



FREEDOM NOW

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**FREEDOM NOW – INDIVIDUAL SUBMISSION TO THE OFFICE OF THE  
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**UNIVERSAL PERIODIC REVIEW (UPR): AZERBAIJAN  
30<sup>TH</sup> SESSION  
HUMAN RIGHTS COUNCIL – UPR WORKING GROUP**

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**Introduction**

1. Freedom Now individually submits this report to assist the UN Human Rights Council in its review of the policies and practices of the Government of Azerbaijan (“Azerbaijan”). Freedom Now is a non-partisan, non-governmental organization (“NGO”) that works to free prisoners of conscience around the world through focused legal, political and public relations advocacy.

2. This report focuses on the Azerbaijani government’s use of arbitrary detention in violation of international law, especially as it is used to imprison dissidents and violate the fundamental freedoms of expression, belief, and association of its citizens. Such practice violates the government’s obligations under the Universal Declaration of Human Rights (“UDHR”) and the International Covenant on Civil and Political Rights (“ICCPR”) – a pattern documented by numerous human rights organizations and international institutions – including the UN Working Group on Arbitrary Detention (the “Working Group”), the UN Human Rights Committee (the “Human Rights Committee”), the UN High Commissioner for Human Rights (the “High Commissioner”), the UN Special Rapporteur on the Situation of Human Rights Defenders (the “Special Rapporteur on HRDs”), and the UN Committee Against Torture (the “Committee Against Torture”).

**Continued Use of Arbitrary Detention and Restriction of Fundamental Rights in Azerbaijan**

3. Azerbaijan has a long and well-documented history of detaining its citizens for exercising their rights to freedom of expression, assembly and religion. In the context of such politically motivated prosecutions, the government also fails to meet minimum international due process standards and violates detainees’ rights to be free from torture and other forms of mistreatment.

4. During Azerbaijan’s second Universal Periodic Review (“UPR”) in 2013, it accepted numerous recommendations to respect the work of Human Rights Defenders

(“HRDs”), civil society activists and journalists and to protect them against arbitrary detention.<sup>1</sup> Unfortunately, Azerbaijan continues to harass and detain its critics; in 2016, it was estimated that Azerbaijan held between 119 to 160 political prisoners.<sup>2</sup> Azerbaijan did conditionally release or pardon 17 HRDs in 2016,<sup>3</sup> however none of those released had his or her convictions vacated; several are still subject to court-ordered travel bans. These pardons represent a small percentage of the number of those arbitrarily detained and the authorities continue to arrest more civil society members on false criminal and administrative charges to prevent them from carrying out their work.<sup>4</sup>

5. In 2015, the High Commissioner condemned an “ongoing crackdown on civil society and independent voices in Azerbaijan” and called for “the immediate release of all those who have been deprived of their liberty simply for exercising their rights.”<sup>5</sup> During his 2016 visit, the Special Rapporteur on HRDs also observed that “over the last three years, the civil society of Azerbaijan has faced the worst situation since its independence,” noting Azerbaijan’s “punitive attitude to human rights defenders” and that NGOs face “a total crisis.”<sup>6</sup> Religious leaders, HRDs, youth activists, journalists, bloggers, political opponents, and lawyers face heightened intimidation and harassment,

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<sup>1</sup> For instance, Azerbaijan accepted recommendations to “[t]ake adequate measures for the safety of civil society, including political activists and journalists, conduct impartial, thorough and effective investigations into all cases of attacks, harassment, and intimidation against them and bring perpetrators of such offenses to justice”; to “[r]elease individuals incarcerated for publicly expressing their opinions and ensure due process for other detainees”; and to “[e]nsure that human rights defenders, lawyers and other civil society actors are able to carry out their legitimate activities without fear or threat of reprisal, obstruction or legal and administrative harassment.” UPR Info, *Database of Recommendations*, available at [https://www.upr-info.org/database/index.php?limit=0&f\\_SUR=11&f\\_SMR=All&order=&orderDir=ASC&orderP=true&f\\_Issue=All&searchReco=&resultMax=300&response=&action\\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](https://www.upr-info.org/database/index.php?limit=0&f_SUR=11&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly) [hereinafter, “Azerbaijan Recommendations”]

<sup>2</sup> US Department of State, *Country Report on Human Rights Practices for 2016: Azerbaijan*, Bureau of Democracy, Human Rights, and Labor, available at <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper> [hereinafter “US Dep’t State Report on Human Rights”].

