four years in prison under Articles 177.2.4 (theft) and 288.1 (illegal possession of weapons), CC. The police were said to have found jewellery and ammunition in his workplaces. The conviction was upheld on appeal on 19 February 2021. Human rights activists say the charges were trumped up.⁴³⁹

On 25 February 2021, private audio messages from a well-known human rights activist appeared on the *Tənqidçi* Facebook page.⁴⁴⁰ On 9 March 2021, hackers made private messages visible on the Facebook account of another activist, after which her private photos also ended up on a Telegram channel.⁴⁴¹ Later, another activist gave an interview with *Voice of America Azerbaijan* and was subjected to Internet trolling.⁴⁴²

3.2.1.2 N!DA

Human rights activists affiliated with the civic movement N!DA faced arrests and convictions on various charges during the reporting period.⁴⁴³ For example, on 19 February 2021 the police in Sumgayit arrested an N!DA activist. According to N!DA, his arrest was related to a 16 February 2021 Facebook post in which he

Azerbaijan, 3 March 2021, p. 12; Turan, *Activist deported from Turkey intends to seek clarification*, 22 April 2021.

⁴³⁷ AI, *Azerbaijan: Gender-based reprisals against women must stop*, 12 May 2021; AIW, *Former political prisoner receives death threat over social media*, 21 May 2021.

⁴³⁸ Caucasian Knot, *Azerbaijani activist accused of defamation*, 24 July 2020; Caucasian Knot, *Judge offers Azerbaijani activist to delete critical posts from social network*, 22 August 2020; OC Media, *Feminist activist expelled from municipal council in Azerbaijan*, 27 August 2020; Caucasian Knot, *Case against Azerbaijani activist Vafa Nagi closed*, 4 September 2020; AIW, *Targeted harassment via Telegram channels and hacked Facebook accounts*, 15 March 2021; AIW, *Activists trolled for exposing child abuse in Azerbaijan*, 14 April 2021.

⁴³⁹ FIDH, *Azerbaijan: Sentencing and ongoing arbitrary detention of Mr. Elchin Mammad*, 15 October 2020; Lawyers for Lawyers, *Elchin Mammad sentenced*, 16 October 2020; AI, *Human rights defender sentenced to prison*, 13 November 2020; IRFS, *Azerbaijani media in 2020*, 17 February 2021; Caucasian Knot, *Elchin Mamed's health condition worsens in prison*, 29 March 2021; USDOS, *Azerbaijan 2020 human rights report*, 30 March 2021, p. 39; FIDH, *Azerbaijan: Degradation of health condition while in detention of Elchin Mammad*, 9 April 2021.

⁴⁴⁰ OC Media, *Leak targets prominent Azerbaijani feminist in run-up to women's day*, 26 February 2021; AIW, *Activist's personal messages leaked after hacking*, 9 March 2021; Eurasianet, *Women activists face rash of harassment in Azerbaijan*, 31 March 2021.

⁴⁴¹ JAMnews, *Azerbaijani feminist's FB page 'stolen' following Baku Women's Day rally*, 10 March 2021; BBCM, *Azeri government blamed for campaign against feminist activist, blogger*, 11 March 2021; OC Media, *Hackers target prominent Azerbaijani feminist with pornography*, 11 March 2021; Turan, *Narmin Shahmarzade and Bakhtiyar Hajiyev applied to the Ministry of Internal Affairs and the State Security Service*, 13 March 2021; AIW, *Targeted harassment via Telegram channels and hacked Facebook accounts*, 15 March 2021.

⁴⁴² AIW, *Targeted harassment via Telegram channels and hacked Facebook accounts*, 15 March 2021; The Guardian, *'Facebook isn't interested in countries like ours': Azerbaijan troll network returns months after ban*, 13 April 2021; BBCM, *Azeri activist confirms existence of large network of state-backed trolls*, 19 April 2021.

⁴⁴³ Turan, *Farrukh Mammadzadeh released after interrogation in prosecutor general's office*, 5 August 2020; Caucasian Knot, *"Nida" movement activist detained in Azerbaijan*, 6 August 2020.

criticised the president. According to his lawyer, a court sentenced him to a 30-day administrative detention under Article 206 (drug use).⁴⁴⁴ On 14 March 2021 Ulvi Hasanli and Mehman Huseynov were arrested. The police released them a few hours later; however, they confiscated their drone, saying that it was illegal.⁴⁴⁵

On 4 May 2021, the Turkish authorities reported that the body of Bayram Mammadov, who was active on behalf of N!DA until he left for Turkey, had been identified in Istanbul. According to pro-government media in Azerbaijan, he had committed suicide under the influence of drugs. The Turkish authorities said that he died of drowning after jumping into the Bosphorus on 2 May 2021 to retrieve a slipper that had fallen into the water. However, some people called this explanation into question.⁴⁴⁶

3.2.1.3 Demonstrations

Apart from the large-scale protests of 14 July 2021 (see 1.2.4), no mass demonstrations took place during the reporting period. The authorities did not give permission for demonstrations in central Baku during the reporting period.⁴⁴⁷ Nevertheless, there were some small-scale protests. For example, on 4 February 2021, six women's rights activists held up banners in front of the parliament building, where the office of the SCFWCA was also based, reading 'Killings of women are a political crime'. According to the activists, the immediate cause was two suicides and the murder of a woman in Baku. The police soon confiscated the banner and sent the women away.⁴⁴⁸

Furthermore, on 19 February 2021, about ten female relatives of detained activists protested in front of the US embassy in Baku, including the wives of Polad Aslanov (see 3.2.1.4) and Efqan Saqigov (see 3.2.1.5). The police put a stop to the protest after ten minutes.⁴⁴⁹

On 4 March 2021, Baku's city authority rejected the request of a number of women's activists to hold a demonstration to mark International Women's Day on 8 March 2021. On the day itself, half an hour before the announced demonstration, the police stopped two of the organisers in a café. The police briefly detained them. In addition, the 'rapid police unit' (*Çevik Polis Alayı*) briefly detained some 15 to 20 women who had nonetheless come to the assembly point.⁴⁵⁰

⁴⁴⁴ AIW, *Forced posts removal from Facebook continue in Azerbaijan*, 21 January 2021; Turan, *NIDA movement activist arrested*, 22 February 2021; Caucasian Knot, *"Nida" movement activist arrested in Azerbaijan*, 23 February 2021; Caucasian Knot, *Oppositionists link Abbasov's arrest with his criticism of Azerbaijan president*, 25 February 2021; OC Media, *N!DA activist imprisoned 'for post targeting Aliyev'*, 25 February 2021.

⁴⁴⁵ Turan, *Mehman Huseynov and Ulvi Hasanli released*, 14 March 2021; AIW, *Popular citizen journalist and activist detained*, 15 March 2021.

⁴⁴⁶ JAMnews, *Azerbaijani prisoner of conscience Bayram Mammadov found dead in Istanbul*, 5 May 2021; RFE/RL, *Azerbaijani opposition activist found dead in Turkey*, 5 May 2021; Turan, *Istanbul police on the death of Bayram Mammadov*, 5 May 2021; OBCT, *In memory of Bayram Mammadov, a young man full of dreams*, 7 May 2021; Bianet, *Investigation into death of Mammadov from Azerbaijan*, 11 May 2021; OC Media, *Calls for answers over death of Azerbaijani activist Bayram Mammadov in Istanbul*, 19 May 2021; JAMnews, *Turkish parliament discusses suspicious death of Azerbaijani activist*, 19 May 2021.

⁴⁴⁷ HRW, *World report 2021, Azerbaijan*, February 2021, p. 67; HRHF, *Statement on events surrounding the 8 March 2021 march in Central Baku*, 15 March 2021.

⁴⁴⁸ OC Media, *After grisly murder, women hold protest in Baku*, 5 February 2021; JAMnews, *What does it mean to be a feminist in Azerbaijan?*, 8 February 2021.

⁴⁴⁹ BBCM, *Azeri police disperse protest in support of 'political prisoners'*, 19 February 2021; Caucasian Knot, *In Baku, police suppress women's protest in defence of political prisoners*, 19 February 2021; Turan, *Police violence against journalists at rally in defense of political prisoners*, 19 February 2021.

⁴⁵⁰ The 'rapid police unit' is part of the Ministry of the Interior. The ministry uses this rapidly deployable unit for emergency situations; Meydan TV, *Feminists march in Baku on 8 March*, 8 March 2021; BBCM, *Azeri police prevents Women's Day demo in Baku*, 8 March 2021; Freedom House, *Azerbaijan: Authorities detain peaceful activists on international women's day*, 8 March 2021; Confidential source, 11 March 2021.

3.2.1.4 Journalists

In 2021, Azerbaijan moved up one place compared to 2020 and was ranked 167th in the World Press Freedom Index of Reporters without Borders (out of a total of 180 countries).⁴⁵¹

During the reporting period, independent journalists experienced great difficulty in carrying out their work properly. Many journalists practised self-censorship, which meant that there was little critical reporting.⁴⁵² According to a source, journalists who collaborated with the media abroad did not write their articles under their own name.⁴⁵³

During the reporting period, independent and critical journalists, as well as bloggers, faced intimidation, cyberattacks, equipment seizures, arrests, fines, travel bans, legal proceedings and detention.⁴⁵⁴ Arrests and convictions of critical journalists and bloggers took place on various charges, including ignoring police orders, tax evasion, hooliganism, drug possession and violating the coronavirus rules.⁴⁵⁵ Journalists and bloggers were also liable to face criminal charges under Article 147 (libel), 148 (insult) or 323 (insulting the president), CC.⁴⁵⁶ There were also instances of the police summoning journalists, bloggers and other citizens and asking them to remove insulting or critical posts from their social media accounts. In some cases, the authorities took over the social media accounts. Some were sentenced to administrative detention for ten to 20 days as a result of their posts.⁴⁵⁷ Some examples follow of journalists and bloggers who faced arrest and detention during the reporting period. This list is by no means exhaustive.

On 19 June 2020, a Baku court sentenced journalist and APFP member Tazakhan Miralamli, who worked for the newspaper *Azadliq*, to wear an ankle bracelet and to remain under house arrest between 11 pm and 7 am for a period of one year, under Article 221 (hooliganism), CC. He was alleged to have hit someone during the annual commemoration of the Khojaly massacre on 26 February 2020.⁴⁵⁸

On 16 November 2020, a court in Baku sentenced journalist Polad Aslanov to 16 years in prison under Article 274 (treason), CC. He was said to have sold state secrets to Iran. Aslanov was editor-in-chief of the news websites *xeberman.com* and *press-az.com*. Among other subjects, he had written in his articles about employees of the state security service who took bribes at the border from pilgrims who wanted to visit holy places in Iran. On 1 February 2021, he went on hunger strike. On 15

⁴⁵¹ RSF, *Azerbaijan*, <https://rsf.org/en/azerbaijan>, accessed 3 September 2021.

⁴⁵² Freedom House, *Freedom on the net 2020, Azerbaijan*, 14 October 2020; p. 13; USDoS, *Azerbaijan 2020 human rights report*, 30 March 2021, p. 24.

⁴⁵³ Confidential source, 19 May 2021.

⁴⁵⁴ Coalition for women in journalism, *Azerbaijan: Independent journalists covering Nagorno-Karabakh protests are targeted on social media*, 15 July 2020; RSF, *Reporter who was assaulted is jailed for "disturbing public order"*, 9 March 2021; USDoS, *Azerbaijan 2020 human rights report*, 30 March 2021; p. 23; OC Media, *'You are a whore': Azerbaijani journalists condemn 'abuse by police'*, 9 August 2021.

⁴⁵⁵ IRFS, *Azerbaijani media in 2020*, 17 February 2021; Meydan TV, *Detained journalists summoned by police*, 18 May 2021.

