



## General Country of Origin Information Report for Azerbaijan

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## Introduction

This general country of origin information report is based on the questions and points of focus in the Terms of Reference drawn up by the Ministry of Justice and Security. The Terms of Reference for this report were defined on 11 September 2019. An anonymised version of these Terms of Reference, together with the general country of origin information report, has been published on the website of the Dutch Government.<sup>1</sup>

This general country of origin information report describes the situation in Azerbaijan insofar as it is relevant for the assessment of asylum applications by persons originating from that country and for decisions related to the return of rejected Azerbaijani asylum seekers. This report is an update of the general country of origin information report of 25 November 2013.<sup>2</sup> The reporting period covers the period from December 2013 to June 2020. Relevant developments up to the publication date have been included. This report is a factual, neutral and objective representation of the findings that were made during the period considered and does not include any policy recommendations.

This general country of origin information report was drawn up on the basis of public and confidential sources, using carefully selected, analysed and verified information. Information from non-governmental organisations, specialist literature, media coverage and the relevant government agencies was used to draw up this report. Unless stated otherwise or when the facts are generally undisputed, the passages in this general country of origin information report are based on multiple sources. The public sources that were consulted are listed in the appendices to this report.

Some of the confidential information used was obtained during a fact-finding mission to Baku. That mission took place from 23 February 2020 to 29 February 2020. This general country of origin information report uses information from interviews conducted during the mission with relevant and expert sources on location. It also uses confidential information from the diplomatic mission of the Netherlands in Azerbaijan, as well as confidential conversations and correspondence outside the official mission. The information that was obtained confidentially is mainly used to support and supplement passages based on public information. The confidential sources are marked as a 'confidential source' in the footnotes and are provided with a date.

Chapter one deals with the political situation and the security situation.

Chapter two deals with Azerbaijani documents and Azerbaijani citizenship legislation. This chapter partly updates and supplements the theme-based country of origin information report on citizenship and alien legislation in Azerbaijan of 4 July 2011.<sup>3</sup>

Chapter three deals with the human rights situation in Azerbaijan. It focuses on the position of a number of specific groups, including political activists or members of the extra-parliamentary opposition, human rights activists and journalists.

<sup>1</sup> <https://www.rijksoverheid.nl/documenten>.

<sup>2</sup> Ministerie van Buitenlandse Zaken, *Algemeen ambtsbericht Azerbeidzjan*, 25 November 2013.

<sup>3</sup> Ministerie van Buitenlandse Zaken, *Thematisch ambtsbericht staatsburgerschaps- en vreemdelingenwetgeving in Azerbeidzjan*, 4 July 2011.

Chapter four deals with the situation of internally displaced persons and refugees. Chapter five discusses the practical situation for Azerbaijanis returning to Azerbaijan.

The Azerbaijani alphabet has 32 letters, with 9 vowels and 23 consonants. The letters that deviate from the Dutch alphabet are: Çç, Əə, Ğğ, Xx, Iı, İi, Öö, Şş and Üü. For the sake of legibility and pronunciation, the letters Cc, Əə, Xx, İi and Iı have been replaced by Jj, Aa/Ee, Khkh, Ii and Ii, respectively. So İlham Aliyev instead of İlham Əliyev, Lankaran instead of Lənkəran, Akhundov instead of Axundov and Ganja instead of Gəncə.

## 1 Political and security situation

This chapter is in line with the description of the political and security situation in the general country of origin information report of 25 November 2013 and describes the relevant developments since December 2013.

### 1.1 Political situation

During the reporting period, Ilham Aliyev remained as President of the Republic of Azerbaijan. Mr Aliyev has ruled the country since 31 October 2003. The presidential apparatus is the main focus of power in Azerbaijan.<sup>4</sup>

In the Azerbaijani multi-party system, President Aliyev's ruling New Azerbaijan Party (NAP) dominated<sup>5</sup> during the reporting period.<sup>6</sup> Of the 55 registered political parties, the NAP is by far the largest.<sup>7</sup> According to the NAP, it has over 756,000 members.<sup>8</sup> This party is entirely in the service of the President. One of the four vice-chairpersons of the NAP is the President's wife, Mehriban Aliyeva.<sup>9</sup> Since 21 February 2017, she has also fulfilled the task of First Vice President of Azerbaijan.<sup>10</sup>

On the *2019 Democracy Index* of *The Economist*, Azerbaijan is in position 146 of 167. The Economist regards the authorities in the countries from the 114th place as authoritarian. Azerbaijan has fallen six places since 2013.<sup>11</sup>

#### 1.1.1 The 2015 parliamentary elections

The parliament<sup>12</sup> consists of one chamber with 125 seats.<sup>13</sup> This parliament sits in spring and autumn.<sup>14</sup> Azerbaijan has a constituency system with one seat per

<sup>4</sup> For a description of the state structure, see the general country of origin information report of Azerbaijan of 23 May 2012, p 8-11. For an overview of the history of the Republic of Azerbaijan, see the general country of origin information report of 30 March 2010, p 9. For a description of the state structure, see the general country of origin information report of 23 May 2012, p 6.

<sup>5</sup> In Azerbaijani: *Yeni Azərbaycan Partiyası* (YAP).

<sup>6</sup> Audrey Altstadt, *Frustrated democracy in post-Soviet Azerbaijan*, Woodrow Wilson Center Press, 2017, p. 23; Zaur Gasimov, *Historical dictionary of Azerbaijan*, Rowman & Littlefield, 2018, p. 155; Freedom House, *Freedom in the world 2020, Azerbaijan*, 4 March 2020.

<sup>7</sup> USDoS, *Azerbaijan 2019 human rights report*, 11 March 2020, p. 29; CEC, *Information on political parties included in state registration in the Republic of Azerbaijan*, <http://www.msk.gov.az/uploads/partiyalar/2018/GeneralInformation.php>, consulted on 24 June 2020; BAMF, *Länderreport 23. Aserbajdschan. Das Parteiensystem*, April 2020, p. 1.

<sup>8</sup> New Azerbaijan Party, <http://yap.org.az/en/>, consulted on 24 June 2020; News.az, *Azerbaijan's ruling party surpassed 730,000 members*, 19 January 2019; News.az, *Number of Azerbaijan's ruling party members disclosed*, 6 March 2020.

<sup>9</sup> Heydar Aliyev Foundation, *President of the Heydar Aliyev Foundation Mehriban Aliyeva is elected a deputy chairperson of the New Azerbaijan Party (YAP)*, 7 June 2013; Meydan TV, *Azerbaijani referendum opens politics to president's teenage son, Heydar Aliyev*, 23 September 2016; New Azerbaijan Party, *Deputy party chairmen*, <http://www.yap.org.az/en/view/nouns/>, consulted on 24 June 2020.

<sup>10</sup> RFE/RL, *Aliyev appoints wife as first vice president of Azerbaijan*, 21 February 2017; Eurasianet, *Azerbaijan: President names his wife as VP*, 21 February 2017; Meydan TV, *Mrs. Vice-President power struggles inside the Azerbaijani government*, 24 March 2017; Turan, *Russian presentation*, 23 November 2019; Eurasianet, *"Queen of the Caucasus" makes state visit to Moscow*, 26 November 2019.

<sup>11</sup> EIU, *Democracy index 2013. Democracy in limbo*, 2014, p. 7; EIU, *Democracy Index 2019. A year of democratic setbacks and popular protest*, 2020, p. 13.

<sup>12</sup> This body is formally called the National Assembly of the Republic of Azerbaijan (*Milli Meclis*); Faradj Koliev, *The result of Azerbaijani parliamentary elections. Dominance of the ruling party under uncertainty*, 7 January 2016; Zaur Gasimov, *Historical dictionary of Azerbaijan*, 2018, p. 155.

<sup>13</sup> Hooggerechtshof van de Republiek Azerbeidzjan, *Legislative power*; <http://www.supremecourt.gov.az/en/static/view/2>, consulted on 24 June 2020; Freedom House, *Freedom in the World 2020, Azerbaijan*, 4 March 2020.

district. Every five years, the electorate elects the delegates directly in one round of elections by way of a majority in one of the 125 constituencies.<sup>15</sup> The candidates may not have dual nationality. Furthermore, they may not have been convicted of a serious crime, as referred to in Articles 15.4 and 15.5 of the Azerbaijani Criminal Code.<sup>16</sup> In addition, candidates must collect at least 450 signatures from registered voters in their constituency in order to participate.<sup>17</sup>

Parliamentary elections were held for the fifth time on 1 November 2015. Seven hundred candidates were eligible for election. According to the *State Statistical Committee* (SSC), approximately 6.8 million citizens were eligible to vote in 2015. This figure differed from the figure of 5.2 million voters entered by the *Central Election Commission* (CEC) in the electoral register. The SSC explained this difference by stating that it had also included Azerbaijani citizens residing abroad and foreigners residing in Azerbaijan.<sup>18</sup> According to the CEC, the turnout in 2015 was almost 56 percent. The NAP won 71 seats. Independent candidates won 42 seats. Eleven smaller political parties won the twelve remaining seats. There was no effective competition between the political parties during the elections. For example, no television debates were held. Furthermore, the opposition had difficulty accessing the official media. The opposition also lacked funding. As a consequence, the main opposition parties, the *Azerbaijan Popular Front Party* (APFP),<sup>19</sup> the *Müsavat Party* (hereinafter: *Müsavat*)<sup>20</sup> and the overarching opposition movement, the *National Council of Democratic Forces* (NCDF), boycotted the elections. The election result was therefore no surprise.<sup>21</sup>

After the *Office for Democratic Institutions and Human Rights* (ODIHR) of the *Organisation for Peace and Cooperation in Europe* (OVSE) had identified considerable shortcomings during the previous presidential elections of 9 October

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<sup>14</sup> De Grondwet van de Republiek Azerbeidzjan, art. 88.1. The Constitution was adopted on 12 November 1995. After three constitutional referendums, the Constitution was amended and expanded. These three referendums were held on 24 August 2002, 18 March 2009 and 26 September 2016. For an English translation of the Constitution, see: <https://en.president.az/azerbaijan/constitution>, consulted on 24 June 2020; According to Article 1 of the Law on the Internal Regulations of the Parliament of the Republic of Azerbaijan of 17 May 1996, the spring session runs from 1 February to 31 May and the autumn session from 30 September to 30 December, <http://www.meclis.gov.az/?/en/law/1/>, consulted on 24 June 2020; Report, *Milli Majlis fall session starts today*, 2 October 2017; Report, *Milli Majlis autumn session ends, lawmakers go on vacation*, 29 December 2017.

<sup>15</sup> De Grondwet van de Republiek Azerbeidzjan, art. 82, 83 and 84.1; OSCE/ODIHR, *Republic of Azerbaijan parliamentary elections, 1 November 2015*, 31 August 2015, p. 1; Farid Guliyev, *The 2015 parliamentary elections in Azerbaijan: The neglected category of independents*, 3 December 2015.

<sup>16</sup> De Grondwet van de Republiek Azerbeidzjan, art. 85; De Kieswet van de Republiek Azerbeidzjan, art. 13.3.2; [https://www.legislationline.org/download/id/7885/file/Azerbaijan\\_Election\\_am2017\\_en.pdf](https://www.legislationline.org/download/id/7885/file/Azerbaijan_Election_am2017_en.pdf), consulted on 24 June 2020.

<sup>17</sup> OSCE/ODIHR, *Republic of Azerbaijan: Parliamentary elections, 1 November 2015. OSCE/ODIHR needs assessment mission report, 12-14 August 2015*, 31 August 2015, p. 6; IPU, *Azerbaijan. Milli Mejlis (National Assembly)*, [http://archive.ipu.org/parline-e/reports/2019\\_B.htm](http://archive.ipu.org/parline-e/reports/2019_B.htm), consulted on 24 June 2020.

<sup>18</sup> OSCE/ODIHR, *Republic of Azerbaijan: Parliamentary elections, 1 November 2015*, 31 August 2015, p. 6; CEC, *Protocol of Central Election Commission on general results of the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015*. <http://www.msk.gov.az/en/elections/milli-meclise-seckiler/parlament-01-11-15/862/>, consulted on 24 June 2020.

<sup>19</sup> In Azerbaijani: *Azerbaycan Khalq Cabhasi Partiyasi* (AXCP). This party was registered on 1 September 1995; CEC, *Information on political parties included in state registration in the Republic of Azerbaijan*.

<sup>20</sup> In Azerbaijani: *Müsavat Partiyasi* (MP). This party was registered on 8 December 1992; CEC, *Information on political parties included in state registration in the Republic of Azerbaijan*.

<sup>21</sup> BBC News, *Azerbaijan election: Ruling party wins amid boycott*, 1 November 2015; PACE, *Observation of the parliamentary elections in Azerbaijan (1 November 2015)*, 20 November 2015, p. 6; Farid Guliyev, *The 2015 parliamentary elections in Azerbaijan: The neglected category of independents*, 3 December 2015, p. 5; Faradj Koliev, *The result of Azerbaijani parliamentary elections. Dominance of the ruling party under uncertainty*, 7 January 2016; Bertelsmann Stiftung, *2018 country report Azerbaijan*, 2018, p. 11; The Economist, *Azerbaijan: Political forces at a glance*, 12 June 2019; CoE, *Electoral assistance*, <https://www.coe.int/en/web/electoral-assistance/elecdata-azerbaijan>, consulted on 24 June 2020.

2013, relations between Azerbaijan and the OVSE deteriorated. The Azerbaijani authorities decided to review their cooperation with the OVSE. On 5 June 2015, they ordered the OVSE to close the OVSE office in Baku.<sup>22</sup> Nevertheless, in August 2015 the authorities invited the OVSE/ODIHR to send observers for the upcoming parliamentary elections. In September 2015, the authorities stated that they wanted to allow only some of the number of observers that had been proposed by the OVSE/ODIHR. Partly due to this restriction, the OVSE decided not to send any election observers.<sup>23</sup>

On the day after the elections, the *Parliamentary Assembly of the Council of Europe* (PACE) declared that the elections had been held in accordance with the electoral law of Azerbaijan.<sup>24</sup> However, the opposition and independent local and international observers identified serious irregularities, which included preventing observers from entering polling stations, filling ballot boxes with fake papers, voting at multiple locations and voting by unregistered persons.<sup>25</sup> A study commissioned later by the Council of Europe showed that several members of PACE were influenced by the Azerbaijani government.<sup>26</sup>

#### 1.1.2 Referendum of 2016

President Aliyev strengthened his position after a referendum was held on 26 September 2016. In this referendum, the voters were asked to vote on 29 amendments to the Constitution. Seven amendments related to the position of the President. One of them involved extending the presidential term from five to seven years.<sup>27</sup> Furthermore, the President was granted the right to appoint multiple Vice-Presidents. On this basis, the first Vice-President, rather than the prime minister, could take the place of the President when the President was no longer able to function.<sup>28</sup> In addition, the President was entitled to dissolve Parliament.<sup>29</sup> Furthermore, there was no longer an age limit of 35 years old for presidential candidates.<sup>30</sup> Voters were able to vote separately on each proposed amendment. After the election, the CEC declared that the turnout was 63 percent and that all 29

<sup>22</sup> Report, *OSCE comments on suspension of mandate of OSCE representative in Azerbaijan*, 2 June 2015; RFE/RL, *Azerbaijan orders OSCE to close Baku office*, 5 June 2015.

<sup>23</sup> Reuters, *OSCE says Azerbaijan restrictions make poll monitoring impossible*, 12 September 2015; IWPR, *Euro-observers shun Azerbaijan election*, 23 October 2015; RFE/RL, *'Never been worse': opposition, election monitors boycott vote in Azerbaijan*, 31 October 2015; BBC News, *Azerbaijan election: ruling party wins amid boycott*, 1 November 2015; Reuters, *Azeri ruling party wins majority in parliamentary election*, 1 November 2015; USDoS, *Azerbaijan 2015 human rights report*, 13 April 2016, p. 26.

<sup>24</sup> PACE, *Statement by PACE Election Observation Mission on the parliamentary elections in Azerbaijan on 1 November 2015*, 2 November 2015; PACE, *Observation of the parliamentary elections in Azerbaijan (1 November 2015)*, 20 November 2015.

<sup>25</sup> RFE/RL, *Azerbaijan's ruling party claims win in poll boycotted by opposition*, 1 November 2015; Reuters, *Azeri ruling party wins majority in parliamentary election*, 1 November 2015; USDoS, *Azerbaijan 2015 human rights report*, 13 April 2016, p. 26-27.

<sup>26</sup> The Guardian, *Everything you need to know about the Azerbaijani Laundromat*, 4 September 2017; Audrey Altstadt, *The Azerbaijani Laundromat: why it matters*, 23 November 2017; CoE, *Report of the Independent Investigation Body on the allegations of corruption within the Parliamentary Assembly*, 15 April 2018, p. 82-93; Transparency International, *In whose interest? Analysing how corrupt and repressive regimes seek influence and legitimacy through engagement with UK parliamentarians*, July 2018; Die Zeit, *Razzia im Bundestag wegen Lobbyarbeit für Aserbaidschan*, 30 January 2020; OC Media, *German police raid MP's homes in Azerbaijan bribery probe*, 31 January 2020; Second Chamber of the States-General, *Reply to questions from member Omtzigt about bribery of parliamentarians from Azerbaijan*, 23 August 2018; Open Azerbaijan, *Corruption in Azerbaijan: Past five years*, 2019, p. 5.

<sup>27</sup> De Grondwet van de Republiek Azerbeidzjan, art. 101-1; Thomas de Waal, *Azerbaijan at Twenty-Five: A new era of change and turbulence*, 23 September 2016; IWPR, *Protests mark Azerbaijan's referendum*, 24 September 2016.

<sup>28</sup> Grondwet, art. 103-1.1.

<sup>29</sup> Grondwet, art. 98-1.1.

<sup>30</sup> Grondwet, art. 100; Zaur Gasimov, *Historical dictionary of Azerbaijan*, 2018, p. 76; Oxford Analytica, *Azerbaijan reforms by swapping old for young loyalists*, 14 November 2019.

amendments had been adopted with 69.8 percent of the votes.<sup>31</sup> Independent observers subsequently reported serious irregularities, such as filling ballot boxes with fake ballots, voting in multiple locations and a lower turnout than reported by the CEC.<sup>32</sup>

### 1.1.3 Presidential elections of 2018

In February 2018, President Aliyev decided to bring forward the date of the presidential election – which had initially been scheduled for 17 October 2018 – to 11 April 2018.<sup>33</sup> The campaigning period began on 19 March 2018 and lasted for 22 days.<sup>34</sup> Due to the short preparation time and the lack of a level playing field, the main opposition parties of the time, the APFP, the NCDF, Müsavat and the Republican Alternative Party (ReAl)<sup>35</sup>, decided to boycott the elections.<sup>36</sup> The CEC registered eight candidates.<sup>37</sup> In the absence of serious counter-candidates, it was already clear that Ilham Aliyev would win easily. According to the CEC, the turnout was 74 percent.<sup>38</sup> The CEC claimed that Aliyev received 86 percent of the votes in the first round of voting. The other seven candidates each received between 0.7 and 3.1 percent of the votes. Aliyev is currently in his fourth term of office.<sup>39</sup>

The OVSE/ODIHR concluded that there was no real competition between the presidential candidates. There was no playing field in which counter-candidates could openly criticise the President or compete with the President.<sup>40</sup> The CEC installed webcams in a thousand polling stations. These webcams detected irregularities, including stuffing ballot boxes with fake ballot papers.<sup>41</sup> International organisations adjudged the presidential elections as being not free and not honest.<sup>42</sup>

<sup>31</sup> European Commission for Democracy through Law (Venice Commission), *Azerbaijan, modifications to the constitution, submitted to the referendum of 26 September 2016, unofficial translation*, 19 September 2016; RFE/RL, *Azerbaijan holds controversial constitutional referendum*, 26 September 2016; USDoS, *Azerbaijan 2016 human rights report*, 3 March 2017, p 29.

<sup>32</sup> PACE, *Statement of the PACE assessment mission for the constitutional referendum in Azerbaijan*, 27 September 2016; RFE/RL, *Azerbaijan holds controversial constitutional referendum*, 26 September 2016; USDoS, *Azerbaijan 2019 human rights report*, 11 March 2020, p 29.

<sup>33</sup> Freedom House, *Freedom in the world 2020, Azerbaijan*, 4 March 2020.

<sup>34</sup> OSCE/ODIHR, *Republic of Azerbaijan: Early presidential election, 11 April 2018. ODIHR election observation mission. Final report*, 18 July 2018, p 35.

<sup>35</sup> In Azerbaijani: *Respublikaçı Alternativ Partiyası (ReAl)*.

<sup>36</sup> Euractiv, *Azerbaijan opposition vows to boycott snap presidential vote*, 12 February 2018; CSCE, *Azerbaijan's 2018 presidential election: the outcome was never in doubt*, 31 May 2018; OSCE/ODIHR, *Republic of Azerbaijan: Early presidential election, 11 April 2018. ODIHR election observation mission. Final report*, 18 July 2018, p 1; USDoS, *Azerbaijan 2019 human rights report*, 11 March 2020, p 28.

<sup>37</sup> The election involved the following eight candidates: Ilham Aliyev (NAP), Zahid Oruc (independently), Sardar Jalaloğlu (ADP), Gudrat Hasanguliyev (WFPF), Hafiz Hacıyev (MEP), Araz Alizade (SDP), Faraj Guliyev (NRMP) en Razi Nurullayev (FIG); EurAsia Daily, *Azerbaijan CEC: Ilham Aliyev re-elected with 86% of votes*, 12 April 2018; OSCE/ODIHR, *Republic of Azerbaijan: Early presidential election, 11 April 2018. ODIHR election observation mission. Final report*, 18 July 2018, p 2-3.

<sup>38</sup> PACE, *Observation of the early presidential election in Azerbaijan (11 April 2018)*, 25 June 2018, p 2.

<sup>39</sup> Since the constitutional referendum of 18 March 2009, there has been no restriction on the number of presidential terms; Reuters, *Azerbaijan votes to lift Aliyev term limit*, 18 March 2009; Reuters, *Azerbaijan's Aliyev wins fourth term as president*, 10 April 2018; RFE/RL, *Azerbaijan's president secures fourth term in vote criticized as uncompetitive*, 11 April 2018; Eurasianet, *Five remarkable things about Azerbaijan's unremarkable election*, 13 April 2018; Heinrich Böll Stiftung, *Elections in Azerbaijan: Insights from the supply-demand model of democratization*, 9 November 2018; Freedom House, *Freedom in the world 2020, Azerbaijan*, 4 March 2020; CEC, *Protocol of Central Election Commission on the results of the Presidential Elections in the Republic of Azerbaijan conducted on April 11, 2018*, <http://www.msk.gov.az/en/elections/prezident-seckileri/11-04-2018/1011/>, consulted on 24 June 2020.

<sup>40</sup> Freedom House, *Freedom in the world 2020, Azerbaijan*, 4 March 2020; OSCE/ODIHR, *Republic of Azerbaijan: Early presidential election, 11 April 2018. ODIHR election observation mission. Final report*, 18 July 2018, p 1; USDoS, *Azerbaijan 2019 human rights report*, 11 March 2020, p 28.

<sup>41</sup> RFE/RL, *Azerbaijan's president secures fourth term in vote criticized as uncompetitive*, 11 April 2018; Eurasianet, *Five remarkable things about Azerbaijan's unremarkable election*, 13 April 2018; CSCE, *Azerbaijan's 2018 presidential election*, 31 May 2018; OSCE/ODIHR, *Republic of Azerbaijan: Early presidential election, 11 April 2018. ODIHR election observation mission. Final report*, 18 July 2018, p 1 and 8; Freedom House, *Freedom in the world 2020, Azerbaijan*, 4 March 2020; USDoS, *Azerbaijan 2019 human rights report*, 11 March 2020, p 28; For

#### 1.1.4 Appointments from late 2019

Since Azerbaijan gained its independence, political and economic power has in fact centred around the President and the so-called Western clans, whose members originally came from Armenia and the Nakhichevan exclave.<sup>43</sup> For example, Azerbaijan's first President, Heydar Aliyev, came from Nakhichevan. The Nakhichevan clan often worked with a group of Azerbaijanis expelled from Yerevan in the late 1980s.<sup>44</sup> During the reporting period, more and more key positions were acquired by persons associated with the Pashayev clan, whose members originally came from Baku and the surrounding area. A prominent member of this clan is Mehriban Aliyeva.<sup>45</sup>

On 21 April 2018, just days after being inaugurated for his fourth presidential term, President Aliyev appointed his International Relations Adviser, Novruz Mammadov, as Prime Minister.<sup>46</sup> Eighteen months later, on 8 October 2019, Novruz Mammadov unexpectedly submitted his resignation without further explanation. A few hours later, the President nominated Ali Asadov, the deputy head of the presidential apparatus and also his economic adviser, as the new prime minister. Parliament unanimously approved this appointment.<sup>47</sup> Furthermore, on 23 October 2019, the President appointed Mikayil Jabbarov as the new Minister of Economic Affairs to replace Şahin Mustafayev, whom the President had criticised for his economic policy just days previously.<sup>48</sup>

For a long time, the most influential person after President Aliyev was Nakhichevan-born Ramiz Mehdiyev. He had been head of the presidential apparatus since 1995. On 23 October 2019, the President dismissed him because, according to the President, it was time for 81-year-old Mehdiyev to make way for the new

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an overview of the polling stations at which webcams were installed, see: CEC, *Information on the polling stations with webcams in the Presidential elections appointed to April 11, 2018*, <http://www.msk.gov.az/en/elections/prezident-seckileri/11-04-2018/996/>, consulted on 24 June 2020.

<sup>42</sup> Reuters, *Azeri president's supporters heckle as observers declare election unfair*, 12 April 2018; Reuters, *Observers say Azeri vote was unfair, lacked genuine competition*, 12 April 2018; Azertac, *New Azerbaijan Party condemns biased assessment of presidential election*, 14 April 2018; EIU, *Country report January 2020*, 17 January 2020, p 2.

<sup>43</sup> Nachitsjevan is an autonomous republic in Azerbaijan with its own parliament. The full name of the parliament of Nachitsjevan is the *Supreme Assembly of the Nakhchivan Autonomous Republic (Nakhçivan Mukhtar Respublikasinin Ali Meclisi)*. This parliament consists of one chamber with 45 seats. Vasif Talibov has been the Chairman since 1995; Ministry of Foreign Affairs, *Official Country Report Azerbaijan*, 23 May 2012, p 75; Eurasianet, *Azerbaijan: Aliyev shuffles security advisers*, 5 June 2017; Freedom House, *Nations in transit 2018: Confronting illiberalism, Azerbaijan*, 11 April 2018; Trend, *President İlham Aliyev presents "Sharaf" order to Vasif Talibov*, 4 February 2020; Turan, *Vasif Talibov re-elected head of the Supreme Majlis of Nakhchivan*, 24 February 2020.

<sup>44</sup> Azer News, *President Aliyev visits grave of academician Jalal Aliyev*, 3 February 2016; Audrey Altstadt, *Frustrated democracy in post-soviet Azerbaijan*, 2017, p 63; Bertelsmann Stiftung, *2020 country report Azerbaijan*, 29 April 2020, p 11.

<sup>45</sup> The Guardian, *US embassy cables: Who owns what in Azerbaijan*, 12 December 2010; Eurasianet, *Azerbaijan's new vice president(s) and its house of clans*, 23 February 2017; Meydan TV, *Mrs. Vice-President: Power struggles inside the Azerbaijani government*, 24 March 2017; Turan, *Azerbaijan replaces prime minister*, 8 October 2019; Meydan TV, *Freedom House: First lady expected to takeover from President Aliyev*, 6 May 2020; Stiftung Wissenschaft und Politik, *Korruption und Korruptionsbekämpfung im Südkaukasus*, May 2020, p 27.

<sup>46</sup> Eurasianet, *Azerbaijan appoints new prime minister from old elite*, 23 April 2018; Heinrich Boll Stiftung, *Elections in Azerbaijan: Insights from the supply-demand model of democratization*, 9 November 2018.

<sup>47</sup> Al Jazeera, *Azerbaijan PM resigns, president replaces him with loyalist*, 8 October 2019; Eurasianet, *Azerbaijan replaces prime minister*, 8 October 2019; Al Jazeera, *Azerbaijan to hold snap parliamentary election on February 9*, 5 December 2019.

<sup>48</sup> Reuters, *Azeri leader slams government for frequent economic forecast changes*, 17 October 2019; Reuters, *Azerbaijan's president appoints tax minister as new economy minister*, 23 October 2019; Turan, *Mikayil Jabbarov is appointed the Minister of Economy*, 23 October 2019.

generation. However, some critics claim that this was because Mehdiyev got in the way of the President's reform plans. Others said that his dismissal may have been related to a power struggle between the clans.<sup>49</sup> On 1 November 2019, Samir Nuriyev succeeded Mehdiyev.<sup>50</sup>

Ali Hasanov was another influential person who had been working in the presidential apparatus since 1995. As head of the Social and Political Affairs Division, he was one of the President's chief advisers, particularly in the media field. He was known for using a number of media to pressure political opponents. Aliyev dismissed Hasanov on 29 November 2019. He also immediately shut down Hasanov's department.<sup>51</sup> According to a source, this dismissal may have been the result of a conflict with Mehriban Aliyeva.<sup>52</sup>

#### 1.1.5 *Municipal elections of 2019*

Municipal elections were held in 1606 municipalities on 23 December 2019.<sup>53</sup> Most opposition parties did not participate in these elections as they said that the conditions for holding fair elections were still lacking. These elections also involved a number of irregularities, including cluttering ballot boxes with fake ballot papers and the intimidation of journalists.<sup>54</sup> The CEC claimed that the turnout was almost 33 percent.<sup>55</sup> According to the NGO *Election Monitoring and Democracy Studies Centre* (EMDS)<sup>56</sup> the real turnout was 21 percent.<sup>57</sup>

#### 1.1.6 *Parliamentary elections of 2020*

On 5 December 2019, the President dissolved Parliament<sup>58</sup> after a resolution put forward by the NAP was adopted on 2 December 2019 with 99 votes in favour, one vote against and one abstention, and this decision was approved by the Constitutional Court on 4 December 2019.<sup>59</sup> According to this resolution, a new parliament was needed to accelerate the implementation of economic reforms. The

<sup>49</sup> Reuters, *Azeri leader dismisses head of administration in deepening shake-up*, 23 October 2019; JAM News, *Azerbaijani authorities shuffle around officials and ministries*, 23 October 2019; Turan, *Ramiz Mehdiyev "left" for the presidency of the Academy of Sciences*, 23 October 2019; Thomas de Waal, *Is change afoot in Azerbaijan?*, 5 November 2019; Meydan TV, *Aliyev's shakeup prompts speculation on political reforms*, 19 November 2019; AI, *Annual report 2019, Azerbaijan*, 16 April 2020.

<sup>50</sup> Turan, *Who is Samir Nuriyev and what awaits him?*, 1 November 2019; Azer News, *Samir Nuriyev vows to do his best to justify Azerbaijani president's confidence*, 2 November 2019; EIU, *Azerbaijan. Country report January 2020*, 17 January 2020, p 4.

<sup>51</sup> Azer News, *Ali Hasanov dismissed by order of president Ilham Aliyev*, 29 November 2019; JAM News, *Azerbaijani president fires country's 'chief censor', replaces several members of team*, 30 November 2019; Eurasianet, *Azerbaijan's notorious ideologue suffers precipitous fall*, 17 January 2020; Oxford Analytica, *Azerbaijan reforms by swapping old for young loyalists*, 14 November 2019; EIU, *Country report January 2020*, 17 January 2020, p 4; Confidential source, 24 February 2020.

<sup>52</sup> Confidential source, 27 February 2020.

<sup>53</sup> CEC, *Protocol of the Central Election Commission of the Republic of Azerbaijan on the voting results in municipal elections conducted on December 23, 2019*, <http://www.msk.gov.az/en/elections/belediyye-seckileri/belediyye-23-12-2019/1107/>, consulted on 24 June 2020.

<sup>54</sup> RFE/RL, *Azerbaijanis vote in municipal elections*, 23 December 2019; JAM News, *Feminist activist elected to municipal body for first time in Azerbaijani elections*, 24 December 2019; OC Media, *Municipal elections in Azerbaijan marred by violations*, 27 December 2019; JAM News, *Results of Azerbaijan municipal elections approved amid claims of falsification*, 13 January 2020.

<sup>55</sup> Trend, *Azerbaijani CEC discloses results of municipal elections*, 23 December 2019; JAM News, *Independents, observers in Azerbaijani municipal elections point at irregularities*, 23 December 2019; Freedom House, *Freedom in the World 2020, Azerbaijan*, 4 March 2020.

<sup>56</sup> In *Azerbaijani: Seçkilerin Monitoringi ve Demokratiyanın Tadrisi Merkezi* (SMDT).

<sup>57</sup> EMDS, *Preliminary report on the results of the Municipal Elections of 23 December 2019*, 24 December 2019.

<sup>58</sup> In December 2019, the NAP still had 65 seats and the independent candidates 38 seats. Ten seats in the parliament were vacant; OSCE/ODIHR, *Early parliamentary elections 9 February 2020*, 26 December 2019, p 5.

<sup>59</sup> Reuters, *Azeri ruling party calls for early parliamentary election: official*, 28 November 2019; Al Jazeera, *Azerbaijan's MPs ask president to dissolve parliament*, 2 December 2019.

President decided to bring forward the parliamentary elections by nine months to 9 February 2020. This gave the opposition just a short time to prepare.<sup>60</sup>

Candidates could register with the CEC between 21 December 2019 and 10 January 2020. The campaign lasted only 21 days, from 17 January to 8 February 2020.<sup>61</sup> Of the 1314 candidates, 246 were nominated by nineteen political parties.<sup>62</sup> Unlike the previous parliamentary elections, some of the opposition parties decided to take part. A number of members of the opposition were able to register successfully. There were sixty candidates from *Müsavat*, 31 from ReAl and sixteen from the youth movement *Hereket (the Movement)*.<sup>63</sup> However, the CEC refused to register Ilqar Mammadov, the chairman of ReAl, because of his criminal record. It later turned out that he did not have a criminal record (see section 3.1.3). The APFP and NCDF also boycotted these elections due to the lack of a level playing field for free and fair elections.<sup>64</sup>

The NAP won 70 of the 125 seats. Independent candidates won 41 seats. Eight small parties won ten seats.<sup>65</sup> 87 of the 125 sitting MPs were returned to parliament. Only one member of the opposition, Erkin Gadirli of ReAl, won a seat.<sup>66</sup> On 13 February 2020, the CEC declared the results in four constituencies to be invalid. New elections were to be held there within six months.<sup>67</sup> On 5 March 2020, the Constitutional Court ratified the result of the elections.<sup>68</sup>

The OSCE stated that despite the large number of candidates, there was no real competition due to the restrictive legal and political climate. The OSCE also pointed to a number of recommendations made by the ODIHR and the *Venice Commission*<sup>69</sup> in the field of election-related legislation. They included amendments to the Freedom of Assembly Act, the Political Parties Act and the NGO Act. These recommendations were not adopted by Azerbaijan. The OSCE again detected many

<sup>60</sup> Trend, *Azerbaijan discloses number of MP candidates registered for early parliamentary election*, 12 January 2020; EIU, *Country report January 2020*, 17 January 2020, p 4.

<sup>61</sup> Eurasianet, *In Azerbaijan's elections, a new hope*, 20 December 2019; RFE/RL, *Azerbaijans equal coverage law stifles media reports on elections*, 6 February 2020.

<sup>62</sup> Euractiv, *In snap parliamentary elections, Azeris put hopes in young candidates*, 10 February 2020; BAMF, *Länderreport 23. Aserbajdschan. Das Parteiensystem*, April 2020, p 2; An overview of the candidates can be found at <http://secki-2020.az/en/candidates>, consulted on 24 June 2020.

<sup>63</sup> JAM News, *Protest youth movement preparing for snap parliamentary elections in Azerbaijan*, 26 December 2019; Eurasianet, *Young Azerbaijani opposition candidates have a plan for that*, 7 February 2020; Sofie Bedford, *Azerbaijan's snap parliamentary election: one step forward two steps back*, 17 February 2020; OC Media, *Azerbaijani authorities close down opposition office over coronavirus fears*, 10 March 2020.

<sup>64</sup> OC Media, *Azerbaijan's opposition split over snap election*, 13 December 2019; Azer News, *19 political parties nominated their candidates for parliamentary elections in Azerbaijan*, 2 January 2020; JAM News, *Parliamentary elections in Azerbaijan: what's happening and why it's important*, 6 February 2020; Sofie Bedford, *Azerbaijan's snap parliamentary election: one step forward two steps back*, 17 February 2020.

<sup>65</sup> RFE/RL, *Ruling party declares victory in Azerbaijan's parliamentary elections*, 9 February 2020; Oxford Analytica, *Azerbaijan election brings rejuvenation without reform*, 10 February 2020; Bloomberg, *Azeri snap elections condemned by monitors for vote 'violations'*, 10 February 2020; RFE/RL, *Scores of opposition leaders, activists detained ahead of election protest in Baku*, 16 February 2020; OC Media, *Azerbaijani police strand Baku protesters around the country*, 17 February 2020.

<sup>66</sup> Eurasianet, *In Azerbaijan, surprise elections yield usual results*, 10 February 2020; JAM News, *Azerbaijan confirms election results and dissatisfied candidates plan to complain to the ECHR*, 5 March 2020.

<sup>67</sup> These were constituencies number 33 (Khatai), 35 (Khatai), 74 (Lankaran) and 80 (Imişli-Beylaqan); Azer News, *Azerbaijan cancels election results for 80<sup>th</sup> Imişli-Beylaqan constituency*, 13 February 2020; OC Media, *Azerbaijan cancels election results for 'at least 4 constituencies' due to electoral fraud*, 14 February 2020; JAM News, *Azerbaijan annuls results of elections in several constituencies – why?*, 14 February 2020; Caucasus Watch, *Azerbaijan's election commission annuls the results in four constituencies*, 15 February 2020.

<sup>68</sup> JAM News, *Azerbaijan confirms election results, and dissatisfied candidates plan to complain to the ECHR*, 5 March 2020; OC Media, *Constitutional court approved final results of Azerbaijani elections*, 7 March 2020; JAM News, *Azerbaijan continues to argue about the role of a member of the opposition REAL party in parliament*, 1 May 2020.

<sup>69</sup> The full name of the *Venice Commission* is the *European Commission for Democracy by Law*. It is an advisory body of the Council of Europe. This committee mainly focuses on providing advice about constitutional drafts and constitutional amendments.

irregularities, including stuffing ballot boxes with fake ballots and covering webcams in polling stations. In seven percent of the polling stations, the OSCE detected voting irregularities. The OSCE also observed many violations of protocol when the votes were being counted.<sup>70</sup> As in the 2015 parliamentary elections, the opposition pointed to the difference between the SSC and CEC figures.<sup>71</sup> The CEC claimed that the turnout was almost 48 percent. According to several independent observers, the turnout was between fifteen and twenty percent.<sup>72</sup>

#### 1.1.7 *Foreign relations*

Negotiations for a new partnership agreement between the EU and Azerbaijan have been taking place since February 2017. On 4 July 2018, the European Parliament declared that it would not continue discussions on partnership with Azerbaijan if Azerbaijan did not improve its human rights situation.<sup>73</sup> During the reporting period, there was disagreement about particular paragraphs on trade and more generally, Azerbaijan accused the EU of being too critical about human rights and not focusing enough on the Nagorno Karabakh issue.<sup>74</sup>

Because the Azerbaijani authorities often did not implement or only partially implemented the rulings of the European Court of Human Rights (ECtHR), the Council of Europe launched proceedings against Azerbaijan in late 2017. Many of the rulings concerned violations of Article 18 (misuse of powers) of the European Convention on Human Rights (ECHR).<sup>75</sup>

Relations with Armenia have been very tense since the Nagorno Karabakh conflict. The annual commemorations of the Khojaly massacre on 26 February showed that the Nagorno Karabakh conflict was continuing. During this day of national mourning, national television channels continuously showed footage of the Azerbaijani civilian casualties in Khojaly, where people had been killed by the Armenian army. Those images were also featured on numerous websites and schools in Azerbaijan.<sup>76</sup>

During the reporting period, Azerbaijan had closed its border crossings with Armenia.<sup>77</sup> The OSCE Minsk Group, jointly chaired by France, the Russian Federation and the United States, has been trying to resolve the Nagorno Karabakh conflict

<sup>70</sup> OSCE/ODIHR & PACE, *International election observation mission. Republic of Azerbaijan: Early parliamentary elections, 9 February 2020: Statement of preliminary findings and conclusions*, 10 February 2020, p 1-3.

<sup>71</sup> Azerbaijan had 9,981,500 inhabitants on 1 January 2019, according to the SSC; SSC, *Population of Azerbaijan*, 2019, p 11. In 2020, the CEC had registered 5,387,600 voters; Trend, *Azerbaijan starts issuing ballots for parliamentary elections*, 27 January 2020; RFE/RL, *Azerbaijans equal coverage law stifles media reports on elections*, 6 February 2020.

<sup>72</sup> Confidential source, 14 February 2020; Confidential source, 27 February 2020.

<sup>73</sup> European Parliament, *Negotiations on the EU-Azerbaijan Comprehensive Agreement. European Parliament recommendation of 4 July 2018 to the Council, the Commission and the Vice-President of the Commission, High Representative of the Union for Foreign Affairs and Security Policy on the negotiations on the EU-Azerbaijan Comprehensive Agreement (2017/2056(INI))*, 4 July 2018.

<sup>74</sup> Euractiv, Mogherini: 'Inshallah, EU and Azerbaijan will soon finalise their agreement', 4 April 2019; Eurasia Daily Monitor, *EU, Azerbaijan struggling to convert partnership priorities into agreement*, 22 May 2019; Euractiv, *Juncker Commission still hopes to finalise agreement with Azerbaijan*, 28 August 2019; Confidential source, 13 February 2020.

<sup>75</sup> CoE, *Committee of Ministers launches infringement proceedings against Azerbaijan*, 5 December 2017; ECHR, *Azerbaijan authorities prosecuted two civil society activists on drugs charges in retaliation for political graffiti on statue*, 13 February 2020; Confidential source, 29 January 2020.

<sup>76</sup> Thomas de Waal, *The Caucasus. An introduction*, 2019, p 120; JAM News, *Anniversary of Khojaly tragedy in Azerbaijan: Thousands march, opposition clashes with police*, 26 February 2019; Daily Sabah, *Horrors of Khojaly massacre still hamper peace in Azeri-Armenian conflict*, 25 February 2020; JAM News, *Azerbaijan marks 28 years since Khojaly tragedy*, 26 February 2020.

<sup>77</sup> Thomas de Waal, *The Nagorno Karabakh conflict in its fourth decade*, 6 December 2019, p 1; Freedom House, *Nations in transit 2020: Dropping the democratic façade, Armenia*, 2020.

since the early 1990s.<sup>78</sup> During the reporting period, several meetings took place between President Ilham Aliyev of Azerbaijan and Prime Minister Nikol Pashinyan of Armenia, including in Vienna on 29 March 2019 and Munich on 15 February 2020. However, there was no progress in the negotiations during the reporting period.<sup>79</sup>

Azerbaijan maintained good economic relations with the Russian Federation during the reporting period. For example, many Azerbaijani people worked as seasonal workers in Russia.<sup>80</sup> There was a great deal of cultural influence during the reporting period. Russian media and television channels were popular in Azerbaijan. The first language of around seven percent of the Azerbaijani population was Russian, although the number of Russian speakers had declined. This was mainly because the state schools outside Baku taught only in Azerbaijani. According to the Azerbaijani Ministry of Education, about 340 of the 4,472 high schools in Azerbaijan taught in Russian.<sup>81</sup>

Azerbaijan also maintained good economic relations with Turkey during the reporting period. Turkey was one of the country's main trading partners and Turkish companies were investing heavily in Azerbaijan. Conversely, the *State Oil Company of the Azerbaijan Republic* (SOCAR) was investing a great deal in Turkey. On 25 February 2020, Turkish President Recep Tayyip Erdoğan paid a visit to Azerbaijan.<sup>82</sup>

## 1.2 Security situation

The security situation in the reporting period was not very different to the situation described in the previous general country of origin information report.<sup>83</sup> Azerbaijan remained a relatively safe country in terms of crime. The state was quite tightly controlled, with a large number of police, cameras and video surveillance.<sup>84</sup> However, there was a constant threat of a crisis in relation to Nagorno Karabakh and the adjacent seven districts that were not under the control of the Azerbaijani authorities, such as during the Four-Day War of April 2016 (see section 1.2.1).<sup>85</sup>

<sup>78</sup> USDoS, *Azerbaijan 2019 human rights report*, 11 March 2020, p 3; OSCE, *Press statement by the co-chairs of the OSCE Minsk Group*, 31 March 2020.

<sup>79</sup> RFE/RL, *Armenia-Azerbaijan Summit Described As 'Positive,' 'Constructive'*, 30 March 2019; Eurasianet, *Armenian, Azerbaijani leaders spar in unprecedented public debate*, 16 February 2020.

<sup>80</sup> Eurasia Daily Monitor, *How much does Baku control ethnic Azerbaijanis inside Russia?*, 20 January 2016; Zaur Gasimov, *Historical dictionary of Azerbaijan*, 2018, p. 195; Zaur Shiriyev, *Azerbaijan's relations with Russia: Closer by default?*, 14 March 2019; EPRS, *Azerbaijan ahead of the parliamentary elections*, februari 2020.

<sup>81</sup> OC Media, *A nation divided by language: Azerbaijan's Russian legacy*, 8 February 2018; Eurasianet, *Russian-speaking students squeezed out of schools in Azerbaijan*, 4 October 2018; Eurasia Daily Monitor, *Rising profile of Russian-language schooling in Azerbaijan: Inferiority, opportunity or challenge?*, 24 October 2018; JAM News, *Is Russian still dividing Azerbaijan in two?*, 22 March 2019; Azer News, *First VP Mehriban Aliyeva: Azerbaijan-Russia relations based on firm, good traditions of neighborliness, friendship*, 23 November 2019; Confidential source, 22 May 2020; Confidential source, 26 June 2020.

<sup>82</sup> Hürriyet Daily News, *Giant refinery opens in Turkey's İzmir for \$6.3 bln investment*, 19 October 2018; Daily Sabah, *Energy firm SOCAR pledges to increase investments in Turkey*, 22 May 2019; Hürriyet Daily News, *Turkey, Azerbaijan 'determined to boost cooperation'*, 12 June 2019; Daily Sabah, *The Azerbaijan-Turkey friendship is a role model*, 21 July 2019; Daily Sabah, *Ankara, Baku agree to maximize efforts for \$15B trade volume goal*, 25 February 2020; AA, *President of Turkey Recep Tayyip Erdogan in Azerbaijan*, 25 February 2020; Meydan TV, *Erdoğan and Aliyev promise gas supply and trade improvements*, 26 February 2020.

<sup>83</sup> Ministry of Foreign Affairs, *General Country of Origin Information Report for Azerbaijan*, 25 November 2013, p 10.

<sup>84</sup> Confidential source, 24 February 2020; Confidential source, 25 February 2020; Confidential source, 28 February 2020.

<sup>85</sup> These seven districts (*rayonlar*) are: Kalbajar, Laçın, Qubadlı, Zangilan, Füzuli, Jabrayıl and Ağdam; UN Human Rights Council, *Report of the special rapporteur on the human rights of internally displaced persons*, 8 April 2015, p 13; Eurasianet, *For Armenians, they're not occupied territories – they're the homeland*, 6 August 2018.

The ceasefire between Azerbaijan and Armenia has been in place since May 1994. Six OSCE observers monitor the ceasefire along the 250-kilometre heavily militarised line of contact (LoC).<sup>86</sup> Despite the ceasefire, there have been regular shooting incidents along the LoC, with frequent deaths and injuries, including civilian casualties.<sup>87</sup> The number of incidents and casualties has increased since the summer of 2014. For example, on 12 November 2014 the Azerbaijani army shot down an Armenian helicopter close to Ağdam.<sup>88</sup>

### 1.2.1 Four-Day War

In the night of 1 to 2 April 2016, fighting broke out along the LoC.<sup>89</sup> On 3 April 2016 Azerbaijan unilaterally declared a ceasefire after a morning of heavy fighting with tanks and artillery. Despite this, the fighting continued. During the Four-Day War, both armies deployed new weapon technology. For example, on 4 April 2016 the Azerbaijani army used Israeli Harop kamikaze drones.<sup>90</sup> After mediation by Russia in particular, Azerbaijan and Armenia agreed on a ceasefire on 5 April 2016.<sup>91</sup> The Azerbaijani army claimed to have regained two strategic hills along the LoC, including Lele Tepe close to Jabrayil.<sup>92</sup> The Azerbaijani media presented this as a victory. That is why young people celebrated the victory on 5 and 6 April 2016 in Baku and Ganja, for example.<sup>93</sup>

Information about the exact number of victims during the Four-Day War is still unavailable. Estimates range from 141 to at least 470 fatalities.<sup>94</sup>

<sup>86</sup> Eurasianet, *Nagorno-Karabakh: Trying to separate fact from fiction*, 8 April 2016; ICR, *A listening tour of the Azerbaijani front lines*, 17 September 2019; Caucasian Knot, *OSCE monitoring reveals no violations in Karabakh conflict zone*, 13 November 2019; Thomas de Waal, *The Caucasus. An introduction*, Oxford University Press, 2019, p 129; Thomas de Waal, *The Nagorno Karabakh conflict in its fourth decade*, 6 December 2019, p 7.

<sup>87</sup> UN Human Rights Council, *Report of the special rapporteur on the human rights of internally displaced persons*, 8 April 2015, p 10; USDoS, *Azerbaijan 2014 human rights report*, 25 June 2015, p 3; Thomas de Waal, *The Nagorno Karabakh conflict in its fourth decade*, 6 December 2019, p 2.

<sup>88</sup> The Guardian, *Armenian military helicopter shot down by Azerbaijani forces, killing three*, 12 November 2014; Reuters, *Bodies of Armenian pilots removed from helicopter crash site*, 22 November 2014; Laurence Broers, *The Nagorno Karabakh conflict: Defaulting to war*, July 2016, p 8.

<sup>89</sup> The New York Times, *Fighting between Azerbaijan and Armenia flares up in Nagorno-Karabakh*, 2 April 2016; Azer News, *April 2016 – victory that crossed out phenomenon of Armenian army's invincibility*, 2 April 2019; The New York Times, *Azerbaijan claims to halt violence in Nagorno-Karabakh, but warns Armenia*, 3 April 2016; De Volkskrant, *Gevechten Nagorno-Karabach: nieuwe brandhaard dreigt aan rand van Europa*, 3 April 2016; BBC News, *Nagorno-Karabakh violence: Worst clashes in decades kill dozens*, 3 April 2016; JAM News, *A four-day war*, 13 April 2016.

<sup>90</sup> Laurence Broers, *The Nagorno Karabakh conflict: Defaulting to war*, July 2016, p 15; International Crisis Group, *Nagorno-Karabakh: New opening, or more peril?*, 4 July 2016, p 2; The Times of Israel, *Israeli dronemaker said to have bombed Armenians for Azerbaijan faces charges*, 29 August 2018.

<sup>91</sup> BBC News, *Nagorno-Karabach: Azeri-Armenian ceasefire agreed*, 5 April 2016; The Guardian, *Azerbaijan and Armenian separatists agree ceasefire over disputed territory*, 5 April 2016; Los Angeles Times, *Here's why a 'frozen' conflict between Armenia and Azerbaijan has gotten hot*, 19 April 2016; Laurence Broers, *The Nagorno Karabakh conflict: Defaulting to war*, July 2016, p 12.

<sup>92</sup> Caucasian Knot, *Analysts treat capturing Lele Tepe height as main Azeri's success*, 6 April 2016; Thomas de Waal, *The Nagorno Karabakh conflict in its fourth decade*, 6 December 2019, p 8.

<sup>93</sup> Azer News, *Youth in Baku celebrating Azerbaijani army's victory*, 6 April 2016; Laurence Broers, *The Nagorno Karabakh conflict: Defaulting to war*, July 2016, p 13; International Crisis Group, *Nagorno-Karabakh: New opening, or more peril?*, 4 July 2016, p 14; APA, *Azerbaijan marks anniversary of successful April battles*, 2 April 2020.

<sup>94</sup> The Uppsala Conflict Data Program (UCDP) estimated that there were 141 fatalities. According to the *European Commission's Humanitarian Aid and Civil Protection Operations (ECHO)*, more than 150 soldiers and ten civilians died. In addition, according to ECHO two hundred people, including ninety civilians, were injured. The Azerbaijani Foreign Ministry stated that 31 soldiers and 6 civilians died on the Azerbaijani side and 26 civilians were injured. According to the Armenian Ministry of Defence, between 2 and 13 April 2016, 92 people died on the Armenian side, including four civilians. Other sources reported a total of at least two hundred fatalities. Bellingcat estimated that there were at least four hundred fatalities on the Azerbaijani side and more than seventy on the Armenian side; UCDP, *Government of Azerbaijan – Republic of Artsakh*, <https://ucdp.uu.se/additionalinfo/833/4>, consulted on 24 June 2020; Azer News, *Baku says Armenia's military dictatorship threatens values that civilized world stands for*, 6 April 2016; Bellingcat, *Azerbaijan's incremental increase on the Nagorno Karabach frontline*, 12 April 2016;

After the Four-Day War, incidents with casualties (including fatalities) continued to occur in the border area. This often involved confrontations between soldiers of both parties in the form of sniping and shelling from the trenches with, among other things, sniper, machine gun and mortar fire.<sup>95</sup> In 2018, the number of victims decreased, partly due to the establishment of a direct hotline between the defence ministers in Baku and Yerevan in October 2018.<sup>96</sup> Despite this, twenty people were still killed in 2018. In 2019 and 2020, some (fatal) casualties again occurred.<sup>97</sup>

### 1.2.2 Defence expenditure

Influenced by the tensions surrounding Nagorno Karabakh, Azerbaijan invested much of its revenue from oil sales in the military during the reporting period. While defence spending fell from \$3.4 billion in 2014 to \$1.4 billion in 2016 as a result of falling oil prices, spending since then has risen to \$1.7 billion in 2018. This is 3.8 percent of the country's gross domestic product.<sup>98</sup> Azerbaijan again increased its defence budgets for 2019 and 2020.<sup>99</sup> The main arms supplier to both Azerbaijan and Armenia was Russia.<sup>100</sup>

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Armenia Now, *Karabakh War Casualty Update: Armenia puts April death toll at 92*, 14 April 2016; Reuters, *Armenia-backed forces report 97 dead in Nagorno-Karabakh fighting*, 14 April 2016; Laurence Broers, *The Nagorno Karabakh conflict: Defaulting to war*, July 2016, p 14; International Crisis Group, *Nagorno-Karabakh: New opening, or more peril?*, 4 July 2016; Eurasianet, *Armenians and Azerbaijanis commemorate two years since breakout of "April War"*, 2 April 2018; Thomas de Waal, *The Caucasus. An introduction*, Oxford University Press, 2019, p 129; ECHO, *Factsheet. Southern Caucasus*, January 2017, p 3.

