



**Submission to the Committee against Torture  
79<sup>nd</sup> Session (15 April 2024- 10 May 2024)  
For the consideration of the Azerbaijan's fifth periodic  
report**

International Association for Human Rights Advocacy Geneva (IAHRAG)

March 2024

## 1. Introduction: The International Association for Human Rights Advocacy in Geneva

1. The International Association for Human Rights in Geneva (IAHRAG) thanks the Committee against Torture (Committee) for its engagement with civil society and for providing this opportunity to be associated in the process of considering the third periodic report of Azerbaijan.

2. IAHRAG was created in 2017; its purpose is to assist, support, guide and sustain victims of human rights violations. One of its main concerns of interest are the violations of human rights in Türkiye. It particularly provides support and guidance to sympathizers of the “Hizmet Movement”<sup>1</sup> (also known as the Gülen Movement) that are victims of a relentless witch-hunt and persecution, particularly since the coup attempt of 15 July 2016.

3. As a follow-up to paragraphs 34 and 35 of the 2016 Concluding Observations on non-refoulement (CAT/C/AZE/CO/4), IAHRAG brings to the knowledge of the Committee the cases of Mr. Taci Senturk, Mr. Isa Ozdemir, Mr. Ayhan Seferoglu, Mr. Erdogan Taylan (whose cases have been reviewed by the European Court of Human Rights, hereafter ECtHR), Mr. Mustafa Ceyhan (whose case have been reviewed by the Working Group on Arbitrary Detentions) and Mr. Mehmet Gelen. The cases submitted for the Committee’s review are public and do not necessitate any anonymization.

4. This report also aims to bring to the knowledge of the Committee the crackdown on Hizmet Movement sympathizers since 2014 in Azerbaijan (all people mentioned in paragraph 3 are Hizmet Movement sympathizers who have been illegally transferred to Türkiye in violation of article 3 of the Convention against Torture, hereafter the Convention).

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<sup>1</sup> The “Hizmet Movement” (HM) is a transnational faith-based civil society group of persons, essentially Sunni Muslims (hereafter supporters), in Türkiye but also elsewhere, that intend to follow the inspirational teachings and writings of Fethullah Gülen, an intellectual self-exiled in the USA Pennsylvania since 1999. The movement is known for its attachment to values of services, philanthropy, and education, and many of its supporters are educators or teachers running schools open to all students, regardless of religious beliefs or origins. Within a few decades, people inspired by Mr. Gülen had built schools in 140 different countries; schools that often served the poor and underprivileged. HM volunteers have established professional and intellectual associations as well as educational, dialogue, media, health and humanitarian organizations. As rightly noted by the Commissioner for Human Rights of the Council of Europe, the HM have developed over decades and enjoyed, until 15 July 2016, considerable freedom to establish a pervasive and respectable presence in all sectors of Turkish society, including religious institutions, education, civil society and trade unions, media, finance and business. Many organizations affiliated to the HM, closed after 15 July 2016, were open and legally operating in Türkiye until that date. The Turkish government baselessly deems the HM a terrorist organization by imputing the plotting of the controversial military coup attempt of 2016 to the movement (referred to as FETÖ by the Government, Turkish acronym for “Fethullahçı Terör Örgütü”). Since 2016, the Turkish Government had led a witch-hunt against the Movement, characterized by massive waves of arrests and arbitrary detentions. The Working Group on Arbitrary Detention noted the existence of a pattern of targeting those with alleged links to the HM on the discriminatory basis of their political or other opinion, based on the significant increase in the number of cases brought to it concerning arbitrary detention in Türkiye. The WGAD expressed concern over the pattern that all these cases follow and recalled “*that under certain circumstances, widespread or systematic imprisonment or other severe deprivation of liberty in violation of the rules of international law may constitute crimes against humanity*”.

## 2. The crackdown on Hizmet Movement sympathizers in Azerbaijan

5. In December 2013, a corruption scandal erupted in Türkiye, and police officers arrested 52 suspects, including the sons of three government ministers and people close to the Turkish Prime Minister, Mr. Recep Tayyip Erdoğan. In an attempt to discredit the process, the then Prime Minister claimed that the operation was the result of a plot organized by judges and prosecutors sympathizers of the Hizmet Movement, qualified of “parallel structure.” This was the first step in the scapegoating of the Hizmet Movement, which culminated in July 2016, with Mr. Recep Tayyip Erdoğan, then President, accusing the Movement, overnight and without proper investigation, of plotting the Coup. This resulted in massive purges, intense torture of Hizmet Movement sympathizers in the aftermath of July 15, 1.500.000 investigations, mass arbitrary arrests (still ongoing), and more than 150.000 people condemned for being “FETÖ members” (“Fethullahçı Terör Örgütü”).