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

<sup>4</sup> *Id.*; United Nations General Assembly, *Report of the Special Rapporteur on the Situation of Human Rights Defenders on his Mission to Azerbaijan*, A/HRC/34/52/Add.3, February 20, 2017, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/038/12/PDF/G1703812.pdf?OpenElement>, at ¶ 32 [hereinafter “Report of the Special Rapporteur on HRDs”]; United Nations Office of the High Commissioner for Human Rights, *Working Group on Arbitrary Detention Statement upon the Conclusion of its Visit to Azerbaijan*, May 25, 2016, available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20021> [hereinafter “Statement of the Working Group on Arbitrary Detention”]; Human Rights Watch, *Harassed, Imprisoned, Exiled: Azerbaijan’s Continuing Crackdown on Government Critics, Lawyers, and Civil Society*, October 20, 2016, available at <https://www.hrw.org/report/2016/10/20/harassed-imprisoned-exiled/azerbaijans-continuing-crackdown-government-critics> [hereinafter, “Harassed, Imprisoned, Exiled”].

<sup>5</sup> United Nations Office of the High Commissioner for Human Rights, *Zeid Condemns Civil Society Crackdown in Azerbaijan*, September 8, 2015, available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16393&LangID=E>.

<sup>6</sup> United Nations Office of the High Commissioner for Human Rights, *UN Human Rights Expert Calls on Azerbaijan to Rethink Punitive Approach to Civil Society*, September 22, 2016, available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20554>.

including ill-treatment and arbitrary arrest and detention “based on politically motivated, trumped-up administrative or criminal charges.”<sup>7</sup>

6. To enable its crackdown on civil society, Azerbaijan increased the maximum imprisonment term for misdemeanors under the code of administrative offenses so that administrative detention periods now equal the minimum detention term under the criminal code,<sup>8</sup> punishment which may amount to a de facto criminal sanction.<sup>9</sup> In 2016, the authorities used administrative offenses to jail human rights activists in at least 30 cases.<sup>10</sup>

7. In its second UPR, Azerbaijan also accepted a number of recommendations related to safeguarding its citizens’ freedoms of expression and assembly. For instance, it accepted a recommendation to “[p]ut an end to direct and indirect restrictions on freedom of expression and take effective measures to ensure the full realization of the right to freedom of expression and of assembly.”<sup>11</sup> Yet, despite accepting this and other related recommendations, Azerbaijan has continued to restrict free assembly and free expression. In September 2016, authorities detained 185 individuals in relation to authorized rallies against a referendum on amending the constitution.<sup>12</sup> In 2017, the Special Rapporteur on HRDs stated that Azerbaijan’s widespread detention of HRDs in the context of peaceful assemblies “effectively prevents the exercise ... of their right to free peaceful assembly and expression.”<sup>13</sup>

8. Azerbaijan also continues to violate constitutional guarantees for press freedom.<sup>14</sup> In 2016, the government began a criminal investigation against Meydan TV, an internet-based Azerbaijani media outlet, alleging illegal entrepreneurship, large-scale tax evasion, and abuse of power.<sup>15</sup> Meydan TV contributors have received death threats and been

