

Ref: CommHR/DM/sf 022-2023

Mr Vilayat Suleyman oglu Eyvazov
Minister of Internal Affairs of Azerbaijan

Strasbourg, 13 July 2023

Dear Minister,

As Council of Europe Commissioner for Human Rights, my mandate is to foster the effective observance of human rights in all 46 member states of the Council of Europe. An important part of my work is to engage in dialogue with authorities in member states, and to assist them in addressing possible shortcomings in implementing human rights obligations in their laws and practices.

I am therefore writing to you to raise certain human rights issues related to the recent dispersal of protests and the arrests of several participants in the Soyudlu village of the Gadabay district of Azerbaijan. I was informed that on 20 and 21 June, dozens of residents gathered to express their concerns in relation to the construction of a chemical waste-disposal reservoir (artificial lake) in the vicinity of their village, which they believed would pose a serious risk to their health, environment, and livelihood.

While, as I understand, the gathering had not been duly notified to local authorities, the conduct of the assembly in question was reportedly peaceful. I also note that, according to the [case-law](#) of the European Court of Human Rights, possible non-compliance of an assembly with the formal requirements for holding it is not sufficient for its dispersal, and the authorities have an obligation to display a certain degree of tolerance towards spontaneous peaceful assemblies.

Police conduct in this context also raises serious human rights concerns. I received information that police officers used disproportionate force and special riot control equipment, including rubber batons, tear gas, and pepper spray, against the peaceful protesters, including many older persons, in the Soyudlu village. Such police conduct against peaceful protesters has reportedly led to the injury of a dozen demonstrators, some of whom had to seek medical assistance.

Taking into account the peaceful character of the public protests in Soyudlu, I would be grateful if you could provide clarifications regarding the legal basis and justification for dispersing these protests, as well as generally, the compatibility of the national protocol on policing public events with the requirements of necessity and proportionality set out in the Council of Europe's [human rights standards](#). I was informed that the charges brought against the arrested protesters relate to their participation in a public event "held in breach of the law on freedom of assembly" (Section 513.2 of the Code of Administrative Offences of Azerbaijan) whereas [applicable human rights standards](#) allow for the detention of a peaceful demonstrator only in exceptional cases. It is also unclear why they have reportedly been transferred to the Ministry of Interior's general department combating organised crimes.

Given all the information I received about the excessive use of force, including the use of special riot control equipment against peaceful protesters in Soyudlu, I would like to stress the importance of ensuring accountability of law enforcement. This should include identification of the law enforcement agents involved and initiating the relevant proceedings to hold those responsible for human rights violations accountable. In light of the [recurrent character](#) of police misconduct in the context of the policing of public events in Azerbaijan, I also call on you to ensure that all police officers involved in maintaining public order during public assemblies throughout the country are provided with adequate

training on human rights standards, including those on the prohibition of violence and ill-treatment within the meaning of Article 3 of the European Convention on Human Rights.

Furthermore, I was informed that following those two-day protests, the police restricted access to the Soyudlu village, by establishing police checkpoints on the roads leading in and out of the village, allegedly refusing entry to non-residents and subjecting persons crossing them to body searches and inspection of their mobile devices. Such measures raise serious concerns about the human rights of local residents, including freedom of movement and respect for private life. They also seem to have heavily restricted the legitimate work of independent journalists in reporting to the public, and of human rights defenders and lawyers in defending the rights of the residents concerned. For example, it was [reported](#) that several journalists, including Nigar Mubariz (*Voice of America*, Azerbaijan), Nargiz Absalamova (*Abzas Media*) and Elsever Muradzade (freelance journalist), were not allowed to enter Soyudlu to carry out their professional duty of reporting about the events, and that, after having attempted to access the area via alternative routes, they were detained, interrogated and later on turned away for not having permission to film a report. Furthermore, two civil society activists, Giyas Ibragimov and Elmira Abbasov, were arrested in Baku shortly after they had published critical comments about these events on social media, in what appears to be an attempt to silence criticism and prevent independent reporting.

I was also informed that, as a result of restrictions on access to the Soyudlu village, many residents affected by the police's actions in the village could not benefit from legal and other advice and assistance offered to them by human rights defenders and lawyers. I also received information that some of the residents have revoked their consent to be represented by independent lawyers due to the intimidation and pressure allegedly exercised upon them by the police. In this context, I would like to be informed of the legal grounds of the measures mentioned above and your assessment concerning their compatibility with human rights standards on the exercise of freedoms of expression (including media freedom and public reporting) and peaceful assembly, as well as on the rights to participate in public affairs and to fair trial guarantees.

Given the importance of media freedom, independent journalists [must be given full access](#) to all forms of public assembly and be able to report on them safely and without undue interference. The same principle applies to the work of human rights defenders, including lawyers. National authorities have a duty to ensure that human rights defenders, lawyers and civil society activists can carry out their legitimate activities in a safe and enabling environment without the risk of being subjected to reprisals, harassment and other obstacles. As I stressed in my recently published [Human Rights Comment](#), violence against peaceful participants of environmental protests, in particular, must not be tolerated. Environmental organisations, communities and concerned persons must be given genuine and effective opportunities to take part in decision-making on all laws, policies and projects which may have an environmental impact, in a transparent manner.

I look forward to receiving your comments and continuing a constructive dialogue with you.

Your sincerely,

A handwritten signature in black ink, appearing to read 'Dunja Mijatović', with a large, stylized initial 'D'.

Dunja Mijatović