6. Schools of the Hizmet Movement as well as sympathizers have been present in Azerbaijan since 1992.

7. Azerbaijan shares cultural and linguistic ties with Türkiye and is one of its closest political and economic partners. With no surprise, immediately after the December 2013 corruption scandals, Azeri authorities and the media reported that the Hizmet Movement was a similar “parallel structure” in Azerbaijan. In 2014, the schools of the Movement were transferred to SOCAR, the state oil company of Azerbaijan. Several High-Level figures of the State, notably Mr. Elnur Aslanov, Head of the Presidency’s Political Analysis and Information Department, and Mr. Elshad Iskendaroy, Head of the State Committee for Religious Affairs, were sacked in March 2014 after a decision of the President Aliyev. Mr. Elnur Aslanov was publicly presented in the media as “patron of the Azerbaijani branch of Gülen followers.”

8. After the July 15 Coup attempt in Türkiye, Azerbaijan immediately borrowed Mr. Recep Tayyip Erdoğan’s narrative and leitmotiv against the Hizmet Movement and the “FETÖ” label.

9. On August 15, Azerbaijan’s General Prosecutor’s office announced that a criminal case had been opened to “identify and punish the Gülenists in Azerbaijan. On August 23, the prosecutor general’s office, the interior ministry, and the State Security Service issued a joint statement stating that they had turned to law enforcement agencies in Türkiye to request assistance in investigating the financial resources of the members of the Hizmet Movement in Azerbaijan. On August 31, Azeri Minister of the Interior, Mr. Ramil Usubov, held a meeting with his counterpart in Ankara. He declared right after to the press “*actions will be taken to prevent FETÖ from taking roots in Azerbaijan. This, at the same time, is a crime against Azerbaijan too. We’ll do whatever we can do to eliminate this problem.*”

10. This notably resulted in the arrest of: (a) **Fuad Ahmadli** on August 18 in Baku, member of the opposition, following police claims’ they had found prohibited religious books and compact discs, and leaflets with Mr. Gülen’s speeches; (b) **Faig Amirov** on August 20, director of the leading opposition newspaper, following police claims’ they had found books and compact discs of Mr. Gülen in his car; (c) **Elgit Gahraman**, on August 12, who was forced to sign statement about his connection with the Hizmet Movement. Elgit Gahraman was beaten up on the head and the neck and could consult his lawyer only on August 19.

**11. The crackdown on Hizmet Movement sympathizers, whether real or alleged, is still ongoing in Azerbaijan.**

12. Gubad Ibadoghlu, a renowned political economist and civil activist, has been arrested on 23 July 2023. **According to the Azerbaijani Ministry of Interior official statement made on July 23, the arrest of several people, including Gubad Ibadoghlu, is a part of an operation against “supporters of Fethullah Gülen.”**

**3. The cases of Mr. Taci Senturk, Mr. Isa Ozdemir, Mr. Ayhan Seferoglu, Mr. Erdogan Taylan, Mr. Mustafa Ceyhan and Mr. Mehmet Gelen**

13. Mr. Taci Senturk, Mr. Isa Ozdemir, Mr. Ayhan Seferoglu, Mr. Erdogan Taylan, Mr. Mustafa Ceyhan and Mr. Mehmet Gelen are all Hizmet Movement sympathizers or alleged sympathizers. + Ugur Demirok (2022),

14. The Committee is well aware of the persecution against Hizmet Movement sympathizers in Türkiye (see, for instance, *X and Y v. Switzerland*, CAT 1081/2021, *Ferhat Recep Tayyip Erdoğan, v. Morocco* CAT 845/2018, *Elmas Ayden v. Morocco* CAT 846/2017, *Ismet Bakay v. Morocco*, CAT 826/2017).

15. We bring to your knowledge that the ECtHR rendered a judgement for the cases of Mr. Taci Senturk, Mr. Isa Ozdemir, Mr. Ayhan Seferoglu, Mr. Erdogan Taylan (applications nos. 41326/17, 10 March 2022).

