

Guide to a Crime Scene

Azerbaijan and the Council of Europe 2022-2024

**State repression, those who fight it and
a “black is white” Secretary General**



Ilham and Gubad – president and dissident

ESI Background Paper
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How to celebrate the first 75 years? (1949-2024)

PROTAGONISTS

The “Black is white” Secretary General

Marija (Pejčinović Burić) Secretary General of the Council of Europe since 2019

Petr (Sich) Head of Council of Europe office in Moscow (2013-2022)
Head of Council of Europe office in Baku since 2022



Marija



Petr

“On the rule of law, there has been **important progress** too ... nearly 500 journalists and civil society representatives have been trained on Council of Europe standards on gender equality and media freedom.”¹ Marija, speech in Baku, 5 April 2022

“Petr Sich presented an update on the cooperation activities between the Council of Europe and Azerbaijan and their **positive results ... strengthening justice ... promoting media professionalism and freedom of information**, improving execution of the judgements of the European Court of Human Rights and youth.”²

Council of Europe office in Baku, April 2023

¹ Council of Europe, [Speech delivered by Secretary General Buric at the launch of the Action Plan for Azerbaijan \(2022-2025\) in Baku](#), 5 April 2022.

² Council of Europe, [Meeting between the Head of the Council of Europe Office in Baku and the Minister of Foreign Affairs of the Republic of Azerbaijan](#), 4 April 2023.

A dictator and his minister



*Ilham Aliyev
President since 2003*



*Fikret Mammadov
Justice Minister 2000-2024*

“Is it once again ... some sort of game being played with us?! The Chancellor of Germany [*Olaf Scholz*] demonstrates impartiality ... while a member of his party [*Frank Schwabe*] tries to get rid of Azerbaijan from the Council of Europe, get rid of one of the two non-Christian countries, and does it deliberately, openly.”³

Ilham Aliyev, complaining to German businesspeople, 28 February 2024

“... the design and construction of new penitentiary institutions is carried out taking into account advanced international practice.”⁴

Fikret Mammadov, interview, 29 November 2021



Kurdakhani Detention Centre, scene of abuse and torture

³ President of the Republic of Azerbaijan, [Ilham Aliyev has received the delegation led by Managing Director of the German Eastern Business Association](#), 28 February 2024.

⁴ Judicial-Legal Council of Azerbaijan, [Adliyye naziri Fikret Mammadov: ‘Problemlerden danisirken ...’](#), 29 November 2021.

(Some) victims of repression*Bakhtiyar (in jail)**Sevinj (in jail)**Aziz (in jail)**Akif (in jail)*

Leyla Yunus, a former political prisoner herself, arrested in 2014 and now based in the Netherlands, maintains the best list of political prisoners, based on a definition and criteria adopted by PACE in 2012. Updated regularly, the list shows a dramatic trend:

Yunus lists of political prisoners⁵

Month	Nr. Prisoners
February 2023	93
April 2023	182
July 2023	202
October 2023	235
December 2023	254
March 2024	288

⁵ Institute for Peace and Democracy, [Lists of political prisoners](https://www.esiweb.org).

Ulvi's letter from prison (February 2024)



In February 2024, journalist Ulvi Hasanli [published this open letter to his daughter](#).

“My beautiful daughter Suad! I miss you ...

When we were arrested, you were not even walking yet. But a month ago, during one of the hearings, my lawyer, Zibeyde, told me you are now walking. Perhaps these are your most beautiful and adorable times ... I wished to see these moments and live them. I say “I wished” because not a day went by that we did not expect our imminent arrest for investigating and exposing the corruption that has stolen today and the future of Azerbaijan. And that is exactly what happened. We got arrested. Because Azerbaijan has turned into the world’s most repressive country ...

My dearest daughter, you are not old enough to read what I write today. But I write this letter because I ask for your forgiveness for not being by your side and for you not to blame me in the future once you understand what happened.

Beautiful Suad, all Abzas Media journalists have been isolated in the harshest terms since their arrest three months ago. We were banned from seeing our loved ones, to hear their voices over the phone. They violently prevented me from hugging even you, an 18-month-old baby for just five to ten seconds. I still cannot see or embrace you. The totalitarian Soviet regime has been re-established in Azerbaijan, while the Soviet mentality governs the country. Today, children are being punished because of their fathers, mothers, and parents because of their children. Our mothers are prevented from retrieving their sole income – their pensions – because their cards are blocked, while our friends’ bank accounts have been frozen, and they are banned from leaving the country.

For the first time in Azerbaijan’s history of independence, a media organization is faced with total repression as a result of its critical work and investigations. As if it was not enough to arrest us, they are taking revenge on us by intimidating our family members and friends indiscriminately ... My dear daughter, I could have written this letter personally to you. But I thought it was important to publish it publicly because it is important today and for historical records. In the future, when you read this letter, you will understand better what dark times Azerbaijan went through. This is all for now, my daughter.

With Love, Ulvi”

Gubad's letter from prison (February 2024)



“Dear members of the Euronest,

I, Gubad Ibadoghlu, Europe-UK based Azerbaijani academic, democracy advocate and regime critic, am greeting you from Baku Detention Centre! I am writing from a windowless, smelly, humid, damp and sultry cell overfilled with insects. Conditions in the detention facility are atrocious, cells are crowded with mostly innocent people ... I am one of them.

My research focuses on “Petro-Authoritarianism” in Azerbaijan, Russia, and Kazakhstan. While abroad ... I meticulously documented a vast scheme orchestrated by Azerbaijan’s elite, including Aliyev’s own offspring, to hide their stolen riches in foreign properties and assets. In the article I worked on right before my arrest I investigated and exposed a scheme under which Azerbaijan is reselling Russian gas to the EU. All this research is the reason for my imprisonment. **However, my imprisonment is not an isolated incident; it is part of a larger crackdown on civil liberties and dissent in Azerbaijan that has included the arrests and harassment of other political dissidents, journalists, and activists.**

My health has deteriorated due to poor detention centre conditions ... In prison I don’t have access to proper medical care or adequate medications. The Azerbaijani authorities have repeatedly denied my requests to be examined by an independent doctor. They have also at least 3 times denied the International Committee of the Red Cross to get access to me. I have been an outspoken critic of the systemic corruption surrounding Azerbaijan’s ruling elite. Azerbaijani authorities misused the criminal justice system to target me for my peaceful criticism and dissent. **My dreadful jail situation is putting my life at risk. Therefore, urgent action is required to save my life in prison. Otherwise, it will be late, most probably I will be the next victim after Navalny.**

I know I am not confronting these challenges alone: you and your colleagues stand united in solidarity with me The European Union has a lot of connections with the Government of Azerbaijan, such as energy cooperation, the gas deal and supporting COP29 ... The European Commission and the European Parliament should prioritize human rights, democracy, and anti-corruption during bilateral cooperation with the Government of Azerbaijan. Human rights should not be downplayed, they are not for sale.

Sincerely, Gubad Ibadoghlu

P.S. If convicted, I could face up to 17 years in prison.”

Fighters for human rights in PACE



Hannah (UK)



Sunna (Iceland)



Lise (Norway)



Kostis (Cyprus)



Mogens (Denmark)



Frank (Germany)

Hannah (Bardell)
Sunna (Aevarsdottir)
Lise (Christoffersen)

Rapporteur for safety of journalists in Azerbaijan
Rapporteur for political prisoners
Rapporteur for monitoring Azerbaijan

Kostis (Constantinos Efstathiou)
Mogens (Jensen)
Frank (Schwabe)

Rapporteur for torture / ECHR judgements
Rapporteur for media freedom
Group Leader, Socialists, Democrats and Greens

“At least 18 journalists and media actors are currently in detention ... allegations of torture and ill-treatment by the police and other law enforcement agencies remain of major concern ... Azerbaijan is one of the countries having the highest number of non-implemented Court judgments ... it is clear that a number of outstanding serious concerns with regard to the rule of law, pluralist democracy and human rights remain unaddressed in Azerbaijan, as illustrated by numerous judgments of the European Court of Human Rights, opinions of the Venice Commission, Assembly’s resolutions and various credible reports ... **All this puts into question the country’s will to respect the basic principles enshrined in Article 3 of, and the Preamble to, the Statute of the Council of Europe ...**”

(23 January 2024, PACE Monitoring Committee, Mogens Jensen)

The (still) silent Committee



Ambassadors in the Committee of Ministers in Strasbourg

On 24 January this year, the Parliamentary Assembly of the Council of Europe (PACE) voted overwhelmingly to suspend the Azerbaijani delegation from the Assembly. So far, the Committee of Ministers of the Council of Europe has not responded either to PACE's decision, or to the dramatic deterioration of human rights that prompted it.

Considering the lessons of past failings regarding Putin's Russia, the Committee of Ministers could break its silence with a strong message on the 75th anniversary of the Council of Europe:

There can be no political prisoners in any Council of Europe member state.

Both PACE and the Committee of Ministers want Azerbaijan to remain a member of the Council of Europe. However, to remain a member, Azerbaijan must release its political prisoners now.

If it does not do so, the Committee of Ministers will follow the lead of PACE and suspend Azerbaijan's membership, based on Article 8 of the statutes, before August 2024. If it does so, PACE will restore the credentials of the Azerbaijani delegation.

