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Individual NGO Submission: for the Universal Periodic Review of the human rights situation in Azerbaijan(2023)

Submitted by: The Iranian Elite Research Center

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The **Iranian Elite Research Center (IREC)** was established in 2000 with the aim of research in the field of sustainable development and in 2005, it succeeded in obtaining special consultative status with ECOSOC.

By Review of the human rights situation in the Republic of Azerbaijan, IREC offers recommendations regarding the arbitrary detention in order to improve the human rights situation in this country:

-Recommendations on the prohibition of “arbitrary” arrest and detention;

-Recommendations on the right to liberty and security;

-Recommendations on the right to a fair and public hearing before a competent, independent and impartial court or tribunal;

The right to arbitrary detention

- In 2014, the human rights activists Arif and Leyla Yunus has been arrested; they are accused of having links to the special forces of neighbouring Armenia and being involved in recruiting Azeri citizens for espionage¹.
- Bakhtiyar Hajiyev, one of the Azerbaijani government's critic, was arrested in December 2023 on charges of hooliganism and contempt of court and sentenced to a month and 20 days of pre-trial detention. He has been on hunger strike for 40 days in protest at his detention. On January 21, the court prolonged his detention for another month. He faces a prison term of between two and five years if found guilty².
- Government critic Huseyn Abdullayev- was arrested in April 2018 by anti-terrorism police in Istanbul- remained in prison, in spite of the UN Working Group on Arbitrary Detention regarding his deprivation of liberty as arbitrary and UN human rights experts demanding his immediate release³.
- In October, opposition activist Niyameddin Ahmedov - was detained on April 16, 2020 and he was sentenced to 13 years' imprisonment for sedition and financing terrorism on apparently politically motivated charges⁴.
- On February 20, 2023 a group of activists held a protest in front of the Baku City Court of Appeal, which denied Bakhtiyar Hajiyev release from prison. The police arrested five people: Afiyaddin Mammadov, Samir Sultanov, Neymat Abbasov, Ali Melikov and Narmin Shahmarzade⁵.
- In 2023, according to a report from Azerbaijan's Interior Ministry, Baku has arrested at least 39 people accused of espionage.⁶
- On November 2, 2022, Azerbaijan said it arrested 19 citizens that it accused of being trained and funded in order to spy for its intelligence services⁷.
- There were reports that the government continued to hold detainees captured after the fall 2020 intensive fighting in the Nagorno-Karabakh conflict and following the November 2020 cease-fire. There were reports that some detainees from the period prior to the November 2020 cease-fire had been summarily executed (see section 1.g.). Of the 41 Armenians in Azerbaijani detention at year's end, two Armenians detained during the 2020 fighting were charged with committing crimes during the fighting in the 1990s.

Recommendations

¹ <https://www.reuters.com/article/uk-azerbaijan-rights-idUKKBN0G525Y20140805>

² <https://eurasianet.org/jailed-azerbaijani-activist-vows-to-continue-hunger-strike-now-in-40th-day>

³ <https://www.amnesty.org/en/location/europe-and-central-asia/azerbaijan/report-azerbaijan/>

⁴ <https://www.rferl.org/a/azerbaijan-opposition-jailed/31499581.html>

⁵ <https://jam-news.net/two-more-activists-arrested-in-azerbaijan/>

⁶ <https://www.aa.com.tr/en/asia-pacific/azerbaijan-arrests-39-in-operation-against-iran-linked-network-report/2803726>

⁷ <https://www.bloomberg.com/news/articles/2022-11-02/azerbaijan-arrests-group-accused-of-spying-for-iran?leadSource=uverify%20wall>

- To guarantee the respect for freedom of persons against arrest and detention in the territory under its jurisdiction;
- Pay special attention to the fact that depriving individuals of their freedom and arresting citizens was not in accordance with human rights standards;
- Recognition of the principle of innocence, prohibition of arbitrary arrest, and right to freedom and security for all citizens;
- To take effective measures to release people who have been arbitrarily detained;
- Respecting domestic laws and international human rights that every person has the right to life, liberty and security in the shadow of judicial security.
- Guaranteeing the right that no one can be arrested or forced into exile or forced residence, except in the order and order determined by the law.