⁴⁵⁶ Caucasian Knot, *Judge offers Azerbaijani activist to delete critical posts from social network*, 22 August 2020; USDoS, *Azerbaijan 2020 human rights report*, 30 March 2021, p. 24; UFPFA, *List of political prisoners*, 4 June 2021, p. 5; AIW, *Editor facing slander and insult charges*, 23 June 2021.

⁴⁵⁷ AIW, *Resident of Mingachevir city beaten by the police over social media posts*, 30 January 2021; USDoS, *Azerbaijan 2020 human rights report*, 30 March 2021, p. 26; Meydan TV, *Police detain Talysh blogger for social media post*, 17 June 2021; Turan, *A member of the municipal council was given a warning for a post about the police*, 8 July 2021; Confidential source, 19 May 2021.

⁴⁵⁸ Turan, *Criminal case launched against Tazakhan Miralamli*, 14 March 2020; RFE/RL, *Azerbaijani journalist convicted of hooliganism in 'trumped-up' case*, 25 June 2020; IPHR & BHRC, *Human rights impact assessment of the state response to Covid-19 in Azerbaijan*, 31 July 2020, p. 17.

February 2021, an appeal court upheld the 16 November 2020 ruling. On 3 March 2021 it was announced that Aslanov had stopped his hunger strike. According to his wife, he went on hunger strike again on 18 May 2021, because of his treatment by the prison director.⁴⁵⁹

On 30 October 2020, Baku's 'Court on Serious Crimes' sentenced blogger Elvin Isayev to eight years in prison under Articles 220 (inciting disturbances against the state) and 281.2 (inciting a coup), CC. This blogger, who belongs to the Talysh minority, was said to have called on social media for violence against the authorities. At the end of the reporting period, this case was still pending at the Court of Appeal.⁴⁶⁰

On 2 March 2021, the court in Şeki sentenced bloggers Ibrahim Türksoy and Elchin Hasanzade to eight months in prison under Articles 147.1 (libel) and 148 (insult), CC. They had reported on corruption by the head of the housing department in the city of Mingəçvir.⁴⁶¹

3.2.1.5

Relatives of human rights activists, journalists and political opponents

During the reporting period, relatives of human rights activists, critical journalists and political opponents were subject to the unwelcome attention of the authorities. This was particularly the case with relatives of people who were residing and systematically active abroad over a long period of time. The authorities sometimes applied the principle of collective responsibility in this context.⁴⁶² Family members sometimes faced punitive measures or discriminatory treatment so that they would put their loved ones under pressure to stop their activities. These included trumped-up charges such as drug use, hooliganism and so on. They could be subject to arrest, summons by the police, threats, extortion, prolonged interrogation, assault and prolonged detention. The most harmless way of putting pressure on family members was to fire them in retaliation for the activities of their relatives. To ensure their own safety, sometimes even close family members, under pressure from the authorities, publicly distanced themselves from their relatives abroad or cut off all contact with their loved ones.⁴⁶³ According to a source, family members were also sometimes forced to close their shops under pressure from the authorities.⁴⁶⁴ The distribution of personal photos, videos or text messages from human rights activists, critical journalists, political opponents and their relatives was another common

⁴⁵⁹ RFE/RL, *Rights group says jailed Azerbaijani journalist in danger as hunger strike continues*, 10 February 2021; Caucasian Knot, *BCA upholds verdict to Polad Aslanov*, 15 February 2021; RFE/RL, *Azerbaijan rejects appeal of jailed journalist convicted of treason*, 15 February 2021; AIW, *Jailed journalist on hunger strike*, 3 March 2021; Turan, *Polad Aslanov stops hunger strike in prison*, 3 March 2021; Freedom House, *Freedom in the world 2021, Azerbaijan*, 3 March 2021, p. 8; Meydan TV, *Imprisoned journalist Aslanov restarts hunger strike*, 19 May 2021.

⁴⁶⁰ For more information about Elvin Isayev, see the country of origin information report on Azerbaijan of July 2020, 3.2.1 and the country of origin information report on the Russian Federation of April 2021, 2.3.5; AI, *Azerbaijan authorities must release Talysh activists*, 8 June 2020; OC Media, *Azerbaijan seeks arrest of critics abroad*, 10 September 2020; IPD, *The court verdict against Elvin Isayev is unlawful and unreasonable*, 15 November 2020; USDoS, *Azerbaijan 2020 human rights report*, 30 March 2021, p. 20.

⁴⁶¹ Elchin Hasanzade also worked for the media website Yükseliş Namine; AIW, *One blogger and activist arrested*, 2 March 2021; Turan, *Elchin Hasanzadeh: I was arrested for exposing corruption facts*, 11 June 2021; Turan, *The arrested blogger appealed to the president of Azerbaijan*, 12 July 2021.

⁴⁶² Foreign Policy Center, *Azerbaijan: Challenges to migrants and asylum seekers from the oil-rich state*, 4 December 2017; Confidential source, 24 May 2021.

⁴⁶³ Freedom House, *Freedom in the world 2021, Azerbaijan*, 3 March 2021, p. 8; USDoS, *Azerbaijan 2020 human rights report*, 30 March 2021, p. 21; Turan, *Former political prisoner and his sister are threatened*, 1 June 2021; Caucasian Knot, *After release of book about Azerbaijani prisons, activist reports threats*, 4 June 2021; Confidential source, 13 April 2021; Confidential source, 19 May 2021; Confidential source, 24 May 2021.

⁴⁶⁴ Confidential source, 19 May 2021.

phenomenon during the reporting period.⁴⁶⁵ Some examples are given below. This list is by no means exhaustive.

On 2 October 2018, Emin Saqiyev was sentenced to seven years in prison under Article 234.4.3 (drug smuggling), CC. After this verdict was upheld on appeal on 18 August 2020, he went on hunger strike for 25 days. According to human rights activists, his conviction was related to his brother-in-law Türkel Azertürk, who was working from the Netherlands for the television channel *Turan TV*. Saqiyev was released under the novruz pardon in March 2021.⁴⁶⁶

After the pro-war demonstration of 14 July 2020 (see 1.2.2), the authorities arrested NAP member Mehdi Ibrahimov. On 19 August 2020, after he had spent more than a month in pre-trial detention, a court in Baku commuted the pre-trial detention to house arrest, which ended on 17 November 2020. On 10 February 2021, the Khatai District Court sentenced him to a one-year suspended prison sentence and three months on the basis of Article 139-1.1 (violation of coronavirus rules), CC. According to his relatives, his arrest was related to his father Mammad Ibrahim, who was active for the PFPF.⁴⁶⁷

On 3 November 2020, a Baku court sentenced the founder of the news website *Azel TV*, blogger Efqan Sadiqov, to seven years in prison under Article 182 (extortion), CC. According to human rights activists, this conviction was politically motivated. Sadiqov was known, among other things, for his articles on corrupt practices. After his conviction, Sadiqov went on hunger strike for a second time. On 30 March 2021, his wife stated that the state security service had threatened to distribute video footage and photos of her if she did not persuade her husband to end his hunger strike.⁴⁶⁸ On 2 July 2021, the Supreme Court reduced the sentence to four years in prison.⁴⁶⁹

Jamil Hasanli of the NCDF accused the authorities in a Facebook post dated 29 March 2021 of distributing a sex video of his 38-year-old daughter on the Internet on 28 March 2021. This recording was also made with a hidden camera.⁴⁷⁰

⁴⁶⁵ AIW, *Targeted harassment via Telegram channels and hacked Facebook accounts*, 15 March 2021; AI, *Harassment of activist and family must stop*, 9 April 2020; Le Monde, *En Azerbaïdjan, la « sextape » devient un instrument de répression*, 13 April 2021; IWPR, *Kompromat is back in Azerbaijan*, 20 April 2021; AI, *Azerbaijan Gender-based reprisals against women must stop*, 12 May 2021; Confidential source, 11 March 2021.

⁴⁶⁶ Caucasian Knot, *Relative of oppositional journalist sentenced in Azerbaijan*, 3 October 2018; Turan, *Netherlands police warns Azerbaijani political émigrés about danger*, 14 February 2020; Turan, *Emin Saqiyev stops hunger strike on 25th day*, 11 September 2020; Caucasian Knot, *Azerbaijani political prisoner Emin Saqiyev stops hunger strike*, 12 September 2020; UFPPA, *List of political prisoners*, 17 February 2021, p. 58; Turan, *There are 111 political prisoners in the updated list of human rights defenders*, 5 April 2021.

⁴⁶⁷ Turan, *Member of Ruling Party Mehdi Ibrahimov is on hunger strike for eight days*, 17 August 2020; Turan, *Despite court's decision, Mehdi Ibrahimov still not allowed to go home*, 20 August 2020; Caucasian Knot, *Mekhti Ibragimov gets a suspended sentence in case on spread of COVID-19*, 10 February 2021; Turan, *Son of opposition member convicted on probation*, 10 February 2021; JAMnews, *Azerbaijani court convicts football coach for joining Karabakh war rally*, 11 February 2021; Caucasian Knot, *Case of Mamed Ibragim's son reveals persecution practice of activists' relatives in Azerbaijan*, 12 February 2021.

⁴⁶⁸ Turan, *Afghan Sadigov went on hunger strike in jail*, 11 July 2020; Turan, *Trial over Afgan Sadigov begins*, 19 August 2020; Turan, *Situation with Afgan Sadigov remains unclear*, 25 January 2021; Turan, *Afgan Sadigov's memory broken – Wife of head of Azel.tv*, 6 February 2021; Turan, *The prosecutor's office threatens Sevinj Sadigova and a number of media*, 30 March 2021; Turan, *The prosecutor general received the wife of the arrested journalist*, 12 April 2021; IWPR, *Kompromat is back in Azerbaijan*, 20 April 2021; BBCM, *Azeri reporters say independent journalism faces gloomy prospects*, 4 May 2021.

⁴⁶⁹ Caucasian Knot, *Court reduces journalist Afghan Sadygov's prison term*, 2 July 2021; Turan, *Afgan Sadigov ends hunger strike*, 2 July 2021; Turan, *Afgan Sadigov transferred to "tubzone"*, 13 July 2021.

⁴⁷⁰ AIW, *Facebook page, advertising Telegram channel, targeting a woman activist*, 30 March 2021; JAMnews, *Another sex scandal in Azerbaijan: how and where is this information disseminated?*, 30 March 2021; OC Media, *New sex-tape emerges targeting daughter of Azerbaijani critic*, 30 March 2021; BBCM, *Azerbaijan: Government critics become victims of sexual blackmail*, 31 March 2021; Meydan TV, *Breaches of privacy: Why are sex tapes*

3.2.1.6 People who express criticism from abroad

A number of critical online initiatives by individuals living outside Azerbaijan also reached large audiences in Azerbaijan itself. Some of them had a large following on social media. For example, the vlogger Mahammad Mirzali's YouTube channel *Made in Azerbaijan* had more than 270,000 followers in the reporting period.⁴⁷¹ Such a following makes it likely that the authorities will see the person concerned as a threat.

According to one source, the Azerbaijani authorities seemed to be monitoring those who criticised them from abroad, especially if they were active and visible. They often came under pressure if they had a substantial number of visitors online and their messages were political or about socio-economic difficulties. One indication of this was the many cyberattacks on the social media accounts of individuals and media channels operating from abroad, including *Meydan TV*, *Azad Söz*, *Kanal 13*, *Azadliq* and *Obyektiv TV*. They also received numerous threats through social media, stating, for example, that there would be repercussions for their relatives in Azerbaijan if they continued to criticise.⁴⁷² For example, vlogger Mahammad Mirzali, who lives in France, stated that he had to stop his activities, or sensitive video recordings of his sister would be distributed. On 5 March 2021, a sex video of his sister appeared on various social media channels and porn websites. This recording was made with a hidden camera in her bedroom. Reportedly, his relatives and journalists were also sent this video recording.⁴⁷³

According to various sources, the authorities offered money to some of those who criticised them from abroad in exchange for stopping their activities, positive reporting on Azerbaijan and/or cooperation. When people did not accept the bribes, threats sometimes followed.⁴⁷⁴ In some cases they also become victims of smear campaigns and hate campaigns.⁴⁷⁵

In addition, both the authorities and the State Oil Company of the Azerbaijani Republic (SOCAR) conducted legal proceedings during the reporting period against people who voiced criticism from abroad.⁴⁷⁶ For example, the public prosecutor's office reported on 8 September 2020 that in connection with the investigation into the blogger Elvin Isayev (see 3.2.1.4) they had initiated criminal cases against seven activists living abroad, including a blogger from the Netherlands and the editor-in-chief of *Azad Söz*, who lives in Germany. According to the authorities, they had conspired with Isayev and called for violence. In addition, the authorities stated

used against political targets in Azerbaijan?, 26 April 2021; Turan, *Lawsuit on the fact of interference with the privacy of the daughter of Jamil Hasanli*, 30 April 2021.

