



**REPORTERS  
WITHOUT BORDERS**  
FOR FREEDOM OF INFORMATION

**Xindex**  
the voice of free expression



**pen**  
INTERNATIONAL

## AZERBAIJAN UNIVERSAL PERIODIC REVIEW 2018

Azerbaijan accepted multiple recommendations during the last UPR regarding freedom of expression online, freedom of the media, and the freedom of association and assembly. Regrettably, none have been implemented. Instead, the government has enacted **a series of restrictive laws and pursued policies that gravely undermine the safety of journalists and freedom of expression more broadly, with particularly severe impacts on journalists and civil society organisations.**

### CONSTITUTIONAL AMENDMENTS

Amendments to the Constitution of Azerbaijan were approved through a hasty referendum in September 2016, without any parliamentary debate or scrutiny of the proposals. This referendum came amid a crackdown on journalists and activists who were opposed to the amendments, thus preventing voters from casting an informed vote.

The constitutional amendments include **provisions highly detrimental to the rights to freedom of expression and information, and freedom of assembly and association.** The amendments consolidated the powers of the President, weakened democratic checks and balances (including the independence of the courts), and undermined the efforts of civil society and human rights defenders to bring national law into compliance with international human rights law obligations, and secure accountability for human rights violations.

### SAFETY OF JOURNALISTS

**The Azerbaijani Government has failed to ensure the safety of journalists and media workers or ensure accountability for attacks against them.**

- On 28 April 2017, blogger **Mehman Galandarov** was found hanged in his jail cell; on 1 May, General Prosecutor and Ministry of Justice said in a hastily published statement, that the death was a “suicide” and Galandarov “was not subject to any pressure, torture or unlawful acts”. Two days later, the Council of Europe called for “an effective investigation”, which authorities have thus far failed to conduct.
- Journalist and human rights activist **Rasim Aliyev** died in August 2015 from injuries sustained from an attack, which occurred after he posted photos of police brutality online. He had reported receiving continuous threats and intimidation via social media networks for three weeks leading up to his death.

**Impunity for attacks against the media has cultivated a climate of self-censorship:**

- No arrests have been made for the murder of *Monitor* magazine editor-in-chief **Elmar Huseynov** or for the murder of prominent writer and journalist **Rafiq Tagi**, for example.

### ARBITRARY ARRESTS AND DETENTIONS OF CRITICS

Azerbaijan has continued its practice of targeting critical voices through politically motivated arrests on spurious charges, the use of extensive pre-trial detentions, and application of harsh custodial sentences. The authorities arbitrarily arrest individuals for engaging in dissent and release them as a mechanism of control. As of August 2017, Azerbaijani civil society activists estimate a total of **158 confirmed political prisoners**, including opposition leaders, journalists, bloggers, poets, and civil activists.

Opposition figures, media actors and activists currently subject to arbitrary detention include:

- **Ilgar Mammadov**, arrested in 2013 on fabricated charges of “inciting violence” and sentenced to seven years imprisonment;
- **Gozel Bayramli**, accused of smuggling and placed in pretrial detention in May 2017;

- **Fuad Gahramanli**, arrested in December 2015 and sentenced in January 2017 to 10 years imprisonment;
- **Mammad Ibrahim**, arrested in September 2015 and sentenced in March 2016 to 3 years imprisonment on hooliganism charges;
- **Afgan Mukhtarli**, an Azerbaijani journalist abducted from Georgia and sentenced to 6 years imprisonment in January 2018 for smuggling;
- **Mehman Huseynov**, Institute for Reporters' Freedom and Safety (IRFS) chairman and anti-corruption blogger, sentenced in March 2017 to 2 years imprisonment on defamation charges;
- **Seymur Hazi**, a journalist who wrote for Azadliq and presented the internet program Azerbaijan Hour, sentenced to 5 years of imprisonment in January 2015 for hooliganism;
- **Rashad Ramazanov**, a micro-blogger using social media sites, sentenced to 9 years imprisonment for drug-related charges; and
- **Tofiq Hasanli**, a poet known for satire, sentenced to 6 years imprisonment on drug-related charges.

