

## Disabling Election Monitoring Institute

On September 1, snap parliamentary elections was held in Azerbaijan. This election bears many similarities to previous ones. Like its predecessors, it is taking place in a non-democratic environment and against a backdrop of human rights violations. However, there is a distinctive feature that sets this election apart from previous ones in a negative sense: for the first time in 20 years, local election monitoring institutions in Azerbaijan have been completely excluded from the election process.

In Azerbaijan, there are two main organizations recognized by independent and international bodies that engage in local election monitoring. One of them is the Election Monitoring and Democracy Studies Center (EMDS), led by political prisoner Anar Mammadli, who is currently in prison. The other is the Institute for Democratic Initiatives (IDI), headed by political prisoner Akif Gurbanov, who is also currently incarcerated.

The head of EMDS, Anar Mammadli, was detained on April 29. He has been charged under Article 206.3.2 of the Criminal Code (smuggling committed by a group of persons in collusion). The court ruled to impose a preventive detention measure on Anar Mammadli for a period of 3 months and 28 days. On August 23, his detention was extended by another 3 months. Anar Mammadli denies the charges against him and considers his arrest to be politically motivated.

Several international organizations, as well as the U.S. State Department and the U.S. Embassy in Baku, **have called** on the Azerbaijani government to immediately release Anar Mammadli and other detained individuals.<sup>1</sup>

Anar Mammadli is **one of the founders** of the COP29 - Climate of Justice Initiative, which was established on February 20th of this year with the aim of ensuring civil liberties, public participation, and justice in the environmental sphere in the country.<sup>2</sup>

Mammadli was previously arrested on December 17, 2013. He was charged with tax evasion, abuse of power, and falsifying the results of elections and referendums. The Baku Court of Serious Crimes sentenced Anar Mammadli to 5 years and 6 months of imprisonment. Mammadli denied the charges, and Amnesty International declared him a prisoner of conscience. He was released on March 17, 2016, under a presidential pardon issued by Azerbaijani President Ilham Aliyev.

On September 29, 2014, Anar Mammadli was awarded the Václav Havel Human Rights Prize during the autumn session of the Parliamentary Assembly of the Council of Europe (PACE).

On March 6, law enforcement agencies conducted searches at the Democratic Initiatives Institute (IDI), led by Akif Gurbanov, as well as at the homes of several employees. A criminal case was initiated against Akif Gurbanov, the head of IDI and the spokesperson of the "III Republic Platform", and a four-month pre-trial detention order **was issued** against him<sup>3</sup>. On July 4, his pre-trial detention was extended by another three months.

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<sup>1</sup> <https://turan.az/en/politics/the-us-embassy-is-concerned-about-the-detention-of-anar-mammadli-779975>

<sup>2</sup> <https://turan.az/en/politics/azerbaijani-activists-have-established-the-fair-environment-initiative-cop29-777578>

<sup>3</sup> <https://turan.az/en/politics/the-court-arrested-five-defendants-in-the-toplum-tv-case-two-were-transferred-to-police-supervision-778231>

The Democratic Initiatives Institute (IDI) was established on November 5, 2013, by a group of lawyers and public figures, with former CEC member Akif Gurbanov elected as its chairperson.

In addition to election monitoring, IDI has implemented projects focused on training human rights defenders, journalists, and young leaders.

Currently, both organizations are unable to operate, with their offices closed. This situation is due to the initiation of criminal cases against the leaders of both organizations, their arrest, and the investigation of individuals who collaborated with them.

After Anar Mammadli being arrested following the 2013 presidential elections for the first time, the then-newly-established IDI had conducted election monitoring during the 2014 municipal and 2015 parliamentary elections.

However, due to the aforementioned reasons, neither organization was able to monitor the snap parliamentary elections scheduled for September 1. This means that the local election monitoring institution has been entirely restricted by the authorities, and the September 1 elections will take place in the absence of local election observers.

All these factors cast doubt on the election being conducted in a free, fair, and democratic manner. They also indicate the Azerbaijani authorities' intention to completely eliminate the local monitoring institutions.

## **DUE TO EXHAUSTION OF LEGAL REMEDIES, POLITICAL PRISONERS ARE TURNING TO HUNGER STRIKES**

August was also marked by hunger strikes from three political prisoners in Azerbaijan. The political prisoners included Fazil Gasimov, a doctoral student at Istanbul University, Famil Khalilov, a first-group disabled person, and former diplomat Emin Ibrahimov. They began their hunger strikes in protest against their unlawful imprisonment.