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<sup>7</sup> United Nations Human Rights Committee, *Concluding Observations on the Fourth Periodic Report of Azerbaijan*, CCPR/C/AZE/CO/4, November 16, 2016, available at [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/AZE/CO/4%20&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/AZE/CO/4%20&Lang=En), at ¶ 36 [*hereinafter* “HRC, *Concluding Observations*”]; Report of the Special Rapporteur on HRDs, *supra* note 4, at ¶ 32; US Dep’t State Report on Human Rights, *supra* note 2; Human Rights Watch, *Azerbaijan, Events of 2016*, 2017, available at <https://www.hrw.org/world-report/2017/country-chapters/azerbaijan> [*hereinafter*, “Azerbaijan, Events of 2016”]; United Nations Committee Against Torture, *Concluding Observations on the Fourth Period Report of Azerbaijan*, CAT/C/AZE/CO/4, January 27, 2016, available at [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/AZE/CO/4&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/AZE/CO/4&Lang=En), at ¶ 10 [*hereinafter* “CAT, *Concluding Observations*”]; Statement of the Working Group on Arbitrary Detention, *supra* note 4.

<sup>8</sup> Report of the Special Rapporteur on HRDs, *supra* note 4, at ¶ 36.

<sup>9</sup> HRC, *Concluding Observations*, *supra* note 7, at 5.

<sup>10</sup> Report of the Special Rapporteur on HRDs, *supra* note 4, at ¶ 36.

<sup>11</sup> Azerbaijan Recommendations, *supra* note 1.

<sup>12</sup> US Dep’t State Report on Human Rights, *supra* note 2. *See also*, Harassed, Imprisoned, Exiled, *supra* note 4.

<sup>13</sup> Report of the Special Rapporteur on HRDs, *supra* note 4, at ¶ 63.

<sup>14</sup> *Freedom in the World: Azerbaijan 2017*, 2017, available at <https://freedomhouse.org/report/freedom-world/2017/azerbaijan> [*hereinafter*, “Freedom in the World: Azerbaijan 2017”].

<sup>15</sup> Amnesty International, *Azerbaijan, 2016/2017*, 2017, available at

arbitrarily detained.<sup>16</sup> A 2016 amendment criminalizes online insults against the President's honor and dignity.<sup>17</sup> In March 2017, a Baku court sentenced Mehman Huseynov, a popular journalist and blogger who has reported on alleged government corruption, to two years in prison on defamation charges.<sup>18</sup> The charges against Huseynov arose when he spoke out after being forcibly taken to a police station, where police used an electroshock weapon on his groin and beat him.<sup>19</sup> In May 2017, an Azerbaijani court upheld the government's blocking of several critical media websites, including Radio Free Europe/Radio Liberty.<sup>20</sup>

9. Azerbaijani repression does not end at its borders. Exiled Azerbaijanis in nearby Georgia have been subject to threats and harassment by government agents, surveillance, and in one case from May 2017, exiled Azerbaijani journalist Afgan Mukhtarli was abducted in Tbilisi, Georgia.<sup>21</sup> His abductors, who were Georgian police, beat him and transferred him to Azerbaijanis who took him across the border--and then accused him of illegally crossing the border. Mukhtarli is currently being held in pretrial detention and faces charges of illegally crossing the border, resisting border guards, and trespassing and smuggling after 10,000 Euros were allegedly found on his person.

10. Azerbaijani police and courts often violate the procedural rights of HRDs and dissidents. The law guarantees detainees access to a lawyer immediately once they are detained,<sup>22</sup> however, police often do not permit them to contact their lawyers for many days, and detainees are frequently denied a lawyer of their choice. The government is also known to impose pre-trial detention on political detainees nearly 100 percent of the time, holding some detainees for as long as 18 months.<sup>23</sup> Verdicts in politically-sensitive cases are generally not supported by evidence and made without investigating allegations of confessions obtained through torture.<sup>24</sup> Lawyers defending prisoners of conscience also face retribution, and have been subjected to threats, harassment, and disbarment.<sup>25</sup>

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<https://www.amnesty.org/en/countries/europe-and-central-asia/azerbaijan/report-azerbaijan/> [hereinafter "Azerbaijan, 2016/2017"].

<sup>16</sup> Freedom in the World: Azerbaijan 2017, *supra* note 14.

