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Human Rights Watch

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Introduction

Azerbaijan made multiple commitments to improve the climate for human rights during its last Universal Periodic Review (UPR) in 2018, but its human rights record remains poor, with grave violations such as torture and ill-treatment continuing with impunity. While authorities have released a number of wrongfully imprisoned activists, politically motivated prosecutions and harassment of activists, journalists, and bloggers is ongoing. Accordingly, most of the critical recommendations made during the previous UPR cycles remain unfulfilled.

The government has also reinforced its control over the press and persisted in its hostility toward independent media and journalists critical of the government. The activities of independent rights activists and lawyers remain largely suppressed. Authorities limit freedom of assembly and break up unsanctioned peaceful protests. Despite pledges to amend the restrictive nongovernmental organization (NGO) law, it remains unchanged. Human rights groups face obstacles trying to register, with laws and regulations restricting their activities and ability to secure funding.

This submission focuses on major concerns regarding torture and ill-treatment, and freedoms of expression, assembly, and association in Azerbaijan. It does not touch on issues related to the conflict over Nagorno-Karabakh.

Torture and ill-treatment

Despite government pledges to investigate torture allegations and ensure accountability, torture and ill-treatment remain widespread and authorities routinely dismiss complaints, providing impunity for those responsible.¹

In a rare exception, authorities throughout 2022 pursued an investigation into the 2017 torture of military officers in Terter region accused of allegedly spying for Armenia. The investigation followed public outrage about the case, prompting authorities in November 2021 to publicly acknowledge that more than 100 officers had been subjected to abuse. According to NGOs, [at least 10 had died of torture](#). In September 2022, authorities announced that [405 victims had been identified, of whom several hundred had been tortured](#), and proceeded with prosecutions of 17 high-ranking military officers for abuse, among them an army general and a military lawyer, held pending trial.

As the below examples illustrate, ill-treatment is rampant in police custody, allegedly to coerce confessions, while the authorities deny detainees access to family, lawyers of their choosing, and independent medical care.

¹ In a July 2018 report on Azerbaijan, the Council of Europe's Committee for the Prevention of Torture (CPT), found torture and other ill-treatment, and impunity for it, remained "systemic and endemic," and the cases appeared to follow a consistent pattern, "mostly occurring in police establishments, during the initial hours of detentions, to coerce confessions or other testimonies." The CPT also found that perpetrators get away with torture because of a lack of effective investigations and insufficient legal safeguards (see <https://www.coe.int/en/web/cpt/-/azerbaijan-torture-impunity-and-corruption-highlighted-in-new-anti-torture-committee-publications>).

- In April 2022, masked men [kidnapped](#) prominent opposition activist **Bakhtiyar Hajiyev** and took him to an undisclosed location, blindfolded, beat, and threatened to kill him if he continued to publicly criticize the interior minister. After Hajiyev publicized the incident, the interior minister met with him and an investigation was launched, but at this writing, authorities have not identified any suspects. According to Hajiyev, investigators claimed the CCTV cameras at the crime scene were “out of order” at the time of the kidnapping. In August 2022, police briefly detained Hajiyev, and a senior police official allegedly threatened him with reprisals if he continued criticizing the minister.
- In January 2022 the prosecutor’s office refused to launch an inquiry into the [severe beating](#) in detention of leading opposition politician **Tofiq Yaqublu** in December 2021, which resulted in multiple injuries. Yagublu told Human Rights Watch that police beat him while recording him and demanding that he say on camera that he would stop criticizing Azerbaijan’s leadership. The prosecutor’s office refused to investigate, claiming Yaqublu’s injuries were “self-inflicted.”
- In August 2021, a court sentenced **Yunis Safarov**, accused of an attempt on the life of the Ganja city mayor, to life imprisonment. Nine other defendants received prison terms from 18 to 20 years. All testified that [police had beat them to elicit confessions](#). No effective investigations followed.
- Opposition Azerbaijan Popular Front Party (APFP) member **Seymur Ahmadov**, detained in July 2020, filed a complaint with the prosecutor’s office describing severe beatings in custody. Ahmadov said a plainclothes officer beat him for an hour with a truncheon “so bad that I could no longer feel the pain.” Authorities failed to conduct an effective investigation.
- **Alizamin Salayev**, another APFP member, arrested in January 2020 and convicted in April on criminal defamation charges, alleged that police knocked him to the ground and ordered him to film himself [putting his head into the toilet](#). When he refused, police beat him. According to Salayev, he [was twice taken to hospital](#), with doctors recommending surgery for a ruptured hernia sustained from the beatings. Police did not allow this. Salayev’s lawyer was allowed access to him only nine days after his arrest and confirmed he saw Salayev’s bruises. The court dismissed Salayev’s torture complaint and authorities failed to investigate the allegations.
- In March 2019, two weeks after being released from jail, police again [detained](#) youth opposition movement activist **Bayram Mammadov**, following a media interview in which he said he would continue his political activism. A court sentenced him to 30 days in jail on spurious disobedience charges. Police repeatedly slapped and kicked Mammadov and held him for nearly 24 hours, handcuffed, legs tied, and lying on the floor. His lawyer said he had bruises. Authorities failed to conduct an effective investigation.

