

SECRETARIAT / SECRÉTARIAT

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRÉTARIAT DU COMITÉ DES MINISTRES

COMMITTEE
OF MINISTERS
COMITÉ
DES MINISTRES



Contact: Ireneusz Kondak
Tel: 03.90.21.59.86

Date: 24/01/2025

DH-DD(2025)89

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1521st meeting (March 2025) (DH)

Communication from NGOs (Free Voices Collective (FVC), the Independent Lawyers Network (ILN) and the European Human Rights Advocacy Centre (EHRAC)) (15/01/2025) in the Mammadli group of cases v. Azerbaijan (Application No. 47145/14).

Information made available under Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

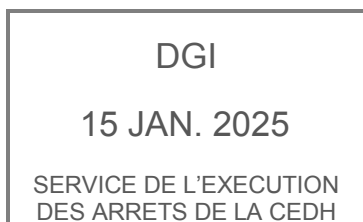
* * * * *

Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1521^e réunion (mars 2025) (DH)

Communication d'ONG (Free Voices Collective (FVC), the Independent Lawyers Network (ILN) and the European Human Rights Advocacy Centre (EHRAC)) (15/01/2025) dans le groupe d'affaires Mammadli c. Azerbaïdjan (requête n° 47145/14) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 9.2 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.



DGI Directorate General of Human Rights and Rule of Law
Department for the Execution of Judgments of the ECtHR
F-67075 Strasbourg Cedex
FRANCE
Email: DGI-Execution@coe.int

15 January 2025

COMMUNICATION

In accordance with Rule 9.2. of the Rules of the Committee of Ministers regarding the supervision of the execution of judgments in the Mammadli group v. Azerbaijan cases (Application no. 47145/14)

I. INTRODUCTION

1. This submission is made by **Free Voices Collective (FVC), the Independent Lawyers Network (ILN) and the European Human Rights Advocacy Centre (EHRAC)** to the Committee of Ministers (CM or Committee) of the Council of Europe (CoE) in respect of the Mammadli Group of Cases v. Azerbaijan, (Application nos.: 47145/14) in accordance with Rule 9.2 of the Rules of the CM for the supervision of the execution of judgments.
2. This submission is provided in order to inform the Committee about recent developments on the failure of implementation of the required individual and general measures of aforementioned judgments in the Mammadli Group of Cases by the Azerbaijani Government and the systematic worsening of the human rights situation in Azerbaijan prior to the Committee's next DH meeting in March 2025. This submission is an update to our previous submission made on 8 August 2024 and should be read together.

Communicating Organizations – FVC, ILN and EHRAC

3. The signatory organizations, FVC, ILN and EHRAC are non-governmental human rights organizations working to advance respect for human rights.
4. Free Voices Collective is an EU-based non-profit, and non-governmental organization established by South Caucasus human rights defenders, journalists, and lawyers in exile.

The FVC's mission is to build a democratic environment in South Caucasus by advocating for the rights and protections of journalists, activists, and NGOs, ensuring a society where civil freedoms are upheld, and civil society can thrive without fear of persecution.

5. The Independent Lawyers Network is an Azerbaijan-based non-profit and non-governmental organization, which is committed to strengthen the role of the lawyers to protect human rights and freedoms effectively through strategic litigations and advocacy
6. The European Human Rights Advocacy Centre (EHRAC) is an independent human rights centre that uses international legal mechanisms to challenge serious human rights abuses in Russia, Georgia, Azerbaijan, Armenia, and Ukraine, in partnership with local lawyers and NGOs. EHRAC aims to secure justice for victims of human rights violations and their families, and to bring about lasting systemic change in the region.

Brief summary of the cases

7. The Mammadli group cases, currently consist of leading *Mammadli v. Azerbaijan* (47145/14) and four repetitive cases (*Aliyev v. Azerbaijan* 68762/14, *Khadija Ismayilova v. Azerbaijan (no 2)* 30778/15, *Ibrahimov and Mammadov v. Azerbaijan* 63571/16 and *Yunusova and Yunusov v. Azerbaijan* 68817/14, in total seven applicants) pending the execution by the Government. Applicants are human rights defenders, civil society activists and a journalist. They were all subjected to arrests and detentions in 2013-2016, which the European Court found to constitute a misuse of criminal law, intended to punish and silence them for their human rights and journalistic activities. The Court has also established that these cases reflected a troubling pattern of arbitrary arrests and detentions of government critics, civil society activists and human rights defenders through retaliatory prosecutions and misuse of criminal law in defiance of the rule of law, and the actions of the State gave rise to a risk of further repetitive applications.¹

II. INDIVIDUAL MEASURES

Restitutio in integrum

8. We inform the Committee that the Government of Azerbaijan continues failing to provide adequate individual measures in the current cases and ensure *restitutio in integrum* to the possible extent, and that there has been no progress made since our last submission on 8

¹ Aliyev v. Azerbaijan, ECtHR 2019, § 223

August 2024. In particular, it failed to provide any updates on the following individual measures reiterated by the Committee at its last meeting on 3-5 December 2024²:

- a. prompt quashing of the remaining seven applicants' convictions, their erasure from their criminal records and the elimination of all other negative consequences of the criminal charges brought against them, ensuring full restoration of their civil and political rights;
 - b. ensuring that the convictions of the applicants, which were found by the European Court to be devoid of any substance, do not have any bearing on any new criminal proceedings initiated against them;
9. As the CM is aware, the Supreme Court has ensured *restitutio in integrum* through the quashing of convictions of the following applicants, their erasure from their criminal records, and the elimination of all other consequences of the criminal charges brought against them, including the full restoration of their civil and political rights with regard to a number of applicants in 2020-2023: Ilgar Mammadov and Rasul Jafarov on 23 April 2020, Rashad Hasanov, Zaur Gurbanli, Uzeyir Mammadli, and Rashadat Akhundov on 19 November 2021, and Azizov and Novruzlu on 10 September 2023. They were acquitted under Article 39.3 of the Criminal Code (CC) and were awarded compensation for non-pecuniary damages. However, the cases of seven remaining applicants in this group are still pending before the Supreme Court for an extended period of time without any justifiable explanation, demonstrating selective approach of the Supreme Court to the cases that are factually and legally identical or very similar. It becomes evident that the Supreme Court and the authorities refuse to ensure the quashing of the convictions for these applicants.
10. According to Article 131 of the Constitution of Azerbaijan, the Supreme Court is recognized as the highest instance court for civil, administrative, economic disputes, criminal, and other cases that were previously handled by general and specialized courts.³ The legislative framework mandates that if significant new evidence emerges during additional cassation proceedings, which necessitates the re-examination of the facts, the Presidium of the Supreme Court must either completely or partly terminate the decision of the courts of cassation and appellate instance, thus necessitating a re-examination of the case. This requirement ensures and obliges that the Supreme Court cannot remain silent or inactive if new significant evidence is presented, but this has been the case in this group for nearly five years, since the first decision by the Supreme Court was made to quash convictions of Rasul Jafarov and Ilgar Mammadov in April 2020.

