Human Rights Watch welcomes the review of Azerbaijan by the United Nations Human Rights Committee and provides in this briefing an overview of our main concerns in relation to Azerbaijan's compliance with the International Covenant on Civil and Political Rights (ICCPR).

The government's unrelenting crackdown—from 2014 though the present—decimated independent nongovernmental organizations (NGOs) and media. Courts sentenced leading human rights defenders, political activists, and journalists to long prison terms in politically motivated, unfair trials. Dozens more face harassment, have been imprisoned, are under criminal investigation, face travel bans, or have fled. The authorities also denied entry to international human rights monitors and journalists.

While Azerbaijan has released many activists in recent months, the authorities continue to exercise a revolving door policy of politically motivated imprisonment and administrative detentions.

Torture and Ill-Treatment (Article 7)
Torture and ill-treatment are well-documented, persistent problems in Azerbaijan, and as suggested by the Committee Against Torture, are perpetrated with near impunity. In numerous cases documented by Human Rights Watch, detainees told their lawyers, family members or a court that they had been beaten, threatened or otherwise abused sometimes in efforts to force them to sign incriminating confessions or letters of repentance; and how they had undergone physical or psychological pressure in prison, some being placed in solitary confinement for more than a year, others denied appropriate medical treatment.

- Leyla and Arif Yunus, two leading human rights defenders, were arrested in July and August 2014, respectively. They were convicted in August 2015 and sentenced to eight and a half years and seven years, respectively, for economic crimes, following a politically motivated prosecution and a trial that fell far short of international standards. In November, Arif Yunus was transferred to house arrest due to his ill health. In December 2015, the appeals court of Baku

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changed both sentences to five year conditional terms and released them.

In letters to her husband and in meetings with her lawyers, Leyla Yunus made credible allegations that the prison authorities and her cellmate had ill-treated her. In a statement, her lawyers reported that on September 23, 2014 a prison official twisted Yunus's arms, took her to an empty cell, hit her and pulled her hair, pulling some out, while berating her. Yunus reported the incident to prison officials but it was not investigated.

Leyla Yunus also reported that her cell mate repeatedly attacked and beat her, she believes, at the behest of the authorities. The authorities refused to move her to a different cell, and the incidents were not effectively investigated. Instead, she was reprimanded for banging on the door and calling for help after one attack. She was also barred from making personal phone calls for a month.

Arif Yunus was held for 18 months in solitary confinement.

In April 2016, Leyla and Arif Yunus were allowed to leave Azerbaijan for the Netherlands following an international outcry about their serious health conditions as a result of the treatment they received in detention.

- **Ilgar Mammadov** is a prominent political analyst and chair of the opposition group REAL (Republican Alternative), one of Azerbaijan's few alternative political movements. Authorities took Mammadov into pre-trial custody on February 4, 2013 on charges stemming from anti-government riots that broke out in Ismayilli, 200 kilometers from Baku, on January 23 and 24, 2013. Mammadov was sentenced to seven years in prison after a politically motivated trial that violated multiple fair trial protections.

Since his arrest, authorities have repeatedly pressured Mammadov to apologize to President Ilham Aliyev and to pledge his support. Mammadov suffered repercussions for refusing to do so. In the afternoon of October 16, 2015, after a meeting with his lawyer, prison officials took Mammadov to the offices of the prison's administration. According to an account relayed by Mammadov’s lawyer, two deputy prison heads attacked Mammadov, hitting him on the head and chest several times, and then dragged him to the office of the prison head. Prison staff then pushed Mammadov to the floor and beat and kicked him. He told his lawyer that Asgarov directly threatened him that he would never be released from prison safe and sound.

On May 22, 2014, the European Court of Human Rights found the authorities detained Mammadov without any evidence to
reasonably suspect him of having committed the offense with which he was charged, and concluded that the actual purpose of his detention “was to silence or punish[him for criticizing the Government.” The Committee of Ministers of the Council of Europe has repeatedly called for Mammadov's immediate release, including in its decision adopted in June and a September interim resolution. The government has failed to release Mammadov. Prompted in part by this failure, in December the secretary general of the Council of Europe, Thorbjorn Jagland, took the rare step to initiate an inquiry into Azerbaijan's implementation of the European Convention on Human Rights. The Azerbaijani authorities have not cooperated with this inquiry.

