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Azerbaijani government crackdown in Ganja:

extrajudicial killings, torture, arbitrary detention, unfair trials and unlawful restrictions on the freedom of assembly

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I. Foreword

1. This report is a summary of a detailed evidence-based investigation and legal analysis conducted by the International Partnership for Human Rights, in collaboration with Global Diligence LLP, Truth Hounds and Human Rights Club. All sources cited in this summary are available to the general public. The full findings of the investigation and supporting evidence remain confidential and may be relied on for future advocacy, litigation and other accountability efforts.

2. International Partnership for Human Rights (IPHR) is a non-profit organization with its headquarters in Brussels. It was founded in 2008 with a mandate to empower local civil society groups and assist them in making their concerns heard at the international level. IPHR works together with human rights groups from different countries on project development and implementation, research, documentation and advocacy. Its team members have long-term experience in international human rights work and cooperates with human rights groups from across Europe, Central Asia and North America, helping to prepare publications and conduct advocacy activities. Since its establishment, IPHR has carried out a series of activities aimed at assisting and empowering local human rights groups from the Russian Federation, Central Asia and South Caucasus to engage effectively with the international community.

3. Global Diligence LLP is a public interest law firm based in the United Kingdom. Global Diligence specialises in advising and representing individuals, groups and organizations in international criminal law and human rights cases. Global Diligence provides training, mentoring and advice to non-profit organizations on documentation and litigation strategies.

4. Truth Hounds is a team of experienced human rights professionals documenting war crimes, crimes against humanity and gross human rights violations in crises since 2014. Truth Hounds fights against impunity for international crimes and grave human rights violations through investigation, documentation, monitoring, advocacy and problem solving for vulnerable groups. Truth Hounds documenters mobilize all available resources and documentation methodology to create a systemic approach to its documentation work, and promote accountability for grave human rights abuses and international crimes. Truth Hounds constantly seeks to develop new innovative approaches to its documentation work, fighting impunity and restoring accountability and justice in post-conflict societies.

5. The Human Rights Club (HRC) was founded on Human Rights Day (10 December) in 2010 by a group of young Azerbaijani human rights defenders. The main aim of the HRC is to promote the protection of and respect for human rights and fundamental freedoms, and broader democratic development in Azerbaijan. To that end, the HRC monitors human rights developments in the country, conducts investigations into reports of violations, campaigns on cases of concern, and engages in advocacy on the national, regional, and international level. The HRC's main target groups are youth, human rights defenders, journalists, bloggers, and civic and political activists, as well as other individuals whose rights are infringed.

II. Introduction

6. International Partnership for Human Rights, Global Diligence LLP, Truth Hounds and Human Rights Club (the 'authors') hereby present an account and legal analysis of events that took place in Ganja, Azerbaijan in July 2018, and of the subsequent government crackdown.

7. On 3 July 2018, Yunis Safarov – a Russian citizen and resident of Ganja – made an attempt on the life of the then Head of Executive Power of Ganja – Elmar Valiyev. Safarov was arrested, severely beaten inside a Ganja police station, and along with 29 alleged co-conspirators, charged with attempted murder, Islamic terrorism, participation in an illegal armed group and an attempt to seize power.[1] Photographs of his injuries were distributed via social media, followed by calls to protest against his ill-treatment. On 10 July 2018, a group of 150 to 200 people came out to protest in front of the Ganja Executive Power building. In the course of an otherwise peaceful protest, a lone attacker named Rashad Boyukkishiev killed two high-ranking police officers (injuring a third). Minutes after Boyukkishiev was allowed to flee the scene, the riot police charged the crowd and began to conduct violent and arbitrary arrests. Over 100 protesters and bystanders were detained and brought to Nizami Police Station in Ganja, where they were subjected to violence, verbal aggression, degrading treatment and/or torture. At least 70 persons were given administrative detention in summary undefended hearings. Following further raids and arrests across Azerbaijan, at least five people were killed and a total of 78 persons were charged with criminal offences, including organizing public disorder, possession of weapons and narcotics, and attacks on public officials. The authorities connected Safarov's attack with the protest, and publicly accused all detainees of being part of an Islamic conspiracy to attack institutions of State, topple the secular government and establish an Islamic caliphate. At the time of writing, at least 43 detainees have been tried and sentenced to prison terms ranging from five and ten years, with others languishing in unjustified pre-trial detention. Detainees allege inhuman treatment and torture in detention, aimed at inducing false confessions for use in deeply flawed criminal proceedings. Two detainees died in custody pending trial. The authors are not aware of any genuine and effective efforts by the government to investigate the conduct of authorities in relation to these events.

8. Based on evidence collected and analysed by the authors, there is a reasonable basis to believe that the Azerbaijani authorities' response to Safarov's attack and to the 10 July protest was wholly disproportionate to the public order and/or security concerns (if any) raised by these incidents. Having qualified Safarov's attack and the protest as an Islamist anti-government plot (without any credible evidence in support) the authorities used Azerbaijan's problematic anti-extremism laws to justify a brutal crackdown on the residents of Ganja. The crackdown occasioned gross violations of fundamental human rights, including the right to life, the prohibition of torture and inhuman and degrading treatment, the right to liberty and security, the right to a fair trial and the freedom of assembly. This crackdown was ostensibly calculated to dissuade future attempts to protest against the government's dismal record on human rights, corruption and democracy.

9. The aim of this report is to provide impartial documentation and analysis of the gross human rights violations perpetrated by Azerbaijani authorities in connection with the July 2018 events in Ganja. These events fit into a pattern of systematic human rights violations by Azerbaijani authorities against actual or perceived critics of the government's record on human rights, democracy and corruption. The authors seek to draw the international community's attention to these events, which typify an

1 Whist the Azerbaijani authorities announced that a group of 29 people are being investigated in this case, the authors have only been able to positively identify 28 or the 29 individuals.

entrenched culture of violence and institutionalised use of torture by Azerbaijani law enforcement, the lack of accountability for gross human rights violations, and the absence of an independent, impartial and fair judiciary in Azerbaijan.

10. The authors call upon the authorities of Azerbaijan to fully investigate the violations set forth in this report, as well as the legal framework, practice and institutional culture that has given rise to such violations and ensuing impunity. We respectfully urge the government of Azerbaijan to prosecute those responsible and to provide the victims of these abuses with an effective and lasting remedy.

11. The authors also call on the international community to demand justice and accountability for Azerbaijani victims of torture and political repression, and to use national and international legal frameworks to bring those responsible for torture and inhuman or degrading treatment to account. We strongly recommend that all future international investment and trade deals with Azerbaijan are predicated on serious and wholesale reforms to the country's law enforcement, judiciary and prosecution bodies, and on genuine efforts to route out torture and arbitrary detention from its criminal justice system.

12. Azerbaijan is a presidential republic and de facto one-party state, controlled by the ruling Aliyev family.[2] President Ilham Aliyev has led the country since 2003 (having succeeded his father – Heydar Aliyev). He was re-elected for a fourth term in 2018, in elections that - according to international observers - took place "within a restrictive political environment and under a legal framework that curtails fundamental rights and freedoms [...] in the absence of pluralism, including in the media".[3] A key opposition leader has spent five years in prison in retaliation for his political ambitions and criticism of the authorities.[4] President Aliyev has appointed his wife - Mehriban Aliyeva – to the position of vice president,[5] whilst other family members and close associates control the vast majority of the country's economic resources.[6] Leaked documents have revealed that the Aliyev family has accumulated hundreds of millions in offshore accounts and properties.[7] Transparency International ranks Azerbaijan 152nd out of 180 countries in its latest corruption perceptions index.8 A recent investigation by the Council of Europe has found that Azerbaijani officials bribed at least 13 members of the Parliamentary Assembly of the Council of Europe (PACE) to soften Europe's criticism of its democratic deficit and poor human rights record.[9]

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2 Freedom House, 'Freedom in the World 2019: Azerbaijan', available at: *https://freedomhouse.org/report/freedom-world/2019/azerbaijan*.

3 Organisation for Security and Cooperation in Europe, 'Republic of Azerbaijan: Early Presidential Election 11 April 2018: ODIHR Election Observation Mission – Final Report', 18 July 2018, available at: *https://www.osce.org/odihr/elections/azerbaijan/388580?download=true*.

4 European Court of Human Rights, Ilgar Mammadov v. Azerbaijan, Judgment, 22 May 2014, available at: *https://hudoc.echr.coe.int/eng?i=001-144124#%7B%22itemid%22:%5B%22001-144124%22%5D%7D*; See also: Human Rights Watch, 'Freed at Last from Prison, but Not Free in Azerbaijan', 13 August 2018, available at: *https://www.hrw.org/news/2018/08/13/freed-last-prison-not-free-azerbaijan*.

5 President of the Republic of Azerbaijan, 'Vice President: Mahriban Arif gizi Aliyeva', available at: *https://en.president.az/first-vice-president/biography*.

6 Organised Crime and Corruption Reporting Project, 'Pilatus: A Private Bank for Azebaijan's Ruling Elite', 23 April 2018, available at: *https://www.occrp.org/en/thedaphneproject/pilatus-a-private-bank-for-azerbaijans-ruling-elite*.

7 International Consortium of Investigative Journalists, 'The Panama Papers: How Family That Runs Azerbaijan Built An Empire of Hidden Wealth', 4 April 2016, available at: *https://www.icij.org/investigations/panama-papers/20160404-azerbaijan-hidden-wealth/*; The Guardian, 'London law firm helped Azerbaijan's first family set up secret offshore firm', 5 April 2016, available at: *https://www.theguardian.com/news/2016/apr/05/panama-papers-london-law-firm-helped-azerbaijan-first-family-set-up-secret-offshore-firm*.

8 Transparency International, 'Azerbaijan', available at: *https://www.transparency.org/country/AZE*.

9 Council of Europe, 'Report of the Independent Investigation Body on the allegations of corruption within the Parliamentary Assembly', 15 April 2018, available at: *http://assembly.coe.int/Communication/IBAC/IBAC-GIAC-Report-EN.pdf*.

III. Background: governance and human rights in Azerbaijan

13. Rare and moderate protests against economic inequality, in Baku in 2011 and Quba, Siyazan and Shabran in 2016, have been met with mass arrests and a crackdown on opposition voices.[10] In 2015, dozens of members of the non-violent Muslim Unity Movement based in Naradan were arrested, subjected to ill-treatment and convicted on charges including murder, terrorism and attempts to seize power, relying on torture-induced confessions.[11] Article 8 of the 2014 Law on Combatting Religious Extremism allows Azerbaijani law enforcement to "inflict damage to life, health or property of religious extremists" with complete impunity.

14. Internationally, Azerbaijan is regarded as an authoritarian state with an appalling human rights record.[12] The PACE has criticised Azerbaijan for its "unprecedented crackdown on human rights", and highlighted recent cases of "torture and inhuman or degrading treatment during arrest, in police custody, and in prisons, and the lack of effective investigations, violations of the right to a fair trial, and violations of the right to freedom of expression, association, and assembly."[13] In its 2018 review, Human Rights Watch has identified 43 wrongfully imprisoned human rights defenders, journalists and political and religious activists, and highlighted systemic torture, undue interference in the legal system and restriction on media freedoms.[14] Amnesty International states that in 2018 "critics of the government continued to face politically motivated prosecution and imprisonment following unfair trials", and found that "suspicious deaths in custody were still not effectively investigated".[15] The Helsinki Foundation for Human Rights has observed that the Azerbaijani public prosecutors and judiciary are perceived as being "totally subservient to the executive branch" and are being used "to systematically persecute human rights defenders".[16] The Working Group on a Unified List of Political Prisoners in Azerbaijan estimates that authorities are currently holding 117 political prisoners.[17]

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10 BBC, 'Azerbaijan cracks down hard on protests', 24 Apr. 2011, available at: *https://www.bbc.co.uk/news/world-europe-13136598*; The Guardian, 'Azerbaijan forced to cut bread taxes after widespread protests', 15 Jan. 2016, available at: *https://www.theguardian.com/world/2016/jan/15/azerbaijan-forced-to-cut-bread-taxes-after-widespread-protests*.

11 Amnesty International, "Azerbaijan: Torture and Travesty of Justice in Naradan case", 6 Feb. 2017, available at: *https://www.amnesty.org/en/documents/eur55/5633/2017/en/*.

12 Human Rights Watch, 'Azerbaijan: Events of 2018', available at: *https://www.hrw.org/world-report/2019/country-chapters/azerbaijan*; Freedom House, 'Freedom in the World 2019: Azerbaijan', available at: *https://freedomhouse.org/report/freedom-world/2019/azerbaijan*; Amnesty International, 'Azerbaijan 2017/2018', available at: *https://www.amnesty.org/en/countries/europe-and-central-asia/azerbaijan/report-azerbaijan/*.

