

MONITORING OF POLITICALLY MOTIVATED ADMINISTRATIVE ARREST (2020-2021)- REPORT



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DEMOCRATIC TRANSFORMATIONS INSTITUTE
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INSTITUTE FOR DEMOCRATIC INITIATIVES

**MONITORING OF POLITICALLY
MOTIVATED ADMINISTRATIVE
ARREST IN AZERBAIJAN
(2020-2021) - REPORT**

Baku - 2022

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1. Summary

The report prepared with a special methodology and various monitoring methods covers the following:

In the introductory part of the document, the concept of administrative detention, the actions leading to administrative detention, and the duration of administrative detention are reflected.

In the next part, the analysis of the legislation was carried out. In this part, local and international legislation on administrative detention is described and analyzed.

In the next part, a statistical analysis of politically motivated administrative detentions that occurred in 2020-2021 is carried out. Based on the results of the analysis, it can be said that administrative detentions are observed more often in Baku than in the regions. Article 535.1 of the Code of Administrative Offenses of the Republic of Azerbaijan (intentional disobedience to the lawful request of a police officer) is used more often during administrative detentions.

In the next part, reports of international organizations are monitored.

At the end of the report, conclusions and recommendations are given. Recommendations are aimed at eliminating shortcomings in practice.

2. Methodology

The report is based on the interpretation of the CAO of the Republic of Azerbaijan, international and regional conventions to which Azerbaijan is a party, and reports of local and international organizations. Also, the study has been carried out by the method of media monitoring and contacting various parties (APFP, ADR, Musavat) and movement members (NIDA) and receiving direct information from them.

During the study, a description and analysis of local and international legislation have been carried out. The reports of international organizations were monitored for two years (2020-2021) in order to correctly determine the direction of the trend.

3. Introduction

An act that violates public relations protected by the CAO of the Republic of Azerbaijan, is illegal, is considered guilty, and causes administrative liability is considered an administrative offense. Administrative detention is a type of administrative punishment applied in exceptional cases for the term of up to three months.¹ In contrast to criminal cases, persons subjected to administrative detentions may be detained from three to ninety days. Despite the fact that the legislation provides for its application in exceptional cases, the widespread and mass application of administrative detentions in Azerbaijan has revealed the importance of preparing a report on this topic.

4. Analysis of local legislation

4.1 Constitution of the Republic of Azerbaijan

According to Paragraph 1 of Article 28 of the Constitution of the Republic of Azerbaijan, everyone has the right to liberty. Paragraph 2 of the mentioned article states that the right to liberty may be restricted only in accordance with the procedure prescribed by law, by detention, arrest, or imprisonment.²

4.2 Code of Administrative Offenses

Administrative detentions in Azerbaijan are regulated by the Code of Administrative Offenses.

According to Article 12 of the Code of Administrative Offenses³ of the Republic of Azerbaijan, an act (action or inaction) that violates public relations protected by the Code of Administrative Offenses, is illegal, considered guilty (intentionally or carelessly), and causes administrative liability is considered an administrative offense.

A person who intentionally commits an administrative offense knows that the act he/she committed is illegal and that it will have harmful consequences. He/She wants these consequences to occur and consciously allows these harmful consequences to occur.

If a person who has committed an administrative offense due to carelessness foresees the possibility that his/her action may have harmful consequences but has lightly hoped to prevent them, or if he/she could have foreseen that these consequences would occur but did not see them, this offense is considered an error committed due to carelessness.

¹ Code of Administrative Offenses of the Republic of Azerbaijan, Article 30, <https://e-qanun.az/framework/46960>

² Constitution of the Republic of Azerbaijan, Article 28, <https://e-qanun.az/framework/897>

³ Code of Administrative Offenses of the Republic of Azerbaijan, Article 12, <https://e-qanun.az/framework/46960>

According to Paragraph 1 of Article 16 of the Code of Administrative Offenses⁴, physical persons who have reached the age of sixteen when committing an administrative offense are subject to administrative liability. In other words, for a person to be held responsible for an administrative offense, he or she must be 16 years old, the legislation does not provide for the administrative liability of persons under the age of 16.

The purpose of administrative detention is to educate individuals in the spirit of compliance with laws, as well as to prevent new administrative offenses from being committed by both the offender and other persons. If it is possible to achieve this goal with warnings and fines, the person cannot be detained. Administrative detention is carried out only by courts. Employees of the police or other executive bodies do not have the authority to detain a citizen by drawing up a protocol for an administrative offense. The identity of the citizen should be taken into account during administrative detention.

Administrative detention is determined and applied only in exceptional cases, for a period of three days to three months for different types of administrative offenses. Administrative detention cannot be applied to pregnant women or women with children under their care under the age of fourteen, men raising their children under the age of fourteen on their own, persons under the age of eighteen, persons diagnosed with a disability due to 61-80 percent or 81-100 percent impairment of body functions, persons diagnosed with a disability under the age of eighteen, women who have reached the age of sixty, and men who have reached the age of sixty-five, as well as to military personnel for other administrative offenses except for the administrative offenses provided for in Chapter 41 of this Code.⁵

The following cases mentioned in the Code are considered an administrative offense as an illegal act and create administrative responsibility for the persons who commit those acts:

- when a person commits petty hooliganism; deliberately disobeys the legal request of a police officer, as well as a military serviceman; violates the order of organizing and holding meetings, rallies, demonstrations, street marches, and pickets; refuses to carry out social jobs chosen as an administrative punishment; engages in vagrancy; violates the rules of hunting, rules for fishing, and protection of fish and other aquatic bioresources; and when foreigners or stateless persons stay illegally in the Republic of Azerbaijan;
- when the regime is violated at border lanes and border crossing points;
- when administrative offenses are committed in connection with encroachment on protected objects, other state property, or public property;
- when traffic rules are violated;

⁴ Code of Administrative Offenses of the Republic of Azerbaijan, Article 16, <https://e-ganun.az/framework/46960>

⁵ Code of Administrative Offenses of the Republic of Azerbaijan, Article 30, <https://e-ganun.az/framework/46960>

- when the state of emergency is violated;
- when the requirements of the legal regime of the special operation zone against religious extremism are violated, including in the absence of documents confirming the identity of natural persons in the special operation zone against religious extremism; when actions are committed aimed at preventing the legal requirements of individuals conducting a special operation for the purpose of identifying them or against religious extremism;
- when the requirements of the martial law regime are violated;
- when the rules of stay in the country are violated by foreigners and stateless persons, or when they refuse to execute the decision on administrative deportation outside the borders, or when there are sufficient grounds to suspect such refusal.

Administrative responsibility for the actions provided for in the special part of the CAO arises if these actions do not lead to criminal liability.

Administrative punishments are divided into two types: main and additional.⁶ The main types of administrative punishments are the following:

- Warning;
- Administrative fine;
- Social jobs;
- Administrative detention.

Confiscation of an instrument in the commission of an administrative offense or an object that was the direct object of an administrative offense, restriction of a special right granted to an individual, and administrative deportation outside the borders of the Republic of Azerbaijan can be applied as both main and additional types of administrative punishment.