<sup>95</sup> BBC News, *Azerbaijan toddler killed in Nagorno-Karabakh shelling*, 5 July 2017; Caucasian Knot, *Azerbaijan claims shelling of village*, 16 June 2020; Caucasian Knot, *Azerbaijan registers machine gun and sniper shelling attacks in Karabakh conflict zone*, 22 June 2020.

<sup>96</sup> Eurasianet, *Aliyev and Pashinyan hold first talks, agree on tension-reducing measures*, 1 October 2018; OC Media, *Pashinyan and Aliyev vow to reduce tensions after meeting in Tajikistan*, 2 October 2018; Partnership for Peace Consortium, *Armenia and Azerbaijan implement crises hotline in the wake of RSCC SG recommendation; ceasefire violations decline*, 7 December 2018; Zaur Shiriyev, *Perceptions in Azerbaijan of the impact of revolutionary changes in Armenia on the Nagorno-Karabakh peace process*, Journal of Conflict Transformation. Caucasus Edition, 2018, p 134; Eurasia Daily Monitor, *Shadows of the April 2016 War: Armenia and Azerbaijan back in a deadlock*, 1 April 2019; News.am, *Armenia PM on solution to Nagorno-Karabakh issue, casualties*, 17 July 2019; Thomas de Waal, *Why the long conflict over Nagorno-Karabakh could heat up again*, 18 October 2019; AI, *Annual report 2019, Azerbaijan*, 16 April 2020.

<sup>97</sup> Hürriyet Daily News, *Azeri soldier killed as Armenia 'violates' ceasefire: Azeri MoD*, 20 May 2018; Caucasian Knot, *Azerbaijan reports mortar shelling attacks in border area*, 12 June 2019; *Daily Sabah*, *Azerbaijani soldier killed on Nagorno-Karabakh line*, 23 September 2019; Caucasian Knot, *Azerbaijani military killed on Armenian border*, 8 January 2020; JAM News, *Skirmish on Armenian-Azerbaijani border results in casualties*, 24 February 2020; Turan, *Clash in Gazakh, Azerbaijani border guard killed*, 24 February 2020; Anadolu Agency, *Azerbaijani soldier martyred in Armenian mortar attack*, 24 February 2020; Trend, *State Border Service: Azerbaijani soldier killed in ceasefire violation by Armenia*, 5 March 2020; RFE/RL, *Armenia, Azerbaijan trade accusations over fresh border fighting*, 6 March 2020; Report, *Azerbaijani soldier dies on duty*, 7 March 2020.

<sup>98</sup> Trend, *Azerbaijan increasing defense, security expenditures*, 13 June 2018; Caspian News, *New arms purchases push Azerbaijan higher in global military ranking*, 19 September 2018; Caspian News, *Azerbaijan's army celebrate 101 years since its creation*, 26 June 2019; Thomas de Waal, *The Nagorno Karabakh conflict in its fourth decade*, 6 December 2019, p 6; CIA, *The World Factbook*, 2 January 2020.

<sup>99</sup> Audrey Altstadt, *Frustrated democracy in post-Soviet Azerbaijan*, 2017, p 21; Worldbank, *Military expenditure (current USD) – Azerbaijan*, <https://data.worldbank.org/indicator/MS.MIL.XPND.CD?end=2018&locations=AZ&start=1992&view=chart>, consulted on 24 June 2020; Azer News, *Azerbaijan to increase spending on defense, national security*, 23 October 2018; Caspian News, *Azerbaijan announces all-time high defense budget for 2019*, 22 January 2019; Eurasia Daily Monitor, *Azerbaijan's military exercises send defiant message to Armenia*, 11 July 2019; APA, *Azerbaijan to increase spending on defense by 20,9%*, 18 October 2019; APA, *AZN 3 billion 354.2 million allocated for defense expenditures in Azerbaijan*, 16 May 2020.

<sup>100</sup> IWPR, *Yerevan angry at Russian arms sales to Baku*, 22 July 2014; Laurence Broers, *The Nagorno Karabakh conflict: Defaulting to war*, July 2016, p 6; Eurasia Daily Monitor, *Russia's arms sales: A foreign policy tool in relations with Azerbaijan and Armenia*, 28 March 2018; Eurasianet, *Armenia-Azerbaijan: Who's the big defense spender?*, 28 October 2019.

## 2 Identity, nationality and documents

### 2.1 Identification requirement, identity and travel documents

#### 2.1.1 *Identification requirement*

According to Article 1 of the Citizen's Identity Card Act of the Republic of Azerbaijan, every citizen who has reached the age of fifteen and every person who has acquired Azerbaijan citizenship must apply for an identity card within one month.<sup>101</sup> A citizen who has reached the age of fifteen does not receive a summons to apply for an identity document. Such an application must be made on the citizen's own initiative. There is no fine or other penalty if a citizen does not apply for an identity card within a month. The law does not oblige persons to always carry an identity document in a public place.<sup>102</sup>

#### 2.1.2 *Identity documents*

The national identity card and passport serve as identity documents in Azerbaijan.<sup>103</sup> On some semi-official and unofficial occasions, citizens can also use a driving licence as an identity document – for example to identify themselves to security in an office building.<sup>104</sup> Furthermore, soldiers use a military identity card as an identity document.<sup>105</sup>

#### 2.1.3 *Travel documents*

The Azerbaijani passport, which is generally valid for ten years, serves as a travel document.<sup>106</sup> Azerbaijani mariners involved in international shipping use the mariners' identity document. Since 1 January 2008, this travel document – which is valid for five years – has been issued by the *State Maritime Administration* (SMA).<sup>107</sup> Furthermore, since 23 January 2020 the *State Migration Service* (SMS) has issued a special travel document to refugees and stateless persons recognised by Azerbaijan. This document is also valid for five years. Refugees and stateless persons can use this document to leave Azerbaijan and return to the country up to three months

<sup>101</sup> Confidential source, 24 February 2020; Confidential source, 24 February 2020; Confidential source, 22 June 2020.

<sup>102</sup> Confidential source, 24 February 2020; Confidential source, 28 February 2020; Confidential source, 23 June 2020; Confidential source, 25 June 2020.

<sup>103</sup> Ministry of Foreign Affairs, *General Country of Origin Information Report*, 23 May 2012, p 14; Interior Ministry of the Republic of Azerbaijan, *Identity documents*, [www.mia.gov.az/?/en/content/29260](http://www.mia.gov.az/?/en/content/29260), consulted on 24 June 2020.

<sup>104</sup> Confidential source, 24 February 2020; Confidential source, 27 February 2020.

<sup>105</sup> In Azerbaijani: *harbi билет*; Trend, *Azerbaijani citizens to be able to obtain military duty documents at ASAN service centres*, 13 January 2014; AzVision, *Azerbaijan makes amendments to law on military duty and military service*, 30 December 2014.

<sup>106</sup> In addition to the regular passport, this can also involve a diplomatic passport or a service passport; Ministry of Foreign Affairs of the Republic of Azerbaijan, *Ordinary passport*, <http://mfa.gov.az/en/content/94/ordinary-passport>, consulted on 24 June 2020; Immigration and Refugee Board of Canada, *Azerbaijan: Exit procedures and documents required for citizens leaving the country; whether passports are scanned and interviews are conducted by customs officials; whether persons wanted by authorities are able to leave the country legally or without difficulty (2015-January 2017)*, 26 June 2017; MPRMD, *On passport*, <https://bpgmi.gov.az/?/en/menu/38/>, consulted on 24 June 2020.

<sup>107</sup> In Azerbaijani: *Danizcinin saxsiyyet sanadi*; PRADO, *Document: AZE-IO-01001*, <https://www.consilium.europa.eu/prado/en/AZE-IO-01001/index.html>, consulted on 24 June 2020; Immigration and Refugee Board of Canada, *Azerbaijan: Exit procedures and documents required for citizens leaving the country; whether passports are scanned and interviews are conducted by customs officials; whether persons wanted by authorities are able to leave the country legally or without difficulty (2015-January 2017)*, 26 June 2017.

before the expiry date.<sup>108</sup> In addition, Azerbaijani embassies and consulates abroad can issue a *re-entry certificate to the Republic of Azerbaijan*. This emergency document is issued in a number of situations – for example if a passport is lost or stolen abroad, after a passport has expired or when one of the children wishes to apply for an identity card abroad.<sup>109</sup>

The national identity card can also theoretically be used as a travel document when Azerbaijan has signed an international treaty to this effect with another country. No such treaty was signed during the reporting period.<sup>110</sup>

#### 2.1.4

##### ASAN Service

Citizens can request services from various government agencies and private companies through ASAN Service. For example, citizens can apply for birth certificates, identity cards and passports through the ASAN Service front office.<sup>111</sup> ASAN Service falls under the *State Agency for Public Service and Social Innovations under the President of the Republic of Azerbaijan* (SAPSSI).<sup>112</sup> There are eighteen ASAN Service Centres across the country.<sup>113</sup> They are open daily. In addition, ASAN Service has a website and a call centre,<sup>114</sup> as well as mobile ASAN Service Centres situated in ten buses<sup>115</sup> and a train.<sup>116</sup> The mobile centres are intended for remote regions. Through *ASAN Visa*, foreign nationals and stateless persons can apply for an e-visa online.<sup>117</sup> In addition, there are also two ‘*ASAN Kommunal*’ centres in

<sup>108</sup> SMS, *Presentation of ‘Travel document’ to persons who obtained refugee status in Azerbaijan and www.migrationto.az website held*, 23 January 2020; Trend, *Azerbaijan’s Migration Service begins issuing ‘travel document’ to foreign refugees*, 23 January 2020; IOM, *Non-citizens receive right-to-travel documents from Azeri State Migration Services*, 7 February 2020.

<sup>109</sup> In Azerbaijani, this certificate is called: *Azərbaycan Respublikasına Qayıdış Şəhadətnaməsi*; Embassy of the Republic of Azerbaijan to Canada, *Re-entry Certificate to the Republic of Azerbaijan*, <http://ottawa.mfa.gov.az/en/content/67>, consulted on 24 June 2020; Immigration and Refugee Board of Canada, *Azerbaijan: Exit procedures and documents required for citizens leaving the country; whether passports are scanned and interviews are conducted by customs officials; whether persons wanted by authorities are able to leave the country legally or without difficulty (2015-January 2017)*, 26 June 2017; MPRMD, *In case of loss or deterioration of international passport*, <https://bpgmi.gov.az/?en/menu/26/>, consulted on 24 June 2020; Confidential source, 24 February 2020.

<sup>110</sup> Trend, *Azerbaijani citizens to travel abroad with new ID cards*, 28 December 2011; Ministry of Foreign Affairs, *General Country of Origin Information Report*, 23 May 2012, p 16; MPRMD, *Feature of new identity cards and what will happen to the old ones*, 5 December 2018; Confidential source, 24 February 2020; Confidential source, 24 February 2020; Confidential source, 28 February 2020.

<sup>111</sup> ASAN stands for *Azerbaijan Service and Assessment Network*. The word *asan* also means ‘easy’ in Azerbaijani. *ASAN Service* (in Azerbaijani: *ASAN xidmet*) was established by presidential decree no. 685 of 13 July 2012; Caspian News, *Azerbaijan expands one-stop-shop public services network*, 6 February 2020; ASAN Services, *About us*, <https://asan.gov.az/en/about>, consulted on 24 June 2020.

<sup>112</sup> In Azerbaijani: *Azərbaycan Respublikasının Prezidenti yanında Vətəndaşlara Xidmət və Sosial İnnovasiyalar üzrə Dövlət Agentliyi* (VXSİDA).

<sup>113</sup> *ASAN Service Centres* numbers 1 to 5 are located in Baku. The remaining twelve offices are located in Sumqayıt, Ganja, Barda, Sabirabad, Gabala, Masalli, Quba, Mingaçevir, İmişli, Şeki, Şamaxı, Kürdamir and Aghjabadi; ASAN services, *34 millionth application at “ASAN service”*, 14 November 2019; *the President of the Republic of Azerbaijan, İlham Aliyev, inaugurated the ‘ASAN xidmet’ centre in Kurdamir*, 12 February 2020; *the President of the Republic of Azerbaijan, İlham Aliyev, inaugurated the ‘ASAN xidmet’ centre in Aghjabadi*, 3 June 2020; ASAN Services, *About us*.

<sup>114</sup> Can be contacted using the general telephone number 108; ASAN Services, *Providing information on all services rendered by the state entities in “ASAN service” centers*, <https://asan.gov.az/en/service/asan-xidmetler/doevlet-orqanlarinin-asan-xidmet-merkezlerinde-goesterdikleri-buetuen-xidmetler-uezre-informasiya-xidmetinin-heyata-kecirilmesi>, consulted on 24 June 2020.

<sup>115</sup> SAPSSI, *Mobile ASAN service concurrently provides services in 10 regions*, 19 November 2015; ASAN service, *Mobile ASAN service in Mashtaga and Beylagan*, 24 April 2017; ASAN service, *28 millionth application at “ASAN service”*, 1 April 2019.

<sup>116</sup> In Azerbaijani, this mobile ASAN train is called: *ASAN qatar*; Report, *First destination of travelling ‘ASAN Qatar’ will be Qazakh district*, 28 December 2016; Caspian News, *Azerbaijan expands one-stop-shop public services network*, 6 February 2020; ASAN services, *Mobile ASAN service*, <https://asan.gov.az/en/mobile-service>, consulted on 24 June 2020.

<sup>117</sup> Embassy of the Republic of Azerbaijan in Japan, *ASAN Visa (e-Visa)*, <http://tokyo.mfa.gov.az/content/43>, consulted on 24 June 2020; Embassy of the Republic of Azerbaijan to the United Kingdom of Great Britain and

Baku. At these centres, citizens can arrange all of their utility, banking and insurance affairs.<sup>118</sup> ASAN Service is not a replacement for existing structures. This means that citizens can choose whether they request a particular service through ASAN Service or directly from a particular government agency. ASAN Service has reduced bureaucracy and curtailed corruption among officials – among other things because citizens can pay in advance online for document requests.<sup>119</sup>

#### 2.1.5 *Birth certificate*<sup>120</sup>

The registration offices of the Ministry of Justice are responsible for issuing birth certificates.<sup>121</sup> They can also be requested through ASAN Service. All the relevant conditions are specified on the ASAN Service website.<sup>122</sup>

When applying for a birth certificate, the applicant must provide the identity cards and birth certificates of both parents. If the parents are married, the applicant must also provide their marriage certificate. On the right side of the birth certificate, the details of the parents are displayed, including their ethnicity.<sup>123</sup> According to one source, the child's birth certificate contains no information about ethnicity if the birth certificates of the parents are missing or if there is uncertainty about the ethnicity of the parents. The official then strikes through the relevant lines for the parents.<sup>124</sup> In addition, the parents must produce a form from a birth clinic or a hospital specifying the time and place of the child's birth. For children born at home, parents must provide a document from a doctor who assisted at the birth or a doctor whom they contacted after the birth.<sup>125</sup>

The birth of a child must be registered by one of the parents no later than one month after the birth. If the parents have a valid reason for not registering the birth, their relatives, their neighbours, the medical institution where the child was born or an authorised representative can do so. The ASAN Service website does not specify a valid reason for not registering the birth. If there is a delay in registering the birth, the parents receive a warning or are fined ten Azerbaijani *manat* (AZN). According to the exchange rate of 24 June 2020, this amount corresponds to EUR 5.21.<sup>126</sup>

#### 2.1.6 *National identity card*<sup>127</sup>

The *Registration and identity card office* of the Interior Ministry at the local police station is responsible for the issue of a national identity card. This card can also be

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Northern Ireland, *ASAN Viza (e-Visa)*, <http://london.mfa.gov.az/content/55>, consulted on 24 June 2020; ASAN service, *It is possible to get e-visa via "ASAN Visa" within three hours*, 30 August 2017.

<sup>118</sup> Azer News, *President Aliyev attends opening of "ASAN Kommunal" in Baku*, 28 December 2016; ASAN service, *ASAN Kommunal*, <https://www.asan.gov.az/en/category/asan-kommunal>, consulted on 24 June 2020.

<sup>119</sup> OC Media, *Imagining a life without bribery in Azerbaijan*, 25 October 2018; Confidential source, 24 February 2020; Confidential source, 24 February 2020.

<sup>120</sup> In Azerbaijani, this is called a *doğum haqqında arayış*. For more information about birth certificates, see the general country of origin information reports of 23 May 2012 and 25 November 2013.

<sup>121</sup> Ministry of Foreign Affairs, *General Country of Origin Information Report*, 23 May 2012, p 11; Azer News, *Birth certificate presented to parents of Azerbaijan's 10 millionth citizen*, 11 April 2019.

<sup>122</sup> ASAN service, *Birth registration*, <https://asan.gov.az/en/service/asan-xidmetler/vetendasliq-veziyyeti-aktlarinin-doeviet-qeydiyyati/dogumun-qeyde-alinmasi>, consulted on 24 June 2020.

<sup>123</sup> Confidential source, 24 February 2020; Confidential source, 27 February 2020.

<sup>124</sup> Confidential source, 24 February 2020.

<sup>125</sup> ASAN Service, *Birth registration*.

<sup>126</sup> Conversion rate according to [www.wisselkoers.nl](http://www.wisselkoers.nl), consulted on 24 June 2020; ASAN Service, *Birth registration*.

<sup>127</sup> In Azerbaijani: *Azərbaycan Respublikası vətəndaşının şəxsiyyət vəsiqəsi*.

requested through ASAN Service or from a mobile team of the Interior Ministry.<sup>128</sup> It is not possible to apply for or renew an identity card abroad.<sup>129</sup> All the relevant conditions are specified on the ASAN Service website.<sup>130</sup>

Azerbaijan has been issuing biometric identity cards since 1 September 2018. These cards contain a chip with the card holder's first name, surname, signature, domicile registration, military obligations and marital status.<sup>131</sup> This data is also stored in a central database. When a change of address is registered, the domicile registration on the chip is modified. This avoids a situation in which citizens must apply for a new identity card after they move or get married.<sup>132</sup> During elections, polling stations use a card reader to read the domicile registration on the chip.<sup>133</sup>

The first time a person applies for an identity card, an application form must be filled in. An employee of the Interior Ministry completes this form digitally. In addition, the applicant must produce a birth certificate or an identity document. In the absence of a domicile registration, the applicant must provide a certificate of registration at an address in Azerbaijan. When the applicant is older than fifteen, he/she must provide a medical certificate specifying his/her blood type, eye colour and height.<sup>134</sup> The applicant can obtain this medical certificate from a medical centre at an ASAN Service Centre. The applicant can also undergo a blood test there.<sup>135</sup> Finally, the applicant must produce proof that the document duty was paid.<sup>136</sup>

If desired, a parent or legal representative can apply for an identity card for a child under the age of fifteen. The child must then be physically present when the application is made.<sup>137</sup> If an adoptive parent, a legal guardian or the head of the institution where the child resides is submitting the application, he/she must include proof of this status with the application.<sup>138</sup>

<sup>128</sup> Main Police Department of Baku City, *A joint meeting on the application of the new generation identity card was held*, 30 August 2018; Azer News, *New generation biometric ID to be issued in Azerbaijan*, 31 August 2018; Ministry of Transport, Communication and Technology of the Republic of Azerbaijan, *New generation ID cards will have e-signature certificates*, 31 August 2018; APA, *ID cards to be issued regardless of residence registration in Azerbaijan from today*, 1 November 2019; MPRMD, *An offsite service has been organized to issue next generation biometric identity cards*, 26 December 2019.

<sup>129</sup> MPRMD, *FAQ*, <https://bpgmi.gov.az/?/en/faq/>, 8 May 2020; Confidential source, 24 February 2020.

<sup>130</sup> ASAN Service, *Issuance and renewal of identity cards*, <https://asan.gov.az/en/service/asan-xidmetler/seksiyyet-vesiqelerinin-verilmesi-ve-deyisdirilmesi>, consulted on 24 June 2020.

<sup>131</sup> The front of the identity card displays the first name, surname, patronymic, gender, nationality, date of birth, personal number and signature of the card holder. On the back, the place of birth and the blood type are displayed; Report, *Parliament: Azerbaijan will not issue new generation ID cards in 2018*, 17 November 2017; Ministry of Transport, Communication and Technology of the Republic of Azerbaijan, *New generation ID cards will have e-signature certificates*, 31 August 2018; Turan, *New generation identity cards introduced*, 1 September 2018; Turan, *Electronic signature in identity of new generation does not work*, 26 September 2018.

<sup>132</sup> MPRMD, *Feature of new identity cards and what will happen to the old ones*, 5 December 2018; Confidential source, 24 February 2020.

<sup>133</sup> Confidential source, 28 February 2020; Confidential source, 23 June 2020.

<sup>134</sup> Turan, *New generation identity cards introduced*, 1 September 2018; ASAN Service, *Issuance and renewal of identity cards*.

<sup>135</sup> Confidential source, 24 February 2020; Confidential source, 28 February 2020.

<sup>136</sup> The document duty for a citizen aged fifteen or older is 5 AZN when the card is issued within ten working days of the application. A fast-track procedure that takes three working days costs 25 AZN. A fast-track procedure that takes one working day costs 35 AZN. The document duty for a citizen under the age of fifteen is 4 AZN if the card is issued within ten working days. A fast-track procedure that takes three working days costs 20 AZN. A fast-track procedure that takes one working day costs 25 AZN. In case of loss or damage, the document duty is 15, 35 and 45 AZN respectively.

<sup>137</sup> MPRMD, *Procedures on issuing identity card*, <https://www.bpgmi.gov.az/?/en/menu/7/>, consulted on 24 June 2020; Report, *Identity cards will be issued to Azerbaijani citizens under 15*, 8 December 2015; Azerbaijan 24, *Entry into force of Law "On Issue of Identity Card of citizen of the Azerbaijan under 15" postponed*, 12 June 2019; Confidential source, 28 February 2020.

<sup>138</sup> ASAN Services, *Issuance and renewal of identity cards*.

If a child is between the ages of fifteen and eighteen, the child itself or its legal representative may submit the application. This is the case, for example, when the child wants to travel abroad. A citizen aged fifteen or older needs an identity card in order to apply for a passport.<sup>139</sup> When applying for an identity card, a child aged between fifteen and eighteen must sign the application form.<sup>140</sup>

An employee at the registration office or at an ASAN Service Centre takes the fingerprints of both hands of applicants over the age of fifteen years.<sup>141</sup> The official also takes a passport photograph in accordance with the guidelines of the *International Civil Aviation Organization (ICAO)*.<sup>142</sup>

Identity cards are valid for ten years. Identity cards for persons older than 55 years of age are valid for an indefinite period.<sup>143</sup> The old non-biometric identity cards remain valid until the cardholder reaches the age of 25, 35 or 50 or when there is a name change, a change of residence, a change in marital status or a change in military obligations.<sup>144</sup>

A citizen must apply for a new identity card within one month of the card's expiry date or when the name is changed, when the information on the card is incorrect or when the card is damaged. In such cases, an official again takes a photograph and fingerprints. A new application form that has been digitally filled in by an employee of the Interior Ministry is also required. The applicant must also produce the old identity card and proof that the document duty was paid.<sup>145</sup>

The national identity card also serves as an identity document for internally displaced persons. They are not charged document duty for the card. See section 4.1 for more information about internally displaced persons.<sup>146</sup>

### 2.1.7

#### *Passport*

The Main Passport, Registration and Migration Department (MPRMD)<sup>147</sup> of the Interior Ministry in Baku and the nine regional offices of the MPRMD are responsible for issuing regular passports.<sup>148</sup> Applications for passports can also be made through

<sup>139</sup> Report, *Identity cards will be issued to Azerbaijani citizens under 15*, 8 December 2015; MPRMD, *FAQ*, <https://bpgmi.gov.az/?/en/faq/>, consulted on 24 June 2020; Confidential source, 27 February 2020; Confidential source, 28 February 2020; Confidential source, 23 June 2020.

<sup>140</sup> ASAN services, *Issuance and renewal of identity cards*; Main Police Department of Baku City, *Identity card*, <https://www.bakupolice.gov.az/?/en/menu/71/>, consulted on 24 June 2020; MPRMD, *Procedures on issuing identity card*.

<sup>141</sup> Azer News, *New generation biometric ID to be issued in Azerbaijan*, 31 August 2018; Turan, *New generation identity cards introduced*, 1 September 2018.

<sup>142</sup> Confidential source, 24 February 2020; Confidential source, 26 February 2020; Confidential source, 28 February 2020.

<sup>143</sup> The Ministry of Transport, Communications and high technologies of the Republic of Azerbaijan, *New generation ID cards will have e-signature certificates*, 31 August 2018; MPRMD, *Feature of new identity cards and what will happen to the old ones*, 5 December 2018; ASAN services, *Issuance and renewal of identity cards*.

<sup>144</sup> MPRMD, *FAQ*, <https://bpgmi.gov.az/?/en/faq/>, consulted on 24 June 2020; Turan, *New generation identity cards introduced*, 1 September 2018; MPRMD, *Feature of new identity cards and what will happen to the old ones*, 5 December 2018.

<sup>145</sup> ASAN Service, *Issuance and renewal of identity cards*.

<sup>146</sup> UN Human Rights Council, *Report of the special rapporteur on the human rights of internally displaced persons*, 8 April 2015, p 11; Immigration and Refugee Board of Canada, *Azerbaijan: Whether individuals are required to replace identity documents that include an address, such as identity cards, driver licenses, military cards, and work books, after a change of address; consequences for not replacing these documents (2017-February 2018)*, 23 February 2018.

<sup>147</sup> In Azerbaijani: *Baş Pasport, Qeydiyyat və Miqrasiya idaresi* (BPQMI).

<sup>148</sup> The nine regional offices are located in Barda, Ganja, Göyçay, Quba, Lankaran, Shamakhi, Şeki, Nakhçıvan (Nachitsjevan) and Şirvan; MPRMP, *Structures*, <https://bpgmi.gov.az/?/en/menu/13/>, consulted on 24 June 2020; MPRMP, *MPRMD and regional department*, <https://bpgmi.gov.az/?/en/menu/regional/>, consulted on 24

ASAN Service or a mobile team of the regional offices of the MPRMD. It is not necessary to submit the passport application in the place of domicile.<sup>149</sup> All the relevant conditions are specified on the websites of ASAN Service and the MPRMD.<sup>150</sup>

Azerbaijan has been issuing biometric passports since 2 September 2013.<sup>151</sup> The passports include a chip with, among other things, a digital photograph and the personal data of the holder.<sup>152</sup>

A valid identity card is required for a passport application. In addition, the applicant must provide proof that the document duty was paid.<sup>153</sup> The applicant can make the payment online.<sup>154</sup> According to the MPRMD, the applicant will receive a text message as soon as the passport is ready.<sup>155</sup>

Applicants under the age of eighteen must produce a consent form signed by their parents or legal representatives along with their birth certificate and the identity cards of the parents.<sup>156</sup> Children under the age of eighteen are not added to their parents' biometric passports. This means that the parents must apply for a separate passport for each child.<sup>157</sup>

Conscripts can only receive a passport if they have been granted a postponement or cancellation.<sup>158</sup>

At the office of the MPRMD or at an ASAN Service Centre, the fingerprints of persons aged fifteen or older are taken on-site. The official also takes a passport photograph according to the guidelines of the ICAO.<sup>159</sup>

June 2020; Immigration and Refugee Board of Canada, *Azerbaijan: Biometric passports, including issuance procedures within the country and abroad*, 9 June 2014.

<sup>149</sup> MPRMD, *Regional coverage*, <https://bpqmi.gov.az/?/en/menu/44/>, consulted on 24 June 2020; MPRMD, *FAQ*; Immigration and Refugee Board of Canada, *Azerbaijan: Biometric passports, including issuance procedures within the country and abroad*, 9 June 2014; MPRMD, *Our outreach services continue to provide citizens with international passport*, 19 July 2016.

<sup>150</sup> ASAN services, *Issuance and renewal of passport of citizen*, <https://asan.gov.az/en/service/asan-xidmetler/umumvetendas-pasportlarinin-verilmesi-ve-deyisdirlmesi>, consulted on 24 June 2020; MPRMD, *The procedure for the issue of passports*, <https://bpqmi.gov.az/?/en/menu/22/>, consulted on 24 June 2020; MPRMD, *Duties on issuing of international passports*, <https://bpqmi.gov.az/?/en/menu/53/>, consulted on 24 June 2020.

<sup>151</sup> President of the Republic of Azerbaijan, *Ilham Aliyev was awarded the first biometric passport of a citizen of the Republic of Azerbaijan*, 2 September 2013; Azer News, *President Aliyev receives first biometric passport*, 3 September 2013.

<sup>152</sup> Immigration and Refugee Board of Canada, *Azerbaijan: Biometric passports, including issuance procedures within the country and abroad*, 9 June 2014; Embassy of the Republic of Azerbaijan to Canada, *Passport Issues*, <http://www.ottawa.mfa.gov.az/en/content/64>, consulted on 24 June 2020.

<sup>153</sup> Depending on the document duty paid, ASAN Service supplies passports within one working day (170 AZN from eighteen years old, 130 AZN between the ages of three and eighteen, 90 AZN between one and three, 50 AZN from zero to one), five working days (90 AZN above eighteen, 70 AZN between three and eighteen, 50 AZN between one and three, 30 AZN from zero to one) or ten working days (50 AZN above eighteen, 40 AZN between three and eighteen, 30 AZN between one and three, 20 AZN from zero to one) of the passport application; ASAN service, *Issuance and renewal of passport of citizen*.

<sup>154</sup> Embassy of the Republic of Azerbaijan to Canada, *Passport Issues*; MPRMD, *Online payment of fines & duties*, <https://bpqmi.gov.az/?/en/menu/25/>, geraadpleegd op 24 juni 2020; Vertrouwelijk bron, 24 februari 2020.

<sup>155</sup> MPRMD, *The procedure for the issue of passports*.

<sup>156</sup> MPRMD, *Procedures on the issue of an international passport to citizens under 18 years old*, <https://bpqmi.gov.az/?/en/menu/24/>, consulted on 24 June 2020; ASAN service, *Issuance and renewal of passport of citizen*.

<sup>157</sup> Immigration and Refugee Board of Canada, *Azerbaijan: Biometric passports, including issuance procedures within the country and abroad*, 9 June 2014; Confidential source, 28 February 2020.

<sup>158</sup> ASAN service, *Issuance and renewal of passport of citizen*; MPRMD, *The procedure for the issue of passports*; MPRMD, *35 year old men present military ticket*, 9 June 2017.

<sup>159</sup> Immigration and Refugee Board of Canada, *Azerbaijan: Biometric passports, including issuance procedures within the country and abroad*, 9 June 2014; ASAN service, *Issuance and renewal of passport of citizen*; MPRMD, *All*

Biometric passports of persons aged eighteen and older are valid for ten years. The period of validity cannot be extended. Passports issued to children under one year of age are valid for one year. For children between one and three, the period of validity is three years, and for children between three and eighteen the period of validity is five years.<sup>160</sup>

Under Article 10 of the Passport Act, an application for a new passport must be submitted in case of a name change, incorrect information on the passport or damage.<sup>161</sup>

From abroad, people can apply in person for a passport through an Azerbaijani embassy or consulate when they present an original identity card, among other things. The passport is issued within two to three months of the application.<sup>162</sup>

### 2.1.8

#### *Document fraud*

Many documents are offered for sale illegally in Azerbaijan. They include membership cards, certificates, permits and diplomas. Fraud is also committed in the form of fake, forged or incorrectly issued documents.<sup>163</sup> With the advent of ASAN Service, it became more difficult to obtain documents informally/illegally.<sup>164</sup> However, this could be circumvented by bribing officials and police officials in the regional and local offices.<sup>165</sup> Corruption is still a major concern in Azerbaijan. According to *Transparency International*, Azerbaijan was ranked 126th (out of 180 countries) on the *Corruption Perception Index 2019*.<sup>166</sup> Corruption is widespread on all levels of public life, education and healthcare.<sup>167</sup> In spite of this, one source reported never having seen fake identity cards. However, the same source stated

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*questions on regular passports were answered – Official interpretation*, 13 September 2018; Confidential source, 24 February 2020.

<sup>160</sup> MPRMD, *Procedures on the issue of an international passport to citizens under 18 years old*; PRADO, *Document: AZE-AO-02002*, <https://www.consilium.europa.eu/prado/en/AZE-AO-02002/index.html>, consulted on 24 June 2020; Embassy of the Republic of Azerbaijan to Canada, *Passport Issues*.

<sup>161</sup> The Passport Act of the Republic of Azerbaijan, as amended on 2 July 2002. An English translation is available at <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/64883/61605/F1972660646/AZE64883.pdf>, consulted on 24 June 2020; MPRMD, *Renewal procedures*, <https://bpgmi.gov.az/?/en/menu/23/>, consulted on 24 June 2020; ASAN Service, *Issuance and renewal of passport of citizen*; MPRMD, *Rules for replacement of general civil passports*, 10 April 2018.

<sup>162</sup> Consulate General of the Republic of Azerbaijan in Los Angeles, *Issuance of passport for the 1<sup>st</sup> time*, <https://www.azconsulatela.org/Consular-and-Legal-Issues/Passport-Issues/İlk-dəfə-pasportun-alınması>, consulted on 24 June 2020; Embassy of the Republic of Azerbaijan to Canada, *Passport Issues*; Confidential source, 27 February 2020.

<sup>163</sup> OECD, *Anti-corruption reforms in Azerbaijan. 4th round of monitoring of the Istanbul Anti-Corruption Action Plan*, 2016, p 86; Meydan TV, *Destination: Germany*, 22 October 2017; ONA, *Group, preparing fake driving licences of Georgia, neutralized in Baku*, 30 October 2019; Trend, *Azerbaijani Operational Headquarters: Severe measures to be taken towards quarantine regime violators*, 6 April 2020; Turan, *People selling fake journalist IDs detained*, 8 April 2020; Press Klub, *Press Council member detained for selling fake documents*, 17 April 2020; Eurasianet, *Several local officials arrested in Azerbaijan for COVID corruption*, 5 May 2020.

<sup>164</sup> Confidential source, 24 February 2020; Confidential source, 28 February 2020.

<sup>165</sup> Eurasianet, *Azerbaijan: Anti-corruption initiative draws decent public reviews*, 16 October 2014; Confidential source, 24 February 2020; Confidential source, 27 February 2020.

<sup>166</sup> Caucasian Knot, *Transparency International sharply drops Azerbaijani rating in the Corruption Perception Index*, 30 January 2019; Meydan TV, *Transparency International: level of corruption in Azerbaijan increased*, 31 January 2019; Transparency International, *Corruption Perception Index 2019*, p 3.

<sup>167</sup> OC Media, *Imagining a life without bribery in Azerbaijan*, 25 October 2018; Zaur Gasimov, *Historical dictionary of Azerbaijan*, 2018, p 76; Audrey Altstadt, *Frustrated democracy in post-Soviet Azerbaijan*, Woodrow Wilson Center Press, 2017, p 98; Open Azerbaijan, *Corruption in Azerbaijan. Past five years*, 2019, p 29; Bertelsmann Stiftung, *2020 country report Azerbaijan*, 29 April 2020, p 38; Azer News, *Azerbaijani district head arrested on embezzlement, bribery charges*, 1 May 2020; ONA, *Tax department employees detained while taking bribe in Azerbaijan*, 5 May 2020.

that he/she had come across a number of forged birth certificates and marriage certificates. Copies of the empty documents were filled in and provided with a signature and a seal.<sup>168</sup> In addition, sources also claimed that fake judicial documents and fake documents from the police were regularly encountered.<sup>169</sup>

On 13 November 2019, raids took place in more than 38 homes and businesses in Germany, where eight Azerbaijani nationals were eventually arrested for human trafficking. During the raids, the German police found membership cards of the opposition party Müsavat, reference letters from Müsavat, stamps, subpoenas from the Azerbaijani police and medical documents from Azerbaijan. The German authorities charged the eight suspects with smuggling at least twenty people for a payment of three thousand to ten thousand euros, forging documents for Azerbaijani asylum applications in Germany and money laundering.<sup>170</sup>

## 2.2 Citizenship<sup>171</sup>

Since the thematic official report on Citizenship and Immigration Legislation in Azerbaijan of July 2011,<sup>172</sup> the Citizenship Act of 1998 has been amended several times, most recently on 1 May 2020.<sup>173</sup>

The Citizenship Act has 26 articles, divided over five chapters. Chapter 1 (Articles 1 to 10) sets out the general provisions related to citizenship. Articles 5, 6 and 10 have changed since the publication of the official report of July 2011 (see sections 2.2.1 to 2.2.3 of the current official report). Chapter 2 (Articles 11 to 15-1) relates to obtaining Azerbaijani citizenship. Articles 11, 12, 14, 15 and 15-1 have changed since the publication of the July 2011 official report (see sections 2.2.4 to 2.2.8). In

<sup>168</sup> Confidential source, 24 February 2020.

<sup>169</sup> Meydan TV, *Running into a trap: The emigration mafia of Azerbaijan*, 23 May 2017; Open Democracy, *Azerbaijani mafia in the heart of Europe?*, 5 April 2018; Confidential source, 24 February 2020; Confidential source, 28 February 2020.

<sup>170</sup> Der Spiegel, *Bundespolizei geht mit Großeinsatz gegen Schleuser vor*, 13 November 2019; Turan, *Political immigrants from Azerbaijan detained in Germany*, 14 November 2019; APA, *Sabir Rustamkhanli: "German government suspected Alovzat Aliyev of illegal transportation of citizens"*, 14 November 2019; Azerbaijan24, *Germany applies preventive measure of remand in custody in respect of 7 citizens of Azerbaijan over migrant trafficking*, 14 November 2019; News.Az, *Foreign Ministry comments on the detention of Azerbaijani emigrants in Germany*, 14 November 2019; Caucasus Watch, *Sieben aserbajdschanische Staatsbürger in Deutschland wegen des Verdachts der illegalen Einwanderung inhaftiert*, 16 November 2019; Turan, *Khabib Muntazir's statements do not have official confirmation – Musavat*, 16 November 2019; Trend, *Arrests over "emigration business" ongoing in Europe; Netherlands, Sweden next in line*, 18 November 2019; Azer News, *New fact on "emigration business" of Azerbaijani opposition Musavat party disclosed*, 19 November 2019; Azeri Daily, *Koblenz prosecutor on 'Musavat case' in Germany: 'Detained persons may be imprisoned for up to 10 years'*, 20 November 2019; Trend, *German court: Shocking facts about profiteering from Azerbaijani immigrants*, 20 November 2019; Turan, *No charges brought against Alovzat Aliyev*, 21 November 2019; Turan, *Musavat on the results of the initial investigation of the "migrant case"*, 22 November 2019; Azer News, *Members of Azerbaijan's Musavat opposition party being interrogated in Europe*, 16 December 2019; OC Media, *Azerbaijan's opposition in hot water over German migrant trafficking scandal*, 17 December 2019; Global Voices, *Inside the party membership scandal rocking Azerbaijan's opposition*, 21 December 2019; Turan, *German authorities release member of Musavat ECC*, 8 January 2020; Report, *Germany releases Alovzat Aliyev, arrested for migrant trafficking*, 13 February 2020; Turan, *German police released Alovzat Aliyev on bail*, 13 February 2020.

<sup>171</sup> In this general country of origin information report, the term 'citizenship' and not the term 'nationality' is used consistently. This is because in countries that belonged to the former Soviet Union, the latter term can cause confusion because it is often used to indicate ethnic origin and not citizenship. For more information, see the thematic official report on Citizenship and Immigration Legislation in Azerbaijan of July 2011, footnote 8, p 6.

<sup>172</sup> For more information, see the website of the Dutch Government:

<https://www.rijksoverheid.nl/documenten/ambtsberichten/2011/07/07/thematisch-ambtsbericht-azerbeidzjan>.

<sup>173</sup> The amendments date from 30 May 2014, 30 December 2014, 30 September 2015, 4 December 2015, 24 June 2016, 31 May 2017, 1 February 2018, 1 October 2018, 1 February 2019 and 1 May 2020; The Citizenship Act of the Republic of Azerbaijan, as amended on 2 July 2014, <https://www.refworld.org/pdfid/3ae6b52717.pdf>, consulted on 24 June 2020; VIND Burgerzaken, *Azerbaijan nationality*, <https://portal.vindburgerzaken.nl/doc/265867/>, consulted on 24 June 2020; Legal Acts, *On citizenship of the Republic of Azerbaijan*, 1 February 2019; Azer News, *Parliament makes changes to law on citizenship of Azerbaijan*, 1 May 2020.

Chapter 3 (Articles 16 to 18), the loss of citizenship is regulated. Articles 16, 17 and 18 have changed since the publication of the July 2011 official report (see sections 2.2.9 to 2.2.11). Chapter 4 (Articles 19 to 25) regulates the citizenship of children upon adoption and if their parents change their citizenship. Chapter 5 (Article 26) states that international legal standards prevail over conflicting national rules. The latter two chapters have not changed since the publication of the official report in July 2011.<sup>174</sup>

### 2.2.1 *Transitional law*

Article 5 of the Citizenship Act determines who is deemed to be an Azerbaijani citizen at the time that this Act comes into effect. The first section of the first provision of Article 5 was amended<sup>175</sup> by law on 30 May 2014. This section now states that a person who held citizenship of the Republic of Azerbaijan on the date on which this Act came into effect is a citizen of the Republic of Azerbaijan provided that that person was registered as a citizen of the Republic of Azerbaijan at a domicile in the Republic of Azerbaijan on the date on which this Act came into effect. A provision has also been added stating that the relevant executing authority determines and approves the affiliation of the person to the citizenship of the Republic of Azerbaijan. An application can be submitted for this through ASAN Service.<sup>176</sup> For further information, the reader is referred to section 4.4 of the official report of July 2011.

### 2.2.2 *Documents*

Article 6 of the Citizenship Act relates to the documents that confirm Azerbaijani citizenship. On 30 May 2014, the first section of Article 6, which refers to the birth certificate, was declared null and void by law.<sup>177</sup> Section 2-1 was added to Article 6 by law on 1 February 2019. This section refers to the national identity card for citizens under the age of fifteen.<sup>178</sup>

### 2.2.3 *Multiple citizenship*

Article 10 of the Citizenship Act relates to dual or multiple citizenship. Article 10 was redrafted by law on 30 May 2014. The first provision of Article 10 states that citizenship of a foreign country is not recognised in the case of persons who are citizens of the Republic of Azerbaijan, except in cases provided for in international agreements entered into by the Republic of Azerbaijan or in accordance with Article 109, paragraph 32 of the Constitution. The second provision of Article 10 states that a citizen of the Republic of Azerbaijan who obtains citizenship of a foreign country is

<sup>174</sup> The Citizenship Act of the Republic of Azerbaijan, as amended on 2 July 2014; VIND Burgerzaken, *Azerbaijan nationality*; Legal Acts, *On citizenship of the Republic of Azerbaijan*, 1 February 2019.

<sup>175</sup> Act of 30 May 2014, number 973-IVQD, came into effect on 1 July 2014; VIND Burgerzaken, *Azerbaijan nationality*; ILO, *Law No. 973-IVQD of 30 May 2014 to Amend the Law on Citizenship of the Republic of Azerbaijan*, [http://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=97860&p\\_classification=01.03](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=97860&p_classification=01.03), consulted on 24 June 2020; Maxim Tabachnik, *Report on citizenship law Azerbaijan*, January 2019, p 7.

<sup>176</sup> Immigration and Refugee Board of Canada, *Azerbaijan: Requirements and procedures for individuals born in the country in the late 1970s to obtain citizenship, if they departed the country in the early 1990s (2015-November 2016)*, 25 November 2016; VIND Burgerzaken, *Azerbaijan nationality*; The Citizenship Act of the Republic of Azerbaijan, 2 July 2014; Legal Acts, *On citizenship of the Republic of Azerbaijan*, 1 February 2019; Trend, *Azerbaijan's State Migration Service changes procedure for providing services to foreign nationals*, 28 April 2020; ASAN Services, *Receiving and responding of surveys regarding the determination of a person's affiliation to the citizenship of the Republic of Azerbaijan*, <https://asan.gov.az/en/service/asan-xidmetler/miqrasiya-xidmetleri/seksin-azerbaycan-respublikasinin-vetendasligina-mensubiyvetinin-mueeyyenlesdirilmesi-ile-bagli-sorgularin-qebulu-ve-cavablandirilmasi>, consulted on 24 June 2020.

<sup>177</sup> APA, *Azerbaijan to change rules on renouncing and obtaining citizenship*, 21 May 2014; VIND Civil Affairs, *Azerbaijan nationality*; Maxim Tabachnik, *Report on citizenship law: Azerbaijan*, January 2019, p 7.

<sup>178</sup> Act of 1 February 2019, number 1468-VQD, came into effect on 14 March 2019; Legal Acts, *On citizenship of the Republic of Azerbaijan*, 1 February 2019.

required to notify the competent authority thereof in writing within one month.<sup>179</sup> For further information, the reader is referred to section 4.5 of the official report of July 2011.

#### 2.2.4 *Obtaining citizenship*

Article 11 of the Citizenship Act lists the four provisions for obtaining citizenship. The first provision states that citizenship of the Republic of Azerbaijan can be obtained by operation of law by birth in the territory of the Republic of Azerbaijan,<sup>180</sup> or by birth from at least one parent with Azerbaijani citizenship.<sup>181</sup> While these provisions presume that birth in the territory of Azerbaijan is sufficient to obtain citizenship, the situation is more complicated in practice. Therefore, for the purpose of clarification, on 30 May 2014 the phrase 'subject to the provisions of the first and second parts of Article 12 of this Act' was added by law after the phrase 'by birth in the territory of the Republic of Azerbaijan'.<sup>182</sup> For more information, the reader is referred to section 4.1 of the general country of origin information report of July 2011.

#### 2.2.5 *Children of foreign nationals and stateless persons*

Article 12 of the Citizenship Act stipulates that if a child is born of stateless parents who are permanently resident in the Republic of Azerbaijan, that child will automatically acquire Azerbaijan citizenship. This law was extended with two provisions by law on 30 May 2014. The first provision states that a child born in the territory of the Republic of Azerbaijan, both of whose parents are foreign nationals, is not a citizen of the Republic of Azerbaijan. The second provision states that a child born in the territory of Azerbaijan, one of whose parents is a foreign national while the other parent is stateless, is not a citizen of the Republic of Azerbaijan.<sup>183</sup>

For more information, see section 4.1.1 of the general country of origin information report of July 2011.

<sup>179</sup> Today.az, *Hiding second citizenship becomes criminal act in Azerbaijan*, 31 May 2014; Trend, *Azerbaijan introduces criminal liability on second citizenship concealment*, 30 May 2014; SMS, *To the attention of citizens of the Republic of Azerbaijan, who have adopted citizenship of a foreign state since 1 July 2014*, <https://migration.gov.az/citizenship/citizenship3>, consulted on 24 June 2020; Azadliq Radio, *New penalties are proposed for nationals of Azerbaijan attaining new citizenship*, 22 April 2015; VIND Burgerzaken, *Azerbaijan nationality*; Maxim Tabachnik, *Report on citizenship law: Azerbaijan*, January 2019, p 11; Legal Acts, *On citizenship of the Republic of Azerbaijan*, 1 February 2019; APA, *Criminal responsibility of Azerbaijani citizen for not reporting of adoption of foreign state's citizenship abolished*, 14 April 2020; Trend, *Azerbaijani citizens free of criminal liability for not informing on adopting foreign citizenship*, 25 April 2020; Azer News, *Parliament makes changes to law on citizenship of Azerbaijan*, 1 May 2020; News.az, *Azerbaijan develops new law for citizens obtaining citizenship of another country*, 20 May 2020.

<sup>180</sup> This is the *ius soli* principle (fundamental right).

<sup>181</sup> This is the *ius sanguinis* principle (blood right, descent law).

<sup>182</sup> Immigration and Refugee Board of Canada, *Azerbaijan: Requirements and procedures for individuals born in the country in the late 1970s to obtain citizenship, if they departed the country in the early 1990s*, 25 November 2016; VIND Burgerzaken, *Azerbaijan nationality*; Maxim Tabachnik, *Report on citizenship law: Azerbaijan*, January 2019, p 7; Legal Acts, *On citizenship of the Republic of Azerbaijan*, 1 February 2019.

<sup>183</sup> APA, *Azerbaijan to change rules on renouncing and obtaining citizenship*, 21 May 2014; Immigration and Refugee Board of Canada, *Azerbaijan: Requirements and procedures for individuals born in the country in the late 1970s to obtain citizenship, if they departed the country in the early 1990s*, 25 November 2016; Turan, *ECHR to consider complaints about refusal to grant Azerbaijani citizenship*, 14 May 2018; VIND Burgerzaken, *Azerbaijan nationality*; Maxim Tabachnik, *Report on citizenship law: Azerbaijan*, January 2019, p 9; Legal Acts, *On citizenship of the Republic of Azerbaijan*, 1 February 2019.

### 2.2.6 *Accession through naturalisation*

Article 14 of the Citizenship Act relates to naturalisation. By law on 24 June 2016, the phrase 'or refugee status' was added to the second provision of Article 14.<sup>184</sup> Furthermore, the phrase '(except in the case referred to in the fourth provision of this article)' was added by law to this provision on 1 February 2018. The second provision of Article 14 now states that the period of permanent residence on Azerbaijani territory of a foreign national or stateless person is counted from the date on which the person was granted a permanent residence permit or refugee status (except in the fourth provision of this Article). A new fourth provision has also been added to Article 14, as a result of which the fourth through ninth provisions have become the fifth through tenth provisions. This new provision requires a court to determine the statelessness of a person who came to the Republic of Azerbaijan before 1 January 2006 with a passport or other document of a citizen of the former Soviet Union and who has lived there permanently, who does not have citizenship of a foreign country and who does not have reliable documents proving the identity of this person and the fact that this person has permanent residence in the Republic of Azerbaijan. This provision does not apply to persons who have voluntarily renounced their citizenship.<sup>185</sup> On 31 May 2017, a reference to the Act on Document Duty of the Republic of Azerbaijan was added by law to the ninth provision of Article 14.<sup>186</sup>

The 2009 census revealed that there were 3,585 stateless persons in Azerbaijan.<sup>187</sup> Since 2016, the SMS has been running a campaign to offer stateless persons the opportunity to naturalise. The SMS also used mobile offices at which stateless persons could submit their naturalisation applications.<sup>188</sup> Up to October 2019, 1,619 stateless persons were naturalised.<sup>189</sup> On 27 February 2020, 343 persons, including 86 stateless persons, were granted Azerbaijani citizenship by Presidential Decree.<sup>190</sup>

For more information, see section 4.1.2.1 of the general country of origin information report of July 2011.

### 2.2.7 *Accession through restoration*

Article 15 of the Citizenship Act deals with the restoration of Azerbaijani citizenship of persons who have been citizens of Azerbaijan and whose citizenship has expired. By law on 30 May 2014, in the first provision of Article 15, the reference to the second provision of Article 14 was replaced by a reference to the seventh provision

<sup>184</sup> Act of 24 June 2016, number 302-VQD, came into effect on 5 August 2016; APA, *Azerbaijani President approves amendment to law "on citizenship of the Republic of Azerbaijan"*, 4 August 2016; VIND Burgerzaken, *Azerbaijan nationality*; Legal Acts, *On citizenship of the Republic of Azerbaijan*, 1 February 2019.

<sup>185</sup> Act of 1 February 2018, number 980-VQD, came into effect on 3 March 2018; Azerbaijan 24, *Azerbaijani parliament approves amendment to law on citizenship*, 1 February 2018; Maxim Tabachnik, *Report on citizenship law: Azerbaijan*, January 2019, p 10; Legal Acts, *On citizenship of the Republic of Azerbaijan*, 1 February 2019; Azer News, *What are conditions for granting Azerbaijani citizenship?*, 14 February 2019.

<sup>186</sup> Act of 31 May 2017, number 705-VQD, came into effect on 30 June 2017; Legal Acts, *On citizenship of the Republic of Azerbaijan*, 1 February 2019.

<sup>187</sup> OSCE/ODIHR, *Republic of Azerbaijan: Early presidential election, 11 April 2018. ODIHR election observation mission. Final report*, 18 July 2018, p 9; UNHCR, *Factsheet Azerbaijan*, 1 December 2019, p 1; USDoS, *Azerbaijan 2019 human rights report*, 11 March 2020, p 27.

<sup>188</sup> SMS, *A conference dedicated to the eradication of statelessness held in Khachmaz*, 27 March 2018; SMS, *Next mobile service organized in Zagatala*, 29 October 2019; SMS, *Mobile service organized in Zagatala district*, 30 January 2020; SMS, *State Migration Service organized mobile service in Gobustan*, 30 January 2020.

<sup>189</sup> UNHCR, *Statement by the representative of the Republic of Azerbaijan, Director-General of the Directorate-General on Citizenship Affairs of the State Migration Service of the Republic of Azerbaijan Mr. Rza Talibov in seventieth session of the Executive Committee of the High Commissioner's Programme*, 8 October 2019, p 2; SMS, *Delegation of the State Migration Service attends the 70th session of the UNHCR Executive Committee*, 9 October 2019; UNHCR, *Factsheet Azerbaijan*, 1 December 2019, p 2.

