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About the IRFS:

The Institute for Reporters' Freedom and Safety is a non-governmental organization in consultative status with the Economic and Social Council since 2021, founded on World Press Freedom Day in 2006 in response to growing Azerbaijan's government restrictions on freedom of expression and freedom of press. Among the key goals of the IRFS are protection of freedom of speech, media freedom as well as freedom of information; advocacy for fundamental human rights and strengthening democracy around the world while achieving Sustainable Development Goals.

The Institute for Reporters' Freedom and Safety (IRFS) regretfully acknowledges the deplorable human rights situation in the Republic of Azerbaijan. The most pressing problems are connected with the repression against critics of the regime -- independent journalists, bloggers, public activists, and human rights defenders.

1. One of the ways the regime targeted its opponents was through the egregious violation of the right to privacy by using the infamous Pegasus spyware. Azerbaijani government used this spyware technological tool purchased from Israel's NSO GROUP company ostensibly to combat terrorism, organized crime, intelligence, and counter-intelligence most actively and illegally to spy on its critics. The government continuously interfered with the telephone and computer devices of numerous citizens and monitored their e-mail, WhatsApp, Telegram, Signal, and other messaging exchange systems, and social network activities. According to our data, about 1,000 people -- journalists, bloggers, human rights activists, opposition activists, and members of their families, both inside and outside Azerbaijan -- were subjected to this illegal surveillance. Some of those who were under surveillance died under circumstances that caused serious suspicion that it was the Azerbaijani government behind these deaths. Among the members of just our human rights organization, at least 14 people were under surveillance, including members of our families.

2. Another invasion of privacy is the use by the government of Telegram groups sharing sex recordings and pictures of women in their underwear. Journalists, community leaders, and female relatives of political exiles were among the victims, including but not limited to journalists Fatima Movlamli, Narmin Shahmarzade, oppositionist Jamil Hasanli's daughter Gunel Hasanli, and Fatima Movlamli, sister of exiled dissident blogger Mahammad Mirzali.

3. Since the beginning of 2022, a new repressive law on the media came into force, which significantly narrowed the already limited space for critics of the government and whistleblowers of corruption. This law has been criticized by relevant international bodies, including the Venice Commission ¹ and the Council of Europe Commissioner for Human Rights, Dunja Mijatović, who in a letter to the President of Azerbaijan, Ilham Aliyev, invited him to use his authority to return the media law to the Milli Majlis to proceed to its substantial revision.

4. It should be noted that in most cases of illegal repression against journalists and human rights defenders the government did not prosecute or punish officials who committed human rights abuses, impunity remaining an acute problem.

¹ Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the Law on Media, adopted by the Venice Commission at its 131st Plenary Session available at [https://venice.coe.int/webforms/documents/?pdf=CDL-AD\(2022\)009-e](https://venice.coe.int/webforms/documents/?pdf=CDL-AD(2022)009-e)

² Public letter of the Council of Europe Commissioner for Human Rights, Dunja Mijatović available at <https://www.coe.int/en/web/baku/-/azerbaijan-new-media-law-raises-serious-human-rights-concerns-and-should-be-changed>

5. A notable case of impunity is the case of journalist Rasim Aliyev, who passed away in a Baku hospital on August 9, 2015, after being brutally attacked by six guys in broad daylight. In a

Facebook post prior to the incident, Aliyev criticized the conduct of an Azerbaijani football player at a game in Cyprus. Although in 2016, the actual perpetrators were found guilty of the crime and sentenced to prison terms prescribed by the country's criminal legislation, the nature of Rasim Aliyev's death remains shrouded in mystery.

6. It should be noted that R. Aliyev was working for the Institute for Reporters' Freedom and Safety since 2007, and in October 2014, he was named the organization's chairman. From the beginning of his employment with IRFS, Aliyev worked as a human rights researcher and observed the regional courts in Azerbaijan. Aliyev underwent growing pressure from IRFS opponents and in 2013, he was beaten. The incident was photographed and the image became widely known. In July 2015, Aliyev published photographs of police brutality. He then received numerous death threats and blackmail. Aliyev appealed to law enforcement for protection, but none was ever granted.

7. While the attackers were allegedly football fans, colleagues of Aliyev have cautioned against this explanation, suggesting the attack may have been politically motivated. IRFS is of the opinion that doctors "refused to objectively diagnose [Aliyev] or place him under serious medical supervision in the intensive care unit", which is to blame on possible pressure from Azerbaijani authorities. Injuries sustained by R. Aliyev during the attack were not sufficient enough in themselves to have caused his death. These allegations have never been thoroughly investigated and thus justice has not been served.