² 1514th meeting, 3-5 December 2024 (DH) H46-7 Mammadli group v. Azerbaijan (Application No. 47145/14) CM/Del/Dec(2024)1514/H46-7 available at [https://hudoc.exec.coe.int/eng?i=CM/Del/Dec\(2024\)1514/H46-07E](https://hudoc.exec.coe.int/eng?i=CM/Del/Dec(2024)1514/H46-07E)

³ The Constitution of the Republic of Azerbaijan, Art. 131, available at <https://president.az/en/pages/view/azerbaijan/constitution>

11. There are three worrying issues that derive from this situation. Firstly, the Government appears to be deliberately delaying the implementation of individual measures and particularly the quashing of the convictions of the remaining applicants. It remains silent on the individual measures re quashing of convictions and the restoration of rights without any legal grounds while it reports to the Committee on other issues, such as developments with the Judicial Legal Council. This unexplainable delay is connected to the second worrying development, which is the Government's initiated new wave of repression against Azerbaijani civil society, media, and activists which has already drawn the attention of the CoE institutions on several occasions.⁴ We remind the Committee that as the Government fails to execute the ECtHR judgments regarding the quashing of all the charges against the remaining applicants, one of the applicants, Anar Mammadli, is again subjected to political, punitive criminal prosecution, as a part of the new crackdown. He is being prosecuted as someone who has been "previously convicted", which in turn will aggravate the sentence he is facing (see our submission of 8 August 2024 for further details on new charges). A reference to his previous conviction indicates that prosecuting authorities took his previous conviction into consideration as an aggravating circumstance in the current criminal investigation, that will eventually result in a more severe punishment of Anar Mammadli in the current criminal proceedings. Mammadli's previous conviction should therefore be re-examined by the Supreme Court as soon as possible and his conviction quashed to ensure that it is not used by the prosecuting authorities and the judiciary to convict him in a new-instituted criminal case as a person with a conviction and criminal record.

This excessive and unexplainable delay is evidently a part of 'a troubling pattern of retaliatory prosecutions and misuse of criminal law', as confirmed in the Court judgments in this group of cases. It must be seen as the Government's abuse of a "cooperative and inclusive approach, based on dialogue, in the supervision process to assist States in the execution of the Court's judgments," while continuing to punish the applicants during the judgment execution process.

12. The third and final worrying development is the continued lack of cooperation with the CoE, PACE and the Court, which is highlighted by the CM in their decisions.⁵

13. It is therefore of utmost importance for the Supreme Court to re-examine the cases of the remaining seven applicants and acquit them without any further delay in order to restore the situation that existed before the violation of their conventional rights. It is also

⁴ PACE resolves not to ratify the credentials of Azerbaijan's parliamentary delegation, citing a failure to fulfil 'major commitments' PACE 2024 available at <https://www.coe.int/en/web/portal/-/pace-resolves-not-to-ratify-the-credentials-of-azerbaijan-s-parliamentary-delegation-citing-a-failure-to-fulfil-major-commitments>- See also: Challenge, on substantive grounds, of the still unratified credentials of the parliamentary delegation of Azerbaijan, PACE Repot, 2024 available at https://pace.coe.int/en/files/33302/html#_TOC_d54e125

⁵ *ibid* (no 3)

important that the Government of Azerbaijan renews its cooperation with the Committee and provides a comprehensive update on the current status of these cases. At its latest meeting where this group of cases was discussed in December 2024, the CM has asked Azerbaijan to provide an explanation of the excessive and unexplained delay in the reopening proceedings before the Supreme Court, as well as to ensure an effective re-examination procedure by the domestic courts to give full effect to the judgments of the Court, however, no update has been provided to date.

III. GENERAL MEASURES

3.1.A new wave of retaliatory prosecution and misuse of criminal law against journalists, human rights defenders and other government critics

14. At its 1514th meeting, held from 3 to 5 December 2024, the CM referred to a number of general measures that Azerbaijan is required to implement as a part of this group of cases, including preventing impunity and ensuring consistency of judicial practice against retaliatory and abusive detentions and prosecutions. In this section below, we demonstrate that arbitrary, retaliatory detentions continue in Azerbaijan and that the judiciary fails to prevent such practice.