⁴⁷¹ YouTube, *Made in Azerbaijan*, <https://www.youtube.com/channel/UCDREIIVLVW4658GJUCDEZsQ>, accessed 3 September 2021.

⁴⁷² Confidential source, 20 April 2021.

⁴⁷³ AIW, *Targeted harassment via Telegram channels and hacked Facebook accounts*, 15 March 2021; OC Media, *Azerbaijani blogger stabbed in France after sister blackmailed with 'intimate video'*, 17 March 2021; Turan, *Compromising boomerang*, 31 March 2021; Eurasianet, *Women activists face rash of harassment in Azerbaijan*, 31 March 2021; Confidential source, 19 May 2021.

⁴⁷⁴ Confidential source, 19 May 2021; confidential source, 20 July 2021.

⁴⁷⁵ Turan, *International NGOs condemn campaign against journalist Sevinc Osmanqizi*, 29 April 2019; CPJ, *Azerbaijani journalist Sevinc Osmanqizi faces harassment, threats to leak intimate photos*, 7 May 2019; OBCT, *The face of a traitor*, 23 November 2020; EFJ, *EFJ condemns the harassment campaign targeting journalist Arzu Geybullayeva*, 8 December 2020; AIW, *Targeted harassment via Telegram channels and hacked Facebook accounts*, 15 March 2021; Confidential source, 24 May 2021.

⁴⁷⁶ Open Democracy, *Revenge by red notice: how Azerbaijan targets its critics abroad*, 23 October 2017; OC Media, *Azerbaijan seeks arrest of critics abroad*, 10 September 2020; AIW, *Government in Azerbaijan threatens activists with Interpol, again*, 14 September 2020; HRW, *World report 2021, Azerbaijan*, February 2021, p. 2; BBCM, *Dissident journalist accuses Socar, Switzerland*, 9 July 2021; Confidential source, 22 June 2021.

that they had submitted an extradition request to Interpol for these seven activists.⁴⁷⁷

During the reporting period, according to the French-based vlogger and APFP member Mahammad Mirzali, two physical attacks took place on him. He had criticised SOCAR extensively, including on YouTube. Mirzali said an unknown assailant shot him three times in the French city of Nantes on 6 October 2020. He was in his car at the time. Mirzali suffered minor injuries to his shoulder.⁴⁷⁸ Then, on 14 March 2021, six Azerbaijani and Turkish-speaking men attacked Mirzali on the street in Nantes. He sustained multiple stab wounds, and was only out of danger after hours of surgery in the hospital. Afterwards, he received a large number of threats, especially after giving an interview to the Armenian news channel *CivilNet* on 31 May 2021.⁴⁷⁹

Blogger Orkhan Agayev, who lives in Germany, reported that on 14 February 2021 he was attacked in the street by six Turkish-speaking men.⁴⁸⁰

3.2.1.7

People misrepresenting themselves as human rights activists, journalists and/or political opponents

According to several sources, some Azerbaijanis in Western Europe misrepresent themselves as human rights activists, journalists, critical journalists or political opponents.⁴⁸¹ One source gave the example of people whose stated activities could not be found on the various media/social media channels or about whom information could only be found on a single media channel. In some cases, widely known human rights activists, journalists and/or political opponents had never mentioned or recommended the person concerned, and local and international NGOs and human rights activists had never mentioned or reported on the problems that the person concerned was claimed to have experienced with the authorities. In addition, there were instances of online media channels issuing references and statements of support for the person concerned, which on investigation turned out not to be based on truth.⁴⁸² There were also instances of someone claiming to be a journalist but never having actually written anything or of only having occasionally written articles of an unprofessional nature that were only published on a media channel that was not known as a professional media channel.⁴⁸³ A source cited a number of examples of people who had a relationship with the Azerbaijani authorities, for example

⁴⁷⁷ Turan, *Prosecutor general's office put Gurban Mammadov, group of political emigrants on international wanted list*, 8 September 2020; OC Media, *Azerbaijan seeks arrest of critics abroad*, 10 September 2020; AIW, *Government in Azerbaijan threatens activists with Interpol, again*, 14 September 2020; HRW, *World report 2021, Azerbaijan*, February 2021, p. 2.

⁴⁷⁸ Ouest-France, *Nantes. Un homme blessé par balle au volant de sa voiture* 6 October 2020; RSF, *Azerbaijani blogger living in France stabbed, threatened*, 24 March 2021.

⁴⁷⁹ Turan, *An attempt on the life of the blogger Mohammed Mirzali in France*, 14 March 2021; BBCM, *Azeri opposition journalist links attacks on activists to planned protest*, 15 March 2021; Ouest-France, *Nantes. Un homme de 27 ans agressé à l'arme blanche*, 15 March 2021; CPJ, *Exiled Azerbaijani blogger Mahammad Mirzali stabbed at least 16 times in knife attack in France*, 16 March 2021; RFE/RL, *Azerbaijani video blogger in serious condition in France after being stabbed 16 times*, 17 March 2021; Le Monde, *La dissidence azerbaïdjanaise craint pour sa sécurité en France*, 20 March 2021; RFE/RL, *Azerbaijani blogger living in France threatened after being stabbed*, 24 March 2021; AIW, *Exiled blogger continues to receive threats*, 31 March 2021; Die Welt, *Mahammad Mirzali*, 12 April 2021; RFE/RL, *'Soon enough I'll be killed': Threats against Azerbaijani dissident intensify after Armenian media interview*, 4 June 2021; Die Welt, *Mahammad Mirzali*, 23 June 2021.

⁴⁸⁰ Socar Corruption, *Who was planning to kill Azerbaijan blogger Orkhan Agayev in Berlin?*, 14 February 2021; OC Media, *Azerbaijani blogger stabbed in France after sister blackmailed with 'intimate video'*, 17 March 2021; Facebook, *Made in Azerbaijan*, <https://m.facebook.com/Madeinazn/posts/political-blogger-orkhan-aghayev-who-lives-in-germany-was-beaten-by-7-8-unknown-/1847563318733549/>, accessed 3 September 2021; Confidential source, 19 May 2021.

⁴⁸¹ Confidential source, 13 April 2021; Confidential source, 19 May 2021.

⁴⁸² Confidential source, 4 June 2021.

⁴⁸³ Confidential source, 19 May 2021; Confidential source, 4 June 2021.

because they had been bribed and only reported positively about Azerbaijan or because they had worked for pro-government media in Azerbaijan.⁴⁸⁴

Several sources pointed to an increase in the number of asylum seekers engaging in video blogging or social media journalism over the past seven or eight years, especially on YouTube. It was suspected that some people deliberately acted provocatively with the aim of obtaining a residence permit in a European country. On the other hand, some people had not engaged in their activities until they were outside Azerbaijan because they were too afraid to do so while they were still in Azerbaijan.⁴⁸⁵

One source also cited the example of individuals who claimed to have been active for an opposition party but did not know the party structure, party programme and names of prominent party members. Some of these individuals also made use of fake documents from an opposition party (see 2.1.4.2).⁴⁸⁶ In this context, another source gave the example of people who claimed when submitting their asylum application to have had difficulties because of their membership of an opposition party, but had made brief return trips to Azerbaijan from Europe on their own passports without any problem.⁴⁸⁷

3.2.2 *Freedom of religion and belief*

About 96 percent of the population of Azerbaijan describe themselves as Muslim. By most estimates, 65 percent are Shia and 35 percent Sunni. Twelver Shiiism is dominant among the Shia. Most Sunnis belong to the Hanafite school of religious thought. There are also followers of Sufism, Salafism and Wahhabism. The remaining four percent of the population is made up of Christians, Jews, Baha'is, followers of the Hare Krishna movement and non-believers.⁴⁸⁸

3.2.2.1 Religious Freedom Act

According to the Constitution, religious institutions and state are separate and all religions are equal before the law.⁴⁸⁹ In practice, the state exercises control over religious organisations, including through the Religious Freedom Act. Among other things, this law stipulates that religious organisations must register and that the authorities must approve religious literature.

On 4 May 2021, the Religious Freedom Act was amended. For example, a provision was added to Article 1 prohibiting parents to force children to adhere to a religion and stating that the religious upbringing of children must not adversely affect their physical and mental health.⁴⁹⁰

3.2.2.2 Registration of religious organisations

Religious organisations must register with the SCWRA.⁴⁹¹ Islamic organisations must first have the approval of the Caucasus Muslim Board (CMB) before the SCWRA

⁴⁸⁴ Confidential source, 19 May 2021.

⁴⁸⁵ Confidential source, 20 April 2021; Confidential source, 19 May 2021; Confidential source, 4 June 2021.

⁴⁸⁶ Confidential source, 19 May 2021.

⁴⁸⁷ Confidential source, 11 March 2021.

⁴⁸⁸ The Christian part of the population belong to the Russian Orthodox Church, the Georgian Orthodox Church, the Armenian Apostolic Church, the Seventh-Day Adventists, the Molokans, the Roman Catholic Church, or adhere to other Christian denominations, including Jehovah's Witnesses and evangelists; Arif Yunusov, *The Islamic factor in Azerbaijan*, 2013, p. 56-106; USDoS, *Azerbaijan 2020 international religious freedom report*, 12 May 2021, p. 3.

⁴⁸⁹ Article 18 of the Constitution of the Republic of Azerbaijan.

⁴⁹⁰ Article 1 of the Religious Freedom Act of 20 August 1992 (Law 281), http://e-qanun.az/framework/7649#_edn1, accessed 3 September 2021.

⁴⁹¹ Article 12 of the Religious Freedom Act.

registers them. The CMB also oversees registered Islamic organisations, which must report to the CMB about their activities.⁴⁹²

Since 1 September 2009, the SCWRA has registered 970 religious organisations. Of these, 933 were Islamic and 37 were non-Islamic. The latter category consisted of 26 Christian organisations, eight Jewish organisations, two Bahai organisations and a Hare Krishna organisation. Furthermore, 11 religious training institutes, 2,250 mosques, 748 holy places (*pir*) and places of pilgrimage (*ziyaretgah*), 16 churches and seven synagogues were registered.⁴⁹³ The most recent registration of a religious organisation dates from 18 May 2020 when the SCWRA registered an Islamic organisation in the village of Qarabaqqal in Göyçay district.⁴⁹⁴

Members of unregistered organisations are at risk of fines or imprisonment.⁴⁹⁵ The SCWRA can also ask the courts to stop the activities of registered religious organisations, for example because they are acting in ways contrary to their statutes.⁴⁹⁶

- 3.2.2.3 Appointment of religious leaders
The CMB appoints Islamic religious leaders. It must reappoint them every five years. The CMB must also involve an employee of the SCWRA in this procedure. Mosques and shrines that no longer have a religious leader appointed by the CMB have to close. The SCWRA must also approve the appointment of all non-Muslim religious leaders.⁴⁹⁷
- 3.2.2.4 Religious gatherings
By law, the SCWRA must authorise large-scale gatherings to be held at locations other than those approved by the government. Because the law does not further define what is meant by large-scale, this may also apply to meetings held in people's homes.⁴⁹⁸ In addition, the celebration of *Ashura* in August 2020 was not allowed due to the coronavirus pandemic, on pain of a fine or between 10 and 30 days of detention.⁴⁹⁹
- 3.2.2.5 Religious centres
The law distinguishes between religious centres and religious communities. Only religious centres are allowed to organise pilgrimages abroad, in consultation with the SCWRA or the CMB.⁵⁰⁰
- 3.2.2.6 Religious literature
The SCWRA controls the publication, import and distribution of religious literature and, after it has been approved, provides it with a holographic sticker.⁵⁰¹ The illegal

⁴⁹² Article 7 of the Religious Freedom Act.

