



UNIVERSAL PERIODIC REVIEW  
SUBMISSION FOR AZERBAIJAN

NGO Submission

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## ABOUT HRF

The Human Rights Foundation (HRF) is a nonpartisan nonprofit organization that promotes and protects human rights globally, with a focus on closed societies. HRF unites people in the common cause of defending human rights and promoting liberal democracy. Our mission is to ensure that freedom is both preserved and promoted around the world.

We focus our work on the founding ideals of the human rights movement, those which are most purely enshrined in the 1948 Universal Declaration of Human Rights and the 1976 International Covenant on Civil and Political Rights (ICCPR).

HRF's Center for Law and Democracy (HRF-CLD) is a program of HRF. HRF-CLD promotes legal scholarship in the areas of comparative constitutional law and international law, with a focus on international human rights law and international democracy law.

## INTRODUCTION

This submission was prepared by HRF, for the Universal Periodic Review (UPR) of Azerbaijan. In this submission, HRF evaluates Azerbaijan's implementation of recommendations made during its previous UPR, as it relates to the current human rights situation in the country, which is characterized by systematic, widespread, and gross violations of human rights, including: the ongoing curtailment of the freedoms of assembly, association, expression, and of the press and extra-judicial killings, ill-treatment, and torture.

## FOLLOW-UP ON THE PREVIOUS REVIEW

1. The most recent Universal Periodic Review (UPR) of Azerbaijan by the UPR

Working group took place on May 15, 2018.<sup>1</sup> The final outcome report on the review of Azerbaijan was adopted by the United Nations (UN) Human Rights Council in September 2018.<sup>2</sup> A total of 259 recommendations were made, with 179 approved and 80 noted by Azerbaijan.<sup>3</sup>

2. Despite its progress in ratifying several international treaties pertaining to human rights, such as the International Covenant on Civil and Political Rights, Azerbaijan has yet to ratify the following treaties:
  - a. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
  - b. The Rome Statute of the International Criminal Court and;
  - c. The International Convention for the Protection of All Persons from Enforced Disappearance.
  
3. The 1995 Constitution of Azerbaijan (*hereafter* Constitution), formally guarantees the protection of several human rights (*see infra* Azerbaijan's National Framework for Protecting Human Rights). However, despite these constitutional guarantees, individuals in Azerbaijan are routinely subjected to human rights violations, not least by the very existence of laws that criminalize and impinge upon their fundamental freedoms.

## AZERBAIJAN'S NATIONAL FRAMEWORK FOR PROTECTING HUMAN RIGHTS

4. The Constitution of 1995 contains several key provisions relating to the protection of the fundamental rights and freedoms of its citizens.<sup>4</sup>

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<sup>1</sup> United Nations Human Rights Council, *Universal Periodic Review - Azerbaijan*, <https://www.ohchr.org/en/hr-bodies/upr/az-index>.

<sup>2</sup> The United Nations Human Rights Council, *Report of the Human Rights Council on its thirty-ninth session*, at 1 (Sept. 2018), <https://daccess-ods.un.org/tmp/2808907.03201294.html>.

<sup>3</sup> *Id.* at 71.

<sup>4</sup> Constitute Project, *Azerbaijan's Constitution of 1995 with Amendments through 2016* [https://www.constituteproject.org/constitution/Azerbaijan\\_2016.pdf?lang=en](https://www.constituteproject.org/constitution/Azerbaijan_2016.pdf?lang=en).

5. In relation to human rights and civil liberties, *Article 24(II)* of the Constitution states:  
*Every citizen from birth enjoys inviolable, undeniable and inalienable rights and freedoms.*
  
6. *Article 25* of the Constitution guarantees equal protection of individuals under the law:  
*(I) Everyone is equal before the law and the court...*  
*(III) Everyone has equal rights and freedoms irrespective of race, ethnicity, religion, sex, origin, property status, social position, convictions, political party, trade union organization and social unity affiliation. Limitations or recognition of rights and freedoms because of race, ethnicity, social status, language, origin, convictions and religion are prohibited...*  
*(V) Everyone shall be guaranteed equal rights in any proceeding before state authorities and bearers of public authority that decide on his or her rights and duties.*
  
