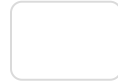


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World Report 2023 - Azerbaijan

Azerbaijan's human rights record did not improve in 2022. In May, authorities released more than 20 individuals imprisoned on politically motivated and bogus charges. But at least 30 others remained wrongfully imprisoned while authorities continued to target its critics and other dissenting voices.

Restrictive laws continued to impede nongovernmental organizations (NGOs) from operating independently. Other persistent human rights problems included systemic torture and ill-treatment in custody and restrictions on media freedoms.

In July, amid an energy crisis spurred by Russia's invasion of Ukraine and its manipulation of the country's hydrocarbon supplies, the European Union signed a deal with Azerbaijan aimed at increasing the country's gas exports to Europe. The EU did not use ongoing negotiations on a broad bilateral agreement to secure human rights improvements.

Fighting between Armenian and Azerbaijani forces broke out in mid-September when Azerbaijan made incursions into Armenia. The fighting marked one of several breakdowns of the Russia-brokered 2020 truce that ended hostilities over the unresolved Nagorno-Karabakh war. A video authenticated by Human Rights Watch showed the extrajudicial execution of at least seven Armenian soldiers, apparently by Azerbaijani forces, during this fighting.

Sporadic incidents of military hostilities continued to threaten the safety and livelihoods of civilians residing in villages in Nagorno-Karabakh and along the Armenia-Azerbaijan border.

Aftermath of the Nagorno Karabakh Conflict

Fighting between Armenian and Azerbaijani forces **broke out** in mid-September when Azerbaijan made incursions into Armenia. The fighting, which killed three civilians in Armenia, marked one of several breakdowns of the Russia-brokered 2020 truce that ended hostilities over the unresolved Nagorno-Karabakh war. Sporadic incidents of military hostilities continued to threaten the safety and livelihoods of **civilians** residing or working in villages in Nagorno-Karabakh and several surrounding districts, and along the Armenia-Azerbaijan border, leaving at least three ethnic Armenian civilians dead in Nagorno-Karabakh.

A video authenticated by Human Rights Watch **showed** the extrajudicial execution of at least seven Armenian soldiers, apparently by Azerbaijani forces, during this fighting.

According to Armenian lawyers, at least 30 Armenian prisoners of war (POWs) and three civilians captured in relation to the 2020 hostilities remained in Azerbaijani custody by October 2022. Azerbaijani authorities do not recognize any of these individuals as POWs and have **charged** them with such crimes as terrorism, illegal weapons possession, illegal border crossing and torture of Azerbaijani prisoners during the 1990s war.

In October 2022 the Azerbaijani Prosecutor General's Office **stated** that since the 2020 ceasefire, through mid-October 2022, 34 civilians were killed and another 80 were wounded due to landmines in Nagorno Karabakh and the surrounding areas.

Neither Azerbaijan nor Armenia is a party to the international treaty prohibiting anti-personnel landmines.

Prosecuting Political Opposition and Other Critics

Some political activists were among those freed in May under presidential pardon. They included prominent members of the opposition Azerbaijani Popular Front Party (APFP), Saleh Rustamli, sentenced in 2019 to seven years in prison on spurious money-laundering charges, and Pasha Umudov, sentenced in 2020 to four years and five months on bogus drug charges.

Also in May, APFP activist, Agil Maharramov, Rustamli's co-defendant, was released after completing a four-year prison sentence on bogus money-laundering charges. In January, APFP senior politician Alizamin Salayev, convicted on defamation charges in 2020, was granted amnesty and released.

Authorities continued to use spurious drug charges to lock up political activists critical of the government. In many cases, the detainees reported ill-treatment in police custody, allegations that the authorities dismissed.

In May, authorities arrested Rashad Ramazanov, a blogger and former political prisoner, and remanded him to pre-trial detention on bogus drug charges. Police allegedly beat Ramazanov in custody, attempting to secure a drug possession confession. There was no effective investigation into the beating. Ramazanov had previously served six years in prison on bogus drug charges, before being pardoned and released in 2019. Ramazanov had actively criticized on social media police arbitrariness and government corruption.