16. We bring to your knowledge that the Working Group on Arbitrary Detentions adopted an opinion on the case of Mustafa Ceyhan (WGAD 2019/10, April 25, 2019).

17. We bring to your attention that the Committee itself adopted a decision for Mr. Mehmet Gelen (905/2018, July 27, 2022).

**18. The cases of Mr. Taci Senturk, Mr. Isa Ozdemir, Mr. Ayhan Seferoglu, Mr. Erdogan Taylan, Mr. Mustafa Ceyhan and Mr. Mehmet Gelen reveal a very concerning pattern followed by Azeri authorities.**

***a) The facts surrounding Mr. Taci Senturk, Mr. Isa Ozdemir, Mr. Ayhan Seferoglu, Mr. Erdogan Taylan, Mr. Mustafa Ceyhan and Mr. Mehmet Gelen cases***

***i. Mr. Taci Senturk***

19. Mr. Taci Senturk lived in Azerbaijan, where he worked in private schools affiliated with the Gülen movement. His temporary residence permit was regularly extended, as on March 9, 2017, when he was granted an extension of his permit until September 9, 2017. On June 3, 2017, the Turkish authorities informed Azerbaijani through Interpol that Mr. Taci Senturk’s passport had been cancelled, and that they had to arrest and deport Mr. Senturk to Türkiye.

20. On June 7, 2017, around 2 p.m., Mr. Taci Senturk was arrested by the Azerbaijani authorities and taken to the temporary detention facility of the Organized Crime Department (OCD) of the Ministry of Internal Affairs. Only there was he informed that he would be transported later on that day to the Heydar Aliyev International Airport in Baku and subsequently deported to Turkey. **Despite expressing his intention to seek asylum in Azerbaijan because of the fear of persecution in Turkey, Mr. Senturk pleas were disregarded.** During his detention, Mr. Senturk informed his spouse and friends about his arrest and imminent expulsion. His friends engaged a lawyer who submitted an asylum application on behalf of Mr. Senturk to various authorities, including the Office of the United Nations High Commissioner for Refugees (UNHCR) in Baku, the State Migration Service, the OCD and the State Committee for Affairs of Refugees and Internally Displaced Persons. The application urged them to confer refugee status on Mr. Senturk, citing the credible risk of persecution and ill treatment in Türkiye. Quick after, the **UNHCR Baku Office issued a temporary protection letter for Mr. Senturk, his wife, and their four children. This letter, valid until September 7, 2017,** was based on their registration with the UNHCR and the ongoing consideration of their asylum request by national authorities.

21. At 8:30 p.m., when Mr. Senturk was told to be deported, his wife, children, and friends arrived at the airport to prevent his deportation. While already in the boarding area, a staff member of the UNHCR in Azerbaijan arrived at the airport and intervened to prevent removal. He was subsequently returned to an OCD detention facility. **Around 11 p.m. on the same day, Mr. Senturk's lawyer attempted to meet him at the detention facility, but was denied access.**

22. On June 8, 2017, Mr. Senturk submitted a written request to the SMS to seek refugee status for his client. However, this request was unanswered. On the same date, without informing the UNHCR Baku Office or Mr. Senturk's family, OCD officers transported Mr. Senturk back to Heydar Aliyev International Airport and placed him on flight to Ankara. Upon arrival at Ankara, the Turkish police arrested him and transferred him to Konya, where he was detained in connection with a criminal investigation for his links with the Hizmet Movement.

23. Mr. Senturk resurfaced in Türkiye 15 days later on June 23, 2017. Mr. Senturk had been a victim of enforced disappearances and incommunicado detention for 15 days, during which he was a victim of torture and ill treatment. His wife had no idea of his whereabouts.

*ii. Mr. Isa Ozdemir*

24. In 1992, Mr. Isa Ozmedir relocated to Azerbaijan, initially working as a teacher in private schools affiliated with the Hizmet movement, and then held positions in various companies associated with the Movement.

25. On October 9, 2017, while trying to travel to Georgia, he was stopped and informed by Azeri border guards about the travel ban imposed on him. In December 2017, Mr. Isa Ozmedir submitted an extension request for his residence visa to the State Migration Service (SMS). On January 24, 2018, the SMS rejected Mr. Ozmedir's request, revoked his residence permit, and instructed him to leave the country by February 2, 2018.

