



FREEDOM NOW

**U.S. Helsinki Commission**  
**Democracy Deferred: The State of Elections and Fundamental Freedoms in Azerbaijan**

**May 9, 2018**

**Testimony of Maran Turner, Executive Director, Freedom Now**

My thanks to Everett Price and the Helsinki Commission for convening this very timely and badly needed briefing. I appreciate the opportunity to speak to all of you about the situation pertaining to political prisoners in Azerbaijan, an ongoing and destabilizing trend that has ripped apart families and the strong networks of civil society that had been an encouraging sign for the future.

My organization Freedom Now is a legal advocacy organization based here in Washington that works to promote respect for human rights and the rule of law worldwide by helping to free prisoners of conscience (or POCs) and address arbitrary detention. We have worked on many cases and numerous issues in Azerbaijan for nearly ten years.

Since taking office, Ilham Aliyev has meticulously consolidated power around his family and a cabal of loyal allies. The scale of politically-motivated imprisonment has been made possible by a government structured to protect President Aliyev from criticism or political threats. All of this is evidenced by the complete lack of any viable opposition in the parliament, a media that is controlled by the state, and a judiciary that is largely subservient to the executive. The government abuses its public institutions by misusing these agencies to go after dissidents, subjecting innocent activists to show trials and long prison sentences.

It was through this structure and these tools of repression that the government carried out a Soviet style sweep of civil society beginning in 2011. This assault reached a point of crisis in 2014 when the Ministry of Justice tightened its regulations on non-governmental organizations (or NGOs),<sup>1</sup> using these administrative laws to imprison NGO leaders and go after international entities, like the U.S.-funded Radio Free Europe/Radio Liberty.<sup>2</sup>

---

<sup>1</sup> *Breaking Point in Azerbaijan: Promotion and Glamour Abroad, Repression and Imprisonment at Home*, Freedom Now and Human Rights House Foundation (May 2015), available at <http://www.freedom-now.org/wp-content/uploads/2015/05/Breaking-Point-Azerbaijan.pdf>.

<sup>2</sup> *Shrinking Space for Civil Society in Azerbaijan: Tackling restrictive laws, criminal prosecutions, tax penalties*, Institute for Reporters' Freedom and Safety (June 2016), pgs. 35-39, available at <https://www.irfs.org/wp-content/uploads/2016/07/Shrinking-Space-for-Civil-Society-in-Azerbaijan.pdf>.

1750 K Street NW, 7<sup>th</sup> Floor • Washington, D.C. 20006 • +1 202.223.3733 • [www.freedom-now.org](http://www.freedom-now.org)

*Our mission is to free prisoners of conscience through focused legal, political and public relations advocacy efforts.*

In late 2015 and early 2016 there was cause to be optimistic as the government released more than a dozen prominent POCs. Owing to considerable international attention, there was hope that the government's campaign against activists might be winding down. Unfortunately, this was not what happened. Well known dissidents remain behind bars and new arrests have followed. Most human rights defenders are now working outside of the country, while a number of them, such as Khadija Ismayliova, are trapped inside on travel bans.

Locally based activists say there are now more than 140 POCs detained in Azerbaijan.<sup>3</sup>

One particularly egregious example of continued imprisonment is the case of Ilgar Mammadov, leader of the Republican Alternative opposition party. He was arrested in February 2013 after he wrote a blog post that contradicted the government's official account of a public protest. He was charged with organizing or participating in a breach of public order, resisting arrest, and mass disorder.<sup>4</sup> After a sham trial, Ilgar was sentenced to seven years in prison, where he remains.<sup>5</sup>

Ilgar's case is particularly noteworthy because he has been exonerated in two separate European Court of Human Rights rulings – and yet he remains in prison.<sup>6</sup> In October 2014, the Court held that his pre-trial detention was in violation of his right to freedom from arbitrary detention. In its judgment, the Court found a violation of Article 18 of the Human Rights Convention; specifically finding political motivation behind the actions of the government. Since 1959, the Court has found a violation of Article 18 in only five cases, and in every case except Ilgar's, the applicants were released.<sup>7</sup> A second judgment was issued in November 2017 in which the Court found that his right to a fair trial had been violated.

