



FREEDOM NOW

Submission to the United Nations Human Rights Committee

List of Issues– Azerbaijan

133rd session (October-November 2021)

Freedom Now welcomes the opportunity to contribute to the *List of Issues* of the Republic of Azerbaijan (“Azerbaijan”) in preparation for its fifth periodic review.

A. Torture of Detained Persons (Article 7)

Despite the prohibition of torture under international law, credible allegations of mistreatment of detainees abound in Azerbaijan. Individuals are most at risk during the investigation phase and while they are in pre-trial police custody. Young people, individuals with religious associations, and individuals detained by police in rural areas most often allege that they were subjected to torture during detention.

In May 2016, youth activists Giyas Ibrahimov and Bayram Mammadov were told by police that they would be released, but only if they publicly apologized on camera for spraying graffiti. Both men refused, at which point they were beaten by police, forced to remove their pants, and threatened with rape if they did not confess to a new charge: drug possession.¹ Similar allegations of mistreatment were reported by members of Muslim Unity Movement, including the group’s spokesperson, Abbas Huseynov, who described being severely beaten to force them to incriminate other members.² In neither case were any officials held responsible for the mistreatment, as required by international law.³

In July 2018, Yunis Safarov, a resident of Ganja, attempted to assassinate a local government official. Safarov was severely beaten while in custody and photographs of his injuries were shared widely on social media. Approximately 200 protestors gathered to protest Safarov’s treatment and remained peaceful until a man attacked and killed two police officers with a knife and seriously injured a third. After this attack police began to violently suppress the riot, beating protestors and seizing people on adjoining streets. Between 40 and 100 individuals were initially arrested at the protest. Authorities labeled those arrested as members of a radical religious and criminal conspiracy seeking to perpetrate violence against the state. All of those detained were held *incommunicado* for months and were subjected various forms of torture during their detention, including beatings with batons to the soles of the feet, electric shocks to the genitals, burning of various body parts over open flames, and digits crushed with pliers. According to

¹ *Azerbaijani Activists Say They Were Tortured To Confess To Trumped-Up Drug Charges*, Radio Free Europe/Radio Liberty (May 17, 2016), available at <https://www.rferl.org/a/azerbaijan-activists-ibrahimov-mammadov-tortured-drug-charges/27740981.html>.

² *Numerous Motions Lodged at Nardaran Trial*, Institute for Reporters’ Freedom and Safety (Nov. 11, 2016), available at <https://www.irfs.org/news-feed/numerous-motions-lodged-at-nardaran-trial/>; *Lawyer in Nardaran Case: Police Themselves to Blame for Their Colleagues’ Death*, Institute for Reporters’ Freedom and Safety (Jan. 9, 2017), available at <https://www.irfs.org/news-feed/lawyer-in-nardaran-case-police-themselves-are-to-blame-for-their-colleagues-death/>.

³ *General Comment No. 20*, Human Rights Committee, U.N. Doc. HRI/GEN/1/Rev.1 (Mar. 10, 1992) at ¶ 14.

reports, “the scale and cruelty of the torture was so severe that many victims lost consciousness.”⁴

Deaths in custody under perplexing circumstances are another concern. In April 2017, opposition blogger Mehman Qalandarov reportedly committed suicide while detained in prison. Authorities initially denied reports that he had died and he was swiftly buried without an investigation.⁵ Fakhraddin Abbasov, a human rights activist, allegedly committed suicide in detention in November 2020. A month earlier, Abbasov sent a letter detailing how government officials threatened to make his life unbearable in order to push him to commit suicide or they would stage his death in that way.⁶

In May 2017, a criminal case was opened against a group of military personnel and civilians in Azerbaijan on charges allegedly working for Armenian intelligence services at various times in the past. Allegedly the investigation was opened at the direct order of President Aliyev. Security services arrested 78 individuals involved in this case, mostly from the Tartar region. By July 2017, at least 11 of those arrested had died in custody under mysterious circumstances.⁷