15. In our 8 August 2024, we informed the Committee of the new crackdown by the authorities on its critics, with a particular focus on independent media, as well as the civil society and others. The new wave has particularly escalated since November 2023, when the pro-government media outlets in Azerbaijan have noticeably intensified its slander campaign against civil society and media entities, with the accusations against them of collaborating with Western organizations and receiving funds from them that they allegedly illegally bring to Azerbaijan.⁶

16. This was soon followed by a series of legal repercussions for those targeted, including arrests, interrogations, blocking of bank accounts, and travel bans.⁷ It escalated with the

⁶ March 8, 2024 - "Toplum TV" adapts its activities not to the laws of Azerbaijan, but to the directives from the United States. https://musavat.com/news/toplum-tv-oz-fealiyyetini-azerbaycan-naunlarina-deil-abs-dan-gelen-direktivlere-ugunlasdirir_1051312.html; March 8, 2024: Where does Toplum TV's funding come from? <https://qafqazinfo.az/news/detail/toplum-tv-nin-maliyye-menbeyi-haradan-gaynaglanir-429575>; March 9, 2024: More than half a million funds were illegally delivered to Azerbaijan via Toplum TV. <https://qafqazinfo.az/news/detail/toplum-tv-uzerinden-yarim-milyondan-cox-vesait-geyri-ganuni-azerbaycana-catdirilib-429641>;

30 January 2024: Authorities continue searching for "spies" and "traitors" among civil society, <https://turan.az/en/politics/authorities-continue-searching-for-spies-and-traitors-among-civil-society>; November 22, 2023: How are unregistered grants from the West implemented in Azerbaijan? - RESEARCH, <https://report.az/analitika/qerbden-gelen-qeydiyatsiz-grantlar-azerbaycanda-nece-realize-edilir-arasdirma/>; November 21, 2023: US Updates Subversive Technologies, Builds Compact, Agile Squads - INVESTIGATION <https://report.az/analitika/abs-texribat-texnologiyalarini-yenileyir-vigcam-cevik-desteler-formalasdirlir/>; November 23, 2023: Treacherous plans of US institutions... This time NGOs and mass media were "controlled" by feminists... https://www.yeniazərbaycan.com/Siyaset_e93500_az.html

⁷ Statement Of Civil Society On Media Freedom And Human Rights Violations — Abzasmedia Case, November 23, 2023, <https://medium.com/@journalistresistance/medi%CC%87a-azadli%C4%9Fi-v%C9%99-i%CC%87nsan-h%C3%BCquqlari-pozuntularina-dai%CC%87r-v%C9%99t%C9%99nda%C5%9F-c%C9%99mi%CC%87yy%C9%99ti%CC%87ni%CC%87n-b%C9%99yanati-abzasmedi%CC%87-391110dba311>

arrests of members of independent media outlet AbzasMedia when the police arrested six journalists from the entire managerial and editorial team of AbzasMedia under smuggling charges, followed by other arrests in 2023 and early 2024 (*For full list of arrests see Annex I*).

17. Since our submission in August 2024, further arrests and detentions have taken place under similar charges against an entire team of 5 journalists from Meydan TV, along with two other journalists, a prominent human rights defender Rufat Safarov and opposition politician Azer Gasimli (total 9 prominent media and civil society and politician figures) between 3-7 December 2024.
18. On 3 December 2024, a prominent human rights defender Rufat Safarov was detained under dubious charges, widely viewed as politically motivated. Safarov, previously recognized as a political prisoner, had been pardoned in 2019 after a prior retaliatory arrest. On 3 December 2024, he was detained as a suspect under Article 178.3.2 (fraud committed with causing major damage) and 221.1 (hooliganism) of the Criminal Code of Azerbaijan.⁸ Safarov does not admit his guilt and believes that the criminal case against him was initiated due to his human rights activities and the award of the US State Department for his efforts in protecting human rights. Safarov is co-founder and chair of the Defence Line Public Union. His recent detention drew strong condemnation from international organizations, including PACE⁹ and Amnesty International.¹⁰
19. In another significant development, on 6 December 2024, police arrested 5 journalists affiliated with Meydan TV, following accusations of smuggling. On December 8, the Khatai District Court of Baku city chose a preventive measure in the form of arrest for a period of 4 months for 7 journalists, Aynur Ganbarova (Elgunesh), Aytac Ahmadova (Tapdig), Khayala Aghayeva, Natig Javadli, Aysel Umudova from Meydan TV, independent journalist Ramin Jabrayilzade and the deputy director of the Baku Journalism School, Ulvi Tahirov and charged them with smuggling charges under Article 206.3.2 (smuggling committed by prior agreement by a group of persons) of the Criminal Code of Azerbaijan, facing 5 to 8 years in prison if convicted.¹¹
20. Reports indicate that the detainees were denied access to legal counsel, subjected to ill-treatment, and faced procedural irregularities during their pre-trial hearings. On 7 December 2024, lawyers Elchin Sadigov and Zibeyde Sadigova¹² were prevented from meeting their clients, journalists Aynur Ganbarova, Natig Javadli, and advocate Nazim

⁸ <https://turan.az/en/politics/human-rights-defender-rufat-safarov-detained-787745>

⁹ <https://pace.coe.int/en/news/9708/pace-rapporteurs-dismayed-by-the-arrest-of-azerbaijani-human-rights-defender-rufat-safarov>

¹⁰ <https://www.amnesty.org/en/latest/news/2024/12/azerbaijan-authorities-must-immediately-release-human-rights-defender-rufat-safarov/>

¹¹ <https://jam-news.net/sunday-arrests-7-detained-in-meydan-tv-case/>

¹² Advocate Elchin Sadigov: "The police grossly violates the right to defense of journalists Natig Javadli and Aynur Elgunesh and still does not allow Zibeyda Sadigova and me to defend them", <https://www.facebook.com/share/p/dqHZovot4hfHdtJY/>

Musayev¹³, who was also barred from meeting his client, Khayala Aghayeva, during their preliminary interrogations. The houses of several journalists mentioned above were searched without presence of lawyers and sometimes even without the accused persons (in the case of Khayala Aghayeva), when their personal equipment was seized.¹⁴