Because of Azerbaijan's refusal to carry out the Court's first judgment, in December 2017, the Committee of Ministers of the Council of Europe launched infringement proceedings. The Committee referred the case back to the Court for it to establish whether Azerbaijan has failed to abide by the judgment. This is the first time in the Council of Europe's history that the Committee has used this mechanism against a member state. Should the infringement proceedings yield no results, Azerbaijan could eventually risk suspension or expulsion from the Council of Europe.<sup>8</sup>

---

<sup>3</sup> *A Unified List of Political Prisoners in Azerbaijan*, The Working Group on a Unified List of Political Prisoners in Azerbaijan (March 20, 2018) at pgs. 12-13, available at <http://nopoliticalprisoners.org/wp-content/uploads/2018/03/Political-Prisoners-Report-Azerbaijan-WG-FINAL-March-2018.pdf> (hereinafter *List of Political Prisoners*).

<sup>4</sup> *2 Azeri Opposition Leaders Are Charged With Inciting Riots*, New York Times (Feb. 6, 2013), available at <http://www.nytimes.com/2013/02/07/world/asia/2-azeri-opposition-leaders-are-charged-with-inciting-riots.html>.

<sup>5</sup> *Two Prominent Azerbaijani Oppositionists Sentenced On Fabricated Charges*, Radio Free Europe/Radio Liberty (March 22, 2014), available at <https://www.rferl.org/a/caucasus-report-azerbaijan-opposition-jailings/25306224.html>.

<sup>6</sup> *Ilgar Mammadov v. Azerbaijan*, European Court of Human Rights, Application No. 15172/13 (Oct. 13, 2014), *Ilgar Mammadov v. Azerbaijan (No. 2)*, European Court of Human Rights, Application No. 919/15, (Nov. 11, 2017).

<sup>7</sup> *Ilgar Mammadov case: Council of Europe notifies Azerbaijan of intention to launch a special procedure for the execution of the judgment*, Council of Europe (Oct. 25, 2017), available at [https://www.coe.int/en/web/portal/news-2017/-/asset\\_publisher/StEVosr24HJ2/content/ilgar-mammadov-case-council-of-europe-notifies-azerbaijan-of-intention-to-launch-unprecedented-legal-action?desktop=true](https://www.coe.int/en/web/portal/news-2017/-/asset_publisher/StEVosr24HJ2/content/ilgar-mammadov-case-council-of-europe-notifies-azerbaijan-of-intention-to-launch-unprecedented-legal-action?desktop=true).

<sup>8</sup> *Committee of Ministers launches infringement proceedings against Azerbaijan*, Council of Europe (Dec. 5, 2017), available at [https://www.coe.int/en/web/portal/news-2017/-/asset\\_publisher/StEVosr24HJ2/content/council-of-europe-s-committee-of-ministers-launches-infringement-proceedings-against-azerbaijan?](https://www.coe.int/en/web/portal/news-2017/-/asset_publisher/StEVosr24HJ2/content/council-of-europe-s-committee-of-ministers-launches-infringement-proceedings-against-azerbaijan?)

Ilgar's petition is just one of many applications from Azerbaijan before the Court. At the start of this year, there are over 2,000 cases pending against Azerbaijan.<sup>9</sup> Last year, the Court found human rights violations in 24 of the 26 cases it adjudged. Violations included the right to freedom from arbitrary detention, right to a fair trial, and the right to freedom of assembly and association.<sup>10</sup>

I would like to highlight two trends we have noticed recently that are particularly disturbing.

The first trend is the extension of Azerbaijan's human rights violations beyond its borders. The government is systematically targeting Azerbaijani dissidents living and working in nearby Georgia.<sup>11</sup> One such case was the shocking abduction of Azerbaijani journalist Afgan Mukhtarli. On the evening of May 29, 2017, Afgan was abducted in Tbilisi by unidentified men who were reportedly wearing Georgian police uniforms. He was pushed into a car, beaten, and driven to the Azerbaijani border where he was handed off to men speaking Azerbaijani. After crossing the border, he was brought into a border checkpoint and accused of illegal border crossing, violence against police, and smuggling 10,000 euros. Afgan was sentenced to six years in prison in January 2018. The U.S. State Department has called for his release.<sup>12</sup>