⁴⁹³ SCWRA, *Statistical figures related to religious field*, <http://www.scwra.gov.az/en/view/pages/306/>, accessed 3 September 2021.

⁴⁹⁴ SCWRA, *Müslman Dini İcmalar (Islamic religious communities)*, 2020.

⁴⁹⁵ Article 515 of the Code of Administrative Offences; Article 168-1.1 of the Criminal Code; USDoS, *Azerbaijan 2020 international religious freedom report*, 12 May 2021, p. 4.

⁴⁹⁶ Article 12-1 of the Religious Freedom Act.

⁴⁹⁷ Article 8 of the Religious Freedom Act; Le Monde, *Comment Bakou instrumentalise l'islam*, 1 April 2021; Forum 18, *Azerbaijan: Religion law amendments "more controlling mechanisms"*, 17 June 2021.

⁴⁹⁸ Article 6-1.2 of the Religious Freedom Act; Forum 18, *Azerbaijan: Religion law amendments "more controlling mechanisms"*, 17 June 2021.

⁴⁹⁹ APA, *Azerbaijan's MIA warns population regarding Ashura day*, 14 August 2020; JAMnews, *Ashura in Azerbaijan during quarantine: 208 fined, 10 arrested*, 31 August 2020; USDoS, *Azerbaijan 2020 international religious freedom report*, 12 May 2021, p. 10.

⁵⁰⁰ Article 6-1.3 of the Religious Freedom Act.

⁵⁰¹ Articles 21 and 22 of the Religious Freedom Act.

production, distribution and import of religious literature is a criminal offence and could result in a fine of AZN 5,000 to 7,000 or a prison sentence of up to two years for a first offence and a fine of AZN 7,000 to 9,000 or a prison sentence of up to five years for a subsequent offence.⁵⁰²

3.2.2.7 Apostates

According to a source, apostasy generally does not cause problems in Azerbaijan. There is a fairly high level of tolerance regarding the practice or non-practice of a faith. The majority of Muslims in Azerbaijan observe religious precepts and traditions to just a limited extent. The Muslim identity in Azerbaijan is generally determined more culturally and ethnically than religiously, although a smaller group of Muslims is becoming more radical.⁵⁰³

3.2.2.8 Muslim Unity Movement (MUM)

The Shia MUM, founded in 2015, is not a registered religious organisation.⁵⁰⁴ Under the novruz pardon of 18 March 2021, 28 MUM members who had been convicted in connection with the Nardaran case were released. Other MUM members involved in this case, including Taleh Bağırzade, remained in detention.⁵⁰⁵ During the reporting period, other MUM members also faced arrest and detention.⁵⁰⁶ For example, on 25 September 2020 the Narimanov District Court sentenced an MUM member to two years and three months in prison under Article 228.1 (illegal possession of weapons), CC. According to the MUM, this was a trumped-up charge and was related to the poems and songs he had dedicated to Taleh Bağırzade.⁵⁰⁷ On 27 October 2020, the Binagadi District Court sentenced an MUM member to 4.5 years in prison under Article 228.1 (illegal possession of weapons), CC. According to a human rights activist, this was a false charge.⁵⁰⁸ On 7 July 2021, the authorities arrested an MUM member under Article 234.4.3 (drug trafficking), CC. According to a human rights activist, the charge was false and his arrest was related to his critical posts on social media.⁵⁰⁹

3.2.2.9 The Ganja case

In the Ganja case, authorities linked the assassination attempt in Ganja on 3 July 2018 to Islamic extremism. Between 22 February 2019 and 30 September 2019, seven groups of suspects were sentenced to prison terms of up to 20 years. Under the novruz pardon of 18 March 2021, three convicts from the first and third groups

⁵⁰² Articles 167-2.1 and 167-2.2 of the Criminal Code; 5,000 manat is equivalent to 2,475.53 euros, 7,000 to 3,465.74 euros and 9,000 manat to 4,455.96 euros. Conversion rate according to www.wisselkoers.nl, accessed 3 September 2021.

⁵⁰³ Confidential source, 11 March 2021.

⁵⁰⁴ In Azerbaijani this movement is called the *Müsliman Birliyi Harakati* (MBH); Confidential source, 20 April 2021.

⁵⁰⁵ For a description of the Nardaran case, see the country report of July 2020, p. 79-81; Turan, *38 political prisoners pardoned*, 18 March 2021; RFE/RL, *Political prisoners among individuals pardoned by Azerbaijani president*, 18 March 2021; Meydan TV, *2021 Novruz pardons announced*, 19 March 2021.

⁵⁰⁶ On this, see also 3.1.3.1; Turan, *Arrests of believers in the regions*, 22 August 2020; UFPPA, *List of political prisoners*, 4 June 2021, p. 22.

⁵⁰⁷ Caucasian Knot, *Activists link arrest of Azerbaijani poet with song about Bagirzade*, 20 March 2020; Turan, *Author of song about T. Bagirzadeh sentenced to prison*, 26 September 2020; Caucasian Knot, *Azerbaijani poet Elvin Muradov sentenced to real prison term*, 27 September 2020.

⁵⁰⁸ Turan, *Another activist of Muslim Unity arrested*, 25 June 2020; Caucasian Knot, *"Muslim Unity" activist arrested in Baku*, 25 June 2020; USDoS, *Azerbaijan 2020 international religious freedom report*, 12 May 2021, p. 8.

⁵⁰⁹ Caucasian Knot, *"Muslim Unity" activist detained in Azerbaijan*, 8 July 2021; Turan, *Is a Muslim Unity activist being tortured?*, 9 July 2021; Turan, *Muslim Unity activist accused of drug trafficking*, 9 July 2021; Turan, *Defense challenged the arrest of a religious activist*, 12 July 2021; Turan, *The court of appeal has left the activist of "Muslim Unity" in custody*, 14 July 2021; Caucasian Knot, *Baku court leaves "Muslim Unity" activist in custody*, 15 July 2021; AIW, *Religious activist pressed with drug charges over criticism of the government online*, 20 July 2021; Caucasian Knot, *Rights defenders claim torture of religious activist in Azerbaijan*, 25 July 2021.

were released.⁵¹⁰ On 7 January 2020, criminal proceedings began against the eighth group of suspects.⁵¹¹ On 16 August 2021, a Baku court sentenced the main suspect, Yunis Safarov, to a life prison term. The court sentenced nine others to prison terms ranging from 18 to 20 years.⁵¹²

3.2.2.10 Supporters of the Gülen movement

The movement created by Fethullah Gülen, an Islamic scholar residing in the United States, is also known as *Hizmet* (servitude).⁵¹³ According to one source, the Gülen movement never enjoyed widespread social support in Azerbaijan. One of the reasons for this was that it was a Sunni (Hanafite) movement, whereas the majority of the population is Shia. Sunnis mainly live in the north and west of the country. However, the Sunnis in the north, including the Avars and the Lezgins, prefer the Wahhabi version of Islam, while the Sunnis in the west are among the least religious section of the population.⁵¹⁴

Among other things, the Gülen movement was characterised by its school, business and media networks. The Gülen movement opened its first schools in Azerbaijan in 1992. In 1993, the movement established Qafqaz University (Caucasus University). After problems arose for the Gülen movement in Turkey in 2013, this also had repercussions in Azerbaijan. Between 2014 and 2016, much of the movement's physical infrastructure came under the control of the Azerbaijani authorities. For example, the authorities confiscated the television channel *Khazar TV* and the radio stations *Khazar Radio* and *Burç FM*.⁵¹⁵ The newspaper and website of *Zaman Azerbaijan* were also closed down in 2016.⁵¹⁶ On 15 July 2020, the Turkish Ambassador thanked Azerbaijan for supporting Turkey in the fight against FETÖ by closing all FETÖ institutions.⁵¹⁷

SOCAR took over the running of a number of the Gülen movement's educational institutions in 2014.⁵¹⁸ After the failed coup of 2016 in Turkey, SOCAR closed these schools. SOCAR transferred them to the Ministry of Education, which subsequently turned them into public-private educational institutions. These twelve schools were closed in July 2018.⁵¹⁹ According to a source, the students and some teachers ended

⁵¹⁰ Meydan TV, *2021 Novruz pardons announced*, 19 March 2021; OC Media, *Aliyev pardons 625 in Novruz amnesty*, 19 March 2021; JAMnews, *625 people pardoned in Azerbaijan, including 38 political prisoners*, 19 March 2021; Confidential source, 19 March 2021.

⁵¹¹ For a description of the Ganja case, see the country report of July 2020, 3.3.4; Turan, *Yunis Safarov explained the reasons and motives for the assassination attempt on Elmar Veliyev*, 4 November 2020; Turan, *Prosecutor asked to convict Yunis Safarov for life*, 30 March 2021; Turan, *The trial in the "Ganja case"*, 15 July 2021.

⁵¹² Turan, *Yunis Safarov sentenced to life imprisonment*, 16 August 2021; Caucasian Knot, *Azerbaijani court sentences Yunis Safarov to life imprisonment*, 17 August 2021.

⁵¹³ BBC News, *Turkey coup: What is Gulen movement and what does it want?*, 21 July 2016.

⁵¹⁴ Confidential source, 13 April 2021.

⁵¹⁵ Nigar Göksel, "Religiously-Inspired Bonding: Changing Soft Power Elements in Turkey's Relations with Azerbaijan," *CPCEW Occasional Papers*, 4(8), 2011, p. 6; OCCRP, *Turkey's Gülen controversy spills over to Azerbaijan*, 4 February 2014; Daily Sabah, *Azeri official turns attention to Gülenists*, 18 March 2014; Eurasianet, *Azerbaijan backing Turkey's crackdown on Gülen movement*, 15 April 2014; Meydan TV, *The Gulen movement in Azerbaijan and Erdogan's intervention*, 2 April 2016; Daily Sabah, *Azerbaijan closes Gülen-linked Qafqaz University in Baku*, 20 July 2016; Meydan TV, *A conversation with graduates of Gulen schools in Azerbaijan*, 7 October 2016; Confidential source, 20 April 2021.

⁵¹⁶ Eurasianet, *Azerbaijan: University, paper closed as anti-Gülen cleanup continues*, 20 July 2016; Caucasian Knot, *Azerbaijani version of Turkish newspaper "Zaman" closed*, 20 July 2016.

⁵¹⁷ FETÖ stands for *Fethullahçı Terör Örgütü* (Fethullah's Terror Organisation). The Turkish authorities use this abbreviation to refer to the Gülen movement; Report, *Ambassador: Turkey stands with Azerbaijan in all circumstances*, 15 July 2020; News.az, *Turkish people defended motherland during 2016 failed coup attempt – ambassador*, 15 July 2020; Confidential source, 24 May 2021.

⁵¹⁸ Eurasianet, *Azerbaijan shuts down Gülen schools*, 19 June 2014; Daily Sabah, *Gülen-affiliated schools in Azerbaijan face closure*, 19 June 2014; IWPR, *Azerbaijan closes Gülen schools*, 4 July 2014.