The term of administrative detention starts from the moment of administrative custody. Administrative detention, i.e. short-term restriction of the freedom of an individual, is applied by the officials of the relevant executive authority to ensure the correct and timely consideration of the administrative offense case or the execution of the decision on the administrative offense case.⁷ In other words, administrative detention is one of the measures to ensure proceedings in the case of an administrative offense and is formalized with a protocol on an administrative offense. The term of administrative custody is included in the term of administrative detention.

⁶ Code of Administrative Offenses of the Republic of Azerbaijan, Articles 22 and 23 <https://e-ganun.az/framework/46960>

⁷ Code of Administrative Offenses of the Republic of Azerbaijan, Article 88, <https://e-ganun.az/framework/46960>

Administrative custody of a person who has committed an administrative offense cannot exceed three hours, with the exception of Articles 89.2 - 89.4 of this Code.⁸ In exceptional cases, this period may be extended up to 24 or 48 hours, respectively, due to the complexity of the case for some administrative offenses or the large number of persons who committed the offense, conducting a certain investigation, or identifying the person. If there are no documents confirming the identity of the perpetrator of the relative offense, this period can be extended for up to three days by the judge's decision.

However, in practice, the most frequently violated norm, despite the absence of exceptions, is the violation of the norm that the duration of administrative custody should not exceed three hours.

⁸ Code of Administrative Offenses of the Republic of Azerbaijan, Article 89, <https://e-ganun.az/framework/46960>

5. Analysis of international legislation on administrative detentions

According to Paragraph 2 of Article 12 of the Constitution⁹ of the Republic of Azerbaijan, “Rights and liberties of a person and a citizen listed in the present Constitution are applied in accordance with international treaties to which the Republic of Azerbaijan is a party.”

According to Paragraph 2 of Article 148 of the Constitution¹⁰, “International treaties to which the Republic of Azerbaijan is a party shall be an integral part of the legislative system of the Republic of Azerbaijan.”

In case of conflict between international treaties and local legislation, international treaties should be taken as the basis (Exception: Constitution of the Republic of Azerbaijan and acts adopted by referendum).

Administrative detention is regulated by international instruments and local legislation as a restriction of the right to liberty. The UN Universal Declaration of Human Rights is the first document that includes the right to liberty. Although the document is advisory in nature, Article 3 of the Declaration¹¹ states, “Everyone has the right to life, liberty and security of person.”

An international document with the binding legal force for ratifying parties is the International Covenant on Civil and Political Rights adopted by the UN. Azerbaijan ratified the Covenant on August 13, 1992, and the document entered into force on November 13, 1992.

According to Paragraph 1 of Article 9 of the Covenant¹², “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.”

According to Paragraph 2 of Article 9 of the Covenant¹³, “Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.”

⁹ Constitution of the Republic of Azerbaijan, Article 12, <https://e-qanun.az/framework/897>

¹⁰ Constitution of the Republic of Azerbaijan, Article 148, <https://e-qanun.az/framework/897>

¹¹ Universal Declaration of Human Rights, Article 3, <https://www.coe.int/az/web/compass/the-universal-declaration-of-human-rights-full-version->

¹² International Covenant on Civil and Political Rights, Article 9, https://migration.gov.az/content/pdf/5acb034968016_M%C3%BCIki%20v%C9%99%20siyasi%20h%C3%BCquqlar%20haqq%C4%B1nda%20Pakt.pdf

¹³ International Covenant on Civil and Political Rights, Article 9, https://migration.gov.az/content/pdf/5acb034968016_M%C3%BCIki%20v%C9%99%20siyasi%20h%C3%BCquqlar%20haqq%C4%B1nda%20Pakt.pdf

¹⁴ International Covenant on Civil and Political Rights, Article 9, https://migration.gov.az/content/pdf/5acb034968016_M%C3%BCIki%20v%C9%99%20siyasi%20h%C3%BCquqlar%20haqq%C4%B1nda%20Pakt.pdf

¹⁵ European Convention on Human Rights, Article 5, <https://www.coe.int/az/web/compass/the-european->

Other paragraphs of Article 9 of the Covenant also emphasize the protection of essential rights during detention.¹⁴

The most important document for the Republic of Azerbaijan in this regard is the European Convention on Human Rights¹⁵ (Azerbaijan joined the Convention on December 25, 2001).¹⁶ Article 5 of the Convention provides for the right to liberty and security. No one shall be deprived of his liberty except in specific cases¹⁷ prescribed by law.

The European Convention is the only international treaty that has given a clear list of the cases in which liberty can be restricted, and the restriction of the right to liberty is considered a violation of the Convention, except for the cases provided for in this list.

¹⁴ International Covenant on Civil and Political Rights, Article 9, https://migration.gov.az/content/pdf/5acb034968016_M%C3%BCIki%20v%C9%99%20siyasi%20h%C3%BCquqlar%20haqq%C4%B1nda%20Pakt.pdf

¹⁵ European Convention on Human Rights, Article 5, <https://www.coe.int/az/web/compass/the-european-convention-on-human-rights-and-its-protocols>

¹⁶ Law of the Republic of Azerbaijan on the Ratification of the Convention on the Protection of Human Rights and Fundamental Freedoms and its Protocols No. 1, 4, 6, and 7, <https://e-qanun.az/framework/1405>

¹⁷ European Convention on Human Rights, Article 5 § 1:

- (a) the lawful detention of a person after conviction by a competent court;
- (b) the lawful arrest or detention of a person for noncompliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;
- (c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;
- (d) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;
- (e) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;
- (f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.

6. Statistics of administrative detentions

Although it is not possible to obtain the exact statistics of those arrested administratively, according to the information provided by the Ministry of Justice for 2021, up to 5,700 people who obstructed the execution of decisions and did not fulfill the legal requests of executive officers were brought to administrative responsibility, including more than 3,300 people was duly detained.¹⁸ As a result of the enforced execution measures, the ban on more than 2,600 debtors who have executed court decisions on alimony, money demand, and other payments from leaving the country has been lifted.

Although there were more administrative detentions during the pandemic, there are no unified statistics on this.

It is also impossible to get accurate information about how many administrative detentions have been politically motivated. No generalized statistics have been disclosed in this direction. However, if we look at the information given by the political party and movement members, we can clearly see that there are other interests behind the administrative detentions.