Recommended Questions to Azerbaijan

1. *Provide data on how many individuals during the Reporting Period have reported mistreatment, abuse, or torture during their interrogation; how often such reports of mistreatment, abuse and torture were investigated; and the results of such investigations.*
2. *Provide information on the investigations undertaken into complaints of torture and the prosecution and convictions of persons who have committed acts of torture during the Reporting Period.*
3. *Provide data on how often, during the Reporting Period, a judge or judicial officer has allowed into evidence any information where such judge or judicial officer had received a complaint of mistreatment, abuse or torture in connection with the interrogation that produced such information.*
4. *Provide data on any deaths or hospitalizations among detainees which has occurred within each of Azerbaijan’s prisons, including how often the cause of such death or hospitalization was investigated; and the results of such investigations.*
5. *Describe what steps have been taken with respect to the recommendations set forth in paragraph 19 of concluding observations on the fourth periodic report of Azerbaijan adopted by the Human Rights Committee (the “Committee”) at its 118th session (17 Oct-4 Nov 2016) (the “Concluding Observations”).*⁸

⁴ *Azerbaijani government crackdown in Ganja: extrajudicial killings, torture, arbitrary detention, unfair trials and unlawful restrictions on freedom of assembly*, International Partnership for Human Rights (Jan. 29, 2020), available at <https://www.iphronline.org/wp-content/uploads/2020/01/Ganja-report-upd.pdf>, pg. 15.

⁵ *Death in Prison of Azerbaijani Blogger Highly Suspicious, Activists Say*, Meydan TV (April 30, 2017), available at <https://www.meydan.tv/en/article/death-in-prison-of-azerbaijani-blogger-highly-suspicious-activists-say/>.

⁶ *Prominent Talysh activist dies in prison in Azerbaijan*, OC Media (Nov. 12, 2020), available at <https://oc-media.org/prominent-talysh-activist-dies-in-prison-in-azerbaijan/>.

⁷ *Azerbaijan: 11 deaths in custody and other serious human rights violations in the ‘Terter Case’*, World Organization Against Torture (April 13, 2021), available at <https://www.omct.org/en/resources/statements/azerbaijan-11-deaths-in-custody-and-other-serious-human-rights-violations-in-the-terter-case>.

⁸ *Concluding observations on the fourth periodic report of Azerbaijan adopted by the Committee at its 118th session (17 Oct-4 Nov 2016)*, UN Human Rights Committee (Nov. 16, 2016), U.N. Doc. CCPR/C/AZE/CO/4, ¶ 37.

B. Independence and Safety of Lawyers (Article 14)

Article 14 of the ICCPR establishes the right of all persons to be equal before courts and tribunals. Access to a lawyer is an essential component of this right. However, during the Reporting Period Azerbaijan made several policy changes that severely impact access to legal counsel and the independence of the legal profession.

Since 2018, amendments to the Codes of Civil and Administrative Procedures and the Law on Lawyers and Lawyer Activities, prohibit lawyers from representing clients in court unless they are members of the Azerbaijan Bar Association (ABA). These revisions greatly limited access to legal assistance. By some estimates, at the time the amendments were enacted, up to 90% of civil and administrative cases were handled by lawyers who were not members of the ABA.⁹ In light of these reforms, Azerbaijan has severe shortage of lawyers. As of June 2021, the ABA reports the country has only 20 lawyers per 100,000 inhabitants (as compared to an average of 162 lawyers per 100,000 inhabitants in Council of Europe member states).¹⁰

The government has used the ABA membership requirement to maintain tight control over the legal profession and to restrict the activities of lawyers working on contentious issues. The UN Special Rapporteur on the independence of judges and lawyers expressed such concerns in a letter to the Government of Azerbaijan, specifically highlighting that the examination process to be admitted to the ABA “appears to be based on a procedure that lacks fair, objective, and clearly formulated criteria.”¹¹

The examination procedure consists of two stages. The first is an automated computer exam. The second is an oral examination conducted by a commission whose majority are members appointed by the executive and judicial branches, not by the legal profession itself. Prior to the enactment of the amendments, a group of nine human rights lawyers formed a coalition called the Group of Practicing Lawyers to provide input to the government on the draft laws. When these nine attempted to join the ABA, eight of them successfully passed the written portion, all of them failed the oral exam, despite 535 out of 607 applicants passing.¹²

