



**HUMAN RIGHTS CLUB (HRCL)**

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**Stakeholder Submission to  
the UN Human Rights Council's Universal Periodic Review  
44<sup>th</sup> Session  
4<sup>th</sup> UPR cycle: AZERBAIJAN**

*Report submitted on 5 April, 2023*

**Human Rights Club** was established on the 10<sup>th</sup> of December, 2010 in Azerbaijan, Baku, as an NGO with the primary aim to ensure the continuation of a sustainable and efficient activity of the human rights defenders, political oppositionists and media outlets outside of the country, considering a deplorable shrinking of the civil society and deprivation of a freedom of speech by the Azerbaijani government. Human Rights Club serves as the center for providing assistance for Azerbaijani journalists, media workers and human rights defenders in exile. HRCL is a member of the Civic Solidarity Platform and FIDH.

**The Human Rights Club is obliged to inform about the deterioration of the human rights situation in the Republic of Azerbaijan. Nearly all elements of human rights are impacted by repression and violations. Unfortunately, the Azerbaijani authorities still disrespect**

**their obligations under international law. The Azerbaijani government has passed laws that are against international standards, taken coercive actions against the media and critical voices, and demonstrated a fundamental lack of commitment to upholding its obligations. The Azerbaijani government still frequently uses politically motivated arrests, which only exacerbates the problem of political prisoners.**

1. It should be noted that all the violations of human rights and basic freedoms have been perpetrated by the ruling regime to cover the widespread corruption in the country. Azerbaijan is a resource-rich country, which makes transparency in the extracting industry and public scrutiny very important. However, the situation with corruption only worsened in the last few years. As it is, Azerbaijan withdrew from the Extractive Industries Transparency Initiative (EITI) to avoid any scrutiny that the organization might have offered <sup>1</sup>.

2. The level of patronage and cronyism in Azerbaijan is also on the rise, the most evident example being the appointment by President Aliyev of his wife to the position of the first vice-president of the country. Azerbaijan is ranked 157th of 180 countries in the latest Corruption Perceptions Index <sup>2</sup> issued by Transparency International (TI). It should be noted that just a year before Azerbaijan was in 128th place. This constitutes a significant drop.

3. It is precisely to hide this appalling situation that the ruling regime is continuously suppressing fundamental human rights and freedoms, most importantly, the freedom of expression and the freedom of assembly, which play vital roles in any effective fight against corruption.

4. Although the local legislation guarantees the freedom to start and join independent trade unions and grants employees the freedom to collectively bargain, unions were unable to effectively negotiate wage levels and working conditions since powerful state-owned corporations were run by government-appointed boards, who also determined salaries for government personnel. Trade unions themselves are totally under the control of the ruling regime.

5. Another troubling matter is the state of civil society. NGOs continue to face obstacles to independent operation due to restrictive laws. The law on NGOs has existed since the end of 2013. This law was used to limit the activities of many NGOs and even to arrest some civil society activists, including those participating in programs legally financed by international organizations. Moreover, the European Court of Human Rights recently found the freezing of the accounts of more than ten NGOs and their members unlawful, ordering the Azerbaijani government to unfreeze the banking accounts and pay compensation. Azerbaijani authorities seem to ignore these judgments and continue to block these accounts.

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<sup>1</sup> On March 10 2017, the Government of Azerbaijan decided to withdraw from the EITI following its suspension from the EITI Board <https://eiti.org/countries/azerbaijan>

<sup>2</sup> Transparency International, world rating available at <https://www.transparency.org/en/cpi/2022/index/aze>

6. Additionally, protests are effectively outlawed in the central parts of Baku, the nation's capital. Freedom of assembly is trampled by the government rendering any effective political or public activity virtually impossible. The country's restrictive regulations on public gatherings impose excessive limitations on the freedom of assembly. In addition to that, the ruling regime and its

members remained in complete control of all major media outlets, both directly and indirectly.

7. In 2023, a new restrictive law on political parties was adopted, which was criticized by the Venice Commission <sup>3</sup>.