7. Regarding freedom of expression, *Article 47(I)* states:  
*Everyone has the freedom of thought and speech.*
  
8. Regarding freedom of assembly, *Article 49(I)* states:  
*Everyone has the right to freely gather with others.*
  
9. Regarding freedom of the press and information, *Article 50(I)* states:  
*Everyone has the right to legally seek, receive, pass, prepare and disseminate information.*
  
10. Regarding censorship and mass media, *Article 50(II)* states:  
*The freedom of mass media is guaranteed. State censorship of mass media, including print media, is forbidden.*
  
11. In relation to the rule of law and fair processes, *Article 127(III)* states:  
*Direct or indirect restriction of legal procedure on someone's part and for some reason, illegal influence, pressure, threat, and interference is not permitted.*
  
12. In relation to torture and the protection of honor and dignity, *Article 46(III)* states:

*Nobody can be tortured or tormented, nobody shall suffer a treatment or punishment humiliating to human dignity. Nobody can be experimented upon — medically, scientifically or in any other way — without his or her consent.*

## POLITICAL BACKGROUND

13. Azerbaijan gained independence in 1991, following the collapse of the Soviet Union.<sup>5</sup> Since then, the country has only had four presidents: Ayaz Mutallibov (1991-1992), Abulfaz Elchibey (1992-1993), Heydar Aliyev (1993-2003), and Ilham Aliyev (2003-present).<sup>6</sup>
14. Azerbaijan's governmental system can be described as a strong presidential system, with limited separation of powers and a weak parliament.<sup>7</sup> The president has the constitutional power to appoint and dismiss the government, dissolve the parliament, and schedule early presidential elections.<sup>8</sup> In 2009, a referendum removed presidential term limits, and in 2016, another referendum increased the duration of a presidential term from five to seven years.<sup>9</sup>
15. The New Azerbaijan Party (YAP) is the main party in the country, and it holds a political monopoly.<sup>10</sup> Founded in 1992 by Heydar Aliyev, it is still closely associated with the Aliyev family.<sup>11</sup> The current President, Ilham Aliyev, is the son of Heydar Aliyev. With his father's backing, Ilham Aliyev was appointed prime minister in August 2003, creating the first family dynasty in the former Soviet bloc.<sup>12</sup> In October 2003, Ilham Aliyev became president in an election with numerous irregularities and violations reported by international and domestic

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<sup>5</sup> *Azerbaijan*, Britannica, <https://www.britannica.com/place/Azerbaijan>.

<sup>6</sup> James Karuga, *List Of Presidents Of Azerbaijan*, WorldAtlas (Apr. 23, 2019), <https://www.worldatlas.com/articles/presidents-of-azerbaijan-since-1991.html>.

<sup>7</sup> *Azerbaijan*, European Forum for Democracy and Solidarity (Sept. 27, 2022), <https://www.europeanforum.net/countries/azerbaijan>.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> European Forum for Democracy and Solidarity, *supra* note 7.

<sup>11</sup> Freedom House, *Nations in Transit 2021, Azerbaijan* (2021) <https://freedomhouse.org/country/azerbaijan/nations-transit/2021>.

<sup>12</sup> Susan B. Glasser, *Rise of Leader's Son Sharpens Azerbaijan's Identity Crisis*, Wash. Post. (Aug. 9, 2003), <https://www.washingtonpost.com/archive/politics/2003/08/09/rise-of-leaders-son-sharpens-azerbajians-identity-crisis/27907137-47f9-40a1-a322-b44b3b46751d/>.

observers,<sup>13</sup> including voter intimidation<sup>14</sup> and arbitrary arrests of journalists and election rally participants.<sup>15</sup> Since then, Aliyev's presidency has been marked by restrictions on independent journalism and opposition political activity, along with arrests of journalists, activists, and government critics.<sup>16</sup>

16. In February 2020, YAP won 72 of 125 seats in the national assembly during parliamentary elections.<sup>17</sup> The elections were considered unfair, and only one opposition candidate, Erkin Gadirli of the Republican Alternative Civic Movement, was elected.<sup>18</sup>

## FREEDOMS OF ASSEMBLY, ASSOCIATION, AND EXPRESSION

17. The freedoms of assembly, association, and expression remain severely restricted in Azerbaijan. The government has adopted laws and regulations to restrict the activities of independent groups, and continues to arrest and jail activists, human rights defenders, and journalists.