References

Institutions

CoE	Council of Europe
PACE	Parliamentary Assembly of the Council of Europe
ECtHR	European Court of Human Rights
CoM	Committee of Ministers

Council of Europe key actors

Kostis (Constantinos Efstathiou)	Rapporteur for torture / ECtHR judgements
Frank (Schwabe)	Group Leader of the Socialists, Democrats and Greens
Hannah (Bardell)	Rapporteur for safety of journalists in Azerbaijan
Lise (Christoffersen)	Rapporteur for monitoring Azerbaijan
Mogens (Jensen)	Rapporteur for media freedom
Sunna (Aevarsdóttir)	Rapporteur for political prisoners
Marija (Pejčinović Burić)	Secretary General of the Council of Europe since 2019
Petr (Sich)	Head of Council of Europe office in Moscow (2013-2022)
	Head of Council of Europe office in Baku since 2022

(recent) Victims of repression

Bakhtiyar (Hajiyev)	Dissident (in jail)
Gubad (Ibadoghlu)	Economist and political activist (in jail)
Ulvi (Hasanli)	Director of Abzas Media (in jail)
Mahammad (Kekalov)	Deputy at Abzas Media (in jail)
Sevinc (Vaqifqizi)	Editor-in-chief of Abzas Media (in jail)
Elnara (Gasimova)	Journalist at Abzas Media (in jail)
Nargiz (Absalamova)	Journalist at Abzas Media (in jail)
Ilhamiz (Guliyev)	Whistleblower and former police officer (in jail)
Hafiz (Babali)	Editor at Turan news (in jail)
Mahammad (Mirzali)	Dissident blogger (in exile in France)
Aziz (Orujov)	Director of Channel 13 (in jail)
Akif (Gurbanov)	Founder of Toplum TV (in jail)
Ruslan (Izzatli)	Pro-democracy activist (in jail)
Tofik (Yagublu)	Opposition politician (in jail)

Government in Baku

Ilham (Alijev)	President of Azerbaijan since 2003
Fikret (Mammadov)	Minister of Justice of Azerbaijan 2000 – 2024

DARKNESS IN AZERBAIJAN



Bakhtiyar

On 21 April 2022, four masked men abduct Bakhtiyar [Hadjiyev], a human rights activist, in his hometown Ganja, the country's third largest city. This is not the first time Bakhtiyar experiences state repression. He had returned to his country in 2009 after studying at Harvard and decided to run as an independent candidate in the parliamentary elections in November 2010. After he denounced widespread election fraud, he was detained by the police. Unfazed, he set up a youth movement and called for a day of protest.⁶ Within hours, he was arrested again.⁷ He was held in pre-trial detention for two months, beaten, tortured, and threatened with rape.⁸ In May 2011, he was sentenced to two years in prison “for military draft evasion.”⁹ Widespread international condemnation followed, with demands for his release from the US government and the European Parliament. He was finally let go in June 2012.

Ten years later, in April 2022, he is once again beaten and tortured, warned not to post critical messages about the interior minister and then abandoned, bound, and blindfolded, in a remote area.¹⁰ On 9 December 2022, a few months later, Bakhtiyar is arrested once again. This time he is charged with hooliganism and disrespect for courts.¹¹ He is kept in a cell without heating and forced to sleep on the floor in unsanitary conditions.¹² Like many political prisoners, he is detained in the notorious Kurdakhani Detention Center known for torture and ill treatment. He is still there now.

On 23 July 2023, the renowned economist and opposition activist Gubad [*Ibadoghlu*] is arrested with his wife. He is on his way to a city North of Baku for a meeting. He is taken to the *Main Directorate for Combating Organized Crime* in Baku, notorious for torturing prisoners. His wife is released after several hours. He is sentenced to pre-trial detention in the Kurdakhani Detention Center.

Gubad founds the *Economic Research Center* (ERC) in Baku in 1999, researching how oil and gas revenues fuel corruption and authoritarianism in post-Soviet states. In 2013, ERC is closed by the authorities, its bank account frozen. Amidst a huge crackdown on civil society in 2014, Gubad leaves the country. He is then charged with “abuse of power, tax evasion, and illegal business.”

⁶ *Radio Free Liberty*, [“Azerbaijani Activists Under Pressure Ahead Of Protest Day”](#), 7 March 2011.

⁷ Human Rights Watch, [Azerbaijan: Activist Sentenced in Political Trial](#), 19 May 2011; Freedom Now, [Bakhtiyar Hajiyev](#), accessed on 28 March 2024.

⁸ Human Rights Watch, [Azerbaijan: Activist Sentenced in Political Trial](#), 19 May 2011.

⁹ Human Rights Watch, [Azerbaijan: Activist Sentenced in Political Trial](#), 19 May 2011.

¹⁰ PACE, [Threats to life and safety of journalists and human rights defenders in Azerbaijan - Introductory Memorandum](#), 23 March 2023.

¹¹ PACE, [Threats to life and safety of journalists and human rights defenders in Azerbaijan - Introductory Memorandum](#), 23 March 2023.

¹² Freedom Now, [Bakhtiyar Hajiyev](#), accessed on 28 March 2024.



Gubad

From 2013 to 2016, Gubad is a civil society board member of the international *Extractive Industries Transparency Initiative* (EITI), until his country is expelled. He provides information on extractive industries and the state-owned energy company SOCAR.¹³ Gubad works as a researcher in the US and in the UK. The criminal case against him is later dropped. In 2021, Gubad returns briefly to Azerbaijan and founds the *Democracy and Welfare Party*. The Ministry of Justice refuses to register it. In the UK, Gubad advocates for money confiscated from Azerbaijani elites in money laundering cases to be used to fund students from Azerbaijan to study abroad.

In July 2023, Gubad visits his sick mother in Azerbaijan with his family. While in the country he publishes an article on the 2022 EU-Azerbaijani gas deal, noting that Azerbaijan does not have the gas reserves it plans to export to the EU and is likely planning on reexporting Russian gas. On 23 July, two days after he shares this, Gubad is arrested and charged with “manufacturing and selling counterfeit money.” The Ministry of Interior also accuses him of being involved in the Gulen movement, considered a terrorist organization in Turkey. If convicted, he faces many years in prison. In detention, he is denied essential medication, despite suffering from heart disease, diabetes, and high blood pressure. Before his arrest, Gubad had heart surgery. His health situation worsens. He struggles to walk.

There is widespread international condemnation of his arrest: PACE, the European Parliament, European External Action Service, UN rapporteurs and the US Senate all call for his release and access to a doctor. And yet, his pre-trial detention continues.



Sevinj, Ulvi, Mahammad (Abzas media)

¹³ EITI, [Azerbaijan publishes company by company data](#), 15 September 2015.

On 20 November 2023, journalist Ulvi [*Hasanli*] is detained by masked police, brought to the Baku General Police Department and beaten. Ulvi is the founder and director of the media outlet *Abzas* (“paragraph” in Azeri), known for investigative journalism exposing the corruption of authorities, including the Aliyev family, as well as corruption in the reconstruction of Nagorno-Karabakh. The media website has been targeted many times since 2016.¹⁴ In June 2023, Ulvi was already detained after *Abzas* reported on a brutal police crackdown in a village against residents who had protested over toxic waste.¹⁵

Mahammad [*Kekalov*], Ulvi’s deputy, is also arrested. Officers in civilian clothes pick him up from his house. His mother is not informed about his whereabouts for two days. Sevinj [*Vagifgizi*], the chief-editor of *Abzas*, is informed about Ulvi’s arrest while at Istanbul airport. She records a video there before boarding her plane back to Azerbaijan: “I couldn’t bear to live abroad, while Ulvi is in jail ... I would rather die in Azerbaijan, instead of having a heart attack in Paris.” She is immediately arrested upon arrival in Baku.

Ulvi, Mahammad and Sevinj are all placed in pre-trial detention, charged with “smuggling foreign currency” and imprisoned in Kurdakhani Detention Center.¹⁶ They face many years in prison. The Committee to Protect Journalists, International Press Center, Freedom Now, PACE, the EU and the US demand their release. Instead, more of their colleagues from *Abzas* are arrested in the following weeks: Nargiz [*Absalamova*] on 30 November, Elnara [*Gasimova*] on 13 January 2024.



Nargiz



Elnara

On 29 November 2023, Aziz [*Orujov*], the director of another independent online media, Channel 13, is arrested at his home. A video depicts his three-year-old daughter hugging her father before he is taken away. Aziz was detained already in 2017.¹⁷

On 4 December 2023, Ilhamiz [*Guliyev*], a former police officer, is arrested. After the office of *Abzas media* was raided, the police likely identified him as an anonymous interviewer who had told *Abzas* in October 2023 about the widespread practice of the police to plant drugs on suspects.¹⁸ He is now charged with ... drug possession.¹⁹ If found guilty he faces up to 12 years in prison.

¹⁴ Global Voices, [Little Suad received a letter from her father detained in Azerbaijan](#), 1 March 2024.

¹⁵ Amnesty International, [Azerbaijan: Significant concerns about detained journalist Ulvi Hasanli](#), 20 November 2023.

¹⁶ Global Voices, [Little Suad received a letter from her father detained in Azerbaijan](#), 1 March 2024.

¹⁷ *Washington Post*, [“An Azerbaijan crackdown against journalists”](#), 2 December 2023.

¹⁸ *Abzas*, [Keçmiş polis əməkdaşı: “Sənədləşdirilməyən narkotik vasitələr siyasi həbslərdə istifadə olunur”](#), 27 September 2023.

¹⁹ *OC Media*, [“Azerbaijan arrests ninth media worker in ongoing crackdown”](#), 15 January 2024.



Aziz and his three-year-old daughter

Ilhamiz

On 6 March 2024, police raid the offices of Toplum TV, whose editor-in-chief is the well-known journalist and human rights defender, Khadija Ismayilova. The journalists present on the premises are arrested.²⁰ Police also arrest pro-democracy activists from the Institute for Democratic Initiatives (IDI), Akif Gurbanov and Ruslan Izzatli, who advocate for free elections in Azerbaijan. Akif was one of the founders of Toplum TV.



Khadijha – Akif – Ruslan

²⁰ *Voice of America*, [“Journalists Arrested in Raid on Azeri Media Outlet”](#), 8 March 2024. “On Friday, police made additional arrests, including Toplum TV’s co-founder Alasgar Mammadli. As well as Mammadli, three of Toplum TV’s journalists – video editor Mushfiq Jabbar, reporter Farid Ismayilov and social media manager Elmir Abbasov – remain in custody, on charges of smuggling.”

THE SECRETARIAT OF “BLACK IS WHITE”

The Secretary General (SG) heads the secretariat responsible for the day-to-day organization of the Council of Europe. On behalf of the Committee of Ministers, she is responsible for strategic planning, the work programme and budget. She is appointed by the Parliamentary Assembly, following the recommendation of the Committee of Ministers, for five years.

The Council of Europe has had three secretary generals since 2004: Terry Davis (2004-2009) from the UK, Thorbjorn Jagland (2009-2019) from Norway, and Marija (Pejčinović Burić, 2019-2024), the former Croatian Foreign Minister.