21. On 8 December 2024, Azer Gasimli, the Head of the Institute of Political Governance was detained for 48 hours as a suspect under Article 182.2.3 of the Criminal Code (extortion by threats).¹⁵ Gasimli denies the charges and believes that his detention is related to his social and political activities. On 9 December 2024, the Yasamal District Court in Baku ordered to place Gasimli to pre-trial detention for four months.¹⁶ Gasimli is known for his criticism of Azerbaijan's domestic and foreign policies. He consistently linked the recent wave of arrests of journalists and activists to Azerbaijan's perceived shift towards closer ties with the Kremlin.
22. Along with the criminal persecutions, photojournalist Ahmad Mukhtar who was among the detainees in the first day of detention was charged under Articles 510 (minor hooliganism, similar to disorder conduct) and 535 (wilful disobedience to a lawful police order) of the Code of Administrative Offenses and was sentenced to 20 days of administrative detention on December 8. Other Detainees journalist Rashad Ergun, animal rights activist Kamran Mammadli, and relatives of the detained journalists, Elnur Jabrailzade and Yunis Rzayev were released.¹⁷
23. In all these cases, as reported by the lawyers of the detainees, Azerbaijani courts failed to carry out meaningful judicial oversight. Judicial decisions merely echoed the prosecution's arguments, often by copying and pasting text without providing relevant and sufficient reasoning, in the same pattern as widely observed in the cases of the Mammadli group. All these cases demonstrate that arbitrary arrests and detentions as tools of retaliation through misuse of criminal law against critical media members, human rights defenders and opposition activists continue, making the scrutinizing of Azerbaijan's actions under the Mammadli group all the more urgent.¹⁸
24. Some of these cases have already been transferred to courts for trial on substance. Between December 2024 and January 2025, several Azerbaijani activists were sentenced to prison terms on various charges:
 - December 12, 2024: Ilhamiz Guliyev was sentenced to three years in prison for the acquisition and storage of large quantities of drugs without intent to sell. He

¹³ <https://www.youtube.com/shorts/r0RIZU6zUg0>

¹⁴ <https://www.youtube.com/watch?v=1nntFaeNNU8>

¹⁵ <https://turanaz/en/politics/political-scientist-azer-gasimli-detained>

¹⁶ <https://turanaz/en/politics/arrested-azer-gasimli-787991>

¹⁷ <https://jam-news.net/sunday-arrests-7-detained-in-meydan-tv-case/>

¹⁸ <https://www.youtube.com/watch?v=1nntFaeNNU8>

contended that the charges were fabricated in retaliation for his public accusations against the police for planting drugs on activists.¹⁹

- December 28, 2024: Teymur Kerimov, founder of 'Kanal 11', received an eight-year prison sentence on charges of extortion by threats. Kerimov denied the allegations, asserting his innocence, and human rights organizations have recognized him as a political prisoner.²⁰
- January 9, 2025: Activist Rail Abbasov was sentenced to six years and six months in prison on fraud charges. Abbasov claimed his arrest was due to his defense of fellow activist Bakhtiyar Hajiyev and highlighted inconsistencies in his case, suggesting falsification.²¹
- January 13, 2025: Human rights activist Bakhtiyar Hajiyev was sentenced to ten years in prison on charges of hooliganism and contempt of court. Hajiyev's arrest and sentencing have drawn criticism from international human rights organizations.²²
- January 14, 2025: Trade union activist Afiaddin Mammadov sentenced to eight years prison. Mammadov, known for his anti-war stance, was charged with assault, which he and his supporters claim is politically motivated.²³

3.2.Restrictive civil society (NGOs and media) legislation and environment

25. These arbitrary, retaliatory arrests and detentions should be seen in the context of particularly repressive environment for NGOs and media in Azerbaijan, which remains heavily restricted, influenced strongly by the government's regulatory framework. The government has been criticized for implementing stringent laws that have led to arrests and curtailed civil liberties, highlighting the failure to align with Council of Europe standards. This misalignment threatens fundamental rights such as freedom of expression, association, and a fair trial, all of which were highlighted in the Mammadli group case as being compromised.

26. The legislation concerning NGOs is particularly restrictive. Amendments made into the laws in 2013, and 2014 years have made it almost impossible for independent NGOs to receive foreign funding and register with the authorities, with a multi-stage approval process prone to arbitrary decisions by relevant government bodies. This includes a requirement for both foreign donors and local NGOs to register grants and service contracts with the Ministry of Justice, leading to delays and blockages in funding. Moreover, NGOs

¹⁹ <https://oc-media.org/azerbaijani-activist-sentenced-to-three-years-in-prison-on-drug-charges/>

²⁰ <https://turaz.az/en/politics/kanal-11-founder-sentenced-to-8-years-of-imprisonment-788703>

²¹ <https://turaz.az/en/politics/court-sentences-activist-rail-abbasov-to-65-years-of-imprisonment-788975>

²² <https://jam-news.net/azerbaijani-activist-bakhtiyar-hajiyev-sentenced-to-10-years-in-prison/>

²³ <https://www.facebook.com/share/p/15V1HcfBbM/>

are under heavy scrutiny regarding their financial activities, facing severe penalties for non-compliance. These penalties, coupled with the financial burdens of taxes and VAT on funds routed through commercial entities, further restrict NGO operations.²⁴

27. On December 30, 2021, Azerbaijan adopted a Media Law that has added to “the overregulation in an already restrictive environment”.²⁵ Critiqued by the Venice Commission on June 20, 2022, the law imposes excessive state control over media activities, severely limiting media operations and the ability to maintain editorial independence. The law also sets strict criteria for who can be considered a journalist, potentially excluding many from the profession unless they meet specific state-defined contractual and professional criteria. The registration requirements demand detailed personal information from journalists, raising privacy concerns and the potential for state surveillance. Additionally, the law restricts media content in vague terms that could be arbitrarily interpreted, further stifling media freedom and impacting the diversity and quality of information available to the public.²⁶

IV. RECOMMENDATIONS

28. In light of the above, the signatory organizations call on the Committee to urge the Government to take the following steps to fully implement the ECtHR’s judgments in this group:

Regarding individual measures

1. Restitutio in integrum should be ensured in respect of all the applicants by quashing all the applicants’ convictions without further delay, clearing their criminal records and restoring their civil and political rights through the acquittal verdicts.
 - a. The quashing of the criminal conviction of applicant Anar Mammadli, as his ongoing prosecution under new charges could result in aggravated circumstances.
2. In the case of Azerbaijan’s continued failure to do so, the Committee should consider it as a clear refusal by the authorities to comply with the respective ECtHR judgments and take adequate actions available to it.