26. On February 2, 2018, Mr. Isa Ozmedir sought asylum from the UNHCR in Azerbaijan, issuing him a protection letter as a person of concern. On the same day, he was summoned for questioning as a witness at the Prosecutor General's Office in the context of criminal proceedings against the Hizmet Movement. The interrogation was conducted on February 5, 2018.

27. On February 8, 2018, the Azerbaijan police arrested Mr. Ozmedir, bringing him to the Narimanov District Court, which ordered his detention pending extradition for 40 days. Mr. Ozmedir contested this decision, citing a lack of justification for his extradition detention.

28. On July 12, 2018, the Baku Court of Serious Crimes rejected Isa Ozmedir's extradition to Turkey and ordered his release. The court ruled that extradition was impossible because he had already been granted refugee status by the UNHCR in Azerbaijan.

29. Immediately after his release, Mr. Isa Ozmedir disappeared. He reappeared the next day, July 13, 2018, in Türkiye in the hands of the MIT-Turkish Intelligence Service (publicly mentioned in the press).

### *iii. Mr. Ayhan Seferoglu*

30. In 1995, Mr. Ayhan Seferoglu relocated to Azerbaijan, initially working as a teacher in private schools associated with the Hizmet movement, and then held positions in various companies associated with the Movement. He issued a permanent residence card in 2007.

31. On 7 October 2017, while trying to travel to Georgia, Mr. Seferoglu was stopped and informed by Azeri border guards of a travel ban imposed on him.

32. On 2 February 2018, Mr. Ayhan Seferoglu was summoned to the Prosecutor General's Office for questioning as a witness in the context of criminal proceedings against the Hizmet Movement. The interrogation occurred on 5 February 2018. On 8 February 2018, the Azerbaijan police arrested Mr. Seferoglu, bringing him to the Narimanov District Court, which ordered his detention pending extradition for a forty-day period, based on an arrest warrant issued by Ankara Criminal Court no. 2 on 5 January 2018. Mr. Seferoglu appealed this decision, citing the lack of justification for his extradition detention.

33. On 10 February 2018, Mr. Ayhan Seferoglu's wife submitted an asylum request to the State Migration Service, expressing concerns about her husband's potential ill-treatment and persecution in Turkey. On 24 February 2018, the SMS notified Mr. Seferoglu's wife that her husband's asylum request had been rejected.

34. On 19 February 2018, the prosecution authorities requested the Narimanov District Court to release Mr. Seferoglu pending extradition, which they did order on the same day, considering factors such as his permanent residence in Azerbaijan, personality, and other crucial aspects of the case.

35. Immediately after his release Mr. Seferoglu disappeared. He reappeared the next day in Türkiye in the hands of the MIT-Turkish Intelligence Service (publicly mentioned in the press).

*iv. Mr. Erdogan Taylan*

36. In 1993, Mr. Erdogan Taylan relocated to Azerbaijan, initially working as a teacher in private schools affiliated with the Hizmet movement, he then held positions in various companies associated with the Movement.

37. On 9 October 2017, while trying to go to Georgia, Mr. Erdogan Taylan was intercepted by Azeri border guards who notified him of a travel ban imposed on him.

38. On 2 February 2018, Mr. Taylan was summoned to the Prosecutor General's Office for questioning as a witness in the context of criminal proceedings against the Hizmet Movement. The interrogation took place on 5 February 2018.

39. On 8 February 2018, Mr. Taylan was arrested by the Azerbaijan police and brought to the Binagadi District Court, which, on the same day, ordered his detention pending extradition for a period of forty days. Mr. Taylan contested this decision, citing the lack of justification for his detention pending extradition.

40. On 10 February 2018, Mr. Taylan's wife submitted an asylum request to the SMS, expressing concerns about potential ill-treatment and persecution in Turkey. Her request was unmet.

41. On February 19, 2018, the prosecution authorities requested the Binagadi District Court to order the release of Mr. Taylan pending extradition, which they did.

42. Immediately after his release, Mr. Taylan disappeared. He reappeared the next day in Türkiye in the hands of the MIT-Turkish Intelligence Service (publicly mentioned in the press).

*v. Mr. Mustafa Ceyhan*

43. Mr. Mustafa Ceyhan is a Turkish businessman who resided in Georgia.

44. On April 20, 2017, Mr. Ceyhan was arrested by the Azeri border police at the border between Georgia and Azerbaijan. The police notified Mr. Ceyhan that his passport was invalid, leading to his immediate arrest. Azerbaijani authorities charged him with the offense of illegally crossing the border.