8. Another case, which still remains topical is that of a well-known Azerbaijani investigative journalist, blogger, and human rights defender, Mehman Huseynov. Although, on 2 March 2019, Mehman Huseynov was released after serving almost the entire two-years sentence imposed on him in 2017 under fabricated charges of defamation, his health was irreversibly damaged by the experience, as evidenced by further occurrences. In December 2019, Mehman Huseynov was subjected to brutal beating by the police, who illegally detained him after a protest in front of the Ministry of Internal Affairs. Since the local Azerbaijani clinics refused to examine and treat Mehman Huseynov for his injuries, he was forced to be examined in Georgia, where doctors diagnosed him with a rare oncological disease, recommending urgent treatment in Europe. In early March 2020, he was examined at the University Hospital of Geneva, where the oncological diagnosis was confirmed. In September 2020, he was successfully operated by a team of Swiss doctors who successfully removed the tumor. It should be noted that this deterioration of health may well be explained by the despicable conditions of his imprisonment, as well as by vicious beating by the Azerbaijani police officers. No persons were ever investigated in Azerbaijan concerning this case, and no officials suffered any kind of disciplinary sanction.

9. The situation has progressively got worse throughout 2022 and also this year. The Azerbaijani government has often violated its commitments under international law to safeguard and uphold human rights and freedoms, including but not limited to the freedom of expression. The country has seen a sharp increase in the suppression of free speech and the construction of barriers to the regular operation of civil society.

10. It should be noted that in 2022, the persistent, occasional fighting on the Armenian-Azerbaijani border added to the general climate of repression and control. Using this pretext, the Azerbaijani government is silencing all of the independent voices in the nation under the guise of defense and security. The authorities, namely the State Security Service, also blocked several social networks without any relevant court decision.

11. The authorities many times confiscated professional drones used by journalists for legal air video and photo recording.

12. One of the most egregious cases of 2022 was the murder on 22 February of a journalist and

human rights defender, well-known LGBT activist Avaz Shikhmammadov (a.k.a Avaz Hafizli). According to investigators, the killer was the cousin of the journalist Amrulla Gulaliyev. For almost a year before his murder, the journalist repeatedly appealed to the authorities with a request to protect him from the attacks of the pro-government blogger Sevinj Huseynova, who openly called on netizens to physically punish him. The journalist also repeatedly asked law enforcement agencies to provide security, as he seriously feared for his life. However, law enforcement agencies deliberately ignored the journalist's appeals. As the actual perpetrator of the crime was sentenced to the minimum prescribed sentence, genuine justice has not been served to this day.

13. Attempts were made on the life of several investigative journalists and bloggers.

14. On May 8, 2022, a knife-wielding assailant assaulted Ayten Mammadova, a freelance journalist. An unknown middle-aged man entered the elevator with her in the building where the journalist lived, put a knife to her throat, and demanded from her to stop writing about the trial she was covering.

15. Blogger Manaf Jalilzade, living in exile in Switzerland, was assaulted by unidentified people of Azerbaijani descent in April 2022 (they were voicing threats and demands in Azerbaijani). The blogger was severely beaten by these individuals, who also insisted that he cease criticizing the government. They also demanded a public apology on camera, concurrently promising that in case of the blogger not stopping his activities he would be killed next time.

16. In May 2022, unknown people established surveillance of Tural Sadigli and Orkhan Aghayev, bloggers, living in Germany, in connection with which the latter turned to law enforcement agencies. Since the beginning of the year, both bloggers have also received numerous threats of physical violence. Earlier, bloggers Rafael Piriyeu and Gabil Mammadov, who were also sharply criticizing the Azerbaijani authorities, were attacked in Germany.

17. On March 9, 2022, public activist and blogger Bakhtiyar Hajiyev was detained by the police. Police officers attacked the activist's car and broke the window, and Hajiyev was forcibly pulled out of the car. He was released after 7 hours. After his release, he stated he had been subjected to ill-treatment by the police.

18. On April 21, 2022, Bakhtiyar Hajiyev was abducted by plainclothes policemen wearing black masks. They pushed him into a car, put a black bag over his head, and drove him away in an unknown direction. They took off his clothes and demanded from him to delete his posts on Facebook about the interior minister of Azerbaijan. Bakhtiyar Hajiyev was severely beaten, insulted, and warned to stop his political activities and criticizing the regime. The abductors threatened that otherwise next time they would rape and kill the activist.

19. On August 23, 2022, Bakhtiyar Hajiyev was detained again and taken to the Main Directorate for Combating Organized Crime of the Ministry of Internal Affairs, where he was subjected to physical pressure. He was forced to remove critical posts about the interior minister and pro-government activist Fuad Muradov from his Facebook page. Finally, he was threatened that if he continued to criticize the police, the punishment would be harsher.