- **Bahruz Hajiyev**, a resident of Mingechevir city, died on August 20, 2015 at a local police station soon after police detained him for questioning on a drug-related offense. The Interior Ministry said that Hajiyev threw himself from a window. Hajiyev's relatives reported that his body showed signs of other violence.

- **Rauf Mirgadirov**, had worked as a prominent independent journalist before his forcible return from Turkey to Azerbaijan where he was convicted and sentenced to six years' imprisonment in December 2015 on politically-motivated espionage charges. His sentence was converted to a five year suspended term and he was released in March 2016. While in prison, he was forced to spend 23 months in solitary confinement.

- **NIDA Youth Activists**: In March and April 2013 authorities arrested seven members of the youth opposition movement NIDA on drug charges and charges related to an alleged plan to instigate violence at a protest. The seven activists were convicted in May 2014 and sentenced to prison terms ranging from six to eight years. President Aliyev pardoned four of them in October and December 2014, after they wrote letters of repentance and praised the ruling party; the remaining three were amnestied and released in March 2016. For the ten days following their arrest, three of the activists were denied access to a lawyer of their choosing. Two days after their arrest, nearly all Azerbaijani television channels, including the state channel and the public broadcaster, showed a police video of two of the activists allegedly confessing to a plan to use Molotov cocktails during the protest to challenge police and cause instability.

The televised statements, given in custody at a time when the men were being detained without access to a lawyer of
their choosing, appeared to be coached and raised fears that the activists were coerced or threatened into making a false confession.

One of the three, Mahamad Azizov, later retracted his testimony, saying that it was made under duress. Azizov told his lawyer that after he retracted his confession, officers at the Ministry of National Security, where Azizov was held at the time, punched him and beat him with clubs on his head and legs. Azizov's lawyer said that as a result of the beating Azizov could not walk for four days and lost the hearing in his left ear.

• In July 2014 police arrested Faraj Karimov, a well-known blogger and administrator of two popular Facebook pages, which had thousands of followers and served as platforms for criticism against human rights violations, social problems, and corruption in Azerbaijan. Police had detained his brother Siraj Karimov six days earlier. Both were arrested on dubious drug-related charges. Both Faraj Karimov and his father are the members of the opposition Musavat party and prominent political activists. Faraj Karimov also administered the Musavat Party website.

According to the Karimovs' lawyer, neither brother had access to a lawyer of their choosing for several days following their respective arrests. Both Faraj and Siraj complained that officials of the Organized Crime Unit of the Interior Ministry threatened physical harm to the men's families in order to compel them to sign confession on drug-related criminal charges. The authorities have failed to investigate those claims. A court sentenced to Siraj to six years imprisonment for drug possession in March 2015. His family and lawyer believe that Siraj was targeted for his brother's political and social media activism. He was released on March 17, 2016, under a presidential pardon.

Faraj Karimov said the police questioned him exclusively about his Facebook posts. On May 6, 2015, a court sentenced Faraj Karimov to six-and-a-half-years in prison for drug possession. On May 24, 2016, the Supreme Court reduced the charges and prison sentence to three years.

• On May 10, 2016 Baku authorities detained youth activists Giyas Ibrahimov and Bayram Mammadov after identifying them through CCTV footage as having painted graffiti on a statue of former president Heydar Aliyev, father of the
According to the men's lawyer, Elchin Sadigov, the men stated that police at Baku's Narimanov district police station ordered them to publicly apologize, on camera, in front of the monument, in exchange for release. When Ibrahimov and Mammadov refused, police beat them, forced them to take their pants off, and threatened to rape them with truncheons and bottles. Under duress, the men signed confessions to drug possession. Mammadov is a member of NIDA. Ibrahimov belongs to Solfront, another leftist youth group.

Sadigov told Human Rights Watch that he was only able to meet his clients on May 12, after they had confessed to drug possession and shortly before they were taken to a pretrial hearing to be charged. While at the station, Sadigov saw how police forced the men to clean the toilets and police station yard, while filming them, and kicked and humiliated them as they cleaned the yard. Sadigov tried to intervene to stop the abuse, but police pushed him out of the station. Sadigov stated that when he was able to meet with his clients, he saw visible bruises on both men, who said they had pain all over their bodies, particularly in their heads and abdomens. Mammadov had a bruise and a scab from bleeding near his right ear.

