

Attorney involved in the defense of political prisoners detained and interrogated

Fariz Namazli, an attorney specializing in the defense of human rights and representing dozens of political prisoners, was detained on August 31 at around 9 PM Baku time while at a café with friends. He was taken to the State Security Service and interrogated as a witness for over three hours. After his detention became public, he was released.

On September 1, the attorney confirmed through his social media account that he had been questioned as a witness in a criminal case at the State Security Service (SSS). He added that he could not provide any information regarding the criminal case he was questioned about.

Fariz Namazli stated that although he was questioned as a witness, he was taken in the same manner as they would take suspects.

According to Fariz Namazli, being detained after working hours without any prior summons and having his phone confiscated is equivalent to being arrested.

Fariz Namazli told local media that if it was necessary to question him as a witness, they could have invited him to the State Security Service (SSS) during working hours with prior notice. "They detained me, took my phone. During that time, my phone was with SSS officers. Although I was questioned as a witness, I was taken like a suspect. What happened to me is, in fact, equivalent to being detained," he noted.

The attorney was taken in a car belonging to the State Security Service (SSS) officers, surrounded by them. He said that until he arrived there, he did not know why he was being taken and thought he was being arrested.

Fariz Namazli has previously, and continues to be, an attorney for political prisoners.

In Azerbaijan, there have previously been pressures on attorneys defending political prisoners. The authorities have attempted to exclude independent attorneys from defending political prisoners through various means. The actions taken against Fariz Namazli are also related to his legal activities and his involvement in defending those imprisoned on political grounds.

Fariz Namazli, considering his detention illegal, filed a complaint in court.¹ A preliminary hearing on his complaint was held on September 24 at the Sabail District Court. Judge Azer Taghiyev refused to admit the complaint for investigation. The attorney has also filed an appeal against this decision.

The attorney requested the recognition of violations of Article 5 (right to liberty and security), Article 8 (right to respect for private life), and Article 18 (limits on the use of restrictions on rights) of the European Convention on Human Rights in his complaint to the court.

On October 7, the Baku Court of Appeals, chaired by Judge Mirazli Abbasov, upheld attorney Fariz Namazli's complaint regarding the Sabail District Court's refusal to review his appeal against the State Security Service (SSS).

¹ <https://www.amerikaninsesi.org/a/7796356.html>

The Court of Appeal deemed the Sabail District Court's decision unjustified. It sent the complaint back to the Sabail District Court for a substantive review.²

"I want my complaint to be considered substantively. In this sense, it is illegal for the Sabail District Court to return my complaint without reviewing it substantively. The Sabail District Court returned the complaint without considering its essence and stated that the complaint is not subject to court supervision. I also submitted a complaint stating that the Sabail District Court must examine the case substantively," he noted.

Snap parliamentary elections held on September 1, 2024.

On September 1, snap parliamentary elections were held in Azerbaijan. Although the snap parliamentary elections on September 1 coincided with six months after the last presidential election, the Azerbaijani authorities did not demonstrate the political will to study and implement previous recommendations from local and international observers regarding the improvement of electoral legislation and practices, as well as the investigation of electoral complaints during the intervening period.

In the lead-up to the snap parliamentary elections on September 1, 2024, the crisis in the protection of political freedoms in the country deepened further, with restrictions on freedom of expression, assembly, and association remaining in place, and the number of politically motivated arrests increasing. There have been bans on the activities of independent civil society organizations and independent media, as well as a rise in similar persecutions against journalists and civil activists.

In particular, Anar Mammadli, the head of the largest election observation organization in the country that has been active in the presidential election held on February 7, 2024, conducting observations, and providing the public with alternative reports and information about the elections, was arrested.

Unlike the last snap parliamentary elections held in 2020, there was no noticeable activity from political parties and independent candidates in the elections. Almost none of the independent candidates who participated in previous elections joined this electoral marathon. The country's largest party, the Azerbaijan Popular Front Party (APFP), boycotted the elections. The Musavat Party decided to participate in the elections with a small number of representatives. The party's leaders did not nominate themselves as candidates. Leaders of the Umid Party, the Azerbaijan Democratic Party (ADP), the Citizen Solidarity Party, and the Unity Party did not express a desire to participate in the elections. However, the party participated in the elections alongside other candidates.

There was no democratic environment for civil society organizations and political parties to actively participate in the snap parliamentary elections on September 1. The level of activity observed in the last parliamentary elections held in February 2020 was not recorded. While

² <https://turan.az/en/politics/appellate-court-returns-lawyers-complaint-against-the-state-security-service-to-sabail-district-court-785537>

1,637 candidates³ were registered during that period, only 900 candidates were registered for the September 1, 2024 elections.

