



UPR Submission
Azerbaijan
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Summary

Azerbaijan's already poor human rights record has dramatically deteriorated and developed into a full-fledged human rights crisis since Azerbaijan's UPR in 2013. Despite making multiple commitments to improve the climate for human rights and human rights defenders following the 2013 UPR, authorities have prosecuted, and in most cases imprisoned, dozens of human rights defenders, political and civic activists, journalists, and bloggers on politically motivated, bogus criminal charges, prompting others to flee the country or go into hiding. The unrelenting crackdown has decimated a once vibrant civil society and media. Authorities have frozen the bank accounts of independent civic groups and their leaders, impeding their work by restricting their activities and ability to secure funding.

Following vocal international criticism in late 2015 and 2016, the authorities released about 17 human rights defenders, journalists, and political activists who had been unjustly imprisoned on politically motivated charges. However, none of those released had their convictions vacated. Some faced travel restrictions, and others left the country fearing further politically motivated persecution. Many government critics remained wrongfully jailed. Furthermore, in recent months, authorities arrested many other government critics on spurious criminal and administrative charges.

Azerbaijan should take urgent steps to end the ongoing crackdown, including by immediately releasing all wrongfully imprisoned civil and political activists, journalists, and bloggers; refraining from undue interference in the work of NGOs, and restoring the ability of these NGOs to receive independent funding; promptly and effectively investigating all allegations of abuse and ill-treatment by law enforcement officers; and halting interference in the work of online and broadcast media.

Freedom of expression and media

During the previous UPR in 2013, Azerbaijan accepted the recommendation to "take effective measures to ensure the full realization of the right to freedom of expression," and "ensure that journalists and writers may work freely and without fear of retribution." These and many other related recommendations have not been implemented by the government of Azerbaijan.

Four years on, Azerbaijan continues its antagonism towards independent and opposition media. Authorities continue to use bogus, tax-related, and other criminal charges to jail critical journalists and bloggers; at least 11 currently remain in prison. The government not only failed to implement the UPR recommendation to decriminalize defamation, but in 2013 parliament

adopted legislative amendments to specifically extend the scope of criminal defamation to online media, and, in 2017, to increase the criminal penalties for defaming the head of state. Claiming national security threats, in 2017 the government permanently blocked 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. Some of the journalists and bloggers arrested or harassed since 2013 include, in reverse chronological order:

- **Mehman Huseynov**, a prominent journalist and blogger, sentenced in March 2017 to two years in prison for allegedly defaming police, in response to his public denunciation of the police abuses he suffered earlier. Huseynov is known for hard-hitting investigative reporting of high-level government corruption.
- **Afgan Sadigov**, the founder and editor-in-chief of AzelTV news website, which operated in southern Azerbaijan, sentenced in January 2017 to two-and-a-half years in prison on spurious hooliganism charges. Sadigov often reported on allegations of embezzlement of social benefits by local authorities.
- **Afgan Mukhtarli**, a journalist and political activist, abducted by unidentified people in May 2017 in Georgia's capital, Tbilisi, and illegally brought to Azerbaijan. Azerbaijani authorities charged Mukhtarli with unlawful border crossing, smuggling, and resisting authorities. Mukhtarli had been living in exile since 2015, out of fear for his security.
- **Aziz Orujov**, director of the Kanal13 online television channel, arrested in May and sentenced to 30-days' detention for allegedly resisting police. During his detention, authorities brought criminal tax-related charges against him. He is currently in pretrial custody.
- **Mehman Aliyev**, director of the Turan News Agency, Azerbaijan's last independent news agency, arrested in August 2017 on spurious criminal charges of tax evasion, abuse of office, and illegal business activity. Aliyev was released on his own recognizance in September 2017. A criminal investigation is ongoing. Turan was forced to suspend operations after authorities froze its bank accounts.
- In April 2016, authorities launched a criminal investigation into alleged tax evasion and related economic infractions supposedly involving **15 journalists who cooperate with Meydan TV**, a Berlin-based online independent Azeri-language media outlet that provides critical reporting on human rights, corruption, and similar issues. Several of them face travel bans while under investigation.
- **Seymur Hazi**, a columnist with the opposition daily *Azadlig*, convicted in January 2015 on spurious hooliganism charges after an unidentified man assaulted him near his house. **Hazi** was sentenced to five years in prison.
- **Khadija Ismayilova**, award-winning investigative journalist convicted in 2014 on bogus tax-related charges to seven years and six months in prison, after a politically motivated prosecution, flawed trial, and a campaign to discredit her. She was conditionally released in May 2016, but remains under a travel ban.
- In 2014, authorities arrested or convicted at least five Facebook and other social media activists on bogus drug possession charges. They were: Abdul Abilov, Omar Mammadov, Elsever Murselli, and Faraj and Siraj Karimli. All had large social media followings, and administered Facebook pages criticizing the government. They were all released by October 2016.
- **Rauf Mirgadirov**, an outspoken Ankara-based correspondent for two independent Azerbaijani newspapers, arrested in April 2013 in Baku after he was unlawfully deported from Turkey. In December 2015, a Baku court sentenced him to six years on espionage

charges. He was conditionally released in March 2016, and left the country fearing further persecution.