²⁵ Council of Europe. 'Azerbaijan: Media Law - Overregulation in an Already Restrictive Environment, 2022, available at <https://www.coe.int/en/web/portal/-/azerbaijan-media-law-overregulation-in-an-already-restrictive-environment>

²⁶ Venice Commission. 'Opinion on On The Law On Media in Azerbaijan.' Council of Europe, Opinion No. 1078/2022, 2022, available at [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2022\)009-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2022)009-e)

Regarding general measures

3. Put an immediate end to the ongoing wave of continued arbitrary detentions and retaliatory prosecutions similar to the *troubling pattern* identified by the Court in the Mammadli group of cases and release all those detained under politically motivated charges.
4. The Government should provide the CM with concrete evidence of domestic courts exercising effective oversight in criminal cases, particularly regarding allegations of troubling pattern of repeated criminal charges against Government critics, as an illustration of indicator of independence of judiciary from the executive power.
5. Amend the NGO and Media laws in line to the findings and recommendations of the Venice Commission of the Council of Europe to ensure that respective restrictive legislation are no longer misused to punish and silence government critics along with ensuring of freedom of association and expression.
6. Carry out genuine structural reforms in the judiciary that should be primarily aimed at curtailing the influence of the executive over the judiciary in practice (see section 3.2 in our previous submission of 8 August 2024 for more details).

On behalf of the signatory organisations:

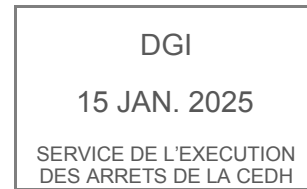


Nijat Mammadbayli

Co-founder

Free Voices Collective

Annex 1. List of crackdown cases in Azerbaijan 2023-2024



Annex 1

Rise of politically motivated arrests

The already harsh conditions for civil society organisations stemming from the unprecedented crackdown carried out between 2013-2014 years in Azerbaijan have further worsened with rise of politically motivated arrests between 2022 to 2024, targeting journalists, human rights defenders, politicians, and activists.

Arrest of civic activist Bakhtiyar Hajiyev

Azerbaijani democracy activist **Bakhtiyar Hajiyev** was arrested on December 9, 2022, on charges of hooliganism and contempt of court.¹ While in detention, intimate photos and messages from his Facebook account were leaked to defame him.² Hajiyev suggested his arrest was linked to U.S. sanctions³ against Azerbaijani police colonel Karim Alimardanov, which he allegedly helped initiate. In June⁴ and November⁵ 2023, additional charges were brought against him. Hajiyev remains in pre-trial detention at the Baku Investigation Isolator for over 23 months, exceeding legal limits under the Criminal Procedure Code of Azerbaijan.

On April 21, 2022, Hajiyev was abducted, beaten, and humiliated by four masked men. They demanded that he delete critical posts about Interior Minister Vilayat Eyvazov. Hajiyev alleged that he was threatened with rape and murder before abandoning him in a remote area, bound and blindfolded.⁶ Despite filing a police complaint, no action was taken against the perpetrators.

Arrest of politicians: Nazim Baydermirli, Gubad Ibadoglu, and Elkhan Aliyev

Between May and September 2023, politically motivated persecutions in Azerbaijan sharply increased. On July 31, 2023, the Union for the Freedom of Political Prisoners in Azerbaijan (SSPZA) released an updated list of 204 political prisoners, up from 182 in April. The organization reported that 34 individuals were arrested for political reasons between May and July alone, highlighting the escalating crackdown on government critics.⁷ Among those arrested were prominent opposition figures, such as **Gubad Ibadoglu** (charged on 24.07.2023 and released to house arrest on the 22nd of April 2024), economist, and **Nazim Beydemirli**, a former Member of Parliament and businessman (charged on 06.07.2023) and **Elkhan Aliyev**, the deputy head of the Organizational Department of the Popular Front Party of Azerbaijan 26.07.2023 and

¹ <https://jam-news.net/activist-bakhtiyar-hajiyev-arrested-in-baku/>

² <https://www.occrp.org/en/news/jailed-azerbaijani-opposition-activists-private-photos-and-messages-leaked>

³ <https://www.state.gov/combating-global-corruption-and-human-rights-abuses/>

⁴ In July 2023, he was charged under Articles 192 ("illegal entrepreneurship"), 193-1 ("legalization of proceeds from crime") and 206 (smuggling) of the Criminal Code. <https://turan.az/en/politics/bakhtiyar-hajiyev-accuses-court-of-deliberately-delaying-proceedings>

⁵ In November 2023, Bakhtiyar Hajiyev was charged under Article 213.1 of the Criminal Code (tax evasion, unemployment insurance payments, compulsory medical and social insurance), <https://turan.az/en/politics/bakhtiyar-hajiyev-charged-with-another-charge-771178?q=hajiyev>

⁶ <https://rm.coe.int/situation-of-human-rights-defenders-and-whistleblowers-in-europe/1680ad0082>

⁷ "The rest of the other arrested people on the list are believers (religious) arrested in April-July on charges of drug trafficking. The total number of believing political prisoners reached 147 people." "34 people arrested for political reasons in Azerbaijan in 3 months", 31.07.2023, JAMnews, <https://jam-news.net/34-people-arrested-for-political-reasons-in-azerbaijan-in-3-months/>

sentenced to 5 years on charges under Articles 178.3.2 (fraud with large-scale damage), 320.1 (production of false document) and 320.2 (use of false document) of the Criminal Code of Azerbaijan on 1 April, 2024.⁸

On 8 August 2023, Fazil Gasimov, an Azerbaijani doctoral student at Istanbul University, was detained in Turkey, and extradited to Azerbaijan in relation to the case of Gubad Ibadoglu. He was charged with a counterfeit-related crime. Gasimov was placed in a pre-trial detention for three months and 12 days. While being detention, Gasimov has been subjected to severe torture while in custody.⁹

Arrest of activists: August – December 2023

On 4 August 2023, Azerbaijani authorities intensified their crackdown on trade union activists from the Confederation of Trade Unions “Table of Workers” and “Working Platform” arresting several members, including chairman **Afiyeddin Mammadov**, on dubious hooliganism charges.¹⁰ Meanwhile, members **Elvin Mustafayev**¹² and **Aykhan Israfilov**¹³ were detained and charged on charges of large scale drug trafficking on 4 and 11 August 2023, sentenced to three years in prison for alleged drug trafficking on January 31, 2024 and April 2, 2024 respectively.¹⁴