45. In April 2017, the Gazakh District Court in Azerbaijan sentenced Mr. Ceyhan to one year of imprisonment, despite the absence of any evidence of wrongdoing on his part.

46. Mr. Ceyhan was due for release in April 2018. However, before his release, the Turkish authorities issued an extradition request for links to the Hizmet Movement.

47. Mr. Ceyhan was under UNHCR protection, which issued a protection letter valid until June 20, 2018.

48. On April 26, 2018, the prosecution authorities requested the Baju Court on grave crimes to order the release of Mr. Taylan pending extradition, which they did, relying on the prosecutor's request and emphasizing the importance of resorting to remand in custody only as an exceptional measure. Immediately after his release, Mr. Taylan was abducted by eight men from Azeri Intelligence Services and the State Migration Service. He endured electric shocks two or three times until he lost consciousness. Additionally, he was coerced by the display of video footage showing his sons in a minibus coming from school, coupled with threats of kidnapping, unless he surrendered his resistance and agreed to be transferred by plane to Türkiye.

49. Azeri media reported the abduction specifying that Mr. Ceyhan had been handed over at Istanbul Atatürk Airport by members of the Azeri police.

50. Mr. Ceyhan resurfaced in Türkiye weeks after his abduction.

*vi. Mr. Mehmet Gelen*

51. Mr. Memet Gelen is a Turkish citizen who graduated from Kafkas University, which was affiliated with the Hizmet/Gülen movement, and worked for Istek schools (Hizmet movement schools) in Azerbaijan.

52. Following the attempted coup in Türkiye on 15 July 2016, the Istek schools in Azerbaijan were closed and the educators' resident permits were cancelled. This situation led Mr. Gelen and his wife to apply to the State Migration Service three times for temporary residence permits, all in vain. Fearing deportation and potential torture and ill-treatment in Türkiye, M. Gelen sought asylum with his wife through the UNHCR in Azerbaijan.

53. On November 3, 2018, Mr. Gelen traveled from Azerbaijan to Tbilisi with plans to continue to Belgrade via Minsk. However, Belarusian authorities arbitrarily denied his transit to Serbia and detained him at the airport. Ultimately, he was returned to Azerbaijan.

54. On December 20, 2018, Mr. Gelen was contacted by the State Migration Service for a meeting scheduled the next day. He immediately informed the UNHCR, which assigned him a staff member to accompany him. He was informed during the meeting that he was wanted by INTERPOL and would not be released unless a representative from the Turkish Consulate visited the State Migration Service headquarters. Despite legal confirmation of his lawyer that M. Gelen and his family had the asylum-seekers status by both the United Nations and the State Migrations Service; he remained detained throughout the entire day and his passport was confiscated. He was later transferred to an immigration detention center and confined to a cell.



55. On December 22, 2018 Mr. Gelen's lawyer was summoned to the Khatai District Prosecutor's Office, where he learned that Türkiye had requested the extradition of his client. On December 24, 2018 Mr. Gelen was brought to the Court which found no formal request for his extradition. Yet, the Court decided to place him in one-month pre-extradition detention.

56. On December 28, 2018, despite Mr. Gelen's lawyer being told that no hearing would take place before January 3<sup>rd</sup>, he received a call at 1pm informing him of the imminent hearing of his client at 3 pm. the prosecution authorities requested the Khatai District Court to order the release of Mr. Gelen.

57. However, the authorities refused to release Mr. Gelen, stating to the lawyer that his client would be released only after they received the judge's decision in writing. They took Mr. Gelen away through the backdoor and transferred him to the migration camp in Kurdexani.

58. On December 29, 2010, Mr. Gelen was secretly driven to the Baku Airport and placed on a plane to Ankara. After he had arrived in Ankara, Mr. Recep Tayip Erdoğan praised Azerbaijan for its "cooperation" in his abduction and transfer.