8. The business environment in the country remains highly restrictive and totally subservient to the interests of the ruling regime. All large-scale private enterprises are operating under the direct or indirect control of the president's family and its closest relatives or associates. Any large commercial or industrial enterprise not owned by the aforementioned actors is forcefully expropriated when reaching certain turnover volumes. For example, in 2021, Ilgar Hajiyev, the founder of a large holding company operating in Azerbaijan -- "AKKORD" group of companies -- told the media that he was forced to hand over 51% of his company's shares to the president's family under the threat of arrest and death. According to Ilgar Hajiyev, during his management of "AKKORD" the company had been forced to give approximately 30% kickback from each construction project.

9. In February 2022, another entrepreneur Ilqar Ismayilov, former owner of the Ideal retail chain received a 6-year prison term. The Baku Court of Serious Crimes found him guilty of stealing, 680,000 manats from the till and spending money without the knowledge of his business partner Zarifa Hamzayeva, the wife of Azerbaijan Airlines CJSC president Jahangir Asgarov. This occurrence, allegedly happening between 2013 and 2016, is vehemently denied by the accused and his lawyers, who claim that the criminal case was opened against Ismayilov in order to cover up the forceful takeover of his company. Ismayilov said that the original criminal case was terminated in January 2018. However, because he did not keep silent and demanded his rights, the criminal case under the same charges was renewed.

10. In December 2022, yet another entrepreneur, industrialist Rasim Mammadov was sentenced to 14 years in prison. Until January 28, 2021, he was the chairman of the Supervisory Board of the Baku Steel Company, having ownership of one of the largest metalworking plants. He was accused of abuse of office while managing the plant, and misappropriation of funds. Mammadov himself claims that the criminal case was initiated in order to deprive him of his rightful property.

11. Over the reporting period, the situation with torture use in Azerbaijan has been deplorable. Although, Azerbaijan is a party to the Universal Declaration of Human Rights, and the European Convention for the Prevention of Torture, violations of basic human rights by law enforcement agencies, torture of detainees, and ill-treatment have been continuing in recent years.

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<sup>3</sup> Venice Commission decision available at [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2023\)007-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2023)007-e).

12. The most egregious example was the infamous Terter case, in which hundreds were detained, arrested, and tortured. Though the occurrence itself happened in 2017, it only came to light much later, and its repercussions are still felt by society. In May 2017, mass detentions were carried out in the military units of the Azerbaijani Defense Ministry situated in the country's Terter district, as well as in the Beylagan and Shamkir districts of the Republic. A statement by responsible government agencies said that a group of servicemen of the Azerbaijani Army and

civilians allegedly working for the intelligence and special services of the Armenian Armed Forces had been exposed.

13. As a result, 1,767 servicemen were detained. A criminal case was initiated against approximately 200 servicemen. None of the detainees were provided with a lawyer, there were no preliminary court hearings that decided on the choice of pretrial detention on official charges. The detainees were assembled in the buildings of a former military unit of the Ministry of Defense in Terter. Torturing of the detainees began, continuing for many days. As a result of torture, eleven servicemen were killed (according to some sources, the death toll was higher). Five of those killed were acquitted after death.

14. The relevant authorities buried the killed servicemen without showing the bodies to their families. Some of the servicemen were taken to a military unit in the city of Mingachevir, where torture continued. Many of those accused of espionage fell into a coma during the torture and were hospitalized. According to eyewitnesses, torture continued in hospitals as well.

15. After these events, 101 servicemen were recognized as victims by the courts. 16 employees of the Ministry of Defense were arrested on the charge of torture. Arrests, however, were only formal. Nine persons found guilty of using torture against 101 servicemen, and the death of 11 servicemen, were sentenced to 3 years 6 months in prison; six convicts were sentenced to 6 years of imprisonment, and one person (Fuad Aghayev) was sentenced to 10 years in prison. During the 44-day war in 2020, all military personnel convicted in the framework of this case, except for Fuad Aghayev, were released from prison and sent to the combat zone. After the end of the war, the servicemen (convicted criminals), who had participated in the torture of 101 and the murder of 9 servicemen, were returned to service in military units.

16. On December 18, 2021, the Prosecutor General's Office of Azerbaijan issued an extensive report, confirming the facts of gross lawlessness in the Army in 2017, when numerous servicemen had been indicted on false charges of treason, tortured and some had died.