Trial Procedures

In February 2020 three NGOs reported that, as a result of various punitive measures, more than 24 attorneys had been deprived of the opportunity to practice their profession since 2005. The number of defense lawyers willing and able to accept politically sensitive cases remained small due to various measures taken by authorities, including by the Collegium of Advocates. Such measures included disciplinary proceedings resulting in the censure, suspension, and in some cases disbarment of human rights lawyers.

In 2019 the collegium suspended the license and initiated disbarment proceedings against respected human rights lawyer Shahla Humbatova for reasons widely considered to be politically motivated. On March 5, the Baku Administrative Court disbarred Humbatova. On May 5, the board of the collegium reinstated Page 11 Humbatova's membership as well as that of human rights lawyer Irada Javadova, who had not been able to practice since the collegium suspended her license in 2018. The majority of the country's human rights defense lawyers were based in Baku, which made it difficult for persons living outside Baku to receive timely and quality legal services since local lawyers were unwilling or unable to take on such cases.

During the year the collegium increased its membership from 1,844 to 2,132 persons, as of December 31. Human rights defenders asserted the vast majority of new members were hesitant to work on human rights-related cases due to fear they would be sanctioned by the collegium. In contrast to previous years, several candidates who had previously been active in civil society were finally admitted to the collegium during the year.

Freedom of Expression for Members of the Press and Media, Including Online Media

The freedom of expression in Azerbaijan has sharply deteriorated over the past several years due to a number of worrisome trends. We are particularly concerned by the Azerbaijani authorities' continuing practice of imprisoning journalists and bloggers in connection with expressing critical opinions; the enduring cycle of acts of violence against journalists and impunity for those who commit these acts; and the continued existence of criminal defamation provisions in Azerbaijani law⁸.

⁸ Free Expression Under Attack: Azerbaijan's Deteriorating Media Environment Report of the International Freedom of Expression

Virtually the entire media sector is under official control, and state-owned television is the most popular information source. No independent television or radio is transmitted from within the country, and all print newspapers with a critical stance have been shut down. Most independent news sites, such as Azadliq and Meydan TV, targeted by state censorship, are based abroad.

Throughout the year government-owned and pro-government outlets continued to dominate broadcast and print media. A limited number of independent and semi-independent online media outlets expressed a wide variety of views on government policies, but authorities pressured them in various ways for doing so. The International Research and Exchanges Board (IREX) 2021 Vibrant Information Barometer noted that in 2020, media in the country stagnated or deteriorated due to COVID-19-related restrictions and the intensive fighting in the Nagorno-Karabakh conflict. According to the report, “During the 44 days of active fighting, internet speeds were regulated for security reasons, limiting access to news; media critical of the government were selectively blocked. Social media platforms remain the only space where freedom of expression can be observed; however, there is a high degree of self-censorship to avoid punishment on sensitive topics. Low media literacy, hate speech, and/or extreme nationalism clashing with the handful of progressive/liberal views still exist.” Journalists needed accreditation to work during the pandemic, but some independent news outlets said they had difficulty obtaining the necessary paperwork, according to the NGO Reporters Without Borders.⁹

Recommendations:

- Ensure that no journalists, media workers, bloggers or other citizens are arrested for exercising their right to free expression;
- Initiate thorough, prompt and independent investigations into all instances of violence and threats of violence against journalists, political activists and human rights defenders, and bring those responsible to justice;
- Ensure that all trials of journalists, political activists and human rights defenders are carried out in accordance with international standards for due process and the presumption of innocence

⁹ https://www.state.gov/wp-content/uploads/2022/03/313615_AZERBAIJAN-2021-HUMAN-RIGHTS-REPORT.pdf