The second trend is the imprisonment and ill-treatment of independent Muslims. According to the recently distributed list of POCs, there are 82 religious activists currently detained in Azerbaijan. This is nearly 60% of all POCs identified in the country.<sup>13</sup> Despite promoting itself as a paragon of religious tolerance, Azerbaijan has consistently worked to discredit and dismantle independent religious groups that operate without the explicit permission of the government. The U.S. Commission on International Religious Freedom has designated Azerbaijan a Tier 2 country, indicating that violations of religious freedom engaged in or tolerated by the government are serious and are systematic, ongoing, and/or egregious.<sup>14</sup> The best example of this ongoing campaign is the November 2015 raid by the Ministry of Internal Affairs and the State Security Service on a group of activists affiliated with a group known as the Muslim Unity Movement (or MUM) in the town of Nardaran. The security raid resulted in the death of seven individuals,<sup>15</sup> including two police officers and the arrests of the group's leader and eventually dozens of others.<sup>16</sup> Members were charged with terrorism, extremism, plotting to

---

<sup>9</sup> *Pending Applications Allocated to a Judicial Formation*, European Court of Human Rights, available at [https://www.echr.coe.int/Documents/Stats\\_pending\\_2018\\_BIL.pdf](https://www.echr.coe.int/Documents/Stats_pending_2018_BIL.pdf).

<sup>10</sup> *Violations by Article and by State*, European Court of Human Rights, available at [https://www.echr.coe.int/Documents/Stats\\_violation\\_2017\\_ENG.pdf](https://www.echr.coe.int/Documents/Stats_violation_2017_ENG.pdf).

<sup>11</sup> *Repression Beyond Borders: Exiled Azerbaijanis in Georgia*, International Partnership for Human Rights, Freedom Now, and Human Rights Education and Monitoring Center (Sep. 2017), available at <http://www.freedom-now.org/wp-content/uploads/2017/09/Repression-beyond-Borders-Exiled-Azerbaijanis-in-Georgia.pdf>.

<sup>12</sup> *On the Sentencing of Afgan Mukhtarli*, U.S. Department of State (Jan. 12, 2018), available at <https://www.state.gov/r/pa/prs/ps/2018/01/277441.htm>.

<sup>13</sup> *List of Political Prisoners*, *supra* note 12, pgs. 40-85.

<sup>14</sup> *2018 Annual Report*, U.S. Commission on International Religious Freedom (April 2018), pg. 3, available at [http://www.uscirf.gov/sites/default/files/USCIRF%20Annual%20Report%202018\\_tagged508.pdf](http://www.uscirf.gov/sites/default/files/USCIRF%20Annual%20Report%202018_tagged508.pdf).

<sup>15</sup> *Azerbaijan Deepens Crackdown on Shi'ite Stronghold*, Radio Free Europe/Radio Liberty (Dec. 1, 2015), available at <http://www.rferl.org/a/azerbaijan-nardaran-raid/27400436.html>.

<sup>16</sup> *Azerbaijani Theologian Said To Have Been Plotting Coup*, Radio Free Europe/Radio Liberty (Nov. 27, 2015), available at <https://www.rferl.org/a/caucasus-report-azerbaijan-theologian-plotted-coup/27393340.html>.

overthrow the government, and inciting violence. These detainees have accused government authorities of torture, forced confessions, and denial of proper medical treatment.<sup>17</sup>

MUM members have received some of the harshest treatment in detention. Both leaders, Taleh Bagirov and Abbas Huseynov, were transferred to Gobustan High Security Prison in July 2017. Once at the prison, Abbas was placed in solitary confinement, beaten with a baton, subjected to electroshocks to his genitals, and handcuffed to an iron post for three hours in direct sunlight.<sup>18</sup> And in just the last couple of weeks, Abbas has been beaten and mistreated again.<sup>19</sup>

To conclude, the human rights situation in Azerbaijan has deteriorated significantly over the last several years. President Aliyev has expanded his power and made significant moves to silence all independent voices in the country through the use of arbitrary detention. The international community, including the U.S., must apply substantial pressure to Azerbaijan, including through the use of sanctions, if it wishes to see progress made.

---

<sup>17</sup> *Azerbaijan: Imprisonments, trial and torture of Muslims*, Forum 18 (July 29, 2016), available at [http://www.forum18.org/archive.php?article\\_id=2203](http://www.forum18.org/archive.php?article_id=2203).

<sup>18</sup> *Abbas Huseynov Tortured in Gobustan Prison – Lawyer*, Contact (Aug. 9, 2017), available at <http://www.contact.az/ext/news/2017/8/free/Social/en/64786.htm>.

<sup>19</sup> *'Abbas Huseynov beaten in prison, his condition is severe'*, Meydan TV (April 30, 2018), available at <https://www.meydan.tv/az/site/news/28509/>.