In addition to legislative changes, the government has used administrative procedures to disrupt the work of independent lawyers. Since 2016, at least 15 independent lawyers have faced disbarment, disciplinary procedures, or other forms of judicial harassment designed to curtail

⁹ *Azerbaijan: Briefing paper on new legislation restricting court representation by lawyers*, International Commission of Jurists (Dec. 1, 2017), available <https://www.icj.org/wp-content/uploads/2017/12/Azerbaijan-legalsubmission-accesstoalawyer-2017-eng.pdf>.

¹⁰ *The number of lawyers exceeded two thousand in Azerbaijan*, Huquq (June 24, 2021), available at <https://www.e-huquq.az/en/news/advocacy-activities/32023.html>; *Report Following the Commissioner for Human Rights' Visit to Azerbaijan*, Council of Europe (Dec. 11, 2019), available at <https://rm.coe.int/report-on-the-visit-to-azerbaijan-from-8-to-12-july-2019-by-dunja-mija/168098e108, ¶ 47>.

¹¹ *Letter from the UN Special Rapporteur on the Independence of Judges and Lawyers to the Government of Azerbaijan*, Office of the UN High Commissioner for Human Rights (Jan. 12, 2018), available at <https://www.ohchr.org/Documents/Issues/IJudiciary/Communications/OL-AZE-1-2018.pdf>.

¹² *The struggle to protect Azerbaijan's lawyers*, Council of Bars and Bar Societies of Europe (Jan. 24, 2021), available at https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/Human_right_portal/Petition-11th-DAY-OF-THE-ENDANGERED-LAWYER-Azerbaijan.pdf.

their practice.¹³ Shala Humbatova, a prominent human rights lawyer and the first Azerbaijani to win the U.S. State Department’s International Women of Courage award, was disbarred in March 2021 for allegedly failing to pay her bar fees and submitting false information to a court. At the time the proceedings against her were initiated she was representing imprisoned blogger Mehman Huseynov and several protestors in the above-referenced Ganja case. She was ultimately re-instated to the bar in May 2021.¹⁴

Recommended Questions to Azerbaijan

1. *Please provide information on any reports of government harassment against attorneys or their family members on account of such attorney’s legal representations.*
2. *Please provide information on any attorney who has been imprisoned as a result of a civil or criminal claim stemming from his representations.*
3. *Please provide data on the number of attorneys in Azerbaijan unable to provide legal representation due to amendments to the Codes of Civil and Administrative Procedures and the Law on Lawyers and Lawyer Activities.*
4. *Please provide information on the availability of non-government defense attorneys to defendants.*
5. *Please describe what steps have been taken to guarantee and protect the independence of lawyers, particularly as recommended in paragraph 29 of the Concluding Observations.*

C. Non-Independence of the Judiciary and Due Process Violations (Article 14)

As mentioned above, Article 14 of the ICCPR contains several provisions relating to the right of persons to be treated equally before courts and tribunals. This right can only be properly protected by an independent judiciary. However, Azerbaijan’s judiciary lacks meaningful independence from other branches of government.

Although constitutional safeguards exist, in practice Azerbaijan’s judiciary is largely subservient to the executive. For example, the selection of judges is administered by a body known as the Judicial Legal Council (JLC). The majority of JLC members are appointed by the president and is presided over by the Minister of Justice, which gives the government significant control over the entire judiciary.¹⁵ Novice judges are particularly susceptible to pressure from the executive because they are required to serve an initial three-year probation period. This practice is contrary to international standards and has been criticized by the Venice Commission.¹⁶

In 2019, Azerbaijan made several reforms to the judicial system, including amending the Law on Courts and Judges and issuing a presidential decree entitled “On Deepening Reforms in the

¹³ *The struggle to protect Azerbaijan’s lawyers*, Council of Bars and Bar Societies of Europe (Jan. 24, 2021), available at https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/Human_right_portal/Petition-11th-DAY-OF-THE-ENDANGERED-LAWYER-Azerbaijan.pdf.