<sup>17</sup> Azerbaijan, 2016/2017, *supra* note 15; Human Rights Watch, *The Price for Journalism in Azerbaijan: Police Attack Reporter Who Alleged High-Level Corruption*, January 11, 2017, available at <https://www.hrw.org/news/2017/01/11/price-journalism-azerbaijan>.

<sup>18</sup> Amnesty International, *Free Azerbaijani Journalist Mehman Huseynov*, May 3, 2017, available at <https://www.amnesty.org/en/documents/eur55/6178/2017/en/>.

<sup>19</sup> *Id.*

<sup>20</sup> Reuters, *Azeri Court Supports Blocking Several Media Websites*, May 12, 2017, available at <http://www.reuters.com/article/us-azerbaijan-media-idUSKBN1882NT>.

<sup>21</sup> Amnesty International, *Georgia/Azerbaijan: Exiled*, May 30, 2017, available at <https://www.amnesty.org/en/latest/news/2017/05/georgia-azerbaijan-exiled-azerbaijani-journalist-at-risk-of-torture/>.

<sup>22</sup> Article 19.4.1 of the Code of Criminal Procedure of the Azerbaijan Republic, adopted July 14, 2000.

<sup>23</sup> US Dep't State Report on Human Rights, *supra* note 2.

<sup>24</sup> *Id.*; Freedom in the World: Azerbaijan 2017, *supra* note 14.

<sup>25</sup> HRC, *Concluding Observations*, *supra* note 7, at 6; Harassed, Imprisoned, Exiled, *supra* note 4; US Dep't State Report on Human Rights, *supra* note 2.

11. Despite Azerbaijan’s acceptance of recommendations during its second UPR to take the necessary measures to eradicate torture,<sup>26</sup> torture continues to be widespread and used with impunity. In 2016, the Committee Against Torture expressed “concern about numerous and persistent allegations that torture and ill-treatment are routinely used by law enforcement and investigative officials.”<sup>27</sup> There are numerous reports of detainees being tortured by “having a gun pointed at their head, severe beatings, sometimes lasting several hours, verbal abuse and psychological pressure, practices such as standing on one’s knees for long hours, threats of physical and sexual abuse as well as threats to arrest family members.”<sup>28</sup>

12. Torture is often used to extract a confession, which is subsequently admitted as evidence.<sup>29</sup> Although there were hundreds of complaints of abuse, not a single official was prosecuted for torture or ill-treatment during the period 2010-2015.<sup>30</sup> In one prominent case, imprisoned N!DA youth activists Bayram Mammadov and Giyas Ibrahimov testified that police tortured them by beating and threatening to rape them with truncheons and bottles.<sup>31</sup> After being tortured, the two confessed to drug charges and were sentenced to 10 years of imprisonment, despite evidence of their abuse being presented at trial.<sup>32</sup>

13. Torture reportedly led to at least four deaths of detainees in 2016.<sup>33</sup> In April 2017, authorities reported that detained activist Mehman Galandarov had hanged himself, but journalists observed bruises and signs of trauma on his body.<sup>34</sup> Detainees also face harsh prison conditions, including poor medical care, inadequate nutrition, deficient heating and ventilation, and overcrowding.<sup>35</sup>

## **Restriction of Religious Freedoms in Azerbaijan**

14. Concern for religious freedom was demonstrated during Azerbaijan’s second UPR wherein Azerbaijan accepted recommendations to “ensur[e] the promotion of

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<sup>26</sup> Such recommendations included: “Ensure that all allegations of torture are effectively and impartially investigated and ensure that perpetrators are punished accordingly”; “Establish appropriate mechanisms to ensure prompt, effective, independent and impartial investigations into all allegations of torture and other ill-treatment at remand and detention facilities, and to ensure that perpetrators are held accountable”; and “Enact a law that incorporates the obligation to carry out independent investigations and punish those who commit acts of torture.” Azerbaijan Recommendations, *supra* note 1.