13 Parliamentary Assembly of the Council of Europe, 'Concern about the human rights situation and the functioning of justice in Azerbaijan', 11 Oct. 2017, available at: *http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=6824&lang=2&cat=8*.

14 Human Rights Watch, 'Azerbaijan: Events of 2018', available at: *https://www.hrw.org/world-report/2019/country-chapters/azerbaijan*.

15 Amnesty International, 'Azerbaijan 2017/2018', available at: *https://www.amnesty.org/en/countries/europe-and-central-asia/azerbaijan/report-azerbaijan/*.

16 Helsinki Foundation for Human Rights, 'The Functioning of the Judicial System in Azerbaijan and its Impact on the Right to a Fair Trial of Human Rights Defenders', Sept. 2016, available at: *http://www.hfhr.pl/wp-content/uploads/2016/09/Azerbaijan_judciary.pdf*.

17 Working Group on a Unified List of Political Prisoners, 'A Unified List of Political Prisoners in Azerbaijan', September 2019.

15. It is within this context of a corrupt and authoritarian regime, an increasing reliance on broad anti-terrorism powers to suppress political opposition, and the total lack of accountability for human rights violations, that the following events unfolded in July 2018 in Ganja.

16. Ganja is the second largest city in Azerbaijan with a population of over 330,000, located in the northwest of the country.[18] Executive power in Ganja is exercised by the Head of the Executive Power – appointed by the President of the Republic. Between February 2011 and August 2018, Elmar Valiyev held the position of the Head of Executive Power in Ganja. Valiyev has been accused of treating Ganja as his personal fiefdom, showing no regard for the city's poor, disrespecting religious beliefs of the Shia Muslim majority, property grabbing and cracking down on opponents.[19] According to one resident and member of the opposition, "Valiyev did a lot of bad things in our city … The rich became richer and the poor became beggars".[20] Government spokespersons dismiss such criticisms as falsehoods and slander.[21]

18 Location: 40.6879° N, 46.3723° E; State Statistical Committee of the Republic of Azerbaijan, 'Population of Azerbaijan', 2019, available at: *https://www.stat.gov.az/source/demoqraphy/ap/?lang=en*.

19 Reuters, 'Assassination attempt and protest send warning to Azerbaijan's rulers', 6 Aug. 2018, available at: *https://uk.reuters.com/article/uk-azerbaijan-protests-insight/assassination-attempt-and-protest-send-warning-to-azerbaijans-rulers-idUKKBN1KR0EW*; Eurasianet, 'Attacks in Azerbaijan raise accusations of Islamic extremism, government skullduggery', 11 Jul 2018, available at: *https://eurasianet.org/attacks-in-azerbaijan-raise-accusations-of-islamist-extremism-government-skullduggery*: quoting a Ganja resident as saying ""People didn't like Elmar Valiyev, he was unethical and had no respect for private property".

20 Reuters, 'Assassination attempt and protest send warning to Azerbaijan's rulers', 6 Aug. 2018, available at: *https://uk.reuters.com/article/uk-azerbaijan-protests-insight/assassination-attempt-and-protest-send-warning-to-azerbaijans-rulers-idUKKBN1KR0EW*.

21 Eurasianet, 'Attacks in Azerbaijan raise accusations of Islamic extremism, government skullduggery', 11 Jul 2018, available at: *https://eurasianet.org/attacks-in-azerbaijan-raise-accusations-of-islamist-extremism-government-skullduggery*

IV. The events of July 2018 in Ganja, Azerbaijan

17. On 3 July 2018, local resident Yunis Safarov attempted to shoot the Head of Executive Power in Ganja - Elmar Valiyev – during a confrontation in front of the building of Executive Power in Ganja. According to the official version of events, after shooting Valiyev's bodyguard, Safarov's gun misfired and he proceeded to hit Valiyev on the head with his pistol, which caused Valiyev to fall down the stairs, suffering non-fatal injuries. Safarov was arrested at the scene of the attack and taken to Ganja's Main Police Department. Photographs reportedly taken at the police department on the same day show Safarov on the floor, with severe injuries to his face and blood on his clothes.[22] There are unconfirmed reports that violence against him was perpetrated by high-ranking police officers, or by Valiyev's son – Elmir Valiyev – in the presence of the police.[23] The next day, Safarov was brought before television cameras. Despite visible signs of physical violence on his face, he denied having been mistreated by the police.[24]

18. Azerbaijani authorities were quick to qualify this event as a terrorist attack, and claimed that Safarov's aim was "to establish an Islamic state governed by Sharia law in Azerbaijan, killing a number of well-known civil servants in the country, creating scandal, chaos, panic and, ultimately, the forced seizure of power."[25] The government also issued somewhat contradictory claims that Safarov was trained by Sunni militants in Syria, and directed by the Shia authorities of Iran.[26] He was charged with a long list of crimes, including murder, terrorism, attempt to kill a state official, attempt to seize power and participation in an illegal armed group.[27] Investigators allege that Safarov was carrying out the will of an 'organized criminal group' linked to a previously targeted moderate Islamist organization – the Muslim Unity Movement.[28] Twenty-nine people have been identified as co-conspirators behind the

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22 Meydan.TV, "Yunis Səfərov: Baş vermiş hadisəni mən törətmişəm", 6 July 2018, available at: *https://www.meydan.tv/az/article/yunis-seferov-bas-vermis-hadiseni-men-toretmisem/?ref=redirect*; Institute for Peace and Democracy, 'Prosecutor General's Office of Azerbaijan left Yunis Safarov without a lawyer', available at: *http://ipdthinktank.org/Yunis_Seferov_Savci_eng.html*.

23 Institute for Peace and Democracy, 'Aliyev's regime is carrying out repressions by imitating the fight with Islamic terrorism', 14 Aug. 2018, available at: *http://ipdtest.org/Ganja_eng.html*,

24 Extract of interview available at: *https://www.youtube.com/watch?v=uEl-MEWaRIY&feature=youtu.be*.

25 AzerTag, 'Baş Prokurorluğun, Daxili İşlər Nazirliyinin və Dövlət Təhlükəsizliyi Xidmətinin mətbuat xidmətlərinin məlumatı', 6 Jul. 2018, available at: *https://azertag.az/xeber/Bas_Prokurorlugun_Daxili_Isler_Nazirliyinin_ve_Dovlet_Tehlukesizliyi_Xidmetinin_metbuat_xidmetlerinin_melumati-1177560*; See also: Eurasianet, 'Attacks in Azerbaijan raise accusations of Islamic extremism, government skullduggery', 11 Jul 2018, available at: *https://eurasianet.org/attacks-in-azerbaijan-raise-accusations-of-islamist-extremism-government-skullduggery*.

26 Eurasianet, 'Crackdown widens in Azerbaijan's second city as police kill assassination suspects', 1 Aug. 2018, available at: *https://eurasianet.org/crackdown-widens-in-azerbaijans-second-city-as-police-kill-assassination-suspects*; Eurasianet, 'Attacks in Azerbaijan raise accusations of Islamic extremism, government skullduggery', 11 Jul 2018, available at: *https://eurasianet.org/attacks-in-azerbaijan-raise-accusations-of-islamist-extremism-government-skullduggery*.

27 Institute for Peace and Democracy, 'Prosecutor General's Office of Azerbaijan left Yunis Safarov without a lawyer', available at: *http://ipdthinktank.org/Yunis_Seferov_Savci_eng.html*.

28 Trend, 'Azerbaijani Prosecutor General's Office: 61 people detained over Ganja events', 31 July 2019, available at: *https://en.trend.az/azerbaijan/society/3098888.html*; Eurasianet, 'Attacks in Azerbaijan raise accusations of Islamic extremism, government skullduggery', 11 Jul 2018, available at: *https://eurasianet.org/attacks-in-azerbaijan-raise-accusations-of-islamist-extremism-government-skullduggery*; For further information on Muslim Unity Movement and its relationship with the Azerbaijani government, see Eurasianet, "Azerbaijan: Show Trial Ends with Harsh Sentences for Islamic Activists", 26 Jan. 2017, available at: *https://eurasianet.org/azerbaijan-show-trial-ends-with-harsh-sentences-for-islamic-activists*.

attempted assassination; two have been killed in police raids,[29] and fifteen have been arrested and prosecuted by the authorities (eleven others have been placed on an international search list).[30]

19. Photographs of Safarov's injuries, purportedly taken at the Ganja Main Police Department, were widely shared via social media on 3 and 4 July 2018.[31] From 4 July, residents of Ganja began to receive messages from unknown numbers, defending Safarov and decrying his treatment.[32] Many of the texts and linked YouTube videos had religious undertones and called for protest.[33] Ganja residents dispute the allegation that the protest was organized by people within their community.

20. On 10 July 2018 at or around 8 pm, a group of 150 to 200 persons came out to protest in the square in front of the Ganja Executive Power building. The right to protest is guaranteed by the Azerbaijani Constitution and peaceful non-sanctioned protest is not against Azerbaijani law.[34] Protesters came out to express dissatisfaction with Safarov's treatment by the police or purely out of curiosity, as protests are rare. With the exception of Rashad Boyukkishiev, protesters are believed to have been unarmed and non-confrontational. Protesters were met by the Ganja police force, with most officers also unarmed. There was no violence or confrontation between the police and protesters for the first 30 minutes of the protest.[35]

21. At or around 8:30pm, a man – later identified as Rashad Boyukkishiev – was seen taking out a long knife and attacking three police officers. Two high-ranking police officers – Colonel Ilgar Balakishiev and Colonel Samed Abbasov – were killed in the attack, a third officer was seriously injured.[36] According to analysis of the video footage of the attack by the Committee Against Torture and Repression, Boyukkishiev appeared to be acting alone.[37] The Committee also notes that the police on the scene behaved in a surprisingly casual manner when two of their colleagues were stabbed: "Rashad Boyukkishiyev walks up and down the square, holding up his knife. The police either ignore him or don't stop him, and some of them just watch him get away."[38] According to witnesses and

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29 Anar Baghirov and Agha Sarkhani (see section E below).

30 Please note that the authors have only been able to identify 28 individuals under investigation. Trend, 'Gəncədə icra başçısına sui-qəsdlə bağlı 12 nəfər saxlanılıb', 9 July 2018, available at: *https://az.trend.az/azerbaijan/society/2926872.html?fbclid=IwAR1bOhBEw983Jm34BWkokcxBy5-OOmM-X8ZtCJh66A9OZjHixr9VD9uF5fk*; Trend, 'Azerbaijani Prosecutor General's Office: 61 people detained over Ganja events', 31 July 2019, available at: *https://en.trend.az/azerbaijan/society/3098888.html*.

31 Institute for Peace and Democracy, 'Prosecutor General's Office of Azerbaijan left Yunis Safarov without a lawyer', available at: *http://ipdthinktank.org/Yunis_Seferov_Savci_eng.html*.

32 Eurasianet, 'Azerbaijan: One year on, Ganja events remain unexplained', 26 Aug. 2019, available at: *https://eurasianet.org/azerbaijan-one-year-on-ganja-events-remain-unexplained*.

33 YouTube, 'Elmar Vəliyevi öldürən Yunis Səfərovun həyat yoldaşı tərəfindən şayələrə son qoyuldu', 4 July 2018, available at: *https://www.youtube.com/watch?reload=9&v=vNIVIuW31-w*. The YouTube channel is no longer available: as reported in Eurasianet, 'Azerbaijan: One year on, Ganja events remain unexplained', 26 Aug. 2019, available at: *https://eurasianet.org/azerbaijan-one-year-on-ganja-events-remain-unexplained*.

34 Constitution of Azerbaijan, Article 49; Law on Freedom for Assembly, Art. 5.

35 Eurasianet, 'Azerbaijan: One year on, Ganja events remain unexplained', 26 Aug. 2019, available at: *https://eurasianet.org/azerbaijan-one-year-on-ganja-events-remain-unexplained*.

36 OC Media, 'Two police officers killed in Ganja rally after botched assassination on mayor;, 12 July 2018, available at: *https://oc-media.org/two-police-officers-killed-in-ganja-rally-after-botched-assassination-on-mayor/*; Eurasianet, 'Azerbaijan: One year on, Ganja events remain unexplained', 26 Aug. 2019, available at: *https://eurasianet.org/azerbaijan-one-year-on-ganja-events-remain-unexplained*.