2014 was the most absurd year in the history of the Council of Europe, encapsulating the era of Secretary General Jagland from 2009 to 2019. Jagland ignored the capture and manipulation of PACE election observation missions in 2010, 2013 and 2015.²¹ He did not react to reports about caviar diplomacy in Strasbourg from 2012 onwards; he barely reacted to the imprisonment of Azerbaijan’s leading human rights activists; and he ended up whitewashing the regime’s human rights record in 2014 through an initiative that has continued until today: Human Rights Action plans, agreed with the Baku government, funded by the Council of Europe.²²



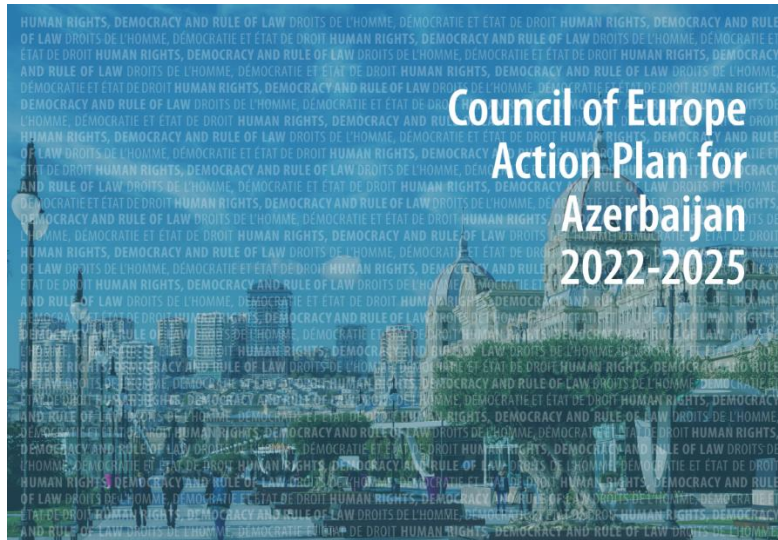
Marija with Justice Minister Fikret in Baku

On 5 April 2022, Secretary General Marija travels to Baku. A repressive new media law has just entered into force. Protesting journalists have met with police violence. The government in Baku has not allowed the publication of the most recent (2020) report by the Council of Europe Committee for Prevention of Torture. At the time she arrives, there are 125 political prisoners.

Marija acts as if she is unaware of all of this. She comes to Baku to present a new four-year Human Rights Action Plan. This 58-page document looks backwards, to what has been achieved in Azerbaijan since 2014, and forwards, to what is to be achieved in the next four years with more funding from Strasbourg.

²¹ ESI, [Disgraced - Azerbaijan and the end of election monitoring as we know it](#), November 2013.

²² [ESI: The failure of Jagland, November 2014.](#)



A document of deception

The new Action Plan has been prepared by her staff, including the office of the Council of Europe in Baku, and the authorities in Baku. The budget of € 9.6 million will be raised by the Council of Europe.²³

Its magic lies in a “strategic triangle” of “cooperation, standard-setting, and monitoring.”

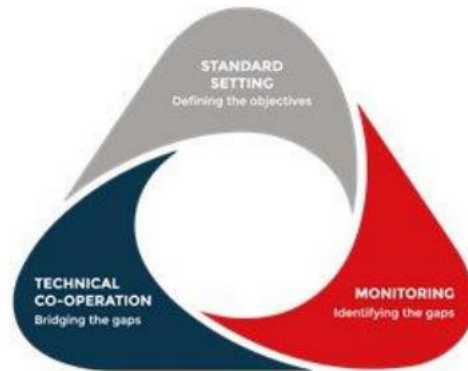


Figure 1: Council of Europe strategic triangle

From the Action Plan for Azerbaijan 2022-2025

At the outset, the new Plan lists what the two previous Action Plans have achieved. It is a surreal read. Take media freedoms: While *Reporters Without Borders* notes that “President Ilham Aliyev has wiped out any semblance of pluralism, and since 2014, has sought ruthlessly to silence any remaining critics” the Action Plan highlights only achievements. Since 2014, these include:

“Curricula on ‘Journalism Ethics’ and ‘Media and Freedom of Expression’, including four textbooks, were developed for use in universities.

250 journalists from different regions of Azerbaijan were trained in freedom of expression and the right to privacy offline and online.”

²³ This is the third action plan with Azerbaijan. 1st Action Plan: 2014 – 2017 (11.8 million €). 2nd Action Plan: 2018 – 2021 (8.7 million €). 3rd Action Plan: 2022 – 2025 (9.6 million €).

While *Reporters Without Borders* writes that ...

“Virtually the entire media sector is under official control ... No independent television or radio is transmitted from within the country, and all print newspapers with a critical stance have been shut down. Most independent news sites, such as Azadliq and Meydan TV, targeted by state censorship, are based abroad.”²⁴

... the new Action Plan announces: “... the Council of Europe and the authorities of Azerbaijan have jointly identified new areas for co-operation ... including notably ... ensuring and protecting freedom of expression.” It promises to achieve this through a “multi-stakeholder dialogue on how to improve the national legislation on defamation and journalistic practice.”

What makes this appear even more cynical is the fact that a new Media Law is adopted by the Parliament of Azerbaijan in December 2021. Radio Free Europe describes it as “draconian.”²⁵ Reporters Without Borders says it would “legalise censorship.”²⁶ Journalists in Azerbaijan who protest are met with police violence. Then, on 2 February 2022, six days before the law enters into force, the PACE *Monitoring Committee* turns to the Venice Commission and asks for an evaluation: Does the Media Law respect the standards of the European Convention of Human Rights (ECHR)?

Article 10 ECHR: “Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.”

The Venice Commission, short for *European Commission for Democracy through Law*, is an advisory body of the Council of Europe. It was founded in Venice in 1990. From this it takes its emblem: the lion of Venice, with wings, a halo, and an open book. It meets four times a year at the *Scuola Grande di San Giovanni Evangelista* (Great School of St. John the Evangelist) in Venice and adopts draft opinions in plenary sessions, providing legal advice to 61 states (15 of which are not members of the Council of Europe) on democratic institutions, fundamental rights, constitutional justice, and minority rights. It has more than 100 members, including university law professors and both former and present supreme and constitutional court judges. Member states and Council of Europe bodies can request opinions from the Venice Commission to evaluate whether a certain law meets democratic and human rights standards.

²⁴ Reporters Without Border, [Azerbaijan](#), accessed on 28 March 2024.

²⁵ Venice Commission, [Azerbaijan – Law on Media](#), 7 April 2022; *Radio Free Europe*, [“A New Draconian Media Law In Azerbaijan Gives The Government The Power To Decide What's News”](#), 20 February 2022.

²⁶ Reporters Without Borders, [RSF calls for revision of Azerbaijani bill legalising censorship](#), 30 December 2021.



Scuola Grande di San Giovanni Evangelista, Venice – Emblem

On 20 June 2022, the Venice Commission opinion on the Media Law is published. This is its most harsh assessment on this issue ever.²⁷ It concludes that key provisions of the Media Law “are not in line with European standards on freedom of expression and media freedom”: “the Law should not be implemented as it stands.”²⁸ Among provisions which do not meet the requirements of the ECHR are:

- Article 14, which limits what information media may publish. The Commission concludes that this is not a “justifiable interference with the right to freedom of expression” and that “restrictions outlined in Article 14 of the Law ... are too ambiguous, leaving too much room for arbitrary interpretation and thereby lacking foreseeability ... it cannot be accepted that they pursue a legitimate aim.”
- Article 21, which limits all use of secret recordings and photographs to situations where the person recorded provides written consent first. The Commission concludes that this “seems disproportionate and unworkable and should therefore be revoked.”
- Article 65, which regulates the suspension of media organisations. The Commission notes that the reasons given there “cannot be related to any of the aims outlined in Article 10 ECHR and are additionally not proportionate to the aims pursued.”
- Article 74, which requires that all journalists apply for inclusion in a media register. The Commission concludes that “these provisions, and in particular the conditions as regards education, contract, experience and criminal convictions and the provision of detailed personal information, would need to be repealed, in order to offer the possibility to a wide range of actors engaged in journalist activities to register as journalists ... in line with the requirements of the ECHR.”

The assessment is clear: this law is not in line with the freedom of media guaranteed in the European Convention on Human Rights. In March 2023, PACE rapporteur Hannah refers to this new law in a report where she warns about “the adoption of draconian laws to control the

²⁷ Venice Commission, [Opinion on the Legislation Pertaining to the Protection against Defamation of the Republic of Azerbaijan](#), 14 October 2013.

²⁸ Venice Commission, [Azerbaijan – Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law \(DGI\) of the Council of Europe on the Law on Media, adopted by the Venice Commission at its 131st Plenary Session](#), 20 June 2022.

media and curtail freedom of expression.”²⁹ In June 2023, PACE rapporteur Lise makes a similar public statement: “We [rapporteurs] remain worried about the restrictions on the right to freedom of expression and in particular the impact on the situation of media, journalists and bloggers of the Law on Media ... We call on the authorities to amend it without delay, in line with the Venice Commission opinion ...”³⁰

Azerbaijan ignores all criticism. And so does Marija, the Secretary General. In Baku in April 2022, Marija once again praises the fact that “nearly 500 journalists and civil society representatives have been trained on Council of Europe standards on gender equality and media freedom.”³¹ The fact that Azerbaijan just passed the most restrictive media law anywhere in Europe and that the remaining independent journalists live in permanent danger of being arrested or attacked makes promises of a “multistakeholder dialogue” and more “training on media freedom” appear like the darkest sarcasm.

It gets worse. The Action Plan also refers only in passing to the implementation of judgements by the European Court of Human Rights. Here too, it celebrates “trainings” as “achievements”:

“Training of legal professionals was one of the priorities under the previous Action Plans for Azerbaijan 2014-2017 and 2018-2021 ... in total 533 legal professionals (74% men and 26% women) increased their knowledge of European human rights standards in different regions of Azerbaijan (Ganja, Mingachevir, Shirvan) with the help of the national trainers (during 20 training sessions) over the period 2018-2020.”³²

What matters is what is *not* mentioned. After all, Marija’s secretariat regularly publishes country factsheets on the implementation of ECtHR judgements.³³

All ECtHR cases closed until 19 April 2021

Country	All cases	Cases closed	% closed
UK	451	440	98
France	1050	1015	97
Italy	4265	4077	96
Poland	1741	1647	95
Germany	233	218	94
Serbia	540	492	91
...
Turkey	4153	3526	85
Romania	1824	1475	81
Hungary	1071	783	73
Bosnia	128	86	67
Ukraine	1702	1115	66
Moldova	505	335	66
...
Russia	3093	1266	41
Azerbaijan	289	43	15

²⁹ PACE, [Threats to life and safety of journalists and human rights defenders in Azerbaijan - Introductory Memorandum](#), 23 March 2023.

³⁰ PACE, [PACE Rapporteurs: issues of serious concern persist in Azerbaijan despite some steps taken to meet Council of Europe commitments](#), 13 June 2023.