- Also in March 2019, **14 defendants** convicted on mass rioting and other charges for the July 2018 unrest in Ganja [testified in court](#) that police had beaten them to elicit confessions. Authorities opened an investigation but closed it after concluding the injuries had been sustained when the men resisted arrest.
- In February 2019, a court sentenced three senior APFP members, **Saleh Rustamov, Agil Maharramov, and Babek Hasanov**, to between three and seven years on charges believed to be politically motivated. Following his arrest in May 2018, authorities held Rustamov incommunicado for 17 days and denied him access to his lawyer for a month. During trial, the men [testified they were tortured](#) and pressured to confess. No effective investigations followed the allegations. All three were freed by late 2022.

Recommendations:

- Thoroughly and impartially investigate all allegations of torture and ill-treatment and hold perpetrators accountable. Make a statement at the highest-level condemning torture and ill-treatment;
- Ensure that judges take seriously all complaints regarding ill-treatment in custody and refer cases to the prosecutor's office for prompt, thorough, and independent inquiry; and
- Request a visit by the UN Subcommittee on Prevention of Torture under the Optional Protocol to the Convention against Torture to examine the situation.

Freedom of expression and media
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Despite pledges to the contrary, legislative amendments and laws adopted since the previous UPR have further restricted freedom of expression in Azerbaijan.

The government continues its antagonism toward independent and opposition media and all mainstream media remain under tight government control. In July 2021, the Organized Crime and Corruption Reporting Project (OCCRP), a global network of investigative journalists, alleged Azerbaijan had been spying on over a thousand independent activists and journalists using Pegasus surveillance software, giving the government access to their phones. Investigative journalist **Khadija Ismayilova** and blogger **Mehman Huseynov** were among those reportedly targeted.

The government continues to block prominent independent and opposition media outlets' websites, including Radio Free Europe/Radio Liberty's Azerbaijani Service, the opposition newspaper *Azadlig*, and the Berlin-based Meydan TV, claiming national security threats.

In February 2022, President Ilham Aliyev signed a law on media that limits media independence, including by barring non-residents from owning media and requiring journalists to have higher education, a formal contract, and three years' experience to obtain

accreditation.²

Many journalists and editors in Azerbaijan resort to self-censorship to avoid criminal prosecution or other repercussions. Intimidation of provincial journalists, for instance in Nakhchivan, is particularly severe. At this writing, at least one social media activist and one independent journalist are behind bars on account of their work:

- **Rashad Ramazanov**, a social media activist and former political prisoner, arrested in May 2022 and remanded to pre-trial detention on bogus drug charges. Police allegedly beat Ramazanov in custody to secure a confession. There was no effective investigation into the beating. Ramazanov had actively criticized police arbitrariness and government corruption on social media.
- **Polad Aslanov**, editor of independent news websites Xeberman and Press-az, sentenced in November 2020 to 16 years in prison on treason charges, which he alleges were brought in retaliation for his criticism of public officials and his ongoing investigation into alleged corruption in the Ministry of National Security.

Authorities have also failed to conduct thorough and impartial investigations into attacks on journalists. In May 2022, an unknown man threatened prominent journalist **Aytan Mammadova** with a knife in the elevator of her apartment building.³ Mammadova filed a complaint, but there has been no meaningful investigation.