Azerbaijani authorities continued to arrest activists. On 4 and 13 December 2023 respectively, and public activist **Ilhamiz Guliyev** and trade union member **Mohyaddin Orujov** were arrested on drug-related charges, with Orujov claiming his detention was retaliation for criticizing the government on social media.¹⁵ Guliyev, who had exposed police tactics of framing activists with fabricated drug charges in his anonymous interview to AbzasMedia. He was initially sentenced to 30 days administrative arrest on 4 October for minor hooliganism and disobeying police orders after his interview was published in September 2023.¹⁶

⁸ <https://www.rferl.org/a/azerbaijan-opposition-activist-aliyev-fraud-prison-5-years/32886699.html>

⁹ <https://www.meydan.tv/en/article/detained-azerbaijani-phd-student-fazil-gasimov-endures-alleged-torture-and-humiliation/>

¹⁰ Chairman Afiyeddin Mammadov was detained and sentenced to 30 days administrative arrest for petty hooliganism and then after release, on September 20, 2023, charged with petty hooliganism involving a weapon and inflicting serious harm, carrying a potential 8-year prison sentence. Afiyeddin was detained when he left the building where he lives. One person approached him, he injured himself with a knife and threw the knife at Afiyeddin. And the police immediately appeared and detained Afiyeddin.”. <https://www.turan.az/ext/news/2023/9/free/Social/en/8893.htm>

¹¹ <https://www.turan.az/ext/news/2023/9/free/Social/en/9279.htm>

¹² <https://tur.az/en/social/the-court-of-appeal-has-left-activist-elvin-mustafayev-in-custody-768332>, <https://www.ipd-az.org/any-criticism-of-the-authorities-results-in-arrest-and-imprisonment/>

¹³ <https://www.turan.az/ext/news/2023/8/free/Social/en/7478.htm#:~:text=He%20was%20detained%20on%20August.charges%20in%20connection%20with%20drugs>.

¹⁴ On January 31, 2024, the Baku Serious Crimes Court sentenced Elvin Mustafayev to three years in prison on charges of drug possession (Article 234.1-1). Similarly, on April 2, 2024, the court sentenced Aykhan Israfilov to three years imprisonment.

¹⁵ Arrest of activists continued in following months. Mohyaddin Orujov, a member of the Confederation of Trade Unions of Azerbaijan “Working Platform” was arrested on 13 December 2023 on charges of drug trafficking on a large scale following his administrative arrest for 30 days on charges of disobeying the police in October 2023. After his release, Orujev stated that the real reason for his arrest was criticism of the authorities on social media. He also complained about beatings and inhuman treatment by the police.

¹⁶ On December 4, 2023, Ilhamiz Guliyev was arrested on drug-related charges. In September 2023, he anonymously interviewed with Abzas Media, exposing how political activists are framed with drug charges using undocumented drugs by the police. Following the interview's publication on September 27, he was detained on October 5, charged with minor hooliganism and disobeying police orders, and sentenced to 30 days of administrative detention. Guliyev was released on November 4.

Smuggling related charges against media November 2023 – January 2024

Azerbaijani government launched a new criminal case against independent media and civil society groups on smuggling charges in November 2023. During November 2023- January 2024, the management and the entire editorial team of Abzas Media have been arrested on charges - smuggling.¹⁷

On November 20-21, 2023, Abzas Media director **Ulvi Hasanli**, his assistant and disability rights activist **Mahammad Kekalov**, and chief editor **Sevinj Vagifgizi** were detained by the Baku City Main Police Department. A week later, on November 30, journalist **Nargiz Absalamova** was summoned as a witness but was subsequently detained as a suspect.¹⁸ All four were charged under Article 206.3.2 of the Criminal Code of Azerbaijan, which pertains to smuggling committed by a group of persons.

On November 27, 2023, Kanal 13 journalists **Aziz Orujov** and **Shamo Eminov** were arrested on charges of smuggling committed by a group of persons (Article 206.3.2 of the Criminal Code).

On December 11, Azerbaijani journalist **Teymur Karimov** was detained on charges of extortion by threat (Article 182).

On December 13, investigative journalist **Hafiz Babaly** was arrested under Article 206.3.2 as part of the same criminal investigation against Abzas Media.

On December 14, police arrested **Tofiq Yagublu**, a former journalist, outspoken government critic, and opposition leader, on charges of fraud by an organized group (Article 178.3.2), forgery of official documents (Article 320.1), and use of counterfeit documents (Article 320.2).

On January 13, 2024, journalist **Elnara Gasimova** was detained after questioning at the Baku City Main Police Department. She was charged under Article 206.3.2, becoming the sixth journalist arrested in connection with the Abzas Media case.

Within a two month, 8 media professionals (managers/journalists) and one opposition politician have been arrested on criminal charges as of early presidential elections held on 7 February 2024 which took place within a restrictive political environment with the stifling of critical voices and the absence of political alternatives, and under laws that curtail fundamental rights and freedoms, according to the OSCE/ODIHR Election Observation Mission.¹⁹

Smuggling allegations lead to continued arrests during March – April 2024

The arrests continued in March and April 2024, starting with a police raid in the premises of the Institute for Democratic Initiatives (NGO), Toplum TV (media organisation), and the Third Republic Platform (political organisation), and the arrests of their representatives.²⁰ Seven representatives of the three entities,

¹⁷ Human Rights Watch, Azerbaijan: Crackdown on Independent Media. November 22, 2023, <https://www.hrw.org/news/2023/04/05/submission-universal-periodic-review-azerbaijan> ; Human Rights Watch, Even More Journalists Arrested in Azerbaijan, December 5, 2023. Authorities Target Independent Media, Government Critics, <https://www.hrw.org/news/2023/12/05/even-more-journalists-arrested-azerbaijan>

¹⁸ <https://cpj.org/2023/12/azerbaijani-journalist-nargiz-absalamova-detained-for-3-months-amid-crackdown-on-abzas-media/>