³¹ Council of Europe, [Launch of the Action Plan for Azerbaijan](#), 2022-2025, 5 April 2022.

³² Council of Europe, [Action Plan for Azerbaijan 2022-2025](#), 1 February 2022.

³³ Council of Europe, [Country factsheets](#).

In mid-2021, while the new Action Plan is being put together, these show that no country performs worse than Azerbaijan. Russia had closed *less than half* of all cases (ECtHR judgement and settlements). Azerbaijan only 15 percent.

Baku's record concerning those ECtHR cases which the Committee of Ministers considers particularly important – priority cases under a so-called “enhanced supervision” – is just as bad. Most Council of Europe members try to close such priority cases as quickly as possible – 15 countries then had no priority cases open, 36 countries five or less. Azerbaijan had closed just one (!) of 19 priority cases since it joined the Council of Europe in 2001.

Would raising such facts have been impolite? In her Baku speech in April 2022, Marija refers instead to the many “tangible results that have already been delivered”, including this:

“Through our online HELP Programme, nearly 1,000 legal professionals from across Azerbaijan have increased their understanding of European human rights standards ...”

HELP is a website that offers online courses to legal professionals anywhere. How such “increased understanding” helps defence lawyers in a legal system where judges and prosecutors are tightly controlled by Marija's host, the minister of justice, is not explained. After all, Marija notes: “On the rule of law, there has been important progress too.” And as the Action Plan writes: “Since 2014 technical co-operation has led to improvements in the efficiency of the Azerbaijani courts and the quality of judicial services.”

Marija's host Fikret (Mammadov), Minister of Justice of Azerbaijan since 2000, must have been pleased.³⁴ He welcomed many Secretary Generals before her. Born in 1955 in Baku, he graduated from the Faculty of Law of Moscow State University. By 1979, he was already a senior prosecutor in Soviet Baku. In 1994, he became Azerbaijan's deputy general prosecutor and in 2000 minister of justice under Ilham Aliyev's father.³⁵ A young reformer he is not.

On 21 April 2022, a few days after Marija leaves Baku, four masked men abduct well-known human rights activist Bakhtiyar, and beat and torture him.

Marija's departure leaves the Action Plan in the hands of the Council of Europe Office in Baku. In September 2022, Petr Sich is appointed to head this office, with some 12 staff.³⁶ Sich is one of the most experienced officials in the secretariat. He knows Azerbaijan well, and since a long time. He took part in an election observation mission to Azerbaijan in 1995.³⁷ He went there again in 1998.³⁸ He becomes secretary to the Bureau of the Assembly in 2005.³⁹ From 2006 to 2010, he heads the private office of PACE president René van der Linden.⁴⁰ He keeps this

³⁴ Ministry of Justice of Azerbaijan, [Fikret Mammadov's curriculum vitae](#), 2003.

³⁵ Ministry of Justice of Azerbaijan, [Fikret Mammadov's curriculum vitae](#), 2003.

³⁶ Council of Europe Office in Baku, [Our team](#), accessed on 28 March 2024; Council of Europe, [Quarterly report of Council of Europe Offices July-September 2022](#), 29 November 2022.

³⁷ PACE, [Avant-projet de rapport d'information sur les élections parlementaires en Azerbaïdjan \(9-13 novembre 1995\)](#), 18 December 1995; PACE, [Relations With The Republic Of Azerbaijan Report on the meeting with a delegation of senior officials from Azerbaijan \(Strasbourg, 27-28 November 1995\)](#), 13 December 1995.

³⁸ PACE, [Observation of presidential elections in Azerbaijan \(11 October 1998\)](#), 3 November 1998; PACE, [Commission ad hoc pour l'observation des élections présidentielles en Azerbaïdjan \(11 octobre 1998\) Projet de rapport de la mission d'observation de l'Assemblée Parlementaire](#), 23 October 1998.

³⁹ PACE, Memorandum on the visit of the Secretary General of the Parliamentary Assembly to Armenia, Azerbaijan and Georgia on 30 June - 5 July 2004, 20 July 2004.

⁴⁰ PACE, [Conference on Belarus jointly organised by the Parliamentary Assembly of the Council of Europe and the Ministry of Foreign Affairs of the Czech Republic – Summary Proceedings](#), 10 April 2006; PACE,

position under PACE presidents Mevlüt Çavuşoğlu⁴¹ and Jean Claude Mignon.⁴² In 2013, he is appointed to head the Council of Europe Office in Russia.⁴³



Petr with Foreign Minister in Baku

On 4 April 2023, four months after Bakhtiyar’s arrest, Sich meets the Foreign Minister of Azerbaijan. The Council of Europe website sums up what happened:

“Petr Sich presented ... positive results. He expressed high appreciation for the very supportive coordinating role of the Ministry of Foreign Affairs of Azerbaijan ... strengthening justice ... promoting media professionalism and freedom of information, improving execution of the judgements of the European Court of Human Rights and youth.”⁴⁴

At that moment, the number of political prisoners stands at 182. Three months later, in July 2023, Gubad is arrested and imprisoned in *Kurdakhani*. On 20 September, the European Court of Human Rights orders Azerbaijan to transfer him to a hospital if needed, an interim measure based on “an imminent risk of irreparable damage” and “threat to life.”⁴⁵ The Ministry of Justice in charge of implementing the decision ignores the Court. Gubad is denied medication. External doctors and the International Committee of the Red Cross are repeatedly denied access.

[Communication of the President of the Parliamentary Assembly of the Council of Europe Mr René van der Linden, to the Bureau of the Parliamentary Assembly](#), 23 January 2006; PACE, [28 September-2 October 2009](#), 2 October 2009; PACE, [25-29 janvier 2010](#), 29 January 2010; Council of Europe, [Proceedings/Actes High Level Conference on the Future of the European Court of Human Rights](#), 19 February 2010.

⁴¹ Council of Europe, [Proceedings/Actes High Level Conference on the Future of the European Court of Human Rights](#), 27 April 2011; PACE, [Procès-verbal de la réunion tenue à Paris le 11 mars 2011](#), 8 April 2011; PACE, [23-27 April 2012](#), 27 April 2012; PACE, [25-29 juin 2012](#), 29 June 2012; PACE, [1-5 octobre 2012](#), 5 October 2012.

⁴² PACE, [Procès-verbal de la réunion tenue à Erevan \(Arménie\) le 31 mai 2013](#), 22 June 2013.

⁴³ Council of Europe, [Speaking Notes of the Secretary General to the 1175th meeting of the Ministers’ Deputies \(3 July 2013\)](#), 3 July 2013.

⁴⁴ Council of Europe, [Meeting between the Head of the Council of Europe Office in Baku and the Minister of Foreign Affairs of the Republic of Azerbaijan](#), 4 April 2023.

⁴⁵ European Court of Human Rights, [General presentation of interim measures](#), accessed 24 March 2024.



Marija with the chief of State Security Service of Azerbaijan, Ali Naghiyev, in Strasburg

Six weeks later, on 30 October 2023, Marija welcomes the chief of the State Security Service of Azerbaijan, a former member of the Soviet KGB, in Strasbourg.⁴⁶ The official government website proudly displays his past:

“In 1986, Ali Naghiyev graduated from the Higher Courses of the CSS [KGB] of the USSR, and after that served in executive positions in the operational structures of the CSS [KGB] of the Azerbaijan SSR [*Soviet Socialist Republic*] and the MNS [*Ministry of National Security*] of the Republic of Azerbaijan.”⁴⁷

Two weeks later, on 16 November, Gubad’s pre-trial detention is extended by three months. He is unable to walk due to his worsening health condition. There is an acute risk of cardiac arrest. On 20 November, Ulvi is detained by masked police, arrested, and beaten. His deputy and editor-in-chief are also arrested. On 29 November, the director of the news *Channel 13*, Aziz, is arrested. On 1 December, the *Institute for Peace and Democracy* publishes an updated list of political prisoners: 254 in total.

On 8 December 2023, only six weeks after the expulsion of almost the whole Armenian population from Nagorno-Karabakh, Marija comes to Baku again. She meets President Aliyev, the foreign minister, and the speaker of Parliament. Following the meeting with President Aliyev, the Council of Europe website notes that she had emphasized:

“... the Organization’s ongoing support through the Council of Europe Action Plan for Azerbaijan 2022-2025 ... During the meeting, the Secretary General stressed the importance of constructive parliamentary co-operation to advance the Council of Europe’s values and standards.”⁴⁸

⁴⁶ Council of Europe, [Secretary General meets Chief of State Security Service of Azerbaijan](#), 30 October 2023.

⁴⁷ State Security Service of the Republic of Azerbaijan, [About us - head of the service: Ali Naghi oglu Naghiyev](#).

⁴⁸ Council of Europe, [Secretary General makes official visit to Azerbaijan](#), 8 December 2023.



Marija after her meeting with President Aliyev

The website of the Presidency writes about the meeting:

“The Secretary General of the Council of Europe commended **the reforms implemented** in Azerbaijan under the leadership of President Ilham Aliyev ... President Ilham Aliyev hailed his relations with the Council of Europe and the Azerbaijani delegation’s activity at the PACE ...”⁴⁹

After meeting the foreign minister, Marija’s office reposts the statement of the ministry:

“Minister Jeyhun Bayramov noted with satisfaction that Azerbaijan has closely cooperated with the Organization in the fields of human rights protection, rule of law and development of democracy ... Speaking about the work done under the current Action Plan between Azerbaijan and the CoE, the parties said that cooperation in **improving the justice system, development of the media and other areas** has yielded fruitful results.”⁵⁰

⁴⁹ President of the Republic of Azerbaijan, [Ilham Aliyev received Secretary General of Council of Europe](#), 8 December 2023.

⁵⁰ Ministry of Foreign Affairs of Azerbaijan, [No:707/23, Nazir Ceyhun Bayramovun Avropa Şurasının Baş katibi Mariya Peyçinoviç Buriç ilə görüşünə dair mətbuat məlumatı](#), 8 December 2023.



After Marija meets the speaker of parliament, the Council of Europe office in Baku also reposts an article by the News Agency *Azertag*:

“Marija Pejčinović Burić emphasized that Azerbaijan is a valuable member of the Council of Europe. She noted the active participation of the Azerbaijani parliamentary delegation in the Parliamentary Assembly of the Council of Europe.”⁵¹

The very day Marija praises Azerbaijan, on 8 December 2023, new charges are launched against Bakhtiyar. Five days after her visit, on 13 December, Hafız [*Babali*], the editor of the independent news agency *Turan* is arrested. The following day, on 14 December, the prominent opposition politician Tofik is arrested. On 13 January 2024, Elnara, another *Abzas* journalist, is arrested.