<sup>27</sup> CAT, *Concluding Observations*, *supra* note 7.

<sup>28</sup> US Dep’t State Report on Human Rights, *supra* note 2.

<sup>29</sup> CAT, *Concluding Observations*, *supra* note 7, at 5.

<sup>30</sup> *Id.* at 2.

<sup>31</sup> Azerbaijan, Events of 2016, *supra* note 7.

<sup>32</sup> Amnesty International, *Azerbaijan: A Decade in Jail for Graffiti Activist Is a Shameless Attempt to Stifle Criticism*, December 8, 2016, available at <https://www.amnestyusa.org/press-releases/azerbaijan-a-decade-in-jail-for-graffiti-activist-is-a-shameless-attempt-to-stifle-criticism/>.

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

<sup>34</sup> Meydan TV, *Amnesty International: Azerbaijan Must Investigate Recent Prison “Suicide,”* 12 May 2017, available at <https://www.meydan.tv/en/site/society/22870/>.

<sup>35</sup> US Dep’t State Report on Human Rights, *supra* note 2; Freedom in the World: Azerbaijan 2017, *supra* note 14.

freedom of religion for all confessions throughout the country” and to “reform its legal framework on freedom of religion by streamlining, facilitating and increasing the transparency of the registration process for religious organizations ... and removing limitations on the printing, import and distribution of religious materials.”<sup>36</sup> Unfortunately, Azerbaijan continues to repress religious freedoms through restrictive legislation and increased use of detention.

15. That Azerbaijan’s constitution explicitly protects freedom of religion<sup>37</sup> and the government regularly markets itself abroad as a land of religious tolerance belies the reality that the government greatly limits space for the free exercise of religion--especially the practice of minority religions and denominations--through mandatory registration, censorship of religious material, and harassment and arbitrary detention of members of religious groups.<sup>38</sup> Authorities raid meetings and homes of Salafis, Jehovah’s Witnesses, readers of Said Nursi and alleged followers of Fethullah Gülen, the U.S.-based imam whom Turkey has accused of organizing the failed July 2016 coup there.<sup>39</sup> In 2016, authorities raided bookstores not licensed to sell religious texts, and confiscated hundreds of books.<sup>40</sup> Azerbaijan also continues to enforce a 2008 ban on praying outside of mosques and additionally has closed or destroyed houses of worship, including three Sunni mosques in 2016.<sup>41</sup> NGOs campaigning for religious freedom are frequently denied registration.<sup>42</sup>

16. The Law on Freedom of Religious Belief requires religious organizations to register through a complex and onerous process.<sup>43</sup> Mosques that do not belong to the state-backed Caucasian Muslim Board, Jehovah’s Witnesses, and almost all Protestant denominations have been denied full registration and suffer limitations on their activities.<sup>44</sup> The Law on Freedom of Religious Belief also empowers the government to control the content and dissemination of religious material by requiring state-approved education for religious leaders and that all religious activities take place at a registered address.<sup>45</sup>

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<sup>36</sup> Azerbaijan Recommendations, *supra* note 1.

<sup>37</sup> Constitution of the Azerbaijan Republic, Article 25.

<sup>38</sup> HRC, *Concluding Observations*, *supra* note 7, at 7; Freedom House, *Freedom in the World: Azerbaijan 2017*, 2017, available at <https://freedomhouse.org/report/freedom-world/2017/azerbaijan><https://freedomhouse.org/report/freedom-world/2017/azerbaijan> [*hereinafter*, “Freedom in the World: Azerbaijan 2017”].

<sup>39</sup> United States Commission on International Religious Freedom, *2017 Annual Report*, April 2017, available at <http://www.uscirf.gov/sites/default/files/2017.USCIRFAnnualReport.pdf>, at p. 126. [*hereinafter* “USCRIF Annual Report 2017”]; Harassed, Imprisoned, Exiled, *supra* note 4.

<sup>40</sup> USCRIF Annual Report 2017, *supra* note 39, at p. 126.