*b) Violations committed by Azerbaijan: illegal transfers in violation of article 3 of the Convention*

**59. The cases of Mr. Taci Senturk, Mr. Isa Ozdemir, Mr. Ayhan Seferoglu, Mr. Erdogan Taylan, Mr. Mustafa Ceyhan and Mr. Mehmet Gelen, although slightly different, all reveal Azerbaijan's deliberate collusion with Türkiye in persecuting Hizmet Movement sympathizers.**

59. The cases notably reveal: (a) removal in the absence of extradition proceedings (Mr. Taci Senturk) (b) removal/abduction in flagrant violations of Court's decision refusing extradition (Mr. Isa Ozdemir, Mr. Mustaf Ceyhan and Mr. Mehmet Gelen), (c) removal/abduction in flagrant violations of treaty bodies' interim measures request (Mr. Mehmet Gelen), (d) removal/abduction while the extradition proceedings were still ongoing (Mr. Ayhan Seferoglu and Erdogan Taylan) and (e) a total contempt towards UNHCR protection and asylum request.

60. In all of these cases, Azerbaijan denied the right of victims to an individualized assessment of the real and personal risks they would be exposed to if deported to Türkiye. The fate of Hizmet Movement sympathizers wanted by Turkish authorities - made of torture, violations of the right to a fair trial, and arbitrary detention - is widely known and recognized.

61. The facts also reveal perfect machinery and orchestration as to the chain of events leading to the victims' illegal transfer to Türkiye, letting no doubt as to Azerbaijan's responsibility and accountability.

**61. Even more concerning is the deliberate ignorance of Azeri authorities of the UNHCR's request and even the Committee's interim measures request, revealing that Azeri authorities did violate their international human rights obligations in full conscience.** We also respectfully recall the Committee that these cases are occurring in a domestic context of persecution in Azerbaijan of Hizmet Movement sympathizers, real or alleged (see para. 5 to 12).

61. All cases reveal severe violations of Article 3 of the Convention, as it is very clear that no state party shall expel, return (“refouler”), surrender, or extradite a person to another state where there are substantial grounds for believing that he or she would be in danger of being subjected to torture or ill treatment. States parties must observe the principle of non-refoulement in all circumstances and incorporate the prohibition of refoulement in their domestic legislation, which must expressly refer to torture and ill-treatment among the factors that could put the returned person concerned in danger.

62. Mr. Senturk’s case is particularly striking since he did not even get the possibility to challenge his removal from Azerbaijan and since he had been a victim of enforced disappearance/incommunicado detention for 15 days in Türkiye. These violations are also imputable for Azerbaijan.

63. All victims suffered verbal and physical assaults and threats while back in Türkiye.

64. The ECtHR found violation of article 3 of the European Convention (“no one shall be subjected to torture or to inhuman or degrading treatment or punishment) and noted that

*“the applicants were subjected to a form of extra-legal transfer from Azerbaijan to Turkey which circumvented all guarantees offered to them by domestic and international law. In particular, at no point in the domestic proceedings did the national authorities examine the applicants’ fears of ill-treatment if returned to Turkey, while the decision to remove them from Azerbaijan based on the cancellation of their passport or residence permits was nothing but a pretext for an extradition in disguise, thus placing them outside the protection of the law. (...) The Court points out that no extradition proceedings were at all instituted in respect of the first applicant, the second applicant was removed from Azerbaijan in flagrant violation of the Baku Court of Serious Crimes’ decision of 12 July 2018 refusing his extradition, and the third and fourth applicants were removed from Azerbaijan while the opportunity to effectively challenge the lawfulness of their extradition. The Court also does not lose sight of the fact that the haste with which the applicants were removed from Azerbaijan on the basis of the cancellation of their passport or residence permits deprived them of any possibility to challenge their removal on those grounds before the competent courts. (...) the Court considers that the applicants were denied effective guarantees of protection against arbitrary refoulement. Accordingly, the Court finds that the respondent State had failed to discharge its procedural obligation under Article 3 of the Convention to assess the risks of treatment contrary to that provision before removing the applicants from Azerbaijan”.*

65. The Working Group on Arbitrary Detention found regarding the case of Mr. Mustafa Ceyhan

*“Moreover, the Government of Azerbaijan violated its obligation, under article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and under article 7 of the Covenant,<sup>20</sup> not to return Mr. Ceyhan to another State where there were substantial grounds for believing that he would be in danger of being subjected to torture or other ill-treatment. (...) The Government of Azerbaijan has also violated its obligations under article 13 of the Covenant to ensure that aliens lawfully in its territory are expelled only in pursuance of a decision reached in accordance with law, and to allow them to submit reasons against the expulsion and to have the case reviewed by,*

and be represented before, a competent authority. Thus, the Working Group considers that the Government of Azerbaijan is responsible for its own actions in the arrest, detention and deportation of Mr. Ceyhan, as well as the subsequent violations of his rights in Turkey”.