A few weeks after her visit, the Azerbaijani delegation is kicked out of PACE.



On 22 January, the relatives of three political prisoners – the son of Gubad, the wife of Ilhamiz and the brother of Aziz – come to Strasbourg and ask for a meeting with Marija. They are unsuccessful.

⁵¹ Azertac, “[Mariya Peyçinoviç Buriç: Avropa Şurası Azərbaycan ilə Ermənistan arasında etimad quruculuğu proseslərinə töhfə verməyə hazırdır](#)”, 8 December 2023.

The Secretary General largely ignores the fate of political prisoners. She ignores the darkness that has descended upon the few remaining independent journalists. She ignores the abysmal record of Azerbaijan when it comes to implementing ECtHR judgements. And she ignores the most basic question: is Azerbaijan still a democracy?

In December 2022, a new Political Parties Law is adopted in Azerbaijan. One day before it is adopted, the PACE Monitoring Committee asks the Venice Commission for an evaluation: does this law respects the standards of the European Convention of Human Rights? Article 11 ECHR states:

“Everyone has the right to freedom of peaceful assembly and to freedom of association with others... No restrictions shall be placed on the exercise of these rights other than ... necessary in a democratic society in the interests of national security or public safety.”

On 10 March 2023, the Venice Commission opinion is published. The Commission had also examined laws governing political parties in Azerbaijan before. A 2011 law had already “raised multiple concerns.”⁵² The 2023 assessment was, again, harsher. The Commission concludes that the new law is “limiting political pluralism rather than strengthening it”, which is “incompatible with the political freedom political parties have to enjoy in a democratic society.”⁵³ Among the provisions in the law which clash with the requirements of the ECHR are:

- Article 4, which forbids the establishment of political parties, if they promote certain things (the law notes that a political party “does not have the right to speak on behalf of the entire nation.”) The Commission concludes that the article “needs to be formulated in a more precise manner ... or be completely deleted.”
- Article 5, which makes it a pre-condition for the establishment of new political parties that “the charter and program of the political party are adopted at the founding meeting.” The Commission concludes that there is “no reason for the state to introduce such requirements ... and that this issue should be left to the political party to decide internally” and recommends “removing the requirement.”
- Article 6, which sets out that “for state registration, a political party must have at least 5,000 members.” The Venice Commission notes: “This is a sharp increase in comparison to the 1992 law which only required 1,000 members ... and puts a burden on citizens trying to exercise their rights under Article 11 of the ECHR which is potentially restrictive and as such would be disproportionate and not necessary in a democratic society.”
- Article 4, which states that “a political party is not allowed to operate without state registration”. The Commission concludes that “non-registration as a political party can never be a basis to deprive anyone of the rights to freedom of speech, peaceful assembly, or association. The right to engage in political activities ... can in a free democratic society not be reserved for registered political parties.”

⁵² Venice Commission, [Azerbaijan -Joint opinion of the Venice Commission and the OSCE/ODIHR on the Law on political parties - Approved by the Council for Democratic Elections at its 76th meeting \(Venice, 9 March 2023\) and adopted by the Venice Commission at its 134th Plenary Session \(Venice, 10-11 March 2023\)](#), 13 March 2023.

⁵³ Venice Commission, [Opinion on the Legislation Pertaining to the Protection against Defamation of the Republic of Azerbaijan](#), 14 October 2013.

- Article 7, which is about the executive authority to verify “the compliance of the activity of the political party with the requirements.” The Commission notes that the ECtHR “raised particular concern about political parties being liable to inspections by the authorities under threat of dissolution ... The far-reaching and intrusive verification mechanism ... is incompatible with the political freedom political parties have to enjoy in a democratic society.”

In sum, the Venice Commission concludes that this law is *not* in line with the European Convention on Human Rights. In June 2023, rapporteur Lise refers to this evaluation.⁵⁴ Nothing changes. The ramifications are dramatic. Out of 59 political parties registered in Azerbaijan in 2022 according to the Central Electoral Commission, 29 are dissolved within six months.⁵⁵ By September 2023, only 19 political parties remain officially registered.⁵⁶ And as analyst Arzu Geybullu put it, the new law makes it “virtually impossible for new political parties to form in Azerbaijan.”⁵⁷

Will there be another multi-stakeholder dialogue in Baku, funded by the General Secretariat and organised by Petr Sich, to address the sad fate of political parties in Azerbaijan? The reaction by the Secretary General to the Soviet style “re-election” of Ilham Aliyev in February 2024 suggests rather that democratic elections are not currently a priority in her office.

Of course, presidential elections in Azerbaijan have long been problematic. In July 2008, the country’s leading journalist Khadija Ismayilova asked then-Secretary General of the Council of Europe Terry Davis about his expectations concerning the then upcoming presidential elections:

Davis: I expect Azerbaijan, and the authorities of Azerbaijan, to do everything they can to ensure that these elections are assessed as being better than previous elections.

RFE/RL: And what if it doesn’t happen?

Davis: If it doesn’t happen, I should be very disappointed.

RFE/RL: And what do you do when you are disappointed?

Davis: That’s a very good question. What I do when I am disappointed – and I often am disappointed, unfortunately.

In late 2008, Davis also explained, “I know President Aliyev, the current president, very well indeed. I like him very much.” Khadija Ismayilova was arrested in December 2014, out in jail until mid-2016 and not allowed to travel until 2020.

Things did not get better since. In fact, presidential elections used to be far more competitive in the past. In 1998, the runner-up won almost 12 percent. In 2003 it was almost 14 percent. In recent elections no candidate who is not called Aliyev got more than a single digit result. On the other hand, in all presidential elections since an Aliyev – first father Heydar, then son Ilham – competed their worst result was 77 percent. That was when an inexperienced Ilham stood for the first time in 2003. Since then, getting above 80 percent has been the rule.

⁵⁴ PACE, [PACE Rapporteurs: issues of serious concern persist in Azerbaijan despite some steps taken to meet Council of Europe commitments](#), 13 June 2023.

⁵⁵ Global Voices, [And then there were none – how political parties are disappearing in Azerbaijan](#), 18 July 2023.

⁵⁶ Eurasianet, [“Azerbaijan's top opposition parties allowed to continue operating”](#), 15 September 2023.

⁵⁷ Global Voices, [And then there were none — how political parties are disappearing in Azerbaijan](#), 18 July 2023.

*Aliyevs vs. best competitor*⁵⁸

	<i>Aliyev</i>	<i>Percent</i>	<i>Not-Aliyev</i>	<i>percent</i>
1993	Heydar	98.80	Ebilov	1.01
1998	Heydar	77.80	Etibar	11.80
2003	Ilham	76.84	Isa	13.97
2008	Ilham	88.73	Iqbal	2.86
2013	Ilham	84.54	Cemil	5.53
2018	Ilham	86.02	Zahid	3.12

Recently, there is not even an attempt to pretend that there is an actual presidential campaign. In April 2018, there were seven men competing to come second behind Ilham Aliyev. In February 2024, it was six. Many of them were the same in both elections.

*The six candidates allowed to take part in the presidential elections 2024*⁵⁹

In 2024, all candidates except Ilham Aliyev took part in debates on Azerbaijan's public broadcaster ITV. During the first of these discussions, on 15 January 2024, Zahid expressed his views forcefully:

“It is the first time in our history that the winner on the battlefield is also the leader of our country! But let me add we are all winners here, opposition and government... without distinction.”⁶⁰

Debates were friendly. Participants did not talk about human rights, torture, or corruption. The tone was one of serious appreciation of the current great leader. A favourite topic was recent military victories. In the debate on 17 January, Razi noted:

“Yes, the people of Azerbaijan won a great victory. All our problems were related to Karabagh. Despite all difficulties, we created a solid state, a powerful state. And we liberated Karabagh! Now it's time to channel billions worth investments to ease our citizens' lives.”⁶¹

⁵⁸ 1993: Ebilov Karrar, [presidential election results 1993](#). 1998: Etibar Məmmədov, Wikipedia, [presidential election results 1998](#). 2003: İsa Qəmbər, [presidential election results 2003](#) 2008: Iqbal Aga-Zade, [Prezident 15 Oktyabr 2008](#). 2013: Cemil Hesenli, [Prezident 9 Oktyabr 2013](#). 2018: Zahid Oruc, [Prezident 11 Aprel 2018](#).

⁵⁹ From the left: Gudret, Zahid, Razi, Fazil (Mustafa), Elsad (Musayev), Fuad (Aliyev). [Prezident 7 Fevral 2024 – Namizedlerin ireli surulmesi ve gaydiyyati ile bagli malumat](#).

⁶⁰ Youtube channel of Ictimai TV, [“Prezidentliye namizedlerin azerbaycanin suverenliyinin berpa edilmesi movzusunda debati”](#) 15 January 2024.

⁶¹ Youtube channel of Ictimai TV, [“Prezidentliye namizedler Ictimai TV’de – Seckiler”](#) 17 January 2024.

In 2008, the runner-up won 3 percent. In 2013 5.5 percent. In 2018, 3 percent. In 2024, it turned out to be 2 percent. This time, Aliyev won with more than 90 percent of the vote.⁶²

And then, on 12 February 2024, five days after these presidential “elections” were held, Marija congratulated Ilham Aliyev on his victory. The presidential website publishes her letter:⁶³

Dear President,

*I would like to take the opportunity to congratulate you on your recent re-election as President of Azerbaijan. **I look forward to continuing to work together on our shared principles of advancing human rights, democracy and the rule of law during your term in office. Together with the international community, the Council of Europe will continue to support all efforts aimed at peace, stability and good neighbourly relations in the region.***

Regards, Marija

HOW PACE DEFENDS HUMAN RIGHTS

The Parliamentary Assembly of the Council of Europe (PACE) represents 46 parliaments. There are 324 PACE members, sent by their respective national parliaments to Strasbourg.

The Parliamentary Assembly meets four times a year in Strasbourg for a one-week-long plenary session. Its main task is to hold member states accountable for respecting the rules and conventions of the Council of Europe. It elects the judges of the ECtHR. It also elects the Secretary General of the Council of Europe. It monitors and criticises violations in member states. It makes recommendations and demands action from states and the Committee of Ministers (CoM). PACE can also recommend the exclusion or suspension of states that violate the statutes of the Council of Europe. On 15 March 2022, PACE unanimously adopted a resolution calling on the Committee of Ministers to expel Russia immediately.