⁵¹⁹ Such a school was known as an *istek lyseyi*. Turan, *Lyceums named "Istek" will be closed*, 12 July 2018; Turan, *Cavushoglu on FETÖ schools in Azerbaijan*, 25 July 2018; Confidential source, 20 April 2021.

up in other schools. Other teachers went on to give private lessons.⁵²⁰ In January 2017, the private Qafqaz University also decided to dissolve itself. After this closure, the public Baku Engineering University, established in November 2016, moved into the Qafqaz University building.⁵²¹ According to a source, the former students of this university and some of their teachers were able to go to the new university. However, the teachers received a much lower salary and were not allowed to reveal that they had belonged to the Gülen movement.⁵²²

On 19 August 2016, the authorities stated that they had arrested four employees of a mobile phone company, whom they said had ties with the Gülen movement. On 20 August 2016 the authorities then arrested the APFP member Faiq Amirli, initially also on the grounds of a relationship with Gülen. According to various sources, these cases did not involve supporters of the Gülen movement.⁵²³ As far as is known, no Azerbaijani supporters were convicted for their activities on behalf of the Gülen movement during the reporting period.⁵²⁴

Between 2017 and 2019, the Azerbaijani authorities handed over at least five Turkish representatives of the Gülen movement to Turkey.⁵²⁵ Other Turkish citizens, who usually held the senior positions within the Gülen movement in Azerbaijan and generally worked as teachers or entrepreneurs, left the country on their own initiative.⁵²⁶ According to one source, only a few Turkish supporters who were married to Azerbaijani women did not have to leave Azerbaijan.⁵²⁷ Because Turkish Gülenists, including basketball player Enes Kanter, openly expressed their support for Armenia during the Second Nagorno-Karabakh War, the Azerbaijani Gülenists broke off all ties with them.⁵²⁸

As of 2016, there were no signs whatever of the presence of the Gülen movement in Azerbaijani society. The Azerbaijani followers had generally moved on with their lives. To avoid any problems, some cut off all contact with the Gülen movement.⁵²⁹ According to one source, many Azerbaijani followers lost their jobs after the failed coup of 2016. They were also interrogated right after the failed coup in Turkey, although no further investigations have been conducted since then.⁵³⁰ According to another source, some of those who lost their jobs because of their ties with the Gülen movement regained them after some time.⁵³¹ According to other sources, there were several instances of followers (or former followers) who had lost their jobs with the government eventually being given a new job with the government.⁵³²

⁵²⁰ Confidential source, 20 April 2021.

⁵²¹ TRT World, *Azerbaijan to deport 50 FETO-linked academics*, 17 August 2016; Azertac, *Baku Engineering University established*, 9 November 2016; APA, *Qafqaz University to be renamed*, 15 December 2016; JAMnews, *Azerbaijan's best university closed*, 18 January 2017.

⁵²² Confidential source, 20 April 2021.

⁵²³ Meydan TV, *Criminal proceedings open against Gulen followers in Azerbaijan*, 16 April 2016; RFE/RL, *Azerbaijan arrests four with ties to Turkish cleric Gulen*, 20 August 2016; APA, *Prosecutor General's Office, Interior Ministry, State Security Service issues statement on arrest of Faiq Amirov*, 23 August 2016; Daily Sabah, *Opposition FETO figure arrested in Azerbaijan*, 24 August 2016; Confidential source, 13 April 2021; Confidential source, 4 June 2021.

⁵²⁴ Confidential source, 11 April 2021; Confidential source, 20 April 2021; Confidential source, 19 June 2021.

⁵²⁵ Dutch Ministry of Foreign Affairs, *General country of origin information report on Azerbaijan*, July 2020, p. 96-97.

⁵²⁶ Confidential source, 11 April 2021; confidential source, 13 April 2021.

⁵²⁷ Confidential source, 20 April 2021.

⁵²⁸ Daily Sabah, *Another young man exploited by Fethullah Gülen: Enes Kanter*, 22 November 2019; Asbarez, *Mkhitaryan and Kanter: Sports icons standing up for truth*, 16 September 2020; Confidential source, 20 April 2021.

⁵²⁹ Confidential source, 11 April 2021; Confidential source, 13 April 2021; Confidential source, 16 April 2021; Confidential source, 20 April 2021.

⁵³⁰ Confidential source, 24 May 2021.

⁵³¹ Confidential source, 11 April 2021.

⁵³² ANN.az, *Another Azeri official accused of Gulen links fired*, 2 May 2014; Confidential source, 2 April 2021; Confidential source, 13 April 2021; Confidential source, 24 May 2021.

However, according to a source, this did not happen with followers who were politically active, followers who still presented themselves as such and followers who still held certain senior positions within the Gülen movement.⁵³³

According to a source, it is risky to talk openly about ties with the Gülen movement, because Gülenists are sometimes viewed with suspicion by society and are liable to become the target of smear campaigns.⁵³⁴ There have also been instances of politicians trying to blacken their political opponents by calling them Gülenists.⁵³⁵

According to various sources, it is highly likely that the state security service is monitoring supporters of the Gülen movement.⁵³⁶ According to a source, some supporters were required to report monthly about the Gülen movement to the state security service during the reporting period. According to this source, there were also instances of entrepreneurs associated with the Gülen movement facing interrogation, threats and extortion by state security service personnel.⁵³⁷

3.3 Oversight and legal protection

3.3.1 Legal protection

Legally, everyone is obliged to report crimes and offences to the police.⁵³⁸ Failure to do so may result in criminal liability.⁵³⁹ A report may be made orally or in writing. If the person reporting the crime is 16 or older, the police will inform him or her in writing about the liability of those who intentionally make false statements. The person making the report signs a document confirming receipt of this information.⁵⁴⁰ The report may be made in person at the police station or at the office of the public prosecutor. It may also be made through the call centre or website of the Ministry of the Interior.⁵⁴¹ A complaint about a police officer may also be submitted through this call centre. The department that deals with combating human trafficking also has its own hotline. This free hotline, available 24 hours a day, provides information and advice to victims and potential victims of trafficking, especially women and children.⁵⁴² The anti-corruption department also has its own hotline.⁵⁴³

The person who makes the report usually receives a written confirmation that he or she has done so.⁵⁴⁴ According to a source, after a report has been made, the police decide after an initial meeting with the victim whether to pass on the case to the prosecutor's office or to handle it themselves.⁵⁴⁵

⁵³³ Confidential source, 20 April 2021.

⁵³⁴ Confidential source, 24 May 2021.

⁵³⁵ Confidential source, 16 April 2021; confidential source, 24 May 2021.

⁵³⁶ Confidential source, 11 March 2021; confidential source, 13 April 2021.

⁵³⁷ Confidential source, 20 April 2021.

⁵³⁸ Article 10.III of the Police Act.

⁵³⁹ Article 307.1 of the Criminal Code.

⁵⁴⁰ Article 2.2 of Decree 680 of the Ministry of the Interior of 3 November 2011, <http://www.e-ganun.az/framework/22897>, accessed 3 September 2021.

⁵⁴¹ The call centre's phone number is 102. The website is <http://e-muraciet.mia.gov.az/>; Ministry of the Interior of the Republic of Azerbaijan, *Procedure for consideration applications*, <https://mia.gov.az/index.php?/en/content/29653/>, accessed 3 September 2021.

⁵⁴² This hotline's phone numbers are 152 or 562-21-12; ICMPD, *Fight against trafficking in human beings and organised crime – Phase 2 (THB/IFS/2)*. Assessment of the national referral mechanism for victims of trafficking in Azerbeidzjan, May 2015, p. 12; MDCTHB, *Hot line*, <https://www.insanalveri.gov.az/?/en/menu/37/>, accessed 3 September 2021.

⁵⁴³ This hotline's phone number is 161; Office of the Public Prosecutor of the Republic of Azerbaijan, *History*, <https://genprosecutor.gov.az/en/page/sistem/bas-prokuror-yaninda-korrupsiyaya-qarsi-mubarize-bas-idaresi/tarix>, accessed 3 September 2021.

⁵⁴⁴ Article 2.4 of Decree 680 of the Ministry of the Interior of 3 November 2011.

⁵⁴⁵ Confidential source, 24 May 2021.

3.3.2 *Judicial process*

3.3.2.1 Access to legal assistance

Concerning legal assistance, there is a clear difference between law and practice. Legally, suspects should have access to appropriate legal assistance from the moment they are taken into custody.⁵⁴⁶ Suspects have the right to take charge of their defence themselves, to seek legal assistance of their choice, or to receive free legal assistance from the state. Unlimited legal assistance should be accessible to suspects throughout the criminal proceedings, and privacy and confidentiality must be safeguarded at all times.⁵⁴⁷ By law, a suspect who applies for legal assistance may not be questioned until he or she has received it, or questioning cannot continue without the presence of a lawyer.⁵⁴⁸ However, the foregoing is not always the case in practice. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) concluded in 2018 that access to a lawyer (almost always an *ex officio* lawyer) was systematically postponed until the suspect had confessed. The lawyer's presence was thus a mere formality to legitimise the confession by having the lawyer subsequently sign the suspect's statement. Furthermore, many suspects stated that they had only met their lawyer for the first and often last time at the court hearing.⁵⁴⁹ During the reporting period, several reports emerged of suspects who were denied access to a lawyer after their arrest.⁵⁵⁰

According to a source, lawyers are not legally required to have permission from a government agency to gain access to suspects. In practice, however, they must first request permission from the Ministry of Justice. In many cases it takes lawyers time to obtain this permission. Sometimes it can take a few days if there is a weekend or public holiday. Under Article 92.7 of the Criminal Code, a lawyer must provide documents confirming his or her identity and his or her right to practise as a lawyer in Azerbaijan, including the licence from the Azerbaijani Bar Association. In practice, the authorities interpret this article to mean that the lawyer must present a letter from the Ministry of Justice stating that he or she has access to the suspect.⁵⁵¹

The CPT noted that in some police stations the confidentiality of conversations between lawyers and suspects could not be guaranteed. For example, it was still technically possible to video and audio-record conversations between a lawyer and his or her client at the Main Department for Combating Crime (MDCOC).⁵⁵²

3.3.2.2 Azerbaijani Bar Association

Azerbaijan has long had a serious shortage of lawyers, especially outside Baku.⁵⁵³ According to the Azerbaijani Bar Association (henceforth Collegium), it had 1,791

⁵⁴⁶ Article 19.1 of the Police Act of 14 July 2000 (Law 907-IQ), <http://e-qanun.az/framework/46950>, accessed 3 September 2021.

⁵⁴⁷ Article 90.7 of the Criminal Code.

⁵⁴⁸ Article 19.2 of the Act on the Protection of Prisoners' Rights and Freedoms of 22 May 2012 (Law 352-IVQ), <http://e-qanun.az/framework/23933>, accessed 3 September 2021.

⁵⁴⁹ CoE, *Report to the Azerbaijani Government on the visit to Azerbaijan carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 to 30 October 2017*, 18 July 2018, p. 22.

⁵⁵⁰ AI, *Azerbaijan: End brutal crackdown on opposition activists*, 5 August 2020; Caucasian Knot, *Advocates complain about refusals of visits to Azerbaijani oppositionists*, 28 August 2020; USDoS, *Azerbaijan 2020 human rights report*, 30 March 2021, p. 14; Turan, *Muslim Unity activist accused of drug trafficking*, 9 July 2021.

⁵⁵¹ Confidential source, 24 May 2021.

⁵⁵² This body is also known as *Bandotdel*; CoE, *Report to the Azerbaijani Government*, 18 July 2018, p. 22; Human Rights Club, *Azerbaijan: Torture and prisoner abuse*, 19 June 2019.