20. On 9 December 2022, International Anti-Corruption Day, right after Bakhtiyar Hajiyev returned from Prague, where he had participated at the 14th Annual Assembly of the Eastern Partnership Civil Society Forum, he was detained and later arrested by the Azerbaijani law-enforcement agencies. It should be mentioned that during his incarceration Bakhtiyar Hajiyev was conducting a hunger strike for more than 40 days, which put his health in a critical state. B. Hajiyev is still being held under arrest despite numerous appeals by national and international stakeholders.

21. Already in December 2022, the U.S. State Department reaffirmed its call for the release of the imprisoned human rights campaigner ³. On February 3, 2023, Dunja Mijatović, Commissioner for Human Rights of the Council of Europe issued a statement encouraging the Azerbaijani authorities to urgently free B. Hajiyev and grant him complete access to the medical care he requires ⁴. According to her, the Azerbaijani government should change course and seek to establish a secure and supportive environment for the activities of human rights defenders based on sincere communication and collaboration.

22. Among many other cases, on 10 September, journalist Avaz Zeynalli and human rights lawyer Elchin Sadigov were detained on trumped-up charges. A day later the authorities detained another journalist Elnur Shukurov. Later on, the authorities imposed a 4-month arrest on Zeynalli and Shukurov, and a 4-month house arrest on Sadigov. The latter has already been released from custody, whereas the former two political prisoners are still under arrest.

23. Many dissidents and human rights defenders, who had been deported from European countries, have been framed on their return to Azerbaijan -- illegal drugs were planted on them by the police and they were then arrested and put on trial.

24. Over the past year, dozens of journalists received death threats, and many were arrested on defamatory and other trumped-up charges. Many other journalists, human rights defenders, and oppositionists are still languishing in the country's prisons, including journalist Abid Gafarov imprisoned on fabricated defamation charges, and former political prisoner, blogger Rashad Ramazanov. Many former political prisoners also receive threats of criminal prosecution from the authorities.

25. Leader of an opposition party Ali Aliyev has been twice convicted since the beginning of 2022 under defamatory articles for his thoughts expressed during an interview with the YouTube channel Osmanqızı TV. In the last month of his imprisonment, a third defamatory lawsuit was filed against Ali Aliyev for his statements about the ruling New Azerbaijan Party in an interview with the YouTube channel Bumeranq TV. On June 23, 2022, A. Aliyev was sentenced for the third time to six months in prison. The verdict notes that Ali Aliyev's previous sentences were combined and he was sentenced to a total of one year in prison.

³ The U.S. State Department statement available at <https://www.state.gov/calling-for-the-release-of-bakhtiyar-hajiyev/>

⁴ Statement of the Council of Europe, 03/02/2023, available at <https://www.coe.int/en/web/commissioner/-/azerbaijan-s-authorities-should-release-activist-bakhtiyar-hajiyev-and-give-him-full-access-to-medical-care>

26. Elchin Mammad, a journalist and human rights attorney from Azerbaijan, is also one of the political prisoners. He was detained in March 2020 and given a four-year prison term shortly after publishing a report that was critical of the nation's human rights situation. He was one of the 16 people the U.S. Department of State recognized in January 2023 as part of its Without Just Cause Initiative campaign.

27. It should be noted that on March 5, 2023, one political prisoner in Azerbaijan - Sabuhi Salimov -died after a prolonged hunger strike. Two others have ended their hunger strikes in time to avoid imminent death. Another political prisoner Alizamin Salayev has been on the 57th day of his hunger strike at the time of writing this report.

RECOMMENDATIONS

In our view the Azerbaijani government should:

1. Organize an objective, independent and effective investigation of the use of Pegasus spyware for unlawful purposes, including illegal surveillance of the government's critics, stop the use of this spyware in Azerbaijan, and bring all those responsible to justice, as well as prepare and adopt relevant legislation to prevent any such occurrences in the future;
2. Review the restrictive media law and amend it in line with the international standards and recommendations of relevant international structures, also working closely with the country's media community and all the interested parties;
3. Review all the reported cases of human rights violations in the country and provide an effective remedy to the victims of those;
4. Implement fully all the decisions of the European Court of Human Rights in a timely and effective manner without reservations or exceptions;
5. Respect all the country's commitments and obligations as a member of the United Nations, including its Human Rights Council, the Organization for Security and Cooperation in Europe, and the Council of Europe;
6. Immediately and unconditionally release all public and political activists, journalists, bloggers, and human rights defenders held on politically motivated charges;
7. As previously recommended, make sure that human rights defenders and members of civil society can carry out their work without fear of retaliation, obstruction, or legal or administrative harassment. Additionally, halt any legal actions that are being taken for political reasons against independent civil society actors;
8. Provide adequate security for investigative journalists to pursue their professional activities;
9. Thoroughly investigate all the previously reported cases of attacks against independent journalists and human rights defenders, bring the perpetrators to justice, and provide remedy to the victims.
10. Decriminalize defamation and stop using it as a pretext for persecution of critics.