18. In March 2020, Azerbaijan's government arrested Tofiq Yagublu, a leading opposition figure and member of the Musavat party, on trumped-up hooliganism charges.<sup>19</sup> His trial was marred by numerous violations, including the court's failure to satisfy a request by the defense to put forward footage that would have corroborated Yagublu's version of events.<sup>20</sup> In September 2020, he was sentenced

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<sup>13</sup> *Azerbaijan: A stolen election and oil stability*, Human Rights Watch (Oct. 20, 2003), <https://www.hrw.org/news/2003/10/20/azerbaijan-stolen-election-and-oil-stability>.

<sup>14</sup> *Azerbaijan: Presidential Elections 2003*, Human Rights Watch (Oct. 13, 2003), <https://www.hrw.org/legacy/backgrounder/eca/azerbaijan/1.htm>.

<sup>15</sup> *Id.* in Summary

<sup>16</sup> *Azerbaijan: EU Official Should Press Rights Issues*, Human Rights Watch (June 15, 2017), <https://www.hrw.org/news/2017/06/16/azerbaijan-eu-official-should-press-rights-issues>.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Azerbaijan: Opposition Leader Arrested*, Human Rights Watch (Mar. 25, 2020), <https://www.hrw.org/news/2020/03/25/azerbaijan-opposition-leader-arrested>.

<sup>20</sup> *Azerbaijan Events of 2020*, Human Rights Watch (2020), <https://www.hrw.org/world-report/2021/country-chapters/azerbaijan>.

to four years and three months in prison.<sup>21</sup> Yagublu went on a hunger strike and was transferred to house arrest due to health complications.<sup>22</sup>

19. On December 1, 2021, Yagublu was arrested again at a protest in Baku.<sup>23</sup> He was severely beaten in custody and released hours later with clear signs of mistreatment.<sup>24</sup> Officials refused to launch an investigation into what happened, despite evidence of excessive force and calls by human rights groups to do so.<sup>25</sup>
20. On December 15, 2021, Yagublu was arrested once more,<sup>26</sup> along with dozens of other protesters, who were demanding the release of Saleh Rustamli, a member of the opposition Popular Front of Azerbaijan Party.<sup>27</sup> Yagublu's numerous arrests show a pattern of attempting to silence opposition figures.
21. Similarly, Orkhan Zeynalli, an activist and member of the Democracy 1918 Movement, was arrested by plain-clothes police officers in November 2022.<sup>28</sup> According to Ahmad Mammadli, the chair of the movement, Zeynalli was arrested after sharing a post on social media where he criticized the Azerbaijani police.<sup>29</sup> Zeynalli's detention was later confirmed by Azerbaijan's Ministry of Internal Affairs.<sup>30</sup>
22. The government often uses trumped-up charges to detain and silence activists. In May 2020, Jalil Zabidov, an anti-corruption activist who had posted online about election fraud, was sentenced to five months in prison on hooliganism charges.<sup>31</sup>

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<sup>21</sup> *Opposition Leader Convicted in Azerbaijan*, Human Rights Watch (Sept. 3, 2020), <https://www.hrw.org/news/2020/09/03/opposition-leader-convicted-azerbaijan>.

<sup>22</sup> *Id.*

<sup>23</sup> *Azerbaijan: Opposition Leader Beaten in Custody*, Human Rights Watch (Dec. 3, 2021), <https://www.hrw.org/news/2021/12/03/azerbaijan-opposition-leader-beaten-custody>.

<sup>24</sup> *Id.*

<sup>25</sup> *Azerbaijani Opposition Politician 'Beat Himself' In Police Custody, Prosecutor Says*, RFE/RL's Azerbaijani Service (Jan. 17, 2022), <https://www.rferl.org/a/yaqublu-police-beating-self-inflicted/31658233.html>.

<sup>26</sup> *Azerbaijan: Stop crackdown on opposition politicians*, Amnesty Int'l (Dec. 15, 2021),

<https://www.amnesty.org/en/latest/news/2021/12/azerbaijan-stop-crackdown-on-opposition-politicians/>.

<sup>27</sup> *Azerbaijani Police Crack Down On Baku Protesters; At Least 20 Arrested*, RFE/RL's Azerbaijani Service (Dec. 15, 2021), <https://www.rferl.org/a/azerbaijan-rally-dispersed-rustamli/31610400.html>.