⁵⁵³ ICJ, *ICJ recommendations to the Azerbaijan Bar Association on the role and independence of lawyers*, 2019; Reuters, *European rights body urges Azerbaijan to respect freedom of expression*, 11 December 2019; Caucasian Knot, *Rights defenders treat refusal to reinstate Gasanov in the ABA*, 8 April 2021.

members at the end of 2020, including 1,396 lawyers in Baku and 395 outside Baku.⁵⁵⁴ Only lawyers who are members of the Collegium may represent citizens in legal proceedings.⁵⁵⁵ During the reporting period, lawyers involved in human rights were at risk of losing their Collegium licence. For example, the Collegium withdrew the licence of Shahla Humbatova, among other things as a result of a complaint by a former client. A court in Baku confirmed this decision on 5 March 2021. During the appeal procedure on 5 May 2021, the Collegium withdrew its charges, after which Humbatova regained her licence.⁵⁵⁶

On 25 September 2020, following a complaint, the Collegium also decided that Elchin Sadiqov, who among other things acted as lawyer for Tofiq Yaqublu (see 3.1.3.2), was no longer allowed to work as an independent lawyer. As a result, he was no longer able to immediately assist a client, but had to await permission from a law firm approved by the authorities before starting work. This caused him delays at times, because these offices were closed at the weekend.⁵⁵⁷

3.3.3 *Arrests, custody and detentions*

By law, people suspected of administrative offences may not be detained at police stations for more than three hours without an arrest warrant. They may not be detained for more than 48 hours before being brought to trial. The maximum length of a term of administrative detention is 90 days. Suspects of crimes may not be held in police stations for more than 48 hours without a warrant. In practice, the police sometimes detained suspects for more than the permitted number of hours. In addition, suspects were sometimes kept incommunicado for several hours or days, while the police held them in pre-trial detention. For example, this happened to APFP members at the MDCOC in July 2020.⁵⁵⁸

3.3.3.1 Pre-trial detention centres

There are five pre-trial detention centres in Azerbaijan under the responsibility of the Ministry of Justice. Two are located in Baku (Kürdakhani and Şüvalan), one in Ganja, one in Şeki and one in Nakhchivan (Böyükdüz). In addition, the state security service in Baku runs a temporary detention centre and a research centre.⁵⁵⁹

3.3.3.2 Prison conditions

According to the Council of Europe, Azerbaijan had 21,012 prisoners on 31 January 2020 and 21,253 on 15 September 2020.⁵⁶⁰

According to various sources, conditions in prisons were generally poor during the reporting period. The prisons were overcrowded. Many buildings were old and did not meet international standards. The quality of the food was often poor, forcing

⁵⁵⁴ The Collegium (in Azerbaijani: *Azərbaycan Respublikasının Vəkillər Kollegiyası*) is legally an independent NGO; Freedom House, *Freedom in the world 2021, Azerbaijan*, 3 March 2021, p. 13; Azerbaijani Bar Association, *Azerbaijani Bar Association*, <https://barassociation.az/en/azecollegium> accessed 3 September 2021.

⁵⁵⁵ Article 9 of the Legal Profession Act of 28 December 1999 (Law 783-IQ), <http://www.e-qanun.az/framework/257>, accessed 3 September 2021; Freedom House, *Freedom in the world 2021, Azerbaijan*, 3 March 2021, p. 13.

⁵⁵⁶ Minority Azerbaijan, *Shahla Humbatova disbarred from the Bar Association*, 6 March 2021; USDoS, *Azerbaijan 2020 human rights report*, 30 March 2021, p. 15; Turan, *The advocacy of Shahla Gumbatova and Irada Javadova has been restored*, 5 May 2021; JAMnews, *Disbarred Azerbaijani lawyer reinstated after repeated demands from international community*, 7 May 2021.

⁵⁵⁷ Turan, *Elchin Sadigov banned from engaging in individual advocacy*, 26 September 2020; USDoS, *Azerbaijan 2020 human rights report*, 30 March 2021, p. 15-16.

⁵⁵⁸ AI, *Azerbaijan: End brutal crackdown on opposition activists*, 5 August 2020; HRW, *World report 2021, Azerbaijan*, February 2021.

⁵⁵⁹ CoE, *Report to the Azerbaijani Government*, 18 July 2018, p. 38; Confidential source, 24 May 2021.

⁵⁶⁰ CoE, *Prisons and prisoners in Europe in pandemic times: An evaluation of the medium-term impact of the COVID-19 on prison populations*, 10 November 2020, p. 23; CoE, *SPACE I annual penal statistics: prison populations 2020*, 8 April 2021, p. 33.

inmates to supplement their diets with food parcels from their relatives or with expensive food from prison shops. There was also poor medical care, insufficient drinking water at times, inadequate sanitation, inadequate heating at times, unsanitary conditions, insufficient daylight, poor ventilation and withholding of contact with family members. Prisoners infected with COVID-19 or other viruses were not always isolated from other inmates during the reporting period. There was a great deal of corruption in prisons. For example, prisoners sometimes had to pay for basic facilities, such as receiving visitors and postal packages, watching television, extra heating in the cell and the use of sanitary facilities.⁵⁶¹

3.3.4

Maltreatment and torture

Based on six visits to Azerbaijan between 2004 and 2017, the CPT documented several cases of serious maltreatment of detainees, some of whom were only 15 years old. These cases seemed to follow a set pattern. They mainly occurred in police stations, during the first few hours of detention, in order to extract confessions or witness statements. The CPT's conclusion after the 2017 visit was exactly the same as after the 2016 visit, namely that the safeguards against maltreatment largely existed on paper only and were not generally put into practice.⁵⁶² Between 11 and 22 December 2020, a delegation from the CPT again visited Azerbaijan. The CPT's findings had not yet been published by the end of the reporting period.⁵⁶³

During the reporting period, there were several reports of maltreatment and torture in police stations, detention centres and prisons.⁵⁶⁴ Local media, human rights defenders and NGOs also reported a number of suspicious deaths in prisons.⁵⁶⁵

Maltreatment and torture are subject to prison sentences of up to ten years in Azerbaijan. As far as is known, no prosecution of a government official for serious maltreatment or torture took place during the reporting period.⁵⁶⁶

⁵⁶¹ OC Media, *Colony 13: Coronavirus in an Azerbaijani prison*, 12 June 2020; Freedom House, *Freedom in the world 2021, Azerbaijan*, 3 March 2021, p. 13; USDoS, *Azerbaijan 2020 human rights report*, 30 March 2021, p. 9; Caucasian Knot, *Rights defenders criticize custody conditions in Azerbaijani jails*, 11 April 2021; Turan, *Situation in Azerbaijan's prisons is depressing - human rights defenders*, 12 April 2021; Turan, *Convicts report on unwillingness of prison doctors to treat prisoners*, 21 June 2021.

⁵⁶² CoE, *Report to the Azerbaijani government*, 18 July 2018, p. 21.

⁵⁶³ CoE, *Council of Europe anti-torture Committee visits Azerbaijan*, 23 December 2020.

⁵⁶⁴ EIN, *Council of Europe's old pandemic: 'endemic' ill-treatment and torture in custody in Azerbaijan*, 23 July 2020; JAMnews, *Azerbaijani Ombudsman denies death of political prisoner. New reports of torture in prisons. Updated*, 2 August 2020; AI, *Azerbaijan: End brutal crackdown on opposition activists*, 5 August 2020; JAMnews, *Photos leaked of allegedly tortured detainees in Azerbaijan*, 11 August 2020; OC Media, *Photos of alleged torture by police published in Azerbaijan*, 12 August 2020; Meydan TV, *Nardaran convict starts hunger strike in prison*, 1 September 2020; Caucasian Knot, *Azerbaijani oppositionist Akhmedov tells details of torture*, 11 March 2021; AI, *Amnesty International report 2020/21*, 7 April 2021, p. 76; USDoS, *Azerbaijan 2020 human rights report*, 30 March 2021, p. 5; RFE/RL, *European rights court finds Baku authorities guilty of trying to kill blogger*, 21 May 2021.

⁵⁶⁵ An example of this was the death of Talysh activist Fakhraddin Abbasov. See 3.1.1.2; Turan, *Prison diary of activist Ilkin Rustamzade published*, 13 April 2021; Caucasian Knot, *After release of book about Azerbaijani prisons, activist reports threats*, 4 June 2021; Confidential source, 24 May 2021; Confidential source, 19 June 2021.

⁵⁶⁶ EIN, *Council of Europe's old pandemic: 'endemic' ill-treatment and torture in custody in Azerbaijan*, 23 July 2020; IPD, *The courts in Azerbaijan support the police officers' unlawful activities*, 9 March 2021; Freedom House, *Freedom in the world 2021, Azerbaijan*, 3 March 2021, p. 13; USDoS, *Azerbaijan 2020 human rights report*, 30 March 2021, p. 13; Turan, *Why did the "Terter case" end up in the Council of Europe?*, 29 June 2021.

4 Refugees and displaced persons

4.1 Internally displaced persons (IDPs)

There was no change in the situation of IDPs in Azerbaijan during the reporting period. UNHCR reported 653,921 IDPs on 28 February 2021.⁵⁶⁷ Most of them were people who had been displaced between 1988 and 1994 and their descendants. Around 40,000 displaced persons were originally from Nagorno-Karabakh; the rest came from the seven neighbouring districts that were not under the control of the Azerbaijani authorities until November 2020. The IDPs live all over Azerbaijan, but especially in the vicinity of Baku and Sumqayit.⁵⁶⁸ In addition, according to UNHCR, more than 80,000 people were temporarily displaced because of the Second Nagorno-Karabakh War in Azerbaijan.⁵⁶⁹

4.1.1 *The situation of IDPs*

The authorities are trying to resettle the displaced in special residential areas based on the region where they originally lived, although a large proportion of displaced persons have not yet been allocated housing by the government. They were living in old dwellings or old collective accommodation. In addition, some of the displaced were living in shelters that were not considered suitable for habitation.⁵⁷⁰ The policy aims to ensure that displaced persons can eventually return on a voluntary basis to the place where they originally lived.⁵⁷¹ The legal basis for this is the Act on the Status of Refugees and Internally Displaced Persons of 1999. The registration of and allocation of housing to displaced persons are handled by the State Committee for Affairs of Refugees and IDPs (SCARIDP).⁵⁷² Displaced persons are allowed to participate as voters and candidates in parliamentary and presidential elections, but not in local elections in the places where they are settled. With a view to their return, they are still administratively registered in their original constituencies.⁵⁷³

⁵⁶⁷ UNHCR, *Azerbaijan – bi-annual fact sheet*, 28 February 2021, p. 1.

⁵⁶⁸ UN HRC, *Report of the special rapporteur on the human rights of internally displaced persons, Chaloka Beyani*, 8 April 2015, p. 5; UNHCR, *Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report. Universal Periodic Review: 3rd Cycle, 30th Session. Republic of Azerbaijan*, May 2018, p. 1; UNHCR, *Key considerations for returns to Nagorno-Karabakh and the adjacent districts*, 9 November 2020, p. 1-2; ACAPS, *Azerbaijan. Pre-existing situation and impact of the 2020 Nagorno-Karabakh conflict*, 21 December 2020, p. 23.

⁵⁶⁹ UNHCR, *Urgent needs in Armenia and Azerbaijan related to the Nagorno-Karabakh conflict*, February 2021, p. 2; UNHCR, *Global trends. Forced displacement in 2020*, 18 June 2021, p. 14.

⁵⁷⁰ Eurasianet, *In limbo for a generation: Photos of Azerbaijan's displaced*, 1 October 2020; ACAPS, *Azerbaijan. Pre-existing situation and impact of the 2020 Nagorno-Karabakh conflict*, 21 December 2020, p. 17; Freedom House, *Freedom in the world 2021, Azerbaijan*, 3 March 2021, p. 14.

⁵⁷¹ UNHCR, *Key considerations*, 9 November 2020; p. 1-2; Trend, *Return of hundreds of thousands of IDPs to their homeland in dignity and safety is, among others, our key priority - Azerbaijani president*, 13 July 2021; APA, *Returning IDPs to liberated territories is a key priority for Azerbaijan, FM Bayramov says*, 26 July 2021.

⁵⁷² Bertelsmann Stiftung, *Combatting and preventing corruption*, 28 October 2020, p. 53; UNHCR, *Key considerations*, 9 November 2020, p. 2.