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

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

<sup>43</sup> United States Commission on International Religious Freedom, *2016 Annual Report*, April 2016, available at <http://www.uscirf.gov/sites/default/files/USCIRF%202016%20Annual%20Report.pdf><http://www.uscirf.gov/sites/default/files/USCIRF%202016%20Annual%20Report.pdf>, at p. 145, [*hereinafter*, USCRIF Annual Report 2016].

<sup>44</sup> USCRIF Annual Report 2017, *supra* note 39, at p. 126.

<sup>45</sup> USCRIF Annual Report 2016, *supra* note 38, at p. 145; US Department of State, *International Religious*

17. Azerbaijan has not brought its legislation, including the Law on Freedom of Religious Belief, into conformity with article 18 of the ICCPR and article 18 of the UDHR.<sup>46</sup> The Human Rights Committee has expressed concern that the concept of “religious activities” embedded in the law is “vague and thus open to arbitrary interpretation.”<sup>47</sup> The European Court of Human Rights, which exercises jurisdiction over Azerbaijan, has also criticized the Law on Freedom of Religious Belief, stating it gives authorities “unlimited discretionary power” to define and prosecute “illegal” religious activity.<sup>48</sup>

18. In 2015, the Azerbaijani parliament further burdened religious expression by amending the Law on Freedom of Religious Belief wherein it increased reporting requirements for religious organizations; religious groups must now file official reports which detail their activities.<sup>49</sup> Other 2015 amendments to the Law on Freedom of Religious Belief prohibit Azerbaijani citizens educated abroad and non-Azerbaijani citizens from performing Islamic rituals and limit the display of religious banners to places of worship.<sup>50</sup> Additionally, the 2015 Law on Fighting Religious Extremism gave the police and government wide powers to combat alleged religious “extremists,” a term the law only vaguely defines.<sup>51</sup> A further amendment to the law on citizenship strips citizenship from those deemed to be religious extremists.<sup>52</sup> An October 2016 amendment to the Law on Freedom of Religious Belief banned the operation of religious communities that are involved in extremism.<sup>53</sup>

19. In light of such restrictions, arbitrary detention of persons attempting to freely practice their faith has risen.<sup>54</sup> In 2016, an estimated 86 persons were imprisoned for their religious beliefs.<sup>55</sup> These 86 detainees include 48 persons arrested in Nardaran province

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*Freedom Report for 2015: Azerbaijan*, Bureau of Democracy, Human Rights and Labor, available at <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapperhttps://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper> [hereinafter “US Dep’t State Report on Religious Freedom”].

<sup>46</sup> HRC, *Concluding Observations*, *supra* note 7, at ¶ 33.

<sup>47</sup> *Id.*, at 7-8. ¶ 32.

<sup>48</sup> *Islam-Ittihad Association and Others v. Azerbaijan*, European Court of Human Rights, Application No. 5548/05, available at <http://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=001-147866&filename=001-147866.pdf><http://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=001-147866&filename=001-147866.pdf>, at 12.

<sup>49</sup> USCRIF Annual Report 2017, *supra* note 39, at p. 125.

<sup>50</sup> USCRIF Annual Report 2016, *supra* note 38, at p. 146; US Dep’t State Report on Religious Freedom, *supra* note 45.

<sup>51</sup> *See*, US Dep’t State Report on Religious Freedom, *supra* note 45.

USCRIF Annual Report 2016, *supra* note 38, at p. 146.

<sup>52</sup> US Dep’t State Report on Religious Freedom, *supra* note 45.

<sup>53</sup> Caucasian Knot, *Azerbaijan establishes new penalties for religious extremism*, Oct. 28, 2016, available at <http://www.eng.kavkaz-uzel.eu/articles/37354/>.

<sup>54</sup> The Human Rights Committee has expressed special concern over an “increase in arrests, detentions and administrative or criminal sanctions against” religious groups. HRC, *Concluding Observations*, *supra* note 7, at ¶ 32.