17. There have been numerous other instances of torture in recent years, some of which resulted in the victim's death. For instance, 31-year-old Tural Ismayilov passed away in the Siyazan police station the day after his arrest in August 2021. His "health quickly deteriorated in the police station," according to the official information released by law enforcement organizations, and he was brought to a hospital, where he died. However, Ismayilov's relatives claimed that the police officers killed him by torturing him.

18. Tofiq Yagublu, an opposition activist, was another prominent victim of torture. Pictures of Yagublu with his eyes swollen shut, apparently from beatings while he was in police custody following an unauthorized rally in Baku in December 2021, were widely available online. The local Sabail district prosecution office in Baku notified T. Yagublu that his request to open an investigation into his beating had been denied because, in their words, "there were no signs of torture on Tofiq Yagublu's images."

19. In the majority of cases, the government did not prosecute or punish officials who committed human rights abuses, and impunity remained a topical problem.

20. Azerbaijani authorities continue to exercise undue influence over the members of the legal profession. All lawyers are required to be members of the Bar Association to be able to practice. Thus any lawyer critical of the authorities may simply be disbarred and thus banned from their

profession. The most notable recent example is that of Shahla Humbatova -- a well-known Azerbaijani human rights defender and lawyer. Shahla Humbatova has worked as a defense lawyer in Azerbaijan since 2013 and is one of a handful of legal advocates who have been consistently willing to defend individuals facing punishment for exercising their fundamental freedoms. She has defended human rights defenders, journalists, bloggers, youth activists, members of the political opposition, and others. In January 2019, she spoke publicly about the poor conditions of political prisoner and journalist Mehman Huseynov. She was later cautioned for "spreading false information" by the penitentiary service. After this the prison refused to allow her access to Huseynov (and other clients). The bar association attracted international criticism for moving to disbar Humbatova. There were international protests and in 2020 she was recognized as an International Woman of Courage by the US Secretary of State, Mike Pompeo.

## RECOMMENDATIONS

*It is our view that the foremost recommendation is for the Azerbaijani government to examine thoroughly the findings and recommendations of the previous report within the framework of the Universal periodic review (Human Rights Council Thirty-ninth session 10–28 September 2018). It is imperative that Azerbaijan fully comprehends the reality that no effective actions have been taken to remedy the faults enumerated in the previous report.*

As for concrete recommendations following from the above report, these are as follows:

1. Strengthen the fight against corruption using available international mechanisms and assistance of relevant international structures to eliminate any possibility of bias or conflict of interest;
2. Promote transparency in the extracting industry, including rejoining the Extractive Industries Transparency Initiative by implementing all of that organization's guidelines and previous recommendations;
3. Provide for an effective system of asset disclosure for all public officials from all the branches of government, including but not limited to the president, first vice-president, prime minister, members of government, officials of the central and local executive authorities, members of parliament, judges, and prosecutors, as well as members of their families and close relative;
4. Provide for the functioning of independent trade unions, while removing the unlawful control of the existing trade unions and their National Association by the government;
5. Review the highly restrictive law on NGOs and bring it in line with the international standards as envisaged in the recommendations of relevant international organizations, enlisting, preferably enlisting the assistance of these organizations as well as the civil society institutions of Azerbaijani itself in this task;
6. Review the restrictive legislation and practices pertaining to the freedom of assembly, bringing them in line with the appropriate international standards, all the way through collaborating with the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association;
7. Review the restrictive law on political parties and amend it in line with the international standards and recommendations of relevant international structures to provide for political pluralism in the country and unhindered right of its citizens to be engaged in political activities;

8. Provide for a free and transparent business environment to be created in the country in line with the universally accepted standards of laissez-faire and fair competition;
9. Review the legislation and rules regulating the activity of lawyers bringing it in line with international standards, securing the independence and objectivity of members of the legal profession, and the ability of citizens to receive the adequate legal counsel of their own choice;
10. Take all the necessary measures to eradicate torture, ill-treatment, and arbitrary arrests in line with the relevant international instruments, namely the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
11. Re-examine objectively all the reported cases of torture and ill-treatment, bring the perpetrators to justice, and provide a necessary remedy to the victims or their families;
12. Implement fully all the decisions of the European Court of Human Rights in a timely and effective manner without reservations or exceptions.