In May, authorities arrested and sent to pretrial custody APFP member Razi Alishov on bogus drug charges. They failed to effectively investigate his allegations of torture in police custody.

In March, a court sentenced APFP activist Shahin Hajiyeu to six years in prison on spurious drug trafficking charges. Hajiyeu, in custody since November 2021, had often criticized the government on Facebook. He made police abuse allegations in custody. After police pressured Hajiyeu to tell investigators that injuries inflicted by the beating were from a fall days before his arrest, prosecutors refused to investigate Hajiyeu's allegations of abuse.

Authorities brought spurious drug charges against several individuals who were deported to Azerbaijan in 2021 after failing to gain asylum in Germany and, in some cases, publicly criticizing Azerbaijani authorities. These included Punhan Karimli and Jafar Mirzayev, deported in November 2021, and arrested in January 2022. Malik Rzayev and Mutallim Orujov were similarly arrested and charged in 2021. Authorities claimed to have found narcotics on each of these men at the time of arrest. In April, police detained Samir Ashurov on charges of assault with a knife, weeks after he was deported home. Their lawyers alleged that police questioned them about their activities in Germany.

In September, the chief editor of Xural TV, an online channel, journalist Avaz Zeynalli and, Elchin Sadigov, a lawyer who defended many government critics, were remanded to four months' pretrial detention on allegations of bribery that both deny. The allegations were made following a pro-government media story accusing Zeynalli of accepting a bribe from an imprisoned Azerbaijani businessman facing criminal charges in exchange for ending critical reporting about him. The story alleged that Sadigov, the businessman's lawyer, was the intermediary. A court released Sadigov to house arrest upon appeal.

Authorities also held several government critics in jail for up to 30 days following pro-forma court hearings on bogus misdemeanor hooliganism

or disobedience charges. These included, in March, APFP member, Elkhan Aliyev, and in July, opposition Musavat Party member, Alikram Khurshidov. Both men were harshly critical of authorities on social media.

Freedom of Assembly

Azerbaijan effectively imposes a blanket ban on protests in the central areas of the capital, Baku. In May, a group of civic activists held an unsanctioned rally in downtown Baku, demanding an end to impunity for abuse and violence against government critics. Police briefly detained at least 25 protesters. Hours before the protest, police detained three of the protest organizers, drove them in some cases several hundred kilometers from Baku and abandoned them there, apparently to prevent them from participating in the rally.

In July, authorities briefly detained more than 40 protestors after attempting to hold an unsanctioned protest, demanding the opening of land borders that have remained closed since the start of the Covid-19 pandemic. Police detained Aziz Mamiyev, a Musavat member, on his way to the rally and a court sentenced him to 30 days' detention on disobedience charges. Mamiyev reported that police beat him during apprehension and at the police station. A court sentenced another activist, Gulmira Rahimova, to 460 hours of community service on slander charges for having posted on social media a photo of the officer who struck Mamiyev.

Freedom of Expression

All mainstream media remained under tight government control. People who publicly criticized the government faced threats aimed at silencing them.

In February, President Ilham Aliyev signed a law on media that limits media independence by, among other things, barring non-residents from owning media and requiring journalists to have higher education, a formal contract, and three years' experience to obtain accreditation. The Council of Europe (CoE) commissioner for human rights, Dunja Mijatović, said the law "overregulates the media ... and grants discretionary powers to authorities ... including through licensing, excessively restricting journalists' work, and introducing several limitations to ... media companies and entities."

In May, an unknown man threatened prominent journalist Aytan Mammadova with a knife in the elevator of her apartment building. Mammadova believes the threat aimed at stopping her ongoing reporting on a high-profile child murder trial. At time of writing, the criminal investigation had not identified the suspect.

The authorities use criminal defamation to silence government critics. According to the Media Rights Institute (MRI), an independent media monitoring group, in 2022, prosecutors demanded imprisonment in 11 defamation cases filed under private prosecution procedures. The lawsuits resulted in the conviction of at least four individuals, some of whom, MRI said, had been “targeted for their opinions or articles on matters of public interest.”