6.1. Politically motivated administrative detentions between 2020-2021

The list of those subjected to administrative detentions for political motives in 2020-2021:

No	Name Surname	Date	Social or political affiliation	The court that issued the decision or the city where the detention took place	Article of the CAO	Punishment / day	Alleged motive
1.	Zamin Salayev ¹⁹	13.01.2020	APFP	Sabail District Court	535.1	30	Accusing the police officer of rape in the video he shared on the social network ²⁰

¹⁸ <https://www.e-huquq.az/az/news/xeberler/43296.html>

¹⁹ <https://www.azadliq.org/a/axcp-f%C9%99allar%C4%B1ndan-x%C9%99b%C9%99r-yoxdur/30374837.html>

Accessed: 26 May 2022

²⁰ <https://www.azadliq.org/a/zamin-salayev-mehkeme-axcp/31397163.html> Accessed: 2 June 2022

2.	Mammad Ibrahim ²¹	26.02.2020	APFP	Khatai District Court	535.1	10	Visiting Khojaly monument
3.	Fuad Ismayilov ²²	07.03.2020	Social activist	Surakhani District Court	206	60	Protesting and publicizing electoral fraud
4.	Anar Malikov ²³	22.03.2020	APFP	Jalilabad District Court	211	10	Sharing a status on a social network that quarantine rules are used as a source of bribery ²⁴
5.	Samir Babayev ²⁵	22.03.2020	Muslim Union Movement	Sabunchu District Court	211 or 535.1	30	Distribute free masks to the population and leaflets on how to protect yourself from the coronavirus in front of the 28 May metro station for the purpose of fighting against the epidemic
6.	Shakir Mammado v ²⁶	06.04.2020	ADR	Sumgayit City Court	535.1	15	Social media activity - criticizing the government's response to the pandemic ²⁷
7.	Faig Amirov ²⁸	08.04.2020	APFP and Director of Azadlig newspaper	Sabail District Court ²⁹	211	30	Political activity

²¹ <https://www.azadliq.org/a/axcp-%C3%BCzv1%C9%99ri-saxlan%C4%B1b/30456315.html> Accessed: 26 May 2022

²² <https://gozetc.az/en/pozuntular/fuad-ismayilov-bar%c9%99sind%c9%99-h%c9%99bs-q%c9%99rari-cixarilib/> Accessed: 26 May 2022

²³ <https://www.azadliq.org/a/chebhechiye-10-sutka-verildiye-devilir/30502510.html> Accessed: 26 May 2022

²⁴ https://m.facebook.com/story.php?story_fbid=3401972523164338&id=100000548704348 Accessed: 2 June 2022

²⁵ <https://www.meydan.tv/az/article/inancli-feal-25-sutka-hebs-cezasi-alib/> Accessed: 26 May 2022

²⁶ <https://www.azadliq.org/a/siyasi-f%C9%99ala-15-sutka-verilib/30535417.html> Accessed: 26 May 2022

²⁷ https://twitter.com/Giorgi_Gogia/status/1250686267819536384?s=20 Accessed: 26 May 2022

²⁸ <https://www.azadliq.org/a/30569713.html> Accessed: 26 May 2022

²⁹ <https://www.azadliq.org/a/faiq-%C9%99mirliy%C9%99-bir-ay-inzibati-h%C9%99bs-c%C9%99zas%C4%B1-verilib/30543874.html> Accessed: 2 June 2022

8.	Ruslan Amirov ³⁰	09.04.2020	APFP	Narimanov District Court ³¹	211	30	Political activity
9.	Vafadar Aliyev ³²	09.04.2020	ADR	Binagadi District Court	535	30	Political activity
10.	Natig Isbatov	10.04.2020	Correspondent of 7gun.az website	Absheron District Court	535.1	30	Making a video about people who are dissatisfied in the city of Khirdalan
11.	Nijat Abdullayev ³³	10.04.2020	APFP	Binagadi District Court	535.1	30	Political activity
12.	Nariman Abdulla ³⁴	11.04.2020	Social activist	Lankaran District Court	211	10	Criticizing the Minister of Labor and Social Protection of the Population, Sahil Babayev, on Facebook for the situation of the low-income class during the quarantine period ³⁵
13.	Ibrahim Vazirov ³⁶	12.04.2020	Correspondent of Kanal 24	Shirvan City Court	535.1	25	Shedding light on the difficulties faced by Azerbaijanis during the quarantine regime (requested to delete the

³⁰ <https://www.azadliq.org/a/30569713.html> Accessed: 26 May 2022

³¹ https://turan.az/ext/news/2020/4/free/politics_news/az/123067.htm/001 Accessed: 2 June 2022

³² <https://www.amerikaninsesi.org/a/jurnalists-h%C9%99bs-edilib-m%C3%BCxalif%C9%99t-t%C9%99nqidi-s%C9%99sl%C9%99rin-h%C9%99bsini-pisl%C9%99yir-/5367106.html> Accessed: 26 May 2022

³³ <https://www.azadliq.org/a/30546010.html> Accessed: 26 May 2022

³⁴ <https://www.meydan.tv/az/article/daha-bir-ictimai-feal-inzibati-hebs-cezasi-aldi/> Accessed: 26 May 2022

³⁵ <https://www.facebook.com/photo/?fbid=3405079399506680&set=a.1348708901810417> Accessed: 26 May 2022

<https://www.facebook.com/neriman.aeff/posts/2604013036554945> Accessed: 26 May 2022

³⁶ <https://www.amerikaninsesi.org/a/az%C9%99rbaycanda-jurnalists%C9%99r-v%C9%99m%C3%BCxalif%C9%99t%C3%A7il%C9%99r-karantin-qaydalar%C4%B1n%C4%B1-pozmaq-ittiham%C4%B1il%C9%99-h%C9%99bs-edilir/5376792.html> Accessed: 26 May 2022

							photos he took)
14	Hikmat Aghayev ³⁷	12.04.2020	Muslim Union Movement	Khatai District Court	535.1	25	-
15	Baba Suleymanov ³⁸	13.04.2020	APFP	Baku city ³⁹	211	30	-
16	Mirsaheb Rahiloglu ⁴⁰	13.04.2020	Correspondent		211	20	Shedding light on the difficulties faced by Azerbaijanis during the quarantine regime
17	Niyamaddin Ahmadov ⁴¹	16.04.2020	APFP	Khatai District Court ⁴²	211 or 535.1	30	Political activity
18	Vugar Abilov ⁴³	17.04.2020	APFP	Absheron District Court	535.1	20	Political activity
19	Islam Islamzade ⁴⁴	17.04.2020	APFP	Nasimi District Court	211 and 535.1	30	Political activity
20	Elgun Ganjimsoy ⁴⁵	21.04.2020	Independent journalist	Aghdam District Court	211	20	Political activity ⁴⁶

³⁷ <https://www.meydan.tv/az/article/inancli-feal-25-sutka-hebs-cezasi-alib/> Accessed: 26 May 2022

³⁸ <https://www.meydan.tv/az/article/axcp-nin-daha-bir-feali-30-sutka-hebs-cezasi-aldi/> Accessed: 26 May 2022

³⁹ <https://lent.az/news/348064> Accessed: 2 June 2022

⁴⁰ <https://www.facebook.com/irfal.gulhan/posts/159267458895663> Accessed: 26 May 2022

⁴¹ <https://www.meydan.tv/az/article/niyameddin-ehmedov-eli-kerimlinin-muhafizecisi-olduguma-gore-hebs-edilmisem/> Accessed: 26 May 2022

⁴² https://www.turan.az/ext/news/2020/4/free/politics_news/az/123654.htm/001 Accessed: 2 June 2022