<sup>190</sup> SMS, *Oath ceremony of persons who acquired citizenship of Azerbaijan*, 6 March 2020; UNHCR, *Factsheet Azerbaijan*, 1 April 2020, p 2.

of Article 14.<sup>191</sup> Subsequently, by law on 1 October 2018<sup>192</sup> in the first provision of Article 15 the reference to the seventh provision of Article 14 was replaced by a reference to the eighth provision of Article 14. By law on 31 May 2017, a reference to the Act on Document Duty was added to the second provision of Article 15. A new third provision was added to Article 15 by law on 30 September 2015. This third provision states that the decision to restore citizenship of the Republic of Azerbaijan is made in accordance with Article 109, paragraph 20 of the Constitution.<sup>193</sup>

Anyone wishing to have their Azerbaijani citizenship restored must apply for this by means of an application form addressed to the President. Along with this application form, the applicant must provide four passport photographs (3x4 cm), a copy of an identity document, proof that the document duty was paid (110 AZN), a certificate stating that the applicant has undergone an AIDS test and a health certificate. If the applicant is found to have an infectious disease, Azerbaijani citizenship will not be restored. This certificate and the health certificate are not required if the applicant has not left Azerbaijan in the meantime. The same applies to stateless persons who live in Azerbaijan and apply for Azerbaijani citizenship.<sup>194</sup>

For more information, see section 5.1.2 of the general country of origin information report of July 2011.

#### 2.2.8 *Swearing an oath*

Article 15-1 of the Citizenship Act contains the oath to be taken by a person who has been granted citizenship of the Republic of Azerbaijan or whose citizenship has been restored and who has reached the age of fourteen. This article was added by law on 30 December 2014.<sup>195</sup>

#### 2.2.9 *Termination of citizenship*

Article 16 of the Citizenship Act deals with the grounds for terminating citizenship of the Republic of Azerbaijan. By law on 30 September 2015, the second provision of Article 16, which states that the decision concerning loss of citizenship of the Republic of Azerbaijan is made in accordance with Article 109, paragraph 20 of the Constitution, ceases to apply.<sup>196</sup> For more information, see section 4.2 of the general country of origin information report of July 2011.

#### 2.2.10 *Termination on request*

Article 17 of the Citizenship Act deals with termination on request. By law on 30 May 2014, in the third provision of Article 17, the phrase 'as a suspect in criminal proceedings' has been replaced by the phrase 'as a suspect in a criminal case'.<sup>197</sup> By

<sup>191</sup> ILO, *Law No. 973-IVQD of 30 May 2014 to Amend the Law on citizenship of the Republic of Azerbaijan*; VIND Burgerzaken, *Azerbaijan nationality*.

<sup>192</sup> Act of 1 October 2018, number 1267-VQD, came into effect on 27 October 2018; Legal Acts, *On citizenship of the Republic of Azerbaijan*, 1 February 2019.

<sup>193</sup> Act of 30 September 2015, number 1340-IVQD, came into effect on 21 November 2015; Legal Acts, *On citizenship of the Republic of Azerbaijan*, 1 February 2019.

<sup>194</sup> Consulate General of the Republic of Azerbaijan in Los Angeles, *Restoration of the citizenship of the Republic of Azerbaijan*, <https://www.azconsulatela.org/Consular-and-Legal-Issues/Citizenship/V%C9%99t%C9%99nda%C5%9F%C4%B1%C4%9Fa-b%C9%99pa>, consulted on 24 June 2020; Confidential source, 17 April 2020; Confidential source, 22 June 2020.

<sup>195</sup> Act of 30 December 2014, number 1161-IVQD, came into effect on 5 February 2015; Report, *Azerbaijan parliament made amendments to the law "On citizenship"*, 30 December 2014; Legal Acts, *On citizenship of the Republic of Azerbaijan*, 1 February 2019; Maxim Tabachnik, *Report on citizenship law: Azerbaijan*, January 2019, p 10.

<sup>196</sup> Legal Acts, *On citizenship of the Republic of Azerbaijan*, 1 February 2019.

<sup>197</sup> VIND Burgerzaken, *Azerbaijan nationality*.

law on 31 May 2017, a reference to the Act on Document Duty was added to the fourth provision of Article 17. A fifth provision was added to Article 17 by law on 30 September 2015. This states that the decision to terminate citizenship of the Republic of Azerbaijan will be taken in accordance with Article 109, paragraph 20 of the Constitution. This addition gives the President the final judgement on all citizenship issues.<sup>198</sup> For more information, see section 4.2.1 of the general country of origin information report of July 2011.

#### 2.2.11 *Involuntary loss*

Article 18 of the Citizenship Act deals with the involuntary loss of Azerbaijani citizenship. On 30 May 2014, a number of new grounds were added by law to Article 18, including the situation in which a citizen behaves in a manner that harms state security.<sup>199</sup> By law on 4 December 2015<sup>200</sup> sections 3-1 and 3-2 were added to the first provision of Article 18. Section 3-1 refers to the involvement of a citizen of the Republic of Azerbaijan in acts of terrorism or activity aimed at violently altering the constitutional order of the Republic of Azerbaijan. Section 3-2 deals with the participation of a citizen of the Republic of Azerbaijan in extremist religious activities, or the propagation of religious sects based on religious hostility, or participation in an armed conflict abroad on the pretext of disseminating religious acts, or involving another person in the conflict, or forming a permanent group for this purpose or participating in military training abroad under the guise of religious education.<sup>201</sup> By law on 30 September 2015, the phrase 'by a court' was added to the second provision of Article 18. This provision states that the issue of loss of citizenship of the Republic of Azerbaijan will be resolved by a court, taking into account the limitations specified in the second and third provisions of Article 17 of this Act. It can be concluded from this provision that Azerbaijani citizenship is not lost by operation of law and only by the occurrence of the facts referred to in the third provision, but that the actual loss only occurs after the Azerbaijani authorities have become aware of those circumstances and confirmed the loss.<sup>202</sup> For more information, see section 4.2.2 of the general country of origin information report of July 2011.

#### 2.2.12 *Provisions in the Constitution*

In addition to the Citizenship Act, certain provisions in the Constitution apply to the determination of citizenship in Azerbaijan, particularly Articles 52, 53 and 109, paragraphs 20 and 32. The Constitution was adopted by referendum on 12 November 1995 and came into effect on 27 November 1995.<sup>203</sup> The first paragraph of Article 53 was amended by referendum on 26 September 2016. Paragraph 1 states that a citizen of the Republic of Azerbaijan should not be deprived of

<sup>198</sup> Maxim Tabachnik, *Report on citizenship law: Azerbaijan*, January 2019, p 12; Legal Acts, *On citizenship of the Republic of Azerbaijan*, 1 February 2019.

<sup>199</sup> APA, *Azerbaijan to change rules on renouncing and obtaining citizenship*, 21 May 2014; Today.az, *Hiding second citizenship becomes criminal action in Azerbaijan*, 31 May 2014; Dominika Bychawska-Siniarska, *An alarming situation in Azerbaijan*, New Eastern Europe, 7 August 2014.

<sup>200</sup> Act of 4 December 2015, number 28-VQD, came into effect on 6 December 2015; Legal Acts, *On citizenship of the Republic of Azerbaijan*, 1 February 2019.

<sup>201</sup> Report, *Milli Majlis adopted bill on terrorists' removal from Azerbaijani citizenship*, 4 December 2015; Trend, *Azerbaijanis engaged in terrorist activity to lose citizenship*, 4 December 2015; VIND Burgerzaken, *Azerbaijan nationality*; Maxim Tabachnik, *Report on citizenship law: Azerbaijan*, January 2019, p 11.

<sup>202</sup> SMS, *Grounds for loss of citizenship of the Republic of Azerbaijan*, <https://migration.gov.az/citizenship/citizenship1>, consulted on 24 June 2020; VIND Burgerzaken, *Azerbaijan nationality*; Maxim Tabachnik, *Report on citizenship law: Azerbaijan*, January 2019, p 10; Legal Acts, *On citizenship of the Republic of Azerbaijan*, 1 February 2019.

<sup>203</sup> VIND Burgerzaken, *Azerbaijan nationality*; Ministry of Foreign Affairs, *Thematic official report Citizenship and Foreign nationals Law in Azerbaijan*, July 2011, p 10.

citizenship of the Republic of Azerbaijan, except if he loses his citizenship in those cases provided for by law.<sup>204</sup> This amendment to the Constitution allows for the loss of citizenship – for example because of participation in an illegal terrorist group such as Islamic State.<sup>205</sup>

<sup>204</sup> European Commission for Democracy through Law (Venice Commission), *Azerbaijan, modifications to the constitution, submitted to the referendum of 26 September 2016, unofficial translation*, 19 September 2016, p 5; Maxim Tabachnik, *Report on citizenship law: Azerbaijan*, January 2019, p 8.

<sup>205</sup> Maxim Tabachnik, *Report on citizenship law: Azerbaijan*, January 2019, p 12; Confidential source, 24 February 2020.

## 3 Human rights

This chapter focuses on the human rights situation in Azerbaijan since the previous general country of origin information report was issued on 25 November 2013.

### 3.1 Position of specific groups

#### 3.1.1 Ethnic groups

According to the 2009 census, less than nine percent of the population belongs to an ethnic minority.<sup>206</sup> A new census was held in October 2019. The SSC announced that the census results will be published in July 2022.<sup>207</sup> The Constitution recognises the right to preserve one's own ethnic identity, including prohibiting the forced change of ethnicity, as well as the right to education in your own language.<sup>208</sup> According to various sources, apart from ethnic Armenians, there is generally no discrimination against ethnic minorities in Azerbaijan.<sup>209</sup>

#### *Lezgins*

Lezgins are the largest ethnic minority in Azerbaijan. They mainly live in the north-eastern regions of Qusar, Quba and Khaçmaz, on the border with Dagestan.<sup>210</sup> Lezgins are predominantly Sunni Muslims. During the reporting period, Lezgins were instructed in the Lezgian language and culture at school.<sup>211</sup> Their textbooks came from Russia.<sup>212</sup>

From the late 1980s, Salafist ideas began to spread in Azerbaijan. This was particularly the case in Baku, in Sumqayıt and in the northern regions on the Dagestan border among Sunni minorities such as the Lezgins, the Avars and the Tsakhur. Groups of Salafists convened in the Abu Bakr Mosque and the Lezgian Mosque in Baku until its closure (see section 3.2.2). The exact number of Salafists in Azerbaijan is unknown. Estimates range from 50,000 to 100,000.<sup>213</sup>

<sup>206</sup> During the 2009 census, participants were able to enter their ethnicity in a box on a form. The result was that 91.6% of the population regard themselves as Azeri. This showed that less than ten percent of the population belonged to an ethnic minority. In order of percentages, these were Lezgins (2.0%), Armenians (1.3%), Russians (1.3%), Talysh (1.3%) and other ethnicities (2.4%); SCSSC, SSC, *Population of Azerbaijan*, 2019, p 21.

<sup>207</sup> Turan, *The census of the population of Azerbaijan will be held in October*, 22 February 2019; Azer News, *Population census to be held soon*, 3 July 2019; JAM News, *Azerbaijanis left out by 'official' census speak out on social media*, 14 October 2019; SSC, *Population census data of the State Statistical Committee*, 16 October 2019.

<sup>208</sup> The Constitution of the Republic of Azerbaijan, art 44 and 45, 26 September 2016.

<sup>209</sup> Bertelsmann Stiftung, *2020 country report Azerbaijan*, 29 April 2020, p 15; Confidential source, 24 February 2020; Confidential source, 25 February 2020; Confidential source, 25 February 2020; Confidential source, 27 February 2020.

<sup>210</sup> MRGI, *World directory of minorities and indigenous peoples*, March 2018; OC Media, *Lezgins - a prominent ethnic group in Azerbaijan*, 5 April 2017; Confidential source, 26 February 2020.

<sup>211</sup> UNPO, *Member profile. Lezghin. Federal Lezghin national and cultural autonomy*, October 2017; Zaur Gasimov, *Historical dictionary of Azerbaijan*, 2018, p 146; Confidential source, 27 February 2020.

<sup>212</sup> OC Media, *Lezgins - a prominent ethnic group in Azerbaijan*, 5 April 2017; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 38.

<sup>213</sup> Arif Yunusov, *The Islamic factor in Azerbaijan*, Adiloglu, 2013, p 83-85 and 106; Eurasianet, *Azerbaijan: Baku wrestles with a Syria-Salafi connection*, 29 January 2014; Eurasianet, *Azerbaijan: Time to address the potential Salafi danger*, 31 October 2014. Altay Goyushov and Kanan Rovshanoglu, *A brief history of Salafism in Azerbaijan*, 20 June 2018.

In the early 1990s,<sup>214</sup> under the leadership of Nazim Gadzhiev, who was killed in Dagestan in March 2016, the Sadval movement argued for secession, but there was no active Lezgian secession movement in Azerbaijan during the reporting period.<sup>215</sup>

### *Talysh*

Talysh mainly live in the southern regions of Lankaran, Astara, Masalli, Lerik and Bilasuvar. They are predominantly Shia Muslims. During the reporting period, school-going Talysh were instructed for one hour a week on their language and culture in Lankaran and Masalli. In 2005/2006, the Azerbaijan Ministry of Education compiled textbooks for the second and third grades.<sup>216</sup>

On 21 June 2012, the police arrested Hilal Mammadov. He was the publisher of the only Talysh-language newspaper.<sup>217</sup> In 2013, a court sentenced him to five years' imprisonment for high treason, arousing ethnic hatred and the possession of illegal drugs. He was released as part of the *Novruz*<sup>218</sup> pardon of March 2016.<sup>219</sup>

On 7 December 2019 he founded the *Talysh Public Council of Azerbaijan* (TPCA) in Baku with several other representatives of the Talysh community. This organisation focused, among other things, on preserving its own language and culture.<sup>220</sup>

On 21 June 1993, Colonel Alikram Humbatov proclaimed the Talysh-Muğan Autonomous Republic in southern Azerbaijan.<sup>221</sup> The historian Fahraddin Abbasov put himself forward as the Speaker of Parliament of this republic, which barely got off the ground. On 24 August 1993, the Azerbaijani army put an end to the republic. In 1995, Abbasov left for Russia where he was issued a residence permit in 2014.<sup>222</sup> On 28 February 2019, the Russian authorities deported him to Azerbaijan, allegedly because his residence permit had expired. Immediately upon arrival at Baku airport, the Azerbaijani authorities arrested him.<sup>223</sup> On 14 February 2020, a court sentenced him to sixteen years' imprisonment – among other things for treason.<sup>224</sup> As far as is

<sup>214</sup> The Sadval movement was founded in Dagestan in the early 1990s. This movement sought to unify all Lezgins on both sides of the Azerbaijan-Russia border; Eurasia Daily Monitor, *Lezgin leader assassinated in Dagestan*, 31 March 2016; Zaur Gasimov, *Historical dictionary of Azerbaijan*, 2018, p 202.

<sup>215</sup> Bertelsmann Stiftung, *2018 country report Azerbaijan*, 2018, p 35; Zaur Gasimov, *Historical dictionary of Azerbaijan*, 2018, p 146 and 202; Eurasia Daily Monitor, *Lezgin leader assassinated in Dagestan*, 31 March 2016.

<sup>216</sup> Meydan TV, *The Talysh people demand cultural autonomy in Azerbaijan*, 18 April 2017; Zaur Gasimov, *Historical dictionary of Azerbaijan*, 2018, p 219-220; USDoS, *Azerbaijan 2018 Human Rights Report*, 13 March 2019, p 35; Turan, *OSTA proposed measures for the development of the Talysh language*, 22 February 2020; Confidential source, 27 February 2020.

<sup>217</sup> The name of this newspaper is *Tolişi Sado*, which literally means: The voice of the Talysh; RFE/RL, *Why did Azerbaijani authorities arrest Talysh activist?*, 2 July 2012; ECRI, *ECRI report on Azerbaijan (fifth monitoring cycle)*, 7 June 2016, p 19; Meydan TV, *No free speech for ethnic minority*, 3 August 2018.

<sup>218</sup> Novruz is a holiday period in Azerbaijan that starts on 20 or 21 March. During Novruz, the inhabitants celebrate the start of the astronomical new year and the arrival of spring; Azertac, *Azerbaijan celebrates Novruz holiday*, 19 March 2019; Caucasian Knot, *Azerbaijan celebrates Novruz amid restrictions*, 20 March 2020.

<sup>219</sup> USDoS, *Azerbaijan 2016 Human Rights Report*, 3 March 2017, p. 11; Meydan TV, *The Talysh people demand cultural autonomy in Azerbaijan*, 18 April 2017.

<sup>220</sup> This association is also known by the abbreviations *OSTA* and *ATIS*; Turan, *Talysh Public Council of Azerbaijan (TPCA) created*, 10 December 2019; Turan, *Talysh Council's governing bodies formed*, 3 February 2020; Turan, *Talysh Public Council criticizes election results*, 11 February 2020; Turan, *OSTA proposed measures for the development of the Talysh language*, 22 February 2020; Turan, *Talysh council regrets lack of reaction of authorities to proposals for development of Talysh language*, 24 April 2020; Turan, *Political Prisoners Monitoring Center and Talysh Public Council condemn police violence against citizens*, 9 June 2020; Confidential source, 27 February 2020.

<sup>221</sup> Trend, *European Court takes decision concerning Azerbaijan*, 29 November 2007; Turan, *Alikram Humbatov's statement is widespread in Armenia*, 3 March 2019.

<sup>222</sup> Eurasia Daily Monitor, *Talysh issue, dormant in Azerbaijan, reopened in Armenia*, 27 May 2005; Meydan TV, *Chairman of separatist movement to be extradited to Azerbaijan*, 11 September 2018; Turan, *Talysh separatist Fakhraddin Abbasov disappeared in Moscow*, 1 March 2019.

<sup>223</sup> RFE/RL, *Ethnic Talysh activist arrested in Baku after being deported from Russia*, 1 March 2019; JAM News, *Russia extradites Talysh rights activist to Baku*, 2 March 2019; Eurasia Daily Monitor, *Moscow signals a not-so-subtle tilt toward Baku*, 14 March 2019; AI, *Annual report 2019, Azerbaijan*, 16 April 2020.

<sup>224</sup> Turan, *Separatist sentenced to 16 years in prison*, 14 February 2020; Caucasian Knot, *Rights defenders criticize sentence to Talysh activist Abbasov*, 18 February 2020.

known, during the reporting period there were no further problems due to a call for secession in the Talysh community in Azerbaijan.<sup>225</sup>

### *Armenians*

It is unknown how many ethnic Armenians actually live in Azerbaijan. The authorities sometimes claimed that 30,000 ethnic Armenians purportedly lived in Baku, but it is not clear what that number is based on.<sup>226</sup>

Ethnic Armenians hide their Armenian ethnicity as much as possible in Azerbaijan because they are discriminated against as soon as their ethnic background becomes known.<sup>227</sup> Ethnic Armenians are not recognisable as such in Azerbaijani society, if only because their names have been 'Azerbaijanised'.<sup>228</sup>

There is generally a negative and sometimes even hate-filled view of everything to do with Armenia in the Azerbaijani media and among politicians and large parts of the population.<sup>229</sup> This became evident, for example, when the Europa League final was held in Baku on 29 May 2019. One of Arsenal's players, Henrikh Mkhitaryan, did not consider it safe to travel to Azerbaijan because of his Armenian ancestry.<sup>230</sup> Furthermore, the authorities often checked persons with Armenian-sounding names at the border posts, and people were sometimes denied access to Azerbaijan.<sup>231</sup>

### 3.1.2

#### *Conscientious objectors and deserters*

Conscientious objection and desertion, as well as other crimes against the army of Azerbaijan, are criminal offences.<sup>232</sup> Conscientious objectors can face criminal prosecution, but not in all cases.<sup>233</sup> During the reporting period, a number of cases were reported of Jehovah's Witnesses who were fined or sentenced to prison terms for their conscientious objection. For example, on 6 July 2018, Jehovah's Witness Emil Mehdiyev was sentenced to a suspended prison sentence of one year and one year of probation by the Barda District Court for evading military service. The conditions included a weekly reporting obligation and travel restrictions. The Supreme Court upheld the sentence on appeal on 10 April 2019.<sup>234</sup> On 6 September

<sup>225</sup> Confidential source, 24 February 2020; Confidential source, 25 February 2020.

<sup>226</sup> CoE, Advisory Committee on the Framework convention for the protection of national minorities, *Fourth opinion on Azerbaijan – adopted on 8 November 2017*, 8 November 2017, p 10; Eurasianet, *Arsenal's return to Azerbaijan raises concerns for Armenian player*, 18 May 2019; Embassy of the Republic of Azerbaijan to the United Kingdom of Great Britain and Northern Ireland, *Letter by Mr. Tahir Taghizade, Ambassador of the Republic of Azerbaijan in the UK to the editor of The Independent*, 29 May 2019; Diplomat Magazine, *Azerbaijan is a model of multiculturalism and tolerance*, 5 April 2020; Confidential source, 28 February 2020.

<sup>227</sup> ECRI, *ECRI report on Azerbaijan (fifth monitoring cycle)*, 7 June 2016, p 17; Confidential source, 27 February 2020; Confidential source, 24 February 2020.

<sup>228</sup> Meydan TV, *Enemies in love*, 11 July 2016; Confidential source, 25 February 2020.

<sup>229</sup> ECRI, *ECRI report on Azerbaijan (fifth monitoring cycle)*, 7 June 2016, p 16; Turan, *Armenian, Azerbaijani journalists make landmark exchange*, 28 November 2019; Confidential source, 24 February 2020.

<sup>230</sup> The Guardian, *Arsenal urge UEFA to guarantee Henrikh Mkhitaryan's safety for Baku final*, 10 May 2019; RFE/RL, *Azerbaijan indicates Armenian soccer star will be allowed in for Europa League Final*, 11 May 2019; Eurasianet, *Arsenal's return to Azerbaijan raises concerns for Armenian player*, 18 May 2019; The Economist, *The footballer caught up in Armenia's conflict with Azerbaijan*, 21 May 2019.

<sup>231</sup> UN Human Rights Committee, *Concluding observations on the fourth periodic report of Azerbaijan*, 16 November 2016, p 10; Eurasianet, *Russia complains to Azerbaijan about discrimination against Armenians*, 5 July 2017; JAM News, *Moscow accuses Azerbaijan of discriminating against Russian citizens who are ethnic Armenians*, 13 March 2019; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 38; Confidential source, 25 February 2020.

<sup>232</sup> See page 65 of the General Country of Origin Information Report for Azerbaijan of 23 May 2012 for the statutory punishment.

<sup>233</sup> Caucasian Knot, *Residents of Dagestan complain about Azerbaijan's demand to take army service there*, 17 May 2017; OC Media, *Former Azerbaijani citizens in Dagestan called for military service in Azerbaijan*, 18 May 2017; Caucasian Knot, *Azerbaijani lawyers state legal grounds for searching Dagestani conscripts*, 19 May 2017; Confidential source, 24 February 2020; Confidential source, 28 February 2020.

<sup>234</sup> Criminal Code, article 321.1; Forum 18, *Azerbaijan: Conscientious objector's criminal conviction – more to follow?*, 29 August 2018; USDoS, *Azerbaijan 2018 international religious freedom report*, 21 June 2019, p 8;

2018, Jehovah's Witness Vahid Abilov was also given a one-year suspended sentence by the Ağdam District Court on 6 September 2018. The Supreme Court upheld the sentence on appeal on 24 April 2019.<sup>235</sup> A number of Jehovah's Witnesses lodged a complaint with the European Court of Human Rights (ECHR). In a judgement of 17 October 2019, the ECHR ruled that there was a violation of Article 9 of the European Convention on Human Rights (freedom of thought, conscience and religion) and that Jehovah's Witnesses in Azerbaijan cannot be forced to perform military service.<sup>236</sup>

Article 76 (2) of the Constitution provides for alternative conscription that must be regulated by law. That was also one of the commitments made by Azerbaijan in 2001 when it joined the Council of Europe. However, no alternative military service law was passed during the reporting period, making alternative military service impossible in practice.<sup>237</sup>

Deserters can face criminal charges in the military.<sup>238</sup> According to a source, the military did not usually refer military personnel who deserted for the first time to the Attorney General, but internally sentenced deserters to five to ten days of detention at a military base.<sup>239</sup> Another source said that 66 people were prosecuted for desertion in 2019. According to this source, they were sentenced to prison terms of three to seven years. They had to spend this time in a military penal institution. They still had to do their military service after completing their sentence. According to the same source, it was possible for them to avoid prosecution by paying bribes.<sup>240</sup>

There are no known cases of criminal prosecution for reasons of conscientious objection or desertion involving disproportionate or discriminatory punishment or execution of the sentence because of race, religion, nationality, membership of a particular social group or political conviction.<sup>241</sup>

### *Conscripts*

Military conscription applies to all male citizens of Azerbaijan between the ages of eighteen and 35 who are fit for military service.<sup>242</sup> This also applies to men who

European Association of Jehovah's Witnesses, *Azerbaijan. Religious freedom issues. OSCE Human Dimension Implementation Meeting, Warsaw, 16-27 September 2019*, 2019, p 9; Forum 18, *Azerbaijan: Supreme Court rejects conscientious objectors' appeals*, 1 May 2019.

<sup>235</sup> Jehovah's Witnesses, *Azerbaijan convicts one of our brothers for refusing to participate in military service*, 24 August 2018; Forum 18, *Azerbaijan: Second 2018 conscientious objector conviction*, 18 September 2018; Forum 18, *Azerbaijan: Supreme Court rejects conscientious objectors' appeals*, 1 May 2019; Eurasia Review, *Azerbaijan: supreme court rejects conscientious objectors' appeals*, 2 May 2019; USDoS, *Azerbaijan 2018 international religious freedom report*, 21 June 2019, p 8; European Association of Jehovah's Witnesses, *Azerbaijan. Religious freedom issues. OSCE Human Dimension Implementation Meeting, Warsaw, 16-27 September 2019*, 2019, p. 8.

<sup>236</sup> ECHR, *Lack of civilian service as an alternative to military service precluded recognition of conscientious objection, in breach of the Convention*, 17 October 2019.

<sup>237</sup> Immigration and Refugee Board of Canada, *Azerbaijan: compulsory military service, including requirements and exemptions; penalties for evasion or desertion (2011-May 2016)*, 2 June 2016; EBCO, *Conscientious objection to military service*, May 2019, p 7; ECRI, *ECRI conclusions on the implementation of the recommendations in respect of Azerbaijan subject to interim follow-up*, 6 June 2019; ECHR, *Lack of civilian service as an alternative to military service precluded recognition of conscientious objection, in breach of the Convention*, 17 October 2019; Forum 18, *Will regime implement alternative service commitment?*, 28 April 2020.

<sup>238</sup> Confidential source, 25 February 2020; Confidential source, 27 February 2020.

<sup>239</sup> Confidential source, 26 February 2020.

<sup>240</sup> Confidential source, 24 February 2020.

<sup>241</sup> Confidential source, 24 February 2020; Confidential source, 27 February 2020; Confidential source, 28 February 2020.

<sup>242</sup> Immigration and Refugee Board of Canada, *Azerbaijan: compulsory military service, including requirements and exemptions; penalties for evasion or desertion (2011-May 2016)*, 2 June 2016; USDoS, *Azerbaijan 2018 Human Rights Report*, 13 March 2019, p 29; Permanent Mission of the Republic of Azerbaijan to the OSCE, *Azerbaijan*,

reside outside Azerbaijan.<sup>243</sup> According to Article 18 of the Military Service Act, men who have reached the age of 35 can no longer be called up.<sup>244</sup> There is no conscription for women. Under Article 3.4 of this Act, women between the ages of nineteen and forty may serve in the army on a professional basis.<sup>245</sup>

Between January and March, all boys in Azerbaijan who reach the age of 15 in that year must register at one of the district offices of the *State Service for Mobilization and Conscription* (SSMC). The amendment to the Military Service Act of 12 October 2018 reduced this age from sixteen to fifteen.<sup>246</sup> The initial registration generally takes place when the boys are in ninth grade.<sup>247</sup> The boys are expected to appear of their own accord, although the schools often take the boys to the SSMC. After issuing a registration card, an initial medical examination is conducted at the SSMC.<sup>248</sup>

Every season, the President issues a decree detailing which cohort of conscripts will be called up during a one-month round. The national television channels and newspapers further announce this decree.<sup>249</sup> At the same time, those who have completed their military service are discharged from service and designated as reservists. The four call-up rounds are held in January, April, July and October.<sup>250</sup>

When they reach the age of eighteen, boys who are medically approved receive an individual call-up for military service from the SSMC district office.<sup>251</sup> A conscript may be currently outside Azerbaijan and therefore fails to respond to the call-up. According to a source, the local authorities then often ask the family members about

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*information exchange on the OSCE code of conduct on politico-military aspects of security 2019*, 5 June 2019, p 26.

<sup>243</sup> Ministry of Foreign Affairs, *General Country of Origin Information Report*, 25 November 2013, p 38.

<sup>244</sup> In Azerbaijani: *Harbi vazifa ve harbi khidmet haqqında Azərbaycan respublikasının qanunu*. This Act, which consists of 54 articles, dates from 10 February 2012. This law was amended on 30 December 2014, 3 April 2015, 29 May 2015, 31 May 2016, 14 June 2016, 2 October 2017, 29 June 2018, 12 October 2018, 1 February 2019, 5 March 2019 and 3 May 2019, <http://www.e-qanun.az/framework/23021>, consulted on 24 June 2020; AzVision, *Azerbaijan makes amendments to law on military obligations and military service*, 30 December 2014; Report, *President signs decree on implementation of law on making amendments to law "on military obligations and military service"*, 4 May 2015; Immigration and Refugee Board of Canada, *Azerbaijan: compulsory military service, including requirements and exemptions; penalties for evasion or desertion (2011-May 2016)*, 2 June 2016; Eurasianet, *Aliyev's son starts military service*, 17 September 2018; Report, *Milli Majlis starts plenary meeting*, 12 February 2019.

<sup>245</sup> Azeri Daily, *Azerbaijani army of about a thousand women*, 12 August 2014; Report, *More than 300 women accepted into Azerbaijan armed forces*, 29 October 2014; APA, *Nearly 1,000 women performing military service in Azerbaijan*, 19 February 2015; Azer News, *Azerbaijani women snipers: fragile, but fearless*, 2 July 2015; Eurasianet, *Azerbaijan's model soldier: Pin-up, writer and fighter*, 22 January 2018.

<sup>246</sup> The Military Service Act, art 6, par 1, <http://www.e-qanun.az/framework/23021>, consulted on 24 June 2020; Confidential source, 24 February 2020.

<sup>247</sup> Confidential source, 24 February 2020; Confidential source, 27 February 2020.

<sup>248</sup> Confidential source, 24 February 2020; Confidential source, 27 February 2020.

<sup>249</sup> The Constitution of the Republic of Azerbaijan, article 109, paragraph 26; Permanent Mission of the Republic of Azerbaijan to the OSCE, *Azerbaijan, information exchange on the OSCE code of conduct on politico-military aspects of security 2019*, 5 June 2019, p 26; Confidential source, 28 February 2020.

<sup>250</sup> AzVision.az, *Azerbaijan starts next conscription*, 2 April 2018; Azertac, *Azerbaijani President signs order on conscription*, 26 November 2018; SSMC, *The President of Azerbaijan has signed a decree on calling to active military service*, 3 June 2019; AzVision.az, *Azerbaijani President signs order on conscription*, 4 June 2019; Report, *July conscription for military service ended in Azerbaijan*, 31 July 2019; News.az, *Azerbaijani President signs order on conscription*, 27 November 2019; SSMC, *The conscripts of active military service were informed about their service locations*, 24 December 2019; SSMC, *The meeting was held in Ujar with the young men who were transferred from the ranks of the Azerbaijani Armed Forces to the reserve*, 18 January 2020; Defence.az, *Discharge of servicemen from active military service began*, 20 April 2020; APA, *Conscription starts in Azerbaijan from today*, 1 May 2020.

<sup>251</sup> Confidential source, 24 February 2020; Confidential source, 28 February 2020.

the conscript during subsequent recruitment rounds and the conscript is given the opportunity to report to the authorities before criminal proceedings are opened.<sup>252</sup>

When the conscript responds to the call-up and he appears at the SSMC district office, a medical examination is performed.<sup>253</sup> When the SSMC has approved a conscript, the conscript must exchange his national identity card (and, where applicable, his passport and driving licence) at the SSMC for a military identity card. This prevents the conscript from leaving Azerbaijan legally without the permission of the military authorities.<sup>254</sup>

Conscription lasts for eighteen months (Army and Air Force) or 24 months (Navy), except for university graduates. A period of twelve months applies to persons with a university diploma.<sup>255</sup> The time that a soldier spends in a criminal battalion does not count as a period of active military service.<sup>256</sup>

Reservists up to the age of fifty can be called up to serve in the military in the event of war.<sup>257</sup> During the reporting period, no reservists were called up for retraining exercises or for deployment in a conflict situation.<sup>258</sup>

#### *Deferral*

According to Article 18 of the Military Service Act a temporary deferral of military service can be granted. According to Article 22 of the Military Service Act, conscripts are temporarily not available for call-up when they are imprisoned.<sup>259</sup> During the reporting period, authorities put pressure on activists by calling them up for military service despite an earlier deferral that was granted on medical grounds.<sup>260</sup>

#### *Exemption*

According to Article 23.1 of the Military Service Act, citizens with a doctoral degree are exempt from active military service in peacetime. According to Article 23.2, conscripts who are not fit for active military service in peacetime due to a medical condition and are less suitable for service in wartime or are unsuitable for military service in both peacetime and wartime are also exempt. In that case, after the medical examination by the SSMC, these people receive their military booklet in which this is registered.<sup>261</sup> They do not have to hand in their national identity card, passport and/or driving licence in exchange for the military booklet. According to

<sup>252</sup> Confidential source, 24 February 2020.

<sup>253</sup> Ministry of Foreign Affairs, *General Country of Origin Information Report*, 23 May 2012, p 62.

<sup>254</sup> ASAN service, *Issuance and renewal of passport of citizen*; MPRMD, *The procedure for the issue of passports*; MPRMD, *35 -year-old men present military ticket*, 9 June 2017; Confidential source, 24 February 2020; Confidential source, 27 February 2020; Confidential source, 28 February 2020.

<sup>255</sup> Ministry of Foreign Affairs, *General Country of Origin Information Report*, 23 May 2012, p. 62; Eurasianet, *The poor are the first to fight in Nagorno-Karabakh*, 11 May 2016; Immigration and Refugee Board of Canada, *Azerbaijan: compulsory military service, including requirements and exemptions; penalties for evasion or desertion (2011-May 2016)*, 2 June 2016; Interior Ministry of the Republic of Azerbaijan, *Main Department of Internal Troops*, <https://m.mia.gov.az/?/en/content/28974/>, consulted on 24 June 2020; Confidential source, 26 February 2020; Confidential source, 28 February 2020.

<sup>256</sup> Military Service Act, art 38.1.1. <http://www.e-qanun.az/framework/23021>, consulted on 24 June 2020.

<sup>257</sup> Ministry of Foreign Affairs, *General Country of Origin Information Report*, 23 May 2012, p. 63.

<sup>258</sup> Confidential source, 27 February 2020; Confidential source, 28 February 2020.

<sup>259</sup> For the grounds for deferral, see page 62 of the General Country of Origin Information Report for Azerbaijan of 23 May 2012; Immigration and Refugee Board of Canada, *Azerbaijan: compulsory military service, including requirements and exemptions; penalties for evasion or desertion (2011-May 2016)*, 2 June 2016; Permanent Mission of the Republic of Azerbaijan to the OSCE, *Azerbaijan, information exchange on the OSCE code of conduct on politico-military aspects of security 2019*, 5 June 2019, p 27.

<sup>260</sup> Turan, *NIDA activist taken to army, despite deferral from service*, 26 October 2017; Meydan TV, *Opposition activist forced into military service*, 30 October 2017; AI, *Azeri activist conscripted despite ill-health*, 8 February 2018; Turan, *Ruslan Izzetli drafted into army*, 9 May 2020; OC Media, *Azerbaijani opposition leader ruled 'fit for army service' despite health problems*, 15 May 2020; Turan, *Ruslan Izzetli considers his conscription political order*, 22 May 2020.

<sup>261</sup> Confidential source, 24 February 2020; Confidential source, 28 February 2020.

Article 23.3, conscripts who have not served up to the age of 35 are also exempt. Furthermore, according to Article 23.4, conscripts who have been allocated alternative military service are exempt. However, alternative military service is not possible in practice. Finally, according to Article 23.5, citizens who have been naturalised and have already taken part in military service in the country of which they were previously a citizen are also exempt.<sup>262</sup>

#### *Commutation*

There is no official commutation scheme, but it is generally assumed that military service can be bought off or that a reprieve can be arranged on medical grounds by paying a sum of money. It is also believed that military personnel can pay bribes to acquire simpler jobs or placement in a military unit behind the front – for example in Baku.<sup>263</sup>

#### *Hazing*

Hazing rituals<sup>264</sup> during which conscripts sustained serious injuries or even died were reported in the military during the reporting period. In addition, there were a number of inexplicable deaths.<sup>265</sup> For example, Meydan TV reported on the death of nineteen-year-old Parviz Pashayev. According to the army, he drowned on 30 July 2016 after falling into a canal. His father did not accept this statement because of the marks on his body.<sup>266</sup> Furthermore, the *United States Department of State* reported on Hüseyn Qurbanov who, according to the military, committed suicide on 13 September 2018, but according to his family died during a hazing ritual.<sup>267</sup>

In 2016, 147 conscripts were killed, according to the *Caspian Defence Studies Institute* (CDSI). Of these, 109 died in a combat situation. In 2017, 59 conscripts died. At least 37 conscripts died in 2018. Of these, only six died in a combat situation. According to the CDSI, twenty conscripts died in the first half of 2019. Five of them died in a combat situation at the LoC.<sup>268</sup>

### 3.1.3 *Members of opposition parties and political activists*

Since February 2020, there have been 41 independent candidates in parliament. In practice, these candidates are closely connected to the government. In addition, eight small parties occupy ten seats.<sup>269</sup> Seven of these parties can be regarded as

<sup>262</sup> Permanent Mission of the Republic of Azerbaijan to the OSCE, *Azerbaijan, information exchange on the OSCE code of conduct on politico-military aspects of security 2019*, 5 June 2019, p 27-28; IPHR, *Freedom of religion and belief in Azerbaijan*, 2019, p 27.

<sup>263</sup> USDoS, *Azerbaijan 2018 Human Rights Report*, 13 March 2019; Confidential source, 28 February 2020.

<sup>264</sup> At the time of the Soviet Union, this was also known as *dedovtshina*; Ministry of Foreign Affairs, *General Country of Origin Information Report*, 25 November 2013, p 63.

<sup>265</sup> Caucasian Knot, *Sumerinli: Enlightenment can reduce non-combat losses in Azerbaijani army*, 15 April 2014; CAT, *Concluding observations on the fourth periodic report of Azerbaijan*, 27 January 2016, p 6; USDoS, *Azerbaijan 2015 Human Rights Report*, 13 April 2016, p 2-3 and 5; USDoS, *Azerbaijan 2016 Human Rights Report*, 3 March 2017, p 3; Caucasian Knot, *Soldier dies in Azerbaijan*, 22 September 2019.

<sup>266</sup> Meydan TV, *Non-combatant soldier deaths in Azerbaijan*, 12 October 2017.

<sup>267</sup> USDoS, *Azerbaijan 2018 Human Rights Report*, 13 March 2019, p 2.

<sup>268</sup> CDSI, *Loss of Azeri armed forces in 2016 totalled 147, Armenians lost 165*, 3 January 2017; JAM News, *Military casualties in 2016*, 11 January 2017; Meydan TV, *The father of a soldier: Fighting peacetime deaths in the military*, 16 April 2017; Meydan TV, *Why does the military draft still exist in countries of the former Soviet Union?*, 19 April 2017; OC Media, *Duty of an only son: to serve the motherland or continue the family name?*, 13 December 2017; Center for Defence of Political Prisoners, *Conditions in jails and the problem of political prisoners in Azerbaijan current situation and next steps*, December 2018, p 17; Caucasian Knot, *CDSI notes high non-combat losses in Azerbaijani Army*, 4 January 2019; Turan, *Azerbaijan lost 37 military men, Armenia lost 45 in 2018*, 4 January 2019; Caucasian Knot, *CDSI reports 20 perished Azerbaijani soldiers in 2019*, 23 July 2019.

<sup>269</sup> RFE/RL, *Ruling party declares victory in Azerbaijan's parliamentary elections*, 9 February 2020; Oxford Analytica, *Azerbaijan election brings rejuvenation without reform*, 10 February 2020; Bloomberg, *Azeri snap elections condemned by monitors for vote 'violations'*, 10 February 2020; RFE/RL, *Scores of opposition leaders, activists*

satellite parties of the NAP. Only one seat belongs to an opposition party: that of Erkin Qadirli of ReAl.<sup>270</sup> On 9 April 2018, the ReAl youth movement announced that it had transformed into a political party, but that it would not officially register as such.<sup>271</sup>

During the reporting period, members of opposition parties and political activists faced reprisals from the Azerbaijani authorities, such as harassment, physical violence, arrest, detention and criminal charges. These were often based on spurious arguments. For example, on 17 March 2014 the court in Şeki sentenced İlqar Mammadov of ReAl to seven years in prison.<sup>272</sup> The authorities accused him of organising the riots in Ismaili on 23 January 2013.<sup>273</sup> In a ruling of 22 May 2014, the ECHR found that there had been a violation of Article 18 of the European Convention on Human Rights (misuse of powers) and that the real purpose of his detention was to silence him and punish him for criticising the Government. On 4 December 2014, the Council of Europe unsuccessfully requested his immediate and unconditional release. In a judgement of 16 November 2017, the ECHR held that there was a violation of Article 6 of the European Convention on Human Rights (right to a fair trial).<sup>274</sup> Because Azerbaijan did not immediately follow up on the ECHR rulings and İlqar Mammadov remained in prison, he was unable to take part in the presidential elections of 11 April 2018.<sup>275</sup> It was only after an appeal decision by the court in Şeki that he was released on parole on 13 August 2018. He was also given a suspended two-year prison sentence and issued a duty to report and a travel ban.<sup>276</sup> The conditions were cancelled in a judgement by the Supreme Court in March 2019.<sup>277</sup> Because he did not have a clean criminal record at the time, he was unable to participate in the parliamentary elections of February 2020.<sup>278</sup> He was fully acquitted in a judgement handed down by the Supreme Court on 23 April 2020.<sup>279</sup>

In addition to members of ReAl, members of the opposition party Məsavat also faced arrests and convictions based on various allegations during the reporting period. For example, on 17 March 2014, the district court of Şeki sentenced Tofiq Yaqublu, the vice-president of Məsavat, to five years in prison. Like İlqar Mammadov, he was

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detained ahead of election protest in Baku, 16 February 2020; OC Media, *Azerbaijani police strand Baku protesters around the country*, 17 February 2020.

<sup>270</sup> Eurasianet, *In Azerbaijan, surprise elections yield usual results*, 10 February 2020; JAM News, *Azerbaijan confirms election results and dissatisfied candidates plan to complain to the ECHR*, 5 March 2020.

<sup>271</sup> RFE/RL, *Jailed Azerbaijani opposition leader's movement declares itself a party*, 9 April 2018; JAM News, *Republican Alternative Movement (ReAl) officially becomes a political party*, 10 April 2018; Sofie Bedford, *Azerbaijan's snap parliamentary election: One step forward two steps back*, 17 February 2020.

<sup>272</sup> USDoS, *Azerbaijan 2014 Human Rights Report*, 25 June 2015, p 12; Thomas de Waal, *Azerbaijan's inconvenient prisoner*, 1 February 2018; ECHR, *Proceedings under article 46 par. 4 in the case of İlqar Mammadov v. Azerbaijan*, 29 May 2019.

<sup>273</sup> Ministry of Foreign Affairs, *General Country of Origin Information Report*, 25 November 2013, p. 21-22.

<sup>274</sup> ECHR, *Serious shortcomings in the criminal proceedings against Azerbaijani opposition politician, İlqar Mammadov*, 16 November 2017.

<sup>275</sup> Sofie Bedford, *Azerbaijan's mysterious snap presidential election*, 12 April 2018; PACE, *Observation of the early presidential election in Azerbaijan (11 April 2018)*, 25 June 2018, p 2.

<sup>276</sup> RFE/RL, *Azerbaijani opposition leader Mammadov released from prison*, 13 August 2018; Freedom House, *Freedom in the world 2019, Azerbaijan*, 4 February 2019; European Interest, *İlqar Mammadov, the famous prisoner of Bakou*, 2 April 2019.

<sup>277</sup> ECHR, *Azerbaijan failed to comply with the European Court's 2014 judgement in the case of political activist İlqar Mammadov*, 29 May 2019; AI, *Annual report 2019, Azerbaijan*, 16 April 2020.

<sup>278</sup> Freedom House, *Freedom in the world 2019, Azerbaijan*, 4 February 2019; European Implementation Network, *Banning political opposition in Azerbaijan: the case of İlqar Mammadov*, 6 December 2019; OC Media, *Azerbaijani opposition candidates 'prevented from registering for elections'*, 15 January 2020; CoE, *General environment not appropriate for democratic elections, says PACE pre-electoral delegation to Azerbaijan*, 24 January 2020.

<sup>279</sup> RFE/RL, *U.S., EU welcome full acquittal of Azerbaijani politician, rights defender*, 24 April 2020; OC Media, *Azerbaijani activists react with scepticism to ReAl party acquittals*, 25 April 2020; CoE, *Azerbaijani Supreme Court acquits human rights activists to execute the European Court's rulings*, 28 April 2020.

accused of organising the riots in Ismaili on 23 January 2013.<sup>280</sup> In a judgement of 5 November 2015, the ECHR found that there had been a violation of Article 5 of the European Convention on Human Rights (right to liberty and security).<sup>281</sup> He was released as part of the Novruz pardon of March 2016.<sup>282</sup> On 22 March 2020, police arrested him again after he was involved in a car accident. The following day, charges of hooliganism followed for allegedly threatening the two occupants of the other car. A court remanded him in custody for three months pending the investigation. According to his daughter Nigar Hazi, the collision and the subsequent charges against her father Tofiq Yagublu were fabricated.<sup>283</sup>

Members of opposition party APFP also faced arrests and convictions over various allegations during the reporting period. For example, the police arrested Mammad Ibrahim on 30 September 2015 after he allegedly attacked a man. Ibrahim was an adviser to the chairman of the APFP. On 15 March 2016, Narimanov County Court sentenced him to three years in prison for hooliganism. He was expected to be released in September 2018, but a new charge followed two days before the end of his prison term. The authorities claimed that they had found a knife under his pillow. He was sentenced to five months and 22 days of additional detention for this. He was released on 13 February 2019.<sup>284</sup>

In addition, the police arrested Faiq Amirli of the APFP on 20 August 2016 after discovering two banned books and several recordings of sermons by Fethullah Gülen. One of the charges involved inciting religious hatred. On 24 July 2016, Sabail District Court sentenced him to three years and three months' imprisonment – among other things for tax evasion.<sup>285</sup> On 15 September 2017, he was released after the court commuted the prison sentence to a suspended prison sentence on appeal.<sup>286</sup> On 8 April 2020, the police arrested him again for violating quarantine measures. Sabail district court sentenced him to thirty days of administrative

<sup>280</sup> Ministry of Foreign Affairs, General Country of Origin Information Report, 25 November 2013, p 22; Norwegian Helsinki Committee, *One family's tragedy: the Yagublus*, 4 March 2016.

<sup>281</sup> ECHR, *Rulings and decisions of 5 November 2015*, 5 November 2015; ECHR, *Case of Yagublu v. Azerbaijan (Application no. 31709/13)*, 5 February 2016; International Justice Resource Center, *European Court condemns detention of Azerbaijani opposition politician and journalist*, 16 November 2015.

<sup>282</sup> HRW, *Dispatches: Good news from Azerbaijan (for a change)*, 17 March 2016; RFE/RL, *Freed opposition leader prevented from leaving Azerbaijan*, 20 May 2016; HRW, *Azerbaijan: Opposition leader arrested*, 25 March 2020.

<sup>283</sup> Caucasian Knot, *Azerbaijani activist Yagublu detained on suspicion of hooliganism*, 23 March 2020; Meydan TV, *Opposition politician Yagublu arrested in Baku*, 23 March 2020; AI, *Azerbaijan: opposition activist detained, health at risk: Tofiq Yagublu*, 25 March 2020; HRW, *Azerbaijan: Opposition leader arrested*, 25 March 2020; Meydan TV, *Civil liberties during COVID-19 severely suppressed in Azerbaijan*, 8 April 2020; Turan, *Tofiq Yagublu needs urgent medical aid*, 11 April 2020; OC Media, *Six more opposition activists arrested in Azerbaijan*, 11 April 2020; Turan, *Prison Service on the status of Tofiq Yagublu*, 13 April 2020; JAM News, *Azerbaijani opposition leader cut off from outside world, President again calls opposition 'enemies of the people'*, 15 April 2020; Caucasian Knot, *Defence points to political context of Yagublu's arrest*, 21 April 2020; Turan, *Court of appeal leaves Tofiq Yagublu under arrest*, 4 May 2020; HRW, *Azerbaijan should release jailed opposition leader*, 20 May 2020; Turan, *Tofiq Yagublu's health worsened*, 12 June 2020.

<sup>284</sup> Azadliq Radio, *Opposition member detained after a scuffle*, 5 October 2015; RFE/RL, *Azerbaijani opposition figure gets three years in prison*, 15 March 2016; Meydan TV, *Two days before his release Mammad Ibrahim is placed in solitary confinement*, 28 September 2018; Center for Defence of Political Prisoners, *Conditions in jails and the problem of political prisoners in Azerbaijan; current situation and next steps*, December 2018, p 9; Meydan TV, *New charge filed against political prisoner Mammad Ibrahim on day of scheduled release*, 2 October 2018; Turan, *Court leaves Mammad Ibrahim in custody*, 4 October 2018; Turan, *Court sentenced Mammad Ibrahim to 5 months and 22 days in prison*, 10 January 2019; EMDS, *Fact sheet – 2018. On human rights situation in Azerbaijan*, February 2019, p 6; HRC, *Opposition activist Mammad Ibrahim released from prison*, 17 February 2019; HRW, *World report 2020, Azerbaijan*, 29 January 2020; Turan, *Mammad Ibrahim arrested for 10 days*, 27 February 2020.

<sup>285</sup> IWPR, *Azerbaijan continues anti-Gülen campaign*, 2 September 2016; Meydan TV, *Health of imprisoned leader of Popular Front Party of Azerbaijan deteriorating*, 14 April 2017; Meydan TV, *Investigation into high profile opposition party member complete, trial in may*, 20 April 2017; RFE/RL, *Opposition politician jailed in Azerbaijan*, 24 July 2017; CPJ, *Newspaper financial director jailed in Azerbaijan*, 24 July 2017; OC Media, *Financial director of Azerbaijani newspaper sentenced to three years in prison*, 25 July 2017.

<sup>286</sup> RFE/RL, *Opposition newspaper executive released from prison in Azerbaijan*, 15 September 2017; APA, *APFP chairman's assistant released from prison*, 15 September 2017.

detention.<sup>287</sup> On 25 May 2020, the police arrested him again. This time, the Sabirabad District Court sentenced him to fifteen days of administrative detention for hooliganism.<sup>288</sup>

In addition, Qazakh District Court sentenced APFP Vice-President Gozel Bayramli to three years' imprisonment for currency smuggling on 23 January 2018. She was released as part of the Novruz pardon on 16 March 2019.<sup>289</sup>

In addition, on 27 February 2019 a court in Baku sentenced Saleh Rustamov of the APFP to seven years and three months' imprisonment for money laundering and illegal entrepreneurship.<sup>290</sup>

APFP President Ali Karimli also experienced regular harassment and arrests during the reporting period. For example, the police arrested him on 17 November 2018 for participating in an illegal demonstration. He was obliged to pay a fine for that. The police released him after two days.<sup>291</sup> On 28 June 2019, the police arrested him again. After a warning not to organise demonstrations, the police released him again after an hour and a half.<sup>292</sup>

Several APFP members were detained during the reporting period, including Asif Yusifli, Orkhan Bakhishli, Aqil Maharramov, Babek Hasanov, Fuad Ahmadli, Elchin Ismayilli and Ziya Asadli.<sup>293</sup>

<sup>287</sup> Turan, *Oppositionist Faig Amirli arrested for 30 days*, 9 April 2020; Meydan TV, *Azerbaijani opposition member sentenced to 30 days in jail*, 9 April 2020; Eurasianet, *Azerbaijan cracks down on opposition amid coronavirus outbreak*, 13 April 2020; Caucasian Knot, *Threat of crisis spurs Azerbaijani authorities to tighten persecution of opposition*, 25 April 2020; Turan, *Helsinki Commission: Azerbaijani authorities should stop pressure on PFA and other activists*, 11 May 2020.

<sup>288</sup> Turan, *Faig Amirli arrested again*, 25 May 2020; JAM News, *Azerbaijani opposition member arrested for the second time in six weeks*, 26 May 2020; Caucasian Knot, *Faig Amirli re-arrested for 15 days*, 26 May 2020; OC Media, *Azerbaijan re-arrests opposition activists detained for 'quarantine violation'*, 1 June 2020.

<sup>289</sup> RFE/RL, *Prominent Azerbaijani opposition figure jailed on smuggling charges*, 23 January 2018; HRW, *Azerbaijan: Courts convict two outspoken government critics*, 25 January 2018; RFE/RL, *Three-year prison term of jailed opposition leader in Azerbaijan cut by two months*, 14 November 2018; RFE/RL, *Azerbaijani President pardons hundreds, including political prisoners*, 17 March 2019; Caucasian Knot, *Azerbaijani oppositionist complained about refusal to give foreign passport*, 24 July 2019.

<sup>290</sup> Turan, *The trial in the case of the former head of the Gedabay region*, 15 January 2019; Turan, *Saleh Rustamov speaks about torture before court*, 24 January 2019; Turan, *Verdict of accused in PFFA illegal financing case read*, 27 February 2019; Turan, *Court decides to confiscate property of Saleh Rustamov and his relatives*, 1 March 2019; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 4 and 13; AI, *Annual report 2019, Azerbaijan*, 16 April 2020; Turan, *Political prisoner has signs of coronavirus*, 18 May 2020; Turan, *The accused PFFA member is threatened in prison*, 4 June 2020.

<sup>291</sup> Meydan TV, *Ali Karimli and other activists fined and released, three sentenced to prison*, 19 November 2018; JAM News, *Recently arrested Azerbaijani opposition leader party released*, 19 November 2018; Eurasianet, *Azerbaijani police detain dozens of oppositionists in Baku*, 20 November 2018; Open Azerbaijan, *Corruption in Azerbaijan. Past five years*, 2019, p 24.

