

Ref: CommHR/MOF/sf 187-2024

**Mr Ilham ALIYEV**  
President of the Republic of Azerbaijan

Strasbourg, 4 November 2024

Your Excellency,

My mandate is to foster the effective observance of human rights in the member states of the Council of Europe. An important part of my work is to engage in dialogue with the governments and parliaments of member states, and to assist them in addressing possible shortcomings in their laws and practices.

Accordingly, I share with you my concern about the recent arrests of a number of human rights defenders, journalists and civil society activists, including Akif Gurbanov and Alasgar Mammadli (both arrested in March 2024), Imran Aliyev and Anar Mammadli (both arrested in April 2024). I understand that all four have been charged with foreign currency smuggling, tax evasion and forging documents. I also note that since 2023 more than a dozen staff and journalists of three media outlets (Abzas Media, Kanal 13 and Toplum TV) have been arrested on similar charges.

I am concerned at reports that the criminal proceedings against these human rights defenders, journalists and activists were launched in regard to carrying out their legitimate activities. I note that in similar cases – in one instance involving one of the human rights defenders mentioned above – which occurred almost a decade ago, the European Court of Human Rights (the Court) found a violation of Article 18 (limitation on use of restrictions on rights) of the European Convention of Human Rights (ECHR). It noted that there was a “troubling pattern of arbitrary arrests and detentions of government critics, civil society activists and human rights defenders through retaliatory prosecutions and misuse of criminal law in defiance of the rule of law”. The Court also found that the actions of the State gave rise to a risk of further repetitive applications (see for example, judgment of 20 September 2018 in the case *Aliyev v. Azerbaijan*). Accordingly, I ask the relevant authorities in Azerbaijan to immediately release all human rights defenders, journalists and civil society activists who are imprisoned for their legitimate work or for expressing dissenting or critical opinions and to drop the criminal charges against them, as well as related restrictions, including a ban on travelling abroad.

Furthermore, I note that there have been reports of ill-treatment and torture of several human rights defenders, journalists and activists while in police custody, as well as restrictions on the right of access to a lawyer of their choice. In this regard, I notice the findings of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in its report published in July 2024 and of the UN Committee against Torture in its Concluding Observations published in June 2024, mentioning reports of the use of torture and ill-treatment in the country, including by the police. I have also been made aware of the fact that several human rights defenders, journalists and activists have serious health concerns, including lawyer Alasgar Mammadli, human rights defender Anar Mammadli and academic and anti-corruption expert Gubad Ibadoghlu (transferred from pre-trial detention to house arrest in April 2024 due to ill-health). I respectfully ask the Azerbaijani authorities to conduct an effective investigation into the allegations of ill-treatment and to ensure compliance with the rights of access to a lawyer and adequate medical care.

More generally, Azerbaijan as a Council of Europe member state should work towards creating a safe and enabling environment for human rights defenders, journalists and civil society activists based on dialogue and cooperation. Currently, a variety of restrictive legal provisions appear to hamper the work of non-governmental organisations (NGOs) and independent media and to interfere with the enjoyment of their freedoms.

Ten years ago, the European Commission for Democracy through Law (the Venice Commission) concluded that the cumulative effect of stringent NGO legislation, in addition to the wide discretion given to the executive authorities regarding the registration, operation and funding of NGOs, is likely to have a chilling effect on civil society, especially on those associations that are devoted to key issues such as human rights (see opinion no. 787/2014, published on 15 December 2014). Furthermore, the Court has repeatedly held Azerbaijan in violation of Article 11 (freedom of assembly and association) of the ECHR. In its latest Concluding Observations, published in June 2024, the UN Committee against Torture stated that Azerbaijan should amend its legislation in line with international standards regarding the regulation of civil society and media organisations, respecting their rights to freedom of expression, association and peaceful assembly.

As concerns specifically freedom of expression and media freedom, the Venice Commission, in a joint opinion with the Directorate General of Human Rights and Rule of Law of the Council of Europe (no 1078/2022) stated that the 2022 Law on Media is a clear case of overregulation in a legislative environment which was already very restrictive and has a problematic focus on restricting the activities of the media rather than creating the necessary conditions enabling the media to fulfil their 'public watchdog' role. In a letter of 25 January 2022, my predecessor called for bringing the Law on Media in line with international and European standards. In another letter of 13 July 2023 to the Minister of Internal Affairs, she raised concern about restrictions on journalists and civil society activists to access the location of an environmental protest.

I urge the Azerbaijani authorities to take the necessary steps to ensure that all laws and practices in connection with freedoms of association, assembly and expression and the situation of human rights defenders, journalists and civil society activists in the country comply with relevant Council of Europe human rights standards, including by fully implementing the relevant judgments of the Court.

I look forward to continuing the dialogue and cooperation with the Azerbaijani authorities, including in the context of a visit to the country.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Michael O'Flaherty". The signature is fluid and cursive, with a prominent initial "M" and a long, sweeping tail.

Michael O'Flaherty