Independent observers noted that the indicators of voter activity at some polling stations significantly differed from the official figures. Such discrepancies provide grounds for claiming that voter activity was artificially inflated due to instances of a single individual voting multiple times and the mass casting of ballots into the ballot boxes at certain polling stations.

According to independent experts, the snap parliamentary elections held on September 1, 2024, were accompanied by a lack of a favorable democratic political environment and genuine political competition, failing to meet the requirements of national legislation on free and fair elections as well as international standards. The elections were marked by numerous violations of the law. The OSCE ODIHR and EMDS also assessed the results of the elections negatively.⁴

Teacher who was a candidate for parliament dismissed from job

Leyla Najafgulyeva, a former candidate for the Milli Majlis from the 82nd Imishli-Saatli electoral district, has been dismissed from her position as a teacher at a secondary school in the village of Aranli in the Imishli region.⁵ She believes that her dismissal is related to her activities during the elections.

The order from the Mil-Mugan regional department of the Ministry of Science and Education dated September 17 states that the teacher's "disobedience to the school principal's instructions," "influencing students' absence from classes," "conducting lessons outside the school building without the approval of the administration," "posting videos on TikTok," and "using children for personal purposes" grossly violate the requirements of the "Teacher's Ethical Code."

Her dismissal was coordinated with the local Trade Union. However, during her participation in the election campaign, Najafgulyeva faced pressure.

She was asked to withdraw her candidacy, but she did not comply.

According to official information, Leyla Najafgulyeva received 1,139 votes, placing her in fourth place in the election.⁶ However, the OSCE Office for Democratic Institutions and Human Rights and the OSCE Parliamentary Assembly's Election Observation Mission issued a negative assessment regarding the September 1 elections.

The teacher sees her social media activity as another reason for her dismissal. She has consistently highlighted issues related to negative incidents at the Aranli village school.

In 2023, Najafgulyeva reported that there was no sanitation facility in the old school building, which led to the construction of a new building in Aranli village two years later. However, the

³ Lakin yanvarın 31-dək olan dövrdə onlardan 312-si namizədliyini geri götürüb.

⁴ <https://www.osce.org/files/f/documents/f/4/575497.pdf>

⁵ <https://turaz.az/en/politics/candidate-for-deputy-dismissed-in-imishli-785210>

⁶ <https://www.infocenter.gov.az/archive/MilliMeclis2024.aspx?i=5&dsk=82>

new school building, constructed by the Heydar Aliyev Foundation, lacked running water, and the teacher had to hold the first lesson of the third grade on September 16 in the school yard.

She filmed a video of this and shared it on social media, which became the official reason for her dismissal.

Najafgulyeva successfully passed qualification exams for her profession during the summer. In addition, Leyla Najafgulyeva has collaborated with NGOs. She has worked on community building, gender equality, and domestic violence issues in her region.

The chairman of the Civil Rights Institute public organization and election expert, Bashir Suleymanli, stated that the candidate's dismissal on September 17 is illegal, as the immunity of candidates had been extended until September 21 by the decision of the Central Election Commission. He considers Leyla Najafgulyeva's decision to appeal to the court to be correct.

Leyla Najafgulyeva was a candidate in the snap parliamentary elections held on September 1, 2024. The Election Code prohibits the dismissal of a candidate for parliamentary office.

Article 70.3 of the Election Code states that a candidate registered within the timeframe specified in Article 70.1 of this Code cannot be dismissed from their position in a state body, agency, organization, or municipal body at the initiative of those authorities or their officials. Furthermore, they cannot be transferred to another job, place of work (study, or service) without their consent, sent on a business trip, or called up for military service or training. The period of participation of the registered candidate in the elections is included in their work experience from the date of their registration.

According to Article 70.4 of the same Code, a registered candidate cannot be held criminally responsible for actions committed after their registration as a candidate without the approval of the relevant prosecutor during the period specified in Article 70.1. They cannot be detained or subjected to administrative penalties as determined by court procedures. However, if a registered candidate is caught in the act of committing a crime, they may be arrested. If such consent is granted or a decision is made, the relevant prosecutor or court must immediately notify the election commission where the candidate is registered.

The status of candidacy remains in effect until the decision of the Constitutional Court. The Constitutional Court confirmed the results of the snap parliamentary elections held on September 1, four days after Leyla Najafgulyeva was dismissed, on September 21.⁷

⁷ <https://turan.az/en/politics/constitutional-court-approves-parliamentary-election-results-784900>