37 Eurasianet, 'Azerbaijan: One year on, Ganja events remain unexplained', 26 Aug. 2019, available at: *https://eurasianet.org/azerbaijan-one-year-on-ganja-events-remain-unexplained*, citing Repressiya və İşgəncələr Əleyhinə Komitə, '2018-ci ilin Gəncə hadisələri: terror, təxribat, yoxsa ictimai etiraz.

Reallıqlar və uydurmalar" mövzusunda', 2019, available at: *http://www.contact.az/advertisements/hsbt/Gence-2019-Hesabat-son.htm*.

38 Ibid; See also

lawyers who have reviewed video footage of the attack presented at trial, Boyukkishiev was allowed to flee the scene unimpeded.[39]

22. At or around 9:30 pm, riot police arrived and began to attack and arrest members of the public. Individuals were picked from the crowd, hit on the head and body with truncheons, and shoved into vehicles to be taken away. After protesters dispersed from the square, security forces began to beat and seize people in the adjoining streets, at a bus shelter, and in front of the Mosque. According to authorities, some 40 persons were arrested on 10 July 2018,[40] however eyewitnesses report seeing up to 100 detainees at the Nizami Police Station in Ganja.

23. Azerbaijani authorities promptly launched an investigation into the Ganja events, creating a special working group made up of members of the Ministry of the Interior, State Security Service and the Prosecutor General's Office.[41] A group of 29 people were identified as 'militant co-conspirators' who allegedly planned and perpetrated Safarov's attack on the Head of Executive Power in Ganja.[42] A further 59 people arrested in connection with the 10 July protest were identified as a 'radical religious and criminal conspiracy' seeking to incite and/or perpetrate violence against the State.[43] President Aliyev is reported to have personally taken charge of the investigation, describing the events as "terrorism and crimes against Azeri statehood aimed at intimidating society".[44]

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39 Eurasianet, 'Azerbaijan: One year on, Ganja events remain unexplained', 26 Aug. 2019, available at: *https://eurasianet.org/azerbaijan-one-year-on-ganja-events-remain-unexplained*, citing Repressiya və İşgəncələr Əleyhinə Komitə, '2018-ci ilin Gəncə hadisələri: terror, təxribat, yoxsa ictimai etiraz.

Reallıqlar və uydurmalar" mövzusunda', 2019, available at: *http://www.contact.az/advertisements/hsbt/Gence-2019-Hesabat-son.htm*.

40 Oxu.az, 'Gəncədə asayiş pozulub: İki polis şəhid olub – RƏSMİ', 10 July 2018, available at: *https://oxu.az/politics/265664*.

41 Trend, '22 people to face trial over Ganja events in Azerbaijan', 3 Dec. 2018, available at: *https://en.trend.az/azerbaijan/politics/2988512.html*.

42 Trend, 'Azerbaijani Prosecutor General's Office: 61 people detained over Ganja events', 31 July 2019, available at: *https://en.trend.az/azerbaijan/society/3098888.html*.

43 Trend, 'Azerbaijani Prosecutor General's Office: 61 people detained over Ganja events', 31 July 2019, available at: *https://en.trend.az/azerbaijan/society/3098888.html.*

44 Reuters, 'Assassination attempt and protest send warning to Azerbaijan's rulers', 6 Aug. 2018, available at: *https://uk.reuters.com/article/uk-azerbaijan-protests-insight/assassination-attempt-and-protest-send-warning-to-azerbaijans-rulers-idUKKBN1KR0EW.*

V. Government crackdown

24. The coordinated operation began in the wake of the 10 July protest. Mobile telephone data services were reportedly turned off in Ganja for two days following the protest – in an attempt to contain the spread of civil unrest.[45] Searches were conducted in homes across Azerbaijan. The operation resulted in at least five extrajudicial killings, 78 arrests and prosecutions, two deaths in custody and credible allegations of systematic use of inhuman treatment and torture to obtain self-incriminating confessions.

A. Deaths in the course of law enforcement operations

25. Reported figures on the number of persons killed in the course of law enforcement operations connected to the Ganja events range between five and ten. Azerbaijani authorities have confirmed five deaths; while some media reports suggest that up ten people may have been killed (the identities and circumstances of death of five other persons are yet to be conclusively ascertained).[46] According to the authorities, the following individuals were killed whilst resisting arrest by Azerbaijani security forces:

- Rashad Boyukkishiev was reportedly killed on 13 July 2018 in Shamkir. He was the primary suspect in the killing of two police officers during the 10 July 2018 protests in Ganja.[47]
- Anar Baghirov was reportedly killed on 21 July in the Khojasan district of Baku. According to the authorities, Baghirov was a 'member of a radical religious group' and was Yunis Safarov's co-conspirator in the latter's attempt to assassinate Valiyev.[48]
- Agha Sarkhani was reportedly killed on 25 July 2018. The authorities claim that he was the mastermind of Safarov's attack on Valiyev. Sarkhani was a member of the Muslim Unity Movement, an organization that disputes having any involvement in Safarov's attack.[49]

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45 Reuters, 'Assassination attempt and protest send warning to Azerbaijan's rulers', 6 Aug. 2018, available at: *https://uk.reuters.com/article/uk-azerbaijan-protests-insight/assassination-attempt-and-protest-send-warning-to-azerbaijans-rulers-idUKKBN1KR0EW.*

46 Eurasianet, 'Azerbaijan: One year on, Ganja events remain unexplained', 26 Aug. 2019, available at: *https://eurasianet.org/azerbaijan-one-year-on-ganja-events-remain-unexplained*.

47 Ministry of the Interior of Azerbaijan, 'Respublika Baş Prokurorluğunun, Daxili İşlər Nazirliyinin və Dövlət Təhlükəsizliyi Xidmətinin mətbuat xidmətlərinin məlumatı', 13 July 2018, available at: *https://www.mia.gov.az/?/az/news/view/1217/*; Meydan.TV, 'Azerbaijani officers kill suspect in police slayings', 13 July 2018, available at: *https://www.meydan.tv/en/article/azerbaijani-officers-kill-suspect-in-police-slayings/?/ref=redirect*.

48 AzerNews, 'Azerbaijan eliminates another criminal involved in Ganja events', 21 July 2018, available at: *https://www.azernews.az/nation/135165.html*; General Prosecutor of Azerbaijan, 'Respublika Baş Prokurorluğu, Daxili İşlər Nazirliyi və Dövlət Təhlükəsizliyi Xidmətinin mətbuat xidmətlərinin M Ə L U M A T I', 21 July 2018, available at: *http://www.genprosecutor.gov.az/news/5/1894/respublika-bas-prokurorlugu-daxili-isler-nazirliyi-ve-dovlet-tehlukesizliyi-xidmetinin-metbuat-xidmetlerinin-m-e-l-u-m-a-t-i*.

49 Eurasianet, 'Crackdown widens in Azerbaijan's second city as police kill assassination suspects', 1 Aug. 2018, available at: *https://eurasianet.org/crackdown-widens-in-azerbaijans-second-city-as-police-kill-assassination-suspects*; Kavkaz Uzel, 'Азербайджанские активисты раскритиковали расследование "гянджинского дела"', 30 July 2018, available at: *https://www.kavkaz-uzel.eu/articles/323662/*.

- Fuad Samedov was reportedly killed on 28 July 2018 in Samuh.[50]
- Murad Rahimov was reportedly killed on 11 August 2018 in Sumgayit.[51]

26. Azerbaijani authorities have released very little public information about the circumstances of these deaths, or the evidence linking the deceased individuals to alleged crimes. There is no basis to believe that the authorities conducted any, or any genuine investigations into the conduct of these operations and the resulting deaths. This is consistent with Article 8 of the 2014 Law on Combatting Religious Extremism, which allows Azerbaijani law enforcement agents to "inflict damage to life, health or property of religious extremists" with impunity.[52] Evidence seen by the authors reveals serious inconsistencies between official reporting on the deaths and post mortem examination of the bodies. Further, there is credible evidence that bodies of the deceased were moved from morgues by security forces, disappeared or buried in secrecy in unmarked graves, obstructing relatives from obtaining bodies and/or information about their deaths and burial. Such conduct implies an official cover-up, which can only be addressed with an independent and transparent inquest into these deaths.

B. Arrest and detention

27. In addition to Yunis Safarov, as many as 100 people were arrested and at least 77 persons have been criminally prosecuted in relation to the events in Ganja. Authorities reported that 40 persons were arrested at the scene of the 10 July protest in Ganja,[53] however eyewitnesses recall seeing more than 100 detainees at the police station that evening. Others were arrested in subsequent police operations throughout Azerbaijan. Several detainees had not attended the protest at all, whilst others believe that they were targeted on the basis of their appearance as practicing Muslims.

28. Following the arrests, detainees were initially brought to police stations in Ganja (mainly the Nizami District Police Department). Most – including women, youths, elderly persons, persons with disabilities and journalists – were subjected to gratuitous violence and humiliation. Cries of violence and pain could be heard from outside Nizami Police Station. People were beaten with fists, boots, batons and walkie-talkies. Detainees were interrogated without being offered legal assistance. In a number of cases, the level of pain and suffering in the course of interrogation and punishment reached the threshold of torture. Detainees were then taken to courtrooms and sentenced to administrative detention during short, undefended hearings. They continued to be subjected to inhuman conditions of detention and gratuitous violence throughout the period of administrative detention. Families had no access to detainees for at least 20 days after arrest.

29. Those charged with criminal offences were detained and interrogated at the Nizami Police Department and/or transferred to the Anti-Organised Crime Unit in the Ministry of Interior in Baku, where they continued to be interrogated and abused. Once detainees agreed to sign false confessions, they were presented before a judge and remanded into pre trial custody at the Pre-Trial Detention Facility in Baku. Pre-trial hearings lasted minutes and inevitably resulted in custody – the judges disregarding allegations of torture and clearly visible injuries.[54]

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50 Trend, 'Gəncədə ictimai asayişi pozmağa cəhd göstərmiş daha bir nəfər zərərsizləşdirilib', 28 July 2018, available at: *https://az.trend.az/azerbaijan/gundem/2934669.html*.

51 Yeniavaz, 'Gəncə hadisələrinin daha bir iştirakçısı öldürülüb', 11 Aug. 2018, available at: *https://www.yeniavaz.com/az/newscontent/znewscontent/81745/gence-hadiselerinin-daha-bir-istirakcisi-oldurulub*;

52 *http://www.e-qanun.az/framework/31509*

53 Oxu.az, 'Gəncədə asayiş pozulub: İki polis şəhid olub – RƏSMİ', 10 July 2018, available at: *https://oxu.az/politics/265664*.

54 Working Group on a Unified List of Political Prisoners, 'A Unified List of Political Prisoners in Azerbaijan', September 2019, Appendix 2: Ganja Case.

30. In addition to Safarov, fifteen people were arrested and held as his accomplices in the attempted assassination of Valiyev.[55] They were charged with conspiracy to murder, terrorism and attacking public officials. The trial of Safarov and eleven alleged co-conspirators began on 8 January 2020.[56] At the time of writing, all 16 remain in custody.

31. A further 59 people were arrested in July and August 2018, in connection with the 10 July 2018 protest in Ganja.[57] These detainees were split into seven groups or cases, and charged with all or a combination of the following offences: Article 220.1: organizing or participating in mass disorders accompanied by violence, criminal damage, arson, destruction of property, use of fire arms, explosives, and armed resistance to law enforcement agents; Article 228.1: the illegal purchase, transfer, sale, storage, transportation and carrying of firearms, accessories or explosives; Article 234.4.3: the illegal purchase or storage with intent to sell, manufacturing, processing, transportation, transfer or sale of narcotics or psychotropic substances (in large quantities); Article 315.1: violent resistance to a representative of state authority in connection with the latter's exercise of official functions, or the use or threat of use of violence (which does not pose danger to life and health) against a family member of a representative of state authority; Article 315.2: acts of violence endangering the life and health of law enforcement agents in the performance of their official duties.[58]

C. Conditions of detention and torture in custody

32. All detainees were reportedly held incommunicado for months – with no access or contact to family or effective legal counsel.[59] Throughout the first weeks of detention, police officers and/or guards subjected detainees to continuous physical and psychological abuse. Detainees were held in overcrowded cells, corridors and cages. They were bound, denied food; water and vital medical care for prolonged periods. Detainees were subjected to systematic violence and various forms of torture during interrogations, and were forced to sign false confessions under the use and threat of torture. These confessions were later presented as evidence against them in subsequent trials.