<sup>28</sup> *Azerbaijani pro-democracy activist arrested*, Open Caucasus Media (11 Nov. 2022), <https://oc-media.org/azerbaijani-pro-democracy-activist-arrested/>.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> Human Rights Watch, *supra* note 20.



One month later, officials arrested opposition activist Agil Humbatov after he criticized the government's handling of the COVID-19 pandemic,<sup>32</sup> and placed him in a psychiatric hospital in Baku, where he was reportedly injected with an unknown substance.<sup>33</sup> After being released in July 2020,<sup>34</sup> Humbatov was next sentenced in November 2021 to 10 years in prison for stabbing a man — an accusation he denies and views as retaliation for his criticism of President Aliyev and his regime.<sup>35</sup>

23. The government has also used COVID-19 restrictions, imposed at the onset of the pandemic, as a pretense to detain activists and critics of the regime.<sup>36</sup> On April 10, 2020, Azerbaijani police arrested Azerbaijan Popular Front Party activist Ruslan Amirov, along with his 12-year old child who has a chronic health condition.<sup>37</sup> Despite Amirov's electronic authorization to take his child to a hospital, he was sentenced to 30 days' detention for violating lockdown rules.<sup>38</sup> Throughout April 2020, at least six activists and journalists were sentenced for allegedly violating COVID-19 lockdown rules and disobeying police orders.<sup>39</sup>

## FREEDOM OF THE PRESS

24. Freedom of the press remains heavily restricted in Azerbaijan. In December 2021, the parliament adopted a New Media Bill that further limited freedom of press.<sup>40</sup> Signed into law by Aliyev in February 2022, the law placed new restrictions on journalists and owners of media outlets operating in Azerbaijan,<sup>41</sup> created a

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<sup>32</sup> *Azerbaijan: Psychiatric detention for criticizing the President: Agil Humbatov*, Amnesty Int'l (June 18, 2020), <https://www.amnesty.org/en/documents/eur55/2550/2020/en/>.

<sup>33</sup> *Id.*

<sup>34</sup> *Azerbaijan: Further information: Activist released from psychiatric hospital: Agil Humbatov*, Amnesty Int'l (July 13, 2020), <https://www.amnesty.org/en/documents/eur55/2713/2020/en/>.

<sup>35</sup> *Court sentenced PFPA activist to 10 years of imprisonment*, The Institute for Reporters' Freedom and Safety (Nov 15, 2021), <https://www.irfs.org/news-feed/court-sentenced-pfpa-activist-to-10-years-of-imprisonment/>.

<sup>36</sup> *Azerbaijan: Crackdown on Critics Amid Pandemic*, Human Rights Watch (Apr. 16, 2020), <https://www.hrw.org/news/2020/04/16/azerbaijan-crackdown-critics-amid-pandemic>.

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> Tony Wesolowsky, *A New Draconian Media Law In Azerbaijan Gives The Government The Power To Decide What's News*, Radio Free Europe (Feb. 20, 2022), <https://www.rferl.org/a/azerbaijan-media-law-journalism-objective/31711614.html>.

<sup>41</sup> *Id.*

media registry for both journalists and media outlets, and imposed a new set of rules that journalists must abide by, including a rule on “objective[ly]” interpreting facts.<sup>42</sup> The registry is operated by a government media regulator, and any independent journalist not in this registry is essentially barred from working in the country.<sup>43</sup> The law also excludes journalists with a criminal record from registering — a significant precondition, given the rate at which officials arbitrarily convict independent journalists in Azerbaijan.<sup>44</sup> Furthermore, journalists who register must also provide information such as addresses, bank account details, and work contracts that will make it easier for the government to locate and track them.<sup>45</sup>

25. Attacks and harassment of independent journalists remain widespread. On May 9, 2022, Aytan Mammadova, a freelance journalist who works for Radio Free Europe/Radio Liberty, was attacked by a man who put a knife to her neck, threatened, and warned her “not to write about the case.”<sup>46</sup> According to Mammadova, the attack was in relation to her coverage of the ongoing high-profile trial for the murder of a 10-year old girl. Mammadova reported on allegations that police had framed an innocent man who was subsequently tortured by police to force his confession.<sup>47</sup>

26. In February 2022, police detained three journalists<sup>48</sup> who were covering a protest in Baku organized by families of soldiers killed in the conflict with Armenia in 2020.<sup>49</sup> All three journalists — Fatima Mövlamli, Sevinj Sadygova, and Teymur Karimov — worked for independent news outlets and were filming the protest

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<sup>42</sup> *Id.*

<sup>43</sup> Parvana Bayramova and Aziza Goyushzade, *New Media Law Casts Shadow Over Azeri Media*, Voice of America (May 25, 2022), <https://www.voanews.com/a/new-media-law-casts-shadow-over-azeri-media/6589503.html>.