¹⁹ Statement of preliminary findings and conclusions of the Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE on the Early Presidential Election, 7 February 2024, accessed on February 26, 2024. [Source](<https://www.osce.org/files/f/documents/9/3/562473.pdf>)

²⁰ JAMnews, "The office of yet another independent media in Azerbaijan is sealed, employees are detained", 7 March 2024, accessed 7 March 2024, <https://jam-news.net/toplum-tv-repression-in-azerbaijan/> .

the Institute for Democratic Initiatives, Toplum TV and the Third Republic Platform, have been arrested following the raid. Between 6-8 March 2024, the Baku District Court ordered a four-month pre-trial detention for several journalists and human rights defenders, including **Akif Gurbanov** (co-founder of IDI and III Republic Platforms), **Ali Zeynalov**, **Mushvig Jabbar**, **Ramil Babayev**, **Ilkin Amhrahov**, and **Alasgar Memmedli** (all from Toplum TV), as well as **Ruslan Izzatli** (co-founder of III Republic Platform). Additionally, the prosecuting authority decided to impose police supervision on Elmir Abbasov and Farid Ismayilov, both journalists from Toplum TV.

On April 19, 2024, **Imran Aliyev**, head of the Meclis.info, a portal founded to monitor the parliamentary activities in Azerbaijan, was detained on smuggling charges and arrested the following day. On April 29, 2024, **Anar Mammadli**, chair of the Election Monitoring and Democratic Studies Center and the applicant in *the Mammadli group of cases*, was arrested on charges of smuggling committed by a group acting in conspiracy. Mammadli's arrest came after he published three critical reports (1²¹ 2²² 3²³) on the snap presidential elections held on February 7, 2024, and delivered a critical speech²⁴ during a side event at the UN Human Rights Council on March 15, 2024, echoing the circumstances of his 2013 arrest.

Further arrests of political activists and academicians: June – September 2024

On 22 July political activist, **Emin Ibrahimov**, a critic of the Azerbaijani government, has been detained with charges under Article 126.2.4 (intentional infliction of serious harm to health with hooligan motives) and Article 221.1 (hooliganism) of Azerbaijan's Criminal Code and he was arrested for a period of 4 months.²⁵ After being detained, Ibrahimov was taken to the 24th Police Department of Nizami district, where he was subjected to torture, electric shocks and even threatened with rape. The demand was to obtain the password to his phone.

On 22 July 2024, **Igbal Abilov**, an academic specializing in history, ethnography and is also an author of several academic publications on ethnic minorities of the South Caucasus was detained on 22 July 2023 and is charged under Articles 274 (high treason), 281.3 (public calls directed against the state, committed on the instructions of foreign organizations or their representatives) and 283.1 (incitement of national, racial, social or religious hatred and enmity) of the Criminal Code of Azerbaijan.²⁶

On 21 August 2024, **Bahruz Samadov**, a doctoral student in Czechia and freelance contributor to a number of international media outlets on anti-war views and was known as an anti-war activists was detained and on 23 August, the Sabail District Court in Baku ordered his pre-trial detention for four months on charges of treason (Article 274 of the Azerbaijani Criminal Code).²⁷ Bahruz Samadov was beaten by the State Security Service officials due to asking for the Bible and harassed by them for 'not being Muslim'.²⁸

On 3 December 2024, prominent human rights defender, and lawyer **Rufat Safarov** has been detained as a suspect under Article 178.3.2 (fraud committed with causing major damage) and 221.1 (hooliganism) of

²¹ <https://smdtaz.org/smdt-novb%C9%99d%C9%99nk%C9%99nar-prezident-seckil%C9%99ri-bagli-b%C9%99yanat-yayib/>

²² <https://smdtaz.org/emds-announced-the-interim-report-on-the-observations-on-the-pre-election-campaign-stage-of-the-february-7-2024-snap-presidential-election/>

²³ <https://smdtaz.org/emds-issued-the-preliminary-statement-on-the-results-of-the-observations-of-the-snap-presidential-election-held-on-february-7-2024/>

²⁴ <https://humanrightshouse.org/events/hrc55-media-and-civil-society-under-pressure-ahead-of-cop29-in-azerbaijan/>

²⁵ <https://turaz.az/en/politics/the-former-diplomat-charged-under-two-articles-of-the-criminal-code>

²⁶ <https://turaz.az/en/politics/the-court-refused-to-transfer-igbal-abilov-to-house-arrest-786545>

²⁷ <https://jam-news.net/bahruz-samadov-case-in-azerbaijan/>

²⁸ <https://civis.eu/en/get-informed/news/ulb-calls-support-arrested-azerbaijani-researcher-bahruz-samadov>

the Criminal Code of Azerbaijan.²⁹ Safarov did not admit his guilt and believes that the criminal case against him was initiated due to his human rights activities and the award of the US State Department for his efforts in protecting human rights. Safarov is now a co-founder of Defence Line Public Union, a human rights organization established in 2020. Safarov was previously arrested on dubious charges on January 15, 2016 and sentenced to nine years in prison under Article 311.3.2 of the Criminal Code (repeated bribery). Local and international organizations recognized Safarov as a political prisoner. He was released in March 2019 under a presidential pardon. International institutions condemned Safarov's arrest.³⁰

On 6 December 2024, the Baku City Main Police Department conducted mass arrests targeting Meydan TV, a media outlet who have been forced into exile. According to reports, on 6 December 2024, police detained 5 journalists affiliated with Meydan TV, including another two independent journalists. Nevertheless, initial reports indicated a total of 13 individuals were reported as suspects, following court decisions on 8 December only seven journalists are arrested in relation to criminal case on Meydan TV.³¹

Arrests and preliminary investigation measures were carried out with a number of procedural irregularities. On 7 December 2024, lawyers Elchin Sadigov and Zibeyde Sadigova³² were prevented from meeting their clients, journalists Aynur Ganbarova, Natig Javadli, and advocate Nazim Musayev³³, who was also barred from meeting his client, Khayala Aghayeva, during their preliminary interrogations. The houses of several journalists mentioned above were searched without presence of lawyers and sometimes without even journalist (in the case of Khayala Aghayeva) with their personal equipment were seized.³⁴