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55 Farrukh Gasımov, Firudin Zeynalov, Jafar Zalov, Mahir Azizov, Muraz Aliyev, Hamlet Abdullayev, Fikrat Alakbarov, Orkhan Huseynov, Sakhavat Ahmadov, Rasim Heydarov. Mirmajid Abbasov, Ariz Feyzizadeh, Elmir Mammadov, Nofal Mammadov, Eltun Aliyev, Elman Mammadov, Isa Maharramov, Igram Rahimov: Trend, 'Azerbaijani Prosecutor General's Office: 61 people detained over Ganja events', 31 July 2019, available at: *https://en.trend.az/azerbaijan/society/3098888.html*.

56 The authors have unconfirmed reports that five alleged co-conspirators - Ibrahimli Akbar Habib oglu, Goyushov Taleh Hasan oglu, Nuriyev Vusal Mammad oglu, Zahidov Elmir Savadkhan oglu and Musayev Parviz Alimusa oglu – were tried and convicted separately by the Lankaran Grave Crimes Court. At the time of writing, it is unclear why their cases were severed from the main case, the charges and sentences received.

57 GROUP 1: Samir Ibrahimov, Khayal Gafarov, Kamal Guliyev, Ali Rzayev, Raul Suleymanov, Ulvi Hasanov, Vugar Allahverdiyev, Rauf Gurbanzade, Mireshgin Seyidov, Kamal Mammadtagiyev, Gadir Huseynov; GROUP 2: Kamal Maharramov. Orkhan Yagnaliyev, Maarif Hajiyev, Shahlar Rzayev. Ruslan Hasanov. Tural Bayramov. Nizami Akbarov, Togrul Verdiyev, Seymur Aliyev, Vagif Ashrafov, Araz Hasanov; GROUP 3: Elman Rustamov, Nemat Haydarli, Elvin Allahverdiyev, Elvin Nazarov, Vugar Khudiyev. Renat Mammadov; GROUP 4: Yavar Ismayilzade, Zabil Mammadov, Isa Maharramzadeh, Aydin Rustamov, Ganbar Garazade, Alim Yusifov, Elvin Aliyev; GROUP 5: Bakram Aliyev, Habib Gurbanov, Mirza Huseynov, Asaf Javadov, Shahin Verdiyev, Elmir Huseynzadeh. Vugar Yusifov, Emil Mammadov; GROUP 6: Oktay Huseynzade, Eshkin Guliyev, Urfan Mammadov, Huseyn Bayramov, Rauf Bayramov, Elshan Mammadov, Abbas Abbasov; GROUP 7: Elman Guliyev, Eyruz Hajiyev, Gulmirza Nurzadeh, Sabuhi Rajabov, Fikret Mirzaliyev, Sabir Azizov, Riyad Nurzade, Jabir Azizov

Aydin Gurbanov – See Annex A.

58 Criminal Code of Azerbaijan, an unofficial English translation available at: *https://www.wipo.int/edocs/lexdocs/laws/en/az/az017en.pdf*.

59 Working Group on a Unified List of Political Prisoners, 'A Unified List of Political Prisoners in Azerbaijan', September 2019, Appendix 2: Ganja Case.

According to the Committee Against Torture and Repression, "[t]he scale and cruelty of the torture was so severe that many victims lost consciousness".[60]

33. Reported forms of physical and mental ill-treatment include:

- Being bound, hand-cuffed, blindfolded and severely beaten;
- Beatings with batons administered to the soles of the feet;
- Electric shock to genitals and other parts of the body;
- Burning of various parts of the body with an open flame;
- Digits crushed with pliers or other similar instrument;
- Repeated blows to the chest, head and injured parts of the body with heavy-soled boots.[61]

34. In addition to these forms of physical violence, detainees were subjected to various forms of intense psychological pressure, including humiliation, being forced to watch friends being beaten, threat of rape with objects and threats against family members.

35. Detainees whose accounts have been reported in the media confirm the intensity and cruelty of torture used against them. In an open letter to the public, one detainee describes the intensity of electric shock torture he sustained in custody: "They tied something to my little fingers and applied electricity [...] I screamed so much I lost my voice. Both of my fingers were torn to pieces." [62] Another detainee describes the cruelty of interrogators and the terrible impact of being beaten on the soles of his feet: "I was so severely beaten that my whole body was in bruises. I was bleeding and could not stand, but they would not allow me to sit. Someone asked, why they wouldn't let me sit, and they allowed it. When I tried, I could not sit. The soles of my feet were ruined by batons, so I could not put any weight on my feet or wear my shoes".[63]

36. Detainees sustained serious and debilitating injuries in custody and during interrogations. As a result, some were unable to stand, sit, put on shoes, eat or go to the toilet without assistance.[64] Many continue to suffer physical (e.g.: migraines, restricted movement, physical deformities, cardio-vascular and digestive disorders) and psychological trauma, and may never recover from the ordeal. A number of detainees are believed to have thought about and/or attempted to commit suicide as a result of their treatment endured in police custody.[65]

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60 Eurasianet, 'Azerbaijan: One year on, Ganja events remain unexplained', 26 Aug. 2019, available at: *https://eurasianet.org/azerbaijan-one-year-on-ganja-events-remain-unexplained* citing Repressiya və İşgəncələr Əleyhinə Komitə, '2018-ci ilin Gəncə hadisələri: terror, təxribat, yoxsa ictimai etiraz.

Reallıqlar və uydurmalar" mövzusunda', 2019, available at: *http://www.contact.az/advertisements/hsbt/Gence-2019-Hesabat-son.htm*.

61 Based on evidence seen by the authors and the findings of the Working Group on a Unified List of Political Prisoners, 'A Unified List of Political Prisoners in Azerbaijan', September 2019, Appendix 2: Ganja Case.

62 Eurasianet, 'Azerbaijan: One year on, Ganja events remain unexplained', 26 Aug. 2019, available at: *https://eurasianet.org/azerbaijan-one-year-on-ganja-events-remain-unexplained*.

63 Working Group on a Unified List of Political Prisoners, 'A Unified List of Political Prisoners in Azerbaijan', September 2019, Appendix 2: Ganja Case.

64 Working Group on a Unified List of Political Prisoners, 'A Unified List of Political Prisoners in Azerbaijan', September 2019, Appendix 2: Ganja Case.

65 Eurasianet, 'Azerbaijan: One year on, Ganja events remain unexplained', 26 Aug. 2019, available at: *https://eurasianet.org/azerbaijan-one-year-on-ganja-events-remain-unexplained* citing Repressiya və İşgəncələr Əleyhinə Komitə, '2018-ci ilin Gəncə hadisələri: terror, təxribat, yoxsa ictimai etiraz.

Reallıqlar və uydurmalar" mövzusunda', 2019, available at: *http://www.contact.az/advertisements/hsbt/Gence-2019-Hesabat-son.htm*.

D. Deaths in custody

37. At least two persons detained in relation to the events in Ganja are reported to have died in custody:

    - Eshkin Guliyev died at the Penitentiary Service Hospital on 30 September 2019. According to an official statement, Guliyev was in a deep coma and died as a result of as viral hepatitis C, anemia, headaches, and lung failure.[66]
    - Aydin Gurbanov died of stomach cancer at the Penitentiary Service Hospital on 10 July 2019. Despite his deteriorating condition throughout his detention, Gurbanov was denied release on humanitarian grounds. His wife was allowed to visit him for 15 minutes whilst he was in a coma.[67]

E. Trials, convictions and sentences

38. Detainees from Groups 1-4 and 7 have been tried, convicted and sentenced between February and May 2019. The government's case was that the defendants were acting as part of an Islamist conspiracy to disrupt public order and attack representatives of state authority. The defendants' case was that none of them committed any violent acts, had no weapons on them, caused no injury to anyone and were not affiliated or conspiring with Rashad Boyukkishiev (the man who killed two police officers).[68]

39. All 43 detainees from groups 1-4 and 7 have been convicted. The trials were held in Baku, with judges from the Ganja Grave Crimes Court presiding. The Court handed down sentences ranging from six to ten years of imprisonment.[69] In August 2019, the Ganja Court of Appeal (sitting in Baku) – on application from the Prosecutor General – re-qualified some of the charges and reduced all sentences by two to five years.[70] At the time of writing, the trials in Groups 5 and 6 and the trial of Safarov and his alleged accomplices are ongoing.

40. The Working Group on a Unified List of Political Prisoners reached the following conclusions having monitored these proceedings and analysed the available case materials:[71]

    - The trials lacked transparency and unduly restricted public access, as journalists had to obtain special accreditation, some observers were expelled from the courtroom, and all forms of note-taking were forbidden.

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66 Working Group on a Unified List of Political Prisoners, 'A Unified List of Political Prisoners in Azerbaijan', September 2019, Appendix 2: Ganja Case.

67 OC Media, 'Cancer patient arrested during Ganja protests dies in custody', 11 July 2019, available at: *https://oc-media.org/a-cancer-patient-arrested-during-ganja-protests-has-died-in-custody/*; Radio Free Europe, 'Azerbaijani cancer patient dies in pretrial detention; authorities refused to release him', 10 July 2019, available at: *https://www.rferl.org/a/azerbaijani-cancer-patient-dies-in-pretrial-detention-authorities-refused-to-release-him/30047665.html*.

68 Working Group on a Unified List of Political Prisoners, 'A Unified List of Political Prisoners in Azerbaijan', September 2019, Appendix 2: Ganja Case.

69 Based on information obtained from: Working Group on a Unified List of Political Prisoners, 'A Unified List of Political Prisoners in Azerbaijan', September 2019, pp.72-90.

70 OC Media, 'Confrontation at Baku court as pepper spray used against defendants', 18 Aug. 2019, available at: *https://oc-media.org/confrontation-at-baku-court-as-pepper-spray-used-against-defendants/*; Turan, 'The prosecutor proposed to soften the punishment to a group of convicts in the "Ganja case", 3 Aug. 2019, available at: *http://www.contact.az/ext/news/2019/8/free/Social/en/82809.htm*; Eurasianet, 'Azerbaijan: One year on, Ganja events remain unexplained', 26 Aug. 2019, available at: *https://eurasianet.org/azerbaijan-one-year-on-ganja-events-remain-unexplained*; Working Group on a Unified List of Political Prisoners, 'A Unified List of Political Prisoners in Azerbaijan', September 2019, pp.72-90.

71 Working Group on a Unified List of Political Prisoners, 'A Unified List of Political Prisoners in Azerbaijan', September 2019, Appendix 2: Ganja Case.

- The government's case was based on the existence of a criminal conspiracy amongst the defendants to disrupt public order and attack representatives of the state. Prosecutors failed to present any or any credible evidence that such a conspiracy existed – particularly as many of the co-defendants did not know each other, had only heard of the 10 July protest from social media or, in some cases, were mere bystanders.
- The verdicts were almost identical to the indictments – indicating a complete lack of independent judicial inquiry into the evidence. The Court failed to set out the evidence that supported the convictions. Witnesses for the prosecution heard in the course of the trial – all police officers – were only able to testify about the killing of two police officers by Rashad Boyukkishiev, and failed to provide any evidence implicating individual defendants. All other witnesses provided evidence that supported the defendants' cases. Protocols of search of the defendants' houses did not reveal any evidence of violent intent or affiliation with extremist groups.
- Forensic evidence presented at trial confirms that aside from the three police officers targeted by Boyukkishiev, all other injuries were sustained by protesters rather than the police.
- All defendants stated that the police forced them to sign confessions under the threat and/or use of torture, and disputed the veracity of these confessions. Detailed allegations of torture at the hands of law enforcement agents were not considered by the Court.
- Court-appointed defence lawyers acknowledged that their presence at trial was a formality, and failed to provide effective legal counsel (e.g.: failing to challenge torture-tainted confessions). Privately retained lawyers were unable to effectively represent their clients (e.g.: motions to examine crucial evidence in court and cross-examine prosecution witnesses were summarily dismissed).

41. The Committee Against Torture and Corruption – who intervened in the cases on the detainees' behalf – agrees that the trials lacked transparency and the evidence presented in court did not support the verdicts. According to the Committee's coordinator video footage of the Ganja protest obtained from public and private cameras makes it clear that no one, apart from Rashad Boyukkishiev, used physical violence or weapons against the police.[72] Media reports also point out major flaws in the authorities' case, suggesting that the allegations of Islamic insurgency were fabricated.[73]

42. Further contemporaneous accounts of trial proceedings seen by the authors reveals systemic inequality of arms and a lack of independence and impartiality from the judges. Judges consistently denied defence motions, including challenges to the admissibility of false confessions obtained under torture, or requests to adduce exonerating evidence. Judges are also reported to have led witnesses towards confirming the prosecution's case, and were even seen retiring into the deliberation room with members of the prosecution. All attempts to raise evidence of beatings and torture in custody were shut down by the judges and prosecutors.