⁵⁷³ IWPR, *Limited voting rights for Azerbaijan's displaced*, 9 July 2014; Chai Khana, *Azerbaijan's displaced face prejudices, two wars later*, 4 March 2021; Freedom House, *Freedom in the world 2021, Azerbaijan*, 3 March 2021, p. 6; Confidential source, 1 July 2021.

4.1.2 *Return to original areas of habitation*

During the reporting period, the authorities neither passed any laws on the return of IDPs to the areas where they originally lived, nor set any conditions for returning; returns therefore did not take place on a large scale during the reporting period.⁵⁷⁴

Almost all villages and towns in the captured areas have been destroyed and abandoned.⁵⁷⁵ On 26 January 2021, President Aliyev announced that the destroyed villages and towns would be rebuilt according to the smart city and smart village concepts.⁵⁷⁶ However, these smart cities and smart villages are not expected to be very popular with the displaced persons who want to return to their original living areas, as returnees may then only be allocated housing, but not plots of land. In addition, on returning, displaced persons must give up their current homes and jobs.⁵⁷⁷ It is still unclear exactly how and when the land reforms and privatisation will be carried out in Nagorno-Karabakh and the adjoining seven districts.⁵⁷⁸

In January 2021, the authorities decided to conduct a survey of what IDPs wanted with regard to returning. 65,000 people took part in an online survey between 22 February and 23 April 2021, and a face-to-face survey was also conducted among randomly selected 1,100 families. The results of this survey were not yet known by the end of the reporting period.⁵⁷⁹

On 13 April 2021, the president stated that it was hard to say when all the IDPs would return, but that the main return process would take place in phases. According to the president, the return would start in settlements near infrastructure where it is easier to reinstall utilities, such as in the Ağdam, Füzuli and Jabrayil districts. He also announced plans for major infrastructure projects, such as the construction of a road to Kalabajar and an airport at Laçın.⁵⁸⁰ However, there are insufficient financial resources to realise these plans in the short term.⁵⁸¹

Incidentally, some displaced persons had already returned home in 2017, following the capture of a hilltop in Jabrayil district during the Four-Day War of April 2016.⁵⁸² In this context, UNHCR conducted a survey in 2017 into IDPs' wishes with regard to returning. This survey showed that IDPs living in rural areas were more inclined to

⁵⁷⁴ Azerbaijan 24, *President Ilham Aliyev gives instructions on Great Return*, 5 March 2021; AzerNews, *30 Azerbaijani IDP families return to their homes in Karabakh*, 12 March 2021; Daily Sabah, *Azerbaijani refugees to return to Nagorno-Karabakh in 2022: Aliyev*, 14 April 2021; Confidential source, 24 May 2021.

⁵⁷⁵ UNHCR, *Key considerations*, 9 November 2020, p. 2; CWR, *All settlements, mosques destroyed in Azerbaijan's Aghdam*, 8 April 2021.

⁵⁷⁶ AA, *Azerbaijan to build 'smart cities' in liberated regions*, 26 January 2021; Trend, *Cities, villages to be established in liberated areas should be based on concept of "smart-city", "smart-village" - President of Azerbaijan*, 26 January 2021; CWR, *Azerbaijan to build 'smart cities' in liberated regions, Aliyev says*, 27 January 2021; Turan, *Smart village - Mission impossible*, 9 March 2021; BBCM, *Azeri president tours regained districts*, 27 April 2021; Defence.az, *Azerbaijan creates "smart cities" and "villages" in liberated territories*, 10 July 2021.

⁵⁷⁷ Carnegie Europe, *Unfinished business in the Armenia-Azerbaijan conflict*, 11 February 2021; Confidential source, 11 March 2021.

⁵⁷⁸ Confidential source, 24 May 2021; Confidential source, 19 June 2021.

⁵⁷⁹ Turan, *The return of internally displaced persons should be stimulated*, 14 January 2021; AzerNews, *Numerous people take part in online survey on return to Azerbaijan's Nagorno-Karabakh region*, 2 March 2021; Trend, *Azerbaijani IDPs take part in e-survey on return to Karabakh*, 14 March 2021; APA, *Online survey on IDPs' return to Karabakh ends*, 23 April 2021.

⁵⁸⁰ RFE/RL, *Dying to go home: Displaced Azerbaijanis risk mines, munitions to see homeland*, 18 February 2021.

⁵⁸¹ Carnegie Europe, *Unfinished business in the Armenia-Azerbaijan conflict*, 11 February 2021; Confidential source, 20 April 2021.

⁵⁸² AzerNews, *No place like home: IDPs seek to return to liberated Jojog Marjanli village*, 25 January 2017; Eurasianet, *Azerbaijan: Ruined village becomes showcase for "Great return"*, 21 February 2017; Al Jazeera, *Azerbaijan's displaced eye return to Armenian-controlled lands*, 23 May 2018.

return to the places where they originally lived than those living around the major cities, such as Baku, Sumqayit and Ganja.⁵⁸³

4.2 Refugees and asylum seekers

Azerbaijan is a party to the following relevant human rights conventions on refugees and refoulement:

- The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) of 1950 (ratified on 15 April 2002);
- The Convention Relating to the Status of Refugees (Refugee Convention) of 1951 (acceded on 12 February 1993);
- The Convention Relating to the Status of Stateless Persons of 1954 (acceded on 16 August 1996);
- The Convention on the Reduction of Statelessness of 1961 (acceded on 16 August 1996);
- The International Covenant on Civil and Political Rights (ICCPR) of 1966 (acceded on 13 August 1992);
- The Protocol on the Status of Refugees of 1967 (acceded on 12 February 1993);
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) of 1984 (acceded on 16 August 1996);
- The Optional Protocol of 2002 to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT-OP) (ratified on 28 January 2009).⁵⁸⁴

4.2.1 State Migration Service (SMS)

In practice it is possible to apply for asylum in Azerbaijan and to obtain refugee status as an asylum seeker. However, the law does not provide for any form of subsidiary protection or status on humanitarian grounds. Asylum seekers have been able to submit an asylum application to the SMS since 2007. Legally speaking, they can also do so at the border posts, but as far as is known, this did not happen during the reporting period.⁵⁸⁵ According to a source, asylum seekers usually arrive by plane, and are in possession of a travel document. They then submit their asylum application to the SMS. There are no indications that Azerbaijan limited the possibilities to apply for asylum during the reporting period.⁵⁸⁶

The Refugee Status Determination Department (RSDD) of the SMS is responsible for processing asylum applications. According to the SMS, it makes a decision on the asylum application within three months after the application has been registered.⁵⁸⁷ Asylum seekers may appeal against a rejection to the administrative court in Baku. The appeal process may then be further pursued in the second instance at the Court of Appeal and in the third instance at the Supreme Court.⁵⁸⁸ According to a source,

⁵⁸³ ACAPS, *Azerbaijan Pre-existing situation and impact of the 2020 Nagorno-Karabakh conflict*, 21 December 2020, p. 4; BBCM, *Website says Azeri IDP's 'in no hurry' to return to Karabach*, 19 February 2021.

⁵⁸⁴ UNHCR, *Submission*, May 2018, p. 1; Treaty Database, <https://verdragenbank.overheid.nl>, accessed 3 September 2021.

⁵⁸⁵ Article 70 of the Constitution; Articles 3 and 4 of the Act on the Status of Refugees and Displaced Persons of 21 May 1999 (Law 668-IQ), <http://www.e-qanun.az/framework/4757>, accessed 3 September 2021; UNHCR, *Submission*, May 2018, p. 1; SMS, *About the Service*, <https://www.migration.gov.az/en/about/54>, accessed 3 September 2021; Confidential source, 8 June 2021.

⁵⁸⁶ Confidential source, 17 May 2021.

⁵⁸⁷ SMS, *Deputy Chief of the State Migration Service participated in a video conference on domestic violence and children's rights*, 22 December 2020; SMS, *Granting refugee status in the territory of the Republic of Azerbaijan*, <https://migration.gov.az/en/page/76>, accessed 3 September 2021.

⁵⁸⁸ SMS, *To the attention of refugee community representatives and asylum-seekers in Azerbaijan!*, 25 June 2020.

it is rare for the courts to overturn the decisions of the SMS. However, a number of cases have been sent back to the SMS for reassessment.⁵⁸⁹

Since 1 July 2020, after registering with the SMS, asylum seekers have received a temporary certificate granting them the right of residence. This certificate is valid throughout the asylum procedure, including the appeal stages before the national courts.⁵⁹⁰

4.2.2

United Nations High Commissioner for Refugees (UNHCR)

Until 1 July 2020, rejected asylum seekers had the possibility of applying to UNHCR for asylum. In consultation with the Azerbaijani authorities, UNHCR decided to stop assessing asylum applications as of 1 July 2020, since Azerbaijan has a national asylum procedure and is a party to the Refugee Convention. Moreover, it was not desirable for refugees recognised by UNHCR to have a residence status different from that of refugees recognised by the Azerbaijani authorities. During the reporting period, the Azerbaijani authorities tolerated the refugees recognised by UNHCR. However, the refugees had no legal status and had no official registered address in Azerbaijan. Asylum seekers who had registered with UNHCR before 1 July 2020 received a protection letter from UNHCR to protect them against refoulement. UNHCR-recognised refugees have access to free primary and secondary education and basic health care. Since mid-June 2020, they have also been able to apply for an individual identification number so that employment contracts can be registered. This gives them access to work.⁵⁹¹

According to UNHCR, as of 1 February 2021, 284 asylum seekers and 1,603 UNHCR-recognised refugees were in Azerbaijan. Ninety-two people applied for asylum in 2020. Of the group of refugees recognised by the UNHCR, 1,098 were from Afghanistan, 339 from the Russian Federation and 62 from Iran. The Azerbaijani authorities had recognised as refugees 78 members of this group of UNHCR-recognised refugees. This was 5 percent of the total number.⁵⁹² Most of them came from Afghanistan.⁵⁹³

4.2.3

Living conditions of recognised refugees

Most recognised refugees live in Baku, where they rent private residences. Some recognised refugees who are married to Azerbaijani nationals live in their partners' homes.⁵⁹⁴ Recognised refugees have access to free primary and secondary education and primary health care. Refugee students can also receive financial support.⁵⁹⁵ Moreover, recognised refugees do not need a work permit.⁵⁹⁶ Recognised refugees who are still looking for a job or housing after being granted refugee status

⁵⁸⁹ Confidential source, 17 May 2021.

⁵⁹⁰ SMS, *To the attention of refugee community representatives and asylum-seekers in Azerbaijan!*, 25 June 2020; Confidential source, 17 May 2021.

⁵⁹¹ Refoulement means the forced return of an asylum seeker to his or her country of origin where there is a real risk of persecution or serious harm; UN Azerbaijan, *Statement by the United Nations High Commissioner for Refugees in Azerbaijan on changes in its refugee status determination procedure as of 1 July 2020*, 1 July 2020; AzerNews, *UNHCR changes procedure for refugee status determination in Azerbaijan*, 2 July 2020; UNHCR, *Fact sheet Azerbaijan*, 1 February 2021, p. 2; Confidential source, 17 May 2021; Confidential source, 23 July 2021.

⁵⁹² UNHCR, *Fact sheet Azerbaijan*, 1 February 2021, p. 1.

⁵⁹³ USDoS, *Azerbaijan 2018 human rights report*, 13 March 2019, p. 25; AzerNews, *Azerbaijan discloses number of foreigners with refugee status*, 24 January 2020; USDoS, *Azerbaijan 2019 human rights report*, 11 March 2020, p. 27.

⁵⁹⁴ ACAPS, *Azerbaijan Pre-existing situation and impact of the 2020 Nagorno-Karabakh conflict*, 21 December 2020, p. 5; Confidential source, 17 May 2021.

⁵⁹⁵ UNHCR, *Fact sheet Azerbaijan*, 1 February 2021, p. 2.