Defamation remains criminalized and 2022 saw an increase in prosecutions resulting in prison sentences or substantial fines. According to the nongovernmental Media Rights Institute (MRI), in 2022 prosecutors sought imprisonment in 11 defamation cases filed under private prosecution procedures. The lawsuits led to convictions of at least four individuals, some of whom, MRI said, had been “targeted for their opinions or articles on matters of public interest:”

- **Ilham Aslanoglu**, a lawyer sentenced to six months’ imprisonment in June 2022 for insult related to a video accusing an officer of torture in the Terter case. It was Aslanoglu’s second conviction in a year on the same charges.
- **Jamil Mammadli**, a journalist sentenced in March 2022 to a year and six months of correctional labor on slander and insult charges for corruption allegations against the head of a district official.
- **Ali Aliyev**, chairman of the opposition Citizen and Development Party (ViP), sentenced in January 2022 to five months’ imprisonment for slander, later increased by a month, and again to a full year in June, on unrelated charges of insult, following a complaint by a former ruling party official.

² The Venice Commission, an expert body of the Council of Europe, concluded that the law has “a problematic focus on restricting the activities of the media rather than creating the necessary conditions enabling the media to fulfil their ‘public watchdog’ role.” (See <https://www.coe.int/en/web/portal/-/azerbaijan-media-law-overregulation-in-an-already-restrictive-environment>.)

³ Mammadova believes the threat was linked to her ongoing reporting of a high-profile child murder trial.

- In March 2021, a court sentenced blogger **Elchin Hasanzade** and activist **Ibrahim Salamov** to eight months in prison on defamation charges, for corruption and other allegations against the head of Mingechevir city's housing and maintenance department.

Recommendations:

- Revise the Law on Media to ensure it complies with international standards;
- Place a moratorium on criminal libel, abolish Criminal Code provisions on libel, and establish a cap on civil defamation awards;
- Ensure that journalists may work freely, without fear of retribution for criticism or coverage of topics the government deems sensitive;
- Free journalists and others held on politically motivated charges, including Rashad Ramazanov and Polad Aslanov;
- Ensure effective investigations into attacks and threats against journalists, including Aytan Mammadova, and take appropriate action against those responsible; and
- End arbitrary blocking of websites.

Freedom of assembly

Since the previous UPR, authorities have taken no steps to lift significant restrictions in law and practice on the right to peaceful assembly, which remains severely limited.

While the constitution stipulates that groups may peacefully assemble after notifying the relevant government body, authorities interpret this provision as a requirement for prior permission, routinely denying permits for protests against government policies, effectively imposing a blanket ban on protests in central Baku, breaking up peaceful protests, in some cases with unnecessary or excessive force, and arbitrarily arresting activists and passersby.⁴

Authorities also use detention under the Code of Administrative Offenses to harass political and social media activists on spurious misdemeanor charges of resisting police orders or petty hooliganism, targeting in particular those involved in organizing, participating in, or showing support for unsanctioned public protests.

In February 2023, police violently dispersed a group of activists peacefully protesting in front of the Baku Court of Appeals against its decision to uphold the detention of Bakhtiyar

⁴ Baku municipal authorities consistently deny opposition protest organizers' requests to hold demonstrations in the city center, offering an alternative location in the Lokbatan suburb, a remote area approximately 20 kilometers away not easily accessible by public transportation.

Hajiyev. Police [detained](#) two protesters, and they were later sentenced to 30 days' administrative detention on disobedience charges.⁵ Other notable examples follow:

- In December 2022, police rounded up dozens of peaceful protesters in an unsanctioned demonstration in central Baku, roughing them up and forcing them onto buses. At least 40 participants were briefly detained, among them **Tofiq Yagublu**, who was [sentenced](#) to 30 days' administrative detention on bogus charges of resisting police.
- In July 2022, authorities briefly detained more than 40 protesters for holding an unsanctioned protest to demand the opening of land borders closed since the start of the Covid-19 pandemic.⁶
- In May 2022, a group of activists held an unsanctioned rally in downtown Baku, demanding an end to impunity for abuse and for violence against critics of the government. Police briefly detained at least 25 protesters. Hours before the protest, police detained three of the organizers, and drove them as far as several hundred kilometers from Baku, apparently to prevent them from participating in the rally.
- In March 2020, police used force while briefly [detaining](#) activists and their supporters during an unsanctioned International Women's Day gathering in downtown Baku. Several participants were forced onto police buses and taken to a remote area far from the capital, where they were released.
- In February 2020, police detained over a hundred opposition supporters, including parliamentary candidates, as they gathered to protest alleged violations during the parliamentary elections. Before the protest, police detained several activists at their homes, drove most of them to remote areas 200 to 300 kilometers from Baku, and abandoned them there.
- In October 2019, police violently dispersed an unsanctioned, peaceful protest in central Baku, arresting and beating protesters who demanded freedom for political prisoners and an end to economic injustice. Dozens were sentenced in pro forma hearings to fines and detention.⁷ Numerous protesters sustained injuries, including bruises and fractures.⁸

