

FREEDOM FOR ANAR MAMMADLI

END REPRESSION IN AZERBAIJAN #COP29

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Mr Alain Berset
Secretary General of the Council of Europe
Palais de l'Europe
Strasbourg

18 September 2024

Re.: Unprecedented repression in Azerbaijan since January 2024

Your Excellency,

We would like to warmly welcome you as Secretary General of the Council of Europe. We look forward to cooperate with you and your office.

As you start in your position, we believe the human rights crisis in Azerbaijan should be a high priority of your office. Indeed, since the Parliamentary Assembly's decision not to ratify the credentials of the delegation of the Republic of Azerbaijan,¹ and ahead of the 29th Conference of the Parties to the United Nations Framework Convention on Climate Change to be held in Baku, the country has witnessed a **notable intensification of repression, occurring in the aftermath of the presidential election on 7 February 2024 and the parliamentary election on 1 September 2024**, leading to an unprecedented repression.

As this is being written, almost no independent civil society actor remains free in the country. Independent media outlets have seen their leadership arrested, and the authorities have increased pressure on the legal profession, as well as on academics and scholars. The repression is becoming increasingly focused on young individuals.

On 29 April 2024 winner of the 2014 Vaclav Havel Award of the Council of Europe, human rights defender Anar Mammadli, was arrested (again). He was sentenced to pre-trial detention on fabricated charges. His detention is emblematic of the increase of repression in 2024: Anar Mammadli is the leader of the only independent election monitoring organisation in the country and is a co-founder of the Climate Justice Initiative, a coalition of independent environmental and human rights organisations that aimed at joining forces in view of COP29. His arrest intervened after his organisation's published its preliminary findings on the conduct of the presidential elections and right after the establishment of the Climate Justice Initiative was announced.

Nevertheless, Anar Mammadli is not the sole political prisoner in Azerbaijan. According to Azerbaijani civil society there are more than 300 political prisoners in the country, of whom the following individuals are particularly emblematic of the reinforced repression:

¹ PACE Resolution 2527 (2024).

- **Famil Khalilov** is a civic activist with a considerable following on social media. He is held in conditions that fail to address his needs as a person with a disability. These concerns are further compounded considering the “deplorable state of affairs” of places of detention, as recently highlighted by the Committee for the Prevention of Torture;²
- **Bahrüz Samadov** is a researcher and activist specialising in authoritarianism. His written work offers a critical analysis of Azerbaijan’s regional and foreign policy. The prosecution of Bahrüz Samadov, associated to targeting other scholars, reveals a new trend, in the will to silence young academics and writers who through their research criticise Azerbaijan’s regional and foreign policy;
- **Gubad Ibadoghlu** is a distinguished academic and anti-corruption expert who has taught and conducted research on public finance management and good governance in Azerbaijan and abroad, most recently at the London School of Economics. Since 2014, he has been residing in exile. In July 2023, he returned to Azerbaijan to visit his family but was promptly and violently arrested. Following a nine-month period of pre-trial detention, he was placed in house arrest. He remains in this situation until today, as he awaits trial. If convicted, he could face up to 17 years imprisonment;
- The trade union activist, **Afiaddin Mammadov**, has been held in pre-trial detention since August 2023 and is currently facing criminal charges that could result in a 11-year prison sentence;
- At the same time, Azerbaijani authorities cracked down on independent media, raiding and shutting down the media outlets **Abzas Media**, **Toplum TV**, and **Kanal 13**. Journalists were arrested during the raids are sentenced to pre-trial detention on various criminal charges, including the Abzas Media Director, human rights defender and journalist, **Ulvi Hasanli**, and woman human rights defender and journalist, Editor-in-Chief **Sevinj Abbasova**, Head of Institute for Democratic Initiatives, human rights defender **Akif Gurbanov**, the founder of Toplum TV **Alaskar Mammadli**, **Aziz Orujev**, Director of Kanal 13, and journalist **Shamo Eminov** of Kanal 13, women human rights defenders and journalists **Elnara Gasimova**, **Nargiz Absalamova**, and independent multimedia journalist **Ali Zeynal**;
- Political activists **Tofiq Yagublu** and **Ruslan Izzatli**, human rights defender and investigative journalist **Hafiz Babali** and are also among individuals who are remain in detention.