There are nine permanent committees. They meet throughout the year (often in Paris) to prepare reports and draft resolutions. The *Monitoring Committee* is responsible for verifying whether states fulfil their commitments. Currently 11 states are under a so-called *monitoring procedure*. This includes Azerbaijan. The *Committee for Legal Affairs and Human Rights* prepares reports on issues including “political prisoners”, “torture and ill treatment”, “safety of journalists and human rights defenders” and “implementation of ECtHR judgements.” **PACE rapporteurs**, elected by PACE committees, play a crucial role in assessing the state of human rights in Council of Europe member states.

In recent decades, Azerbaijan, with the support of Russia and other supporters, has often succeeded in placing apologists in such positions, that helped whitewash its human rights abuses. This has become harder recently.

In October 2022, a new rapporteur on “Threats to life and safety of journalists and human rights defenders in Azerbaijan” was to be elected in the PACE Committee for Legal Affairs and Human Rights. Initially there was only one candidate: Hannah (Bardell) from the UK. Then, at the last moment, Aleksandar (Nikoloski) from North Macedonia announced his candidacy. He

⁶² More: ESI background paper: [Seven Baku rules - How \(not\) to have elections](#) (7 February 2024)

⁶³ President of the Republic of Azerbaijan, [Avropa Şurasının Baş katibi Mariya Peyçinoviç Buriçdön](#), 12 February 2024.

had an advantage: He is a member of the biggest political group (EPP), while Hannah, from the Scottish National Party, is not. But there was something alarming. Aleksandar had been among those who had voted to defend the Aliyev regime in a now notorious PACE vote in January 2013, which had rejected, by a surprisingly large margin, a resolution calling for the release of all political prisoners in Azerbaijan.⁶⁴

On 11 October 2022, 33 members of the *Committee for Legal Affairs and Human Rights* voted by secret ballot. The result was 17 to 16. By one vote, Hannah was elected rapporteur. She has since become an outspoken advocate for human rights in Azerbaijan, joining other rapporteurs in defending Azerbaijani citizens. These include:

Mogens, who is the general rapporteur on media freedom and safety of journalists since January 2022.

Kostis, who is the rapporteur on “Allegations of systemic torture and inhuman or degrading treatment or punishment in places of detention in Europe” since April 2022 and rapporteur on the “Implementation of judgments of the European Court of Human Rights” for the second time since June 2023.

Lise, who is the co-rapporteur for the monitoring of Azerbaijan since October 2022.

Sunna, who is the general rapporteur on political prisoners since May 2023.

What can rapporteurs, and PACE, do to defend human rights in a member state? They write reports and propose resolutions. They highlight the (non)implementation of judgements of the European Court of Human Rights (ECtHR) in Strasbourg. They organise events at PACE. They can ask the Venice Commission, an independent expert body, to assess specific legislation. They visit member states and call for the release of political prisoners. And if nothing helps and things get worse, they vote to suspend a delegation from PACE.

In the case of Azerbaijan, all of this was done in the past two years.

In May 2022, following Bakhtiyar’s first arrest, 38 PACE members sign a motion for a resolution on “Threats to life and safety of journalists and human rights defenders in Azerbaijan.” It is signed by Sunna, Kostis, Mogens and Frank. They demand more scrutiny:

“The Parliamentary Assembly should carefully consider and study the existing cases of murders and assassination attempts, ongoing threats to life and freedom of Azerbaijani journalists, bloggers, and human rights activists, who continue to work in the country and abroad, and prepare a comprehensive report on this issue.

The Assembly should call on the Azerbaijani Government to comply with the European Convention on Human Rights and guarantee the safety of journalists and human rights activists, allowing them to continue professional activities unhindered.”⁶⁵

In October 2022, 20 PACE members sign a motion for a resolution on the “Growth in number of political prisoners in Azerbaijan” and call for the release of political prisoners:

⁶⁴ PACE, [Motion for a resolution \(Report, Doc. 13079\): The follow-up to the issue of political prisoners in Azerbaijan](#), 14 December 2012; PACE, [Vote on Resolution \(Doc. 13079\): The follow-up to the issue of political prisoners in Azerbaijan](#), 23 January 2013.

⁶⁵ PACE, [Threats to life and safety of journalists and human rights defenders in Azerbaijan](#), 2 May 2022.

“On 10 September 2022, journalist Avaz Zeynalli and human rights lawyer Elchin Sadigov were detained on trumped-up charges. Despite calls from the Council of Europe Commissioner for Human Rights, Dunja Mijatović, to immediately release and stop the politically motivated persecution of Zeynalli and Sadigov, a day later the authorities detained another journalist Elnur Shukurov ... The Assembly should call on the Government of Azerbaijan to comply with the European Convention on Human Rights and release all political prisoners, as this is a fundamental obligation of Azerbaijan assumed when joining the Council of Europe.”⁶⁶



On 13 February 2023, PACE rapporteur Lise expresses her concern over Bakhtiyar’s renewed detention “widely believed to be connected to his activism”, and her “utmost concern” for the state of his health.⁶⁷ PACE rapporteurs call for his immediate release and demand “full access to appropriate medical care.”⁶⁸ The US State Department also calls for his immediate release.⁶⁹ Instead, Bakhtiyar’s pre-trial detention is extended.

In March 2023, PACE rapporteur Hannah presents a memorandum that describes “some of the most high-profile recent cases of killings or violence against journalists and human rights defenders in Azerbaijan.”⁷⁰ She notes:

“According to the Justice for Journalists Foundation, there were 215 attacks on journalists in Azerbaijan in 2021, nearly one-and-a-half times more than in 2017, suggesting the situation has worsened ... The Media Rights Group, in its analysis for 2022, notes ‘at least 44 incidents of physical and psychological harassment of journalists performing their professional activities’ in Azerbaijan in 2022.”⁷¹

⁶⁶ PACE, [Growth in number of political prisoners in Azerbaijan](#), 25 October 2022. Avaz [Zeynalli] is the editor in chief of Khural (Parliament) TV, a leading independent Azerbaijani Internet TV station, was arrested in September 2022 and sentenced to 9 years in prison on corruption charges in February 2024. Elchin [Sadigov], is a prominent human rights lawyer who defended the rights of political prisoners, journalists, media, political figures, activists, the LGBTQ+ community and sent complaints relating to torture to the European Court of Human Rights. He was arrested in September 2022. While he is later released, the Azerbaijani Bar Association suspends his license to work as a lawyer. Elnur [Shukurov] is a journalist and administrator of the “Seda TV” YouTube channel, sentenced to four years in prison in February 2024.

⁶⁷ PACE, [PACE monitors call on Azerbaijan authorities to immediately release Bakhtiyar Hajiyev](#), 13 February 2023.

⁶⁸ PACE, [PACE monitors call on Azerbaijan authorities to immediately release Bakhtiyar Hajiyev](#), 13 February 2023.

⁶⁹ US Department of State, [Calling for the Release of Bakhtiyar Hajiyev](#), 11 February 2023.

⁷⁰ PACE, [Threats to life and safety of journalists and human rights defenders in Azerbaijan – Introductory Memorandum](#), 23 March 2023.

⁷¹ Media Rights Group, “Legal Environment For Media in Azerbaijan, 2022, Annual Analysis”, p. 8.

In April 2023, Hannah invites Ulvi, a journalist from Baku and director of the news channel Abzas Media, to speak in the *Committee of Judicial Affairs and Human Rights* in Strasbourg about the situation of journalists and human rights defenders in Azerbaijan. A few months after this, in November 2023, Ulvi and his colleagues are arrested.

In June 2023, PACE rapporteur Lise travels to Azerbaijan. She requests to visit political prisoners. She is denied access.⁷² The Minister of Justice, Fikret, promises her access on her next visit.⁷³ In her statement following her trip she speaks of “many issues of serious concern.” When she returns five months later, however, she is denied access to prisoners again.

In August 2023, PACE rapporteur Sunna calls for Gubad’s immediate release:

“I have been shocked by reports of [*Gubad*] Ibadoghlu’s violent arrest on 23 July and his subsequent detention ... Despite having recently undergone heart surgery and suffering from numerous medical conditions, there are reports that Mr Ibadoghlu does not have access to adequate food and has experienced rapid weight loss ... I call on the Azerbaijani government to take all steps necessary to drop politically motivated charges and secure his immediate release.”⁷⁴

In October 2023, Frank invites the son of political prisoner Gubad to speak at a side event on “The arrest of Gubad Ibadoghlu and the situation of political prisoners in Azerbaijan” to Strasbourg.⁷⁵ Gubad remains in prison.

In October 2023, 23 PACE members table a motion for a resolution on “The need to investigate politically motivated persecution in Azerbaijan.” It notes:

“Notably, in the previous 12 months, the number of political prisoners in Azerbaijan has doubled ... The crackdown on civil society in Azerbaijan is more obvious than ever, while reprisals and political persecution by the government remain key instruments for intimidating and silencing critical voices. The government is infamous for the use of fabricated criminal charges and torture against political prisoners.”⁷⁶

In November 2023, rapporteurs Hannah, Mogens and Sunna call for Ulvi’s immediate release:

“Earlier this year, Mr Hasanli attended a joint hearing between three PACE committees on threats to the lives and safety of journalists and human rights defenders in Azerbaijan ... We consider the latest arrest of Mr Hasanli ... to be a reprisal for his co-operation with the Parliamentary Assembly and for his recent investigative journalism into corruption by members of the government ... which cannot be accepted in a Council of Europe member state.”⁷⁷

In January 2024, PACE adopts a resolution on “Allegations of systemic torture and inhuman or degrading treatment or punishment in places of detention in Europe” which notes:

⁷² PACE, [PACE Rapporteurs: issues of serious concern persist in Azerbaijan despite some steps taken to meet Council of Europe commitments](#), 13 June 2023.

⁷³ PACE, [Challenge, on substantive grounds, of the still unratified credentials of the parliamentary delegation of Azerbaijan](#), 23 January 2024.

⁷⁴ PACE, [PACE rapporteur calls for immediate release of Gubad Ibadoghlu](#), 24 August 2023.

⁷⁵ Youtube, [Recording of PACE side event “The arrest of Gubad Ibadoghlu and the situation of political prisoners in Azerbaijan”](#), 13 October 2023.