⁴³ <https://www.amerikaninsesi.org/a/axcp-f%C9%99a%C4%B1-h%C9%99bs-edilib-/5376290.html> Accessed: 26 May 2022

⁴⁴ <https://www.azadliq.org/a/azadl%C4%B1q-qe%C9%99zetinin/30561782.html> Accessed: 26 May 2022

21	Avaz Ahmadov ⁴⁷	22.04.2020	APFP	Khazar District Court	535.1	20	Political activity ⁴⁸
22	Arif Babayev ⁴⁹	22.04.2020	APFP	Surakhani District Court	388.1.1.1	30	Political activity - preventing sharings against statehood ⁵⁰
23	Shamsi Gahraman ov (Kasamanli) ⁵¹	24.04.2020	APFP	Absheron District Court		15	Social network activity
24	Elvin Mammadov ⁵²	04.05.2020	APFP	Garadagh District Court	211	30	Writing a poem on the birthday of APFP Chairman Ali Karimli
25	Ramid Naghiyev ⁵³	06.05.2020	APFP	Nizami District Court	211	30	Political activity
26	Jeyhun Rzayev ⁵⁴	09.05.2020	APFP	Mingachevir City Court	535.1	10	Hanging the portrait of Mohammad Amin Rasulzade on the street
27	Elkhan	09.05.2020	APFP	Narimanov District	211 and	30	Political activity ⁵⁶

⁴⁵ <https://www.facebook.com/vusalseid78/posts/1512183268956212> Accessed: 26 May 2022

⁴⁶ <https://www.facebook.com/rovshanasadi/posts/2849409311810095> Accessed: 26 May 2022

⁴⁷ <https://www.amerikaninsesi.org/a/axcp-nin-iki-f%C9%99a%C4%B1-saxlan%C4%B1%C4%B1b-5385454.html> Accessed: 26 May 2022

⁴⁸ https://turan.az/ext/news/2020/4/free/politics_news/az/123445.htm/034 Accessed: 26 May 2022

⁴⁹ <https://www.amerikaninsesi.org/a/axcp-nin-iki-f%C9%99a%C4%B1-saxlan%C4%B1%C4%B1b-5385454.html> Accessed: 26 May 2022

⁵⁰ <https://www.facebook.com/azadliqqazeti/posts/3073158622740274> Accessed: 2 June 2022

⁵¹ <https://www.amerikaninsesi.org/a/axcp-f%C9%99a%C4%B1-h%C9%99bs-edilib-5391996.html> Accessed: 26 May 2022

⁵² <https://www.amerikaninsesi.org/a/axcp-f%C9%99a%C4%B1-h%C9%99bs-edilib-5404388.html> Accessed: 26 May 2022

⁵³ <https://www.azadliq.org/a/axcp-c%C9%99bh%C9%99C3%A7iy%C9%99-30-sutka-verilib/30599019.html> Accessed: May 2022

⁵⁴ <https://www.amerikaninsesi.org/a/axcp-f%C9%99a%C4%B1-h%C9%99bs-edilib-5413706.html> Accessed: 26 May 2022

	Aliyev ⁵⁵	0		Court	535.1		
28	Aliagha Mammado v (Ali Imankhanli) ⁵⁷	09.05.2020	APFP	Narimanov District Court	211 and 535.1	30	Political activity
29	Elvin Irshadov ⁵⁸	19.05.2020	Social network user	Lankaran District Court	535.1	16	Social network activity
30	Fuad Ismayilov ⁵⁹	22.05.2020	Social activist	Surakhani District Court	206	60 ⁶⁰	Writing "Fu Mazi" on the wall in front of the CEC building as a protest against election fraud
31	Faig Amirov ⁶¹	25.05.2020	APFP	Sabirabad District Court	510	15	Political activity
32	Ruslan Amirov ⁶²	28.05.2020	APFP	Garadagh District Court	510	15	Political activity
33	Rustam	01.06.2022	Social	Narimanov	211 and	15	Action in front of the

⁵⁶ <https://www.azadliq.org/a/iki-cebhechinin-hebs-edildiyi-bildirilir/30603220.html> Accessed: 26 May 2022

⁵⁵ <https://www.amerikaninsesi.org/a/axcp-nin-iki-f%C9%99a%C4%B1-h%C9%99bs-edilib-daha-%C3%BC%C3%A7-f%C9%99al-is%C9%99-saxlan%C4%B1%C4%B1b/5413071.html> Accessed: 26 May 2022

⁵⁷ <https://www.amerikaninsesi.org/a/axcp-nin-iki-f%C9%99a%C4%B1-h%C9%99bs-edilib-daha-%C3%BC%C3%A7-f%C9%99al-is%C9%99-saxlan%C4%B1%C4%B1b/5413071.html> Accessed: 26 May 2022

⁵⁸ <https://turan.az/cache/2020/Social/free/news-2020-5-free-Social-az-124161.htm> Accessed: 27 May 2022

⁵⁹ <https://www.azadliq.org/a/msk-n%C4%B1n-qars%C9%A7%C4%B1s%C4%B1na-s%C9%A7u%C9%88ar-yazan-g%C9%99nc-t%C9%99ridxanada-s%C9%99h%C9%99r%C9%99-q%C9%99d%C9%99r-do%C9%88yu%C9%88ldu%C9%88nu%C9%88-deyir/30688152.html> Accessed: 26 May 2022

⁶⁰ <https://www.facebook.com/watch/?v=580022386258145> Accessed: 26 May 2022

⁶¹ <http://rakurs.tv/axcp-li-krimlinin-daha-bir-muhafizcisi-haqda-cinayt-isi-baslana-bilr.html> Accessed: 2 June 2022

⁶² <https://www.azadliq.org/a/30639869.html> Accessed: 26 May 2022

	Ismayilbayli ⁶³	0	activist	District Court	535.1		Ministry of Education
34	Elshan Teymurov ⁶⁴	02.06.2020	Rapper	Sabunchu District Court	206.1 and 535.1	60	Criticizing the police on social media
35	Alik Aslanov ⁶⁵	10.06.2020	Muslim Union Movement	Imishli District Court	535.1	15	Social network activity ⁶⁶
36	Faig Rashidov ⁶⁷	26.06.2020	APFP	Ismayilli District Court	388-1.1	10	Political views and activity in social networks
37	Elshad Atayev ⁶⁸	27.06.2020	APFP	Imishli District Court	535.1	10	Being active in social networks and criticizing the government
38	Gachay Gafarov ⁶⁹	04.07.2020	APFP	Goychay District Court	510 and 535.1	30	The critical post he shared about the police on the social network
39	Arif Pashayev ⁷⁰	13.07.2020	APFP	Khatai District Court	211.1 and 535.1	30	Active participation in social network discussions about "Tovuz battles".
40	Elvin Bahramov	14.07.2020	APFP	Masalli District	535.1	15	Participating in the funeral of martyr Major Anar

⁶³ <https://d9mc3ts4czbpr.cloudfront.net/az/article/rustem-ismayilbeyli-saclarima-toxunmadan-buraxmayacaqlarini-dediler/> Accessed: 27 May 2022