- **Parviz Hashimli**, editor of a news website and reporter for the opposition daily *Bizim Yol*, convicted in April 2013 on smuggling and illegal weapons possession charges, and sentenced to eight years in prison. He was released in March 2016 under the presidential pardoning decree.

In December 2014, authorities raided Radio Azadlig's Baku office, interrogated employees, seized equipment, and sealed off the premises. Several staff members fled the country.

In July 2016, authorities first suspended and then revoked the broadcasting license of a privately owned, staunchly pro-government channel, ANS, following its announcement to broadcast an interview with Fethullah Gülen. The TV channel remains closed.

In August 2017, Azerbaijani authorities launched a tax-evasion investigation against Turan, and the tax police raided Turan's office, searched the premises and computers of its journalists, and confiscated all financial documents and the accountant's computer. Turan had to suspend its operations after authorities froze its bank accounts.

Arrests of Government Critics

Azerbaijan continues to use a range of false, politically motivated criminal charges, including drug possession and illegal business activity, to stifle critics. This goes against a number of recommendations accepted by Azerbaijan in 2009 and 2012.

- In January 2017, courts sentenced 17 people, including prominent religious scholar **Taleh Bagirzade**, to long prison sentences following a trial marred by torture and ill-treatment allegations. Authorities arrested the men in November 2015, during a raid in Nardaran, a Baku suburb known for its Shia religious conservatism and criticism of government policies. Charges included murder, terrorism, inciting religious hatred, organizing mass unrest, and illegal possession of weapons.
- Also in January 2017, a Baku court convicted youth activist **Elgiz Gahraman** to five-and-a-half years in prison on bogus drug-related charges. During the trial, Gahraman alleged police beat and threatened him with sexual assault to force him to confess to drug possession. Authorities failed to effectively investigate these allegations.
- At least 10 members of the opposition Azerbaijan Popular Front Party (APFP) are in prison on politically motivated charges, including three members convicted in 2017. They are: 1) **Faig Amirli**, an APFP member and financial director of the now-closed pro-opposition *Azadlig* newspaper, sentenced to three years and three months in prison on bogus charges of inciting religious hatred and tax-evasion. He was conditionally released in September 2017; 2) **Fuad Ahmadli**, a senior APFP member and social media activist, sentenced in June 2017 to four years in prison on spurious charges of misusing personal data; and 3) **Fuad Gahramanli**, a senior APFP member, sentenced in January 2017 to 10 years' imprisonment for inciting religious and ethnic hatred following his Facebook posts criticizing the government. **Gozel Bayramli**, APFP Deputy Chair, was arrested in May at the Azerbaijani-Georgian border and charged with smuggling. Currently she is in pretrial custody.

- Police arrested youth activists **Giyas Ibrahimov** and **Bayram Mammadov** in May 2016, for spraying graffiti on a monument to former President Heydar Aliyev. After they refused to apologize to the monument on camera, they were charged and then sentenced to lengthy prison terms on bogus drug-related charges.

Dozens of activists convicted in politically motivated trials since 2013 remain in prison. Among them:

- **Ilgar Mammadov**, leader of the pro-democracy opposition movement Republican Alternative (REAL), imprisoned since February 2013, despite a 2014 European Court of Human Rights judgment finding his imprisonment illegal, and repeated demands by the Council of Europe to release him. In September, 2017, the Council of Europe's Committee of Ministers, in an unprecedented move, decided to trigger legal infringement proceedings against Azerbaijan.
- Youth activists **Ilkin Rustemzadeh**, **Rashad Ramazanov** and **Murad Adilov**;
- Opposition politicians **Mammad Ibrahim**, and **Asif Yusifli**.

Restrictions on Non-Governmental Organizations

Azerbaijan accepted several recommendations related to freedom of association and the work of NGOs, including "to remove all legislative and practical obstacles for the registration, funding and work of NGOs," and "to bring its legislation governing the work of NGOs in line with Venice Commission recommendations." Instead, in 2014 and 2015 parliament adopted new, restrictive laws and regulations that make it extraordinarily difficult for organizations to attract and use funding and remain independent of the government. The authorities have wrongfully prosecuted human rights defenders and investigative journalists for violating some of these regulations.

These new laws and regulations:

- Require both donors and grantees to separately obtain government approval of each grant under consideration. The Ministry of Justice and other agencies received broad discretion to deny the NGOs their requests to register grants. NGOs and their staff risk criminal sanctions, including lengthy prison terms, for failure to abide by the grant registration regime. The government frequently denies registration to NGOs working on human rights, accountability, or similar issues on arbitrary grounds.
- Require foreign entities to obtain government permission to act as a donor, to register a presence in the country, and to obtain approval for each grant. The rules give the Ministry of Finance broad discretion to reject grants on 10 different grounds, including on grounds that the ministry does not consider a grant to be financially "expedient", or that there is sufficient state funding in the grant's proposed area of activities.