<sup>44</sup> *Azerbaijan’s new media law is a violation of human rights*, Norwegian Helsinki Committee (Oct. 2, 2022), <https://www.nhc.no/en/azerbajjans-new-media-law-is-a-violation-of-human-rights/>.

<sup>45</sup> Tony Wesolowsky, *supra* note 40.

<sup>46</sup> *RFE/RL Freelancer Covering High Profile Murder Trial Says Man Attacked, Threatened Her*, RFE/RL’s Azerbaijani Service (May 10, 2022), <https://www.rferl.org/a/azerbaijan-journalist-attacked-murder-trial/31841147.html>.

<sup>47</sup> *Azerbaijan journalist Aytan Mammadova threatened at knifepoint*, Committee to Protect Journalists (May 11, 2022), <https://cpj.org/2022/05/azerbaijan-journalist-aytan-mammadova-threatened-at-knifepoint/>

<sup>48</sup> *Azerbaijani journalists detained, beaten for covering protest*, Committee to Protect Journalists (Feb. 15, 2022), <https://cpj.org/2022/02/azerbaijani-journalists-detained-beaten-for-covering-protest/>.

<sup>49</sup> Parvana Bayramova, *Azerbaijan Says It Will Remove Police Officers Over Media Harassment*, Voice of America (Feb. 17, 2022), <https://www.voanews.com/a/azerbaijan-says-it-will-remove-police-officers-over-media-harassment/6446083.html>.

when police forcefully detained them.<sup>50</sup> According to Karimov, police struck him in the arm and knee, and forced him into a police car.<sup>51</sup> Police also hit and kicked Mövlamli and Sadygova before putting them into a police car and transferring them to a police station,<sup>52</sup> where officers pushed Mövlamli to the ground and repeatedly kicked her in the stomach and legs.<sup>53</sup> Police released Karimov without charge after half an hour, and Mövlamli and Sadygova were released without charge after four hours.<sup>54</sup>

27. The government also arrests and jails independent journalists. On June 12, 2019, Azerbaijani officials arrested Polad Aslanov, a journalist and founder of independent news websites Xeberman and Press-az, as he tried to cross the border with Iran.<sup>55</sup> In November 2020, he was sentenced to 16 years in prison on treason charges.<sup>56</sup>

28. On September 10, 2022, officials arrested journalist Avaz Zeynalli, along with his lawyer Elchin Sadigov.<sup>57</sup> Zeynalli is the owner and chief editor of Xural TV, an independent news outlet critical of the government, and which covers human rights abuses and corruption. Sadigov is a human rights lawyer who has previously defended other journalists and human rights activists.<sup>58</sup> The arrests took place after a pro-government news outlet claimed that both individuals were involved in extortion.<sup>59</sup> A district court in Baku ordered both individuals to be held in custody for four months on bribery charges.<sup>60</sup> On 17 September, 2022, the Binagadi district court of Baku replaced Sadigov's detention with house

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<sup>50</sup> Committee to Protect Journalists, *supra* note 48.

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> Azerbaijani journalist Polad Aslanov sentenced to 16 years on treason charges, Committee to Protect Journalists (Nov. 16, 2020), <https://cpj.org/2020/11/azerbaijani-journalist-polad-aslanov-sentenced-to-16-years-on-treason-charges/>.

<sup>56</sup> *Id.*

<sup>57</sup> Parvana Bayramova and Aziza Goyushzade, *Azerbaijan Detains a Journalist and His Lawyer*, Voice of America (Sept. 13, 2022), <https://www.voanews.com/a/azerbaijan-detains-a-journalist-and-his-lawyer/6746340.html>.

<sup>58</sup> *Id.*

<sup>59</sup> Azerbaijani journalist Avaz Zeynalli, lawyer Elchin Sadygov remanded for 4 months on bribery charges, Committee to Protect Journalists (Sept. 12, 2022), <https://cpj.org/2022/09/azerbaijani-journalist-avaz-zeynalli-lawyer-elchin-sadygov-remanded-for-4-months-on-bribery-charges/>.