¹⁴ *Disbarment of Shahla Humbatova and Irada Javadova overturned*, Lawyers for Lawyers (May 6, 2021), available at <https://lawyersforlawyers.org/en/disbarment-of-shahla-humbatova-and-irada-javadova-overturned/>.

¹⁵ *The Functioning of the Judicial System in Azerbaijan and its Impact on the Right to a Fair Trial of Human Rights Defenders*, Netherlands Helsinki Committee (Sep. 2016), pg. 4, available at <https://www.nhc.nl/assets/uploads/2017/09/Functioning-of-the-Judicial-System-in-Azerbaijan.pdf> (hereinafter, *Judicial System in Azerbaijan*).

¹⁶ *Id.*

Judicial Legal System.” Among the reforms enacted were increasing the total number of judges from 600 to 800; increasing judges’ salaries; making judges’ salaries tax-exempt; and creating separate administrative and commercial court systems.¹⁷ Despite these reforms, the judiciary still remains largely subservient to the executive branch.

This lack of judicial independence has enabled the arbitrary arrest and imprisonment of human rights defenders, journalists, and opposition politicians in the country. This particularly evident in the widespread practice of pre-trial detention.

The Criminal Procedure Code permits periods of pre-trial detention of up to nine months as long as certain standards are met; however, the practice is widespread and has become nearly automatic. For example, journalist Polad Aslanov was arrested in March 2019, but was not sentenced until more than 18 months later in November 2020.¹⁸ In order to authorize pre-trial detention, Azerbaijani domestic law requires that the state provide reasonable grounds to believe that the suspect is likely to hide from investigators; obstruct the investigation by influencing parties or tampering with or hiding evidence; commit another criminal act or create a public threat; fail to comply with a lawful order; or prevent the execution of a court judgment. Further, in determining whether to impose pre-trial detention or a less restrictive measure, such as house arrest or bail, the courts are required to consider the seriousness of the offense; the defendant’s personality, age, health, occupation; his or her family, financial, and social situation; and criminal history. Information requests made by Azerbaijani lawyers to seven courts in 2016 showed that pre-trial detentions were ordered 94% of the time that they were requested by prosecutors and courts granted extensions in 98% of instances.¹⁹

In its visits to Azerbaijan in May 2016, the UN Working Group on Arbitrary Detention observed international norms and domestic legal provisions related to pre-trial detention were not upheld in practice. It gathered evidence of several individuals being held for days without seeing a judge in violation of their *habeas corpus* rights.²⁰ Additionally, the Working Group noted that in every detention facility it visited, “many persons had been detained without a proper assessment of the need for them to be detained and that detention, especially in pre-trial, lasted a very long time.”²¹

¹⁷ *Half-measures: Azerbaijani judicial reform brings ‘no independence’ from government*, OC Media (July 12, 2019), available at <https://oc-media.org/features/half-measures-azerbaijani-judicial-reform-brings-no-independence-from-government/>

¹⁸ *Azerbaijani journalist Polad Aslanov sentenced to 16 years on treason charges*, Committee to Protect Journalists (Nov. 16, 2020), available at <https://cpj.org/2020/11/azerbaijani-journalist-polad-aslanov-sentenced-to-16-years-on-treason-charges/>

¹⁹ *Judicial System in Azerbaijan*, pg. 35.

²⁰ *Report of the Working Group on Arbitrary Detention on its mission to Azerbaijan*, Office of the High Commissioner for Human Rights (2 Aug. 2017), A/HRC/36/37/Add.1 at ¶ 69.

²¹ *Id.* at ¶ 47.