At the May 12 hearing, Ibrahimov and Mammadov retracted their forced confessions and stated that the police had beaten them and threatened them into confessing. They acknowledged to the judge that they had painted the graffiti. The court ordered them held in pretrial detention for four months. The authorities have failed to conduct an effective investigation into the ill-treatment allegations, and the men's family members alleged that the search of the men's homes, during which the authorities allege large quantities of narcotics were found, was illegal. The men remain in pretrial custody at this writing, each facing up to 12 years in prison if convicted.

Authorities arrested Taleh Bagirov, a religious scholar, imam, and leader of the “Muslim Unity” political movement, on November 26, 2015 during an operation in Nardaran, a Baku suburb known for its Shi'ia conservatism. The raid turned violent under unclear and disputed circumstances, with shootings leaving two police and seven civilians dead. Police detained 68 people. Officials have charged Bagirov with a number of grave crimes, including terrorism, attempt to violently seize power, illegal firearms possession and homicide.

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1 Police did not allow Mammadov's family members to be present during the search, and that Ibrahimov's mother saw police plant drugs in her home. Human Rights Watch telephone interview with Elchin Sadigov. May 13, 2016.
In July, Bagirov stated at trial that Ministry of Interior Organized Crime Unit officials beat him repeatedly and injured him, including breaking his nose. The beatings were apparently to compel Bagirov to give testimony against two political opposition leaders as being the masterminds behind the alleged armed uprising. Organized Crime Unit officials kept him in their custody, rather than transferring him to pretrial detention facility and did not grant Bagirov access to his lawyer until December 29, more than a month after his detention. Bagirov remains in detention pending trial and faces up to life imprisonment if convicted.

- **Seventeen individuals** being tried together with Bagirov also stated that police had beaten them repeatedly to compel confessions and testimony. Authorities denied the allegations and did not thoroughly investigate.

- In April 2015, the UN Subcommittee on Torture conducted a visit and found the government did not guarantee “all fundamental legal and procedural safeguards” to prisoners, “including access to a lawyer, a medical doctor, and to contact his or her family.”

**Arbitrary arrest or detention (Article 9)**

Despite the release of a number of journalists and human rights defenders between November 2015 and May 2016, many other wrongfully imprisoned political activists, journalists, and bloggers remain behind bars on politically motivated charges of drug possession, unlawful business activity, tax evasion, abuse of office, hooliganism, incitement and the like, as described above.

Throughout 2016, Azerbaijani authorities arrested numerous other political and other activists, bloggers, and others, particularly in August and September, ahead of the September 26 constitutional referendum. The authorities used a range of false, politically motivated criminal charges, including drug possession, illegal business activity, as well as alleged support for Fethulla Gülen, the US-based cleric whom Turkey accused of organizing the failed July 2016 coup attempt there.

Authorities denied many detainees prompt access to a lawyer of their choosing and did not allow them to inform their families of their whereabouts.

The authorities also used administrative detention of up to 30 days to harass political and social media activists. The authorities targeted dozens of political activists, including Azerbaijan Popular Front Party activists, and social media activists, involved in criticizing the September 2016
constitutional referendum or organizing or supporting public protests against the referendum, as well as those criticizing or supporting protests across the country in December 2015 and January and February 2016 linked to the deteriorating economic crisis. Authorities also denied many of these detainees basic procedural rights.

**Among those sentenced on politically motivated criminal charges are:**

- Ilgar Mammadov, a leading opposition politician, whose release has been ordered by the Council of Europe Committee of Ministers;
- Seymur Hazi, opposition daily *Azadlig* journalist (in January 2015 sentenced to five years in prison on criminal hooliganism charges);
- Ilkin Rustemzadeh, blogger and youth activist (in 2013 sentenced to eight years on charges of inciting violence and organizing mass disorder);
- Faraj Karimov, Musavat opposition party member and social media activist (sentenced in 2015 to six-and-a-half-years in prison for drug possession);
- Rashad Ramazanov, blogger and government critic (convicted in 2013 to nine years imprisonment on dubious drug charges);
- Abdul Abilov, social media activist, (sentenced in 2014 to five and a half years in prison on dubious drug charges);
- Aliabbas Rustamov, lawyer and anti-corruption activist, (sentenced in 2015 to seven years in prison on spurious bribery charges);
- Araz Guliyev, editor of a Muslim news website (sentenced in 2013 to eight years in prison on five charges, including illegal weapons possession and organizing and participating in public disturbances);