<sup>60</sup> *Id.*

arrest.<sup>61</sup> On December 29, 2022, the same court ruled to extend Zeynalli's detention, which was set to expire on January 8, 2023 by another 4 months.<sup>62</sup> The court rejected an application by Zeynalli's lawyer to transfer Zeynalli to house arrest, despite Zeynalli's health problems.<sup>63</sup>

29. Azerbaijan's government also uses various tools to silence and harass journalists working abroad. In April 2019, Real TV, a news station closely affiliated with the government, ran an intimidation campaign against Sevinj Osmanqizi, a journalist who lives in exile in the United States.<sup>64</sup> In a series of segments, Real TV blackmailed Osmanqizi, including by broadcasting a private conversation and threatening to publish intimate photos of the journalist, to get her to cease her broadcasts.<sup>65</sup>

30. On March 14, 2021, Mahammad Mirzali, a prominent video blogger and harsh critic of President Aliyev, was stabbed in Nantes, France but survived.<sup>66</sup> Mirzali has lived in France as a refugee since 2016, and has received numerous threats for his criticism of Azerbaijan's government, including from the deputy speaker of the Azerbaijani parliament in 2020.<sup>67</sup> On June 12, 2022, French police arrested two men suspected of attempting to assassinate Mirzali.<sup>68</sup> Both men had Mirzali's address set as a destination in their GPS devices, and one of the men was armed with a pistol.<sup>69</sup> In October 2020, Mirzali was shot at multiple times as he was getting into his car in Nantes.<sup>70</sup>

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<sup>61</sup> *Azerbaijan: Lawyer Elchin Sadigov is under preventive measure of house arrest and charged with "complicity in bribe-taking", with the risk of a 12-year prison sentence*, International Observatory of Lawyers (Dec. 17, 2022), <https://protect-lawyers.org/en/item/elchin-sadigov-3/>.

<sup>62</sup> *The court extended the term of arrest of Avaz Zeynalli*, Turan.AZ (Dec. 29, 2022), <https://www.turan.az/ext/news/2022/12/free/Social/en/13366.htm>.

<sup>63</sup> *Id.*

<sup>64</sup> *Azerbaijani journalist Sevinc Osmanqizi faces harassment, threats to leak intimate photos*, Committee to Protect Journalists (May 7, 2019), <https://cpj.org/2019/05/azerbaijani-journalist-sevinc-osmanqizi-faces-hara/>.

<sup>65</sup> *Id.*

<sup>66</sup> *Azerbaijani blogger living in France stabbed, threatened*, Reporters Without Borders (Mar. 24, 2021), <https://rsf.org/en/azerbaijani-blogger-living-france-stabbed-threatened>.

<sup>67</sup> *Id.*

<sup>68</sup> *Hit men sent to France to kill Azerbaijani blogger who is Aliyev foe*, Reporters Without Borders (Jun. 14, 2022), <https://rsf.org/en/hit-men-sent-france-kill-azerbaijani-blogger-who-aliyev-foe>.

<sup>69</sup> *Id.*

<sup>70</sup> *"We'll hold Ilham Aliyev personally responsible if anything happens to this blogger in France" RSF says*, Reporters Without Borders (Jun. 4, 2021), <https://rsf.org/en/we-ll-hold-ilham-aliyev-personally-responsible-if-anything-happens-blogger-france-rsf-says>.

## EXTRAJUDICIAL KILLINGS, TORTURE, AND ILL-TREATMENT

31. Azerbaijani officials routinely torture detainees, though complaints of torture and ill-treatment are usually dismissed by prosecutors,<sup>71</sup> who fail to launch investigations into these widespread abuses.<sup>72</sup>
32. In July 2020, Seymur Ahmadov, a politician from the Azerbaijani Popular Front Party, was detained and severely beaten in custody.<sup>73</sup> According to him, a plain-clothes officer beat him “continuously for an hour,” so badly that he could “no longer feel the pain.”<sup>74</sup>
33. In March 2019, the government released opposition activist Bayram Mammadov, who was initially detained in 2016 and sentenced to 10 years in prison on drug possession charges.<sup>75</sup> Mammadov said he was tortured and forced to confess.<sup>76</sup> Just two weeks after his release, he was arrested after giving an interview in which he stated that he would continue his activism.<sup>77</sup> Police handcuffed him and tied his legs, kicked and slapped him, and held him for approximately 24 hours.<sup>78</sup>
34. Also in March 2019, 14 individuals convicted of rioting in Ganja testified that they were tortured by the police to extract confessions.<sup>79</sup> The protests occurred in July 2018, when a group of 150-200 men protested the ill-treatment and abuse of Yunis Safarov, a Russian citizen who had attempted to assassinate the local Head