Just before these laws were adopted, the prosecutor's office launched a sweeping criminal investigation involving dozens of international donors operating in Azerbaijan and their grantees. The charges related to unregistered grants, although at the time, there was no criminal penalty for issuing or receiving an unregistered grant. As part of this investigation, the government seized bank accounts of domestic NGOs receiving grants from those donors under

investigation. The donors were forced to stop their grant-making activities in Azerbaijan, eliminating key sources of funding for many independent civic groups. The majority of international donor agencies and organizations left Azerbaijan in the wake of the investigation and expanded government regulations. In early 2016 the broad criminal investigation was suspended, but not closed.

With the suspension of the investigation, the government unfroze the bank accounts of some groups. However, the act of unfreezing the accounts has not made it easier for the groups to operate, due to the obstacles to securing independent funding, as well as, in many cases, exorbitant tax fines.

In January 2017, the Cabinet of Ministers simplified several regulations on international donor funding and grant agreement registration. The revisions, however, were superficial and did not eliminate the obligatory grant registration, and, therefore, the authorities' discretion to arbitrarily deny grant registration or the entrenched legal barriers to NGOs' operations.

Torture and Ill-Treatment in Custody

Despite Azerbaijan's acceptance of numerous UPR recommendations "to take all necessary measures to eradicate the practice of ill-treatment ... and use of torture in detention," and "to ensure that all allegations of torture are effectively investigated," torture and ill-treatment continue with impunity. For example:

- At the January 2017 trial of those arrested in November 2015 in Nardaran (see above), 17 men made credible allegations of ill-treatment in detention to coerce confessions and testimony against others. The men alleged that officers at the Interior Ministry Organized Crime Unit headquarters placed sacks on their heads, handcuffed them, and beat them with truncheons, including on their genitals and bottoms of their feet. Some also said that officials used electric shocks on them, and threatened to rape their wives or sisters. The men also alleged that police beat and kicked them in a police van upon detention. Authorities failed to effectively investigate the allegations.
- Also in January 2017, several plainclothes officers attacked journalist Mehman Huseynov in central Baku. They bound his eyes and mouth, forced a bag over his head, used an electroshock weapon on his groin, and punched him before detaining him. The next day, a court found Huseynov guilty of disobeying police orders and fined him. As noted above, after Huseynov publicized the abuse, a court sentenced him to two-years imprisonment for defamation.
- In May 2016, policemen beat Giyas Ibrahimov and Bayram Mammadov (see above) after they refused to apologize for political graffiti, and threatened to rape them with truncheons to force them to confess to drug possession. Authorities failed to conduct an effective investigation into the ill-treatment allegations.
- In July and August 2015, Ilgar Mammadov publicly alleged he had been attacked by fellow inmates for refusing to sign a letter of repentance to President Ilham Aliyev. In August, the secretary general of the Council of Europe sent a letter to the minister of justice, urging a thorough investigation. Mammadov said that prison officials beat him in October 2015. Authorities failed to effectively investigate.

- In April 2015, the United Nations Subcommittee on Torture visited Azerbaijan and found the government did not guarantee “all fundamental legal and procedural safeguards” to prisoners, “including access to a lawyer, a medical doctor, and contact [with] his or her family.”

Recommendations

- Ensure full respect for freedom of expression in line with Azerbaijan’s international commitments, including by:
 - decriminalizing libel and establishing reasonable monetary caps on civil defamation awards;
 - ensuring that all journalists may work freely and without fear of retribution for criticism or coverage of topics that the government may find sensitive;
 - allowing foreign media broadcasts without undue restrictions and ensuring unfettered access to the country for journalists;
 - Immediately and unconditionally releasing journalists and bloggers held on politically-motivated charges, including Mehman Huseynov, Afgan Sadigov, Afgan Mukhtarli, Aziz Orujov, Seymur Hazi, Ilkin Rustemzadeh, Bayram Mammadov, Rashad Ramazanov, Nijat Aliyev, Tofiq Hasanli, and Araz Guliyev;
 - Immediately releasing Ilgar Mammadov, Murad Adilov, Mammad Ibrahim, Asif Yusifli, Gozel Bayramli, Jeyhun Isgandarli and the other opposition party activists listed above;
 - Ending the criminal investigation against Mehman Aliyev;
 - Ending travel restrictions and vacating the criminal conviction against journalist Khadija Ismailova and human rights lawyer Intigam Aliyev, convicted in 2015 and released in 2016.
 - Ending the travel restrictions against independent journalists, NGO leaders and opposition members;
 - Restoring ANS’s broadcasting license, and ending the investigation against Turan, and unfreezing its bank account.
- Comply with international commitments on freedom of association by:
 - Removing undue restrictions to accessing foreign grants and amending legislation on NGOs in accordance with the recommendations of regional and international human rights institutions, particularly regarding the registration, operation, and funding of NGOs.
 - Dropping all tax-related cases against NGOs and their leaders, and dropping fines relating to unregistered grants.
- Thoroughly investigate all allegations of torture and ill-treatment of detainees and hold perpetrators accountable. Make a statement at the highest level condemning torture and ill-treatment.