F. Conclusion

43. The government's public position is that Safarov's 3 July attack on Elmar Valiyev, and the subsequent protest in Ganja on 10 July 2018, were part of an Islamist plot to topple the secular government and replace it with an Islamic caliphate. The authorities allege that the five persons killed in the course of law enforcement operations, and 78 persons charged and prosecuted under anti-terrorism laws were part of a conspiracy to cause public disorder and attack agents and institutions of state. This position is not supported by evidence presented by the authorities in the course of legal proceedings. Whilst it is not contested that Safarov and Boyukkishiev perpetrated reprehensible acts of violence for which they deserved to be tried and punished under the law, the government has failed to present credible evidence proving the existence of an Islamist plot or implicating any of the other detainees.

44. Opposition activists, commentators and residents of Ganja have expressed scepticism about the government's version of events, and there is growing consensus that the government was using this situation, and the spectre of Islamic terrorism, to crack down on the opposition and suppress public dissatisfaction with widespread corruption, poverty and the scarcity of civil, political, social or economic rights.[74]

45. On 28 August 2018, President Aliyev dismissed Elmar Valiyev from the post of Head of Executive Power of Ganja.[75] Reasons for the dismissal have not been disclosed, but some have interpreted this as an acknowledgment of public discontent towards Valiyev, and an attempt to de-escalate the situation.[76] In July 2019, in a further sign of the government's climb-down from its position, a newly appointed prosecutor asked the Court of Appeal to reduce the sentences for convicted defendants in the Ganja case.[77] Nevertheless, the majority of defendants remain in detention, whilst law enforcement agents complicit in killings and tortures set forth in this report, enjoy total impunity.

74 Eurasianet, 'Attacks in Azerbaijan raise accusations of Islamic extremism, government skullduggery', 11 Jul 2018, available at: *https://eurasianet.org/attacks-in-azerbaijan-raise-accusations-of-islamist-extremism-government-skullduggery.*

75 RadioFreeEurope, 'Head of Azerbaijan's Second-Largest City Sacked After Attacks', 28 August 2018, available at: *https://www.rferl.org/a/head-of-azerbaijan-s-second-largest-city-sacked-after-attacks/29458187.html*.

76 See for example: JAM News, 'More than a dozen participants in deadly Ganja protest sentenced to five years in prison', 6 March 2019, available at: *https://jam-news.net/more-than-a-dozen-participants-in-deadly-ganja-protest-sentenced-to-five-years-in-prison/*.

77 Eurasianet, 'Azerbaijan: One year on, Ganja events remain unexplained', 26 Aug. 2019, available at: *https://eurasianet.org/azerbaijan-one-year-on-ganja-events-remain-unexplained*; Azadliq, 'Prokurorluq Gəncə hadisələriylə bağlı fikrini dəyişdi', 9 Aug. 2019, available at: https://www.azadliq.org/a/prokurorluq-gəncə-hadisələriylə-bağlı-fikrini-dəyişdi/30101625.html.

VI. Human rights violations

46. The purpose of this section is to analyse the Azerbaijani authorities' conduct in response to the July 2018 events in Ganja, using the legal framework of the European Convention on Human Rights (ECHR). Based on evidence seen by the authors, the authorities' response has violated the following ECHR rights:

- Right to life (Article 2)
- Prohibition of torture and inhuman or degrading treatment (Article 3)
- Right to liberty and security (Article 5)
- Right to a fair trail (Article 6)
- Freedom of assembly (Article 11)

A. Right to life (Article 2)

47. The right to life is a fundamental non-derogable right (even in time of national emergency) that underpins all other rights in the ECHR. As such, its provisions must be strictly construed.[78] First, the right to life requires the state to criminalise the act of killing, and to actively prevent and punish deprivations of life by public and private actors.[79] Second, the right strictly prohibits arbitrary killing by State authorities, and requires national law to control and limit the circumstances in which a person may be deprived of his/her life by State authorities (through adequate legal frameworks, training, oversight and prosecutions).[80] Whilst law enforcement officials may resort to the use of force in a narrow set of circumstances (e.g. to safeguard public security or restore public order), such force must be (in the agent's honest belief) no more than absolutely necessary for and strictly proportionate to the achievement of a legitimate aim.[81] Third, the right to life requires the State to effectively, thoroughly and credibly investigate all cases of deprivation of life and enforced disappearances.[82] Such investigations must be independent,[83] effective (i.e. capable of leading to a determination of whether the force used was justified in the circumstances and of identifying and – if appropriate – punishing those responsible),[84] prompt,[85] and with a sufficient element of public scrutiny.[86] Persons in detention must be offered adequate healthcare,[87] and the State must investigate and fully explain any deaths in its custody.[88]

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78 ECtHR, *McCann and Others v. UK*, para. 146.

79 ECtHR, *Centre for Legal Resources on behalf of Valentin Campeunu v. Romania* [GC], para. 130; ECtHR, Osman v. UK, para. 115.

80 ECtHR, *Giuliani and Gaggio v. Italy* [GC], para. 209.

81 ECtHR, *McCann and Others v. UK*, para. 148-149; ECtHR, *Nachova and Others v. Bulgaria* [GC], para. 95: the ECtHR has underlined that the legitimate aim of effecting a lawful arrest can only justify putting human life at risk in circumstances of absolute necessity. Therefore in principle there can be no such necessity where it is known that the person to be arrested poses no threat to life or limb and is not suspected of having committed a violent offence, even if a failure to use lethal force may result in the opportunity to arrest the individual concerned being lost.

82 ECtHR, *Armani Da Silva v. UK* [GC], para. 229; ECtHR, *McCann and Others v. UK*, para. 161.

83 ECtHR, *Armani Da Silva v. UK* [GC], para. 232.

84 ECtHR, *Armani Da Silva v. UK* [GC], para. 233.

85 ECtHR, *Armani Da Silva v. UK* [GC], para. 237.

86 ECtHR, *Ramsahai and Others v. the Netherlands* [GC], para. 353; Including providing information to and the participation of the next of kin – ECtHR, *Al-Skeini and Others v. UK* [GC], para. 167.

87 ECtHR, *Dzieciak v. Poland*, para. 91; ECtHR, *Kats and Others v. Ukraine*, paras. 105-112 – in cases of terminal illness, the State will bear responsibility where lack of medical attention and refusal to consider release lead to a serious deterioration of the condition.

88 ECtHR, *Slimani v. France*, para. 27; ECtHR, *Kats and Others v. Ukraine*, para. 104; ECtHR, *Salman v Turkey* [GC], para. 99.

48. In the present case, at least seven people connected to the events in Ganja by the Azerbaijani authorities have died. Of the seven, at least five persons were killed in law enforcement operations, and a further two died in pre-trial custody. In all seven cases, the authorities failed to conduct prompt, independent, effective and transparent investigations into the deaths. The lack of accountability is exacerbated by Article 8 of the 2014 Law on Combatting Religious Extremism, which allows Azerbaijani law enforcement agents to "inflict damage to life, health or property of religious extremists" with complete impunity.[89]

(A) AT LEAST FIVE PERSONS KILLED IN THE COURSE OF LAW ENFORCEMENT OPERATIONS

49. According to Azerbaijani government statements, state security agents killed at least five persons using lethal force in the course of law enforcement operations.[90] The authorities subsequently claimed that all five were suspected members of the alleged plot to incite and/or perpetrate violence against State officials. According to the government, all five were killed resisting arrest. Official reports (some backed by photographs and video footage) state that the deceased were armed and violent.[91]

50. As noted above, serious inconsistencies between police reports and post mortem examinations raise doubts over the authorities' narrative that the deceased were killed because they were violently resisting arrest. The authorities have not presented credible evidence that lethal force by the authorities was absolutely necessary and strictly proportionate in the circumstances. Moreover, there are reasons to suspect that the killings may have resulted from direct orders to execute, a disproportionate response to a perceived threat, or a lack of sufficient training or adequate rules of engagement on the part of law enforcement officials.

51. In such circumstances, it is incumbent on authorities to promptly conduct detailed, independent and effective investigations into the circumstances of these five deaths. Moreover, such inquiries must be transparent and must offer clarity and a sufficient degree of participation to the next of kin. There is no evidence that the authorities have conducted independent, effective, prompt and transparent investigations into these deaths, or into the practices and rules of engagement that led to them. Official illusiveness, red tape, disappearing bodies and secret burials raise serious suspicions of an official cover-up.

52. As such, there is a reasonable basis to believe that at the very least, Azerbaijani authorities have violated the procedural requirements of the right to life in relation to all five deceased persons. Furthermore, there are reasons to suspect that Azerbaijani authorities used excessive force resulting in loss of life – in violation of Article 2 of the ECHR.

(B) TWO DEATHS IN CUSTODY

53. Two persons detained by Azerbaijani authorities in connection with the events in Ganja died in custody. Eshkin Guliyev is reported to have died on 30 September 2019 as a result of as viral hepatitis C, anemia, headaches, and lung failure.[92] Aydin Gurbanov is reported to have died of stomach cancer on 10 July 2019.[93] Both men had spent over one year in pre-trial detention prior to their deaths.

89 *http://www.e-qanun.az/framework/31509*

90 Rashad Boyukkishiev, Anar Baghirov, Agha Sakhani, Fuad Samedov and Murad Rahimov.

91 See section III(E) for more details.

92 Working Group on a Unified List of Political Prisoners, 'A Unified List of Political Prisoners in Azerbaijan', September 2019, Appendix 2: Ganja Case.

93 OC Media, 'Cancer patient arrested during Ganja protests dies in custody', 11 July 2019, available at: *https://oc-media.org/a-cancer-patient-arrested-during-ganja-protests-has-died-in-custody/*; Radio Free Europe, 'Azerbaijani

According to media reports, Aydin Gurbanov's condition deteriorated in custody as a result of his treatment and a denial of adequate medical treatment.[94]

54. Based on available information, the authors are not able to assess whether Azerbaijani authorities may be held responsible for causing the two men's deaths. Nevertheless, Azerbaijan had an obligation to provide both deceased persons with adequate healthcare,[95] and has a procedural obligation to investigate and fully explain these two deaths in custody.[96] There is no evidence that Azerbaijani authorities conducted any, or any genuine inquiries into these deaths. The burden falls on the State to demonstrate that such inquiries were genuinely undertaken. Failing that, the State is in violation of its procedural obligations under Article 2 of the ECHR.

(C) CONCLUSION ON VIOLATIONS OF THE RIGHT TO LIFE

55. For the foregoing reasons, we conclude that between July 2018 and September 2019, at least five persons were killed as a result of lethal force used by Azerbaijani authorities, and a further two persons died in Azerbaijani pre-trial custody. Whilst determining the precise circumstances of and responsibility for these deaths requires further inquiry, there is a reasonable basis to believe that Azerbaijan has failed to comply with its procedural obligations to conduct prompt, independent, effective and transparent investigations into these deaths. Moreover, the Law on Combatting Extremism effectively precludes the possibility of genuine investigations and prosecutions for deaths in 'anti-extremism' or 'anit-terrorism' raids. As such, we submit that Azerbaijan has violated Article 2 (right to life) of the ECHR in relation to all seven deceased persons.

B. Prohibition of torture and inhuman or degrading treatment (Article 3)

56. The prohibition of torture and inhuman or degrading treatment is absolute and not subject to derogation (even in times of national emergency).[97] Whether specific conduct falls within the scope of Article 3 of the ECHR depends on the level of severity of ill-treatment, taking account of all relevant circumstances. The level of severity is measured by the duration of ill-treatment, and its physical and mental effects on the individual. The victims' characteristics must also be taken into account including their age, sex and state of physical and mental health.[98] 'Inhuman treatment' refers to actual bodily harm or intense physical and mental suffering. 'Degrading treatment' refers to conduct that arouses feelings of fear, anguish and inferiority capable of humiliating, debasing and/or breaking the victim's physical or mental resistance. 'Torture' is distinguished from 'inhuman treatment' by the intensity of suffering occasioned by deliberately intense or cruel treatment (as well as having regard for the purpose of the treatment – i.e. interrogation, extracting confession or punishment).[99] There is no definitive list of acts that may constitute torture (the threshold will fluctuate depending on the

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cancer patient dies in pretrial detention; authorities refused to release him', 10 July 2019, available at: *https://www.rferl.org/a/azerbaijani-cancer-patient-dies-in-pretrial-detention-authorities-refused-to-release-him/30047665.html*.

94 JamNews, 'Man accused of assassination attempt against official dies in prison in Azerbaijan', 10 July 2019, available at: *https://jam-news.net/man-accused-of-assassination-attempt-against-official-dies-in-prison-in-azerbaijan/*.