**Anar Mammadli**, Chairman of the Election Monitoring and Democracy Studies Centre, **Rasul Jafarov**, head of the "Human Rights Club", **Leyla Yunus**, Director of the Institute for Peace and Democracy, and her husband and historian **Arif Yunus**, were convicted and released by presidential pardon. However, **freed political prisoners are commonly unable to return to their previous work; many do not have their convictions quashed, are under surveillance, and face travel bans and ongoing harassment.**

---

## FORCED CLOSURE AND HARASSMENT OF INDEPENDENT MEDIA OUTLETS, JOURNALISTS AND CIVIL SOCIETY

**The majority of independent media outlets in Azerbaijan have been forced to close or go into exile.** Where media outlets have been forced to cease print publication and publish only online, their sites are subject to periodic blocking by the Azerbaijani authorities.

The reason for their closure includes:

- Government control of advertising and distribution networks making continued publication economically untenable – as for independent newspaper **Zerkalo**;
- Media offices being raided and sealed by the police;
- Harassment of journalists by public officials, as in the case of **Radio Azadliq**;
- Security concerns, as was the case of **Meydan TV**, an independent online media outlet covering human rights abuses and government corruption, which closed its Baku office in December 2014.

**Harassment of individual journalists who express critical opinions or deviate from official State accounts in their reporting remains a serious concern.** In September 2017, dozens of journalists were dismissed from the government controlled **ATV** television channel after journalist **Turan Ibrahimov** spoke on a live broadcast about corruption.

**Civil society groups have also faced harassment.** For example, in August 2014, the office of the **Institute for Reporters' Freedom and Safety (IRFS)** in Baku was raided by the authorities, as part of a broader crackdown on NGOs in Azerbaijan. The authorities confiscated equipment, documents, and assets, and the staff were harassed and interrogated by the Public Prosecutor's Office. As a result, IRFS has been forced to cease its operations in Azerbaijan. Its Director, **Emin Huseynov**, remains in exile since fleeing Azerbaijan in 2015.

---

## LEGISLATIVE RESTRICTIONS TO FREEDOM OF EXPRESSION ONLINE

Azerbaijan has further **restricted free expression online through the creation of new criminal offences, and amendments to existing provisions and penalties** including:

- New provisions related to "slander or insult" through "fake user names, profiles or accounts";
- Increases in penalties for "smearing or humiliating the honour and dignity" of the Azerbaijani president where offences are committed online
- Amendments broadening "extremism" and "defamation" provisions; and

New provisions enabling the authorities to block websites that contain information considered “a danger for the state or society”, without a court order, though subject to subsequent judicial review have also been introduced. **Between March and April 2017, access to a number of new online sites containing content critical of the government was blocked.** Contrary to the legal framework, neither the hosts nor the owners of these outlets were informed ahead of time about the blocking orders.

On 12 May 2017, **a Baku Court imposed an official ban on five independent media websites deemed harmful and dangerous to national security.** Along with other media outlets, the website and online video channel of Azerbaijan Saati, and the online video channel of Turan TV were blocked, including access to the website of the Organised Crime and Corruption Reporting Project. This ban came after these outlets had published a series of reports that **uncovered high level corruption by Azerbaijani officials and implicated European and other diplomats and politicians**, known as the “Azerbaijan Laundromat” reports. The head of the Department of Public and Political Affairs within the Presidential Administration stated that legal proceedings would be initiated against any media outlets that published the Azerbaijani Laundromat story.

---

## LEGISLATIVE RESTRICTIONS TO FREEDOM OF ASSOCIATION

Although the government accepted numerous specific recommendations to bring its Law on Non-Governmental Organisations (“NGO Law”) into conformity with international human rights law and to create a safe and enabling environment for civil society, it has yet to do so.