⁶⁴ <https://www.facebook.com/watch/?v=788972251937326> Accessed: 27 May 2022
https://www.youtube.com/watch?v=g_ctoSYssFE Accessed: 27 May 2022

⁶⁵ <https://www.amerikaninsesi.org/a/dindar-f%C9%99al-h%C9%99bs-edilib-/5460206.html> Accessed: 26 May 2022

⁶⁶ https://www.facebook.com/permalink.php?story_fbid=2547702415542988&id=10000907648821

⁶⁷ <https://www.azadliq.org/a/axcp-partiya-%C3%BCzvine-10-sutka-hebs-verilib/30693639.html> Accessed: 26 May 2022

⁶⁸ <https://www.amerikaninsesi.org/a/xalq-c%C9%99bh%C9%99si-v%C9%99-m%C3%BCsavat-partiyalar%C4%B1n%C4%B1n-f%C9%99allar%C4%B1-saxlan%C4%B1%C4%B1b/5480489.html> Accessed: 26 May 2022

⁶⁹ <https://www.azadliq.org/a/axcp-uzvu-saxlanilib/30706947.html> Accessed: 26 May 2022

⁷⁰ <https://www.amerikaninsesi.org/a/iyul-aksiyas%C4%B1nda-sonra-axcp-nin-6-f%C9%99al%C4%B1-saxlan%C4%B1%C4%B1b-/5506594.html> Accessed: 26 May 2022

	⁷¹	0		Court			Novruzov in Masalli
41	Suleyman Maharramov ⁷²	20.07.2020	APFP	Baku city	211.1	30	Karabakh March on July 14-15
42	Nijat Abdullayev ⁷³	20.07.2020	APFP	Baku city	211.1	30	Karabakh March on July 14-15
43	Farrukh Aliyev ⁷⁴	22.07.2020	APFP	Baku city	211.1	30	Karabakh March on July 14-15
44	Elkhan Nuriyev ⁷⁵	22.07.2020	APFP	Baku city	211.1	30	Karabakh March on July 14-15
45	Mahir Namazov ⁷⁶	20.07.2020	APFP	Baku city	211.1	30	Karabakh March on July 14-15
46	Elnur Hasanov ⁷⁷	21.07.2020	APFP	Binagadi District Court	211	30	Karabakh March on July 14-15
47	Rashid Turabov ⁷⁸	22.07.2020	APFP	Binagadi District Court	211.1	30	Karabakh March on July 14-15
48	Elnur	26.07.2020	APFP	Khatai District	211.1	30	Karabakh March on July 14-

⁷¹ <https://www.amerikaninsesi.org/a/iyul-aksiyas%C4%B1nda-sonra-axcp-nin-6-f%C9%99a%C4%B1-saxlan%C4%B1%C4%B1b-/5506594.html> Accessed: 26 May 2022

⁷² <https://www.facebook.com/karimliali/posts/10157489189138848> Accessed: 26 May 2022

⁷³ <https://www.azadliq.org/a/30737567.html> Accessed: 26 May 2022

⁷⁴ <https://www.azadliq.org/a/30737567.html> Accessed: 26 May 2022

⁷⁵ <https://www.azadliq.org/a/30737567.html> Accessed: 26 May 2022

⁷⁶ <https://www.facebook.com/karimliali/posts/10157489189138848> Accessed: 26 May 2022

⁷⁷ <https://www.azadliq.info/236166.html> Accessed: 26 May 2022

⁷⁸ <https://www.azadliq.org/a/30737567.html> Accessed: 26 May 2022

	Yusubov ⁷⁹	0		Court			15
49	Sarvan Jumayev ⁸⁰	26.07.2020	APFP	Baku city	211.1	30	Karabakh March on July 14-15
50	Yashar Karimov ⁸¹	28.07.2020	APFP	Baku city	211.1	30	Karabakh March on July 14-15
51	Emin Farhadov ⁸²	28.07.2020	APFP	Baku city	211.1	30	Karabakh March on July 14-15
52	Babak Muradov ⁸³	30.07.2020	APFP	Baku city	211.1	30	Karabakh March on July 14-15
53	Elnur Guliye ⁸⁴	30.07.2020	APFP	Khatai District Court	211.1	30	Karabakh March on July 14-15
54	Feyruz Rahimov ⁸⁵	30.07.2020	APFP	Sabail District Court	211.1	30	Karabakh March on July 14-15
55	Javid Aliyev ⁸⁶	05.08.2020	APFP	Ganja city	535.1	15	Political activity

⁷⁹ <https://www.amerikaninsesi.org/a/5520442.html> Accessed: 26 May 2022

⁸⁰ <https://www.amerikaninsesi.org/a/5520442.html> Accessed: 26 May 2022

⁸¹ <https://www.amerikaninsesi.org/a/axcp-f%C9%99allar%C4%B1n%C4%B1n-apellyasiya-%C5%9Fikay%C9%99ti-t%C9%99min-edilm%C9%99yib-/5540676.html> Accessed: 26 May 2022

⁸² <https://www.azadliq.org/a/axcp-%C3%BCzvl%C9%99ri-saxlan%C4%B1b/30757458.html> Accessed: 26 May 2022

⁸³ <https://www.amerikaninsesi.org/a/axcp-f%C9%99allar%C4%B1n%C4%B1n-apellyasiya-%C5%9Fikay%C9%99ti-t%C9%99min-edilm%C9%99yib-/5540676.html> Accessed: 26 May 2022

⁸⁴ <https://www.azadliq.org/a/axcp-%C3%BCzvl%C9%99ri-saxlan%C4%B1b/30757458.html> Accessed: 26 May 2022

⁸⁵ <https://www.azadliq.org/a/axcp-%C3%BCzvl%C9%99ri-saxlan%C4%B1b/30757458.html> Accessed: 26 May 2022

⁸⁶ <https://novator.az/2020/08/06/c%99bh%99ciy%99-15-sutka/> Accessed: 26 May 2022

56	Tural Atakishiye v ⁸⁷	11.08.2020	APFP	Khatai District Court	535.1	20	Karabakh March on July 14-15
57	Orkhan Salimzade ⁸⁸	18.08.2020	APFP	Khatai District Court	535.1	30	Karabakh March on July 14-15
58	Huseyn Malik ⁸⁹	11.09.2020	ADR	Sabail District Court	535.1	15	Social network activity
59	Shahin Hajiyev ⁹⁰	20.01.2021	APFP	Kapaz District Court	535.1	25	Political activity
60	Elvin Bahramov ⁹¹	19.02.2021	APFP	Masalli District Court	535.1	8	Social network sharing
61	Elmir Abbasov ⁹²	19.02.2021	NIDA Civic Movement	Sumgayit City Court	206	30	Criticizing the president on the social network
62	Shahin Hajiyev ⁹³	17.03.2021	APFP	Kapaz District Court	535.1	30	Social network activity
63	Nizamali	05.04.2021	Musavat	Surakhani	206	20	Political activity

⁸⁷ <https://www.amerikaninsesi.org/a/axcp-f%C9%99a%C4%B1-h%C9%99bs-edilib-/5539026.html> Accessed: 26 May 2022