**Among those in detention awaiting trial on politically motivated criminal charges are:**

- Elgiz Gahraman, Giyas Ibrahimov, and Bayramn Mammadov (see above);
- Fuad Ahmadli, Azerbaijan Popular Front Party (APFP) member and social media activist (arrested in August 2016 on charges of illegally sharing personal data obtained through his work as a call center operator; authorities also claim he has ties to Gulen);
- Faig Amirov, an assistant to the APFP chairman financial director for the leading opposition newspaper *Azadlig* (arrested August 2016 on financial misconduct charges; authorities also claim he has ties to Gulen);
• Fuad Gahramanli, deputy APFP chairman (arrested in December 2015 and charged with inciting the public to overthrow the government and incitement of national, racial, social or religious hatred in conjunction with the Nardan events);
• Tofiq Hasanli, a satirical poet and government critic (arrested in October 2015 and charged with drug possession; for five days after his arrest his family had now knowledge of his whereabouts).

Among those detained for alleged administrative violations in 2016 are:
• Elshan Gasimov and Togrul Ismayilov, REAL opposition movement youth activists (August 2016)
• Mesud Rzali, APFP activist (August 2016)
• Rail Rustamov, APFP activist (February 2016)
• Turan Ibrahim, APFP activist (January 2016)
• Fuzuli Huseynov, APFP activist (December 2015)
• Ruslan Garayev, the head of the APFP youth committee's Sumgayit branch (June 2016)
• Khalid Khanlarov, blogger and government critic (January 2016)

Freedom of movement, freedom to leave the country (Article 12)
• Intigam Aliyev is Azerbaijan’s leading human rights lawyer and chair of the Legal Education Society, which litigated human rights cases in domestic and international courts. Authorities convicted him in April 2015 on politically motivated charges of tax evasion, illegal business activities, embezzlement, and abuse of authority. Baku’s Grave Crimes Court convicted him on April 22, 2015 and sentenced him to seven years and six months in prison. On March 28, 2016, Aliyev was released from jail, and his seven-and-a-half year prison sentence was reduced to a five-year suspended term. The conditions of his suspended term formally prohibit him from freely traveling abroad. In at least one instance in 2016, Aliyev requested and received permission from the authorities to travel internationally, but cannot travel freely.

• Khadija Ismayilova is a prominent Azerbaijani investigative journalist who was arrested on December 5, 2014, and in September 2015 sentenced to seven and a half years of prison on charges of embezzlement, illegal entrepreneurship, tax evasion, and abuse of power. Before her imprisonment, Ismayilova had spoken out and written on corruption related to the president and his family. On May 25, 2016, her prison term was reduced and converted to a three-and-a-half year suspended sentence. Her freedom of
movement is restricted. On August 15, 2016, an appeals court rejected her appeal to travel abroad.

- **Tofig Yagublu**, a journalist and deputy chairman of the opposition Musavat party, was amnestied and released from prison on March 17, 2016. However he was prohibited from crossing the border to go to Georgia on May 19 and appears to be banned from leaving Azerbaijan.

- **Mehman Huseynov**, is a photo and video journalist and social media activist. The authorities initiated a criminal case against him in June 2012, detained him for a day, charged him with hooliganism “committed with resistance to a representative of the authority,” and released him, but the criminal investigation is ongoing, more than four years later. Huseynov is the brother of media rights activist Emin Huseynov, whose case is described below. In November 2014, Baku airport security detained Mehman Huseynov when he attempted to travel abroad. He was not allowed to board the flight but later released. The authorities told him that his passport was invalid, despite the fact that it would not expire until 2019. He later understood that he faces a travel ban in conjunction with the investigation. According to Mehman, after his brother Emin left the country, the investigator told Husyenov that the investigation would remain open as a means to control him.