**The 2014 amendments to the NGO Law established a *de facto* licensing regime for NGOs**, severely restricting civic space. The provisions:

- Granted the government broad discretion to arbitrarily refuse or delay the registration of grants;
- Created complicated and onerous registration and operating procedures; and
- Imposed restrictions on NGOs’ access to their bank accounts for non-compliance.

Many organisations have not been able to produce the documents required for grant registration, because the Azerbaijani authorities had seized the relevant documentation in the course of inspections or criminal investigations. The accounts of many independent NGOs remain frozen, which in some instances has led to their closure, as in the case of the **Legal Education Society**.

In October 2016, President Aliyev signed into law a decree (effective from 1 January 2017) simplifying some procedures for the registration of foreign grants. However, it does not amend the legal requirement for NGOs to register grants; eliminate the requirement for the Ministry of Finance to provide an opinion on the expediency of each grant from a foreign donor; or limit the discretion of the authorities to arbitrarily deny the registration of a grant.

The 2014 amendments have also made it **more difficult for local NGOs to access foreign funding**, requiring an agreement with government ministries. As a consequence throughout 2015, foreign governments that previously provided grants to local NGOs were forced to postpone or cancel their support. Though the government established the State Council for Support to NGOs in 2007 as a domestic source of financial assistance to NGOs, those who applied were required to **sign a statement promising to refuse to have relationships with international NGOs critical of the government.** One NGO funded by the Council has reported that its activities have become subject to **constant control by the state donor, undermining its ability to operate independently.**

---

## RESTRICTIONS TO FREEDOM OF ASSEMBLY AND PROTESTS

The authorities continue to **severely restrict the right to peaceful assembly in public spaces and the organisers of peaceful demonstrations have been arbitrarily arrested and detained.** Amendments to legislation, including the Law on Peaceful Assembly, stipulate that demonstrations may only be held in a number of approved sites, a number of which are far from the centre of Baku, thereby diminishing their impact. Further amendments have broadly criminalised participation in peaceful assembly, when participation causes “significant violation of the rights and legal interests of citizens.”

In May 2013, **amendments to the Code of Administrative Offences increased the penalties for “organising, holding and attending an unauthorised assembly” to 60 days’ detention**, a move which drew criticism from Council of Europe Commissioner for Human Rights.

Police have used unlawful and disproportionate force to disperse protests and arbitrarily detain participants in peaceful assemblies:

- In April 2014, NIDA youth activists **Turgut Gambar**, **Albulfez Gurbanli** and **Ilkin Rustemzade** were sentenced to 10-15 days' administrative detention for participating in an unsanctioned memorial service on the four-year anniversary of a shooting at Azerbaijan's State Oil Academy. The authorities forcibly shaved off the activists' hair.
- In May 2014, more than 25 protesters were arrested during a rally protesting the sentencing of activists at Baku City Grave Crimes Court. Three protesters were sentenced to administrative detention with the rest receiving fines for participating in an unauthorised protest. One protester, **Kemale Beneyarli**, sentenced to 30 days' administrative detention, was severely beaten for refusing to sign an incriminating statement. There has been no investigation to these allegations.

---

## RECOMMENDATIONS

The coalition calls on UN Member States to put forward strong and specific recommendations to address these concerns, namely to recommend

---

### CONSTITUTIONAL AMENDMENTS

- Initiate reforms to bring the Constitution of Azerbaijan in line with international human rights law, with full and effective public participation, and full Parliamentary scrutiny.

---

### SAFETY OF JOURNALISTS

- *Publicly, unequivocally and systematically condemn violence and attacks against journalists;*
- Ensure impartial, speedy, thorough, independent and effective investigations that seek to bring masterminds and perpetrators behind attacks to justice and ensure the victims and their families have access to appropriate remedies;
- Create special investigative units and specialised prosecutors and adopt specific protocols and methods of investigation and prosecution and trainings for key actors in the investigative and prosecutorial processes;
- Systematically collect data to inform policy making on safety of journalists; and
- Establish protection mechanisms, including early warning and rapid response systems.