<sup>292</sup> RFE/RL, *Police detain Azerbaijani opposition leader after fundraiser*, 28 June 2019; Turan, *Ali Kerimli detained*, 28 June 2019; Caucasian Knot, *PFFA leader Ali Kerimli released from police after warning*, 28 June 2019.

<sup>293</sup> Caucasian Knot, *Azerbaijani journalist claims being prosecuted for reporting about protests*, 5 May 2017; RFE/RL, *Opposition activist sentenced to four years in prison in Azerbaijan*, 16 June 2017; Meydan TV, *Another youth activist detained*, 8 May 2018; Turan, *Court leaves activist of PFFA Babek Hasanov in custody*, 4 August 2018; JAM News, *Azerbaijani opposition figure sentenced to six years on drug charges*, 19 September 2018; Caucasian Knot, *Court mitigates sentence for Azerbaijani journalist Elchin Ismayilli*, 21 November 2018; Turan, *Verdict of accused in PFFA illegal financing case read*, 27 February 2019; OC Media, *Aliyev frees 52 'political prisoners' as part of Novruz amnesty*, 20 March 2019; Turan, *Democratic National Council condemns pressure on Babek Hasanov and Ahsan Nuruzade*, 31 May 2019; Union for the Freedom for Political Prisoners or Azerbaijan, *List of political prisoners*, 15 November 2019, p 6-10; Turan, *Political prisoner Asif Yusifli released*, 25 November 2019; HRW, *Prominent journalist freed in Azerbaijan*, 18 March 2020; HRW, *Azerbaijan: Opposition leader arrested*, 25 March 2020; Caucasian Knot, *PFFA announces detention of its activist*, 16 April 2020; Caucasian Knot, *Seven PFFA activists arrested during quarantine*, 19 April 2020; Turan, *Another PFFA activist arrested*, 7 May 2020; Caucasian Knot, *Ramid Nagiev, PFFA activist, arrested*, 8 May 2020; Caucasian Knot, *Azerbaijani opposition declares hunger strike in prison, his brother reports*, 19 May 2020.

Activists of the NIDA<sup>294</sup> youth movement also faced arrests and convictions based on various allegations during the reporting period. For example, on 10 May 2016 Bayram Mammadov and Qiyasaddin Ibrahimov were arrested for painting graffiti on the base of a statue of Heydar Aliyev.<sup>295</sup> The court subsequently sentenced them to ten years in prison for drug trafficking. After a presidential pardon, they were released in 2019. In a judgement on 13 February 2020, the ECHR found that in their cases there had been a violation of Articles 3 (prohibition of torture), 5 (right to liberty and security), 10 (freedom of expression) and 18 (misuse of powers) of the European Convention on Human Rights.<sup>296</sup> In addition to suspected false drug-related charges, the authorities regularly sentenced political activists to administrative detention for ignoring police orders.<sup>297</sup>

On 16 March 2019, as part of the annual Novruz pardon, President Aliyev pardoned more than 400 prisoners, including political opponents, journalists and bloggers.<sup>298</sup> Despite this, the convictions remained in force and some were issued a travel ban. One of them was the aforementioned NIDA activist Bayram Mammadov. Two weeks after his release after being pardoned, the police arrested him again. The Sabunçu District Court sentenced him to 30 days of administrative detention for disregarding police orders after his release. According to Mammadov, the police had mistreated him after his arrest.<sup>299</sup>

The authorities also targeted the relatives of opposition members, such as Gunel Hasanli. Her father Jamil Hasanli was one of the candidates during the October 2013 presidential election. On 19 September 2014, an elderly woman fell in front of Gunel Hasanli's car. Gunel Hasanli then took her to the hospital. In the hospital, it turned out that there was nothing wrong with the elderly woman. However, on 29 September 2014 Gunel Hasanli had to appear at the police station for not reporting a collision with serious consequences. For this reason, on 22 February 2015 the Yasamal District Court sentenced her to eighteen months' imprisonment in a penal colony. On 19 November 2015, a court in Baku upheld this conviction on appeal. She was released on 29 September 2016.<sup>300</sup>

<sup>294</sup> *Nida* literally means 'exclamation mark'.

<sup>295</sup> On 9 May 2016, a day before Heydar Aliyev's birthday, instead of '*gül bayraminiz mübarək*' ('Happy Floral Day') they had written '*qul bayraminiz mübarək*' ('Happy Slave Day') together with the phrase '*F\*\*k the System*'; Meydan TV, *Statue of Heydar Aliyev adorned with holiday greeting: Happy Slave Day!*, 10 May 2016; IWPR, *Azerbaijan: Happy Slaves' Day*, 24 May 2016.

<sup>296</sup> ECHR, *Azerbaijan authorities prosecuted two civil society activists on drugs charges in retaliation for political graffiti on statue*, 13 February 2020; RFE/RL, *Azerbaijan ordered to compensate activists for 'arbitrary' drug arrests*, 13 February 2020.

<sup>297</sup> Administrative detention in the Azerbaijani context means detention for an offence under the Code of Administrative Offences. This is in contrast to a prison sentence for a crime under the Criminal Code. Administrative detention can last up to ninety days; CoE, *Report to the Azerbaijani Government on the visit to Azerbaijan carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 to 30 October 2017*, 18 July 2018, p 12; Turan, *D18 activist detained*, 8 November 2018; EMDS, *Politically motivated administrative detentions*, 2019, p 2; EMDS, *Report on court trials on Gozeti.az*, 2019, p 3.

<sup>298</sup> Azertac, *President Ilham Aliyev issues order to pardon group of convicts*, 16 March 2019; RFE/RL, *Azerbaijani President pardons hundreds, including political prisoners*, 17 March 2019; Freedom House, *Freedom in the world 2020, Azerbaijan*, 4 March 2020.

<sup>299</sup> HRW, *World report 2020, Azerbaijan*, 29 January 2020; RFE/RL, *Pro-democracy activist rearrested in Azerbaijan after amnesty release*, 2 April 2019; OC Media, *Pardoned 'political prisoner' re-arrested in Azerbaijan*, 2 April 2019; JAM News, *Azerbaijan: Recently re-jailed prisoner of conscience says he's being tortured*, 3 April 2019; Meydan TV, *Rearrested Bayram Mammadov's health deteriorating*, 9 April 2019; Caucasian Knot, *Police disrupt March in defence of political prisoners in Baku*, 12 April 2019; JAM News, *Azerbaijani activist Bayram Mammadov out of jail, serves term immediately after pardon*, 29 April 2019; AI, *Azerbaijan again frees activist Bayram Mammadov*, 3 May 2019.

<sup>300</sup> Turan, *Jamil Hasanli: provocation against me is since presidential elections*, 6 October 2014; Meydan TV, *Court rejects petition of oppositionist's daughter*, 15 September 2015; Working Group led by Leyla Yunus and Rasul Jafarov, *The list of political prisoners in Azerbaijan*, December 2015, p 96; Freedom House, *Nations in transit 2016: Europe and Eurasia brace for impact, Azerbaijan*, 12 April 2016; USDoS, *Azerbaijan 2015 Human Rights Report*, 13 April 2016, p 15; Audrey Altstadt, *Frustrated democracy in post-Soviet Azerbaijan*, 2017, p 169-170;

*Registration of political parties*

In the 1990s, the authorities banned Sadval. In addition, the authorities banned the organisation behind the Talysh-Muğan Autonomous Republic as well as the *Islamic Party of Azerbaijan* (IPA).<sup>301</sup> IPA President Movsum Samadov, who was sentenced to 12 years' imprisonment on 7 October 2011 for planning terrorist acts, among other things, was still in prison during the reporting period.<sup>302</sup> Although the IPA had no longer been registered since 1995, the activities of this party were not prohibited.<sup>303</sup> No political parties were explicitly prohibited during the reporting period. There are no known cases of persons convicted of membership of a prohibited political party or political organisation.<sup>304</sup>

One of the ways the government can control the opposition is through the registration process for political parties. The last time a political party was officially registered was in 2011.<sup>305</sup> Of the traditional opposition parties, only the APFP and Músavat are officially registered.<sup>306</sup> These two parties have been active since the 1990s. Both sides have since been marginalised. They can scarcely function as political parties. During the reporting period, these parties won no seats in parliament.<sup>307</sup>

On 28 February 2020, the Corona Crisis Centre in Baku confirmed the first case of Covid-19 in Azerbaijan.<sup>308</sup> During the reporting period, there were signs that the authorities were using the corona threat to pressure the political opposition. For example, on 8 March 2020, the authorities cleared the office of the D18 movement under the pretext of the corona crisis.<sup>309</sup>

Caucasian Knot, "Musavat" activist arrested after criticising Azerbaijani President, 22 May 2018; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 16.

<sup>301</sup> The IPA was established in the village of Nardaran in 1991. This village, which has around 8,000 inhabitants, is located 25 kilometres north of Baku. Nardaran is known as a stronghold of conservative Shiites; RFE/RL, *Why did Azerbaijani authorities arrest Talysh activist?*, 2 July 2012; Zaur Gasimov, *Historical dictionary of Azerbaijan*, Rowman & Littlefield, 2018, p 202; Arif Yunusov, *Islam im postsowjetischen Aserbajdschan*, in: Olaf Leisse (red.), *Politik und Gesellschaft im Kaukasus. Eine unruhige Region zwischen Tradition und Transformation*, Springer VS, 2019, p 199; Confidential source, 12 March 2020.

<sup>302</sup> Ministry of Foreign Affairs, *General Country of Origin Information Report*, 25 November 2013, p. 24; Union for the Freedom for Political Prisoners of Azerbaijan, *List of political prisoners*, 20 March 2019, p 14.

<sup>303</sup> Murad Ismayilov, *Islamic radicalism that never was: Islamic discourse as an extension of the elite's quest for legitimization. Azerbaijan in focus*, Journal of Eurasian Studies, 2019, p 4; Working Group on a Unified List of Political Prisoners in Azerbaijan, *A unified list of political prisoners in Azerbaijan*, 26 November 2019, p 51; Turan, *Acting chair of the Islamic Party arrested*, 2 March 2020.

<sup>304</sup> Confidential source, 24 February 2020; Confidential source, 24 February 2020; Confidential source, 27 February 2020.

<sup>305</sup> Political parties are registered on the basis of the Political Parties Act of 3 June 1992; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 29; CEC, *Information on political parties included in state registration in the Republic of Azerbaijan*, <http://www.msk.gov.az/uploads/partiyalar/2018/GeneralInformation.php>, consulted on 24 June 2020; Confidential source, 12 March 2020.

<sup>306</sup> OSCE/ODIHR, *Republic of Azerbaijan: Early parliamentary elections, 9 February 2020. ODIHR needs assessment mission report, 19-21 December 2019*, 26 December 2019, p 14; Turan, *Arif Hajilli re-elected head of Musavat*, 13 October 2019; Turan, *Musavat leader Arif Hajilli detained*, 12 November 2019.

<sup>307</sup> Al Jazeera, *Azerbaijan's MPs ask President to dissolve parliament*, 2 December 2019; Eurasianet, *In Azerbaijan surprise elections yield usual results*, 10 February 2020; Confidential source, 12 March 2020.

<sup>308</sup> Reuters, *Azerbaijan reports first case of coronavirus – Ifax*, 28 February 2020; Meydan TV, *Azerbaijan confirms first coronavirus case*, 28 February 2020; Trend, *No need to announce emergency situation due to coronavirus in Azerbaijan*, 16 March 2020.

<sup>309</sup> In Azerbaijani: *D18 Herekati*. *Hereket* literally means 'action' or 'movement'. The D18 movement was established in 2013; D18 Movement, *About D18 Movement*, 28 March 2014. One of the founders is Ruslan Izzetli; Turan, *D18 Movement launches student campaign*, 10 October 2019; Turan, *Leader of D18 Movement sues CEC*, 26 January 2020; Turan, *Police put D18 out of office*, 8 March 2020; OC Media, *Azerbaijani authorities close down opposition office 'over coronavirus fears'*, 10 March 2020; Eurasianet, *Azerbaijan's President suggests coronavirus may require a crackdown on opposition*, 19 March 2020; OC Media, *Azerbaijan arrests opposition activists during Covid-19 outbreak*, 24 March 2020; Eurasianet, *Azerbaijan cracks down on opposition amid coronavirus outbreak*, 13 April 2020; Caucasus Watch, *Azerbaijani opposition complains on politically motivated arrests*

### 3.1.4

#### LGBTI<sup>310</sup>

Since the general country of origin information report of 25 November 2013, there has been no change in the position and legislation with regard to LGBTI. In Azerbaijan, male and female homosexuality is not legally punishable or prohibited in itself. Nor does the law provide for penalties for expressing a transgender or intersex identity.<sup>311</sup> Homosexual acts are neither formally nor legally punishable.<sup>312</sup> The age of consent is sixteen years old. No distinction is made between homosexual and heterosexual relations.<sup>313</sup> According to various sources, knowledge of the LGBTI behaviour or orientation of a person has not been known to lead in practice to a disproportionate or discriminatory punishment or to the execution of a sentence imposed in criminal proceedings for a crime.<sup>314</sup> Nevertheless, in 2020 the LGBTI interest group ILGA-Europe ranked Azerbaijan in 49th and last place in the Rainbow Europe Index. ILGA-Europe compares the position of LGBTI in 49 European countries on the basis of 69 criteria. Azerbaijan only scored well on two criteria: blood donations and lack of laws restricting freedom of expression.<sup>315</sup>

Azerbaijani society is generally fairly conservative. In Azerbaijan, homosexuality is very much a taboo subject for many people.<sup>316</sup> Especially outside Baku, people who are openly LGBTI are not accepted by their families or their immediate environment. This is why most LGBTI people outside of Baku hide their sexual orientation. There is very little awareness in relation to this theme. Some residents of Azerbaijan regard homosexuality as a disease that people can be cured of.<sup>317</sup>

LGBTI people who are openly LGBTI can sometimes have difficulty finding a job, which causes some LGBTI people to end up in prostitution. In addition, LGBTI people who are openly LGBTI may face discrimination at work. Sometimes, colleagues

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during the Covid-19 pandemic, 14 April 2020; HRW, *Azerbaijan: Crackdown on critics amid pandemic*, 16 April 2020; Meydan TV, *Coronavirus vs. Azerbaijan's opposition*, 22 May 2020.

<sup>310</sup> The abbreviation LGBTI stands for lesbian women, gay men, bisexuals, transgender and intersex persons.

<sup>311</sup> Eurasianet, *Azerbaijan: Family is the first fear of LGBT community*, 27 August 2014; The Guardian, *Outcry as Azerbaijan police launch crackdown on LGBT community*, 28 September 2017; ILGA, *State-sponsored homophobia – A world survey of sexual orientation laws: criminalization, protection and recognition*, 20 March 2019, p 189; Confidential source, 25 February 2020; Confidential source, 26 February 2020; Confidential source, 28 February 2020.

<sup>312</sup> RFE/RL, *Dozens of gays reported arrested in Azerbaijani police crackdown*, 29 September 2017; ILGA World, *State-sponsored homophobia. Global legislation overview update*, 10 December 2019, p 174; Freedom House, *Freedom in the World 2020, Azerbaijan*, 4 March 2020, p 13; Confidential source, 26 February 2020; Confidential source, 28 February 2020.

<sup>313</sup> Brian Redford (red.), *Spartacus: International gay guide 2017*, Bruno Gmünder GmbH, April 2017, p 904; JAM News, *Sex at an early age – what do Azerbaijanis think about it*, 18 March 2018; OC Media, *Two suicides in one week: the cost of forced marriages in Azerbaijan*, 28 August 2019.

<sup>314</sup> Confidential source, 25 February 2020; Confidential source, 26 February 2020; Confidential source, 28 February 2020.

<sup>315</sup> Rainbow Europe, *Azerbaijan*, <https://www.rainbow-europe.org/#8622/0/0>, consulted on 24 June 2020.

<sup>316</sup> Eurasianet, *Azerbaijan: 'Family is the first fear' of LGBT community*, 27 August 2014; OC Media, *Azerbaijan's media – spreading fear and hate of queer people*, 2 May 2017; OC Media, *Life on the margins: Lesbian families in Azerbaijan*, 29 September 2017; Eurasianet, *Azerbaijan: Parents recount struggles to gain acceptance for LGBT children*, 12 September 2018; Confidential source, 25 February 2020; Confidential source, 26 February 2020.

<sup>317</sup> OBCT, *The rainbow colours are not for Azerbaijani taste*, 4 March 2014; Eurasianet, *Azerbaijan: 'Family is the first fear' of LGBT community*, 27 August 2014; IWPR, *Being gay in Azerbaijan*, 7 July 2016; JAM News, *How should gays survive in Europe's most homophobic country?*, 1 March 2017; RFE/RL, *Life as a lesbian in Baku*, 12 July 2017; Eurasianet, *Azerbaijan scale of LGBT persecution is rising*, 27 September 2017; Eurasianet, *Azerbaijan: Parents recount struggles to gain acceptance for LGBT children*, 12 September 2018; Gay Star News, *Azerbaijan is the worst place to be LGBTI in Europe and here's why*, 3 January 2019; Meydan TV, *What will people say? Parents disown their LGBT children in fear of public opinion*, 17 May 2019; Confidential source, 25 February 2020; Confidential source, 26 February 2020.

bullied LGBTI people out of their workplace when they discovered their sexual orientation. In 2014, *Nefes LGBT Azerbaijan Alliance* (hereinafter: Nefes)<sup>318</sup> held a survey into LGBTI in a variety of work environments. In the survey, 64 percent of respondents in the 18 to 35 age group said they did not want to work with LGBTI people.<sup>319</sup> Sacking an employee for his or her sexual orientation is prohibited by law. However, employers would argue that they dismissed LGBTI people for other reasons. LGBTI people usually do not dare to file a complaint or take legal action for fear that the family and the environment will find out about their sexual orientation.<sup>320</sup> There are also known cases during the reporting period where LGBTI persons were evicted from their living quarters after their landlords discovered their sexual orientation (see below).

According to one source, there are very few people in Azerbaijan who can talk openly about their sexual orientation. This mainly concerns transgender women who work in prostitution. Some of them give interviews to channels on YouTube. In general, individuals who are openly LGBTI work in prostitution or the service sector, mainly as stylists, make-up artists or hairdressers. People who are openly LGBTI are only seen in Baku. They can rent flats in the centre of the city. Medical care is accessible to persons who are openly LGBTI, although they may sometimes face insulting comments from doctors.<sup>321</sup>

During the reporting period, the media in Azerbaijan sometimes sketched the image of LGBTI people as prostitutes or wrote only from a sensational point of view, without presenting an objective view.<sup>322</sup> Politicians sometimes made homophobic statements.<sup>323</sup> In addition, LGBTI were regularly threatened and attacked by fellow citizens, including family members.<sup>324</sup>

One source indicated that it is possible to seek protection from the authorities when LGBTI people experience serious problems on the part of fellow citizens, but that LGBTI people usually do not dare to ask for this protection for fear of revenge from these fellow citizens and because of the social stigma.<sup>325</sup> There are no shelters specifically for LGBTI in Azerbaijan, but LGBTI people are sometimes accepted in shelters.<sup>326</sup> Many young LGBTI people run away from home or are evicted by their parents. They then go to Baku because LGBTI people can live there more easily than

<sup>318</sup> In Azerbaijani: *Nefes LGBT Azərbaycan Alyansı*.

<sup>319</sup> Heinrich Böll Stiftung, *“Live as you wish, but make sure other people do not know”*, 8 December 2016; Nefes, *What percent of LGBT people face violation of employment rights?*, 28 May 2018; AZAD LGBT Collective, *Minority Azerbaijan & Nefes LGBT Azerbaijan Alliance, Joint submission for the list of issues in relation to the fourth periodic report of Azerbaijan under the International Covenant on Economic, Social and Cultural Rights: 65 Pre-Sessional Working Group (21 Oct 2019 - 25 Oct 2019)*, 26 August 2019, p 8.

<sup>320</sup> USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 43; Confidential source, 26 February 2020.

<sup>321</sup> Confidential source, 25 June 2020.

<sup>322</sup> OC Media, *Azerbaijan’s media — spreading fear and hate of queer people*, 2 May 2017; Confidential source, 26 February 2020.

<sup>323</sup> Eurasianet, *Azerbaijan’s illiberal opposition*, 28 March 2014; Nefes, *MP’s hate speech will increase the hate crimes in Azerbaijan*, 27 January 2015; Minority Azerbaijan, *Homophobic statement from the Deputy Chairperson of the State Committee*, 23 February 2019; OC Media, *Leaked Zoom meetings reveal homophobia and discord among Azerbaijan’s opposition*, 18 May 2020.

<sup>324</sup> Gay Star News, *Parents nearly burn teen son to death after they find out he is gay*, 12 August 2014; The Guardian, *Gay couple in Azerbaijan forced to flee after engagement vow makes local news*, 26 September 2014; ECRI, *ECRI report on Azerbaijan (fifth monitoring cycle)*, 7 June 2016, 7 June 2016, p 9; Meydan TV, *Azerbaijan’s gay and transgender inmates*, 23 September 2016; RFE/RL, *Life as a lesbian in Baku*, 12 July 2017; ILGA-Europe, *Annual review of the human rights situation of lesbian, gay, bisexual, trans and intersex people*, 2019, p 25; JAM News, *Girl held against her will in Azerbaijan by relatives flees*, 17 January 2020; JAM News, *Girl forcibly held by relatives in Azerbaijan escapes to Russia*, 22 January 2020; ILGA Europe, *Annual review of the human rights situation of lesbian, gay, bisexual, trans and intersex people in Europe and Central Asia 2020*, 3 February 2020, p 28; Minority Azerbaijan, *Azeri gay couple is in danger*, 19 February 2020.

<sup>325</sup> Confidential source, 26 February 2020.

<sup>326</sup> The Guardian, *Azerbaijan worst place to be gay in Europe, finds LGBTI index*, 10 May 2016; Confidential source, 26 February 2020.

in rural areas where there are more social and cultural restrictions. For example, it is only in Baku that there are gay bars.<sup>327</sup>

During the reporting period, the NGO *Gender & Development*<sup>328</sup> championed the LGBTI community, among others. Among other things, this NGO was involved in organising an LGBTI film festival.<sup>329</sup> In addition, Nefes was active in Azerbaijan during the reporting period. Nefes was not officially registered in Azerbaijan. Nefes's founder was resident in Germany, but members of Nefes were active in Azerbaijan. Among other things, Nefes conducted research and awareness campaigns and provided online legal advice. Nefes was also active on social media.<sup>330</sup> AZAD LGBT was also active during the reporting period. On 22 January 2014, the chairman of this organisation, Isa Şahmarlı, committed suicide by hanging himself with a rainbow flag.<sup>331</sup> In his farewell note, he said that he was protesting against the political and social pressure on the LGBTI community in Azerbaijan. AZAD LGBT organised film screenings in Baku, among others. In addition, Minority Azerbaijan has published an online magazine from the United States since December 2015.<sup>332</sup>

The authorities did not pursue an active prosecution policy against the LGBTI community during the reporting period. The authorities tolerated LGBTI people as long as they were not too visible to the outside world. However, there were reports of violence and extortion against homosexuals by the police. For example, during the reporting period, police officers contacted gay men through dating sites or gay meeting places and subsequently attempted to extort money from them.<sup>333</sup>

Furthermore, during the reporting period, the police in Baku carried out a number of actions targeting the LGBTI community. In addition, the police arrested a number of alleged male prostitutes in a short time. These actions sometimes took place before and during major international events when there were many foreign tourists in the city.<sup>334</sup> An example of this took place on 27 August 2016. According to ILGA-Europe, the Baku police arrested about thirty gay men, transgender people and prostitutes

<sup>327</sup> Confidential source, 26 February 2020; Confidential source, 28 February 2020.

<sup>328</sup> In Azerbaijani: *Gender ve Teraqqi İctimai Birliyi*.

<sup>329</sup> Ministry of Foreign Affairs, *General Country of Origin Information Report*, 25 November 2013, p. 41; Confidential source, 26 February 2020.

<sup>330</sup> Caucasian Knot, *Azerbaijani LGBT activists demand from authorities to start "hotline" for members of sexual minorities*, 5 February 2014; Nefes, *Nefes LGBT applies second time for registration*, 28 May 2018; Zaur Gasimov, *Historical dictionary of Azerbaijan*, 2018, p 110; Gay Star News, *Azerbaijan is the worst place to be LGBTI in Europe and here's why*, 3 January 2019; AZAD LGBT Collective, *Minority Azerbaijan & Nefes LGBT Azerbaijan Alliance, Joint submission for the list of issues in relation to the fourth periodic report of Azerbaijan under the International Covenant on Economic, Social and Cultural Rights; 65 Pre-Sessional Working Group (21 Oct 2019 - 25 Oct 2019)*, 26 August 2019, p 5; Nefes, *About us*, <https://www.nefeslgbt.org/en/about-us/>, consulted on 24 June 2020; Confidential source, 28 February 2020.

<sup>331</sup> RFE/RL, *Gay rights defender found dead in Baku*, 22 January 2014; Pink News, *Leading LGBT activist hangs himself with rainbow flag: 'I can't live in this world any more'*, 23 January 2014; Turan, *Azerbaijan loses an LGBT human rights activist*, 24 January 2014; Azadliq Radio, *Gay rights defender found dead in Baku*, 26 January 2014; IWPR, *Azeri gay rights activist's death raises difficult questions*, 31 January 2014; Eurasianet, *Azerbaijan: Suicide brings LGBT community out of the closet*, 5 February 2014; OBCT, *The rainbow colours are not for Azerbaijani taste*, 4 March 2014; IWPR, *A flag of many colours*, 3 February 2015; The Guardian, *Azerbaijan worst place to be gay in Europe, finds LGBTI index*, 10 May 2016; The Guardian, *Outcry as Azerbaijan police launch crackdown on LGBT community*, 28 September 2017; Minority Azerbaijan, *"Love is love" Isa Shahmarli*, 23 January 2019.

<sup>332</sup> Meydan TV, *Azerbaijan's first LGBT magazine*, 25 August 2016; Heinrich Böll Stiftung, *"Live as you wish, but make sure other people do not know"*, 8 December 2016; Gay Star News, *Azerbaijan is the worst place to be LGBTI in Europe and here's why*, 3 January 2019; OC Media, *Azerbaijani queer sex workers 'offered money to hold anti-opposition rally'*, 30 October 2019; Minority Azerbaijan, *About us*, <https://minorityaze.org/en/about-us/>, consulted on 24 June 2020.

<sup>333</sup> ILGA Europe, *Annual review of the human rights situation of lesbian, gay, bisexual, trans, and intersex people in Europe 2017*, May 2017, p 51; Nefes, *LGBT people in Baku being blackmailed by authorities*, 28 May 2018; Turan, *Azerbaijan criticised for LGBTI persecution*, 5 February 2020; Confidential source, 26 February 2020.

<sup>334</sup> Confidential source, 25 February 2020; Confidential source, 26 February 2020; Confidential source, 28 February 2020.

that day. Reportedly because Middle Eastern tourists had complained about them. After holding these LGBTI people for nine hours, the police let everyone go again.<sup>335</sup>

Another example of this happened between 15 and 30 September 2017 when the police arrested dozens of homosexuals and trans women in Baku. Police picked up most of the people on the street late at night and others in night clubs, in pubs, at home or at work. The police tried to make an appointment with some of them on the street or on social media before arresting them.<sup>336</sup> According to the authorities, they had carried out these arrests because citizens had repeatedly complained that people with a non-traditional sexual orientation who were involved in prostitution regularly met in downtown Baku and disturbed the public order there.<sup>337</sup> In another statement, authorities claimed the people had been arrested for offering sexual services to locals and tourists in Baku. According to yet another statement, the arrests were not directed against all individuals in the LGBTI community, but only those who showed too little respect for those around them, who irritated citizens with their behaviour or who had infectious diseases. The authorities stated that they had subjected 32 detainees to mandatory medical examinations and that six people had been diagnosed with AIDS, five of whom also had syphilis.<sup>338</sup> According to the suspects' lawyers, many of the detainees were not sex workers at all and the police arrested them purely because of their sexual orientation.<sup>339</sup>

The exact number of people arrested between 15 and 30 September 2017 is unknown. On 2 October 2017, the authorities stated that they had arrested 83 people.<sup>340</sup> Of these, 56 were officially charged with hooliganism or ignoring police orders.<sup>341</sup> Eighteen people were fined and nine others were given a warning.<sup>342</sup> According to *Freedom House*, at least 84 people were arrested.<sup>343</sup> According to *Gay Star News* and *Amnesty International*, it involved at least one hundred people.<sup>344</sup> Other sources spoke of 150 to more than two hundred people. Of those, about one hundred were detained for one month and about one hundred were released after a few days and were later fined. The authorities shaved the hair of some of the

<sup>335</sup> ILGA-Europe, *Annual review of the human rights situation of lesbian, gay, bisexual, trans, and intersex people in Europe 2017*, May 2017, p 51.

<sup>336</sup> Eurasianet, *Azerbaijan Scale of LGBT persecution is rising - Lawyer*, 27 September 2017; Pink News, *Victims of Azerbaijan's crackdown on LGBT people have been 'brutally beaten by police'*, 28 September 2017; Gay Star News, *Azerbaijan releases many tortured and humiliated LGBTI detainees*, 3 October 2017; Freedom House, *Nations in transit 2018, Azerbaijan*, 11 April 2018.

<sup>337</sup> Caucasian Knot, *Police explain gays' detentions in Baku by townspeople complaints*, 20 September 2017; OC Media, *Mass detention of queer people reported in Azerbaijan*, 25 September 2017; Meydan TV, *The Azerbaijani government cracks down on LGBT people*, 20 October 2017.

<sup>338</sup> Eurasianet, *Azerbaijan Scale of LGBT persecution is rising*, 27 September 2017; RFE/RL, *Azerbaijan says detained dozens offering 'sexual services' amid reports of gay arrests*, 2 October 2017; Meydan TV, *The Azerbaijani government cracks down on LGBT people*, 20 October 2017.

<sup>339</sup> RFE/RL, *Azerbaijan says detained dozens offering 'sexual services' amid reports of gay arrests*, 2 October 2017; CoE, Commissioner for Human Rights, *Letter to Colonel General Ramil Usubov*, 9 October 2017; RFE/RL, *UN rights experts raise alarm over reports of abuse against LGBT community in Azerbaijan*, 13 October 2017.

<sup>340</sup> Eurasianet, *Officials: Azerbaijan releases detainees from LGBT crackdown*, 2 October 2017; HRW, *Azerbaijan: Anti-Gay crackdown*, 3 October 2017; CoE, Commissioner for Human Rights, *Letter to Colonel General Ramil Usubov*, 9 October 2017; Meydan TV, *The Azerbaijani government cracks down on LGBT people*, 20 October 2017.

<sup>341</sup> The Guardian, *Outcry as Azerbaijan police launch crackdown on LGBT community*, 28 September 2017; CoE, Commissioner for Human Rights, *Letter to Colonel General Ramil Usubov*, 9 October 2017; Confidential source, 26 February 2020.

<sup>342</sup> Gay Star News, *At least 100 LGBTI people rounded up, tortured and humiliated in Azerbaijan*, 23 September 2017; EurasiaNet, *Azerbaijan: Scale of LGBT persecution is rising – Lawyer*, 27 September 2017; The Guardian, *Outcry as Azerbaijan police launch crackdown on LGBT community*, 28 September 2017; RFE/RL, *Azerbaijan says detained dozens offering 'sexual services' amid reports of gay arrests*, 2 October 2017.

<sup>343</sup> Freedom House, *Nations in transit 2018, Azerbaijan*, 11 April 2018.

<sup>344</sup> Gay Star News, *At least 100 LGBTI people rounded up*, 23 September 2017; AI, *Azerbaijan: Mass raid and detention of LGBTI people in Baku*, 2 October 2017; AI, *Annual report 2017/18, Azerbaijan*, 22 February 2018.

detainees.<sup>345</sup> After international protests, all of the detainees were released on 2 and 3 October 2017.<sup>346</sup>

According to various sources, the police were guilty of mistreatment, verbal abuse, threats, blackmail and racketeering against those arrested. In some cases, the police threatened to make public the sexual orientation of the detainees if they did not cooperate as witnesses in other cases. In other cases, the police made the release conditional on paying a bribe.<sup>347</sup> The police also put pressure on some LGBTI people to provide details of other people in the LGBTI community.<sup>348</sup> After their release, the police continued to put the victims under pressure. Landlords cancelled the victims' rent after the police operation revealed their sexual orientation and the police pressured landlords. Others were dismissed from their jobs after the police had informed their employers. Many faced financial and medical problems. The consequences of the September 2017 action in the ensuing period were that several LGBTI people hid for some time or went abroad. Otherwise, very little changed in the position of LGBTI in Azerbaijan.<sup>349</sup> Following the September 2017 action, 25 people lodged a complaint with the ECHR.<sup>350</sup>

A new series of arrests took place on 1 April 2019. The police in Baku arrested at least seven homosexuals and transgender people for illegal prostitution. A few days later, the police arrested at least seven others. Some of them were forced to undergo a test for venereal diseases. Two individuals were fined and sentenced to ten and fifteen days of administrative detention for hooliganism, respectively. Three people were fined for ignoring police orders. No further information is available about the punishment of the other persons. It is suspected that this action was related to the Formula 1 Grand Prix that took place on 28 April 2019 at the Baku City Circuit.<sup>351</sup>

<sup>345</sup> Pink News, *Victims of Azerbaijan's crackdown on LGBT people have been brutally beaten by police*, 28 September 2017; Norwegian Helsinki Committee, *Azerbaijan: Tortured for being gay*, 25 October 2017; Vice, *A gay couple is in hiding after their kiss went viral*, 28 February 2020; Confidential source, 26 February 2020.

<sup>346</sup> HRW, *Azerbaijan: Anti-gay crackdown*, 3 October 2017; Gay Star News, *Azerbaijan releases many tortured and humiliated LGBTI detainees*, 3 October 2017; CoE, Commissioner for Human Rights, *Letter to Colonel General Ramil Usubov*, 9 October 2017; Meydan TV, *The Azerbaijani government cracks down on LGBT people*, 20 October 2017; Eurasianet, *Azerbaijan: Detentions end but pressure on LGBT community continues*, 29 November 2017; AI, *Annual report 2017/18, Azerbaijan*, 22 February 2018, p 4.

<sup>347</sup> The Guardian, *Outcry as Azerbaijan police launch crackdown on LGBT community*, 28 September 2017; Gay Star News, *Gay man beaten and electrocuted while kept in detention in Azerbaijan*, 1 October 2017; AI, *Annual report 2017/18, Azerbaijan*, 22 February 2018.

<sup>348</sup> Eurasianet, *Officials Azerbaijan releases detainees from LGBT crackdown*, 2 October 2017; Meydan TV, *The Azerbaijani government cracks down on LGBT people*, 20 October 2017; Freedom House, *Nations in transit 2018, Azerbaijan*, 11 April 2018.

<sup>349</sup> The New York Times, *Azerbaijan detains dozens of gay and transgender people*, 29 September 2017; OC Media, *Arrests, threats, and humiliation in Azerbaijan's crackdown on queer people*, 12 October 2017; Eurasianet, *Azerbaijan: Detentions end but pressure on LGBT community continues*, 29 November 2017; Meydan TV, *A year after the LGBT raids, has anything changed in Azerbaijan?*, 18 September 2018, consulted of <https://www.youtube.com/watch?v=QEbog6cJOi4>; Confidential source, 26 February 2020; Confidential source, 28 February 2020.

<sup>350</sup> ECHR, *Fifth section. Application no. 17184/18*, 26 February 2019.

<sup>351</sup> Eurasianet, *New wave of detentions among LGBT in Azerbaijan*, 2 April 2019; Minority Azerbaijan, *LGBTQ hunting in Baku. Several LGBTQ individuals were detained by police in Baku*, 2 April 2019; Minority Azerbaijan, *Details of the police LGBTQ raid*, 3 April 2019; Gay Star News, *Azerbaijan police 'broke the law' in randomly detaining LGBTI people*, 3 April 2019; Reuters, *Fresh arrests evoke chilling memories for Azeri LGBT+*, 3 April 2019; Minority Azerbaijan, *The arrested LGBTQ individuals were released*, 5 April 2019; HRW, *World report 2020, Azerbaijan*, 29 January 2020; ILGA-Europe, *Annual review of the human rights situation of lesbian, gay, bisexual, trans and intersex people in Europe and Central Asia 2020*, 3 February 2020, p 28; Confidential source, 28 February 2020.

## 3.1.5

*Women*

In Azerbaijan, women are fully legally competent. Men and women are equal before the law.<sup>352</sup> However, there are many traditional patterns and social norms in society that adversely affect the economic, social and cultural position of women, especially outside Baku. A traditional view of the relationships between men and women dominates in Azerbaijani society.<sup>353</sup>

According to the *Global Gender Gap Index 2020* of the *World Economic Forum* (WEF), Azerbaijan is 94th on a list of 153 countries.<sup>354</sup> This shows that there is quite extensive gender inequality in Azerbaijan. The position on this index is partly due to the skewed male-female ratio of births in Azerbaijan. Families often use gender-selective abortion because they want male children.<sup>355</sup> The significant salary differences between men and women also plays a role. According to the *State Statistical Committee* (SSC), in 2017 the average monthly salary was AZN 335.70 for women and AZN 663.10 for men.<sup>356</sup> Women are also under-represented in politics. The 125-seat parliament has 22 women members (17.6 percent).<sup>357</sup> Azerbaijan has no female minister. However, the Speaker of Parliament is a woman and there is one woman who is chairperson of a state committee.<sup>358</sup> The Ombudsman is also a woman.<sup>359</sup> In addition, President Ilham Aliyev appointed his wife Mehriban Aliyeva as First Vice-President on 21 February 2017.<sup>360</sup> According to the CEC, in the recent municipal elections 61.19 percent of the elected

<sup>352</sup> Damir Kaufman, Eva Maria Melis, Amit Mukherjee & Christian Michel-Casulleras, *Gender equality and access to justice in Azerbaijan after 100 years*, November 2017, p 1-2; UNFPA, *Gender equality and gender relations in Azerbaijan current trends and opportunities*, 2018, p 12; Asian Development Bank, *Azerbaijan country gender assessment*, December 2019, p 51; Confidential source, 24 February 2020; Confidential source, 25 February 2020; Confidential source, 28 February 2020.

<sup>353</sup> Meydan TV, *Hijab or work: Muslim Azerbaijani women forced to choose*, 3 December 2018; IWPR, *Azerbaijan: Celebrating women with slaps and kicks*, 28 March 2019; JAM News, *'Azerbaijan is a traditional country, will not integrate into Europe' – President Aliyev*, 27 November 2019; JAM News, *Things you cannot touch – a photograph essay on Azerbaijan*, 2 March 2020; Confidential source, 25 February 2020.

<sup>354</sup> World Economic Forum, *Global Gender Gap report 2020*, 16 December 2019, p 9 and 77; Azer News, *Azerbaijan improves its position in Global Gender Gap Index*, 17 December 2019.

<sup>355</sup> RFE/RL, *Sex-selective abortions take a toll in Azerbaijan*, 15 October 2016; OC Media, *The young women fleeing forced marriage in Azerbaijan*, 12 September 2017; OC Media, *Duty of an only son: to serve the motherland or continue the family name?*, 13 December 2017; Human Rights House, *Two decades empowering women in Azerbaijan*, 31 August 2018; Eurasianet, *Azerbaijan's new sex-ed curriculum targets sex-selective abortions*, 11 January 2019; USDoS, *Azerbaijan 2018 Human Rights Report*, 13 March 2019, p 32; JAM News, *Battle against selective abortion begins in Azerbaijan*, 3 March 2020; UNICEF Azerbaijan, *Let's make every day Women's Day*, 7 March 2020; Confidential source, 24 February 2020; Confidential source, 25 February 2020; Confidential source, 28 February 2020.

<sup>356</sup> AZN 335.70 is equivalent to EUR 175.80. AZN 663.10 is equivalent to EUR 347.25. Conversion rate according to [www.wisselkoers.nl](http://www.wisselkoers.nl), consulted on 17 June 2020; USDoS, *Azerbaijan 2018 Human Rights Report*, 13 March 2019, p 39.

<sup>357</sup> Meydan TV, *Women in positions of power: Guarantors of women's rights or just lip service*, 1 April 2020; Parliament of the Republic of Azerbaijan, *Deputatlar* (elected representatives), <https://www.meclis.gov.az/?/az/deputat/>, consulted on 24 June 2020.

<sup>358</sup> Sahiba Gafarova succeeded Oqtay Asadov as Speaker of Parliament on 10 March 2020. On 12 March 2020, Bahar Muradova succeeded Hijran Huseynova as *Chairperson of the State Committee for Family, Women and Children Affairs* (SCFWCA); RFE/RL, *Azerbaijani parliament elects speaker*, 2 December 2005; Anews.az, *Oqtay Asadov re-elected speaker of Azerbaijan's parliament*, 24 November 2015; Turan, *How free and where is the modern Azerbaijani woman*, 8 March 2020; Trend, *Chairperson of Azerbaijani State Committee for Family, Women and Children Affairs dismissed*, 9 March 2020; Trend, *Speaker of Azerbaijan's parliament elected*, 10 March 2020; Turan, *Sahiba Gafarova elected speaker of parliament*, 10 March 2020; APA, *Chairpersons of committees elected in Azerbaijani parliament*, 10 March 2020; Turan, *Heads of parliamentary committees elected*, 10 March 2020; Eurasianet, *Azerbaijan's parliament has new look, old habits*, 11 March 2020; APA, *Bahar Muradova appointed chairperson of state committee*, 12 March 2020; Turan, *Former vice-speaker appointed head of women's state committee*, 12 March 2020.

<sup>359</sup> Turan, *Wife of deputy chairman of ruling party becomes Ombudswoman*, 29 November 2019; The commissioner for human rights of the Republic of Azerbaijan (Ombudsman), *Ombudsman Sabina Aliyeva with the representative of the UN High Commissioner for refugees in Azerbaijan*, 12 February 2020; Meydan TV, *Women in positions of power: Guarantors of women's rights or just lip service*, 1 April 2020.

<sup>360</sup> RFE/RL, *Aliyev appoints wife as first Vice-President of Azerbaijan*, 21 February 2017; Reuters, *Azeri President appoints wife as deputy, entrenches family power*, 21 February 2017; Eurasianet, *Azerbaijan: President names his wife as VP*, 21 February 2017; Eurasianet, *Azerbaijan's new vice president(s) and its house of clans*, 23 February 2017.

representatives were men and 38.81 percent were women.<sup>361</sup> Azerbaijan does score well in the areas of health and education for women, although during the reporting period parents in some cases kept their daughters out of school from the age of thirteen or fourteen.<sup>362</sup>

#### *Violence against women*

Domestic violence is widespread in Azerbaijan.<sup>363</sup> The 2016 *International Men and Women Equality Survey* (IMAGES) found, among other things, that 32.5 percent of men in Azerbaijan have used physical violence on their wives and that 32.1 percent of women had been victims of physical violence on the part of the spouse.<sup>364</sup> In 2018, 915 women were victims of domestic violence, 42 of whom were killed, according to the SSC.<sup>365</sup> Media reports of femicide cases appeared regularly during the reporting period. Usually, the perpetrators were family members or ex-spouses.<sup>366</sup>

On 18 February 2015, the *United Nations Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) committee discussed a report containing 74 recommendations for improving the position of women. Some recommendations included adopting a national action plan to prevent domestic violence, increasing the number of shelters for women who are victims of violence and signing the Istanbul Convention.<sup>367</sup> According to one source, these recommendations have achieved little and the situation of women in Azerbaijan has not changed significantly since then.<sup>368</sup> However, an annual awareness campaign is held on the theme of domestic violence.<sup>369</sup>

<sup>361</sup> SCFWCA, *Municipal elections were held in Azerbaijan on Dec. 23*, <http://www.scfwca.gov.az/en/post/1879/belediyye-uzvu-secilen-qadinlarin-sayi-artib>, consulted on 24 June 2020.

<sup>362</sup> OC Media, *The young women fleeing forced marriage in Azerbaijan*, 12 September 2017; JAM News, *Azerbaijan: A wedding instead of a graduation*, 7 April 2019; Bertelsmann Stiftung, *2020 country report Azerbaijan*, 29 April 2020, p 28; Confidential source, 25 February 2020; Confidential source, 25 February 2020; Confidential source, 26 February 2020.

<sup>363</sup> IWPR, *Activists dispute Azeri domestic violence figures*, 26 April 2016; JAM News, *558 cases of domestic violence recorded in Azerbaijan so far this year*, 17 August 2018; JAM News, *Series of femicides sparks protest campaign on Azerbaijani social media*, 10 October 2019; Asian Development Bank, *Azerbaijan. Country gender assessment*, December 2019, p 43; Freedom House, *Freedom in the World 2020, Azerbaijan*, 4 March 2020; Meydan TV, *A domestic violence pandemic*, 27 May 2020; Confidential source, 25 February 2020; Confidential source, 26 February 2020; Confidential source, 28 February 2020.

<sup>364</sup> UNFPA/SCFWCA, *Gender equality and gender relations in Azerbaijan: current trends and opportunities. Findings from the Men and Gender Equality Survey (IMAGES)*, 2018, p 49.

<sup>365</sup> SSC, *Women and men in Azerbaijan*, 2019, p 186; OC Media, *Opinion – The killing of women in Azerbaijan is a product of our society*, 4 December 2019.

<sup>366</sup> JAM News, *What are women in Azerbaijan killed for*, 19 December 2016; JAM News, *Azerbaijani pop singer Nadir Qafarzade defends beheading of “unfaithful” women*, 27 August 2019; JAM News, *Series of femicides sparks protest campaign on Azerbaijani social media*, 10 October 2019; OC Media, *Opinion – The killing of women in Azerbaijan is a product of our society*, 4 December 2019; JAM News, *“He’ll get out and come after her with a knife again” - victim’s family does not believe that Azerbaijani court will protect her*, 25 February 2020; Meydan TV, *Identifying and preventing femicide*, 14 March 2020; Confidential source, 25 February 2020.

<sup>367</sup> The Council of Europe Convention on preventing and combating violence against women and domestic violence of 11 May 2011 is also known as the Istanbul Convention. Under this treaty, countries must ensure that women have adequate access to assistance, shelters, medical aid, advice and legal assistance. Azerbaijan had not signed this treaty during the reporting period; CEDAW, *Concluding observations on the fifth periodic report of Azerbaijan*, 12 March 2015, p 6; Report, *Azerbaijan to join Council of Europe Convention on preventing violence against women*, 23 May 2019; JAM News, *Protest March against violence against women in Baku: rally held despite police efforts*, 20 October 2019; Turan, *EU ambassador calls on Azerbaijan to sign Istanbul Convention*, 6 March 2020; Azer News, *Jankauskas: EU, Azerbaijan continue negotiations on new agreement*, 6 March 2020.

<sup>368</sup> Confidential source, 26 February 2020.

<sup>369</sup> Since 1991, the *Centre for Women’s Global Leadership* (CWGL) has organised the international campaign *16 Days of Activism against gender-based violence* between 25 November and 10 December. In recent years, the UN office in Azerbaijan, in collaboration with the *State Committee for Family, Women and Children Affairs* (SCFWCA), has organised a host of activities in Azerbaijan as part of this campaign. For example, in 2019 the campaign team had a video clip made for distribution through the (social) media. It also launched a billboard campaign; UNDP, *16 days of activism against gender-based violence campaign launched in Azerbaijan*, 21 November 2016; UNFPA,

Women who are subjected to domestic violence can report this to the police.<sup>370</sup> They can do this, for example, using the police's telephone helpline.<sup>371</sup> However, women are generally reluctant to report domestic violence. One reason for this is that the police and the social environment often regard domestic violence as a family affair.<sup>372</sup> Then the police attempt to reconcile the man and the woman rather than offering protection. In some cases, the police and the social environment tend to place the blame on the woman.<sup>373</sup> All of this leads to women often not trusting the authorities.<sup>374</sup> In addition, women are also afraid that reporting domestic violence could lead to a divorce, disgrace and rejection by their own family and the loss of their family home because the home is often not in their name.<sup>375</sup>

Rape carries a prison sentence of up to fifteen years.<sup>376</sup> Victims often dare not report it, however, because of the sense of shame. They are often afraid that it will become known to the outside world or that their social environment will blame them.<sup>377</sup>

#### *Shelter options*

There are three shelters for female victims of (domestic) violence: in Baku, Ganja and Sumqayıt. The NGO *Clean World*<sup>378</sup> manages the shelter in Baku. This NGO provides women who are victims of violence with shelter, legal support, psychological assistance and assistance in finding work.<sup>379</sup> The NGO *Tamas Regional Development Public Union* manages the shelter in Ganja. This shelter was renovated

*Organisation and conduct of 16 days of activism against GBV campaign*, 29 October 2017; USDoS, *Azerbaijan 2018 Human Rights Report*, 13 March 2019, p 32; UNFPA, *16 days of activism on combating gender-based violence launched in Azerbaijan*, 25 November 2019; Turan, *Azerbaijan to host campaign against gender-based violence*, 25 November 2019; UN Women, *16 Days of Activism against gender-based violence*, <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/take-action/16-days-of-activism>, consulted on 24 June 2020.

<sup>370</sup> Eurasianet, *Living with fear: Azerbaijan's domestic abuse victims have nowhere to flee*, 4 October 2019; Confidential source, 24 February 2020; Confidential source, 28 February 2020.

<sup>371</sup> UN Human Rights Council, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Azerbaijan*, 16 February 2018, p 17; OC Media, *Opinion – The killing of women in Azerbaijan is a product of our society*, 4 December 2019; Confidential source, 25 February 2020.

<sup>372</sup> IWPR, *Activists dispute Azeri domestic violence figures*, 26 April 2016; JAM News, *Op-ed: No one to complain to about violence in Azerbaijan?*, 23 June 2018; Eurasianet, *Teen rape in Azerbaijan spotlights abuse and forced marriages*, 1 August 2018; JAM News, *Azerbaijani opposition leader resigns after daughter's accusation of domestic violence*, 21 September 2019; Turan, *Fuad Gahramanli resigned as deputy chair of PFFPA*, 21 September 2019; OC Media, *Azerbaijani opposition rocked by domestic violence allegations*, 24 September 2019; JAM News, *Protest March against violence against women in Baku: rally held despite police efforts*, 20 October 2019; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 34; Freedom House, *Freedom in the World 2020, Azerbaijan*, 4 March 2020; Confidential source, 26 February 2020.

<sup>373</sup> JAM News, *I'm afraid to speak*, 12 July 2016; USDoS, *Azerbaijan 2018 Human Rights Report*, 13 March 2019, p 31; Meydan TV, *Identifying and preventing femicide*, 14 March 2020; Confidential source, 24 February 2020.

<sup>374</sup> Confidential source, 25 February 2020; Confidential source, 26 February 2020.

<sup>375</sup> Parvana Bayramova, *Barriers, remedies and good practices for women's access to justice in Azerbaijan*, 2017; JAM News, *Divorce in Azerbaijan: how to protect children?*, 5 May 2017; OC Media, *Divorce in Azerbaijan: women's empowerment or stigma*, 22 December 2017; Confidential source, 24 February 2020; Confidential source, 26 February 2020.

<sup>376</sup> Ministry of Foreign Affairs, *General Country of Origin Information Report*, 25 November 2013, p. 40; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 34.

<sup>377</sup> OBCT, *No laws, just shame: Sexual harassment in the South Caucasus*, 6 April 2018; JAM News, *Schoolgirl raped in Azerbaijan: public demands investigation, father wants daughter to marry alleged rapist*, 21 June 2018; Eurasianet, *Teen rape in Azerbaijan spotlights abuse and forced marriages*, 1 August 2018; Open Democracy, *Under public stigma, families often force young women in Azerbaijan to marry those who raped them*, 27 May 2019.

<sup>378</sup> In Azerbaijani: *Temiz Dünya*.

<sup>379</sup> JAM News, *Getting married at 14*, 2 November 2016; UN Women, *Shelters and prevention key to addressing domestic violence in Azerbaijan*, 6 December 2017; Turan, *Expert: 70-90 victims of trafficking revealed in Azerbaijan annually*, 30 July 2019; IOM, *Trafficking victims join fight against COVID-19 in Azerbaijan*, 27 March 2020; Confidential source, 26 February 2020.

in January 2020.<sup>380</sup> The NGOs that manage these three shelters have a limited number of shelters and limited financial resources.<sup>381</sup>

### 3.1.6 (Unaccompanied) minors

People in Azerbaijan are of legal age from the age of eighteen.<sup>382</sup> For minors between the ages of sixteen and eighteen, there is a limited form of legal capacity comparable to the situation in the Netherlands. Compulsory education applies from the ages of six to sixteen.<sup>383</sup> To be able to go to school, children must have a birth certificate. Children born at home do not always have a birth certificate.<sup>384</sup> The minimum age for penalisation is fourteen.<sup>385</sup>

An independent identity card and passport can be issued to a minor from birth.<sup>386</sup> See Chapter 2 for more information on how to apply for these documents for minors.

Minors require written permission from both parents to travel abroad. A notary must record this permission. This also applies when both parents are separated.<sup>387</sup>

### Child marriages

The minimum age for entering into a civil marriage is eighteen for both boys and girls.<sup>388</sup> Girls are allowed to get married before the age of eighteen if the local authorities give their permission.<sup>389</sup> According to the SSC, 338 marriages involving girls under the age of eighteen were registered in 2018.<sup>390</sup>

<sup>380</sup> CoE, *Reply from Azerbaijan to the questionnaire for the evaluation of the implementation of the Council of Europe convention on action against trafficking in human beings by the parties*, 1 July 2017, p 55; IOM Azerbaijan, *IOM Azerbaijan finished renovation works to the shelter in Ganja*, 21 January 2020; Azertac, *IOM Azerbaijan completes renovation works to shelter in Ganja*, 21 January 2020.

<sup>381</sup> CEDAW, *Concluding observations on the fifth periodic report of Azerbaijan*, 12 March 2015, p 6; The Advocates for Human Rights, *Azerbaijan: Domestic violence stakeholder report for the United Nations universal periodic review*, May 2018, p 7; Eurasianet, *Living with fear: Azerbaijan's domestic abuse victims have nowhere to flee*, 4 October 2019; IOM Azerbaijan, *IOM Azerbaijan finished renovation works to the shelter in Ganja*, 21 January 2020; Meydan TV, *A domestic violence pandemic*, 27 May 2020; Confidential source, 24 February 2020; Confidential source, 25 February 2020; Confidential source, 26 February 2020.