⁸⁸ <https://www.amerikaninsesi.org/a/axcp-f%C9%99a%C4%B1-yoxa-%C3%A7%C4%B1x%C4%B1b-/5549330.html> Accessed: 26 May 2022

<https://www.azadliq.info/236631.html> Accessed: 26 May 2022

⁸⁹ <https://www.amerikaninsesi.org/a/adr-h%C9%99r%C9%99kat%C4%B1n%C4%B1n-f%C9%99a%C4%B1-h%C9%99bs-edilib-/5579525.html> Accessed: 27 May 2022

⁹⁰ <https://www.azadliq.org/a/31160988.html> Accessed: 26 May 2022

⁹¹ <https://www.azadliq.org/a/31112689.html> Accessed: 26 May 2022

<https://d.facebook.com/684319968368235/photos/a.906579626142267/2369472759852939/?type=3&source=54> Accessed: 27 May 2022

⁹² <https://www.azadliq.org/a/31132586.html> Accessed: 26 May 2022

⁹³ <https://www.azadliq.org/a/31161185.html> Accessed: 26 May 2022

	Suleyman ov ⁹⁴	1		District Court			
64	Elvin Bahramov	28.07.2021	APFP	Masalli District Court	227	30	-
65	Ali Rzayev ⁹⁵	28.07.2021	Religious person	Lankaran		20	Observing Eid al-Ghadir (Event of Ghadir Khumm)
66	Ilgar Azimzade ⁹⁶	28.07.2021	Religious person	Lankaran		20	Observing Eid al-Ghadir (Event of Ghadir Khumm)
67	Ali Mammadov ⁹⁷	28.07.2021	Religious person	Lankaran		18	Observing Eid al-Ghadir (Event of Ghadir Khumm)
68	Shahriyar Rzayev ⁹⁸	28.07.2021	Religious person	Lankaran		18	Observing Eid al-Ghadir (Event of Ghadir Khumm)
69	Elkhan Mirzoyev ⁹⁹	07.08.2021	Social activist	Sabail District Court	535.1 and 510	15	Protesting against the use of a monkey for taking photos in the area called "Fountains"

⁹⁴ <https://basta2.com/?p=6851> Accessed: 26 May 2022

⁹⁵ <https://www.amerikaninsesi.org/a/i%cc%87yul-az%c9%99rbaycanda-insan-azadl%c4%b1qlar%c4%b1n%c4%b1n-kobud-pozulmas%c4%b1-il%c9%99-yadda-qal%c4%b1b---i%cc%87nsan-h%c3%bcquqlar%c4%b1-t%c9%99%c5%9fkilat%c4%b1-hesabat-yay%c4%b1b/5994210.html> Accessed: 26 May 2022

⁹⁶ <https://www.amerikaninsesi.org/a/i%cc%87yul-az%c9%99rbaycanda-insan-azadl%c4%b1qlar%c4%b1n%c4%b1n-kobud-pozulmas%c4%b1-il%c9%99-yadda-qal%c4%b1b---i%cc%87nsan-h%c3%bcquqlar%c4%b1-t%c9%99%c5%9fkilat%c4%b1-hesabat-yay%c4%b1b/5994210.html> Accessed: 26 May 2022

⁹⁷ <https://www.amerikaninsesi.org/a/i%cc%87yul-az%c9%99rbaycanda-insan-azadl%c4%b1qlar%c4%b1n%c4%b1n-kobud-pozulmas%c4%b1-il%c9%99-yadda-qal%c4%b1b---i%cc%87nsan-h%c3%bcquqlar%c4%b1-t%c9%99%c5%9fkilat%c4%b1-hesabat-yay%c4%b1b/5994210.html> Accessed: 26 May 2022

⁹⁸ <https://www.amerikaninsesi.org/a/i%cc%87yul-az%c9%99rbaycanda-insan-azadl%c4%b1qlar%c4%b1n%c4%b1n-kobud-pozulmas%c4%b1-il%c9%99-yadda-qal%c4%b1b---i%cc%87nsan-h%c3%bcquqlar%c4%b1-t%c9%99%c5%9fkilat%c4%b1-hesabat-yay%c4%b1b/5994210.html> Accessed: 26 May 2022

⁹⁹ https://www.facebook.com/permalink.php?story_fbid=552263099527997&id=100042329346330 Accessed: 26 May 2022
<https://www.amerikaninsesi.org/a/m%C3%BCdafi%C9%99-x%C9%99tti-avqust-ay%C4%B1nda-qanunsuz->

							Square”
70	Nijat Ismayil ¹⁰⁰	07.08.2021	Social activist	Sabail District Court	535.1 and 510	15	Protesting against the use of a monkey for taking photos in the area called “Fountains Square”
71	Nijat Azayev ¹⁰¹	07.08.2021	Social activist	Sabail District Court	535.1 and 510	15	Protesting against the use of a monkey for taking photos in the area called “Fountains Square”
72	Mehdi Shamilli ¹⁰²	xx.08.2021	Former Deputy Head of the Islamic Party			10	-
73	Asim Aghayev ¹⁰³	30.09.2021	APFP	Saatli District Court	535.1	10	Participation in the action related to water scarcity to irrigate cultivated areas
74	Elmaddin Ahmadov ¹⁰⁴	30.09.2021	APFP	Saatli District Court	510 and 535.1	20	Participation in the action related to water scarcity to irrigate cultivated areas

[c%99zaland%4B1rmalar-k%3BCt%99vi-xarakter-al%4B1b/6217790.html](https://www.azeri.az/c99zaland%4B1rmalar-k%3BCt%99vi-xarakter-al%4B1b/6217790.html) Accessed: 26 May 2022

¹⁰⁰ https://www.facebook.com/permalink.php?story_fbid=552263099527997&id=100042329346330 Accessed: 26 May 2022

<https://www.amerikaninsesi.org/a/m%3BCdafi%99-x%99tti-avqust-ay%4B1nda-qanunsuz-c%99zaland%4B1rmalar-k%3BCt%99vi-xarakter-al%4B1b/6217790.html> Accessed: 26 May 2022

¹⁰¹ https://www.facebook.com/permalink.php?story_fbid=552263099527997&id=100042329346330 Accessed: 26 May 2022

<https://www.amerikaninsesi.org/a/m%3BCdafi%99-x%99tti-avqust-ay%4B1nda-qanunsuz-c%99zaland%4B1rmalar-k%3BCt%99vi-xarakter-al%4B1b/6217790.html> Accessed: 26 May 2022

¹⁰² <https://www.amerikaninsesi.org/a/m%3BCdafi%99-x%99tti-avqust-ay%4B1nda-qanunsuz-c%99zaland%4B1rmalar-k%3BCt%99vi-xarakter-al%4B1b/6217790.html> Accessed: 27 May 2022

¹⁰³ <https://www.azadliq.org/a/saatli-su-aksiya/31483639.html> Accessed: 26 May 2022