In January, a court sentenced Ali Aliyev, the chairman of the Citizen and Development Party (ViP), to five months’ imprisonment in a slander lawsuit filed by one of the two border guards who survived a helicopter crash in November 2021. Aliyev had commented to the media that he doubted that the border guards had in fact survived. Aliyev also argued that the crash was a provocation by Russia. In April, a court increased the sentence by another month, satisfying the complaint by the second survivor. In June, a court extended Aliyev’s sentence to one year in prison on unrelated charges of insult, based on a complaint filed by a former official of the ruling party.

In March, a regional court sentenced journalist Jamil Mammadli to a year and six months of correctional labor on slander and insult charges for corruption allegations he made against the head of a district official.

In June, a regional court sentenced lawyer İlham Aslanoglu to six months in prison for insult related to a video he posted in which he accused an officer of torture in the Terter case (see below). It was Aslanoglu’s second conviction in a year on the same charges.

Torture and Ill-Treatment in Detention

Authorities routinely dismiss complaints of torture and other ill-treatment in custody, especially those filed by government critics.

For instance, in January, the prosecutor’s office refused to launch a probe into the severe beating of leading opposition politician Tofiq Yaqublu while in detention in December 2021, which resulted in multiple injuries. The prosecutor’s office refused to investigate, claiming Yaqublu’s injuries were “self-inflicted.”

In April, masked men kidnapped prominent opposition activist Bakhtiyar Hajiyev and took him to an undisclosed location, blindfolded, beat, and threatened to kill him if he continued to publicly criticize the interior minister. After Hajiyev publicized the incident, the interior minister met with him and a criminal investigation was launched, but at time of writing, the authorities had not identified any suspects. According to Hajiyev, investigators claimed the CCTV cameras from the crime scene were “out of order” at the time of the kidnapping. In August, police briefly detained

Hajiyev, and a senior police official allegedly threatened him with reprisals if he continued criticizing the minister.

In an exception to the pattern of impunity for torture, throughout 2022, authorities continued a new investigation, begun in December 2021, into the torture in 2017 of military officers in Terter region accused of allegedly spying for Armenia. The new investigation followed public outrage about the case, which prompted the chief military prosecutor in November 2021 to publicly acknowledge that more than a hundred officers had been subjected to physical violence.

According to NGOs, at least 10 had died of torture, four of whom were posthumously acquitted. In September, authorities announced that 405 victims had been identified in Terter and two other regions, of whom several hundred had been tortured. Authorities prosecuted 17 high-ranking military officers for abuse and torture. In September, the prosecutor's office announced that an army general and a military lawyer had been arrested on charges of unlawful imprisonment, torture and inhumane treatment, and abuse of power.

Key International Actors

In a January letter, CoE Commissioner for Human Rights Dunja Mijatović urged President Aliyev to return the media bill to parliament for substantial revisions to bring it in line with freedom of expression and media standards. In June, the Venice Commission, an expert body of the Council of Europe, concluded that the law has “a problematic focus on restricting the activities of the media rather than creating the necessary conditions enabling the media to fulfil their ‘public watchdog’ role.”

In May, the British Embassy in Azerbaijan condemned incidents of police violence during the May 14 rally. The Azerbaijani Interior Ministry called on the British Embassy to refute its statement.

In May, the US government welcomed the presidential pardon of persons “incarcerated for exercising their fundamental freedoms” and called on the government to also release others arrested “for exercising those same rights.” In September, US Secretary of State Antony Blinken brought together the foreign ministers of Armenia and Azerbaijan on the sidelines of the UN General Assembly in New York in the wake of the breakdown of the truce between the two countries and Azerbaijan's incursions into Armenia. The meeting came one week after shelling killed more than 200 troops.

The EU has been more actively engaged on talks between Armenia and Azerbaijan. In July, the European Commission President Ursula von der Leyen and President Aliyev signed a memorandum of understanding to more than double gas purchases from Azerbaijan. Following the signing

ceremony, von der Leyen referred to the negotiations of a comprehensive bilateral agreement that would vastly expand EU investment in Azerbaijan. She noted the importance to investor confidence of “greater involvement of civil society, and a free and independent media” without meeting with civil society organizations during her visit. Later in July, the EU top diplomat Josep Borrell stated that decisive progress was needed to create an enabling environment for an active civil society in Azerbaijan.

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