66. The Committee found regarding the case of Mr. Mehmet Gelen that

*“the State party’s removal of the first complainant to Türkiye constituted a violation of article 3 of the Convention (...) the State party has an obligation to provide redress for the first complainant, including adequate compensation of non-pecuniary damage resulting from the physical and mental harm caused. It should explore ways and means of monitoring the conditions of the complainant’s detention in Türkiye, including his access to counsel and medical care, within the framework of existing agreements with Türkiye, in order to ensure that he is not subjected to treatment contrary to article 3 of the Convention, and inform the Committee as to the results of such monitoring”.*

#### ***c. Additional cases of abduction/deportation/illegal transfers***

67. We bring to your attention that other similar cases following identical patterns also emerged.

68. Mr. Mehmet Celik and Mr. Faik Semih Başoğlu were also arrested and deported to Türkiye in February 2018. Their case is pending before the ECtHR.

69. Mr. Ibrahim Eker, owner of the printing house that was publishing the Zaman newspaper (associated with the Hizmet Movement), was captured on January 30, 2019 in a joint operation between the MIT and the Azeri authorities and deported to Türkiye.

70. Mr. Ugur Demirok disappeared on September 6, 2022 in Azerbaijan without informing anyone, including his family. His family and relatives were searching for Ugur Demirok both in Azerbaijan and Türkiye. The Azerbaijani police have reported in writing that Ugur Demirok left the country on September 6, 2022 at 16:27 from Heydar Aliyev International Airport in the direction of Ankara with a ticket purchased in his name. Despite searches in Türkiye, Ugur Demirok could not be located for days. Relevant public institutions and detention centers were asked about Ugur Demirok's whereabouts, but received a negative response. On November 12, 2022, 67 days after his disappearance, a photography of Ugur Demirok in handcuffs was released to the media. In the news reports on the subject, the official state broadcaster TRT stated that Ugur Demirok had been brought to Turkey by a MIT.

#### **4. Legal frameworks governing Azerbaijan/Türkiye relationships with regards to extradition**

71. Türkiye and Azerbaijan signed a "Convention on Judicial Assistance in Civil, Commercial and Criminal Matters between the Republic of Turkey and the Republic of Azerbaijan" adopted in 1993. According to Article 33 of this Convention, the parties undertake to extradite persons found in their countries to each other upon request for the purpose of criminal prosecution or execution of a judgment. However, certain conditions must be fulfilled for the extradition process to work. In this context,

according to Article 35 of the Agreement, the party requesting extradition is required to send all necessary information and documents, the judgment of conviction, where available, and the relevant articles of law to the party to whom extradition is requested.

72. However, this process was generally not followed by the Azerbaijani authorities in the case of persons deemed to have links with the HM, and the persons concerned were handed over by Azerbaijani state officials directly to Turkish intelligence officials or Turkish intelligence officials were allowed to directly abduct the persons concerned on Azerbaijani territory, and there was no effective investigation by Azerbaijani judicial authorities into these illegal and criminal acts.

## 5. Suggestion of questions for the dialogue with Azerbaijan

73. IAHRAG respectfully requests that the Committee consider raising these questions to the delegation of Azerbaijan on the occasion of the dialogue:

- (a) Please provide information on allegations of persecution of Hizmet Movement sympathizers, real or alleged, in Azerbaijan, including cases of ill-treatment and extracted confessions;
- (b) Please provide information on the measures taken to implement: (i) the European Court of Human Rights' judgment regarding the cases of Mr. Taci Senturk, Mr. Isa Ozdemir, Mr. Ayhan Seferoglu, Mr. Erdogan Taylan; (ii) the Working Group on Arbitrary Detention' opinion regarding the case of Mr. Mustafa Ceyhan; and (iii) the Committee's decision regarding the case of Mr. Mehmet Gelen;
- (c) In view of what seems to emerge as a pattern of transnational repression against Hizmet Movement sympathizers, real or alleged, please provide information on measures to prevent the repetition of violations of article 3 of the Convention and future illegal transfers to Türkiye;
- (d) Please provide information on the existence of any international legal framework on Turkish-Azeri cooperation with regards to "combatting terrorism" and "transnational crime" and, if any, on the measures taken to ensure that such agreements do not conflict with the Convention.