Moreover, the **Mammadli Group of cases** continues to be examined by the Committee of Ministers. The cases in question pertain to prominent human rights defenders, civil society leaders and a journalist who were all subjected to arrests and detentions between 2013 and 2016. The European Court of Human Rights found that these actions constituted a misuse of criminal law, which was intended to punish and silence them for their human rights and journalistic activities. As recently observed by a group of distinguished legal and human rights NGOs,³ the Court also “established that these cases reflected 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, and the actions of the State gave rise to a risk of further repetitive applications (Aliyev v Azerbaijan, § 223).⁴

In a context of repression aiming at the total silencing of independent civil society, targeting in particular human rights defenders and lawyers, journalists and media workers, independent academics and researchers, as well as political activists and environmental activists, we call upon the Council of Europe through you to:

² Council of Europe’s Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, “Council of Europe anti-torture Committee issues public statement on Azerbaijan”, 3 July 2024, available at <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-issues-public-statement-on-azerbaijan>.

³ On 8 August 2024, NGOs with a long-standing engagement on Azerbaijan and well-established legal authority submitted information to the Committee of Ministers on the continued nature of repression affecting the applicants of the Mammadli Group of cases of the European Court of Human Rights, available at <https://free-anar.site/rule-9-2-submission-on-mammadli-group/>.

⁴ About the Aliyev v Azerbaijan judgement, analysis by the European Human Rights Advocacy Centre available at https://ehrac.org.uk/en_gb/key-ehrac-cases/aliyev-v-azerbaijan/.

- Ahead of and at the occasion of the next Vaclav Havel award ceremony, call for the **release of Anar Mammadli and other human rights defenders and civil activists, environmental activists, and journalists whose arrests are politically motivated**; use all vehicles in doing so, including through increased pressure on Azerbaijan's government to implement the cases of the Mammadli Group of judgements of the European Court of Human Rights;
- Call for a total **review, in accordance with Council of Europe Venice Commission findings, of the legislation designed to target human rights defenders and civil society and criminalise their activities**; make clear that none of such legislation should be used to further arrest and prosecute such individuals ahead of PACE's reconsideration of the credentials of Azerbaijan's delegation;
- Ensure that as you participate to COP29, you **avoid to contribute to Azerbaijan self-satisfaction through high-level political endorsement of the COP29 host country's political leadership**; condemn Azerbaijan's blacklisting of individuals critical of the government to prevent their presence in Azerbaijan during COP29, including human rights defenders and lawyers, journalists and media workers, independent academics and researchers, political and environmental activists, as well as MPs, including members of PACE.

We believe the engagement with Azerbaijan of the new Secretary General of the Council of Europe will be crucial in creating new venues to bring Azerbaijan to a level of implementation of obligations under the European Convention on Human Rights and commitments made by Azerbaijan upon joining the institution.

Sincerely yours,

Signatories:

Anar Mammadli Campaign to end repression in Azerbaijan

Centre for Civil Liberties, Ukraine

Civil Network Opora, Ukraine

European Exchange

European Human Rights Advocacy Centre

European Platform for Democratic Elections

Federazione Italiana Diritti Umani (FIDU)

Front Line Defenders

Helsinki Foundation for Human Rights, Poland

Human Rights Centre Georgia

International Federation for Human Rights (FIDH), within the framework of the Observatory for the Protection of Human Rights Defenders

International Partnership for Human Rights (IPHR)

Netherlands Helsinki Committee

Norwegian Helsinki Committee

Political Accountability Foundation, Poland

Resource Center for Democracy and Human Rights, Moldova

World Organisation Against Torture (OMCT), within the framework of the Observatory for the Protection of Human Rights Defenders

ZMINA Human Rights Center, Ukraine

Contact details, on behalf of the signatories:

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The Anar Mammadli Campaign is managed by Progress & Change Action Lab, at the behest of Azerbaijani lawyers, human rights defenders, and their organisations. Azerbaijani human rights defenders and NGOs through their pro-bono contributions support the Campaign, which benefits from their invaluable endorsement.