Recommended Questions to Azerbaijan

1. *Provide information on any additional reforms proposed or underway to reform the judicial system.*
2. *Provide information on steps taken to decrease the amount of time individuals spend in pre-trial detention.*
3. *Provide information on steps taken to address concerns highlighted by the UN Working Group on Arbitrary Detention regarding pre-trial detention during its May 2016 trip.*
4. *Describe what steps have been taken with respect to the recommendations set forth in paragraph 27 of the Concluding Observations.*

D. Freedom of Expression (Article 19)

The Azerbaijani Constitution recognizes citizens' freedom of expression.²² Domestic legislation, specifically the 2000 Mass Media Law, prohibits censorship except in limited circumstances. However, there are numerous instances during the Reporting Period when Azerbaijan violated the rights of citizens to freedom of expression.

The few independent journalists and opposition media working in the country operate at great personal risk. As of June 2021, seven journalists and bloggers were imprisoned.²³ These include:

- Aslan Qurbanov, a blogger arrested in July 2020 and serving a seven-year prison sentence after he published a Facebook post calling for the release of opposition party activists.²⁴
- Afgan Sadiqov, a journalist for Azel TV arrested in May 2020 and serving a seven-year prisoner sentence after publishing a Facebook post about a sexual assault of two women that was not investigated.²⁵
- Elchin Hasanzade and Ibrahim Salamov, bloggers arrested in March 2021 and serving an eight-month prison sentence after publishing information about fraud committed by a local official.²⁶
- Elchin Mammad, editor-in-chief of the website Yukselis arrested in March 2020 and serving a four-year prison sentence after publishing a report on human rights abuses in Azerbaijan.²⁷

²² *Constitution of the Republic of Azerbaijan*, Article 47, available at https://www.constituteproject.org/constitution/Azerbaijan_2016.pdf?lang=en.

²³ *List of Political Prisoners*, Union for the Freedom for Political Prisoners of Azerbaijan, (June 4, 2021), available at <https://www.ipd-az.org/political-prisoners-for-4-june-2021/>.

²⁴ *Talysh blogger sentenced to 7 years in Azerbaijan*, OC Media (April 20, 2021), available at <https://oc-media.org/talysh-blogger-sentenced-to-7-years-in-azerbaijan/>.

²⁵ *Azerbaijani journalist Afgan Sadygov sentenced to seven years in prison*, Committee to Protect Journalists (Nov. 4, 2020), available at <https://cpj.org/2020/11/azerbaijani-journalist-afgan-sadygov-sentenced-to-seven-years-in-prison/>.

²⁶ *One blogger and activist arrested*, Azerbaijan Internet Watch (March 2, 2021), available at <https://www.az-netwatch.org/tag/elchin-hasan-zade/>.

²⁷ *Azerbaijan: Further Information: Human Rights Defender Sentenced to Prison: Elchin Mammad*, Amnesty International (Nov. 13, 2020), available at <https://www.amnesty.org/en/documents/eur55/3340/2020/en/>.

- Poland Aslanov, editor of the websites Xeberman and Press-Az, arrested in June 2019 and serving a 16 year prison sentence after he published articles about government officials taking bribes from Azerbaijani pilgrims traveling to holy sites abroad.²⁸
- Bahruz Aliyev, editor of the website Nia.az, arrested in May 2018 after publishing a report on illegal activities by the State Oil Company of Azerbaijan.²⁹

In March 2017, the Law on Dissemination and Protection of Information was amended to provide the Ministry of Transport, Communications, and High Technologies the authority to block websites “posing a danger to the state or society” without a court order.³⁰ Within weeks, the government ordered local internet providers to block access to the Radio Free Europe/Radio Liberty’s (RFE/RL) Azerbaijani service website after the media outlet published investigative reports about financial activities of members of President Aliyev’s family and his inner circle. The government filed a lawsuit seeking to block five websites in total, including RFE/RL, the opposition newspaper Azadliq, Meydan TV, and two other independent internet TV programs. The lawsuit claimed the websites posed a threat to national security by “posting content deemed to promote violence, hatred, or extremism, violate privacy, or constitute slander.” The only evidence that the government submitted to support this claim was a series of headlines.³¹

Media censorship and respect for freedom of expression worsened considerably in 2020. A series of events, including the February parliamentary elections, the COVID-19 pandemic, and the month-long Nagorno-Karabakh war, significantly diminished the government’s already low tolerance of criticism. While some or all of these restrictions, which were limited in time and scope, may be deemed permissible under international law, they fit within the restrictive pattern long-since practiced by the Azerbaijani government.