<sup>382</sup> Confidential source, 26 February 2020; Confidential source, 28 February 2020.

<sup>383</sup> Ministry of Foreign Affairs, *General Country of Origin Information Report*, 23 May 2012, p. 68-69; Confidential source, 26 February 2020; Confidential source, 28 February 2020.

<sup>384</sup> Meydan TV, *Azerbaijan's children: no birth certificate, no right to education*, 1 June 2018; USDoS, *Azerbaijan 2018 Human Rights Report*, 13 March 2019, p 32; Ministry of Education of the Republic of Azerbaijan, *Rules for acceptance of pupils to comprehensive schools*, <https://edu.gov.az/en/page/303/5339>, consulted on 24 June 2020.

<sup>385</sup> Ministry of Foreign Affairs, *General Country of Origin Information Report*, 23 May 2020, p 69; CoE, *Annual Penal Statistics – SPACE I 2019*, 25 March 2020, p 38.

<sup>386</sup> ASAN service, *Issuance and renewal of identity cards*; Confidential source, 24 February 2020.

<sup>387</sup> MPRMD, *Procedures on the issue of an international passport to citizens under 18 years old*; Confidential source, 25 February 2020; Confidential source, 26 February 2020; Confidential source, 28 February 2020.

<sup>388</sup> CEDAW, *Concluding observations on the fifth periodic report of Azerbaijan*, 12 March 2015, p. 11; UN Human Rights Committee, *Concluding observations on the fourth periodic report of Azerbaijan*, 16 November 2016, p 1; JAM News, *Azerbaijan: two girls commit suicide in one week to avoid forced marriages*, 8 August 2019; Asian Development Bank, *Azerbaijan country gender assessment*, December 2019, p 29; Meydan TV, *Child bride killed two weeks after wedding in Azerbaijan*, 31 January 2020; Confidential source, 28 February 2020.

<sup>389</sup> USDoS, *Azerbaijan 2015 Human Rights Report*, 13 April 2016; JAM News, *Getting married at 14*, 2 November 2016; Open Democracy, *Under public stigma, families often force young women in Azerbaijan to marry those who raped them*, 27 May 2019; JAM News, *Husband of 16-year-old girl kills wife in Azerbaijan two weeks after wedding*, 30 January 2020.

<sup>390</sup> SSC, *Women and men in Azerbaijan*, 2019, p 66; UNICEF Azerbaijan, *Let's make every day Women's Day*, 7 March 2020.

By law, the civil registry must first register a marriage before a religious marriage<sup>391</sup> may take place. In practice, some rural imams perform marriages with minors, especially those between the ages of 16 and 18, without a civil marriage. These marriages do not count as legal marriages.<sup>392</sup> One source said that the authorities usually do not act against the imams who perform child marriages.<sup>393</sup> According to the *United Nations Children's Fund* (UNICEF), in the period 2010-2016, eleven percent of all girls in Azerbaijan were (illegally) married before the age of eighteen.<sup>394</sup>

## 3.2 Compliance and violations

### 3.2.1 Freedom of speech

#### *Human rights activists*

The situation for human rights activists deteriorated during the reporting period. The authorities barely tolerated any dissident voices. Human rights activists faced intimidation, arrests, travel bans and convictions. These convictions were seldom based on the content of an article, a commentary on the internet or participation in a demonstration, for example, but more on presumably unfounded charges such as illegal entrepreneurship, tax evasion, abuse of power or other crimes.<sup>395</sup> In addition, the government used the (social) media to discredit human rights activists.<sup>396</sup> The authorities also harassed family members of human rights activists in attempts to stop the activities of those activists.<sup>397</sup> A number of human rights activists left the country as a result of the repression.<sup>398</sup>

A wave of arrests began in Azerbaijan in the run-up to the European Games, which were held in Baku in the summer of 2015.<sup>399</sup> In addition, the authorities detained a number of prominent human rights activists. One of them was Anar Mammadli, the chairman of the *Election Monitoring and Democracy Studies Center* (EMDS). The authorities arrested him on 16 December 2013. A court in Baku sentenced him to 5.5 years in prison in May 2014 – among other things for large-scale tax evasion,

<sup>391</sup> In Azerbaijani: *Kabin*; USDoS, *Azerbaijan 2015 Human Rights Report*, 13 April 2016, p 34; JAM News, *Getting married at 14*, 2 November 2016.

<sup>392</sup> IWPR, *Azerbaijan urged to act faster on domestic violence*, 14 February 2014; OC Media, *The young women fleeing forced marriage in Azerbaijan*, 12 September 2017; Turan, *Superstition – the foundation of early marriage*, 10 August 2019; OC Media, *Two suicides in one week: the cost of forced marriages in Azerbaijan*, 28 August 2019; JAM News, *15% of newborns in Azerbaijan are born to under-age moms*, 13 November 2019; Meydan TV, *Identifying and preventing femicide*, 14 March 2020; Confidential source, 26 February 2020.

<sup>393</sup> APA, *Azerbaijan prosecutes some clerics for officiating marriage of minors*, 23 May 2018; Confidential source, 26 February 2020.

<sup>394</sup> UNICEF, *The State of the World's Children 2017: Children in a digital world*, December 2017, p 182; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 36.

<sup>395</sup> HRW, *World report 2019, Azerbaijan*, 17 February 2019; Caucasian Knot, *Azerbaijani prosecutor's office threatens rights defender with criminal punishment*, 14 May 2019; Turan, *Court arrests Elchin Mammad*, 31 March 2020; Confidential source, 24 February 2020.

<sup>396</sup> Eurasianet, *Azerbaijan: Elaborate smear campaign targets prominent activist*, 12 December 2017; HRW, *World report 2020, Azerbaijan*, 29 January 2020.

<sup>397</sup> IWPR, *Azerbaijan: Travel ban for activist's family*, 5 June 2014; HRW, *Azerbaijani activist's family arrested, harassed*, 1 March 2017; HRW, *World report 2020, Azerbaijan*, 29 January 2020; AI, *Urgent action: Harassment of activist and family must stop*, 9 April 2020.

<sup>398</sup> Zaur Gasimov, *Historical dictionary of Azerbaijan*, 2018, p 111; HRW, *World report 2019, Azerbaijan*, 17 February 2019.

<sup>399</sup> The Guardian, *Azerbaijan detains prominent human rights activists in fresh crackdown*, 15 August 2014; IFHR, *Azerbaijan. Crackdown on human rights activists intensifies as Baku Games approach*, 21 April 2015, p 5; The Guardian, *Baku European Games crackdown only casts light on human rights issues*, 11 June 2015; HRW, *Azerbaijan: Baku Games to begin amid widespread repression*, 11 June 2015; HRW, *Azerbaijan's European Games: giving sport a bad name*, 16 June 2015.

illegal entrepreneurship and the abuse of power.<sup>400</sup> He was released on 17 March 2016 as part of the Novruz pardon.<sup>401</sup> On 19 April 2018, the ECHR ruled that in his cases there had been a violation of Article 5 (right to liberty and equality) and Article 18 (misuse of powers) of the European Convention on Human Rights.<sup>402</sup>

Another prominent human rights activist who was incarcerated was Leyla Yunus. In 1995, she founded the NGO *Institute of Peace and Democracy* together with her husband Arif Yunus.<sup>403</sup> The authorities arrested her on 30 July 2014 – among other things on charges of spying for Armenia.<sup>404</sup> On 5 August 2014, the police arrested her husband, also on charges of spying for Armenia.<sup>405</sup> On 13 August 2015, a court in Baku sentenced Leyla Yunus to 8.5 years in prison and Arif Yunus to seven years. On 12 November 2015, the authorities released Arif Yunus for health reasons.<sup>406</sup> On 9 December 2015, an appeal court commuted the sentences to a five-year suspended sentence, after which Leyla Yunus was also released. On 19 April 2016, the couple received permission from the authorities to travel to the Netherlands for medical treatment. They have not returned to Azerbaijan since then.<sup>407</sup> On 2 June 2016, the ECHR found that in their cases there had been a violation of Article 3 of the European Convention on Human Rights (prohibition of torture).<sup>408</sup>

Furthermore, on 2 August 2014 the authorities arrested Rasul Jafarov.<sup>409</sup> He was the chairman of the NGO *Human Rights Club* (HRC). On 16 April 2015 the court sentenced him to 6.5 years in prison for illegal entrepreneurship, large-scale tax evasion and abuse of power. On 17 March 2016, the ECHR stated that there had been a violation of Article 5 (right to liberty and security) and Article 18 (misuse of powers) of the European Convention on Human Rights in his case.<sup>410</sup> Several hours after this statement, the President issued the decree for the Novruz pardon that led to his release.<sup>411</sup>

In addition, on 8 August 2014 the authorities arrested Intigam Aliyev. He was chairman of the NGO *Legal Education Society*. On 22 April 2015 the court sentenced him to 7.5 years in prison for illegal entrepreneurship, large-scale tax evasion and

<sup>400</sup> IWPR, *Critic of election conduct arrested in Azerbaijan*, 18 December 2013; OSCE, *Sentencing of Mammadli "an affront to OSCE values" in Azerbaijan, OSCE PA Human Rights Chair says*, 30 May 2014; IFHR, *Azerbaijan: Concerns over the deterioration of the health of Leyla Yunus, Arif Yunusov and Anar Mammadli while in arbitrary detention*, 13 February 2015.

<sup>401</sup> HRW, *Dispatches Good news from Azerbaijan for a change*, 17 March 2016; *The Economist*, *Azerbaijan frees 14 jailed dissidents. The rest remain locked up*, 22 March 2016.

<sup>402</sup> ECHR, *Azerbaijani authorities arrested and detained well-known activist to punish him for his work criticising electoral irregularities*, 19 April 2018.

<sup>403</sup> In Azerbaijani: *Sulh ve Demokratiya Institutu*; Leyla & Arif Yunus, *The price of freedom. Torture of political prisoners in Europe today*, Uitgeverij Gopher, 2020, p 192.

<sup>404</sup> The authorities charged Leyla Yunus under Article 178.3.2 of the Penal Code (large-scale fraud), Article 192.2.2 of the Penal Code (illegal entrepreneurship), Article 213.2.2 of the Penal Code (large-scale tax evasion), Article 274. Penal Code (high treason), article 320.1.2, Penal Code (falsification of official documents); ECHR, *Case of Yunusova and Yunusov v. Azerbaijan (Application no. 59620/14)*, 17 October 2016; USDoS, *Azerbaijan 2014 Human Rights Report*, 25 June 2015, p 13; Leyla & Arif Yunus, *The price of freedom*, p 24.

<sup>405</sup> HRW, *Azerbaijan: Leading rights defender arrested*, 5 August 2014; ECHR, *Case of Yunusova and Yunusov v. Azerbaijan (Application no. 59620/14)*, 17 October 2016; Leyla & Arif Yunus, *The price of freedom*, p 29.

<sup>406</sup> RFE/RL, *Jailed Azerbaijani activist Arif Yunus released from jail, but can't leave Baku*, 12 November 2015; *The Guardian*, *Azerbaijan releases human rights activist Leyla Yunus*, 10 December 2015; AI, *Annual report 2015/16, Azerbaijan*, 13 April 2016.

<sup>407</sup> IFHR, *Azerbaijan/The Netherlands: Azeri Court issues decision ordering Leyla Yunus and Arif Yunusov to be forcibly returned to Azerbaijan*, 18 May 2017; Zaur Gasimov, *Historical dictionary of Azerbaijan*, 2018, p 240.

<sup>408</sup> ECHR, *Case of Yunusova and Yunusov v. Azerbaijan (Application no. 59620/14)*, 17 October 2016.

<sup>409</sup> USDoS, *Azerbaijan 2014 Human Rights Report*, 25 June 2015, p 13; ECHR, *Case of Jafarov and others v. Azerbaijan (Application no. 27309/14)*, 25 October 2019.

<sup>410</sup> ECHR, *Detention of activist was unjustified and aimed to punish him for activities as human rights activist*, 17 March 2016; AI, *Annual report 2015/16, Azerbaijan*, 13 April 2016.

<sup>411</sup> AI, *Azerbaijan: Release of 10 prisoners of conscience is a glimmer of hope for those still behind bars*, 17 March 2016; HRW, *Rasul Jafarov – Risks re-arrest to push for rights in Azerbaijan*, 20 October 2016.

abuse of power.<sup>412</sup> On 28 March 2016, the authorities released him on parole. The conditions for his release included an international travel ban.<sup>413</sup>

### NGOs

During the reporting period, international support for civil society was made difficult by restrictive legislation. In 2013 and 2014, Parliament adopted a number of amendments to the NGO Act and the Donations Act. This allowed the authorities to impose even greater restrictions on NGOs, which made it more difficult for NGOs to register.<sup>414</sup> Independent NGOs found it more difficult to receive funding – for example because the authorities froze their bank accounts in order to prevent them from using funding that the authorities had not authorised.<sup>415</sup> In 2014, almost all Azerbaijani NGOs and international NGOs in Azerbaijan that engaged in human rights, including Oxfam and IREX, closed their offices in Azerbaijan.<sup>416</sup>

In order to receive financial contributions and donations from both domestic and foreign sources, an NGO was required by law to first register the donor with the Ministry of Justice. After this registration, the NGO had to ask the Ministry of Finance for approval. This had to be done individually for each financial contribution and donation. If permission from the Ministry of Finance was received, an NGO could sign a contract with the donor. The NGO then had to register this contract with the Ministry of Justice before it could receive a financial contribution or a donation for a project. It was not possible to object if the Ministry of Justice refused the registration or the Ministry of Finance rejected it. Because of all the obstacles, independent NGOs could scarcely function anymore.<sup>417</sup>

### Journalism/freedom of the press

In 2020, Azerbaijan dropped two places compared to 2019 and was ranked 168th in the *World Press Freedom Index of Reporters without Borders* (of a total of 180 countries).<sup>418</sup> Since 2014, there has been little or no pluralism in the Azerbaijani media.<sup>419</sup> The freedom of journalists to make critical statements to the authorities was very limited. In some cases, it was possible to report critically about the authorities in publications. These publications usually did not reach the general public, because they were not publications in the national media and were mostly on social media, on the news website of Turan news agency or in the English-language media. For example, journalists were able to report critically on abuses during the February 2020 parliamentary election and on hunger strikes by political prisoners.<sup>420</sup> It was also possible to criticise a minister, but direct and open criticism of the

<sup>412</sup> IFHR, *Azerbaijan: Intigam Aliyev sentenced to 7.5 years of jail for human rights work*, 22 April 2015; AI, *Annual report 2015/16, Azerbaijan*, 13 April 2016.

<sup>413</sup> AI, *Azerbaijan releases human rights lawyer Intigam Aliyev*, 28 March 2016; RFE/RL, *Prominent Azerbaijani lawyer to be released from prison*, 28 March 2016; Confidential source, 27 February 2020.

<sup>414</sup> Caucasian Knot, *Azerbaijan enacts amendments to the law on NGOs and grants*, 20 November 2014; Audrey Altstadt, *Frustrated democracy in post-Soviet Azerbaijan*, 2017, p 22; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 23.

<sup>415</sup> OC Media, *Azerbaijan's paralysed civil society*, 10 July 2019; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 24; Confidential source, 25 February 2020.

<sup>416</sup> USDoS, *Azerbaijan 2014 Human Rights Report*, 25 June 2015, p. 1; European Commission, High representative of the European Union for foreign affairs and security policy, *Implementation of the European neighbourhood policy in Azerbaijan progress in 2014 and recommendations for actions*, 25 March 2015, p 2; Audrey Altstadt, *Frustrated democracy in post-Soviet Azerbaijan*, 2017, p 166-167; Confidential source, 27 February 2020.

<sup>417</sup> Agshin Umudov, *Europeanization of Azerbaijan: Assessment of normative principles and pragmatic cooperation*, in: Olaf Leisse (red.), *Politik und Gesellschaft im Kaukasus. Eine unruhige Region zwischen Tradition und Transformation*, Springer VS, 2019, p. 64-65; OC Media, *Azerbaijan's paralysed civil society*, 10 July 2019; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 24; AI, *Annual report 2019, Azerbaijan*, 16 April 2020; Confidential source, 24 February 2020; Confidential source, 26 February 2020; Confidential source, 27 February 2020.

<sup>418</sup> RSF, *2020 World Press Freedom Index*, <https://rsf.org/en/ranking>, consulted on 24 June 2020.

<sup>419</sup> Confidential source, 13 February 2020; Confidential source, 25 February 2020; Confidential source, 27 February 2020.

<sup>420</sup> Confidential source, 24 February 2020; Confidential source, 27 February 2020.

activities of the presidential family was taboo.<sup>421</sup> Critical articles about government corruption were also taboo.<sup>422</sup> In addition, libel and insult were criminal offences, so that the criminal prosecution of journalists was legally possible on that basis.<sup>423</sup>

During the reporting period, independent and critical journalists faced harassment, physical threats, arrests, fines, international travel bans, lawsuits and prison sentences.<sup>424</sup> Arrests and convictions of journalists who were critical of the authorities were often based on charges such as ignoring police orders, tax evasion, hooliganism, drug possession or other crimes.<sup>425</sup> In addition, the authorities used the media to discredit critical journalists, such as by accusing them of being pro-Armenian or a foreign spy.<sup>426</sup> For example, Ali Hasanov, who was sacked in November 2019, was known for his influence over the media and journalists.<sup>427</sup> The authorities also pressurised family members of critical journalists.<sup>428</sup>

During the reporting period, the authorities closed the investigation into the 2005 murder of the well-known journalist Elmar Huseynov without it having led to any convictions.<sup>429</sup>

One example of a journalist who faced incarceration during the reporting period was Seymour Hazi. On 29 August 2014, the authorities arrested him on charges of attacking a man at a bus stop. Hazi worked for the newspaper Azadliq Radio (Radio Freedom) and the satellite television programme Azerbaijan Saati (The Time of Azerbaijan). On 29 January 2015, a court sentenced him to five years in prison for hooliganism. He was released on 29 August 2019.<sup>430</sup>

Another well-known journalist who faced incarceration was Khadija Ismayilova. On 5 December 2014, the authorities arrested her on charges of instigating the suicide of a former colleague.<sup>431</sup> At the time, she was working for Azadliq Radio. She wrote

<sup>421</sup> Confidential source, 24 February 2020; Confidential source, 25 February 2020; Confidential source, 25 February 2020; Confidential source, 27 February 2020.

<sup>422</sup> Audrey Altstadt, *Frustrated democracy in post-Soviet Azerbaijan*, 2017, p 24; Confidential source, 24 February 2020.

<sup>423</sup> Freedom House, *Freedom in the world 2020, Azerbaijan*, 4 March 2020; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 19.

<sup>424</sup> Caucasian Knot, *"Freedom House" highlights harassment of journalists in Azerbaijan*, 20 September 2019; Turan, *Public activist Movlamly claims physical pressure on her by police*, 13 October 2019; CoE, Commissioner for Human Rights, *Dunja Mijatović, report following her visit to Azerbaijan from 8 to 12 July 2019*, 11 December 2019, p 10-11; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 16; RFE/RL, *Azerbaijan urged to lift journalist's 'unjust' travel ban*, 16 January 2020.

<sup>425</sup> CoE, Commissioner for Human Rights, *Dunja Mijatović, report following her visit to Azerbaijan from 8 to 12 July 2019*, 11 December 2019, p 8; Confidential source, 24 February 2020.

<sup>426</sup> BBC News, *Azerbaijan journalist Khadija Ismayilova jailed in Baku*, 1 September 2015; IWPR, *Azerbaijan: Women journalists under pressure*, 16 August 2019; HRW, *World report, Azerbaijan*, 29 January 2020.

<sup>427</sup> Confidential source, 24 February 2020; Confidential source, 27 February 2020.

<sup>428</sup> IWPR, *From exile, journalists see relatives targeted in Azerbaijan*, 4 August 2015; AI, *Annual report 2015/16, Azerbaijan*, 13 April 2016; AI, *"Revolving doors": The ongoing persecution of government critics in Azerbaijan*, 16 June 2016, p 7; RSF, *Azerbaijan: Six years in jail for two of exile journalist's young relatives*, 30 June 2016; Freedom House, *Nations in transit 2017, Azerbaijan*, 29 March 2017; Union for the Freedom for Political Prisoners of Azerbaijan, *List of political prisoners*, 20 March 2019, p 45; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 16-17.

<sup>429</sup> CoE, Commissioner for Human Rights, *Dunja Mijatović, report following her visit to Azerbaijan from 8 to 12 July 2019*, 11 December 2019, p 8; Turan, *Journalists demand new investigation into Elmar Huseynov's murder*, 2 March 2020; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 18.

<sup>430</sup> Caucasian Knot, *Azerbaijani court rules to arrest journalist Seimur Khazi*, 30 August 2014; Reuters, *Azerbaijan sentences opposition journalist to 5 years in jail*, 29 January 2015; CoE, *Journalist Seymour Hazi sentenced on hooliganism charges*, 2 April 2015; Zaur Gasimov, *Historical dictionary of Azerbaijan*, 2018, p 107; Caucasian Knot, *Journalist Khazi released from Azerbaijani prison*, 29 August 2019; RFE/RL, *Azerbaijani journalist says five years in prison did not change him*, 29 August 2019; JAM News, *Azerbaijani prisoner of conscience released after five-year term*, 29 August 2019; Turan, *Seymour Hazi: "The prison term hasn't taken anything from me"*, 29 August 2019; CoE, Commissioner for Human Rights, *Dunja Mijatović, report following her visit to Azerbaijan from 8 to 12 July 2019*, 11 December 2019, p 8-9.

about the corrupt practices of the presidential family and high-ranking government officials.<sup>432</sup> In February 2015, there followed additional charges of embezzlement, illegal entrepreneurship, large-scale tax evasion and abuse of power. A court in Baku sentenced her to 7.5 years in prison on 1 September 2015. On 25 May 2016, she was released after the Supreme Court commuted her sentence to a three-year suspended sentence with five years of probation. In August 2016, the Baku court further commuted her sentence to two years and three months with five years of probation. This meant that she was not permitted to leave Azerbaijan for five years.<sup>433</sup> On 27 February 2020, the ECHR ruled that in her case there had been an violation of Articles 5 (right to liberty and security), 6 (right to a fair trial) and 18 (misuse of powers) of the European Convention on Human Rights.<sup>434</sup>

In addition, on 2 May 2017 the authorities arrested Aziz Orujev, the director of online television channel Kanal 13, for ignoring police orders. The court sentenced him to thirty days of administrative detention. On 2 June 2017, two hours before the term of detention expired, this was followed by additional charges of illegal entrepreneurship and abuse of power.<sup>435</sup> On 15 December 2017, a Baku court sentenced him to six years in prison.<sup>436</sup> On 5 April 2018 he was released after the Supreme Court commuted his sentence to three years of probation.<sup>437</sup>

On 7 August 2017, the authorities launched an investigation into tax evasion by Turan news agency. On 24 August 2017, they arrested Turan director Mehman Aliyev on charges of tax evasion and abuse of power. On 11 September 2017, they placed him under house arrest. On 2 November 2017, the prosecutor dismissed the cases against Mehman Aliyev and Turan news agency.<sup>438</sup>

On 12 June 2019, the authorities arrested Polad Aslanov on a charge of espionage. In December 2019, the charge of issuing death threats was added. He was editor-in-chief of the news websites *Xeberman.com* and *Press-az.com*. He wrote about

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<sup>431</sup> RFE/RL, *U.S. protesters demand release of RFE reporter Ismayilova*, 8 December 2014; USDoS, *Azerbaijan 2014 Human Rights Report*, 25 June 2015, p 13.

<sup>432</sup> Ministry of Foreign Affairs, *General Country of Origin Information Report*, 25 November 2013, p. 16.

<sup>433</sup> IFHR, *Azerbaijan: Investigative journalist Khadija Ismayilova sentenced to 7.5 years in jail*, 1 September 2015; The Guardian, *Investigative journalist Khadija Ismayilova freed in Azerbaijan*, 25 May 2016; The Guardian, *Journalist's release highlights plight of Azerbaijan's other political prisoners*, 26 May 2016; RFE/RL, *RFE/RL condemns latest Azerbaijan ruling against Ismayilova*, 8 August 2019; Turan, *Khadija Ismayilova invited to testify in London court*, 10 January 2020.

<sup>434</sup> ECHR, *Arrest and detention of Azerbaijan journalist was aimed at silencing and punishing her*, 27 February 2020; RFE/RL, *European Rights Court issues third ruling in favor of Azerbaijani investigative journalist*, 7 May 2020.

<sup>435</sup> Turan, *At the trial in the case of Aziz Orujev*, 10 October 2017; CPJ, *Journalist imprisoned in 2017 – Aziz Orujov*, 31 December 2017.

<sup>436</sup> JAM News, *Director of an internet TV channel in Azerbaijan sentenced to 6 years in prison*, 15 December 2017; OC Media, *OSCE calls on Azerbaijan to release illegally jailed journalists*, 20 December 2017; AI, *Annual report 2017/18, Azerbaijan*, 22 February 2018.

<sup>437</sup> Turan, *The health of Aziz Orujov does not improve*, 3 April 2018; HRW, *Azerbaijan released wrongly jailed journalist*, 5 April 2018; AI, *Supreme court orders journalist's release: Aziz Orujov*, 1 May 2018; Turan, *Court refused to release journalist from probation*, 6 November 2019; Turan, *Criminal record removed from co-founder of "Kanal 13"*, 11 February 2020.

<sup>438</sup> Eurasianet, *Azerbaijan's "last independent media outlet" faces persecution*, 14 August 2017; HRW, *Azerbaijan's last-standing independent news agency facing closure*, 17 August 2017; CPJ, *Azerbaijani news agency's office raided*, 17 August 2017; RSF, *Turan news agency director arrested!*, 24 August 2017; HRW, *Azerbaijan: Independent news director jailed*, 25 August 2017; RFE/RL, *Azerbaijan orders head of independent Turan News Agency held in pretrial detention*, 25 August 2017; OBCT, *Azerbaijan: the silent crackdown in the land of fire*, 6 September 2017; RFE/RL, *Azerbaijan drops charges against Turan News Agency, director*, 2 November 2017; AI, *Annual report 2017/18, Azerbaijan*, 22 February 2018; Zaur Gasimov, *Historical dictionary of Azerbaijan*, 2018, p 25.

government corruption, among other things. No conviction followed during the reporting period.<sup>439</sup>

During the reporting period, a number of journalists outside Azerbaijan also encountered problems. One example of this was Rauf Mirqadirov. He worked for the Russian-language newspaper *Zerkalo*. He had been living in Turkey since 2010. On 18 April 2014, Turkish police informed him that his residence permit and work permit were no longer valid. The next day, the Turkish authorities expelled him from the country. On his arrival in Baku, the authorities arrested him on a charge of spying for Armenia. On 28 December 2015, a court sentenced him to six years in prison. On 17 March 2016, he was released after a court commuted the sentence on appeal to a five-year suspended sentence.<sup>440</sup>

Another example involved Afgan Mukhtarli. In 2015, he and his wife Leyla Mustafayeva left for Georgia after being threatened for investigating government corruption. On 29 May 2017, unknown men abducted Afgan Mukhtarli near his home in Tbilisi. The next day, it turned out that he had been detained in a cell in Azerbaijan.<sup>441</sup> On 12 January 2018, a Balakan court sentenced him to six years in prison on charges that included smuggling, crossing the border illegally and ignoring police orders.<sup>442</sup> On 17 March 2020, a court in Baku ordered that he should be released and allowed to travel to his wife in Germany. That same day, he arrived in Berlin.<sup>443</sup>

In addition, in September 2017 a lawsuit was filed in France against the two French journalists Elise Lucet and Laurent Richard. The Azerbaijani authorities charged them with defamation. On 7 November 2017, a Paris court declared the charges inadmissible.<sup>444</sup>

<sup>439</sup> Caucasian Knot, *Court arrests Azerbaijani journalist for four months*, 15 June 2019; RSF, *Azerbaijani reporter facing possible life sentence on treason charge*, 21 June 2019; Turan, *Court of Appeal leaves Polad Aslanov in custody*, 25 June 2019; Caucasian Knot, *New charge presented to Azerbaijani journalist Polad Aslanov*, 25 December 2019; Turan, *Investigation Completed Regarding Polad Aslanov*, 29 December 2019; Caucasian Knot, *Case against Azerbaijani journalist Polad Aslanov to be considered by court*, 24 January 2020; Caucasian Knot, *Journalist Polad Aslanov complains about unfair trial*, 4 February 2020; Turan, *Polad Aslanov does not consider himself guilty*, 18 February 2020; Caucasian Knot, *Polad Aslanov associates his prosecution with journalistic activities*, 18 February 2020; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 17; Turan, *There are 140 political prisoners in Azerbaijan – list of UFPPA*, 30 March 2020; AI, *Annual report 2019, Azerbaijan*, 16 April 2020; International Press Institute, *Azerbaijan abuses quarantine rules to jail critical journalists and bloggers*, 23 April 2020; Turan, *Arrested journalist appeals to prosecutor general and ombudsman*, 5 June 2020.

<sup>440</sup> RFE/RL, *Azerbaijan arrests prominent journalist for espionage*, 20 April 2014; Hürriyet daily news, *Azerbaijan arrests journalist on spying charge after deportation from Turkey*, 21 April 2014; HRW, *Turkey/Azerbaijan: Journalist deported, imprisoned*, 24 April 2014; Al Jazeera, *Azerbaijan: Treason and other charades*, 30 April 2014; FIDH, *Azerbaijan. Crackdown on human rights activists intensifies as Baku Games approach*, 21 April 2015, p. 7; Freedom House, *Azerbaijan: Journalist Rauf Mirqadirov Sentenced to Prison*, 28 December 2015; RFE/RL, *Azerbaijani court releases journalist jailed for treason*, 17 March 2016; IFHR, *Azerbaijan: Several human rights activists free at last, while others remain behind bars*, 18 March 2016; Audrey Altstadt, *Frustrated democracy in post-Soviet Azerbaijan*, 2017, p 167.

<sup>441</sup> BBC News, *Afgan Mukhtarli: Did Georgia help abduct an Azeri journalist?*, 17 July 2017; AI, *Annual report 2017/18, Azerbaijan*, 22 February 2018; Eurasianet, *Azerbaijan releases imprisoned journalist who had been abducted from Georgia*, 18 March 2020.

<sup>442</sup> RSF, *Azerbaijan: Abducted journalist gets six years in "terrifying" signal to exiles*, 12 January 2018; CoE, Commissioner for Human Rights, *Dunja Mijatović, report following her visit to Azerbaijan from 8 to 12 July 2019*, 11 December 2019, p 9.

<sup>443</sup> OC Media, *Azerbaijani journalist Afgan Mukhtarli freed from prison*, 17 March 2020; HRW, *Prominent journalist freed in Azerbaijan*, 18 March 2020; RSF, *Azerbaijan releases jailed journalist Afgan Mukhtarli to Germany*, 23 March 2020.

<sup>444</sup> RSF, *Azerbaijani government tries to export intimidation to France*, 4 September 2017; Eurasianet, *Azerbaijan sues French journalists, in France, for defamation*, 5 September 2017; RFE/RL, *French court hears case of journalists accused of calling Azerbaijan 'dictatorship'*, 5 September 2017; CPJ, *Journalists on trial in France after calling Azerbaijan a dictatorship*, 7 September 2017; RFE/RL, *French court rejects Baku's defamation case against journalists*, 7 November 2017; Meydan TV, *French court rejects Azerbaijani lawsuit against reporters*, 8 November 2017; Bertelsmann Stiftung, *2020 country report Azerbaijan*, 29 April 2020, p 12.

### Television

On 18 July 2016, *National Television and Radio Council* (NTRC) media watchdog took television channel *ANS TV* off the air after it announced it would broadcast an interview with Fethullah Gülen. According to the NTRC, it took this measure to prevent the spread of terrorist propaganda, among other things.<sup>445</sup>

### Newspapers

During the reporting period, a number of independent and opposition newspapers were shut down. For example, the Russian-language newspaper *Zerkalo* increasingly struggled to meet its financial obligations during the reporting period. Because the authorities controlled the advertising market, this newspaper had to close down in 2014 due to lack of income.<sup>446</sup> On 6 September 2017, the paper version of the *Azadliq* newspaper was also discontinued due to financial difficulties.<sup>447</sup>

### Demonstrations

During the reporting period, the authorities regularly refused to authorise opposition demonstrations. If permission was granted, it was accompanied by restrictions. One restriction, for example, was that these demonstrations should not take place in Baku city centre but in deserted and hard-to-reach areas on the outskirts of the city.<sup>448</sup>

Police regularly ended illegal demonstrations in a violent manner. This was often accompanied by the arrest of many of the protesters and sometimes even bystanders.<sup>449</sup> In some cases, the police also arrested activists prior to a demonstration to prevent them from participating. Demonstrators who were injured due to police intervention sometimes received inadequate medical attention because police warned doctors not to treat them.<sup>450</sup>

Organisers and participants of illegal demonstrations could be punished with a hefty fine or with administrative detention of up to ninety days for violations of public order or up to thirty days for ignoring police orders.<sup>451</sup> People were sometimes detained for longer on the basis of other charges, such as the use of violence against the police. The authorities usually did not impose the maximum duration of

<sup>445</sup> RFE/RL, *Azerbaijani TV station closed over 'interview' with U.S.-based Turkish cleric accused by Ankara in coup*, 19 July 2016; Eurasianet, *Coup attempt ripple effect: Azerbaijan closes TV station*, 19 July 2016; Reuters, *Azerbaijan closes TV station over interview with Turkish cleric Gulen*, 29 July 2016; Zaur Gasimov, *Historical dictionary of Azerbaijan*, p 30 and 243; Freedom House, *Nations in transit 2017, Azerbaijan*, 29 March 2017.

<sup>446</sup> IWPR, *In Azerbaijan, it's press unfreedom year*, 1 May 2015; RSF, *Deprived of income, Azerbaijani paper is forced to stop publishing*, 20 January 2016; JAM News, *Founder of first independent Russian-language newspaper in Azerbaijan dies in Baku*, 8 May 2018.

<sup>447</sup> CoE, *Azadliq newspaper stops publishing in Azerbaijan after arrest of financial director*, 18 January 2017; Article 19, *Azerbaijan: Censorship of main opposition paper*, 18 January 2017; Freedom House, *Nations in transit 2017, Azerbaijan*, 29 March 2017; OBCT, *Azerbaijan: the silent crackdown in the land of fire*, 6 September 2017.

<sup>448</sup> RFE/RL, *Azerbaijani opposition rallies against crackdown*, 9 November 2014; JAM News, *This time the same old thing*, 17 September 2016; JAM News, *Oppositionists in Azerbaijan fail to agree on holding a joint rally*, 31 March 2017; Azer News, *Baku city main police department talks on rally of "National Council or Democratic Forces"*, 23 September 2017; RFE/RL, *Azerbaijani opposition holds rally in Baku*, 28 October 2017; Meydan TV, *Opposition figures questioned by police ahead of planned rally*, 9 March 2018; Report, *YAP comments on rally held by National Council together with Musavat Party*, 10 March 2018; OC Media, *Azerbaijan opposition parties protest snap presidential elections*, 12 March 2018; Eurasianet, *Azerbaijan detains opposition leader and reportedly many more*, 19 October 2019; OC Media, *Police violently disperse Azerbaijan election protest*, 13 February 2020; Turan, *Baku city hall again offers rally in Lokbatan*, 26 February 2020; Report, *Baku Mayor's office authorizes women's March*, 5 March 2020; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 21; Confidential source, 12 March 2020.

<sup>449</sup> OC Media, *Police in Azerbaijan break up women's day March*, 9 March 2019; HRW, *Azerbaijan Peaceful rallies dispersed violently*, 22 October 2019; Eurasianet, *Azerbaijani police violently break up post-election protest*, 12 February 2020; Confidential source, 24 February 2020.

<sup>450</sup> OC Media, *Police violently disperse Azerbaijan election protest*, 13 February 2020; Confidential source, 12 March 2020.

<sup>451</sup> Freedom House, *Freedom in the world 2019, Azerbaijan*, 4 February 2019; USDoS, *Azerbaijan 2018 Human Rights Report*, 13 March 2019, p 20.

an administrative detention but rather a substantial fine, an overnight stay at the police station or thirty days of administrative detention.<sup>452</sup> It was also not uncommon for the police to drive the protesters out of Baku by bus and drop them in the countryside several hours later.<sup>453</sup> In addition, the authorities sometimes put pressure on family members of organisers and participants. Among other things, family members were held for several hours or lost their jobs under pressure from the authorities.<sup>454</sup>

For example, demonstrations during which the authorities cracked down during the reporting period took place in 2016 when protests broke out at various locations in Azerbaijan. On 12 January 2016, for example, a demonstration was held in the Lankaran district due to people's dissatisfaction with the price increases.<sup>455</sup> The police arrested the local chairpersons of the APFP and Müsavat. Both were sentenced to 30 days in administrative detention for participating in an illegal demonstration.<sup>456</sup> Furthermore, demonstrations were held on 13 January 2016 in Fizuli, Aqsu, Aqcabardi, Siyazan and Lankaran, at which the protesters expressed their anger at the increase in the prices of flour and bread, among others.<sup>457</sup> In Siyazan, police used tear gas and rubber bullets to disperse protesters in front of City Hall. The army also came to Siyazan to stop the protests. According to the authorities, they arrested a total of 55 people for taking part in the protests.<sup>458</sup> Of these 55, eleven people were convicted of offences. On 29 March 2017, Siyazan District Court sentenced them to prison terms ranging from two to six years – among other things for violence against the police, drug possession and the illegal possession of weapons.<sup>459</sup> A working group consisting of human rights activists, lawyers and journalists from Azerbaijan then added these eleven people to a list of

<sup>452</sup> USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 21; Confidential source, 24 February 2020.

<sup>453</sup> OC Media, *Azerbaijani police strand Baku protesters around the country*, 17 February 2020; Confidential source, 28 February 2020; Confidential source, 12 March 2020.

<sup>454</sup> USDoS, *Azerbaijan 2018 Human Rights Report*, 13 March 2019, p 16; Eurasianet, *Azerbaijan detains opposition leader and reportedly many more*, 19 October 2019; Confidential source, 12 March 2020.

<sup>455</sup> The Azerbaijani economy is largely dependent on the oil and gas industry. In 2019, forty percent of the country's GDP came from earnings in the oil and gas sector. In response to the drop in the oil price, in February 2015 the Central Bank of Azerbaijan decided to devalue the Azerbaijani currency by thirty percent. On 21 December 2015, the central bank set the exchange rate at AZN 1.55 for one dollar. That reduced the value of the currency by another 32 percent. Inflation and the accompanying price increases led to more unrest in Azerbaijan. Since April 2017, the rate has been fixed at AZN 1.70 for a dollar; Reuters, *Update 1 – Azeri central bank devalues currency by 33.5 pct to dollar*, 21 February 2015; The Guardian, *Azerbaijan in crisis as currency plummets*, 22 December 2015; IWPR, *Azerbaijanis struggle after currency devaluation*, 18 January 2016; Audrey Altstadt, *Frustrated democracy in post-Soviet Azerbaijan*, 2017, p 221-222; Trend, *Should we expect a change in rate of Azerbaijani manat?*, 17 April 2018; Eurasianet, *Why has the Azerbaijani manat flatlined?*, 15 November 2018; Thomas de Waal, *Is change afoot in Azerbaijan?*, 5 November 2019; Turan, *Dollar and Euro exchange rates in relation to manat stable*, 29 August 2019; EPRS, *Azerbaijan ahead of the parliamentary elections*, February 2020; Azer News, *Currency rates for March 13*, 13 March 2020.

<sup>456</sup> RFE/RL, *Protests erupt in Azerbaijan over jobs, economic woes*, 13 January 2016; The Guardian, *Azerbaijan forced to cut bread taxes after widespread protests*, 15 January 2016; AI, *Azerbaijan: Detained political activists and peaceful protesters must be released*, 25 January 2016; USDoS, *Azerbaijan 2016 Human Rights Report*, 3 March 2017, p 23.

<sup>457</sup> RFE/RL, *Protests erupt in Azerbaijan over jobs, economic woes*, 13 January 2016; Eurasianet, *Azerbaijan blames protests on everything but economy*, 14 January 2016; Bertelsmann Stiftung, *2018 country report Azerbaijan*, 2018, p 13.

<sup>458</sup> Caucasian Knot, *In Azerbaijan, police use rubber bullets to shell demonstrators*, 13 January 2016; RFE/RL, *Scores detained in Azerbaijan amid countrywide protests*, 14 January 2016; Eurasianet, *Azerbaijan blames protests on everything but economy*, 14 January 2016; BBC News, *Azerbaijan hit by price protests amid oil slump*, 14 January 2016; Eurasianet, *Azerbaijan: wielding a stick while searching for carrots*, 19 January 2016; USDoS, *Azerbaijan 2016 Human Rights Report*, 3 March 2017, p 23.

<sup>459</sup> Turan, *Eleven residents of Siyazan sentenced for participating in protests in 2016*, 30 March 2017; Turan, *Verdict on convicts on Siyazan events to be appealed*, 17 April 2017; Reuters, *Authorities in Azerbaijan use jail, militia to stifle protest movement*, 18 April 2017; Turan, *The Supreme Court rejected the appeal of "Siyazan prisoners"*, 17 July 2018; CoE, Committee on Legal Affairs and Human Rights, *Political prisoners in Azerbaijan*, 22 January 2019, p 8.

political prisoners.<sup>460</sup> By February 2018, one of them had served his sentence. The other ten were released as part of the Novruz pardon of 16 March 2019.<sup>461</sup>

The last time the authorities authorised an opposition demonstration in Baku was on 19 January 2019.<sup>462</sup> The NCDP was then allowed to demonstrate at the Mahsul Stadium in the Yasamal City District of Baku. Prior to the demonstration, the police arrested around 100 activists. On the day itself, the turnout was higher than expected. According to the police, there were 2,800 participants, while the organisation claimed there were 10,000 participants. Fifteen minutes after the start of the demonstration, the police closed the entrance to the stadium. The authorities also turned off the mobile internet in the area surrounding the stadium, so it was not possible to report live on social media. Representatives from Müsavat, ReAl and the APFP gave speeches from a podium during the two-hour demonstration. The protesters called for the release of blogger Mehman Huseynov and other political prisoners.<sup>463</sup> In the aftermath of this demonstration, the authorities convicted 31 activists. They were sentenced to administrative detention of between ten and thirty days. For example, on 22 January 2019, the police arrested Elvin Abdullayev of Müsavat. On 23 January 2019, the district court of Khatai sentenced him to 25 days of administrative detention for ignoring police orders.<sup>464</sup>

After 19 January 2019, the authorities initially rejected all requests to hold demonstrations.<sup>465</sup> According to the NCDF, the authorities were shocked by the unexpectedly high turnout on 19 January 2019 and refused permission since then because they feared the situation would get out of hand. The reasons initially given by the authorities were that during the demonstration of 19 January 2019 public order had been violated and they had ascertained legal infringements. The authorities later said that the Mahsul stadium had been closed for renovations and that the other sites in or near the centre of Baku that were proposed by the opposition, including locations close to metro stations, were not permitted for security reasons.<sup>466</sup>

It was not until 26 September 2019 that the authorities again authorised a demonstration, this time in the town of Lokbatan in the region of Baku. The NCDF did not regard this location as suitable and asked for a different location. When the authorities did not grant that request, the NCDF announced that it would demonstrate at a metro station in downtown Baku on 19 October 2019. Prior to this

<sup>460</sup> Working Group, *A unified list of political prisoners in Azerbaijan*, 21 February 2019, p 103-109.

<sup>461</sup> Turan, *Two political prisoners released*, 27 February 2018; Turan, *Despite pardon of fifty political prisoners, problem not fully resolved – Human rights activists*, 16 March 2019; IPHR, *Azerbaijan: 51 political prisoners released during Novruz celebrations*, 19 March 2019.

<sup>462</sup> Eurasianet, *Azerbaijani prosecutors drop controversial charges against political prisoner*, 22 January 2019; CoE, *General environment not appropriate for democratic elections, says PACE pre-electoral delegation to Azerbaijan*, 24 January 2020; Confidential source, 25 February 2020; Confidential source, 28 February 2020.

<sup>463</sup> RFE/RL, *Thousands rally in Baku calling for release of political prisoners*, 19 January 2019; JAM News, *Opposition protest in support of political prisoners takes place in Baku*, 19 January 2019; Caucasian Knot, *Rally in Baku demands to release of Guseinov*, 20 January 2019; OC Media, *Charges dropped against Huseynov after thousands rally in Baku*, 21 January 2019; OC Media, *Baku authorities 'systematically ban' protests following January rally*, 25 February 2019.

<sup>464</sup> Turan, *Musavat activist sentenced to 25 days of administrative arrest*, 23 January 2019; JAM News, *Azerbaijani opposition party activist arrested for 25 days*, 24 January 2019; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 21.

<sup>465</sup> OC Media, *Baku authorities 'systematically ban' protests following January rally*, 25 February 2019; Turan, *National Council Appoints protest rally on September 28*, 14 September 2019; OC Media, *Azerbaijani authorities thwart protest by opposition Musavat Party*, 13 November 2019; Turan, *NCDF puts forward demands on authorities*, 9 October 2019; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 22.

<sup>466</sup> Report, *Baku city executive power does not sanction opposition protest on January 26*, 24 January 2019; OC Media, *Baku authorities 'systematically ban' protests following January rally*, 25 February 2019; Turan, *Baku authorities offer Musavat to hold rally in the village of Lokbatan*, 6 November 2019; US Department of State, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 23.

demonstration, the authorities arrested between 50 and 100 activists.<sup>467</sup> For example, on 17 October 2019, the authorities arrested journalist Seymur Hazi – also the new APFP Vice-President – on charges of hooliganism. A court sentenced him on the same day to fifteen days of administrative detention.<sup>468</sup> On 29 October 2019, a court in Baku increased the sentence on appeal to thirty days of administrative detention.<sup>469</sup>

On the day the demonstration was scheduled to take place, the police closed off parts of the city centre as well as three metro stations. The authorities also cut off mobile internet and mobile telephony in the city centre.<sup>470</sup> Police brutally apprehended several dozen activists and passers-by, including Ali Karimli, president of the APFP, and Tofiq Yaqublu of Müsavat. According to the police, they arrested a total of sixty persons, of which 42 were given a warning and eighteen persons were charged. According to the opposition, 100 people were arrested.<sup>471</sup>

Ali Karimli was released that evening with stitches in his head. He said that he had been abused in the police van and at the police station.<sup>472</sup> Tofiq Yaqublu was sentenced to 30 days in administrative detention for ignoring police orders. He also said he had been abused by the police after his arrest. He sustained a broken rib.<sup>473</sup> The NCDF subsequently gave up plans for a follow-up demonstration on 2 November 2019. It turned out that all the activists who had been in the city centre on 19 October 2019 had been warned by the police by telephone in early November 2019. In addition, Ali Karimli had received death threats.<sup>474</sup>

On 20 October 2019, a group of about fifty women held a march against violence against women in downtown Baku. During the march, they called on the authorities to sign and ratify the Istanbul Convention. The police refused to issue a permit for this demonstration. A number of participants wanted to raise awareness for the murder of Leyla Mammadova.<sup>475</sup> Some participants wore T-shirts that highlighted the case of Elina Hajiyeva, a schoolgirl who attempted suicide in April 2019 after being bullied at school. During the protest march, the police rounded up about ten

<sup>467</sup> RFE/RL, *Opposition activists protest outside mayor's office in Baku*, 9 October 2019; Caucasian Knot, *Opposition reports about detention of activists before rally in Baku*, 18 October 2019; Reuters, *Azeri police detain scores of protesters, including opposition party leader*, 19 October 2019; OC Media, *Hundreds arrested including opposition leader at Azerbaijani anti-government protest*, 21 October 2019.

<sup>468</sup> Eurasianet, *Azerbaijan detains opposition leader and reportedly many more*, 19 October 2019; CPJ, *Azerbaijani journalist Seymur Hazi detained in run-up to protests*, 21 October 2019; HRW, *Azerbaijan Peaceful rallies dispersed violently*, 22 October 2019; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 22.

<sup>469</sup> Turan, *Court of Appeal extends arrest of Seymour Hazi and Nijat Nizamov for another 15 days*, 20 October 2019; JAM News, *Azerbaijani opposition member denied appeal, sentenced to 30 days, claims was beaten during arrest*, 4 November 2019.

<sup>470</sup> Eurasianet, *Azerbaijan detains opposition leader and reportedly many more*, 19 October 2019; Freedom House, *Freedom in the World 2019, Azerbaijan*, 4 February 2019.

<sup>471</sup> Caucasian Knot, *Police conduct harsh detentions at rally in Baku*, 20 October 2019; HRW, *Azerbaijan Peaceful rallies dispersed violently*, 22 October 2019; RFE/RL, *Baku police detain dozens as opposition rallies*, 19 October 2019; AI, *Annual report 2019, Azerbaijan*, 16 April 2020.

<sup>472</sup> Reuters, *Azeri police detain scores of protesters, including opposition party leader*, 19 October 2019; Eurasianet, *Azerbaijan detains opposition leader and reportedly many more*, 19 October 2019; ONA, *Prosecutor's office: Ali Karimli injured police officers*, 21 October 2019; HRW, *Azerbaijan: Peaceful rallies dispersed violently*, 22 October 2019; Eurasianet, *Azerbaijani police blame the victim*, 4 November 2019.

<sup>473</sup> RFE/RL, *Azerbaijani opposition leader says he was 'tortured' by Baku police*, 5 November 2019; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 22; HRW, *Azerbaijan: Opposition leader arrested*, 25 March 2020.

<sup>474</sup> HRW, *Azerbaijan: Peaceful rallies dispersed violently*, 22 October 2019; Turan, *NCDF schedules rally on November 2, 25 October 2019*; OC Media, *Azerbaijani opposition cancel rally fearing 'government provocations'*, 1 November 2019; JAM News, *Azerbaijan: Police call in October 19 rally participants ahead of opposition rally*, 11 November 2019; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 23.

<sup>475</sup> HRW, *Azerbaijan: Peaceful rallies dispersed violently*, 22 October 2019; Caucasian Knot, *Azerbaijani activists find actions against domestic violence to be efficient*, 15 November 2019.

protesters and carried them off in a bus. Some time later, the police released them far from the centre of Baku.<sup>476</sup>

On 11 February 2020, over twenty protesters held a sit-in on the pavement in front of the CEC building. At around nine o'clock in the evening, the police intervened violently. Around ten protesters and journalists were injured. The police loaded approximately thirty people, including journalists, into buses and released them around midnight on the outskirts of Baku.<sup>477</sup>

On 11 February 2020, ReAI, Müsavat, the D18 movement and two independent candidates announced that they wanted to hold a major demonstration against the election results in front of the CEC building on 16 February 2020. The authorities were only willing to authorise a demonstration in Lokbatan.<sup>478</sup> Just before the start of the demonstration, the authorities arrested eight prominent opponents at their homes or their party offices, including İlqar Mammedov of ReAI, Arif Hajili of Müsavat, Ruslan İzzetli of the D18 movement and independent candidates Mehman Huseynov and Ulvi Hasanli. In addition, the police arrested dozens of protesters who had come to the CEC building. Müsavat reported that at least 74 people had been arrested. According to ReAI, about 90 of their members had been arrested.<sup>479</sup> The police then put the detainees in cars and buses and dropped them off far outside the city.<sup>480</sup> For example, the police expelled Ruslan İzzetli from the bus in the town of Yevlakh, located three hundred kilometres from Baku.<sup>481</sup>

On International Women's Day on 8 March 2020, around twenty women held a demonstration on *Fountain Square* in the centre of Baku. The demonstration was not authorised by the authorities. The police then seized ten protesters and dropped them off ninety kilometres from Baku, near Qobustan.<sup>482</sup>

#### *Internet and social media*

During the reporting period, internet use in Azerbaijan increased. According to the SSC, 79.8 percent of the population used the internet in 2018. This mainly involved

<sup>476</sup> OC Media, *Anti-domestic violence March goes ahead in Baku despite attempts by police to disperse it*, 21 October 2019; HRW, *Azerbaijan: Peaceful rallies dispersed violently*, 22 October 2019; Caucasian Knot, *Rights defenders call on Azerbaijani authorities to release detainees*, 25 October 2019; ILGA-Europe, *Annual review of the human rights situation of lesbian, gay, bisexual, trans and intersex people in Europe and Central Asia 2020*, 3 February 2020, p 28-29.

<sup>477</sup> RFE/RL, *Police detain more than 20 opposition candidates at election protest in Baku*, 11 February 2020; Eurasianet, *Azerbaijani police violently break up post-election protest*, 12 February 2020; Turan, *Detainees released, several seriously injured*, 12 February 2020; OVSE, *Harassment and violence against journalists in Azerbaijan is deplorable, says OSCE Media Freedom Representative, calling for swift investigation*, 12 February 2020; Turan, *Human rights organisation condemns brutal crackdown on rally before Central Election Commission*, 12 February 2020.

<sup>478</sup> Turan, *Authorities allow rally in distant settlement of Lokbatan*, 12 February 2020; APA, *MIA: "Unsanctioned rally will be prevented"*, 15 February 2020; Caucasian Knot, *Law enforcers threatened to disperse oppositional rally in Baku*, 16 February 2020; JAM News, *Detainees from Baku rally driven out of the city and released*, 16 February 2020; Meydan TV, *Protest organisers detained in Baku*, 17 February 2020; OC Media, *Azerbaijani police strand Baku protesters around the country*, 17 February 2020; Azer News, *Interior Ministry denies reports on arrests in post-election rally*, 17 February 2020; Turan, *Baku city hall again offers rally in Lokbatan*, 26 February 2020.

<sup>479</sup> Deutsche Welle, *Azerbaijan police detain opposition protesters*, 16 February 2020; OC Media, *Azerbaijani police strand Baku protesters around the country*, 17 February 2020.

<sup>480</sup> Caucasian knot, *Activists count 55 detainees in Baku*, 17 February 2020; Meydan TV, *Protest organisers detained in Baku*, 17 February 2020.

<sup>481</sup> NRC, *Drie oppositieleiders en honderd activisten opgepakt in Azerbeidzjan*, 16 February 2020; RFE/RL, *Scores of opposition leaders, activists detained ahead of election protest in Baku*, 16 February 2020; OC Media, *Azerbaijani police strand Baku protesters around the country*, 17 February 2020.

