



DECEMBER 2015

Human Rights Watch Concerns and Recommendations on Azerbaijan Submitted to the UN Human Rights Committee in advance of its Pre-Sessional Review

Human Rights Watch welcomes the upcoming 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).

In recent years, the government's unrelenting crackdown 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.

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 several [cases documented by Human Rights Watch](#), detainees told their lawyers, family members or a court that they have been beaten or abusively harassed to force them to sign incriminating confessions or letters of repentance, suffered physical or psychological pressure in prison, or been denied appropriate medical treatment.

Individual Cases

- **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 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 she had suffered ill-treatment by the prison authorities and her cellmate. In a statement, her lawyers reported that on September 23, 2014 a prison official twisted Yunus's arms, took her to an empty cell, and 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 she has been repeatedly attacked and beaten by her cellmate, which she believes was 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.

- **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 due process and other 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, Eyvaz Asgarov. They pulled 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 issued a strongly worded judgment that 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 [Mr. Mammadov] for criticizing the Government.” The Committee of Ministers of the Council of Europe has repeatedly called for Mammadov’s immediate release as part of Azerbaijan’s execution of the court’s ruling, including in its decision adopted in June and September interim resolution. Despite paying the damages, Azerbaijan has failed to rectify the rights violations and release Mammadov. Prompted in part by this failure, in December the secretary general of the Council of Europe, Thorbjorn Jagland, announced an [inquiry](#) into Azerbaijan’s implementation of the European Convention on Human Rights.

- **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.

Aliyev has faced harassment, ill-treatment, and degrading treatment in prison, including poor conditions. Aliyev also suffers from serious health problems and had difficulties sitting straight during the trial and on one occasion had to be taken back to the remand prison by an ambulance. According to his family and one of his lawyers, he is not provided with adequate medical care in custody.

- **Bahrüz 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.
- **Elshad Babayev** died in Baku’s prison No. 14 in December 2014. Babayev’s sister released photographs of his body with apparent signs of violence. Authorities

opened a criminal case, but no one has been identified as responsible for his death.

- **NIDA Youth Activists:** In March and April 2013 authorities arrested seven members of the youth opposition movement NIDA on drugs and other charges related to an alleged plan to instigate violence at a peaceful 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. But three of them, Mahamad Azizov, Rashadat Akhundov, and Rashad Hassanov, are still in detention. Some of the released activists were subjected to public humiliation by having to bring flowers to the grave of the late President Heydar Aliyev to demonstrate their loyalty to the government. The investigations and legal processes in the cases against the men have been characterized by numerous irregularities, violations of due process, and allegations of ill-treatment. Azerbaijani authorities failed to effectively investigate any of the allegations.

In April, 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.”

Right to equality before courts and to a fair trial (Article 14)

On at least two occasions the European Court of Human Rights (ECHR) found that government critics were subject to politically motivated prosecutions. In May 2014 and November 2015, the ECHR found that the authorities arrested Ilgar Mammadov and Tofiq Yagublu “to silence or punish” them for criticizing the government, finding their initial detentions unlawful.

Legal professionals defending suspects in politically motivated cases face negative consequences. Azerbaijan’s bar association disbarred or punished several lawyers representing human rights defenders and activists. 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, a Baku court disbarred human rights lawyer Khalid Bagirov for alleged misconduct after questioning the court’s decision against his client, Ilgar Mammadov. Also in July, 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

The authorities continue to bring false charges against critics of the government in politically motivated prosecutions to silence and imprison them. Common charges used by the government include hooliganism, drug possession, treason, and so-called economic crimes. 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.

Among those convicted this year and handed prison sentences ranging from six to eight-and-a-half years are Intigam Aliyev (noted above), prominent investigative journalist Khadija Ismayilova, and human rights campaigner Rasul Jafarov. Others imprisoned on politically motivated charges include Seymur Haziyev, a columnist for the opposition newspaper *Azadlig*; Musavat members Siraj and Faraj Kerimli; and Popular Front Party member Murad Adilov. Human rights activist Taleh Khasmammadov received a three-year sentence.

As noted above, the Appeal Court released veteran human rights defenders Arif and Leyla Yunus, detained since 2014, but the court did not vacate the criminal convictions –on charges of tax evasion and other, bogus economic crimes.

As noted above, political analyst Ilgar Mammadov and journalist Tofiq Yagublu remain in prison on false charges of inciting violence.

In 2014 a court sentenced Anar Mammadli, the head of the Election Monitoring and Democracy Studies Centre (EMDSC), an independent election monitoring organization, to five and a half years in prison on bogus tax-related charges. In August 2015 the Supreme Court upheld the sentence.

On March 18, President Aliyev pardoned 101 prisoners, including EMDSC co-founder, Bashir Suleymanli.

Freedom of the Media

The closed trial of [Rauf Mirgadirov](#), an outspoken, formerly Ankara-based correspondent arrested in 2014 on trumped-up [espionage](#) charges detained since April 2014, began in Baku on November 5.

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.

In September 2015, the Baku City Court convicted Azerbaijan's best-known investigative journalist, Khadija Ismayilova, on spurious charges of tax evasion and other economic crimes, sentencing her to seven years and six months in prison after a politically motivated prosecution, flawed trial, and campaign to discredit her.

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

Emin Milli, director of Berlin-based Internet television station Meydan TV, alleged threats from Azerbaijan's minister of youth and sport for critical reporting. Meydan TV staff in Berlin also reported cases of harassment and threats against their relatives in Azerbaijan. On September 3, prosecutors questioned three Meydan TV freelance reporters about their coverage of protests and a death in custody. Also in September, a court sentenced Meydan TV journalist Shirin Abbasov to 30 days' detention for allegedly resisting police. Almost all Meydan TV journalists in Baku face travel bans.

Swiss authorities helped secure the departure of the founder of the Institute for Reporters' Freedom and Safety, Emin Huseynov, from Azerbaijan to Switzerland in June. Fearing a politically motivated arrest, in August 2014 Huseynov sought refuge in the Swiss embassy in Baku, where he remained until his departure.

The daily *Azadlig* 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 detained three relatives of exiled *Azadlig* editor Ganimat Zahidov. Two were sentenced to 25 and 30 days' administrative detention on bogus charges. A third remains in custody on drug charges.

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.

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 on laws that severely interfere with NGO operations. 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.

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.

Recommendations:

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

Regarding 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 and prosecute to the fullest extent of the law, in a court that meets 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;

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)

- Release, immediately and unconditionally, Ilgar Mammadov, Intigam Aliyev, Rasul Jafarov, Tofiq Yagoblu, Anar Mammadov, Khadija Ismailova, Mahamad Azizov, Rashadat Akhundov, and Rashad Hassanov and ensure thorough, independent investigations into their allegations of ill-treatment, including improper denial of medical care;
- 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)

- Repeal the laws severely restricting civil society, unfreezing bank accounts of nongovernmental groups and their leaders, and allowing access to foreign funding.