In March 2020, the Law on Dissemination and Protection of Information was again amended. Under the pretext of the combatting disinformation regarding the COVID-19 pandemic, the government allowed the prosecution of the owner of any internet information resource which published “false information threatening to cause damage to human life and health, significant property damage, mass violation of public safety, disruption of life support facilities, financial, transport, communications, industrial, energy and social infrastructure facilities or other socially dangerous consequences.” The broad range of categories included in the amendment was criticized by the Organization for Security and Cooperation in Europe’s Representative on Freedom for the Media for the potentially detrimental impact on the work of journalists.³² There were multiple reports throughout the year of reprisals against journalists who covered the pandemic, such as Teymur Karimov, who was physically assaulted by unknown individuals in

²⁸ *Azerbaijani journalist Polad Aslanov sentenced to 16 years on treason charges*, Committee to Protect Journalists (Nov. 16, 2020), available at <https://cpj.org/2020/11/azerbaijani-journalist-polad-aslanov-sentenced-to-16-years-on-treason-charges/>.

²⁹ *Jailed Azerbaijani Journalist “Punished for Refusing to Vote”*, Radio Free Europe/Radio Liberty (Mar. 4, 2020), <https://www.rferl.org/a/jailed-azerbaijani-journalist-punished-for-refusing-to-vote-/30469045.html>.

³⁰ *Government Blocks Access to Azadliq.info and Azadliq.org Websites in Azerbaijan*, Institute for Reporters’ Freedom and Safety (March 27, 2017), available at <https://www.irfs.org/news-feed/government-blocks-access-to-azadliq-info-and-azadliq-org-websites-in-azerbaijan/>

³¹ *Azerbaijani Court Orders Block On RFE/RL Website*, Radio Free Europe/Radio Liberty (May 12, 2017), available at <https://www.rferl.org/a/azerbaijan-rferl-service-website-court-orders-blocked/28482679.html>.

³² *Coronavirus response should not curb freedom of the press in Azerbaijan*, says OSCE Media Freedom Representative, Organization for Security and Cooperation in Europe (March 25, 2020), available at <https://www.osce.org/representative-on-freedom-of-media/449146>.

April 2020 after he attempted to interview individuals about the economic repercussions of the lockdown.³³

At the outset of the Nagorno-Karabakh war, Azerbaijan invoked its rights of derogation under Article 4(1) of the ICCPR to suspend its obligations under several provisions, including Article 19.³⁴ However, some of the restrictions placed on freedom of expression may go beyond what is permissible. For example, Azerbaijan reduced access to popular social media sites such as Facebook and Twitter. Internet users in Azerbaijan reported greatly reduced internet speeds, a practice known as throttling, which made it difficult to share information about the war.³⁵ Moreover, the Azerbaijani government targeted anti-war activists for persecution during the conflict. For example, activist Giyas Ibrahimov was detained twice during the conflict after his prolific social media posts called an end to the war.³⁶ Numerous other activists reported receiving death threats and being subjected to vicious online harassment for their anti-war sentiment.³⁷

Recommended Questions to Azerbaijan

1. *Provide information on any criminal cases pending or previously adjudicated during the Reporting Period against journalists, bloggers, or other media workers.*
2. *Provide information on instances when the government has ordered a website to be blocked under the Law on Dissemination and Protection of Information. If possible, provide a detailed explanation for why a website was blocked.*
3. *Provide information on any individuals prosecuted under the March 2020 amendment to the Law on Dissemination and Protection of Information regarding the spreading of false information.*
4. *Provide information on instances when the government censored media stories during the period of martial law from September to November 2020.*
5. *Provide reasoning for the restriction of popular social media websites during the period from September to November 2020.*
6. *Describe what steps have been taken to guarantee and protect freedom of expression, particularly as recommended in paragraph 37 of the Concluding Observations.*

³³ *Azerbaijan abuses quarantine rules to jail critical journalists and bloggers*, International Press Institute (April 20, 2020), available at <https://ipi.media/azerbaijan-abuses-quarantine-rules-to-jail-critical-journalists-and-bloggers/>.