95 ECtHR, *Dzieciak v. Poland*, para. 91; ECtHR, *Kats and Others v. Ukraine*, paras. 105-112 – in cases of terminal illness, the State will bear responsibility where lack of medical attention and refusal to consider release lead to a serious deterioration of the condition.

96 ECtHR, *Slimani v. France*, para. 27; ECtHR, *Kats and Others v. Ukraine*, para. 104; ECtHR, *Salman v Turkey* [GC], para. 99.

97 ECtHR, *Soering v. UK*, para. 88; ECHR, Article 15(2).

98 ECtHR, *Ireland v UK*, para. 162-167; ECtHR, Greek Case (dec). The threshold level is constantly evolving – see ECtHR, *Selmouni v France*, para. 101.

99 ECtHR, *Ireland v UK*, para. 162-167; ECtHR, *Selmouni v France*, paras. 98-105; ECtHR, Greek Case,

duration and individual circumstances[100]) – however electrocution, severe prolonged beatings, rape and heinous humiliation (stripping the victim and parading him/her naked, urination, exposure of or to sexual organs) may all constitute acts of torture (separately or cumulatively).[101] The threat of severe beatings and rape may constitute inhuman treatment, or contribute to torture in combination with other forms of abuse.[102] The ECtHR has previously found that Article 3 is triggered whenever an inmate is taken into custody in good health, but leaves with injuries (reversing the burden of proof onto the State to disprove inhuman treatment or torture).[103] To escape responsibility under Article 3, the State must prove that any recourse to physical violence in custody was made 'strictly necessary' by the inmate's own conduct. The inherent difficulties of investigating serious crimes "cannot justify placing limits on the protection to be afforded in respect of the physical integrity of individuals".[104] Mirroring obligations under Article 2 of the ECHR, the absence of an effective investigation into credible allegations of torture and inhuman/degrading treatment amount to a violation of Article 3.[105] The state has an obligation to safeguard the health and well-being of persons in custody – and the failure to monitor and treat an inmate whose health is deteriorating is a violation of Article 3.[106]

57. In the course of the riot police attack on protesters and bystanders on 10 July 2018, over 100 people were chased down, beaten with truncheons, kicked and dragged into vehicles. Such treatment, particularly administered against persons who are not engaged in acts of violence and who do not present a credible threat to the authorities, amounts to inhuman treatment.[107]

58. Further, there is a reasonable basis to believe that all persons taken into police custody in connection with the July 2018 events in Ganja were subjected to inhuman treatment and in many cases, their treatment reached the threshold of torture. Ill-treatment in police custody ranged from beatings, humiliation, threats and intense psychological pressure, to electric shocks, drowning, asphyxiation, crushing of digits and other severe forms of torture. Based on information seen by the authors, interrogations using torture were primarily conducted at Nizami Police station in Ganja, although there is also evidence of torture taking place at Tovuz and Kapaz police stations, and at the Ministry of the Interior premises in Baku.

59. Evidence seen by the authors suggests that virtually all persons brought to Nizami station on the night of 10 July 2018 – including women, journalists, the elderly, persons with disabilities and minors – were beaten and abused by the police officers. At least 30 persons were forced to kneel in stress positions and several were beaten to the point of losing consciousness. Further, a group of detainees was taken to Tovuz police station, and was subjected to prolonged beatings, intimidation, insults and humiliation both on the way to, and at the police station. The level of physical violence used by officers and the humiliation and fear experienced by detainees brought to Nizami and

100 ECtHR, *Price v UK*, para. 30 – whilst there was no intention to humiliate, disregard for health conditions or disability of an inmate can trigger Art. 3.

101 ECtHR, *Selmouni v. France*, para. 102-103; See also ECtHR, *Cesaro v Italy* (dec.) - a riot police attack and severe beating of a protestors' sleeping camp was found to have reached the level of 'torture'.

102 ECtHR, *Gäfgen v Germany*, para.108: a threat of torture can amount to torture, as the nature of torture covers both physical pain and mental suffering. In particular, the fear of physical torture may itself constitute mental torture. However, there appears to be broad agreement, and the Court likewise considers, that the classification of whether a given threat of physical torture amounted to psychological torture or to inhuman or degrading treatment depends upon all the circumstances of a given case, including, notably, the severity of the pressure exerted and the intensity of the mental suffering caused.; See also ECtHR, *Selmouni v. France*, para. 102-103.

103 ECtHR, *Aksoy v Turkey*, para. 61;

104 ECtHR, *Ribitsch v Austria*, para. 38.

105 ECtHR, *Assenov v. Bulgaria*, para. 102.

106 ECtHR, *Aleksanyan v Russia*, para. 158; ECtHR, McGlinchey v UK, para. 52-58.

107 ECtHR, *Cesaro v Italy* (dec.)

Tovuz stations on 10 – 11 July 2018 undoubtedly reached the threshold of inhuman and degrading treatment, and may have constituted torture.

60. Evidence of subsequent interrogations at Nizami Police Station (between 11 and 25 July 2018) reveals an escalation in the intensity of suffering and cruelty of treatment, including: prolonged and vicious beatings, deliberate targeting of injured body parts, use of electric shock, crushing of digits, beatings administered to the soles of the feet, asphyxiation, burning and drowning. The physical and verbal abuse was reportedly coupled with threats of violence (including sexual violence) against the victims and their loved ones. This ill-treatment was ostensibly calculated to break the victims' resolve, and to extract false confessions. Detainees received permanent and debilitating injuries and experienced suicidal urges as a result of the abuse they suffered at the hands of the police officers. Such treatment, inflicted for the purpose of extracting confessions, clearly reaches the ECHR threshold of torture.

61. Inhuman and degrading treatment was also reportedly experienced in the cells, courthouses, during transfers between facilities and at the Baku pre-trial detention facility. This included detention in overcrowded cells, denial of adequate medical treatment, denial of food and water, being handcuffed to the bed or other furniture, being routinely beaten and insulted by guards or prevented from sleeping. These conditions were equally designed to punish detainees for refusing to 'confess', and to break their resolve. The cumulative effect of weeks of violence, intimidation, interrogations, sleep deprivation and other inhuman conditions of detention has led to severe physical and mental trauma, and may reach the torture threshold.

62. Prosecutors, judges and other members of Azerbaijani authorities failed to conduct any, or any effective investigations into the inhuman treatment and torture experienced by detainees in this case. All attempts made by detainees, their lawyers and relatives to bring their ill-treatment to the attention of the authorities and judges were ignored and dismissed.

63. For all of the above reasons, we submit that violence, humiliation, psychological pressure, abuse and various forms of torture administered by Azerbaijani law enforcement agents against detainees, as well as the authorities' refusal to investigate credible allegations of inhuman treatment and torture, amount to gross violation of Article 3 of the ECHR.

C. Right to liberty and security (Article 5)

64. No one may be subjected to arbitrary arrest or detention or deprived of his/her liberty except on such grounds and in accordance with such procedures as are established by law.[108] Prior to a conviction, the right to liberty confers a general presumption of release,[109] meaning that it should not be general practice to remand suspect in pre-trial custody.[110] This presumption may be rebutted in a limited number of exceptional circumstances where authorities have a reasonable suspicion of the suspect's criminal responsibility, namely for the purposes of bringing a suspect before a competent legal authority, to prevent the commission of an offence, to protect the public and/or to prevent the defendant from absconding from justice.[111] Restrictions on a defendant's liberty must be lawful, reasonable, necessary and proportionate in the circumstances of the specific case.[112]

108 ECHR, Article 5(1).
109 ECHR, Article 5(3); ECtHR, *McKay v. the United Kingdom*, Judgment, para. 41.
110 HRC General Comment 35, para. 38.
111 ECHR, Article 5(1)(c); Human Rights Committee (HRC) Comment 35, para. 38.
112 HRC General Comment 35, para. 12; 38; Human Rights Committee Decisions under the Optional Protocol (CCPR), *Kulov v. Kyrgyzstan*, para. 8.3.

Any restrictions on liberty must be promptly reviewed by a fair and independent judiciary,[113] and all detainees must be tried within a reasonable time or be released pending trial.[114] Imprisonment post conviction may only be imposed by a competent and independent court, following a fair judicial process.[115] According to the European Court of Human Rights, "detention of an individual is such a serious measure that it is only justified where other, less stringent measures have been considered and found to be insufficient to safeguard the individual or the public interest which might require that the person concerned be detained".[116]

65. In the present case, at least 100 persons were arrested and taken into police custody following the protests in Ganja on 10 July 2018. Whilst some were released, it is understood that at least 70 persons were summarily tried and sentenced to 20 days of administrative detention. Further arrests took place over the weeks following the protest. In total some 78 persons were charged with criminal offences and remanded into pre-trial custody – where at least 24 persons remain to date. At the time of writing, of the 78 detainees charged with criminal offences, at least 43 have been tried and convicted, receiving sentences ranging from time served to ten years of imprisonment. In the authors' opinion, the vast majority (if not all) of those arrested in connection with the events in Ganja have been or are being arbitrarily detained in violation of Article 5 of the ECHR.

(A) POLICE CUSTODY

66. The precise number of persons taken into police custody following the events of July 2018 is not known. According to official accounts, at least 40 persons were arrested on the night of the 10 July protest.[117] However, eyewitnesses estimate that at least 100 persons were brought to the station that night. Furthermore, some detainees were diverted to Tovuz and Kapaz police stations after Nizami station was filled to capacity. Further arrests continued for several weeks following the 10 July protest.

67. It is understood that up to 70 persons arrested on 10 July 2018 were summarily tried and sentenced to a period of administrative detention within 24 to 48 hours of arrest. By contrast, those arrested over subsequent weeks on suspicion of criminal conduct (including those who had already been sentenced to administrative detention) were kept in police custody and interrogated for up to one week – without legal assistance or judicial supervision. There is a reasonable basis to believe that detainees were being held and physically abused at Nizami Police Station for the purpose of inducing false confessions. Following prolonged bouts of ill-treatment occasioning torture, detainees were made to sign fabricated pre-written confessions. Thus, the main aim of police detention was to induce self-incriminating statements in order to support criminal prosecutions. Once a statement had been obtained, detainees were brought before a judge and remanded into pre-trial custody.

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113 ECHR, Article 5(3) – the delay for bringing a suspect before a judge must not exceed four days (ECtHR, *Oral and Atabay v. Turkey, para. 43); judges are required to fully and independently assess the merits of detention (ECtHR, McKay v. UK [GC], para. 40)*.

114 ECHR, Article 5(3) - Whether it is reasonable for an accused to remain in detention must be assessed on the facts of each case and according to its specific features. Where such the grounds continued to justify the deprivation of liberty, the Court must also be satisfied that the national authorities displayed "special diligence" in the conduct of the proceedings (ECtHR, *Buzadji v. Modova* [GC], para. 87).

115 ECtHR, *Willcox and Hurford v. UK*, para. 95 – "If a conviction is the result of proceedings which were manifestly contrary to the provisions of Article 6 or the principles embodied therein, the resulting deprivation of liberty would not be justified under Article 5(1(a)"; ECtHR, *Weeks v. UK*, para. 61: The term "court" denotes bodies which exhibit not only common fundamental features, of which the most important is independence of the executive and of the parties to the case, but also the guarantees of judicial procedure.

116 ECtHR, *Ambruszkiewicz v Poland*, Judgment, para. 31.

117 Oxu.az, 'Gəncədə asayiş pozulub: İki polis şəhid olub – RƏSMİ', 10 July 2018, available at: *https://oxu.az/politics/265664*.

68. All restrictions on physical liberty must have a legitimate aim and comply with basic procedural safeguards. Prolonged police custody and interrogation for the purpose of inducing self-incriminating confessions is not a legitimate aim of detention, and constitutes a gross violation of the privilege against incrimination.[118] Where such detention takes place without judicial oversight, legal assistance and other procedural safeguards, it amounts to an arbitrary deprivation of liberty in violation of Article 5 of the ECHR.

(B) ADMINISTRATIVE DETENTION

69. At least 70 persons were sentenced to administrative detention in connection with the July 2018 events in Ganja. According to evidence seen by the authors, administrative detention hearings were undefended, lasted less than one minute and were devoid of all basic procedural guarantees. Detainees were brought before a judge who simply rubber stamped the authorities' request for 20-day administrative detention orders for public order offences. The judges ignored clearly visible signs of ill-treatment and torture in custody, and the detainees' pleas for redress. Following the hearing, detainees were taken out of the courtroom and subjected to ill-treatment throughout the period of detention.