<sup>482</sup> RFE/RL, *Police briefly detained dozens at feminist rally in Azerbaijan, release them outside capital*, 9 March 2020; Turan, *Women's riot and the basics of the Azerbaijani mentality*, 10 March 2020; Turan, *Lawsuit in the case of suicide attempt by feminist*, 10 March 2020; OC Media, *Women's Day protest goes ahead in Baku despite attempts by police to disperse it*, 10 March 2020; OC Media, *Azerbaijani woman attempts to take her own life after outcry over 'vagina poster'*, 11 March 2020.

mobile internet.<sup>483</sup> It was estimated that there were more than ten million mobile phone subscriptions in Azerbaijan. In order to access the network, users first had to register their mobile phones with the Ministry of Transport, Communications and Technology.<sup>484</sup> Of the social media platforms, Facebook and YouTube were the most popular.<sup>485</sup> The authorities made little use of content filtering and did not block social media.<sup>486</sup> However, the authorities sometimes shot down or blocked out the internet on election days or during demonstrations.<sup>487</sup> The authorities monitored social media content to the level of likes and comments on Facebook.<sup>488</sup> One source said that this was not limited to statements made by people in Azerbaijan.<sup>489</sup> Monitoring was partly automated using black boxes or black rooms that the authorities installed in the server rooms of mobile telecom companies and internet providers. Police reportedly paid young people to monitor Facebook and report on opposition activities.<sup>490</sup>

There was also evidence that trolls<sup>491</sup> financed by the government were active.<sup>492</sup> Civil servants were also sometimes instructed to create fake accounts. Then, using lists of accounts they posted prepared messages on, for example, the Facebook pages or YouTube videos of influencers or critical journalists, activists or independent media channels such as *Meydan TV*, *Osmanqizi TV* or *Azadliq Radio*. These messages were sometimes conspicuous because of their language, length and argumentation.<sup>493</sup> According to Freedom House, the government also used *bot accounts* for this.<sup>494</sup>

Since March 2017, the Ministry of Transport, Communications and Technology has had the right to block websites without a court ruling when the content of these sites poses a threat to the state or to society.<sup>495</sup> During the reporting period, the

<sup>483</sup> SSC, *Information society*, [https://www.stat.gov.az/source/information\\_society/?lang=en](https://www.stat.gov.az/source/information_society/?lang=en), consulted on 24 June 2020; Freedom House, *Freedom in the world 2019, Azerbaijan*, 4 February 2019.

<sup>484</sup> JAM News, *Buying a phone abroad to use in Azerbaijan? Think twice*, 6 August 2018; Trend, *New duties regarding mobile devices come into force in Azerbaijan*, 13 August 2018; Ministry of Transport, Communication and Technology, *Information system for new registration fee for mobile devices launched*, 21 August 2018; CIA, *The world factbook*, 2 January 2020.

<sup>485</sup> Trend, *Number of Facebook users registered in Azerbaijan increases*, 4 June 2014; JAM News, *Social media in Azerbaijan: The cradle of the protest movement, a nest of debauchery or a champion of the oppressed?*, 27 October 2018; Caspian News, *Which social media networks are most popular in Azerbaijan?*, 22 December 2018; Confidential source, 24 February 2020; Confidential source, 24 February 2020.

<sup>486</sup> Katy Pearce, *Democratizing kompromat: The affordances of social media for state-sponsored harassment*, 27 March 2015, p 1160; Freedom House, *Freedom on the net 2016, Azerbaijan*, November 2016; Confidential source, 25 February 2020.

<sup>487</sup> Confidential source, 24 February 2020; Confidential source, 27 February 2020; Confidential source, 27 February 2020.

<sup>488</sup> AI, *"Revolving doors": The ongoing persecution of government critics in Azerbaijan*, 16 June 2016, p 4; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 19-20; Confidential source, 25 February 2020; Confidential source, 27 February 2020; Confidential source, 12 March 2020; Confidential source, 12 March 2020.

<sup>489</sup> Confidential source, 20 June 2020.

<sup>490</sup> Katy Pearce, *Two can play at that game: Social media opportunities in Azerbaijan for government and opposition*, 2014, p 54; IFHR, *A comprehensive analysis of Azerbaijan's media landscape*, June 2017, p 13.

<sup>491</sup> A troll is a person who posts online to provoke emotional responses. In doing so, they often post incorrect information and present themselves in different guises; BBC News, *Trolling: Who does it and why?*, 14 September 2011; The Guardian, *What is an internet troll?*, 12 June 2012.

<sup>492</sup> Freedom House, *Freedom on the net 2016, Azerbaijan*, November 2016; Open Democracy, *In the cross-hairs of Azerbaijan's patriotic trolls*, 22 November 2016; CoE, *Dunja Mijatović, report following her visit to Azerbaijan from 8 to 12 July 2019*, 11 December 2019, p 14; Confidential source, 12 March 2020.

<sup>493</sup> Turan, *Committee to Protect Journalists: Trolls in Azerbaijan led by Ali Hasanov*, 10 April 2018; FPC, *In Azerbaijan, big brother is watching you everywhere: offline, online, on mobile devices and social media apps*, 15 January 2019; Freedom House, *Freedom in the world 2019, Azerbaijan*, 4 February 2019; Index on Censorship, *Trolls and insults: Azerbaijan's exiled media increasingly under fire*, 31 July 2019; Confidential source, 24 February 2020; Confidential source, 28 February 2020; Confidential source, 12 March 2020.

<sup>494</sup> A bot account is an autonomous fake account on social media. A bot account can use automatically generated messages and follow or attract other users without human intervention; Pew Research Center, *Bots in the Twittersphere*, 9 April 2018; Freedom House, *Freedom in the world 2019, Azerbaijan*, 4 February 2019.

<sup>495</sup> JAM News, *The attack on the unrestricted internet continues in Azerbaijan*, 14 February 2019; CoE, Commissioner for Human Rights, *Dunja Mijatović, report following her visit to Azerbaijan from 8 to 12 July 2019*, 11 December

main independent news websites were blocked. For example, in March 2017 the websites of *Meydan TV*, *Azadliq.org*, *Azadliq.info*, *Azerbaijan Saati* and *Turan TV* were blocked.<sup>496</sup> In July 2018, the same happened to *Bastainfo.com*, *Criminalaz.com*, *Topxeber.az* and *Fia.az*. These were then followed by *Argument.az* in April 2019. Ultimately, more than sixty websites were blocked in 2019.<sup>497</sup>

During the reporting period, critical journalists, activists, political opponents and independent news sites were regularly the victims of DDoS attacks, malware or hacker attacks. Several sources said that the authorities were also allegedly behind some of these activities.<sup>498</sup>

#### *Prosecution for online activities*

There were cases reported of individuals who were charged because of the content of their blogs or Facebook pages. This is possible, for example, on the basis of Articles 147 (defamation), 148 (insult) and 323 of the Penal Code (insulting the President). Since the amendment of the Criminal Code on 14 May 2013, Article 147 also applies to communication using the internet. Based on an amendment of 29 November 2016, Article 148 also applies to communication using the internet. In addition, a paragraph was added to Article 323, which also applies to insults on the internet. Furthermore, in cases related to online activities, the authorities also apply Article 214 of the Penal Code (dissemination of information that calls for terrorism).<sup>499</sup> On 17 March 2020, the Information, Computerisation and Information Protection Act was amended to make it a criminal offence to distribute information that harms people's lives and health online.<sup>500</sup>

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2019, p 13; CoE, *General environment not appropriate for democratic elections, says PACE pre-electoral delegation to Azerbaijan*, 24 January 2020; Freedom House, *Freedom in the World 2020, Azerbaijan*, 4 March 2020.

<sup>496</sup> RFE/RL, *Major Azerbaijan internet provider reportedly blocking RFE/RL*, 13 April 2017; Reuters, *Azeri court supports block on several media websites*, 12 May 2017; CPJ, *Azerbaijani news agency's office raided*, 17 August 2017; AI, *Annual report 2017/18, Azerbaijan*, 22 February 2018; RFE/RL, *Azerbaijan court rejects RFE/RL's appeal against website blockage*, 4 June 2018; Turan, *The editor was summoned to GDCOC*, 24 April 2019; Meydan TV, *Resources providing access to blocked sites in Azerbaijan may be restricted*, 5 June 2020; Turan, *Azerbaijan wants to close anonymizers to block "harmful" sites*, 5 June 2020.

<sup>497</sup> Turan, *Charges to the Criminalaz.com editor changed*, 6 December 2018; Meydan TV, *Bastainfo chief editor sentenced to prison on 2-year probation*, 22 February 2019; CoE, Commissioner for Human Rights, *Dunja Mijatović, report following her visit to Azerbaijan from 8 to 12 July 2019*, 11 December 2019, p 13.

<sup>498</sup> Katy Pearce, *Two can play at that game: Social media opportunities in Azerbaijan for government and opposition*, 2014, p 53; Freedom House, *Freedom on the net 2016, Azerbaijan*, November 2016; AI, *Fake friends: How fake accounts and crude malware targeted dissidents in Azerbaijan*, 10 March 2017; AI, *Azerbaijan: Activists targeted by 'government-sponsored' cyber attack*, 10 March 2017; Freedom House, *Nations in transit 2017, Azerbaijan*, 29 March 2017; FPC, *In Azerbaijan, big brother is watching you everywhere: offline, online, on mobile devices and social media apps*, 15 January 2019; Freedom House, *Freedom in the World 2019, Azerbaijan*, 4 February 2019; Freedom House, *Freedom in the World 2020, Azerbaijan*, 4 March 2020; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 19; Turan, *Activists report attacks on their accounts*, 25 April 2020.

<sup>499</sup> Katy Pearce, *Two can play at that game: Social media opportunities in Azerbaijan for government and opposition*, 2014, p. 52; BBC News, *Azerbaijanis may be jailed for insulting President on social media*, 1 December 2016; CoE, *Analysis of Azerbaijani legislation on freedom of expression*, 2017, p 7; OSCE, *Defamation and insult laws in the OSCE region: A comparative study*, March 2017, p 30 and 48; Freedom House, *Nations in transit 2017, Azerbaijan*, 29 March 2017; IRFS, *A comprehensive analysis of Azerbaijan's media landscape*, June 2017, p 12; CoE, Commissioner for Human Rights, *Dunja Mijatović, report following her visit to Azerbaijan from 8 to 12 July 2019*, 11 December 2019, p 12; JAM News, *Azerbaijani student sentenced to 400 hours of corrective labor for 'expressing doubt in feat of national hero'*, 17 December 2019; Turan, *Website editor sentenced to one year of corrective labor*, 17 June 2020.

<sup>500</sup> Trend, *Azerbaijani MP talks about dissemination of info on coronavirus-related issues*, 17 March 2020; OC Media, *Azerbaijan arrests opposition activists during Covid-19 outbreak*, 24 March 2020; OSCE, *Coronavirus response should not curb freedom of the press in Azerbaijan, says OSCE Media Freedom Representative*, 25 March 2020; RFE/RL, *Azerbaijan's Coronavirus disinformation law could curb press freedom, OSCE says*, 25 March 2020; JAM News, *Azerbaijanis called in for questioning over coronavirus posts on social media*, 25 March 2020; Turan, *Ali Karimli's accounts on WhatsApp and Telegram seized*, 21 April 2020; RSF, *Azerbaijani reporter jailed for 30 days over coronavirus reporting*, 22 April 2020.

The first conviction based on the content of a Facebook page took place on 14 August 2013. The district court in Astara sentenced former Ojakaran bank employee Mikail Talibov to one year of community service for defamation after he criticised his former employer on Facebook.<sup>501</sup>

There are also known cases of individuals convicted for their online activities on other charges, allegedly false, including drug possession, hooliganism, and other charges.<sup>502</sup> For example, on 24 January 2014 the police arrested blogger Omar Mammadov for drug possession.<sup>503</sup> On 4 July 2014, a court sentenced him to five years in prison.<sup>504</sup> He was released on 17 March 2016 as part of the Novruz pardon.<sup>505</sup>

Diplomat Arif Mammadov also encountered problems due to his online activities. He was representing Azerbaijan in Brussels in the delegation of the *Organisation for Islamic Cooperation* (OIC) at the EU. In June 2015, he commented on the Azerbaijan Government on Facebook following a fire in an apartment building on 19 May 2015, in which fifteen people died. In response, the website Haqqin.az called him a traitor on 3 June 2015. The Azerbaijani foreign ministry subsequently forced him to step down. He remained in Brussels, where he has since founded the *Movement for Democracy in Azerbaijan* (MDA). On 12 August 2015, the attorney general's office stated that they suspected Arif Mammadov of embezzlement, abuse of power and forgery.<sup>506</sup>

Furthermore, on 8 December 2015 the police arrested Fuad Qahramanli. He was the Vice-President of the APFP at that time. The authorities brought charges against him for calling for the overthrow of the Government and stirring up ethnic, religious and social hatred. The then head of the presidential apparatus, Ramiz Mehdiyev, said that his arrest was linked to the posts on his Facebook account in which he called on people to support Taleh Bagirzade of the *Muslim Unity Movement* (MUM). On 25 January 2016, a court sentenced him to ten years in prison.<sup>507</sup> He was released on 16 March 2019 as part of the Novruz pardon.<sup>508</sup>

<sup>501</sup> RFE/RL, *In Azerbaijan, bank tied to EBRD breaks seal on controversial libel law*, 21 August 2013; Al Jazeera, *The dangers of online criticism in Azerbaijan*, 26 August 2013; Freedom House, *Freedom on the net 2016*, Azerbaijan, November 2016.

<sup>502</sup> Caucasian Knot, *"Musavat" activist arrested after criticising Azerbaijani President*, 22 May 2018; RFE/RL, *Azerbaijan jails 14 over online discussions of power outage, shooting*, 10 July 2018; RFE/RL, *Azerbaijani activist jailed for disobeying police, family protests*, 20 May 2020.

<sup>503</sup> RFE/RL, *Azerbaijani blogger gets three-month pretrial detention*, 27 January 2014; CoE, Commissioner for human rights, *Observations on the human rights situation in Azerbaijan: An update on freedom of expression, freedom of association, freedom of assembly, and the right to property*, 23 April 2014, p 1.

<sup>504</sup> RFE/RL, *Azerbaijani activist blogger appeals drug sentence*, 20 August 2014; USDoS, *Azerbaijan 2014 Human Rights Report*, 25 June 2015.

<sup>505</sup> HRW, *Dispatches: Good news from Azerbaijan (for a change)*, 17 March 2016; IWPR, *Explaining Azerbaijan's surprise prisoner amnesty*, 22 March 2016.

<sup>506</sup> RFE/RL, *Azerbaijani diplomat criticises government on Facebook, sparking scandal*, 4 June 2015; Meydan TV, *Azerbaijani diplomat apologizes for "liking" Arif Mammadov's status*, 8 June 2015; Meydan TV, *Arif Mammadov: "I'm not for a regime change but reforms"*, 10 June 2015; RFE/RL, *Azerbaijani diplomat wanted for 'corruption' after Facebook post*, 12 August 2015; Turan, *This political system has no future – Arif Mammadov*, 1 July 2017; Report, *Arif Mammadov leaves post of AND Movement co-chair*, 23 May 2019.

<sup>507</sup> RFE/RL, *Azerbaijani opposition leader arrested in Baku*, 9 December 2015; Report, *Judge to preside Fuad Gahramanli's case changed*, 25 January 2016; Meydan TV, *Today is Fuad Gahramanli's trial*, 25 January 2016; Eurasianet, *Azerbaijan: Show trial ends with harsh sentences for Islamic activists*, 26 January 2017; HRW, *Azerbaijan: Abuse allegations mar high-profile trial*, 26 January 2017; AI, *Annual report 2015/16, Azerbaijan*, 13 April 2016; AI, *Azerbaijan: torture and travesty of justice in Nardaran case*, 6 February 2017, p 6.

<sup>508</sup> Daily Sabah, *Azerbaijan's Aliyev pardons more than 400 in Novruz amnesty*, 16 March 2019; Meydan TV, *Aliyev pardons dozens in jail, including political prisoners*, 18 March 2019.

Fikret Faramazoğlu was the founder of the news website *Journalistic Research Centre* and editor-in-chief of the website *Jam.az*. The police arrested him on 30 June 2016. On 2 July 2016, he was charged with the extortion of a restaurant owner. According to his lawyer, the police tortured him after his arrest. On 14 June 2017, a Baku court sentenced him to seven years in prison for extortion. He was released on 16 March 2019 as part of the Novruz pardon.<sup>509</sup>

The founder of news website Azel TV, blogger Afgan Sadiqov, wrote on his website and on Facebook about corruption and the misappropriation of public funds in the Government. On 22 November 2016, the police in Qazakh arrested him after a woman accused him of attacking her. According to Sadiqov, the whole thing was staged and his online activities were the real reason for his arrest. On 12 January 2017, Jalilabad District Court sentenced him to 2.5 years in prison for hooliganism. The Shirvan court upheld the judgement on 25 May 2017 after an appeal. After his release on 23 May 2018, he announced that he would continue his journalistic work. On 6 July 2018, the police arrested him again. On 7 July 2018, a court sentenced him to thirty days of administrative detention for hooliganism.<sup>510</sup> On 27 November 2018, the police arrested him during a demonstration held by the surviving relatives of soldiers who died in the Nagorno Karabakh conflict. Sabail district court sentenced him to 30 days in administrative detention for ignoring police orders.<sup>511</sup> On 13 May 2020, the police arrested him for extortion. The criminal investigation was still ongoing at the end of the reporting period.<sup>512</sup>

On 15 December 2016, the Belarusian authorities arrested Russian-Israeli-Ukrainian blogger Alexander Lapshin in Minsk based on a warrant for his arrest issued by Azerbaijan because he had gone to Nagorno Karabakh in 2011 and 2012. On 7 February 2017, the Belarusian authorities deported him to Azerbaijan. On 20 July 2017, a court in Baku sentenced him to three years in prison for illegally entering Nagorno Karabakh. On 11 September 2017, Lapshin was taken to hospital. According to Lapshin, prison guards had attacked him in his cell earlier that day. Ali Hasanov, the then adviser to the president, said that Lapshin had tried to commit suicide in his cell and the prison guards had prevented him from doing so. On the same day, the President pardoned him. After three days in hospital, Lapshin flew to Tel Aviv.<sup>513</sup>

<sup>509</sup> Caucasian Knot, *Journalist Faramazoglu's defence reports his torture in detention*, 30 September 2016; Caucasian Knot, *Azerbaijani journalist Fikret Faramazoglu sentenced to seven years in prison*, 14 July 2017; AI, *Annual report 2017/18, Azerbaijan*, 22 February 2018; RFE/RL, *Azerbaijani President pardons hundreds, including political prisoners*, 17 March 2019.

<sup>510</sup> CoE, *Azerbaijani journalist Afgan Sadikhov in pre-trial detention*, 15 December 2016; Caucasian Knot, *Azeri journalist Sadygov sentenced to 2.5 years in prison*, 12 January 2017; Caucasian Knot, *Azerbaijani journalist Afgan Sadygov accused of defamation*, 9 March 2017; Turan, *The Court of Appeal upholds the verdict of Afgan Sadygov*, 26 May 2017; Caucasian Knot, *Court of Appeal upholds verdict to Azerbaijani journalist Afgan Sadygov*, 27 May 2017; OC Media, *'New charges' against jailed Azerbaijani journalist Afgan Sadigov*, 15 January 2018; AI, *Annual report 2017/18, Azerbaijan*, 22 February 2018; Caucasian Knot, *Journalist Afgan Sadygov detained in Azerbaijan*, 7 July 2018; CPJ, *Azerbaijani journalist detained, whereabouts unknown*, 10 July 2018.

<sup>511</sup> Turan, *Journalist Afgan Sadigov arrested for 30 days*, 27 November 2018; Caucasian Knot, *Journalist Afgan Sadygov arrested in Azerbaijan*, 28 November 2018; JAM News, *Baku demonstrations continue over compensation for soldiers' lives, journalist arrested*, 28 November 2018.

<sup>512</sup> Turan, *Prosecutor General's office on arrest of Afgan Sadigov*, 14 May 2020; Meydan TV, *Television editor-in-chief arrested in Azerbaijan*, 18 May 2020; Turan, *Location of Afgan Sadigov remains unknown – spouse*, 17 June 2020.

<sup>513</sup> Meydan TV, *The case of Alexander Lapshin: a dangerous precedent for Azerbaijan's blacklist?*, 31 January 2017; BBC News, *The blogger jailed for visiting a country that 'doesn't exist'*, 7 February 2017; Caucasian Knot, *Court sentences Alexander Lapshin to three years of imprisonment*, 20 July 2017; Turan, *Lapshin tried to commit suicide*, 11 September 2017; RFE/RL, *Azerbaijan's President pardons blogger jailed for visiting Nagorno-Karabakh*, 11 September 2017; Caucasian Knot, *Ilham Aliiev pardons blogger Alexander Lapshin*, 11 September 2017; Caucasian Knot, *Azeri Authorities report Lapshin's suicide attempt*, 11 September 2017; Report, *Some details of suicide attempt by Alexander Lapshin unveiled*, 11 September 2017; Meydan TV, *Azerbaijan releases 16 political prisoners*, 12 September 2017; RFE/RL, *Russian-Israeli blogger leaves Azerbaijan after presidential pardon*, 14 September 2017; Caucasian Knot, *Alexander Lapshin refutes suicide attempt in Azerbaijani prison*, 14

Popular blogger Mehman Huseynov voiced criticism of government policies and social problems in Azerbaijan in his Facebook group *Sancaq Production* and on his YouTube channel *Sancaq TV*.<sup>514</sup> On 9 January 2017, the police apprehended him on the street. According to Huseynov, the police officers blindfolded him and put a bag over his head. He also said that they discharged an electroshock weapon against his body and assaulted him in the car on the way. After three to four hours, they delivered him to the Nasimi District Police Station. There, the police forced him to sign documents. The next day, a court sentenced him to a fine of AZN 200 for ignoring police orders. In court, he declared that he had been mistreated and tortured by the police. The court ordered an investigation into this. Nothing came of the investigation. At the same time, the police chief of Nasimi district charged him with defamation. On 3 March 2017, a court in Baku sentenced Huseynov to two years in prison for defamation and hooliganism. On 26 December 2018, this was followed by a new charge for attacking a prison officer. Huseynov denied the charges. He then went on hunger strike. During the large demonstration of 19 January 2019 (see above), the protesters called for his release. On 2 March 2019, he was released by presidential pardon.<sup>515</sup>

Blogger Elvin Isayev has lived in Russia since 1998. On 26 August 2019, the Russian authorities revoked his Russian citizenship for unknown reasons. He was told to leave the country. He then went to Kiev in Ukraine. At the request of Azerbaijan, Ukraine expelled him on 12 December 2019 for violating migration laws. After he arrived in Baku, the authorities arrested him. On 18 December 2019, the Public Prosecutor's office stated that they had charged him with inciting riots directed against the state. Criminal proceedings were still ongoing at the end of the reporting period.<sup>516</sup>

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September 2017; Eurasianet, *Newly released blogger airs grievances against Azerbaijan*, 16 September 2017; AI, *Annual report 2017/18, Azerbaijan*, 22 February 2018; USDoS, *Azerbaijan 2017 Human Rights Report*, 20 April 2018, p 9.

<sup>514</sup> Zaur Gasimov, *Historical dictionary of Azerbaijan*, 2018, p 115; FPC, *In Azerbaijan, big brother is watching you everywhere: offline, online, on mobile devices and social media apps*, 15 January 2019; OBCT, *A blogger's plea for justice shakes the world, but not official Baku*, 15 January 2019.

<sup>515</sup> HRW, *The price for journalism in Azerbaijan*, 11 January 2017; HRW, *Jailing the messenger in Azerbaijan*, 7 March 2017; Meydan TV, *Politically motivated kidnappings in Azerbaijan: A trend in the making?*, 7 June 2017; AI, *Report 2017/18*, 22 February 2018, p 3; HRW, *Unjustly jailed blogger faces new charges in Azerbaijan*, 10 January 2019; IFEX, *Support for Mehman Huseynov: Protests on the streets, in the prisons and from European institutions*, 21 January 2019; CoE, Commissioner for Human Rights, *Dunja Mijatović, report following her visit to Azerbaijan from 8 to 12 July 2019*, 11 December 2019, p 12-13; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 13.

<sup>516</sup> Reuters, *Russia strips Azeri blogger of citizenship and moves to deport him*, 30 August 2019; Caucasian Knot, *Blogger who criticised Azerbaijani authorities deprived of Russian citizenship*, 2 September 2019; Caucasian Knot, *Elvin Isaev's advocate points to threat of his kidnapping*, 11 September 2019; Turan, *Blogger Elvin Isayev arrested in Azerbaijan after deportation*, 14 December 2019; RFE/RL, *Ukraine deports Azerbaijani opposition blogger to Baku*, 15 December 2019; Caucasian Knot, *Blogger Elvin Isaev arrested in Azerbaijan*, 15 December 2019; Freedom House, *Ukraine: Azerbaijani activist deported on politically motivated grounds*, 16 December 2019; JAM News, *Azerbaijani blogger deported from Ukraine, jailed upon arrival in Baku*, 16 December 2019; Turan, *What is Elvin Isayev accused of?*, 16 December 2019; Eurasianet, *Ahead of president's visit, Ukraine extradites Azerbaijan government critic*, 16 December 2019; OC Media, *Ukraine deports critical Azerbaijani blogger shortly before Zelensky visits Baku*, 17 December 2019; Caucasian Knot, *Story of blogger Isaev's deportation from Russia and Ukraine cast doubt on Baku's version*, 18 December 2019; Turan, *Blogger accused of anti-state appeals pleads guilty – Lawyer*, 18 December 2019; Meydan TV, *Azerbaijani blogger deported before Zelensky visits Baku*, 18 December 2019; RFE/RL, *Ukrainian officials deny ordering deportation of Azerbaijani opposition blogger*, 29 January 2020; AI, *Azerbaijan authorities must release Talysh activists*, 8 June 2020; Confidential source, 5 June 2020.

On 22 March 2020, the police arrested Anar Melikov of the APFP after he had criticised the conditions in the quarantine centres in Jalilabad on Facebook. A court subsequently sentenced him to ten days of administrative detention for violating quarantine measures.<sup>517</sup>

Furthermore, on 30 March 2020 the police arrested Aqil Humberatov of the APFP after he had criticised the authorities in a video message on Facebook. In the message, he complained that he had no money for his sick child. It turned out that Humberatov had been admitted to a psychiatric clinic in Mashtaga on the same day. On 1 April 2020, he was released after a court ruled that he could not be committed against his will. After his release, he posted a video message on Facebook complaining about the situation in the psychiatric clinic. On 2 April 2020, the police arrested him again. On the orders of the same court, he again ended up in a psychiatric clinic.<sup>518</sup>

### 3.2.2 Freedom of religion and belief

According to the *State Committee for Work with Religious Associations (SCWRA)*,<sup>519</sup> the vast majority of the population, 96 percent, consider themselves to be Muslim. Of these, between 65 and 75 percent are Shia and between 25 and 35 percent are Sunni. Twelver Shiism is dominant among the Shia. Most Sunnis belong to the Hanafite school of religious thought. In addition, there are followers of Sufism and Salafism.<sup>520</sup> The remaining four percent of the population belong to the Russian Orthodox Church, the Georgian Orthodox Church, the Armenian Apostolic Church, the Seventh-Day Adventists, Molokans, the Roman-Catholic Church, and supporters of other Christian movements, including Jehovah's Witnesses and Evangelists. There are also Jews, Bahai, Hare Krishnas and non-believers.<sup>521</sup>

#### *Religious Freedom Act*

The Constitution of Azerbaijan guarantees the right to freedom of religion and belief and the right to assembly.<sup>522</sup> The authorities have been using the Freedom of Religion Act to curtail these rights. This law was amended six times during the reporting period.<sup>523</sup> For example, on 4 December 2015 an amendment to Article 21

<sup>517</sup> JAM News, *Repression in the time of pandemic: Azerbaijani opposition members arrested "for violating quarantine"*, 23 March 2020; OC Media, *Azerbaijan arrests opposition activists during Covid-19 outbreak*, 24 March 2020; JAM News, *Azerbaijanis called in for questioning over coronavirus posts on social media*, 25 March 2020; OC Media, *Six more opposition activists arrested in Azerbaijan*, 11 April 2020; HRW, *Azerbaijan: Crackdown on critics amid pandemic*, 16 April 2020.

<sup>518</sup> Turan, *Activist arrested for 30 days after a video message to the President*, 19 March 2020; Caucasian Knot, *Azerbaijani opposition activist placed to psychiatric hospital*, 31 March 2020; RFE/RL, *Azerbaijani opposition activist detained after release from psychiatric clinic*, 3 April 2020; Turan, *Aqil Humberatov sent to madhouse again*, 3 April 2020; Turan, *NCDF calls on authorities not to use pandemic to reprisal opponents*, 5 April 2020; RFE/RL, *Lawyer for Azerbaijani opposition activist says court is holding up appeal*, 22 April 2020; Turan, *Aqil Humberatov not released from mental hospital*, 3 May 2020; RFE/RL, *Wife of Azerbaijani opposition activist held in psychiatric clinic says she cannot meet him*, 6 May 2020; Turan, *Oppositionist locked in a psychiatric hospital for another month*, 2 June 2020; Caucasian Knot, *Azerbaijani activist Agil Gumberatov left in mental hospital for another month*, 4 June 2020; Union for the Freedom for Political Prisoners of Azerbaijan, *List of political prisoners*, 23 June 2020, p 63.

<sup>519</sup> The formal name is the *State Committee on Religious Associations of the Republic of Azerbaijan (Azerbaijani: Respublikasi Dini Qurumlarla İş üzrə Dövlət Komitəsi (DQDK))*. This agency is also known as the *State Committee for Work with Religious Organisations (SCWRO)*; ECRI, *ECRI report on Azerbaijan (fifth monitoring cycle)*, 7 June 2016, p 27; Audrey Altstadt, *Frustrated democracy in post-Soviet Azerbaijan*, Woodrow Wilson Center Press, 2017, p 192.

<sup>520</sup> Vahram Ter-Matevosyan & Nelli Minasyan, *Praying under restrictions: Islam, identity and social change in Azerbaijan*, *Europe-Asia Studies*, 4 July 2017, p 2; Galib Bashirov, *Islamic discourses in Azerbaijan: the securitization of 'non-traditional religious movements'*, *Central Asian Survey*, 2018, p 33.

<sup>521</sup> Ministry of Foreign Affairs, *General Country of Origin Information Report*, 23 May 2012, p 7; USDoS, *Azerbaijan 2018 international religious freedom report*, 21 June 2019, p 2.

<sup>522</sup> The Constitution of the Republic of Azerbaijan, Art 18 (religion) and Art 49 (meeting).

<sup>523</sup> During the reporting period, the Religious Freedom Act (in Azerbaijani: *Dini etiqad azadliğı haqqında*) was amended on 6 March 2015 (nos. 1227-IVQD and 1230-IVQD), 6 October 2015 (1350-IVQD), 4 December 2015

stipulated that religious symbols and slogans may only be used inside religious buildings.<sup>524</sup> In addition, Article 1 was amended on 16 May 2017. Conversion and missionary activities by foreigners and stateless persons are now prohibited unless they are religious persons who have been invited by a registered religious institution.<sup>525</sup>

#### *Registration of religious organisations*

Under Article 12 of the Religious Freedom Act, religious organisations are required to register with the SCWRA. Only registered religious organisations can act as legal entities.<sup>526</sup> Unregistered organisations run the risk of being declared illegal. They are vulnerable to closure and intimidation by local authorities.<sup>527</sup> For example, representatives of an unregistered organisation can be fined up to AZN 8,000.<sup>528</sup> It is difficult or even impossible for unregistered religious organisations to carry out their activities.<sup>529</sup>

The SCRWA handles registration applications. In addition, the SCRWA can request courts to discontinue the activities of religious organisations. Registration requires an application recorded by a notary with at least fifty signatures of the members, articles of association, a deed of foundation, the names of the founders, the address of the organisation and the bank account number.<sup>530</sup> The *Caucasus Muslim Board* (CMB) was established especially for Islamic organisations.<sup>531</sup> Allahşükür Paşazade is the head of the CMB. He has the Shiite title Sheikh-ul-Islam and the Sunni title Grand Mufti. According to the CMB, he is also the religious leader of the Muslims in Azerbaijan and the entire Caucasus. As a Shiite spiritual leader, his religious authority also extends to the Shiite peoples of Georgia and Dagestan.<sup>532</sup>

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(29-VQD), 28 October 2016 (367-VQD) and 16 May 2017 (674-VQD). An English translation of this Act is available on [https://www.legislationline.org/download/id/6667/file/Azerbaijan\\_law\\_freedom\\_religious\\_beliefs\\_1992\\_am2015\\_en.pdf](https://www.legislationline.org/download/id/6667/file/Azerbaijan_law_freedom_religious_beliefs_1992_am2015_en.pdf), consulted on 24 June 2020; APA, *Azerbaijani President approves amendments to law on freedom of religion*, 12 December 2016; IPHR, *Freedom of religion and belief in Azerbaijan*, 2019, p 12.

<sup>524</sup> Report, *Demonstration of religious slogans and other religious attributes in public places banned in Azerbaijan*, 2 December 2015; ILO, *Law No. 29-VQD of 4 December 2015 to Amend the Law "On Freedom of Religious Beliefs"*, [http://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=&p\\_isn=101985&p\\_classification=05](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=&p_isn=101985&p_classification=05), consulted on 24 June 2020; Permanent Mission of the Republic of Azerbaijan to the OSCE, *Azerbaijan, information exchange on the OSCE code of conduct on politico-military aspects of security 2019*, 5 June 2019, p 10.

<sup>525</sup> Report, *Azerbaijan makes amendments to law "on religious freedom"*, 24 April 2017; APA, *Azerbaijani President approves amendments to law on freedom of religion*, 22 June 2017; Forum 18, *Azerbaijan: Four state agencies raid religious communities*, 18 December 2017; USDoS, *Azerbaijan 2018 international religious freedom report*, 21 June 2019, p 4.

<sup>526</sup> The Religious Freedom Act, art 12; UN Human Rights Council, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Azerbaijan*, 16 February 2018, p 7; IPHR, *Freedom of religion and belief in Azerbaijan*, 2019, p 8.

<sup>527</sup> Ministry of Foreign Affairs, *General Country of Origin Information Report*, 23 May 2012, p. 40.

<sup>528</sup> USDoS, *Azerbaijan 2018 international religious freedom report*, 21 June 2019; IPHR, *Freedom of religion and belief in Azerbaijan*, 2019, p 8.

<sup>529</sup> Ministry of Foreign Affairs, *General Country of Origin Information Report*, 25 November 2013, p. 23; USDoS, *Azerbaijan 2018 international religious freedom report*, 21 June 2019, p 3.

<sup>530</sup> Ministry of Foreign Affairs, *General Country of Origin Information Report*, 23 May 2012, p 39; Report, *17 religious communities suspended in Azerbaijan this year*, 29 July 2016; USDoS, *Azerbaijan 2018 international religious freedom report*, 21 June 2019, p 3.

<sup>531</sup> In Azerbaijani: *Qafqaz Müsəlmanları İdaresi* (QMI).

<sup>532</sup> APA, *Sheikh-ul-Islam Haji Allahshukur Pashazadeh marks his 60th birthday*, 26 August 2009; Hürriyet Daily News, *Shaykh al-Islam Paşazade visits patriarch Bartholomeos*, 6 April 2016; Audrey Altstadt, *Frustrated democracy in post-Soviet Azerbaijan*, 2017, p 191; Zaur Gasimov, *Historical dictionary of Azerbaijan*, 2018, p 175; USDoS, *Azerbaijan 2017 international religious freedom report*, 29 May 2018, p 12; Azer News, *Caucasus Muslims Office chairman leaves for visit to Russia's Chechen Republic*, 23 August 2019; Abdallah Schleifer (red.), *The Muslim 500: The World's 500 Most Influential Muslims, 2020*, The Royal Islamic Strategic Studies Centre, 2019, p 120; CMB, *Sheikh Ul-Islam Allahshukur Pashazade*, <https://qafqazislam.com/index.php?lang=az&sectionid=126>, consulted on 24 June 2020.

Islamic organisations must first have the approval of the CMB before the SCWRA registers them. The CMB also engages in training imams, supervising the activities of registered Islamic organisations and organising the Hajj. Under Article 7 of the Religious Freedom Act, organisations must report to the CMB about their activities. Under Article 8 (2) of this Act, the CMB appoints the spiritual leaders of the Islamic organisations. Pursuant to Article 21 of this Act, as amended on 16 May 2017, the CMB may also authorise imams trained abroad to lead in prayer.<sup>533</sup>

Over 370 registrations took place during the reporting period. Since 1 September 2009, the SCWRA has registered 941 religious organisations. Of these, 906 were Islamic and 35 were non-Islamic. The latter category consisted of 24 Christian organisations, eight Jewish organisations, two Bahai organisations and a Hare Krishna organisation. In addition, there were 2,250 registered mosques, of which 136 were registered in Baku, 748 *pirs* and *ziyaretgahs*, fourteen churches and seven synagogues.<sup>534</sup> In 2018, the SCWRA registered 86 Islamic organisations and four Christian organisations, namely the Seventh-Day Adventists in Ganja, the New Apostolic Church in Baku, the Vineyard Church in Baku and the Jehovah's Witnesses in Baku.<sup>535</sup> In 2019, the SCWRA registered 31 Islamic organisations and three Christian organisations, namely the *Fire*<sup>536</sup> *Christian Church* in Baku, the Star in the East Pentecostal Church in Baku and the Evangelical Christian Baptist Church in Baku.<sup>537</sup> Some 'non-traditional' organisations, especially Protestant churches, experienced problems with their registration with SCWRA. For example, a Baptist community in Aliabad has been registering unsuccessfully since 1994. However, on 24 January 2020, the SCWRA indicated that it did not object to this Baptist community congregating every Saturday morning.<sup>538</sup>

#### *Religious literature*

Pursuant to Article 21 of the Religious Freedom Act, the SCWRA controls the publication, import and distribution of religious literature. This means that writers, booksellers and religious institutions must submit their religious literature to the SCWRA. The SCWRA places a holographic sticker on religious literature after approval.<sup>539</sup> The illegal production, distribution and importation of religious literature is a criminal offence and could result in a fine of AZN 5,000 to 7,000 or a prison sentence of up to two years for a first offence and a fine of AZN 7,000 to 9,000 or a

<sup>533</sup> USDoS, *Azerbaijan 2018 international religious freedom report*, 21 June 2019, p 3-4; IPHR, *Freedom of religion and belief in Azerbaijan*, 2019, p 9 and 11.

<sup>534</sup> A *pir* and a *ziyaretgah* are designations for shrines, places of worship and places of pilgrimage. They can include the graves of saints associated with Sufism; USDoS, *Azerbaijan 2017 international religious freedom report*, 21 June 2019, p 9; Arif Yunusov, *Islam im postsowjetischen Aserbajdschan*, in: Olaf Leisse (red.), *Politik und Gesellschaft im Kaukasus. Eine unruhige Region zwischen Tradition und Transformation*, Springer VS, 2019, p 206; SCWRA, *Dini sahə ilə bağlı statistik rəqəmlər (Statistics related to the religious sphere)*, [http://www.dqdk.gov.az/az/view/pages/306?menu\\_id=83](http://www.dqdk.gov.az/az/view/pages/306?menu_id=83), consulted on 24 June 2020.

<sup>535</sup> Forum 18, *Azerbaijan: Religious freedom survey*, 7 November 2018; European Association of Jehovah's Witnesses, *Azerbaijan. Religious freedom issues. OSCE human dimension implementation meeting, Warsaw, 16-27 September 2019*, 2019, p 3; USCIRF, *Annual report 2019*, April 2019, p 148; USDoS, *Azerbaijan 2018 international religious freedom report*, 21 June 2019, p 9.

<sup>536</sup> In Azerbaijani: *Alov*.

<sup>537</sup> Report, *34 religious communities registered in Azerbaijan this year*, 21 October 2019; USCIRF, *Annual report 2020*, April 2020, p 52; USDoS, *Azerbaijan 2019 international religious freedom report*, 10 June 2020, p 10; SCWRA, *Qeyri-islam dini icmalari (the Non-Islamic community)*, [http://scwra.gov.az/az%20/view/pages/297?menu\\_id=81](http://scwra.gov.az/az%20/view/pages/297?menu_id=81), consulted on 24 June 2020;

<sup>538</sup> Forum 18, *Azerbaijan: Religious freedom survey*, 7 November 2018; USCIRF, *Annual report 2019*, April 2019, p 148; Forum 18, *Azerbaijan: Appeals fail against illegal raids, fines*, 14 June 2019; Forum 18, *Azerbaijan: "No objection" to limited worship, but no legal right*, 27 March 2020; USDoS, *Azerbaijan 2019 international religious freedom report*, 10 June 2020, p 9.

<sup>539</sup> Forum 18, *Azerbaijan: Police claim "everything was done well"*, 17 January 2017; USCIRF, *Annual report 2020*, April 2020, p 53.

prison sentence of up to five years for a subsequent offence.<sup>540</sup> During the reporting period, on a number of occasions the SCWRA confiscated religious literature that it had not approved. However, the SCWRA did not publish a list of all unapproved religious literature.<sup>541</sup>

One example of a case involving prohibited religious literature involves the arrests of Jehovah's Witnesses Irina Zakharchenko and Valida Jabrayilova by the police in Pirallahi on 5 December 2014. The police released them without charge several hours later. On 17 February 2015, they were nevertheless charged with distributing prohibited religious literature. A court in Baku had them remanded in custody on the same day. On 28 January 2016, a court fined them AZN 7,000. Because they had already spent eleven months in pretrial custody, they did not have to pay this fine.<sup>542</sup>

In addition, on 31 May 2017 a court in Şeki fined a supporter of the theologian Bediüzzaman Said Nursi, author of the banned book series *Risale-i Nur* (Letter of Light), 1,500 AZN for reading the work of Said Nursi aloud during a picnic.<sup>543</sup>

On 17 January 2018, the SCWRA and the police confiscated a batch of four hundred illegal religious books from a bookseller in Baku. The bookseller was fined AZN 2,000.<sup>544</sup>

On 8 February 2018, the SCWRA banned the publication of the book *İslamda yoxdur...* (There is no ... in Islam) by Sunni theologian Elshad Miri. On 18 September 2018, a court in Baku confirmed this decision by the SCWRA. The Supreme Court subsequently upheld this judgement on 25 June 2019.<sup>545</sup>

#### *Religious education*

According to Article 10 of the Religious Freedom Act, only registered religious centres and institutions may provide religious instruction. One example of a case involving this issue occurred on 30 September 2018 when Şeki district court fined Taleh Mammadov AZN 1,500 for giving children Islamic instruction.<sup>546</sup>

<sup>540</sup> Criminal Code, art 167-2.1 and art 167-2.2; Forum 18, *Azerbaijan: Convicted and freed, but no compensation for 50 week imprisonment*, 29 January 2016; USDoS, *Azerbaijan 2018 international religious freedom report*, 21 June 2019, p 4.

<sup>541</sup> Forum 18, *Azerbaijan: "The banned book the Old Testament was confiscated"*, 3 June 2014; Report, *Publication of 26 religious books banned in Azerbaijan last year*, 14 January 2019; USCIRF, *Annual report 2019*, April 2019, p 150; Forum 18, *Azerbaijan: European court fines regime for religious censorship*, 24 February 2020.

<sup>542</sup> Forum 18, *Azerbaijan: Latest secret police prisoners – two female Jehovah's Witnesses*, 23 February 2015; Forum 18, *Azerbaijan: Women's criminal trial to start after 10 months' imprisonment*, 9 December 2015; Forum 18, *Azerbaijan: Convicted and freed, but no compensation for 50 week imprisonment*, 29 January 2016; UN Human Rights Council, *Opinion No. 42/2015 concerning Irina Zakharchenko and Valida Jabrayilova (Azerbaijan)*, 15 March 2016, p 2; Turan, *Visit of European representatives of Jehovah's Witnesses*, 20 April 2017; USDoS, *Azerbaijan 2016 international religious freedom report*, 22 August 2017, p 7.

<sup>543</sup> Caucasian Knot, *In case against Nursi followers, defendants' advocates ask court to acquit their clients*, 30 September 2015; Eurasia Review, *Azerbaijan: 'We forbid religious books, but this isn't religious discrimination'*, 3 October 2015; Forum 18, *Azerbaijan: Fined for home religious meetings, picnic*, 6 July 2017; USDoS, *Azerbaijan 2017 international religious freedom report*, 29 May 2018, p 10.

<sup>544</sup> Forum 18, *Azerbaijan: State's theological review bans book on Islam*, 13 February 2018; USDoS, *Azerbaijan 2018 international religious freedom report*, 21 June 2019, p 8.

<sup>545</sup> Turan, *Report on state of religious freedom*, 4 April 2018; Zaur Gasimov, *Historical dictionary of Azerbaijan*, 2018, p 156; Forum 18, *Azerbaijan: Religious freedom survey*, 7 November 2018; USDoS, *Azerbaijan 2018 international religious freedom report*, 21 June 2019, p 10; Forum 18, *Azerbaijan: Censorship case to join 41 other EctHR cases?*, 3 July 2019; USCIRF, *Annual report 2019*, April 2019, p 150; USCIRF, *Annual report 2020*, April 2020, p 53.

<sup>546</sup> Norwegian Helsinki Committee, *Azerbaijan: Behind the tolerance façade. Freedom of religion or belief restricted*, February 2015, p 21; Forum 18, *Azerbaijan: Appeal court upholds couple's massive fines*, 17 June 2019; IPHR, *Freedom of religion and belief in Azerbaijan*, 2019, p 23.

### *Apostates*

Apostasy generally does not cause problems in Azerbaijan. The majority of Muslims in Azerbaijan observe religious precepts and traditions to just a limited extent. In Azerbaijan, the Muslim identity is usually determined more in terms of culture and ethnicity than in terms of religion.<sup>547</sup>

### *Measures against religious communities*

The Azerbaijani authorities regularly proclaimed that the country was characterised by interfaith harmony and religious tolerance.<sup>548</sup> However, there are also reports of social prejudice, hostility and discrimination against non-traditional religious groups, such as Salafists, Jehovah's Witnesses, Baptists and Seventh-Day Adventists.<sup>549</sup> During the reporting period, the Azerbaijani authorities imposed restrictions on some religious communities. For example, the authorities closed down or demolished mosques. Sometimes the authorities arrested Islamic clergy. During the reporting period, a number of religious communities – particularly those that are not registered – were subjected to the disruption of religious gatherings, arrests, raids on homes, seizure of religious literature and police harassment. For example, on 1 January 2017 the police raided a home in Barda in which eighteen Jehovah's Witnesses had gathered. The home owner was fined for holding an illegal religious gathering.<sup>550</sup> Furthermore, according to the United States Department of State, on 28 January 2018 the police raided a home in Ganja in which one hundred members of the Star in the East Pentecostal Church were holding a church service. As far as is known, no further charges were brought.<sup>551</sup>

Most of the mosques that the authorities closed down or demolished were Sunni mosques. In downtown Baku, for example, all the Sunni mosques have now been closed. The Abu Bakr Mosque and the Martyrs Mosque (also known as the Turkish Mosque) had been closed before 2010 under the pretext of repair work.<sup>552</sup> The Ashur mosque in the old city of Baku was the only Sunni mosque that was still open during the reporting period. This mosque has been nicknamed the Lezgian mosque since the nineteenth century. The imam of this mosque, Mübariz Qarayev, was known for his sympathy for Salafism.<sup>553</sup> In late February 2015, the security service arrested him and four other persons associated with this mosque for selling illegal religious literature. On 10 July 2015, Narimanov District Court sentenced Qarayev to

<sup>547</sup> Confidential source, 12 March 2020; Confidential source, 12 March 2020.

<sup>548</sup> Norwegian Helsinki Committee, *Azerbaijan: Behind the tolerance façade. Freedom of religion or belief restricted*, February 2015, p. 11; The New York Times, *Pope Francis notes Azerbaijan's religious tolerance, not rights abuses*, 2 October 2016; Report, *The Hill: Azerbaijan known for its tolerant environment*, 29 December 2017; Azer News, *Azerbaijan. Land of religious tolerance*, 28 November 2018; ONA, *Mubariz Gurbanli: Azerbaijan is one of the major countries promoting dialogue between religions and civilizations*, 20 July 2019; President of the Republic of Azerbaijan, *2nd summit of world religious leaders gets under way in Baku*, 14 November 2019.

<sup>549</sup> Eurasianet, *Azerbaijan's Jehovah's-Witnessess-Jihad and other high jinks*, 21 May 2014; Eurasianet, *Azerbaijan: Time to address the potential Salafi danger*, 31 October 2014; Jehovah's Witnesses, *Rashad Niftaliyev fined and jailed for participation in religious meetings*, 11 December 2015; JAM News, *Is religion persecuted in Azerbaijan?* US State Department releases report, 1 June 2018; Eurasianet, *Azerbaijan to add mandatory religious education for university students*, 4 June 2019; USDoS, *Azerbaijan 2018 international religious freedom report*, 21 June 2019, p. 12; USDoS, *Azerbaijan 2019 international religious freedom report*, 10 June 2020, p. 2 and 8.

<sup>550</sup> European Association of Jehovah's Witnesses, *Azerbaijan. Religious freedom issues. OSCE Human Dimension Implementation Meeting, Warsaw, 11-22 September 2017*, 2017, p. 5; Forum 18, *Azerbaijan: Religious freedom survey*, 7 November 2018.

<sup>551</sup> Forum 18, *Azerbaijan: Sufis raided, initial fine, protestants raided*, 6 February 2018; USCIRF, *Annual report 2019*, April 2019, p. 149-150; USDoS, *Azerbaijan 2018 international religious freedom report*, 21 June 2019, p. 8.

<sup>552</sup> RFE/RL, *Turkish mosque in Baku closed for 'repairs'*, 28 April 2009; Forum 18, *Azerbaijan: "They don't want a Sunni mosque in the Old City"*, 11 August 2014; Norwegian Helsinki Committee, *Azerbaijan: Behind the tolerance façade. Freedom of religion or belief restricted*, February 2015, p. 38-39; Vahram Ter-Matevosyan & Nelli Minasyan, *Praying under restrictions: Islam, identity and social change in Azerbaijan*, Europe-Asia Studies, 4 July 2017, p. 9; IPHR, *Freedom of religion and belief in Azerbaijan*, 2019, p. 17.

<sup>553</sup> Goyushov, Altay & Kanan Rovshanoglu, *A brief history of Salafism in Azerbaijan*, Baku Research Institute, 20 June 2018; Confidential source, 28 February 2020.

one year in prison.<sup>554</sup> Since 26 July 2016, the Ashur mosque has been closed under the pretext of renovation. As part of this closure, the Lezgian cultural association Samur<sup>555</sup> also had to leave the building.<sup>556</sup> Since 1993, Samur had organised activities from this mosque to promote the Lezgian culture.<sup>557</sup>

In the absence of Sunni mosques, Muslims sometimes gathered in private homes to pray together. This also occurred in Sumqayit, where the police raided the home of Salafist Zohrab Shikhaliyev on 13 November 2014. During this raid, the police arrested nine Muslims. They were released again the same evening. The police also arrested the home owner that day. On 18 February 2015, Sumqayit court sentenced him to six months in prison for the illegal possession of weapons. According to his friends, the police had planted the weapons in his home.<sup>558</sup>

On 12 April 2017, residents in Baku tried to prevent the demolition of the Haji Javad mosque. In response to this, the next day President Aliyev ordered the demolition to be postponed. On the night of 1 July 2017, the authorities nevertheless had the mosque demolished. On 12 April 2018, in the presence of the President the authorities opened a new Haji Javad mosque around four kilometres away for the residents of the neighbourhood.<sup>559</sup>

During the reporting period, the authorities put a stop to all the activities of the Gülen movement in Azerbaijan. On 18 June 2014, the authorities closed many educational institutions affiliated with the Gülen movement. The *State Oil Company of the Azerbaijani Republic* (SOCAR) took over eleven secondary schools, thirteen afterschool tutoring institutions and a university.<sup>560</sup> On 20 July 2016, the authorities

<sup>554</sup> Turan, *Arrests of believers*, 17 March 2015; Forum 18, *Lezghin: Severe restriction of freedom of religion and belief in Azerbaijan*, 25 March 2015; Forum 18, *Azerbaijan: Baku's pre-Olympic Mosque closure?*, 21 April 2015; Forum 18, *Azerbaijan: Three Muslim prisoners of conscience jailed for 15 to 6 months for selling books*, 10 July 2015; Forum 18, *Imam prisoner of conscience jailed for one year*, 13 July 2015; Forum 18, *Azerbaijan: Muslim bookseller's prison sentence "a judicial secret"*, 11 August 2015; HRC, *Compliance of the Republic of Azerbaijan with the International Covenant on Civil and Political Rights. An alternative NGO report to the 118<sup>th</sup> session UN Human Rights Committee (17 October 2016 - 04 November 2016)*, 2016, p 13; USDoS, *Azerbaijan 2015 international religious freedom report*, 10 August 2016, p 7; Audrey Altstadt, *Frustrated democracy in post-Soviet Azerbaijan*, 2017, p 23; Zaur Gasimov, *Historical dictionary of Azerbaijan*, 2018, p 217.

<sup>555</sup> The Samur is a border river that flows through Dagestan and Azerbaijan; RFE/RL, *Dispute over irrigation water compounds tensions between Dagestan, Azerbaijan*, September 5, 2014; Caspian News, *Azerbaijan, Russia launches new cross-border bridge to faster trade*, 25 December 2019.

<sup>556</sup> USDoS, *Azerbaijan 2016 international religious freedom report*, 22 August 2017, p 9; USCIRF, *Annual report 2019*, April 2019, p 149; Council of Europe, 4th opinion on Azerbaijan, 8 November 2017, p 15; Forum 18, *Azerbaijan: Mosques ordered to close for "repairs"*, 27 July 2016.

<sup>557</sup> Arif Yunusov, *The Islamic factor in Azerbaijan*, 2013 p 85; Zaur Gasimov, *Historical dictionary of Azerbaijan*, 2018, p 146; Council of Europe, Advisory Committee on the Framework convention for the protection of national minorities, *Fourth opinion on Azerbaijan – adopted on 8 November 2017*, 8 November 2017, p 15.