³⁴ *Depositary Notification to the UN Secretary-General, Republic of Azerbaijan* (Dec. 31, 2020), available at <https://treaties.un.org/doc/Publication/CN/2020/CN.575.2020-Eng.pdf>.

³⁵ *As conflict escalates, Azerbaijan's internet shutdown puts lives further at risk*, Access Now (Oct. 15, 2020), available at <https://www.accessnow.org/azerbaijan-armenia-internet-shutdown/>.

³⁶ *Azerbaijani peace activists called for questioning*, OC Media (Oct. 13, 2020), available at <https://oc-media.org/azerbaijani-peace-activists-called-for-questioning/>.

³⁷ *Azerbaijan's peace activists face harassment, and a reckoning*, EurasiaNet (Nov. 20, 2020), available at <https://eurasianet.org/perspectives-azerbaijans-peace-activists-face-harassment-and-a-reckoning>.

E. Freedom of Association (Article 22)

Azerbaijan uses legislation to control associations that it deems as threatening or anti-government. Those aimed at civil society organizations, so-called “NGO laws”, severely limit freedom of association by requiring onerous registration regimes and reporting compliance.³⁸ Thus, the government has many ways under the law to interfere with an organization’s operations and funding as well as the ability to shutter them completely. Moreover, prosecutors have utilized the criminal code to imprison NGO leaders for ostensibly failing to adhere to such regulations.

Some positive developments occurred between 2019 and 2020, including providing tax exemptions for NGOs and allowing registration materials to be submitted online (although in practice this web portal is not operational). However, the overall structure still severely inhibits organizations from completing registration. As a result, it is estimated at least 300 organizations operate in the country without registration.³⁹ In May 2021, the European Court of Human Rights handed down 25 judgments in which it found Azerbaijan violated its citizens’ right to freedom of association by failing to register NGOs.⁴⁰

In addition to restrictions on domestic NGOs, the government has also made it increasingly difficult for international NGOs to operate within the country. Since 2011, numerous international organizations have been forced to stop operating inside Azerbaijan, including the National Democratic Institute, IREX, and Radio Free Europe/Radio Liberty. Although the government simplified the process for registering foreign NGOs in 2017 by decreasing the amount of paperwork required and requiring a compressed decision timeline from the Ministry of Justice, substantial obstacles still remain and the government ultimately has complete discretion on the approval or denial of the registration request.⁴¹

Recommended Questions to Azerbaijan

1. *Provide information on NGOs that sought registration during the Reporting Period and were rejected. Provide information on the grounds for rejecting these applications.*
2. *Provide information on why the online registration system for NGOs is not yet operational.*
3. *Provide information on steps taken to comply with the European Court of Human Rights’ judgments in *Mehman Aliyev and others v. Azerbaijan (Application № 46930/10)* and *Abdullayev and others v. Azerbaijan (Application № 69466/14)*.*
4. *Describe what steps have been taken to guarantee and protect freedom of association and participation in public affairs as recommended in paragraph 41 of the Concluding Observations.*

³⁸ *Breaking Point Azerbaijan*, Freedom Now and Human Rights House Foundation (May 2015), available at <https://www.freedom-now.org/wp-content/uploads/Report-Breaking-Point-Azerbaijan-5-12-15.pdf>, pgs. 27-28.

³⁹ *Civic Freedom Monitor: Azerbaijan*, International Center for Non-For Profit Law (June 3, 2021), available at <https://www.icnl.org/resources/civic-freedom-monitor/azerbaijan>.

⁴⁰ *Azerbaijan: European Court of Human Rights declares the refusal to register 25 NGOs illegal*, CSO Meter (May 20, 2021), available at <https://csometer.info/updates/azerbaijan-european-court-human-rights-declares-refusal-register-25-ngos-illegal>.

⁴¹ *Civic Freedom Monitor: Azerbaijan*, International Center for Non-For Profit Law (June 3, 2021).