70. The European Court of Human Rights has emphasised that its interpretation of the right to liberty extends to all forms of detention – including administrative detention.[119] As such, any and all restrictions on the right to liberty resulting from administrative detention proceedings must comply with the basic procedural guarantees arising from Article 5 and Article 6 of the ECHR – i.e. detention may only be imposed following a fair judicial process before a competent and independent court.[120] For reasons set forth in the 'Right to a Fair Trial' section below, administrative detention hearings lacked all the required attributes of a fair judicial process. Moreover, the judges' apparent willingness to ignore the witness' claims and visible signs of physical abuse in custody are a strong indicator that the court lacked the requisite independence and impartiality to render a lawful detention order.

71. For these reasons, an estimated 70 persons sentenced to a period of administrative detention in connection with the events in Ganja were unlawfully detained in violation of Article 5 of the ECHR.

(C) PRE-TRIAL DETENTION

72. At least 78 persons were charged with criminal offences in relation to the July 2018 events in Ganja. All 78 were remanded in pre-trial detention, which has been automatically extended pending and throughout trial proceedings. Whilst at the time of writing some 43 detainees have been tried and convicted on the charges, at least 35 detainees remain in pre-trial custody some 16 months after their arrest.

73. The hearings followed the same pattern of procedural impropriety as the administrative detention hearings described above. Hearings lasted minutes, and did not provide defendants with an opportunity to challenge the necessity and proportionality of pre-trial detention. Judges appeared

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118 The right to remain silent applies from the moment of arrest (ECtHR, *John Murray v. UK [GC], para. 45); The right not to incriminate oneself presupposes that the prosecution in a criminal case seek to prove their case against the accused without recourse to evidence obtained through methods of coercion or oppression in defiance of the will of the accused (ECtHR, Saunders v. UK [GC], para. 68).*

119 ECtHR, *Aquilina v Malta* [GC], paras. 48-49.

120 ECtHR, *Willcox and Hurford v. UK*, *para. 95 – "If a conviction is the result of proceedings which were manifestly contrary to the provisions of Article 6 or the principles embodied therein, the resulting deprivation of liberty would not be justified under Article 5(1(a)"*; ECtHR, *Weeks v. UK*, para. 61: The term "court" denotes bodies which exhibit not only common fundamental features, of which the most important is independence of the executive and of the parties to the case, but also the guarantees of judicial procedure.

disinterested in detainees' clearly visible injuries and individual circumstances. Given that the hearings lasted mere minutes, it is difficult to argue that court was able or willing to fully assess the necessity and proportionality of detention in each case, or to consider the personal circumstances of each defendant. Moreover, pre-trial detention was automatically extended in all cases, without regard for the increasingly apparent weakness of the prosecution's case, or the circumstances of individual detainees (e.g.: deteriorating health that led to the deaths in custody of Eshkin Guliyev and Aydin Gurbanov).

74. The pre-trial detention of all 78 persons prosecuted in relation to the July 2018 events in Ganja is tainted by the lack of fair and independent judicial process during pre trial detention hearings and subsequent reviews. Moreover, Yunis Safarov's case aside, their pre-trial detention was marred by an increasingly apparent absence of an objectively reasonable suspicion of the defendants' criminal responsibility. As such, the authors aver that the pre-trial detention of all 78 persons violated Article 5 of the ECHR.

(D) POST-CONVICTION DETENTION

75. At the time of writing, at least 43 persons have been convicted on criminal charges in relation to the events in Ganja following trial proceedings held between February and May 2019. All 43 were initially sentenced to prison terms ranging from six to ten years.[121] In August 2019, the Ganja Court of Appeal (sitting in Baku) – on application from the Prosecutor General – re-qualified some of the charges and reduced all sentences by two to five years.[122]

76. According to trial observers, proceedings in this case lacked fairness, transparency and independence (see 'Right to a Fair Trial' section for more detail). Prosecutors and judges flagrantly violated minimum procedural guarantees set forth in Article 6 of the ECHR. Evidence presented by the prosecution did not meet basic credibility and reliability standards and failed to support the charges. Judgments were almost identical to the indictments, failing to set out the evidence underpinning the convictions and sentences.

77. In this context, it cannot be said that the detainees were sentenced to prison terms by a competent and independent court following a fair judicial process.[123] As such, the post-conviction imprisonment of all 43 detainees (note that 2 detainees were subsequently released by the Court of Appeal) constitutes a violation of Article 5 of the ECHR.

(E) CONCLUSION ON THE RIGHT TO LIBERTY AND SECURITY

78. For the foregoing, the authors conclude that between July 2018 and December 2019, at least 78

121 Based on information obtained from: Working Group on a Unified List of Political Prisoners, 'A Unified List of Political Prisoners in Azerbaijan', September 2019, pp.72-90.

122 OC Media, 'Confrontation at Baku court as pepper spray used against defendants', 18 Aug. 2019, available at: *https://oc-media.org/confrontation-at-baku-court-as-pepper-spray-used-against-defendants/*; Turan, 'The prosecutor proposed to soften the punishment to a group of convicts in the "Ganja case", 3 Aug. 2019, available at: *http://www.contact.az/ext/news/2019/8/free/Social/en/82809.htm*; Eurasianet, 'Azerbaijan: One year on, Ganja events remain unexplained', 26 Aug. 2019, available at: *https://eurasianet.org/azerbaijan-one-year-on-ganja-events-remain-unexplained*; Working Group on a Unified List of Political Prisoners, 'A Unified List of Political Prisoners in Azerbaijan', September 2019, pp.72-90.

123 ECtHR, Willcox and Hurford v. UK, para. 95 – "If a conviction is the result of proceedings which were manifestly contrary to the provisions of Article 6 or the principles embodied therein, the resulting deprivation of liberty would not be justified under Article 5(1(a)"; ECtHR, Weeks v. UK, para. 61: The term "court" denotes bodies which exhibit not only common fundamental features, of which the most important is independence of the executive and of the parties to the case, but also the guarantees of judicial procedure.

persons have been held in arbitrary detention by the Azerbaijani authorities in relation to the events in Ganja. More specifically, an unknown number of persons were unlawfully held in police custody, an estimated 70 persons were unlawfully held in administrative detention, at least 78 persons were unlawfully held in pre-trial detention and, at the time of writing, up to 43 people have been unlawfully held in post-conviction detention. Consequently, we submit that Azerbaijan has violated Article 5 (right to liberty and security) of the ECHR.

D. Right to a fair trial (Article 6)

79. Fair trial guarantees extend to all stages of proceedings, including investigations and pre-trial hearings, trial and appeals.[124] A violation at the outset of proceedings is capable of tainting the fairness of the entire case, rendering a fair trial impossible.[125] All hearings, including pre-trial detention hearings, must be public, fair and presided over by independent and impartial judges.[126] From the outset of proceedings until a final verdict is rendered, suspects must benefit from the presumption of innocence, which includes a ban on public officials and the media from declaring their guilt.[127] Defendants must be afforded the right to remain silent and the related right not to incriminate themselves.[128] Suspects must be granted access to a lawyer of their choice from the earliest opportunity (prior to any questioning),[129] and afforded the right to defend themselves effectively through counsel of their choice, which includes having adequate time and facilities to confer with counsel and prepare a defence.[130] The defence and prosecution must enjoy an equality of arms throughout the proceedings[131] – including equal access to case documents and equal opportunity to call, examine and cross-examine evidence.[132] Any limitations on fair trial rights must be lawful, necessary and proportionate in the circumstances of the specific case.

80. In the present case, administrative detention proceedings, pre-trial detention proceedings and trials were marred by the absence of transparency, independence and fundamental fair trial guarantees, in flagrant violation of Article 6 of the ECHR.

(A) ADMINISTRATIVE DETENTION PROCEEDINGS

81. As previously noted, at least 70 persons arrested in connection with the 10 July 2018 protests in Ganja were brought before the courts for summary administrative detention trials. Detainees were brought before a judge for the purpose of rubber-stamping the authorities' requests for administrative detention. The hearings were undefended, lasted mere minutes and were devoid of all basic procedural guarantees. In most cases, the hearings were over before defendants had a chance to defend themselves. Judges failed to note or consider clearly visible signs of battery and other forms of physical abuse in custody.

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124 ECtHR, *Dvorski v Croatia*, para. 76.

125 ECtHR, *Imbrioscia v Switzerland*, para. 36.

126 ECHR, Article 6(1); ECtHR, *Henryk Urban and Ryszard Urban v. Poland*, para. 46 – compliance with Article 6 depends on whether in the circumstances of the case there was a genuine separation between the judiciary and the executive.

127 ECHR, Article 6(2); See ECtHR, *Ismoilov and Others v. Russia*, para. 166.

128 The right to remain silent applies from the moment of arrest (ECtHR, *John Murray v. UK* [GC], para. 45); The right not to incriminate oneself presupposes that the prosecution in a criminal case seek to prove their case against the accused without recourse to evidence obtained through methods of coercion or oppression in defiance of the will of the accused (ECtHR, *Saunders v. UK* [GC], para. 68).

129 ECtHR, *Salduz v. Turkey* [GC], paras. 54-55.

130 ECHR, Article 6(3)(c)(d) and (e); ECtHR, *Murtazaliyeva v Russia*, para. 91.

131 ECtHR, *Öcalan v Turkey*, para. 140; ECtHR, *Foucher v. France*, para. 34; ECtHR, *Moiseyev v Russia*, para. 217.

132 ECtHR, *Al-Khawaja and Tahery v. UK* [GC], para. 118 – the impact of restrictions on the defence's ability to call and examine witnesses must be assessed in the context of the fairness of the entire proceedings.

82. There is little doubt that administrative detention hearings in this case lacked the basic attributes of a fair judicial process. The judges' pro forma decision-making and their disregard for clear signs of physical violence and abuse in custody demonstrate their lack of independence and impartiality. Defendants were not offered access to evidence against them, were not provided with effective counsel nor were they given adequate time or facilities (or indeed opportunity) to defend themselves. It is difficult to imagine how hearings lasting mere minutes allowed judges to consider the veracity of charges against the defendants, or the credibility of evidence (if any) in support of such charges. Thus, there is a reasonable basis to believe that the prosecution failed to discharge its burden of proof and that the detainees' presumption of innocence was flagrantly violated.

83. For these reasons, the authors aver that at least 70 persons were summarily tried and sentenced to a period of administrative detention in proceedings that failed to meet the minimum standards required by Article 6 of the ECHR.

(B) PRE-TRIAL DETENTION PROCEEDINGS

84. As previously noted, all 78 persons charged with criminal offences in connection with the events in Ganja we remanded into pre-trial detention. Once again, the hearings were undefended, lasted merely minutes and were devoid of all basic procedural guarantees. Detainees were brought before a judge for the purpose of rubber-stamping the authorities' requests for pre-trial detention - more reminiscent of a bureaucratic procedure than a judicial process. No serious attempts were made to consider the necessity and proportionality of pre-trial detention in individual cases. Judges failed to note or to consider clearly visible signs of beating and other forms of physical abuse in custody.

85. For much the same reasons as in the above-noted administrative detention hearings, there is little doubt that pre-trial detention hearings in this case lacked the basic attributes of a fair judicial process. The judges' lack of independence and impartiality is apparent from their lack of engagement with the merits of requests for pre-trial detention and the defendants' individual circumstances, as well as their disregard of clear signs of battery and physical abuse in custody. The lack of effective legal representation and short timeframes for hearings deprived defendants of any opportunity to oppose the applications. Pre-trial detention was thus a forgone conclusion for all defendants in this case – a gross violation of their presumption of innocence.

86. For these reasons, the authors aver that at least 78 persons were remanded into pre-trial detention in proceedings that failed to meet the minimum standards required by Article 6 of the ECHR.

(C) TRIAL PROCEEDINGS

87. At the time of writing, of the 78 persons charged with criminal offences in connection with the events in Ganja, 43 have been tried and convicted whilst others were in or awaiting trial. As with other proceedings in this case, the trials lacked transparency, independence and fairness, failing to reach the minimum standards required under Article 6 ECHR. Moreover, trial proceedings were tainted by gross fair trial violations committed during the investigation.

88. In the run-up to trial, public officials (including the President of Azerbaijan) made a number of public statements accusing the defendants of terrorism and other criminal offences that formed the basis of the charges.[133] Such public accusations – particularly in the context of a judiciary that lacks independence from the executive[134] – constitute a serious violation of the defendants' presumption of innocence.

89. The prosecution's case relied heavily on false confessions obtained under the use or threat of torture during police investigations (see above). Reliance on confessions induced by use or threat of torture in violation of Article 3 of the ECHR is a gross violation of the privilege against self-incrimination, guaranteed by Article 6 of the ECHR.