**Equality before courts and to a fair trial (Article 14)**

In May 2014 and November 2015, respectively, the European Court of Human Rights found that the authorities arrested Ilgar Mammadov and Tofig Yagublu “to silence or punish” them for criticizing the government, finding their initial detentions unlawful. Azerbaijani authorities have defied repeated demands by the Council of Europe's Committee of Ministers to implement the ECtHR ruling by freeing Mammadov, and he remains behind bars. As noted above Yagublu was amnestied and released in March 2016.

Legal professionals defending suspects in politically motivated cases face retribution for their work. These include disbarment and involving them or their organizations in criminal investigations, which has resulted in the freezing of their bank accounts and bans on foreign travel. In several cases, prosecutors summoned lawyers as witnesses in the cases they were representing and removed the lawyers due to alleged conflicts of interest. On July 10, 2015, a Baku court disbarred human rights lawyer Khalid Bagirov for alleged misconduct after questioning the court’s decision against his client, Ilgar Mammadov. In July 2016, a court disbarred Alayif Hasanov, following a defamation suit after he publicized alleged beatings of Leyla Yunus by her cellmate.
Freedom of expression (Article 19)

Prosecution of Government Critics

As described above, Azerbaijani authorities brought false charges against critics of the government in politically motivated prosecutions to silence and imprison them. This practice reached a peak in 2015, with dozens of human rights defenders, journalists, political activists, and other critics prosecuted, convicted, or remaining in prison in this manner. The authorities have continued to arrest political and social media activists in 2016, as described above.

Freedom of the Media

Azadlig Newspaper

Since September 6, the print version of the newspaper Azadlig is no longer printed by the state-owned printing house citing Azadlig’s failure to pay its debt. The daily Azadlig had faced imminent closure because of government restrictions on sales, the state-run distributor’s refusal to pay debts to the newspaper, and accumulated defamation fines. In July, authorities sentenced two relatives of exiled Azadlig editor Ganimat Zahidov to 25 and 30 days’ administrative detention on bogus charges, apparently in retaliation for Zahidov’s continued journalism. One of them plus another of Zahidov’s relative are in detention awaiting trial on drug charges.

Radio Azadlig

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 February 2015, authorities forbade Radio Azadlig journalist Babek Bakir from traveling abroad due to a travel ban.

Meydan TV

Operating since 2013, Meydan TV is one of Azerbaijan’s last surviving independent media outlets and is only able to operate out of Germany, cooperating with freelance journalists based in Azerbaijan and neighboring countries. Meydan TV carries material critical of the Azerbaijani government and its policies, including related to human rights, corruption, and similar issues. Several journalists cooperating with Meydan TV have faced criminal investigations to the travel bans.

On April 20, 2016, the authorities launched a criminal investigation into “alleged illegal practice and profit-making in an especially large amount, large-scale tax evasion and abuse of power resulting in falsification of elections and/or referendum results” involving 15 journalists who cooperate with Meydan TV. The journalists are all at liberty pending the investigation, but at least at least seven of them face travel bans while under investigation.
The authorities began questioning several freelance journalists cooperating with Meydan TV in September 2015, after the journalists had reported on large-scale protests in Azerbaijan’s fourth largest city, Mingechevir, where a young man died in police custody in August 2015, allegedly from ill-treatment by police. Officials invited the journalists for questioning, claiming to be investigating the Mingechevir incidents. However, the questions related almost exclusively to Meydan TV, its payroll practices, staff, and funding.

In December 2015 and April 2016 courts convicted three family members of Meydan TV’s exiled journalists on trumped-up drug charges and paroled them in 2016. Emin Milli, Meydan TV’s director, who is based in Berlin, alleged Azerbaijan’s minister of youth and sport had made threats against him because he engaged in critical reporting during the 2015 European Games. His brother was among the three arrested.

Emin Huseynov/Institute for Reporters’ Freedom and Safety (IRFS)
Swiss authorities helped the founder of the Institute for Reporters’ Freedom and Safety (IRFS), Emin Huseynov, leave Azerbaijan for Switzerland in June 2015. In August 2014, fearing a politically motivated arrest after the authorities opened an investigation into IRFS, Huseynov had sought refuge in the Swiss embassy in Baku, where he remained until his departure.

Legal restrictions
In December 2014, parliament approved amendments prohibiting foreign media funding and authorizing the court-ordered closure of any outlet that disseminates “incorrect” information twice within a year.