Recommendations:

⁵ These were **Afiyeddin Mammadov** and **Samir Sultanov** of the pro-democracy Democracy 1918 movement.

⁶ Police detained **Aziz Mamiyev**, a Musavat member, on his way to the rally and a court sentenced him to 30 days' detention on disobedience charges. Mamiyev reported that police beat him during apprehension and at the police station. A court sentenced another activist, **Gulmira Rahimova**, to 460 hours of community service on slander charges for having posted on social media a photo of the officer who struck Mamiyev.

⁷ Among those arrested were 35 senior AFPP politicians who received sentences of up to 60 days on bogus charges, while being denied access to lawyers of their choosing.

⁸ AFPP leader **Ali Karimli** sustained bruises on his head, face, and neck. Police also beat **Tofiq Yagublu**, another prominent opposition politician and former political prisoner, and ordered him to publicly pledge to stop his activism.

- Lift undue restrictions on freedom of assembly and ensure and guarantee in practice the right to peaceful protests, including by:
- Ensuring that municipal authorities permit peaceful assemblies and ending the de facto blanket ban on protests in central Baku;
- Ensuring prompt and effective investigations into alleged use of unnecessary or excessive use of force by police during demonstrations;
- Repealing amendments to the Code of Administrative Offenses that established harsher penalties for participants and organizers of unsanctioned protests; and
- Ensuring that everyone charged with administrative offenses for exercising their right to freedom of assembly enjoy full due process protections, including timely access to a lawyer of their choosing and adequate time for preparation of a defense.

Restrictions on civil society and freedom of association

Civil society groups in Azerbaijan continue to operate under tight restrictions and many independent human rights organizations have been arbitrarily denied registration. Restrictive laws and regulations remain in place and impede NGOs from operating freely, and make it extraordinarily difficult for organizations to attract and use funding and remain independent of the government.

The laws require both donors and grantees to separately obtain government approval of each grant under consideration, and give the Ministry of Justice and other agencies broad discretion to deny NGO requests to register grants. NGOs and their staff risk criminal sanctions for failure to abide by the grant registration regime.

Since the previous UPR, the NGO legislation was amended to allow online submission of necessary documentation to simplify the process of reporting, but no substantive changes were made.

Since 2020, authorities have also held online joint meetings with the heads of over 200 NGOs to discuss amendments and problems regarding their implementation. While such steps and dialogue between authorities and civil society are welcome, they have not translated into any meaningful improvements in practice, whether by bringing needed changes to the NGO legislation or creating an enabling environment for NGOs to operate.

Despite accepting certain UPR recommendations regarding the independence of the legal profession, authorities have not implemented them and serious threats to the independence of lawyers continue. In 2018, the Azerbaijani Bar Association, seen as closely tied to the government, suspended the licenses of three lawyers who worked on cases involving politically motivated persecutions. Similar pressure has been exerted on other lawyers since then. In February 2019, a court approved the disbarment of prominent lawyer **Yalchin Imanov**, whom the Bar Association expelled in 2017 after he publicly reported about his

client's torture in prison.

Recommendations:

- Remove undue restrictions on accessing foreign grants and amend legislation on NGOs in accordance with recommendations by regional and international human rights institutions, particularly regarding the registration, operation, and funding of NGOs;
- Ensure that independent civil society groups can operate without undue interference or fear of government reprisals and persecution; and
- Ensure that lawyers can perform their professional functions without intimidation, hindrance, harassment or improper interference by the authorities, and reinstate the bar membership of Yalchin Imanov and others arbitrarily disbarred.