---

### ARBITRARY ARRESTS AND DETENTIONS OF CRITICS

- Investigate promptly, thoroughly and impartially all allegations of arbitrary arrest and detention of human rights defenders, journalists, political opponents and religious leaders, prosecute and punish appropriately those found guilty, and provide victims with redress;
- Immediately and unconditionally release all persons arbitrarily detained for exercising their rights to freedom of expression, and, where applicable, quash their conviction and remove restrictions on their freedom of movement;
- Drop all charges against persons for exercising their right to freedom of expression and cease the arbitrary detentions of individuals for politically motivated reasons;
- Take immediate measures to combat torture and end the practice of impunity, ensuring that those responsible for torture or cruel, inhuman or degrading treatment or punishment are held accountable and that victims obtain redress, including for convictions based on forced confessions.

---

### FORCED CLOSURE AND HARASSMENT OF INDEPENDENT MEDIA OUTLETS AND JOURNALISTS

- Support an independent and pluralistic media sector, ensuring that any official State advertising revenue is allocated according to a clear law, with non-discriminatory and equitable criteria, with allocations subject to full and detailed transparency, and with guarantees for the editorial independence of media actors;
- Desist from extra-legal pressure on advertisers that support independent media and from interference with the independence of media outlets and their staff;
- Establish through law a truly autonomous and independent public service media to promote diversity in the overall public interest with full editorial independence;
- Establish through law a truly independent and adequately funded broadcasting regulatory body, in line with international freedom of expression standards, with clear transparent and fair policies and procedures, including for the licensing procedures, with the purpose of ensuring media diversity and pluralism in the public interest;
- Cease the regulatory and judicial harassment of independent media outlets, their editorial staff and journalists, including by dropping criminal charges against Meydan TV and the Turan News Agency, and by restoring the license of ANS TV;

- Amend Article 13 of Law of the Republic of Azerbaijan on Telecommunication and lift the ban prohibiting foreign entities from broadcasting on national frequencies.
- Permit media outlets to sell their newspapers in the streets, without undue restriction;
- Reverse regressive amendments to access to information legislation aimed at limiting the activities of journalists and media outlets.
- Remove defamation provisions from the Criminal Code.
- Ensure redress for the forced closure of IRFS, fully restoring confiscated property and allowing it to resume activities without harassment, including by allowing the return to Azerbaijan of IRFS director Emin Huseynov; serving justice for the slain chairman Rasim Aliyev and releasing their current chairman, Mehman Huseynov, from prison.

---

### **LEGISLATIVE RESTRICTIONS TO FREEDOM OF EXPRESSION ONLINE**

- Reform the laws on “Information, Informatisation and Protection of Information” and “Telecommunications” to remove prohibitions on content that do not comply with international human rights law on freedom of expression, and to ensure that websites are only blocked on the basis of an independent court order and in strict proportionality to the aim pursued;
- Decriminalise defamation fully, including by reversing the introduction of heightened penalties for online forms of defamation, repealing Articles 148, 148-1, 323.1, and 323.1-1 of the Criminal Code.

---

### **LEGISLATIVE RESTRICTIONS TO FREEDOM OF ASSOCIATION**

- Comprehensively reform all laws limiting the right to freedom of association, in particular the 2011 law on NGOs and the 2013 and 2014 amendments thereto, and bring them in line with international human rights law.

---

### **FREEDOM OF PEACEFUL ASSEMBLIES AND PROTESTS**

- Comprehensively reform the Law on Peaceful Assembly and the amendments to the Code of Administrative Offences, to bring them into compliance with Article 21 of the International Covenant on Civil and Political Rights, including by removing penalties for “unauthorised assemblies,” and removing blanket prohibitions on assemblies by requiring that any location-based limitations are necessary and proportionate.