<sup>55</sup> United States Commission on International Religious Freedom, *2017 Annual Report*, April 2017, available at <http://www.uscirf.gov/sites/default/files/2017.USCIRFAnnualReport.pdf>, at p. 126.

in 2015, 20 prisoners arrested during 2012 protests related to the government's ban of hijabs in schools, five prisoners connected to the Islamic Party of Azerbaijan, and 10 persons connected to Said Dashbayli, a cleric whom the government accuses of having ties to Iran.<sup>56</sup>

20. In 2016, at least 14 Jehovah's Witnesses were fined and over 60 briefly detained for speaking publicly about their beliefs or holding prayer meetings at home.<sup>57</sup> In November 2015, authorities arrested 68 Muslims in Nardaran, including the head of the Shi'a group Muslim Unity Movement and a prominent religious rights activist, Taleh Bagirov, on charges of plotting to overthrow the government and seeking an Islamic state.<sup>58</sup> Seven individuals, including two police officers, died during the raid conducted by the Ministry of Interior Organized Crime Unit.<sup>59</sup> Eighteen men, including Bagirov, were charged with terrorism, extremism, plotting to overthrow the government, and inciting violence.<sup>60</sup> At trial, the defendants alleged that police beat them to compel confessions and testimony, which were admitted at trial as evidence.<sup>61</sup> No investigation was made into the alleged torture.<sup>62</sup> In January 2017 Bagirov was sentenced to 20 years in prison; 17 other men were sentenced to prison terms ranging from 10 to 20 years.<sup>63</sup>

### **Azerbaijan's Abuses Exemplified: The Case of Ilgar Mammadov**

21. Ilgar Mammadov is an Azerbaijani opposition leader who was sentenced to seven years in prison after he criticized the government's handling of unrest in the countryside. Before his arrest, Mammadov was the chairman of the Republican Alternative opposition party and a well-known government critic, who had indicated that he would run in the 2013 presidential elections.

22. In January 2013, Mammadov reported online about riots occurring in the Ismayili area, placing responsibility for the unrest on the authorities and contradicting some of the government's official claims. The Prosecutor General and the Ministry of Internal Affairs

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

<sup>57</sup> USCRIF Annual Report 2017, *supra* note 39, at p. 127.

<sup>58</sup> Amnesty International, *Azerbaijan: Torture and Travesty of Justice in Nardaran Case*, February 6, 2017, available at

<https://www.amnesty.org/en/documents/eur55/5633/2017/en/https://www.amnesty.org/en/documents/eur55/5633/2017/en/> [*hereinafter*, "Azerbaijan: Torture and Travesty of Justice in Nardaran Case"].

<sup>59</sup> Harassed, Imprisoned, Exiled, *supra* note 4.

<sup>60</sup> Forum 18, *Azerbaijan: Regime Jails Muslims, Doesn't Arrest Torturers*, February 9, 2017, available at [http://www.forum18.org/archive.php?article\\_id=2254http://www.forum18.org/archive.php?article\\_id=2254](http://www.forum18.org/archive.php?article_id=2254http://www.forum18.org/archive.php?article_id=2254) [*hereinafter*, "Azerbaijan: Regime Jails Muslims"].

<sup>61</sup> Azerbaijan, Events of 2016, *supra* note 7; Azerbaijan: Torture and Travesty of Justice in Nardaran Case, *supra* note 58; Human Rights Watch, *Azerbaijan: Abuse Allegations Mar High-Profile Trial*, January 26, 2017, available at <https://www.hrw.org/news/2017/01/26/azerbaijan-abuse-allegations-mar-high-profile-trialhttps://www.hrw.org/news/2017/01/26/azerbaijan-abuse-allegations-mar-high-profile-trial> [*hereinafter*, "Azerbaijan: Abuse Allegations Mar High-Profile Trial"].

<sup>62</sup> Azerbaijan: Abuse Allegations Mar High-Profile Trial, *supra* note 61; Azerbaijan: Regime Jails Muslims, *supra* note 60.