### ***Fazil Gasimov undertaken a hunger strike***

F. Gasimov began a hunger strike in prison in protest of his detention starting in June.

Fazil Gasimov, who was living in Turkey, was detained in Istanbul on August 8, 2023, and brought to Azerbaijan. He was arrested as part of the investigation into the criminal case against Gubad Ibadoghlu and is charged under Article 204.3.1 of the Criminal Code (preparation for sale, including the acquisition or sale of counterfeit money or foreign currency—when committed by an organized group). Gasimov stated that his communication with Ibadoghlu began in virtual form in March 2020. He added, “23 days after the Education Fund (AYEF) was registered by the Charity Commission of the United Kingdom, Gubad Ibadoghlu was arrested, and 39 days later, I was.”

Gubad Ibadoghlu, who is charged under Articles 204.3.1 (preparation for sale, including the acquisition or sale of counterfeit money or foreign currency—when committed by an organized group) and 167-3.1 (preparation, storage, or dissemination of religious extremist materials, including materials that call for or justify religious extremist activities, or provide justification for the necessity of such activities), was arrested in July of last year and remained in detention until April 22 of this year.

After numerous local and international appeals, on April 22, Ibadoghlu's detention was replaced with house arrest. On May 21, house arrest was replaced by police supervision as per the investigator's decision, and the investigation period was extended by another 3 months.

Currently, Fazil Gasimov's criminal case has been separated from Gubad Ibadoghlu's case. On August 15, a preparatory hearing for Gasimov's case began at the Baku Serious Crimes Court, presided over by Judge Mahira Karimova.

### ***A person with physical disability framed with drugs***

On August 15, Famil Khalilov, an activist and a person with a physical disability being held in the medical-sanitary unit of Baku Investigation Prison No. 1, announced a hunger strike. He stated that he was protesting against his illegal detention and the suffering he endured due to his physical limitations. Khalilov, who is paralyzed and has restricted mobility, has not been assigned a social worker for assistance; previously, care for him was provided by fellow inmates.

On May 2, Khalilov was charged under Article 234.4.3 of the Criminal Code (preparation, transportation, and possession of a large amount of drugs with the intent to sell). He was placed under a 4-month pretrial detention. This article provides for a prison sentence ranging from 5 to 12 years.

His relatives claim that he is innocent and that he is being punished due to his social media posts.

F. Khalilov, on May 6, was transferred to the medical-sanitary unit of the Baku Detention Center No. 1 due to the worsening of his condition. Gasimov and Khalilov are currently continuing their hunger strikes.

### ***A former diplomat who made anti-Russia statements accused of "stabbing someone"***

On July 22, former diplomat Emin Ibrahimov, who was detained by law enforcement and had a court decision imposing a 4-month pre-trial detention, **ended** his hunger strike on August 12 after 20 days.<sup>4</sup>

Emin Ibrahimov, who faces charges under Article 126.2.4 (intentional bodily harm with hooligan intent) and Article 221 (hooliganism) of the Criminal Code for allegedly stabbing someone, has denied the accusations. Reports indicate that he was subjected to mistreatment and torture during his detention.<sup>5</sup>

Emin Ibrahimov served in diplomatic roles from 2007 to 2020. He was the Second Secretary at the Azerbaijani Embassy in the United States from 2012 to 2016 and served as the Chargé d'Affaires in Uruguay from 2016 to 2020.

In 2020, Emin Ibrahimov resigned from diplomatic service in protest against the falsification of the parliamentary elections in Azerbaijan. Afterward, he engaged in analytical work and commented on various issues through media and social networks.<sup>6</sup>

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<sup>4</sup> <https://turaz.az/en/politics/emina-brahimov-has-stopped-his-hunger-strike-783503>

<sup>5</sup> <https://www.amerikaninsesi.org/a/7709217.html>

<sup>6</sup> <https://www.amerikaninsesi.org/a/7467808.html>

He has sharply criticized the government for deteriorating relations with the West and moving closer to Russia and other authoritarian states. In September 2023, Emin İbrahimov was administratively detained for 30 days for the publication of an article titled "Policy Favoring Russia."

In recent years, it has been uncommon for political prisoners, who have been arrested for different, unrelated reasons, to engage in hunger strikes simultaneously.

In Azerbaijan, political prisoners have previously engaged in hunger strikes, usually as a protest against unlawful detentions related to the same case. However, Fazil Gasimov, Emin İbrahimov, and Famil Khalilov have been arrested on separate charges and have no connections with each other.

In Azerbaijan, trust in the judicial system has diminished so significantly that prisoners, especially political prisoners, choose to express their protest against injustices and unlawful detentions through hunger strikes, despite the life-threatening risks involved.