⁵⁹⁶ Article 64.0.15 of the Migration Act of 2 July 2013 (Law 713-IVQ), <http://e-qanun.az/framework/46959>, accessed 3 September 2021.

can be placed in a detention centre for illegal migrants on a voluntary basis for up to three months.⁵⁹⁷

4.3 Refoulement

There were no known cases of refoulement during the reporting period.⁵⁹⁸

⁵⁹⁷ Article 82.1.2 of the Migration Act.

⁵⁹⁸ Confidential source, 17 May 2021; Confidential source, 24 May 2021.

5 Returns

5.1 Returns from the EU

In 2020, the main destination countries for asylum seekers from Azerbaijan were Germany, France and Sweden.⁵⁹⁹ During the reporting period, several Azerbaijani nationals returned to Azerbaijan from Europe after being given a departure notice. The main country from which enforced departures of people of Azerbaijani nationality took place was Germany.⁶⁰⁰ For example, according to a report from the news agency Report, four people returned from Germany and six from Belgium on 26 December 2020.⁶⁰¹ According to the news agency Report, eight people arrived from Poland on 18 March 2021.⁶⁰² A further 32 people arrived from Germany on 31 March 2021.⁶⁰³ According to a source, Germany sent back another 52 people on 28 April 2021,⁶⁰⁴ and another 28 people returned from Germany on 1 June 2021.⁶⁰⁵

According to various sources, the authorities placed the returnees in a quarantine facility in the Athletes' Village near Baku after their arrival in Azerbaijan as a coronavirus-related measure. The state security service reportedly questioned them there about their activities in Europe. Shortly after they left quarantine, some returnees and their relatives were called in by the police or the public prosecutor's office.⁶⁰⁶ Other sources indicate that they have not heard of cases where migrants were forced to return to Azerbaijan and encountered problems from the authorities on arrival.⁶⁰⁷

5.2 The International Organization for Migration (IOM)

From the Netherlands, 22 people voluntarily returned to Azerbaijan with the help of the International Organization for Migration (IOM) up to the end of July 2021. Eighty-two people returned in 2020 and 264 in 2019.⁶⁰⁸ IOM Azerbaijan offers returnees reintegration support under the Assisted Voluntary Return and Reintegration (AVRR) project. This could include assistance in setting up income-generating activities such as starting a small business, medical support, assistance in finding housing, or material assistance in the form of household appliances and furniture.⁶⁰⁹

⁵⁹⁹ Worlddata.info, *Asylum applications and refugees from Azerbaijan*, <https://www.worlddata.info/asia/azerbaijan/asylum.php>, accessed 3 September 2021.

⁶⁰⁰ Report, *Germany to deport eight more Azerbaijani citizens*, 2 July 2020; Report, *Germany to deport six more Azerbaijanis*, 18 November 2020; Report, *Azerbaijani journalist and his family to be deported from Germany* 5 June 2021; Azerbaijan 24, *Another mass deportation of Azerbaijanis from Germany expected*, 13 July 2021.

⁶⁰¹ Report, *10 more Azerbaijanis deported from Europe*, 26 December 2020.

⁶⁰² Report, *Eight Azerbaijani citizens deported from Poland*, 18 March 2021.

⁶⁰³ Report, *Germany to deport another group of Azerbaijanis*, 31 March 2021; Turan, *Germany deported 32 Azerbaijani citizens*, 1 April 2021; Deutscher Bundestag, *Drucksache 19/29954*, 20 May 2021, p. 14.

⁶⁰⁴ Confidential source, 24 May 2021.

⁶⁰⁵ ANN.az, *Germany to deport about twenty Azerbaijanis*, 24 May 2021; Turan, *Twenty eight Azerbaijanis expelled from Germany*, 1 June 2021.

⁶⁰⁶ Euro Asia News, *Repression in Azerbaijan due to emigration to Europe*, 28 May 2021; Confidential source, 22 June 2021.

⁶⁰⁷ Confidential source, 20 April 2021; Confidential source, 24 May 2021.

⁶⁰⁸ IOM Nederland, *Maandelijkse cijfers vrijwillige terugkeer 2008-heden*, <https://iom-nederland.nl/cijfers/maandelijkse-cijfers-vrijwillige-terugkeer-2008-heden>, accessed 3 September 2021.

⁶⁰⁹ UN Azerbaijan, *IOM Azerbaijan expands reintegration assistance to migrants returned to the country voluntarily*, 3 September 2020; UN Azerbaijan, *IOM Azerbaijan provided reintegration assistance to 448 returnees in 2020*, 15 January 2021; UN Azerbaijan, *IOM Azerbaijan provided reintegration assistance to 122 returnees in the first quarter of 2021*, 12 April 2021.

5.3 Care for unaccompanied minor aliens

The authorities treat unaccompanied minor aliens returning to Azerbaijan as children who have lost their parents or as children without parental care. On their return to Azerbaijan, the authorities try to place them with close relatives or others willing to take care of them. If there is nobody, the children usually end up at a boarding school. If the children under the age of six, they can also be placed in a children's home (see 3.1.6.2).⁶¹⁰ According to the IOM, the children's homes under the responsibility of the head of the district executive authority do not provide specific care and support to unaccompanied minor aliens. In addition, the children's homes generally will not admit them, because such children are the responsibility of the Ministry of Education, which runs the boarding schools.⁶¹¹

The Ministry of the Interior operates a shelter for victims of human trafficking, where children who have been identified as victims of human trafficking can go for a period of 30 days. In exceptional cases, the length of the stay can be extended by a further 30 days.⁶¹² These children can also receive temporary support from three NGOs – two in Baku and one in Ganja – for several days up to a maximum of several months. However, two of the three NGOs do not have a child psychologist and support generally does not focus on reintegration. If the police are unable to trace parents or other relatives, the NGOs can assist the children in applying for identity documents, so that they can go to a boarding school. However, some of these boarding schools are reluctant to accept children who are victims of forced prostitution.⁶¹³

A number of government programmes also address the issue of reintegrating unaccompanied minors into Azerbaijani society. For example, one of the aims of the State Program on De-institutionalization and Alternative Care, which ran from 2006 to 2015, was to reduce the number of orphanages and boarding schools and developing alternative forms of care.⁶¹⁴ On 6 February 2014, the Council of Ministers also authorised in Decree 37 the programme for the social rehabilitation and reintegration of children who are victims of human trafficking. Among other things, this programme set minimum requirements for the care of children who are victims of human trafficking.⁶¹⁵ Despite some progress, there are still major shortcomings in Azerbaijan when it comes to reintegrating unaccompanied minor aliens into society.

⁶¹⁰ IOM, *Assessment report on unaccompanied minors*, 16 May 2014, p. 15; APA, *248 Azerbaijani children in prisons and orphanages in Iraq brought to Azerbaijan*, 9 March 2021; Caucasian Knot, *Azerbaijani authorities report on return of over 200 children from Iraq*, 10 March 2021; Confidential source, 8 June 2021; Confidential source, 19 June 2021.

⁶¹¹ IOM, *Assessment report on unaccompanied minors*, 16 May 2014, p. 23.

⁶¹² Article 13.3 of the Prevention of Human Trafficking Act of 28 June 2005 (Law 958-IIQ), <http://www.e-ganun.az/framework/10641>, accessed 3 September 2021; IOM, *Assessment report on unaccompanied minors*, 16 May 2014, p. 15; IOM, *Needs assessment: Counter-trafficking response in the Republic of Azerbaijan*, 5 January 2017, p. 18; USDoS, *Azerbaijan 2020 trafficking in persons report*, 25 June 2021, p. 2; MDCTHB, *Shelter*, <https://www.insanalveri.gov.az/?en/menu/44/>, accessed 3 September 2021.

⁶¹³ IOM, *Assessment report on unaccompanied minors*, 16 May 2014, p. 21; IOM, *Needs assessment: Counter-trafficking response in the Republic of Azerbaijan*, 5 January 2017, p. 19-20; ICMPD, *Fight against trafficking in human beings and organised crime*, May 2015, p. 13; Confidential source, 1 June 2021; Confidential source, 17 June 2021.

⁶¹⁴ UNICEF, *The rights of children and why they matter. The work of UNICEF in Azerbaijan*, 20 December 2016, p. 6; Huseynli, *Implementation of deinstitutionalization of child care institutions in post-soviet countries*, 2018, p. 1.

⁶¹⁵ ICMPD, *Fight against trafficking in human beings and organised crime*, May 2015, p. 13; CoE, *Report submitted by the authorities of Azerbaijan on measures taken to comply with Committee of the Parties Recommendation CP(2014)10 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings*, 28 June 2016, p. 3; Confidential source, 8 June 2021.

For example, there is no effective referral mechanism and no effective protection system. There is no specific government institution that provides for the reception and reintegration of unaccompanied minor aliens returning to Azerbaijan. Moreover, the homes are generally unable to provide the required care and support to unaccompanied minor aliens. In addition, financial support from the government for alternative forms of care outside institutional care is limited.⁶¹⁶

⁶¹⁶ IOM, *Assessment report on unaccompanied minors*, 16 May 2014, p. 15 and 20; Ombudsman, *Complementary report of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan to the UN Committee on the Rights of the Child*, 1 January 2020, p. 10; Huseynov & Abbasova, *Azerbaijan*, 2021, p. 26; Confidential source, 8 June 2021.

6 Annexes

6.1 List of abbreviations used

ADEP	Azerbaijan Democratic Enlightenment Party
ADP	Azerbaijan Democratic Party
ADWM	Azerbaijan Democracy and Welfare Movement
AED	Azerbaijani European Movement
AI	Amnesty International
ANAMA	Azerbaijan National Agency for Mine Action
APFP	Azerbaijan Popular Front Party
AVRR	Assisted Voluntary Return and Reintegration
AZAL	Azerbaijan Airlines
AZN	Azerbaijani manat
CAT	The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CAT-OP	The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment
CC	Criminal Code
CEC	Central Election Commission
CFSC	Child and Family Support Centres
CMB	Caucasus Muslim Board
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CSP	Civil Solidarity Party
CUP	Civil Unity Party
ECHR	The European Convention for the Protection of Human Rights and Fundamental Freedoms
GOP	Great Order Party
HRW	Human Rights Watch
IOM	The International Organization for Migration
IPA	Islamic Party of Azerbaijan
ICCPR	The International Covenant on Civil and Political Rights
LAR	Light Artillery Rocket system
LoC	Line of Contact
MDCOC	Main Department for Combating Crime
MDCTHB	Main Department on Combating Trafficking in Human Beings
MinCom	The Ministry of Transport, Communication and Technology of the Republic of Azerbaijan
MinDef	The Ministry of Defence of the Republic of Azerbaijan
MLRS	Multiple Launch Rocket Systems
MP	Motherland Party
MPRMD	Main Passport, Registration and Migration Department
MRGI	Minority Rights Group International
MUM	Muslim Unity Movement
NAP	New Azerbaijan Party
NCDF	National Council of Democratic Forces
NFP	National Front Party
NGO	Non-governmental organisation
PFPWA	Popular Front Party of Whole Azerbaijan
PDR	Party for Democratic Reforms
ReAI	Republican Alternative Party

RSDD	Refugee Status Determination Department
SCARIDP	State Committee for Affairs of Refugees and IDPs
SCFWCA	State Committee for Family, Women and Children Affairs
SCWRA	State Committee for Work with Religious Associations
SMS	State Migration Service
SOCAR	State Oil Company of the Azerbaijani Republic
SSC	State Statistical Committee
SSMC	State Service for Mobilization and Conscription
ToR	Terms of Reference
TPCA	Talysh Public Council of Azerbaijan
UFPPA	Union for the Freedom for Political Prisoners of Azerbaijan
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UP	Unity Party
USDoS	United States Department of State

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6.6 Map of Azerbaijan



Disclaimer: For this map, as much information as possible from the United Nations Cartographic Section was used. The boundaries, names and designations on this map do not imply acceptance or official endorsement by the Kingdom of the Netherlands. This map is a travel advice map.

Source: www.kaartenatlassen.nl