¹⁰⁴ <https://www.azadliq.org/a/elmeddin-ehmedov/31486116.html> Accessed: 26 May 2022

75	Jeyhun Rzayev ¹⁰⁵	04.10.2021	APFP	Mingachevir City Court	535.1	15	Protesting the arrests of Elchin Hasanzade and Ibrahim Turksoy, putting their pictures on the windshield of the car of the head of Mingachevir City Executive Power
76	Anar Abdulla ¹⁰⁶	06.10.2021	OC Media	Narimanov District Court	535.1 and 510	15	Criticizing the government in social networks
77	Fuad Ahmadli ¹⁰⁷	08.10.2021	APFP	Nasimi District Court	510	30	Participation in the protest demonstration in support of the bodyguard of APFP Chairman
78	Elmir Abbasov ¹⁰⁸	13.10.2021	NİDA Civic Movement	Sabail District Court	535.1	30	Protesting the arrest of political activists and the renaming of the Republic Day holiday in front of the former headquarters of the New Azerbaijan Party
79	Rovshan Huseynov ¹⁰⁹	13.10.2021	Musavat	Surakhani District Court	535.1	25	Participation in the event organized by the Musavat Party in Novkhani
80	Elkhan Aliyev ¹¹⁰	15.10.2021	APFP	Khatai District	535.1	20	-

¹⁰⁵ <https://www.azadliq.org/a/ceyhun-rzayev/31493717.html> Accessed: 26 May 2022

¹⁰⁶ <https://www.amerikaninsesi.org/a/reportyor-anar-abdullayev-saxlan%C4%B1%C4%B1b/6259218.html> Accessed: 26 May 2022

¹⁰⁷ <https://www.amerikaninsesi.org/a/fuad-%C9%99hm%C9%99dliy%C9%99-30-sutkal%C4%B1q-h%C9%99bs-c%C9%99zas%C4%B1-verilib/6263448.html> Accessed: 26 May 2022

¹⁰⁸ <https://www.amerikaninsesi.org/a/ke%C3%A7mi%C5%9F-yap-%C4%B1n-q%C9%99rargah%C4%B1nda-aksiya-ke%C3%A7ir%C9%99n-g%C9%99nc-f%C9%99allardan-biri-30-sutka-inzibati-h%C9%99bs-c%C9%99zas%C4%B1-al%C4%B1b/6270117.html> Accessed: 26 May 2022

¹⁰⁹ <https://www.azadliq.org/a/musavat-rovsen-huseynov/31507266.html> Accessed: 26 May 2022
<https://basta2.com/?p=10099> Accessed: 26 May 2022

¹¹⁰ <https://www.amerikaninsesi.org/a/axcp-f%C9%99al%C4%B1-20-sutkal%C4%B1q-inzibati-h%C9%99bs-c%C9%99zasl-al%C4%B1b/6274933.html> Accessed: 26 May 2022

				Court			
81	Jamir Alimusa oglu Aghayev ¹¹¹	22.09.2021	İlahiyyətçi		206	60	
82	Arif Pashayev	28.10.2021	APFP	Khatai District Court	535.1	30	-
83	Ramiz Jafarov ¹¹²	03.11.2021	APFP	Sabunchu District Court	510	25	Political activity və activity in social networks
84	Elkhan Aliyev ¹¹³	01.12.2021	APFP	Sabail District Court	211.1	20	Action demanding the release of Saleh Rustamli
85	İlham Huseyn ¹¹⁴	01.12.2021	APFP	Sabail District Court	211.1	30	Action demanding the release of Saleh Rustamli
86	Sayyad Guliyev ¹¹⁵	01.12.2021	APFP	Sabail District Court	211.1	15	Action demanding the release of Saleh Rustamli
87	Elchin Teymurov	01.12.2021	APFP	Sabail District	211.1	25	Action demanding the release of Saleh Rustamli

¹¹¹ https://www.facebook.com/permalink.php?story_fbid=369934588136411&id=111792650617274 Accessed: 26 May 2022

¹¹² <https://www.amerikaninsesi.org/a/axcp-f%C9%99a%C4%B1-25-sutka-h%C9%99bs%C9%99-m%C9%99hkum-edilib-/6298134.html> Accessed: 26 May 2022

<https://www.azadliq.org/a/ramiz-ceferov-axcp/31543182.html> Accessed: 26 May 2022

¹¹³ <https://www.meydan.tv/az/article/bakinin-merkezinde-etiraz-edenler-nece-cezaldirilib/> Accessed: 26 May 2022

¹¹⁴ <https://www.meydan.tv/az/article/bakinin-merkezinde-etiraz-edenler-nece-cezaldirilib/> Accessed: 26 May 2022

¹¹⁵ <https://www.meydan.tv/az/article/bakinin-merkezinde-etiraz-edenler-nece-cezaldirilib/> Accessed: 26 May 2022

	¹¹⁶			Court			
88	Taleh Tapdigov ¹¹⁷	13.12.2021	Patriotic War Veterans Public Union	Imishli District Court		5	Argument with executive head Elchin Rzayev in the administrative building of the Imishli District Executive Power

Apparently, in 2020-2021, 88 people were administratively detained on the basis of political motives. 58 of those detentions took place in 2020, and 30 in 2021.

The statistics of administrative detentions by the parties are as follows: 57 members of the APFP, 3 members of the ADR, 2 members of the NIDA Civic Movement, 2 members of the Musavat Party, 8 social activists, 6 journalists from various media organizations or working independently, 9 members of religious institutions and religious persons, and 2 people belong to other categories.

In 2020-2021, it is known that 60 people in Baku and Absheron, and 25 people in the regions were arrested for political reasons. It was not possible to identify three people.

The statistics of administrative detentions by articles are as follows: 29 people were arrested under Article 535.1, 27 people under Article 211, 6 people under Articles 535.1 and 211, 5 people under Article 206, 1 person under Articles 535.1 and 206.1, 4 people under Article 510, 6 people under Articles 535.1 and 510, 2 people under Article 388-1.1, 1 person under Article 227. It was not possible to obtain information about under what article 7 people were punished.

In the mentioned years, the maximum period of detention for politically motivated administrative detainees was 60 days, and the minimum period was 5 days. Most were sentenced to 30 days in prison. 4 people were administratively detained for 60 days, 40 people - 30 days, 6 people - 25 days, 11 people - 20 days, 2 people - 18 days, 15 people - 15 days, 8 people - 10 days, and 2 people - less than 10 days - 1 person - 8 days and 1 person - 5 days.

However, it is impossible to claim that these data fully reflect reality. So, it seems impossible to obtain accurate statistics of all administrative detentions, including politically motivated administrative detentions, with the available data.