<sup>558</sup> APA, *Sumgayit Wahhabi leader detained*, 13 November 2014; Forum 18, *Azerbaijan: Imprisoned for pistol or prayer room*, 18 November 2014; Forum 18, *Azerbaijan: Latest secret police prisoners – two female Jehovah's Witnesses*, 23 February 2015; Norwegian Helsinki Committee, *Azerbaijan: Behind the tolerance façade. Freedom of religion or belief restricted*, February 2015, p. 41; USDoS, *Azerbaijan 2015 international religious freedom report*, 10 August 2016, p 6; Goyushov, Altay & Kanan Rovshanoglu, *A brief history of Salafism in Azerbaijan*, Baku Research Institute, 20 June 2018; IPHR, *Freedom of religion and belief in Azerbaijan*, 2019, p 17.

<sup>559</sup> Caucasian Knot, *Believers prevent demolition of mosque in Baku*, 12 April 2017; Turan, *The Haji Javad Mosque will probably be preserved*, 13 April 2017; Caucasian Knot, *In Baku, demolition of mosque suspended after believers' protests*, 14 April 2017; Meydan TV, *Aliyev puts hold on demolition of Haji Javad Mosque*, 14 April 2017; Turan, *Members of the community of the mosque "Haji Javad" believe that new mosque will be built*, 18 April 2017; Turan, *The mosque on Sovetskaya Street will be demolished, and a new mosque will be built*, 1 June 2017; Caucasian Knot, *"Haji Javad" mosque demolished in Baku*, 2 July 2017; OC Media, *Mosque demolished in historic Baku district despite protests*, 3 July 2017; USCIRF, *Annual report 2018*, April 2018, p 136; USCIRF, *Annual report 2019*, April 2019, p 149; USDoS, *Azerbaijan 2018 international religious freedom report*, 21 June 2019, p 11.

<sup>560</sup> Eurasianet, *Azerbaijan backing Turkey's crackdown on Gülen movement*, 15 April 2014; Hürriyet Daily News, *Azerbaijan shuts down 'Gülen-linked' schools*, 19 June 2014; Eurasianet, *Azerbaijan shuts down Gülen schools*, 19 June 2014; IWPR, *Azerbaijan closes Gülen schools*, 4 July 2014; IWPR, *Azerbaijan continues anti-Gülen campaign*, 2 September 2016; Audrey Altstadt, *Frustrated democracy in post-Soviet Azerbaijan*, 2017, p 190;

delegated the governance of the Qafqaz University (Caucasus University) affiliated to the Gülen movement to the *Baku Higher Oil School*. The newspaper and website of *Zaman Azerbaijan Qazeti* were also closed down.<sup>561</sup>

#### *Shiite activists*

During the reporting period, the authorities acted several times against Shia activists and clergy who were inspired by examples from Iran. The most notable incident was the Nardaran case in which several (alleged) supporters of the Muslim Unity Movement (MUM) were arrested and convicted (see below). Another example involved Jeyhun Jafarov. The security service arrested this Shia theologian on 10 March 2015. On 12 March 2015, he was charged with treason for allegedly cooperating with the Iranian secret service. Then, on 30 September 2016, Sabail district court ordered that he be released from custody and placed under house arrest. The charges were dropped in 2017.<sup>562</sup>

Another example was Sardar Babayev. Police in Masalli arrested this Shia theologian on 22 February 2017. On 3 July 2017, Masalli district court sentenced him to three years in prison under Article 168-1.3 of the Penal Code for leading Friday afternoon prayers despite having received religious instruction in Iran. Citizens of Azerbaijan who have completed their religious education abroad may not lead prayers without the permission of the authorities. On 13 February 2018, the Supreme Court upheld the verdict of 3 July 2017. Babayev was released on 22 February 2020.<sup>563</sup>

On 22 April 2013, court sentenced Telman Shiraliyev to six years of imprisonment after he protested in Baku on 5 October 2012 against the ban on wearing the hijab in public schools. A new charge was brought against him a week before his planned release after a knife was found in his cell. Khazar district court subsequently sentenced him on 20 December 2018 to five months and eighteen days of additional

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Report, PA official: *All the supports of the FETO terrorist organisation in Azerbaijan were shattered and their activity was abolished*, 15 July 2019.

<sup>561</sup> Eurasianet, *Azerbaijan: University, paper closed as anti-Gülen cleanup continues*, 20 July 2016; Caucasian Knot, *Azerbaijani version of Turkish newspaper "Zaman" closed*, 20 July 2016; TRT World, *Azerbaijan to deport 50 FETO-linked academics*, 17 August 2016; Meydan TV, *Case against Gulen supporters in Azerbaijan picks up momentum*, 25 August 2016; Freedom House, *Freedom on the net 2016, Azerbaijan*, November 2016.

<sup>562</sup> Turan, *Theologian rejects accusations of treason*, 3 April 2015; Turan, *The term of arrest of Ceyhun Jafarov extended for four months*, 9 July 2015; USDoS, *Azerbaijan 2015 international religious freedom report*, 10 August 2016, p 6; Report, *A theologian charged in Azerbaijan with high treason released*, 30 September 2016; Forum 18, *Azerbaijan: Torture unpunished: compensation for imprisonment*, 22 August 2017; USDoS, *Azerbaijan 2016 international religious freedom report*, 22 August 2017, p 7; ECHR, *Fifth section. Application no. 46446/15. Jeyhun Jafarov against Azerbaijan lodged on 15 October 2015*, 12 March 2018; ECHR, *Fifth section. Application no. 46446/15. Jeyhun Mammad Ali oglu Jafarov against Azerbaijan*, 17 January 2019.

<sup>563</sup> Turan, *Theologian Sardar Babayev arrested in the village of Masalli*, 22 February 2017; Turan, *Term of theologian's arrest extended for month*, 28 March 2017; Turan, *Religious leaders condemn the arrest of the theologian Sardar Baev*, 3 April 2017; Eurasianet, *As Islamic Games open, Azerbaijan wrestles with Muslim identity*, 15 May 2017; Turan, *The trial in the case of the theologian begins in Masalli*, 18 May 2017; Caucasian Knot, *Theologian Sardar Babayev sentenced to three years of imprisonment in Azerbaijan*, 3 July 2017; Meydan TV, *Theologian sentenced to three years in prison*, 3 July 2017; Caucasian Knot, *Azerbaijani SC dismisses cassation appeal filed by theologian Sardar Babayev*, 13 February 2018; Freedom House, *Nations in transit 2018, Azerbaijan*, 11 April 2018; USCIRF, *Annual report 2018*, April 2018, p 136; USDoS, *Azerbaijan 2017 international religious freedom report*, 29 May 2018, p 7; Turan, *European Court starts communication on complaints of group of Azerbaijani citizens*, 25 September 2018; Caucasian Knot, *EctHR gives Azeri authorities three months to answer Babayev's complaint*, 25 September 2018; Forum 18, *Azerbaijan: Religious freedom survey*, 7 November 2018; IPHR, *Freedom of religion and belief in Azerbaijan*, 2019, p 18-19; EMDS, *Fact sheet – 2018. On human rights situation in Azerbaijan*, February 2019, p 6; USDoS, *Azerbaijan 2018 international religious freedom report*, 21 June 2019, p 7; Working Group on a Unified List of Political Prisoners in Azerbaijan, *A unified list of political prisoners in Azerbaijan*, 26 November 2019, p 59; Forum 18, *Azerbaijan: "No objection" to limited worship, but no legal right*, 27 March 2020; USCIRF, *Annual report 2020*, April 2020, p 53; USDoS, *Azerbaijan 2019 international religious freedom report*, 10 June 2020, p 4.

detention. During the appeal on 18 February 2019, a court in Baku ordered him to be released.<sup>564</sup>

#### *The Nardaran case*

One particularly notable case during the reporting period was the Nardaran case. Nardaran is known for its strictly conservative Shia inhabitants. They also face many socio-economic problems.<sup>565</sup> On 13 January 2015, a number of people from Nardaran founded the unregistered *Muslim Unity Movement* (MUM). They appointed the then detained Taleh Bagirzade as the head of the MUM. One of the issues the MUM campaigned for involved lifting the ban on wearing the hijab in public schools.<sup>566</sup> According to the *Working Group on a Unified List of Political Prisoners in Azerbaijan*, the MUM unsuccessfully attempted to register with the Ministry of Justice three times.<sup>567</sup>

On 26 November 2015, police raided the Bunyadov family home in Nardaran. Four members of the MUM and two police officers were killed and several people were injured. One of those injured, Farahim Bunyadov from Nardaran, died from his injuries on 28 November 2015. This brought the total number of deaths to seven. Police arrested Taleh Bagirzade and at least thirteen others.<sup>568</sup> The authorities announced on 26 November 2015 that under the pretext of religion, the MUM planned to destabilise the country by means of widespread unrest and terrorist attacks in order to create a religious state based on Sharia law. According to the authorities, members of this group discharged automatic weapons and threw grenades at the police during the raid. Locals said MUM members were praying at the time of the raid and police opened fire on those trying to prevent the arrest of Bagirzade.<sup>569</sup>

<sup>564</sup> Turan, *Another political prisoner facing new charge at end of his term*, 22 October 2018; Caucasian Knot, *Re-arrest of political prisoner marks new trend of repression in Azerbaijan*, 22 October 2018; Forum 18, *Azerbaijan: Six years already, nearly six months more*, 20 December 2018; Caucasian Knot, *Religious activist Telman Shiraliev re-convicted in Azerbaijan*, 21 December 2018; USCIRF, *Annual report 2019*, April 2019, p 149; Forum 18, *Azerbaijan: Supreme Court rejects conscientious objectors' appeals*, 1 May 2019; USDoS, *Azerbaijan 2018 international religious freedom report*, 21 June 2019, p 7; USDoS, *Azerbaijan 2019 international religious freedom report*, 10 June 2020, p 8.

<sup>565</sup> Audrey Altstadt, *Frustrated democracy in post-Soviet Azerbaijan*, 2017, p 202; Zaur Gasimov, *Historical dictionary of Azerbaijan*, 2018, p 164.

<sup>566</sup> In Azerbaijani: *Muselman Birliyi Hereketi* (MBH); Eurasianet, *Whither Azerbaijan's Islamists?*, 12 August 2015; Eurasianet, *Azerbaijan: Examining the source of discontent in Nardaran*, 8 December 2015; AI, *Azerbaijan torture and travesty of justice in Nardaran case*, 6 February 2017; Eurasianet, *As hijab spreads in Azerbaijan, covered women complain they can't find jobs*, 1 May 2019; Working Group on a Unified List of Political Prisoners in Azerbaijan, *A unified list of political prisoners in Azerbaijan*, 26 November 2019, p 25.

<sup>567</sup> Murad Ismayilov, *Islamic radicalism that never was: Islamic discourse as an extension of the elite's quest for legitimation. Azerbaijan in focus*, Journal of Eurasian Studies, 2019, p 7; Working Group on a Unified List of Political Prisoners in Azerbaijan, *A unified list of political prisoners in Azerbaijan*, 26 November 2019, p 33.

<sup>568</sup> Report, *Operation in Nardaran launched by General Department for Combating Organised Crime, some detained*, 26 November 2015; Trend, *Shoot-out in Baku, casualties reported*, 26 November 2015; Trend, *Azerbaijani police kill extremists preparing terror attacks in Baku*, 26 November 2015; Caucasian Knot, *Number of Nardaran casualties is seven already*, 28 November 2015; Trend, *One of wounded in Azerbaijan's Nardaran settlement dies*, 28 November 2015; IWPR, *Deadly clashes between police and Shia Muslims in Azerbaijan*, 30 November 2015; Turan, *The names of the detainees and those killed in Nardaran*, 30 November 2015; APA, *Members of criminal group killed in Nardaran shoot-out buried*, 1 December 2015; Turan, *Son of Rafael Bunyadov killed in special operation in Nardaran arrested*, 24 November 2017; Working Group on a Unified List of Political Prisoners in Azerbaijan, *A unified list of political prisoners in Azerbaijan*, 26 November 2019, p 27; Turan, *Police break Muslim Unity commemoration event*, 27 November 2019.

<sup>569</sup> Caucasian Knot, *Six people killed in special operation in Azerbaijan*, 26 November 2015; RFE/RL, *Elders demand probe into deadly violence during Azerbaijani police raid*, 27 November 2015; RFE/RL, *Azerbaijani theologian said to have been plotting coup*, 27 November 2015; Meydan TV, *Nardaran violence sparks fresh concerns about authoritarian rule*, 1 December 2015; Forum 18, *Azerbaijan: Police killings, shooting and mass arrests as Muslims pray*, 1 December 2015; RFE/RL, *Suspected Shi'ite insurgent group on trial in Azerbaijan*, 14 August 2016; Eurasianet, *Azerbaijan: Dubbing critics as "Islamic extremists"*, 20 September 2016; RFE/RL, *Prosecutor in 'Nardaran trial' calls for life sentence for Azerbaijani theologian*, 27 December 2016.

In the weeks thereafter, the police arrested several (alleged) MUM supporters. In total, more than two hundred people are estimated to have been arrested and detained. In 87 cases, the people concerned were charged with a criminal offence. Others were sentenced to fifteen to thirty days of administrative detention, mostly for ignoring police orders.<sup>570</sup>

On 3 August 2016, criminal proceedings started against the first group of suspects in the Nardaran case, consisting of eighteen people with Bagirzade among them. The charges against Bagirzade included terrorism, planning a coup, the illegal possession of weapons and murder. During the trial, the majority of the suspects reported that they had been tortured during their detention at the *Main Department for Combating Organised Crime* (MDCOC).<sup>571</sup> On 25 January 2017, this first group of eighteen people received prison terms ranging from ten to twenty years. For example, Taleh Bagirzade was sentenced to twenty years in prison. On 13 February 2018, Qaradağ District Court sentenced him to an additional 2.5 months in prison for playing readings from the Koran and religious music in his prison cell. Vice-chairman Abbas Huseynov was also sentenced to twenty years in prison.<sup>572</sup> On 6 December 2017, a second group of twelve, including Shia theologian Zulfugar Mikayilov, was sentenced to prison terms of thirteen to seventeen years.<sup>573</sup> In addition, on 28 December 2017 a third group of 12 people, including Elchin Gasimov, one of the vice-chairmen of MUM, was sentenced to prison terms of between 12 and 15 years.<sup>574</sup> The fourth group consisted of El Khan Isgandarov and Abulfaz Bunyadov. Bunyadov was paralysed as a result of the police action of 26 November 2015.<sup>575</sup> On 11 July 2018, a court in Baku sentenced him to 15 years in prison – among other things for inciting religious hatred and terrorism. Isgandarov

<sup>570</sup> RFE/RL, *Azerbaijan deepens crackdown on Shi'ite stronghold*, 1 December 2015; Caucasian Knot, *Fourteen residents of Nardaran remain under administrative arrest*, 5 January 2016; Azer News, *Those arrested during Nardaran events released*, 5 January 2016; APA, *Azerbaijan releases 57 persons arrested in Nardaran*, 6 January 2016; Turan, *Ogtay Gulaliyev warned on "Nardaran case"*, 14 October 2016; AI, *Azerbaijan torture and travesty of justice in Nardaran case*, 6 February 2017; Audrey Altstadt, *Frustrated democracy in post-Soviet Azerbaijan*, 2017, p 204; Working Group, *A unified list of political prisoners in Azerbaijan*, 26 November 2019, p 27.

<sup>571</sup> The *Main Department for Combating Organised Crime* (in Azerbaijani: *Baş Mütəşəkkil Cinayətkarlıqla Mübarizə İdaresi*) is a division of the national police in Baku that focuses on the most serious crimes, including terrorism, hostage-taking and drug trafficking; Caucasian Knot, *Defendants in "Nardaran case" refuse to plead guilty*, 3 August 2016; Forum 18, *Azerbaijan: Prisoners tortured, authorities deny torture happened*, 5 August 2016; RFE/RL, *Suspected Shi'ite insurgent group on trial in Azerbaijan*, 14 August 2016; APA, *Baku court continues trial on Nardaran case*, 14 September 2016; Eurasianet, *Azerbaijan: Dubbing critics as "Islamic extremists"*, 20 September 2016; RFE/RL, *Prosecutor in 'Nardaran trial' calls for life sentence for Azerbaijani theologian*, 27 December 2016; Turan, *At the trial in the case of "Nardaran-2"*, 13 January 2017; AI, *Azerbaijan torture and travesty of justice in Nardaran case*, 6 February 2017; Centre for Defence of Political Prisoners, *Conditions in jails and the problem of political prisoners in Azerbaijan current situation and next steps*, December 2018, p 11; APA, *Main Department for Combating Organized Crime conducts operation against drug dealers*, 20 November 2019; Interior Ministry of the Republic of Azerbaijan, *Main Organized Crime Department*, <https://mia.gov.az/index.php?en/content/272/>, consulted on 24 June 2020.

<sup>572</sup> RFE/RL, *Prosecutor in 'Nardaran trial' calls for life sentence for Azerbaijani theologian*, 27 December 2016; Caucasian Knot, *Defendants in "Nardaran case" sentenced to 10-20 years of imprisonment*, 25 January 2017; AI, *Azerbaijan: Torture and travesty of justice in Nardaran case*, 6 February 2017; Forum 18, *Azerbaijan: Extra prison term for Koran micro-discs*, 16 February 2018; AI, *Report 2017/18, Azerbaijan*, 28 February 2018, p 4-5; Caucasian Knot, *Azerbaijani court tightens regime for a man sentenced in "Nardaran case"*, 1 October 2018; CoE, Committee on Legal Affairs and Human Rights, *Political prisoners in Azerbaijan*, 22 January 2019, p 4; USDoS, *Azerbaijan 2018 international religious freedom report*, 21 June 2019, p 6.

<sup>573</sup> Turan, *The court removed the violation of Zulfugar Mikailov's rights*, 7 April 2018; Caucasian Knot, *Azerbaijani SC upholds verdict on "Nardaran case"*, 17 November 2018; Turan, *The Supreme Court upheld the verdict on the "Nardaran case-3"*, 17 November 2018; ONA, *Four people involved in Nardaran case pardoned*, 16 March 2019; Turan, *Despite pardon of fifty political prisoners, problem not fully resolved – Human rights activists*, 16 March 2019.

<sup>574</sup> RFE/RL, *Another group in Azerbaijan's Nardaran case sentenced to prison*, 28 December 2017; Turan, *Legal verdict announced on Nardaran case-2*, 28 December 2017; Turan, *Sentence on Nardaran events politically motivated*, 5 January 2018; USCIRF, *Annual report 2018*, April 2018, p 135; Caucasian Knot, *Deputy chair of "Muslim Unity" complains about summoning to police*, 20 November 2019.

<sup>575</sup> Turan, *Religious activist Elhan Isgandarov arrested on criminal charges*, 16 March 2017; Meydan TV, *Nardaran defendant denied medical treatment*, 30 March 2018; Caucasian Knot, *Rights defenders called on Azerbaijani authorities to release paralyzed activist*, 10 June 2019.

was sentenced to fourteen years in prison. The authorities then conveyed Bunyadov from court to Qobustan prison on a stretcher. His medical condition deteriorated in prison. On 10 July 2019, Bunyadov was released for medical reasons.<sup>576</sup>

After the Nardaran case, the authorities arrested a number of MUM members. For example, the police detained Ahsan Nuruzade and took him to the MDCOC on 24 January 2017. He later said he had to forcibly sign a confession there stating that he had ignored a police warrant. On the same day, Narimanov County Court sentenced him to ten days of administrative detention. On 19 September 2017, two men in civilian clothes once again took him to the MDCOC. On 22 September 2017, Narimanov District Court again sentenced him to ten days of administrative detention. On 6 October 2017, the police arrested him for a third time. On 6 March 2018, a Baku court sentenced him to seven years in prison for the possession of drugs. This judgement was upheld on appeal by the Supreme Court on 30 January 2019.<sup>577</sup>

Another member of the MUM facing persecution was Anar Jabbarov. He left Azerbaijan for Russia in November 2015. After some time, he migrated to Turkey where he was granted a residence permit. On 16 March 2019, Turkish police arrested him because there were allegedly problems with his documents. On 22 March 2019, the Turkish authorities deported him to Azerbaijan. On his arrival in Baku, the authorities arrested him. They charged him with drug smuggling. On 5 April 2019, the authorities dropped the charges and released him.<sup>578</sup>

Partly as a result of the Nardaran case, on 4 December 2015 Parliament passed the Act to Combat Religious Extremism.<sup>579</sup> In conjunction with this, the Criminal Code was subsequently amended on 28 October 2016.<sup>580</sup>

<sup>576</sup> Turan, *Abulfaz Bunyadov's health deteriorated*, 7 June 2019; Turan, *Supreme Court did not release seriously ill Abulfaz Bunyadov*, 12 June 2019; USDoS, *Azerbaijan 2018 international religious freedom report*, 21 June 2019, p 7; Caucasian Knot, *Azerbaijani activist Abulfaz Bunyadov released from prison*, 10 July 2019.

<sup>577</sup> RFE/RL, *Azerbaijani activist jailed on drug charges*, 6 March 2018; Freedom House, *Freedom in the world 2019, Azerbaijan*, 4 February 2019; Turan, *Democratic National Council condemns pressure on Babek Hasanov and Ahsan Nuruzade*, 31 May 2019; USDoS, *Azerbaijan 2018 international religious freedom report*, 21 June 2019, p 6-7; Turan, *Ahsan Nuruzade placed in a punishment cell*, 23 September 2019; Working Group on a Unified List of Political Prisoners in Azerbaijan, *A unified list of political prisoners in Azerbaijan*, 26 November 2019, 50-51.

<sup>578</sup> Caucasian Knot, *Turkey extradites religious activist to Azerbaijan*, 23 March 2019; JAM News, *Azerbaijani religious activist extradited from Turkey*, 25 March 2019; Meydan TV, *Turkey-based Muslim Unity Movement member reportedly deported to Azerbaijan and detained*, 26 March 2019; Turan, *Religious activist Anar Jabbarov accused of drug trafficking*, 4 April 2019; Turan, *Muslim Unity activist Anar Jabbarov released*, 5 April 2019; Meydan TV, *Detained Muslim Union Movement member Anar Jabbarov released*, 8 April 2019.

<sup>579</sup> Report, *Azerbaijani parliament adopts law "On the fight against religious extremism"*, 4 December 2015; USDoS, *Azerbaijan 2015 international religious freedom report*, 10 August 2016, p 2-3; Permanent mission of the Republic of Azerbaijan to the OSCE, *Information exchange on the OSCE code of conduct on politico-military aspects of security 2018*, 11 June 2018, p 8; IPHR, *Freedom of religion and belief in Azerbaijan*, 2019, p 30.

<sup>580</sup> Report, *Persons engaged in religious radicalism crimes will be jailed for life in Azerbaijan*, 28 October 2016; USDoS, *Azerbaijan 2016 international religious freedom report*, 22 August 2017, p 3-4; IPHR, *Freedom of religion and belief in Azerbaijan*, 2019, p 12; CERD, *Combined tenth to twelfth periodic reports submitted by Azerbaijan under article 9 of the Convention, due in 2019*, 18 July 2019.

### 3.3 Supervision and legal protection

#### 3.3.1 Legal protection

##### *Reporting to the police*

A person whose rights have been violated can report a criminal offence to the police and, where necessary, ask the police for protection. A person can file a written report in person at the police station but can also call the police hotline or report an incident by email on the website of the Ministry of the Interior.<sup>581</sup> According to one source, the employees of the hotline and the website pass on the information to the relevant department, which then contacts the declarant. The relevant department usually invites the declarant to come to the office to record the declaration.<sup>582</sup> The declarant usually receives written confirmation of the declaration.<sup>583</sup>

##### *Complaints*

If the declarant is of the opinion that the police officer on duty is in default, the declarant can file a complaint about this with a higher authority in the police apparatus. In addition, the declarant may lodge a complaint with the Public Prosecutor's Office, with the Ombudsman, with the Presidential Administration or with a court of law.<sup>584</sup> Various sources say that in practice it is not always useful to lodge a complaint with these authorities, especially when it involves politically sensitive matters. If there is a response to a complaint, it usually concerns a formal settlement.<sup>585</sup> Another contributing factor is that various international organisations believe that the judiciary is strongly influenced by the executive in practice.<sup>586</sup>

Once a citizen in Azerbaijan has exhausted legal remedies in Azerbaijan, it is possible to lodge a complaint with the European Court of Human Rights (ECHR) against the Azerbaijani authorities. A citizen can also receive support from NGOs, international aid workers or independent lawyers.<sup>587</sup>

<sup>581</sup> The police hotline is available 24/7 on telephone number 102. The internet address is: [www.mia.gov.az](http://www.mia.gov.az); Azercell, *Emergency services*, [https://www.azercell.com/en/help/emergency\\_calls/](https://www.azercell.com/en/help/emergency_calls/), consulted on 24 June 2020; Interior Ministry of Azerbaijan, *Citizens and police*, <https://www.mia.gov.az/index.php?/en/content/29261/>, consulted on 24 June 2020; Confidential source, 24 February 2020; Confidential source, 27 February 2020.

<sup>582</sup> Confidential source, 26 February 2020.

<sup>583</sup> Interior Ministry of Azerbaijan, *Citizens and police*; Confidential source, 26 February 2020.

<sup>584</sup> Forum 18, *Azerbaijan: Imprisoned for pistol or prayer room?*, 18 November 2014; Report, *Azerbaijan names districts with most frequent complaints about police*, 19 February 2020; The Commissioner for Human Rights of the Republic of Azerbaijan (ombudsman), *Human rights protection*, <http://www.ombudsman.gov.az/en/view/pages/44>, consulted on 24 June 2020; Confidential source, 24 February 2020.

<sup>585</sup> Confidential source, 24 February 2020; Confidential source, 26 February 2020; Confidential source, 27 February 2020.

<sup>586</sup> Freedom House, *Nations in transit 2017, Azerbaijan*, 29 March 2017; Bertelsmann Stiftung, *2018 country report Azerbaijan*, 2018, p 15; Freedom House, *Freedom in the world 2020, Azerbaijan*, 4 March 2020; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 10.

<sup>587</sup> Eurasianet, *Azerbaijan blames Armenia for Amal Clooney's support of jailed Journalist Khadija Ismayilova*, 20 January 2016; The Guardian, *Azerbaijan attacks Amal Clooney over support for jailed Journalist*, 21 January 2016; Bertelsmann Stiftung, *2020 country report Azerbaijan*, 29 April 2020, p 14; Confidential source, 27 February 2020.

### 3.3.2 Justice

According to the law, suspects should have access to adequate legal assistance from the moment they are taken into custody.<sup>588</sup> In practice, suspects do not always have immediate access to a lawyer.<sup>589</sup> One of the reasons for this is the major shortage of lawyers, especially outside of Baku. In 2018, only 393 of the country's 1503 lawyers were working outside Baku.<sup>590</sup>

Suspects have the right to take charge of their defence themselves, to seek legal assistance of their choice, or to receive free legal assistance from the state. Unlimited legal assistance must be accessible to suspects throughout the process of criminal proceedings, and privacy and confidentiality must be safeguarded at all times.<sup>591</sup> However, this is not always the case in practice.<sup>592</sup> This is why journalist Afgan Mukhtarli went on hunger strike for three days from 2 September 2019.<sup>593</sup>

The Legal Profession Act was amended in October 2017 so that only members of the Azerbaijani Bar Association (hereafter: the Bar Association)<sup>594</sup> may represent citizens before the courts.<sup>595</sup> The Bar Association is in close contact with the Ministry of Justice.<sup>596</sup> In criminal cases, suspects who are unable to pay a lawyer themselves can receive free legal aid. The Bar Association determines which lawyer will handle the case. According to various sources, these lawyers often do not do enough for their clients because they do not feel connected to their clients or because they are under pressure themselves.<sup>597</sup>

In order to gain access to a suspect, a lawyer must first request permission from the Ministry of Justice. The authorities sometimes refused to give this permission to a lawyer who was preferred by a suspect.<sup>598</sup> This particularly occurred in the first

<sup>588</sup> Ministry of Foreign Affairs, *General Country of Origin Information Report*, 23 May 2012, p 45; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p. 8.

<sup>589</sup> OC Media, *Detentions as a tool of political pressure 'on the rise' in Azerbaijan*, 26 August 2019; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 12; Confidential source, 24 February 2020; Confidential source, 26 February 2020.

<sup>590</sup> Norwegian Helsinki Committee, *Azerbaijan: Behind the tolerance façade. Freedom of religion or belief restricted*, February 2015, p. 19; Eurasianet, *Azerbaijan's rural areas lack lawyers following new rule*, 7 February 2018; CoE, Commissioner for Human Rights, *Dunja Mijatović, report following her visit to Azerbaijan from 8 to 12 July 2019*, 11 December 2019, p 15; ICJ, *ICJ recommendations to the Azerbaijan Bar Association on the role and independence of lawyers*, 2019, p 2; Asian Development Bank, *Azerbaijan country gender assessment*, December 2019, p 52; *Azerbaijani Bar Association*, <https://barassociation.az/en/azecollegium>, consulted on 24 June 2020.

<sup>591</sup> Ministry of Foreign Affairs, *General Country of Origin Information Report*, 23 May 2012, p. 45.

<sup>592</sup> CoE, Commissioner for Human Rights, *Third party intervention by the Council of Europe Commissioner for Human Rights*, 22 November 2016, p 6; CoE, *Report to the Azerbaijani Government on the visit to Azerbaijan*, 18 July 2018, p 22; Turan, *Lawyer not allowed to Yunis Safarov*, 18 January 2020.

<sup>593</sup> Freedom House, *Azerbaijan: Freedom House condemns physical assault of lawyer defending journalist by prison officers*, 23 September 2019; RSF, *Although diabetic, leading Azerbaijani journalist on hunger strike in prison*, 24 September 2019; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 6-7.

<sup>594</sup> In Azerbaijani: *Azerbaijan Respublikasının Vəkillər Kollegiyası*; CAT, *Concluding observations on the fourth periodic report of Azerbaijan*, 27 January 2016, p 4; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 8.

<sup>595</sup> Article 19, *Azerbaijan: Legislative amendments raise alarm*, 10 November 2017; ICJ, *Azerbaijan: Briefing paper on new legislation restricting court representation by lawyers*, 1 December 2017; CoE, Commissioner for Human Rights, *Dunja Mijatović, report following her visit to Azerbaijan from 8 to 12 July 2019*, 11 December 2019, p 16; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 11; AI, *Annual report 2019, Azerbaijan*, 16 April 2020; Bertelsmann Stiftung, *2020 country report Azerbaijan*, 29 April 2020, p 14.

<sup>596</sup> CoE, Commissioner for Human Rights, *Dunja Mijatović, report following her visit to Azerbaijan from 8 to 12 July 2019*, 11 December 2019, p 16; Confidential source, 12 March 2020.

<sup>597</sup> Confidential source, February 26, 2020; Confidential source, 27 February 2020.

<sup>598</sup> AI, *Mass raid and detention of LGBTI people in Baku*, 28 September 2017; Center for Defence of Political Prisoners, *Conditions in jails and the problem of political prisoners in Azerbaijan current situation and next steps*, 2018, p 8; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 8.

hours or days of a suspect's detention. Various sources presume that this is being done so that a confession can be extracted from the suspect in the meantime, to prevent traces of abuse and torture from being visible or because instructions have been issued from above.<sup>599</sup> In addition, it is rare for lawyers to gain access to suspects who are detained in the *Main Department for Combating Organized Crime* (MDCOC).<sup>600</sup>

During the reporting period, lawyers involved in politically sensitive cases were put under increasing pressure. Many human rights lawyers were stripped of their licence by the Bar Association.<sup>601</sup> For example, Khalid Bagirov lost his licence in 2014 after an argument in the case of Ilqar Mammadov (see section 3.1.3).<sup>602</sup> On 3 July 2015, Alaif Hasanov lost his licence after disclosing information about the ill-treatment of his client Leyla Yunus (see section 3.1.3).<sup>603</sup> Furthermore, the Bar Association suspended Yalchin Imanov's licence on 20 November 2017 when he announced in public in August 2017 that his client Abbas Huseynov (see section 3.2.2) had been tortured in Qobustan prison. On 22 February 2019, he subsequently lost his licence.<sup>604</sup> In addition, human rights lawyer Irada Javadova lost her licence on 11 June 2018.<sup>605</sup> On 27 November 2019, the Bar Association suspended the licence of Shahla Humbatova – among other things as a result of a complaint by a former client. During the reporting period, she had been involved as a lawyer in the case of Mehman Huseynov (see section 3.2.2) and the Ganja case (see section 3.3.4).<sup>606</sup>

<sup>599</sup> AI, "Revolving doors": *The ongoing persecution of government critics in Azerbaijan*, 16 June 2016, p. 8; CoE, *Report to the Azerbaijani Government on the visit to Azerbaijan carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 to 30 October 2017*, 18 July 2018, p 22; HRC, *Azerbaijan Prison and Torture Report*, November 2018, p 6; USDoS, *Azerbaijan 2018 Human Rights Report*, 13 March 2019, p 8; Turan, *Lawyer not allowed access to Yunis Safarov*, 18 January 2020; Freedom House, *Freedom in the World 2020, Azerbaijan*, 4 March 2020, p 12; Confidential source, 26 February 2020; Confidential source, 27 February 2020.

<sup>600</sup> HRW, *Azerbaijan: Journalist illegally detained*, 23 September 2015; HRC, *Azerbaijan Prison and Torture Report*, November 2018, p 4.

<sup>601</sup> IPHR, *Justice behind bars: The persecution of civil society in Azerbaijan*, December 2015, p 34; Freedom House, *Nations in transit 2017, Azerbaijan*, 29 March 2017; OC Media, *Left without a defence: Azerbaijan's purge of human rights lawyers*, 30 August 2018; Caucasian Knot, *Investigator requests punishment for Azerbaijani advocate Zibelda Sadygova*, 17 March 2020; Confidential source, 12 March 2020.

<sup>602</sup> IFHR, *Azerbaijan: Judicial harassment of Mr. Khalid Bagirov*, 17 July 2015; ILIA, *Statistics for CCBE*, December 2017, p 1.

<sup>603</sup> ILIA, *Statistics for CCBE*, December 2017, p 2; Confidential source, 27 February 2020.

<sup>604</sup> HRW, *Lawyer disbarred in Azerbaijan after filing torture complaint*, 27 November 2017; ILIA, *Statistics for CCBE*, December 2017, p 2; HRC, *Azerbaijan Prison and Torture Report, November 2018*, p 1; CoE, Commissioner for Human Rights, *Dunja Mijatović, report following her visit to Azerbaijan from 8 to 12 July 2019*, 11 December 2019, p 22; HRW, *World Report 2020, Azerbaijan*, 29 January 2020; AI, *Annual report 2019, Azerbaijan*, 16 April 2020.

<sup>605</sup> Turan, *Irada Javadova rejects the claims of the Bar Association*, 12 June 2018; ICJ, *Azerbaijan: Lawyer Irada Javadova disbarment decided in unfair proceedings*, 18 June 2018; OBCT, *Azerbaijan: 2019, year of make-up*, 13 January 2020.

<sup>606</sup> Azerbaijani Bar Association, *The information of the board of the Azerbaijani Bar Association*, 10 December 2019; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 12; Lawyers for lawyers, *Open letter on disciplinary measures against Shahla Humbatova*, 14 December 2019.

### 3.3.3

#### *Arrests, Custody and Detention*

As mentioned in sections 3.1.3 and 3.2.1, arrests on false or unclear charges, such as ignoring police orders, illegal drug possession, tax evasion or hooliganism, were regularly made during the reporting period.<sup>607</sup> Suspects often did not receive written confirmation of the charges, the verdict or their rights.<sup>608</sup>

By law, people suspected of administrative offences may not be detained at police stations for more than three hours without an arrest warrant. They should not be detained for more than 48 hours when there is a possibility of being convicted for an offence. The maximum period of administrative detention is ninety days.<sup>609</sup> Crime suspects may also not be detained in police stations for more than 48 hours without a judicial arrest warrant.<sup>610</sup> However, the police sometimes detained suspects for more than the permitted number of hours.<sup>611</sup> In addition, suspects were sometimes incommunicado for several hours or days while the police kept them on remand. This happened, for example, at the MDCOC.<sup>612</sup> The period of detention pending a judicial decision may not exceed three months. This period can be extended to eighteen months.<sup>613</sup>

According to the Council of Europe, in 2015 more than 23,000 people were detained in Azerbaijan (including the number of people detained in pre-trial detention centres).<sup>614</sup> According to the Azerbaijani Ministry of Justice, there were 21,800 detainees in 2018.<sup>615</sup> In addition, the Council of Europe estimated that there were 21,900 prisoners on 31 January 2019.<sup>616</sup> During the reporting period, Azerbaijan also used electronic monitoring with anklets. According to the Azerbaijani Ministry of Justice, around two thousand people were wearing anklets in 2019.<sup>617</sup>

There are five pre-trial detention centres in Azerbaijan. They are located in Kürdakhani (Detention Centre Number 1), Ganja (Number 2), Şüvalan (Number 3), Şeki and Böyükdüz in Nakhichevan. These detention centres are managed by the

<sup>607</sup> CoE, *Report to the Azerbaijani Government on the visit to Azerbaijan carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 to 30 October 2017*, 18 July 2018, p 12; HRC, *Azerbaijan Prison and Torture Report*, November 2018, p 4; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p. 9.

<sup>608</sup> USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 8; RFE/RL, *Lawyer for Azerbaijani opposition activist says court is holding up appeal*, 22 April 2020.

<sup>609</sup> Interior Ministry of Azerbaijan, *Citizens and police*; CoE, *Report to the Azerbaijani Government on the visit to Azerbaijan carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 to 30 October 2017*, 18 July 2018, p 12; CoE, *Response of the Azerbaijani government to the report of the European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) on its visit to Azerbaijan from 29 March to 8 April 2016*, 18 July 2018, p 50-51; EMDS, *Politically motivated administrative detentions*, 2019, p 2; OC Media, *Detentions as a tool of political pressure on the rise in Azerbaijan*, 26 August 2019.

<sup>610</sup> CoE, *Response of the Azerbaijani government*, 18 July 2018, p 50; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 8.

<sup>611</sup> European Commission, *Implementation of the European neighbourhood policy in Azerbaijan progress in 2014*, 25 March 2015, p 7; USDoS, *Azerbaijan 2018 Human Rights Report*, 13 March 2019, p 7.

<sup>612</sup> HRW, *Azerbaijan: Journalist illegally detained*, 23 September 2015; HRW, *Azerbaijan: Activist arrested, held incommunicado*, 19 August 2016; Meydan TV, *Turkey-based Muslim Unity Movement member reportedly deported to Azerbaijan and detained*, 26 March 2019; Confidential source, 25 February 2020.

<sup>613</sup> FIDH, *Crackdown on human rights activists intensifies as Baku Games approach*, 21 April 2015, p 6; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 8.

<sup>614</sup> CoE, *Prisons in Europe 2005-2015. Volume 1*, 29 November 2018, p 80.

<sup>615</sup> Report, *Number of prisoners in Azerbaijan announced*, 6 March 2019.

<sup>616</sup> CoE, *Annual Penal Statistics – SPACE I 2019*, 25 March 2020, p 31.

<sup>617</sup> JAM News, *Domestic violence offenders to wear tracking bracelets in Azerbaijan*, 24 May 2018; Report, *Number of prisoners carrying electronic bracelets announced in Azerbaijan*, 8 October 2018; Turan, *Justice Ministry: Nearly 500 people carry electronic bracelets in Azerbaijan*, 22 November 2018; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 7; RFE/RL, *Azerbaijani journalist convicted of hooliganism in 'trumped-up' case*, 25 June 2020.

Ministry of Justice.<sup>618</sup> In addition, the Ministry of Justice manages fifteen correctional institutions in the Baku region (Numbers 1, 2, 4 and 6 to 17), one in Salyan (Number 5) and one in Şeki. Institution number 4 is the women's prison in Baku. The juvenile prison is also affiliated to this prison.<sup>619</sup> In addition, this ministry in Qobustan manages the high-security prison.<sup>620</sup> The training institute and the central detention hospital are still located in Baku.<sup>621</sup> The Ministry of Justice also manages a prison for TB patients.<sup>622</sup> The Ministry of the Interior manages the temporary detention centre of the MDCOC in Baku. In addition, this ministry manages a number of temporary detention centres in the local police stations.<sup>623</sup> The State Security Service operates another temporary detention centre and research centre in Baku.<sup>624</sup> The Ministry of Health also manages the psychiatric institutions in Maştağa, Ganja and Şeki.<sup>625</sup> In addition, the SMS manages detention centres for illegal migrants in Baku, Yevlakh and Nakhichevan.<sup>626</sup> Many of these detention centres date back to the time of the Soviet Union and do not comply with international standards. Examples include the high-security prison in Qobustan, Pre-Trial Detention Centre Number 3 in Şüvalan, Detention Centre Number 14 in Qaradağ and the prison for TB patients.<sup>627</sup>

<sup>618</sup> Working Group led by Leyla Yunus and Rasul Jafarov, *The list of political prisoners in Azerbaijan*, December 2015, p 99; JAM News, *Opposition activist dies in Baku prison under questionable circumstances and is buried in secret*, 1 May 2017; JAM News, *What does the phrase 'sentenced to 7 years' mean in Azerbaijan*, 7 July 2017; CoE, *Report to the Azerbaijani Government on the visit to Azerbaijan carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 to 30 October 2017*, 18 July 2018, p 5; Center for Defence of Political Prisoners, *Conditions in jails and the problem of political prisoners in Azerbaijan; current situation and next steps*, December 2018, p 4; USDoS, *Azerbaijan 2018 Human Rights Report*, 13 March 2019, p 5; Turan, *Religious activist Anar Jabbarov accused of drug trafficking*, 4 April 2019; Turan, *Tofiq Yagublu needs urgent medical aid*, 11 April 2020; Confidential source, 5 June 2020.

<sup>619</sup> RFE/RL, *One year into jailing, Ismayilova vows to keep fighting for rights*, 4 December 2015; JAM News, *Juvenile crime up 25% in Azerbaijan*, 17 September 2018; Center for Defence of Political Prisoners, *Conditions in jails and the problem of political prisoners in Azerbaijan; current situation and next steps*, December 2018, p 2; CoE, *Training on prison healthcare*, 6 March 2020; OC Media, *Colony 13: Coronavirus in an Azerbaijani prison*, 12 June 2020.

<sup>620</sup> Meydan TV, *Prison chronicles: How political prisoners are tortured in Azerbaijan*, 24 August 2017; Meydan TV, *Imprisoned Muslim Unity leaders start hunger strike in protest against alleged torture*, 6 February 2019.

<sup>621</sup> CoE, *Report to the Azerbaijani Government on the visit to Azerbaijan carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 29 March to 8 April 2016*, 18 July 2018, p 11; CoE, *Response of the Azerbaijani government*, 18 July 2018, p 30-31.

<sup>622</sup> WHO-Europe, *Azerbaijan brings quality tuberculosis care to prisons*, 24 March 2015; WHO-Europe, *Preventing the spread of tuberculosis in prisons – sharing lessons from Azerbaijan*, 17 July 2018; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 6.

<sup>623</sup> HRW, *Azerbaijan: Journalist illegally detained*, 23 September 2015; IWPR, *Inside Azerbaijan's prisons The anatomy of corruption*, 5 September 2018; CoE, *Report to the Azerbaijani Government on the visit to Azerbaijan 2016*, 18 July 2018, p 11; APA, *Meetings at temporary detention places of Azerbaijani MIA restricted*, 12 March 2020.

<sup>624</sup> CoE, *Report to the Azerbaijani Government on the visit to Azerbaijan 2016*, 18 July 2018, p 11; CoE, *Response of the Azerbaijani government*, 18 July 2018, p. 13; Ombudsman, *Legal reforms implemented in the country expanded the rights of detainees*, 10 April 2020.

<sup>625</sup> Turan, *Opposition activist returned from psychiatric hospital to police detention centre*, 14 October 2017; CoE, *Report to the Azerbaijani Government on the visit to Azerbaijan 2016*, 18 July 2018, p 11; CoE, *Response of the Azerbaijani government*, 18 July 2018, p 34; Caucasian Knot, *Azerbaijani opposition activist placed to psychiatric hospital*, 31 March 2020.

<sup>626</sup> Permanent Mission of the Republic of Azerbaijan to the United Nations office and other international organisations at Geneva, *Information of the State Migration Service related to the questionnaire of the Office of the United Nations High Commissioner for Human Rights on the situation of migrants in transit, including unaccompanied children and adolescents, as well as women and girls*, 23 November 2015, p 3; Report, *13 foreign nationals illegally living in Azerbaijan detained*, 7 August 2017; International Centre for Migration Policy Development, *Baseline study on migration in Azerbaijan*, April 2018, p 17; SMS, *Structure*, <https://www.migration.gov.az/about/structure>, consulted on 24 June 2020. Report, *Number of illegal immigrants living in Azerbaijan announced*, 18 July 2019.

<sup>627</sup> JAM News, *What does the phrase 'sentenced to 7 years' mean in Azerbaijan*, 7 July 2017; Center for Defence of Political Prisoners, *Conditions in jails and the problem of political prisoners in Azerbaijan; current situation and next steps*, 2018, p 7; Caucasian Knot, *Rights defenders claim violation of prisoners' rights and torture in Azerbaijani jails*, 28 December 2018; USDoS, *Azerbaijan 2018 Human Rights Report*, 13 March 2019, p 5; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 6.

The situation in prisons was generally poor during the reporting period. Some cells were overcrowded.<sup>628</sup> Sometimes there was a poor-quality diet. In some cases, therefore, prisoners used food packages sent by their relatives.<sup>629</sup> Furthermore, there was poor medical care, not always enough drinking water, poor sanitation, not always sufficient heating, unsanitary conditions, insufficient daylight, poor ventilation and the withholding of contact with family members.<sup>630</sup> There was a great deal of corruption in prisons. For example, prisoners sometimes had to pay for facilities, such as receiving visitors and postal packages, watching television, extra heating in the cell and the use of sanitary facilities.<sup>631</sup>

### 3.3.4 Abuse and torture

Abuse and torture are subject to prison sentences of up to ten years in Azerbaijan. Nevertheless, there were regular reports of ill-treatment and torture by the authorities during the reporting period.<sup>632</sup> For example, the lawyer of Ilqar Mammadov of ReAI reported on 16 October 2016 that Mammadov had lost a tooth in prison as a result of mistreatment by prison staff.<sup>633</sup> In addition, five APFP supporters stated during their January and February 2019 hearings that they had been tortured during pre-trial detention in the MDCOC.<sup>634</sup>

Another example of abuse was the case of rapper Parviz Guluzade. He was known by his stage name *Paster*. Police arrested him in late December 2019. According to blogger Khabib Muntezir, his arrest was related to his YouTube music video entitled *Gang*. In the video, he referred to the Pasha Bank, which is owned by the President's two daughters. Muntezir alleged that the police had abused Paster. The court subsequently sentenced him to thirty days of administrative detention for disturbing the public order under the influence of drugs and for ignoring police

<sup>628</sup> HRC, *Compliance of the Republic of Azerbaijan with the International Covenant on Civil and Political Rights. An alternative NGO report to the 118th session UN Human Rights Committee (17 October 2016 - 04 November 2016)*, 2016, p 9; CoE, *Report to the Azerbaijani Government on the visit to Azerbaijan 2017*, November 2018, p 4; USDoS, *Azerbaijan 2018 Human Rights Report*, 13 March 2019, p 5; IPHR, *Azerbaijani government crackdown in Ganja*, 29 January 2020, p 14.

<sup>629</sup> JAM News, *What does the phrase 'sentenced to 7 years' mean in Azerbaijan*, 7 July 2017; HRC, *Azerbaijan Prison and Torture Report*, November 2018, p 15; Center for Defence of Political Prisoners, *Conditions in jails and the problem of political prisoners in Azerbaijan current situation and next steps*, December 2018, p 5; CPJ, *Journalist Afgan Mukhtarli: 'Azerbaijani prisoners are facing death under coronavirus quarantine'*, 24 March 2020.

<sup>630</sup> Caucasian Knot, *Azeri journalist Mukhtarly complains about health deterioration and his rights violation at SIZO*, 11 July 2017; IWPR, *Inside Azerbaijan's prisons: The anatomy of corruption*, 5 September 2018; HRC, *Azerbaijan Prison and Torture Report*, November 2018, p 1; JAM News, *Council of Europe study reveals higher prisoner numbers in Azerbaijan*, 5 December 2018; USDoS, *Azerbaijan 2018 Human Rights Report*, 13 March 2019, p 5.

<sup>631</sup> CoE, *Report to the Azerbaijani Government on the visit to Azerbaijan 2017*, 18 July 2018, p 5; Center for Defence of Political Prisoners, *Conditions in jails and the problem of political prisoners in Azerbaijan: current situation and next steps*, 2018, p 6; IWPR, *Inside Azerbaijan's prisons: The anatomy of corruption*, 5 September 2018; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 6; Confidential source, 27 February 2020.

<sup>632</sup> Meydan TV, *Ilqar Mammadov assaulted in prison*, 3 August 2015; IWPR, *Azerbaijan: Concerns about treatment of two political prisoners*, 27 October 2015; HRW, *World report 2016, Azerbaijan*, 27 January 2016; Meydan TV, *Prison chronicles How political prisoners are tortured in Azerbaijan*, 24 August 2017; Turan, *State penitentiary service denies torture in Gobustan prison*, 11 September 2018; Caucasian Knot, *Believers tortured in Azerbaijani prisons, activists report*, 13 May 2019; Meydan TV, *Activist Salayev allegedly tortured in detention centre*, 27 January 2020; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 3; Caucasian Knot, *In Azerbaijan, religious activist complains about torture at police station*, 21 April 2020; Turan, *National Council calls on authorities to stop torture of PFPA activists*, 1 May 2020; RFE/RL, *Azerbaijani man says police beat him for five hours after violent raid*, 10 June 2020; OC Media, *Azerbaijan's total lockdown weekend marked by police violence*, 11 June 2020.

<sup>633</sup> AI, *Annual report 2015/16, Azerbaijan*, 13 April 2016; USDoS, *Azerbaijan 2015 Human Rights Report*, 13 April 2016, p 5; Freedom House, *Nations in transit 2016, Azerbaijan*, 12 April 2016.

<sup>634</sup> Turan, *The trial in the case of the former head of the Gedabay region*, 15 January 2019; Turan, *Saleh Rustamov speaks about torture before court*, 24 January 2019; Turan, *The National Council of Democratic Forces condemns violence against prisoners*, 5 February 2019; Turan, *Verdict of accused in PFPA illegal financing case read*, 27 February 2019; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 4.

orders.<sup>635</sup> On 27 December 2019, blogger Mehman Huseynov entered the Interior Ministry building in Baku, where he called for the release of Guluzade. After a few minutes, the police took him away. Several police officers assaulted him in a car. They then dropped him in the town of Lokbatan.<sup>636</sup>

During the reporting period, there were also reports of detainees who had allegedly died as a direct result of serious abuse or torture.<sup>637</sup> For example, some suspects in the Nardaran case stated that their townsman Farahim Bunyadov had been killed by the police after his arrest.<sup>638</sup>

Furthermore, on

25 September 2018 Ulviyya Akhundova stated that her brother Elmir Akhundov had been tortured to death at the Qazakh police station.<sup>639</sup> According to the United States Department of State, in response to this accusation on 13 May 2019 the district court in Qazakh handed down a suspended prison sentence of two years and ten months to a police officer for the abuse of power.<sup>640</sup>

In addition, there were people who died in detention under suspicious circumstances.<sup>641</sup> For example, blogger Mehman Qalandarov allegedly committed suicide on 28 April 2017 in Detention Centre Number 1 in the district of Kürdakhani in Baku. The police had arrested him on 7 February 2017 on suspicion of drug trafficking. He was known for his activism on Facebook. He was also one of the organisers of a demonstration against the Azerbaijani government in Tbilisi on 26 September 2016. A number of human rights activists expressed concerns about his suicide. On 30 April 2017, the authorities buried his body near the detention centre.<sup>642</sup>

<sup>635</sup> Caucasian Knot, *Opposition links arrest of Azerbaijani rapper with his work*, 27 December 2019; RFE/RL, *Azerbaijani anti-corruption blogger alleges police beating; ministry says he's lying*, 28 December 2019; OC Media, *Azerbaijani rapper Paster arrested and allegedly tortured*, 30 December 2019; JAM News, *Azerbaijani rapper out of prison after scandalous clip taken down from internet*, 22 January 2020; Freedom House, *Freedom in the world 2020, Azerbaijan*, 4 March 2020; AI, *Annual report 2019, Azerbaijan*, 16 April 2020.

<sup>636</sup> JAM News, *Azerbaijani blogger says he was brutally beaten by police after rally for arrested rapper*, 28 December 2019; Turan, *Blogger Mehman Huseynov abducted and beaten by police*, 28 December 2019; Turan, *Doctors record numerous injuries on Mehman Huseynov*, 29 December 2019; OC Media, *Azerbaijani rapper Paster arrested and allegedly tortured*, 30 December 2019; JAM News, *Azerbaijani rapper out of prison after scandalous clip taken down from internet*, 22 January 2020; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 4.

<sup>637</sup> Caucasian Knot, *Resettlers attack police station in Tartar district of Azerbaijan*, 6 February 2015; RFE/RL, *Man's death sparks clashes in Azerbaijani city*, 22 August 2015; IWPR, *Street protest after death in Azerbaijan police custody*, 27 August 2015; CAT, *Concluding observations on the fourth periodic report of Azerbaijan*, 27 January 2016, p 6; USDoS, *Azerbaijan 2015 Human Rights Report*, 13 April 2016, p. 4; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p. 2.

<sup>638</sup> Trend, *One of wounded in Azerbaijan's Nardaran settlement dies*, 28 November 2015; Center for Defence of Political Prisoners, *Conditions in jails and the problem of political prisoners in Azerbaijan current situation and next steps*, 2018, p 10; HRC, *Azerbaijan Prison and Torture Report*, November 2018, p 13; USDoS, *Azerbaijan 2016 Human Rights Report*, 3 March 2017, p 5.