<sup>63</sup> Azerbaijan: Torture and Travesty of Justice in Nardaran Case *supra* note 58; Azerbaijan: Regime Jails Muslims, *supra* note 60.

issued a joint statement accusing Mammadov of urging police resistance – a claim Mammadov publicly denied. On February 3, 2013, Mammadov was arrested and charged with organizing or participating in a breach of public order, resisting arrest, and mass disorder. He was held in pretrial detention for over nine months. After a trial rife with procedural irregularities – including contradictory or recanted testimony, evidence not subject to cross examination, and the exclusion of exculpatory evidence -- the Sheki Court of Serious Crimes convicted Mammadov on March 17, 2014.

23. The European Court of Human Rights, in considering Mammadov’s arrest and pretrial detention, held in May 2014 that the government’s arrest and detention of Mammadov violated the European Convention on Human Rights. The tribunal also held that the actual purpose of the prosecution was to punish Mammadov for his critical writing.<sup>64</sup>

### **Conclusion and Recommendations**

24. As party to the ICCPR and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and as bound by the UDHR, Azerbaijan is obliged to respect its citizens’ rights to freedom of expression, assembly and religion and freedom from torture. By systematically imprisoning peaceful activists and religious practitioners for exercising these fundamental human rights, the government clearly violates its freely undertaken obligations under international law. As such, Freedom Now recommends that Azerbaijan:

- a) Immediately and unconditionally release and rehabilitate the civil and political rights of Ilgar Mammadov, Afgan Mukhtarli, Mehman Huseynov, Taleh Bagirov, Bayram Mammadov, Giyas Ibrahimov, Abbas Huseynov and all other individuals who have been detained under criminal or administrative charges for exercising their fundamental human rights, including the rights to freedom of religion, expression, and assembly.
- b) Thoroughly investigate all cases of arbitrary detention, torture, fair trial abuse, extrajudicial killings and other rights abuses directed against Ilgar Mammadov, Afgan Mukhtarli, Mehman Huseynov, Taleh Bagirov, Bayram Mammadov, Giyas Ibrahimov, Mehman Galandarov, Abbas Huseynov and other human rights activists, independent journalists, government critics, and religious persons and ensure that perpetrators of such abuses are held accountable and that victims of such abuses are appropriately rehabilitated and compensated.
- c) Ensure that all detainees have immediate access to legal counsel of their own choosing, that detainees are not unnecessarily held in pretrial detention, that confessions are not obtained through the use of torture or other undue pressure, and that all procedural rights are fully respected.

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<sup>64</sup> *Ilgar Mammadov v. Azerbaijan*, European Court of Human Rights, Application No. 15172/13, May 22, 2014, available at <http://hudoc.echr.coe.int/eng?i=001-144124>.

- d) Provide trainings to judges and attorneys regarding a detainee's fair trial rights under international and Azerbaijani law.
- e) Promote a free and vibrant civil society by allowing journalists, HRDs, government critics and independent religious groups to peacefully promote the cause of human rights in accordance with the rights guaranteed to them in international human rights treaties.
- f) Review and update laws pertaining to the freedoms of religion, speech, and assembly to ensure compliance with international obligations and robustly enforce all such laws. In particular, bring the legislation, including the Law on Freedom of Religious Belief, into conformity with article 18 of the ICCPR and article 18 of the UDHR.
- g) Fully cooperate with, respond to, and follow the recommendations of the UN High Commissioner for Human Rights, the Human Rights Committee, the Committee Against Torture, and all Human Rights Council special procedure mandate holders – including the Working Group and the Special Rapporteur on HRDs.
- h) Fully cooperate with, respond to, and abide by decisions of the European Court of Human Rights. In particular, resume payments of compensations ordered by the European Court of Human Rights.
- i) Promptly and independently investigate all abuses and deaths in custody, provide adequate compensation to victims, and hold the perpetrators accountable.