⁷⁶ PACE, [The need to investigate politically motivated persecution in Azerbaijan](#), 23 October 2023.

⁷⁷ PACE, [PACE rapporteurs call on the Azerbaijani authorities to immediately release Ulvi Hasanli](#), 22 November 2023.

“The Assembly is also deeply concerned about reports concerning Azerbaijan ... Detainees were tortured with the purpose of extracting confessions of treason. The Assembly is appalled by the horrendous methods of torture reported: electric shocks, pulling out nails, waterboarding, blindfolding, removal of genitals, rape, and threats of rape of family members, among others ... reports indicate that torture and other forms of ill-treatment have been used against members of the political opposition, journalists and human rights defenders.”⁷⁸

In January 2024, PACE adopts the resolution “Guaranteeing media freedom and the safety of journalists: an obligation of Member States” which notes:⁷⁹

“On 22 July 2023, over 60 Azerbaijani journalists and media representatives co-signed a letter to several bodies and institutions of the Council of Europe, expressing concern about the application of the amended Media Law and the Media Registry, stating that ‘at least 50 media have been refused entry into the register ... In Azerbaijan, despite a judgment of the European Court of Human Rights ... and continuous calls by journalists’ organisations, criminal defamation laws continue to exist, including with prison sentences ... it is now more than 14 years that Azerbaijan has failed to comply with a binding decision of the Court to remove prison sentences for defamation in its criminal law.’”⁸⁰

But what can PACE do when all these reports, resolutions, motions, statements, visits, and opinions are ignored, in the face of ever-increasing repression, unacceptable legislation, non-implementation of judgements by the European Court of Human Rights (ECtHR) and record-levels of arrests for political reasons? In early 2024, a clear majority in PACE concluded in that more serious steps need to be taken.

In January 2024, Frank challenges the credentials of the Azerbaijani delegation to participate in PACE. Mogens, as chair of the Monitoring Committee, prepares a report. His recommendation is “not to ratify the credentials of the Azerbaijani delegation.”⁸¹ His report lists many reasons:

“At least 18 journalists and media actors are currently in detention ... **Independence of the judiciary** is still an issue of serious concern ... No tangible progress has been achieved ...

As regards **recent developments**, on 20 and 21 November 2023 a few journalists and other persons related to the Abzas media outlet (one of the few independent media outlets in the country, known for exposing cases of corruption) – its director Ulvi Hasanli, and his two collaborators Sevinc Vaqifqizi and Mahammad Kekalov – were arrested and are now detained on charges of unlawfully bringing money to the country ... In December 2023 and in January 2024, two other Abzas journalists – Nargiz Absalamova and Elnara Gasimova – as well as Hafiz Babali, financial editor at the news agency Turan, were arrested and placed in detention ...

Ongoing **restrictions on the right to freedom of association** and assembly and the overall situation of NGOs are another issue of concern. NGOs continue to operate in a very repressive environment ... On 14 December 2023, after the announcement of the snap

⁷⁸ PACE, [Allegations of systemic torture and inhuman or degrading treatment or punishment in places of detention in Europe](#), 24 January 2024.

⁷⁹ PACE, [Guaranteeing media freedom and the safety of journalists: an obligation of member States](#), 24 January 2024.

⁸⁰ PACE, [Guaranteeing media freedom and the safety of journalists: an obligation of member States](#), 5 January 2024.

⁸¹ PACE, [Challenge, on substantive grounds, of the still unratified credentials of the parliamentary delegation of Azerbaijan](#), 23 January 2024.

presidential election, prominent opposition activist Tofiq Yagublu was arrested and placed in pre-trial detention for four months. Courts also decided to extend the pre-trial detention of distinguished scholar and activist Gubad Ibadoghlu and of civil society activist Bakhtiyar Hajiyev.

Moreover, allegations of **torture and ill-treatment** by the police and other law enforcement agencies remain of major concern ... Azerbaijan is one of the countries having the **highest number of non-implemented Court judgments** and is still facing serious structural or complex problems, some of which had not been resolved for over ten years ...

All this puts into question the country's will to respect the basic principles enshrined in Article 3 of, and the Preamble to, the Statute of the Council of Europe ... serious violations of political freedoms, often coupled with violations of non-derogable rights, such as the prohibition of torture and ill-treatment, and/or allegations of lack of independence of the judiciary **cast doubts as to the existence of a 'genuine democracy' and respect for the rule of law in Azerbaijan ...**⁸²

And yet, while PACE members demand the release of political prisoners, the number of political prisoners continues to grow. The list maintained by Leyla Yunus, a former political prisoner herself today based in the Netherlands shows a dramatic trend:

*Yunus lists of political prisoners*⁸³

Month	Nr. Prisoners
February 2023	93
April 2023	182
July 2023	202
October 2023	235
December 2023	254
March 2024	288

A pressing need to enforce Council of Europe standards on media freedom

25/01/2024 Session



PACE calls for stronger action to eradicate torture and ill-treatment in places of detention in Europe

24/01/2024 Session



PACE urges States to fulfill legal obligations by implementing judgments of the Strasbourg Court

27/04/2023 Session



PACE resolutions

⁸² PACE, [Challenge, on substantive grounds, of the still unratified credentials of the parliamentary delegation of Azerbaijan](#), 23 January 2024.

⁸³ Institute for Peace and Democracy, [Lists of political prisoners](#).

THE (STILL) SILENT COMMITTEE OF MINISTERS

The Committee of Ministers (CoM) represents the governments of the 46 member states of the Council of Europe. The chairmanship is held by each member state for a period of six months, in alphabetical order. Since November 2023, Lichtenstein holds the chairmanship. Each government is represented by its ambassador (permanent representative) in Strasbourg. There, the CoM meets weekly, and at least once a year it meets at the level of the foreign ministers. It decides on the admission or suspension of member states. It adopts the rules of procedure. A key responsibility is to ensure the implementation of judgements of the European Court of Human Rights. Conclusions of the CoM “may take the form of recommendations to the governments.” It monitors the action taken by governments in line with those recommendations.

In January 2024, the Parliamentary Assembly of the Council of Europe (PACE) voted overwhelmingly to suspend the Azerbaijani delegation from its workings. So far, the Committee of Ministers of the Council of Europe has not responded either to PACE’s decision, or to the dramatic deterioration of human rights that prompted it. When will this change? When will the meaningless process of funding activities in Azerbaijan under the 2022-2025 Action Plan be suspended? When will the Committee of Ministers call on Azerbaijan to improve its abysmal human rights record?

Heeding the lessons of past failings regarding Putin’s Russia in the Council of Europe, the Committee of Ministers should now break its silence with a simple strong message, both to Azerbaijan and to all member states in the future:

There can be no political prisoners in any Council of Europe member state.

Both PACE and the Committee of Ministers want Azerbaijan to remain a member of the Council of Europe. To remain a member Azerbaijan must release its political prisoners now.

If it does so, PACE can restore the credentials of the Azerbaijani delegation again. If it does not do so, the Committee of Ministers should follow the lead of PACE and suspend Azerbaijan’s membership, based on Article 8 of the Statutes, before August 2024.

PACE cannot allow Azerbaijan back into PACE without it first releasing political prisoners. At the same time, PACE and the CoM being deeply divided on such a vital issue sends a signal of weakness and institutional confusion. This leaves one way to overcome this division: for member states to put serious pressure on Baku to take the commitments it made in 2001 seriously.

It is appropriate to do so now: After all, this is what the Council of Europe was set up for 75 years ago.



The Azerbaijani Ambassador to the Council of Europe welcomes fellow Ambassadors from the Committee of Ministers in Baku in June 2022.

ANNEX A: ALIYEV'S STRATEGY: "SELL ME YOUR SOUL AGAIN!"

On 28 February 2024, the website of the Presidential office announced that "Ilham Aliyev has received the delegation led by Managing Director of the German Eastern Business Association."⁸⁴ It is an illuminating text, in which the Council of Europe features prominently:

"President of the Republic of Azerbaijan Ilham Aliyev has received a delegation led by Executive Director of the German Eastern Business Association Michael Harms.

The delegation, comprising heads of leading companies from the Federal Republic of Germany, includes Executive Director of the German-Azerbaijani Chamber of Commerce Tobias Baumann, Executive Director of Falk Consulting Thomas Falk, Senior Vice-President of Uniper Global Commodities SE Uwe Fip, Director Board Projects at Rhenus Group international logistics company Heinrich Kerstgens, Chairman of the Board at VNG AG Ulf Heitmuller, Managing Director of HHLA International GmbH Philip Sweets.

...

On behalf of the delegation, Ambassador of the Federal Republic of Germany to Azerbaijan Ralf Horlemann expressed gratitude to Ilham Aliyev for the reception shortly after he was re-elected as the President.

...

The ambassador pointed out that, as stated by the President of Azerbaijan in his inauguration speech, the current focus on the economy, including energy, and transformation issues creates significant opportunities for cooperation. He specifically emphasized that German business communities and companies are ready to make significant contributions to this agenda.

...

Praising the visit of the large delegation to Azerbaijan, the head of state noted that the economic sphere always plays an important role in bilateral relations, describing it as a good sign of bonds ... "Thus, Germany, unlike its neighbor France, which, as it is said, pours gasoline on the fire and equips Armenia with deadly weapons, demonstrates neutrality in the peace process." ... "the non-constructive statements by Josep Borrell have deeply disappointed us. Firstly, his statements do not reflect any reality and are contrary to the norms of international law. Secondly, the Azerbaijani side evaluates these statements as a veiled threat against our country. Borrell stated that if Azerbaijan were to attack Armenia, it would face dire consequences. Firstly, where did Borrell obtain this information suggesting that Azerbaijan is planning to attack Armenia? We have no such plans. These are mere insinuations by Mr. Macron."

...

"After the restoration of our territorial integrity and sovereignty, **the Parliamentary Assembly of the Council of Europe adopted a decision to suspend our delegation of voting rights. This decision was unfortunately initiated by a member of Germany's parliament from the party led by Chancellor Scholz. Is it once again a case of double standards or some sort of game being played with us?!** The Chancellor of Germany demonstrates impartiality, and his statements and actions demonstrate that. While a

⁸⁴ President of the Republic of Azerbaijan, [Ilham Aliyev has received the delegation led by Managing Director of the German Eastern Business Association](#), 28 February 2024.

member of his party tries to get rid of Azerbaijan from the Council of Europe, get rid of one of the two non-Christian countries, and does it deliberately, openly ...