<sup>639</sup> Turan, *The Gazakh resident died under unclear circumstances in the local police*, 26 September 2018; Caucasian Knot, *A Gazakh resident dies after torture at police station, his sister reports*, 27 September 2018; Meydan TV, *Death at the police station*, 27 September 2018; Caucasian Knot, *Policeman detained in case on Gazakh resident's death*, 28 September 2018; Caucasian Knot, *Law enforcers deny death of Gazakh resident after police torture*, 28 September 2018; Turan, *In connection with the death of a Gazakh resident, a police officer is detained*, 28 September 2018; Center for Defence of Political Prisoners, *Conditions in jails and the problem of political prisoners in Azerbaijan current situation and next steps*, 2018, p 13-14; Caucasian Knot, *Rights defenders claim violation of prisoners rights and torture in Azerbaijani jails*, 28 December 2018.

<sup>640</sup> USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p. 2.

<sup>641</sup> RFE/RL, *Azerbaijani spy scandal leaves trail of dead suspects*, 16 June 2017; HRC, *Azerbaijan Prison and Torture Report*, November 2018, p 2-3.

<sup>642</sup> Caucasian Knot, *Political prisoner found dead at Baku SIZO*, 29 April 2017; Meydan TV, *Death in prison of Azerbaijani blogger highly suspicious, activists say*, 30 April 2017; JAM News, *Opposition activist dies in Baku prison under questionable circumstances and buried in secret*, 1 May 2017; OC Media, *Azerbaijani activist found dead in jail*, 3 May 2017; RFE/RL, *U.S. calls for transparent investigation into death of Azerbaijani blogger*, 4 May 2017; AI, *Annual report 2017/18, Azerbaijan*, 22 February 2018; HRC, *Azerbaijan Prison and Torture Report*, November 2018, p 1; Zaur Gasimov, *Historical dictionary of Azerbaijan*, Rowman & Littlefield, 2018, p 185;

Abuse and torture were said to particularly take place in pre-trial detention at police stations in order to compel suspects to sign a written confession. During court cases, prosecutors used confessions obtained through ill-treatment and torture as evidence.<sup>643</sup> For example, the court convicted Elgiz Qahraman for drug trafficking. He was an NIDA activist. The police arrested him on 12 August 2016. During his trial, he said that he had made his confession to the police under duress. On 16 January 2017, a Baku court sentenced him to 5.5 years in prison. The Supreme Court reduced this sentence to three years on 29 November 2017. He was released as part of the Novruz pardon on 16 November 2019.<sup>644</sup>

There were also various reports of ill-treatment and torture in detention centres and prisons during the reporting period. For example, relatives of MUM's Abbas Huseynov revealed on 30 April 2018 that he had been seriously abused in prison.<sup>645</sup> On 31 January 2019, Taleh Bagirzade of the MUM went on hunger strike because of his treatment in Qobustan prison. Among other things, Bagirzade said that prison staff had forced him to share a cell with prisoners who had tried to set fire to other prisoners. A few days later, Huseynov joined the hunger strike. Two weeks later they ended their hunger strike.<sup>646</sup>

Victims of ill-treatment and torture by government officials often decided not to file a complaint for fear of reprisals. Or they did not file a complaint because they did not consider it worthwhile. Even when victims and their attorneys complained during lawsuits, for example, the prosecutor either rarely investigated the complaints or argued that the victims were lying.<sup>647</sup> During the reporting period, (almost) no

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Center for Defence of Political Prisoners, *Conditions in jails and the problem of political prisoners in Azerbaijan current situation and next steps*, 2018, p 12-13; JAM News, *Azerbaijani civic activist says prison conditions are unbearable*, 10 July 2018; Open Azerbaijan, *Corruption in Azerbaijan. Past five years*, 2019, p. 23; VOA, *Kidnapped, blindfolded, tossed in jail: An Azerbaijani reporter's exclusive tale*, 20 March 2020.

<sup>643</sup> CAT, *Concluding observations on the fourth periodic report of Azerbaijan*, 27 January 2016, p 5; JAM News, *What does the phrase 'sentenced to 7 years' mean in Azerbaijan*, 7 July 2017; AI, *Annual report 2017/18, Azerbaijan*, 22 February 2018; CoE, *Report to the Azerbaijani Government on the visit to Azerbaijan carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 to 30 October 2017*, 18 July 2018, p 4; Turan, *Another person involved in the "Ganja case" about torture during the investigation*, 26 August 2019; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 3; Confidential source, 26 February 2020.

<sup>644</sup> Caucasian Knot, *"Nida" activist arrested in Azerbaijan*, 15 August 2016; HRW, *Azerbaijan: Activist arrested, held incommunicado*, 19 August 2016; Turan, *Elgiz Gahraman: I was arrested for four words*, 16 January 2017; JAM News, *An activist sentenced to 5.5 years in prison in Baku*, 16 January 2017; Caucasian Knot, *Azerbaijani activist Elgiz Gahramanov sentenced to 5.5 years in prison*, 16 January 2017; HRW, *Another youth activist convicted on fake drug charges in Azerbaijan*, 17 January 2017; Turan, *The Supreme Court cuts the term of Elgiz Gahraman*, 29 November 2017; APA, *NIDA member gets jail sentence reduced*, 29 November 2017; AI, *Annual report 2017/18, Azerbaijan*, 22 February 2018; Turan, *Elgiz Gahraman is placed to a punishment cell*, 12 October 2018; Daily Sabah, *Azerbaijan's Aliyev pardons more than 400 in Novruz amnesty*, 16 March 2019; RFE/RL, *Azerbaijani President pardons hundreds, including political prisoners*, 17 March 2019.

<sup>645</sup> Meydan TV, *Prison chronicles: How political prisoners are tortured in Azerbaijan*, 24 August 2017; USDoS, *Azerbaijan 2018 international religious freedom report*, 21 June 2019, p 6.

<sup>646</sup> Meydan TV, *Imprisoned 'Muslim Unity' leaders start hunger strike in protest against alleged torture*, 6 February 2019; JAM News, *Muslim Unity Movement leader on hunger strike in prison, lawyer not allowed to visit him*, 11 February 2019; Turan, *Thaleh Bagirzade on the 14<sup>th</sup> day of hunger strike, his wife, 14 February 2019*; Caucasian Knot, *Talekh Bagirzade tells about his hunger strike in jail*, 15 February 2019; Caucasian Knot, *Rights defenders persuade Talekh Bagirzade to stop hunger strike in jail*, 17 February 2019; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 5.

<sup>647</sup> HRW, *Lawyer disbarred in Azerbaijan after filing torture complaint*, 27 November 2017; Caucasian Knot, *Advocate complains about GPO's inaction after torture of Nardaran believers*, 27 March 2018; HRC, *Azerbaijan Prison and Torture Report*, November 2018, p 3; CoE, *Report to the Azerbaijani Government on the visit to Azerbaijan carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 to 30 October 2017*, 18 July 2018, p 19; Union for the Freedom for Political Prisoners of Azerbaijan, *List of political prisoners*, 20 March 2019, p 21; Eurasianet, *Azerbaijani police blame the victim*, 4

government officials were prosecuted for the serious maltreatment or torture of detainees.<sup>648</sup> In 2015, the authorities informed the *Committee against Torture* (CAT) that no government officials had been prosecuted in the period 2010-2015.<sup>649</sup> One source indicated that the reason the authorities did not prosecute and/or punish government officials for these crimes was that the authorities did not want to admit that government officials in Azerbaijan were guilty of torture and serious ill-treatment because it could cause unrest in the state apparatus.<sup>650</sup>

#### *The Terter case*

One case that allegedly involved abuse and torture was the Terter case. On 7 May 2017, the authorities announced that they had wound up a spy network of civilians and military personnel in late April/early May 2017 on suspicion of cooperating with the Armenian Secret Service and planning sabotage in the Terter district. However, the authorities did not disclose how many persons they had detained in connection with this investigation. According to the Council of Europe, the authorities took about twenty detainees to an abandoned army base near Terter. For two to twelve days, the suspects were subjected to heavy-handed interrogations, assault and torture. They were then forced to sign a confession. The suspects were sometimes incommunicado for up to two months. At least eight people died during pre-trial detention. One of the fatalities was Lt. Col. Saleh Qafarov. On 4 May 2018, the authorities dropped charges against him and three others. According to the authorities, the perpetrators responsible for the deaths of these four rehabilitated individuals were sentenced to seven years in prison. It is unknown how many people were ultimately convicted in connection with this espionage case. The *Union for the Freedom for Political Prisoners of Azerbaijan* added the names of 25 persons who were convicted in this espionage case to its list of political prisoners. They were sentenced to seven to twenty years in prison.<sup>651</sup>

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November 2019; Caucasian Knot, *Ali Kerimli appeals against refusal to investigate torture after his detention in Baku*, 25 February 2020.

<sup>648</sup> HRW, *Azerbaijan: UN criticizes torture record*, 11 December 2015; CoE, *Report to the Azerbaijani Government on the visit to Azerbaijan carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 to 30 October 2017*, 18 July 2018; HRW, *Torture is 'systemic and endemic' in Azerbaijan*, 25 July 2018; HRC, *Azerbaijan Prison and Torture Report*, November 2018, p 19; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 2; Confidential source, 26 February 2020; Confidential source, 27 February 2020.

<sup>649</sup> CAT, *Concluding observations on the fourth periodic report of Azerbaijan*, 27 January 2016, p 2.

<sup>650</sup> Confidential source, 26 February 2020.

<sup>651</sup> Azertac, *Azerbaijan Prosecutor Generals Office, Ministry of Defence, Ministry of Internal Affairs and State Security Service release joint statement*, 7 May 2017; Trend, *Azerbaijan reveals group of soldiers, civilians collaborating with Armenian special services*, 7 May 2017; Turan, *IMD conducted an investigation into the killings in Azerbaijan*, 25 May 2017; RFE/RL, *Azerbaijani spy scandal leaves trail of dead suspects*, 16 June 2017; CoE, *Report to the Azerbaijani Government on the visit to Azerbaijan carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 to 30 October 2017*, 18 July 2018, p 14 and 23; Meydan TV, *Beaten to death in the army he loved*, 18 July 2018; Turan, *Relatives accused of the Terter case protest*, 27 May 2019; Caucasian Knot, *Protesters in Baku support convicts in "Terter case"*, 28 May 2019; Turan, *Tortured officer acquitted posthumously*, 10 June 2019; Turan, *Hunger strike of a convict in the Terter case*, 23 August 2019; JAM News, *How big crime is 'forgotten' in Azerbaijan*, 6 September 2019; Turan, *Action of family members of persons involved in "Terter case"*, 6 September 2019; Caucasian Knot, *Baku: law enforcers suppress action in support of convicts under "Terter case"*, 7 September 2019; Caucasian Knot, *In Barda, protesters demand to release convicts in Terter case*, 8 October 2019; Caucasian Knot, *Baku: protesters demand to set convicts in "Terter case" free*, 15 November 2019; Caucasian Knot, *In Azerbaijan, relatives of torture victims voice details of Terter case*, 28 November 2019; Turan, *Action of family members of persons involved in Terter case*, 3 December 2019; Leyla Yunus, *Die Lage der Demokratie und Menschenrechte in Aserbaidschan*, in: Olaf Leisse (red.), *Politik und Gesellschaft im Kaukasus. Eine unruhige Region zwischen Tradition und Transformation*, Springer VS, 2019, p 238-239; Turan, *Convict in the Terter case spoke about tortures*, 10 January 2020; Turan, *There are 140 political prisoners in Azerbaijan – list of UFPPA*, 30 March 2020; Union for the Freedom for Political Prisoners of Azerbaijan, *List of political prisoners*, 12 May 2020.

### *The Ganja case*

During the reporting period, the Ganja case was a notable case in which the authorities were guilty of extensive ill-treatment and torture. The direct cause of this took place on 3 July 2018 when Yunis Safarov shot Governor Elmar Valiyev and one of his bodyguards in front of his office in Ganja.<sup>652</sup> The police arrested Safarov on the same day. The next day, photographs of Safarov appeared on social media that showed evidence of abuse.<sup>653</sup>

On 6 July 2018, the authorities released a statement linking the attack in Ganja to Islamic extremism. They alleged that Safarov had received religious instruction in the Iranian city of Qom in 2016. He had fought in Syria and had ties to the MUM.<sup>654</sup> The authorities further reported that Safarov had been injured for resisting his arrest.<sup>655</sup> According to the authorities, 29 people were involved in the attack. They issued an international search warrant for eleven of these people.<sup>656</sup>

On 7 July 2018, a video appeared on YouTube calling people to demonstrate in support of Safarov. A few dozen people responded to the call. On 10 July 2018, around 150 to 200 people demonstrated opposite the government office in Ganja. One of the protesters, Rashad Boyukkishiev, then stabbed two police officers to death and injured a third.<sup>657</sup> One of the two police officers who was killed, Samad Abbasov, was the deputy chief of police of Ganja and also the brother of the imam of the *Imamzadeh* religious complex in Ganja, Haji Tahir Abbasov.<sup>658</sup> In the aftermath of this event, the security services arrested numerous protesters and passers-by. Estimates of the number of persons arrested varied from seventy to more than one hundred. A large number of detainees were assaulted at the police station in Ganja.<sup>659</sup> According to the authorities, the detainees were part of an Islamic extremist conspiracy to destabilise the country in order to create a caliphate. At least seventy people were sentenced to twenty days of administrative detention.<sup>660</sup>

<sup>652</sup> RFE/RL, *Head of Azerbaijan's second-largest city wounded in shooting attack*, 4 July 2018; Caucasian Knot, *A man suspected of attack on Ganja mayor was earlier wanted*, 5 July 2018.

<sup>653</sup> Turan, *IMD condemns torture in Ganja police over Yunis Safarov*, 6 July 2018; JAM News, *Revenge for an offended sister or an attempted coup in Azerbaijan?*, 8 July 2018; Eurasianet, *Attacks in Azerbaijan raise accusations of Islamist extremism, government skullduggery*, 11 July 2018.

<sup>654</sup> Meydan TV, *Attack on Ganja mayor classified as terrorism*, 6 July 2018; Eurasianet, *Attacks in Azerbaijan raise accusations of Islamist extremism, government skullduggery*, 11 July 2018; Azertac, *More arrests in the wake of Ganja events*, 15 July 2018; Reuters, *Assassination attempt and protest send warning to Azerbaijan's rulers*, 6 August 2018; Murad Ismayilov, *Islamic radicalism that never was: Islamic discourse as an extension of the elite's quest for legitimization. Azerbaijan in focus*, Journal of Eurasian Studies, 2019, p 190.

<sup>655</sup> JAM News, *Revenge for an offended sister of an attempted coup in Azerbaijan?*, 8 July 2018; Eurasianet, *Attacks in Azerbaijan raise accusations of Islamist extremism, government skullduggery*, 11 July 2018.

<sup>656</sup> Trend, *Azerbaijani prosecutor general's office: 61 people detained over Ganja events*, 31 July 2019; IPHR, *Azerbaijani government crackdown in Ganja: extrajudicial killings, torture, arbitrary detention, unfair trials and unlawful restrictions on the freedom of assembly*, 29 January 2020, p 5.

<sup>657</sup> RFE/RL, *Two police killed in clash with protesters in Azerbaijan's second-largest city*, 10 July 2018; Caucasian Knot, *Riots in Azerbaijani Ganja: Secular opposition replaced by religious radicals*, 11 July 2018; OC Media, *Two police officers killed in Ganja rally after botched assassination on mayor*, 12 July 2018.

<sup>658</sup> APA, *What happened in Ganja: Terror against state, secularism, religion and stability*, 11 July 2018; News.az, *First VP Mehriban Aliyeva visits Imamzade religious complex in Ganja*, 15 February 2019; Confidential source, 12 March 2020.

<sup>659</sup> Azer News, *Four more people arrested over events in Azerbaijan's Ganja city*, 17 July 2018; JAM News, *Ganja residents bring protest against torture of imprisoned relatives to Baku*, 7 May 2019.

<sup>660</sup> Azer News, *New details revealed on case of attempted assassination of head of Ganja executive power*, 15 July 2018; Eurasianet, *Azerbaijan: One year on, Ganja events remain unexplained*, 26 August 2019; IPHR, *Azerbaijani government crackdown in Ganja*, 29 January 2020, p 24.

In follow-up actions by the security services in July and August 2018 in Ganja, Şamkir, Sumqayıt and Baku against suspects involved in the events of 3 and 10 July 2018, at least five people were killed. According to the authorities, these individuals had resisted arrest.<sup>661</sup>

At least 78 people have been prosecuted in the Ganja case. The authorities charged them with a variety of crimes, including possession of weapons, possession of drugs, attacking officials in office and organising civil unrest. As far as is known, between 22 February 2019 and 30 September 2019, 58 people, divided among seven groups, were sentenced to prison terms of up to 20 years. On appeal, most of the people charged were granted remission of three to seven years.<sup>662</sup> Two people died in captivity.<sup>663</sup> On 7 January 2020, criminal proceedings were started against Yunis Safarov and eleven co-suspects.<sup>664</sup>

<sup>661</sup> RFE/RL, *Azerbaijani officers kill suspect in police slayings*, 13 July 2018; Trend, *Person accused of killing police officer in Ganja eliminated*, 13 July 2018; JAM News, *Man suspected of murdering two policemen in Ganja riots dies in custody*, 13 July 2018; Azertac, *11 active participants of Ganja unrest detained, one killed*, 13 July 2018; Azer News, *Azerbaijan eliminates another criminal involved in Ganja events*, 21 July 2018; Turan, *Another man suspected of organising attempt on the head of Ganja is killed*, 25 July 2018; Trend, *Organizer of assassination attempt on head of Azerbaijan's Ganja eliminated*, 25 July 2018; Azeri Daily, *Sensational video: Special security forces neutralise another terrorist from Ganja*, 29 July 2018; Eurasianet, *Crackdown widens in Azerbaijan's second city as police kill assassination suspects*, 1 August 2018; Trend, *Another participant of Ganja events, who planned terror attack, eliminated in Sumgait*, 13 August 2018; Azeri Daily, *Muraz Rahimov previously planned murder of police officers*, 13 August 2018; Turan, *Najafov, killed in Khachmaz, was previously acquitted by the court*, 30 August 2018; OC Media, *Protest in Azerbaijan's Ganja against prosecutions over 2018 unrest*, 30 April 2019; USDoS, *Azerbaijan 2018 international religious freedom report*, 21 June 2019, p 6; Eurasianet, *Azerbaijan: One year on, Ganja events remain unexplained*, 26 August 2019; Turan, *Spouse of A. Sarkhani killed by security forces spoke about pressure and threats*, 9 October 2019; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 2.

<sup>662</sup> Azer News, *More people arrested in Azerbaijan regarding Ganja events*, 14 July 2018; Azer News, *22 people arrested in Azerbaijan over Ganja events*, 15 July 2018; Azer News, *New details revealed on case of attempted assassination of head of Ganja executive power*, 15 July 2018; Caucasian Knot, *Azerbaijani activists criticise inquiry into "Ganja case"*, 31 July 2018; Trend, *22 people to face trial over Ganja events in Azerbaijan*, 3 December 2018; Turan, *Cases of the accused on the Ganja events are brought to court*, 3 December 2018; Report, *Trial in a criminal case against 11 arrested over Ganja events begins tomorrow*, 3 January 2019; Turan, *Sentences read to fourteen people accused of Ganja events*, 4 March 2019; JAM News, *More than a dozen participants in deadly Ganja protest sentenced to five years in prison*, 6 March 2019; Meydan TV, *More than a dozen sentenced to lengthy prison terms over Ganja events*, 7 March 2019; Turan, *Hearings on "Ganja case", talks about torture*, 30 March 2019; OC Media, *Protest in Azerbaijan's Ganja against prosecutions over 2018 unrest*, 30 April 2019; Turan, *Three arrested in the "Ganja case" began a hunger strike*, 6 May 2019; Turan, *The accused in the "Ganja case" demand the interrogation of witnesses*, 20 July 2019; Turan, *Four men involved in "Ganja case" released in courtroom*, 9 August 2019; Turan, *The prosecutor proposed to mitigate the punishment of the next group of persons involved in the "Ganja case"*, 9 August 2019; Turan, *Tear gas was used in the courtroom*, 15 August 2019; OC Media, *Confrontation at Baku court as pepper spray used against defendants*, 17 August 2019; Turan, *Court of Appeal releases person involved in "Ganja case"*, 23 August 2019; APA, *One of those arrested on Ganja events released*, 23 August 2019; Turan, *Terms of punishment reduced for next group of people involved in "Ganja case"*, 26 August 2019; Turan, *Another person involved in "Ganja case" released*, 30 August 2019; Turan, *Defendants in Ganja case go on hunger strike*, 6 September 2019; Turan, *Another group of defendants of "Ganja case" convicted*, 19 September 2019; Caucasian Knot, *Seven figurants in Ganja riot case sentenced to prison terms*, 20 September 2019; Turan, *Sentence to next group of persons involved in "Ganja case"*, 30 September 2019; Meydan TV, *Four released in "Ganja case"*, 1 October 2019; Working Group, *A unified list of political prisoners in Azerbaijan*, 26 November 2019, p 72; Turan, *Ganja prisoners go on hunger strike*, 23 December 2019; Azeri Daily, *Two arrested in Ganja events released*, 9 January 2020; Turan, *Russia extradited person involved in Ganja case to Azerbaijan*, 17 January 2020; IPHR, *Azerbaijani government crackdown in Ganja*, 29 January 2020, p 5; Turan, *Relatives of convict on Ganja events concerned for his fate*, 13 February 2020; Turan, *Prosecutor's office continues to hunt for objectionable lawyers*, 17 March 2020; Turan, *Three persons involved in "Ganja case" released ahead of schedule*, 2 April 2020.

<sup>663</sup> Turan, *"Ganja prisoner" dying*, 8 July 2019; JAM News, *Man accused of assassination attempt against official dies in prison in Azerbaijan*, 10 July 2019; RFE/RL, *Azerbaijani cancer patient dies in pretrial detention; Authorities refused to release him*, 10 July 2019; Turan, *Azerbaijani authorities responsible for Aydin Gurbanov's death – Human rights activist*, 10 July 2019; OC Media, *Cancer patient arrested during Ganja protests dies in custody*, 11 July 2019; Turan, *UFPPA demands torture investigation*, 12 July 2019; JAM News, *Police tear gas relatives of deadly 2018 Ganja riot convicts protesting verdict in court*, 16 August 2019; Turan, *Esgin Guliyev convicted in "Ganja case" died in prison*, 29 September 2019; Caucasian Knot, *Rights defenders: "Ganja case" defendant dies because of torture in Azerbaijan*, 30 September 2019; IPHR, *Azerbaijani government crackdown in Ganja*, 29 January 2020, p 5.

<sup>664</sup> Turan, *Eleven more people arrested in connection with attempted murder of Elmar Veliyev*, 9 July 2018; Azeri Daily, *Yunis Safarov trial ongoing*, 16 January 2020; Caucasian Knot, *Yunis Safarov claims violation of his right to*

## 4 Refugees and displaced persons

### 4.1 Internally displaced persons (IDPs)

According to the Azerbaijani authorities, 651,458 IDPs were registered on 1 November 2019.<sup>665</sup> These were mainly displaced persons from Nagorno Karabakh and the seven adjacent districts not under the control of the Azerbaijani authorities. The displaced people lived all over Azerbaijan.<sup>666</sup>

The Azerbaijani authorities tried to cluster internally displaced persons on the basis of their original residential area with the promise that they would collectively return to the same area as soon as the Nagorno Karabakh issue was resolved. For example, the authorities did this by building schools in the new clustered neighbourhoods for displaced persons with the same names and target groups as the schools in the original residential areas. Displaced persons were allowed to participate in the parliamentary and presidential elections, but not in the local elections in the places where they were living. With their return in mind, they were still administratively registered in the old constituencies of Nagorno Karabakh and the seven adjacent districts that were not under the control of the Azerbaijani authorities.<sup>667</sup> The policy of the authorities was therefore not so much aimed at integration but at return.<sup>668</sup> That is why, for example, the education of displaced persons was not funded through the Ministry of Education but through the *State Committee for Affairs of Refugees and IDPs (SCARIDP)*.<sup>669</sup>

Internally displaced persons had the same rights and obligations as other inhabitants of Azerbaijan.<sup>670</sup> However, displaced persons generally received more public support than other inhabitants of Azerbaijan. For example, the authorities subsidised gas, water and electricity for displaced persons.<sup>671</sup> They were also entitled to a monthly benefit of AZN 60 per person. Displaced persons without a gas

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be visited at SIZO, 17 January 2020; Turan, *Lawyer not allowed to Yunis Safarov*, 18 January 2020; IPHR, *Azerbaijani government crackdown in Ganja*, 29 January 2020, p 14; Turan, *The trial in the case of Yunis Safarov is postponed indefinitely*, 17 February 2020; Caucasian Knot, *Ganja riot trial postponed indefinitely*, 18 February 2020; Turan, *Trial in case of Yunis Safarov to be held in Baku serious crimes court*, 6 March 2020; Confidential source, 5 June 2020.

<sup>665</sup> UNHCR, *Factsheet Azerbaijan*, 1 December 2019, p 1; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 26.

<sup>666</sup> UN Human Rights Council, *Report of the special rapporteur on the human rights of internally displaced persons, Chaloka Beyani*, 8 April 2015, p 5; UNHCR, *UNHCR Submission on Azerbaijan: UPR 30th session*, May 2018, p 1; CoE, Commissioner for Human Rights, *Dunja Mijatović, report following her visit to Azerbaijan from 8 to 12 July 2019*, 11 December 2019, p 25.

<sup>667</sup> IWPR, *Limited voting rights for Azerbaijan's displaced*, 9 July 2014; OSCE/ODIHR, *Republic of Azerbaijan: Early presidential election, 11 April 2018. ODIHR election observation mission. Final report*, 18 July 2018, p 9; UN Human Rights Council, *Report of the special rapporteur on the human rights of internally displaced persons*, p 13; CoE, Commissioner for Human Rights, *Dunja Mijatović, report following her visit to Azerbaijan from 8 to 12 July 2019*, 11 December 2019, p 29; Confidential source, 25 February 2020; Confidential source, 25 February 2020.

<sup>668</sup> USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 26; Confidential source, 25 February 2020; Confidential source, 25 February 2020.

<sup>669</sup> In Azerbaijani: *Qaçqınların və Məcburi Köçkünlərin İşləri üzrə Dövlət Komitəsi*; Azer News, *Azerbaijan's first VP Mehriban Aliyeva attends event with IDPs*, 27 August 2019; Confidential source, 25 February 2020.

<sup>670</sup> Law on the status of refugees and displaced persons of 21 May 1999; Confidential source, 26 February 2020; Confidential source, 17 April 2020.

<sup>671</sup> Turan, *In the Yasamal district the IDPs do not allow the installation of meters*, 2 February 2017; Turan, *Displaced people protest in Khirdalan*, 7 February 2017; Freedom House, *Nations in transit 2018, Azerbaijan*, 11 April 2018.

connection were entitled to forty litres of kerosene for the winter months. They were also entitled to subsidies for housing and education – for example free textbooks for the children. In addition, they enjoyed tax benefits. However, the government benefits were linked to the assigned places of residence. This made it difficult for displaced persons to settle outside the allocated settlements.<sup>672</sup> Furthermore, displaced persons sometimes benefited from positive discrimination in the labour market.<sup>673</sup>

According to the SCARIDP, over 300,000 internally displaced persons were resettled in new settlements since January 2019. More than 100 settlements for displaced persons had been built between 2001 and 2019, according to SCARIDP.<sup>674</sup> About 351,000 displaced persons had not yet been allocated adequate housing.<sup>675</sup> They lived in old houses or old collective housing. In addition, some displaced persons lived in one-room apartments, garages or basements that were not actually suitable for habitation due to leaks in the ceilings and the lack of good sanitary facilities and toilets. This also occurred in Baku.<sup>676</sup>

Unemployment among IDPs was three times higher than the national average, at around 15 percent. In rural areas, often only seasonal work was available. As a result, many displaced persons continued to depend on government support for their income. About seventy percent of the families of displaced persons were largely dependent on benefits and subsidies.<sup>677</sup>

#### 4.2 Refugees and asylum seekers

According to UNHCR, there were 865 asylum seekers and 1,138 refugees recognised by UNHCR in Azerbaijan on 1 April 2020. Of this group of recognised refugees, 640 were from Afghanistan and 363 were from the Russian Federation. The Azerbaijani authorities had recognised 82 of this group as refugees.<sup>678</sup> Most of them came from Afghanistan.<sup>679</sup> Asylum seekers from Chechnya were denied access to the national asylum procedure. According to UNHCR, the Azerbaijani authorities have never formally explained this.<sup>680</sup>

<sup>672</sup> UN Human Rights Council, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Azerbaijan*, 16 February 2018, p 15; UN Human Rights Council, *Human rights situation of internally displaced persons in Azerbaijan*, 2 November 2018, p 33, CoE, Commissioner for Human Rights, *Dunja Mijatović, report following her visit to Azerbaijan from 8 to 12 July 2019*, 11 December 2019, p 26-28; IDMC, *Global report on internal displacement 2020*, 28 April 2020, p 71.

<sup>673</sup> UN Human Rights Council, *Human rights situation of internally displaced persons in Azerbaijan*, 2 November 2018, p 20; Confidential source, 27 February 2020; Confidential source, 28 February 2020.

<sup>674</sup> President of the Republic of Azerbaijan, *Ilham Aliyev received chairman of State Committee for Refugee and IDP Affairs*, 18 October 2019; CoE, Commissioner for Human Rights, *Dunja Mijatović, report following her visit to Azerbaijan from 8 to 12 July 2019*, 11 December 2019, p 26; Confidential source, 17 April 2020.

<sup>675</sup> CoE, Commissioner for Human Rights, *Dunja Mijatović, report following her visit to Azerbaijan from 8 to 12 July 2019*, 11 December 2019, p 24; Confidential source, 13 February 2020; IDMC, *Azerbaijan. Displacement associated with conflict and violence. Figure analysis – GRAD 2020*, April 2020, p 3.

<sup>676</sup> UN Human Rights Council, *Human rights situation of internally displaced persons in Azerbaijan*, 2 November 2018, p. 9; JAM News, *Baku IDPs stage protest against living in building in critical condition*, 12 October 2019; CoE, Commissioner for Human Rights, *Dunja Mijatović, report following her visit to Azerbaijan from 8 to 12 July 2019*, 11 December 2019, p 26; OHCHR, *Statement by Ms. Hilal Elver, United Nations Special Rapporteur on the right to food on her visit to the Republic of Azerbaijan, 1-11 October 2019*, 11 October 2019; Confidential source, 25 February 2020.

<sup>677</sup> World Bank, *Internally displaced persons economic development project*, 24 July 2018, p 1; CoE, Commissioner for Human Rights, *Dunja Mijatović, report following her visit to Azerbaijan from 8 to 12 July 2019*, 11 December 2019, p. 27; USDoS, *Azerbaijan 2018 Human Rights Report*, 13 March 2019, p 26.

<sup>678</sup> UNHCR, *Factsheet Azerbaijan*, 1 April 2020, p 1.

<sup>679</sup> USDoS, *Azerbaijan 2018 Human Rights Report*, 13 March 2019, p 25; Azer News, *Azerbaijan discloses number of foreign nationals with refugee status*, 24 January 2020; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 27.

<sup>680</sup> USDoS, *Azerbaijan 2015 Human Rights Report*, 13 April 2016, p 25; UNHCR, *UNHCR Submission on Azerbaijan: UPR 30th session*, May 2018, p. 3; USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 27.

The Azerbaijani authorities tolerated the refugees recognised by UNHCR. However, the refugees had no legal status and had no official registered address in Azerbaijan. They received a protection letter from UNHCR to protect them against *refoulement*.<sup>681</sup> They had access to free primary and secondary education and basic health care, but they were not allowed to work formally. As a result, they sometimes lived under difficult conditions. They depended in part on UNHCR for protection and support. For example, UNHCR provided money to families to purchase school uniforms for the children.<sup>682</sup>

### 4.3 Refoulement

During the reporting period, Azerbaijan did not comply with the ban on refoulement.

In 2017, at the request of Turkey, the Azerbaijani authorities deported several Turkish nationals associated with the Gülen movement to Turkey without giving them the opportunity to lodge an application for asylum or without having made a final decision on their application. One example involved Taci Şentürk. He worked as a teacher in Baku. After his arrest on 7 June 2017, he applied for asylum. On 8 June 2017, the police nevertheless put him on the plane to Turkey where the Turkish authorities arrested him on his arrival.<sup>683</sup>

In 2018, Azerbaijan once again handed over several Turkish nationals associated with the Gülen movement to Turkey. One example involved Ayhan Seferoğlu. He worked as a teacher in Azerbaijan. On 8 February 2018, the authorities arrested him at Turkey's request. On 19 February 2018, the Narimanov district court decided to release him. He disappeared from the courthouse immediately afterwards. The same happened to Erdoğan Taylan in a court in Binagadi and Isa Özdemir in a court in Baku. Some time later, it turned out that they were all detained in Istanbul.<sup>684</sup>

In January 2019, Azerbaijan transferred one Turkish citizen associated with the Gülen movement to Turkey.<sup>685</sup> Otherwise, as far as is known no cases of refoulement of refugees or asylum seekers were reported in 2019 or in the first half of 2020.<sup>686</sup>

<sup>681</sup> Refoulement means the forced return of an asylum seeker to his or her country of origin where there is a real risk of persecution or serious injury.

<sup>682</sup> UNHCR, *UNHCR Submission on Azerbaijan: UPR 30th session*, May 2018, p. 3; OC Media, *Afghan refugees struggle to make a living in Azerbaijan*, 17 December 2019; UNHCR, *Factsheet Azerbaijan*, 1 December 2019, p 1-2; UNHCR, *Factsheet Azerbaijan*, 1 April 2020, p 2.

<sup>683</sup> TRT World, *Azerbaijan to deport 50 FETO-linked academics*, 17 August 2016; Meydan TV, *Azerbaijan to extradite 3 Gülen followers to Turkey*, 8 June 2017; Open Democracy, *Turkey's fight against Gülen in the South Caucasus*, 6 July 2017; Daily Sabah, *FETÖ and the coup bid: Life sentences, arrests and a release*, 20 October 2017; UNHCR, *UNHCR Submission on Azerbaijan: UPR 30th session*, May 2018, p. 2; ECHR, *Isa Ozdemir against Azerbaijan (application no. 8098/18) and 4 other applications*, 6 February 2019; USDoS, *Azerbaijan 2018 Human Rights Report*, 13 March 2019, p 24.

<sup>684</sup> Turan, *Turkish citizens kidnapped in Baku and sent home*, 22 February 2018; Daily Sabah, *Azerbaijani envoy: Baku committed to fighting against FETÖ on Turkey's side*, 20 July 2018; Meydan TV, *Turkey requests citizen's extradition from Azerbaijan*, 21 June 2018; Anadolu Agency, *2 key FETO suspects brought back to Turkey*, 12 July 2018; Turan, *The Turk, freed by the court of Baku, was kidnapped and taken to Turkey*, 13 July 2018; Daily Sabah, *Azerbaijani envoy: Baku committed to fighting against FETÖ on Turkey's side*, 20 July 2018; Eurasianet, *Turkey's foreign minister visits Azerbaijan in first overseas trip*, 24 July 2018; Anadolu Agency, *Turkish intel returns wanted FETO terror group member*, 29 December 2018; Daily Sabah, *Turkish intelligence captures wanted FETO terror group member in Azerbaijan*, 29 December 2018.

<sup>685</sup> Anadolu Agency, *FETO representative in Azerbaijan extradited to Turkey*, 30 January 2019; Azeri Daily, *Erdogan: 'Azerbaijan delivered key figure to us'*, 5 February 2019.

<sup>686</sup> USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 26; Confidential source, 17 April 2020.

## 5 Repatriation

According to the SMS, a total of 1,445 people of Azerbaijani nationality returned from the EU between 2014 and 2019 following notice of departure to Azerbaijan. The main country from which the forced departure of persons of Azerbaijani nationality took place was Germany.<sup>687</sup> In 2020, up to and including the month of May, 52 people voluntarily returned to Azerbaijan from the Netherlands with the help of the *International Organisation for Migration* (IOM). In 2019, 264 people returned voluntarily and in 2018, 136 people.<sup>688</sup>

### 5.1 Problems after return

Azerbaijan has no legislation that criminalises an application for asylum abroad by Azerbaijani citizens.<sup>689</sup>

There are known cases in which migrants who were forced to return had problems with the authorities on their arrival. These cases involved journalists, bloggers and activists (see sections 3.1.1 and 3.2.1).<sup>690</sup>

In 2019, the Dutch media reported on a migrant who encountered problems with the authorities on his return. On 9 July 2019, the Dutch authorities deported Natiq Isbatov and his family to Azerbaijan. On 11 July 2019, he was arrested by Azerbaijani police. Binaqadi District Court subsequently sentenced him to 30 days of administrative detention for ignoring police orders after allegedly yelling on the street. According to the Dutch Council for Refugees, it was most likely a false charge.<sup>691</sup> On 9 April 2020, the police arrested him again. At the time, on behalf of online news website 7gun.az he was filming a demonstration in Khirdalan held by people who had lost their jobs due to the corona crisis. Abşeron district court sentenced him to 30 days of administrative detention for violating quarantine rules and for ignoring police orders. He was released on 9 May 2020.<sup>692</sup>

<sup>687</sup> *The Agreement between the European Union and the Republic of Azerbaijan on the transfer of persons residing in the territory without a permit* dates from 30 April 2014; SMS, *Information of the Public Relations Department of the State Migration Service of the Republic of Azerbaijan*, 15 November 2019; Turan, *Over five years, 1,500 people were returned from Europe to Azerbaijan*, 15 January 2020; Trend, *Over 1,440 Azerbaijanis returned from Europe*, 15 January 2020.

<sup>688</sup> IOM, *831 citizens of Azerbaijan Republic voluntary returned to the country of origin within IOM's AVRR projects*, 9 January 2020; IOM, *Maandelijkse cijfers vrijwillige terugkeer 2008-heden*, <https://iom-nederland.nl/cijfers/maandelijkse-cijfers-vrijwillige-terugkeer-2008-heden>, consulted on 24 June 2020.

<sup>689</sup> Ministry of Foreign Affairs, *General Country of Origin Information Report*, 25 November 2013, p 25.

<sup>690</sup> Some examples of this were dealt with above in sections 3.1.1 and 3.2.1 of this general country of origin information report, namely: Fahraddin Abbasov (Talış activist), Rauf Mirqadirov (journalist), Afgan Mukhtarli (journalist), Alexander Lapshin (blogger) and Elvin Isayev (blogger).

<sup>691</sup> Turan, *Human rights activists urge authorities to stop repression*, 29 July 2019; NRC, *Uitgewezen asielzoeker veroordeeld in thuisland Azerbaijan*, 30 July 2019; VluchtelingenWerk Nederland, *Door Nederland afgewezen asielzoeker gearresteerd in Azerbaijan*, 31 July 2019; Dutch News, *Man, denied refugee status, is jailed on return to Azerbaijan*, 31 July 2019; NOS, *Uitgezette asielzoeker veroordeeld in Azerbaijan*, 31 July 2019; The Gelderlander, *Vluchteling in thuisland opgepakt twee dagen na vertrek uit azc Winterswijk*, 1 August 2019; Confidential source, 25 February 2020; Confidential source, 26 February 2020.

<sup>692</sup> Turan, *Journalist administratively arrested*, 10 April 2020; HRW, *Azerbaijan: Crackdown on critics amid pandemic*, 16 April 2020; RSF, *Azerbaijani reporter jailed for 30 days over coronavirus reporting*, 22 April 2020; International Press Institute, *Azerbaijan abuses quarantine rules to jail critical journalists and bloggers*, 23 April 2020; Caucasian Knot, *RWB condemns arrest of journalist Isbatov in Azerbaijan*, 23 April 2020; Turan, *Court of appeal keeps Natiq Isbatov under arrest*, 29 April 2020; Caucasian Knot, *Azerbaijani journalist Isbatov left in custody*, 30 April 2020; Azel TV, *Natiq Isbatov azadliqda* (Natiq Isbatov in freedom), 9 May 2020, consulted from <https://www.youtube.com/watch?v=6BliMKI1BOc>.

## 5.2 Travelling in Azerbaijan

Citizens of Azerbaijan can travel freely inside Azerbaijan up to the Line of Contact (LoC). There are no restrictions for them with regard to travel inside Azerbaijan.<sup>693</sup> It is not possible to directly enter Nagorno Karabakh and the seven adjacent districts that are not under the control of the Azerbaijani authorities from Azerbaijan.<sup>694</sup> The Nakhchivan exclave can be reached by means of a domestic flight from Baku, and otherwise by land through Turkey or Iran.<sup>695</sup>

<sup>693</sup> USDoS, *Azerbaijan 2019 Human Rights Report*, 11 March 2020, p 25; Confidential source, 25 February 2020; Confidential source, 25 February 2020; Confidential source, 27 February 2020.

<sup>694</sup> Trend, *Famous astronaut excluded from Azerbaijan's list of undesirable persons*, 9 January 2020; Confidential source, 25 February 2020.

<sup>695</sup> Ministry of Foreign Affairs, *General Country of Origin Information Report*, 23 May 2013, p 75; Azerbaijan Airlines, *Online air tickets to Nakhchivan now available for booking on AZAL's website*, 5 June 2018.

## 6 Appendices

### 6.1 List of abbreviations used

ADP	Azerbaijan Democratic Party
AI	Amnesty International
ANS TV	Azerbaijani News Service Television
APA	Azeri Press Agency
APFP	Azerbaijan Popular Front Party
ASAN	Azerbaijan Service and Assessment Network
AZN	Azerbaijani manat
BAMF	Bundesamt für Migration und Flüchtlinge
BBC	British Broadcasting Corporation
BTC	Bakoe-Tbilisi-Ceyhan Pipeline
CAT	Committee against Torture
CEC	Central Election Commission
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	Committee on the Elimination of Racial Discrimination
CDSI	Caspian Defence Studies Institute
CIA	Central Intelligence Agency
CMB	Caucasus Muslim Board
CoE	Council of Europe
CPJ	Committee to Protect Journalists
CSCE	Commission on Security and Cooperation in Europe
CWGL	Centre for Women's Global Leadership
EBCO	European Bureau for Conscientious Objection
ECHO	European Commission's Humanitarian Aid and Civil Protection Operations
ECHR	European Court of Human Rights
ECRI	European Commission against Racism and Intolerance
EIU	The Economist Intelligence Unit
EMDS	Election Monitoring and Democracy Studies Center
EPRS	European Parliamentary Research Service
EU	European Union
FIG	Frontiers' Initiative Group
FPC	Foreign Policy Centre
HRC	Human Rights Club
HRW	Human Rights Watch
ICAO	International Civil Aviation Organization
ICJ	International Commission of Jurists
IDMC	Internal Displacement Monitoring Centre
IFHR	International Federation for Human Rights
IFEX	International Freedom of Expression Exchange
ILGA	International Lesbian, Gay, Bisexual, Trans and Intersex Association
ILIA	International Law in Advocacy
ILO	International Labour Organization
IMAGES	International Men and Women Equality Survey
IPA	Islamic Party Azerbaijan
IPHR	International Partnership for Human Rights
IPU	Inter-Parliamentary Union
IOM	International Organization for Migration

IREX	International Research and Exchanges Board
IWPR	Institute for War and Peace Reporting
LGBTI	Lesbian women, gay men, bisexuals, transgender and intersex persons.
LoC	Line of Contact
MDA	Movement for Democracy in Azerbaijan (AND)
MDCOC	Main Department for Combating Organized Crime
MEP	Modern Equality Party
MPRMD	Main Passport, Registration and Migration Department
MRGI	Minority Rights Group International
NAP	New Azerbaijan Party
NCDF	National Council of Democratic Forces
Ngo	Non-governmental organization
NRMP	National Revival Movement Party
OBCT	Osservatorio Balcani e Caucaso Transeuropa
ODIHR	Office for Democratic Institutions and Human Rights
OECD	Organisation for Security and Co-operation in Europe
OHCHR	Office of the High Commissioner for Human Rights
OIC	Organisation for Islamic Cooperation
OSCE	Organisation for Security and Co-operation in Europe
PACE	Parliamentary Assembly of the Council of Europe
PRADO	Public Register of Authentic Travel and Identity Documents Online
ReAI	Republican Alternative Party
RFE/RL	Radio Free Europe/Radio Liberty
RSF	Reporters Without Borders
SAPSSI	State Agency for Public Service and Social Innovations under the President of the Republic of Azerbaijan
SCARIDP	State Committee for Affairs of Refugees and IDPs
SCFWCA	State Committee for Family, Women and Children Affairs
SCWRA	State Committee on Work with Religious Associations
SDP	Social Democratic Party
SMA	State Maritime Administration
SMS	State Migration Service
SOCAR	State Oil Company of the Azerbaijani Republic
SSC	State Statistical Committee
SSMC	State Service for Mobilization and Conscription
TANAP	Trans-Anatolian Natural Gas Pipeline
ToR	Terms of Reference
TPCA	Talysh Public Council of Azerbaijan
UCDP	Uppsala Conflict Data Program
UNFPA	United Nations Population Fund Azerbaijan
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNPO	Unrepresented Nations and Peoples Organization
USDoS	United States Department of State
USCIRF	United States Commission on International Religious Freedom
UN	United Nations
VOA	Voice of America
WEF	World Economic Forum
WHO	World Health Organization
WPFP	Whole Popular Front Party

## 6.2 Reports and publications

Altstadt, Audrey

- *Azerbaijan: the rich get richer and the poor get nothing*, 25 July 2017.
- *Frustrated democracy in post-Soviet Azerbaijan*, Woodrow Wilson Center Press, 2017.
- *The Azerbaijani Laundromat: why it matters*, 23 November 2017.

Amnesty International

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- State Agency for Public Service and Social Innovations under the President of the Republic of Azerbaijan, [www.vxside.gov.az](http://www.vxside.gov.az)
- State Committee for Work with Religious Organizations, [www.scwra.gov.az](http://www.scwra.gov.az)
- State Committee of Refugees and Internally Displaced Persons Affairs, [www.refugees-idps-committee.gov.az](http://www.refugees-idps-committee.gov.az)
- State Committee on Family, Woman and Child Affairs, [www.scfwca.az](http://www.scfwca.az)
- State Migration Service, [www.migration.gov.az](http://www.migration.gov.az)
- State Service for Mobilization and Conscription, [www.seferberlik.gov.az](http://www.seferberlik.gov.az)
- State Statistical Committee, [www.stat.gov.az](http://www.stat.gov.az)
- The Economist, [www.economist.com](http://www.economist.com)
- Uppsala Conflict Data Program, [www.ucdp.uu.se](http://www.ucdp.uu.se)
- Vice, [www.vice.com](http://www.vice.com)
- VIND Burgerzaken, [www.portal.vindburgerzaken.nl](http://www.portal.vindburgerzaken.nl)
- VluchtelingenWerk Nederland, [www.vluchtelingenwerk.nl](http://www.vluchtelingenwerk.nl)
- Voice of America, [www.voanews.com](http://www.voanews.com)
- Wisselkoers.nl, [www.wisselkoers.nl](http://www.wisselkoers.nl)
- Worldbank, [www.data.worldbank.org](http://www.data.worldbank.org)
- World Health Organization – Europe, [www.euro.who.int](http://www.euro.who.int)

#### 6.4

#### News sources

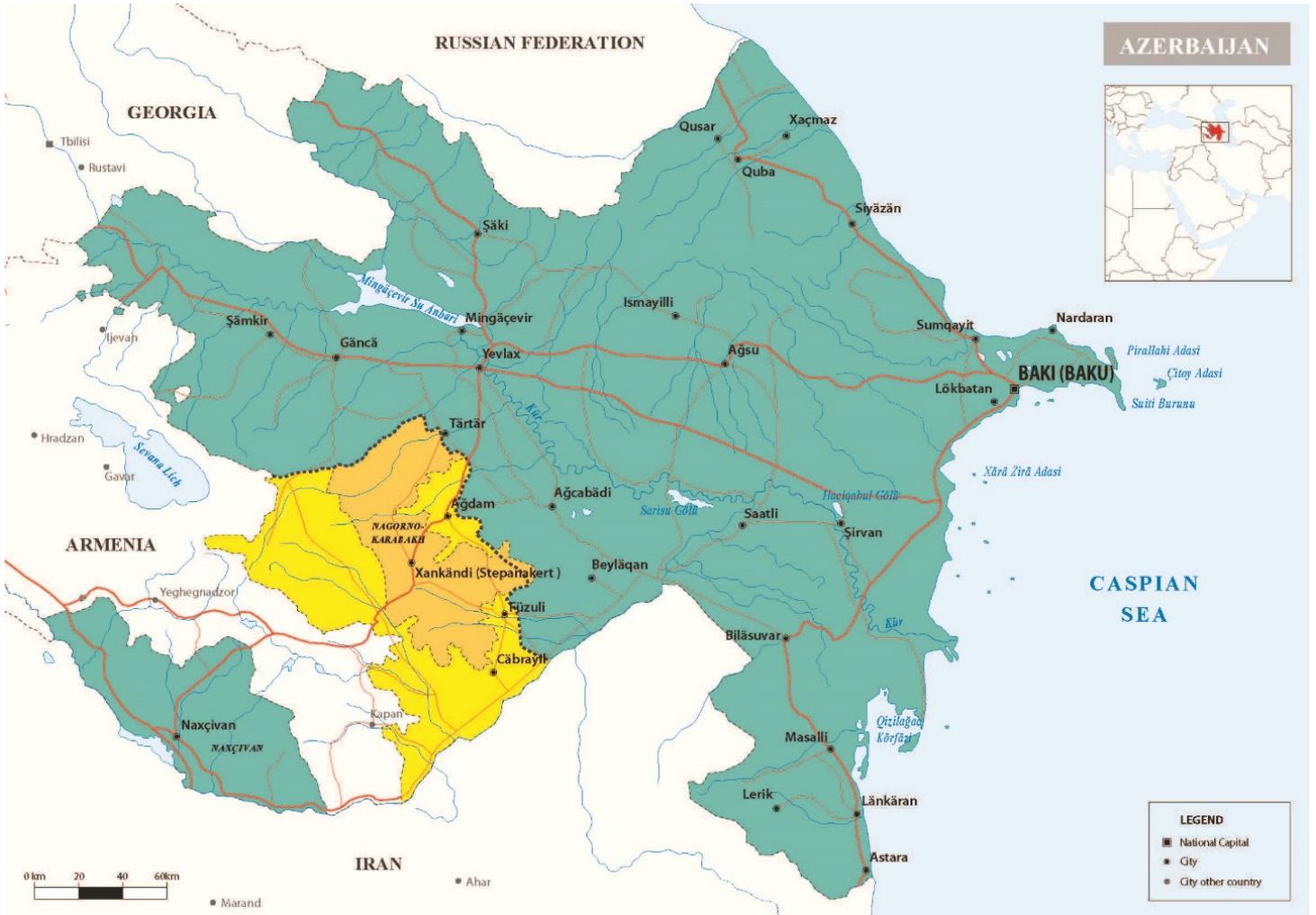
Al Jazeera	JAM News
Anadolu Agency	Los Angeles Times
APA	Meydan TV
Azer News	News.az
Azerbaijan 24	News.am
Azeri Daily	NOS
Azertac	NRC
AzVision	OC Media
BBC News	ONA
Bloomberg	Report
Caspian News	Reuters
Caucasian Knot	RFE/RL
Caucasus Watch	The Guardian
Daily Sabah	The New York Times
De Gelderlander	The Times of Israel
De Volkskrant	Today.az
Die Zeit	Trend
Eurasianet	TRT World
Hürriyet Daily News	Turan

## 6.5

### Laws

- The Constitution of the Republic of Azerbaijan, as amended on 26 September 2016. An English translation is available at <https://en.president.az/azerbaijan/constitution>
- The Election Code of the Republic of Azerbaijan, as amended on 15 December 2017. An unofficial English translation is available at [https://www.legislationline.org/download/id/7885/file/Azerbaijan\\_Election\\_am2017\\_en.pdf](https://www.legislationline.org/download/id/7885/file/Azerbaijan_Election_am2017_en.pdf)
- The Law of the Azerbaijan Republic about exit from the Country, entry into the Country, and about Passports, as amended on 2 July 2002. An English translation is available at <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/64883/61605/F1972660646/AZE64883.pdf>
- The Law on Citizenship of the Republic of Azerbaijan, of 30 September 1998. An English translation is available at <https://www.legislationline.org/download/id/1209/file/a556cd3058b98970f689e11b75cf.pdf>
- The Law on Citizenship of the Republic of Azerbaijan, as amended on 2 July 2014. An English translation is available at <https://www.refworld.org/pdfid/3ae6b52717.pdf>
- The Law on Internally Displaced Person and Refugee Status of the Republic of Azerbaijan of 21 May 1999, an English translation is available at <https://www.refworld.org/docid/3ae6b4fd4.html>
- The Law on Lawyers and Legal Practice of the Republic of Azerbaijan of 28 December 1999. An English translation is available at [https://barassociation.az/uploads/attachments/law\\_of\\_the\\_republic\\_of\\_azerbaijan\\_on\\_lawyers\\_and\\_legal\\_practice.pdf](https://barassociation.az/uploads/attachments/law_of_the_republic_of_azerbaijan_on_lawyers_and_legal_practice.pdf)
- Military Service Act. An English translation of several articles from this Act is available on <https://www.refworld.org/docid/57974d494.html>
- The Law on Freedom of Religious Beliefs of the Republic of Azerbaijan. An English translation is available at [https://www.legislationline.org/download/id/6667/file/Azerbaijan\\_law\\_freedom\\_religious\\_beliefs\\_1992\\_am2015\\_en.pdf](https://www.legislationline.org/download/id/6667/file/Azerbaijan_law_freedom_religious_beliefs_1992_am2015_en.pdf)
- The Law on Approval of the Internal Regulations of the Milli Majlis (Parliament) of the Republic of Azerbaijan of 17 May 1996. An English translation is available at <http://www.meclis.gov.az/?/en/law/1/1>
- The Criminal Code of the Republic of Azerbaijan. An English translation is available at [https://www.legislationline.org/download/id/8304/file/Azerbaijan\\_CC\\_am2018\\_en.pdf](https://www.legislationline.org/download/id/8304/file/Azerbaijan_CC_am2018_en.pdf)

6.6 Map of Azerbaijan



Source: [www.kaartenatlassen.nl](http://www.kaartenatlassen.nl) (Managementboek.nl)