On December 8, the Khatai District Court of Baku city chose a preventive measure in the form of arrest for a period of 4 months for 7 journalists - **Aynur Ganbarova (Elgunesh), Aytac Ahmadova (Tapdig), Khayala Aghayeva, Natig Javadli, Aysel Umudova**, including independent journalist **Ramin Jabrayilzade** and the deputy director of the Baku Journalism School, **Ulvi Tahirov** with smuggling charges under Article 206.3.2 (smuggling committed by prior agreement by a group of persons) of the Criminal Code of Azerbaijan.³⁵

Lawyers noted that the petitions and motions from the investigating authorities (Baku City Main Police Department) and prosecuting authorities (Baku City Prosecutor's Office) lacked any reasoning or

²⁹ <https://turan.az/en/politics/human-rights-defender-rufat-safarov-detained-787745>

³⁰ The arrest of human rights defender Rufat Safarov, condemned by PACE General Rapporteurs as part of Azerbaijan's escalating crackdown on critical voices. <https://pace.coe.int/en/news/9708/pace-rapporteurs-dismayed-by-the-arrest-of-azerbaijani-human-rights-defender-rufat-safarov> ; Amnesty International has condemned the arrest of human rights defender Rufat Safarov as a calculated effort by Azerbaijani authorities to silence dissent, obstruct human rights monitoring, and intimidate critics, calling for his immediate release as he is detained solely for the peaceful exercise of his rights. <https://www.amnesty.org/en/latest/news/2024/12/azerbaijan-authorities-must-immediately-release-human-rights-defender-rufat-safarov/>

³¹ Following these arrests, Mammad shared another [post](#) regarding Meydan TV, stating that at least 13 people total had been detained and that several were without a lawyer.

³² Advocate Elchin Sadigov: "The police grossly violates the right to defense of journalists Natig Javadli and Aynur Elgunesh and still does not allow Zibeyda Sadigova and me to defend them", <https://www.facebook.com/share/p/dqHZovot4hfHdJY/>

³³ <https://www.youtube.com/shorts/r0RIZU6zUg0>

³⁴ <https://www.youtube.com/watch?v=InntFaeNNU8>

³⁵ <https://jam-news.net/sunday-arrests-7-detained-in-meydan-tv-case/>

preliminary evidence to establish reasonable suspicion regarding the charges against the arrested journalists.³⁶

Photojournalist **Ahmad Mukhtar** who was among the detainees in the first day of detention was charged under Articles 510 (minor hooliganism, similar to disorder conduct) and 535 (willful disobedience to a lawful police order) of the Code of Administrative Offenses and was sentenced to 20 days of administrative detention on December 8. Other detainees journalist Rashad Ergun, animal rights activist Kamran Mammadli, and relatives of the detained journalists, Elnur Jabrailzade and Yunis Rzayev were released.³⁷

On 6 December 2024, **Kamran Mammadov, an animal rights activist** arrested alongside Meydan TV journalist Aytaj Ahmadova and released after 25 hours, reported being subjected to ill-treatment and beating. He described how nine police officers entered his room, accompanied by two attesting witnesses. Kamran Mammadov:

“When they demanded his phone password and he responded that he had a court order for it, they threw him to the ground, punched him, and began administering electric shocks.”³⁸

There were reports coming around at 23:05 Baku time that an ambulance was called to the Baku city Main Police Department for Aynur Ganbarova. According to report to close acquaintances, Aynur Ganbarova has a disability and while being brutally treated by police officers during detention, she had severe pains in Baku City Main Police Department.

On 8 December an ambulance also was called for Aysel Umudova at Baku City Main Police Department, including at the temporary isolation facility of Baku Police. The journalists, if convicted, face 5 to 8 years in prison in according to the sanction of the article 206.3.2 of the Criminal Code of the Republic of Azerbaijan.

On 8 December 2024, a politician **Azer Gasimli**, the head of the Institute of Political Governance was detained for 48 hours under Article 182.2.3 of the Criminal Code (extortion by threats).³⁹ Gasimli denies the charges and believes that his detention is related to his social and political activities. On 9 December 2025, the Yasamal District Court in Baku issued a decision to impose a restraint measure of four months of pretrial detention on Azer Gasimli.⁴⁰

Gasimli, a prominent government critic, rejected the charges and attributed his arrest to his socio-political activities. His lawyer, Rovshana Rahimova, highlighted irregularities in the case, noting that the complaint against Gasimli was filed on December 7, and a criminal case was promptly opened the following day.

Gasimli known for his criticism of Azerbaijan’s domestic and foreign policies. He constantly linked the recent wave of arrests of journalists and activists to Azerbaijan’s perceived shift towards closer ties with the Kremlin.

The arrests and detentions targeting key figures from the media, civil society organizations (CSOs), political opposition, activists, and academics are often accompanied by egregious procedural violations,

³⁶ <https://www.youtube.com/watch?v=1nntFaeNNU8>

³⁷ <https://jam-news.net/sunday-arrests-7-detained-in-meydan-tv-case/>

³⁸ <https://www.youtube.com/shorts/BnDcoObDbfs>

³⁹ <https://turaz.az/en/politics/political-scientist-azer-gasimli-detained>

⁴⁰ <https://turaz.az/en/politics/arrested-azer-gasimli-787991>

including incommunicado detention (e.g., Mahammad Kekalov, Ulvi Hasanov), the use of torture and ill-treatment (e.g., Bakhtiyar Hajiyev, Fazil Gasimov, Imran Aliyev, Alasgar Mammadli), denial of adequate healthcare (Alasgar Mammadli, Anar Mammadli), restricted access to legal counsel (e.g., Akif Gurbanov, Anar Mammadli), and the mass dismissal of defense complaints in all cases.

The persistent and widespread nature of these violations highlights a systemic disregard for both procedural and substantive rights in Azerbaijan. In particular, torture and ill-treatment practices have been deliberately employed as instrument of repression to suppress civic voices in Azerbaijan.