President Ilham Aliyev noted that if the rights of the Azerbaijani delegation were not restored within one year, the country would seriously consider the total departure from the Council of Europe. The head of state regrettably noted that in the German media, Azerbaijan is allegedly portrayed as a country where freedoms are not ensured, people are imprisoned for their opinions, and it is depicted as a despotic country ruled by dictatorship.”

...

Michael Harms said that it was a great honor that they could meet the Azerbaijani President shortly after the meeting in Munich and expressed his gratitude for that. **Emphasizing that the delegation arrived in Azerbaijan with the heads and representatives of more than 40 companies involved in infrastructure, industry, agriculture, banking and finance, alternative energy, and other spheres, Michael Harms said they had fruitful meetings in the country.** He mentioned that during the discussions, they concluded that Azerbaijan had implemented an impressive agenda of economic reforms. Harms pointed out that the other result is that there are other good opportunities for cooperation in sectors other than traditional energy ... The meeting also saw discussions on prospects for economic relations, including energy cooperation, joint projects, investment, and other issues.”



[Documentary “Am Abgrund” \(On the edge\) on German businesses in Baku](#)

ANNEX B: DEAD LAST – UPDATE ON IMPLEMENTATION OF JUDGEMENTS

Once the European Court of Human Rights (ECtHR) issues a judgment finding a violation of the European Convention of Human Rights, it is passed to the Committee of Ministers to “supervise its execution.”⁸⁵ It is the job of the Committee of Ministers to ensure that the offending state takes the necessary steps to comply with the judgment. These steps may be of two kinds.

Firstly, the state is required to provide a remedy to the victim (or victims) of the violation. This will involve, to the extent possible, righting the wrong that they have endured, for instance through a re-trial, release from prison, or the restitution of confiscated property. In many instances the state will be required to pay compensation. These measures are often referred to as “individual measures”.

Compliance with ECtHR rulings also requires states to ensure that the violation does not happen again. This may require the state to adopt what are known as “general measures” to address the cause of the violation. These might include changes to laws, policies, or practices.

Once the Committee of Ministers is satisfied that all the necessary individual and general measures have been taken it will “close” a case. The closure of a case takes the form of a resolution adopted by the Committee of Ministers declaring “that it has exercised its functions under Article 46, paragraph 2, of the Convention” and deciding to close the examination of the case.⁸⁶

In early 2024, Azerbaijan remains in last place among 46 Council of Europe member states when it comes to

1. the percentage of *all* cases closed (implemented).
2. the percentage of *all leading* cases closed.
3. the percentage of *all cases under enhanced supervision* closed (taking only countries with more than 5 cases).⁸⁷
4. the number of *unimplemented leading cases under enhanced supervision* where it is last, too.

This is the worst implementation record in the history of the Council of Europe.

Background: leading and repetitive cases

The European Court of Human Rights delivers around 1000 judgments a year, 90 percent of which find a violation.⁸⁸ The Court also supervises between three and six hundred “friendly settlements” a year. These are cases in which the state acknowledges a violation and offers an acceptable remedy to the applicant. Friendly settlements do not conclude with judgments, but

⁸⁵ Article 46(2), European Convention on Human Rights.

⁸⁶ See for instance, [Resolution CM/ResDH\(2014\)199](#), Adopted by the Committee of Ministers on 12 November 2014.

⁸⁷ This qualification is required because the Czech Republic and Denmark have only ever had one case under enhanced supervision (2007 and 2023 respectively), which remain unimplemented.

⁸⁸ [Annual Report 2023](#) of the European Court of Human Rights, p.110.

as they are concluded based on the admission of a violation and the offending state makes commitments, they are also forwarded to the Committee of Ministers to supervise.

Over the last eight years the Committee of Ministers has received around 1300 new cases to supervise each year.⁸⁹ These are divided into two categories: “leading cases” and “repetitive cases.” Each case that highlights a new issue in the country – a case that establishes a particular kind of violation for the first time – will be considered a “leading” case.” Often, such cases will require “new general measures to prevent similar violations in the future.”⁹⁰

Leading cases may be isolated, one-off violations. However, they may also be followed by many others, raising fundamentally the same issue. All these similar cases will require the same set of general measures to address the source of the violation. To make it easier to track the progress made on these measures, such cases are considered “repetitive cases” to the leading case. All these cases will be referred to collectively as a “group of cases”, bearing the name of the original “leading” case.

For instance, the first case concerning ill-treatment by law enforcement officials in Azerbaijan was *Mammadov (Jalaloglu) v. Azerbaijan*.⁹¹ The judgment in this case was delivered in 2005. As the first case of its kind, it was classified as a leading case. Since then, there have been a further 15 cases in which the court has established similar ill-treatment, torture, or death at the hands of law enforcement officials. These are considered repetitive cases.

While the Committee of Ministers considers the implementation of the *individual* measures required in each of the cases separately, it examines the implementation of the *general* measures required by all these cases collectively, as they are essentially the same.

The number of leading cases against any country shows the range of human rights violations occurring in it. The number of repetitive cases shows the frequency with which violations occur.

Background: enhanced supervision

The Committee of Ministers devotes twelve days each year to supervising the implementation of judgments (in four three-day sessions called “human rights meetings”). Obviously, it cannot look at 1300 new cases a year, let alone the 6600 cases still pending, in any detail.⁹² For this reason, the Committee of Ministers introduced a prioritisation scheme in 2010.

In addition to the grouping by issue (as leading or repetitive cases), cases are marked for either “standard” or “enhanced” supervision. This depends on their importance. Only those classified as enhanced are examined by the Committee of Ministers during its human rights meetings. The enhanced procedure is “intended to allow the Committee of Ministers to closely follow progress of the execution of a case, and to facilitate exchanges with the national authorities supporting execution.”⁹³

⁸⁹ Judgments and friendly settlements may cover more than one application. In 2020, the Court delivered 871 judgments in respect of 1901 applications. In 2019 it supervised 351 friendly settlements in respect of 1511 applications.

⁹⁰ See [Council of Europe Glossary of terms](#).

⁹¹ *Mammadov (Jalaloglu) v. Azerbaijan*, see case update on [HUDOC EXEC](#), the database maintained by the Department of the Supervision of the Execution of Judgments.

⁹² As of 29 March 2024, see [HUDOC EXEC](#), the database on the execution of judgments maintained by the Department for the Supervision of the Execution of Judgments.

⁹³ See [Council of Europe Glossary of terms](#).

Cases selected for enhanced supervision will typically be either “judgments requiring urgent individual measures”, such as the release of a political prisoner, or “judgments disclosing major structural and/or complex problems as identified by the Court and/or the Committee of Ministers”, such as poor prison conditions, or the repeated torture of detainees.⁹⁴

Around 20-25 new leading cases are allocated to “enhanced” supervision each year. Around a third of all repetitive cases also end up being classified under enhanced supervision, where the leading case is already under enhanced supervision. It is the *group of cases* – i.e the set of issues raised by the leading case - that is under enhanced supervision. The only exception might be in respect of groups of cases, such as the Azerbaijani political prisoners, where the individual measures required are themselves of the essence.

In recent years, the Committee of Ministers has examined around 150 cases a year through its enhanced procedure. At the end of March 2024, the Committee of Ministers had 572 pending cases under enhanced supervision. This means that in any given year, the Committee of Ministers is able to engage with only around a quarter of all the cases it considers the most important. The supervision of most cases, including many leading cases, is left to the Secretariat of the Council of Europe under the “standard” procedure. This work is carried out by around 30 staff members in the Department of the Supervision of the Execution of Judgments, which prepares decisions for the Committee of Ministers’ approval.

All cases closed by the Committee of Ministers (26 March 2024)

	<u>All cases</u>	<u>Cases closed</u>	<u>Percent closed</u>
Sweden	74	73	99
UK	474	462	97
France	1103	1060	96
Germany	241	229	95
Italy	4470	4205	94
Poland	1900	1760	93
Serbia	752	685	91
Turkey	4397	3947	90
...
Hungary	1259	1082	86
Bosnia	165	134	81
Romania	2160	1672	77
Moldova	614	445	72
...
Ukraine	2133	1347	63
Armenia	201	127	63
Georgia	181	104	57
...
Russia	4019	1368	34
Azerbaijan	469	148	32

⁹⁴ Supervision of the execution of judgments of the European Court of Human Rights: procedure and working methods for the Committee of Ministers’ Human Rights meetings [GR-H\(2016\)2-final](#)

Leading cases closed by the Committee of Ministers (26 March 2024)

	All cases	Cases closed	% closed
Sweden	42	41	98
UK	216	208	96
France	319	296	93
Germany	87	77	86
...
Serbia	66	52	79
Italy	239	170	71
Poland	207	160	77
Bosnia	44	33	75
...
Turkey	419	288	69
Moldova	152	103	68
Romania	333	218	65
Georgia	74	47	64
Armenia	73	44	60
Ukraine	235	131	56
Hungary	106	59	55
...
Russia	325	84	26
Azerbaijan	66	14	21

Leading cases under enhanced supervision, 26 March 2024

	All cases	Cases closed	% closed
Romania	46	34	74
Serbia	17	12	71
Moldova	31	22	71
Bosnia	9	6	67
UK	11	7	64
France	13	8	62
...
Turkey	77	41	53
Poland	31	14	45
Italy	49	21	43
Georgia	10	3	30
...
Armenia	8	2	25
Russia	84	20	24
Ukraine	62	13	21
Hungary	19	2	11
Azerbaijan	23	2	9

Cases under enhanced supervision pending closure (26 March 2024)

No cases (13)

Andorra	0
Austria	0
Cyprus	0
Estonia	0
Finland	0
Iceland	0
Latvia	0
Liechtenstein	0
Luxembourg	0
Monaco	0
Montenegro	0
San Marino	0
Switzerland	0

One case (8)

Czech Republic	1
Denmark	1
Germany	1
Netherlands	1
Norway	1
Slovenia	1
Spain	1
Sweden	1

2 to 5 cases (11)

Croatia	2
Ireland	2
Bosnia	3
Lithuania	4
North Macedonia	4
Portugal	4
Slovak Republic	4
United Kingdom	4
Albania	5
France	5
Serbia	5

5 to 20 cases (8)

Armenia	6
Belgium	7
Georgia	7
Greece	7
Malta	7
Moldova	9
Hungary	17
Poland	17

Over 20 cases (7)

Azerbaijan	21
Italy	28
Bulgaria	33
Romania	34
Turkey	36
Ukraine	49
<i>Russia</i>	64