Bans on International Journalists
Around the June 2015 European Games, authorities deported or barred entry to several leading international journalists.

Freedom of association (Article 22)
Numerous restrictive laws enacted in 2014 gave the authorities greater power to prosecute nongovernmental groups on charges of tax evasion, large-scale fraud, forgery of documents, and illegal business activity. The amendments also introduced new administrative offenses, higher financial and criminal penalties for minor infractions, and new grounds for authorities to deny registration and to temporarily or permanently close local and international groups. In October 2015, the government adopted new rules that require nongovernmental organizations and branches of foreign NGOs in Azerbaijan to register all contracts on provision of services and other work with the Ministry of Justice, and authorize the Ministry of Justice to check whether the service contract is in line with Azerbaijani law.
• Dozens of independent NGOs have been effectively closed since 2014 following prosecutions under the restrictive laws. Many independent domestic and international NGOs in Azerbaijan have also been unable to register in recent years due to excessive bureaucratic requirements and deliberate delays in registration on the part of the authorities. As a result, many worked without registration, making them vulnerable to government harassment and prosecution.

A December 2014 report by the Council of Europe's Venice Commission found that amendments made to Azerbaijan's Law on NGOs since 2012 “restrict the operations of NGOs in Azerbaijan,” through more stringent registration and reporting requirements, severe penalties, and bans on foreign funding.

In a March 2016 decision on the case brought by human rights activist Rasul Jafarov, convicted on politically-motivated charges, the Court highlighted the context for independent organizations at the time of Jafarov's 2014 arrest and 2015 conviction:

[T]he Court agrees that in recent years the legislative environment regarding the operation of non-governmental, non-commercial organisations, including the regulation of matters relating to their State registration, funding and reporting requirements, has grown increasingly harsh and restrictive. A number of recent amendments to various legislative instruments introduced additional registration and reporting procedures and heavy penalties. There have been long-standing problems with the State registration of NGOs in Azerbaijan.

Recommendations
Human Rights Watch encourages the Committee to urge the government of Azerbaijan to:

Torture and Ill-Treatment (Article 7)
• Explain what steps have been taken to investigate the credible and well-documented allegations of ill-treatment and torture, including complaints made by Leyla and Arif Yunus, Ilgar Mammadov, Intigam Aliyev, and others. Inform the Committee of the status of investigations, if any, their findings, and any action to hold those responsible to account;
• Investigate promptly and impartially all allegations of torture or ill-treatment, including denial of proper medical care, by law enforcement and prison officials; prosecute in accordance with international fair trial
standards, any official against whom there is credible evidence of involvement in ordering, carrying out, or acquiescing to torture or ill-treatment.

Arbitrary arrest or detention (Article 9)
- Immediately and unconditionally release of all wrongfully-imprisoned human rights defenders, journalists and activists, including Ilgar Mammadov, Seymur Hazi, Ilkin Rustemzadeh, Faraj Karimov, Asif Yusifli, Fuad Gahramanli, Mammad Ibrahim, Murad Adilov, Elvin Abdullayev, Elgiz Gahraman, and drop all politically motivated charges and convictions against them.

Freedom of movement, freedom to leave the country (Article 12)
- Allow Intigam Aliyev, Khadija Ismayilova, Tofig Yagublu, and Mehman Huseynov to travel outside of Azerbaijan without impediment.

Right to equality before courts and to a fair trial (Article 14)
- Stop the harassment of lawyers involved in the defense of human rights defenders and government critics.

Freedom of expression (Article 19)
- Drop politically motivated charges against all human rights defenders and media professionals; also vacate convictions against Arif and Leyla Yunus.
- End the crackdown on civil society and human rights work, ensure independent civil society groups and activists can operate without undue hindrance or fear of persecution.

Freedom of Association (Article 22)
- Revise the laws severely restricting civil society, including the Law on NGOs, the Law on Grants, the Law on State Registration of Legal Entities, the Code of Administrative Offenses ad the December 2015 regulations granting the Ministry of Justice powers to conduct inspections at non-governmental organisations, in accordance with the recommendations of the Venice Commission;
- Unfreeze bank accounts of nongovernmental groups and their leaders, and allow access to foreign funding.