90. Defendants were not provided with effective legal counsel of their choosing in a timely manner. Defendants were not provided with any legal assistance during their detention and interrogation by the police. Government-appointed lawyers – brought in only once defendants had agreed to sign false confessions - were unable or unwilling to serve their clients without fear or external influence. During trial, court-appointed defence lawyers acknowledged that their presence was a formality and routinely failed to provide effective representation (e.g.: failing to challenge torture-tainted confessions).[135] Privately retained lawyers were prevented from effectively representing their clients by the courts (e.g.: motions to examine crucial evidence in court and cross-examine prosecution witnesses were summarily dismissed), and prosecuting authorities (e.g.: failure by the proscution to abide by their disclosure obligations).[136] The denial of effective legal representation from the outset of proceedings is a serious breach of equality of arms and undermines the fairness of the entire case.

91. Trial proceedings were not sufficiently public or transparent. Whilst the public was allowed into courtrooms, all recording and note taking was banned, and representatives of 'unfavourable' media organizations were expelled from the courtrooms.[137] Restrictions on public scrutiny of controversial criminal proceedings without legitimate justification are a violation of public justice requirements under Article 6 of the ECHR.

92. Aside from torture-induced confessions, the prosecution's case was largely based on the evidence of police officers. Whilst some have been accused of providing false testimony, others provided

133 Reuters, 'Assassination attempt and protest send warning to Azerbaijan's rulers', 6 Aug. 2018, available at: *https://uk.reuters.com/article/uk-azerbaijan-protests-insight/assassination-attempt-and-protest-send-warning-to-azerbaijans-rulers-idUKKBN1KR0EW*.

134 Helsinki Foundation for Human Rights, 'The Functioning of the Judicial System in Azerbaijan and its Impact on the Right to a Fair Trial of Human Rights Defenders', Sept. 2016, available at: *http://www.hfhr.pl/wp-content/uploads/2016/09/Azerbaijan_judciary.pdf*.

135 Working Group on a Unified List of Political Prisoners, 'A Unified List of Political Prisoners in Azerbaijan', September 2019, Appendix 2: Ganja Case.

136 Working Group on a Unified List of Political Prisoners, 'A Unified List of Political Prisoners in Azerbaijan', September 2019, Appendix 2: Ganja Case.

137 Working Group on a Unified List of Political Prisoners, 'A Unified List of Political Prisoners in Azerbaijan', September 2019, Appendix 2: Ganja Case.

testimony that failed to directly support the prosecution's case (e.g.: providing evidence of Rashad Boyukkishiev's attack on the police rather than evidence pertaining to individual defendants).[138] In flagrant violation of their evidentiary rights, defendants were unable to effectively cross-examine the prosecution witnesses, and were unable to adduce crucial evidence exonerating the defendants (e.g.: CCTV footage from inside police stations).[139] Denying defendants the right to adduce and test evidence under the same conditions at the prosecution is a serious violation of equality of arms under Article 6 of the ECHR.

93. Judges lacked the requisite appearance of independence and impartiality. By failing to uphold the defendants' basic procedural guarantees, judges framed the proceedings in favour of the prosecution. The lack of independence and impartiality was also apparent from the judges' conduct and line of questioning aimed at supporting the prosecution's case. The appearance of bias and perceived lack of independence of judges is a serious violation of Article 6 of the ECHR.

94. For these reasons, the authors aver that at least 43 persons have been tried and convicted in proceedings that fell far short of fair trial rights standards required by Article 6 of the ECHR. There are good reasons to believe that the same fate awaits all other defendants in the Ganja cases.

(D) CONCLUSION ON FAIR TRIAL RIGHTS

95. For the foregoing, the authors conclude that between July 2018 and December 2019, at least 78 persons have been subjected to judicial proceedings falling short of the fair trial standards requirement under Article 6 of the ECHR. More specifically, at least 70 persons were tried in unfair administrative detention proceedings, 78 persons were remanded into custody as a result of unfair pre-trial detention hearings, and at least 43 people have been tried and convicted by trial courts that lacked fairness, independence and respect for fundamental procedural guarantees. Consequently, we submit that Azerbaijan has violated Article 6 (fair trial rights) of the ECHR.

E. Freedom of assembly (Article 11)

96. Restrictions on the freedom of assembly may arise from the conduct of authorities prior, during or following a protest.[140] To be regarded as 'lawful', such restrictions must be prescribed by law, taken in pursuit of legitimate aims (e.g.: prevention of crime, restoring public order, protecting public security),[141] and must be necessary and proportionate to those aims. These factors must be assessed in accordance with the circumstances of the particular case. In assessing the lawfulness of restrictions, the European Court of Human Rights will also consider the 'chilling effect' of measures like violent dispersals, arrests and prosecutions of participants, on the future exercise of the freedom of assembly and other political rights.[142] The Court has held that it would be difficult to justify criminal prosecutions of non-violent protesters,[143] whilst peaceful participants may not be held responsible for reprehensible acts committed by others.[144] Participants who do take part in sporadic acts of violence must be treated proportionately, having regard to their intentions at the

138 Working Group on a Unified List of Political Prisoners, 'A Unified List of Political Prisoners in Azerbaijan', September 2019, Appendix 2: Ganja Case.
139 Working Group on a Unified List of Political Prisoners, 'A Unified List of Political Prisoners in Azerbaijan', September 2019, Appendix 2: Ganja Case.
140 ECtHR, *Ezelin v. France*, para. 39.
141 ECHR, Article 11(2).
142 ECtHR, *Balçik and Others v. Turkey*, para. 41.
143 ECtHR, *Taranenko v Russia*, para. 87.
144 ECtHR, *Ezelin v France*, para. 53; ECtHR, *Galstyan v. Armenia*, para. 115; ECtHR, *Taranenko v. Russia*, para. 88.

moment of joining the assembly, the nature of the acts, and the gravity of the consequences.[145] Moreover, the use of force in the dispersal of an assembly may in certain circumstances amount to inhuman and degrading treatment contrary to Article 3 ECHR.[146]

97. In the present case, the 10 July 2018 gathering outside Executive Power Building in Ganja was legal under Azerbaijani law and Constitution.[147] There is no evidence that Azerbaijani authorities took any, or any significant measures to ban or restrict the gathering prior to 8:00 pm on 10 July 2018. The government crackdown on protesters began at or around 9:30 pm on 10 July 2018.

98. It is beyond dispute that authorities would have been fully justified in arresting and prosecuting Rashad Boyukkishiev for his lethal attack on police officers, as well as apprehending any others whom they reasonably suspected to being complicit in the attack. Conversely, the authorities were not justified in using violence (kicking, punching and hitting protesters with batons) to disperse protesters and bystanders who had not taken part in the attack, or committed any other violent act.

99. Similarly, whilst authorities may have been justified in conducting arrests for the purpose of investigating Rashad Boyukkishiev's attack, the subsequent inhuman treatment, torture, prolonged detention and unfair criminal prosecutions of scores of detainees with no established link to Boyukkishiev's attack was neither necessary nor proportionate in the circumstances. Lengthy prison sentences imposed on participants following trials that fell far short of ECHR standards are powerful disincentives to any future protest action. The use of torture-tainted confessions and the weakness (in most cases complete absence) of evidence connecting detainees to any violence suggest that the authorities' crackdown was motivated by ulterior political aims (i.e. to suppress and deter dissent). Cumulatively, the authorities' response to the 10 July protest had an unquestionably chilling effect on any future exercise of civil and political freedoms in Azerbaijan.

100. For all of the above reasons, the authors consider that the Azerbaijani authorities' violent dispersal, violence in custody, torture and criminal prosecution of protesters and bystanders of the 10 July 2018 protest in Ganja was a violation of the right to freedom of assembly under Article 11 of the ECHR.

145 ECtHR, *Gülcü v. Turkey*, para. 110-117; *Yaroslav Belousov v. Russia*, para. 177-182.

146 ECtHR, *Süleyman Çelebi and Others v. Turkey* (no. 2), para. 79.

147 Constitution of Azerbaijan, Article 49; Law on Freedom for Assembly, Art. 5.

VII. Conclusion and recommendations

101. Based on evidence examined by the authors, the Azerbaijani government's response to Yunis Safarov's attack on the Head of the Executive Power of Ganja, and to the subsequent protest held in Ganja on 10 July 2018, was wholly disproportionate to the public order and/or security concerns (if any) raised by these events. The authorities' conduct occasioned gross violations of fundamental human rights, and was calculated to dissuade future attempts to criticise the authorities' dismal record on human rights, corruption and democracy.

102. For reasons stated in this report, the Azerbaijani authorities' response to the July 2018 events in Ganja has violated the following ECHR rights:

- Right to life (Article 2): between July 2018 and September 2019, at least five persons were killed as a result of the use of lethal force by Azerbaijani authorities, and a further two persons died in Azerbaijani pre-trial custody. Azerbaijan has failed to comply with its positive procedural obligations to conduct prompt, independent, effective and transparent investigations into these deaths. Moreover, the Law on Combatting Extremism effectively precludes the possibility of genuine investigations and accountability for deaths in special operations branded as 'anti-extremism' or 'anti-terrorism' raids.
- Prohibition of torture and inhuman/degrading treatment (Article 3): between July 2018 and December 2019, Azerbaijani law enforcement agents subjected persons detained in relation to the events in Ganja to excessive violence, humiliation, mental pressure, abuse and various forms of physical and psychological torture. Furthermore, the government of Azerbaijan has failed to investigate credible allegations of torture and other forms of ill-treatment by public officials.
- Right to liberty and security (Article 5): between July 2018 and December 2019, at least 78 persons were held in arbitrary police, administrative, pre-trial and post-conviction detention by Azerbaijani authorities in relation to the events in Ganja.
- Right to a fair trial (Article 6): between July 2018 and December 2019, at least 78 persons were subjected to administrative, pre-trial and trial proceedings falling far short of international fair trial standards. Fair trial violations included (but were not limited to): use of self-incriminating statements, denial of presumption of innocence, lack of equality of arms, lack of an independent or impartial judiciary, restrictions on the right to counsel and little or no opportunity to prepare and present an effective defence.
- Freedom of assembly (Article 11): Azerbaijani authorities subjected participants and bystanders of the 10 July 2018 protest in Ganja to violent dispersal, violence in custody, torture and criminal prosecution, which has undoubtedly had a 'chilling effect' on any future exercise of civil and political freedoms in Azerbaijan.

103. According to Article 13 of the ECHR, "everyone whose rights and freedoms set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity". We therefore call upon the authorities of Azerbaijan to fully investigate the violations raised in this report, as well as the legal frameworks, practice and institutional culture that have led to them, with a view to providing the victims with an effective and lasting remedy for their ordeal.

Recommendations to the government of Azerbaijan:

- Revise the Law on Combatting Extremism (particularly Article 8 which grants impunity to law enforcement agents), and restrict the use of force during all law enforcement operations to that which is strictly necessary in the circumstances.
- Conduct genuine investigations into the conduct of law enforcement during the protest on 10 July 2018 and its aftermath – particularly the conduct of police officers at the Nizami, Kapaz and Tovuz Police Stations, and staff at the Pre-Trial Detention facility in Baku.
- Bring to account individuals responsible for committing, ordering, inciting and facilitating torture, inhuman and degrading treatment – particularly senior police officers and investigators the Nizami, Kapaz and Tovuz Police Stations, and staff at the Pre-Trial Detention facility in Baku.
- Exculpate and free all unfairly convicted detainees in the Ganja cases, drop charges and release all other persons held in pre-trial detention in relation to the Ganja events against whom there is no credible evidence of criminal activity.
- Determine the charges against Yunis Safarov in a prompt, independent and impartial trial, guaranteeing all fair trial safeguards afforded by Article 6 of the ECHR.
- Provide reparations to victims of torture, inhuman and degrading treatment, arbitrary detention and extra-judicial killing associated with the Ganja case.
- Conduct reforms to increase the independence and impartiality of Azerbaijani judges, and guarantee fairness and equality of arms of criminal proceedings.
- Conduct reforms of law enforcement agencies and prosecutors, to root out institutionalised torture and the culture of violence.

Recommendations to the International Community:

- Apply political and diplomatic pressure on the government of Azerbaijan to free all political prisoners and conduct genuine reforms to its judiciary, law enforcement and prosecuting authorities;
- Make investment and free trade agreements conditional on the improvement of the human rights record and liberalisation of civil, political and religious freedoms;
- Apply targeted sanctions (including asset freezes, restricted access to financial markets and immigration restrictions) against individuals who ordered, directly participated in, facilitated or are otherwise complicit in the torture, inhuman and degrading treatment described in this report.
- Prosecute or extradite for prosecution any persons who ordered, directly participated in, facilitated or are otherwise complicit in the torture, inhuman and degrading treatment described in this report.