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<sup>71</sup> *Azerbaijan Events of 2021*, Human Rights Watch (2022), <https://www.hrw.org/world-report/2022/country-chapters/azerbaijan>.

<sup>72</sup> *Id.*

<sup>73</sup> *Azerbaijan: Relentless Crackdown on Opposition*, Human Rights Watch (Aug. 19, 2020), <https://www.hrw.org/news/2020/08/19/azerbaijan-relentless-crackdown-opposition>.

<sup>74</sup> *Id.*

<sup>75</sup> *Azerbaijan: Youth Activist Freed, Then Re-arrested*, Human Rights Watch (Apr. 3, 2019), <https://www.hrw.org/news/2019/04/03/azerbaijan-youth-activist-freed-then-re-arrested>.

<sup>76</sup> *Azerbaijani Opposition Activist Found Dead In Turkey*, RFE/RL's Azerbaijani Service (May 05, 2021), <https://www.rferl.org/a/azerbaijan-turkey-activist-found-dead/31239051.html>.

<sup>77</sup> *Azerbaijan Events of 2019*, Human Rights Watch (2012), <https://www.hrw.org/world-report/2020/country-chapters/azerbaijan>.

<sup>78</sup> *Id.*

<sup>79</sup> *Id.*

of Executive Power and was subsequently arrested and severely beaten.<sup>80</sup> During the protests, one man killed two police officers and injured a third.<sup>81</sup> In retaliation, local police began arbitrarily arresting bystanders and protesters, bringing them to a local police station and subjecting them to torture and ill-treatment.<sup>82</sup> Despite the fact that the aforementioned 14 defendants testified in court that they were beaten by police to extract confessions, officials only conducted a superficial investigation before closing it, claiming that the individuals sustained injuries when they resisted arrest.<sup>83</sup>

35. In January 2020, officials arrested Alizamin Salayev, an Azerbaijani Popular Front Party member, and repeatedly tortured him in detention.<sup>84</sup> In a letter published by his family on social media, Salayev stated that he was knocked to the ground by police and ordered to put his head into the toilet. After Salayev refused, police beat him.<sup>85</sup> While in custody, Salayev had to be taken to hospital twice.<sup>86</sup> Both times police refused to allow him medical treatment, even though he was diagnosed with a ruptured hernia resulting from the beating, and was recommended surgery.<sup>87</sup>

## RECOMMENDATIONS

HRF calls on Azerbaijan's government to:

- a) Protect the rights of all individuals to freedom of peaceful assembly, association, and expression, and release all political prisoners and those who were unjustly detained or arrested as a result of restrictions on these freedoms;

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<sup>80</sup> *New Report: Azerbaijani government crackdown in Ganja*, International Partnership for Human Rights (Jan. 29, 2020), <https://www.iphronline.org/new-report-on-azerbaijani-government-crackdown-in-ganja.html>.

<sup>81</sup> *Id.*

<sup>82</sup> *Id.*

<sup>83</sup> Human Rights Watch, *supra* note 77.

<sup>84</sup> Human Rights Watch, *supra* note 20.

<sup>85</sup> *Id.*

<sup>86</sup> *Id.*

<sup>87</sup> *Id.*

- b) End harassment of independent journalists and media outlets, and ensure freedom of the press is respected in Azerbaijan, in accordance with the principles outlined in its Constitution and its international legal obligations. This measure entails repealing laws, including the February 2022 media law, which inhibit the work of journalists and media outlets, and stifle freedom of the press in Azerbaijan;
- c) Thoroughly investigate all accounts of torture and ill-treatment in custody and prisons, and ensure that those in detention receive humane treatment;
- d) Protect the due process rights of every accused person to a fair and public trial; and
- e) Allow citizens of Azerbaijan to participate, without hindrance, in the political life of the society and the State, in accordance with Article 54 of the Constitution and its international legal obligations.