All three political prisoners have utilized legal routes to seek their release. However, the judiciary, which is perceived as acting on political orders, has not granted their freedom.

Political prisoners have previously undertaken hunger strikes, but there have been very few instances where such strikes have led to the fulfillment of their demands. In most cases, the authorities have preferred to ignore the demands of political prisoners engaged in hunger strikes. The government believes that meeting the demands of any political prisoner on a hunger strike could set a precedent, potentially leading to widespread hunger strikes among political prisoners. Therefore, the authorities often try to prevent political prisoners from undertaking hunger strikes. When they are unable to stop them, various pressures are applied to force the hunger strikers to end their protest.

While prisoners undertaking hunger strikes may not secure their release through this method, they can draw local and international attention to their unlawful detention.

Although the authorities often attempt to publicly ignore such actions, these hunger strikes do disturb and unsettle the government.

### **Georgia Has Become a Dangerous Country for Azerbaijani Political Refugees**

Georgia still does not remain a safe haven for those coming from Azerbaijan as political refugees. For instance, on August 3, former political prisoner and Azel.TV director Afgan Sadigov, who had been living in Georgia with his family since December 24 of the previous year, was detained by Georgian police. He stated that he had come to Georgia for medical treatment and expressed that returning to Azerbaijan was dangerous due to the threats he faced.

On August 4, the Tbilisi City Court, under the chairmanship of Judge Ketevan Chachavadze, selected a 3-month detention order for Afgan Sadigov for the purpose of extradition.

In court, it was stated that a criminal case was initiated against Afgan Sadigov by the Azerbaijani Ministry of Internal Affairs on May 10, under Articles 188.2.2 and 182.2.4 of the Azerbaijani Criminal Code. These charges include "extortion, appropriation of someone else's

substantial property, and threats through repeated dissemination of defamatory information." Sadigov's detention **was carried out** based on a request from the Azerbaijani side.<sup>7</sup>

On August 15, Giorgi Mirotadze, the judge of the Investigation Chamber of the Tbilisi Court of Appeal, ruled that the complaint filed by the human rights organization "Georgia's Rights" regarding journalist Afgan Sadigov, who was placed under a 3-month detention order for extradition purposes, was inadmissible. The court **upheld** the decision made by the Tbilisi City Court on August 4.<sup>8</sup>

Afgan Sadigov had been previously imprisoned twice. He was first detained in May 2020 on charges of extortion. On November 3, 2020, he was sentenced to seven years in prison. The Court of Appeal later reduced the sentence to six years, and the Supreme Court further reduced it to four years. After being held for two years and 15 days, he was released on May 27, 2022, following a presidential pardon. During his imprisonment, he had also engaged in a prolonged hunger strike.

Afgan Sadigov was also detained in November 2016 under the Criminal Code for intentionally causing minor bodily harm using dangerous methods with hooligan intent. The Jalilabad District Court sentenced him to 2 years and 6 months in prison. However, following a decision by the Supreme Court, the prison term was reduced by one year, and he was released in 2018 after completing his adjusted sentence.

Local human rights defenders have recognized him as a political prisoner.

It should be noted that Afghan Sadigov's detention is not the first case of an Azerbaijani journalist being arrested in Georgia. Before Sadigov, another Azerbaijani journalist was also detained in Georgia. In May 2017, journalist Afghan Mukhtarli, who was living in Tbilisi, was apprehended by Georgian security forces, and forcibly handed over to the Azerbaijani side at the border. Mukhtarli **was sentenced** to six years in prison in January 2018 on charges of illegal border crossing, smuggling, and resisting law enforcement officials.<sup>9</sup>

On March 17, 2020, the court reduced Mukhtarli's sentence, leading to his release, and he subsequently asked asylum in Germany.

After the arrest of Afgan Mukhtarli, many Azerbaijani public and political figures who had sought asylum in Georgia left the country and sought refuge in third countries.

Despite the seven years since the Afgan Mukhtarli case, the arrest of Afgan Sadigov demonstrates that Georgia remains a dangerous place for Azerbaijani activists. It indicates that, based on requests from the Azerbaijani authorities, the Georgian government can detain and hand over Azerbaijani asylum-seekers living there at any time.

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<sup>7</sup> <https://turan.az/en/politics/afgan-sadygov-detained-in-georgia-at-the-request-of-azerbaijan-updated-783222>

<sup>8</sup> <https://turan.az/en/politics/tbilisi-court-of-appeal-does-not-satisfy-afgan-sadygov-appeal-783649>

<sup>9</sup> <https://turan.az/en/social/the-court-sentenced-afgan-mukhtarly-to-6-years-in-prison-updated>