¹¹⁶ <https://www.meydan.tv/az/article/bakinin-merkezinde-etiraz-edenler-nece-cezalandirilib/> Accessed: 26 May 2022

¹¹⁷ <https://www.azadliq.org/a/taleh-tapdigov-imisli/31608081.html> Accessed: 26 May 2022

7. Reactions of international institutions

Council of Europe Commissioner for Human Rights Dunja Mijatović's letter addressed to Minister of Internal Affairs, Vilayat Eyvazov, on February 25, 2020, stated, "... participants in peaceful assemblies should not be sanctioned for the mere fact of being present at and actively participating in the demonstration in question, provided that they do not do anything illegal, violent or obscene." In the letter, the Commissioner also noted, "I am aware that numerous peaceful protesters and journalists reporting on the protests sustained injuries, some of them serious, reportedly as a result of force used by law enforcement officials." She added, "I would like to repeat that all allegations of police misconduct in the context of demonstrations must be investigated effectively and sanctioned."¹¹⁸

The US Department of State noted in the Azerbaijan 2021 Human Rights Report, "During the year, activists were questioned, detained, and frequently sentenced to administrative detention for posting criticism of government actions and commenting on human rights abuses online." The report emphasized, "Opposition members were generally more likely than other citizens to experience official harassment and arbitrary arrest and detention. Members of opposition political parties continued to be arrested and sentenced to administrative detention after making social media posts critical of the government or participating in peaceful rallies"¹¹⁹

On December 15, 2021, the international human rights organization Amnesty International in its public statement, entitled "Azerbaijan: latest police violence against peaceful protesters", noted that five people who participated in the rally in support of Saleh Rustamli on December 1 were administratively detained.¹²⁰ On April 29, 2020, in a new briefing, entitled "Eastern Europe and Central Asia Confronted with COVID-19: Responses and Responsibilities", the organization's researcher Heather McGill said, "The governments of Azerbaijan and Russia have prosecuted social media users, journalists and medical professionals for exposing flaws in their COVID-19 responses."¹²¹

In the report "Freedom on the Net 2021" by the international human rights organization Freedom House, Azerbaijan is listed as a country that is not free. The report noted, "Since 2013, the Code of Administrative Offenses has allowed courts to hold individuals in administrative detention for up to 90 days. Administrative detention, which can be imposed for offenses such as disorderly conduct, has been used to punish activists and journalists." It was found, "During the coverage period, the government detained and sentenced journalists and bloggers for criticizing officials, used "quarantine rules" related to COVID-19 as an excuse to detain journalists and activists, falsely charged members of the political opposition, and detained critics of the military conflict in Nagorno-Karabakh."

¹¹⁸ <https://rm.coe.int/letter-to-mr-vilayat-eyvazov-minister-of-internal-affairs-of-azerbaija/16809cb1c5>

¹¹⁹ https://www.state.gov/wp-content/uploads/2022/03/313615_AZERBAIJAN-2021-HUMAN-RIGHTS-REPORT.pdf

¹²⁰ <https://www.amnesty.org/en/documents/eur55/5110/2021/en/>

¹²¹ <https://www.amnesty.org/en/latest/news/2020/04/eastern-europe-and-central-asia-human-rights-must-be-protected-during-covid19-pandemic/>

The report particularly emphasizes that several members of the opposition APFP were administratively detained for allegedly violating quarantine measures or disobeying the police. The document also lists the names of some of those who have been subjected to pressure for their activities and freedom of expression on social media. These are journalist Ibrahim Vazirov, social activist Rustam Ismayilbayli, NIDA Civic Movement member Elmira Abbasov, ADR member Shakir Mammadov, APFP members Faig Rashidov and Gachay Gafarov.¹²²

IPHR (International Partnership for Human Rights) said in its study, entitled “Human Rights Assessment of the State Response to COVID-19 in Azerbaijan - July 2020”, that “The Azerbaijani Government used the pandemic period to intensify its pressure on its political rivals and critical voices, or those who publicly expressed their critical opinions on the handling of the COVID-19 crisis in the country. Since March 2020, dozens of members of opposition political parties, journalists and activists were subjected to various administrative and criminal charges and were deprived of liberty and sentenced to prison terms, administrative detention or threatened with such punishment in police stations.” On the list published by IPHR, the names of socio-political activists Samir Babayev, Faig Amirov, Ibrahim Vazirov, Mirsahib Rahiloglu, Elgun Ganjimsoy, and Natig Isbatov are mentioned.¹²³

On April 22, 2020, the international non-governmental organization Reporters Without Borders (RSF) called on the authorities to stop the pressure on reporters under the pretext of public health and to release journalist Natig Isbatov. The statement issued by the institution said that N. Isbatov, who was accused of violating the lockdown and resisting the police, was actually detained after interviewing a woman who had just been denied any financial assistance after losing her job as a result of the epidemic.¹²⁴

¹²² https://freedomhouse.org/country/azerbaijan/freedom-net/2021#footnote6_o5785fg

¹²³ <https://www.iphronline.org/wp-content/uploads/2020/07/Covid-19-Azerbaijan-final.pdf>

¹²⁴ <https://rsf.org/en/azerbaijani-reporter-jailed-30-days-over-coronavirus-reporting>

8. Conclusions and Recommendations

As a result of media monitoring and direct communication with opposition party officials, it was determined that activists are subject to administrative detention for their social and political activities. These administrative detentions were mainly aimed at restricting the freedom of expression and freedom of assembly, preventing people from sharing their opinions, especially their criticism of the activities of government bodies during the pandemic. In particular, it was determined that Articles 535.1 (intentional disobedience to the lawful request of a police officer) and 211.1 (violation of the anti-epidemic regime, sanitary-hygiene and quarantine regimes) of the Code of Administrative Offenses were used as a means of political pressure. The opposition APFP activists were the most pressured.

In the Interim Resolution adopted by the Committee of Ministers of the Council of Europe at its 1419th meeting on December 2, 2021, a list of cases in which violations of Articles 5, 6, and 11 of the European Convention on Human Rights were recognized against Azerbaijan was given. There are 30 cases on the list.¹²⁵ The European Court stated in these judgments that administrative detentions were used to prevent and punish activists who participated in rallies or wanted to do so.

Taking into account the above, we make the following recommendations:

- Instead of administrative detention, milder types of administrative punishment should be used. For example, a warning should be preferred as a type of administrative punishment;
- Fundamental reform should be carried out in police bodies;
- Article 10 of the Code of Administrative Offenses¹²⁶ should be implemented, and state bodies and municipalities should prepare and implement regular measures in the field of prevention of administrative offenses, detection and elimination of causes and conditions that contribute to the commission of administrative offenses;
- The use of administrative detentions as a means of political pressure must be stopped;
- Those arrested under the administrative procedure should be given the opportunity to contact their advocates and family immediately. During court proceedings, all cases must be investigated fairly, and adequate decisions must be made;
- During administrative detentions, the international obligations undertaken by the Republic of Azerbaijan should be followed.

¹²⁵ <https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%5B%22004-1743%22%5D%7D>,
<https://hudoc.echr.coe.int/eng?i=001-214835>

¹²⁶ State bodies (institutions) and municipalities shall prepare and implement measures in the field of prevention of administrative offenses, detection and elimination of causes and conditions that contribute to the commission of administrative offenses, raising the legal awareness and culture of citizens and educating them in the spirit of strictly following the laws of the Republic of Azerbaijan.

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Reference to IDI is compulsory when using information.

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